Voices from digital spaces: Technology related violence against women

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VOICES FROM DIGITAL SPACES: TECHNOLOGY RELATED VIOLENCE AGAINST WOMEN

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Part I: Setting the scene

1. Introduction

The complex relationship between violence against women (VAW) and information communication technologies (ICTs) is a critical area of engagement for women's rights activists. ICTs can be used as a tool to stop VAW, while on the other hand VAW can be facilitated through the use of ICTS. However few women's rights activists are working actively on this issue. Consequently, a political and legal framing of the issue is not established in most countries.

The purpose of this paper is to assist women's rights groups working to end VAW to understand some of the implications of the intersection between these violations and ICTs. It also aims to encourage these groups and other key actors to invest in policy-making processes and advocacy work in this area.

This paper was preceded by *Cultivating violence through technology? Exploring the Connections between Information Communication Technologies (ICT) and Violence Against Women (VAW)*, written by Jac sm Kee[1] for the Association for Progressive Communications Women's Networking Support Programme (APC WNSP) in 2005.[2] Although much has changed in the last 6 years, Kee's examination of the manner in which emerging ICTs enable a culture of VAW and new forms of violence is still current.

This paper is not an exhaustive assessment of the current state of VAW but rather aims to deepen into some of the interconnections between ICT and VAW.

The main focus of this paper is to:

- *Name and define the forms of violence perpetuated against women and girls through the internet and mobile phones*

- *Advocate for the better formulation and implementation of rights-based policies and laws that protect women's rights and recognise, prevent and redress technology related VAW.*

- The paper builds on experiences and findings gathered via the MDG3: Take Back the Tech! project implemented by the Women´s Programme of the Association for Progressive Communications (APC WNSP) between 2009 and 2011.[3]

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[1] Jac sm Kee is the focal person for APC WNSP's work on women's rights. She coordinated the EROTICS research (Exploratory research on sexuality and the internet) and APC's annual Take Back the Tech! campaign.

[2] Jac sm Kee Cultivating violence through technology? Exploring the connections between information communication technologies (ICT) and violence against women (VAW) ((APC WNSP, 2005) www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf

[3] To find out more about the project go to: www.apc.org/en/projects/mdg3-take-back-tech-end-violence-against-women

1.1   MDG3: Take Back the Tech! to end violence against women

In 2000, 189 world leaders at the United Nations Millennium Summit adopted eight goals to address primary development issues in the world, by 2015. Millennium Development Goal 3 (MDG3) is to promote gender equality and empower women. However VAW is linked to all MDG goals and harms deeply the chances of meeting them.

The Millennium Declaration[4] from the meeting also underscored the urgency of ensuring that the benefits of new technologies, especially ICTs, are available to all and distributed equally between countries, sectors, economic groups and along gender lines.

In 2008, the Dutch government launched the MDG3 Fund[5] in order to catalyse progress towards meeting the 2015 goals, particularly MDG3. APC's MDG3: Take Back the Tech! to end violence against women project was supported by the Fund. Initiated in January 2009, it aimed to strengthen the capacity of women's rights activists and organisations to use technology tools in their work to end VAW and to respond to the growing incidence of technology related VAW.

MDG3: Take Back the Tech! was carried out in 12 developing countries: South Africa, Uganda, the Republic of Congo and the Democratic Republic of Congo (DRC)-from Africa; Pakistan, Cambodia, Malaysia, and the Philippines-from Asia; and Argentina, Colombia, Mexico, and Brazil-from Latin America.[6]

The project encouraged, facilitated and strengthened:

- The use of ICTs to enhance interventions by women's rights organisations to address different forms of violence against women and girls

- The application of ICTs for work focused on the healing of women victims/survivors of violence

- The provision of small grants for women victims/survivors of violence to increase visibility of their issues and enable them to participate in combating VAW

- Efforts to address new forms of violence against women and girls facilitated through the internet, mobile phones and other emerging technologies

- Advocacy towards better formulation and implementation of rights based ICT policies that impact on violence against women and girls.

Over two and half years the project assisted women's rights and/or communication rights

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[4]   United Nations General Assembly *Millennium Declaration* (UNGASS, September 2000), www.un.org/millennium/declaration/ares552e.pdf
[5]   www.minbuza.nl/en/Development-Cooperation/development-cooperation/dutch-development-policy/millennium-development-goals-mdgs/mdg3-fund/mdg3-fund.html
[6]   See table in the appendix: Area and population per country.

organisations to identify the most prevalent forms of technology related VAW. The project researched ICT based interventions to prevent and stop violence against women and girls offline and strategies available for women to seek redress for the violations they experience online. In a quarter of the countries, APC and local partners have opened up engagement with policy-makers, law enforcement and other actors with responsibilities towards ensuring women's safety and security.

1.2   Intended users and uses of this paper

The primary audience of this paper are women's rights organisations working on policy issues linked to VAW. Other audiences are policy-makers working on VAW and/or ICT issues, and communications rights advocates.

This paper aims to:

- Inform and assist anti-VAW organisations to incorporate ICTs in their current work

- Stimulate action-oriented policy dialogues to address this new form of violence against women and girls.

1.3   Scope and methodology

The paper draws on new perspectives, analysis and data from twelve national reports[7] produced during MDG3: Take Back the Tech!. These reports map the current state of affairs on ICTs and violence against women and girls in each country including critical issues, key stakeholders and best practices in the use of ICTs to combat violence. They elaborate on project activities such as the local Take Back the Tech! campaigns, Feminist Technology Exchanges (FTX),[8] national advocacy policy initiatives and small grants projects.

Other sources used for the writing of this paper are international documents, conventions and treaties, and research studies on VAW and ICTs. News stories and graphic and online materials were used in the writing of country examples and case studies. This paper also draws on information provided by the national project partners and regional coordinators of APC WNSP gathered through interviews and email consultations between December of 2010 and May of 2011.

The first part of the paper, *Setting the scene*, defines the key concepts and terms used. It also contextualises gender equality and women's rights with focus on the 12 MDG3: Take Back the Tech! countries. Lastly the chapter outlines how ICT connects to VAW and

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[7]   For full reports: www.genderit.org/category/tags/mdg3research-papers
[8]   To see more: ftx.apcwomen.org

assesses the impacts of technology related VAW.

The second part of the paper, *Sexual violence and unauthorised distribution of intimate images of women*, unpacks one example of technology related VAW. It also looks at specific measures adopted by policy-makers and other actors to recognise, redress and prevent this type of VAW.

Finally, the paper presents a set of recommendations on how to address the challenges and gaps identified to stop technology related VAW.

1.4   Limitations

This paper builds on a continuum of APC WNSP work, writings and research in the area of VAW, women's rights, sexual rights and ICTs. Namely:

- Jac sm Kee's *Cultivating violence through technology? Exploring the Connections between Information Communication Technologies (ICT) and Violence Against Women (VAW)* (APC WNSP, 2005)[9]

- Kathleen Maltzahn's *Digital Dangers: Information & Communication Technologies and Trafficking in Women* (APC WNSP, 2005)[10]

- Namita Malhotra's paper *The world wide web of desire: Content regulation on the internet* (APC WNSP, 2007)[11]

- EROTICS: An exploratory research project into sexuality and the internet[12] carried out by APC WNSP in collaboration with local researchers between 2008-2011

- APC *Gender Evaluation Methodology* toolkit (APC, 2006)**[13]**

To keep the length of this paper digestible, we have excluded some important debates and frameworks that are sufficiently addressed by preceding writings. Particularly, this paper does not discuss extensively:

1. **Theoretical frameworks for analysing ICTs**, in particular feminist perspectives on ICTs and their impact on gender relations and women's lives. Theoretical and historical framings of ICTs have been extensively covered in: *Cultivating violence through technology?* (2005); the *EROTICS: An exploratory research on sexuality & the internet* Literature Review (2009)[14] and the *Gender Evaluation Methodology*

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9   www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf
10   www.genderit.org/sites/default/upload/digital_dangers_EN_1.pdf
11   www.genderit.org/sites/default/upload/webOFdesire_EN.pdf
12   See: erotics.apc.org/
13   www.apcwomen.org/gemkit/en/gem_tool/index.htm
14   Manjima Bhattacharjya and Maya Indira Ganesh *EROTICS: An exploratory research on sexuality and the internet-Literature Review* (APC WNSP, 2009)
     www.genderit.org/sites/default/upload/APCEROTICS_LiteratureReview.pdf

toolkit (2006).[15]

2. **Practical information on how ICTs operate and can be manipulated,** which is a focus of the Take Back the Tech! campaign. The Take Back the Tech! website provides information, tips, and tactics for women and girls on how technology is adopted by abusers and what they can do to be safer online.

