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Australian Feminists for Women's Rights (AF4WR) welcome the opportunity to provide input into the Inquiry on this bill. In doing so, we reference our submission to the 2023 Review and Exposure Draft, dated 16 August 2023.

We are a left-wing feminist group whose object is research-based advocacy on women's rights.

We are pleased to see that two important lacunae in the Exposure Draft to which we drew attention in our previous submission have now been addressed. These are positive developments and reflect the government's attentiveness to feedback from stakeholders.

The first is the inclusion of sex as a protected category, which may help address some of the most egregious examples of vilification of women on social media. [Research conducted in the UK earlier this year](#) shows that social media algorithms amplify misogynistic content, notably extreme anger and blame directed at women and girls. These algorithms thus fit within the rubric of both hate speech and disinformation and the government may wish to consider how hate speech and mis/disinformation legislation will interact. Attention to *sex* as a protected category and priority given to harms to women should inform both bills, given extremely misogynistic content in media is reaching worrying proportions, with an especially strong impact on young people.

This last observation tends to support the government proposal to ban social media use for under-14s, even if we are aware of some counter-arguments on that issue. Social media have become a highly toxic space for girls in particular. An increasing volume of research by mental health professionals and peak bodies such as the [Australian Psychological Society](#) indicates the links between extensive social media use and depression, anxiety and self-harm among young people, especially girls. In offering an avenue to address disinformation about girls and women on social media platforms, the proposed legislation, in interaction with other laws, is potentially useful in addressing these harms to girls and women.

This leads us to the second positive change: that *harm* and *hatred*, which were at best vaguely defined in the Exposure Draft, have now disappeared to be replaced by a comprehensive definition of *serious harm*.

We welcome in particular the requirement in Clause 14 that the vilification have

- (g) significant and far-reaching consequences for the Australian community or a segment of the Australian community; or
- (h) severe consequences for an individual in Australia.

In other words, simply not being nice to someone, or even calling someone names, is insufficient: there must be evidence of actual harmful consequences for groups or individuals.

We also welcome the clear articulation of *excluded dissemination* in Schedule 1, Clause 16(1), but retain concerns about freedom of expression, notably on social media. The proposed legislation is extremely comprehensive in addressing misinformation and vilification distributed actively on social media. However, it is completely silent on some social media platforms' own current practices of applying so-called "community standards" censorship on material that is neither misinformation nor vilification. In other words, the Bill is silent on *censorship* practised by platforms which may be either arbitrary or ideological in nature and impinges on users' freedom of expression, notably as concerns the *excluded dissemination* defined in the Bill.

Findings of research informing a [policy guide issued in January 2024](#) by the Carnegie Endowment for International Peace include the understanding that *no single policy* will enable disinformation to be coherently and constructively addressed. This finding amplifies our earlier statement that a misinformation bill will work best, particularly for women, in conjunction with other legislation such as that on vilification, on violence against women, on cyber-harassment and indeed on freedom of information and expression. The guide also drew attention to the fact that countering disinformation can unfortunately be informed by various political agendas, and it is precisely those sorts of political agendas that concern us in facing active censorship of some information or opinions on social media. Political bias also underpins "research gaps" identified by the policy guide authors, Jon Bateman and Dean Jackson, in which "fact-checking" is also frequently characterised by "numerous knowledge gaps and methodological biases".

Application of the law thus needs careful oversight and cross-checking to ensure that it is not used with political or censorship intent, and that so-called "fact-checking" and "community standards" on social media do not continue to be effective tools of disinformation by shutting down debate.

To provide a concrete example: following the controversy over the boxers Imane Khelif and Lin Yu-ting in the Paris Olympic games, a number of female athletes followed the lead of Svetlana Staneva. After her loss to Lin in the women's featherweight competition, Staneva tapped her fingers twice making an "X" sign, indicating that women's sports should remain for female people only, and not be open to males with a difference of sexual development (such as Khelif and Lin, according to tests ordered by the International Boxing Association). Many female athletes in various sports followed suit, and various forms of the "XX" meme circulated on social media. Yet on Meta, publishing "XX" was deemed in breach of "community standards", and censored, although "XY" was not censored at all. This censorship effectively shut down the circulation of certain information and certain opinions that in themselves did not amount to vilification nor indeed disinformation.

This form of censorship can be characterised as "misinformation by omission" or even indeed "disinformation by omission", when some information, views and arguments are silenced. This

problem also characterises mainstream media, some of which routinely publish misinformation and disinformation on sex and gender. We acknowledge that the ideological *parti pris* of some private media is beyond the government's remit, in the very name of freedom of information, but public broadcasters (notably the ABC) are in breach of their Charter in not only failing to provide balance but in wilfully publishing misinformation and disinformation and censoring contrary arguments.

We drew attention to the issue of censorship in our previous submission, arguing that

there is nothing in the Bill to stop ... platforms using the law to set their own restrictive ideological agendas involving censorship of individuals, in a country that currently has weak legal protections of freedom of opinion and expression. A positive reading of the Bill could suggest that digital platforms could be required to be more transparent and accountable to users concerning the algorithms used to censor certain opinions, but our experience suggests the contrary will be the case.

The Bill provides no complaints mechanism for addressing these forms of censorship and thus contains a major loophole that digital platforms are able to exploit to often ideological ends.

Finally, it is noteworthy that the Carnegie Endowment's guide also strongly recommends longer term structural reforms such as supporting local journalism and media literacy. In Australia we have progressively lost spaces of local journalism as media monopolies and media "dumbing-down" grow, with staggering numbers of highly professional journalists losing their jobs in recent times. As concerns the media literacy of young people, it leaves a great deal to be desired, as many academics trying to educate their undergraduate students in the pitfalls of online searches amid the "noise" of mis- and disinformation will tell you. Although alternative media platforms help to address the imbalances, they remain marginal and the media literacy of our young people, even those highly educated in elite schools, often remains abysmally low.

Addressing that media literacy through, for example, programs developed in conjunction with State departments of school education (and subjected to impartial scrutiny as to their content) would go a long way to helping teenagers and young adults become more discerning users of media. Given the violence and demonstrable harms experienced by girls through both sensationalist mainstream media and social media, the development of such media literacy is high priority if Australia really wishes, first, to combat mis- and disinformation, and second, to address the alarmingly high rates of violence against women in all its forms.

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