

# GENDER AND DIGITAL TECHNOLOGIES:

Between Violence, Discrimination  
and Agency

# Gender and Digital Technologies: Between Violence, Discrimination and Agency

## An introduction

The contemporary landscape is profoundly shaped by digital technologies. Since their inception, they have been the subject of many studies, with scholars exploring their effects from various disciplinary viewpoints. In particular, in recent years there has been a growing need to expose their false neutrality and highlight that they are products of influential forces within social, economic and cultural contexts and power relationships.

The feminist perspective has made a significant contribution to this debate. The relationship between technology and feminism has never been straightforward or one-directional. Some authors, such as Donna Haraway in her seminal work, *Cyborg Manifesto* (1985), consider technology a means of liberation from constraints and dichotomies imposed by the sexed body. Yet, feminist analyses have also highlighted the power dynamics inherent in technological systems, which can mirror and perpetuate the interests of dominant capitalist, patriarchal and racist models and ideologies. Fundamental in this regard has been, for instance, the work of Safiya Umoja Noble (*Algorithms of Oppression: How Search Engines Reinforce Racism* 2018), which sheds light on the power of algorithms in the neoliberal era. Noble, in particular, has emphasised how digital technologies far from being neutral actually contribute to generating and reinforcing forms of oppression, enacting new models and stereotypes related, for instance, to the intersection of gender and “race”.

What has emerged from these studies is the ambiguity of digital technologies when viewed through a gender lens. Digital technologies can contribute to producing, fostering and reinforcing gender and intersectional inequalities and discrimination. They thus help to strengthen – to use the words of Patricia Hill Collins – “the matrix of domination”, which organises power relations in society by encompassing various forms of oppression such as capitalism, patriarchy, white supremacy and colonialism. All this poses significant challenges to existing laws (from anti-discrimination to labour law) and relevant policies. On the other hand, digital technologies are deemed to possess transformative potential, with the possibility to open new opportunities to reimagine, challenge and disrupt gendered norms and structures, to uphold fundamental rights – especially for women and LGBTQ+ people – and to foster wider social, cultural and legal changes. After all, digital technologies are the product of specific historical and social contexts and trajectory. Therefore, while they can be innovative and open up new possibilities, they are also the outcome of compromises, conflicts and unequal distributions of power.

Considering these complex and ambiguous effects, this Special Issue on “Gender and Digital Technologies: Between Violence, Discrimination, and Agency” aims to contribute to the ongoing debate by exploring the multifaceted relationship between digital technologies and gender issues from a legal and social perspective.

Far from reducing the adoption of a gender lens to the mere inclusion of a female component in the analysis of digitalisation processes, this volume emphasises that such an approach requires a profound rethinking of the categories and analytical frameworks employed. This has significant legal and social implications. The decision to include the terms “violence”, “discrimination” and “agency” in the title is intended to emphasise the controversial impact of digital technologies on gender-based hierarchies and injustices, while also highlighting their potential to generate new opportunities for individual and collective agency and action in challenging these roles and models. The aim, therefore, is to explore the intricate tensions, contradictions and ambiguities

inherent in the relationship between digital technologies and the gender dimension, drawing on insights from legal and social studies and seeking to address multiple, often interconnected, themes within a coherent and integrated framework. This volume brings together eleven contributions from the disciplines of law, social science and political science. Each chapter engages with one of four core themes: the conceptual and methodological insights offered by gender and feminist perspectives on digital technologies; digital gender-based violence; processes of stigmatisation and discrimination generated or addressed through digital technologies and the impact of digitalisation on bodies and the realm of sexuality.

The first two articles ponder the conceptual and legal implications of adopting a gender and feminist perspective on digital technologies. They highlight the value of this approach in exposing and interpreting the legal and social inequalities and discrimination shaped by digital technologies, as well as examining how law and policy may either address or reinforce these disparities.

Thomas Casadei's contribution focuses on the digital gender divide as one of the most pressing and significant frontiers of contemporary research. He underscores the importance of adopting the perspective of data feminism, as it allows for a reinterpretation of the semantics and grammar of law, especially constitutionalism. This reinterpretation – Casadei argues – helps bridge the gap between what is known and what remains unknown, fostering a form of collective and shared knowledge. In this light, the author contends that the digital gender divide is a key frontier of what is referred to as “digital constitutionalism”- an approach committed to equality and non-discrimination, both in the sense of protecting against discriminatory practices and in promoting equal access to technological opportunities and digital resources.

In a similar vein, Gergana Zvekova's contribution maps and discusses some recent key legislative and policy developments in combating cyber violence against women and online hate speech. She also explores contributions from research, advocacy and practice linked to adopting a feminist approach to digital policy. She reviews the current policies and recent reports of two big social media platforms – Facebook and TikTok – on how they address these malicious phenomena, and proposes ways to improve these policies by integrating feminist principles.

A second crucial theme is gender-based violence, which finds fertile ground in the online space, falling within the definition of violence against women as outlined in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (commonly known as the Istanbul Convention, 2011).

In this regard, Barbara Bello examines a specific form of digital gender-based violence – sexist hate speech online through the lens of epistemic injustice. This concept is receiving increasing attention in European legal discourse. Legislative acts such as the Directive on Combating Violence against Women (2024) and the Digital Services Act (2022), together with the interpretation of the Istanbul Convention (2011) proposed by GREVIO – the body of experts which monitors its implementation – are essential steps towards strengthening measures of prevention and redress, also promoting a fairer and safer digital environment for women and greater epistemic justice.

