Statement to the 57th Session of the CSW

Violence against women and information and communications technology

Association for Progressive Communications (APC)
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In 2006, the UN Secretary General's report on violence against women noted that "More inquiry is also needed about the use of technology, such as computers and cell phones, in developing and expanding forms of violence. Evolving and emerging forms of violence need to be named so that they can be recognized and better addressed" (UN Sec Gen Report, In-depth Study on All Forms of VAW, 2006 para.155). Six years later, despite evidence showing an increase in violations involving technology, very little corresponding recognition of technology related forms of violence against women by states[1], inter-governmental institutions, and other actors responsible for ending violence against women exists. Consequently, it is not prioritised in prevention and response strategies, budgeting and evidence-based policy making and women who experience these violations have little or no redress.

Since 2006, cyberstalking, online harassment, image manipulation, and privacy violations have increasingly become part of intimate partner violence and sexual harassment. This compromises women and girls' safety online and offline in many countries (Fascendini and Fialova, Voices from Digital Spaces: Technology Related Violence Against Women, Dec 2011). These technology related forms of violence against women cause psychological and emotional harm, reinforce prejudice, damage reputation, cause economic loss and pose barriers to participation in public life. Reporting and responses of these violations are generally limited and the harm and abuse are poorly understood.

Laws and policies on violence against women in many countries pre-dates the emergence of these violations and they are often excluded in systematic data gathering, monitoring and comprehensive evidence-based policy making and state accountabilities. This has a knock-on effect on limitations in building capacity of policy makers, enforcement agencies and service providers to respond to these cases. Women and girls who experience violence mediated by information and communication technologies need recourse to protection and redress. Without clear legal or policy guidelines however, justice agencies and law enforcers have limited capacity to deal with these emerging forms of VAW.

APC is working with the United Nations Human Rights Council's Universal Periodic Review (UPR) to advocate for the development of remedies intended to address violence against women online. As a result, recognition of technology-related VAW in UPR has increased over this period. At the 13th session of the UPR in May 2012, APC members and networks made recommendations for the reviews of India, the Philippines and South Africa to address the specific concerns of women in using the internet[2]. Finland has supported a recommendation to "Take effective measures to eliminate widespread sexual misuse and harassment against women and girls, including on the Internet and via mobile phones"[3].

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[1] One example of legislation that specifically addresses technology related forms of violence against women is the Philippines' Anti-Photo and Video Voyeurism Act of 2009 which addresses violence against women that is perpetrated through the making, accessing and/ or circulating of images of women, of the genitals or of them involved in sexual acts. While there are limitations to this act, it takes seriously the harm that is done to women through violence perpetrated to their image.

[2] See https://www.apc.org/en/blog/apc-and-upr-2012-review At the upcoming review of Colombia, taking place in April 2013, APC member Colnodo has made recommendations for amendments to existing legislation intended to combat VAW, to include technology-related violence.

[3] See http://www.upr-info.org/Review-2012,1480.html

VAW as significant barrier to accessing opportunities provided by ICT for the full enjoyment of rights

At the Fourth World Conference on Women in Beijing in 1995, ICTs were recognised as critical for achieving women's empowerment and gender equality. In 2003, the World Summit on the Information Society (WSIS), reinforced that the development of ICTs will provide opportunities for women's full and equal participation in all spheres of society.

While there still a pronounced gender gap in internet use and access, data collected by ITU shows that women's presence online is massive. According to the ITU, globally 37% of all women are online compared with 41% of all men. The developing world is home to about 826 million female and 980 million male internet users while in the developed world the estimate is 475 million female and 483 million male internet users (International Telecommunications Union 2013 ICT Facts and Figures[4]) .

The report by the Special Rapporteur on Freedom of Expression and Opinion to the UN Human Rights Council in May 2011 noted that, "the Internet has become a key means by which individuals can exercise their right to freedom of opinion and expression," and that "the right to freedom of opinion and expression is as much a fundamental right on its own accord as it is an "enabler" of other rights, including economic, social and cultural rights" (para 20 & 22, A/HRC/17/27).

The internet is a critical resource that enables individuals, and women in particular, to exercise their right to speak, impart opinions, share ideas, build knowledge and access information. Access to the internet enables women to participate in the information economy, exercise human rights, get access to health information and services, form communities, engage in formal and informal processes to determine our social, cultural and political life, and more.

