

Written Comments on the Draft General Recommendation No. 19 (1992): Accelerating Elimination of Gender-based Violence Against Women

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Context

1. Para 4: In the contemporary globalised world, this violence has taken on new manifestations and occurs in new contexts, including through information and communications technologies (ICTs) and **[replace:] the cyberspace [add:] in digital spaces<sup>1</sup>, which challenges the territorial-based governance of the State and brings into consideration cross-jurisdictional issues and the role of the private sector in preventing and addressing gender-based violence against women. This violence includes digital surveillance and stalking, online sexual harassment and/or threats and incitement to harm and non-consensual dissemination of private content<sup>2</sup>.**

Scope

2. Para 9: These are affected by cultural, economic, ideological, political, religious, social and environmental factors, as evidenced in the case of harmful practices or in crimes against women human rights defenders or activists.” **[add:] Violence that manifests in digital spaces or through the use of ICTs can result in repeated trauma and escalation in violence due to the continued availability, ease of transmission and potential breadth of dissemination of content involved. Threats to privacy and the disclosure of personal information through the use of ICTs without consent, especially when targeted at women’s gender identity or sexuality, can subject them to significant threats and violence.<sup>3</sup>**

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- 1 The term “digital space”, “digital age” and “digital environments” is the more commonly used terminology in reports and resolutions related to human rights and ICTs. It includes communications through the internet as well as other forms of information and communications technologies such as mobile phones. See for example:
    - A/HRC/32/38, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/32/38](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/38)
    - A/HRC/29/32, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye\*  
[http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A.HRC.29.32\\_AEV.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A.HRC.29.32_AEV.doc)
  - 2 This is a non-exhaustive list of forms of gender-based violence against women that have been legislated in certain countries. See: Internet Governance Forum (IGF) 2015: Best Practice Forum (BPF) on Online Abuse and Gender-Based Violence Against Women [<http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file>]
  - 3 The importance of the right to privacy and anonymity to enable the right to freedom of expression and information by those who are discriminated on the basis of their gender or sexuality is emphasized in

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3. Para 10: ... or prevent, discourage or punish what is considered to be unacceptable female behaviour **[add:] , or prevent, discourage or restrict women’s access and participation in public, social, economic, cultural life including through the use of digital technologies.**<sup>4</sup>
4. Para 12: These include the family, the community, the workplace, leisure, sport, educational settings and technologically mediated environments, such as **[replace:] cyberspace [add:] the Internet and digital spaces.**
5. Para 12: It occurs in any area under the direct control of the State, for example, law enforcement or public health or where it has devolved tasks to private actors, such as where it engages privatised services to manage places of detention. **[add:] It occurs in digital spaces owned and regulated by the private actors<sup>5</sup>, such as social media platforms and mobile or online messaging services, where the trans-boundary nature of gender-based violence is becoming an emerging trend.**

#### General obligations of State parties

6. Para 14: All these legal and policy measures must recognise that this violence is affected by intersectional **[add:] and multiple forms of** discrimination **[add:] , and is increasingly trans-boundary in nature.**<sup>6</sup>

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A.HRC/29/32, para 12. A global monitoring survey conducted by APC in 2013 found that 45% of sexual rights advocates indicated serious concerns that their private information online can be accessed without their knowledge or consent. See Survey on Sexual Activism, Morality and the Internet. APC ( 2013). [\[http://www.genderit.org/articles/survey-sexual-activism-morality-and-internet\]](http://www.genderit.org/articles/survey-sexual-activism-morality-and-internet).

See also Report on Best Practice Forum on Online Abuse and Gender Based Violence Against Women, Internet Governance Forum (2015), para 31 [\[http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file\]](http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file)