3. **Conflicting rights issues related to pornography and freedom of expression,** which are specifically dealt with in two other APC WNSP research projects. Kathleen Maltzahn's paper *Digital Dangers: Information & Communication Technologies and Trafficking in Women* (2005) unpacks controversial questions on the role of ICTs in trafficking: Can we talk of trafficking in images or does trafficking only apply to people? Is the consideration of privacy in relation to ICTs contrary to counter-trafficking work or is it an essential part of a broader movement to create safety and freedom for individuals and communities? The EROTICS research explores practices and experiences of internet users, particularly women and sexual minorities. It unpacks the impact of policy and legislative measures that regulate "harmful" content online on women's sexual expression and the assertion of their sexual rights.[16]

This current paper builds primarily on anecdotal evidence collected through focus group discussions, interviews and national consultations with the MDG3: Take Back the Tech! partners as well as media reports. The anecdotal evidence provides sufficient data to map key trends and showcase that technology related VAW is on the increase and that women around the world are experiencing similar kinds of violations and harms. However the absence of systematised data prevents us from comprehensively dealing with all manifestations and aspects of technology related VAW. Instead, the connections between ICTs and VAW are explored through case studies of incidents where private images of women were distributed without their authorisation. This form of technology related VAW was one of the most prevalent forms which emerged from consultations with partners and media reports. This is not to diminish the severity and frequency of other violations including online sexual harassment, cyberstalking, surveillance or identity theft.

1.5   Working definitions

Violence against women and women's human rights

Within this paper we define VAW according to General Recommendation 19 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which defines violence against women as: "*violence directed against a woman because she is a woman or which affects a woman disproportionately. It includes physical, mental*

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[15]   www.apcwomen.org/gemkit/en/understanding_gem/icts.htm
[16]   Bhattacharjya and Ganesh *EROTICS*

or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty."

Article 2 of the CEDAW Declaration further defines VAW according to where and how it takes place:

- Physical, sexual and psychological violence that occurs in the family (battering, sexual abuse of female children, dowry-related violence and early marriage, marital rape, non-spousal violence, and violence related to exploitation).

- Physical, sexual and psychological violence that occurs within the general community (rape, sexual abuse; sexual harassment and intimidation at work, in educational institutions and other places; trafficking in women and forced prostitution; pornography; violence against women migrant workers).

- Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs (custodial violence against women, violence against women in situations of armed conflict, violence against refugee and displaced women).

CEDAW also recognises VAW as a form of discrimination that prevents women from enjoying other human rights and fundamental freedoms.

Victims or survivors?

When working on violence against women the terms "victim" or "survivor" fuels an ongoing debate. Some avoid using the term "victim" arguing that it implies passivity and vulnerability and fails to recognise women's resilience and agency. For others the term "survivor" is problematic because it denies the victimisation experienced by women who have been the target of violent crime.[17] In this study, the term "victim/survivor" will be predominantly used. As explained by Kate Ravenscroft one experience does not come without the other:

> *Taking an experience of submission, brutality and suffering and turning it into the site of empowerment is no small task, even if it is, literally, a meaning of survival. I suppose that this is what 'victim/survivor' means, the importance of maintaining both terms, of linking them to describe this life. One does not come without the other, one does not outweigh the other, one does not replace the other. Rather, they are the conditions, the competing realities of a post-rape existence.[18]*

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[17] United Nations General Assembly *In-depth study on all forms of violence against women: report of the Secretary-General* (UNGASS, July 2006) www.unhcr.org/refworld/docid/484e58702.html

[18] Kate Ravenscroft "What does victim/survivor mean anyway?" (*16 Impacts of Sexual Assault,* 1 February 2011) *16impacts.wordpress.com/2011/02/01/what-does-victimsurvivor-mean-anyway/*

Information and communication technologies

Information communication technology (ICT), refers to a range of technologies that people use to share, distribute and gather information, and communicate. ICTs can be grouped into three categories:

- Information technology refers to computers which have become indispensable in modern societies

- Telecommunication technologies including telephones (with fax) and the broadcasting of radio and television, often through satellites

- Networking technologies such as the internet, mobile phone technology, voice over IP telephony (VoIP), satellite communications.[19]

This paper focuses on VAW facilitated through information and networking technologies, namely the internet and to a lesser extent mobile phones. In the case of mobile phones additional research is needed, especially in relation to policy implications.

ICTs are tools shaped by people with specific interests. Similarly the spaces and content we create online reflect the power relationships that prevail offline.

The paper *Cultivating violence through technology?* (2005),[20] uses the following theoretical framework to examine ICTs and their impact on gender relations and VAW:

•Representation
ICTs are used to disseminate representations of "culture" and social relations. These images reinforce notions of "difference" between men and women by normalising stereotypes of gender roles as reality.

However this dynamic is not straightforward or simple, as cultures are not homogeneous or static. The increased diversity of content producers on the internet allows for an array of representations that affect gender relations in complex ways. The strands of gender, sexual, cultural and racial discourses communicated through ICTs must be unravelled to assess their role in affecting culture and norms.

•Communication
The speed, vastness and relative ease of use of especially "new" ICTs, reduces distance and time in communication. ICTs allow victims/survivors of VAW to seek information and assistance, but can also endanger victims/survivors if utilised without an understanding of their dimensions.

Organisations have utilised ICTs to network across great distances and mobilise

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[19]   www.apc.org/en/glossary/term/259
[20]   Jac sm Kee *Cultivating violence through technology?*
       www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf

immediate action on urgent situations of VAW. By examining how ICTs have been employed, women's movements can shape stronger connections with a greater understanding of the potential and limitations of these tools.

We will use this framework to further unpack the relationship between ICTs and VAW.

Internet rights

ICTs affect the capacity of people to completely enjoy the rights and fundamental freedoms, to which all humans are entitled. These rights are enshrined in the United Nations Universal Declaration on Human Rights and subsequent international human rights treaties, regional human rights instruments and national constitutions. Human rights are both rights and obligations,and are: universal (apply to everyone, everywhere), equal (non-discrimination is a cross-cutting principle), inalienable (it is impossible for anyone to take them away) and interdependent and indivisible (the deprivation of one right adversely affects the others). APC also recognises that human rights are not static and continue to evolve.[21]

The internet rights movement seeks to extend traditional human rights to information society. They argue that in a world increasingly mediated by technology, the right access information technology and use it for communication, is essential to guarantee other human rights.[22] In his recent report[23] the UN Special Rapporteur on Freedom of Expression argues 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 and 22) and "the internet has become a key means by which individuals can exercise their right to freedom of opinion and expression".

During 2001-2002, APC members and partner organisations developed the APC Internet Rights Charter[24], which recognises that the internet is a global public space that must be open, affordable and accessible to all[25].

The APC Internet Rights Charter contends that the internet can only be a tool to empower people if key rights are recognised, protected and respected. This includes the rights to:

• Affordable, fast and easy access to the internet

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[21] www.genderit.org/glossary/term/1275
[22] www.genderit.org/glossary/term/768
[23] Frank La Rue *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (United Nations Human Rights Council, May 2011) www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf
[24] Association for Progressive Communications *Internet rights charter* (APC, 2006) www.apc.org/en/node/5677
[25] The charter was revised in 2006.

- Freedom of expression and freedom from censorship

- Data protection and freedom from surveillance

- Awareness and education, among others.

In 2008, the Dynamic Coalition on Internet Rights and Principles[26] drafted the Charter of Human Rights and Principles for the Internet drawing inspiration from the APC Internet Rights Charter.

2. Gender and ICT context

2.1 Gender inequality, women's rights and violence against women

Women's rights is slowly being realised around the world but not fast and deep enough for these rights to be fulfilled. In 2008, in developing regions, 53% of people living with HIV were women. Inhumane practices such as female genital mutilation and honour killings still happen. In addition unemployment rates are higher for women than men. More than half of all women in the world (53%) work in vulnerable jobs as unpaid family workers and self-employed workers. Furthermore according to UNIFEM's report Gender Justice and the Millennium Development Goals (2010), no region of the world has achieved the MDG critical mass of 30% for women's leadership.[27] Discrimination against women is exacerbated by their social location (e.g. class, nation, geographic location) and bodily attributes (e.g. race, age, physical and intellectual abilities) as outlined by the UN Special Rapporteur on violence against women.[28]

As documented in the frame below, VAW is a universal epidemic. It is normalised and/or institutionalised in cultural practices and acceptable behaviour in many societies. At the same time, it is taboo and often controversial to discuss.[29]

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[26] To see more: internetrightsandprinciples.org/node/367
[27] UNIFEM *Gender Justice: Key to achieving the Millennium Development Goals* (UNIFEM, 2010) www.unifem.org/progress/pdfs/MDGBrief-English.pdf
[28] Rashida Manjoo *Report of the Special Rapporteur on violence against women, its causes and consequences* (United Nations Human Rights Council, May 2011)www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf
[29] www.thepixelproject.net/2010/12/05/its-not-just-domestic-violence-the-beginners-guide-to-16-types-of-violence-against-women/

Violence against women in the MDG3: Take Back the Tech! project countries

In **Uganda**, 24% of women say their first sexual intercourse was against their will and 59% of married women have experienced physical or sexual violence at the hands of their partner.