There are numerous examples of how the internet and ICT are used by women's rights activists, feminists and women generally to end violence, share information and build solidarity. From the Tahrir Bodyguards who use social media to ensure and address the safety of women exercising their right to demonstrate alongside their male counterparts in the streets of Cairo, Egypt[5] to South African Lesbian Gay Bisexual Transgender and Intersex (LGBTI) activists and women human rights defenders who are organising online to resist and respond to the high levels of homophobic rape; technologies give us options and tools to construct, deconstruct, re-imagine and reconfigure our identities and the structures within which we live.

Strategic objective 1 of Section J of the Beijing Platform for Action calls for 'increased participation and access of women to expression and decision-making in and through the media and new technologies of communication'. In this context, the internet is an especially vital space for democratic deliberation and political contestation where different actors, struggles and concerns are able to converge to inform or transform norms, public opinion and in turn, policy that regulates their lives. It is a site where transitional or long-term alliances are forged in the form of informal social groupings, communities of shared interests or communication spaces for action. Here, the internet becomes an especially vital public sphere due to the multiple forms of barriers to access more traditional forms of "publics" like the media or political representation due to their marginalized position in society (Kee and Moolman, 2011 'Rights and the Internet: Sexuality and women's rights', Global Information Society Watch).

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[4] See www.itu.int/ITU-D/ict/facts/material/ICTFactsFigures2013.pdf

[5] See http://stream.aljazeera.com/story/tahrirs-bodyguards-0022431 for more information.

Meaningful access to the internet not only means having access to reliable, quick and affordable connection and related hardware, but also content that is relevant to our specific contexts and languages, and is unfettered by excessive limitations such as enforced filtering software or criminalisation of speech. It also means being able to use and interact in online spaces without fear of surveillance, data retention, threats, intimidation or violence – which for many women, and women's human rights defenders in particular – is not the case.

However, the use of ICT is a gendered experience. The disproportionately low participation of women and girls in education, employment and decision-making in technology, policy and legislation in the field of science, technology and mathematics (STEM) – which is compounded by discrimination and violence against women, including sexual harassment and bullying (Agreed Conclusions, CSW 55, 2011, E/2011/27-E/CN.6/2011/12) - affects how the internet and ICT are shaped, according to whose realities and priorities.

Violence against women that is mediated by technology is increasingly becoming part of women's experience of violence, and their online interactions. In the same way we face risks offline in the streets and in our homes, violence turns the internet into an unsafe space with specific dangers and risks for women such as online harassment, cyberstalking, privacy invasions with the threat of blackmail, viral 'rape videos' and for young women in particular, the distribution of 'sex videos' that force survivors to relive the trauma of sexual assault every time it is reposted online, via mobile phone or distributed in other ways.

Clearly, VAW that is committed, abetted or aggravated through the use of ICT and in online spaces is a significant barrier to women and girl's ability to take advantage of the opportunities that ICT provide for the full realisation of women's human rights.

How are ICTs changing the way women experience violence?

The characteristics of ICTs offer both possibilities for an expansion of women's participation in public life and also pose specific risks. These characteristics include (Fascendini and Fialova, Voices from Digital Spaces: Technology Related Violence Against Women, Dec 2011):

Anonymity: Widespread usage of digital technology has increased the potential for an abuser to remain anonymous. An intimate partner, acquaintance, work colleague or stranger can commit abuses without physically entering public spaces.

Automation: The automation enabled by ICTs allows abusers to check their partners' mobile phones for SMSs, monitor social networking activity, check their browser history and log into their personal accounts with little effort in ways that do not require any special knowledge or skills.

Action at a distance: ICTs permit sexual harassers to send abusive messages from anywhere in the world to anywhere in the world. This makes it more difficult for a survivor to identify and take action against an abuser. An example of this are cases where abusers morph the faces of women onto pornographic images and post them online with personal information. This violation is a result of multiple actions done at a distance without contact with the victim.

<u>Affordability:</u> New ICTs have also significantly reduced the difficulty and cost of production and propagation of information. In particular, Web 2.053 is a platform that supports interactive information sharing, user-generated content, and collaboration on the world wide web. Anyone with a mobile phone can take and upload images or videos. One-to-many and many-to-many distribution through one click in an email application, Facebook or YouTube allow the images to be replicated thousands of times at no cost.

<u>Propagation:</u> In cyber-space settings, abuse can happen everyday, all year round. The internet "records everything and forgets nothing".The continuous traffic of harassing text and images makes it hard if not impossible to track down and stop further circulation. Moreover, the propagation of texts and images re-victimises women. It can follow victims/survivors everywhere–at home, at work and at school, whenever their computer or mobile phone is turned on, without relief and often without recourse.

