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Editorial

Digital Rights in Asia

The internet has become a powerful tool in exercising the right to freedom of expression. It is also accessible to people with the use of smartphone, now an ordinary device the world over.

In a larger sense, the internet is an essential tool for business and for governance.

The internet has become user-friendly, which encourages ordinary people to become "digital content creators."

With the proliferation of "digital content" in the "worldwide web," issues arise that impact the personal (privacy, reputation, activities) and the societal (economic, political, cultural, social) domains.

Digital rights refer to the exercise of human rights using the internet to express one's opinion as well as access and disseminate information.

However, reports note the increasing effort of Asian governments on setting rules on digital rights in particular and the internet in general. While the use of internet has serious negative impacts that should be addressed by governments, there are also issues of violation of human rights regarding the internet..

Government surveillance, limitation of access, control of digital content/information and punishment for the use of the internet can give rise to serious human rights violations.

Redefining the Concept of Misinformation: The Case of Indonesia

EngageMedia

Misinformation practices have grown in complexity as digital and social media technologies become more sophisticated. Consequently, it is vital to redefine misinformation and assess how far initiatives in the field have adapted to the novel context of false information distribution practices.

Based on observations in the field, the boundaries between correct and incorrect information have become more fluid in many misinformation practices, including what information constitutes fake news or political propaganda, and so on.

There is also the issue of defining "fake news," especially regarding the parameters used for labelling content on social media and online media—whether by individual journalists or fact-checkers, editorial boards, platforms or the government.

Another challenge is proving who could be considered as actors responsible for spreading misinformation. Appelman et al. (2022) argued that, from a legal perspective, proving somebody's intentions in sharing misinformation is very difficult. Evidence of awareness about spreading misinformation is required, regardless of whether

the intent is to deceive, mislead, or cause greater harm. Deciphering someone's intent to spread misinformation, from the perspective of EngageMedia, does not provide further solutions for future actions.

The contrast between misinformation a n d disinformation makes comprehending disinformation based on political propaganda even more complicated. One example is the "Russian disinformation" campaign, where the Russian government hired companies to spread misinformation, racial sentiments, and damaging statements towards political opponents. There was also the "fake campaign without fake news" which occurred during the 2024 presidential elections in Indonesia (Broda & Strömbäck, 2024; Tapsell, 2024).

There is no reason for fact-checkers to be overly concerned with the intent behind the misinformation campaign. Larger social media platforms can distinguish between unintended misinformation distribution and orchestrated operations involving buzzers, bots, or political trolls. The fact-checker interviewed by EngageMedia said that social media platforms have the capacity to monitor these

activities and should have the ability to mitigate them:

"Yes, so I was once invited to the Twitter headquarters in the US in 2018. Over there, they explained that Twitter's engines let them see things we couldn't. Including whether this person is a buzzer and that this is their network. It turns out they are capable of seeing these things." - Fact-Checker from Civil Society Organisation.

However, are the platforms truly fulfilling their responsibilities as mitigators? Frequent changes in platform rules, coupled with ownership changes motivated by political and business interests, will certainly influence a platform's future decisions. Unfortunately, this situation lies beyond the control of fact-checkers:

"Since 2018, Twitter has been equipped with a monitoring tool. So this is something that their engines should be capable of [doing]. This is a new feature, however, ... it may not be perfect from the get-go. So of course they will continue to refine it as things move along. Despite the recent significant layoffs at Twitter, they possess sufficient resources to fix this, hahaha. So that is the actual question." - Fact-Checker from Civil Society Organization.

The issue of content monitoring should be considered in the larger context of social media platform policy. For example, TikTok empowers the community to report content that violates the platform's regulations. However, TikTok continues to encounter problems due to the huge number of local languages in Southeast Asia, making violations harder to detect by its limited number of content moderators (Jalli, 2024).

In the context of state-sponsored political propaganda, the fact-checkers interviewed by EngageMedia recognized that the state could use misinformation to undermine democracy:

"Now the trend is shifting; [misinformation] is being used as a weapon for undermining democracy. We see in Indonesia that the government is becoming stronger, having a more dominant presence in digital spaces to exert greater influence on public opinion. Well, it turns out they are doing the same thing by hiring cyber troops; they produced fake accounts and ... sent out messages of disinformation to manipulate public information related to important issues, such as the revision of the KPK Law [law on Indonesia's anticorruption institution), the omnibus law, the Criminal Code, and Papua." - Media.

