Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

UN Women Key Messages and Resources on Violence Against Women and Girls

Key resources:

- Report of the Secretary-General - Intensification of efforts to eliminate all forms of violence against women (2022)
- Report of the Special Rapporteur on violence against women, its causes and consequences - Online violence against women and girls from a human rights perspective (2018)
- UN Women Briefs - EVAW COVID-19 brief series (2020), especially the brief on Online and ICT-facilitated violence against women and girls during COVID-19 (2020)
- UN Women Survey Report - Measuring the shadow pandemic: Violence against women during COVID-19 (2021)
- UN Women Policy Brief - Accelerating efforts to tackle online and technology-facilitated violence against women and girls (2022)
- UN Women Observer Paper - Stepping up action to prevent and respond to online and ICT-facilitated violence against women and girls to inform the negotiations around the CSW67 (March 2023)
- UN Women Package - Essential services package for women and girls subject to violence (2015), especially Module 1
- UN Women Handbook - Handbook on gender-responsive police services for women and girls subject to violence (2021)
- World Health Organization - RESPECT Women: Preventing Violence against Women Framework (2019)

Key messages:

1. **Identifying types of crimes**

- *[Chapter 2 of the convention]* **Broad description:**
  - There is currently no agreed terminology or definition of technology-facilitated violence against women (TFVAW) (e.g., online violence, digital violence, cyberviolence, information and communications technology-related or facilitated violence, tech-facilitated or related violence, or violence in digital contexts; violence, violence against women and girls, violence against women, or gender-based vip;. olence, etc.). (SG Report, paras 3 and 7)
  - However, TFVAW extends to "any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a

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> **Commented [KT1]:** There are a few ways this is done: (1) crimes that already exist that are taking place online (e.g. stalking), in which case "online" becomes a new setting along the continuum of violence and (2) the emergence of new (potential) crimes that are not covered by existing laws (e.g. deepfakes).
>
> We would also recommend using the language of the recently developed definition, violence that "is committed, assisted, aggravated, or amplified by the use of information communication technologies or other digital tools"

woman because she is a woman, or affects women disproportionately." (SRVAW Report, para 23).

- ○ Proposed definition: TFVAW is any act, that is committed, assisted, aggravated or amplified by, the use of ICTs or other digital tools, that results in or is likely to result in physical, sexual, psychological, social, political or economic harm, or other infringements of rights and freedoms. (Expert Group Meeting) While technology-facilitated violence has extensive reach, women and girls are disproportionately impacted (Cotter and Savage 2019; Buchanan et al. 2021). Available evidence suggests that women are more likely to be targeted because of their gender, to experience more severe forms of online violence, and are also more likely to face serious and longer-lasting negative impacts (Buchanan et al 2021; Pew Research Center 2021). For example, online violence is often directly linked to experiences of offline violence (Posseti 2020; Iyer et al 2020, citing Zweig et al 2013; Khan 2021), and women often change the way they use (or opt out of using) ICTs due to risks associated with technology-facilitated violence (World Bank 2022; Malanga 2021; Posetti et al 2020; Economist Intelligence Unit 2021).

- *[General – for consideration]* **Futureproofing:**
  - o As technology and its usage evolve, so too do the forms and patterns of online and ICT-facilitated violence. Violence against women in digital contexts takes many forms, and these continue to multiply in a context of rapidly expanding digitalization, accelerated by the pandemic. Virtual reality and the metaverse are creating new digital spaces for misogyny and sexual violence. The emergence of new forms of violence has been exacerbated by the growth of artificial intelligence. (SG Report, para 8)
  - o The rapid development of digital technology and spaces, including through artificial intelligence, will inevitably give rise to new and different manifestations of online violence against women overtime as technology morphs and develops. (SRVAW Report, para 24)

- *[Chapter 2 of the convention – Clusters 1, 2 and 4]* **Existing forms/manifestations:**
  Nonetheless, existing forms of TFVAW include but are not limited to:
  - o *[Chapter 2 - Article 24 of the convention]* **Sextortion:** the use of ICT to blackmail a victim. In such cases, the perpetrator threatens to release intimate pictures of the victim in order to extort additional explicit photos, videos, sexual acts or sex from the victim. (SRVAW Report, para 35)
  - o *[Chapter 2]* **Doxing:** the publication of private information, such as contact details, on the Internet with malicious intent, usually with the insinuation that the victim is soliciting sex (researching and broadcasting personally identifiable information about an individual without consent, sometimes with the intention of exposing the woman to the "real" world for harassment and/or other purposes). It includes situations where personal information and data retrieved by a perpetrator is made public with malicious intent, clearly violating the right to privacy. (SRVAW Report, para 36)
  - o *[Chapter 2]* **Trolling:** the posting of messages, the uploading of images or videos and the creation of hashtags for the purpose of annoying, provoking or inciting violence

