INTERNET RIGHTS ARE HUMAN RIGHTS:
ENDING VIOLENCE AGAINST WOMEN ONLINE

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About this Document

These materials are part of the Multimedia Training Kit (MMTK). The MMTK provides and integrated set of multimedia training materials and resources to support community media, community multimedia centres, telecentres, and other initiatives using information and communications technologies (ICTs) to empower communities and support development work.

Module Outline

This module looks at violence against women within the context of the internet and ICTs. It begins by exploring how violence against women (VAW) has been historically recognized and addressed within international law, and then explores the ways in which VAW manifests online, and/or is exacerbated by the use of ICTs. It goes on to summarize some of the challenges to addressing VAW online within the framework of national laws and corporate policy frameworks, and also discusses some strategies that can be/are being used to counter VAW online.

Throughout this module, the following questions are posed:

⌠ How do we define, name and recognize VAW online as a human rights issue?
⌠ How does VAW manifest in online spaces?
⌠ How can we recognize the gender-based nature of acts of violence in online spaces?
⌠ What are some of the challenges to addressing VAW online in current legislative frameworks?
⌠ What are some of the challenges to addressing VWA online in current corporate policy frameworks?
⌠ What are some strategies for resisting and ending VAW online?

Introduction to Violence Against Women (VAW) Online

Defining Violence Against Women

One of the biggest challenges in addressing violence against women is simply getting people to recognize it and name it. Even within the world of international human rights, it took 45 years from the signing of the Universal Declaration of Human Rights (UDHR) to witness the passing of the United Nations (UN) Declaration on the Elimination of All Forms of Violence Against Women (DEVAW).

The passing of DEVAW was thanks to the work of a global women's human rights movement, that had been campaigning and raising awareness on the topic. In 1991, activists launched the first 16 Days of Activism Against Gender-Based Violence Campaign, which led to a global petition being circulated demanding the UN act. The

petition was translated into 23 different languages and managed to gather half a million signatures from 124 countries, without the help of the internet.[1]

Women's rights activists presented the petition to world leaders at the 1993 Vienna World Conference on Human Rights, and held a day-long side event (the Vienna Tribunal on Women's Human Rights) to voice women's testimonies from across the globe on how VAW was perpetrated—from sexual exploitation, trafficking, rape as a tactic of war, domestic violence, physical abuse – to its impacts—i.e. the emotional, psychological, physical, social and economic effects it had on individual victims/survivors, as well as the larger social fabric.[2]

Six months later the UN DEVAW was passed—marking a conceptual shift in international consciousness that (a) affirmed women's rights as human rights (b) named and defined VAW as a concept, and (c) recognized the manifestations of VAW as a cross-cutting human rights violation. It placed the responsibility on states to act with due diligence to not only protect women's rights, but to prevent and address the structural causes of VAW, whether occurring within the family, the wider community, or perpetrated by the State itself.

The UN DEVAW articulates "that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

DEVAW Article 1 defines VAW as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

> Questions for Reflection: When was VAW first recognized in the national laws of your country? How does the definition compare to that in the UN DEVAW?

Defining VAW Online

Taking the UN DEVAW definition as a starting point, VAW online can be defined as those acts of gender-based violence against women that are committed or exacerbated through the use of digital and online information communications technologies (ICTs). Other names for the phenomenon being used by rights activists include technology-related VAW, ICT-related VAW, e-VAW.

In essence, VAW online is the extension of existing forms of violence—particularly intimate-partner abuse, verbal abuse, sexual harassment, stalking of women, rape and sexual violence—into the new public and private spaces that digital technologies and the internet create.

In that respect challenging and ending VAW online requires the same empowerment approach to ending violence offline. Women and girls cannot be seen only as victims, and are not always powerless in the face of VAW online. Ending VAW online is about reclaiming the internet as a space that promotes the full and free human rights for everyone.

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[1] AWID. http://awid.org/News-Analysis/Special-Focus-Vienna-20/V20-Frontpages/History-of-the-1993-Vienna-Conference-on-Human-Rights.

[2] A thought-provoking and educational documentary on the 'Vienna Tribunal for Women's Human Rights', including can be ordered from Women Make Movies at http://www.wmm.com/filmcatalog/pages/c172.shtml.

What is unique about VAW online? Why do you need a new name for it?

It was only after VAW, its causes and consequences were finally named and defined at the international level that essential accountability mechanisms were developed and put in place. This included public policy commitments from governments, earmarked budgets, and evidence-based prevention and response strategies.

While VAW online has not been integrated into official treaties or declarations at the international level, there has been some recognition. In his 2006 study on violence against women, UN Secretary General Ban Ki-moon did raise raised the topic of VAW online, stating that

> "More inquiry is also needed about the use of technology, such as computers and cell phones, in developing and expanding forms of violence. Evolving and emerging forms of violence need to be named so that they can be recognized and better addressed" (UN Sec Gen Report, In-depth Study on All Forms of VAW, 2006 para.155).

Still progress on the issue across countries remains slow moving, in part because of the challenges that governance in online spaces presents, as well as the ways in which the design and functions of wireless, networked and mobile devices and platforms enable and exacerbate VAW. As noted by Women's Legal Bureau (Philippines), this includes two primary characteristics: *borderlessness* and *intractability*.[3]

> **Borderlessness: "**In VAW perpetrated online, the abuser/s may be in one country's jurisdiction, while the abused woman or women may be in another country's jurisdiction. This has given rise to transborder crimes, which are often syndicated and profit oriented, including child abuse, human trafficking and sexual exploitation. This likewise affects issues of territoriality and jurisdiction in the prosecution of the offences – in online offences, where exactly is the offence committed? Who has jurisdiction over it? These are valid questions which have made the prosecution of online offences, not necessarily limited to VAW, difficult to pursue."