In **Malaysia**, during the first 6 months of 2006, 1,561 rape cases and 1,349 molestation cases were reported to the police.

In **Argentina**, one woman suffers violence from her partner or her former partner every two and a half days.

In **Pakistan**, 70% of girls are survivors of child sexual abuse and 78% of all abusers are close to victims/survivors.

In **Columbia**, 90 women from conflict zones were sentenced to death without judicial intervention in 2007.

Between 1997 and 2008, almost 50% of all reported VAW cases in **Philippines** were physical injuries and/or wife battering.

A woman is killed every six hours in **South Africa** and intimate partner violence affects one in two women in some parts of the country.

In **Democratic Republic of Congo** women and girls as young as five years old, survive sexual abuse and slavery, rape, humiliation, forced pregnancy and are exposed to sexually transmitted diseases such as HIV/AIDS.

Sexual violence is at the forefront of armed conflict in Congo, mostly carried out by the military and ex-combatants.

In **Mexico**, 67% of women older than fifteen have experienced some kind of violence in the domestic sphere, at school or the workplace.

In **Cambodia**, a national survey revealed that VAW is widely accepted. Only 4,5% of Cambodians agreed that intimate partner violence is both wrongful and a crime.

In **Brazil**, of every 100 of women murdered, 70 are killed at home by their partners.

Source: Information provided in the national reports for the MDG3: Take Back the Tech! to end violence against women project available at www.genderit.org/archive/resources

There are a wide range of international and regional instruments, including CEDAW that recognise and protect women's rights.[30] Eighty percent of states have ratified four or more of the core human rights treaties and all states have ratified at least one. This includes the twelve focus countries of the MDG3: Take Back the Tech! project.

However this is not always a sign of governments' commitment to make women's rights a reality. In South Africa the implementation of international and regional treaties leaves much to be desired as evidenced by state spending and resource allocations. Furthermore infant and maternal mortality rates in South Africa are comparable with countries at war or experiencing internal armed conflict.[31]

Some of the major factors responsible for the limited success of these treaties are: the absence of political will, the lack of consistency between regional and national policies and the inefficiency of regional organisations to properly oversee the core essence of the treaties.

In some of MDG3: Take Back the Tech!'s focus countries there are also gaps in national legislation on VAW:

- Congo does not have a law on violence against women and girls

- In Pakistan there is no law on intimate partner violence and child abuse

- In Democratic Republic of Congo sexual harassment and conjugal rape are neither recognised nor punishable according to the law on sexual violence

- In Malaysia, intimate partner violence is not criminalised and there is no specific legislation to address sexual harassment.[32]

2.2 Women and ICTs

At the Fourth World Conference on Women in Beijing in 1995,[33] ICTs were recognised as critical for achieving women's empowerment and gender equality. Eight years later, due to the work of gender advocates, the World Summit on the Information Society (WSIS),[34] reinforced that the development of ICTs will provide opportunities for women's full and equal participation in all spheres of society.

According to the International Union of Telecommunications, the number of internet users has doubled between 2005 and 2010. However this increase affected developed countries more than developing ones: 71% of people in developed countries are online against only

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[30] See appendix: International and regional instruments to protect women's rights.
[31] Information provided by MDG3: Take Back the Tech! South African partner.
[32] See appendix: Predominant kind of violence against women and legislation per country.
[33] www.un.org/womenwatch/daw/beijing/fwcwn.html
[34] www.itu.int/wsis/index.html

21 per cent of people in developing ones.[35]

Global ICT development, 2000-2010

*Estimates
Source: ITU World Telecommunication /ICT Indicators database
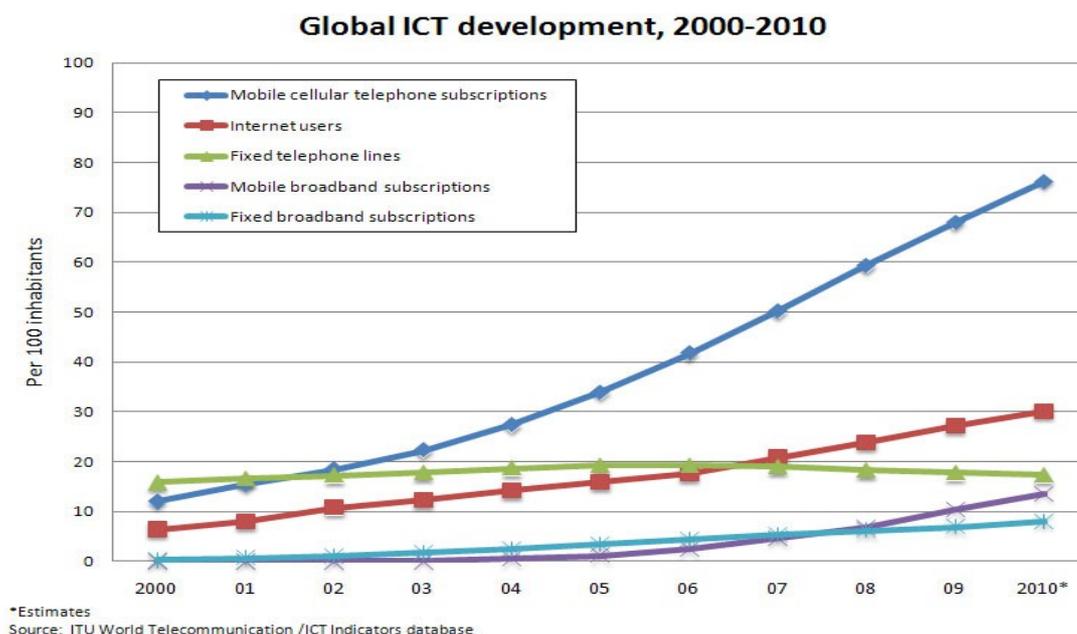
As a percentage of global internet users, women are still slightly in the minority: nearly 46% of the global web population is female. In developed countries such as in North America, the web population is evenly split. However in Asia Pacific, Africa and Latin America, women are under-represented. The report *Women & Mobile: a global opportunity*[36] documents that a woman is 21% less likely to own a mobile phone than a man in low and middle income countries.

Women's opportunities to exploit the potential of ICTs is conditioned by many factors and is related to gender discrimination and power relations. This includes: lack of technical infrastructure, connection costs, location of public access points, poverty, disability, ethnicity, region, geographic location (i.e. rural/urban), education and computer literacy, age, time availability and gender-based cultural attitudes.

Gender based digital divide: In many societies women are the most impoverished with the least access to resources and with little control over decisions that affect their lives. For this reason, women are on the wrong side of the digital divide, with limited access to and control over ICTs. When considering the factors that contribute to these inequalities it is important to understand the ways in which ICTs are allocated between women and men and the different opportunities that exist for men and women with respect to: education, training and skills development, employment and working conditions, content development and access to power structures and decision-making processes. Beyond questions of access to technology and software, other major concerns must be addressed such as the need to break down gender and cultural barriers to women's access to careers in technology, or the absence of women in decision-making structures.

Source: GenderIT.org

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[35] www.itu.int/ITU-D/ict/material/FactsFigures2010.pdf. See also appendix**:** Statistical indicators used to compute the ICT Development Index (IDI) by the MDG3 countries.
[36] GSMA Development Fund *Women & mobile: A global opportunity* (GMSA, 2010) www.mwomen.org/Research/women-mobile-a-global-opportunity_1

The presence of a gender-based digital divide in many developing countries limits women's access to and ability to critically engage with ICTs. In addition many women's rights advocates lack the technical skills, resources and knowledge to engage ICTs as a means of resistance and empowerment. Furthermore ICT policy processes do not include a women's rights approach and it is rare for women to engage politically with these processes.

The information society must be made more inclusive to women. The maturity of information society is determined in part by its defence or neglect of women's rights. This can be assessed based on eight C-parameters:[37]

- **C**onnectivity: How affordable and widespread are ICTs (e.g. PCs, internet access, mobile phones) for women's access? In South Africa, only 10.5% of the population access the internet. Although 51% of those who do access internet are women, access is effectively limited to wealthy women. Mobile phone penetration is much higher, with 80% of the population owning a mobile phone and almost half of them being women.[38]

- **C**ontent: Is there useful content (foreign and local) for women to use in their daily lives? The 2010 global report *Women on the Web: how women are shaping the internet*,[39] provides an in-depth analysis of the female internet user. The report shows that women all over the world tweet, share, shop, search—but for their own reasons, in their own way and on their own terms.

