

UNITED NATIONS SPECIAL RAPPORTEUR ON THE PROMOTION AND  
PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

July 2023

**INTERNATIONAL COMMISSION OF JURISTS' (ICJ) RESPONSE TO  
THE CALL FOR INPUTS FOR THE UN SPECIAL RAPPORTEUR'S  
REPORT ON FREEDOM OF EXPRESSION AND THE GENDER  
DIMENSIONS OF DISINFORMATION**

*Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.*

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# **Submissions from the International Commission of Jurists in response to the Call for Inputs to inform the Special Rapporteur's thematic report to be presented to the UN General Assembly, 78th session**

## **Report on freedom of expression and the gender dimensions of disinformation**

**July 2023**

### **A. Conceptual Issues**

#### ***What do you consider to be 'gendered disinformation'? How is 'gendered disinformation' similar to or different from online gender-based violence?***

As noted by the UN Secretary-General in his report on countering disinformation, there "is no clear definition of, or shared common understanding and approach to" the term.<sup>1</sup> For the limited purposes of this submission, the ICJ would characterize "disinformation" as "false information that is deliberately disseminated and with the intent of causing harm", though false information constituting disinformation may also be disseminated for other purposes and objectives.<sup>2</sup> The ICJ considers gendered disinformation to refer to any false information that is deliberately disseminated and intended to cause harm to women or people of diverse genders and sexualities. The disinformation is often based on gender stereotypes.

Gendered disinformation often constitutes online gender-based violence (OGBV). Gendered disinformation campaigns typically target individuals with enhanced public visibility or status or holding prominent and exposed positions, including political figures, human rights defenders (HRDs) and journalists. OGBV is any act of gender-based violence that is committed, assisted or aggravated in part or fully by the use of information and communication technology.<sup>3</sup> OGBV can manifest in a number of ways, including online threats of physical and/or sexual violence, cyberstalking, cyber-flashing, digital voyeurism, and non-consensual sharing of intimate contents.<sup>4</sup> Gendered disinformation thus will frequently entail a form of gender-based violence due to the harms caused to women and those of diverse genders and sexualities. This conception accords with the Committee on the Elimination of Discrimination against Women's characterization of gender-based violence against women as "violence which is directed against a woman because she is a woman or that affects women disproportionately".<sup>5</sup>

Gendered disinformation may serve to undermine women's participation in political life, undermining democracy and the exercise of human rights and fundamental freedoms,

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<sup>1</sup> UN General Assembly, *Countering disinformation for the promotion and protection of human rights and fundamental freedoms: Report of the Secretary-General*, 12 August 2022, UN Doc. A/77/287, para. 3.

<sup>2</sup> This mirrors the definition provided by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression ("false information that is disseminated intentionally to cause serious social harm"): UN General Assembly, *Promotion and protection of the right to freedom of opinion and expression*, 30 July 2021, UN Doc. A/76/258, para. 73; and the definition provided by the International Telecommunication Union and the UN Educational, Scientific and Cultural Organization ("false or misleading content with potentially harmful consequences, irrespective of the underlying intentions or behaviours in producing and circulating such messages."): International Telecommunication Union and UNESCO, *Balancing Act: Countering Digital Disinformation While Respecting Freedom of Expression*, September 2020, p. 8, available at: [https://www.broadbandcommission.org/wp-content/uploads/2021/02/WGFoEDisinfo\\_Report2020.pdf](https://www.broadbandcommission.org/wp-content/uploads/2021/02/WGFoEDisinfo_Report2020.pdf).

<sup>3</sup> ICJ, *OGBV Law Checklist*, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2023/05/ICJ-OGBV-Law-Checklist.pdf>.

<sup>4</sup> ICJ, *OGBV Law Checklist*, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2023/05/ICJ-OGBV-Law-Checklist.pdf>.

<sup>5</sup> Committee on the Elimination of All Forms of Discrimination against Women, *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, 26 July 2017, UN Doc. CEDAW/C/GC/35, para. 1. See also, ICJ, *OGBV Law Checklist*, May 2023, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2023/05/ICJ-OGBV-Law-Checklist.pdf>.

including freedom of expression and the right to information and the right participation in public affairs. Disinformation may also be used to harm those of diverse genders and sexualities as it may, in extreme cases, ultimately lead to instances of hate-based crimes and killings in hostile environments.<sup>6</sup> In the digital era, the coordinating, financing, and propagating disinformation campaigns may be carried out with ease, and the consequences for women are particularly pronounced.

