



May 2023

Response to the 2018 UNHRC  
Resolution on **Violence**  
**against Women and Girls in**  
**Digital Contexts**

# Response to the 2018 UNHRC Resolution on Violence against Women and Girls in Digital Contexts

IT for Change, May 2023

The 2018 Resolution by the Human Rights Council (2018 Resolution) is an important and necessary recognition at the international level of the pervasiveness of violence against women and girls, especially in today's digital world, and the need for accelerating efforts to eliminate it. We appreciate the 2018 Resolution's call to the States to take immediate and effective action to prevent all forms of violence against women and girls through measures such as education and awareness programs, gender-sensitive laws and policies, the inclusion of women in design, implementation, and use of digital technologies, etc.

However, certain gaps and deficits in the objective and language of the 2018 Resolution, we believe, may hinder its effectiveness in the fight against technology-facilitated gender-based violence (TF-GBV) against women and girls.

## 1. 'Violence Against Women and Girls in Digital Context' - Limiting and Imprecise Terminology

The terminology used by the Resolution – 'gender-based violence against women and girls in digital contexts' - is limiting as it may be narrowly interpreted to denote only acts of violence that occur in digital and networked spaces like the internet. Gender-based violence is also perpetrated using other forms of technology that are not connected to a network, such as video or audio recording devices.<sup>1</sup> Further, the phrase 'digital context' is imprecise in the face of the reality that harms perpetrated against women and girls through the use of digital technologies are typically on an offline-online continuum or overlapping physical-digital social spaces. Hence, the terminology employed by the Resolution does not capture the full range of gender-based violence enacted online or via technology, and instances of violence that transcend the traditionally conceived boundaries of the physical and the digital.

### Recommendation:

We recommend the use of the terminology 'Technology-facilitated gender-based violence (TF-GBV) against women and girls' going forward, as it comprehensively addresses gender-based violence enacted through the use of digital technologies, online or offline. This terminology is also adopted by the UN Women<sup>2</sup> and recommended by the International Centre for Research on Women (ICRW)<sup>3</sup>. The Resolution should define the term, and here it may take guidance from UN Women which defined TF-GBV as "any act that is committed, assisted, aggravated or amplified by the use of information communication technologies or other digital tools which results in or is likely to result in physical, sexual, psychological, social, political or economic harm or other infringements of rights and freedoms."<sup>4</sup>

---

<sup>1</sup>Dunn, S. Is it Actually Violence? Framing Technology-Facilitated Abuse as Violence. The Emerald International Handbook of Technology-Facilitated Violence and Abuse. Pp. 26-45. <https://www.emerald.com/insight/content/doi/10.1108/978-1-83982-848-520211002/full/pdf>.

<sup>2</sup>Un Women. Frequently asked questions: Tech-facilitated gender-based violence. <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/tech-facilitated-gender-based-violence>>

<sup>3</sup>Hinson L., O'Brien-Milne L., Mueller J., Bansal V., Wandera N., and Bankar S. (2019) Defining and Measuring Technology-Facilitated Gender-based Violence. International Centre for Research on Women. <<https://www.icrw.org/publications/defining-and-measuring-technology-facilitated-gender-based-violence/>>

<sup>4</sup>Un Women. Frequently asked questions: Tech-facilitated gender-based violence. <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/tech-facilitated-gender-based-violence>>

## **2. Inadequate Focus on Violence against Girls:**

The 2018 Resolution clubs together the problems of violence against women and violence against girls in digital contexts without giving attention to the specific forms of violence committed against girls, such as online grooming, and the production, distribution, and consumption of child sexual abuse materials (CSAM) using digital technology.<sup>5</sup> The 2018 Resolution also does not acknowledge the unique challenges that girls face in recognizing and reporting TF-GBV.

### **Recommendation:**

The Resolution should recognize specific forms of TF-GBV faced by girl children such as CSAM and call upon States to take special measures to eliminate them, including by addressing the unique circumstances that make girls particularly vulnerable to TF-GBV

## **3. No Recognition of the Pressing Problem of Sexist Hate Speech and Gender Trolling:**

The Resolution does not recognize or address the pervasive problem of sexist hate speech and gender trolling which are two pernicious forms of violence that women and girls face today in both online and offline spaces. While sexist hate speech includes expressions that spread, incite, promote, or justify hatred based on sex, trolling refers to deliberately posting abusive comments online, sometimes with the express intention of causing alarm, distress, or humiliation, either by an individual or a group of people in a coordinated manner.