> **Intractability: "**As ICT allows the rapid dissemination of information and content, and since it provides for multiple platforms for posting and reposting, involving a vast number of networked computers and other devices, it becomes very difficult for states and even ICT companies to contain and regulate. As the APC study *Voices from Digital Spaces* explains, in cyberspace settings, abuse can happen every day, all year round, so that the continuous traffic of harassing text and images makes it hard if not impossible to track down and stop further circulation."

A recent example[4] includes a 45-year old male who created an imposter profile on Facebook in the name of his ex-girlfriend. He sent friend requests to her family and friends, and then posted sexually explicit photos of her on the page. Her friends alerted her to the issue, and she reported to Facebook who took down the photos within a few hours. Despite Facebook's actions, the images had been shared and ended up on a number of pornography sites.

The case highlights how even when content (photos, graphics, videos, texts, etc.) is successfully removed from one online space, numerous copies may still exist on other

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[3] Ref: WLB DLR Lit Review

[4] http://www.dailymail.co.uk/news/article-2776739/Dumped-boyfriend-five-jaw-dropping-revenge-porn-images-ex-Facebook-just-hours-later-adult-websites-viewed-50-000-times.html

servers; as well the originals and copies exist on hard-drives of devices, and can easily resurface.

> **Questions for Reflection:** *What other characteristics of ICTs do you see as changing the way VAW and other forms of abuse can be committed online?*

Manifestations of VAW in Online Spaces

Naming the Forms of VAW Online

The following infographic from Foundation for Media Alternatives (FMA), explains some of the forms of VAW online that they see happening in the Philippines:
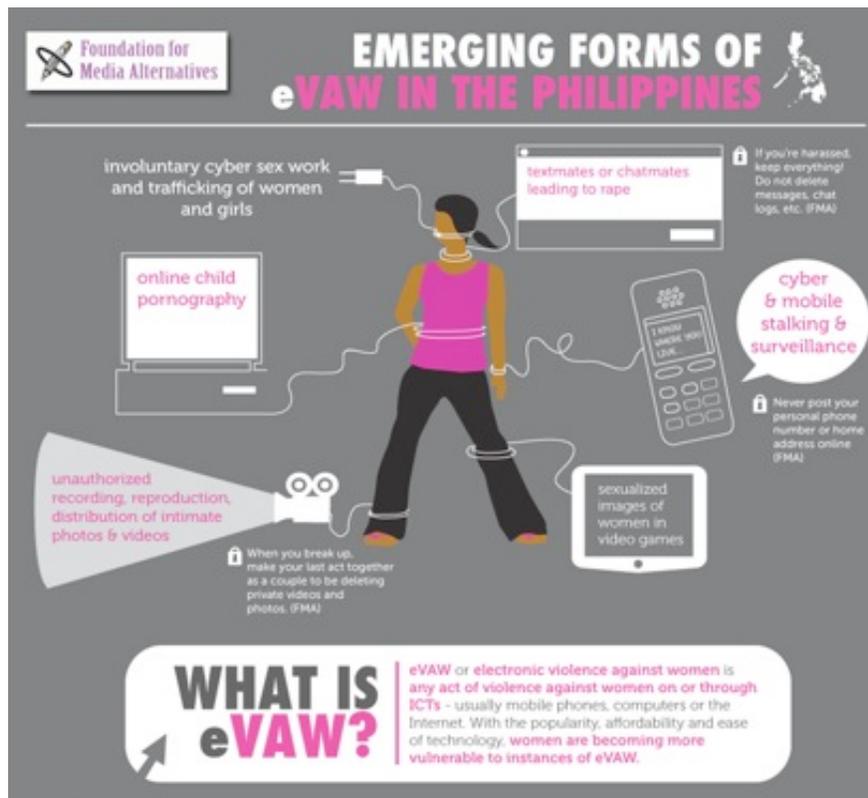
The Association for Progressive Communications (APC) has also outlined some of the most common forms of VAW online: [5]

⌐ **Accessing private data**
Accessing your private information without consent, by hacking into your account, stealing your password, using your computer to access your accounts while it is logged in etc.

⌐ **Distributing photos/videos without consent**
Distributing photographs or recording videos of you without your knowledge or consent.

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[5] End Violence: Women's Rights and Safety Online" research design, based on research carried out by APC between 2008-2012

- **Sexual assault and Rape photos/videos**
  Filming acts of sexual assault and rape, and distributing these through networked devices and online platforms.

- **Monitoring & tracking**
  Monitoring & tracking your online or offline activities and movement.

- **Deleting, changing or faking personal data, photos/videos**
  Deleting your emails, creating false personal data like online accounts or advertisement postings, manipulating or creating fake photos and videos of you.

- **Repeated harassment**
  Repeated and unwanted harassment through messages, contact, publishing info about you online etc.

- **Graphic threats of violence**
  Sending messages threatening you with sexual violence, torture, death

- **Blackmail / Extortion**
  Blackmailing you with threats of publishing personal photographs online, demanding money or other payment, or forcing you into sexual acts in order to not publish the photos, etc.

- **Stealing identity, money or property**
  Stealing your identity by creating a fake account under your name, using your passwords to withdraw money from your bank account, etc.

- **Sharing and/or disseminating private information**
  Sharing and/or disseminating private information & communication like videos, photos and emails, without your knowledge or consent.

- **Abusive comments**
  Offensive or denigrating online comments meant to hurt a person's reputation or diminish her/his work, content production, etc.

