



## Input for the Report on Gendered Disinformation

Paradigm Initiative (PIN) works to connect underserved young Africans with digital opportunities and ensures protection of their rights. Across our regional offices in Kenya, Nigeria, Senegal, Zambia, Zimbabwe and beyond, PIN works to connect under-served African youth with improved livelihoods through digital inclusion and digital rights programs. PIN advocates for the promotion and respect of digital rights and digital inclusion to ensure an enabling environment for fundamental rights. In view of this mandate, PIN makes the submission below on gendered disinformation.

### 1. Conceptual issues

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

Gendered disinformation in the context of women is the spread of deceptive or inaccurate information and images against women political leaders, journalists and female public figures in a way that draws on misogyny and societal stereotypes, framing women as untrustworthy, unintelligent, emotional, angry, crazy, or sexual. Broadly, it is a targeted form of attack on a specific gender with a malicious intention to shame or discredit, and disproportionately affects women. In this light, it is described as a subset of misogynistic abuse and violence against women that uses false or misleading gender and sex-based narratives, often with some degree of coordination, to deter women from participating in the public sphere. It is weaponised against women by both state and non-state actors to silence women, cast aspersions on their integrity, and to force them to censor their speech. As a result, women are expelled from political discourse by this plague. Gendered disinformation is a retrogressive attack on women that affects their engagement in political participation and discourse and one of the causes of women's low participation in politics in Africa. This form of misogyny, in some contexts results in actual violence against women. Body shaming through politically motivated trolls online, is the vicious misogynistic form that is experienced by women on platforms like Facebook and Twitter.

*How is 'gendered disinformation' similar to or different from online gender-based violence?*

Although misinformation, and disinformation have always existed in our societies, social media platforms have added a new dimension to the spread and access of harmful speech. As such, gendered disinformation is a form of gender-based violence and is perpetrated mostly online and using digital technologies. Online gender-based violence (OGBV), which is also defined as Tech Facilitated Violence by [UN Women](#) is facilitated online and usually is 'committed, assisted, aggravated or amplified' through the use of technologies or digital tools that then result in social, political, physical or economic harm to the victim. In this context, gendered disinformation is a form of online gender-based violence that is mostly affecting women in Africa and reported in Paradigm Initiative's state of digital rights and inclusion in Africa report, [Londa](#). A [Report](#) on Online Gender Based Violence in Southern Africa outlines the prevalence of gendered disinformation and how it affects women the most. Penal codes in Africa are not adequate to address the gaps. Paradigm Initiative made submissions on Zambia and Zimbabwe in the report and highlighted some instances where gendered disinformation has occurred.

## **2. Responses of States, companies and Organizations**

*What measures have States, digital companies or international organisations taken to combat 'gendered disinformation'?*

In Botswana, the [Cybercrimes and Computer Related Crimes Act](#) criminalises offensive communications in Section 18 and stipulates that a person who willfully, maliciously or repeatedly uses electronic communication in an offensive nature, to disturb or attempt to disturb the peace, quiet or privacy of any person with no purpose to legitimate communication, whether or not a conversation ensues, commits an offence and is liable to a fine not exceeding P20 000 or to imprisonment for a term not exceeding one year, or to both. While this law can address gender dimensions of disinformation, the provision can also be criticised for being overly broad and posing a chilling effect on freedom of expression.

South Africa has a 2020 - 2030 [National Strategic Plan on Gender-Based Violence and Femicide](#) (NSP) which lays down principles addressing gender based violence broadly such as a visionary, gender-responsive, and transformative approach that takes account of inequality and gender-driven differences driving gender based violence and femicide, and the need for men specifically, to transform. The NSP also outlines pillars focused on implementation and realisation of the NSP (Pillar 1 - Accountability, Coordination and Leadership, Pillar 2 - Prevention and Rebuilding Social Cohesion, Pillar 3 - Justice, Safety and Protection, Pillar 4 - Response, Care, Support and Healing, Pillar 5 - Economic Power and Pillar 6 - Research and

Information Management). From the pillars highlighted, the NSP has a broader focus of addressing gender-based violence without particularity of addressing gendered disinformation. Nevertheless, the strategy covers gendered disinformation and can be applied in addressing online gender based violence.

In Mozambique, as reported in the [Online Gender Based Violence in Southern Africa Report](#), a Member of Parliament- Alice Tomas- posted an insightful message on Facebook calling for 10 men to rape Fatima Mimbire, a human rights activist stating she 'takes out words [which are] poisonous to the Mozambican people.' Gendered disinformation can incite violence and place women at risk of physical harm. The Frelimo Party to which the Member of Parliament belonged to, [distanced](#) itself from the acts of the MP Alice Tomas but she was not held accountable for her actions. Mozambique had a [National Cyber Security Strategy of Mozambique \(2017-2021\)](#) at the time which did not adequately offer the relevant safeguards in Mozambique to address gendered disinformation.

