

Online and technology-facilitated violence against women: The EDVAW Platform's contribution to human rights protection and monitoring

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Abstract

In the rapidly evolving landscape of online and technology-facilitated violence, the Platform of independent expert mechanisms on discrimination and violence against women (the EDVAW Platform) plays a key role in bringing together international and regional mechanisms. Published in 2022, its first thematic report addresses the pressing need to tackle online and technology-facilitated violence, offering a comprehensive overview and proposing collective actions. This article provides the first detailed analysis of this policy document, first exploring its terminology and understanding of this new yet deeply entrenched form of abuse, rooted in the long-lasting subordination and systemic violence against women in society. It then delves into key themes identified by the EDVAW Platform, urging collaborative efforts among its members. A call to action resonates throughout, advocating the integration of this cause into broader human rights practices. Ultimately, the article underscores the importance of policies promoting intersectionality, victim-centric approaches, and proactive engagement with the private sector.

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Keywords

The EDVAW Platform, violence against women, image-based sexual abuse, GREVIO, human rights monitoring

I. INTRODUCTION

While violence against women is recognised worldwide as a significant human rights concern, the implementation and enforcement of those rights remains highly variable across states and regions. This variability is especially evident with online and technology-facilitated violence, where disagreements on terminology, scope, and prevalence, coupled with a lack of serious consideration, impede the application of human rights frameworks to prevent, detect, and address these abuses. Furthermore, there is disagreement on the applicability of conventional rights frameworks to some forms of online and technology-facilitated violence.¹

To encourage greater cohesion and enforcement of human rights in relation to violence against women, the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (the EDVAW Platform) was established in 2018 and is composed of seven regional and international human rights mechanisms tackling this form of human rights violation.² The EDVAW Platform is committed to advancing the implementation of the legal and policy framework on violence against women. It achieves this by fostering the sharing of best practices and careful monitoring, thereby creating a valuable space for global dialogue and collaboration. In 2022, the EDVAW Platform adopted its first thematic report on the digital dimension of violence against women, seeking to address the knowledge and implementation gaps in this field and identify future avenues for action.³

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1. This article discusses the EDVAW Platform's first thematic report on the digital dimension of violence against women and uses the term 'online and technology-facilitated violence' to keep pace with technological innovation and ensure inclusivity beyond information and communication technologies. As children's rights are protected by an entirely separate human rights regime, this article only focuses on violence against women, albeit that there are overlaps with the rights of girls. For further discussion on the intersection between child sexual abuse and their digital rights, *see*: Francis Maxwell, 'Children's Rights, the Optional Protocol and Child Sexual Abuse Material in the Digital Age' (2023) 31 *The International Journal of Children's Rights* 61; Alistair A Gillespie, 'Adolescents, Sexting and Human Rights' (2013) 13 *Human Rights Law Review* 623. Moreover, although both the thematic report and this article focus on violence against women, it is recognised that online and technology-facilitated violence affects individuals of all genders. The gendered lens applied here seeks to underscore systemic inequalities that disproportionately affect women, while acknowledging the broader patterns of violence and discrimination that intersect with these harms.
 2. The EDVAW Platform is composed the UN Special Rapporteur on violence against women, its causes and consequences, the United Nations Working Group on discrimination against women and girls, the United Nations Committee on the elimination of discrimination against women, the Council of Europe Group of experts on action against violence against women and domestic violence, the Inter-American Commission on human rights rapporteur on the rights of women, the Committee of experts of the follow-up mechanism to the Belém do Pará Convention, and the African Commission on human and people's rights special rapporteur on the rights of women. More information is provided in section 2.
 3. GREVIO, 'New Thematic Paper on the Digital Dimension of Violence against Women as Addressed by the EDVAW Platform' <<https://www.coe.int/en/web/istanbul-convention/-/new-thematic-paper-on-the-digital-dimension-of-violence-against-women-as-addressed-by-the-edvaw-platfo-1>> accessed 15 December 2023.

Despite the EDVAW Platform's role in uniting key regional and international mechanisms in the field of violence against women, there has been little scholarly discussion of this international forum and its potential to enhance human rights protections and monitoring.⁴ This article will address this gap in knowledge, providing the first detailed analysis of the thematic report on the digital dimension of violence against women.⁵ This is particularly timely, given the current global legislative upheaval surrounding platform governance and artificial intelligence, where online and technology-facilitated violence often remains an overlooked issue. In this context, while the EDVAW Platform is primarily known for fostering exchange and collaboration, its capacity for knowledge-sharing and monitoring can play a critical role in shaping policy and advancing global efforts to address these emerging challenges.

Following this introduction, Section 2 clarifies the origins, mandate, and composition of the EDVAW Platform. Section 3 explores issues related to terminology, definitions, as well as the nature, scale, and harm of online and technology-facilitated violence. Shifting the focus to the first thematic report of the EDVAW Platform, section 4 critically analyses the key themes identified in addressing this new, yet deeply entrenched form of abuse, rooted in the long-lasting subordination and systemic violence against women in society. Section 5 concludes and recommends the integration of this cause into broader human rights practices.

2. THE EDVAW PLATFORM AND ITS FIGHT AGAINST VIOLENCE AGAINST WOMEN

2.1 EXPLAINING THE EDVAW PLATFORM

In 2016, the United Nations Special Rapporteur on violence against women, its causes, and consequences (the UN Special Rapporteur) acknowledged a significant gap at the international level in adopting a holistic and comprehensive approach to address violence against women, despite the existence of global norms and standards. This fragmentation was evident in the implementation of key global agendas and instruments, including the Beijing Platform for Action,⁶ the Convention on the Elimination of All Forms of Discrimination against Women,⁷ and other related treaties. The disconnect extended to global instruments and regional agendas on violence against women, along with the mechanisms responsible for monitoring their implementation. Despite the envisioned links between these instruments, the lack of coordination persisted.⁸ Accordingly, the UN Special Rapporteur expressed a keen interest in enhancing collaboration with international and regional human rights mechanisms that play a key role in identifying and mitigating implementation gaps and government shortcomings. The goal was to expedite efforts

4. To our knowledge, the sole literature referencing it is: Melissa Upreti and Soon-Young Yoon, 'The Feminist and Women's Movement Action Plan (fwMAP): Mobilising Globally for Beijing +25' (2020) 28 *Gender & Development* 265, 271.

5. EDVAW Platform, 'The Digital Dimension of Violence against Women as Addressed by the Seven Mechanisms of the EDVAW Platform' (2022) <<https://rm.coe.int/thematic-report-on-the-digital-dimension-of-violence-against-women-as-/1680a933ae>> accessed 4 December 2024.

6. UNGA, 'Beijing Declaration and Platform of Action' (1995) A/RES/50/203.

7. UNGA, 'Convention on the Elimination of All Forms of Discrimination Against Women' (1979) A/RES/34/180.

8. UNCHR, 'Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences' (2016) A/HRC/32/42, para 78.

to eliminate violence against women and tackle its underlying causes and far-reaching consequences.⁹

Two years later, the UN Special Rapporteur led the establishment of the EDVAW Platform. This initiative brought together all the main international and regional independent expert mechanisms on violence against women and women's rights, recognising their key role in monitoring the state of women's rights, evaluating measures to combat violence against women, and identifying pressing issues, gaps, and shortcomings in the implementation of international standards and government commitments. The EDVAW Platform includes the UN Special Rapporteur,¹⁰ the United Nations Working Group on discrimination against women and girls (the UN Working Group),¹¹ the United Nations Committee on the elimination of discrimination against women (the CEDAW Committee),¹² the Council of Europe Group of experts on action against violence against women and domestic violence (the GREVIO),¹³ the Inter-American Commission on human rights rapporteur on the rights of women (the IACHR Rapporteur),¹⁴ the Committee of experts of the follow-up mechanism to the Belém do Pará Convention (the MESECVI),¹⁵ and the African Commission on human and people's rights special rapporteur on the rights of women (the AC Rapporteur).¹⁶ Consequently, it lacks representation from the Asia Pacific and Middle East regions, where a pan-regional framework on women's rights is still lacking.¹⁷

Since its creation, the EDVAW Platform has sought to collaboratively enhance the acceptance, incorporation, implementation, and updating of the current framework on discrimination and violence against women, ultimately creating a forum for collaboration and exchange. Consequently, it has engaged in consultations in various regions, hosted by regional mechanisms, working with civil society and stakeholders to identify and discuss common concerns and thematic priorities.¹⁸ It has also participated in several events and expert meetings on discrimination and violence against women and published some statements on thematic priorities such as feminicide and workplace

9. *ibid* para 79.

10. UN Special Rapporteur on violence against women and girls, its causes and consequences, 'About the mandate' <<https://www.ohchr.org/en/about-mandate>> accessed 15 December 2024.

11. UN Working Group on discrimination and violence against women and girls, 'About the Mandate' <<https://www.ohchr.org/en/special-procedures/wg-women-and-girls/about-mandate>> accessed 15 December 2024.

