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TO: **UN WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS**
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SUBMISSION BY MEDIA MONITORING AFRICA:

CALL FOR INPUTS: 2026 THEMATIC REPORT ON GENDER EQUALITY, THE DIGITAL SPACE, AND THE AGE OF ARTIFICIAL INTELLIGENCE

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INTRODUCTION AND OVERVIEW OF MEDIA MONITORING AFRICA

1.   Media Monitoring Africa ("MMA") welcomes the opportunity to provide this submission to the Working Group on discrimination against women and girls ("Working Group"), setting out the perspective of young people and media workers affected by the gendered effects of artificial intelligence ("AI") in Africa.

2.   MMA is a not-for-profit organisation established in 1993 and based in South Africa.[1] MMA strives for an accessible, accountable, and transparent information ecosystem, both in South Africa and the rest of the African continent. MMA provides skills development on the new media environment, conducts research, media monitoring, and analysis, builds community support for media accountability through media literacy and active citizenry training, and conducts litigation, advocacy, and lobbying to protect the voice of the media and ensure a responsible, professional sector.

3.   By way of example, MMA has undertaken several research studies and initiatives which are relevant to the Working Group's report:

    3.1.   Published a <u>Judicial Handbook for Navigating Online Harms,</u> which provides a comprehensive understanding of online harms, focusing on key categories such as online harassment, data protection and privacy violations.

    3.2.   Launched and oversees <u>the Real411 platform,</u> a publicly accessible platform that enables members of the public to report concerns about different online harms, including disinformation, in South Africa.

    3.3.   Launched and oversees the Media Attack Reporting System ("<u>MARS</u>"), a publicly accessible platform that enables members of the public to report online attacks against journalists and provide insight into the nature of attacks.

    3.4.   Co-published, with the Forum on Information and Democracy, the <u>Country Assessment Report for South Africa</u> on Artificial Intelligence in the Information and Communications Space.

    3.5.   Drafted several guidelines and discussion documents on AI usage and governance and has engaged extensively with different stakeholders to promote the responsible use of AI on digital platforms.[2]

    3.6.   Filed several submissions to other international and regional human rights bodies relating to gender in the digital eco-system, including to the United Nations ("UN") Special Rapporteur on Freedom of Expression and Opinion on the <u>report on freedom of</u>

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[1] MMA has recently rebranded to now Moxii Africa, in which we endeavour to uphold our shared humanity by ensuring accountability, and by providing access to credible, transparent information that empowers all.

[2] See, for example, MMA, 'Guidelines for Media Organisations Using Generative AI'(2024) (accessible <u>here</u>); MMA, 'Guidelines for Political Parties Using Generative AI' (2023) (accessible <u>here</u>); MMA, 'Discussion document: The Implications of Artificial Intelligence on Information Rights' (2021) (accessible <u>here</u>).

expression and the gender dimensions of disinformation; to the Human Rights Council Advisory Committee on technology-facilitated gender-based violence; to the UN Office of the High Commissioner for Human Rights on the right to privacy in the digital age; and to the African Commission on Human and People's Rights on its Draft Study on human and people's rights and artificial intelligence, robotics, and other new and emerging technologies in Africa.

4.   Mindful of MMA's interest in the subject matter, we hope that our submissions will be of use to the Working Group. We have narrowly curtailed our submissions to address questions 1 to 4, 8 to 9, and 18 to 19, as set out in the civil society questionnaire published in the Call for Inputs.

GENERAL: WOMEN'S & GIRLS' RIGHTS IN AN ERA OF NEW AND EMERGING TECHNOLOGY (Questions 1-4)

AI exacerbates technology-facilitated gender-based violence

5.   It is by now a well-established fact that digital technologies, including AI, have significant effects on the right to gender equality and that many of the consequences of these technologies are particularly gendered.[3] For example, technology-facilitated gender-based violence, which includes the use of AI-generated mis- and disinformation as well as deep-fakes, hate speech, and targeted harassment bots, disproportionately targets women and gender minorities. Disturbingly, the use of AI is enabling the creation of such content to be generated and distributed at warp speed with little ability to track or halt its spread.[4]