- **C**ommunity: Are there online/offline forums where women can discuss VAW and ICTs and other issues concerning their rights and interests?

- **C**ommerce: Is there infrastructure (technological, legal) for e-commerce for women, businesses and government? For example in Democratic Republic of Congo, a low percentage of women entrepreneurs and farmers have access to the internet due to the lack of infrastructure in rural areas and the fact that most public access points are in the capital, Kinshasa.

- **C**ooperation: Is there adequate cooperation between citizens, businesses, academics, non-governmental organisations and policy-makers to enable a favourable climate for women to use, develop and improve ICTs?

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[37] Adapted from the *8 Cs of information society* in: Alan Alegre and Patricia Borcena *Philippines / Global Information Society Watch* (Foundation for Media Alternatives, 2010), 195-198 www.giswatch.org/sites/default/files/gisw2010countryphilippines_en.pdf

[38] Shereen Essof *South Africa: Violence against women and information communication technologies* (APC WNSP, 2009)www.genderit.org/content/south-africa-violence-against-women-and-information-communication-technologies

[39] Linda Boland Abraham, Marie Pauline Mörn and Andrea Vollman *Women on the web: How women are shaping the internet* (comScore Inc, 2010) www.comscore.com/Press_Events/Presentations_Whitepapers/2010/Women_on_the_Web_How_Women_are_Shaping_the_Internet

- *Capacity:* Do women and their organisations have the human resource capacity (technological, managerial, policy, legal) to effectively harness ICTs for daily use?

- *Capital:* Are there enough financial resources to invest in ICT infrastructure and education that takes into account women's needs? For example in Cambodia, due to the lack of ICT infrastructure, internet is only available at tourist destination cities and provinces at a very high price (USD0.50/hour).[40]

- *Culture:* Is there a forward-looking, open and progressive culture among policy-makers, businesses, educators, citizens and the media to open women's access to and control of ICTs? For example in many societies, women and girls are seen as passive users of ICTs, while men and boys are associated with the development of ICTs. In many societies men own and control the use of ICTs. In Pakistan, over twice as many men as women use a mobile phone as their primary access mode.

3 How do ICTs connect to VAW?

It is often said that technologies such as the internet or mobile phones are a double-edged sword. On the one hand, they can be used to perpetrate VAW. The report of the UN Special Rapporteur on the situation of human rights defenders (2010)[41] noted that threats and death threats are frequently delivered to rights defenders through mobile phones, text messages, or emails. At the same time ICTs are platforms that women can use to demand their right to a life free from violence.

Women & Mobile: a global opportunity,[42] reported that 93% of women felt safer and 85% felt more independent because of their mobile phone. It is not a coincidence then that women's mobile phones are the first personal objects destroyed in attacks by violent intimate partners in Argentina.[43]

The internet and mobile phones also play an invaluable role in highlighting issues concerning VAW. The Public Ministry of Peru for instance, uses the internet to publish the names and photographs of men who have been prosecuted and sentenced for VAW. In

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[40] Chim Manavy *Cambodia: Violence against women and information communication technologies* (APC WNSP, 2009) www.genderit.org/content/cambodia-violence-against-women-and-information-communication-technologies

[41] 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 The report was the first of its kind to focus on the situation of women human rights defenders and drew attention to the risks and violations that they face every day.

[42] GSMA Development Foundation *Women & mobile: A global opportunity* www.mwomen.org/Research/women-mobile-a-global-opportunity_1

[43] Cristina Peralta *Argentina: Violence against women and information communication technologies* (APC WNSP, 2009) www.genderit.org/content/argentina-violence-against-women-and-information-communication-technologies

Costa Rica, Radio FIRE (Feminist Interactive Radio Endeavour), the first web-based radio, spreads awareness on women's rights. In Brazil the Special Secretariat for Women's Policies, which has ministerial rank, has created an online assistance network on their website to help victims/survivors of VAW.

3.1 Manifestations of violence against women in digital world

Although VAW has its roots in gender inequality in all societies and cultures across the world, the way in which it manifests depends on the specific social, economic, cultural and political context. Consequently different or new forms of VAW may increase or arise when societies undergo demographic, political and economic changes, or social and cultural shifts. This includes when new ICTs enter the scene.[44]

Mostly we equate violence with physical violence, but it can take many different forms. Technology related violence can escalate into physical violence, but more commonly victims/survivors experience sexual, psychological, or economic abuse.

Within the category of technology related VAW, there are differences in the prevalence of violence and how it manifests due to a combination of factors. This includes but is not limited to:

- Who the perpetrators are (e.g. intimate partner, parents, strangers, community, state)

- The technology platform used by perpetrators (e.g. mobile phone, social networking platforms, chatting, email, website, webcam)

- The nature of the violence (e.g. online harassment and stalking, intimate partner violence, culturally justified VAW, sexual assault & rape, violence targeting communities)

- The type of violent act (e.g. threats, blackmail, stealing someone's money or property, identity theft, surveillance of online and/or offline activity, unauthorised recording and/or distribution)

- The harm faced by the victim/survivor (e.g. physical harm, psychological harm, sexual harm, economic harm, or privacy harm)

- The social and bodily characteristics of the victim/survivor (e.g. class, ethnicity, nationality, race, age, or physical and intellectual abilities).

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[44]   United Nations General Assembly *In-depth study on all forms of violence against women: report of the Secretary-General* www.unhcr.org/refworld/docid/484e58702.html

MDG3: Take Back the Tech! organises technology related VAW into five broad categories:[45]

- **Online harassment and cyberstalking,** which constitutes one of the most visible forms of technology related VAW. This ranges from harassing SMS messages and online comments to tracking women's networks, friends, movements and activities through mobile phones, social networking spaces like Orkut and geolocation tools.

- **Intimate partner violence,** where technology is used in acts of violence and abuse in intimate or spousal relationships. For example women are afraid to leave abusive relationships due to threats of disclosure of private and intimate communications by their partners.

- **Culturally justified violence against women,** where culture or religion is used as a reason to justify, ignore or accept acts of VAW, or when technology plays a role in creating a culture of VAW. It can be something as thoughtless as forwarding a sexist joke that supports the idea that women are less valuable than men, to starting a Facebook group that promotes different ways to rape girlfriends.

- **Rape and sexual assault,** where technology is used to track the movement and activities of a victim/survivor, to provide location information or when an act of violence is digitally recorded and distributed. In other cases the internet is used to lure women into situations of sexual assault.

- **Violence targeting communities,** where communities face targeted online attacks and harassment because of their gender, sexual identity or political views. For example, the websites of many women's rights organisations have been hacked because of their stance on gender equality and feminism. Women bloggers who are outspoken about discrimination have also faced overwhelming attacks and messages that aim to disrupt their ability to express themselves online.

The following are the most frequent manifestations of technology related VAW identified by the local partners of MDG3: Take Back the Tech!:

Mobile text message/incoming calls monitoring: The misuse of mobile phones for harassment, control, surveillance and stalking of women, especially by their partners, is one of the most outstanding technology related violations registered in many of the countries (Argentina, Congo, Democratic Republic of Congo, Malaysia, Pakistan, Uganda, South Africa). In Uganda in December 2008, within two weeks, there were two reports of men who murdered their wives after accusing the women of receiving love SMSs. In

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[45] Association for Progressive Communications Women´s Networking Support Programme "Map it. End it. Take Back the Tech!" GenderIT.org 16 November 2011 ww.genderit.org/feminist-talk/map-it-end-it-take-back-tech

Democratic Republic of Congo, the discovery of SMSs and calls from other males is often cited as a reason for men battering women. In Pakistan, Congo and Uganda, women often acquire two or more SIM cards to protect their privacy.

Intimate photos and video blackmail*:* In many cases around the world, husbands or partners use intimate video clips or photographs of their women partners to blackmail, dominate and control them. This often results in women being trapped in violent relationships. Revenge, shaming and financial interest are other motivations for this kind of violence.

Mobile phone tracking*:* The mobile phone network can be used to locate phone users. In many countries, mobile service providers offer tracking services to clients. In addition smart phones have an automatic geo-tagging function enabled by GPS locator technology. This means that information sent by a mobile phone user can reveal her exact location. For example the technology can locate where pictures posted online from a mobile phone were taken.[46] In Cambodia, it is very common for men to violate their female partners' privacy rights through tracking and controlling, using GPS and spyware devices.

Email account control*:* Email account control is another common form of intimate partner violence. In Democratic Republic of Congo and Congo men commonly set up e-mail accounts for women and keep their password details. In Philippines, most of these violations fall under the general classification of identity theft or phishing, which are not necessarily VAW related.