- 4 The 2016 Internet Governance Forum Best Practice Forum on Gender and Access identifies gender-based violence against women that manifests in digital spaces or through ICTs is becoming a significant barrier to women’s access to ICTs for their empowerment and the realization of their human rights. See: <http://www.intgovforum.org/multilingual/content/bpf-gender-and-access>
- 5 Gender-based violence against women through ICTs brings into play the private sector, especially Internet intermediaries such as multinational corporations that provide ICT-based services to third parties and telecommunication companies that operate within and beyond national jurisdictions. Although Internet intermediaries are not directly liable for the act of violence, the continued accessibility or dissemination of these materials means that the victim/survivor is continually subjected to violence and must face repeated trauma. For further reference on role of ICT private companies see:
  - R. Athar, [From impunity to justice: Improving corporate policies to end technology-related violence against women](#), Association for Progressive Communications (2015) , in particularly Section III: Exploring legal liability (p. 35, p. 43- Annex 1) [\[http://www.genderit.org/sites/default/upload/flow\\_corporate\\_policies\\_formatted\\_final.pdf\]](http://www.genderit.org/sites/default/upload/flow_corporate_policies_formatted_final.pdf)
  - [Report on Best Practice Forum on Online Abuse and Gender Based Violence Against Women](#), Internet Governance Forum (2015), para 109, 127, 141, 155, 156 [\[http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file\]](http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file)
- 6 The State often find it difficult to investigate and pursue cases of gender-based violence through ICTs, as the offending material can be posted on a third party platform, that sites beyond the territorial limits of the State

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7. Para 14 (a): ...such as provisions based on discriminatory or stereotypical attitudes or practices which allow for gender-based violence against women or mitigate sentences in this context. **[add:] Legislative approaches aimed at ending gender-based violence against women, particularly in targeting violence manifested in digital spaces or through the use of ICTs should not undermine universal principles of human rights, including respecting freedom of information and expression<sup>7</sup> and the prohibition of incitement to violence and hatred as enshrined in the International Covenant on Civil and Political Rights.**<sup>8</sup>

**Recommendations: Prevention**

8. Para 15 (c): Adopt and implement effective measures to encourage the media, including advertising and information and communications technologies to eliminate discrimination against women in their work, including negative and stereotyped portrayal of women and girls, including women human right’s defenders. **[add:] Adopt effective measures to encourage Internet intermediaries<sup>9</sup> to commit to and implement comprehensive human rights standards to better address gender-based violence against women that takes place through, or in their services and platforms.**
9. Para 15 (c) (iii): Encouragement of the creation of **[add:] open and transparent** self-regulatory mechanisms by the media aimed at the elimination gender stereotypes, **[add:] including by Internet intermediaries aimed at preventing their platforms from**

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concerned. The trans-boundary nature of these forms of gender-based violence also means that the role that internet intermediaries play in preventing and providing redress mechanisms within their platforms are critical in addressing gender-based violence that manifests in digital spaces or through the use of ICTs. See: [Report on Best Practice Forum on Online Abuse and Gender Based Violence Against Women](#), Internet Governance Forum (2015), para 60. [<http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file>]

- 7 In 2012, the bi-annual resolution on the [promotion, protection and enjoyment of human rights on the internet](#) has affirmed that the same rights that people have offline must also be protected online. See: A/HRC/RES/26/13 The promotion, protection and enjoyment of human rights on the Internet [[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/26/13](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/13)]
- 8 A 2015 report on hate speech and hate crime in Norway notes that hate speech “contributes to social exclusion and increased polarisation. Moreover, such speech intimidates people and deters them from speaking publicly. Hate speech fans prejudice, creates fear and anxiety among the affected groups, and deprives people of dignity. Hate speech can therefore trigger discrimination and harassment and/or violence”. The report further notes: “groups that are already exposed to other forms of discriminatory behaviour will experience being subjected to hate speech in public as more stressful than individuals and groups who, to little or no extent, are subjected to discriminatory behavior.” See: Hate speech and hate crime. Equality and Anti-Discrimination Ombud’s Report (2015). [[http://www.genderit.org/sites/default/upload/hate\\_speech\\_and\\_hate\\_crime\\_v3\\_lr.pdf](http://www.genderit.org/sites/default/upload/hate_speech_and_hate_crime_v3_lr.pdf)]
- 9 Internet intermediaries include telecommunications entities, Internet service providers, search engines, cloud services and many other corporate actors as defined under the Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye\* (2016): [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A.HRC.29.32\\_AEV.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A.HRC.29.32_AEV.doc) (para 27)

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being used as sites to perpetrate, perpetuate and disseminate gender-based violence against women.<sup>10</sup>

