

Submission by the Center for Reproductive Rights to the Meta Oversight Board

Case 2026-043-FB-UA: AI-Generated Video of Female Campaigner

July 2, 2026

I. Introduction

The Center for Reproductive Rights welcomes the opportunity to comment on the Oversight Board's review of Case 2026-043-FB-UA. This public comment primarily responds to the Board's question concerning the barriers women and girls face in sharing or accessing reproductive health information on social media platforms (question 3), while also addressing the broader impact of AI-generated harassment targeting women participating in public discourse (questions 1 and 2). It aligns with and complements the public commentary submitted by Charlotte Manson, City Law School.

Although this case concerns a single AI-generated video, it reflects a broader phenomenon in which women and girls who engage publicly on issues relating to health, gender equality, and sexual and reproductive rights are disproportionately subjected to gendered harassment, manipulated media, and disinformation. These harms extend beyond the targeted individual. They create structural barriers to accurate sexual and reproductive health (SRH) information, discourage participation in public debate, and disproportionately affect the rights of women and girls.

International human rights law provides the relevant framework for assessing these harms. Access to accurate SRH information is an essential element of the human rights to health, information, equality, and non-discrimination. Under the UN Guiding Principles on Business and Human Rights (UNGPs), digital platforms have a responsibility to avoid causing or contributing to adverse human rights impacts linked to their services, and to proactively identify, prevent, and mitigate such harms through ongoing human rights due diligence¹

II. Barriers to SRH information violate the right to health

Human rights bodies recognize access to accurate, evidence-based SRH information as a core component of the right to the highest attainable standard of health.² This includes information necessary for individuals to make autonomous and informed decisions regarding their bodies, sexuality, and reproductive lives, encompassing contraception, maternal health, family planning, STIs, HIV prevention, safe abortion and post-abortion care, infertility and fertility options, and reproductive cancer.³ To be meaningful, such information must be accurate, accessible, and responsive to diverse needs, including age, gender, language, disability, sexual orientation, gender identity, and intersex status.⁴

The right to health includes both the negative obligation to refrain from censoring, withholding, misrepresenting, or criminalizing SRH information, and the positive obligation to ensure access to accurate information that enables informed decision-making.⁵ The Committee on Economic, Social and Cultural Rights (CESCR Committee) has also emphasized that States must prevent private actors from creating barriers to access, including through the dissemination of misinformation or other procedural and informational obstacles.⁶ Treaty bodies have consistently affirmed that access to accurate, evidence-based

¹ UN Guiding Principles on Business and Human Rights (UNGPs), princs. 13, 17.

² CESCR, General Comment No. 22, *Right to Sexual and Reproductive Health*, E/C.12/GC/22 (2016) [CESCR, GC No. 22], paras. 5, 12–21; CESCR, General Comment No. 14, *Right to the Highest Attainable Standard of Health*, E/C.12/2000/4 (2000) [CESCR, GC No. 14], paras. 11–12.

³ CESCR, GC No. 22, paras. 3, 17.

⁴ *Id.* para. 19.

⁵ CESCR, GC No. 14, paras. 34, 37; CESCR, GC No. 22, para. 41.

⁶ CESCR, GC No. 22, para. 43.

information is essential for reproductive autonomy and informed decision-making, including in relation to abortion care,⁷ and that no one should face sanctions or barriers for seeking or sharing such information.⁸

These standards are directly relevant in digital environments. Social media platforms, search engines, and AI-powered tools have become primary gateways through which millions of people seek, receive, and share SRH information, particularly groups who might face barriers to confidential healthcare, such as adolescents or LGBTQ+ persons.⁹ At the same time, growing evidence demonstrates that digital platforms increasingly create barriers to that information. Amnesty International has documented repeated removals and suppression of lawful abortion-related content following the reversal of *Roe v. Wade*, concluding that such practices may hinder access to accurate health information and undermine the rights to health and bodily autonomy.¹⁰ Similar patterns have been documented globally, including account removals, shadow banning, and reduced visibility affecting organizations providing abortion, queer health, and broader SRHR information, while misleading reproductive health content continues to circulate widely online.¹¹ Public health research demonstrates that misinformation concerning abortion, contraception, and reproductive health contributes to delayed care-seeking, increased stigma, poorer health outcomes, and diminished trust in evidence-based healthcare.¹²

UN experts, such as the Working Group on discrimination against women and girls (WGDAWG) and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, have emphasized that AI and digital technologies must be assessed through a human rights lens.¹³ While such technologies have significant potential to improve diagnosis, telemedicine and access to medical information (including in rural and conflict-affected settings), the WGDAWG stresses that these benefits depend on governance frameworks consistent with the principles of inclusion, meaningful participation, accountability, substantive equality, transparency and oversight.¹⁴ As AI increasingly shapes how health information is generated, amplified, and accessed, platform governance decisions have become central to the realization of the right to health.