Those who are highly visible or in positions of influence are more frequently targeted by gendered disinformation, as the different examples described hereafter show. Women politicians and journalists in the Philippines have been targeted with maliciously doctored pornographic images and (typically unsubstantiated) rumours on their personal lives.<sup>7</sup> In Thailand, fabricated screenshots were circulated insinuating that a woman pro-democracy activist was being funded and supported by the United States Embassy,<sup>8</sup> and allegations were also made that she was “a mistress of a foreign correspondent”.<sup>9</sup> In Cambodia, the authorities have falsely linked sexual violence and human trafficking to women’s choice of clothes.<sup>10</sup> In Pakistan, videos of women chanting feminist slogans in the Women’s March were overlaid with false subtitles of “slogans against the Prophet Muhammad”.<sup>11</sup> In Indonesia, survivors of sexual violence who have spoken up online about their experiences have been targeted through criminal defamation lawsuits from the perpetrators of the violence intending to discredit their accounts and silence them.<sup>12</sup> These online attacks are allegedly often undertaken by or with the involvement of State agents, including in Cambodia,<sup>13</sup> Thailand,<sup>14</sup> and the Philippines.<sup>15</sup>

In Kenya, women politicians have been targets of image-based disinformation, whereby manipulated media are used to sexualize them, create false narratives and sway the conversation away from political discourse. In the case of Kenyan National Assembly representative, Esther Passaris, an alleged text and audio was released by a male politician. This was allegedly done to portray a sexualized narrative intended to damage her reputation and cause shame.<sup>16</sup> The same tactic of sexualized distortion was used in the 2017 Rwandan elections targeting the only female presidential candidate, Diane Shima Rwigara, where photoshopped nudes of her were circulated online in a bid to discredit her. She was eventually disqualified from running for President and faced serious criminal charges for which she was later acquitted. In South Africa, an image of the former public

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<sup>6</sup> Best Practise Forum on Gender and Digital Rights, Internet Governance Forum, *Exploring the concept of gendered misinformation*

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://intgovforum.org/en/filedepot\_download/248/21181

<sup>7</sup> Foundation for Media Alternatives, “Gendered Disinformation: Attacking Women for Being Female, Online, and Politically Outspoken”, 4 November 2021, available at: <https://fma.ph/2021/11/04/attacking-women-online/>; Paige Occefiola, “Fake news, real women: Disinformation gone macho”, *Rappler*, 15 December 2018, available at: <https://www.rappler.com/newsbreak/in-depth/217563-disinformation-gone-macho/>.

<sup>8</sup> Wassana Nanuam and Kornchanok Raksaseri, “US denies viral chat’s authenticity”, *Bangkok Post*, 20 April 2021, available at: <https://www.bangkokpost.com/thailand/general/2102059/us-denies-viral-chats-authenticity/>.

<sup>9</sup> Aim Sinpeng and Amalinda Savirani, *Women’s political leadership in the ASEAN region*, 15 November 2022, p. 44, available at: <https://www.wfd.org/what-we-do/resources/womens-political-leadership-asean-region>.

<sup>10</sup> ICJ, *Dictating the Internet: Curtailing Free Expression and Information Online in Cambodia*, November 2021, p. 55 – 57, available at: [https://www.icj.org/wp-content/uploads/2021/12/ICJ-Dictating-the-Internet\\_Cambodia\\_Engl.pdf](https://www.icj.org/wp-content/uploads/2021/12/ICJ-Dictating-the-Internet_Cambodia_Engl.pdf); *Mandates of the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; and the Working Group on discrimination against women and girls*, 1 May 2020, Reference AL KHM 2/2020.

<sup>11</sup> Mariya Karimjee, “A coordinated online attack has forced some organizers behind Pakistan’s Women’s March into hiding”, *Rest of World*, 17 March 2021, available at: <https://restofworld.org/2021/a-coordinated-online-attack-has-forced-some-organizers-behind-pakistans-womens-march-into-hiding/>.

