

**PRIVATISING CENSORSHIP, DIGITISING VIOLENCE:**  
SHRINKING SPACE OF WOMEN'S RIGHTS  
TO CREATE IN THE DIGITAL AGE

**FREEMUSE**





Freemuse is an independent international organisation advocating for and **defending freedom of artistic expression.**

We believe that at the heart of violations of artistic freedom is the effort to silence opposing or less preferred views and values by those in power—politically, religiously or societally—mostly due to fear of their transformative effect. With this assumption, we can address root causes rather than just symptoms—if we hold violators accountable.

Our approach to artistic freedom is human rights-based as it provides an international legal framework and lays out the principles of accountability, equality and non-discrimination, and participation.



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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of May 2019. Nevertheless, Freemuse cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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*Companies should recognize that the authoritative global standard for ensuring freedom of expression on their platforms is human rights law, not the varying laws of States or their own private interests, and they should re-evaluate their content standards accordingly. Human rights law gives companies the tools to articulate and develop policies and processes that respect democratic norms and counter authoritarian demands. This approach begins with rules rooted in rights, continues with rigorous human rights impact assessments for product and policy development, and moves through operations with ongoing assessment, reassessment and meaningful public and civil society consultation. The Guiding Principles on Business and Human Rights, along with industry-specific guidelines developed by civil society, intergovernmental bodies, the Global Network Initiative and others, provide baseline approaches that all Internet companies should adopt.<sup>1</sup>*





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# SUMMARY

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Digital technologies have transformed the way people engage with the wider world. This digital transformation has also introduced a plethora of human rights challenges. One of its core challenges is that it has created a breeding ground where online gender threats and abuse directed specifically at women thrives. This is compounded by the implementation of Community Guidelines governing nudity and obscenity by social media platforms, leading to online censorship. This assessment explores the ways these particular factors manifest and particularly impact female artists. It will go on to highlight how this inhibits their access to public spaces online in various ways, limiting their ability to express their art fully.

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The *Privatising Censorship, Digitising Violence: Shrinking Space of Women's Rights to Create in the Digital Age* report outlines how women artists interact with the online space and draws attention to the worrying nature and frequency of threats they are directed. It shows the negative repercussions that occur when women artists use their creative skills to express their opinions on issues such as body positivity, sexuality or challenge gender inequalities. It further explores how this kind of artistic expression makes them acutely susceptible to misogynistic online abuse and threats.

The combined impact of this online reality, in particular the anonymity that online platforms can provide, along with the consistency, frequency and nature of threats, can compel women artists to review their online presence in the longer term. It can consciously or unconsciously

impose forms of self-censorship on their creativity which can also feed into their internal creative thought processes, recalibrate what they are posting online and lead some to instil security measures both online, and in the offline world.

The report also demonstrates how the inability to have this wider debate—without the fear of online reprisals—is compounded by the inconsistent application of community guidelines adopted by social media platforms governing nudity and obscenity. Freemuse believes that the inconsistent and sometimes non-transparent application of regulations, combined with online abuse, discourages varying forms of creativity and significantly contributes towards diminishing the space for legitimate artistic expression. It is also driving some women artists off of these platforms.

Many of the definitions around what constitutes obscenity in Community Guidelines are vaguely worded. This results in moderators subjectively making decisions with no clear lines of accountability or transparency. This in turn impacts the rights of artists to creatively express their work.

Freemuse believes that the right to fully participate in cultural rights must be ensured in both offline and online spaces and that this is predicated on protecting women's rights and from online violence against women. Women artists and women in general have the right to live free from discrimination in both off line and online contents. Freemuse believes that content regulation guidelines should be subject to international standards given that the major social media platforms are increasingly determining what the margins of

online public debate and ideas are. It also is concerned that the unlawful limits placed on creativity by social media platforms are inadvertently determining and defining the limits and parameters for vital debates around gender, sexuality and other crucial issues, which needs urgent redressal to ensure that women's rights are fully implemented.

This report is based on structured qualitative interviews<sup>2</sup> with 16 artists who have experienced censorship and/or online harassment and a limited secondary literature review. Freemuse also spoke to curators to analyse their interactions with social media administrators, in particular how they viewed the impact of these platforms on the artists, and to identify any overwhelming issues pertinent to their presence online.

This assessment is not exhaustive, nor does it provide readers any quantitative analysis of the wider issue. It only intends to open up a conversation about the forms of engagement that women artists have with online platforms, the nature and extent of harassment targeted against women artists specifically and the way in which guidelines designed to prohibit obscenity and pornography impact art (which feature nudity) created by women artists limit creative expression by women. We hope that it can be used as a platform for wider engagement with women artists, in all parts of the world to assist and contribute to Freemuse's advocacy interventions, ensuring that they are robust and solidly contribute to the wider debate and discussion.



# INTRODUCTION

“FACEBOOK IS LIKE A VIRTUAL COUNTRY BUT WITH AN INVISIBLE DICTATOR. YOU CAN'T CALL THEM, OR TALK TO THEM, CAN'T EMAIL THEM. THERE IS NO JUDGE.”

CHRISTA ZAAT, FREEMUSE INTERVIEW, 22 MAY 2019

## THE PERVASIVE NATURE

of new technologies and spaces, whether it be smartphones, social media platforms, apps, vlogs or blogs has rapidly and almost absolutely transformed the manner by which individuals engage with the wider world—whether it be selling goods or organising and engaging in political discussion. Few would deny the dramatic changes that these new technologies have facilitated—ushering in a new era of communication never witnessed before. Previously unimaginable, the extent to which they have enabled greater connectivity is heralding new forms of social interactions.

However this virtual world has also introduced a plethora of human rights challenges (such as cyber stalking, trolling, non-consensual disclosure of private information amongst others). It has become a breeding ground for online gender threats<sup>3</sup> and abuse directly targeted at women—leading to intense and fraught debate on matters relating to governance, accountability and structures.

And it is this reality that has led the United Nations General Assembly

to recognise that violence against women on social media platforms can be identified as a form of systematic gender discrimination against women. In December 2013, the UN General Assembly adopted Resolution 68/181<sup>4</sup> affirming that violence and abuse against women on social media platforms can be a form of systematic gender discrimination against women. It states that the United Nations General Assembly is:

*“Aware that information-technology-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyber stalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights.”*

In his April 2018 report to the UN Human Rights Council, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye calls for companies to apply international human standards at all stages of their operations and move from “platform law” to “human rights by default” by putting human rights at their core. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression claims that “human rights law gives companies the tools to articulate and develop policies and processes that respect democratic norms and counter authoritarian demands”. He also recommends that companies should be more transparent and accountable.<sup>5</sup>

Throughout June and July 2018, the UN Special Rapporteur on violence against women, its causes and consequences<sup>6</sup> Dubravka Šimonović reiterated the importance of core international human rights instruments, including those on women’s rights in addressing this online affliction. She relayed that whilst these standards were drafted



before the advent of information communication technology (ICT), they remain valid and crucial in promoting and protecting fundamental human rights. This includes—but is not limited to—a woman’s right to live a life free from violence, to freedom of expression, to privacy and to have access to information shared online.

This report briefly outlines how women artists interact with the digital space, but more crucially it draws attention to the worrying nature and frequency of threats directed at women artists. It shows the repercussions women artists experience when they use their creative skills to express their opinions on issues such as body positivity and sexuality or challenge gender inequalities. It further illustrates how this kind of artistic expression makes them acutely susceptible to misogynistic online abuse and threats. It highlights how the very space that is host to their online abuse is also the same online space that women artists must inhabit in order to express, sell and promote their creativity and artwork.

It also demonstrates how the inability to have this wider debate—without the fear of online reprisals—is compounded by the inconsistent application of community guidelines adopted by social media platforms governing nudity and obscenity. Freemuse believes that the inconsistent and sometimes non-transparent application of regulations, combined with online abuse, discourages varying forms of creativity and significantly contributes towards diminishing the space for legitimate artistic expression and is driving some women artists off these platforms.

Freemuse believes that the right to fully participate in cultural rights<sup>7</sup> must be ensured in both offline and online spaces and that this relies on the protection of women’s rights and from online violence against women. Freemuse believes that women artists and women in general have the right to live free from discrimination in both offline and online contexts.

This report is based on structured qualitative interviews<sup>8</sup> with 16 artists who have experienced censorship and/or online harassment and a limited secondary literature review. Freemuse also spoke to curators to analyse their interactions with social media administrators, in particular how they viewed the impact of these platforms on the artists, and to identify any overwhelming issues pertinent to their presence online.

This assessment is not exhaustive, nor does it provide readers any quantitative analysis of the wider issues. It only intends to open a conversation about the forms of engagement that women artists have with online platforms, the nature and extent of harassment targeted against women artists specifically and the way in which guidelines designed to prohibit obscenity and pornography impact art (which feature nudity) created by women artists and limit women’s creative expression by women. We hope these findings as a platform for wider engagement with women artists in all parts of the world to assist and contribute to Freemuse’s advocacy interventions, ensuring that they are robust and solidly contribute to the wider debate and discussion.



# ONLINE CENSORSHIP

Fear of posting work online which may provoke ire or backlash negatively impacts female expression. Further impacting this is the implementation of social media community guidelines used to censor content deemed objectionable. Cases featuring censorship as documented by Freemuse illustrate a particularly punitive, conservative and inconsistent approach to policing nudity on its platforms—ultimately and inadvertently negating the importance and validity of crucial debates around gender and sexuality. And it is these very debates that the female artists interviewed by Freemuse want to have.

Many of the definitions around what constitutes obscenity in Community Guidelines are vaguely worded. This results in moderators subjectively making decisions with no clear lines of accountability or transparency. This in turn impacts the rights of artists to creatively express their work.

This process paralyses and punctures emerging crucial real-world debates (touching on issues such as sexual harassment, menstruation, body positivity) including artists, but also feminists alike. Given that women artists are compelled to use visual imagery and are sometimes provocative in expressing and conveying their messaging, this naturally draws the unwanted attention

of algorithms. When appealed for human judgement, moderators are unable to discern the differences between obscenity and pornography with ease. When The Guardian newspaper published its findings having sourced internal Facebook guidelines in April 2017, it noted that of all the regulations moderators had to navigate, those dealing with sexual content were found to be the most confusing.<sup>9</sup> This inability to distinguish artwork from obscenity leads to what an artist called “online fatigue”.

## A debate on nudity

Social media platforms like Facebook and Instagram restrict the display of nudity in their guidelines. While sharing nude images to raise awareness about health issues,<sup>10</sup> as a form of protest and photographed nudity in paintings and sculptures is allowed, photographic representations of the nude body is banned.<sup>11</sup>

Despite Facebook’s claims that it allows images of women where it relates to health issues, an online group called *The Scally*, highlighted how a photo in support of breast cancer awareness was banned in May 2019. Commenting on the decision, a post by *The Scally*<sup>12</sup> outlined, “It’s OK to post live video of mass murder. But they banned a photo in support of a Breast Cancer Awareness Day for breaching nudity terms.”

This approach to nudity harms artists who work with the human body<sup>13</sup> and opens up a debate about the right to freedom of expression on Facebook.

The legitimacy of these debates, which is central to the artists interviewed by Freemuse, is often delegitimised, questioned and often leaves artists with a sense of wrongdoing. Lind-Valdan’s capture “we are criminals”, proves that the removal of their creative content often leads them to feel that their reputations have been tarnished.

Nevertheless, the conceptual coherence and clarity which drives women artists to use nudity in their work remains unequivocal.

*“The nudity for me, in my work, is about the character, a figure and emotions. It is about the world of sincerity and it is speaking of fear and excitement.”*

MARIFAT DAVLATOVA, RADIO FREE EUROPE, 23 OCTOBER 2019<sup>14</sup>

*“If the goal of an artist is to show just a naked body, then this is pornography. But if the artist is instead looking at the artwork, if you can see feelings, the figure and a story, then this is what you are trying to reach with nudity.”<sup>15</sup>*

MARIFAT DAVLATOVA, RADIO FREE EUROPE, 23 OCTOBER 2019<sup>14</sup>

*“My general driving force behind my work is for me to have fun and enjoy the feeling of it. It has always been about making something that is interesting as a concept. My work is about love, art and existentialism and I’ve never been interested in provoking or being controversial, though I can understand why people may see my work that way.”*

**STENSE ANDREA LIND-VALDAN,**  
FREEMUSE INTERVIEW, 20 MAY 2019

The use of nudity in the work of the artists interviewed is crucial to their desire to fully express themselves and their voices.

The majority of artists interviewed emphasise that the use of nudity is not about sexualising these images, or wanting to imbibe a sense of sexual suggestiveness into their work. It is largely about wanting to normalise the female body, to show the power of women as individuals and as groups, to explore the female form for its beauty and to explore the depth, vulnerability and strength of character when naked.

*“I’m not trying to have sexualised artwork. It is about exploring the human form and we have been doing it for centuries.”*

**BORGHILDUR INDRIDADÓTTIR,**  
FREEMUSE INTERVIEW, 4 MAY 2019

And it is this continuing thread of desire amongst all female artists interviewed who work with nudity to reassert the need for female narratives, autonomy and control over female bodies—particularly in a context in which the naked female form has been used to objectify and belittle women. Many reiterated the same message—ultimately the motivation behind their artwork is to value women as creators of art rather than as its exploited subjects.

And it is this irony which remains misunderstood by social media platforms even as they police pages such as *Female Artists in History*<sup>16</sup>—a page dedicated to celebrating the work of women artists who have been so long neglected from history, even by mainstream arts institutions.

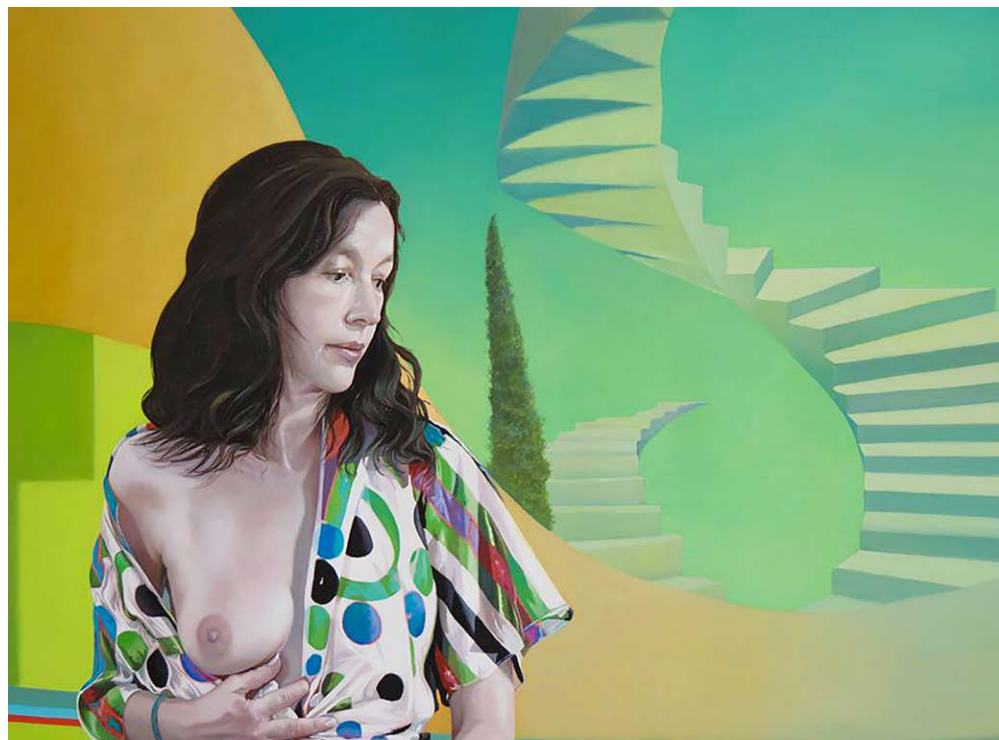
## Taking down the artwork

*“Despite my objections, they would not budge. I mentioned to them that I thought that their policies would disadvantage figurative artists, galleries and museums that exhibit figurative art and tours that include images of figures. They replied that their ‘decision was final’ and that I ‘should be focused on my product and not nudity’. But my product is figurative art.”*

**JANET KOZACHEK,** FREEMUSE  
INTERVIEW (ONLINE), 14 MAY 2019

On 15 April 2018, Instagram removed the account of French painter Laina Hadengue after she posted a picture of her painting, *Thread of the days*, in which a woman’s right breast is visible. In response to having her profile and account completely removed, the artist released a statement online denouncing Instagram’s banning of the image and clarifying her intent in using the breast as a symbol of motherhood and menopause and not as was implied—to draw attention to the eroticism of a woman’s breast. In response to the removal of her account, Hadenque asserted that she felt Instagram’s policy was “particularly worrying for the future of creators”.<sup>17</sup> Hadengue’s account was eventually restored at the end of May 2018.