Emerging forms of violence against women: defining harm

The emergence of technology related forms of VAW has not happened in a vacuum, but are part of the continuum of violence against women that "occurs in all countries, contexts and settings... is one of the most pervasive violations of human rights" and is a "manifestation of the historically unequal power relations between men and women and systemic gender-based discrimination" (based on E/CN.6/2013/4 para.15) (Draft agreed conclusions, CSW 57).

1. Culture, norms and practices that reinforce prejudice

When women suffer violence online, the aim is the same as violence offline - to keep women out of spaces that men feel belong to them, to silence women's voices and to stop women's participation in an increasingly important sphere. The pain that is inflicted is real. As is the case offline, cultural norms and practices that perpetuate and reinforce damaging stereotypes and prejudice and subordinate women, abound online. In fact, the levels of sexism and misogynist behaviour and speech online dwarfs what occurs in the public sphere offline.

Strategic objective 2 of Section J of the Beijing Platform for Action calls for action to be taken to promote a balanced and non-stereotypical portrayal of women in the media. This extends to online spaces where women in particular have used the openness of the internet and ICTs to confront and resist damaging stereotypes through creating their own media and positive representations. However, misogyny and online harassment is increasingly used to police women's behaviour which prevents them from being able to fully participate in online life.

Prominent women bloggers are regularly subjected to online abuse and violent threats that attack their sexuality and right to express an opinion, especially when it is related to fields where men have traditionally been held as experts, such as gaming, politics and technology. One of the highest profile cases of misogyny and harassment recently is the case of Anita Sarkeesian. Her 'crime' was to raise money for a series of video "exploring female character stereotypes throughout the history of the gaming industry"[6]. A campaign against Sarkeesian began which included calls for her to be gang-raped and emails sent to her that contained images of her being raped by video game characters. It culminated in the 'Beat Up Anita Sarkeesian' 'game' which allowed gamers to punch her image until

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[6] From Anita Sarkeesian's fund-raising page at Kickstarter, www.kickstarter.com/projects/566429325/tropes-vs-women-in-video-games, accessed 26 December 2012

the screen turned red with her 'blood'. Sarkeesian's own analysis drives to the heart of what makes online harassment and misogyny, even in its extreme forms, acceptable, when similar actions offline would be condemned – and that it is more than just the anonymity of the harassers, but also the online misogynist culture that accepts and even celebrates it. However, it should also be noted that this case is one on a continuum of virtual violence against women who speak out against male dominance of ICTs. An article in the Guardian, 'How the web became a sexists' paradise'[7] documents the concerted campaign against women occupying public spaces online.

The normalisation of violent behaviour and the culture that tolerates VAW – such as that exercised against Sarkeesian – mimics trends offline. Gender-blind or misogynist policies by some private sector actors contributes to the impression that the individuals can engage in sexist behaviour online. An example is Facebook, which censors breastfeeding photographs, but allows pictures of bare breasts if they are for male sexual edification (such as on the page 'Boobs, Breasts and Boys who love them')[8]. This allows individuals to mutually reinforce sexist and violent behaviour, and contribute to norms, attitudes and behaviour that makes online spaces hostile towards women.

2. Limiting mobility and privacy through surveillance

The surveillance and policing of women's movements and bodies has always formed part of abusive relationships. It is a tactic used to control, silence and regulate women's behaviour – whether by intimate partners or institutionalised state and non-state actors. The widespread use of mobile phones and global positioning systems (GPS) means that monitoring and tracking activities, contacts and movement are made easier. In intimate relationships reading through internet search histories, or SMS messages are common ways for abusers to trace survivors attempts to leave and to deepen their control.

For example, in Saudi Arabia the Ministry of Interior has implemented an electronic tracking system that alerts male guardians by text message whenever women under their protection cross the country border[9]. The consequence of this for women fleeing abusive relationships could be fatal. Similarly two villages in India have banned women under 40 from possessing cellphones. Providing justification for the ban an Indian MP has said: "Why do housewives and school going girls need mobiles? It encourages them to make futile small talk and get connected with people outside their homes" As with the Saudi Arabia example, the aim of the ban is to limit social and physical mobility.[10]

Abusive partners are also known to check their partner's cellphones for SMSs and monitor social networking activity for signs of what they believe is 'inappropriate' behaviour. In a period of just two weeks in December 2008, two Ugandan women were murdered by their husbands who suspected them of receiving 'love SMSs' on their phones (Madanda, Ngolobe and Amuriat. 2009 'Uganda: Violence against women and information and communication technologies'.)