In Kenya, the [Sexual Offences Act](#) is the key legislation that provides a national framework in the criminalisation and deterrence of sexual gender-based violence. Be that as it may, the Kenyan government has responded to general cases of misinformation and disinformation through new legislation and direct work by governmental institutions established through acts of parliament. Most legislation however, does not explicitly target gendered disinformation only. That said, any legislation that addresses harmful speech, whether hate speech or disinformation, has in one way or the other contributed to the regulation of digital platforms and curbing the spread of misinformation and disinformation. Some of such existing regulatory frameworks include; the [Kenyan Constitution \(2010\)](#), [Penal Code \(1970\)](#), the [National Cohesion and Integration Act \(2008\)](#), and the [Computer Misuse and Cybercrime Act](#). [The Information and Communications Act](#) focuses on messages shared through broadcasts or telecommunications, the [Media Council Act](#) focuses on journalists and media, and the [Election Act](#) focuses on political parties, candidates, and leaders involved in elections.

*To what extent do these responses comply with international human rights law standards, particularly, freedom of expression?*

In some African countries, Penal Codes and Cybercrime Laws create offences of cyber harassment and cyberbullying. However, these laws may have overly broad provisions with chilling penalties that offend freedom of expression. In essence, the laws fail to meet the test laid out in Part A of the [The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights](#) addressing justification of limitations. In Zimbabwe, the [Cyber and](#)

[Data Protection Act \(Chapter 12:07\)](#) (CPDA) amends the [Criminal Law \(Codification and Reform\) Act \(Chapter 9:23\)](#) by creating an offence under section 164(c) that provides that ‘Any person who unlawfully and intentionally by means of a computer or information system makes available, broadcasts or distributes data to any other person concerning an identified or identifiable person knowing it to be false with intend to cause psychological or economic harm shall be guilty of an offence and liable to a fine not exceeding level 10 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.’ This addresses gendered disinformation. However, the criminilisation of false news in this case is criticised as civil sanctions ought to be preferred over criminal sanctions to promote freedom of expression. Similarly, the CDPA establishes Section 164 (b) which provides as follows:

‘Any person who unlawfully and intentionally by means of a computer or information system generates and sends any data message to another person, or posts on any material whatsoever on any electronic medium accessible by any person, with the intent to coerce, intimidate, harass, threaten, bully or cause substantial emotional distress, or to degrade, humiliate or demean the person of another or to encourage a person to harm himself or herself, shall be guilty of an offence and liable to a fine not exceeding level 10 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.’

This provision addresses gendered disinformation that manifests in the form of cyberbullying and yet the provision is overly broad and can be used to do more than offer recourse to victims of gendered disinformation, in particular, to crackdown on dissent and freedom of expression generally.

### **3. Finding solutions**

*What recommendations do you think the Special Rapporteur should make and to whom on combating gendered disinformation?*

- States need to develop regulations that seek to protect the dignity of women consistent with human rights standards such as provided by the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.
- States need to formulate strategies and take necessary measures to combat gendered disinformation, including engaging the private sector to ensure their

policies and standards offer protections to victims of gendered disinformation in a rights-respecting way.

- There is a need for States to extensively consult relevant stakeholders in the process of formulating strategies to address gendered disinformation including technologists/machine learning experts, academia, civil society organisations and the media in order to counter gendered disinformation.
- There is a need for States with overly broad cyber law provisions to particularly address gendered disinformation instead of overly broad provisions that violate freedom of expression.
- There is a need for States to collaborate with key stakeholders such as national human rights institutions, the media and civil society organisations to raise awareness on gendered disinformation.

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

1. The use of Artificial Intelligence and emerging technologies in facilitating gendered disinformation.
2. The capacity (or lack thereof) of big tech companies to pay attention to the local context (language, social context, history and culture) in the crafting of community standards to curb gendered disinformation.
3. The incidence of gendered disinformation and its impact on the participation of women in politics in Africa.

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

1. [Mapping of Legal Framework and Responses by Actors to Address Harmful Content Online in Kenya.](#)
2. <https://paradigmhq.org/londa/>
3. <https://genderlinks.org.za/wp-content/uploads/2022/05/Understanding-Online-GBV-in-Southern-Africa-FINAL.pdf>
4. <https://www.veritaszim.net/node/5522>

For any further comments, PIN is reachable via an email submitted to Thobekile Matimbe, Senior Manager Partnerships and Engagements at [thobekile.matimbe@paradigmhq.org](mailto:thobekile.matimbe@paradigmhq.org) .