Sexist hate speech and gender trolling perpetuate and exacerbate gender equality and adversely impact women's equal participation in digital society. However, they often take forms that are not amenable to strict definitions of crime required by criminal law. Even otherwise, given the deep-rooted presence of pervasive misogyny and sexism in our daily culture, to criminalize sexism is to open the floodgates to potentially criminalize a broad swathe of speech acts. This is not desirable.

It is also important to recognize and acknowledge the role of social media platforms in exacerbating the harm from sexist hate speech and gender trolling through their platform affordances of virality and algorithmic amplification.

Currently, there is a gap in both knowledge and policy action even at the global level to combat sexist hate speech. A step forward has been made by the Council of Europe's (CoE) Gender Equality Strategy 2014-2017, which explicitly includes tackling sexism as a form of hate speech under its strategic objective.

### **Recommendation:**

We recommend that the Resolution take cognizance of the problem of sexist hate speech and related crimes such as gender trolling, and call upon States to take effective legal and policy measures, including addressing the complicity of social media platforms in perpetuating these forms of violence.

---

<sup>5</sup>Cyber Violence against Children. Council of Europe. <<https://www.coe.int/en/web/cyberviolence/cyberviolence-against-children> >

It is useful here to refer to the recommendations of the CoE which proposes taking a broader approach to the issue, that goes beyond criminalization. This includes taking measures such as eliminating discriminatory laws, promoting gender equality and media literacy training, having in place clear policy frameworks and legal remedies for women and girls who are subjected to sexist and harmful content, etc.<sup>6</sup> Further, recognizing the role of internet intermediaries in facilitating sexist hate speech, the CoE recommends instituting measures for effective moderation of social media, including setting clear standards for the industry and putting in place mechanisms to monitor progress.<sup>7</sup>

#### 4. Lack of Clear Focus on Platform Accountability

While technology mirrors society and its patriarchal culture, society is also co-constituted by the technological paradigm.<sup>8</sup> The harm caused to women and girls by online abuse is exacerbated by the scale, virality, and velocity of posted content on social media platforms.<sup>9</sup> Social media platforms do not just facilitate the spread of TF-GBV, but are also complicit in amplifying harmful, hateful, and violent content.<sup>10</sup> Algorithms for content curation tend to prioritize sensationalist content over verified information, reflecting the profit motive that drives the mainstream technological paradigm. Further, the AI systems of many social media platforms have been reported to have failed to detect abusive posts that promoted hate speech in a number of languages used on its platform.<sup>11</sup>

The architecture of corporate impunity, primarily in the form of laws revolving around the dumb conduit argument<sup>12</sup> has allowed social media corporations to avoid accountability for the human rights violations resulting from their operations. This also derails attempts to construct a critical discourse for regulating their conduct. TF-GBV is a striking exemplar of human rights violations by social media companies that require urgent attention.

One of the key shortcomings of the 2018 Resolution is the lack of recognition of the role of platforms in furthering TF-GBV and the need for accountability standards to ensure an end to corporate impunity. The 2018 Resolution recognizes the role of platforms and makes recommendations in a two pronged approach - *firstly*, encouraging digital technology companies, including ISPs and digital platform, to strengthen their internal policies to promote gender equality in the design, implementation and use of their digital technologies; and *secondly*, calling on business enterprises to effectively implement the Guiding Principles on Business and Human Rights to protect private data of women and girls, to create transparent and effective processes for reporting violence, and to develop policies for the same. These two approaches are inadequate to address the issues of corporate impunity and lack of accountability measures.

#### Recommendation:

---

<sup>6</sup>Council of Europe. Combating Sexist Hate Speech. <<https://rm.coe.int/1680651592>>

<sup>7</sup>Council of Europe. Combating Sexist Hate Speech. <<https://rm.coe.int/1680651592>>

<sup>8</sup>UN News. 2021. Sexism and misogyny' heightened; women's freedoms suppressed <<https://news.un.org/en/story/2021/10/1103382>>

<sup>9</sup> Pavan, E. 2017. Internet intermediaries and online gender-based violence. In *Gender, technology and violence* (pp. 62-78). Routledge.

<sup>10</sup>Vosoughi, S., Roy, D. and Aral, S. The Spread of True and False News Online, 359(6380) *Science* 1146-1151(2018). Also see in the context of online gender-based violence, Anita Gurumurthy and Amshuman Dasarathy. 2022. Profitable Provocations. A Study of Abuse and Misogynistic Trolling on Twitter Directed at Indian Women in Public-political Life. <<https://itforchange.net/sites/default/files/2132/ITfC-Twitter-Report-Profitable-Provocations.pdf>>

<sup>11</sup>Frances Haugen: 'I never wanted to be a whistleblower. But lives were in danger', *The Guardian*. <https://www.theguardian.com/technology/2021/oct/24/frances-haugen-i-never-wanted-to-be-a-whistleblower-but-lives-were-in-danger>.