Freemuse’s research also revealed an inconsistency in the types of nudity that social media platforms



*Laina Hadengue - Thread of the days*  
CREDIT: LAINA HADENGUE ON FACEBOOK



censored. Artists felt that this inconsistency is also connected to where artists chose to post their work, suggesting that the guidelines for personal pages seem more relaxed than professional pages.

In the middle of February 2019, Zaat was similarly banned from posting work onto her professional and personal page.<sup>18</sup> The ban had been instigated after she posted a nude painting from 1913 by the artist Zinaida Serebriakova.<sup>19</sup> As a result of the ban, Zaat—who posts frequent updates to her page (sometimes two to three times a day)—was informed

that she would not be able to post to her page, nor reply to comments and messages for a month. This ban also prevented her from using Facebook Messenger, the platform's direct, private messaging service. And all communication with Facebook was also inadvertently cut off.

Zaat, who has been banned at least a dozen times in seven years, talks about how she has found it difficult to engage with the Facebook content moderators because of the design of their appeals process. She relived this experience in February 2019. She talks about the ban's impact on

her and how it “was horrible”, forcing her to employ, as she defines it, “illegal means” to attempt dialogues with Facebook. She also points at the frustration of not knowing how her comments or appeals were being treated and on which criteria Facebook's decision-making relies.<sup>20</sup>

Weltman comments on how she has also been barred from the platform several times. In her interview with Freemuse, she discusses how she has been similarly prevented from interacting online.



Zinaida Yevgenyevna Serebriakova - *Bath*, 1913  
CREDIT: ZINAIDA YEVGENYEVNA SEREBRIAKOVA - BATH, 1913



Self-portrait that Carolyn Weltman used for her avatar was removed and she was sent to "Facebook jail" for a few days  
CREDIT: CAROLYN WELTMAN

*"I have been in 'Facebook jail'— they remove the image they are upset about, the one image that violated their regulation. They remove that one image completely, but they do not block your page. People can still see your page. And it can last from three days to a week. When you are not allowed to post on Facebook, you are not allowed to comment on anybody's post."*

CAROLYN WELTMAN, FREEMUSE INTERVIEW, 15 MAY 2019

While Facebook has elaborated and expanded on its Community Guidelines over the last two years to give users more clarity on what types of nudity is permissible (nudity

in art—which includes paintings and sculptures is now acceptable) there is still inconsistency in its application.

When Icelandic visual artist<sup>22</sup> Borghildur Indridadóttir's photos were posted on Facebook (part of a series named *Demoncrazy*), the platform was swift and uncompromising in their reaction. Further to deleting the photos promoting the event on Indridadóttir's personal page, they are also removed all of the page's other content.

*"My content was deleted from my personal Facebook page. All of the photos, friends, likes, everything.*

*It felt like someone had gone in and removed it and I could see it as it was happening. I lost 1700 followers. But I even lost all of my personal communication including my messages etc. I felt like I had been ghosted."*

BORGHILDUR INDRIDADÓTTIR, FREEMUSE INTERVIEW, 4 MAY 2019

The launch of the exhibition as part of the Reykjavik Arts Festival on 3 June 2018 – was accompanied by a performance piece Indridadóttir had created called *Drosophila*. The performance engaged a group of topless women walking from the Icelandic parliament building to the Reykjavik Art Museum Hafnarhús.



*“There were a lot of people taking pictures or videos, streaming online (on both Facebook and Instagram) and they were all cut off immediately, so it felt that we were being watched at that very second. Anything with hashtag #demoncrazy was just deleted.”<sup>23</sup>*

**BORGHILDUR INDRIDADÓTTIR,**  
FREEMUSE INTERVIEW, 4 MAY 2019

After the performance, the Reykjavik Arts Festival Facebook page was also temporarily shut down.

## Process and practices of appealing

While both Facebook and Instagram provide an informative response on how to appeal the removal of content deemed intellectual property (copyright or trademark) infringement,<sup>24</sup> both social media platforms avoid explaining how

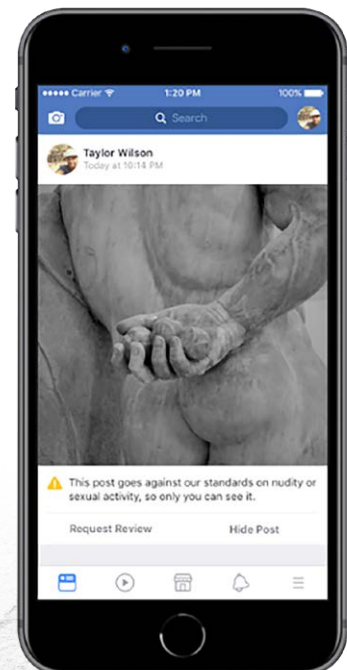
to appeal a ban or removal of objectionable content in their Community Guidelines.

Importantly, Facebook only initiated the right to appeal its decisions on individual posts as of April 2018. Before this, users could only appeal decisions when their profile, page, or group was removed. This is described by Monika Bickert in her article ‘Publishing Our Internal Enforcement Guidelines and Expanding Our Appeals Process’ published on Facebook’s Newsroom. In the article, Bickert explains how the appeals for posts removed for the inclusion of nudity/sexual activity, hate speech or graphic violence work:

- *If your photo, video or post has been removed because we found that it violates our Community Standards, you will be notified, and given the option to request additional review.*

- *This will lead to a review by our team (always by a person), typically within 24 hours.*
- *If we’ve made a mistake, we will notify you, and your post, photo or video will be restored.<sup>25</sup>*

This approach lacks transparency and leaves many questions, including for example, which rationale is used to accept or reject the appeal.

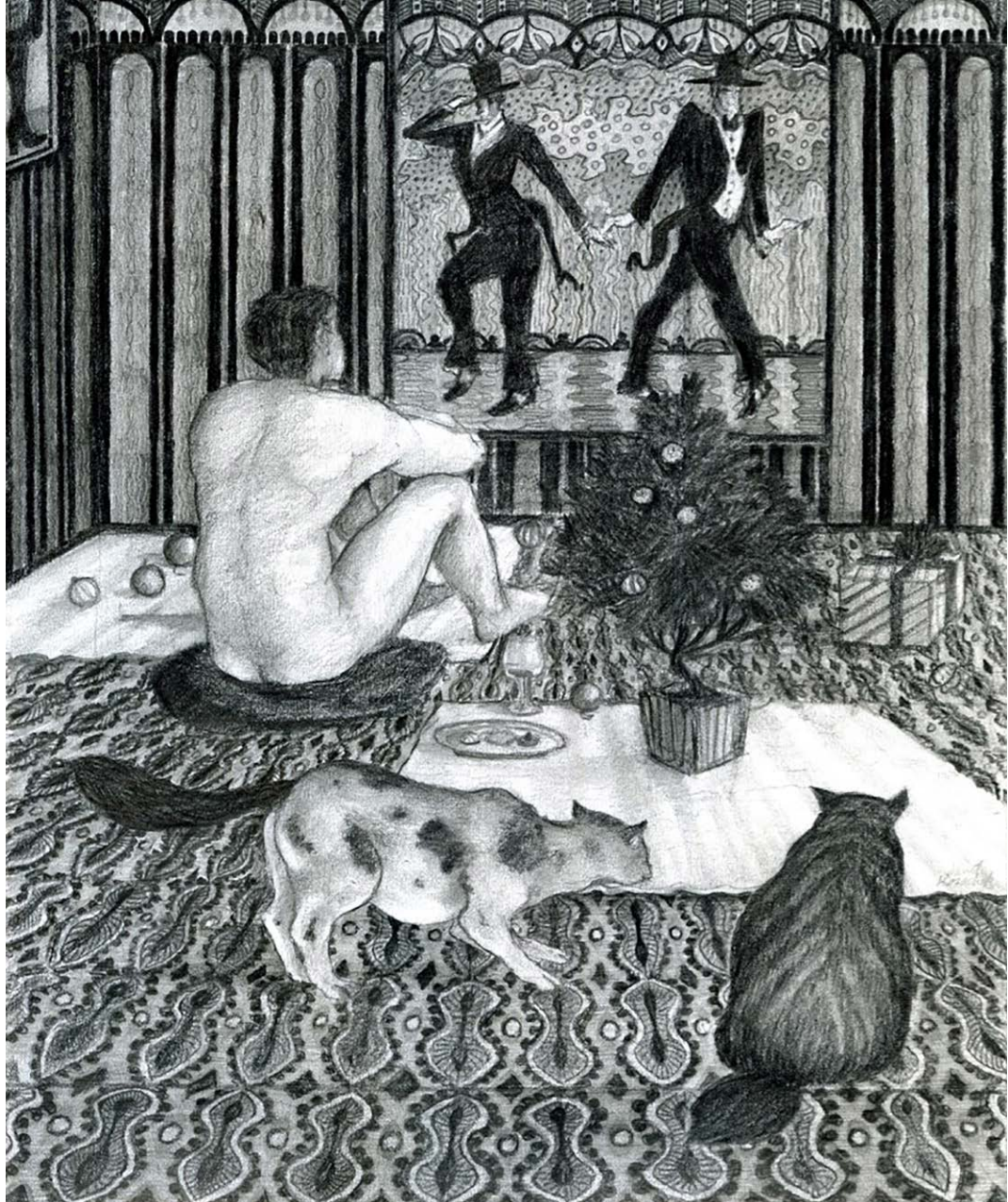


*The example of a post Facebook gives that could have been incorrectly removed and can be appealed.*

**SOURCE: MONIKA BICKERT, ‘PUBLISHING OUR INTERNAL ENFORCEMENT GUIDELINES AND EXPANDING OUR APPEALS PROCESS’, FACEBOOK, <https://newsroom.fb.com/news/2018/04/comprehensive-community-standards/>, (accessed 2 June 2019)**

However, these inconsistencies are not simply the result of ill-designed algorithms. They can be, and are, reinforced in decision-making by moderators when an artist appeals a decision. In email exchanges with Freemuse researchers, figurative artist, Janet Kozachek expressed her concern at having to engage with Facebook repeatedly<sup>26</sup> in her effort to post a Facebook ad promoting





Janet Kozachek - Man and His Cats Looking at a Painting of Dancing Men Pencil, 2013

her book launch (where she was also intending to sell her figurative drawings).<sup>27</sup> (She also notes how the same image appeared on her personal Facebook page twice without any repercussions).

*“The response seemed to be generated by an algorithm but I cannot be certain. I appealed the decision and was turned down...I was told that this drawing violated several rules regarding community standards such as ‘too much skin’ ‘cleavage’ ‘sexual content’ and ‘implied nudity’. I explained that it was not a*

*photograph of a real person, but a drawing and that there was nothing even remotely sexual about it. They replied that art is no exception and gave me a tutorial that explains all of their rules. The sample illustrations in this tutorial of what was not to be allowed were all of women in various activities that they deemed suggestive—like a woman eating a banana.”*

JANET KOZACHEK, FREEMUSE INTERVIEW (ONLINE), 14 MAY 2019

The same frustrations were shared by digital marketing specialist from

Europeana Foundation, Aleksandra Strzelichowska, an organisation that hosts, shares and promotes digital cultural heritage. She expressed a similar experience of posting images to the organisation’s official Facebook page.<sup>28</sup> In her interview with Freemuse, she shares how she had found a lack of clarity and specificity in terms of what is acceptable and what is not. She comments on her experience of interacting with the site, “that invariably Facebook do censor work containing any hints of nudity and that may not even be full frontal.”

The implementation of these guidelines is made more complex by procedures allowing individual members to report cases of what they allege to be obscene to the providers of social media platforms.<sup>29</sup>

*“We had an online exhibition of work and what was posted in this exhibition wasn’t sexual in nature; what we were doing wasn’t breaking the rules. There was one exhibition about the corset—it included an image of a woman in a corset and another one where the woman wasn’t. It was about body positivity. We wanted to investigate what the situation was previously and talk about its history. But again, we got a notification that we had violated the guidelines.”*

ALEKSANDRA STRZELICHOWSKA,  
FREEMUSE INTERVIEW, 7 MAY 2019

In her interview with Freemuse, Strzelichowska further expressed concern at the implementation of the Community Guidelines, which invariably mean that she consistently has to appeal a decision with Facebook moderators where the content includes any form of artistic nudity. She comments on the inevitability of having to defend Europeana’s posts and how this means she is better placed now to forcefully elaborate on why an ad should be allowed. She expressed however, that for individual

(especially emerging) artists who do not have institutional backing or are working on their own, it could drive them off these platforms.

*“If you are an individual artist who is not part of an institution, then you could possibly give up with these platforms if you are posting artwork.”*

ALEKSANDRA STRZELICHOWSKA,  
FREEMUSE INTERVIEW, 7 MAY 2019

Freemuse’s research revealed that most of the artists interviewed find it hard to understand how the appeals process works on social media platforms. The few artists who do try to challenge decisions of censorship do not receive a clear response as to why the content was censored. Artists also stressed that it is difficult to receive an explanation from Facebook regarding their decision-making, leaving the artists with a sense of great frustration.

Furthermore, the research shows that social media platforms make no clear distinctions between art and obscenity, which raises questions about the platforms’ judgement when it comes to policing nudity and what is artistically acceptable.

### The failure of to engage with artists on censored work

The process of implementing censorship online varies. In some

cases, posts have been immediately removed with a warning notice. In other cases, some artists responded that the entire contents within a page (excluding the actual profile page) have been deleted with no prior warning or communication. In other instances, artists have been banned from the platform for a few days before being able to access their page and continue with their work.

*“When they unblock my page after a while sometimes the content I publish is still there and sometimes not.”*

CAROLYN WELTMAN, FREEMUSE  
INTERVIEW, 15 MAY 2019

It was with horror that Indridadóttir found that the contents of her personal profile were removed in June 2018. Here she shares a screenshot of the message that she received from Facebook.

She tried to appeal this decision by deactivating her page (which enabled her to send a reason for her decision to Facebook, and was the only option made available to her on the platform) but received no response from Facebook.<sup>30</sup>

Other artists have also responded that despite their many attempts to engage Facebook regarding the reasons for their work’s censorship, the process remains futile or exhausting. Even when an interaction



#### Your Page has been unpublished

Your Page has been unpublished for sharing pornographic content, which goes against the **Facebook Community Standards**. These standards help us keep our community safe and respectful. If you think this has been done in error, you can appeal and we'll take another look.

Appeal

Borghildur Indridadóttir’s contents were removed from her personal profile in June 2018



does take place, it is often a closed conversation with no real space for communicating in real terms. This inability for wider engagement and sporadic bans led Zaat to send an open letter to Facebook founder and CEO Mark Zuckerberg, published on Facebook page in July 2018:

*Open letter to Mark Zuckerberg  
Re: (Nude) Art and Social Media*

*Facebook has become an Orwellian/Kafkaesque nightmare. All algorithms can ban you, delete you for anything, without trial, without defence...*

*Facebook's guidelines and algorithms are certainly not in sync. The past weeks, like me, many people have been put in Facebook's jail for wrong reasons. We are not violating Facebook's guidelines.*

*Mark Zuckerberg, have you any idea what monster you are growing?*

*Do you still connect to the mission and a vision you once had, or have you all forgotten why you created Facebook in the first place? Is this the 'social medium' you really have in mind?*

*Is this our future? Is this what Artificial Intelligence is doing with us? Is this what we really want?*

*Where did it go wrong that we so easily gave up 2000 years of democracy and law?*

*Are you willing to have an open dialog with me, with us?*

*On behalf of all Artists, Art Bloggers, Museums and Art Lovers,*

*Christa Zaat, virtual curator and future-data scientist<sup>31</sup>*

Weltman elaborates on her experiences in trying to interact with social media platforms such as Facebook.

*"My art is controversial. I paint nude: female, male and transgender. I also portrait couples intimately, couples having sex. And from this I get many problems from women because they call me abusive to women. I get reported a lot on websites like Facebook and I am being censored often, I am sent to 'Facebook jail' quite frequently. And I am never quite sure about Facebook as they are very uncommunicative and whether somebody actually has complained about my work or Facebook itself is complaining about my work. Because Facebook has changed, sometimes they would censor female nude (a painting) with no reason so you are not quite sure what the reason is.*

*I tried to contact and Facebook eight or nine times and they basically do not answer. Facebook sends a generic answer and they do not want to engage in a one-on-one conversation. You can't basically get through to anybody. For such a transparent organisation as they call themselves, they are not transparent when you actually try to talk to them."*

**CAROLYN WELTMAN**, FREEMUSE  
INTERVIEW, 15 MAY 2019

After a series of failed appeals to moderators over the deletion of her personal Facebook page, Indridadóttir took the only recourse available—to deactivate her account—to force the company to engage with her.

