SOUTH ASIA JUSTICE CAMPAIGN

South Asia Justice Campaign

Submission to the UN OHCHR to inform the Special Rapporteur's thematic report on freedom of expression and the gender dimensions of disinformation, to be presented to the 78th session of the UN General Assembly

6 July 2023

The South Asia Justice Campaign is a collective working to raise awareness and seek improved human rights outcomes for minorities in South Asia. Shrinking civic space and the rise of authoritarianism in the region has negatively affected South Asian societies. With the growth of majoritarianism, the effects are worse on the region's ethnic and religious minorities and their enjoyment of fundamental rights. We highlight the deteriorating state of human rights in the region through research, documentation and policy and legal interventions, to address key concerns through targeted advocacy.

This stakeholder submission highlights gendered disinformation against women from minority communities in India, and the lack of adequate state response to curtail it.

Introduction

Gendered disinformation is the creation and dissemination of online content and messaging against women and girls with an intent to threaten, defame and dehumanise. Online gender-based hate and violence not only reflects but exacerbate real world violence against women. Disinformation, particularly with the advent of deepfake technology and generative artificial intelligence, is being used to target women and girls with violent results[1]. Women and girls in India, especially from minority communities are more vulnerable to gendered disinformation and are being increasingly targeted under a majoritarian socio-political climate. This submission analyses how gendered disinformation is affecting India's women and girls belonging to religious and ethnic minorities, Dalit and Adivasi communities, and those from the LGBTQIA+ community. It highlights the failure of the state and private companies in curbing the disinformation and providing justice to victims, with recommendations on finding solutions.

Targeting of minority women through disinformation

The creation and dissemination of online disinformation against minority women in India falls within the wider Hindutva majoritarian and patriarchal ecosystem of the current Bharatiya Janata Party government (BJP)[2]. The party came to power in 2014 under the leadership of Prime Minister Narendra Modi, and has historic and continuing links with Rashtriya Sawayamsevak Sangh and affiliated extremist Hindu nationalist groups such as the Vishwa Hindu Parishad (World Hindu Council) and its youth wing the

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[1] This submission relies on the meanings of gendered disinformation as given by the EU (here), US State Department (here) and UNESCO through its Global Dialogue series (here and here).
[2] <https://indianexpress.com/article/india/214-rise-in-cases-relating-to-fake-news-rumours-7511534/>

Bajrang Dal[3]. Multiple reports have analysed how the BJP's Information Technology (IT) Cell, along with the wider Hindutva right-wing ecosystem target minorities through disinformation and fake news[4]. Disinformation has been used to fuel electoral propaganda, sow social division, and has led to multiple cases of mob killings of mostly Muslims, besides Dalits and Adivasis[5].

Women from India's minority communities are vulnerable at this intersection of ethno-religious polarisation and gender. Below are some emblematic situations to demonstrate the scope and impact of gendered disinformation against India's minority women and girls -

o   Disinformation is used to defame and target women and girls from minority communities who speak out against government policies or leaders. Women from minority communities are targeted through deepfake generated pornographic content, doxing and other such attacks to defame, objectify and dehumanise voices critical of the ruling ideology. Examples include the targeting of investigative journalist Rana Ayyub[6], student leader Safoora Zargar[7] and activist Gurmehar Kaur among many others[8]. Larger movements led by women from minority communities are also targeted through disinformation to discredit and malign them, such as the 2019-20 Shaheen Bagh protests in Delhi[9].

o   Violent and hateful disinformation targeting minority women who are public figures or public facing – such as journalists, human rights defenders, activists etc. This includes targeting women from minority communities, such as the Bulli Bai and Sulli Deals - two apps developed on Github which shared photographs and information of Muslim women online along with their purported 'auction' to the highest bidder[10]. Women in the public eye who challenge social hierarchies and polarising narratives face similar disinformation campaigns, leading to calls for violence against them and their families[11].