10. **Add additional para 15 (c) (v): Encourage women’s active participation in digital spaces by eliminating stereotypes and gender-based violence against women and create an enabling environment for women’s access to, control over and enjoyment of the Internet and ICTs<sup>11</sup>, including in the development of human rights based policies<sup>12</sup>, participation in the use and development, decision making, and governance in the field of the Internet and ICTs.**
11. Para 15 (d) (ii): The understanding of the situations of women, including those affected by intersectional **[add:] and multiple** discrimination, who are victims/survivors of gender-based violence **[add:] including gender-based violence that manifests in digital spaces or through ICTs**, and ways to address them and eliminate factors, such as secondary victimisation, that weaken women’s confidence in State institutions.
12. Para 15 (e): This should include the establishment of internal complaints procedures and support measures for women victims/survivors of such violence **[add:] , providing mandatory, recurrent and effective capacity building on gender-based violence for human resources responsible for moderating content or terms of use in digital spaces<sup>13</sup>, as well as committing to, and operationalising of the UN Guiding Principles on Business and Human Rights.**<sup>14</sup>

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10 Article 17 of the Council of Europe Convention on preventing and combating violence against women and domestic violence. CETS No.210 (Istanbul Convention): <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>

11 See:

- [A/RES/65/141](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/141), Resolution adopted by the General Assembly on 20 December 2010 on Information and communications technologies for development , para 3 [[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/65/141](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/141)];
- A/HRC/26/L.12 Resolution on elimination of discrimination against women, para 17 [[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/26/L.12](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/L.12)]

12 Para 5 of the Resolution on the promotion, protection and enjoyment of human rights on the Internet. A/HRC/32/L.20: [[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/32/L.20](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.20)]

13 Between 2012 and 2013, Facebook and Twitter both came under intense public pressure for failing to take any action on content that promoted, glorified, or threatened women directly with rape, sexual assault and physical violence.<sup>1</sup> The users' requests for takedown of such gender-based hate speech content was often disregarded on basis of “free speech” and “humour”, and demonstrated an inadequate understanding of free speech and VAW, including the severity of psychological and emotional impacts, by content moderators. See: Gayomali, C. (2013, 29 May). Facebook’s disgusting hate speech problem. The Week. [theweek.com/article/index/244815/facebooks-disgusting-hate-speech-problem](http://theweek.com/article/index/244815/facebooks-disgusting-hate-speech-problem); Gayomali, C. (2013, 29 July). Why Twitter doesn’t punish people who make rape threats. The Week. [theweek.com/article/index/247513/why-twitter-doesnt-punish-people-who-make-rape-threats](http://theweek.com/article/index/247513/why-twitter-doesnt-punish-people-who-make-rape-threats), and R. Athar, From impunity to justice: Improving corporate policies to end technology-related violence against women, Association for Progressive Communications (2015), p. 21 [[http://www.genderit.org/sites/default/upload/flow\\_corporate\\_policies\\_formatted\\_final.pdf](http://www.genderit.org/sites/default/upload/flow_corporate_policies_formatted_final.pdf)]

In 2015, the responders to survey conducted by the Internet Governance Forum (IGF) best practice forum (BPF) on Online Abuse and Gender-Based Violence Against Women also included “a lack of trained moderators available to respond to cases of online VAW” among the second highest group of factors related to barriers to

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13. Para (15) (g): Introduce, where these do not exist, or strengthen legal sanctions for all forms of gender-based violence against women, commensurate with their seriousness, in all spheres without delay. **[add:] This includes clear definition and inclusion of emerging manifestations of gender-based violence against women in digital spaces or through ICTs in existing laws and responses on gender-based violence against women.**
14. **Add para (15) (m): Enhance privacy laws and mechanisms, taking into consideration intersectional and multiple discrimination, to recognise, promote and protect women's right to privacy, particularly against digital surveillance and stalking<sup>15</sup> and the disclosure of personal information without consent in digital spaces.**

**Recommendations: Protection and Redress**

15. **Add para (a) (vi): Facilitating access to justice, redress and relief for victims/survivors of gender-based violence that manifests in digital spaces or through ICTs through adequately resourced and trained investigators, prosecutors and courts with due attention to addressing the cross-jurisdictional nature of the violence.<sup>16</sup>**

**Recommendations: Data collection and monitoring**

16. Para 15 (a): States parties should encourage cooperation among all levels of the justice system and the organisations that work to protect and support women victims/survivors

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access justice by women who face VAW through the ICTs (74% out of 56 responders). See: [Report on Best Practice Forum on Online Abuse and Gender Based Violence Against Women](#), Internet Governance Forum (2015), p. 79. [<http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file>]