12. Susanne Zwingel, *Translating International Women's Rights: The CEDAW Convention in Context* (Palgrave Macmillan 2016).

13. Ronagh J. A. McQuigg, *The Istanbul Convention, Domestic Violence and Human Rights* (Routledge 2018) 111–122.

14. Caroline Bettinger-López, 'Violence Against Women: Normative Developments in the Inter-American Human Rights System', in Rashida Manjoo and Jackie Jones (eds), *The Legal Protection of Women from Violence* (Routledge 2018) 166.

15. *ibid* 166.

16. Nicholas Wasonga Orago and Maria Nassali, 'The African Human Rights System: Challenges and Potential in Addressing Violence against Women in Africa', in Rashida Manjoo and Jackie Jones (eds), *The Legal Protection of Women from Violence* (Routledge 2018) 107.

17. For a regional perspective on the state of women's rights *see*: Ahmed Almutawa and Konstantinos Magliveras, 'Enforcing Women's Rights under the Arab Charter on Human Rights 2004' (2021) 25 *The International Journal of Human Rights* 1258; Catherine Renshaw, 'Global or Regional? Realizing Women's Rights in Southeast Asia' (2017) 39 *Human Rights Quarterly* 707.

18. UN Special Rapporteur on violence against women and girls, its causes and consequences, 'Platform for strengthening cooperation between international and regional independent mechanisms on violence and discrimination against women' (2018) <<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/PlatformInternationalRegionalMechanisms.pdf>> accessed 15 December 2024.

harassment.¹⁹ Notably, the EDVAW Platform contributed to the 25-year review of the Beijing Platform for Action, advocating for its recognition and institutionalisation in the broader UN system. Some expert mechanisms are also involved in the Commission on the Status of Women deliberations, with the EDVAW Platform hosting a virtual briefing for civil society organisations (CSOs) in preparation for the 2023 session. Others participate voluntarily, presenting their work during side events. Financial constraints limit the participation of certain mechanisms.²⁰

2.2 PRIORITISING THE DIGITAL DIMENSION OF VIOLENCE AGAINST WOMEN UNDER THE GREVIO'S PRESIDENCY

In 2021, the EDVAW Platform agreed on the adoption of a rotational chair system,²¹ to bring fresh perspectives to its leadership, foster greater ownership among its members, and to facilitate the annual determination of priorities and focal topics. During its presidency (February 2022 – January 2023), GREVIO chose to emphasise the digital dimension of violence against women, aligning with its ongoing work in Europe.²² Over recent years, GREVIO has consistently addressed this issue while monitoring the implementation of the Council of Europe Convention on combatting violence against women and domestic violence (the Istanbul Convention). This focus also led to the adoption of General Recommendation No. 1 in 2021, where GREVIO interpreted the relevance of the Istanbul Convention in addressing online and technology-facilitated violence, particularly in terms of prevention, protection, prosecution, and coordinated policies.²³

Under GREVIO's presidency, the EDVAW Platform adopted its first thematic report in November 2022.²⁴ This thematic report addresses the digital dimension of violence against women, aligning with the mandates of its members. It begins with a comprehensive overview of this gender-based abuse, coupled with some insights on terminology. The thematic report proceeds to explore the general approaches adopted by the EDVAW members, identifying key themes in their work and shedding light on both promising practices and challenges faced. Ultimately, it proposes some collective actions to address the escalating global issue of online and technology-facilitated violence against women. In the next section, we critically reflect on the EDVAW

19. For the activities undertaken by the EDVAW Platform until 2020, *see*: OHCHR, 'Establishment and Activities by the Platform of Independent UN and Regional Expert Mechanisms on Elimination of Discrimination and Violence against Women – EDVAW Platform' <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Platforms_meetings_and_statements.pdf> accessed 15 November 2023. For the latest activities, *see*: <<https://www.ohchr.org/en/special-procedures/sr-violence-against-women/edvaw-platform-cooperation-among-un-global-and-regional-womens-rights-mechanisms>> accessed 15 December 2024.

20. EDVAW Platform, '25 Years in Review of the Beijing Platform for Action' (2020) 44 <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Booklet_BPA.pdf> accessed 15 December 2024.

21. Special Rapporteur on violence against women, its causes and consequences, 'Online Meeting of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform)' (2021) <<https://www.ohchr.org/sites/default/files/2022-01/10th-Global-EDVAW-Platform-Meeting-Notes.pdf>> accessed 15 December 2024.

22. GREVIO, 'GREVIO Takes over the Leadership of EDVAW Platform' (2022) <<https://www.coe.int/en/web/portal/-/grevio-takes-over-the-leadership-of-edvaw-platform>> accessed 15 November 2023.

23. GREVIO, 'General Recommendation No. 1 on the Digital Dimension of Violence against Women' (2021) <<https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>> accessed 12 September 2022.

24. The thematic paper is based on preparatory work written by the authors of this article with the support of the Council of Europe Secretariat of the Monitoring Mechanism of the Istanbul Convention (GREVIO). *See* EDVAW Platform (n 5) 6.

approach to address online and technology-facilitated violence against women as unfolded in this thematic report.

3. UNDERSTANDING ONLINE AND TECHNOLOGY-FACILITATED VIOLENCE AGAINST WOMEN

3.1 TERMINOLOGY AND DEFINITIONS

The complicated and often controversial issue of definitions reveals a lack of agreement, resulting in terminological confusion over online and technology-facilitated violence. This complexity makes it difficult for victims to name their personal experience, for stakeholders to understand, compare and evaluate such abuse, as well as for States to provide an adequate response. This is also evidenced by the wide range of terms often used interchangeably and without precision, across the members of the EDVAW Platform.

In a 2018 report regarding online violence against women and girls from a human rights perspective, the UN Special Rapporteur explicitly defines this abuse as “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 woman because she is a woman, or affects women disproportionately.”²⁵ MESECVI draws on this definition in its work, simply adding its own non-exhaustive list of examples of online and technology-facilitated violence, as does the UN Working Group.²⁶ Throughout the same document, however, the UN Special Rapporteur acknowledges and uses alternative terms such as ‘online violence against women,’ ‘cyberviolence,’ and ‘information and communications technology-facilitated violence’.²⁷

Instead, GREVIO prefers the term ‘the digital dimension of violence against women,’ which it states covers “both online aspects (activities performed and data available on the internet, including internet intermediaries on the surface web as well as the dark web) and technology-facilitated (activities carried out with the use of technology and communication equipment, including hardware and software) harmful behaviour perpetrated against women and girls.”²⁸ Despite using different terms, the scope is similar, which may explain why both the IACHR Rapporteur and the AC Rapporteur avoid specifically defining online and technology-facilitated violence against women and only acknowledge its significance, scale, nature, and impact.²⁹

25. *ibid* 13; OHCHR, ‘Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on Online Violence against Women and Girls from a Human Rights Perspective’ (2018) A/HRC/8/47 para 23.

26. EDVAW Platform (n 5) 17; OAS/CICTE and OAS/CIM/MESECVI, ‘Online Gender-Based Violence against Women and Girls. Guide of Basic Concepts, Digital Security Tools, and Response Strategies’ (2022) 21–40 <<https://www.oas.org/en/sms/cicte/docs/Practical-self-protection-handbook-Online-gender-based-violence-against-women-and-girls.pdf>> accessed 8 December 2024.

27. OHCHR, ‘A/HRC/8/47’ (n 25) para 15.

28. EDVAW Platform (n 5) 16; GREVIO (n 3) para 23.

29. EDVAW Platform (n 5) 15 and 17; Special Rapporteur on the Rights of Women in Africa, ‘Intersession Activity Report during the 71st Ordinary Session of the African Commission on Human and People’s Rights’ (2022) <https://www.achpr.org/public/Document/file/English/Inter-Session%20Activity%20Report_SRRWA_ENG.pdf> accessed 8 December 2024; IACHR, ‘Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean’ (2019) 134–136 <<http://www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf>> accessed 8 December 2024.