Undoubtedly, the current spread of disinformation is more than just a source of polarization; it is also a tool of digital authoritarianism. The use of disinformation to silence activists, freedom of expression, and freedom of the press is

proof of this. In the Fatia-Haris case, state actors silenced the two human rights defenders when they voiced concerns about oligarchs (DA, 2024) and the news of the sexual violence case in East Luwu, South Sulawesi, which was published by Project Multatuli, was labelled as a "hoax" by the state (Maharani & Krisiandi, 2021). These two cases are forms of repression. They silence those who seek to expose major scandals involving state actors.

Singapore, which has established the Protection from Online Falsehoods and Manipulation Act, provides another example of digital authoritarianism. The policy authorizes the Prime Minister to regulate internet content (Singapore Statutes Online, 2020). Restrictions on the distribution of content that do not align with government policies, including correcting, removing, and even blocking access to content that are considered falsehoods, could elicit debates or protests against the government (Han, 2019).

Information Muddle Wrapped in Influence Operations

One of the important aspects of the misinformation trend during the 2024 presidential election in Indonesia is that electionrelated material is "packaged in light, entertaining content" to avoid feeling like disinformation. Prabowo Subianto and Gibran Rakabuming's AI technologyclad campaigns, such as "Joget Gemoy" and "Oke Gas Oke Gas", are not actual representations of Prabowo. They are part of the campaign

team's strategies to get the public to think of Prabowo-Gibran as cool and casual figures (Garnesia, 2024).

This contrasts with analysts' assessment that Prabowo was unable to control his emotions during the final debate on 7 January 2024. Prabowo, striking a power pose with hands on his hips, caused so many interruptions that the moderator had to regulate and pacify the situation (Santosa, 2024).

The conditions of the 2024 presidential campaign were completely different from 2019. Five years ago, the presidential campaign was dominated by polarization between nationalist and religious groups, as well as a theater of slander and lies that both elevated and denigrated certain candidates (Ronaldo & Damaiza, 2021). Although many expected religious polarization to return in the 2024 election, this did not happen (Pattisina, 2023). People rarely encountered misinformation that exploited certain issues or groups considered "enemies" in preceding elections, such as Chinese migrant workers, the Indonesian Communist Party (PKI), Shia Muslims, Hizbut Tahrir Indonesia, or even the LGBT community.

The "Gemoy Campaign" signalled a significant shift for a society weary of family WhatsApp groups' conflicts and social media disturbances, commonly referred to as "serious politics" (Nababan & Rahayu, 2024). The Gemoy Dance also sought to exploit the people's fondness for political entertainment on social media, and it is, in fact, not a novel

aspect of the national political scene (Schultz, 2012). This phenomenon had been long observed, dating back to Golkar's 1971 campaign, which involved three hundred twentyfour artists from the 1971 Golkar Safari Artistic Team. The United Development Party (PPP) continued this practice in 1977 when they included popular dangdut artist Rhoma Irama in their campaign. Additionally, Jokowi's 2014 presidential campaign and the Ahok-Djarot 2017 gubernatorial campaign in Jakarta featured the band Slank (Wibisono, 2017). Political entertainment, such as the Gemoy Dance, appeared to be capable of diverting people's attention away from serious political issues.

However, political misinformation content did not completely disappear in the lead-up to the election, keeping factcheckers busy with the large amount of misinformative content. The narratives employed in the 2024 election no longer focused on slandering rival candidates.

Although many expected Prabowo's dark past and charges of horrific human rights violations to resurface as a central narrative in the 2024 presidential election, he now had a legion of endearing social media content to cover this up.

Furthermore, the "Gemoy Campaign" seemed to undermine the campaign focused on the president's vision and mission, which should be taken seriously. Prabowo simply danced when asked about his vision and mission.

Prabowo only had to remain in his own echo chamber and did not need to answer any questions from reporters after a debate, or even bother attending his own campaign; the AI could do it all for him (Garnesia, 2024). On top of that, TikTok indeed created echo chambers that further reinforced preexisting beliefs and biases (Jalli, 2023). His campaign team curated TikTok videos for his supporters, removing the need to dispute Prabowo's political policies or question his past.

Researchers have attempted to the coin term "missedinformation" to describe this phenomenon. It reflects the absence of popular historical narratives, leaving youth who did not witness the events of 1998 firsthand without context (Garnesia, 2024). Others have emphasized the importance of understanding this new concept of disinformation, with some referring to Prabowo's strategy as toxic positivity, similar to the 2022 campaign of Ferdinand Marcos Jr. in the Philippines (Tapsell, 2024; Garnesia, 2024; Curato, 2022).