[3] <https://www.theguardian.com/world/2020/feb/20/hindu-supremacists-nationalism-tearing-india-apart-modi-bjp-rss-jnu-attacks>

[4] See journalist Swati Chaturvedi's investigative analysis of the BJP It Cell in her book '*I Am a Troll*: *Inside the Secret World of the BJP's Digital Army*' (Juggernaut Books, 2016) ISBN 9386228092
Also analysed in research by the University of Oxford as 'cyber-troop activity': <https://qz.com/india/1335161/indias-fake-news-crisis-to-worsen-ahead-of-election-oxford-study/ and the report at http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2019/05/India-Profile.pdf>

[5] See Reports showing that in one year alone (2018-19), at least 24 people (invariably Muslim, Adivasis and other socio-economically marginalised persons) were lynched by mobs spurred by nothing more than WhatsApp-based rumors <https://www.theatlantic.com/international/archive/2019/04/india-misinformation-election-fake-news/586123/>
Also, on disinformation around COVID-19 used to target Muslims, and election propaganda around 2019 led by the BJP <https://www.theatlantic.com/international/archive/2019/04/india-misinformation-election-fake-news/586123/>
<https://qz.com/india/1747796/fake-media-outlets-boosted-indian-kashmir-stand-in-eu-says-ngo/>
<https://www.indiaspend.com/manipulative-fake-news-on-the-rise-in-india-under-lockdown-study/>

[6] <https://www.huffingtonpost.co.uk/entry/deepfake-porn_uk_5bf2c126e4b0f32bd58ba316>

[7] <https://medium.com/@thewrosper/porn-clip-shared-on-social-media-falsely-associating-it-with-jmi-activist-safoora-zargar-d396c12b8c5d>

[8] <https://www.thequint.com/news/webqoof/explained-why-fake-news-misinformation-around-women-more-than-men#read-more#read-more>
See also the targeting of Wall Street Journal reporter Sabrina Siddique who questioned Prime Minister Narendra Modi on the treatment of minorities in India during his visit to the US in June 2023 <https://www.nbcnews.com/politics/white-house/white-house-blasts-harassment-reporter-asked-modi-human-rights-record-rcna91251>

[9] <https://www.thequint.com/news/webqoof/heres-the-truth-behind-viral-videos-about-shaheen-bagh-protests>

[10] <https://www.aljazeera.com/news/2022/1/2/bulli-bai-muslim-women-auction-online-india>

[11] See Amnesty International's 'Troll Patrol India: Exposing Online Abuse Faced by Women Politicians in India' (2020) analysing the nature of online violence women politicians and especially targeting women politicians from minority communities.
<https://decoders.blob.core.windows.net/troll-patrol-india-findings/Amnesty_International_India_Troll_Patrol_India_Findings_2020.pdf>
See also reports on experiences of women journalists along these parameters in India:
<https://scroll.in/article/976611/the-widening-war-against-indias-women-journalists>
<https://www.washingtonpost.com/opinions/2023/02/20/women-journalists-online-attacks-report/>

Similarly targeted are women who are seen to be challenging caste, gender and other social hierarchies, a recent example being of a university lecturer who faced harassment when edited videos misquoting her during a lecture were posted online[12].

o Gender and sexual minorities are further vulnerable to disinformation attacks with lack of privacy and safety measures online, and exacerbated by prejudice and violence offline. This includes targeting women from the trans community such as the murder of a transwoman over fake news spread on WhatsApp[13], and the harassment of another transwomen after videos of her illegal 'conversion therapy' by a purported godman, were posted online[14].

o Disinformation is being used to perpetuate anti-minority narratives through stories of non-minority women being attacked, raped and killed by minority men[15]. This is used to legitimise attacks on minority communities, such as the targeted harassment mentioned above, as well as real life incitement to mass rape and violence against women from minority communities, as revenge[16]. The perpetuation of conspiratorial rhetoric like 'love jihad' through planned and targeted disinformation campaigns is also used to justify a 'counter-campaign' in which Hindu men are exhorted to convert Muslim women[17].

Lack of adequate response by the state, companies and organisations

By the State

o Under-reportage of gendered disinformation crimes – Lack of police training and clear policies and guidelines for recording and reporting such crimes, which fall at the intersections of wider under-reporting of gender-based violence and technology-facilitated gender-based violence, along with disinformation. This has also left a gap in data to understand the scope and depth of the issue, along with leaving vulnerable victims open to extortion and other such crimes[18].

o The current legal framework, including the Information Technology Act and the Indian Penal Code have been unable to provide adequate legal safeguards against the proliferation of gendered

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<https://www.nbcnews.com/politics/white-house/white-house-blasts-harassment-reporter-asked-modi-human-rights-record-rcna91251>

[12] <https://www.newslaundry.com/2023/06/30/kolhapur-lecturer-forced-to-go-on-leave-for-saying-rapists-can-be-from-any-religion>

[13] <https://edition.cnn.com/2018/05/28/asia/india-transgender-whatsapp-mob-intl/index.html>