Gendered-Nature of Abuse: What makes it *VAW?*

Women are disproportionately targeted

When the forms of violence listed above—which can be perpetrated against anyone, and by anyone, regardless of gender—become a matter of violence against women is when we begin to recognize that these acts are perpetrated disproportionately against women. Studies repeatedly document the ways in which women and girls are more likely to be subject to gender-based hate, sexual harassment, violent threats, and privacy violations online. A few examples:

- The volunteer organization Working to Halt Online Abuse (WHOA)[6] has an on-going public survey to document online abuse. Out of the 3,787 reports they received between the years 2000-2013,[7] an average of 72.16% of the reports are by women. The ages of people reporting range from ****, to ***.

- In 2006, researchers from the University of Maryland (US) documented harassment online by setting up fake online accounts and then dispatched them into chat rooms. Accounts with typically female usernames incurred an average of 100 sexually explicit or threatening messages a day. Typically male names

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[6] www.haltabuse.org

[7] Available here: http://www.haltabuse.org/resources/stats/index.shtml

received 3.7.[8]

⌈ According to a 2007 US-based academic study, out of the 6th-8th grade students surveyed,[9] girls were twice as likely to be bullied through digital and online spaces, than boys.

VAW online takes place in a continuum of VAW offline, often exacerbating it

APC's research has documented the ways in which ICTs exacerbate other forms of VAW offline. For example, mobile phones are often used as a tool that enables aggressors to maintain an abusive relationship and inflict psychological and emotional violence on women and girls, especially when physical contact is not possible. The harassment and intimidation that women face is often located within the context of on-going physical abuse from a known aggressor, falling into categories of domestic violence, intimate-partner abuse, homophobic violence, kidnapping, rape and sexual assault.

There have also been a number of high-profile cases where young teenage girls have been sexually assaulted by a group of boys, and the violence has been filmed and distributed online. As APC has mentioned, "With specific regard to ICTs and sharing through networked devices, videos or photos of violent acts being continuously circulated, commented on and repeatedly viewed cause repeated harm to the survivor and constitute secondary victimization and new acts of violence." In some cases, the inability to escape the trauma and on-going abuse has tragically led to the suicide of these girls. It has taken their deaths to prompt new legislation in Canada, the US and Brazil.

Another highly visible form of VAW online is the taking, uploading and distributing of private photos of a sexual or intimate nature without the consent of the person pictured. In the majority of cases that have entered the mainstream news and public eye, these photos are of women and girls, uploaded by male ex-partners when the relationship has ended. Often the pictures are accompanied by identifying information about the person pictured. The taking of sexual images and the subsequent distribution—when either of both of the acts are _non-consensual_, constitute a form of violence in and of themselves (i.e. the violation of the rights to privacy, bodily integrity, sexual autonomy), and yet the abuse sometimes does not stop there. In some instances the people pictured are subjected to blackmail and extortion in order to either stop the photos from being published online (when they have been recorded without consent), or to remove these photos one they are online. APC's research[10] has documented cases where women were blackmailed by abusive ex-partners, who demanded they return to the relationship or else these violations would continue, as well as cases where women were blackmailed into sexual servitude.

VAW online is fuelled by a pervasive culture of sexism and misogyny

Sometimes, the violence can be limited to the online web—most notably in the form of misogynistic hate-speech, including threats of death and/or sexualized violence spread through social media, blogs, comment sections on various pages, instant messages, and emails. And yet this is often trivialized, in part because sexism and misogyny in everyday speech are normalized.

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[8] http://www.psmag.com/navigation/health-and-behavior/women-arent-welcome-internet-72170/

[9] Kowalski, R. M., and S. P. Limber. 2007. Electronic bullying among middle school students. Journal of Adolescent Health 41:S22–S30.

[10] APC, End Violence: Women's Rights and Safety Online.

Words like "slut" and "whore" are thrown around so frequently they "become a part of our cultural conversation [about women] from the time we're very young," she says. The same goes for the word "rape," which is often used as slang for dominance or victory, rather than literally. (Jokes about rape are also depressingly common.) These words become so embedded in some people's way of speaking, because, Farrar says, "there often aren't instances that we're told that it's not okay or that there's accountability for that." - Kate Farrar, vice president of campus leadership programs at AAUW, a non-profit focusing on women's empowerment based in D.C.[11]

The above quote was made in response to a study[12] by a UK-based think-tank that analyzed the uses of the words 'rape' on Twitter-UK, between 26 December 2013 – 9 February 2014; and the uses of the words 'slut' and 'whore' between 9 January – 4 February 2014. They categorized the use of language into 5 primary categories, with ballpark estimates of the percentage of use in these categories:

- Serious/News—reporting on rape or discussing the use of misogynistic language;
- Non-literal/Metaphor—"Barcelona is going to rape Celtic next week";
- Casual—e.g. lyrics of a song or self-directed comments; "If I was pretty and skinny would be such a whore"
- Insulting/Abusive—"why take photos looking like a slut and then moan when people say bad things?"
- Direct Threats

Serious/news discussions accounted for about 40% of the language use, while abusive comments and death threats accounted for up to 20%. The study also noted that the difference of 'female'-IDs who use misogynistic language in the latter three categories compared to 'male'-IDs was minimal, about 45% vs. 55%. The study does not account for the fact real names and identities cannot be known online, and that there was no analysis of the proportion of 'females' vs. 'males' who used the language as abuse/direct threats. Still the study does point to an online culture that at worst tacitly accepts misogyny and at worst promotes it.

