

While the incidence of online gender based violence increases around the world, women who experience violence online continue to have little recourse and access to justice. Fear of repercussions by perpetrators is in fact the most quoted main reason women give for not seeking redress to stop violence against women. It is important to note that online violence often accompanies, precedes or escalates into offline violence and protection and should therefore include the same protection given to victims/survivors of offline violence, such as the provision of shelters and issuing restraining orders (Zarizana Abdul Aziz and Association for Progressive Communications, 'Due Diligence and Accountability for Online Violence against Women' (to be published in June 2017). While the effectiveness of protection orders in the context of online gender based violence has not been established, these orders are already used in many countries to address domestic violence by providing a practical means of halting violence without requiring victims to become embroiled in lengthy and demanding criminal processes.

Examples include South Africa, where the Protection from Harassment Act 81 came into force on 27 April 2013. The act enables individuals subject to online or offline harassment to apply to a competent court for a protection order lasting up to five years. The Act also contains provisions requiring electronic communications service providers to assist courts in identifying perpetrators responsible for harassment; and creates the offences of contravention of protection orders and failure of an electronic communications service provider to furnish required information. Another example are the reforms that were implemented in California which include laws that make stalking a crime (felony stalking), availability of long term protection orders (up to ten years) for stalking, restrictions on public access to information from driving records in California, and a specialized Los Angeles police unit that works with prosecutors, attorneys and security details to keep stalkers a safe distance away from their target (Associated Press, <http://pagesix.com/2014/07/14/stars-safer-since-actress-1989-murder/> The California (United States) SB 255 Electronic Communication Devices: Prohibited Distribution of Personal Information).

The Cyber-safety Act 84 of Nova Scotia (Canada) came into force in August 2013; enabling individuals subjected to cyberbullying (or, in the case of minors, their parents) to apply to a judicial officer for a protection order against an individual. The Act also contains provisions requiring electronic communications service providers to assist courts in identifying individuals responsible for cyberbullying, and creates the tort of cyberbullying, which enables individuals to sue others for damages arising out of cyberbullying.

Generally however, the majority of protection orders do not mention internet communication and even when/ if they do, they are difficult to enforce. In order for this remedy to be effective for women, police / law enforcement need to have a better understanding of online gender based violence, aggressor strategies and the harm caused in order to better assess the risk.

(Sources: Internet Governance Forum Best Practice Forum on online abuse and gender based violence online, 2015. See <http://www.intgovforum.org/cms/documents/best-practice-forums/623-bpf-online-abuse-and-gbv-against-women/file>)