EngagedMedia refers to this phenomenon as an information muddle arising from subtle and short-term social media manipulation (influence operations). Gregory Bateson (1987) introduced the term "muddle" whereas Bateman et al. (2021) established the concept of "influence operations."

According to Bateman et al., influence operations can be carried out to change someone's belief, shift voters' behavior, or provoke political violence.

Bateman explained that these tactics could be quickly deployed through social media.

This strategy has been successful in shifting political views and behaviors in society. This is evident in the growth of vaccine scepticism or rising xenophobic sentiments, which grew rapidly and massively over social media. In less than a year, the "Gemoy Campaign" in Indonesia convinced 58.6 percent of the population to vote for Prabowo-Gibran.

The Bureau of Investigative Journalism defines influence operations as the spread of counter-information over social media. This does not necessarily need to be misinformation.

The "Gemoy Campaign" which successfully overshadowed the narrative about Prabowo's past, demonstrates this. Wanless and Pamment (2019) defined influence operations as a series of coordinated activities. It should be highlighted that the 2024 presidential election involved not only a shift in Prabowo's persona through the use of Al, but also a series of unethical behaviors on Jokowi's part to support Prabowo's victory through the use of all forces at his disposal, such as:

- petitioning for a lower age requirement for vicepresidential candidacy at the Constitutional Court;
- distributing social aid funds to line the pockets of voters;
- deploying police officers to intimidate regional and village leaders who refused to support Prabowo-Gibran; and

 mobilizing civil servants to support Prabowo-Gibran (Supriatma, 2024).

EngageMedia refrains from naming this phenomenon as propaganda due to its broad definition, which makes it challenging to distinguish propaganda in advertising, marketing, and public relations (Wanless & Pamment, 2019). Some definitions of propaganda are being updated to reflect changes in technological use, particularly on social media.

This has given rise to concepts such as "networked propaganda" or "computational propaganda" (Benkler, 2018; Wooley & Howard, 2016). The term "participatory propaganda" is also used as a model to represent propagandists' abilities to invite audiences to engage with, adapt, and spread propaganda through social media (Wanless & Berk, 2019). The concept of participatory propaganda is suitable for describing the "Gemoy Campaign," which was successful in attracting the masses on TikTok.

However, this concept does not adequately accommodate the strategies and forces deployed by the incumbent, which go beyond the norms of statesmanship (Supriatma, 2024).

EngageMedia argues that fact-checkers and civil society organizations should prioritize influence operations. At the same time, EngageMedia acknowledges Bateman, et al. (2021) admission that empirical research on the impact of influence operations on society is limited.

Policy limitations for evaluating the legitimacy of these subtle and sporadic political tactics, coupled with a lack of interpretation and implementation by law enforcement, may become a reinforcing factor for influence operations in the future.

This is an edited excerpt of the 2025 report entitled Misinformation Dynamics and the Compatibility of FactChecking Practices Today, prepared by EngageMedia. Full report is available at https://engagemedia.org/politics-fact-checking-indonesia/.

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Measuring Digital Repression in Southeast Asia

Surachanee "Hammerli" Sriyai

🖊 any Southeast Asian countries have made significant strides in developing their digital infrastructure and rolling out e-government services. The region's Egovernment Development Index (EDGI) in 20221 was higher than the world average. Furthermore, over half of the region saw an improvement in its EDGI score in this round of the survey. However, along with these advances, there have been signs of regression in terms of internet freedom, in line with global trends.

It appears that while states have improved their digital architecture to provide better public services and develop their digital economy, the bolstered digital capacity can also be used as an instrument of state repression to infringe on citizens' rights.

Overall, most countries tend to avoid internet shutdowns and blocking of websites despite having the capacity to do so. Once again, research data confirm that states make a costbenefit calculation when employing digital repression tactics. Particularly, there are socioeconomic tradeoffs to be considered when using overt and broad-based tactics like shutting down the internet or blocking access to certain websites, such as the risk of losing economic productivity and raising social tension.

Digital Repression

Contemporary view of repression emphasizes the broader repertoire of state actions, including non-violent methods such as surveillance, censorship, and control of information flows. The term digital repression thus encompasses a range of actions and policies employed by governments to suppress opposition, including the use of digital technologies.