This definitional complexity reflects the lack of agreement within scholarship and policy. The discussion varies between the use of broader definitions, encompassing a wider range of activities, or seeking to draw the boundaries relatively tightly for better understanding and implementation.³⁰ The dynamic nature of technology and social change, as highlighted by MESECVI, emphasise the need for flexible terminology, discouraging rigid definitions and online and offline dichotomies.³¹ But, while this adaptability is crucial, this degree of uncertainty challenges understanding and evaluating the nature, scale, and significance of online and technology-facilitated violence. Also, it is likely to inhibit the effectiveness of legal, policy, and other measures at the national and regional level, given the borderless nature of the wrongdoing.³²

In its thematic report, the EDVAW Platform acknowledges the absence of common terminology and the resulting confusion and negative consequences.³³ Although it avoids adopting a specific term and recognises the need for dynamism to keep pace with technological innovation, the report introduces a four-fold classification based on the technology's role in channelling the abuse. First, specific technologies facilitate the commission of gender-based violence such as where domestic violence is carried out via the use of spyware and other tracking devices. Second, information and communication technologies (ICTs) can aggravate and amplify the harm victims experience, such as the non-consensual sharing of intimate images, where people generally feel continuous abuse arising from each new distribution or viewing. Third, there are technologies that give rise to new forms of abuse, as is the case with sexually explicit deepfakes. Fourth, the online environment is used to enable gender-based violence, including the use of social media to perpetuate online misogyny.³⁴

30. Marcela Suarez Estrada, 'Feminist Struggles Against Criminalization of Digital Violence: Lessons for Internet Governance from the Global South' (2022) 14 Policy & Internet 410; Laura Vidal, 'The Olimpia Law: The Beginning of a Legal Framework that Addresses Digital Violence', in Fernanda Vidal-Correa (ed), *Political Representation and Gender Equality in Mexico* (Springer 2022) 263; Sukaina Al-Nasrawi, 'Combating Cyber Violence Against Women and Girls: An Overview of the Legislative and Policy Reforms in the Arab Region', in Jane S. Bailey, Asher Flynn and Nicola Henry (eds), *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (Emerald Publishing Limited 2021) 493; Suzie Dunn, 'Is it Actually Violence? Framing Technology-facilitated Abuse as violence', in Jane S. Bailey, Asher Flynn and Nicola Henry (eds), *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (Emerald Publishing Limited 2021) 25; Kim Barker and Olga Jurasz, 'Online Violence Against Women as an Obstacle to Gender Equality: A Critical view from Europe' (2020) 1 European Equality Law Review 47; Macarena Hanash Martínez, 'Feminist Cyber-resistance to Digital Violence: Surviving Gamergate' (2020) 5 Debats. Revista de Cultura, Poder i Societat 287; Bridget Harris and Laura Vitis, 'Digital Intrusions: Technology, Spatiality and Violence Against Women' (2020) 4 Journal of Gender-Based Violence 325.

31. ONU Mujeres and OEA/CIM/MESECVI, 'Ciberviolencia y Ciberacoso Contra Las Mujeres y Niñas En El Marco de La Convención Belém Do Pará' 17 <https://lac.unwomen.org/sites/default/files/2022-04/Informe-Ciberviolencia-MESECVI_1Abr.pdf> accessed 8 December 2024.

32. Agnieszka Fal-Dutra Santos and Panthea Pourmalek, 'Preventing Violence in the Digital Age: Women Peacebuilders and Technology-Facilitated Gender-Based Violence', in Mariateresa Garrido (ed), *Mapping Online Gender-Based Violence* (UPEACE Press 2022); Matthew Mitchell and others, 'Technology-Facilitated Violence: A Conceptual Review' (2022) Criminology & Criminal Justice 649; Unnati Patel and Ronald Roesch, 'The Prevalence of Technology-Facilitated Sexual Violence: A Meta-Analysis and Systematic Review' (2022) 23 Trauma, Violence, & Abuse 428; Nicola Henry and Anastasia Powell, 'Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research' (2018) 19 Trauma, Violence, & Abuse 195.

33. EDVAW Platform (n 5) 27.

34. *ibid* 8.

3.2 NATURE AND SCALE

For the EDVAW Platform, the said complexities in defining online and technology-facilitated violence lead to challenges in gathering data on its prevalence, nature, and scale. This challenge is exacerbated by the fact that existing data is often not disaggregated by sex, age, or other relevant factors. Other contributing factors to this data gap include the omission of this form of violence in national statistics on violence against women, the absence of sex-disaggregated statistics on computer and cybercrimes, and the lack of official records documenting complaints about digital violence.³⁵

Online and technology-facilitated violence - like other forms of violence against women - is gender-based,³⁶ targeting women due to their gender or affecting them disproportionately. Although variations in study scope and methodology make it difficult to determine its exact prevalence,³⁷ research consistently shows that it is alarmingly widespread. For example, according to a 2015 study by the United Nations Broadband Commission for Sustainable Development, almost three quarters of women have experienced some form of gender-based violence online, with almost two-thirds of the perpetrators being men.³⁸ In 2020, a study by the Economist Intelligence Unit covering 45 countries reported that 85% women have experienced or witnessed online and technology-facilitated violence, ranging from 74% in Europe, 91% in Latin America and the Caribbean and 90% in Africa.³⁹ In 2017, Amnesty International released a comparative study conducted across Europe, the United States and New Zealand which revealed that nearly a quarter of interviewed women had experienced online abuse and harassment motivated by gender, at least once in their life.⁴⁰ In 2021, UN Women published a report on the Middle East where it emerged that 60% of women had suffered from online and technology-facilitated violence and had reported it in the past year.⁴¹ In 2020, Pollicy, a Uganda-based feminist collective, conducted a survey on online violence against women in Ethiopia, Kenya, South Africa, Senegal, and Uganda revealing that 28% of women had experienced diverse forms of this abuse.⁴²

In echoing its members' views, the EDVAW Platform states that online and technology-facilitated violence is anything but a novelty, firmly grounded in the enduring social subordination

35. *ibid* 27.

36. *ibid* 8.

37. UNFPA and Wilson Center, 'Technology-Facilitated Gender-Based Violence. Data and Measurement: Methodology Matters' <<https://www.unfpa.org/sites/default/files/resource-pdf/SummaryDataMeasurementMethodologyMatters.pdf>> accessed 12 January 2024.

38. UN Broadband Commission for Sustainable Development, 'Cyber violence against women and girls: A world-wide wake-up call' <<https://www.broadbandcommission.org/publication/cyber-violence-against-women/>> accessed 8 December 2024.

39. Economist Intelligence Unit, 'Measuring the Prevalence of Online Violence against Women' (2021) <<https://onlineviolencewomen.eiu.com>> accessed 12 December 2024.

40. Amnesty International, 'Amnesty Reveals Alarming Impact of Online Abuse against Women' (2017) <<https://www.amnesty.org/en/latest/press-release/2017/11/amnesty-reveals-alarming-impact-of-online-abuse-against-women/>> accessed 8 December 2024.

41. UN Women, 'Violence against Women in the Online Space. Insights from a Multi-Country Study in the Arab States' (2021) <https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2021/11/Summary_Keyfindings_Final_EN.pdf> accessed 8 December 2024.

42. Neema Iyer, Bonnita Nyamwire and Sandra Nabulega, 'Alternate Realities, Alternate Internets: African Feminist Research for a Feminist Internet' (Pollicy 2020) <https://www.apc.org/sites/default/files/Report_FINAL.pdf> accessed 4 December 2024.

of women.⁴³ Accordingly, it should not be seen as separate from violence in the ‘real’ world but as part of an ‘online-offline continuum’, representing new forms of the same underlying violence.⁴⁴ Additionally, online and technology-facilitated violence differently affects women and other individuals based on intersecting, societal and personal characteristics like gender and sexual orientation.⁴⁵ In this regard, a recent study by Suzie Dunn *et al.*, encompassing a worldwide geographical scope and nearly 18,500 respondents, demonstrated that a higher proportion of LGB* individuals had experienced any form of online harm (75,8%) compared to heterosexual individuals (57,2%). A similar result was also found when comparing the experience of online harm between the LGB* transgender and gender diverse people (87,7%), cis women (76,7%), and cis men (72,6%).⁴⁶ Research has also revealed the ways in which race and ethnicity intersect with gender, fuelling abuse labelled ‘misogynoir’, and showing the heightened levels of abuse that black women experience online. In 2023, Glitch UK reported over 9,000 highly toxic posts targeting black women compared to their white counterparts. This result emerges from a dataset comprising nearly one million posts collected over six months.⁴⁷ Furthermore, a growing body of research has documented the extensive violence women journalists experience online, with a global survey conducted by the UNESCO and the International Center for Journalists reporting that 73% out of its 625 respondents had suffered from one of its multiple forms.⁴⁸ Similar patterns have also been observed in the experiences of women in politics.⁴⁹

3.3 HARMS AND HUMAN RIGHTS VIOLATIONS

Online and technology-facilitated violence is a violation of human rights,⁵⁰ a recognition underscored by the EDVAW Platform in its thematic report.⁵¹ This acknowledgment aligns with the approach of the UN Human Rights Council and the UN General Assembly, both of which have already identified the potential negative impact of new technologies on the enjoyment of fundamental rights. Also, they have emphasised the importance of legal redress, asserting that “the same

43. EDVAW Platform (n 5) 8.

44. *ibid* 19; OAS/CICTE and OAS/CIM/MESECVI (n 26) 15–16.

45. Kimberle Crenshaw, ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’ (1989) 1 *The University of Chicago Legal Forum* 139.