Commented [IZ2]: UN Women and WHO, though the joint programme on VAW Data, recently convened an expert group meeting to address this gap. The group, which also included participation from UNICEF and UNPFA, along with different member states and NSOs, CSOs, academics and a tech company worked together to agree to a common conceptual definition (below and in core text) that we would recommend be used here.

Common definition- Technology-facilitated violence against women (TFVAW)* is any act that is committed, assisted, aggravated, or amplified by the use of information communication technologies or other digital tools, that results in or is likely to result in physical, sexual, psychological, social, political, or economic harm, or other infringements of rights and freedoms.

Commented [KT3]: this is an excerpt from a forthcoming UN Women publication I think the ideas can be useful for framing this issue

Commented [KT4]: an important part of futureproofing is not limiting the potential scope of what could be included/recognized as TFVAW, so while it can be useful to include concrete examples, it would be important to include a disclaimer (e.g. "include but not limited to....)

against women and girls. Many "trolls" are anonymous and use false accounts to generate hate speech. (SRVAW Report, para 37)

- o *[Chapter 2]* **Online mobbing and harassment:** the online equivalents of mobbing or harassment on social platforms, the Internet, in chat rooms, instant messaging and mobile communications. (SRVAW Report, para 38)
- o *[Chapter 2]* **Online stalking:** the repeated harassment of individuals, perpetrated by means of mobile phones or messaging applications, in the form of crank calls or private conversations on online applications (such as WhatsApp) or in online chat groups. (SRVAW Report, para 39)
- o *[Chapter 2]* **Online sexual harassment:** any form of online unwanted verbal or nonverbal conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment. (SRVAW Report, para 40)
  - ▪ Such harassment can include unwanted and uninvited sexually explicit content online, unwanted and persistent sexual advances and sexualized comments through dating applications or social media, and sexualized threats and denigrating comments, including trolling and public shaming. It can also involve personal or identifying details shared online, also known as doxing. Online sexual harassment can also be connected to gendered hate speech, the intent of which is to spread, incite, promote or justify hatred based on sex. (SG Report, para 9)
- o *[Chapter 2 - Articles 15, 24 and 25 of the convention]* **"Revenge porn" (non-consensual image sharing):** the non-consensual online dissemination of intimate images, obtained with or without consent, with the purpose of shaming, stigmatizing or harming the victim. (SRVAW Report, para 41)

> **Commented [KT5]:** UN Women does not recommend using "revenge porn" preferring to use the term "non-consensual image sharing" instead

- o **Zoombombing**: the practice of disrupting or infiltrating a videoconference call and showing racially charged or sexually explicit material to the unexpecting participants. (SG Report, para 8)
- o *[Chapter 2 - Article 24 of the convention]* **Digital threats:** making digital threats and inciting gender-based violence, including threats of physical and/or sexual violence, rape, killing, unwanted and harassing online communications, or even the encouragement of others to harm women physically. (SRVAW Report, para 31)
- o *[Chapter 2 - Article 16 of the convention]* **Reputational harm:** the dissemination of reputation-harming lies, electronic sabotage in the form of spam and malignant viruses, impersonation of the victim online and the sending of abusive emails or spam, blog posts, tweets or other online communications in the victim's name. (SRVAW Report, para 31)
- *[Cluster 5 of the convention, Articles 34 and 35]* **Perpetrators:**
  - o **Primary perpetrators:** The person from whom the TFVAW content originates, irrespective of whether the content is developed by them. This is the person or persons who disseminate(s), uploads or shares the TFVAW content. The primary perpetrator(s)may utilize layers of encryption that allow the perpetrator(s)to remain anonymous. The person(s) can be known or unknown to the victim/survivor.