Freedom in using the internet can be measured by the following factors (as identified by Freedom House):²

- Obstacles to Access infrastructural, economic,
 and political barriers to
 access; government
 decisions to shut off
 connectivity or block
 specific applications or
 technologies; legal,
 regulatory, and ownership
 control over internet service
 providers; and
 independence of regulatory
 bodies;
- Limits on Content legal regulations on content; technical filtering and blocking of websites; other forms of censorship and self-censorship; the vibrancy and diversity of the online environment; and the use of digital tools for civic mobilization; and

 Violations of User Rights legal protections and restrictions on free expression; surveillance and privacy; and legal and extralegal repercussions for online speech and activities, such as imprisonment, extralegal harassment and physical attacks, or cyberattacks.

Using these factors, the Freedom on the Net (FOTN) of a country can be measured resulting in FOTN score.

Most Southeast Asian countries either saw a drop in FOTN scores from 2022 to 2023 or no progress, except for Malaysia and Cambodia. There also seems to be variations in how countries perform in different aspects of digital freedom once we look at the composite indexes. For instance, Malaysia has seen a two-point improvement in its FOTN score and now ties with the Philippines as the bestperforming countries in the region due to its ability to reduce the obstacles to online access by expanding 4G mobile connection and ensuring access to stable internet connection nationwide. The number of individuals given prison terms or held in pretrial detention for online activities has decreased, leading to an improvement in the parameter measuring violations of user rights.

Additionally, the *Digital Society Project (DSP)* provides the categories of digital repression tactics: surveillance, censorship, social manipulation and disinformation, internet shutdowns, and targeted persecutions of online users.

Infrastructural manipulation as a tactic of digital repression refers to states attempting to capture the digital infrastructure in order to control the information/ communication grid of the nation. On the other hand, informational manipulation commonly known as information operations (IOs)—is a method used to alter the information architecture with dis/misinformation. So, while informational manipulations influence what kind of information individuals get, infrastructural tactics aim to control how/whether they get that information.

In terms of the capacity to control digital infrastructure through internet shutdowns, filtering and social media monitoring, most Southeast Asian countries seem to have bolstered their capabilities in the past decade; especially since 2015. While different countries may experience digital development differently, one of the global phenomena of that decade was the emergence of social media in the political arena, particularly as a tool for social movements. The Arab Spring that saw the overthrow of some dictators in 2010 serves as an archetypal example of digital activism. For a region-specific case, one can look to the People's Democratic Reform Committee (PDRC) protest in Thailand in 2013 to see how

social media was used to mobilize and coordinate collective actions against the sitting government.3 As we know, governments are quick learners when it comes to what concerns their survival. Therefore, it is plausible that the empowering potential of the internet and social media for ordinary citizens to go up against their government incentivized the enhancement of infrastructural controls in Southeast Asia. Studies show that there is no discernible divide between high-income versus low-income countries, or even regime types. Myanmar, the poorest ASEAN country in 2023,4 has almost the same capability of internet filtering and shutdown as Singapore, the region's richest country; and even surpasses it in social media monitoring capability. This corroborates existing studies showing that digital repression is ubiquitous as well as reinforcing of the "need-based" logic of state repression that political control and survival can drive states to repress their people, or in this case, build their capacity in anticipation of security threats.5

However, having high capacity does not ascertain action. Particularly, having the ability to block access to websites or shutting down the internet entirely does not mean that a government would act accordingly.

With socioeconomic risks substantiated, it is intuitive for states to resort to an internet shutdown only when necessary. Such necessity, from a state's perspective, can be seen in post-coup Myanmar. The Myanmar

junta has been facing harsh criticisms and fierce resistance from the public. As such, shutdowns are needed not only to cut the information channels from within and outside of Myanmar but also to make it more difficult for the revolutionary forces to communicate and coordinate against the junta. Myanmar citizens have been experiencing vast, intermittent internet shutdowns since the coup in 2021. The longest complete shutdown lasted for a total of seventy-two days and service blockage (e.g., blocking access to social media, VPNs, some websites, etc.) has been ongoing for 1,091 days since the coup.6 Consequently, the country has foregone US\$953,631,077 on GDP (PPP) and US\$117,864,732 on FDI since the beginning of the coup in shutting down the internet. Other Southeast Asian governments seem to prefer softer, more imperceptible approaches such as social media surveillance and censorship for infrastructural control.