<sup>12</sup> LBH Apik Jakarta, “Kajian Dampak UU ITE terhadap Perempuan Korban Kekerasan: Analisis Dampak Pasal 27 Ayat (1) dan (3) Jo. Pasal 45 UU ITE”, 5 December 2022, p. 89 – 98, available at: <https://www.lbhapik.org/2022/12/kajian-dampak-uu-ite-terhadap-perempuan.html>.

<sup>13</sup> ICJ, *Dictating the Internet: Curtailing Free Expression and Information Online in Cambodia*, November 2021, p. 55 – 57, available at: [https://www.icj.org/wp-content/uploads/2021/12/ICJ-Dictating-the-Internet\\_Cambodia\\_Engl.pdf](https://www.icj.org/wp-content/uploads/2021/12/ICJ-Dictating-the-Internet_Cambodia_Engl.pdf)

<sup>14</sup> Protection International, “Angkhana Neelapaijit and Anchana Heemmina File Civil Case against PM’s Office and Royal Thai Army for Their Involvement in a Disinformation and Smear Campaign”, 16 November 2020, available at: <https://www.protectioninternational.org/news/thailand-angkhana-neelapaijit-and-anchana-heemmina-file-civil-case-against-pms-office-and-royal-thai-army-for-their-involvement-in-a-disinformation-and-smear-campaign/>.

<sup>15</sup> ICJ, *Danger in Dissent: Counterterrorism and Human Rights in the Philippines*, January 2022, p. 3, available at: [https://www.icj.org/wp-content/uploads/2022/01/ICJ\\_PhilippinesRedTagging\\_270122.pdf](https://www.icj.org/wp-content/uploads/2022/01/ICJ_PhilippinesRedTagging_270122.pdf).

<sup>16</sup> <https://blog.witness.org/2022/08/dangers-of-gendered-disinformation-in-african-elections/>

protector, Thuli Madonsela, was manipulated to show her posing in a picture while dressed in the old South African flag used during apartheid, which was damaging to her reputation. These targeted attacks make it difficult for women in politics to engage professionally with the electorate, as the focus is shifted away from their experience and expertise and placed on sexual and moral judgments. This may engender undue scrutiny of the competency of women in politics and leadership.<sup>17</sup> In a survey looking at global trends in online violence against women journalists, 37% of survey respondent journalists identified political actors as the top sources of online attacks against them. Prime targets of such attacks included Lebanese journalist Ghada Oueiss; Brazilian journalist Patricia Campos Mello; Maria Ressa in the Philippines; Kimberly Halkett, April Ryan, Julia Carrie Wong, and Brandy Zadrozny in the US; Carole Cadwalladr, Rianna Croxford, Nadine White, and BBC Persian journalists in the UK; and Pauli Van Wyk and Ferial Haffajee in South Africa.<sup>18</sup>

Gendered disinformation can also be aimed at inciting violence, hostility or discrimination against women and those of diverse genders and sexualities. In particularly egregious cases, this may also result in offline harms, including serious physical violence or even death. Gendered disinformation includes false information intended to harm and incite discrimination against those of diverse genders and sexualities, to the extent that they are targeted for “defying gender norms”<sup>19</sup> and patriarchal constructs. Examples of anti-LGBTI disinformation include the pathologization of LGBTI identities as “an addiction that should be cured and treated” and the cause of diseases in Malaysia;<sup>20</sup> linking LGBTI people with paedophilia in Singapore;<sup>21</sup> or false claims that LGBTI people are the cause of natural disasters in Indonesia<sup>22</sup> or that the COVID-19 pandemic is “retribution from God for same-sex activity”.<sup>23</sup>

States should recognize gendered disinformation, and OGBV more broadly, as impairing the enjoyment of human rights and a form of discrimination against women and persons of diverse genders and sexualities. Women and sexual minorities encounter many obstacles with respect to access to justice. Gendered disinformation upholds negative stereotypes and cultural norms that make it difficult for survivors of sexual and gender-based violence to access justice, and contributes to the normalization of gender-based violence.