- 14 See Ensuring compliance with the UN Guiding Principles: A checklist for addressing violence against women In: R. Athar, From impunity to justice: Improving corporate policies to end technology-related violence against women, Association for Progressive Communications (2015), p. 43 [[http://www.genderit.org/sites/default/upload/flow\\_corporate\\_policies\\_formatted\\_final.pdf](http://www.genderit.org/sites/default/upload/flow_corporate_policies_formatted_final.pdf)]
- 15 On importance for privacy and anonymity for women, especially women human rights defenders and those discriminated on the basis of gender identity and sexuality see:
  - A/HRC/29/32, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye on anonymity and encryption, para 12 and 29 [[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/29/32](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/32)]
  - A/RES/68/181 Promotion of 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: protecting women human rights defenders, p. 2 and 3 [<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/450/31/PDF/N1345031.pdf?OpenElement>]
- 16 Gender-based violence that manifests in digital spaces or through the use of ICTs is still under-recognised and often deprioritised in the work to address violence against women. Authorities, including police officers, often do not recognise such forms of violence as gender-based violence, lack relevant training on how to respond to them and in understanding the harm, and do not have the necessary equipment and technological skills for investigation and prosecution. See:
  - Women's Legal and Human Rights Bureau, Inc. , From impunity to justice: Domestic legal remedies for cases of technology-related violence against women , Association for Progressive Communications (2015), p. 21-23 [[http://www.genderit.org/sites/default/upload/flow\\_domestic\\_legal\\_remedies.pdf](http://www.genderit.org/sites/default/upload/flow_domestic_legal_remedies.pdf)]
  - Report on Best Practice Forum on Online Abuse and Gender Based Violence Against Women, Internet Governance Forum (2015), para 55, [<http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file>]

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of gender-based violence, taking into account their views. **[add:] State parties should examine the applicability of national laws and establish cross-jurisdictional multi-lateral mechanisms including with private actors to monitor and eliminate online gender-based violence against women that manifests in digital spaces or through ICTs within the human rights framework.**

17. Para (15) (b): Establish a system to collect, analyse and publish statistical data on the number of complaints about gender-based violence against women, including **[add:] gender-based violence that manifests in digital spaces or through ICTs,**
18. Para (15) (b): Data should also be disaggregated in relation to intersecting forms of discrimination against women. **[add:] Internet intermediaries should also include statistical data on the number of reports/complaints received on gender-based violence against women on their platforms or services, and measures taken to address them.**
19. Para (15) (c): Undertake or support surveys, research programmes and studies on gender-based violence against women, in order to, among other things, assess the prevalence of gender-based violence experienced by women and social or cultural beliefs regarding such violence **[add:] , including emerging manifestations of gender-based violence against women such in digital spaces or through the use of ICTs.**

#### **Recommendations: International Cooperation**

20. Para 15 (a): ... in order to design and implement all appropriate measures required to eliminate and respond to gender-based violence against women. **[add:] Promote dialogue and responses between different stakeholder groups to address emerging manifestation of gender-based violence against women in digital spaces and through ICTs.**

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## APPENDIX

### TECHNOLOGY-RELATED VIOLENCE AGAINST WOMEN

**“More inquiry is 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 Secretary General (2006)<sup>17</sup>

#### What is technology-related violence against women?

Technology-related violence against women (tech-related VAW) **encompasses acts of gender-based violence (as defined under General Recommendation 19 of the CEDAW Convention)**

**that are committed, abetted or aggravated, in part or fully, by the use of information and communication technologies (ICTs), such as phones, social media platforms, and email<sup>18</sup>.**

Just as women face risks offline, in the streets and in homes, women and girls can face specific dangers and risks on the internet such as **online harassment, cyber stalking, privacy invasions with the threat of blackmail, viral ‘rape videos’** that force survivors to relive the trauma of sexual assault every time it is reposted online, **and for young women in particular, the distribution of ‘sex videos’.**

#### Can violence be perpetrated through technology?

Tech-related VAW is part of a continuum of VAW. Online harassment and stalking often extend from online to offline and vice versa, and lead to both emotional and physical harm. Recent legislative trends show recognition that harm caused by harassment online includes emotional distress, even if there is no actual physical harm<sup>19</sup>. Women even do not have to be Internet users to suffer online violence (e.g. the distribution of rape videos online where victims are unaware of the distribution of such videos online).