As for informational manipulation, all states appear to engage in some level of disinformation campaigns or information operations, though the magnitude varies. However, it is difficult to pinpoint the reasons or incidents in each country that drive the selection of such a tactic from the data alone. On aggregate, statesponsored information operations are more prevalent in countries in which the situation requires the government to seek approval and support or convince the populace of something—usually of its legitimacy or performance. It is

also imperative to note that one of the factors contributing to the popularity of dis/misinformation campaigns is that it is relatively more affordable compared to other types of digital repression. Therefore, a "cybertroopers" phenomenon has become rampant in the past few years.⁷ Furthermore, it can be further supplemented by regulatory frameworks and laws that aim to suppress dissent. For instance, someone who posts on social media criticizing the government in Thailand runs the risk of being charged under the Computer-Related Crime Act B.E. 2550 (2007); and if they criticize the royal family, the prosecutor can add Article 112-known as lèsemajesté law—on top of that, too.

Highlights of the Situation in Southeast Asia

The situation in Southeast Asia regarding freedom in using the internet can be described as follows:

- Many Southeast Asian countries have made significant strides in developing their digital infrastructure and rolling out e-government services. However, along with these advances have been signs of regression in terms of internet freedom, in line with global trends;
- In terms of the capacity to control digital infrastructure, most Southeast Asian countries seem to have bolstered their capabilities in the past decade; and there seems to be no discernible divide between high-income and low-income countries, or even regime types;

• This corroborates findings that digital repression is ubiquitous as well as reinforcing the "needbased" logic of state repression – i.e., that political control and survival drive states to repress their people, or, in this case, build capacity in anticipation of security threats.

This is an edited short version of the article of the author entitled "How Means for Digital Repression in Southeast Asia Have Unfolded in Recent Times," published by ISEAS -Yusof Ishak Institute in ISEAS Perspective on 27 August 2024. The full article is available at www.iseas.edu.sg/articlescommentaries/iseasperspective/2024-65-howmeans-for-digital-repression-insoutheast-asia-have-unfolded-inrecent-times-by-surachaneehammerli-sriyai/.

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Endnotes

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Mapping Tech Companies' Cloud Expansion in the Gulf and Its Human Rights Implications

Social Media Exchange

U.S. companies Amazon, Equinix, IBM, Google, Microsoft, and Oracle, and Chinese companies Alibaba, Huawei, and Tencent have all either launched cloud centers or announced future plans to launch cloud operations in the Gulf Cooperation Council (GCC) countries. Their operations and plans cover the entire region. Saudi Arabia and United Arab Emirates (UAE) are the countries in which most data center and cloud region projects have been announced or started.

All of the top five biggest cloud providers worldwide (Alibaba, Amazon, IBM, Google, and Microsoft) are among the companies investing in data center infrastructure in the GCC countries. The global cloud provider market is becoming increasingly concentrated between these companies, and they hold a lot of power and influence on a global scale. These companies are committing to supporting the GCC governments' ambitions of digital transformation, and are largely providing the physical infrastructure necessary for their achievement.

All the GCC countries are pursuing similar strategies when it comes to digitalization of society, economy and government. These strategies are

outlined in national "vision" frameworks and digital transformation programs, where implementing eGovernments and becoming a hub for the digital economy are central objectives. Data centers are essential pieces of infrastructure to fulfill these ambitions of digital transformation, and are largely being provided by the outlined foreign companies.

The geographical location of a data center matters because data is typically stored at the nearest data center, and because data is subject to the jurisdiction of its geographical hosting countries. Thus, as more data centers are located within the borders of the GCC countries, their governments will have legal control over an increasing amount of data. This will have consequences for how data is stored and managed across the West Asia and North Africa (WANA) region.

Digital Authoritarianism in the GCC

GCC governments routinely violate Articles 12 and 19 of the Universal Declaration of Human Rights, articles which respectively enshrine the right to privacy and the right to freedom of opinion and expression.

In particular, Saudi Arabia and the UAE frequently take

advantage of technology provided by international companies such as surveillance systems, spyware, and social media platforms to exert power over domestic and foreign populations.¹

The most notorious of these technologies is the Pegasus surveillance spyware, which governments of Bahrain, Oman, Saudi Arabia, and the UAE acquired from the Israeli NSO group. The spyware was deployed by the governments of these countries, in order to potentially target thousands of individuals by exploiting vulnerabilities on their smartphones - this included thirty-six journalists from Aljazeera.

The Pegasus spyware is also believed to have been integral to the killing of Saudi Washington Post columnist Jamal Khashoggi on 2 October 2018.² This last example may be the epitome of digital authoritarianism in the Gulf: severely infringing upon the privacy of individuals in order to brutally silence voices dissenting from a regime's line and ideology.