## **B. Responses of States, companies and organizations**

***What measures have States, digital companies or international organizations taken to combat 'gendered disinformation'? To what extent do these responses comply with international human rights law standards, in particular freedom of expression? How effective have these measures been in addressing 'gendered disinformation'? Please provide references/links to relevant case law concerning this topic.***

*Disinformation or false information laws*

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<sup>17</sup> <https://blog.witness.org/2022/08/dangers-of-gendered-disinformation-in-african-elections/>

<sup>18</sup> The Chilling: global trends in online violence against women journalists P 28- 29 <https://unesdoc.unesco.org/ark:/48223/pf0000377223>

<sup>19</sup> Similarly, hate-motivated violence against LGBTI people “constitute a form of gender-based violence, driven by a desire to punish those seen as defying gender norms”: OHCHR, *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law, Second Edition*, 2019, p. 13.

<sup>20</sup> Justice for Sisters, “SUHAKAM Report Debate in Parliament Calls for Human Rights Training with MPS”, 14 June 2023, available at: <https://justiceforsisters.wordpress.com/2023/06/14/suhakam-report-debate-in-parliament-calls-for-human-rights-training-among-mps/>; Samantha Cheh, “Weaponising Science: Malaysia’s LGBTQ “Research””, *New Naratif*, 23 July 2018, available at: <https://newnaratif.com/weaponising-science-lgbtq-scholarship-malaysia/>.

<sup>21</sup> Ching Shi Jie, “‘1 in 15 homosexuals is a paedophile’: Hwa Chong Institution staff member’s anti-LGBTQ content in sex ed talk draws brickbats”, *Asia One*, 18 July 2022, available at: <https://www.asiaone.com/singapore/1-15-homosexuals-paedophile-hwa-chong-institution-staff-members-anti-lgbtq-content-sex-ed>.

<sup>22</sup> Dina Listiorini, “Online hate speech”, *Inside Indonesia*, 26 January 2020, available at: <https://www.insideindonesia.org/editions/edition-139-jan-mar-2020/edition-139-jan-mar-2020-english/online-hate-speech>;

<sup>23</sup> UN Human Rights Council, *Freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity*, 7 June 2023, UN Doc. A/HRC/53/37, para. 23.

A number of States have purported to combat disinformation with laws that fail to comply with international human rights law and standards on the right to freedom of expression and information.<sup>24</sup> These laws are typically based on vague and overbroad definitions of “disinformation” or “false information” in contravention of the principle of legality;<sup>25</sup> prescribe unnecessary and disproportionate criminal sanctions;<sup>26</sup> and provide overbroad latitude to the implementing executive authority without sufficient judicial oversight.<sup>27</sup> These laws are emblematic of the immense challenges of responding to disinformation or misinformation using legal frameworks, which must comply with the principles of legitimate purpose, legality, necessity, proportionality and non-discrimination, as provided, for example, under article 19(3) of the International Covenant on Civil and Political Rights (ICCPR).<sup>28</sup> Of particular note is that the prohibition of “false information” is not, in itself, a legitimate aim under international human rights law.<sup>29</sup>

It is worth emphasizing that these laws are also gender-neutral in design and application, indicating more broadly that States, in responding to the harms of disinformation, are still slow to incorporate a gender perspective into their laws and policies. Thus, these laws have had limited effect in adequately responding to the specific harms caused by gendered disinformation.

### *Gender-neutral application of existing laws*

The ICJ has observed that frequently, individuals detrimentally harmed by gendered disinformation may not recognize the harms they have suffered as a form of OGBV and may thus not seek legal recourse.

Nonetheless, some have attempted to rely on existing legal provisions to seek a remedy for the harms they have suffered as a result of gendered disinformation. For instance, in Thailand, two women HRDs filed a civil case against the Prime Minister’s Office and Royal Thai Army for their alleged involvement in a disinformation and smear campaign against them, costing harm to their dignity and reputation.<sup>30</sup> The gendered disinformation reportedly included online posts and pictures containing inhumane and sexist messages.<sup>31</sup> However, the Civil Court dismissed the case on the basis that the plaintiffs had not presented sufficient evidence, such as electronic data traffic, linking the Prime Minister’s Office and Royal Thai Army to the website disseminating the disinformation against them.<sup>32</sup> This judgment raises concerns that the Court may have applied an overly burdensome standard on the plaintiffs, given the asymmetry of information available respectively to the women HRDs and the State authorities. While recognizing that the

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<sup>24</sup> See, generally in Southeast Asia, ICJ, *Dictating the Internet: Curtailing Free Expression, Opinion and Information in Southeast Asia*, December 2019, p. 106 – 125, available at: <https://www.icj.org/wp-content/uploads/2019/12/Southeast-Asia-Dictating-the-Internet-Publications-Reports-Thematic-reports-2019-ENG.pdf>.