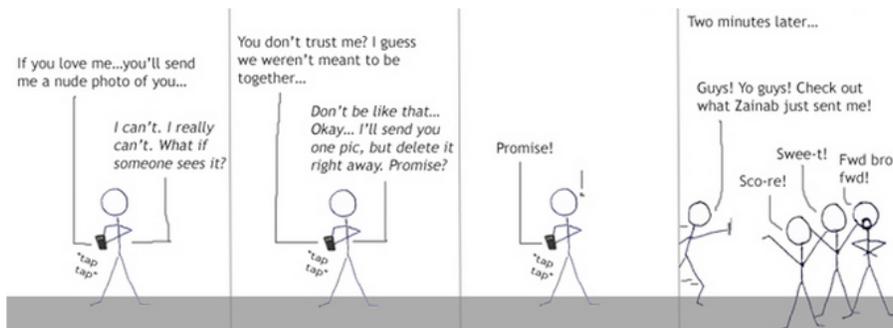The following comic by Bytes for All Pakistan also articulates how normalized abuse can be:

[11] http://time.com/107228/women-misogyny-twitter-study-demos/

[12] http://www.wired.co.uk/news/archive/2014-05-15/women-abuse-online
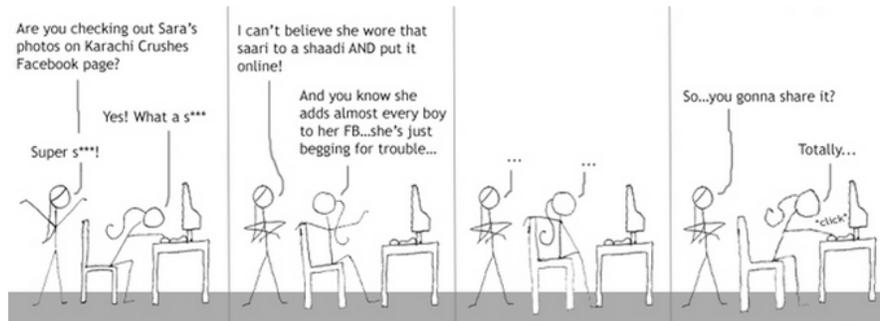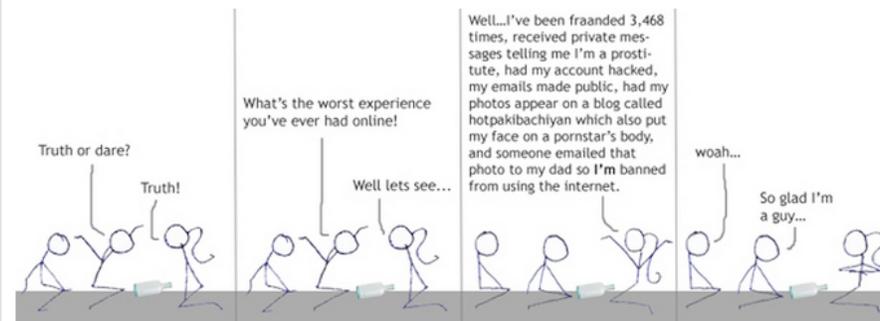
Highlighted here are the how the common tropes that 'women are asking for trouble', 'begging to be shamed' is often used as a justification to violate women and girls' rights.

The comic also pays heed to the ways in which pettiness, discrimination, harassment, invasions of privacy can become **embedded as norms** in our uses of technology. This facilitates people using technology with a completely uncritical stance—e.g., 'the photo/video is already out there', 'everyone else is sharing, I can too'; 'the photo is in my possession, I can do what I want with it'; or using it to try and assert power over others—e.g., trying to cause damage someone's self-esteem, to spread rumours to harm someone's reputation, or silence women who are speaking out.

> ***Questions for Reflection***: *What are the misogynistic slurs common in your context? How often do you hear/come across misogynistic speech in your everyday life? How often do you find yourself using it yourself? In what spaces–physical and virtual–do you encounter misogynistic and sexist behaviour the most?*

Impacts of VAW Online

While the forms of violence discussed above are perpetrated through the ICTs and manifest online, the impacts and harms of such acts extend to offline lives of women and girls. One of the most severe impacts is emotional and psychological violence: depression, fear, anxiety, social isolation, and in the worst cases suicide. These quotations from interview with women subjected to VAW online demonstrate some of the emotional and psychological impacts:

> "Yes, I have been hesitant to use ICTs, out of fear of new digital aggression...I know that these virtual media were not designed to hurt women, that they are designed for communication, but the majority of men use them to cause us harm. I currently don't use them because I'm afraid of what could happen to me again." (Martha, Colombia

> "I felt like I lost something, perhaps my confidence. For one year, I did not talk to people. I felt there was nothing for me to say so I did not talk." (Ruby, Philippines)

> "I got so depressed - to the point where my employer actually forced me to go see a psychologist…I considered committing suicide, because I figured that this would send the message that this wasn't a game." (Seraphine, Congo)

> "My reputation and dignity are being affected and I am being seen by everybody without anyone doing anything about it…up until now the photographs remain there and day after day they are seen by more people and the number of followers grows."

In each of the above cases, the women had nude and intimate photos of themselves—either real or morphed—published online, which were then accompanied by rumours and gossip and other attempts to damage their reputation. The emotional and psychological impacts were compounded by other harms, including:

- ⌈ Domestic violence—e.g. husbands and intimate-partners verbally or physically abusing these women as a result of perceived immorality
- ⌈ Social isolation—e.g. being rejected by family, friends and community, being forced to leave home
- ⌈ Economic harm—e.g the loss of employment or the refusal to be offered new employment because of the 'scandal'

These are but a few examples, particular to a specific incident. Other noted harms included censorship, loss of mobility, loss of identity, Articulating appropriate recourse and redress therefore depends on listening to women's voices and understanding the

ways in the acts of violence and their emotional or psychological impacts are interrelated with other violations that are not always named or recognized.

