

**Mandates of the Special Rapporteur on the right to privacy; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls**

REFERENCE:  
UA IND 1/2020

21 January 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right to privacy; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on freedom of religion or belief; Special Rapporteur on violence against women, its causes and consequences and Working Group on Discrimination Against Women and girls, pursuant to Human Rights Council resolutions 37/2, 35/15, 34/18, 34/5, 40/10, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **continued harassment, intimidation and violation of the right to privacy of journalist Ms. Rana Ayyub, as well as the alleged failure by the authorities to provide effective protection.**

Ms. Rana Ayyub is an independent Indian journalist and writer. She rose to prominence for her investigative work into crimes committed by public and government officials. Her recent work titled "Gujarat Files: Anatomy of a Cover Up", which analysed allegations of government complicity in the 2002 Gujarat riots that resulted the deaths of hundreds, made her a target of scorn, vitriol and death threats which often referred to her Muslim faith.

The case of Ms. Ayyub has been the subject of a communication by special procedures mandate holders (UA IND 10/2018). We thank your Excellency's Government for the response provided on 30 December 2019. In follow-up to that response and based on additional allegations received we would like to share further concern related to our mandates.

According to the new information received:

On 8 November 2019, Ms. Ayyub posted a message on her Twitter account about a ruling that was due to be rendered by the Indian Supreme court regarding the disputed religious site in the northern city of Ayodhya.

Ms. Ayyub's post mentioned the "othering of Muslims" following the "demolition of the Babri Masjid" in 1992.

As a result Ms. Ayyub became the target of a wave of threats and an online hate campaign involving insults and calls for Ms Ayyub to be raped and murdered.

In addition, Ms. Ayyub received a tweet from the account of the Police in Amethi, a town 100km south of Ayodhya, requesting she delete the tweet immediately or face legal action. The Amethi police later deleted the post, however the message has not been disowned by India's Home Affairs Ministry.

The online attacks are allegedly orchestrated by a group of paid commentators, supported and financed by the Hindu nationalist movement, that use social networks to attack or undermine the credibility of independent journalists. These operations are said to be directed from the National Digital Operation centre in New Delhi.

The abovementioned threats appear to be a continuation of a previous hate campaign led against Ms. Ayyub, which began in April 2018. Previously, Ms. Ayuub's appearance was superimposed into pornographic videos, her phone number and home address were posted on social networks (a method known as doxxing) and calls were made to gang-rape and murder her.

Ms. Ayyub has lodged a formal complaint to the Cyber and Information Security (C&IS) Division in response to the wave of attacks in April 2018. Despite sending a reminder in June 2019, she has received no response from the concerned authorities. Furthermore, after receiving threats following her tweet in November 2019, Ms. Ayyub sent a letter of inquiry to the Amethi Police for further clarification about their tweet, but has received no response from their part.

In addition to the concerns expressed in the first communication, UA IND 10/2018, and in the context of the renewed wave of attacks against Ms. Ayyub, we fear an imminent violation of her right to life as a result of the numerous and repetitive death threats received and the absence on the part of the police authorities to guarantee Ms. Ayyub's rights to safety and privacy.

In relation to these allegations, we refer your Excellency's Government to articles 6(1) and 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by India in 1976, which guarantee the right of every individual to life and security, as well as provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his or her life. We further wish to refer to article 19 of the ICCPR that protects the right to freedom of opinion and expression.

We are also concerned by hate campaigns that incite violence and religious intolerance in this case. We urge your Excellency's Government to address this urgently and take measures to prosecute perpetrators of hate speech and hate campaigns.

Furthermore, we are concerned that the repeated online threats, directed to Ms. Ayyub in a constant manner, have impacted every aspect of her life and seem to be an attempt to deny her any private space, be it online or offline, in violation of her right to privacy enshrined in article 17 of the ICCPR.

As the case of Ms. Ayyub was also raised in the Annual Report of the Special Rapporteur on Human Rights Defenders (A/HRC/40/60) published in 2019 in its paragraph 46, and that the concerns Women's human rights defenders also include journalists (paragraph 4 of the same report), we would like to recall your Excellency's Government that the Working Group on Discrimination Against Women and Girls, in its report on participation in public life (A/HRC/23/50) expressed in paragraph 65 that women human rights defenders are often target of gender-specific violence, such as intimidation, attacks, and death threats which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in political and public life (according to the paragraph 97 (i) of the abovementioned report). In addition to these provisions, we would like to remind your Excellency's Government of the respective Resolutions of the General Assembly GA Res 68/181 as well as of the Human Rights Council Res 31/32 expressing particular concerns about systemic and structural discrimination and violence faced by women human rights defenders. States should take the appropriate measures to ensure their protection and to integrate a gender perspective into their efforts to enabling a safe environment for human rights defenders.

We are additionally concerned by the sexualised and gendered nature of the threats received by Ms. Ayyub. In this context we would like to refer to report A/HRC/38/47 of the Special Rapporteur on violence against women that specifically tackles the issue of online violence against women, and explains that the violent and gendered nature of the threats against women journalist often leads to self-censorship and recommends "that human rights and women's rights protected offline must also be protected online and should fully integrate the right to live free from emerging forms of online and ICT-facilitated violence against women, while respecting the right to freedom of expression and the right to privacy and data protection".

We also wish to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 12.

Furthermore, we would like to refer to Human Rights Council resolution 22/6, which indicates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

We thank you for the response provided by the Government of your Excellency, in NV.GEN/PMI/353/1072019, referring to the general role of the National Human Rights Commission and the Press Council of India in ensuring safety of journalists and reporting rights violation. In follow up to that response and in view of the new allegations brought to our attention, and the urgency of the matter we would appreciate a response on the steps taken by your Excellency's Government to safeguard the rights of Ms. Ayyub in that specific case in compliance with international law and standards.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to clarify all cases brought to our attention, we would also be grateful for your observations and considerations concerning the specific questions formulated in the UA IND 10/ 2018 in addition to the following points:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please explain whether as a response to Ms Ayyub's complaint any investigation has been conducted by the Police to identify the threats and their authors, and exercise its duty of due diligence to ensure the protection of Ms. Ayyub's right to life and privacy.
3. Please provide information regarding the tweet that was sent by the Amethi police and the steps taken by the Home Affairs Ministry to conduct an internal investigation to identify those responsible for that tweet.
4. Please indicate what measures have been taken to ensure that female journalists in India are able to carry out their legitimate work in a safe and enabling environment and that online threats and acts of intimidation retaliation and harassment directed against them with a gender differentiated impact are also addressed as acts of gender-based violence.
5. Please explain what measure are taken by the State to enact laws and measures to prohibit new emerging forms of online gender-based violence, and to adequately protect all women's human rights online, including the right to life free from violence, freedom of expression and access to information, and the right to privacy and data protection.

6. Please provide information regarding the legislations and measures available in India to counter hate speech and hate campaigns that incite to violence and religious intolerance.
7. Please indicate what measures have been taken to ensure that human rights defenders in India are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation or retaliation directed against them or harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Joseph Cannataci  
Special Rapporteur on the right to privacy

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed  
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Dubravka Šimonović  
Special Rapporteur on violence against women, its causes and consequences

Meskerem Techane  
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girls