46. Suzie Dunn, Tracy Vaillancourt and Heather Brittain, ‘Supporting Safer Digital Spaces’ (Centre for International Governance Innovation 2023) 38 <https://www.cigionline.org/static/documents/SaferInternet_Special_Report.pdf> accessed 15 November 2023.

47. Glitch UK, ‘The Digital Misogynoir Report: Ending the Dehumanising of Black Women on Social Media’ (2023) 12 <https://glitchcharity.co.uk/wp-content/uploads/2023/07/Glitch-Misogynoir-Report_Final_18Jul_v5_Single-Pages.pdf> accessed 16 December 2024.

48. Julie Posetti and others, ‘Online Violence against Women Journalists: A Global Snapshot of Incidence and Impacts’ (2020) 5 <<https://unesdoc.unesco.org/ark:/48223/pf0000375136>> accessed 15 December 2024.

49. UNESCO, ‘African Women Parliamentarians Learn from UNESCO’s “The Chilling” Project to Combat Online Attacks’ <<https://www.unesco.org/en/articles/african-women-parliamentarians-learn-unescos-chilling-project-combat-online-attacks#women-in-politics-and-journalism-face-similar-attacks>> accessed 30 December 2024.

50. Kim Barker and Olga Jurasz, ‘Text-Based (Sexual) Abuse and Online Violence Against Women: Toward Law Reform?’ in Jane Bailey, Asher Flynn and Nicola Henry (eds), *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (Emerald Publishing Limited 2021) 253.

51. EDVAW Platform (n 5) 9.

rights that people have offline must also be protected online.”⁵² Similarly, research demonstrates the severe violation of the rights to human dignity, sexual autonomy, privacy, physical integrity and mental well-being, as well as freedoms of expression, association and movement that online and technology-facilitated violence gives rise to.⁵³ This means that all forms of online and technology-facilitated violence involve a *prima facie* wrong, the impact of which might then be experienced differently, depending on the personal characteristics of each victim and the intersecting subordination they might experience.

Victims often experience a profound ‘social rupture’, dividing their lives into ‘before’ and ‘after’ the abuse.⁵⁴ Psychologically, they report adverse impacts on their mental well-being, including depression, self-harm, panic attacks, and anxiety.⁵⁵ They also fear for their safety in the offline world,⁵⁶ proving the integrated nature of online and technology-facilitated violence. This continuous nature likewise impacts their professional and economic lives, leading to missed work or school, heavy expenses for legal and specialist support, and reduced online engagement.⁵⁷ Also, victims report a profound sense of isolation due to victim-blaming responses and mistrust of family, friends, and colleagues.⁵⁸ Overall, online and technology-facilitated violence inhibits women’s full enjoyment of their fundamental rights, meaning that they cannot freely develop their personality and effectively participate in society on an equal footing with men.⁵⁹

Cumulatively, these individual harms contribute to much broader social harms. Rather than being a means of social interaction, participation, and information, the online world becomes a place of social oppression and abuse that marginalises and silences women.⁶⁰ The widespread online hostility to women commonly leads to their withdrawal and disengagement as a means of

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52. UNGA, ‘Resolution Adopted on 17 December 2018, “the Right to Privacy in the Digital Age”’ A/RES/73/179 3; OHCHR, ‘The Promotion, Protection and Enjoyment of Human Rights on the Internet.’ A/HRC/32/L.20 3.
 53. Elizabeth Coombs, ‘Human Rights, Privacy Rights, and Technology-Facilitated Violence’ in Jane Bailey, Asher Flynn and Nicola Henry (eds), *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (Emerald Publishing Limited 2021) 480.
 54. Clare McGlynn and others, ‘“It’s Torture for the Soul”: The Harms of Image-Based Sexual Abuse’ (2021) 30 Social & Legal Studies 541.
 55. Ankur Srivastava and others, ‘Digital Sexual Violence and Suicide Risk in a National Sample of Sexual Minority Adolescents’ (2023) 38 Journal of Interpersonal Violence 4443; Dunn, Vaillancourt and Brittain (n 46) 41; Amanda R. Champion and others, ‘Examining the Gendered Impacts of Technology-facilitated Sexual Violence: A Mixed Methods Approach’ (2022) 51 Archives of Sexual Behavior 1607; Amnesty International, ‘Toxic Twitter - A toxic place for women’ (2018) <<https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/>> accessed 15 December 2024.
 56. Amnesty International UK, ‘Social Media Can Be a Dangerous Place for Women’ (2017) 3 <<https://www.amnesty.org.uk/files/Resources/OVAW%20poll%20report.pdf>> accessed 15 November 2023.
 57. Dunn, Vaillancourt and Brittain (n 46) 42; Julie Posetti and others, ‘The chilling: Global trends in online violence against women journalists’ (UNESCO 2021) 13.
 58. Jeff Hearn and Matthew Hall, ‘From Physical Violence to Online Violation: Forms, Structures and Effects. A Comparison of the Cases of “Domestic Violence” and “Revenge Pornography”’ (2022) 67 Aggression and Violent Behavior 101779; McGlynn and others (n 54).
 59. Dunn, Vaillancourt and Brittain (n 46) 41; Barker and Jurasz (n 50) 260.
 60. Kim Barker and Olga Jurasz, *Violence against Women, Hate and Law: Perspectives from Contemporary Scotland* (Palgrave Macmillan 2022) 251; UNICEF, ‘What We Know about the Gender Digital Divide for Girls: A Literature Review’ (2021) <<https://www.unicef.org/eap/media/8311/file/What%20we%20know%20about%20the%20gender%20digital%20divide%20for%20girls%20A%20literature%20review.pdf>> accessed 18 December 2024; UN Women, ‘Online and ICT-Facilitated Violence against Women and Girls during COVID-19’ (2020) <<https://www.unwomen.org>>

self-protection, thereby damaging wider societal debates and interactions, also widening an already existing digital gap.⁶¹ Ultimately, online and technology-facilitated violence has significant financial consequences for all of society due to the loss of economic activity and health-related costs most victims incur.⁶²

4. EXPLORING KEY THEMES IN THE EDVAW PLATFORM'S THEMATIC REPORT ON THE DIGITAL DIMENSION OF VIOLENCE AGAINST WOMEN

Before addressing key themes in prevention, support, and redress for online and technology-facilitated violence, the EDVAW Platform lays the groundwork with some preliminary considerations. First, online and technology-facilitated violence arises from a long-standing framework of gender-based discrimination, deeply rooted in cultural norms and systemic violence against women.⁶³ Second, 'it is part of the continuum of multiple, interrelated, and recurring forms of violence against women that now permeate through and across online and offline worlds'.⁶⁴ This continuum is expected to evolve with technological innovation. Third, an intersectional approach is essential to understand the varied and compounded impacts of online and technology-facilitated violence on victims, influenced by factors beyond gender.⁶⁵

The following subsections critically examine where the EDVAW Platform stands on the urgent fight against online and technology-facilitated violence, considering that its members have an important role in explaining the scope of State obligations on the matter, can make specific recommendations, and can engage with CSOs and other stakeholders.

4.1 DEMANDING LEGAL PROTECTION AND LIABILITY

With human rights treaties and other soft law instruments already recommending the introduction of legislative, policy, and other measures to address gender-based violence, the EDVAW Platform welcomes any new or revised legal protections ensuring that online and technology-facilitated violence is criminalised at the national level.⁶⁶ Also, it acknowledges that much of the current legislation is limited in scope and is poorly transposed into practice, especially when victim-blaming attitudes are so common amongst criminal justice systems.⁶⁷ Accordingly, the EDVAW Platform endorses specific courses of action for preventive action and legal redress through criminal means.⁶⁸

org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Brief-Online-and-ICT-facilitated-violence-against-women-and-girls-during-COVID-19-en.pdf> accessed 18 December 2024.

61. Micky Lee, 'Feminist Scholarship on the Global Digital Divide. A Critique of International Organizations and Information Companies', in Dal Yong Jin (ed), *The Routledge Handbook of Digital Media and Globalization* (2021) 66; UNICEF (n 60).

62. EIGE, 'The costs of gender-based violence in the European Union' (2021) <<https://eige.europa.eu/news/gender-based-violence-costs-eu-eu366-billion-year>> accessed 8 December 2024.

63. EDVAW Platform (n 5) 8.

64. *ibid* 9 and 19.

65. *ibid* 9, 19, and 20.

66. *ibid* 23.

67. *ibid* 28.

68. *ibid* 21.

Generally, criminal law is considered an immediate and efficient response to gender-based violence, including online and technology-facilitated forms of abuse. Criminal law can convey the message that abusive conduct should have no place within society, while punishing people for their past conduct and restricting others' fundamental rights and freedoms.⁶⁹ However, the adoption of criminal provisions could prove ineffective or even counter-productive, if its formulation is not reflective of victims' experiences. Rather than entrenching hierarchies between various forms of abuse at the risk of jeopardising legal protection, criminal law reform should acknowledge their overlapping and interrelated nature and prohibit them as a pattern of offending rather than as separate, specific, and isolated conduct.