*"Yes I tried to appeal many times, but I got no response. In the way that the platform worked, there was no way for me to appeal to*

*them other than by deactivating my account—and when you deactivate the account, you can leave a message as to why you were doing that. I tried this several times. But still got no response."*

**BORGHILDUR INDRIDADÓTTIR**,  
FREEMUSE INTERVIEW, 4 MAY 2019

Freemuse's observations suggest that these social media algorithms register nudity and block it automatically whether it is art or not, despite Community Guidelines which allow nudity in art. And it is this existing design—which in effect is a de facto act of censorship that restricts artists and their audiences from sharing, enjoying, exchanging views on the arts without the necessary lawful justification of restriction—which Freemuse believes has parallels with offline censorship. It is unclear how these algorithms are developed, but ultimately it means that artists are invariably compelled into having to defend their work with an online (and often faceless) moderator.

Individuals have expressed how this labelling and these warnings leave unintended consequences which include the feeling that they are criminals, rather than professional artists. This can have a profound effect on them and their capacity to engage with platforms which inadvertently treat them in this way. Moreover, it can lead them to question whether they want to be constantly enmeshed in struggles with social media platforms to express their legitimate rights to creative expression.

Strzelichowska shares what she says is a typical exchange with Facebook. The example shows how the inconsistent application of Community Guidelines creates a



sense of resentment with those who have to constantly navigate the algorithmic corridors of these social media platforms. It also clearly shows that the responses are formulated in such a way that they leave little room for meaningful engagement. Zaat further explains:

*“I have no insight in my penalty file. I don’t know their guidelines in this (after how many bans you lose your account).”*

CHRISTA ZAAT, FREEMUSE INTERVIEW, 24 MAY 2019


## Community Guidelines on nudity

Some of the artists Freemuse interviewed expressed their concerns that Facebook applies its Community Guidelines in regard to nudity discretionarily. Some of the nude images are being censored, while similar images are not.


*“I went through an archive of the photography of the performances that I have been doing. The photographs were laying around and my daughter took them and painted on them. And I have made the whole album on Facebook and I posted 400 images and in a lot of them, there is a naked body. And this has not been censored at all. Maybe because there is a filter, because you can see that there is a photograph of a photograph. Also sometimes the marks of my daughter work as censorship if she draws on top of the body, this goes through perfectly. And the next step of this project was that my daughter started to painting directly on me and then I photographed the drawings she has done on my body, some of the pictures were of my torso and my breast with these beautiful paintings on it and the moment I posted this work they got censored by both Facebook and Instagram and I got afraid thinking that I do not want to be blocked. So I just realised I cannot post this work.”*

NANNA LYSHOLT HANSEN, FREEMUSE INTERVIEW, 16 MAY 2019

Inconsistency aside, Freemuse believes that these guidelines on nudity still fail in practice to meet the test of necessity under relevant international human rights standards and specifically Article 19 of the International Covenant on Civil and Political Rights governing restrictions on freedom of expression. Freemuse believes that the current community guidelines also restrict the rights of artists to take part, share and exchange their cultural experiences as laid down in Article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights.<sup>32</sup>

 You appealed our decision on your ad(s) or product(s)  
CLOSED Case #10156929621153190

### ACTIVITY

 What you submitted  
Mar 27

Ad ID  
6123513660770

#### Additional Information

Ad follows policy  
Please why again? There's no sexual content neither excessive nudity in here. Moreover and I had the different iterations of this ad blocked and approved so many times during the Women's History Month. I'm so fed up with the way your ads work and how unfriendly they (don't) work with art and culture content :-(

 Mar 27

Hi Aleksandra,

Here's what's preventing your ad from being approved:

Landing Page: We don't allow ads that depict nudity, even if it's not sexual in nature.

The reason behind our policies:


We don't allow ads with content that features sexually suggestive positioning or that shows a lot of skin (even if it's for an artistic or education reason) because of their highly sensitive nature. I suggest you have a look at our Advertising Policies for more details, including some do's and don'ts.

What to do next:

Your ad was created through the "Boost Post/Promote" feature. The image, video, text and landing page can't be edited on a promoted post. For these issues, please create a new ad that follows our policies. The audience targeting, however, can be fixed. In that case, please follow my recommendation above. You can do that through Ads Manager, here. You can also check out Facebook Blueprint, which allows you to go through our self-paced e-learning module on Facebook's Advertising Policies.


Was this helpful? Let us know.


Thanks,

 Your reply  
Mar 27

You show nudity in a sculpture as compliant. All your other examples are photos. The content we're showing in our exhibition are paintings. While paintings are not listed as an example, I'd imagine they're equal to paintings in their nature. And I have to say the sculpture you're showing as compliant is much more suggestive than any examples of nudity from our exhibition. What's more, you're not consistent with your policy - we had these ads running throughout the Women's History Month and although I needed to ask for review, they were considered fine in the end. And now disapproved again. I'm really disappointed with the way this is being handled.

#### Attachments

 Screenshot\_20190327-073733.png

 Your reply  
Mar 27

Also the link to the survey "Was it helpful" where I could explain that it wasn't and why, doesn't work.

 Mar 27

Hi Aleksandra,

Thank you for notifying us about your ad disapproval.

We've reviewed your ad again and have determined it complies with our policies. Your ad is now approved.

Your ad is now active and will start delivering soon. You can track your results in Facebook Ads Manager.

Have a great day!

Did you find our support helpful? Was this helpful? Let us know.

Thanks,

 Your reply  
Mar 27

The survey to leave feedback still doesn't work. What would be the best way to give feedback on this issue - it happened multiple times and I feel it has to be addressed - both in terms of training your AI and the quality of your manual reviews.

The screenshot of Aleksandra Strzelichowska's appeal to Facebook



Selected photographs from the series *Arachnoid Mater*, 2017-2019. The top row of 5 photographs decorated by Nanna's daughter got censored when she posted them individually on Facebook and Instagram in 2018, the nine photographs below did not get censored  
 CREDIT: NANNA LYSHOLT HANSEN

Artists have expressed how these algorithms governing nude or obscene content on these platforms seem arbitrary and unconnected with the real world, whilst at the same time invoking a sense of online morality policing.

*“I don’t understand. When we can see everything in the world, then why can’t we see it online? It feels like reality is not happening on social media. The question is, how is it not happening?”*

**BORGHILDUR INDRIDADÓTTIR,**  
FREEMUSE INTERVIEW, 4 MAY 2019

This was particularly brought to the fore when Forbes contributor Joanne Shurvell posted a short video clip from a live (offline) performance created by world-famous artist Marina Abramovic entitled *Freeing the Body*. The renowned artwork—featuring a naked dancer moving to the beat and rhythm of a drummer until she is exhausted—was removed with a warning when it was posted on Instagram. This very clearly demonstrates how real-life performances simply do not get equivalent space they should legitimately have in the virtual social media world.

*“They invent algorithms that don’t present the reality. We have to know who is designing these algorithms. Who are these people?”*

**ALEKSANDRA STRZELICHOWSKA,**  
FREEMUSE INTERVIEW, 7 MAY

Institutions which are also impacted by these guidelines governing nudity, such as museums, wishing to promote exhibitions by posting adverts on these platforms, have engaged in various means to try and draw attention to the artificial divide that social media moderators create in offline and virtual art worlds. In

July 2018, Zaat posted a link to an article containing a video and an open letter sent by several Flemish museums to Zuckerberg. The post describes museums’ inability to promote exhibitions through Facebook.

**Facebook bans “too nude paintings” by Flemish Masters: MUSEUMS WRITE AN OPEN LETTER TO ZUCKERBERG**  
article of 18 July 2018

*There’s a lot to see on Facebook. But when it comes to nude, the site is strict. Too strict, lots of Flemish cultural institutions find. Because also artistic nudes are not allowed on Facebook. Recently, paintings by Rubens were refused. Tourism Flanders [Toerisme Vlaanderen] believes that the Facebook policy urgently needs to change and takes action.*

*It is not the first time that Facebook tries to banish art depicting nude figures. Recently it happened to the Venus of Willendorf, an iconic fertility statue of almost 30,000 years old. Flemish museums are also currently experiencing the fact that some age-old works of art are not being tolerated by Facebook. Recently the “Descent from the Cross” by Peter Paul Rubens was removed by Facebook. This because Christ - except for his loincloth - is depicted without clothes.*

*Censorship is a thorn in the eyes of Tourism Flanders. Because with their “Project Flemish Masters” they hope to attract no less than 3 million art lovers to Flanders by 2020. But advertising for Rubens, Bruegel or van Eyck is therefore very difficult through Facebook. To challenge the current Facebook*

*policy, Tourism Flanders today launches a remarkable campaign video.*

*In a playful way, the video shows how people are put by security agents from the Rubens House in Antwerp because they look at paintings with bare body parts. Only people who don’t have a Facebook account are allowed to look further.*

*Besides the video, there is also an open letter to none other than Mark Zuckerberg himself. Various cultural institutions ask the Facebook boss to stop banning nude from their network site. “Most Flemish museums have already signed that letter,” says Peter De Wilde of Tourism Flanders. “Now we are also recruiting internationally and almost all museums that we approach for this are eagerly jumping on the cart”.*

*The censorship that Facebook introduces for such works of art testifies in particular very little knowledge.*

*Ben Van Beneden, the director of the Rubens House, also thinks the current Facebook policy is very unfortunate: “This is a censorship of the great icons of Western art, and that shows little knowledge, for since the art of antiques - think of the Romans or the Egyptians - nude is indispensable in art. Also during the Renaissance and the Baroque: those periods are characterized by nude gods, goddesses and mythical figures. ”*

*At Tourism Flanders they also emphasize that their concerns are not purely touristic: “If we can no*



*longer show our Western art as it is and if we can no longer share it with the rest of the world, then that is particularly sad,” says CEO Peter De Wilde “If there is no respect for artistic freedom, or for the way we have dealt with human bodies in the last five centuries, it’s high time to sound the alarm.”*

It is difficult to determine at this stage whether more female than male bodies are censored in art work on social media platforms—though observers suggest that the rule is more stringently applied in cases where women’s bodies are the subject of the work. And that this becomes more apparent when solely focusing on the censoring of the female nipple. Instagram and Facebook Community Guidelines both ban female nipples—though the same restriction do not apply to male nipples. This has catalysed campaigners into combatting these discriminatory rules by setting up campaigns.<sup>33</sup>

It is interesting to note in this context Lind-Valdan’s observations that her chest and nipples (which she states bear more resemblance to a male chest) have never been censored from social media platforms.

## The impact of social media bans

The impact of such bans and the loss it ignites is felt immediately and deeply by those affected. Zaat, who interacts with her arts and humanities page frequently during the day, spoke of her month-long bans and how her inability to post means that she is unable to post new images, comment or like any posts that are shared to her page, leaving

her feeling as if she is “looking through a glass wall”.<sup>34</sup> Given that she is unable to communicate through the platform, it means that her followers are left unaware of the ban, which she fears could lead to a loss of followers.

However, even more profound is the self-censorship that artists may impose on their own creative expression to avoid violating community guidelines and being temporarily or permanently banned. Even for online curators like Zaat, who showcase the work of other artists, she is clear that she increasingly self-censors her own virtual presence, in fear that if she invokes another ban, she will be banned permanently. Her fear extends to the potential loss of both her followers, but also the over 10,000 images that are alphabetically stored on the page. But it is not just the followers and images that she fears losing, but also all of the conversations, comments, likes and links she has received on the page which are equally vital to the discussion about female art and artists in history.

Being barred or blocked from relevant social media platforms can also

jeopardise an artist’s timely access to professional opportunities, as well as by monetarily impacting them.

When musician from New Zealand Helen Corry posted a link to the music video for her song, *La femme* in April 2018 Facebook deleted the page for three weeks, stating its visual content violated Community Guidelines. The video contains visuals of a semi-nude bronze painted woman in a constant struggle in which she is groped by a mob of hands. The video which focuses pointedly on women’s empowerment—during a time when this topic was garnering support through the #MeToo movement—proceeds to show her breaking free and then dancing to the line “Time’s up” (the #MeToo movement’s tagline).<sup>36</sup> After appealing the initial decision, Corry was informed by a moderator that the video still violated content regulations. Following the negative publicity and coverage by media outlets, moderators decided that the nudity within the music video fell within its acceptable norms.

In a television interview posted on YouTube,<sup>37</sup> Corry spoke about how the platform’s Community Guidelines, and this decision in particular,

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“I AM NOW CENSORING MY OWN POSTS. I FEEL THAT I CAN’T POST EVERYTHING. I FEEL LIMITED. I TRY AND DO WHAT FB WANTS OF ME.... I HAVE A FEAR OF BEING BANNED PERMANENTLY. I KEEP WONDERING WHEN IT IS GOING TO HAPPEN, IF IT IS GOING TO HAPPEN, WHICH ARTWORK CAN LEAD TO THE BAN.”

CHRISTA ZAAT, FREEMUSE INTERVIEW, 22 MAY 2019

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reflected poorly on the company, stating that *“if someone is telling us as women that our bodies are inappropriate, what kind of message is that? We shouldn’t be censoring things that are empowering women and Facebook has a responsibility to be up with the play on that.”*

Despite the reinstatement, the temporary deletion of Corry’s page meant that she lost the fan base she had built on Facebook (2,000 followers). It also jeopardised her ability to apply for NZ On Air funding—(one of the key criteria for eligibility was at the time to have a social media page following of at least 1,000 plus supporters).<sup>38</sup>

The reinstatement of Corry’s page on the back of media pressure also generates questions about how Facebook would react in the absence of such pressure, where the artist does not have a high profile. Questions also arise as to the kind of impact this ban would have on an emerging artist. And it is precisely the judicious implementation of vaguely defined guidelines (and the frustration of having to engage in spaces) which lacks transparency, but also ways and means to enable full and meaningful engagement, that is beginning to drive women artists off of these platforms.

And it also clear in discussions with Zaat that it is not just the monetary implications but also how a user loses out on the impact of all the potential posts they are planning to release.

*“I post on both accounts, about 15-20 posts a day. I have lost count of how much I posted throughout the years. But when I lost my account, the loss is, I guess, some 70,000 posts. I have a backup, but not in the sense that I can restore in one click what has been posted.”*

CHRISTA ZAAT, FREEMUSE INTERVIEW, 24 MAY 2019

Artists who spoke to Freemuse who have faced constant censorship explained how their interaction with social media platforms had given them a sense of online fatigue. After being temporarily barred on 3 May 2019 for the third time (over the course of seven years) Lind-Valdan has been permanently banned from posting on the grounds that she has violated YouTube guidelines<sup>39</sup> too many times. She was using the YouTube platform for hosting content<sup>40</sup> which she would then use to post to her own website.<sup>41</sup> In her interview with Freemuse, she commented on how she did not even know which video had caused her outright ban. She goes on to explain why she has decided to not challenge this ban.

*“I just completely closed my blog down. Now I’ve just had enough. On earlier occasions I tried to contact the moderators on YouTube (and on Facebook as I was also trying to promote my work on there and had been banned for some days). Every time I had to explain that this is artwork and not pornography and most of the time they understand. But it is too exhausting to have to do this every time because you feel like a criminal at these times, and despite that feeling, you have to keep insisting with them and it just feels like it gets worse and worse.”*

STENSE ANDREA LIND-VALDAN, FREEMUSE INTERVIEW, 20 MAY 2019

Lind-Valdan’s reaction to being barred again is not uncommon. Kozachek explains the various strategies she uses to get around the Facebook guidelines, including publishing on her personal web and blog sites or making an announcement on her personal Facebook feed.

*“All of these however do not have nearly as large an audience as a public FB page.”<sup>42</sup>*

JANET KOZACHEK, FREEMUSE INTERVIEW (ONLINE), 14 MAY 2019

Zaat explains how she tried to circumvent the normal protocol for interacting with Facebook.

*“I googled and found the name of someone in a newspaper who worked for Facebook in the Netherlands. And I messaged that person and told them that they have to change something. Then they transferred me to someone working on this area and this person has been looking at my case and things seem to have eased off a bit and I was reinstated after a week rather than a month, but this is an illegal route.”*

CHRISTA ZAAT, FREEMUSE INTERVIEW, 22 MAY 2019

Having to go to such extreme lengths to talk to Facebook, to deal with someone in person rather than automated systems “and its conservative environment”,<sup>43</sup> has meant that Zaat is now designing a website (due to be launched in 2020) where she can post more freely. However, she is again conscious that it does not hold the same gravity (in terms of instantly accessible audiences, for example) as having a space on Facebook.