Analysis of [findings from over a thousand cases](#) reported on the [Take Back the Tech! online map](#)<sup>20</sup> revealed that **41% of cases are perpetrated by someone known to the survivor, 30% by someone unknown and 14% by a group of people.** Women

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17 [A/61/122/Add.1](#), para.155

18 The Internet Governance Forum’s Best Practice Forum ‘Countering Online Abuse and Gender-based Violence Against Women’ emphasises that online abuse and gender-based violence against women are not only interpreted and approached differently in diverse regions, but also that the terminology used for it is inconsistent. It highlights the need for more work towards finding a comprehensive yet flexible definition of the issue that can receive wider recognition. (See <http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file>).

19 See Nyst C (2014) ‘Technology related violence against women: recent legislative trends’, available at: [http://www.genderit.org/sites/default/upload/flowresearch\\_cnyst\\_legtrend\\_in.pdf](http://www.genderit.org/sites/default/upload/flowresearch_cnyst_legtrend_in.pdf)

20 Between 2012 and 2014, APC hosted a [mapping project](#) which recorded around 2000 incidents of tech-related violence against women. Read the overview of mapping data: [http://www.genderit.org/sites/default/upload/flow\\_tbtt\\_mapping\\_analysis\\_final.pdf](http://www.genderit.org/sites/default/upload/flow_tbtt_mapping_analysis_final.pdf)

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suffered primarily **emotional harm (33%)**, followed by **harm to reputation (19%)** and **invasion of privacy (13%)**. 13% of reported cases also involved physical harm.<sup>21</sup>

### How is non-physical violence harmful?

Violence against women is often erroneously interpreted as encompassing only physical or sexual harm against women. However, relevant international human rights documents, such as the UN Declaration on the Elimination of Violence against Women (DEVAW) and CEDAW General Recommendation 19, include psychological or mental harm, as well as threats of harm under the full definition of VAW<sup>22</sup>.

As a result of technology-related VAW, women commonly suffer fear, anxiety and depression, that sometimes escalates into suicide. They often withdraw from online spaces. Victims' work, ambition and income are frequently affected; and they may experience their mobility being limited.<sup>23</sup>

**Technology-related VAW can translate into offline environments**, as a result of the disclosure of personal information online that carries the real threat of physical violence or the identification of victims for trafficking and/or other forms of offline violence.

Other cases have shown that **technology-related VAW can result in a violation of the right to life**. For example, a case of spousal abuse resulting in a woman being fatally stabbed by her husband, submitted to CEDAW, included reference of **threats and harassment made by the perpetrator to the victim by telephone**<sup>24</sup>. Various cases covered by the media have shown incidences of online violence and harassment leading to the victim **committing suicide**<sup>25</sup>.

**The Internet Governance Forum's Best Practice Forum 'Countering Online Abuse and Gender-based Violence Against Women' report highlights that** one of the most common consequences of tech-related VAW on communities is **the creation of a society where women no longer feel safe online and/or offline**<sup>26</sup>.

**Social media** in particular, **plays an important role in reinforcing social and cultural stereotypes about women**. This has been recognised by **Article 17 of the Council of Europe's Istanbul Convention**<sup>27</sup>. This all contribute to existing gender inequality. **Article 5 of the CEDAW Convention urges states**, "[t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on

21 ditto

22 [www.un.org/documents/ga/res/48/a48r104.htm](http://www.un.org/documents/ga/res/48/a48r104.htm); CEDAW General Comment 19 (1992), para.6

23 <http://www.genderit.org/resources/igf-2015-best-practice-forum-online-abuse-and-gender-based-violence-against-women-report>

24 [Fatma Yildirim \(deceased\) v. Austria](#), communication No. 6/2005, views adopted 6 August 2007, para. 12.1.3

25 See <http://nobullying.com/six-unforgettable-cyber-bullying-cases/>

26 <http://www.genderit.org/resources/igf-2015-best-practice-forum-online-abuse-and-gender-based-violence-against-women-report>

27 <http://www.coe.int/en/web/istanbul-convention/home>

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**stereotyped roles for men and women”.**

### **Do the same rights apply online as offline?**

Since 2009, the UN has adopted several resolutions<sup>28</sup> referencing the effect of the internet on rights, including the **HRC consensus resolution on “The promotion, protection and enjoyment of human rights on the Internet”** which **affirmed that the same rights that people have offline must also be protected online**<sup>29</sup> and, most recently, the **HRC consensus resolution on “The right to privacy in the digital age”**<sup>30</sup>.