In previous research, the common criminalisation of image-based sexual abuse in Europe illustrates this point clearly.⁷⁰ National legislators often avoid outlawing the creation of an intimate image and/or the threat to distribute such material.⁷¹ They also adopt terminology and constitutive elements of the crime that contribute to victim-blaming within and outside the courtroom. This is the case, for example, of the common use of the term 'revenge pornography',⁷² as well as the focus on specific offender motives.⁷³ Besides, the introduction of new criminal provisions often happens without accompanying awareness-raising initiatives or specific training for judicial and enforcement personnel.⁷⁴ Lastly, criminal law reforms often label online and technology-facilitated violence as a data protection violation, rather than considering its non-consensual nature and the infringement of the sexual autonomy of victims.⁷⁵

In addition to criminal measures, civil law provides an alternative pathway for victims seeking redress, particularly for those unwilling or unable to engage with, or who have been inadequately supported by, the criminal justice system. In some instances, human rights treaties and their monitoring mechanisms recommend States adopt civil measures as part of their effort to tackle gender-based violence. This is the case with Article 29 of the Istanbul Convention, where State Parties are requested "to provide victims with adequate civil remedies against the perpetrators." Similarly, Article 7 of the Convention of Belém do Pará demands State Parties "to include in their domestic legislation penal, civil, administrative, or any other type of provision that may be needed to prevent, punish and eradicate violence against women." Accordingly, while certain members of the EDVAW Platform appear to entertain the prospect of civil redress,⁷⁶ more action is required.

69. Danielle Keats Citron, 'Law's Expressive Value in Combating Cyber Gender Harassment' (2009) 108 Michigan Law Review 373.

70. Carlotta Rigotti and Clare McGlynn, 'Towards a European Criminal Law on Violence against Women: The Ambitions and Limitations of the Commission Proposal to Criminalise Image-Based Sexual Abuse' (2022) 13 New Journal of European Criminal Law 452.

71. Karolina Mania, 'Legal Protection of Revenge and Deepfake Porn Victims in the European Union: Findings from a Comparative Legal Study' (2024) 25 Trauma, Violence, & Abuse 117; Rigotti and McGlynn (n 70) 13–14.

72. Sophie Maddocks, 'From Non-Consensual Pornography to Image-Based Sexual Abuse: Charting the Course of a Problem with Many Names' (2018) 33 Australian Feminist Studies 345; Clare McGlynn and Erika Rackley, 'Image-Based Sexual Abuse' (2017) 37 Oxford Journal of Legal Studies 534.

73. Rigotti and McGlynn (n 70) 461 and 477.

74. Antoinette Raffaela Huber, 'Image-Based Sexual Abuse: Legislative and Policing Responses' (2023) Criminology & Criminal Justice 1; Seonaid Stevenson-McCabe and Sarai Chisala-Tempelhoff, 'Image-Based Sexual Abuse: A Comparative Analysis of Criminal Law Approaches in Scotland and Malawi', in Jane Bailey, Asher Flynn and Nicola Henry (eds), *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (Emerald Publishing Limited 2021) 513.

75. Rigotti and McGlynn (n 70) 457; Mania (n 71).

76. EDVAW Platform (n 5) 21.

Although civil law is normally used to ensure the right to compensation for criminal offences, some scholars suggest framing gender-based violence as a civil rights violation or to explore the potential of tort law.⁷⁷ In this way, it is argued, civil law justice could provide legal redress to all those victims who do not wish to engage with or have not been afforded relief through the criminal justice system.⁷⁸ Furthermore, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression refers to civil law to prohibit online and technology-facilitated violence that does not reach a threshold of real and imminent danger and cannot fall within the scope of criminal law.⁷⁹

Beyond criminal and civil frameworks, a growing body of literature is exploring additional and innovative ways of seeking justice, including restorative justice where the aim is to bring together all the people who have been affected by the crime (that is, the victim, the offender, and society) to overcome it.⁸⁰ Although still developing, restorative justice shows promise in addressing gender-based violence and overcoming the limitations of conventional criminal justice.⁸¹ Great emphasis is placed in restorative justice approaches to the needs of the victim, helping them speak out and rebuilding their lives.⁸² Additionally, restorative justice could assist victims in recovering from their harmful experience, despite challenges like cross-border issues and perpetrator identification.⁸³ This may also encompass the organisation of the ‘victim-offender panels’, where the victim meets offenders who have committed similar crimes.⁸⁴ These panels could provide victims with a sense of closure and empowerment, while encouraging offenders to understand the impact of their actions and take accountability. Such practices could complement existing legal frameworks by addressing the emotional and relational dimensions of justice that are often overlooked.

Against this background, the EDVAW Platform should continuously stress the necessity of a legal framework that accurately reflects victims’ experiences of online and technology-facilitated

77. Erika Rackley and others, ‘Seeking Justice and Redress for Victim-Survivors of Image-Based Sexual Abuse’ (2021) 29 *Feminist Legal Studies* 293; Sarah L Swan, ‘Between Title IX and the Criminal Law: Bringing Tort Law to the Campus Sexual Assault Debate’ (2016) 64 *Kansas Law Review* 963; Nikki Godden, ‘Tort Claims for Rape: More Trials, Fewer Tribulations?’ in Janice Richardson and Erika Rackley (eds), *Feminist Perspectives on Tort Law* (Routledge 2012).

78. Julie Goldscheid and Rene Kathawala, ‘State Civil Rights Remedies for Gender Violence: A Tool for Accountability’ (2018) 87 *University of Cincinnati Law Review* 171, 198.

79. UNGA, ‘Promotion and Protection of the Right to Freedom of Opinion and Expression’ A/76/258 para. 71.

80. See Clare McGlynn, ‘Seeking Justice for Image-Based Sexual Abuse: Examining the Possibilities of Restorative and Transformative Justice Approaches’ in Gian Marco Caletti and Kolis Summerer (eds), *Criminalising Intimate Image Abuse: A Comparative Perspective* (Oxford University Press 2024) 343 and ff.

81. Marie Keenan and Estelle Zinsstag, *Sexual Violence and Restorative Justice: Addressing the Justice Gap* (Oxford University Press 2022); Clare McGlynn, Nicole Westmarland and Nikki Godden, ‘“I Just Wanted Him to Hear Me”: Sexual Violence and the Possibilities of Restorative Justice’ (2012) 39 *Journal of Law and Society* 213; James Ptacek (ed), *Restorative Justice and Violence Against Women* (1st edn, Oxford University Press 2009) <<https://academic.oup.com/book/6755>> accessed 20 December 2024.

82. Estelle Zinsstag and Marie Keenan (eds), *Restorative Responses to Sexual Violence: Legal, Social and Therapeutic Dimensions* (Routledge 2017).

83. Alexa Dodge, ‘Restorative Responses to the Rhizomatic Harm of Nonconsensual Pornography’, in Anastasia Powell, Asher Flynn and Lisa Sugiura (eds), *The Palgrave Handbook of Gendered Violence and Technology* (Springer International Publishing 2021) <https://link.springer.com/10.1007/978-3-030-83734-1_28> accessed 20 December 2024; Rackley and others (n 77).

84. Teresa Lancry AS Robalo and Razwana Begum Bt Abdul Rahim, ‘Cyber Victimisation, Restorative Justice and Victim-Offender Panels’ (2023) 18 *Asian Journal of Criminology* 61.

violence across criminal, civil, or other domains. While the EDVAW Platform already promotes a multi-agency strategy and private sector collaboration for implementing legal reforms,⁸⁵ it should place stronger emphasis on engaging with CSOs and other stakeholders during the development and implementation of legal and policy reforms. This diverse and inclusive approach could ensure a comprehensive representation of actual and potential victims affected by intersecting forms of abuse. Grassroots initiatives, including the organizing efforts of women within digital spaces, are crucial to building resilience and remaining online. Just as women's organizations have been pivotal offline in addressing gender-based violence, their digital counterparts are playing a similarly important role in providing support to victims, especially where there are institutional gaps, and advocating for legal reform at the national and international levels. Recognising and fostering these bottom-up approaches, alongside top-down regulatory efforts, can contribute to more comprehensive, effective, and inclusive strategies for combating online and technology-facilitated violence against women.

4.2 ADDRESSING THE IMPLEMENTATION GAP BEYOND LEGAL REFORM

As discussed above, the EDVAW Platform recognises the need for legal reform to address online and technology-facilitated violence. In response to EDVAW members' recommendations, several national legislators have introduced or updated laws to ensure legal redress for digital abuse such as Nicaragua, Morocco, and Sweden.⁸⁶ Sometimes, these legal reforms have been achieved on the basis of human rights instruments and mechanisms outside the EDVAW platform. The Beijing Platform of Action and Nepal are a case in point.⁸⁷ However, while the right of women to be free from online harm is becoming an international human rights standard, its implementation remains inconsistent, with online and technology-facilitated violence still perpetuated and tolerated within many societies. In its thematic report, the EDVAW Platform acknowledges this shortcoming and proposes the following path forward.