[14] <https://www.codastory.com/waronscience/india-same-sex-marriage/>

[15] See more on the 'love jihad' narrative which is fueled by fake news online. 'Love jihad' is an anti-Muslim narrative alleging a community wide conspiracy among Muslims to marry and convert non-Muslim women:
<https://timesofindia.indiatimes.com/home/sunday-times/how-the-myth-of-love-jihad-is-going-viral/articleshow/79111670.cms>
<https://www.hindustantimes.com/cities/mumbai-news/fake-love-jihad-news-circulated-on-social-media-after-mumbai-teen-booked-for-blackmailing-girl-with-private-photos-101687461296927.html>
https://www.thequint.com/news/webqoof/unrelated-images-viral-on-internet-with-false-love-jihad-spin
<https://www.altnews.in/actor-koena-mitra-tweets-fake-love-jihad-rate-list/>

[16] <https://www.hindustantimes.com/india-news/bajrang-muni-das-seer-who-gave-rape-threats-to-muslim-women-in-up-arrested-101649865970662.html>

[17] See reports on such campaigns:
https://www.kmsnews.org/kms/2023/03/18/hindutva-news-anchor-calls-for-converting-4-million-muslim-women-to-hinduism.html
<https://scroll.in/article/1051039/bhagwa-love-trap-a-social-media-conspiracy-theory-has-divided-indias-muslims>

[18] See analysis of under-reporting in this report by Feminism in India, *'Violence Online in India: Cybercrimes Against Women & Minorities on Social Media'* (2021)
<https://feminisminindia.com/wp-content/uploads/2021/08/Cyberviolence-Against-Women-in-India_Research-Report_FII.pdf>
Also see wider analysis of how gendered disinformation impacts women from marginalised communities globally in '*Monetizing Misogyny: Gendered Disinformation and the Undermining of Women's Rights and Democracy Globally',* (Lucina Di Meco, 2023)
<https://she-persisted.org/wp-content/uploads/2023/02/ShePersisted_MonetizingMisogyny.pdf>

disinformation, and need updating to catch up with generative AI, deepfake and similar expanding technology[19].

o   Lack of timely access to justice and redress for victims – In the few cases where victims have come forward to seek justice, there has been a lack of adequate and timely response from the police and the judiciary, further emboldening perpetrators with impunity. Especially when the victims have been women from minority communities or those critical of the government[20]. Instead, there have been instances of those reporting hate speech online being arrested, and other forms of reprisal, which embolden perpetrators and make victims afraid to speak up[21]. Evidence also shows that victims of disinformation suffer from mental effects of the trauma, which for women can be exacerbated by social and familial ostracization[22]. However, there have been almost no attempts made by the state to provide adequate and comprehensive support to victims[23].

o   Increasing attacks on civil society and independent media challenging the disinformation – Given the scope of the issue, the state has used arbitrary detention laws, tax laws and other means to target civil society and media, instead of working with them to address it[24]. This includes a recent proposal to amend the Information Technology Rules, 2021, allowing the state to censor any information it identifies as false[25].

o   Use of surveillance and other technologies with vulnerabilities and without adequate safeguards makes minority women especially vulnerable – The Indian government uses surveillance technology both overtly and allegedly covertly to monitor citizens[26]. However, multiple data breaches and instances of hacking continue to be reported, putting the personal information of citizens in the hands of bad actors without adequate safeguards[27].

o   Encouragement by the Hindutva online ecosystem to target minority women who speak up against the BJP – The BJP 'IT Cell' and wider right-wing ecosystem of state and non-state actors within the ambit

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[19] See these two studies by IT for Change for an analysis of the current legal framework and need for reform: '*Born digital, Born free? A socio-legal study on young women's experiences of online violence in South India*' (2019) <https://itforchange.net/sites/default/files/1662/Born-Digital_Born-Free_SynthesisReport.pdf> ;
'*Getting it Right Online: Young womens' negotiations in the face of cyberviolence in Karnataka*' (2019) <https://itforchange.net/sites/default/files/1618/Karnataka_Report_Righting-Gender-Wrongs_1.pdf>

[20] See two emblematic examples:
The inadequate police response to the Bulli Bai/Sulli Deals cases which auctioned Muslim women online <https://www.thequint.com/gender/sulli-deals-investigation-by-delhi-police-what-went-wrong
A statement by UN experts condemning lack of government action on the targeting of Rana Ayyub <https://news.un.org/en/story/2022/02/1112362>

[21] See analysis in report '*Destructive Lies: Disinformation, Speech that Incites Violence and Discrimination against Religious Minorities in India*' (London School of Economics and Political Science & OpenDoors, 2021) <https://www.opendoors.org.za/wp-content/uploads/2021/07/LSE-report-Destructive-Lies-Executive-Summary-DIGITAL-PDF-preview.pdf>