III. Barriers to SRH information violate the right to equality and non-discrimination

Access to SRH information is essential to the rights to equality and non-discrimination. Barriers to sexual and reproductive health information disproportionately affect women and girls and undermine their ability to enjoy their human rights on an equal basis.¹⁵ Equality in this context requires substantive rather than merely formal equality: women and girls must be able in practice to make informed decisions regarding their sexuality and reproductive lives free from discrimination, coercion, and violence.¹⁶

⁷ Id. paras. 18, 21, 47; see also, e.g., CESCR, Concluding Observations: Azerbaijan, CESCR/C.12/AZE/CO/4 (2021), para. 47.

⁸ See, e.g., Human Rights Committee (HRCtee), General Comment No. 36, *Right to Life*, CCPR/C/GC/36 (2018), para. 8; HRCtee, Concluding Observations: United States, CCPR/C/USA/CO/5 (2023), para. 29(b); HRCtee, Concluding Observations: Ireland, CCPR/C/IRL/CO/5 (2023).

⁹ Cf. UNDP, *Information Asymmetries in the Digital Sexual and Reproductive Health Space* (2021).

¹⁰ Amnesty International USA, *Obstacles to Autonomy: Post-Roe Removal of Abortion Information Online* (2024).

¹¹ The Guardian, *Meta shuts down global accounts linked to abortion advice and queer content* (11 Dec. 2025); Countdown 2030 Europe, *Silenced Online: The Growing Threat of Censorship to Reproductive Health and Information Access* (2026).

¹² John et al., *Online Misleading Information About Women's Reproductive Health*, 40 J. Gen. Intern. Med. 1123 (2025); Purnat et al., *Impacts of Sexual and Reproductive Health and Rights Misinformation in Digital Spaces on Human Rights: A Scoping Review*, JMIR Infodemiology (2025).

¹³ WGDAWG, *Women's and Girls' Rights and Artificial Intelligence and Related Digital Technologies*, A/HRC/62/48 (2026) [WGDAWG, AI Report]; SR Freedom of Expression, *Gendered Disinformation*, A/78/288 (2023) [SR FoE Report].

¹⁴ WGDAWG, AI Report, paras. 17, 24-25.

¹⁵ Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 24, *Women and Health*, A/54/38/Rev.1 (1999), paras. 11, 17; CESCR, GC No. 22, paras. 5, 9, 28.

¹⁶ CEDAW, General Recommendation No. 28, *Core Obligations of States Parties under Article 2 of CEDAW*, CEDAW/C/GC/28 (2010), para. 24; CESCR, GC No. 22, paras. 5, 9, 28.

Human rights bodies have repeatedly recognized that restrictions on sexual and reproductive healthcare and information are rooted in discriminatory gender stereotypes portraying women's natural role as mothers and caregivers.¹⁷ These stereotypes continue to justify restrictions on reproductive autonomy, reinforcing structural discrimination and placing women's health and lives at risk.¹⁸ The consequences extend well beyond healthcare, limiting educational and economic opportunities, reinforcing poverty, increasing exposure to gender-based violence, and restricting women's participation in public life.¹⁹

These inequalities are increasingly mediated through digital platforms. The WGDAGW has observed that AI is being developed and deployed in contexts already characterized by persistent gender digital divides, resulting in unequal access to digital technologies and information for women and girls, particularly those living in rural areas, with low incomes, older women, and other marginalized groups.²⁰ It warns that, unless governed through an intersectional and gender-responsive approach, AI systems risk reinforcing these existing structural inequalities.²¹

IV. Gendered disinformation and AI-generated harassment undermine women's human rights and participation in public life

Gendered disinformation and AI-generated harassment disproportionately target women, girls, and LGBTIQ+ persons through misogynistic stereotypes, manipulated media, false narratives, and coordinated online abuse.²² These attacks are reinforced by broader anti-gender narratives and increasing hostility toward women human rights defenders and advocates working on gender equality and SRHR.²³

