

Comment to Meta's Oversight Board in the Case of 'India Sexual Harassment Video (2022-012-IG-MR)'

Submission from IT for Change

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Dalits are victims of the caste system, a [defining feature of Indian society](#) that assigns individuals a ranked social identity at birth. The [representation of Dalits](#) and [Dalit issues](#) in the Indian mainstream media is [abysmally low](#). The advent of social media platforms (SMPs) was, therefore, a liberating moment for Dalits as it enabled them to [voice out](#) and mobilize their opinion, and [report and condemn](#) violence and atrocities committed against them, sometimes even through posting of images and videos of such acts. Thus, today, SMPs have become crucial sites for Dalits to participate in public discourse and to overcome their socio-historical exclusion and discrimination.

In India, one's caste identity affects [one's exercise of personal rights](#), choices, freedom, dignity, access to capital, and effective political participation. Despite constitutional protections that seek to put an end to caste discrimination and remedy the historical injustice done to Dalits, a large majority of them still languish at the [lowest socio-economic levels](#) and continue to face brutal forms of violence which reinforce power relations in the caste system. Adivasis (indigenous communities), nomadic, and semi-nomadic tribes, largely lying outside the folds of the caste system, constitute another [significant marginalized group](#) in India.

While SMPs have created alternate media spaces for Dalits and other marginalized communities, such platforms' impact to counter the mainstream media narrative and make discourses inclusive has, so far, been [limited](#). This is due to the pervasive [casteist hate-speech, abuse, and harassment](#) online, and the [discriminatory practices](#) of these platforms in prioritizing speech of [caste-privileged individuals](#) and groups. In this scenario, the [newsworthiness allowance](#) of Meta can be of significant help to share images/videos/texts that spotlight the persistent discrimination, exclusion, and violence that Dalits and other marginalized communities face, which may otherwise be in violation of its content policies. Therefore, in the context of India, the longstanding injustice faced by these communities and the continuing power imbalance between the dominant social groups and the marginalized majority should be given due consideration while assessing whether content qualifies as newsworthy.

But in making this assessment, it is also vital to take into account the rights of those who fall at the intersection of caste and other disadvantaged identities, especially gender. Caste and tribal identities [intersect](#) with gender to produce unique sites of discrimination and violence. This should alert us to

viewing acts of discrimination and violence against women from a single axis of either caste/tribe or gender.

Caste cannot be delinked from patriarchy as the entire edifice of the caste system is built on [endogamy](#), which is maintained through a tight regulation of [female sexuality and labor](#). Within caste societies in India, manhood is defined both by the [degree of control](#) men exercise over women and the degree of passivity of women. Hence, humiliating women of another caste is perceived as degrading the manhood of those castes for their inability to protect their women. Further, as much as Dalit women have been targets of violence by the dominant castes, they are also oppressed by men [within their caste](#), thanks to the pervasive influence of Brahminical patriarchy. Further, the experience of Dalit and Adivasi women should not be conflated because of the differences in their social locations and the [multi-layered abuse](#) that the latter experience.

The video in question depicting a tribal woman being subject to assault and non-consensual sexual touching by a group of men *prima facie* violates Meta's [adult sexual exploitation policy](#). The video was purportedly shared by the Dalit Instagram handle to condemn such violence against women from marginalized communities. While it is important to report and condemn such acts of violence against people from marginalized communities, the gender implications of sharing the video cannot be overlooked. First, it is not clear if the video was shared with the consent of the woman who was attacked. Non-consensual sharing of the video, even if the woman's face is blurred, denies her right to [bodily integrity, and her agency](#) to take control of the narrative of her experience. This constitutes a violation of the constitutionally guaranteed [right to privacy and dignity](#) of the woman.

Second, the circulation of a video of sexual assault can have a [dehumanizing effect](#) on the victim and subject her to voyeuristic gaze and pleasure of the viewers, whereby she is reduced to an object to be [judged by them](#). The easy and ubiquitous presence of such graphic content on social media can also [numb](#) the audience response to such acts of violence.

Third, scholars have argued that circulation of such graphic videos depicting violence against real persons can have the effect of [emboldening perpetrators](#), and inducing fear in future victims. This can lead to the reinforcement of existing gender and social hierarchies that subordinate the position of the tribal woman in this case.

Fourth, permitting newsworthiness allowance for the impugned video has the effect of instrumentalizing the traumatic experience of the woman (especially if the video was shared non-consensually), thereby denying her dignity and privacy. If the intention of the Instagram handle was to raise awareness and condemn violence against marginalized communities, it could have been done by narrating the incident without sharing the video, which is allowed by Meta's Adult Sexual Exploitation

Policy. Due to the above reasons, the content should be denied the benefit of newsworthiness allowance completely.

Finally, we recommend an examination of the basis for the decision of Meta's human reviewers to adjudge the impugned content as newsworthy, and their knowledge of the deeply discriminatory structures of caste and patriarchy in India. This is necessary to understand and critique how the reviewers use the broad and subjective criteria contained in Meta's policy to determine certain content as newsworthy.