[22] <https://www.thehindu.com/sci-tech/technology/the-danger-of-deepfakes/article66327991.ece> ;
<https://www.thequint.com/news/webqoof/explained-why-fake-news-misinformation-around-women-more-than-men> ;
<https://www.bbc.com/news/world-asia-india-43639914>

[23] <https://edition.cnn.com/2020/01/22/india/india-women-politicians-trolling-amnesty-asequals-intl/index.html>

[24] Statement by Human Rights Watch, 'India: Media Freedom Under Threat' (2019) <https://www.hrw.org/news/2022/05/03/india-media-freedom-under-threat>
See also <https://www.nytimes.com/2022/09/22/world/asia/india-debunking-fake-news.html>
See also <https://article-14.com/post/with-fact-faith-a-growing-band-of-concerned-citizens-battles-hate-speech-in-india-62ddcc470ff9c>

[25] <https://www.aljazeera.com/news/2023/1/19/vile-censorship-india-proposed-fake-news-law-for-social-media-egi>

[26] <https://www.giga-hamburg.de/en/publications/giga-focus/digital-surveillance-and-the-threat-to-civil-liberties-in-india> ;
<https://wagingnonviolence.org/2022/10/rise-of-indias-dystopian-surveillance-state/> ; <https://www.bbc.com/news/world-asia-india-57887300>

[27] <https://thewire.in/government/india-data-leak-breach-lok-sabha>

of the Hindu nationalist umbrella has been involved in the spread of many of these targeted attacks[28], with impunity and direct encouragement from the senior leadership helming the party and the government[29]. The party has also been accused of using Deepfake technology during elections[30].

By Companies

o   Companies profiting from deepfake pornography, AI generated media have failed to provide adequate safeguards to women and girls to be able to ensure their images and videos cannot be used to generate fake media[31]: Multiple websites with deepfake pornography and morphed images, and non-consensual intimate media, continue to profligate and profit from this lack of effective oversight, all at the expense of women and girls[32].

o   Inadequate content moderation which allows such content to be disseminated widely, despite violating community guidelines and policies: Social media companies with large userbases in India such as Meta, Google, Twitter have repeatedly failed to take adequate measures against the spread of disinformation and attacks on women and minorities on their platforms. There is ample evidence showing how the platforms are being used to amplify misogynist, casteist, religious majoritarian and other extremist views, which especially target women at the intersections of these identities[33].

o   Censorship of critical voices at the behest of the government, while gendered disinformation is platformed despite evidence of real-life violent consequences: The leadership of these social media companies have been accused of giving the Indian government free rein on their platforms to censor content, going against their users' freedom of expression and privacy rights[34]. However, the spread of targeted gendered disinformation continues, despite the content violating their policies and community guidelines[35]. This is the case even when the content has emanated from acts of real-life violence perpetrated against minority women, or has the potential to lead to violence against them[36].