For the EDVAW Platform, one of the most common reasons for the implementation gap lies in the failure of law enforcement to be reflective of and responsive to victims' experiences.⁸⁸ In the literature, it has been extensively reported that victim-blaming, stereotypes surrounding gender roles, and trivialisation of personal experiences are reproduced during criminal investigations, where "the 'acceptability' within some online environments of sexual violence is something which has long been suggested as a 'get-out' from discussions surrounding online interactions."⁸⁹ At the policy-making stage, there are concerns that legal reform could become mere political manifestos, potentially overlooking the root causes of women's social subordination.⁹⁰ Despite this, criminal law remains a crucial area for addressing online and technology-facilitated violence. It is essential for policy-making to incorporate

85. EDVAW Platform (n 5) 26 and 31.

86. *ibid* 23.

87. Upreti and Yoon (n 4) 266.

88. EDVAW Platform (n 5) 27–28.

89. Olga Jurasz and Kim Barker, 'Sexual Violence in the Digital Age: A Criminal Law Conundrum?' (2021) 22 *German Law Journal* 784, 786.

90. Magdalena Grzyb, 'Penal populism: Negotiating the Feminist Agenda. Evidence from Spain and Poland' (2021) 18 *European Journal of Criminology* 836.

the voices of all victims, particularly those stigmatised and marginalised, and to consider non-punitive responses and alternative forms of redress.⁹¹

Simultaneously, the EDVAW Platform recognises that the mere reliance on criminal law reform cannot effectively address the broader social issues at play. Specifically, it welcomes social awareness-raising actions or training aimed at criminal justice personnel.⁹² This approach could tackle the current victim-blaming practices and guarantee a human rights-oriented approach to law enforcement. Furthermore, the EDVAW Platform supports national frameworks that provide victims with a range of general and specialised services, including helplines, counselling, and legal support. These services can also assist victims in tasks such as content removal, digital skill development, and the removal of invasive applications.⁹³ This victim-sensitive approach could empower women to report and speak out about their abusive experiences. Looking forward, the EDVAW Platform could offer common training initiatives and consultancy services to ensure a coordinated international response.

Incidentally, the EDVAW Platform could actively raise awareness about the potential risks associated with criminal, policy, and other responses to addressing online and technology-facilitated violence, thereby preventing possible abuses of power. Notably, CitizenLab reports instances in Canada where narratives emphasising the vulnerability and victimhood of women have been frequently utilised to justify expanded government powers to de-anonymise, identify, track, and surveil online users.⁹⁴ This approach has detrimental effects on other human rights, such as free speech and data protection. For this reason, the following subsection discusses the creation of new synergies between the EDVAW platform and human rights mechanisms other than the ones working on women's rights.

4.3 CREATING NEW SYNERGIES WITH OTHER HUMAN RIGHTS TREATIES AND MECHANISMS

In anticipating and reinforcing collaboration among its members, the EDVAW Platform acknowledges the complex intersection of rights and freedoms in combating online and technology-facilitated violence against women. Given this complexity, new synergies with regional and international bodies beyond the EDVAW Platform are considered essential to advance comprehensive protection for women's rights in the digital realm.⁹⁵

Despite the persistence of a digital gap, women are increasingly engaging in cyberspace, utilising various technologies to enhance their freedom of expression. Several ICTs provide platforms for new forms of citizenship, allowing women to shape, assert, and share their diverse identities. This active participation plays a key role in their knowledge development, empowerment, and equal involvement in society.⁹⁶ Instead, online and technology-facilitated violence subordinates

91. Clare McGlynn, 'Challenging Anti-Carceral Feminism: Criminalisation, Justice and Continuum Thinking' (2022) 93 *Women's Studies International Forum* 102614; Rackley and others (n 77).

92. EDVAW Platform (n 5) 25–26.

93. *ibid* 31.

94. Ronald J Deibert and others, 'Submission of the CitizenLab (Munk School of Global Affairs, University of Toronto) to the United Nations Special Rapporteur on violence against women, its causes and consequences, Ms. Dubravka Šimonović' (CitizenLab 2017) 3 <<https://citizenlab.ca/wp-content/uploads/2017/11/Final-UNSRVAG-CitizenLab.pdf>> accessed 16 December 2024.

95. EDVAW Platform (n 5) 30–31.

96. Moa Bladini, 'Silenced Voices: Online Violence Targeting Women as a Threat to Democracy' (2021) 3 *Nordic Journal on Law and Society* <<https://journals.ub.umu.se/index.php/njolas/article/view/156>> accessed 18 December 2024.

women, instilling fear, silence, and withdrawal. It also undermines their professional and social credibility, hindering active participation in public discourse.⁹⁷ Given the significance and degree of harm it causes, online and technology-facilitated abuse could be equated to hate speech that is prohibited, under, for example, Article 20 of the International Covenant on Civil and Political Rights (ICCPR).⁹⁸ In her 2021 report to the UN General Assembly, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression argued:

“Expression is not free for many women or gender nonconforming people. Their voices are suppressed, controlled or punished explicitly by laws, policies and discriminatory practices and implicitly by social attitudes, cultural norms and patriarchal values. In its most extreme form, sexual and gender-based violence online and offline is used to chill or kill expression that is nonconformist or transgresses patriarchal and heteronormative societal or moral codes or norms.”⁹⁹

Amongst potential synergies between the EDVAW platform and human rights mechanisms on freedom of expression, one could consider the Guidelines for monitoring and tackling online violence against female journalists of the OSCE Representative on freedom of the media.¹⁰⁰ This collaborative dialogue could assist policy-makers in striking a balance among various socio-legal interests and prevent legislative processes from potentially becoming new tools of oppression and surveillance.

Beyond gender equality and freedom of expression, the EDVAW Platform emphasises the integration of women’s rights into broader human rights mechanisms.¹⁰¹ Given that online and technology-facilitated violence often entails the non-consensual processing of personal data, collaboration with the UN Special Rapporteur on the right to privacy and similar human rights bodies is crucial. Although online privacy abuses predominantly impact women,¹⁰² privacy and data protection rights have traditionally protected vulnerable groups against unwanted interference.¹⁰³ Accordingly, it is essential for the EDVAW Platform to advocate for a dual focus in collaborating with privacy and data protection mechanisms: addressing the digital divide through the development of educational resources and training for women and stakeholders,¹⁰⁴ and endorsing a gender-sensitive policy-making process that incorporates feminist approaches in technical and non-technical domains.¹⁰⁵

97. Posetti and others (n 57) 6.

98. Although Article 20 of the CCPR only addresses national, racial, or religious hatred, many stakeholders believe it should also cover gender hate speech. The UN Special Rapporteur on freedom of opinion and expression stresses that the ICCPR already includes gender equality clauses in other articles, emphasizing gender equality’s importance within the Covenant. Additionally, the ICCPR states that all persons are equal before the law and prohibits discrimination based on sex or other status. In OHCHR, ‘Gender Justice and Freedom of Expression - Report of Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression’ (2019) A/76/258 para. 70.

99. *ibid* 12.

100. Julie Posetti, Diana Maynard and Nabeelah Shabbir, ‘Guidelines for Monitoring Online Violence against Female Journalists’ (OSCE - The Representative on Freedom of the Media 2023) <https://www.osce.org/files/f/documents/b/0/554098_0.pdf> accessed 16 December 2024.

101. EDVAW Platform (n 5) 30.

102. OHCHR, ‘The Human Right to Privacy: A Gender Perspective. Annex II to the Report of the Special Rapporteur on the Right to Privacy’ (2019) A/HRC/40/63.

103. Carlotta Rigotti and Alessandra Calvi, ‘Privacy’, in Giovanni Comandé (ed), *Elgar Encyclopedia of Law and Data Science* (2022) 275.

104. Plan International, ‘Free to Be Online? Girls’ and Young Women’s Experiences of Online Harassment’ (2022) <<https://plan-international.org/uploads/2022/02/sotwgr2020-commsreport-en-2.pdf>> accessed 18 October 2022.

105. Jude Browne and others (eds), *Feminist AI: Critical Perspectives on Algorithms, Data, and Intelligent Machines* (Oxford University Press 2023); Sasha Costanza-Chock, *Design Justice: Community-Led Practices to Build the*

Because online and technology-facilitated violence primarily occurs through privately-owned online platforms and searches engines, the EDVAW Platform also aims to promote greater engagement with international and regional mechanisms addressing risks to human rights in the business context.¹⁰⁶ This includes partnering with the UN Working Group on Business and Human Rights and the UN Special Representative on human rights and transnational corporations, especially to more effectively implement the UN Guiding Principles on Business and Human Rights.¹⁰⁷ These principles require the private sector to prevent, mitigate, and address human rights impacts linked to their operations, products, or services, even if they did not directly cause these impacts.¹⁰⁸ Although the UN Guiding Principles on Business and Human Rights have been gender-mainstreamed,¹⁰⁹ their soft-law nature limits their effectiveness. Thus, the EDVAW Platform might advocate for more effective State regulation of the private sector, an aspect that is discussed in the next sub-section.