International Human Rights Law related to VAW Online.

Treaties for State Parties

While VAW online has not specifically been articulated in international law, there are a number of treaties and mechanisms at the international level that relate to VAW broadly and provide a framework for elimination discrimination and violence against women. UN Women's website details some of the most prominent:[13]

- The **1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)** does not explicitly mention violence against women and girls, but General Recommendations 12 and 19 clarify that the Convention includes violence against women and makes detailed recommendations to States parties.

- The 1993 World Conference on Human Rights recognized violence against women as a human rights violation and called for the appointment of a Special Rapporteur on violence against women in **the Vienna Declaration and Programme of Action**.

- The **1993 Declaration on the Elimination of Violence against Women** became the first international instrument explicitly addressing violence against women, providing a framework for national and international action.

- The **1994 International Conference on Population and Development** drew links between violence against women and reproductive health and rights. Its **Programme of Action** calls on Governments to take legal and policy measures to respond to and prevent violence against women and girls.

- The **1995 Beijing Platform for Action** identifies specific actions for Governments to take to prevent and respond to violence against women and girls. Ending violence is one of 12 areas for priority action. The platform includes an expansive definition of forms of violence.
- In **2006 the Secretary-General's In-Depth Study on All Forms of Violence against Women** was released, the first comprehensive report on the issue.

- The **2011 Council of Europe Convention on preventing and combating violence against women and domestic violence** became the second legally binding regional instrument on violence against women and girls but, unlike other regional agreements, it can be signed and ratified by any State.

- The **UN General Assembly** adopts **bi-annual resolutions on the issue of violence against women**. The most recent resolutions adopted in 2012 include the intensification of efforts to eliminate all forms of violence against women and trafficking in women and girls.

- The **UN Human Rights Council adopts annual resolutions on accelerating efforts to eliminate all forms of violence against women**, the most recent being in

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[13] The following list has been reproduced in full from UN Women's website:
http://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards

2012.

⌠ In 2013, **the Commission on the Status of Women (CSW)** adopted, by consensus, <u>Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls</u>. This represents a historic outcome as there had been no agreed conclusions on this issue when it was last considered by CSW in 2003.

⌠ In 2013, the **UN General Assembly** also passed its first **Resolution on the protection of Women's Human Rights Defenders** (WHRDs)**,** calling on states to implement gender-specific legislation and public policies to ensure protection and redress for violence against WHRDs. This included ensuring that WHRDs are consulted in the drafting of any protective measures, so that they best respond to the lived experiences of WHRDs.

Guidelines for Corporations

Human rights obligations do not only relate to the actions or omissions of states. Companies are also required under international law to respect human rights, to avoid infringing human rights, and to address adverse human rights impacts with which they are involved.

⌠ **The UN Guiding Principles on Business & Human Rights** is the primary point of reference and centres on three principles: 'Protect, Respect, and Remedy'. The second pillar - Respect - sets a number of benchmarks that companies must reach in order to be in compliance with human rights obligations. The third pillar – Access to Remedy – also provides that business enterprises should establish or participate in effective operational-level grievance mechanisms for adverse human rights abuses.

⌠ Additionally, **the UN Women's Empowerment Principles** also outline 7 key areas, with corresponding steps that companies can take to promote women's rights in the workplace, market place and community. Principle # 3 refers specifically to "Health, Safety and Freedom from Violence", and amongst other recommendations calls for businesses to:

- Establish a zero-tolerance policy towards all forms of violence at work, including verbal and/or physical abuse and prevent sexual harassment

- Train security staff and managers to recognize signs of violence against women and understand laws and company policies on human trafficking, labour and sexual exploitation

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Questions for Reflection: *In what ways are these declarations and agreements useful to your advocacy/research/work? Are you familiar with the ways to communicate your research/advocacy to the UN treaty bodies and special procedures?*

Challenges to fighting VAW Online

Absence of appropriate legal frameworks & implementation

While many countries have laws affording protection against VAW (e.g. sexual offences

acts, sexual harassment legislation), defamation, and privacy violations, the adequacy and effectiveness of these laws in addressing VAW online continues to be questionable.

For example, OWPSEE's review of laws related to VAW online in Bosnia and Herzegovina surfaced that the Penal Code has provisions related to unauthorised recording, photographing or filming of another person in his/her personal premises without that person's consent, and to directly passing on or displaying such a photograph to a third person or enabling the third person in some other way to have direct access to the photograph. Technically this could encompass a certain type of VAW online, but it is unclear where the burden of proof lies, how straightforward it is to prove lack of consent (etc.), and whether this has successfully been applied in a case of VAW online. However there appears to be no other pertinent laws in place that explicitly account for the use of technology to perpetrate VAW, and researchers documented cases where women who have attempted to file various reports of threats via mobile phones, harassment, etc. were told by police that because the law does not mention the use of technologies, their complaints fell outside the law.

Another challenge lies in attempting to apply existing legislation to a technology that did not exist at the time the laws were entered into force. Bytes for All's review of legislation in Pakistan revealed that there was little in place to address the issue, although some existing laws might work. For example, for violence through mobile phones, the 1885 Telegraph Act could possibly apply in certain cases of VAW online. Section 25(D) outlines the redress for anyone who uses a telephone—public or private—for causing annoyance or intimidation to someone else; and Section 29 outlines the consequences for any person who "transmits or causes to be transmitted by telegraph a message which he knows or has reason to believe to be false and fabricated, or a message which is indecent or obscene". The question is whether this law can be interpreted in today to cover transmission through online phones.