## Facebook’s policy and response so far

The April 2017, *The Guardian* newspaper<sup>44</sup> news story, in which the newspaper reportedly surfaced internal documents which Facebook employees use as part of their daily content-moderating practice. The article examined some of the

core criteria and training provided in 100 internal training manuals, spreadsheets and flowcharts to moderators. These documents inform those enforcing Facebook regulations on how to moderate posts shared by its 2.38 billion users.<sup>45</sup> It is clear from reports that moderators have concerns about the content of these policies, which govern everything from issues such as racism, hate speech, self-harm to pornography and sexual content.

In the documents sourced by *The Guardian*, moderators were given examples, as part of their ongoing training, about the types of threats that should be considered credible and others that were considered to be “white noise”. In employee guidelines,<sup>46</sup> *The Guardian* reported that the platform took action where a threat was deemed to be real and more likely to occur. Threats such as, “someone shoot Trump”, were considered to be a threat (due to his status as a head of state and in the protected category) while comments such as, “to snap a bitch’s neck, make sure to apply all your pressure to the middle of the throat” were considered mostly empty threats.

Freemuse understands that these internal guidelines dealing with online threats have evolved since April 2017 and in April 2018, representatives from Facebook announced that they were making their guidelines public<sup>47</sup> and that the number of moderators reviewing content had also been significantly increased.<sup>48</sup> Facebook now allows users experiencing harassment to block messages (or block people from calling them through Facebook Messenger), report a threatening message, ignore threatening conversations or delete the conversation and ultimately block another user.

Shortly before the publication of this report,<sup>49</sup> Facebook also issued a transparency report to highlight how they were implementing their Community Guidelines. Freemuse welcomes this step, with hopes that this is part of a wider process for engagement on key areas of concern.

However, despite the existence of these new steps (allowing users to block and delete offensive content, for example)<sup>50</sup> a further article published in *The Guardian* in early March<sup>51</sup> 2019 illustrates how the problem of online harassment targeting women is still a major issue. A survey commissioned by Level Up—a feminist campaign group—found of 1,000 women, 29% had been harassed. And more disconcerting are statistics which reveal the level of severity with which these threats against women are treated.

*“Fifty-two per cent were ignored or told the behaviour did not breach Community Guidelines. Fifty-four per cent of those surveyed said they had little trust in Facebook’s ability to deal with harassment in a compassionate manner.”<sup>52</sup>*

It is difficult to determine at this stage whether the guidelines issued in April 2018 have been revised again and are better nuanced so moderators can more easily discern what is considered a credible threat. However, from the figures issued as recently as March 2019, there is a suggestion that Facebook’s policies lack crucial contextual understanding of how online violence against women operates.<sup>53</sup> It also points to an absence in its understanding of the gender framework which underpins violence against women and which understands that online violence against women is part of the continuum of violence against women

and not a standalone, phenomena which requires a multifaceted, cross-sectoral approach (for example, working with relevant State agencies).

## **Facebook: Adult nudity and sexual activity—the policy and its rationale**

Facebook’s opening sentence in its Community Guidelines—under its section outlining its policy on objectionable content<sup>54</sup>—stipulates its approach to restrictions on nudity and sexual activity on the basis that, “some people in our community may be sensitive to this type of content”.

It further highlights that its nudity policies have become nuanced over time elaborating on how the entity understands that:

*“Nudity can be shared for a variety of reasons, including as a form of protest, to raise awareness about a cause, or for educational or medical reasons. Where such intent is clear, we make allowances for the content. For example, while we restrict some images of female breasts that include the nipple, we allow other images, including those depicting acts of protest, women actively engaged in breast-feeding, and photos of post-mastectomy scarring. We also allow photographs of paintings, sculptures, and other art that depicts nude figures).”*

The implementation of these guidelines is complicated by the sheer volume of content which these platforms have to moderate. As Zaat asserts, “these companies are like states”, which highlights the reality that Facebook hosts 2.38 billion users.



All content posted on these platforms is monitored by algorithms, which screen images for objectionable content. Human moderators also assess content, particularly where a decision is appealed.

## Community Guidelines and their bearing on freedom of expression

*“It is their control over free speech and what they consider to be decent or indecent.”*

CHRISTA ZAAT, FREEMUSE INTERVIEW, 22 MAY 2019

In response to the growing concerns about the power of these private entities and their role in defining how freedom of expression is facilitated on social media platforms, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, published a report<sup>55</sup> in April 2018 addressing the regulation of user-generated online content. The UN Special Rapporteur recommended that states must ensure an enabling environment for online freedom of expression. Essentially, this means that companies need to apply human rights standards at all stages of their operations, including recognising that the authoritative global standard for ensuring freedom of expression on their platforms is guided by international human rights law and not the varying laws of states or their own private interests. The UN Special Rapporteur calls on companies and states to pursue radically improved transparency, from providing further information on how moderators implement existing rules to ensure user autonomy as individuals increasingly engage in online

spaces, and in turn exercise their fundamental rights online.

Freemuse understands that Facebook has issued statements regarding its motivation behind current guidelines—in part based on its intention to prevent the sharing of non-consensual images—and this is of course crucial in addressing the prevalence of online violence against women. However, these restrictions also arise from wanting to “protect users” from seeing certain forms of sexualised content and that some of its “users may be sensitive to this type of content”.<sup>56</sup>

Article 19 of the International Covenant on the Right to Civil and Political Rights (ICCPR)<sup>57</sup> clearly stipulates that:

1. Everyone shall have the right to hold opinions without interference.
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.

The ICCPR goes on to state that if restrictions on the right to freedom of expression – as stipulated in Article 19 paragraph 2 – are introduced, these must be subject to certain restrictions and “these shall only be such as are provided by law and are necessary”.<sup>58</sup>

The UN Special Rapporteur reiterates that any restrictions on freedom of expression must meet the following well-established conditions:

- **Legality.** *Restrictions must be “provided by law”. In particular, they must be adopted by regular legal processes and limit government discretion in a manner that distinguishes between lawful and unlawful expression with “sufficient precision”. Secretly adopted restrictions fail this fundamental requirement. The assurance of legality should generally involve the oversight of independent judicial authorities.*
- **Necessity and proportionality.** *States must demonstrate that the restriction imposes the least burden on the exercise of the right and actually protects, or is likely to protect, the legitimate State interest at issue. States may not merely assert necessity but must demonstrate it, in the adoption of restrictive legislation and the restriction of specific expression.*
- **Legitimacy.** *Any restriction, to be lawful, must protect only those interests enumerated in article 19 (3): the rights or reputations of others, national security or public order, or public health or morals. Restrictions designed to protect the rights of others, for instance, include “human rights as recognized in the Covenant and more generally in international human rights law”. Restrictions to protect rights to privacy, life, due process, association and participation in public affairs, to name a few, would be legitimate when demonstrated to meet the tests of legality and necessity. The Human Rights Committee cautions that restrictions to protect “public morals” should not derive “exclusively from a single tradition”, seeking to ensure that the*

*restriction reflects principles of non-discrimination and the universality of rights.*<sup>59</sup>

The decision to “protect users” therefore must be in line with this provision and be based on legality, necessity, proportionality and legitimacy.

As these online content moderators become increasingly central to determining what can and what cannot be posted on social media platforms, Freemuse is concerned that vaguely worded guidelines allow for inconsistent and subjective interpretations. This vagueness is compounded by the lack of real information coming from private entities, which clearly and transparently illustrate how these guidelines are formulated in the first instance.

Moreover, the implementation of vaguely worded community guidelines is aggravated by a reality in which social media content moderators are locally and nationally hired. Local and national employees will have their own inconsistent interpretations of how these guidelines should be implemented (for example, differing standards around nudity). These interpretations will inevitably fall far below the commitments social media companies have under relevant international standards. Additionally, in response to international pressure and calls for consistency and clarity, social media platforms such as Facebook have also argued that in moderating online content, they have to respect national laws.

In his report to the UN Human Rights Council, the UN Special Rapporteur elaborates on this concern in statements by Facebook, which states that its

responsibility is to local law and not international law.

***“Each company is committed in principle to comply with the local law where it does business. As Facebook puts it: ‘If, after careful legal review, we determine that the content is illegal under local law, then we make it unavailable in the relevant country or territory.’”***

And adds that:

***“The commitment to legal compliance can be complicated when relevant State law is vague, subject to varying interpretations or inconsistent with human rights law.”***

Freemuse is equally concerned that these national laws often do not meet existing obligations and commitments required of them as stipulated under international human rights standards.

Under the United Nations (UN) Guiding Principles on Business and Human Rights,<sup>60</sup> private entities have a responsibility to respect all human rights irrespective of where they are.

***“Although particular country and local contexts may affect the human rights risks of an enterprise’s activities and business relationships, all business enterprises have the same responsibility to respect human rights wherever they operate. Where the domestic context renders it impossible to meet this responsibility fully, business enterprises are expected to respect the principles of internationally recognised human rights to the greatest extent possible in the circumstances.”***

This is further compounded by the absence of any independent structures to hold social media platforms accountable. In the absence of any tangible accountability to its users and institutions, this employee-imposed censorship is an unsustainable model and risks contributing to the privatisation of censorship.

It is also clear from our report that when assessed against the standards and tests of necessity as stipulated under article 19 of the ICCPR that the current guidelines governing nudity do not pass the test of necessity as stipulated under international laws. Freemuse believes that despite improvements to frameworks governing Community Guidelines that Facebook, Instagram and other social media sites use of (vaguely worded), in practice, these guidelines end up censoring legitimate artistic and cultural expression.

Freemuse understands that at present the formulation of content guidelines for all major social media platforms -are not based on international standards. However, Freemuse strongly believes that content-regulation guidelines should be subject to international standards given that these social media platforms are increasingly determining the margins of online public debate and ideas, which as its research has found, is often incongruent with discussions taking place in the offline world. It also is concerned that the unlawful limits placed on creativity by social media platforms are inadvertently determining and defining the limits and parameters for vital debates around gender, sexuality and other crucial issues, which needs urgent redressal to ensure that women’s rights are fully implemented.

Under the United Nations (UN) Guiding Principles on Business and Human Rights<sup>61</sup> private entities have a responsibility to respect all human rights. In his report to the Human Rights Council in June and July 2018, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression elaborates on how these norms extend to private social media providers,

**11. The Guiding Principles establish a framework according to which companies should, at a minimum:**

- a. **Avoid causing or contributing to adverse human rights impacts and seek to prevent or mitigate such impacts directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts (principle 13);**
- b. **Make high-level policy commitments to respect the human rights of their users (principle 16);**
- c. **Conduct due diligence that identifies, addresses and accounts for actual and potential human rights impacts of their activities, including through regular risk and impact assessments, meaningful consultation with potentially affected groups and other stakeholders, and appropriate follow-up action that mitigates or prevents these impacts (principles 17–19);**
- d. **Engage in prevention and mitigation strategies that respect principles of internationally recognized human rights to the greatest extent possible when faced with conflicting local law requirements (principle 23);**
- e. **Conduct ongoing review of their efforts to respect rights, including through regular consultation**

**with stakeholders, and frequent, accessible and effective communication with affected groups and the public (principles 20–21);**

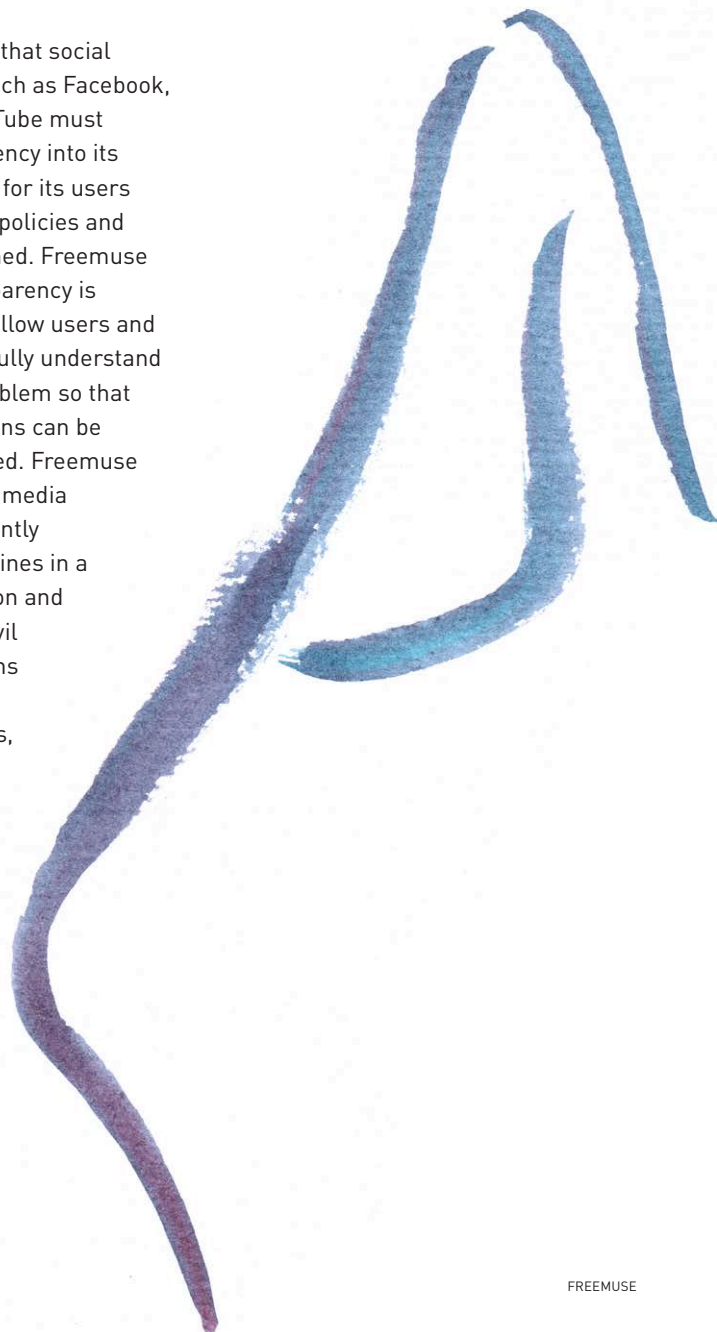
- f. **Provide appropriate remediation, including through operational-level grievance mechanisms that users may access without aggravating their “sense of disempowerment” (principles 22, 29 and 31)**

Moreover, the implementation of content guidelines and procedures for reviewing requests made by the platform only provide for extremely limited and insufficient engagement with its users.

Freemuse believes that social media platforms such as Facebook, Instagram and YouTube must introduce transparency into its operations to allow for its users to understand how policies and guidelines are framed. Freemuse believes this transparency is crucial and would allow users and relevant bodies to fully understand the scale of the problem so that relevant interventions can be appropriately framed. Freemuse also calls on social media operators to constantly review these guidelines in a sustained interaction and partnership with civil society organisations including women’s rights organisations, human rights organisations, feminist rights organisations, freedom of expression advocates, as well as information technology specialists, to allow for

greater nuances to be built into its approach.

In its research, Freemuse has also identified that access to these platforms often works to negate any real conversation between moderators and users. The organisation urges social media platforms to assess ways of engagement to enable artists greater opportunity for engagement when and if their work is banned.





# ONLINE HARASSMENT

“THE BITCH HAS TO BE FUCKING KILLED.”

ANONYMOUS THREAT MADE ON FACEBOOK TO ZERE ASYLBEK

## ONLINE HARASSMENT

has been recognised as a major issue impacting both men and women.<sup>62</sup> However it is the gender<sup>63</sup>-specific nature, volume and frequency of threats targeting women on social media platforms which have come under particular scrutiny in recent years. And when these factors are combined, they are more likely to make women feel unable to exercise their lawful right to share their opinions and artistic expressions without fear.<sup>64</sup> Freemuse research shows that women artists are not exempt from this scourge.<sup>65</sup>

Responding to this emerging crisis, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on violence against women, its causes and consequences issued a joint statement in which they commented on how the online experience women suffered often marginalised and silenced them.