<sup>25</sup> See, for instance, ICJ, *Dictating the Internet: A Human Rights Assessment of the Implementation of Singapore’s Protection from Online Falsehoods and Manipulation Act 2019*, October 2021, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2021/10/Singapore-Dictating-the-Internet-Legal-Briefing-2021-ENG.pdf>.

<sup>26</sup> See, for instance, ICJ, *Dictating the Internet: Curtailing Free Expression and Information Online in Thailand*, April 2021, p. 27 – 29, available at: <https://www.icj.org/wp-content/uploads/2021/06/Thailand-Dictating-the-Internet-FoE-Publication-2021-ENG.pdf>; ICJ, *Dictating the Internet: Curtailing Free Expression and Information Online in Vietnam*, December 2020, p. 37 – 39, available at: <https://www.icj.org/wp-content/uploads/2020/12/Vietnam-Freedom-of-expression-Publications-reports-thematic-reports-2020-ENG.pdf>.

<sup>27</sup> See, for instance, ICJ, *Dictating the Internet: A Human Rights Assessment of the Implementation of Singapore’s Protection from Online Falsehoods and Manipulation Act 2019*, October 2021, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2021/10/Singapore-Dictating-the-Internet-Legal-Briefing-2021-ENG.pdf>.

<sup>28</sup> Article 19(3), International Covenant on Civil and Political Rights; UN Human Rights Committee, *General comment No. 34, Article 19: Freedoms of opinion and expression*, 12 September 2011, UN Doc. CCPR/C/GC/34.

<sup>29</sup> UN Human Rights Council, *Disinformation and freedom of opinion and expression*, 13 April 2021, UN Doc. A/HRC/47/25, para. 40.

<sup>30</sup> Protection International, “Angkhana Neelapaijit and Anchana Heemmina File Civil Case against PM’s Office and Royal Thai Army for Their Involvement in a Disinformation and Smear Campaign”, 16 November 2020, available at: <https://www.protectioninternational.org/news/thailand-angkhana-neelapaijit-and-anchana-heemmina-file-civil-case-against-pms-office-and-royal-thai-army-for-their-involvement-in-a-disinformation-and-smear-campaign/>.

<sup>31</sup> Asia Centre, “Panel Report: Women Human Rights Defenders in Thailand”, 8 November 2022, available at: <https://asiacentre.org/panel-report-women-human-rights-defenders-in-thailand/>.

<sup>32</sup> iLaw English, “Thai Court dismissed Landmark Lawsuit between 2 HRDs and Office of the Prime Minister for the Lack of Evidences”, 21 February 2023, available at: <https://www.facebook.com/photo?fbid=216539564269509&set=a.182639197659546>.



disinformation had caused harm to the plaintiffs, the Court did not adequately consider the gendered impact of such disinformation on them, and the lack of an effective remedy here has carried disproportionate and specific negative impacts on the women HRDs.

### C. Finding solutions

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

The Special Rapporteur should recommend that States address and combat gendered disinformation in a manner consistent with international human rights law and standards. Underpinning all responses should be the obligation of States on the one hand to prevent, redress and hold accountable those responsible for gender-based violence; and on the other hand, the need for any restriction to comply with the principles of legitimate purpose, legality, necessity, proportionality and non-discrimination under international human rights law. The ICJ echoes the recommendation from the Special Rapporteur urging strong caution against applying a general prohibition or criminalization of disinformation.<sup>33</sup> Certain forms of gendered disinformation intended to cause serious gender-based harm may warrant a legal response, especially when necessary to protect the rights of women and gender-diverse persons to live free from violence and discrimination. However, civil or administrative measures, rather than criminal law, will generally be appropriate where the disinformation does not involve incitement to violence. Any such legislative or administrative response should be clearly and precisely defined using the least intrusive means, and be aimed at protecting individuals from the intentional infliction of gender-based harm. The “harm” here should be strictly limited to the closed list of permissive purposes for which freedom of expression may be limited under article 19(3) of the ICCPR, e.g. to prevent serious reputational damage; to protect the rights to live free from serious physical, sexual or psychological violence; or to prohibit any incitement to violence, hostility or discrimination. This does not include the prohibition of false information, in and of itself.

