

Digital Rights Foundation Submission:
**TO THE UN SPECIAL RAPPORTEUR'S REPORT ON FREEDOM OF
EXPRESSION AND THE GENDER DIMENSIONS OF DISINFORMATION**



DigitalRightsFoundation
"KNOW YOUR RIGHTS"

About submitting organisation:

Digital Rights Foundation (DRF) is a not-for-profit, women-led organization based in Pakistan working on digital freedoms. DRF envisions a place where all people, especially women and gender minorities, can exercise their right to access and participate in digital spaces without being threatened. DRF focuses on information and communication technologies to support women's rights, inclusiveness, democratic processes, and digital governance.

<https://digitalrightsfoundation.pk/>

July 2023

1. Conceptual issues

- **What do you consider to be 'gendered disinformation'?**

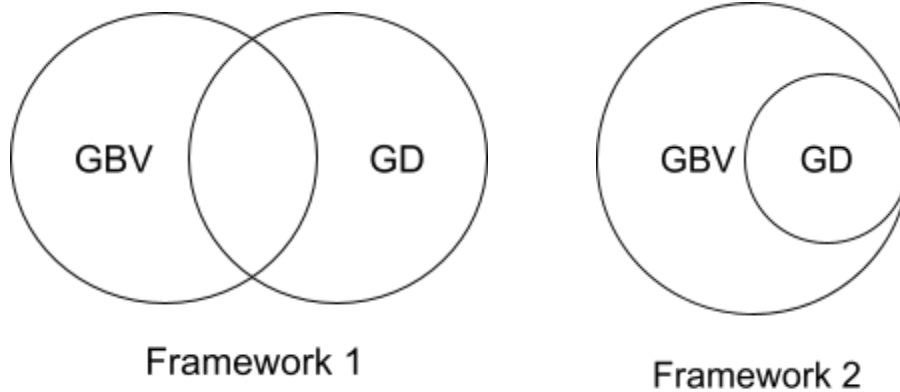
Whilst there is no set definition of 'Gendered Disinformation' (referred to as 'GD' in parts of the document), according to Digital Rights Foundation's (DRF) research, experiences and observations, gendered disinformation consists of one or more of the following elements:

- The person targeted is targeted **on the basis of their gender** - this can be reflected in the kind of negative/abusive/non-abusive/derogatory (gendered) language used in the text content of the disinformation posts and in the consequences for those targeted, i.e. if the harms are due to or exasperated due to the gender identity of those targeted.
- The information is **intentionally false** - this factor is crucial to distinguish between disinformation and misinformation. Misinformation can occur without malicious

intent, whereas disinformation is the deliberate, willful, intentional spread of false information.

- The intention and/or effect is often to malign, harass, discredit, intimidate and defame the target.
 - The efforts can sometimes be coordinated/part of a broader scheme or network to again discredit, intimidate, defame and harass the target. Public figures, particularly women, are usually the targets of such a coordinated hate campaign. For instance, women journalists are often targeted through gender-based disinformation campaigns.¹
- **How is 'gendered disinformation' similar to or different from online gender-based violence?**

The present discourse on gendered disinformation and Online Gender-Based Violence (OGBV) is twofold. First, GD stands as its own unique set of gender-based harms, which overlaps with GBV. Second, others posit, GD is a subset which falls within instances of GBV.²



In many cases OGBV and GD overlap, particularly due to the fact that GD often gets mentioned in cases where the harm is at a wide scale and enough to warrant reporting and

¹ "How Disinformation Fuels Online Violence Storms Targeting Women Journalists," *International Center for Journalists (ICFJ)*, February 14, 2023, <https://www.icfj.org/news/how-disinformation-fuels-online-violence-storms-targeting-women-journalists..>

² "Gender-Based Disinformation: Advancing Our Understanding and Response," *EU DisinfoLab*, October 20, 2021, <https://www.disinfo.eu/publications/gender-based-disinformation-advancing-our-understanding-and-response/>.

thus accompanied by OGBV. GD can occur in smaller settings and communities, for instance, many women in Pakistan experience false information about their “moral character” being circulated in private groups that are part of their community. While many would classify that OGBV as well, it can be classified exclusively as GD if not accompanied by other classifications of OGBV.

It is worth noting that the distinction between the two can often be purely classificatory as much of the impact, individually and structurally, is similar and rooted in the same patriarchal structures and attitudes that fuel both. In many cases GD is used to describe attacks on public figures, whereas OGBV can apply to both a public and private context.

2. Responses of States, companies and organizations

- **What measures have States, digital companies or international organizations taken to combat ‘gendered disinformation’?**

While the expression “gendered disinformation” is not yet codified in laws worldwide, in Pakistan, the matter of gendered disinformation can fall under the following legislation:

- Prevention of Electronic Crimes Act (PECA), 2016³;
- Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021 (also known as the “Social Media Rules”)⁴;
- Protection of Journalists and Media Professionals Act, 2021⁵
- Defamation Ordinance, 2002⁶; and
- Pakistan Penal Code (PPC), 1860⁷.