*“This abuse is often overlapping in its forms, may involve offline threats and attacks, and can lead women and girls to limit their participation and*

*sometimes withdraw completely from online platforms ...These attacks chill and disrupt the online participation of women journalists, activists, human rights defenders, artists and other public figures and private persons.”*

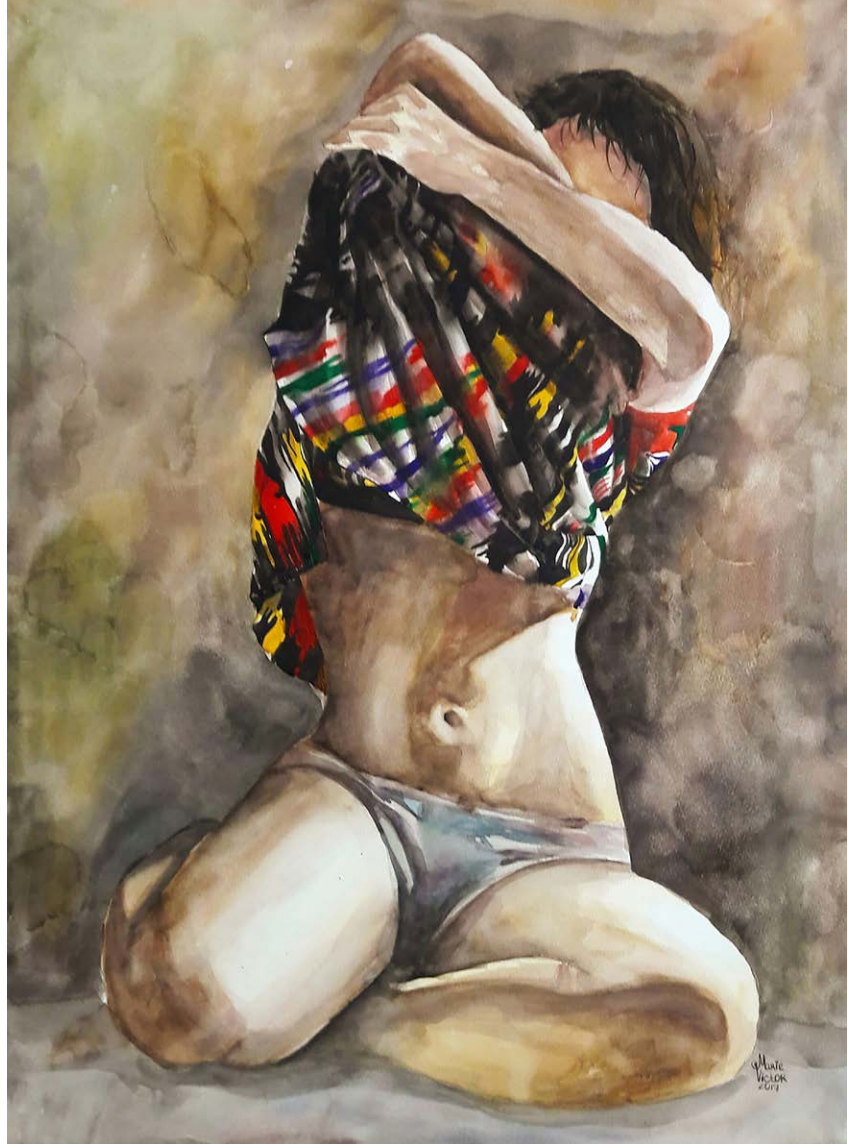
They also illustrated how online gender-based abuse and violence violated basic principles of equality guaranteed under international law and freedom of expression.

When women artists share art and expression online (specifically art that is intertwined with re-examining ideas of the body and defying the idea of shame<sup>66</sup> from a feminist perspective) or when they vocalise their resistance to existing gender norms, they are subjected to a deluge of misogynistic abuse and online threats of violence.<sup>67</sup> These threats are invariably intended to marginalise their voices and essentially deny their right to free speech and expression.<sup>68</sup> And when this features even partial or full nudity, or the artist chooses to portray certain parts of the body, dress in a certain way, or include religious figures within their

expression, this backlash appears to intensify in terrifying volume.

The anonymity that online platforms can provide means that invariably perpetrators of online threats can opt for false names, fake accounts and can remain faceless. This makes it incredibly difficult to assess or ascertain with any accuracy, the gravity or the intention behind the threat. And though not all online abuse and threats can be attributed to perpetrators hiding behind fake accounts, all of this invariably causes the artist severe distress and insecurity.

It is the combined impact of this online reality, along with the consistency, frequency and nature of threats, which can compel women artists to review their online presence in the longer term. It can consciously or unconsciously impose forms of self-censorship on their creativity. This can then feed into their internal creative thought processes, recalibrate what they are posting online and lead some to instil security measures both online and also in the offline world.



Marifat Davlatova's artwork exposed at the personal exhibition in August 2018.

CREDIT: MARIFAT DAVLATOVA

## The onslaught of abuse and harassment

In August 2018, Marifat Davlatova, a 25-year-old contemporary artist from Tajikistan, exhibited her work—a series of nude female portraits—at her personal exhibition in its capital city. She knew that her work would incite a strong reaction, but she was confounded by the onslaught and intensity of negative commentary on her work, which continued unabated for weeks. It was not just the intensity of the abuse that she found particularly astounding, but also the deeply misogynistic nature and pattern of vitriol directed at her—both personally and professionally.



“I WAS READY FOR NEGATIVITY AFTER THE EXHIBITION, BUT I DIDN'T EXPECT IT TO BE SO BIG. AND I WAS ONCE AGAIN CONVINCED THAT I DID EVERYTHING CORRECTLY. IF THIS WERE NOT A 'SORE SPOT' OF SOCIETY, THEN SUCH A REACTION WOULD NOT FOLLOW. WE SIT, DO NOTHING AND SOCIETY GETS USED TO EVERYTHING.”

MARIFAT DAVLATOVA, FREEMUSE INTERVIEW, 6 MAY 2019



Davlatova continues to receive sporadic online threats at the time of this report's publication.



Zere Asylbek in the music video for her song *Кыз (Girl)* on YouTube

CREDIT: ZERE ASYLBEK ON YOUTUBE

Similarly in July 2018, then 19-year-old Kyrgyz musician Zere Asylbek<sup>69</sup> released her song *Kyz* (“Girl”) in which she lyricised about her desire to fully express her inner self with no fear and for others to do the same. The song initially received a positive response. However, two months after the song’s release, she posted the accompanying video on YouTube<sup>70</sup> in which she appeared in a jacket, under which she was wearing a lacy bra, a short skirt and bright red lipstick.<sup>71</sup> Asylbek recounts that what followed took her by surprise:

*“I basically uploaded the video and went to watch a film. As soon as I got out of the cinema I switched on my phone. It was like the phone was exploding. For the next ten days I received about 2,000 abusive comments and messages on YouTube, Facebook and Instagram.”*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

The comments and messages came from stand-alone accounts, groups of individuals, as well as from “trolls”.<sup>72</sup> They believed that Asylbek had insulted and shamed the nation by her clothing choices.

The ability to control the flood of threats and hateful comments online becomes increasingly difficult when groups create their own page to express their opinions (rather than directly commenting on the artist’s professional or personal pages). This

can also often involve the disclosure of all kinds of personal information about the artist without their prior consent (also known as doxing). As Asylbek explains:

*“There was a lot of trolling as well. They shared details on these platforms from conversations on WhatsApp groups ... saying that they were going to find me and rape me.”*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

Similarly, when Bolivian artist Imilla Cunumi Birlocha (real name Rilda Paco) set out to create a painting in protest of the Carnaval de Oruro<sup>73</sup> religious festival, she was not ready for the online and offline hate that was to unfold. Her protest was, in part, regarding a bomb explosion which had taken place at the festival (resulting in the deaths of eight people). Further, the festival is also infamous for the male attendee’s high intake of alcohol and for reports of femicide and sexual harassment. These factors drove Rilda Paco to creatively express her outrage.<sup>74</sup> As such, she painted the Virgin of Socavón<sup>75</sup> wearing stockings and a thong to draw attention to the highly contradictory nature of the event.

*“Then I said I’m going to use the image of the virgin in that way as they see us. So that’s why I put her in underwear, and there are some dancers, one with a drink... but when I saw the interview it was tabloid, sensationalist. They said*

*that people were upset about how I handled the image of the Virgin in that way, that I had gone to the doors of the church to distribute my work for people, which I had never done before. I have always tried to keep myself in my place without doing much.”*

RILDA PACO, FREEMUSE INTERVIEW, 14 MAY 2019

As the article went viral, Paco started to receive a tirade of misogynistic online abuse and hate. In her case, this was also paralleled with punitive action from the local authorities, who saw her depiction of the Virgin as an attack on a sacred religious deity. Besieged by hateful comments and threats, she was overwhelmed.

*“I have not committed any crime. I am not a murderer; I am not a violator; I have not beaten anyone.”<sup>76</sup>*

RILDA PACO, FREEMUSE INTERVIEW, 14 MAY 2019

Like Asylbek, Paco talks about the inability to control pages set up by detractors. These includes expressions of hate and threats, as well as the non-consensual disclosure of private information.

*“The next day, the authorities from the department of Oruro had already met to initiate a process and declare me persona non grata in Oruro ... they have created groups on Facebook. For example, there is a page on Facebook that is called ‘I am an Oruro of the fuck’.*



*From the time this has happened, the group has grown in magnitude (I do not know how many). It was there where they started attacking me. They made my photographs public, they made my family's photographs public, they said where I studied ... they have investigated all my life because they were looking for something to harm me."*

**RILDA PACO**, FREEMUSE INTERVIEW, 14 MAY 2019

Paco also describes how the hate soon turned to those friends who publicly tried to use the same platform—Facebook—to defend her.



Marifat Davlatova's artwork exposed at the personal exhibition in August 2018.

CREDIT: MARIFAT DAVLATOVA



“THE WORST OF ALL IS THAT ON SOCIAL NETWORKS THE ARTISTS (MOSTLY ILLUSTRATORS) ARE THE ONES WHO HAVE SUPPORTED ME, AND HAVE CREATED A FACEBOOK PAGE (‘TODOS CON LA IMILLA’) IN WHICH THEY UPLOADED THEIR ILLUSTRATIONS. THEY ALSO PUBLISHED SOME OF THE THREATS THAT CAME TO ME SO THAT THEY COULD IDENTIFY WHO THEY [THE PERPETRATORS] WERE. AND ON THIS PAGE (ORUREÑOS DEL CARAJO) [THE PAGE AROUND WHICH ALL THE HATE AGAINST HER WAS PUBLISHED], IF YOU SUPPORTED ME, THEY LOOKED FOR YOU AND MADE A SCREENSHOT OF YOUR PROFILE AND SAID ‘THIS IS THE ONE WHO SUPPORTS HER, IMILLA’S LITTLE FRIEND’ AND THEN YOU STARTED GETTING INSULTS AND THREATS AS WELL. THEY MANAGED A WHOLE NETWORK TO ATTACK MY FRIENDS, PEOPLE WHO SUPPORTED ME...”

**RILDA PACO**, FREEMUSE INTERVIEW, 14 MAY 2019



## The types of abusive comments

In most incidents Freemuse documented where the artist addresses contentious issues through her art, (such as gender inequalities or body positivity), the nature of the comments became intense, violent, misogynistic and threatening. And the bulk of these comments and messages came from men. A large percentage of these comments would often take a charged tone—in some cases it was suggestive (particularly where women artwork posts were erotic in nature), but also extended to pernicious and violent threats of killing and maiming, intertwined with threats of sexual violence and rape. It is the punitive element of these threats that women have in most cases found overwhelming and disconcerting:

*“I received threats of a sexual nature, threats of rape, also with threats that they will kill me; they will burn me; they will hang me; they will beat me with stones. I was called by various obscene words. I ignored the messages, did not delete them. And I also received messages of this kind. ‘Such a woman as you disgrace our nation’, ‘you are an enemy of the people’, ‘woman of the night’.”*

MARIFAT DAVLATOVA, FREEMUSE  
INTERVIEW, 6 MAY 2019

Observers noted that threats targeting musician Asylbek were overwhelmingly misogynistic and violent in nature, but were also motivated by the belief that she had shamed the nation because of how she was dressed in the video. Asylbek shared the nature of these threats, describing the sentiments of her detractors.



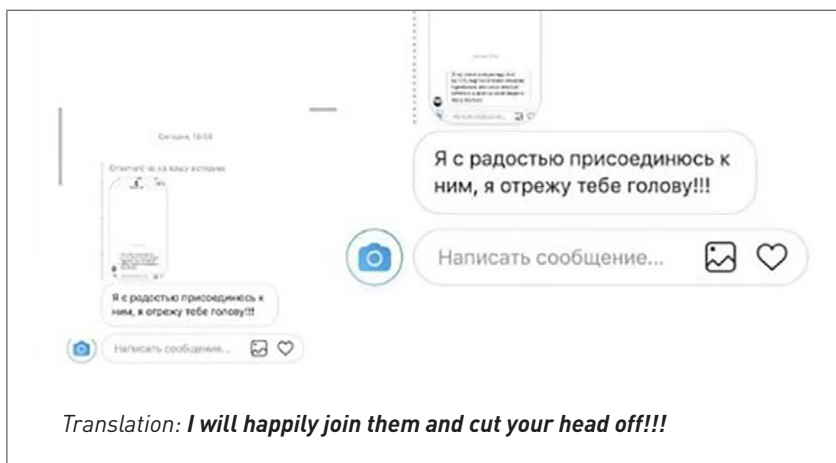
Нет слова ты людям не чего не докажи ты уже доказал что ты шлюха Если хочешь голи ходить иди Европа и там покажи свои романтичнее картинки ? И там можешь и сама голи ходить шлюха позорная ты как можешь после всего это на лицо людям смотреть я бы нафиг убил бы тебя ?

*Translation: I have no words. You do not need to prove anything to people, you have already proved that you are the whore. If you want to walk naked, go to Europe and show your romantic drawings there. And you can also walk naked, you disgraceful whore. How can you look in people's faces after all this? I would kill you.<sup>77</sup>*

Source: *Nude Portraits Spark Death Threats Against Tajik Artist*,

RADIO FREE EUROPE, 6 SEPTEMBER 2018,

<https://pressroom.rferl.org/a/nude-portraits-spark-death-threats-against-tajik-artist/29560013.html>



*Translation: I will happily join them and cut your head off!!!*

Online threat against Zere Asylbek



Лучше бы диету держала, чем выставлять на всеобщее обозрение свою жирную тушу.

6 нед. Нравится Ответить



*Translation: You better keep a diet rather than putting your fat carcass on public display.*

Online threat against Zere Asylbek

*"[They thought] 'yes, of course it's her right and no one should tell her what to wear, sing and so on! She can even walk naked. But first she should be revoked of citizenship of Kyrgyzstan and we should deport her because she humiliates our Kyrgyz mentality and religion. We need to take measures when this kind of situations occur'."*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

Whilst a vast majority of the comments expressed an intention to kill or maim her, there were also attempts to body shame her.

The messages and comments targeting Paco were particularly vicious and vitriolic and the torrent of abuse continued for months. Paco expressed how this incessant extended period of abuse and threats affected her:

*"I expected it to calm down, that it was going to be news for two or three days and this was going to end. The population likes the sensationalism ... I said it's going to end, but it never ended. I had to live almost three months with constant insults, threats ... with the media on top of me ... because the authorities did not stop, all the time saying 'we will take action on the matter with this woman, because she has offended all women'."*

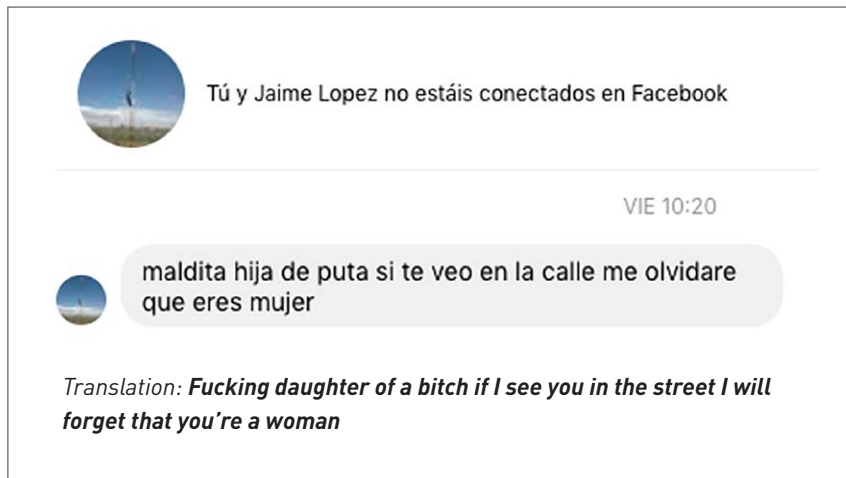
RILDA PACO, FREEMUSE INTERVIEW, 14 MAY 2019

*"There were messages asking to take me to Oruro to hang me in the main square. There were also messages of rape, very descriptive, where they told me how they would rape me if they found me... first it started with*

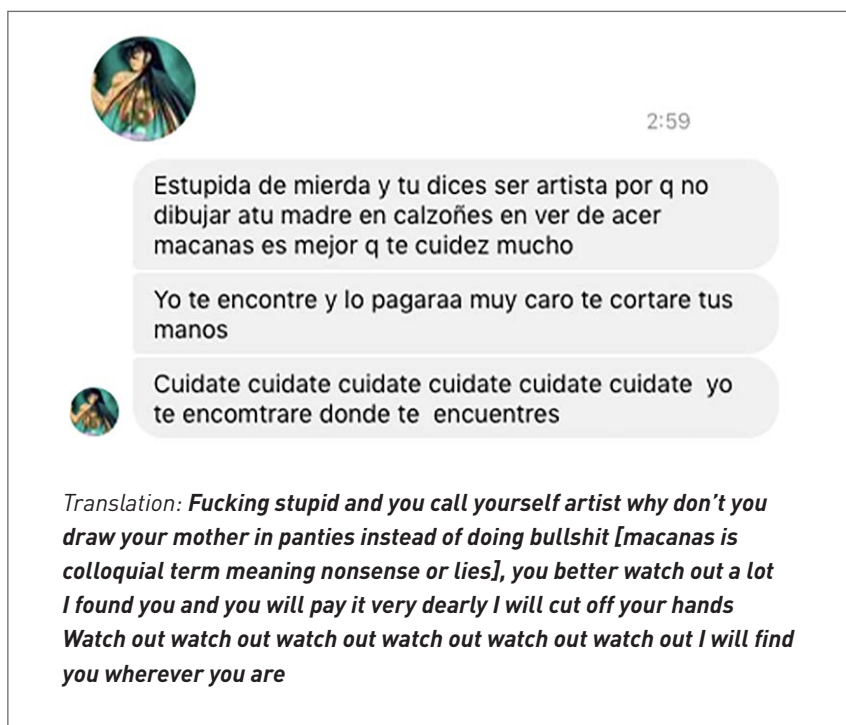
*me, [but] threats were becoming stronger and the only way I saw to defend myself was making the threats public. After that they started attacking my family and making public the image of my niece, my mother ... they said what I had done with the Virgin they were going to do with my family."*

RILDA PACO, FREEMUSE INTERVIEW, 14 MAY 2019

She shared a snapshot of some of these threats with Freemuse.