Given these difficulties in existing frameworks, there is a growing move by States to either amend existing legislation or enact new laws that can provide holistic and effective remedy for the new ways in which ICTs are being used to perpetrate or exacerbate VAW online. The Philippines provides one example of a largely encompassing legal framework for addressing VAW online. The 2009 Anti-Photo and Video Voyeurism Act expressly recognizes ICT such as VCD/DVD, Internet, cellular phones and similar means or devices, as integral to the commission of the crime of *photo and video voyeurism*; the Anti-Child pornography Act of 2009 considers computer-generated, digitally crafted images or graphics representing a child; the Anti-trafficking in Persons Act covers cyber trafficking and cyber sex dens; and the law on sexual harassment includes sending smutty jokes through text, electronic mail or other similar means.

However the passing of new legislation that seeks in some way to regulate the uses of ICTs and the internet has raised concerns from diverse sections of society. Advocates for women's human rights are quick to express concerns about the potential for new legislation to be promoted that effectively curtails civil liberties and increases surveillance, in the name of 'women's protection and safety'. APC has previously highlighted[14] for example, the ways that arguments of 'culture' and 'morality' are often invoked as a means to justify state interventions that restrict women's rights to privacy, freedom of exchange and access to information (e.g. censoring access to information on issues of contraception or same-sex relations) and rights to bodily integrity and self-determination (e.g. her ability to choose to have a safe, legal abortion). To avoid infringing on rights, APC has argued that laws dealing with VAW online should:

⌈ Recognize the gender-based nature of the abuses, which would lead to a more adequate response to the needs of victims/survivors as well as more holistic prevention measures.

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[14] Voices from Digital Spaces.

- Affirm the right to self-determination as part of the right to bodily integrity and security and distinguish between consensual and non-consensual acts
- Reflect the blurry boundaries between offline and online violence. In particular the law needs to recognise the increased harm and multiple victimisation caused to victims/survivors of sexual violence by the recording and widespread distribution of assault.
- Include a focus on prevention rather than criminalisation as a way to address the root causes of VAW online
- Ensure that legal and policy measures aimed at VAW online are always combined with training programmes, for state actors (e.g. police and law enforcement agencies, front-line service providers, schools, etc.) as well as social education programmes (e.g. on how to negotiate online spaces and sexual interactions safely, on how to increase digital security).

> **Questions for Reflection:** What concerns, if any, do you have about laws that govern women's rights, including the rights to privacy and freedom of expression, in your country? What laws do you know of in your national context that could be used to provide redress for VAW online? Are existing laws being amended or new laws drafted? If so are there opportunities for input from civil society?

Absence of appropriate Corporate Policies and Redress Mechanisms

Getting internet intermediaries to respond effectively to VAW online is a slow-moving process. The larger social networks like Facebook and Twitter have only begun to improve their approaches due to wide-spread public campaigning and demands for accountability from women's rights advocates and civil society.

APC's review of the major social media/networking companies (Google+, Facebook, Twitter, Instagram, YouTube, Wordpress,) revealed that most of the companies do have the mechanisms in place that should technically respond to common forms of VAW online that happen on their platforms, in the form of a 'reporting' butting or online form for privacy violations that users can complete to alert the companies to abuse.

However it is virtually impossible to assess the effectiveness of these mechanisms, due to the fact that little to no public information is available about how internal review processes work. This includes how complaints are dealt with; what the ratio of complaint handlers to volume of complaints is; what kinds of training on gender, sexuality, law and human rights the staff receives; the time limits for the review process; and clear policies on whether complaints are escalated to law enforcement and under what circumstances. In addition to a lack of transparency on internal decision-making processes, no social media/networking company surveyed has a public commitment to human rights, nor demonstrates a clear understanding of violence against women.

There is also a clear failure on the part of the larger US based companies to engage with the perspectives of non-North-American and European women, despite the fact that these platforms have users in all regions of the world. In 2013, Facebook for example had a total of 1.28 billion users. Users in Europe (250 million) and the US & Canada (184 million) make up only approximately 34%, with the breakdown in the rest of the world as follows: Asia (250 million), South America (134 million), Africa (48 million), Central America & Mexico (47 million), the Middle East (23 million), Oceania & Australia (15 million), and the Caribbean (7 million).[15]

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[15] Carly Nyst – II – Facbeook.

One of the largest challenges for women who try and report a crime that would require data on a Facebook or Twitter user is the lack of international cooperation on VAW online. Mutual Legal Assistance Treaties (MLATs) are the primary means through which US-based companies cooperate with law enforcement in other countries, particularly around criminal investigations. However these treaties are a cumbersome bureaucratic process that effectively prevents any rapid investigative action, and until the system improves there appears to be little option for efficient legal recourse for users outside the US.

Another key obstacle is that while the largest platforms—Google+, YouTube, Facebook—do have the majority of their policies available in up to 40+ languages, it is unclear whether the actual reporting forms are available in that many languages; and it is completely unclear to what extent the staff responsible for processing take-down requests are multilingual. This presents acute challenges for non-English speaking women who try to report privacy or content violations. In one example, a woman from Bosnia and Herzegovina was alerted to a fake and slanderous Facebook profile created in her name. It was not until she received help from a women's rights organization that she was able to report the profile to Facebook, because the reporting forms were all in English, a language she did not speak.