In Pakistan, the matter of defamation is both a civil and criminal offense.

³ Prevention of Electronic Crimes Act (PECA), 2016 <https://fia.gov.pk/files/laws/352839075.pdf>

⁴ Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021

<https://moitt.gov.pk/SiteImage/Misc/files/Removal%20Blocking%20of%20Unlawful%20Online%20Content%20Rules%202021.PDF>

⁵ Protection of Journalists and Media Professionals Act, 2021

https://na.gov.pk/uploads/documents/1636461074_763.pdf

⁶Defamation Ordinance, 2002

<https://pakistancode.gov.pk/pdf/files/administrator741de22e0685408278606962079d12b2.pdf>

⁷Pakistan Penal Code (PPC), 1860

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

Name of Law(s)	Relevant Section(s)	Topic Areas
<p>Prevention of Electronic Crimes Act, 2016</p>	<p>Section 20: Offenses Against the Dignity of a Natural Person Whoever intentionally and publicly exhibits or displays or transmits any information through any information system, which he knows to be false, and intimidates or harms the reputation or privacy of a natural person, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both</p> <p>Section 21: Offenses Against the Modesty of a Natural Person and Minor (1) Whoever intentionally and publicly exhibits or displays or transmits any information which,- (a) superimposes a photograph of the face of a natural person over any sexually explicit image or video. [...]</p> <p>— through any information system to harm a natural person or his reputation, or to take revenge or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to five years or with a fine which may extend to five million rupees or with both.</p>	<ul style="list-style-type: none"> ● Online Gendered Disinformation ● Online Defamation ● Deep Fakes ● Doctored Images ● Criminal Offense
<p>Removal and Blocking of</p>	<p>CHAPTER-III FILING, PROCESSING AND</p>	<ul style="list-style-type: none"> ● Defamation ● Unlawful content

<p>Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021</p>	<p>DISPOSAL OF COMPLAINTS AND ANCILLARY PROCEDURE</p> <p>Section 4. Filing of complaints.- (1) The Authority shall entertain complaints with regard to an Online Content. A complaint for blocking or removal of Online Content may be filed by:</p> <p>(i) any Person, or his guardian, where such Person is a minor, aggrieved by Online Content;</p>	<p>removal</p> <ul style="list-style-type: none"> ● Misinformation (esp as it pertains explicit sexual content) ● Complaint Mechanisms
<p>Defamation Ordinance, 2002</p>	<p>Section 3. Defamation.—(1) Any wrongful act or publication or circulation of a false statement or representation made orally or in written or visual form which injures the reputation of a person, tends to lower him in the estimation of others or tends to reduce him to ridicule, unjust criticism, dislike, contempt or hatred shall be actionable as defamation.(2) defamation is of two forms, namely:— (i) slander; and (ii) libel. (3) Any false oral statement or representation that amounts to defamation shall be actionable as slander. (4) Any false written, documentary or visual statement or representation made either by ordinary form or expression or by electronic or other modern means or devices that amounts to defamation shall be actionable as libel.</p> <p>Section 4: Defamation actionable.— The publication of defamatory matter is an</p>	<ul style="list-style-type: none"> ● Disinformation ● Misinformation ● Defamation ● Online vs Offline Harm ● Civil Offense

	<p>actionable wrong without proof of special damage to the person defamed and where defamation is proved, damage shall be presumed.</p>	
<p>Protection of Journalists and Media Professionals Act, 2021</p>	<p>Section 6: Good faith obligation of Journalists and Media Professionals. - (1) All journalists and media professionals must respect the rights or reputations of others and not produce material that advocates national, racial, ethnic, religious, sectarian, Linguistic, cultural or gender-based hatred, which may constitute incitement to discrimination, hostility or violence. (2) All journalistic and media professionals must not engage in the dissemination of material known by such an individual to be false or untrue.</p>	<ul style="list-style-type: none"> ● Disinformation ● Misinformation ● Defamation
<p>Pakistan Penal Code (PPC), 1860</p>	<p>Section 499: Defamation. Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.</p>	<ul style="list-style-type: none"> ● Disinformation ● Misinformation ● Defamation

Pakistan's legal framework governing disinformation is linked closely with the defamation framework. Currently, this legislation does not factor in the gendered nature of disinformation. Whilst this can appear to be inclusive, women and gender minorities often face the worst of the harms of online disinformation, and the framework lacks sufficient protections for them. Additionally, the defamation clause under PECA 2016 has been misused as opposed to being used for the legitimate protection of reputation and against falsehood, it is used by the state to silence political dissent, journalists, and human rights activists through threats and filing criminal cases against them.⁸ Defamation laws, both criminal and civil, have been used to silence women speaking out against sexual abuse and violence as an example to SLAPP laws.⁹

3. Finding solutions

- **What issues or areas of gendered disinformation require further research in your opinion?**

Currently, the discourse around gender disinformation focuses exclusively on Western-centric perspectives and the research speaks mostly to the experiences of public figures. DRF believes that gendered disinformation particularly as it intersects with the social, political and cultural context of the Global South, needs to be more widely researched along with the experiences of regular individuals who have also been (and can become) targets of gendered disinformation campaigns albeit within a smaller and more personalized/localized sphere. Additionally, the nature and impact of gender disinformation on minors (especially those situated in the public eye since early childhood) is also understudied.