Online threat against Rilda Paco |



Online threat against Rilda Paco |



Comparatively, visual artists who work with the body, and particularly nudity, have reported largely receive negative comments (rather than threats) from women. These comments have targeted their professional creative skills and artistic calibre. However, most commonly the comments berate the artist for producing work with such sexually explicit themes, with attempts to also body shame the artist. In other instances, the artist is accused of portraying women negatively or undermining the struggle for women's rights.

Danish nudist performer Nanna Lysholt Hansen explains how this reaction in the offline space was also common to her work, particularly when she performed while pregnant with her first child:

*"I started working on motherhood topics some years ago. I also realised that this specific body is kind of a 'taboo' and there are many opinions about what this body should do and not do. And I have actually done a performance in a public space while I was pregnant and the work had nothing to do with pregnancy; I was a little bit pregnant and it was a little bit visible. And there was a woman in this public space who got very angry and started saying: 'Oh this work must be about provoked abortion or trauma. How could I put my body there—because what I was doing was a little bit physical? It was provoking that I used my pregnant body in a very public way and in a very physical way."*

**NANNA LYSHOLT HANSEN**, FREEMUSE INTERVIEW, 16 MAY 2019

Danish painter and visual artist Stense Andrea Lind-Valdan parallels this observation with her own



Online threat against Rilda Paco

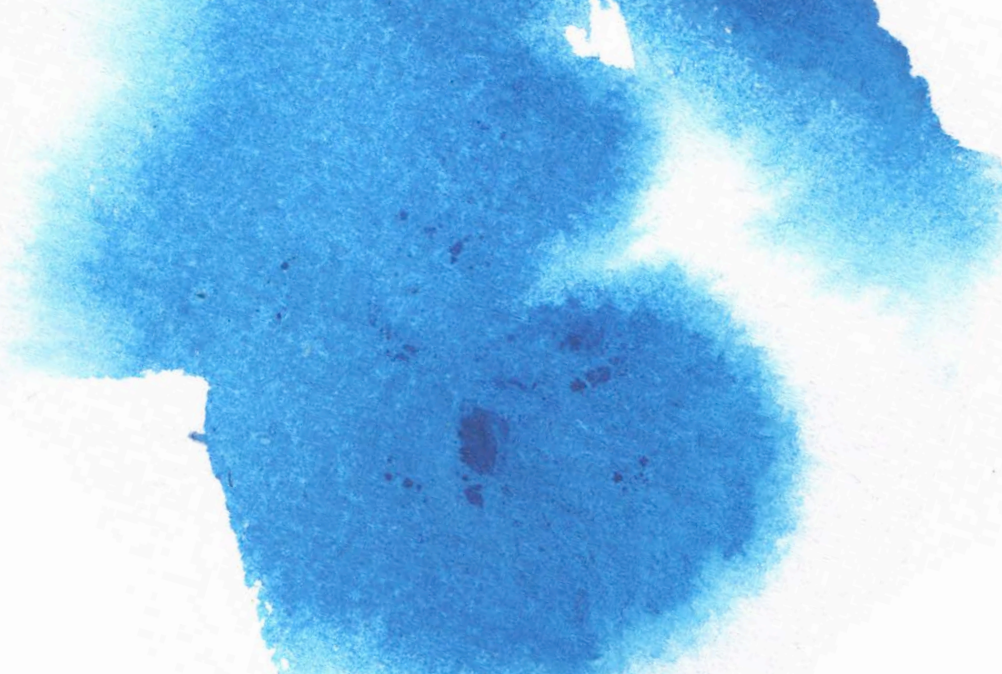
experience, highlighting how the bulk of comments that she received originated largely from women who felt that her work was unnecessarily provocative. She also received comments intended to body shame her by commenting on what they described as her excessive body hair.

*"In general when I talk to women, and I know that a lot of men also say this: 'oh, do we need to see another woman trying to be free or something?' I have experienced a kind of impatience from women, 'why do you have to work with your body? Now you've done that, now you can move on' and stuff like that. And of course, I've also met men who favour abstract green-pink things ... but they are not as aggressive. It is more that they don't like it maybe. But I think that women are tenser about it."*

**STENSE ANDREA LIND-VALDAN**, FREEMUSE INTERVIEW, 20 MAY 2019

American visual artist and painter Carolyn Weltman reiterated these sentiments in regard to the reactions she receives from women and feminists detractors.

*"I am on a YouTube video which is not about my work, it's a music video. If you read comments, some of them are really funny and some of them are really abusive, and a lot of them are from women... Comments from women are usually saying I should not portray nudes. And on my bondage and suspension images they just call me abusive. They say I am an abusive person and I am not supportive to women because I think they do not understand what bondage and suspension is. They do not understand that it's a life choice. I draw tight both men and women and my models actually really enjoy it, they get something from it themselves. I get a lot of*



*feminist comments and I have been also banned from women art shows. Well, not banned, but my works are not selected."*

**CAROLYN WELTMAN**, FREEMUSE INTERVIEW, 15 MAY 2019

Lind-Valdan adds that she believes that focusing on motherhood and sexuality, sometimes in a very candid way and often in tandem, generates a series of comments from individuals who view her as "both the Madonna and the whore".<sup>78</sup>

Weltman, whose sexually provocative artwork is regularly censored by Facebook, comments on the irony of censorship. She notes how algorithms (automated moderation tools) and human moderators act swiftly to remove her work, whilst at the same time fail to deal with online misogynistic abuse.

*"In the meantime they post all kind of hate and other stuff that we object to, that seems to pass their censorship for some reason."*

**CAROLYN WELTMAN**, FREEMUSE INTERVIEW, 15 MAY 2019

Paco<sup>79</sup> is unequivocal about the impact of the abuse on her online presence and its continuing prevalence over a year since her initial incident.

*"At this point, I feel like I am under scrutiny, anything that I do can ignite that fire again. I prefer not to reply to direct messages from other people whom I don't know."*

**RILDA PACO**, FREEMUSE INTERVIEW, 14 MAY 2019

Other artists interviewed for this report have highlighted that they have been astounded by the backlash. They have been forced to distance themselves from any form of engagement with the comments, which could lead them to consciously self-censor their creative expression. However, they are also clear that whilst they have made this decision, they have, in most cases, been unable to completely detach themselves from the impact that the abuse has had on them and that they may be unconsciously self-censoring and limiting their self-expression, thought and inquiry.

Lind-Valdan is aware that her work will invite comments from men which are sexually suggestive. In an interview with Freemuse, she elaborates on the types of messages she receives from men who privately message her, rather than comment on her page. She emphasises that none of the messages are ever violent or aggressive, but there is the notion that the artwork is reflective of her private persona. And that producing this kind of work is an

invitation for sex. This notion has also been relayed by other artists who either produce erotically themed or sexually explicit work.

Messages of this nature are not just confined to cases where artists use sexually vivid imagery. When Syrian poet Kholoud Charaf posted her poem, *Blessing From Ishtar*, she did not anticipate that it would lead to a string of sexually charged personal messages in both online and offline spaces.

*"I remember the one time I wrote an erotic poem. All the people (men) were sharing it. I wasn't doing anything with it. People deal with you like this in-person when you write something like this. They think that your writing is open which makes your body open."*

*On Facebook, I couldn't block the person who was saying something. They were inviting each other to see me. The men would say to each other that she would let us speak in a free way. The thing, is that they can't separate poetry from the person writing it. They don't think of it as art. People think I'm open. There were lots of messages saying, 'have sex with me' and 'oh you really want it, come on'."*

**KHOLOUD CHARAF**, FREEMUSE INTERVIEW, 4 MAY 2019





Carolyn Weltman is drawing butterfly  
CREDIT: CAROLYN WELTMAN



## ***Blessing from Ishtar,***

POEM BY KHOLOUD CHARAF (TRANSLATED BY PROFESSOR LERI PRICE).

*My creation, Kanatha –  
Bathe your feet in light  
And come*

*Lay your braids on a loom woven pillow  
Let your lips enfold the grape  
Intoxicating you  
When the harvest is done.*

*Do not kiss the moon  
That moves over your slumbering cheek  
And don't forget fresh hay for the goat  
So she won't forget the milk*

*O bare branches  
There is a skillful thief  
Upon the swelling buds*

*Your first desire  
Poured forth water  
A sacrifice craved by the God of Love*

*You were always like me  
Tenderness lying on top of marble  
So, sleep in peace  
And as soon as the God of War sleeps,  
I will wake you*

*Don't forget how you were in front of the mirror  
Naked  
Stumbling over your own beauty*

*I am afraid of you, of your own hand  
Discovering your landscape in flames  
I will not let the dream stranger knock at your gate*

*And so, sleep, Kanatha  
Perhaps, one day, you will wake up wine-soaked  
And I will tell you:*

*Through the sacrifices I have made  
A new dawn is creeping  
From your mirror  
Don't lose  
Your sacred face*

It is also interesting to note that the content of messages and comments varied in substance depending on where they were published. While public comments also focus on making threats, private or direct messages contain explicit substance and detail on how the abuser intends to carry out the threat. Some women artists also outlined that they are more likely to receive sexually suggestive comments in response to their work if it expresses sexual desire, or any sense of eroticism. And they added that this kind of message is received more commonly in inboxes and through direct messaging rather than posted on a public page.

## How the intersection between online and offline media coverage and social media platforms has impacted women artists

Interviewees who had faced online harassment and abuse were clear that media scrutiny aggravated, amplified, contributed or even acted as the catalyst for this backlash.

In Davlatova's case, this backlash was also extended to the female journalist who covered the artwork.<sup>80</sup>

The women artists who experienced online abuse and violence noted a marked de-escalation in comments after a period of time. However, in some cases it took three months before the abuse eased. For some, this was also related to the lingering presence of media attention.

*"It was like stages—after the first week it got a little better, after 10 days a little easier and the comments were becoming less frequent. Also things changed more when the media stopped talking to me."*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

In some cases, the negative press coverage is the impetus which leads to the virtual backlash. When Paco posted her depiction of the Virgin of Socavón wearing stockings and a thong on Facebook in February 2018, nothing happened until a week later when a media outlet asked her for an interview. In the interview, Paco alleges that the outlet twisted her words to make it appear as if she had intentionally tried to harm people's religious feelings through her artwork, which led to extremely abusive and consistent online backlash against her.

But even after the most extreme period of abuse has calmed, artists still receive sporadic threats—serving as a constant reminder to women artists about what is permissible online. Three of the artists interviewed for this report continue to receive threats to this day, even when the initial posts were circulated over a year ago.

In some cases, where the trolling and abuse from stand-alone perpetrators reached an intolerable volume and consistency, artists were forced to review their personal offline security. And it is this intersection of offline space and online spaces that poses a distinct concern for women artists. The modern art industry demands artists have a social media presence for better promotion of their works, whether it be online or in galleries

and museums, and many artists use social media platforms to sell their work. Those female artists who have received vicious online harassment elaborate on how the constant vitriol posted online has impacted their movements in the physical offline world.

*"I never responded to anything partly for fear of what might happen. I was conscious of my movements. I had to cover myself up and I started wearing sunglasses as I was worried about what might happen. Some friends also helped me. I had an emergency contact in case anything happened. I was also being contacted by embassies in case anything went really wrong."*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

"PEOPLE AROUND ME WERE AFRAID FOR ME AND ADVISED ME NOT TO GO OUT. PEOPLE ON THE STREET STARTED RECOGNISING ME, SPOKE BEHIND MY BACK, NO ONE TOLD ME ANYTHING TO MY FACE. THEY ONLY WROTE MESSAGES ON SOCIAL MEDIA."

MARIFAT DAVLATOVA, FREEMUSE INTERVIEW, 6 MAY 2019



Marifat Davlatova's artwork exposed at the personal exhibition in August 2018.

CREDIT: MARIFAT DAVLATOVA

The inability to discern between the gravity and the intention behind the online threats and comments necessitates artists reviewing their personal online and offline safety.

Many of those who have received sexually suggestive comments and threats have installed safety precautions to protect their privacy online, for example, by restricting access to their Facebook profiles.<sup>81</sup>

This necessity, however, impedes and limits the effective use of social media platforms as these are the very same spaces in which artists increasingly sell their work. Paco explains that she decided to keep her Facebook account active despite all the threats she received and her family concerns.

Those who have been subjected to intense levels of misogynistic abuse and threats are clear in their message: whilst the online violence, harassment and the insecurity it creates can lead to a state of initial paralysis, they are determined to continue inhabiting space online.

All women artists interviewed were also clear that it was the interactive nature of social media platforms that enabled the extent of the harassment they faced. And despite the determination and resolve to continue, the message to women artists is clear: their right to freedom of creative and artistic expression is not theirs to fully enjoy as stipulated under international treaties. And that these restrictions are not rightfully determined by law, but (in practical terms) by the online abuse and harassment they face because of their gender. And that for this online violence, very little accountability exists.

## The response (so far) from social media platforms

According to Facebook CEO Mark Zuckerberg, one of the company's main responsibilities is user safety; part 9 of the Community Standards is devoted to bullying and harassment, and defines what is and what is not allowed on the platform:

*“Bullying and harassment happen in many places and come in many different forms, from making threats to releasing personally identifiable information, to sending threatening messages, and making unwanted malicious contact. We do not tolerate this kind of behavior because it prevents people from feeling safe and respected on Facebook.”<sup>82</sup>*

Facebook has also established self-reporting and self-protecting tools to help people protect themselves on the platform. In two separate posts, Facebook also shares recommendations on what to do if one is bullied, harassed or attacked by another user<sup>83</sup> and how to report inappropriate or abusive posts on Facebook.<sup>84</sup> The recommendations include tips like: unfriend the person, block the person, report the person or the link to the post. It remains unclear what actions the platform takes after receiving reports. However, in its third Community Standards Enforcement Report, Facebook reported that it took action on 2.6 million pieces of bullying and harassment content and 4 million pieces of hate speech content between January and March 2019.<sup>85</sup>

Freemuse's research also raises the question of how effective the bullying and harassment policy is when the women artists interviewed are among those who have experienced unjustified and illegitimate

restrictions of their rights to artistic expression. Most respondents stated that they did not and do not engage with the moderators on the extent or scale of abuse, or report any of the abusive comments and messages they have received. Some of this inaction was motivated by a lack of awareness regarding corporate responsibilities.

However, even when artists do attempt action, it can lead to negative repercussions. When Paco decided to share screenshots of the threats she received on Facebook in an attempt to shame her perpetrators, her content was censored.

*“I then decided to start screenshotting all of these threats and publishing them on Facebook—this way, if anything happened to me, then the proof would be public. However, Facebook suspended my account for 24 hours because of this. I never contacted the moderators about this and received no communication from Facebook. Sometimes I do report the threats and only sometimes do they delete them.”*

**RILDA PACO**, FREEMUSE INTERVIEW, 14 MAY 2019

In their interviews with Freemuse, the women artists pointed out that if these platforms were committed to addressing online abuse and harassment, their messaging and condemnation would also be paralleled by policies and practices more solidly grounded in the realities these women are facing.