- o **Secondary perpetrators:** Others who wittingly or unwittingly re-commit the violence by downloading the material, sharing it (e.g. reposting or creating a link to the material) irrespective of whether they intend to harm the victim/survivor who is the subject of the material (image or text).
  - o It is also important to note that States are increasingly perpetrators, and there is a growing link between extremist groups and TFVAW that UNODC should explore.
- **Specific contexts in which TFVAW exists:** A number of the above examples (e.g. stalking, NCII, etc.) can also be done in these contexts
  - o ICT-facilitated violence against women committed in the workplace (SRVAW Report, para 31) According to the results of a study released in 2022, online abuse of women in professional contexts is widespread, with 51 per cent of women who experienced online abuse also reporting a serious impact on their professional life because of the abuse. (SG Report, para 24)
  - o ICT-facilitated violence committed in the form of so-called "honour-based" violence (SRVAW Report, para 31)
  - o ICT-facilitated violence committed in the form of domestic violence by intimate partners. Women who speak out about their abuse online are frequently and increasingly threatened with legal proceedings, such as for defamation, which aims to prevent them from reporting their situation. (SRVAW Report, para 31)

2. **Ensuring comprehensive and survivor-centered support for survivors**

- *[General – for consideration / Article 38]* **Types of harm:** Survivors of violence in digital contexts experience significant harm to their health and well-being. Research highlights the fact that the impact of online violence can be as serious as offline violence. (SG Report, para 22) Online forms of violence against women and girls are associated with psychological, social and reproductive health impacts, and often with offline physical and sexual violence for victims/survivors. (UNW Brief on online and ICT facilitated violence).
  - o **Physical harm:** ICT-facilitated violence may also lead to physical harm and self-harm, including suicides. (SRVAW Report, para 27) (SG Report, para 22)
  - o **Psychological harm:** Victims and survivors of ICT-facilitated violence experience depression, anxiety and fear, and in some cases suicidal tendencies (SRVAW Report, para 27), particularly as a result of the cumulative effects of offline and online violence. (SG Report, para 22) Research shows that online abuse can leave women with symptoms of post-traumatic stress disorder, particularly when the abuse is frequent. Young women and girls also experience serious psychological effects in response to online violence, including feeling physically unsafe, lower self-esteem or loss of confidence, mental or emotional stress and problems at school. (SG Report, para 22)
  - o **Economic harm:** Economic harm can be done when the explicit image of a victim of cyberabuse covers several pages of search engine results, making it difficult for the victim to find employment, or even preventing the victim from even attempting to find employment because of the shame and fear of potential employers discovering the images. (SRVAW Report, para 27)

Commented [KT6]: recommend aligning with the expanded list of harms noted in the common definition: physical, sexual, psychological, social, political, or economic harm, or other infringements of rights and freedoms.

Commented [KT7]: to illustrate, a recent UNESCO (2021) report found that:

Globally, 73% of women journalists have experienced online violence that aim to silence and discredit them, and 20% of women journalists have been attacked or abused offline in connection with online violence they had experienced (p.12)

Source: The Chilling: global trends in online violence against women journalists; research discussion paper

- o **Chilling effect:** Violence against women in digital contexts also impedes women's equal and meaningful participation in public life through humiliation, shame, fear and silencing. Women's voices are often silenced, discredited and censored by online violence. This is the "chilling effect", whereby women are discouraged from actively participating in public life. Research shows that digital violence can result in women and girls having to restrict their online activity, which in turn inhibits their access to the Internet and increases the digital gender divide. There is also the intergenerational impact of digital violence, as the online abuse of women in public life (and women from marginalized communities in particular) serves as an impediment to young women entering professions such as politics and journalism, due to fear of similar abuse. (SG Report, para 23)
- *[Article 5 of the convention]* **Disproportionately vulnerable groups:** Women are both disproportionately targeted by online violence and suffer disproportionately serious consequences as a result. Their access to technology is also affected by intersectional forms of discrimination based on a number of other factors, such as race, ethnicity, caste, sexual orientation, gender identity and expression, abilities, age, class, income, culture, religion, and urban or rural setting. (SRVAW Report, para 28)
  - o Some groups of women, such as women human rights defenders, women in politics, including parliamentarians, journalists, bloggers, young women, women belonging to ethnic minorities and indigenous women, lesbian, bisexual and transgender women, women with disabilities and women from marginalized groups are particularly targeted by ICT-facilitated violence (see A/HRC/35/9). (SRVAW Report, para 28)
- *[Article 56 of the convention]* **Essential services:**
  - o Access to high quality, coordinated, specialized multisectoral services (health, social, police and justice) can play a significant role in addressing the impact of violence on the well-being, health and safety of women and girls, assist in their recovery and empowerment, and stop violence from recurring. (SG Report, para 48)
  - o To deliver "quality" essential services requires that service delivery across all essential services and actions feature the following key characteristics: availability; accessibility; adaptability; appropriateness; prioritize safety; informed consent and confidentiality; effective communication and participation by stakeholders in design, implementation and assessment of services; data collection and information management; linking with other sectors and agencies through coordination. (ESP, Module 1, page 14)
  - o In delivering quality essential services, countries must consider the six overlapping principles that underpin the delivery of all essential services and coordination of those services: a rights-based approach; advancing gender equality and women's empowerment; culturally and age appropriate and sensitive; **victim/survivor centered approach**; safety is paramount; perpetrator accountability. (ESP, Module 1, page 13)
    - ▪ **Victim/survivor-centered approaches** means placing the rights, needs and desires of women and girls as the center of focus of service delivery. This requires consideration of the multiple needs of victims and survivor, the