Their effects extend far beyond the targeted individual. Negative narratives about women, girls, and persons with diverse sexual orientation, gender identity and expression and sex characteristics (SOGIESC) are shown to legitimize both online and offline violence and contribute to a "climate of unsafety" that deters women and girls from participating in public life, including journalism, advocacy, activism, and political debate.²⁴ Many withdraw from these spaces or self-censor, undermining not only their rights to equality and freedom from violence, but also freedom of expression and political participation.²⁵

Importantly, these harms are not limited to public figures. As the Special Rapporteur on the rights to freedom of peaceful assembly and of association recently documented, digital surveillance, AI-enabled monitoring, and coordinated online harassment create cumulative "chilling effects" that discourage individuals from seeking and sharing information, participating in advocacy, organizing collectively, and engaging in public life.²⁶ The effects extend well beyond those directly targeted and disproportionately

¹⁷ CEDAW, Inquiry concerning Poland under article 8 of the Optional Protocol, CEDAW/C/POL/IR/1 (2024), para. 87, CEDAW, *L.C. v. Peru*, Communication No. 22/2009, CEDAW/C/50/D/22/2009 (2011), para. 7.7. See also Inter-American Court of Human Rights, *Artavia Murillo et al. v. Costa Rica* (2012); HRCtee, *Mellet v. Ireland*, Communication No. 2324/2013, CCPR/C/116/D/2324/2013 (2016).

¹⁸ CEDAW, *Inquiry Concerning the Philippines under Article 8 of the Optional Protocol*, CEDAW/C/OP.8/PHL/1 (2015) [CEDAW Philippines Inquiry], paras. 33-43; CESCR, GC No. 22, para. 28.

¹⁹ Id. para. 47; CEDAW, GR No. 24, para. 17.

²⁰ WGDAGW, AI Report, paras. 19-20..

²¹ Id.

²² SR FoE Report, paras. 42, 59.

²³ WGDAGW, *Escalating Backlash against Gender Equality and Women's and Girls' Human Rights* (2024) [WGDAGW, *Escalating Backlash*], para. 17.

²⁴ Id. para. 52; SR FoE Report, para. 50.

²⁵ WGDAGW, *Escalating Backlash*, para. 36; SR FoE Report, paras. 46, 50.

²⁶ Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, *Unmasking the Chilling Effects of the Digital Surveillance Ecosystem: The Erosion of Assembly and Association Rights*, A/HRC/62/45 (2026) [SR FoAA Report], paras. 41-48, 54-70, 77-79, 88-110.

affect women and marginalized groups.²⁷ In the context of SRHR, this creates structural barriers to accessing, sharing, and disseminating evidence-based information.

The WGDAGW has emphasized that “technology-facilitated gender-based violence is not an isolated set of online abuses but a structural tool of discrimination that restricts women’s and girls’ participation in public, political and civic life”, shaping who can speak, lead and be heard.²⁸ It therefore interferes simultaneously with multiple human rights, including equality and non-discrimination, freedom of expression, and political participation.²⁹

V. Gendered disinformation and barriers to SRH information undermine the principle of non-retrogression

International human rights law recognizes that progress in the realization of the right to SRH may not be unjustifiably reversed. More than twenty-five years ago, the CESCR Committee affirmed that there is a “strong presumption that retrogressive measures taken in relation to the right to health are not permissible.”³⁰ This principle was reaffirmed in General Comment No. 22, which emphasizes that retrogressive measures affecting sexual and reproductive health are permissible only in the most exceptional circumstances, must be temporary and non-discriminatory, and must not disproportionately affect disadvantaged or marginalized groups.³¹ The Committee has specifically identified barriers to SRH information as examples of such retrogressive measures.³²

As access to health information increasingly depends on digital platforms, the suppression of lawful, evidence-based SRH content, combined with the amplification of misinformation and AI-generated disinformation, risks reversing progress in access to sexual and reproductive health information. Recent reports document the removal and reduced visibility of lawful SRH content and accounts, while inaccurate SRH information continues to circulate widely online.³³ Such restrictions disproportionately affect women and girls and others who already face structural barriers to healthcare and information.³⁴

VI. Responsibilities of digital platforms under the UN Guiding Principles on Business and Human Rights

Under principle 13 of the UNGPs, businesses must avoid causing or contributing to adverse human rights impacts through their own activities” and “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services.”³⁵ Principle 17 further requires businesses to conduct human rights due diligence to identify, prevent, mitigate and account for adverse human rights impacts arising from their activities or business relationships.³⁶

These responsibilities are particularly significant for large digital platforms, whose content moderation systems, recommender algorithms and AI-enabled tools increasingly shape access to information and participation in public discourse. As discussed above, platform governance directly affects access to

²⁷ Id.