*“Instagram perfectly manages these copyright infringements so that if you play music which has a song from an artist in the background of the video, it is able to mute the sound. So if they are*



*able to resolve this kind of thing quite easily, then stepping in to provide women some kind of protection over these comments should be easy enough to do as well.”*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

*because nothing had happened. They told me that there was no crime because there was no physical evidence of the serious intention to harm me. All of this really baffled me. I wanted to ask them, ‘how do you protect women online when there are all kinds of laws to protect people?’”*

ZERE ASYLBEK, FREEMUSE INTERVIEW, 7 MAY 2019

## State failure and inaction

The failure to treat online violence against women with the seriousness that it requires is exacerbated by police inaction, an unwillingness to investigate threats and the lack of sufficient domestic legal provisions by which to hold perpetrators to account. When Asylbek approached the local police for help, she was informed that they would investigate. But when they returned—almost two months later—she was told there was no law to hold her perpetrators to account and that because of this, no crime had been committed.

*“I went to the police station to report what had happened and gave them all the copies of the threats. They said that they would investigate. Then they came to see me one or two months later but they said that they could not charge anyone with any crime*

Similarly, when Paco approached the police, she was informed that no action could be taken because so many of the threats had come from fake or anonymous accounts.



“I WANTED TO SUE THE MAIN PEOPLE WHO DID THIS TO ME, BUT THE POLICE SAID I HAD TO PROVIDE ALL THE INFORMATION FROM THESE PEOPLE. I COULD NOT DO THAT SINCE MANY FACEBOOK ACCOUNTS WERE FAKE ACCOUNTS AND I DID NOT KNOW THE REAL IDENTITY OF THESE PEOPLE. I BELIEVED IT WAS THE POLICE’S TASK TO INVESTIGATE AND FIND OUT, BUT THEY INSISTED IT SHOULD BE ME PROVIDING THAT INFORMATION.”

RILDA PACO, FREEMUSE INTERVIEW, 14 MAY 2019



Zere Asylbek in the music video for her song *Кыз (Girl)* on YouTube  
CREDIT: ZERE ASYLBEK ON YOUTUBE

## How artists engage with social media spaces

The most common platforms used among the artists interviewed for this report are (in no particular order) Facebook, Instagram and YouTube. Artists use these spaces in multiple ways and this appears to be largely determined by their creative product or subject. In some instances, artists with their own websites were very clear that they had ensured these websites were linked to social media platforms for the sheer amount of traffic they provide. This was paralleled by their observations which questioned the continuing relevance of individual websites for hosting their work. Many felt that individual websites were becoming redundant and that social media platforms were the spaces in which they needed to invest to get the necessary traction on their work. This emerging trend acutely reinforces the deepening centrality of social media platforms in deciding what is consumed online and determining the parameters of online debate. It heightens the need to protect freedom of expression using existing relevant human rights standards.

Danish curator Tijana Mišković noted that artists often post identical works on both Facebook and Instagram.<sup>86</sup> This is in part facilitated by the design of the page, which allows users to mutually share the same post almost instantaneously. The format of a Facebook page also allows more social interaction with friends, allowing artists to more easily connect with new followers—one of key reasons that artists continue to use this platform. Those interviewed are clear that Facebook's text-based format, allowing debate and discussion, also enabled them to post reviews, exhibition notices and other professional events, as well as their actual art. Most of

the artists think of Instagram as a photographic notebook that they use to visually demonstrate technical processes, techniques and images of gallery exhibitions, rather than used for posting the artwork itself.

One interviewee expressed that these platforms, designed with a focus on ease and comfort of user experience, far outweighs any offline networking that an individual artist can do.

Christa Zaat, an online curator from the Netherlands, has a Facebook page devoted to exploring female artists in history.<sup>87</sup> She uses the page to post, catalogue and honour artworks by female artists—some of which never before seen by the public—for her followers to view. Given the inherent features of the Facebook page, individuals can share and repost these images. Similarly, her followers<sup>88</sup> — many of whom have found her page as a result of Facebook's search function which allows users to search for groups they are interested in—can also share images of artworks to her page. Some of these are part have been part of private family collections and never been seen publicly before. She explains the power of the platform, what it has meant for the artwork she shares and how the space has provided a platform for women artists who have been neglected in art history.

*“The mission of our work is to provide a platform for all the women artists who cannot speak for themselves. We cover any era or any discipline, but the artist has to be dead. Sometimes we find that individuals who are following our page or are followers of followers, have a grandmother who is quite unknown. Then they supply me with the images and more contextual information.”*

CHRISTA ZAAT, FREEMUSE INTERVIEW, 22 MAY 2019

She believes that owning a website is not the same as having a space on Facebook by which her followers can share or download images at a scale where the reach is 2.38 billion users.

*“I like the ‘action’ features within Facebook. It is an interesting way of sharing, exploring and deepening knowledge of art. You are able to get a lot of insights; lots of people show me artwork and I share it with them. It's like walking around in a museum with lots of people around you. It's a nice way, an interesting way, of exploring art. Zuckerberg should approve of it.”*

CHRISTA ZAAT, FREEMUSE INTERVIEW, 22 MAY 2019

But artists also recognise that this visibility also precipitates certain vulnerabilities given that the very same features which enable the work to spread so rapidly makes any sense of control impossible, particularly when the work is starting to receive a backlash.

All of the artists Freemuse interviewed feel compelled, or have felt compelled in the past, to have an active professional presence on social media platforms (even though some also host websites with their work). They argue that it would be impossible to otherwise receive the same level of professional traction for their work.

*“Yes, not being on these platforms makes it really hard not to promote my work.”*

BORGHILDUR INDRIDADÓTTIR, FREEMUSE INTERVIEW, 4 MAY 2019

In addition to posting reviews on their Facebook page, artists are also able to sell artwork through these platforms, further necessitating the need to keep using them even when





## Feminism within art and feminist art

Feminist artists who use their work to engage audiences in conversations about the female body, sex and sexuality are often criticised and face backlash. While arts and culture have been used as powerful tools for inspiring and supporting positive changes, violence and censorship is shrinking the space for women's creativity and free expression.

When asked whether their art could be identified as "feminist art", most artists interviewed by Freemuse elaborated on how this labelling has been a progressive realisation rather than one to which they have felt immediate affinity. Several responded that they initially had a potent sense that they did not want their art or professional identity to be restricted in this manner. Lysholt Hansen elaborates:

*"I would say today, of course I am a feminist artist, but it's not even me choosing that. Before I would probably get a little bit offended by people wanting to label me 'a feminist artist', because it's not only about that and I tried to avoid it. But then I thought that it was interesting and now of course I work on it because it's impossible not to when I work with my body."*

**NANNA LYSHOLT HANSEN**, FREEMUSE INTERVIEW, 16 MAY 2019

Over time, many have re-evaluated their resistance to the feminist label, realising that their art is in fact fundamentally feminist in nature, leaving them more open to being associated with this definition. As Lind-Valdan explains:

*"I am definitely a feminist artist. But it has not always been like this. During my whole education, I didn't consider feminism to be*

*an important thing. It wasn't a part of the core curriculum at my academy at all, not at my department at least. But then I graduated and I suddenly discovered that I was a woman artist being treated differently than other artists. And so all these experiences made me very aware of, and the need for, feminism in the art scene both in Denmark and worldwide. Because you see the structures and they kind of expand. So what happens to you? Small experiences like not being selected or being paid less. Also what your artworks are worth (as compared to those produced by men) and all these things. They, of course, relate to the larger structures. So you see how it is male-dominated on all levels."*

**STENSE ANDREA LIND-VALDAN**, FREEMUSE INTERVIEW, 20 MAY 2019

For many, their gendered identity, understanding and experiences have become very central to their expression, though perhaps not consistently expressed in their public artwork. And it is this crucial expression that those female artists interviewed do not want to compromise on social media platforms or otherwise. All of the artists interviewed understand the responsibility of unearthing and unpicking these often controversial issues. They were all clear that addressing these issues meant that they were inadvertently challenging the patriarchy prevalent in society—both within and outside of the art world.

*"I convey feminist views and social attitudes through my paintings. With my artworks I appeal to people and ask for social equality. We [in Tajikistan] have a very developed [culture of] harassment*

*and domestic violence, as well as stereotypes that are imposed on women: how she needs to dress, how not to dress, there is no right to choose.*

*I was ready for negativity after the exhibition, but I didn't expect it to be so big. And I was once again convinced that I did everything correctly. If this were not a 'sore spot' of society, then such a reaction would not follow. We sit, do nothing and society gets used to everything."*

**MARIFAT DAVLATOVA**, FREEMUSE INTERVIEW, 6 MAY 2019

Paco reiterates this point in a description of her own experience.

*"My works are rebellious. I do not like to make complacent art. In my country, there is a lot of complacent art, which sells, it's what the population likes. In my country, during the dictatorship many artists made murals that were interesting and the art reflected what the media could not tell. These artists suffered reprisals and many of these murals disappeared. The sexual issue I do not see much; in my case it is more a reality."*

**RILDA PACO**, FREEMUSE INTERVIEW, 14 MAY 2019

Occasionally, this desire to tackle issues relating to gender inequality can result in artists speaking more directly on issues they believe fundamentally undermine and violate women's rights. This inevitably invokes the same online ire that their artistic work on such topics does.

# RECOMMENDATIONS

## To social media companies:

- i. Freemuse reiterates the call by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, that human rights must be placed at the very centre of approaches used by social media platforms in moderating online content and when engaging in policy debates relating to the framework on freedom of expression;
- ii. Freemuse calls on Facebook and other social media platforms to revise their Community Guidelines to be in line with international human rights standards and in consultation with civil society organisations and experts in the field of artistic expression and women's rights.

### A. Online Censorship:

- i. The framework of restricting freedom artistic expression adopted by Facebook must be based on relevant international human rights standards and not national human rights standards;
- ii. Freemuse believes that social media platforms have the responsibility to uphold international human rights, and not national laws, or they risk being complicit in human rights violations by non-compliant States;
- iii. Facebook should constantly improve the appeals process and user-engagement in a manner that is proportionate to international human rights

standards, providing easy access to information about appeals, and timely responses to appeals and complainants;

- iv. Facebook must be more transparent its design of its algorithms and also review and revise these algorithms so that they are able to register art as distinct from pornography;
- v. Facebook should review its nudity policy in particular so that their platforms can enable artists, their audience and everyone to enjoy arts and cultural expression while respecting international human rights standards. The company should review this policy in consultation with artists, arts communities, women's rights groups and experts in the field of freedom of artistic expression;
- vi. Facebook must provide sufficient resources and make sure that national staff is equipped with international human rights standards and recognise that they have responsibility to respect and realise women's rights to artistic freedom;
- vii. Facebook should employ sufficient numbers of moderators to match the challenges they face, given that the company reviews a large volume of content on a daily basis;
- viii. Social media companies should develop platforms for an independent body to monitor and assess compliance of these private entities with relevant standards including the UN Guiding Principles on Business and Human Rights as well as

article 19 of the International Covenant on Civil and Political Rights.

### B. Online Violence against Women:

- i. Freemuse believes that any attempts to address online gender violence against women by social media platforms must be contextualised and ensconced within wider approaches by women's rights activists/ organisations and feminist rights activists;
- ii. Freemuse calls on social media platforms to build on a conceptual understanding in its approach in dealing with gender violence, which is based on the premise that online violence is an extension of offline violence. That is, it must be set within an understanding of wanting to eliminate violence against women more generally— particularly in a context in which online violence against women impacts women from all professions;
- iii. Addressing online gender-based abuse and violence also requires research to understand the scope, manifestations, and impact of violence against women;
- iv. All social media platforms should proactively and publicly state their commitment to tackling online violence and abuse against women;
- v. Freemuse calls on social media platforms to build this more carefully nuanced understanding into its algorithms about how violence against women

- manifests on these platforms;
- vi. Freemuse calls on Facebook and other major social media platforms to ensure that they offer online environments that are free, safe, conducive and nondiscriminatory for women artists;
- vii. All social media platforms should proactively and publicly state their commitment to tackling online violence and abuse against women;
- viii. Freemuse reiterates the call by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and UN Special Rapporteur on violence against women, its causes and consequences in which they call on relevant bodies who contribute to the moderation of online content to “ensure that any attempt to restrict freedom of expression is necessary and proportionate to address violence against women online”;
- ix. Freemuse calls on Facebook and other major social media platforms to revise and update their policies to tackle violence against women in partnership with relevant actors in civil society including women’s rights organisations, feminist organisations, human rights organisations and others relevant to this debate;
- x. Social media platforms must assess, and where necessary, revise policies which protect users from online gender violence to understand the spectrum and types of sexual violence and abuse and threats targeted at women on its platforms;
- xi. Based on this assessment—which should be carried out in partnership with women’s

organisations, feminist organisations, human rights organisations and others—social media platforms should look at current reporting mechanisms;

- a. to identify gaps in policy and practice—addressing issues such as doxing, misogynist comments, abuse, threats of violence;
- b. where needed amend their user-reporting mechanisms to enable women to report threats;
- c. introduce transparency into their decision-making to allow relevant civil society members to address any procedural flaws;
- d. introduce transparency into this decision-making providing those users who have faced online abuse and harassment with a prompt response, online tools in the design of the page that are proven to help women and enable them to protect themselves against further harassment etc.;
- e. constantly evaluate protocol to ensure that it is not continuing to fail women in addressing online violence against women;
- xii. All content moderators employed by social media platforms should undergo gender training specifically on issues relating to online sexual violence and harassment;
- xiii. All social media platforms should develop responses which provide women—particularly those who are experiencing intense community backlash—timely responses and effective remedies;

**To all States:**

- i. States should adopt legislation and regulations to strengthen the protection and promotion of

women’s right to participate in all dimensions of cultural life in accordance with international human rights standards.

- ii. The full array of States’ obligations to respect, protect and fulfil the right of every person to freedom of artistic expression and creativity including women and women artists should be taken as the core driver of all developments of law, policy and measures related to freedom of artistic expression and creativity;
- iii. Women and women artists and all those engaged in artistic activities should only be subject to general laws that apply to all people. These laws should be formulated with sufficient precision and in accordance with international human rights standards. They should be made easily accessible to the public and implemented with transparency, consistency and in a non-discriminatory manner. Decisions on restrictions should clearly indicate motives and be subject to appeal before a court of law;
- iv. Freemuse supports the call by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression that States also have, “a duty to ensure that private entities do not interfere with the freedoms of opinion and expression.” The Guiding Principles on Business and Human Rights, adopted by the Human Rights Council in 2011, emphasise in principle 3 State’s duties to ensure environments that enable business respect for human rights.