Another prominent practice of digital authoritarianism deployed by Gulf regimes is the use of social media bot armies in order to manipulate public

discourse. The tactic was previously used on Twitter to manipulate the discourse around Khashoggi's murder³ and to prop up attention around Emirati leader Mohammed bin Zayed.4 Outside the GCC's borders, experts believe that the UAE and Saudi governments were previously behind social media propaganda campaigns supporting the Sudanese military after they committed a massacre of pro-democracy protesters in 2019, supporting Khalifa Haftar's attempt to overthrow a United Nationsrecognized government in Libya,5 and to distract from criticism over violations from Saudi-aligned forces in the war in Yemen.⁶

More Data, Yet Weak Personal Data Protection Laws and a High Degree of Government Control

Gulf states are among those with the highest internet penetration rates in the world. Along with the increasing capacity for storing and processing data in local data centers, the data consumption in the region is expected to grow by 400 percent between 2022 and 2028.7 Thus, due to the increasing data localization and the push for data sovereignty, more and more data will be subject to the jurisdiction of these states. This is an integral point of concern for privacy and human rights in the region.

Saudi Arabia and the UAE introduced personal data protection laws (PDPLs) aimed at localizing data within their jurisdictions. Sufficient data center infrastructure is essential

to achieve this and to ensure data sovereignty. Saudi Arabia also introduced a separate Cloud Computing Regulatory Framework (CCRF)⁸ that contains stipulations about the retention and storage of personal data in its jurisdiction. The CCRF stipulates that government entities may only host their data with cloud service providers that have the appropriate licenses issued by the Communications and Information Technology Commission, and that no data of Saudi Arabia's public sector may be transferred outside of the country for any purpose.9

The PDPLs in Saudi Arabia and the UAE contain vague language and concerning loopholes: Saudi Arabia's PDPL contains exceptions for the law to not apply in cases related to "security, the Kingdom's reputation, the Kingdom's diplomatic relations, confidential sources of information, exceptions related to the public authorities,"10 and UAE's PDPL stipulates that the law "shall not apply" to "government data" or "personal data held with security and judicial authorities" among other exceptions.11 These loopholes essentially give the governments room to handle the data as they wish, putting individuals' privacy and human rights in the Gulf and the broader WANA region at further risk.

Further indicating the notion that the authoritarian governments of the region will have close access to the increasing amount of data that will flow through their territory, is the fact that most of the relevant data centers are being built in close collaboration with government entities. In many cases, such as Huawei's data center in Bahrain¹² and Google's cloud region in Saudi Arabia,¹³ government-related entities (respectively Batelco¹⁴ and Aramco) will control infrastructure and provide services.

Aramco, the world's largest oil producer and the third largest company in the world, is primarily owned by the Saudi state. In Saudi Arabia's push to achieve the objectives outlined in the Saudi Vision 2030, Aramco is a strategically important player. As the country is looking to diversify its economy away from oil dependency, Aramco is in the process of being transformed into a "global industrial conglomerate."15 Google Cloud's data centers in Saudi Arabia are built in collaboration with Aramco. While Google will deploy and operate the cloud region, a subsidiary of Aramco will be offering the cloud services to customers in Saudi Arabia.16

Previous cases illustrate how authoritarian governments in the region will not hesitate to abuse their access to data to exercise control and crackdown on dissent. In a 2022 federal court ruling in the U.S., a former Twitter employee was "found guilty of spying on Saudi dissidents using the social media platform and passing their personal information to a close aide of Crown Prince Mohammed bin Salman."17 This example shows the length to which the Saudi regime is willing to go to reach their objectives and consolidate power, and that they are not necessarily afraid of the repercussions that might come with exploiting tech companies' platforms.

The close collaboration between international cloud providers and government-owned companies and entities will only increase the risk of unauthorized access to data by GCC governments.

Human Rights Due Diligence

Technology companies do not hide their commitments to supporting the digital ambitions of GCC governments. Many make explicit commitments to supporting data localization requirements in the region by providing data center infrastructure.

When announcing their launch of a cloud region in Qatar, Microsoft highlighted that their investments will "empower customers to meet local compliance and policy requirements" and "provide a foundation for the country to achieve Qatar National Vision 2030."18 In Saudi Arabia, Oracle's vice president of technology for EMEA (Europe, Middle East, and Africa) said upon the announcement of the company's second cloud region in the country that his company is "fully committed to support Saudi Arabia's digital economy objectives in line with Saudi Vision 2030."19

As explained above, given the GCC's poor human rights record and weak data protection laws in the region, the joint ventures between GCC governments and

the world's most powerful technologies companies is bad news for digital rights. The most dominant technology companies, often known as Big Tech, collect and keep a wide range of user data through their data processing and cloud services. U.S. company Oracle alone claims to have data from three billion user profiles, with thousands of data points that can be used to predict future behavior of individuals.²⁰

Yet, what are these companies doing to protect human rights in their new ventures? Not enough as demonstrated by publicly available evidence.