Persistent mobile calls from strangers*:* This is one of the most common forms of online harassment or cyberstalking. "*Cyberstalking includes (repeatedly) sending threats or false accusations via email or mobile phone, making threatening or false posts on websites, stealing a person's identity or data or spying and monitoring a person's computer and internet use*".[47] An APC survey in Pakistan in 2009 revealed that one in ten women received harassing and threatening calls and messages from strangers on their mobile phones.

Manipulating photographic images*:* This form of online harassment involves the distortion of real photographic images of women into pornographic ones which are posted online. They are usually accompanied by personal data such as a personal telephone number.

Unauthorised use of personal videos/images/photographs: In Democratic Republic of Congo, many men film their female partners nude and transmit these images to their friends. In Philippines, the circulation of illicit recordings of private and intimate

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[46]   icanstalku.com/
[47]   Association for Progressive Communications Women´s Networking Support Programme *Cyberstalking. How to stay safe and protect yourself online* (APC WNSP, 2011) www.apc.org/en/system/files/CyberstalkingFactSheet.pdf

activities, such as sex-videos, via mobile phones and the internet is strikingly high.

Use of the internet to recruit victims of fake online offers: Many websites advertise fake marriage, work or study opportunities to attract women into forced marriages. In Colombia and Argentina a study found that a small percentage of missing girls had been contacted by unknown people via chat or Facebook before disappearing. In Philippines, online mail-order bride services and social networking sites are common means of recruitment for victims/survivors of human trafficking.

Violation of passwords: Passwords protect unwanted people from accessing private information. Weak passwords for computers, email accounts, instant messaging applications and mobile phones can be guessed by abusive partners and enable them to access private information.

Listening to and recording mobile phone conversations: Some electronic listening devices can be used to listen to private conversations from a distance.

Keeping track of web-browsing: Web browsers record the history of a user's navigation activities on the internet. In cases of domestic violence, abusers use web-browser histories to track and monitor victims/survivors' online activities, such as looking for legal assistance or shelter.

Fraudulent postings and advertisements: False postings to popular websites have led to violent attacks and harassment of women. In the USA, a woman was raped by a stranger who said he was answering her Craigslist advert. The survivor's ex-partner had posted an advertisement in her name stating that she was looking for a man to fulfil her rape fantasy. In this case, the ex-boyfriend and the man who raped her were both charged with sexual assault.[48]

Impersonating someone in instant messaging applications: Impersonation is a way of monitoring another person's activities and getting information about that person from her online contacts.

The next table illustrates the prevalence of eight types of technology related VAW as rated by the country partners in the twelve MDG3 countries. The local partners were asked to score each of the forms of VAW, from one (least common) to ten (most common), based on their experience, research and observation of national mass media. The data are only figurative and cannot be used as a statistical source.

Table: Main types of technology-related VAW in the MD3 project countries

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[48]   Association for Progressive Communications Women´s Networking Support Program *How technology is being used to perpetrate violence against women – and to fight it* (APC, 2010) www.apc.org/es/node/11452

Most common types of VAW mediated through ICT per country	Mobile text message/incoming calls monitoring	Intimate photos and video blackmail	Mobile phone tracking	Email account control	Persistent mobile calls from strangers	Manipulating photographic images	Commercialising private home videos/images/photographs	Use of the internet to recruit victims of fake online offers
Argentina	10	8	10	5	3	6	7	10
Brazil	6	8	3	10	2	8	8	7
Colombia	10	4	9	4	2	3	10	10
Cambodia	1	1	2	4	0	2	3	1
Congo	10	4	1	5	4	1	1	7
DRCongo	10	5	0	6	4	7	0	8
Malaysia	5	4	3	4	3	3	0	3
Mexico	10	10	1	8	4	4	6	6
Pakistan	7	7	1	6	10	9	8	3
Philippines	9	10	7	8	7	9	9	10
South Africa	9	4	5	3	8	6	7	10
Uganda	10	0	9	1	8	2	1	5
Total score	*97*	*65*	*51*	*64*	*55*	*60*	*60*	*80*

Source: Developed by the MDG3: Take Back the Tech! to end violence against women project team, based on anecdotal evidence, national mass media observation and project-framed research.

In 2010, the MDG3 local partner in Malaysia, Persatuan Kesedaran Komuniti, Selangor (PKKS – Empower), undertook a survey on the interconnections between VAW and ICTs in the country. The survey documented the details of violations suffered by 54 respondents, male and female, through mobile phone, email, blog, video and social networking platforms.[49]

The survey found that females between the ages of fifteen to twenty years old were most vulnerable to these violations. Most violations targeting females took place through mobile phones via SMS, and less frequently by emails. Among young people, Facebook was the next most frequently used platform to perpetrate violence which usually composed of threats accompanied by nude photos, sexist remarks, sexual messages, and the unauthorised distribution of personal photos. Teenage girls suffered violence primarily from their friends and unknown others (i.e. not colleagues, girlfriends/boyfriends, spouses and other social networking contacts). For the group between twenty and thirty

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[49] The survey was done online through the social networking website, Facebook and through the distribution of survey forms among college students. The respondents (42 females and 12 males) came from multi-ethnic backgrounds and from the age groups: 15-20; 21-30; 31-40; 41-50; 51-60. Malays formed the highest number of respondents (43%), followed by Chinese (24%) and Indians (19%). The other ethnic groups were Punjabis, Sikhs and Sinhalese. Four respondents did not include their ethnic backgrounds.

years old, the harasser was most frequently an intimate partner, followed by friends and unknown others. It is also important to note that all the victims/survivors suffered violence repeatedly, usually more than three times.

3.2 What is new and different about this type of VAW?

To understand the role of ICTs in abuse, imagine an incident of technology related violence in the 1980s.

We can think through an incident where a man records and distributes intimate sexual photographs of a female without authorisation. The abuser would most likely take still photographs only given that video cameras were costly at the time.

There is also little chance that he would have been able to record such pictures without knowledge of the victim/survivor. If he did not know how to process film, pictures would have been processed by a photo shop or lab. Wide distribution would also not be easy without personal connections to, or bribing people in local or national newspapers, magazines or TV channels to reprint or screen the images. A less public option would have been to mail photos via the national postal service. However this would have been costly in time and money. This clearly points to the number of factors which affect how VAW can manifest in the digital age.

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, such as a local photo lab or postal office.

> *In Cambodia, CDs of sex videos can be bought from the roadside and other public places for less than USD1 each. These videos of young women and men, recorded by phone for their personal use, are redistributed and sold without their knowledge. The abusers involved in distributing, selling, buying and viewing the recordings are anonymous and hard to identify.[50]*

Automation: Automation refers to the use of information technologies to reduce human work in tasks.[51] In the context of ICTs, automation is useful for tasks that are monotonous (e.g. distribution of information), time-consuming (e.g. monitoring victim/survivor behaviour or movement) and involve specialised work (such as a film production or image manipulation). It is particularly relevant for surveillance and stalking. Although the surveillance and policing of women's movements as a tactic to control and regulate women's behaviour is not new, the automation enabled by ICTs allows abusers to check their partners' mobile phones for SMSs, monitor social

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50   Association for Progressive Communications Women´s Networking Support Program *How technology is being used to perpetrate violence against women – and to fight it* (APC WNSP, 2010) www.apc.org/es/node/11452
51   Wikipedia "Automation" accessed 1 March 2012 en.wikipedia.org/wiki/Automation

networking activity, check their browser history and log into their personal accounts with little effort. Furthermore these technologies usually do not require any special knowledge or skills to use.[52]

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 from and without contact with the victim. This type of abuse, accounts for almost half of all cybercrime cases reported in Delhi, India.

Affordability: New ICTs have also significantly reduced the difficulty and cost of production and propagation of information. In particular, Web 2.0[53] 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.

Propagation: In cyber-space settings, abuse can happen everyday, all year round. The internet "records everything and forgets nothing".[54] 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 can lead to the re-victimisation of women. It can follow victims/survivors everywhere–at home, work and school, whenever their computer or mobile phone is turned on, without a break or relief.