Further, despite the existence of international guidelines directing businesses in their human rights responsibilities, none of these companies demonstrates a commitment to human rights in their policies. Typically, the companies reviewed take a prominent stance on the right to free speech. Yet when faced with difficult questions like how to promote women's access to information and expression as well as their other human rights – such as freedom from discrimination and violence – they have erred on the side of unrestrained expression, often to women's detriment.

Questions for Reflection: In relation their responsibility to address rights violations online, what do you think some of the most basic provisions are that companies must offer in the design of their platforms? What companies do you know of with positive examples of policies or practices to address abuse generally, or VAW online specifically?

Strategies for Resisting VAW Online

Numerous examples abound of actions and initiatives to resist VAW online – these range from education and awareness raising; creating media campaigns to demand accountability from key actors; fighting gender-based speech online with critical discourses; creating laws and policies to provide redress, and much more. This section documents but a few strategies and examples as a reference point.

A Rights-Based Approach to Advocacy
Taking a rights-based approach to technology-related VAW, and identifying which universally recognized rights are being violated, in addition to the rights provided in national constitutions and legislative frameworks, is a key entry point for awareness-raising and advocacy. Regarding VAW online, areas for strengthening advocacy lie in being able to connect and articulate forms of VAW online in terms of the rights to privacy, freedom of expression, and access to justice.

The right to Privacy
The right to privacy is articulated under international human rights law in UDHR Article 12, and ICCPR Article 17. As articulated in the IRHR Module on Privacy:[16]

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[16] IRHR module reference.

The right to privacy is not an absolute right. There are instances in which the right to privacy can be legitimately limited by the state in order to ensure the protection or enjoyment of other fundamental human rights. However, according to international laws, interferences with the enjoyment of the right to privacy must only occur under prescribed circumstances. For an interference with the right to be permissible under human rights law, it must meet the following requirements:

1. It must be in accordance with the law: This means that the limitation must have a legal basis, that the law in question is precise, and that there are safeguards in place to protect against the arbitrary application of the law.
2. It must pursue a legitimate aim: Such legitimate aims are akin to those elucidated in Article 8(2) of the European Convention on Human Rights, such as the interests of national security or the prevention of disorder and crime.
3. It must be necessary in a democratic society: This means that the limitation must respond to a pressing social need and that it must be proportionate to the legitimate aim pursued.

In his 2009 report on protecting the right to privacy while countering terrorism, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, confirmed that the permissible limitations test applies when interpreting of the right to privacy under the UDHR and ICCPR (A/HRC/13/37).

The Right to Freedom of Expression

The right to Freedom of Expression is articulated in the UDHR Article 19, and the ICCPR Article 19. As explained in the IRHR Training Module:
"Freedom of expression is one of a series of related rights concerning individual viewpoints which are conferred in both the UDHR and ICCPR. Freedom of expression does not therefore stand alone, but is located within a series of rights which are concerned with holding, sharing and acting on opinions. The relationships between the majority of rights in this list are illustrated in Figure 1 below.
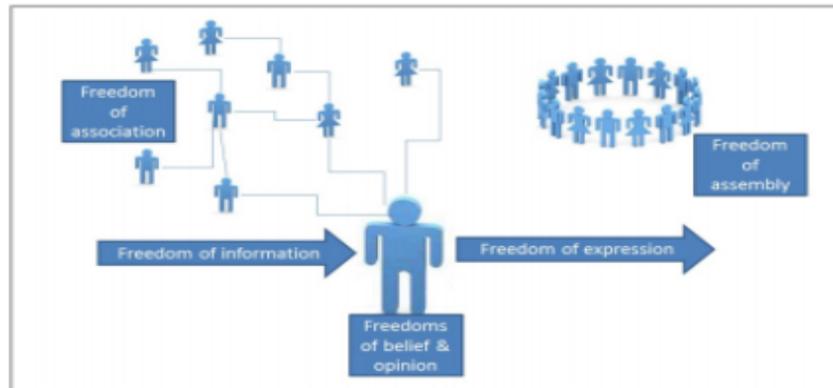
Freedom of expression is also often described as an "enabling right", the availability of which enables people to exercise/enjoy other rights or to do so more effectively – including the rights listed above as well as economic, social and cultural rights such as those to health and education.

The ICCPR sets out grounds for limitations to freedom of expression in clause 3 of its Article 19:

The exercise of the rights provided for in paragraph 2 of this article [see above] carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;
(b) For the protection of national security or of public order (ordre public),
or of public health or morals.

The UN Human Rights Council has adopted the principle that rights, including freedom of expression, should be equally applicable online and offline. This principle, naturally, applies both to the right of expression itself and to the limitations placed upon it."

The right to Access to Justice
Access to justice is a fundamental right guaranteed under UDHR Article 8: "Everyone has the right to an effective remedy by competent national tribunals for fundamental rights granted hum by the constitution or by law.". Access to justice is also established and guaranteed by the ICCPR, the ICESCR, and CEDAW (including Optional Protocol and General Recommendations 19 and 25).

Encouraging 'bystanders' to Think More Critically About what they consume online

In 2011, APC's Take Back the Tech! campaign launched an initiative entitled "I Don't Forward Violence", raising awareness and attention to the issue of gender-based violence online, and how easy it is to unwittingly be complicit in perpetuating the violation of others' rights online.

(https://www.takebackthetech.net/take-action/2011/02/25).