4.4 REGULATING AND ENGAGING WITH THE PRIVATE SECTOR

In its thematic report, the EDVAW Platform recognises the key role of the private sector in addressing online and technology-facilitated violence. It emphasises the need for legal and policy reform aimed at the ICT sector, including risk assessments and harm reduction measures.¹¹⁰ This approach aligns with current legislative and policy efforts to regulate business activities that could negatively affect fundamental rights and freedoms online.

In 2022, the European Union adopted Regulation (EU) 2022/2065 (also known as the Digital Services Act), which seeks to create a safer digital space where the fundamental rights of users are protected and to set a level playing field for businesses. One year later, the UK adopted the Online Safety Act 2023 imposing a ‘duty of care’ on the larger social media and search services, requiring identification of risks of harm and steps to mitigate such adverse impacts of online engagement. National legislators outside Europe are likewise introducing similar legal reforms. For instance, Singapore introduced its own Online Safety Act last year, primarily aimed at reducing exposure to harmful content online.¹¹¹ Similarly, Indonesia, Vietnam, and

Worlds We Need (*The MIT Press* 2020) <<https://direct.mit.edu/books/book/4605/Design-JusticeCommunity-Led-Practices-to-Build-the>> accessed 12 December 2024; Catherine D'Ignazio and Lauren F Klein, *Data Feminism* (*The MIT Press* 2020).

106. EDVAW Platform (n 5) 30.

107. OHCHR, ‘UN Guiding Principles on Business and Human Rights’ (2008) <https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> accessed 18 December 2024.

108. Stéphanie Lagoutte, ‘The UN Guiding Principles on Business and Human Rights’ in Stéphanie Lagoutte, Thomas Gammeltoft-Hansen and John Cerone (eds), *Tracing the Roles of Soft Law in Human Rights* (Oxford University Press 2016) 235.

109. Linnea Kristiansson and Nora Götzmann, ‘National Implementation Processes for the United Nations Guiding Principles on Business and Human Rights: Towards Gender-Responsive Approaches’ (2020) 26 *Australian Journal of Human Rights* 93; Human Rights Council, ‘Gender Dimensions of the Guiding Principles on Business and Human Rights. Report on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises’.

110. EDVAW Platform (n 5) 31.

111. Online Safety (Miscellaneous Amendments) Act 2022 (No. 38 of 2022); Sharanya Shanmugam, ‘What Singapore’s Proposed Online Safety Laws Mean for the Youth: Finding a Balance between Protection and Autonomy’ *LSE Blog* (16 December 2022) <<https://blogs.lse.ac.uk/media/2022/12/16/what-singapores-proposed-online-safety-laws-mean-for-the-youth-finding-a-balance-between-protection-and-autonomy/>> accessed 16 December 2024.

Thailand are pursuing related measures.¹¹² In Brazil, new legislative and executive proposals seek to enhance digital platforms' content moderation. Meanwhile, Colombia and Argentina are focusing on strategic litigation and case-law to achieve similar goals.¹¹³

Consistent with the EDVAW Platform's thematic report, some of these laws and drafts explicitly address online and technology-facilitated violence, recognising its gendered impact as a threat to fundamental rights.¹¹⁴ This recognition aligns with the due diligence obligation outlined in Article 4(c) of the Declaration on the Elimination of Violence against Women (1993) and the General Recommendation No. 35 of the CEDAW Committee.¹¹⁵ However, these frameworks often fail to adopt an intersectional approach which is crucial for understanding how different aspects of a woman's identity contribute to unique forms of discrimination.¹¹⁶ This failure could undermine their effectiveness and diverges from the EDVAW Platform's recommendations.¹¹⁷

Ultimately, the EDVAW Platform recommends that States impose various measures on the private sector to prevent and mitigate online and technology-facilitated harms. These encompass risk assessments, content moderation, independent audits, and the creation of transparency reports,¹¹⁸ aligning with legislative and policy trends worldwide. Moving forward, the EDVAW Platform should focus on detailing how these measures can be tailored to effectively combat online and technology-facilitated violence, ensuring their harmonisation across its geographical scope. For example, while the EDVAW Platform currently underscores the importance of 'transparent' and 'easily accessible' reporting mechanisms,¹¹⁹ it could further elaborate on this by producing practical guidance on how online platforms and search engines should handle user reports, outline steps for removing non-consensual content, and ensure victims are informed about the reporting process and their rights. Furthermore, along with advocating for content moderation by individuals with specific training,¹²⁰ the EDVAW Platform could also denounce the systemic issues surrounding the content moderation workforce. This critical task is often carried out by women, predominantly from low- to middle-income backgrounds in the Global South, who face considerable economic exploitation and psychological harm.¹²¹

112. Pauline Leong, 'Content Moderation of Social Media in Southeast Asia: Contestations and Control' *Fulcrum: Analysis on Southeast Asia* (27 July 2022) <<https://fulcrum.sg/content-moderation-of-social-media-in-southeast-asia-contestations-and-control/>> accessed 15 December 2024.

113. Julian Lamm and others, 'Intermediary Liability Frameworks for Digital Platforms in Latin America Still a Patchwork' *White & Case* (25 October 2022) <<https://www.whitecase.com/publications/insight/latin-america-focus-fall-2022-intermediary-liability-frameworks>> accessed 16 December 2024.

114. For example, Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act). Additionally, the supporting documentation for the Online Safety Act 2023 refers to the rising occurrence of online and technology-facilitated violence, stressing its disproportionate impact on women. These materials are available at <<https://www.gov.uk/government/publications/online-safety-bill-supporting-documents#what-the-bill-does-to-protect-women>> accessed 16 December 2024.

115. Coombs (n 53) 484.

116. Asha Allen, 'An Intersectional Lens on Online Gender-Based Violence and the DSA', in Joris van Hoboken and others (eds), *Putting the Digital Services Act into Practice. Enforcement, Access to Justice, and Global Implications* (Verfassungsbooks 2023) 126–127.

117. EDVAW Platform (n 5) 31.

118. *ibid.*

119. *ibid.*

120. *ibid.*

121. Lilia Giugni, *The Threat: Why Digital Capitalism Is Sexist - and How to Resist* (1st ed, September Publishing 2023).

Lastly, the EDVAW Platform should emphasise that solutions to online and technology-facilitated violence must address underlying structural issues, including the pervasive gender biases embedded in technology design and operation. To advance this agenda, the EDVAW Platform could sponsor research initiatives, policy dialogues, and educational campaigns. With legal instruments like the Digital Services Act and the Online Safety Act introducing financial penalties for non-compliant online platforms and search engines, the EDVAW Platform could advocate for the strategic reinvestment of these fines to fund such initiatives.

4.5 TARGETING DOMESTIC VIOLENCE AND ANTI-WOMEN RIGHTS' RHETORIC ONLINE

When outlining priorities for enhanced cooperation among its members, the EDVAW platform focuses on domestic violence and anti-women's rights rhetoric online.

Whilst technology is increasingly a part of social engagement and communication in dating and family life, it can be used to facilitate and gain control of a partner, instil fear and keep them in a permanent state of dependency.¹²² The EDVAW Platform acknowledges this issue and urges its members to identify gaps and challenges at the national level in responding to the digital dimension of domestic violence.¹²³ States should promote a more systematic understanding, recognising that the efficacy of legal reforms is contingent on broader social changes in attitudes.¹²⁴

Ideally, the EDVAW Platform could push for reforms that prioritise victims' experiences, enhance training for those involved in their support, and advocate for stricter regulations on the private sector. Furthermore, it could promote alternative technology designs to reduce abuse risks, such as incorporating activity logs in smart home devices and providing free, accessible stalkerware detection tools.¹²⁵ Lastly, the EDVAW Platform should contribute to raising social awareness about the high-tech potential to facilitate access to help and services. This might involve supporting victims in remaining anonymous when seeking assistance and making it easier to document abusive conduct for evidentiary purposes.¹²⁶

At the same time, the EDVAW Platform highlights the growing dissemination of anti-women's rights rhetoric online, contributing to a climate of collective violence motivated by gender.¹²⁷ This phenomenon encompasses two distinct aspects: the rise of involuntary celibate (also known as incels) communities, where members express anger towards women and manipulate them to achieve short-term sexual goals,¹²⁸ and a broader backlash against feminism seen in the

122. Elizabeth Yardley, 'Technology-Facilitated Domestic Abuse in Political Economy: A New Theoretical Framework' (2021) 27 *Violence Against Women* 1479.