One month after intimate pictures of a Malaysian female politician were leaked, the survivor pleaded for the media to "to allow me some peace of mind, and to give me space. I urge the media to leave my family, friends and I alone. Please do not continue to shame my family and I, so that we have a chance to lead a normal life as ordinary citizens."[55]

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[52] Jan Moolman "Tracking violence against women in online spaces" *Inter Press Service (IPS) Africa* 2011 www.ips.org/africa/2011/04/tracking-violence-against-women-in-online-spaces/

[53] The term web 2.0 - closely associated with Tim O'Reilly because of the O'Reilly Media Web 2.0 conference in 2004 - is commonly associated with web applications that facilitate interactive information sharing, interoperability, user-centred design and collaboration on the world wide web. Although the term suggests a new version of the world wide web, it does not refer to an update to any technical specifications, but rather to cumulative changes in the ways software developers and end-users use the web. Source: Wikipedia "Web 2.0" accessed 3 March 2012 en.wikipedia.org/wiki/Web_2.0

[54] Jeffrey Rosen "The Web Means the End of Forgetting" *The New York Times* 21 July 2010 www.nytimes.com/2010/07/25/magazine/25privacy-t2.html

[55] Elizabeth Wong "Dear friends" (*Elizabeth Wong*, 20 February 2009) elizabethwong.wordpress.com/2009/02/20/dear-friends/

3.3 Which rights of victims/survivors are being violated?

Jac sm Kee identifies three groups of human rights affected by technology related VAW: the rights to freedom of expression and self-representation; the rights to bodily integrity, self-determination and security; and the right to association and public participation.[56] The right to privacy intersects with all these rights, and is an important component in fulfilling them.

Right to privacy

Many human rights advocates argue that privacy is difficult to define as a right,[57] even though it is guaranteed by various international instruments including the Universal Declaration on Human Rights. This is partially due to the fact that what is considered private varies from individual to individual and depends on cultural context. The term private frequently refers to something that is inherently unique about a person or personally sensitive. In practice, privacy is defined through balancing our desire to restrict information about ourselves with the desire to "voluntarily sacrifice" personal information in exchange for specific benefits.[58]

According to Gus Hosein, our approach to privacy has undergone significant changes with the rise of new ICTs. This has led to:

- The adoption of an "always available" communications norm

- Much more open disclosure of personal information in exchange for money and goods

- New safety threats to individuals ranging from stalking to jeopardising community safety by hackers or hate groups.[59]

As discussed before, privacy in this context is easier to breach and VAW through surveillance of women's acts and movements and unauthorised use of personal data is increasingly common.

Bodily integrity

The right to bodily integrity refers to the inviolability of the physical body and encompasses women's rights to freedom of movement, security against violent assault, opportunities for sexual satisfaction and choice in reproductive matters.[60] It particularly concerns Article 3 - *"Everyone has the right to life, freedom and safety of person"* and Article 5 - *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment",* of the UN Declaration of Human Rights.[61]

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[56] See more about EROTICS project: www.apcwomen.org/es/node/2941
[57] David Souter, ed. *The APC ICT policy handbook* (APC, 2009) www.apc.org/en/system/files/APCHandbookWeb_EN.pdf
[58] Wikipedia "Privacy" accessed 1 March 2012 en.wikipedia.org/wiki/Privacy
[59] David Souter, ed. *The APC ICT policy handbook* (APC, 2009) www.apc.org/en/system/files/APCHandbookWeb_EN.pdf
[60] Wikipedia.org "Bodily Integrity" accessed 1 March 2012 en.wikipedia.org/wiki/Bodily_integrity
[61] Read more in: "Bodily integrity and security of person in women's rights as human rights" in *Local and*

Some feminist researchers and human rights advocates[62] argue that the right to bodily integrity must be approached with a "thick" concept of the body that goes beyond the physical and includes representations and subjective understandings of the self. They argue that this is especially important in the digital age. "*This becomes clearer in the context of sexuality and sexual violence*", explains Kee.

The sexed body in a networked context is also a body that is at the same time material, discursive and digitised. If a partner takes a picture of me in an act of sexual intimacy, then puts it in another space without my permission - it shifts both the context and the productive encounter. This is a violation not just of my privacy, but of my bodily integrity and dignity.

Self-determination/autonomy

The right to self-determination is the right to make informed and uncoerced decisions about one's life. Self-determination is an integral part of women's self-identity, and includes informed and unforced consent to a sexual act and access to information and knowledge to facilitate informed decision-making. This right also forms the basis for the legal recognition of gender identity for transgendered people.[63]

ICTs assist women to exercise their right to self-determination through for instance increasing their knowledge on contraception, menopause and sexual pleasure. At the same time privacy breaches and the unauthorised use of personal and sexually compromising images or information are serious violations of women's control over their lives and bodies.

Freedom of expression

Freedom of expression is a principle contained in Article 19 of the Universal Declaration on Human Rights (UDHR), and ensures that people are able to communicate and express opinions, in public or private, without the interference of the state or others.[64] The report of the UN Special Rapporteur on Freedom of Expressions to the 17th session of the Human Rights Council argues that the right to freedom of opinion and expression is both a fundamental right on its own as well as an enabler of a broad range of other human rights.[65] For example sexual expression and self-representation online enables women and girls to challenge restrictive gendered norms and morals, such as the lack of mobility

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global perspectives. Strategies and analyses from the ICCL Working Conference on Women's Rights as Human Rights (Dublin, March 1997) ed. Niamh Reily (Dublin Irish Council for Civil Liberties, 1997) whr1998.tripod.com/documents/icclbodily.htm

[62] Consult for example Martha Nussbaum's capabilities approach.
[63] For example, the Yogyakarta Principles, a document on the application of international human rights law to sexual orientation and gender identity, recognises and defines the right to self-determination as a human right. See www.yogyakartaprinciples.org/
[64] www.genderit.org/glossary/term/702
[65] Frank La Rue *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (United Nations Human Rights Council, May 2011) www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

in physical spaces.

Technology related VAW that targets and inhibits women's self-expression online, such as trolling[66] and sexual harassment, impact not only on their freedom of expression but can also limit their rights to bodily integrity, education, civil and political engagement and individual self-determination.[67] For example women's rights activists or bloggers are frequently harassed or their online spaces are hacked because of their views on feminism, gender equality or sexual rights. This includes comments attacking their gender and sexuality, surveillance and threats of violence or rape. These violations affect these women's ability to express themselves online and their personal safety.[68]

Freedom of association and assembly

The right to freedom of association and assembly ensures that people are able to peacefully and freely meet, interact and protest without interference and discrimination of any kind.[69] The internet, which provides space for alternative media and information, is particularly important for women's public participation given women's restricted access to the more traditional public spaces of mainstream media and politics.[70] However technology related VAW impacts on women's capacity to move freely, both on and offline, without fear of surveillance or immediate violence. It can therefore prevent women from exercising their rights to public participation, association and peaceful assembly.

3.4 Notions of harm and other consequences of the technology-related VAW

The harm and other consequences that victims/survivors of technology related violence against women suffer are very often diminished or disregarded in the heated public debates accompanying such incidents.

"Violence" commonly refers to physical acts including punching, kicking and assault that results in physical injuries, such as bruises, fractures, chronic pain or even death.

However technology related violence usually takes place online and unless it *extends* to the physical world, it mostly results in psychological and emotional harm. The UN Secretary—General's report on all forms of violence against women (2006) states that the emotional and psychological aspects of abuse are generally neglected, and need to be

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[66] Trolling is internet slang describing the behaviour of someone who posts inflammatory, extraneous or off-topic messages on social networking sites, chat rooms, or blogs, with the primary intent of provoking readers into an emotional response or of otherwise disrupting on-topic discussion. Women bloggers and journalists are frequently targets of trolls, who post sexists comments on the way they look, act, their family or threats of rape or other sexual assault on their blogs or sites. Source: Wikipedia "Troll (Internet)" accessed 1 March 2012 secure.wikimedia.org/wikipedia/en/wiki/Troll_%28Internet%29 ; Jac sm Kee "EROTICS: Exploratory research on sexuality and the internet - summary report" *GenderIT.org* 16 February 2011 www.genderit.org/es/node/3284

[67] Jac sm Kee "Women's rights and the internet at the Human Rights Council" *GenderIT.org* 31 May 2011 www.genderit.org/articles/womens-rights-and-internet-human-rights-council

[68] www.takebackthetech.net

[69] www.genderit.org/glossary/term/701

[70] Jan Moolman and Jac sm Kee "Sexuality and women's rights" *Global Information Society Watch* 2011 www.giswatch.org/en/freedom-association/sexuality-and-women-s-rights

made more visible and explicitly addressed. In this context, the report calls for greater attention "*to the use of technology, such as computers and cell phones, in developing and expanding new forms of violence.*"[71]

Psychological harm

In a survey carried out in Pakistan in 2009 for MDG3: Take Back the Tech!, a woman shared the following story about her woman doctor:

A man called her and said he was a TV producer and wanted her pictures, he sounded very educated etc., so after talking to him for over two weeks [sic] she sent him her photographs. Later she received an email with those photos in it and those pictures were changed into pornographic images. Many of her patients received that email, he had used a lot of threats, and cursing her, called her a "slut" etc. She was so disturbed that she had to seek [psychiatric] help.[72]

As documented in the case, technology related VAW can cause serious psychological harm to victims/survivors including fear, anger, stress and anxiety disorder, depression and sadness.