Countering VAW Online with Solidarity Online

In July 2014, a 16-year old girl was drugged and raped at a party by her high school classmates. Her aggressors took photos and videos and circulated these online. The violence didn't stop there: one of the circulated photos showed her lying unconscious fully clothed on the bed, and another showed her lying unconscious and naked on the floor. Other classmates starting mocking the assault by taking photographs of themselves in the same poses and circulating these under a hashtag with her name (#----pose). The girl came out to the media in an effort to stop the abuse and reclaim her integrity: "There's no point in hiding. Everybody has already seen my face and my body, but that's not what I am and who I am." She also decided that from then on she wanted to be home schooled; it appears the school itself has done little to address the issues of sexual assault and abuse through digital technologies, even from a perspective of awareness raising and education. While the accused denied the assault, and the police investigation has not gone much further, her speaking out did prompt a solidarity campaign to raise awareness under a counter hashtag (#---counterpose), with people posting photos with signs expressing their support for her and denouncing rape culture and the violence she had faced.[17]

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[17] http://feministing.com/2014/07/10/stand-with-jada/

Creatively calling out VAW Online and directing resources to prevention efforts

A restaurant owner came across a review that gave the restaurant 5 stars for a particular dish, but found the rest of the comment sexist and abusive. The owner decided to write back to the reviewer, calling the reviewer out for demonstrating how intolerable sexist behaviour is, and declaring that that month's proceeds from the sale of the dish would be donated to a local women's crisis line. Another restaurant in a similar situation decided to donate a portion of their proceeds to sexual assault prevention efforts.

Lobbying Companies to Introduce Appropriate Policies and Redress Mechanisms.

Advocacy inevitably needs to be directed towards companies to put in place appropriate policies and practices to address VAW online. Advocates can make use of pertinent global and regional forums (e.g. Internet Governance Forum) to raise awareness on these issues. This includes organizing media campaigns to raise awareness on technology-related VAW, calling on companies to:

- Make a formal commitment to human rights (e.g. signing onto the UN Guiding Principles and Women's Empowerment Principles) and take a public stand against VAW
- Cooperate formally with anti-VAW groups and women's rights groups to input into policy formation and planning.
- Dedicate funds to training staff responsible for handling content- and privacy-related complaints in gender, human rights, and VAW;
- Building upon transparency reports and formal annual reports to include specific details of how the company has addressed VAW, along with other human rights abuses.
- Fund research, education, and prevention initiatives on the issue of bullying, harassment, especially from a gendered-perspective to address VAW

In one example, on July 21, 2014, Take Back the Tech! launched a campaign targeted at the Facebook, Twitter and YouTube that encourages individuals to share their experiences and relay their demands to the companies using the hashtag #whatareyoudoingaboutVAW.

Users can rate the companies using a web-based report card that covers questions of the companies' commitment to human rights, women's rights, transparency in reporting mechanisms, willingness to listen to users' demands, and their responsiveness to the needs of their global populous (i.e. not just those in the EU & North America). The report card is available at https://www.takebackthetech.net/webform/rate-it-do-you-think-social-media-does-enough-vaw. APC's briefing on the report card is available here: https://www.takebackthetech.net/files/2014-reportcard-en.pdf

Individuals are also encouraged to submit reports to the online Take Back the Tech! map, which serves as an amalgamation and record of reported incidents technology-related VAW from around the globe: https://www.takebackthetech.net/mapit/.

Collaborating on National Initiatives to Address VAW and Technology

Collaborating with larger national level advocacy and service provision organizations who already have connections to and carry out trainings with women's shelters, safe houses, law enforcement, judicial bodies (etc.) to take up the issue of VAW Online can facilitate the development of effective prevention and response strategies.

In one example, the Australian Women's Services Network (WESNET), with help from the United States National Network to End Domestic Violence (NNEDV) developed

'Safety Net Australia'[18] with the input of experts in the field on technology and VAW, with the goals to:

- **Work with communities, police, technologists, and agencies** to address how technology impacts the safety, privacy, and accessibility rights of victims of domestic violence, sexual violence and stalking.
- **Educate** a wide range of community agencies who work with women experiencing all forms of violence on ways to use technology strategically to help find safety and escape domestic violence, dating violence, sexual violence, stalking, and abuse.
- **Advocate** for strong local, state, national, and international policies that ensure the safety, privacy, and rights of all victims and survivors of gender-based violence.

> ***Questions for Reflection:*** *What strategies do you know of or have you used to resist VAW online? What were their strengths? What were their weaknesses?*

Summary
This module has presented an overview of the key areas regarding violence against women online. It has aimed to provide a framework for recognizing and articulating VAW online, situating it within a broader discourse of human rights, and also thinking about ways to creatively resist and stop the violence.

VAW online must be recognized as an extension of existing forms of VAW, and as such needs to be understood in the context of changing societal attitudes and norms. The root causes of VAW are overarching systems of gender-based discrimination that when left unchallenged become embedded and reproduced in our every day behaviours. This can range from seemingly innocuous verbal insults, to repeated harassment, stalking and violent threats, to the use of sexual violence to silence, shame and degrade women's integrity.

However it is the unique ways that ICTs are changing the way we interact between offline and digital spaces that requires new approaches to ending VAW Online. The increasing networked nature of mobile and online technologies means that acts of violence and their impacts can be magnified and spread with viral speed, across borders, making VAW harder to prosecute and contain. Understanding the impacts of VAW online demands engaging with and listening to the experiences of women and girls directly affected, and developing appropriate response mechanisms based in accordance with their consent. Whether at the level of laws and corporate policies, or amongst individuals and within specific communities, strategies need to be devised that negotiate how to regulate and govern online spaces and the use of ICTs in a way that ensures the full and free enjoyment of human rights for all.

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[18] http://nnedv.org/news/4372-thwarting-tech-savvy-abusers-and-empowering-survivors-of-violence-through-technology-in-australia.html