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[7] www.guardian.co.uk/world/2007/apr/06/gender.blogging

[8] See The 12-Year-Old Slut Meme and Facebook's Misogyny Problem
www.huffingtonpost.com/soraya-chemaly/12-year-old-slut-meme-and_b_1911056.html

[9] See, 'Saudi Arabia criticised over text alerts tracking women's movements'
www.guardian.co.uk/world/2012/nov/23/saudi-arabia-text-alerts-women

[10] See, Women shouldn't have mobile phones, politicians should: blogs.reuters.com/india/2012/10/24/women-shouldnt-have-mobile-phones-politicians-should-politician/

In repressive contexts, women human rights defenders have reported surveillance by the state who illegally access private information and use this knowledge about their online activity for harassment and intimidation[11]. The report of the UN Special Rapporteur on the situation of human rights defenders (2010) noted that threats and death threats are frequently delivered to rights defenders through mobile phones, text messages, or emails.[12]

3. Psychological and emotional harm

The internet expands person hood and identity. It is this notion of person hood online that results in the long term term emotional and psychological harm caused by experiences of cyberstalking, online harassment, the recording and uploading of personal or intimate photos or videos without permission and the widespread distribution of so called 'rape videos'. The anonymity of harassers (in some cases), the rapid replication and distribution of videos and photographs and the lack of knowledge about what to do, impact on women's dignity, privacy and sense of self; sometimes manifesting in depression, shame and fear. For girls and young women in particular, the consequences of these violations can be devastating.

For example, in the Philippines a young university student awaits the outcome of a decision by the Catholic University she attends on whether she will be allowed to graduate after a sex video of her and a former boyfriend, in which she is seen wearing the university uniform, surfaced recently.[13] While In Canada, Amanda Todd, a 15-year-old high school student committed suicide after prolonged cyberbullying and online blackmail.[14]

It is not only young women who experience this kind of violation which can result in loss of dignity, damage to reputation and the loss of employment and other economic opportunities. In as early as 2009 in Malaysia, opposition politician Elizabeth Wong resigned from office after a private video and images of her were made public and went viral online. In letter to her supporters after her resignation she wrote: 'I have been informed by several media that they will continue to publish even more lewd graphical, sensational stories of my private life. I have also been told there will be a fresh assault, with more photographs and videos released and circulated in order to completely degrade and bury me. This is the darkest episode in my life. I have never felt so alone, vulnerable and humiliated.'[15]

The recording and distribution of sexual images of women, when either or both these acts are unauthorised, constitute a form of sexual violence against women. These violations include the recording of sexual assault or of a consensual sexual act. As Anastasia Powell argues, "the unauthorised taking and distribution of images of an otherwise consensual sexual encounter is similarly part of a continuum of gendered sexual violence and harassment

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[11] See 'Let's stop our fear of tech leading to misuse of security legislation www.genderit.org/node/3684 and GenderIT.org bulletin 'Crossing borders: Cyberspace and national security' which online safety of women human rights defenders from the perspective of national security and counter-terrorism at www.genderit.org/newsletter/crossing-borders-cyberspace-and-national-security

[12] Margaret Sekaggya Report of the Special Rapporteur on the situation of human rights defenders (United Nations, December 2010) www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44.pdf

[13] See 'Student in sec video: let me graduate' www.sunstar.com.ph/cebu/local-news/2013/02/07/student-sex-video-let-me-graduate-266947

[14] See 'Amanda Todd: Bullied Canadian Teen Commits Suicide After Prolonged Battle Online And In School' www.huffingtonpost.com/2012/10/11/amanda-todd-suicide-bullying_n_1959909.html

[15] See 'Dear friends' http://elizabethwong.wordpress.com/2009/02/20/dear-friends/

targeting primarily women, where the distribution is itself a violation of an individual's sexual autonomy with the effect of humiliating, intimidating or otherwise harassing the victim."[16]

4. Re-victimisation

Advances in technology have resulted in the ease of recording, reproduction and electronic distribution of violent acts. Rape videos depicting the sexual assault of women have become common and go viral online as users replicate and further distribute these violent images. The filming and distribution of the repeated rape, sexual assault and molestation of an underage girl by a group of football players in Stubenville Ohio highlights both the rape culture that has normalised sexual violence and calls into question the responsibility and liability of bystanders and those who recorded the violation but did not do anything about it.[17] Similarly in South Africa in 2012 a group of young men aged 14-20 were arrested and charged with the gang rape of of a mentally disabled young women. They recorded the rape on cellphone and it went viral in the community.[18]