Moreover given that images are easily propagated and distributed, victim/survivor's of technology related VAW are at great risk of victimisation by multiple perpetrators. This can lead to post-traumatic stress disorders (PSTDs).[73]

The psychological consequences of this violence also often leads to physical harm. There are emerging cases of cyber-harassment and privacy abuses that result in suicide, especially in the case of young people.

Privacy harm

Privacy harm, is caused by violations of one's right to privacy. The severity and impacts of privacy harm on women depends on the victim/survivor's location. In particular, women who face greater risk in the offline world are at greater risk of severe psychological and social consequences due to privacy harm. For example, women with marginalised sexualities in countries where homosexuality is criminalised and who use

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[71] United Nations General Assembly *In-depth study on all forms of violence against women* www.unhcr.org/refworld/docid/484e58702.html
[72] Kyla Pasha *Pakistan: Violence against women and information and communication technologies* (Bytes for All and APC WNSP, 2009) [draft version] www.genderit.org/resources/pakistan-violence-against-women-and-ict
[73] Post-traumatic stress disorder or PSTD is a severe anxiety disorder that can develop after exposure to any event that results in psychological trauma. This event may involve the threat of death to oneself or someone else, or threat to one's physical, sexual, or psychological integrity, overwhelming the individual's ability to cope. Diagnostic symptoms for PTSD include re-experiencing the original trauma(s) through flashbacks or nightmares, avoidance of stimuli associated with the trauma, and increased arousal – such as difficulty falling asleep, anger, and hypervigilance. Formal diagnostic criteria require that the symptoms last more than one month and cause significant impairment in social, occupational, or other important areas of functioning. Source: Wikipedia "Posttraumatic Stress Disorder" accessed 1 March 2012 http://en.wikipedia.org/wiki/Post_traumatic_stress_disorder

online spaces to explore their identity and build communities, face huge risks and consequences from privacy harm.

Calo in *The Boundaries of Privacy Harm*[74] distinguishes between two types of harm: *"The subjective and objective categories of privacy harm are distinct but related... [They] are two sides of a well-worn coin: the loss of control over information about oneself or one's attributes"*[75].

S*ubjective privacy harm* includes anxiety, embarrassment or fear arising from the belief that one is or has been watched or monitored. *Objective privacy harm* involves the unanticipated or coerced use of personal information against a person. Calo's definition of subjective and objective harm disrupts the common understanding that privacy harm only happens "*when a person accesses and misuses information that she/he should not,*" and that mere collection of personal data or the perception of observation, by for example security cameras, cannot constitute harm.

However as in the case of psychological harm, victims/survivors of technology related VAW struggle to gain recognition for their subjective privacy harms when seeking redress. *"A privacy harm must be "cognizable", "actual", "specific", "material", "fundamental" or "special" before a court will consider awarding compensation',* explains Calo.

Social consequences

The UN Secretary-General's in-depth study on all forms of violence against women[76] *further documents that VAW, especially sexual abuse, frequently undermines women's sense of security in public areas and may restrain them from entering public life and using their political voice. Likewise, it is common for victims/survivors of technology related VAW, such as cyber-harassment, to cut down on their online activities or withdraw from social networks. It can hold victims/survivors back from active participation in political, social and economic life, which is increasingly taking place online, and prevent them from seeking support and help.*

How ICT policy and legal frameworks respond to VAW

ICT policy and legal frameworks are in different stages of development in different countries. From the MDG3: Take Back Tech! project countries, Brazil, Colombia, South Africa, Cambodia and the Philippines have intermediate, mature and advanced ICT policy and legislative frameworks.[77] However in all countries, policies and laws on ICT are for the most part gender blind and do not focus on how men and women are impacted differently. Even less do they take into account VAW. In Colombia for example, despite a comprehensive national plan and legal corpus for ICTs, neither gender issues nor the relationship between VAW and ICT are explicitly considered.

ICT frameworks are rather guided by a neo-liberal discourse that focuses on profit

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[74] M. Ryan Calo "The boundaries of privacy harm" *Indiana Law Journal* 86, 3 (2011) papers.ssrn.com/sol3/papers.cfm?abstract_id=1641487
[75] Ibid.
[76] www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm#more
[77] Classification of national ICT policy framework is according to level of maturity, from restrictive to embrionic, emerging, negotiating, intermediate, mature and advanced. Source: Madanmohan Rao "South-East Asia - regional report" *Global Information Society Watch: ICTs and Environmental Sustainability* 2010 www.giswatch.org/sites/default/files/SE_Asia.pdf

maximisation and assumes that ICTs are "gender neutral" and should be defined by "experts" . This hinders rights-based considerations in ICT policy. For example, some of the national ICT legislation on cybercrimes only focus on high-profile crimes such as phishing scams, identity theft, hacking and copyright infringement, and not on the violation of the women specific human rights.

Violence committed on children through ICTs is a concern for all sectors and is an arena where international cooperation converges. In most national reports, the only issue supported by all sectors (government, business and civil society) is violence committed on children through online child prostitution and pornography. This is reflected in national ICT laws. However these laws on child pornography often do not include a women's rights perspective, as will be discussed in the next section.

It is also important to highlight that ICTs are rarely taken into account in landmark legislation protecting and fulfilling women's rights. The only international women´s rights convention that contemplates information and communication technologies is the Beijing Declaration and Platform for Action in its J Section[78]. The strategic objective J.1. is to "*increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication*" and the strategic objective J.2. is to "*promote a balanced and non-stereotyped portrayal of women in the media*".[79]

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[78]   www.un.org/womenwatch/daw/beijing/platform/media.htm
[79]   Even in Section J of the Beijing Declaration and Platform for Action information and communication technologies are subsumed under the media portion, when it would actually require a new and separate item.

Part II: Case study - Sexual violence and unauthorised distribution of intimate images of women

Rave rape photos and video "spreading online"

In Canada in September 2010, 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. The police were helpless to stop further distribution. They briefly detained a teenage boy who had posted images and a video of the sexual assault on Facebook. He removed them, but they popped up on other sites and platforms and were widely viewed. Police officers contacted Facebook users who had reposted the images and demanded they be removed and deleted. To protect the girl, police also issued a public appeal to local youth to stop distributing images and videos of the assault via their mobile phones and online social networks. Some refused to comply, but police only charged two of them with possessing and distributing child pornography. There was a lack of evidence to lay charges against others. The teenage victim/survivor had to leave school because of bullying.

Several commentators have pointed out that the girl was raped at least three times. First by a gang of men at a party, secondly via the photos and videos that went viral on Facebook and mobile phones, and thirdly when she had to face vicious, untrue and blaming comments on Facebook and other sites.[80]

This case has rightly gained much attention from the media, parents, educators, child rights advocates, youth counsellors and anti-VAW activists. It has evoked heated debate on voyeuristic violence,[81] and the responsibility of social networking platforms such as Facebook.

The incident raises more pressing questions:

- *What constitutes the criminal act? Is filming a rape illegal? Is disseminating it?*

- *What harm is caused to women and which of their human rights are violated by the unauthorised taking and dissemination of sexual images?*

- *How effective are national and international laws in addressing these types of incidents?*

- *What strategies and actions can be applied by internet or mobile phone users to prevent and respond to such incidents?*

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[80] Interviews with local informant and local media reports. The interviews and media monitoring took place between December 2010 and May 2011. To protect survivors' and informants' privacy names and URLs are not mentioned.

[81] Term used by Amy Jussel, the founder of Shaping Youth: Amy Jussel "Depravity Gone Viral: A Thin Line For Humanity on Facebook" *Shaping Youth* 2010 www.shapingyouth.org/?p=12220

In the second part of this paper, we will answer some of these questions.

4. Naming and unpacking specific settings and manifestations

Although statistical data are not available on the unauthorised recording and distribution of intimate images, media reports and advocates working on VAW indicate that these offences are frequently targeted at women and sexual minorities. As with other forms of VAW, these practices are rooted in power imbalances between men and women and limit victims/survivors' rights to bodily integrity, sexually autonomy and privacy.

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.[82] These violations include the recording of sexual assault (as in the previous example), 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 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."[83]

4.1 Where and how violence takes place?

This form of violence can manifest in a variety of ways. While images of women are usually distributed at a community level, the initial recording of the images can happen in a private or public setting. An abuser who records, uploads or manipulates images can be a stranger or an intimate partner. There are three categories of violent acts that can be involved in single case–unauthorised recording, unauthorised distribution and secondary victimisation.

Voyeurism is the practice of spying on people engaged in intimate behaviour, such as undressing or sexual activity.