- **Please provide references or links to relevant research or reports.**

⁸ Antonio Zappulla and Joel Simon, "Op-ed: Weaponizing the law against journalists is killing our democracies," Columbia Journalism Review, May 3, 2023, https://www.cjr.org/tow_center/op-ed-weaponizing-the-law-against-journalists-is-killing-our-democracies.php.

Syed Raza Hassan, "Pakistani journalist arrested for defaming military," Reuters, September 16, 2020, <https://www.reuters.com/article/pakistan-journalist-arrest-idUSKBN263058>.

⁹ Muhammad Anas Khan, "Criminal Defamation Laws In Pakistan And Their Use To Silence Victims Of Sexual Harassment, Abuse, Or Rape," LUMS Law Journal, Volume 9, 2021, <https://sahsol.lums.edu.pk/node/11446>.

DRF has consolidated a sizable body of research on various aspects of gendered disinformation, especially in the context of Covid-19, Pakistan's general elections, the political participation of women politicians and the plight of women journalists online. The relevant and most recent works are linked below:

- [Cyber-Harassment Helpline Annual Report 2022](#)
 - [Countering Online Misinformation Against Religious Minorities In Pakistan \(2022\)](#)
 - [Policy Paper: Perspectives Of Gendered Disinformation \(2021\)](#)
 - [Digital Security Toolkit For Journalists To Cope With Covid-19](#)
 - [Sifting Truth From Lies In The Age Of #Fakenews \(2019\)](#)
 - [Fostering Open Spaces In Pakistan: Combatting Threats To Women's Activism Online](#)
 - [Online Participation Of Female Politicians In Pakistan's General Elections \(2018\)](#)
- **What recommendations do you think the Special Rapporteur should make and to whom on combating gendered disinformation.**

There have been calls for regulatory responses to GD, particularly to address the outsized impact it has on women's political participation and individual harm to targeted individuals.¹⁰ Nevertheless, two important aspects of regulatory responses to GD need to be considered. Firstly, many harms and manifestations of GD are actionable under existing laws and policies designed to address OGBV, and the creation of new laws might lead to duplication of efforts and resources. Instead, efforts can be made to ensure that existing laws and pathways are strengthened and made more gender-inclusive. Secondly, regulatory approaches to online speech, such as GD, need to be narrowly defined with safeguards to ensure that these laws are not weaponised by member states to silence dissent, as has been the case with laws seeking to regulate misinformation.

The protections afforded to public figures from gendered harm in digital spaces are limited in many jurisdictions, it might be worthwhile defining GD as a form of OGBV to ensure that these gender-based attacks are regulated in and of themselves, however, extreme care

¹⁰ Rita Jonusaite, Maria Giovanna Sessa, Kristina Wilfore, and Lucina Di Meco, "Gender-based Disinformation 101: Theory, Examples, and Need for Regulation," EU DisinfoLab & #ShePersisted, October 12, 2022, https://www.disinfo.eu/wp-content/uploads/2022/10/20221012_TechnicalDocumentGBD-2.pdf.

must be taken to ensure compliance with human rights standards to ensure that these laws are not used to restrict speech and weaponised to silence online freedoms.

Social media platforms and tech companies are an important component of GD landscape, and often their policies and content moderation systems fall short in detecting and removing harmful content such as GD. Gender-based abuse and disinformation are prevalent on these platforms, and in many cases when action is taken, it is often too slow to prevent harm such as “perpetuating a negative perception of women in society”¹¹ and harming those targeted. Content moderation is even more ineffective for non-English language content or content in non-Western contexts. It is important for these platforms to invest more resources in training systems on diverse forms of harm and ensuring the experiences of women from the Global South are catered to.

Lastly, a feminist approach to disinformation should look beyond speech regulation to ensure that systems of support and accountability are built within political parties, communities, and state institutions that look beyond exclusively punitive action to encompass psycho-social support, peer support, counter-disinformation campaigns/political fact-checking and political accountability centered on the needs of those targeted by GD.

¹¹ Maria Giovanna Sessa, “Misogyny and Misinformation: An analysis of gendered disinformation tactics during the COVID-19 pandemic,” EU DisinfoLab, December 4, 2020, <https://www.disinfo.eu/publications/misogyny-and-misinformation:-an-analysis-of-gendered-disinformation-tactics-during-the-covid-19-pandemic/>.