## Appendix:

### Names of interviewees in alphabetical order

- i. Aleksandra Strzelichowska
- ii. Bahia Shehab
- iii. Borghildur Indridadóttir
- iv. Carolyn Weltman
- v. Christa Zaat
- vi. Janet Kozachek
- vii. Kholoud Charaf
- viii. Marifat Davlatova
- ix. Maryam Sharifi
- x. Nanna Lysholt Hansen
- xi. Nguyen Mai Khoi
- xii. Rilda Paco
- xiii. Rita Banerji
- xiv. Stense Andrea Lind-Valdan
- xv. Susan Turconi
- xvi. Tijana Mišković
- xvii. Zere Asylbek
- xviii. Zoya Falkova

## ENDNOTES:

1. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/38/35, 6 April 2018.
2. A list of those interviewed is included in the Appendix.
3. The Association for Progressive Communication defines online violence against women as that which "consists of acts of gender-based violence that are committed, abetted or aggravated, in part or fully, by the use of information and communication technologies (ICTs) and include, amongst others, cyber stalking, bullying, threats, blackmail and sexual harassment; accessing or uploading/disseminating intimate photos, videos or audio clips without consent; accessing or disseminating private data without consent; uploading/disseminating altered photos or videos through dating, pornography or other kinds of websites; creating fake profiles and other forms of identity theft; mob attacks; grooming predation (of children in particular); doxing (searching and publicising another's personal data) and exploitation of women and girls." APC, Due diligence and accountability for online violence against women issues paper, Zarizana Abdul Aziz (Due Diligence Project) <https://www.apc.org/en/pubs/due-diligence-and-accountability-online-violence-against-women>, [accessed 6 June 2019]. APC, Due diligence and accountability for online violence against women issues paper, Zarizana Abdul Aziz (Due Diligence Project) <https://www.apc.org/en/pubs/due-diligence-and-accountability-online-violence-against-women>, [accessed 6 June 2019].
4. Sixty-eighth session of the United Nations General Assembly, A/RES/68/181, 30 January 2014.
5. Report by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/38/35, 6 April 2018.
6. Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, A/HRC/38/47, 14 June 2018.
7. The right to participate in cultural activities is enshrined in both Article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights as well as Article 27 (1) of the Universal Declaration on Human Rights which states that "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits". For further information, please see: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, [accessed 6 June 2019].
8. A list of those interviewed is included in the Appendix.
9. For further information, please see: Nick Hopkins. 'Revealed: Facebook's internal rulebook on sex, terrorism and violence', *The Guardian*. 21 May 2017, <https://www.theguardian.com/news/2017/may/21/revealed-facebook-internal-rulebook-sex-terrorism-violence>, [accessed 6 June 2019]
10. For further information, please see: <https://www.facebook.com/gentlefolksperiodical/>
11. *Community Standards*. 13. 'Adult Nudity and Sexual Activity, Facebook', [https://www.facebook.com/communitystandards/adult\\_nudity\\_sexual\\_activity](https://www.facebook.com/communitystandards/adult_nudity_sexual_activity), [accessed 2 June 2019].
12. For further information please see: [https://www.facebook.com/gentlefolksperiodical/?\\_tn\\_=%2Cd%2CP-R&eid=ARaQ6kArMZh1NggsINn3B1LJGDq6ikw7VLZ2QEOP-ZjvaEddH1NZ1dchkOCCaiU9x9hj0lrSlwgS8UD](https://www.facebook.com/gentlefolksperiodical/?_tn_=%2Cd%2CP-R&eid=ARaQ6kArMZh1NggsINn3B1LJGDq6ikw7VLZ2QEOP-ZjvaEddH1NZ1dchkOCCaiU9x9hj0lrSlwgS8UD)
13. In one example, online curator Christa Zaat talks in her interview with Freemuse about she was banned for 30 days after posting an abstract art work featuring nudity by artist Blanche Lazell
14. 'Tajik Journalist's Report On Female Artist's Nude Portraits Generates Backlash', *Radio Free Europe*, 23 October 2018, <https://pressroom.rferl.org/a/29560009.html>, [accessed 22 May 2019].
15. 'Why we should like Tajik nude?' ('Почему все же стоит любить таджикское ню?'), *Asia-Plus TJ on YouTube*, 8 January 2019, <https://www.youtube.com/watch?v=xKbur1Clxgw>, [accessed 22 May 2019].
16. For further information, please see: <https://www.facebook.com/female.artists.in.history/>
17. For further information, please see: [https://actu.fr/occitanie/toulouse\\_31555/toulouse-artiste-censuree-instagram-cause-sein-tableau\\_16994950.html](https://actu.fr/occitanie/toulouse_31555/toulouse-artiste-censuree-instagram-cause-sein-tableau_16994950.html)
18. For further information, please see: <https://www.facebook.com/female.artists.in.history/>
19. To see Zinaida Serebriakova's, artwork please visit: <https://bit.ly/2X2xj18>
20. Christa Zaat, Freemuse interview, 22 May 2019
21. For further information, please see: [https://www.facebook.com/communitystandards/adult\\_nudity\\_sexual\\_activity](https://www.facebook.com/communitystandards/adult_nudity_sexual_activity)
22. For further information, please see: <https://www.indridadottir.is/>
23. For further information, please see: [https://freemuse.org/wp-content/uploads/2018/11/Freemuse-report\\_Creativity-Wronged\\_How-womens-right-to-artistic-freedom-is-denied-and-marginalised\\_online-version.pdf](https://freemuse.org/wp-content/uploads/2018/11/Freemuse-report_Creativity-Wronged_How-womens-right-to-artistic-freedom-is-denied-and-marginalised_online-version.pdf)
24. 'Content I posted was removed because it was reported for intellectual property (copyright or trademark) infringement. What are my next steps?', *Instagram*, <https://help.instagram.com/1445818549016877>, [accessed 2 June 2019].
25. Monika Bickert, 'Publishing Our Internal Enforcement Guidelines and Expanding Our Appeals Process', Facebook, <https://newsroom.fb.com/news/2018/04/comprehensive-community-standards/>, [accessed 2 June 2019].
26. For further information, please see Janet Kozachek's blog: <http://kozachekart.blogspot.com/search?q=Facebook+censorship+algorithm>
27. For further information, please see: <http://kozachekart.blogspot.com/search?q=Facebook+censorship+algorithm>
28. For further information, please see: <https://www.facebook.com/Europeana>
29. Though the removal of posts at the behest of individual users has not been examined in this research, it is clear that there are issues relating Facebook's review and analysis process. In March 2019, the National Coalition Against Censorship commented on some of its underlying concerns regarding this protocol. For further information, please see: <https://ncac.org/news/blog/facebooks-nudity-rules-still-make-no-sense>
30. The last time Facebook updated its policies on nudity was in April 2018. It came after Facebook came under fire past for removing images of women breastfeeding their babies.
31. For further information, please see: <https://www.facebook.com/christa.zaat/posts/10155778311167151>
32. For further information, please see: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>




33. For further information, please see: <https://ncac.org/we-the-nipple>
34. Christa Zaat, Freemuse interview, 22 May 2019
35. 'Helen Corry - La Femme', Helen Corry on YouTube, 16 April 2018, <https://www.youtube.com/watch?v=K1RMJ045jiA> [accessed 22 May 2019].
36. Natalie Akoorie, 'Helen Corry's Facebook page reinstated after it was deleted over nude music video', *NZ Herald*, 9 May 2018, [https://www.nzherald.co.nz/entertainment/news/article.cfm?c\\_id=1501119&objectid=12047905](https://www.nzherald.co.nz/entertainment/news/article.cfm?c_id=1501119&objectid=12047905) [accessed 22 May 2019].
37. Helen Corry's interview is featured on *The Café on Youtube*, [https://www.youtube.com/watch?v=ab2QwQ\\_yEEs](https://www.youtube.com/watch?v=ab2QwQ_yEEs), [accessed 24 May 2019]
38. Ibid.
39. Community Guidelines, YouTube, <https://www.youtube.com/intl/en-GB/yt/about/policies/#community-guidelines>, [accessed 23 May 2019].
40. Aleksandra Strzelichowska's interaction with Facebook and Instagram has been limited because of her page though she has tried to post some pictures—which have invariably been banned on the grounds of nudity.
41. For further information, please see: <http://stenseandrealindvaldan.blogspot.com/>
42. Janet Kozachek, Freemuse interview, 14 May 2019
43. Christa Zaat, Freemuse interview, 22 May 2019
44. For further information, please see: <https://www.theguardian.com/news/2017/may/21/revealed-facebook-internal-rulebook-sex-terrorism-violence>:
45. *Statista*, [website], 2019, <https://www.statista.com/statistics/264810/number-of-monthly-active-facebook-users-worldwide/>, [accessed 22 May 2019].
46. For further information, please see: <https://www.theguardian.com/news/gallery/2017/may/21/facebooks-manual-on-credible-threats-of-violence#img-6>
47. For further information, please see: <https://www.facebook.com/communitystandards/>
48. In March 2019, National Public Radio reported that Facebook had increased the number of moderators it employed to regulate content. The article also points to a reality in which moderators are overwhelmed by the scale of content they have to review but also by the content itself. For further information, please see: <https://www.npr.org/2019/03/02/699663284/the-working-lives-of-facebooks-content-moderators>
49. For further information, please see: <https://newsroom.fb.com/news/2019/05/enforcing-our-community-standards-3/>
50. In its defence, Facebook states that its policies allow individuals to block and/or delete comments or report a threat made online. For further information, please see: <https://www.facebook.com/help/263149623790594/>
51. For further information, please see: <https://www.theguardian.com/technology/2019/mar/04/facebook-women-abuse-harassment-social-media-amnesty>
52. For further information, please see: <https://www.theguardian.com/technology/2019/mar/04/facebook-women-abuse-harassment-social-media-amnesty>
53. In March 2019, when *The Guardian* newspaper reported on findings of a survey commissioned by a feminist campaign group called Level Up, the report also cited how 72% of the 1,000 women it had interviewed said Facebook needed more moderators to handle complaints.
54. Community Standards, Objectionable Content, Facebook, [https://en-gb.facebook.com/communitystandards/objectionable\\_content](https://en-gb.facebook.com/communitystandards/objectionable_content), [accessed 23 May 2019].
55. *Human Rights Council*, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/38/35, 6 April 2018, [accessed 25 May 2019].
56. 'Community Standards. 13. Adult Nudity and Sexual Activity', Facebook, [https://www.facebook.com/communitystandards/adult\\_nudity\\_sexual\\_activity](https://www.facebook.com/communitystandards/adult_nudity_sexual_activity), [accessed 2 June 2019].
57. The International Covenant on the Right to Civil and Political Rights has been ratified by 170 states. For further information, please see: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
58. 3. Article 19, paragraph 3 of the International Covenant on the Right to Civil and Political Rights states that, the exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:  
(a) For respect of the rights or reputations of others;  
(b) For the protection of national security or of public order, or of public health or morals.
59. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Human Rights Council Thirty-eighth session, 18 June–6 July 2018, A/HRC/38/35, 6 April 2018
60. For further information, please see [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)
61. For further information, please see [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)
62. Research by Pew Research Centre—an American non-profit agency that researches and monitors emerging social trends on the basis of public opinion polling, demographic research, content analysis and other data-driven social science research. Overall, men and women differ modestly in the types of harassment they encounter online. Men are somewhat more likely to be called offensive names (30% versus 23%) and to receive physical threats online (12% versus 8%), although other behaviours—like embarrassment, stalking or sustained harassment—show no statistically significant differences by gender. Overall, men are slightly more likely to experience any form of online harassment (44% versus 37%). Still, sexual harassment is more common among women than among men and is a particular problem for young women. Among adults ages 18 to 29, women are more than twice as likely as men to report experiencing sexual harassment online (21% versus 9%). And among the youngest adults—those ages 18 to 24—women are more than three times as likely to be sexually harassed online (20% versus 6%).
63. The term sex refers to biological differences between men and women. The term gender refers to socially constructed identities, attributes and roles for women and men. Gender-based violence is "violence which is directed against a woman because she is a woman or that affects women disproportionately", and, as such, is a violation of their human rights. See: Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 14 July 2017, CEDAW/C/GC/35, para 1
64. Amnesty International's report on Twitter exposes how women from ethnically and racially diverse backgrounds face higher levels of abuse; "Women who face discrimination because of their different identities offline often find that violence and abuse against them will target those same identities on Twitter. This is because an individual's race, religion or sexual orientation, for example, can have just as much of an effect as gender—if not more—on how that person is treated both in the physical and digital world. In the case



- of online violence and abuse, women of colour, religious or ethnic minority women, lesbian, bisexual, transgender or intersex (LBTI) women, women with disabilities, or non-binary individuals who do not conform to traditional gender norms of male and female.” For further information please see: Toxic Twitter, a Toxic Place for Women, Index No: Index: ACT 30/8070/2018, December 2018, <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-2/0>, [accessed 26 May 2019].
65. For further information, please see: UN experts urge States and companies to address online gender-based abuse but warn against censorship, 8 March 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21317&LangID=E>
  66. The idea of shame is often understood within the context of this report (and drawn from various interpretations drawn from secondary literature) to be a notion predicated on women’s behaviour in society and used as a measure to intimidate women into complying with fixed gender roles within society. When women do not comply, they are often accused of bringing shame on communities and nations.
  67. The United Nations defines violence against women and girls (VAWG) as, “one of the most widespread, persistent and devastating human rights violations in our world today remains largely unreported due to the impunity, silence, stigma and shame surrounding it”. To further clarify, the Declaration on the Elimination of Violence Against Women issued by the UN General Assembly in 1993, defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” ‘Why we must eliminate violence against women’, *United Nations*, <https://www.un.org/en/events/endviolenceday/> [accessed 23 May 2019]. In her paper, Dubravka Šimonović, UN Special Rapporteur on violence against women, its causes and consequences, states that, “The definition of online violence against women therefore extends to any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately”. A/HRC/38/35, 6 April 2018
  68. It is pivotal in the online context to understand that the intent to silence their voices parallels the wider contours of patterns of violence against women in the wider world.
  69. For further information, please see: <https://freemuse.org/news/freemuse-calls-for-protection-of-kyrgyz-musician-receiving-death-threats-over-music-video/>
  70. ‘Zere Asylbek – Kyz [Зере Асылбек - Кыз [Эркиндигибиз]]’, Zere Asylbek on YouTube, 1 July 2018, <https://www.youtube.com/watch?v=FRBA-4lrWFM> [accessed 22 May 2019].
  71. For more information please see: <https://www.youtube.com/watch?v=oGCbUxdJmhg>
  72. Freemuse defines ‘trolls’ in this instance as individuals who launch a targeted online verbal assault against a person. This targeting can involve planning and discussions which take place on sites distinct from the social media platform.
  73. For further information, please see: <https://www.bolivianlife.com/carnival-in-oruro/>
  74. In her interview with an online news portal, artist Rilda Paco, talks about how events at the Carnaval de Oruro in which a bomb explosion took place continued unabated, “they were dead and people were still dancing”. For further information, please see: <https://tech2.org/argentina/paco-the-attack-has-never-been-to-oruro-it-has-not-been-to-that-population/>, [accessed 5 June 2019]
  75. The Carnival honours the Virgin of Socavón who is the patroness of Oruro. For further information, please see: [https://www.traditioninaction.org/religious/h131\\_Socavon.htm](https://www.traditioninaction.org/religious/h131_Socavon.htm)
  76. For further information, please see: [https://freemuse.org/wp-content/uploads/2018/11/Freemuse-report\\_Creativity-Wronged\\_How-womens-right-to-artistic-freedom-is-denied-and-marginalised\\_online-version.pdf](https://freemuse.org/wp-content/uploads/2018/11/Freemuse-report_Creativity-Wronged_How-womens-right-to-artistic-freedom-is-denied-and-marginalised_online-version.pdf)
  77. ‘Nude Portraits Spark Death Threats Against Tajik Artist’, *Radio Free Europe*, 6 September 2018, <https://pressroom.rferl.org/a/nude-portraits-spark-death-threats-against-tajik-artist/29560013.html>, [accessed 22 May 2019].
  78. Stense Andrea Lind-Valdan, Freemuse interview, 20 May 2019.
  79. For further information, please see: [https://freemuse.org/wp-content/uploads/2018/11/Freemuse-report\\_Creativity-Wronged\\_How-womens-right-to-artistic-freedom-is-denied-and-marginalised\\_online-version.pdf](https://freemuse.org/wp-content/uploads/2018/11/Freemuse-report_Creativity-Wronged_How-womens-right-to-artistic-freedom-is-denied-and-marginalised_online-version.pdf)
  80. Claudia Shute, ‘Tajik Journalist’s Report On Female Artist’s Nude Portraits Generates Backlash’, *Radio Free Europe*, 23 October 2018, <https://pressroom.rferl.org/a/29560009.html>, [accessed 3 October 2019].
  81. Kholoud Charaf, Freemuse interview, 4 May 2019.
  82. Community Standards, 9. Bullying and Harassment, *Facebook*, [https://www.facebook.com/communitystandards/adult\\_nudity\\_sexual\\_activity](https://www.facebook.com/communitystandards/adult_nudity_sexual_activity), [accessed 3 June 2019].
  83. ‘What should I do if I’m being bullied, harassed or attacked by someone on Facebook?’, *Facebook*, <https://www.facebook.com/help/116326365118751>, [accessed 3 June 2019].
  84. ‘How do I report inappropriate or abusive things on Facebook (example: nudity, hate speech, threats)?’, *Facebook*, [https://www.facebook.com/help/212722115425932?helpref=faq\\_content](https://www.facebook.com/help/212722115425932?helpref=faq_content), [accessed 3 June 2019].
  85. ‘An Update on How We Are Doing At Enforcing Our Community Standards’, *Facebook Newsroom*, <https://newsroom.fb.com/news/2019/05/enforcing-our-community-standards-3/>, [accessed 3 June 2019].
  86. Instagram is a photo and video sharing social networking service owned by Facebook Inc. For further information, please see: <https://en.wikipedia.org/wiki/Instagram>
  87. For further information, please see: <https://www.facebook.com/female.artists.in.history/>
  88. Christa Zaat’s Facebook page, *Female Artists in History* (at the time of writing) has 110,175 followers and her personal page has 41,095 followers.
  89. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/38/35, 6 April 2018.







Freemuse is an independent international organisation advocating for and **defending freedom of artistic expression**.

We **monitor and document** violations of artistic freedom, expose laws and policies that enable and sustain these violations, and leverage **evidence-based advocacy** for systemic structural changes at international, regional and national levels.

Working with partners, artists and activists in the global south and north, we **campaign for and support** individual artists, focusing on women artists and other vulnerable groups of artists. We facilitate and grow locally-owned **national coalitions** in their campaigns and capacity building to monitor and defend artistic freedom.

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