6.   This undermines the rights to freedom of expression and public participation, particularly for women journalists, activists, politicians, and others active in the public sphere.[5] For example, the United Nations Educational, Scientific and Cultural Organisation ("UNESCO") has found that 73% of women journalists have experienced online violence as a part of their work.[6] It can also impact academic spaces, limiting how students and academics engage, and access information.[7]

7.   AI surveillance technologies — including facial recognition, behavioural profiling, and predictive analytics — also risk disproportionately impacting women and marginalised genders, for example, through gender-based violence, stalking, harassment, or control.[8]

8.   This is increasingly exacerbated by AI-powered public space surveillance that provides rampant opportunities for abuse in the form of stalking and harassment of women, particularly women activists and human rights defenders.[9] Such surveillance or data misuse chills women's public

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[3] UNICRI, 'Access to Justice in the Digital Age: Empowering Victims of Cybercrime in Africa' 2025 (accessible here).
[4] Freedom Online Coalition, 'Joint Statement on Artificial Intelligence and Human Rights,' June 2025 (accessible here).
[5] Media Defence, 'Modules on Violence Against Women Journalists in SSA' 2024 (accessible here).
[6] UNESCO, 'Online violence Against Women Journalists: A Global Snapshot of Incidence and Impacts,' 2020 (accessible here).
[7] Power & Khumalo, 'Towards innovative and meaningful responses to online gender-based violence in higher education' South Africa Journal on Human Rights 2025 (accessible here).
[8] OSCE, 'Spotlight on Artificial Intelligence and Freedom of Expression: A Policy Manual,' 2021 (accessible here) p. 96-98.
[9] OHCHR, 'Interlinkages between women's rights and digital technologies, civic space, data and privacy, and freedom of expression,' 2022 (accessible here) and Imam, Manimekalai, and Suba, 'From Data to Discrimination: Gender, Privacy, and the Politics of Digital Surveillance,' *Synergy: International Journal of Multidisciplinary Studies* 2(2) 2025 (accessible

participation, threatening cascading effects on a range of human rights, such as freedom of expression, access to information, association, and more. MMA is supportive of, at a minimum, a moratorium or permanent ban on real-time, biometric identification in public spaces.[10]

9. With regard to disinformation, we refer the Working group to MMA's 2023 submission to the UN Special Rapporteur on freedom of expression and opinion, which deals extensively with the gender dimensions of disinformation.[11] Specifically, it highlights several real examples of targeted attacks against women journalists using disinformation, including AI-generated disinformation. For example, manipulated images of journalist Ferial Haffajee were disseminated online, portraying her often in sexualised contexts, to falsely suggest that she has ties to certain businessmen and government officials.[12]

AI is aggravating the gender digital divide

10. Further, it is trite that the digital divide is already a highly gendered phenomenon, especially in Africa.[13] Women and girls have less access to digital tools and less literacy about AI and algorithmic risks. Thus, their rights to information and participation are deeply implicated by the expanding use of AI into many spheres of daily life. Existing digital literacy programmes, many already partially funded and supported by the digital platforms, must be expanded to include content related to AI and algorithms online, and must also be funded by the AI companies responsible for (and benefitting from) their deployment.

AI-driven content moderation negatively impacts on gender equality

11. MMA has collated research demonstrating additional concerns with AI-driven content moderation, noting that as "AI tools are trained on datasets that incorporate discriminatory assumptions or bias, the consequence may often lead to the removal or moderation of expression by vulnerable groups," including women and girls, and that "… the role of AI in content moderation accordingly exacerbates the concerns surrounding an already problematic process that fundamentally impacts the right to freedom of expression."[14] Further, the poor training and performance of AI-driven content moderation tools in vernacular languages in countries such as South Africa, combined with shockingly low human content moderation workforces in these regions, means that content moderation often falls far short of the standard set by social media platforms themselves, as well as internationally recognised human rights standards, including the requirements of necessity, legality, and proportionality in content restriction. This leads to systemic under-removal of harmful and illegal content, such as hate speech, disinformation, and incitement, and over-removal of legitimate speech.

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here).

[10] OHCHR, 'The Right to Privacy in the Digital Age,' 2021 (accessible here), at para. 45, and Human Rights Watch, 'Time to Ban Facial Recognition from Public Spaces and Borders,' 2023 (accessible here).