²⁸ WGDAGW, AI Report, para. 49.

²⁹ Id. paras. 28, 48-52; UNESCO, *The Chilling: Global Trends in Online Violence Against Women Journalists* (2021).

³⁰ CESCR, General Comment No. 3, *The Nature of States Parties' Obligations*, E/1991/23 (1990) [CESCR, GC No. 3], para. 9; CESCR, GC No. 14, paras. 21, 32, 48, 50.

³¹ CESCR, GC No. 22, para. 38.

³² Id.; CESCR, GC No. 3, para. 9; CESCR, GC No. 14, paras. 32, 48, 50.

³³ Amnesty International USA, *Obstacles to Autonomy* (2024); Countdown 2030 Europe, *Silenced Online* (2026); *The Guardian* (11 Dec. 2025).

³⁴ Cf. WGDAGW, AI Report, paras. 19-20.

³⁵ UNGPs, princ. 13.

³⁶ Id. princ. 17.

accurate SRH information as part of the rights to health, equality, non-discrimination, and further impacts a range of interrelated human rights.

In this context, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has emphasized that companies should undertake gender-responsive human rights due diligence to assess how their products, services, algorithms, recommender systems, content moderation practices, and generative AI tools contribute to gendered disinformation and its disproportionate impacts on women and marginalized groups.³⁷ Similarly, the Special Rapporteur on the rights to freedom of peaceful assembly and of association recommends that human rights due diligence relating to digital technologies explicitly assess cumulative “chilling effects” and compound harms and proactively identify and mitigate risks before they materialize.³⁸

Accordingly, Meta should assess whether its systems suppress lawful, evidence-based SRH information; amplify gendered disinformation; facilitate technology-facilitated gender-based violence; or create foreseeable risks of chilling women’s participation in public life. Human rights due diligence should be an ongoing process that meaningfully considers and mitigates the differential impacts on women’s and girls’ human rights, particularly those experiencing intersecting forms of discrimination.

VII. Freedom of expression must be balanced with the rights to health, equality and freedom from discrimination and violence

This section supports the argument attributable to Charlotte Manson, City Law School, that while freedom of expression is a fundamental human right and an essential component of democratic societies, it must be interpreted alongside, interconnected to, and balanced with other human rights, including the rights to health, equality and non-discrimination, and freedom from violence.

This balance is particularly important in digital environments, where AI-generated content and algorithmic amplification can significantly increase the scale, speed, and impact of discriminatory speech. UN human rights experts have emphasized that gendered disinformation and technology-facilitated gender-based violence are not merely offensive forms of expression; they function to silence women, delegitimize feminist advocacy, and create broader chilling effects that discourage women, human rights defenders, and marginalized groups from seeking, receiving, and sharing information, and participating in public, political, and civic life.³⁹ These harms extend well beyond those directly targeted, undermining multiple human rights and weakening inclusive democratic participation.

The question before the Board is therefore not whether to protect freedom of expression or access to SRH information, but how to give effect to all human rights consistent with international human rights law. Where platform practices facilitate gendered disinformation or suppress access to evidence-based SRH information, they interfere not only with the rights to health, equality, and non-discrimination, but also with the conditions necessary for women and girls to participate in public debate. Protecting freedom of expression thus also requires protecting the conditions under which women and girls can safely seek, receive, and share accurate SRH information without facing discrimination or gender-based violence.

For these reasons, the Center also supports Charlotte Manson’s argument that self-reporting by individual victims should not be an absolute prerequisite for platform intervention. The harms of gendered disinformation extend far beyond the directly targeted individual, creating broader chilling effects that discourage women and girls more generally from accessing information, participating in public life, and exercising a range of their human rights.

³⁷ SR FoE Report, paras. 91-107, 136-142.

³⁸ SR FoAA Report, paras. 105-107, 112(e)-(f), 114.

³⁹ SR FoE Report, paras. 1, 42, 46, 50, 59; WGDAG, AI Report, paras. 48-52; SR FoAA Report, paras. 53-80, 88-112.