### **Has the UN recognized technology-related VAW?**

Over the last few years, UN human rights experts as well as intergovernmental bodies have begun to address the issue of technology-related violence against women.

In March 2013 the **Commission on the Status of Women’s** agreed conclusions on violence against women and girls urged governments and relevant stakeholders to **“develop mechanisms to combat the use of ICT and social media to perpetrate violence against women and girls”**<sup>31</sup>.

In mid-2013, the **UN Working Group on discrimination against women in law and practice** included specific reference to the internet as “a site of **diverse forms of violence against women**”.<sup>32</sup>

At the end of 2013, the UN General Assembly adopted a consensus resolution on protecting women human rights defenders, which acknowledged that:

**“... information-technology-related violations, abuses and violence against women [...] such as online harassment, cyberstalking, violation of privacy, censorship and hacking of e-mail accounts, mobile phones and other electronic devices [...] are a growing concern and a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights”**<sup>33</sup>.

In 2015, the a resolution at the 29<sup>th</sup> session of the **Human Rights Council, ‘Accelerating efforts to eliminating all forms of violence against women: eliminating domestic violence’**<sup>34</sup> recognised that:

**“...violence against women, including domestic violence, can take the form of an isolated act or pattern of abusive behaviour that may occur over a period of**

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28 See for example, [A/HRC/RES/12/16](#) [A/HRC/RES/21/16](#), [A/HRC/RES/23/2](#), [A/HRC/RES/24/5](#), [A/RES/68/163](#), [A/RES/68/167](#), [A/RES/69/166](#)

29 [A/HRC/RES/20/8](#)

30 [A/HRC/RES/28/16](#)

31 [CSW agreed conclusions on the Elimination and prevention of all forms of violence against women and girls](#), March 2013, para.34(ww)

32 [A/HRC/23/50](#), para.66

33 [A/RES/68/181](#)

34 [A /HRC/29/L.16/Rev.1](#)

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time, which as a pattern constitute violence against women, and **can include acts such as cyberbullying and cyberstalking.**"

The **UN Special Rapporteur on VAW**, in a report to the 29<sup>th</sup> session of the Human Rights Council expressed concern about the **"risk of threatening and offensive advances on the Internet [...]** including humiliation, harassment, intimidation and "sexting" as a form of bullying [...and that] boyfriends commonly published, and/or threatened to publish, photographs of consensual sexual activity to **harass and manipulate women and even force them to engage in sexual activity**"<sup>35</sup>.

The **CEDAW General Recommendation 33 on women's access to justice**, highlighting the important **role of ICTs in transforming social and cultural stereotypes about women, as well as to ensure effectiveness and efficiency of justice for all women.**<sup>36</sup>

### What can the CEDAW Committee do?

The increased prevalence of tech-related VAW and the lack of effective measures to prevent, respond and contain it and the ensuing impunity, must be addressed as part of the broader struggle to eliminate VAW<sup>37</sup>.

A holistic approach is required, including through addressing the **global and pervasive harms resulting from tech-related VAW** such as violations of freedom of expression and the right to participate in public life, as well as economic loss and psychological violence.

It is imperative that **States articulate what constitutes tech-related VAW**, where necessary **integrate this into the legal frameworks** and **establish training and sensitisation programmes for all actors in the criminal justice system** to handle cases of tech-related VAW competently and effectively.

**General Recommendation 19 of the CEDAW Convention is critical instrument for state accountability** in relation to ending VAW. **Including tech-related VAW in the update to the General Recommendation** will make a significant contribution towards recognising this growing concern and ensuring that states take adequate measures to respond.

***Further information: This briefing paper has been produced as part of a partnership between the Association of Progressive Communications and the Open Society Foundation in relation to raising awareness about tech-related VAW in the Czech Republic***

35 [A/HRC/29/27/Add.2](#), paras.23, 25

36 [http://tbinternet.ohchr.org/Treaties/CEDAW/SharedDocuments/1\\_Global/CEDAW\\_C\\_GC\\_33\\_7767\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/SharedDocuments/1_Global/CEDAW_C_GC_33_7767_E.pdf)

37 Association for Progressive Communications & Due Diligence Project (unpublished) 'Due diligence and accountability for online violence against women'.

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<http://www.genderit.org/onlinevaw>

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