During the 2022 Annual General Meeting of Alphabet, a majority of shareholders rejected a proposal led by global advocacy group SumOfUs to "commission a human rights assessment of the company's plans to locate cloud centers in countries with poor human rights records,"21 including Saudi Arabia, and publish it online. A majority of independent shareholders (57.6 percent) voted in favor of the proposal. However, due to Alphabet's voting system, which gives more votes to a certain class of shareholders—the 17.06 percent consisting of company executives, officers, and its former CEO— managed to secure a majority of votes in favor of building the data center in Saudi Arabia.²²

The company did promise to conduct a human rights impact assessment in Saudi Arabia, and claim to have done so. However, they have not made such an assessment public, nor have they shared it with the

shareholders or the thirty-nine human rights organizations that called upon Google to make the assessment. Alphabet's Human Rights Policy claims that: "In everything we do, including launching new products and expanding our operations around the globe, we are guided by internationally recognized human rights standards."23 However, Google has "not provided information on what organization undertook that 'independent human rights assessment' and it has not provided information on the 'matters identified' or 'steps [taken]'."24 In other words, the human rights diligence claimed by such a prominent US company like Google is not very reassuring, and is yet another source of concern.

Conclusion

Ultimately, the report raises serious concerns about the implications that the relevant investments may have for human rights, privacy, and freedoms not just in the Gulf but also the entire WANA region. GCC digital authoritarianism and willingness to exploit technology provided by foreign companies in order to reach their objectives is a source of concern for how they may exploit newly acquired data center capacity to further manipulate digital spaces. The weak personal data protection laws and high degree of government control over the data centers reinforce concerns about the degree of access and control that the governments will have over personal data of individuals around the WANA region.

Adding to these concerns is the fact that the relevant technology companies also have a track record of being opaque in their ventures. Many of the companies commit to helping the GCC governments in reaching their objectives of digital transformation and data localization, and at the same time most of the companies lack disclosure of how they handle requests from governments when it comes to both censorship of content and user information. Thus, the strengthened relationships between the highlighted companies and the GCC governments is a dangerous development for digital rights in the region, and the implications of the infrastructure investments highlighted in this report should be paid close attention to.

This is an edited excerpt of the SMEX report entitled Mapping Tech Companies' Cloud Expansion in the Gulf and Its Human Rights Implications. The full report is accessible here: https://smex.org/wp-content/uploads/2024/03/Mapping-report-Final.pdf.

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Preventing Violence against Women in Bangladesh

Farhana Syead

Violence against women and children is a reality in most countries of the world. This violence takes place in various forms and has been an ongoing problem for hundreds of years.

Apart from being role model for women empowerment, Bangladesh is also known as a country suffering from violence against women. The government of Bangladesh has enacted several laws and crafted many plans over the years to prevent violence against women and children. Despite these measures, violence against women is gradually increasing along with some mutations in forms and origin.

Keeping this in mind, the National Human Rights Commission, Bangladesh (NHRC) conducted a National Inquiry on Prevention of Violence against Women and Children in August 2022. The National Inquiry was the first of its kind in Bangladesh devoted to examining the impact of violence against women and children and their relatives and to exploring the obstacles that the victims face in getting legal assistance and justice.

The National Inquiry collected information and data from government offices and non-governmental organizations, elected public representatives of local government organizations, and representatives of the civil

society through different types of questionnaires prepared by the National Enquiry Committee and also by means of interview (with Key Informants). The National Human Rights Commission appointed twenty data collectors to gather data from the field. Twenty-two Districts and twentytwo Upazilas (administrative divisions in a district) were selected on random basis. Data were collected from thirty-two female rape-victims who were under treatment in One-stop Crisis Centers (OCCs) of government medical hospitals with the help of the clinical psychologists of the regional trauma counseling centers. Data were also collected from twentytwo convicted prisoners of rape cases in Keranigani prison of Dhaka district, Kasimpur prison of Gazipur, central prisons of Mymensing and Comilla districts, with the help of the clinical psychologists.