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[28] <https://theprint.in/opinion/pov/indians-are-fighting-against-coronavirus-and-bjp-it-cell-is-fighting-against-indians/395058/> ;
<https://thewire.in/agriculture/farmers-protest-despite-rightwing-propaganda-khalistani-angle-finds-little-traction> ;
<https://sabrangindia.in/article/bjp-it-cell-exposed-how-lies-and-propaganda-are-spread/> ;
<https://www.thehindu.com/news/national/tweets-by-five-more-bjp-leaders-carry-manipulated-media-tag/article34631053.ece>
[29] See analysis in 'Majoritarian Consolidation: Chronicling the Undermining of the Secular Republic' (Citizens Against Hate, 2020)
<http://citizensagainsthate.org/wp-content/uploads/2020/03/Citizens-Against-Hate-Chronicling-Majoritarian-Consolidation.pdf>
(Pg 20-21)
See here comments by senior BJP leader and current Minister for Home Affairs Amit Shah claim that BJP can make even fake news viral - <https://www.thequint.com/news/politics/amit-shah-real-fake-can-make-messages-viral>
[30] <https://www.vice.com/en/article/jgedjb/the-first-use-of-deepfakes-in-indian-election-by-bjp>
[31] <https://slate.com/technology/2021/09/deepfake-video-scams.html> ;
<https://www.theatlantic.com/ideas/archive/2023/06/deepfake-porn-ai-misinformation/674475/>
[32] <https://www.dazeddigital.com/science-tech/article/55926/1/inside-the-disturbing-rise-of-deepfake-porn> ;
<https://indianexpress.com/article/opinion/columns/with-deepfakes-getting-better-and-more-alarming-seeing-is-no-longer-believing/> ; <https://www.thehindu.com/sci-tech/technology/the-danger-of-deepfakes/article66327991.ece>
[33]
<https://static1.squarespace.com/static/58347d04bebafbb1e66df84c/t/5d0074f67458550001c56af1/1560311033798/Facebook_India_Report_Equality_Labs.pdf> ; <https://www.bbc.com/news/world-asia-india-47797151 ; https://www.bbc.com/news/world-asia-india-59006615> ; <https://www.youtube.com/watch?v=EpJCcMwHy14> ; <https://www.article-14.com/post/how-meta-youtube-twitter-instagram-ignored-their-own-hate-speech-standards-to-give-hindutva-its-latest-star-6438b8594afe3> ;
<https://www.theguardian.com/technology/2022/jan/19/facebook-india-impact-report-human-rights-concerns>
[34] <https://www.theguardian.com/world/2023/jun/13/india-threatened-to-shut-twitter-down-co-founder-jack-dorsey-says> ; <https://economictimes.indiatimes.com/tech/technology/indian-social-media-laws-quite-strict-cant-go-behind-the-law-elon-musk/articleshow/99431973.cms> ; <https://time.com/5883993/india-facebook-hate-speech-bjp/>
[35] <https://www.wsj.com/articles/facebook-hate-speech-india-politics-muslim-hindu-modi-zuckerberg-11597423346> ; <https://www.indiatoday.in/technology/news/story/youtube-gave-gold-play-button-to-monu-manesar-self-confessed-cow-protector-now-accused-of-murdering-2-men-2336109-2023-02-17>
[36] Examples include videos doxing rape victims, including child victims, being circulated online -
<https://www.boomlive.in/decode/youtube-disinformation-child-sexual-abuse-survivor-content-how-to-report-17230>

o   Choosing profit over human rights, including implementing their community guidelines, and violating laws to protect vulnerable minority women and girls: The companies and social media platforms have through omission and commission demonstrated a lack of willingness to address the issue, despite civil society actors, and their internal reports flagging the escalation and impact of gendered disinformation and wider attacks on minority and vulnerable groups[37].

Recommendations

o   Urge the Indian government to regulate gendered disinformation and targeted disinformation against minority women through laws, policies and practices. To strengthen legal systems to combat deepfake pornography, non-consensual sharing of intimate media and AI generated media.

o   Urge the Indian government to regulate the use of deepfake, generative AI during elections for campaigning, and curb the spread of disinformation and fake news prior to and during elections.

o   Urge Indian authorities to strengthen existing laws to counter disinformation, technology-facilitated gender-based violence and hate speech against minorities, and where needed, bring new legislative measures.

o   Urge the Indian government to prosecute those accused of making and disseminating disinformation targeting women online, including government officials, politicians, religious leaders, TV channels and social media platforms, to fulfill its international obligations under CEDAW, ICCPR and ICERD.

o   Demand that social media companies meet the UN OHCHR Guiding Principles on Business and Human Rights, in the context of their operations in India, and work towards more effective implementation of their Community Guidelines and policies for protection of women in India against disinformation.

o   Demand that Generative AI and Deepfake companies meet the UN OHCHR Guiding Principles on Business and Human Rights, in the context of their operations in India, to ensure their policies align with international standards on right to privacy, protection from online abuse and hate speech.

o   Create multi-stakeholder platforms to enable avenues to support victims and survivors of gendered disinformation. Including providing resources and building local and international partnerships for supporting abuse and trauma victims through better mental healthcare, legal and social care support.

Also include threats to rape and violence against women and their daughters, amplified by disinformation. See report for research on disinformation and women politicians - <https://decoders.blob.core.windows.net/troll-patrol-india-findings/Amnesty_International_India_Troll_Patrol_India_Findings_2020.pdf>

[37] <https://www.cigionline.org/articles/generative-ai-tools-are-perpetuating-harmful-gender-stereotypes/> ; <https://economictimes.indiatimes.com/news/politics-and-nation/40-ngos-write-open-letter-to-fb-ceo-mark-zuckerberg-to-take-decisive-action-on-facebook-indias-bias/articleshow/78031952.cms> ; <https://www.aljazeera.com/news/2021/10/25/facebook-india-hate-speech-misinformation-muslims-social-media> ; <https://uk.finance.yahoo.com/news/metas-shareholders-voted-against-inquiry-154100041.html>