[11] Accessible here.

[12] Raborife, 'Haffajee to take on 'fake news' Twitter trolls' News 24 (22 January 2017), accessible here.

[13] UNESCO, 'Closing the digital divide for women and girls in Africa through education,' 2025 (accessible here).

[14] MMA, ' (accessible here) p. 14-15.

There is a severe lack of appropriate regulation

12. At present, South Africa (and, indeed, the rest of the African continent) lacks dedicated legal and policy frameworks for the regulation of AI. Research by ALT Advisory[15] has shown that AI regulation in Africa remains woefully inadequate and that policy development has focused extensively on harnessing the developmental opportunities of AI, with little regard for the human rights consequences.[16] It further finds that, in most African countries, it is only through data protection legislation that minimal protection is provided against the human rights consequences of AI.

13. For example, the South African draft National AI Policy Framework, published in 2024, includes only high-level mentions of the need for ethical AI Guidelines, the protection of personal information, and the need to mitigate biases, with no explicit mention of the gendered effects of these technologies.

14. At the regional level, despite the existence of the African Union Convention on Cyber Security and Personal Data Protection ("Malabo Convention"), the ACHPR Declaration of Principles on Freedom of Expression and Access to Information in Africa, and the Declaration on Internet Governance and Development, which provide guiding principles, there is currently no binding framework in Africa to promote AI explainability, transparency, or fairness, particularly with regard to gender. It is, however, notable that under Principles 1, 2 and 19 of the ACHPR Declaration, States must ensure that both public authorities and private actors, including AI developers and platforms, respect the rights to freedom of expression and access to information without discrimination on grounds such as gender or language.

15. This lack of legal foundation inhibits the ability to secure redress for rights violations and contributes to ongoing challenges such as a lack of awareness among law enforcement, prosecutors, and judicial officers of the nature of AI and its role in enabling technology-facilitated gender-based violence.

16. At the time of preparing these submissions, and to the best of MMA's knowledge, there is also yet to be clear precedent from the courts providing clarity on the question of extraterritorial jurisdiction as it relates to the multinational technology companies. In this regard, we note positively the ongoing development of a treaty (currently in the draft stage) by the Human Rights Council to regulate the activities of transnational corporations and other business enterprises.[17]

17. Regardless, this leaves a severe gap in accountability not only of the perpetrators of such violence but also of the digital platforms that develop and distribute AI-generated content.[18] Generative AI models, in particular, are deeply opaque, with little visibility into how they may be perpetuating or amplifying gendered harms online. To ensure accountability, AI platforms must provide meaningful transparency, including access to data for independent research, the publication of

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[15] ALT Advisory is a public interest advisory firm that regularly works together with MMA on issues related to human rights and technology.
[16] ALT Advisory, 'AI Governance in Africa,' September 2022, accessible here.
[17] See here.
[18] Freedom Online Coalition, above n. 4.

periodic transparency reports with gender-disaggregated analysis, and disclosure of steps taken to identify and mitigate gendered impacts.

18. In South Africa, the Competition Commission recently published its <u>provisional report</u> in the Media and Digital Platforms Inquiry ("MDPMI"), which proposes provisional remedies against Google, Meta, Microsoft, and other tech companies for their practices that restrict the ability of South African news media to generate revenue and associated impacts on the right to freedom of expression through, amongst other things, their domination of the generative AI sector.

19. Drawing from the UN Guiding Principles on Business and Human Rights, regulators and legislators must be urged to build on these preliminary steps to develop dedicated and comprehensive AI legislation that acknowledges and addresses the gendered effects of AI on a wide array of rights. Such regulation must include "enforceable provisions for access to remedy, which could include independent oversight and avenues for individuals and communities to contest AI-related harms and seek redress."[19] It should also mandate child- and gender-impact assessments before deploying or procuring high-risk AI and require periodic public reporting on mitigation measures as well as privacy-preserving data access for independent auditors and researchers (including African CSOs) to study technology-facilitated gender-based violence.