Secondary victimisation can take the form of anonymous victim blaming and insensitive and harassing comments on images and clips that have been distributed virally. The ability to share images via social networking sites or mobile phones in a very short space of time and at low cost has serious implications for the extent to which women are re-victimised. Vicious responses to sexual assault often revive for victims/survivors their recently lived through trauma and emotions of panic, insecurity, loss of control, and pain. (Fascendini and Fialova, Voices from Digital Spaces: Technology Related Violence Against Women, Dec 2011)

"The victim/survivor is re-victimized every time somebody views the image – particularly if they're doing so for pleasure. The victim/survivor not only has to deal with the aftermath of having been sexually victimized or raped, but must also live with the knowledge that the images are out there, circulating online, without an opportunity to know who's viewed them, or how many people have viewed them, or with an opportunity to get them back." Comment on the Canadian case by a local expert on cybercrime.[19]

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[16] Anastasia Powell "New technologies, unauthorised visual images and sexual assault" Australian Institute of Family Studies 2009 www.aifs.gov.au/acssa/pubs/newsletter/n23pdf/n23c.pdf in (Fascendini and Fialova, Voices from Digital Spaces: Technology Related Violence Against Women, Dec 2011)

[17] See 'Rape Case Unfolds on Web and Splits City' www.nytimes.com/2012/12/17/sports/high-school-football-rape-case-unfolds-online-and-divides-steubenville-ohio.html?pagewanted=1&_r=5&smid=tw-share

[18] See 'Soweto #RapeVideo: I don't create or forward violence!' www.genderit.org/feminist-talk/soweto-rapevideo-i-don-t-create-or-forward-violence

[19] Comment from a local expert on a Canadian case in 2010 in which a teenage girl was drugged and sexually assaulted by a group of men at a party. Onlookers took photos and videos of the incident and posted them online, in (Fascendini and Fialova, Voices from Digital Spaces: Technology Related Violence Against Women, Dec 2011)

Recommendations

1. Recognition of technology related forms of VAW

Technology related forms of violence that are committed, aggravated and abetted by ICT must be recognised as a form of violence against women and be integrated in monitoring, prevention and response mechanisms, including in public policy and in expanding the implementation of anti-VAW laws. This includes the articulation of the duties and responsibilities of actors involved in preventing and responding to reported violations, including actions to minimise continued harm. States, inter-governmental institutions and other actors must recognise and include technology related forms of violence against women in their response and prevention efforts (**based on (E/CN.6/2013/4 para.59 (g))**.

2. Multi-sectoral prevention and response mechanisms

Responding effectively to violence against women requires a holistic multi-stakeholder and multi-sectoral legislative and implementation approach, which assesses and balances all women's rights and recognises that various discriminations can intersect. In the context of technology related forms of VAW, this includes extending multi-sectoral (primary, secondary and tertiary) prevention and response mechanisms to include private sector technology actors, state telecommunications and communications institutions, and the technical and internet rights communities. On a transnational level, spaces like the Internet Governance Forum, which adhere to multi-stakeholder principles, are critical platforms to extend multi-sectoral responses. (**based on E/CN.6/2013/3 para. 59. (j) and (E/CN.6/2013/3 para. 59 (m, n))**.

3. Evidence building: Reporting on technology related forms of VAW

In order to ensure that policies continually respond to women's experiences, there is a need for more systematic reporting and monitoring of technology related forms of VAW at all levels.

National statistics and indicators on VAW should include a component reporting specifically on ICT-related VAW, so that trends can be monitored and addressed. Technology related forms of VAW can also be included as a component in CEDAW reporting. (**based on E/CN.6/2013/4 para. 89.(z) and E/CN.6/2013/3 para. 59 (z) and E/CN.6/2013/4 para. 89 (y))**.

4. Capacity-building for actors in the criminal justice system

Awareness, understanding and responses to technology related forms of violence against women must be included in capacity building for public officials in the areas of education, health, social welfare and justice as well as the judiciary and police. Accountability mechanisms must be established and strengthened to ensure compliance of public officials with laws and regulations that respond to these violations. (**based on E/CN.6/2013/4 para. 89 (p))**.

5. Engaging intermediaries to build safer online spaces

Internet and mobile phone service providers play a role in ensuring women's privacy and safety when using their services. However internet intermediaries often dismiss their critical role in creating an online culture of zero tolerance to VAW and their responsibility in protecting users' rights and in implementing measures and policies that leave users more vulnerable to privacy breaches and security violations. Engaging with internet intermediaries to develop corporate policies, practices and tools that respect women's rights is a critical part of responding to and preventing technology related forms of violence against women (**based on E/CN.6/2013/4 para. 89 (v) and E/CN.6/2013/3 para. 52**).

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