Nature of Violence against Women

Women become victims of violence in many forms. Patterns of violence are also changing over time. They are abused both at home and in public space. Rape has been the worst form of violence against women. Although various measures have been taken to prevent rape, this crime is increasing day by day. Women face sexual harassment in public place, workplace, educational institutions, and

inside transport vehicles, and even within their home. The National Inquiry revealed that most of the rapists were neighbors or close relatives of the survivors. Data from the OCC of Dhaka Medical College Hospital revealed that 94 percent of the women victims who sought help faced sexual harassment, 4.8 percent faced physical attack and 1.3 percent suffered burning.

The study revealed that degradation of social and moral values (41 percent) was the major cause of rape in Bangladesh. Easy availability of internet and mobile phone allowed people to see whatever they want to see online. Getting addicted to online pornography is one of the main reasons for social and moral degradation.

Aside from this, negative attitude and ignorance towards women (20.13 percent), complication in implementing laws (17 percent), economic backwardness (16 percent), lack of religious values (2.6 percent), misuse of information technology (0.6 percent), and drug addiction (0.9 percent) are some of the other main causes of rape.

Punishment in Rape Cases Not Ensured

The National Inquiry results showed that the survivors' families usually wanted to hide

the rape incidence due to social stigma and fear of harassment. The survivors' families tended to arrange for conciliation between survivors and rapists; which was a major reason for reduced rate of punishment in rape cases. Only after the conciliation failed would they lodge complaints at the police station. In the meantime, evidences of rape were destroyed. There were cases of continued attempts at conciliation even after lodging complaints at the police station. If the rape suspects were detained, bail was secured on condition of marrying the survivors.

Other major reasons for failing to secure punishment in rape cases included delay in getting medical report and DNA certificate, lack of witness protection, weakness of the prosecutors, lodging of false cases, and pressure from local politicians or influential individuals.

Rapists' Psychology

The National Inquiry found that rapists did not know that rape was a punishable offence; most of them believed that if they were caught after committing rape, they would arrange for local salish (mediation) and would be free. They also had a negative perception about women. For example, some of the rapists generalized women as greedy, selfish and deserve punishment by being raped. These rapists were rejected by girls, cheated in their love affair or in marriage, or simply being unable to win the heart of girls. Besides, drug addiction, physical needs, tendency to be involved in extra-marital affair,

and curiosity were some of the main reasons that provoked them to commit rape.

Recommendations

The National Inquiry report provides fifty recommendations a ddressed to sixteen government ministries and departments to prevent violence against women. Some of these recommendations are restated as follows:

- In relation to people and society:
 - Create a social movement to prevent familial and social degradation that breeds violence against women and children;
 - Include concepts of moral values, gender, etc. in the school curriculum;
 - Publicize in electronic media the measures for the prevention of violence against women;
- ♦ In relation to government facilities and processes:
 - Establish forensic DNA laboratories in the divisional levels and employ officers and staff who are womenand children-friendly and provide them with gendersensitive training;
 - Appoint more judges in the higher courts and establish court branches for rape cases for quick execution of sentence against those convicted of the crime;
 - Publicize widely the execution of sentences for convicted perpetrators of rape;
 - Make the public become aware about the collection and preservation systems of

forensic evidences and DNA-samples of rape through Community Clinics;

- ◆ In relation to law:
- Amend the concerned articles of the Act on Prevention of Persecution against Women and Children-2000 (Amendment 2003 and 2020), the Penal Code 1860, the Code of Criminal Procedure 1898 and other relevant laws by providing a modern definition of rape and other updated and practicable provisions.

The NHRC sent the recommendations to the Ministry of Women and Children Affairs considering it as the lead ministry to coordinate the implementation of the recommendations. It also sent the recommendations to sixteen other relevant government ministries and departments to implement recommendations including the Ministry of Law, Justice and Parliamentary Affairs, Ministry of Home Affairs, Ministry of Social Welfare, Ministry of Health and Family Welfare, etc.

The NHRC has the Committee on Women's Rights and Violence against Women, among its thirteen thematic committees. This Committee (with members from both government and nongovernmental organizations) discusses women's rights issues, arranges dialogues and seminars, and recommends specific measures to protect women's rights. Apart from this Committee, the NHRC takes into cognizance violation of women's rights cases. For

example, the NHRC condemned the rape and torture of a woman in Begumganj, Noakhali, took the case suo moto and formed a fact-finding committee to probe into the incident. The committee revealed that the allegation was true and recommended exemplary punishment for the rapists. Besides, among other remarkable measures, the Ministry of Women and Children Affairs installed CCTV camera in public buses to prevent sexual harassment of women as per recommendation of the NHRC.

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