123. EDVAW Platform (n 5) 29.

124. Yardley (n 122) 16.

125. Eva PenzeyMoog and Danielle C Slakoff, 'As Technology Evolves, so Does Domestic Violence: Modern-Day Tech Abuse and Possible Solutions', in Jane Bailey, Asher Flynn and Nicola Henry (eds), *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (Emerald Publishing Limited 2021) 651–652.

126. *ibid* 653; Heather Douglas, Bridget A Harris and Molly Dragiewicz, 'Technology-Facilitated Domestic and Family Violence: Women's Experiences' (2019) 59 *The British Journal of Criminology* 551, 554.

127. EDVAW Platform (n 5) 29.

128. Roberta Liggett O'Malley, Karen Holt and Thomas J Holt, 'An Exploration of the Involuntary Celibate (Incel) Subculture Online' (2022) 37 *Journal of Interpersonal Violence* NP4981, 3.

‘manosphere’, where misogynistic beliefs aim to silence women’s and feminist voices.¹²⁹ Overall, online anti-women’s rights rhetoric challenges human rights and contributes to democratic erosion, increasingly appealing to socio-legal arguments such as the protection of parental rights against state interference and respect for national identity.¹³⁰ In its thematic report, the EDVAW Platform advocates for coordinated action to address this transnational problem.¹³¹ In this regard, a growing body of literature suggests that solely punitive measures like criminalisation and content removal may drive these communities underground, increasing isolation and extremism.¹³² Instead, efforts should enhance digital media literacy, dismantle toxic masculinity, train frontline practitioners and caregivers, address mental health, and present alternative narratives to incels and potential offenders.¹³³ Social awareness campaigns and interventions should engage men without demonising them.¹³⁴

4.6 ANTICIPATING NEW FRONTIERS: THE METAVERSE

At the end of its thematic report, the EDVAW Platform underscores the need for enhanced collaboration among its members to anticipate and address emerging frontiers of online and technology-facilitated violence against women.¹³⁵ In doing so, it acknowledges the rapid pace of technological innovation, recognising that technology can continually channel new forms of gendered harm, and discusses the metaverse as an emerging landscape with the potential for such abuse.¹³⁶ This emphasis is crucial, considering the limited engagement thus far by the members of the EDVAW Platform with the possibilities and challenges presented by the metaverse.¹³⁷ Additionally, collective action against violence in the metaverse could stimulate greater global recognition of this emerging issue and foster proactive policy development, moving beyond the reactive approaches that currently dominate responses to online and technology-facilitated violence against women.

More specifically, the EDVAW Platform recognises the future convergence of physical and digital realities within the metaverse, where avatars interact. While meta-developers anticipate

129. Alice E Marwick and Robyn Caplan, ‘Drinking Male Tears: Language, the Manosphere, and Networked Harassment’ (2018) 18 *Feminist Media Studies* 543.

130. Lorena Sosa, ‘Beyond Gender Equality? Anti-Gender Campaigns and the Erosion of Human Rights and Democracy’ (2021) 39 *Netherlands Quarterly of Human Rights* 3, 8–10.

131. EDVAW Platform (n 5) 29.

132. Lisa Sugiura, *The Incel Rebellion: The Rise of the Manosphere and the Virtual War against Women* (Emerald Publishing 2021) 123.

133. RAN, ‘The Incel Phenomenon: Exploring Internal and External Issues around Involuntary Celibates’ <https://home-affairs.ec.europa.eu/system/files/2021-08/ran_cn_incel_phenomenon_20210803_en.pdf> accessed 16 December 2024.

134. Sugiura (n 132) 127.

135. EDVAW Platform (n 5) 32.

136. *ibid.* For an overview of the metaverse and its potential to channel sexual violence and harassment motivated by gender see Carlotta Rigotti and Gianclaudio Malgieri, ‘Sexual Violence and Harassment in the Metaverse: A New Manifestation of Gender-Based Harms’ (Alliance for Universal Digital Rights 2024) <<https://audri.org/wp-content/uploads/2024/04/EN-AUDRI-Sexual-violence-and-harassment-in-the-metaverse-03.pdf>> accessed 18 December 2024; Clare McGlynn and Carlotta Rigotti, ‘From Virtual Rape to Meta-Rape: Sexual Violence, Criminal Law and the Metaverse’ [forthcoming] *Oxford Journal of Legal Studies*.

137. For instance, in 2018, the UN Special Rapporteur observed the need to keep pace with technological innovation but excluded ‘violent interactive environments’ from the scope of her report and mandate. In OHCHR, (n 25) para 24.

users shaping their own identities without constraints and joining a more diverse and inclusive society,¹³⁸ the EDVAW Platform highlights emerging accounts of discrimination and violence against women in the metaverse.¹³⁹ Studies suggest that individuals may carry trauma and harm from the metaverse into the offline world due to the association of the avatar with their body,¹⁴⁰ revealing the intrusive nature of such incidents and discouraging women's participation in this emerging technology. Furthermore, the EDVAW Platform acknowledges that some meta-developers are implementing changes to the metaverse design to ensure the full enjoyment of fundamental rights, regardless of personal characteristics or avatars. While it expresses concern about the reactive rather than proactive nature of these changes, it recognises the knowledge and insights its members could contribute in this regard.¹⁴¹ Additionally, given that the intersections between the metaverse, violence against women, and national legislation mostly remain under-explored, the EDVAW Platform could play a leading role in advancing legal protections. It could advocate for stronger legal safeguards at both the regional and national levels, while actively integrating the broad recommendations outlined in its thematic report.

5. CONCLUSIONS

There is an increasing international focus on the human rights implications of violence against women, including its online and technology-facilitated dimension. In 2018, a landmark report of the UN Special Rapporteur paved the way for greater recognition of this threat to women rights, encouraging greater action at national and international levels. A few years later, regional human rights mechanisms, like GREVIO, took the lead in specifically examining the digital dimension of violence against women, with international actors and regional policymakers gradually following suit. In 2023, the sixty-seventh session of the UN Commission on the Status of Women prioritised 'innovation and technological change,' advocating for a zero-tolerance policy against all forms of online and technology-facilitated violence against women.¹⁴² At the time of writing, the European Union has just adopted Directive (EU) 2024/1385, which sets minimum rules to tackle cyberviolence motivated by gender.¹⁴³

In this evolving landscape, the EDVAW Platform was established in 2018 to bring together key international and regional mechanisms on violence against women. In 2022, its first thematic report discussed online and technology-facilitated violence, reflecting the urgency and significance of this issue. In particular, this report discusses the general approaches adopted by EDVAW members, highlighting key themes in their work, as well as promising practices and challenges faced. Also, it proposes collective action to address this escalating global issue. Further work, however, is required, with this article providing a preliminary exploration of key issues, offering initial

138. See Meta webpage about diversity and inclusion in its metaverse design process <<https://about.fb.com/news/tag/diversity-and-inclusion/>> accessed 10 December 2024

139. EDVAW Platform (n 5) 32.

140. Brenda K Wiederhold, 'Sexual Harassment in the Metaverse' (2022) 25 *Cyberpsychology, Behavior, and Social Networking* 479, 479.

141. EDVAW Platform (n 5) 32.

142. ECOSOC, 'Innovation and Technological Change, and Education in the Digital Age for Achieving Gender Equality and the Empowerment of All Women and Girls' (2023) E/CN.6/2023/L.3.

143. Carlotta Rigotti, Clare McGlynn and Franz Benning, 'Image-Based Sexual Abuse and EU Law: A Critical Analysis' (2024) 25 *German Law Journal* 171.

insights into the importance of standardising terminology, integrating victims' diverse experiences into legal and policy responses, and engaging with other human rights mechanisms and the private sector.

Ultimately, the impact of the thematic report by the EDVAW Platform, as with other international statements and reports in this field, will only be realised if its sentiments and recommendations are mainstreamed into human rights monitoring and enforcement at all levels. This represents an important area for further research. Furthermore, this policy mainstreaming necessitates the steadfast commitment of the EDVAW Platform to incorporating online and technology-facilitated violence considerations into every facet of its monitoring, policy development, and evaluation initiatives. It also entails advocating for a proactive stance in the monitoring and enforcement activities of all its member mechanisms, which maintain direct engagement with national governments, relevant stakeholders, including CSOs, and the private sector. Currently, although the thematic report has been promising in detailing common themes and needs, a consistent approach remains elusive. Though the EDVAW Platform primarily serves as a forum for exchange and collaboration, it could take further steps to drive progress in this area, particularly as online and technology-facilitated violence transcends borders, making international harmonisation crucial.

Acknowledgements

Authors formally agree on the sequence of authorship and acknowledge their contributions to the design of the article. The manuscript was co-written, with Carlotta Rigotti taking the lead in drafting and revising the text, while Clare McGlynn provided substantive critical analysis and feedback throughout the process.


Declaration of Conflicting Interests


The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors received no financial support for the research, authorship, and/or publication of this article.

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