WOMEN'S LEADERSHIP IN POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS (Questions 8-9)

20. As discussed above, the use of AI to create and spread mis- and disinformation and to perpetrate gender-based violence and hate speech online often causes women and gender minorities to self-censor, with grave implications for representation in the digital sphere, for media freedom, and for the free flow of information. MMA submits that, in this way, these consequences are not just an individual harm, but also a broader harm to the information ecosystem and democratic discourse.[20]

TECHNOLOGY FACILITATED GENDER BASED VIOLENCE (Questions 18-19)

21. When considering technology-facilitated gender-based violence, it must be noted that children in digital spaces, especially girls, face increased harm from AI-enabled tools, for example, exploitative synthetic imagery, grooming via algorithmic recommendation engines, or biased content filtering.

22. The regulation of AI tools must take into account the particularly acute effects on children, whose access to information and ability to express themselves at a most foundational phase in life is increasingly mediated by AI systems. General Comment No. 25 of the UN Committee on the Rights of the Child sets out State duties in the digital environment, including relating to issues affected by AI such as profiling and exposure to harmful content.[21] These duties also include

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[19] Freedom Online Coalition, above n. 4.
[20] OSCE, 'Spotlight on Artificial Intelligence and Freedom of Expression: A Policy Manual,' 2021 (accessible <u>here</u>) p. 30.
[21] General comment No. 25 (2021) on children's rights in relation to the digital environment, accessible <u>here</u>.

ensuring that AI systems do not reinforce gender stereotypes and that girls enjoy equal access to information and digital participation.

23. Measures to be considered include meaningful age verification systems, profiling or targeting limitations, safety-by-design measures, and child-specific complaint and remedy mechanisms etc. AI platforms must also be required to implement, publish, and regularly update concrete plans to prevent and respond to AI-enabled non-consensual intimate imagery and child sexual abuse material. Without proactive safeguards, the scale and speed of AI-assisted abuse risks overwhelming current systems and inflicting disproportionate harm on women and girls.

24. Finally, it must be emphasised that while gender is a key determinant of the rights consequences of AI in the present age, intersecting characteristics such as race, nationality, sexual orientation, disability, geography, and income further mediate the effects on individuals and, as such, an intersectional approach that takes stock of overlapping experiences of discrimination is vital. In the South African context, linguistic diversity is a particularly significant challenge for the deployment of AI systems that are typically trained only in a small number of globally dominant languages, risking exacerbating the digital divide and threatening the future of minority languages. Even where AI systems attempt to engage with these other languages, the lower volumes of training data available results in less accurate and less useful tools.

CONCLUSION

25. In summary, MMA submits that the Working Group must consider the following key elements in its report:

25.1. The particular vulnerabilities of women journalists and activists to AI-mediated gender-based violence, the particular consequences of this for freedom of information and expression at both an individual and societal level, and the need for dedicated measures such as trusted-reporter escalation paths on social media and the adequate resourcing of content moderation in African languages, etc;

25.2. The need for comprehensive and contextualised legislation that deals directly with the gendered risks of AI, which includes addressing the accountability of the platforms responsible for building AI tools and disseminating AI-generated content;

25.3. Ensuring representation in the development of AI systems as well as meaningful transparency to enable evaluation of the gendered effects.[22]

25.4. The need to close the digital gender divide through extensive digital literacy campaigns, funded and supported by the AI platforms, that include training on the nature of AI and its gendered effects on a wide array of human rights and that targets children as well as law enforcement and judicial officers;

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[22] We refer, for example, to the recommendations related to transparency proposed by the OSCE on pages 38-48 here.

25.5. The need for meaningful transparency obligations on AI platforms, including gender-disaggregated reporting, researcher data access, and robust plans to prevent AI-enabled non-consensual intimate imagery and child sexual abuse material.

25.6. The centrality of an intersectional interpretation of technology-facilitated gender-based violence that takes stock of overlapping vectors of discrimination as well as the particular vulnerabilities and emerging competences of children.

26. These measures are essential to avoid reactionary regulation — such as broad bans or heavy-handed censorship — that would undermine freedom of expression and access to information.

27. MMA commends the continued, proactive work undertaken by the Working Group and hopes that these submissions have proven useful. We remain available to provide further information as necessary.

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