<sup>12</sup>Amber Sinha. 2020. Beyond Public Squares, Dumb Conduits, and Gatekeepers: The Need for a New Legal Metaphor for Social Media. A Digital New Deal: Visions of Justice in a Post-Covid World. IT for Change. <<https://projects.itforchange.net/digital-new-deal/2020/11/01/beyond-public-squares-dumb-conduits-and-gatekeepers-the-need-for-a-new-legal-metaphor-for-social-media/>>

We recommend explicit recognition of the role and responsibility of digital platforms in preventing TF-GBV. A passing reference to the UN Guiding Principles on Business and Human Rights in the Resolution is inadequate. The Resolution must call out the need to address corporate impunity that allows digital platforms to overlook human rights implications of their operations and provide guidance for States in this regard.<sup>13</sup> The States should institute an accountability framework to hold platforms liable for their actions that threaten user rights or facilitate various forms of online harms, including online gender-based violence.

Platforms should be legislatively required to conduct periodic human rights due diligence of their policies and operations and take techno-design measures to stem the virality of sexist, misogynist, and other illegal and harmful content. They should also be required to invest in capabilities to improve the detection of harmful content and take measures such as removing, downranking, and labeling such content, as the case may be, to prevent and mitigate harm from such content, by also balancing the interest of freedom of expression and information. Platforms should also be required to be transparent about the factors or criteria used to determine whether a content is potentially harmful and the action that will be taken with respect to it.

## **5. Inadequate Focus on Redressal Mechanisms of Digital Platforms:**

The redressal framework recommended in the 2018 Resolution is more focused on criminal responses and calls upon States to have legislations in place which would allow for timely and effective investigation, prosecution, sanction and redress of violence against women and girls in digital contexts. However, most of the time, it is the platform-level grievance redressal mechanism that becomes the first port of call for victims. Quick redressal through measures such as removing the offensive content, suspending the perpetrator account, etc. is key for women and girls facing online violence. Unfortunately, it has been observed that platform responses are slow and inadequate, and hence ineffective in offering redressal to women who are victims of online abuse.<sup>14</sup> Further, the internal grievance redressal mechanisms of platforms are often inaccessible to women, particularly women from the Global South, and the platform's community guidelines do not accurately capture the experiences of women online.<sup>15</sup>

### **Recommendation:**

There is a need for deeper scrutiny of the content moderation and detection systems of the platforms with respect to TF-GBV. Apart from criminal law responses, the Resolution should emphasize on the importance of a robust, accessible, and inclusive grievance redressal mechanism that platforms must put in place in order to provide quick and effective remedy to victims of violence and abuse. Users should have access to all information related to reporting and grievance redressal, including details of the representative appointed by the digital content platform in their own country, information about policies in a digestible format and in all relevant languages, and recourse/appeal mechanisms

---

<sup>13</sup>Regis Bismuth. 2010. Mapping a Responsibility of Corporations for Violations of International Humanitarian Law Sailing between International and Domestic Legal Orders. *Denver Journal of International Law and Policy*.

<sup>14</sup> Nicolas Suzor et al. 2018. Human Rights by Design: The Responsibilities of Social Media Platforms to Address Gender-Based Violence Online: Gender-Based Violence Online.

<[https://www.researchgate.net/publication/327962592\\_Human\\_Rights\\_by\\_Design\\_The\\_Responsibilities\\_of\\_Social\\_Media\\_Platforms\\_to\\_Address\\_Gender-Based\\_Violence\\_Online\\_Gender-Based\\_Violence\\_Online/link/6030763f92851c4ed5837306/download](https://www.researchgate.net/publication/327962592_Human_Rights_by_Design_The_Responsibilities_of_Social_Media_Platforms_to_Address_Gender-Based_Violence_Online_Gender-Based_Violence_Online/link/6030763f92851c4ed5837306/download)>;

<sup>15</sup>Web Foundation. 2020. The Impact of Online Gender-Based Violence on Women in Public Life. <<https://webfoundation.org/2020/11/the-impact-of-online-gender-based-violence-on-women-in-public-life/>>

available for reasons including removal of content, suspension of an account, or any other type of action affecting users' human rights, including the right to freedom of expression and freedom from violence.

**Input prepared by Malavika Rajkumar and Merrin Muhammed Ashraf with comments from Anita Gurumurthy.**