At the same time, digital technologies can also play a predictive role and serve as tools to prevent, for instance, dynamics of gender-based violence, though not without limitations and challenges. In this regard, the article by Dolores Taramundi focuses on the Spanish police's use of a semi-automated algorithmic system called VioGén to assess the risk of revictimisation among intimate partner violence survivors and assign appropriate protective measures. Taramundi critically analyses the system's integration into Spain's gender violence regulatory framework, revealing the various logics at play in violence prevention and victim protection processes. She shows how this algorithmic system results in a limited and partial understanding of the phenomenon, as it receives data solely from the authorities involved in primary prevention and not from the broader range of civil society actors who support victims.

Another theme addressed in this volume is the discrimination and stigma based on intersectionality that are embedded in, and sometimes exacerbated by, digital technologies, which are predominantly defined and developed by white, able-bodied, healthy and middle-aged men.

Against this backdrop, Leopoldina Fortunati, Manuela Farinosi, and Andrea De Luca explore the relationship between older adults and digital, smart and robotic technologies from a sociological perspective, focusing on the often-overlooked gender dimension. Older individuals face a general dissonance toward these technologies due to historical, cultural, socioeconomic and generational factors. Yet, women experience a gender-specific dissonance, as hyper-masculine communities predominantly design these technologies for male users. These two forms of dissonance intersect, further complicating older women's relationship with the digital world and widening the digital divide with their male peers.

Tamara Roma examines how digitalisation has reshaped legal categories and protection mechanisms relating to HIV regulations in the US and EU, despite prejudice and stigma still being prevalent. From its origins, HIV/AIDS activism has been closely tied to cyberspace, giving rise to new forms of political subjectivity and collective mobilisation. Focusing on the digitalisation of prevention, particularly with biomedical tools like PreExposure Prophylaxis (PrEP), her contribution highlights emerging legal challenges, from data protection to digital security. She argues that outdated norms and intersectional stigma continue to hinder effective legal responses, exposing to structural risks both HIV-positive and HIV-negative individuals using such prevention tools.

In another contribution on how digital technologies can combat discrimination and promote the rights of LGBTIQ+ people and women, Nina Hall emphasises how digital advocacy organisations are changing the nature of activism. These organizations are all multi-issue, member-driven and rapid-response campaigners. Due to their distinctive model, they attract a large following and can quickly mobilise thousands of supporters. Progressives and conservatives worldwide have emulated this digital advocacy organisation model. Also, the article illustrates this model's power, relevance and risks for campaigns on LGBTIQ+ and women's rights.

Concerning the fourth theme, the volume focuses on the impact of digitalisation on bodies and sexualities. In this light, it considers issues such as risk, discrimination and agency about sex work.

Annamaria Donini's contribution explores whether online sex work can be legally recognised and sex workers protected. To achieve these results, she makes a critical analysis of the thesis that prostitution is incompatible with human dignity and good morals: a position endorsed by the Italian Constitutional Court in 2019. Departing from the findings of the Constitutional Court, the author inspects the potential conflict between contractual obligations and free consent to sexual acts. In the second part, the article compares online sex work with work in the field of pornography, arguing in favour of the admissibility of sex work via a digital platform, also making some final considerations on the applicable legal framework under Italian law.

Letizia Palumbo examines the challenges faced by content creators working on online sex work platforms such as OnlyFans. In light of recent legislative developments in the European Union (EU) regarding platform work, the article highlights the difficulties of applying Directive 2831/2024/EU to activities involving the creation of digital content, and consequently the challenges of extending its protections to content creators. It also considers the impact of the various models of sex work regulation adopted by European countries and explores the feminist debates surrounding sex work and its digitisation. Overall, this article shows how content creators on platforms such as OnlyFans are caught between the challenges of platform-mediated gig economy work and the impact of sex work regulations, particularly the frequent absence of protections.

In line with this critical view, Alice Bonaguidi aims to provide an overview of the online advertisement landscape and of what it means for sex workers to advertise their services online, alongside a critical review of the literature on trafficking indicators. The article also explores

how Italian anti-trafficking organisations have shifted their attention to online classified ads for their outreach activities. In doing so, it shows that human trafficking cannot be addressed through the simple application of algorithms: a solution that she considers a clear example of techno-solutionism, which relies on a false equivalence between sex work and human trafficking and simplistic (and incorrect) assumptions about sex work and sex workers' lives.

Lastly, the paper by Carolina Are contributes to the social media moderation research space by examining the still under-researched shadowban, a form of apparently light and secret censorship targeting what Instagram defines as borderline content, particularly affecting posts depicting women's bodies, nudity and sexuality. Shadowban is a user-generated term given to the platform's "vaguely inappropriate content" policy, which hides users' posts from its Explore page, dramatically reducing their visibility. While research has already focused on algorithmic bias and social media moderation, there are no studies, at present, on how Instagram's shadowban works. This autoethnographic exploration of the shadowban provides insights into how it manifests from a user's perspective. It applies a risk society framework to Instagram's moderation of pole dancing content to show how the platform's preventive measures affect user rights.

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