Legislative responses to gendered disinformation do not require a criminal law response. In fact, criminal law responses should be interpreted consistently with international human rights law and should only prohibit forms of gendered disinformation that inflict substantial harm to the human rights and fundamental freedoms of victims/survivors, and amount to a violation of their physical, sexual or psychological integrity, as the ICJ has underscored in its 8 March Principles<sup>34</sup> and checklist on laws responding to OGBV.<sup>35</sup> For instance, the application of criminal laws to reputational damage caused by gendered disinformation “should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”<sup>36</sup>

Due to the various nuances and complexities in responding to gendered disinformation and its multifaceted harms, any restrictions through legal enforcement should only be undertaken pursuant to an order by an independent and impartial judicial authority,<sup>37</sup> and an express appeal procedure provided by a competent judicial authority.<sup>38</sup> Where appropriate, these laws should also protect the privacy of complainants and witnesses;

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<sup>33</sup> OHCHR, “Statement by Irene Khan, Special Rapporteur on the promotion and protection of freedom of opinion and expression”, 18 October 2021, available at: <https://www.ohchr.org/en/statements/2022/02/statement-irene-khan-special-rapporteur-promotion-and-protection-freedom-opinion>.

<sup>34</sup> ICJ, *The 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty*, March 2023, Principles 1 – 2; 7 – 9, available at: [https://icj2.wpenginepowered.com/wp-content/uploads/2023/03/8-March-Principles-Report\\_final\\_print-version.pdf](https://icj2.wpenginepowered.com/wp-content/uploads/2023/03/8-March-Principles-Report_final_print-version.pdf).

<sup>35</sup> ICJ, *OGBV Law Checklist*, May 2023, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2023/05/ICJ-OGBV-Law-Checklist.pdf>.

<sup>36</sup> UN Human Rights Committee, *General comment No. 34, Article 19: Freedoms of opinion and expression*, 12 September 2011, UN Doc. CCPR/C/GC/34, para. 47.

<sup>37</sup> UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, 6 April 2018, UN Doc. A/HRC/38/35, para. 66.

<sup>38</sup> UN General Assembly, *Report of the Special Rapporteur in the promotion and protection of the right to freedom of opinion and expression, Frank La Rue*, 16 May 2011, UN Doc. A/HRC/17/27, para. 76.

protect victims/survivors from reprisals and retaliation, including through lawsuit reprisals; provide effective measures for the prevention and removal of harmful online content; and grant competent judicial authorities the power to issue protection orders, as emphasized in the ICJ's checklist on laws responding to OGBV.<sup>39</sup>

States must also themselves refrain from engaging in gendered disinformation and other forms of harmful expression, especially in view of the multitude of reports of State-sponsored disinformation campaigns. This is in line with their obligations not to "make, sponsor, encourage or disseminate statements that they know or should reasonably know to be false",<sup>40</sup> and to eliminate harmful stereotypes and prevent discrimination and violence against women and persons of diverse genders and sexualities.<sup>41</sup>

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

The impact of new and emerging technologies on the generation and dissemination of gendered disinformation requires further research. For instance, the increasing ubiquity of generative artificial intelligence (AI) tools, such as deepfakes and AI-generated texts and images, has contributed to the rapid proliferation of gendered disinformation online.<sup>42</sup> More needs to be done to diagnose the human rights impacts of such technologies, and these studies must ensure the inclusion of the voices of women and gender-diverse persons at the margins.

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<sup>39</sup> ICJ, *OGBV Law Checklist*, May 2023, p. 3 – 4, available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2023/05/ICJ-OGBV-Law-Checklist.pdf>.

<sup>40</sup> UN Human Rights Council, *Disinformation and freedom of opinion and expression*, 13 April 2021, UN Doc. A/HRC/47/25, para. 88.

<sup>41</sup> Articles 2 and 5, Convention on the Elimination of All Forms of Discrimination against Women; and articles 2 and 26, International Covenant on Civil and Political Rights.

<sup>42</sup> See, for instance, Marie Lamensch, "Generative AI Tools Are Perpetuating Harmful Gender Stereotypes", *Centre for International Governance Innovation*, 14 June 2023, available at: <https://www.cigionline.org/articles/generative-ai-tools-are-perpetuating-harmful-gender-stereotypes/>.