various risks and vulnerabilities, the impact of decisions and actions taken, and ensures services are tailored to the unique requirements of each individual women and girl. Services should respond to her wishes. (ESP, Module 1, page 13)

- VAWG survivors across the world have diverse needs and face different risks. Not all women and girls experience violence in the same way. An effective intervention takes into account the realities of their unique circumstances. Therefore, strategies to enhance access to services must account for the different needs of women and girls experiencing violence by adopting comprehensive and victim/survivor-centered approaches that incorporate the voices and inputs of survivors into policies, practices and procedures that are developed as part of VAWG response.

- A survivor-centered approach is guided by seven core principles: respect; non-discrimination; safety; confidentiality; informed consent; support and prevention. While it is important to build a common understanding of these principles, it is also important to share good practices on how these are meaningfully applied.

3. **Raising awareness about other issues, crimes and VAWG by connecting to the continuum of violence**

- *[General – for consideration]* **The continuum:**
  o Although the patterns and forms of violence against women in digital spaces can be unique, they are part of the continuum of multiple, recurring and interrelated forms of violence across online and offline spaces. (SG Report, para 17) (SRVAW Report, para 14)
  o Many forms of violence occurring offline are replicated and intensified in digital spaces. Digital spaces reflect, reinforce and exacerbate systemic structural gender inequality, deep-seated cultural and social norms as well as patterns of harmful masculinities that drive all forms of violence against women. (SG Report, para 17)
  o Owing to the easy accessibility and dissemination of contents within in the digital world, the social, economic, cultural and political structures and related forms of gender discrimination and patriarchal patterns that result in gender-based violence offline are reproduced, and sometimes amplified and redefined, in ICT, while new forms of violence emerge. New forms of online violence are committed in a continuum and/or interaction between online or digital space; it is often difficult to distinguish the consequences of actions that are initiated in digital environments from offline realities, and vice versa. (SRVAW Report, para 20)
  o Studies show that online violence against women and girls often precede violence carried out against women and girls offline. (SG Report, para 8)
- **Technology-specific features:**
  o There are specific features of digital spaces that create a particularly conducive context for violence against women, including the scale, speed and ease of Internet communication combined with anonymity, pseudonymity, affordability and

impunity. Cross-platform abuse, is enabled through the proliferation of new technologies and can be particularly challenging to combat as abusive content removed from one platform, can reappear and persist on another. (SG Report, para 19)

- o Technology has transformed many forms of gender-based violence into something that can be perpetrated across distance, without physical contact and beyond borders through the use of anonymous profiles to amplify the harm to victims. (SRVAW Report, para 30)

- **Specific examples:**
  - o **IPV and domestic violence:** Many forms of violence from intimate partners occurring offline – including stalking, financial abuse and coercive control – are often replicated and intensified in digital spaces. Furthermore, abusive partners or ex-partners use digital tools to monitor, track, threaten and perpetrate violence including tracking devices or publishing private and identifying information. (SG Report, para 10)
  - o **Trafficking:** Traffickers are increasingly using technology to profile, recruit, control and exploit their victims as well as using the Internet, especially the dark web, to hide information about their activities and identities. (SG Report, para 11)