

INTERNETLAB

São Paulo, July 07th, 2023

Dear Special Rapporteur on Freedom of Expression and Opinion, Ms. Irene Khan,

InternetLab¹ is an independent research center that aims to foster academic debates around issues involving law and technology, especially internet policy. The goal is to conduct impactful interdisciplinary research and promote dialogue among academics, professionals, and policymakers. We follow an entrepreneurial non-profit model, which embraces our pursuit of producing scholarly research in the manner and spirit of an academic think tank. As a nexus of expertise in technology, public policy and social sciences, our research agenda covers a wide range of topics, including privacy, freedom of speech, gender, race and technology.

Hereby we, representatives of the organization², respectfully address our inputs on the gender dimensions of disinformation in response to the [Call for Contributions](#) issued by the Special Rapporteur in June 2023.

¹ To know more, access <https://www.internetlab.org.br/>.

² The present submission was written and reviewed by: Fernanda K. Martins, Catharina Vilela, Ester Borges and Clarice Tavares.

INTERNETLAB

1. Conceptual issues

The concept of "gendered disinformation" refers to the combination of radical narratives opposed to gender equity with the phenomenon of disinformation. In this context, the spread of false or manipulated information aims to strengthen narratives that oppose feminist and gender agendas, in addition to creating obstacles to the full exercise of fundamental rights, such as political participation, access to sexual and reproductive rights, as well as to social and legal assistance.

This kind of misinformation is used in the Brazilian context can be exemplified in the speeches of Damares Alves, who held the position of former Minister of Women, Family and Human Rights during the Bolsonaro government. Among the many cases in which the former minister made use of false or poorly contextualized information, it is possible to mention that, since 2016, Damares has said in lectures and interviews the false information that Brazil has [70 gender identities](#), claiming that all of them have been taught in schools to children from 3 years old, which would be causing "pain in the children's soul". In her fight against 'gender ideology'³, the former minister also made use of a false North American news story, [claiming that the National Council of Paediatrics of the United States had published a resolution that pointed to the so-called gender ideology as something that was generating great harm to children](#), the information is false according to the checking site [Snopes](#).

Gendered disinformation can also be understood as another tool that deepens and operationalizes gender violence. To understand gendered disinformation, we must start with gender violence and, from it, position disinformation as an interconnection between structuring violence and a phenomenon that serves it and feeds off it. If it concerns gender and gender is not restricted to women or female identities, it is important to highlight that gender violence can also be used against men and people of other gender identities, from dialogues with stereotypes of gender, sexuality and morality.

In this sense, gender violence and gendered disinformation present important connections since they are widely updated from the dynamics of social networks and technologies - building new inequalities and reinforcing those that already structure Brazilian society.

It is also important to point out that, within our context, a relevant part of the gendered disinformation cases is associated with the fight against the rights conquered or claimed by historically minority groups. To illustrate what we mean by this statement, here are two emblematic examples:

³ [A report by Human Rights Watch has shown that since 2014, more than 200 legislative proposals have been presented in the country aimed at banning "indoctrination" or so-called "gender ideology" in schools.](#) These proposals are authored by conservative groups and target education on gender and sexuality, aiming to specifically ban the key concepts of "gender" and "sexual orientation" in all education areas, including the rights of LGBTQIA+ people.

INTERNETLAB

(i) In June, The Intercept Brazil published an article narrating the case of a 10-year-old girl who was raped and, around the 22nd week of gestation, discovered she was pregnant. When she sought care, aiming to exercise her right to a legal and safe abortion, the hospital refused to perform the procedure without judicial authorization. [Among the arguments presented by the establishment, it was pointed out that the pregnancy had already passed the 22nd week and that, after this period, it was no longer abortion but murder.](#) **This information is false because, in Brazil, there is no limit to gestational age for the realization of the procedure; besides, important organizations, such as WHO itself, have already manifested the unfoundedness of this type of allegation.**

(ii) [The Maria da Penha Law](#), which combats gender violence, especially in the domestic sphere, has faced questions about its legitimacy. The norm was named after the nurse Maria da Penha Maia Fernandes, the victim of brutal aggression by her husband over six years, resulting in her paraplegia. In 2022, videos circulated on social media propagating the [false news](#) that Maria da Penha's story was a lie, insinuating that she became paraplegic after being shot by a robber and falsely accusing her husband of aggression for discovering his infidelity. It was also alleged that 'mainstream feminism media' covered the truth.

In the two cases presented, the main objective of fake news is to delegitimize rights won by historically marginalized groups - in the examples, women. In the first example, the false conception about the performance of abortion makes it impossible for a child to access a legally guaranteed procedure.⁴ Moreover, this type of **false information inhibits other women in a similar situation from seeking health services** for this procedure, **which may occur not only because they have received misleading information but also because of fear of persecution - in either way, the goal would be achieved.** In the second example, the propagation of false news about the life of the woman who led the fight for the construction of a law that recognizes gender violence and combats it also demonstrates the **mobilization of false information aimed at weakening or compromising the rights won by women.**

2. Responses of States, companies and organizations

In the Brazilian context, we face a paradoxical situation regarding government and private sector actions. On the one hand, there is an effort to seek legislation to address the problem of gendered disinformation. On the other hand, there is resistance on the part of the private sector to implement specific policies to deal with these cases, as well as a reluctance by both sides to join forces to address issues related to electoral integrity more broadly, including cases of gender-based political violence and gendered disinformation. When considering that a significant part of the instrumentalization of disinformation to

⁴ In Brazil, according to the current legislation, abortion is permitted in cases of (i) rape; (ii) anencephaly or (iii) pregnancy of risk to the life of the pregnant woman.

INTERNETLAB

foster gender inequalities occurs on social platforms, especially at election times, some points deserve to be made.

In the institutional field, for example, the [Law on Political Violence against Women](#), sanctioned in 2021, brings an important advance by recognizing that disinformation can manifest itself as a form of political violence against women, inhibiting their participation in democratic processes and unbalancing the dispute between candidates and female candidates. However, the norm still faces practical application difficulties and lacks the visibility necessary to generate effects, mainly because the mere existence of a law does not necessarily imply effective changes.

Since the law alone does not solve the problem, to build dialogues with public and private sectors, in [2020](#) and [2022](#), InternetLab organized MonitorA, an observatory of political violence that follows the social networks of female candidates in elections. With this monitoring, we have demonstrated the large amount of misogynistic, racist and ethnocentric attacks against female candidates, which were not, for the most part, removed from the air by platforms.⁵ The phenomenon of [attacks and insults](#) directed mostly at women candidates and/or those belonging to minority groups in terms of race, sexuality, social class and territory is, as mentioned above, framed as **gender political violence**.

Despite this, in the 2022 elections, we saw joint efforts by platforms and public authorities to combat attacks on electoral integrity. However, political violence and gendered disinformation were not among their agendas. Today, no [electoral integrity policies on main platforms](#), such as Twitter, Instagram and Facebook, specifically address gender political violence. The main argument brought by companies to justify it is to claim that there are already policies aimed at gender; however, as MonitorA has shown, it is not difficult to realize that the existing practices are not enough to protect women who work in institutional politics.

The harmful character of gendered disinformation articulated with political violence can be exemplified by the case of Marielle Franco, a councilwoman human rights defender who was brutally murdered in 2018. Over the past few years, [an alarming amount of false information about Marielle's life has been spread](#), much of it delegitimizing her political performance and validating her assassination for allegedly linking her to criminal organizations. It is worth mentioning that the fact that she was black, bisexual and peripheral constitute social markers that are articulated in the construction of fake news that add to the violence suffered in life by Marielle. It is not a coincidence that a black and peripheral woman has been accused of direct links with criminal groups. Racism, misogyny and other manifestations of intolerance form the backdrop for the spread of disinformation about her. This type of false information is not characterized as gendered disinformation only because it deals with false narratives about a woman but because this news is constructed from social markers of difference that instrumentalized from discriminatory discourses aim to demoralize the image and public memory of a black woman, bisexual, peripheral and brutally murdered in the exercise of institutional politics. Currently, [much of](#)

⁵ To see more data on MonitorA visit: <https://monitora.org.br/monitora-english-version/monitora/>

INTERNETLAB

[the disinformation propagated is active on social networks](#). Faced with the absence of effective action from platforms to combat this type of violence, the Marielle Franco Institute, an organization created by her family with the mission of empowering young, black, LGBTQIA+ and peripheral women, created its own channel to report disinformation and hate speech linked to Marielle, in addition to disproving some of the main fake news about her. [The page is called "The Truth about Marielle Franco"](#).

It is also possible to mention the case of Manuela D'Ávila, former federal deputy and candidate for vice-presidency of Brazil in 2018, who has suffered several attacks throughout her political life and has been the target of numerous fake news stories. The amount of misinformation became so significant that, in 2020, Manuela sought justice seeking the removal of fake news from social networks. At the time, [the Regional Electoral Court of Rio Grande do Sul ordered Facebook, Instagram, Twitter and YouTube to remove 91 links with lies about the then-candidate](#). As in the case of Marielle, who was falsely connected to criminal organizations, much of the disinformation propagated against Manuela was of moral order. In some, [the former deputy was accused of being a pothead, a supporter of child sexual abuse and a communist](#).

Another important point is the lack of data that would allow us to understand and analyze how political violence articulated to gendered disinformation manifests itself in digital platforms. We do not have specific reports on the topic released by social platforms or official data on the phenomenon from the government. In general, information on political violence and gendered disinformation results from research carried out by civil society and academia. Without clear and regular information on this phenomenon, any attempt at in-depth analysis by researchers and civil society organizations is challenging.

3. Finding solutions:

Any discussions aimed at addressing forms of violence must consider the intersectional nature of these phenomena. This means that specific social markers of difference manifest differently depending on the subject and which other social marks they carry concerning gender, sexuality, class, race, territory and nationality.

Gender violence and violence against historically marginalized groups on the internet involves multiple factors, such as hate speech, discrimination, democratic guarantees, specific electoral contexts and political disputes between different actors. In this context, the construction of policies and guidelines to combat and prevent this phenomenon must consider all the variables that mark gender violence and gendered disinformation. Thus, [concerning social media platforms and providers, some of the measures that can be implemented are:](#)

- Digital platforms should commit to developing protective policies and guidelines in the face of gendered disinformation and political violence. To this end, these companies must be in recurrent dialogue with civil society and academia, which can

INTERNETLAB

provide input on the local context, the political changes underway in countries and regions, and the specificities of different forms of discrimination.

- Platforms must commit to creating policies that contribute to combating and mitigating the effects of this form of violence and that ensure the existence of evaluation and monitoring metrics that can also be accessed by civil society and academia. It is also necessary that transparency reports be released and accompanied by clear and well-defined metrics so that it is possible to have a more concrete evaluation of content moderation, which goes through the causes, languages, populations and regions of the content on the platforms.

As for civil society action, one possibility for confronting gender disinformation is the creation of channels or information-checking observatories that aim to combat gendered disinformation from an intersectional perspective. Through these tools, it would be possible to report this type of case in a specific way, which would build an important data source and directly combat this phenomenon.

Finally, considering that a relevant part of the cases of gendered disinformation in Brazil has political figures as victims, it is necessary that layers of protection are built, both by the State and by the platforms, that extend beyond the electoral period, conferring more security to women and members of other marginalized groups who are politically active.