Digital voyeurism refers to the use of ICTs to monitor a person,in settings where one would have a reasonable expectation of privacy,for sexual arousal, entertainment, profit, or to abuse or degrade them.

Digital surveillance is when a woman's actions and interactions are monitored and documented without their knowledge or consent and with the aid of electronic devices such as cameras, mobile phones or tape recorders.

Source: EPIC.org, Wikepedia.org, USLegal.com, Lawbrain.com/wiki/

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[82] Sexual violence refers to violence by an intimate partner, relative, friend, acquaintance, neighbour, work colleague or stranger. It is the violation of women's rights to bodily integrity and sexual autonomy, and includes, but is not limited, acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, sexual harassment or any type of abusive sexual contact. In many societies, sexual violence remains an issue of deep shame for women and often for their families. Statistics on rape extracted from police records, for example, are notoriously unreliable because of significant under-reporting. Source: United Nations General Assembly *In-depth study on all forms of violence against women* www.unhcr.org/refworld/docid/484e58702.html

[83] 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

Recordings of images

Recordings can be captured consensually or non-consensually. Various surveillance methods are used for non-consensual recordings and digital voyeurism. The Electronic Privacy Information Center (EPIC), a public interest research centre in Washington, USA, reported in 2003[84] that hidden cameras were frequently used in bedrooms, bathrooms, public showers, changing rooms, locker rooms, or tanning salons to photograph women. In Philippines, participants at a National Strategy Workshop on Violence Against Women and ICT in October 2010, reported that male students were using their mobile phones to capture photos of women wearing mini-skirts and sharing these images with their peers.[85]

> **Sexting** is form of 'texting' that involves the creating, sharing and forwarding of sexually suggestive images or messages, primarily between mobile phones. The Pew Internet study on sexting in USA (2009) found that 4% of mobile-owning teens have sent sexually suggestive images of themselves to someone else via text messaging and 15% had received such photos by phone. The study also revealed three main scenarios for sexting:
> - exchange of images solely between two romantic partners
> - exchanges between partners that are shared with others outside the relationship
> - exchanges between people who are not yet in a relationship, but where at least one person hopes to be.
>
> *Source: Teens and Sexting (2009) and ABS-CBNnews.com*

The taking of sexually suggestive images for private consumption has always been a common part of sexual relationships. Hence these pictures can be obtained by a perpetrator with the knowledge and authorisation of the woman depicted. In this context, "sexting", among youth, has become a growing concern in recent years. These sexts are often distributed to others not intended to receive them, especially after a breakup. [86]

A special category of non-consensual recording are cases when abusers manipulate personal photographs or video clips of women into pornographic images, sometimes accompanied by personal data like a telephone number.

Distribution and abusive usage of personal images

Blackmail

Sexually compromising images or clips are frequently used for blackmail, especially but not exclusively by women's ex-partners.

Such images, often obtained consensually, are used by an abuser to threaten a woman's reputation and compel her to act against her will, force her to stay in a violent relationship or to extort money from her.[87]

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[84] Electronic Privacy Information Center (EPIC) "Gender and Electronic Privacy" *EPIC epic.org/privacy/gender/*
[85] Lenlen Mesina, email exchange on MDG3 general project mailing list, 29 October 2010.
[86] Amanda Lenhart "Teens and Sexting" *Pew Internet and American Life Project* 15 December 2009 www.pewinternet.org/Reports/2009/Teens-and-Sexting.aspx
[87] en.wikipedia.org/wiki/Blackmail and lawbrain.com/wiki/Blackmail

In 2009 Malaysian organisations that provide services to survivors of VAW, reported an increase in counselling calls from women, especially young women, stating that they were not able to leave a violent situation because their partner had intimate video clips or photographs of them.[88]

Defamation

Another reason why abusers distribute sexual images is to defame women who are public figures, to embarrass and create a negative public image of her and consequently ruin her political or public career.

"Hobby" or "status gaining"

Some abusers circulate sexual images of a victim/survivor via social networks or mobile phones just because they can. Jac sm Kee, in her 2004 study exploring the connections between ICT and VAW, noted that:

The development of digital cameras and wireless or mobile telephones with built-in cameras mean that making short clips or films is relatively easy and cheap for those who can afford theses devices... The fact is that individuals now have the ability and power to create such images, sometimes clandestinely, and abuse them should they choose to do so.[89]

Recording and sharing "up-skirting" or "down-blousing" images of women in public spaces has become a popular activity. Sometimes it is approached as a sport, especially among teenagers who compete on how many images they can capture.[90]

Secondary victimisation

"The rape continues with all the photos and comments on Facebook" said the father of the raped teenager, whose images were redistributed on Facebook.[91]

Secondary victimisation[92] can take the form of anonymous victim blaming[93] and insensitive and harassing comments[94] on images and clips that have been distributed

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88 Jac sm Kee and Sonia Randhawa "Malaysia: Violence against women and information communication technologies" *GenderIT.org* 4 November 2009 www.genderit.org/content/malaysia-violence-against-women-and-information-communication-technologies

89 Jac sm Kee *Cultivating violence through technology?* www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf

90 Sepic.org/privacy/gender/ and Anastasia Powell "New technologies, unauthorised visual images and sexual assault" www.aifs.gov.au/acssa/pubs/newsletter/n23pdf/n23c.pdf

91 Interviews with local informant and local media reports. The interviews and media monitoring took place between December 2010 and May 2011. To protect survivors' and informants' privacy, names and URLs are not mentioned.

92 Secondary victimisation refers to further victimisation after the original victimisation. For example, victim/survivor blaming, stigmatisation, inappropriate post-assault behaviour or language by medical personnel with which victim/survivor has direct contact.

93 Refers to holding the victim of a crime to be responsible for that crime, either in whole or in part. Source: Wikipedia "Victim Blaming" accessed 1 March 2012 en.wikipedia.org/wiki/Victim_blaming

94 Online harassment involves using ICTs to track and harass someone, causing emotional distress and fear for their personal safety. This might include transmitting threats or false accusations about them via a blog, in a chatroom, or via mobile phones; sending repeated and unwanted communication–often with sexual undertones; stealing their identity or data; or spying and monitoring their computer and internet use

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.[95] 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.[96]

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 in this case, 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.[97]

5. Access to justice

Through MDG3: Take Back the Tech! we documented the struggle that victims/survivors of technology related VAW experience in seeking adequate recourse and claiming their rights. Legal and regulatory agencies and law enforcement bodies are very often in a quandary on what law to use to punish perpetrators. Police and judicial officials manoeuvre across laws ranging from anti-VAW laws, to cybercrime bills or laws on privacy rights, in order to stop violence and provide remedies for victims/survivors.

This section will look at some of these laws and policies, and assess their applicability to cases involving the unauthorised distribution of intimate images. Assessing the strengths and limitations of existing legal instruments helps us identify effective legislative tools and explore how they could be adapted in order to improve support to victims/survivors of technology related VAW.

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without permission. Sometimes, these threats have escalated into physical harm. Online harassment can seriously impair women's capacity to use ICTs freely, without apprehension or fear. Source: www.takebackthetech.org and www.haltabuse.org

[95] Re-victimisation refers to a pattern whereby the victim/survivor of abuse and/or crime has a statistically higher tendency to be victimised again. This pattern is particularly notable, but not limited to, cases of sexual abuse in early age. Re-victimisation is often the result of risk factors that were already present, which were not changed or mitigated after the first victimisation. Source: Wikipedia "Victimisation" accessed 1 March 2012 en.wikipedia.org/wiki/Revictimisation#Revictimisation

[96] Rebecca Campbell and Sheela Raja "Secondary Victimization of Rape Victims: Insights from Mental Health Professionals Who Treat Survivors of Violence" *Violence and Victims* 14, 3 (1999) www.musc.edu/vawprevention/research/victimrape.shtml

[97] Interviews with local informant and local media reports. The interviews and media monitoring took place between December 2010 and May 2011. To protect survivors' and informants' privacy, names and URLs are not mentioned.

5.1 Child pornography laws

In November 2010, a fifteen-year-old girl was allegedly gang-raped by two boys at a school east of Johannesburg, South Africa. The alleged rape happened in front of eight other students who filmed the incident on their mobile phones. The video was distributed via mobile phone and the internet. According to some news reports, the recording has also been sold on the internet for R10 (USD 1.30).[98]

Fifteen days after the alleged gang-rape, Women'sNet, the MDG3: Take Back the Tech! local partner, and other local organisations[99] called on the South African Police Service (SAPS) and the National Prosecuting Authority (NPA) to charge the individuals who distributed and viewed the video of the assault. In the call they stated: *"Section 19 and 20 of the 2007 Sexual Offences Act makes it an offence to display or expose others to child pornography. Given how frequently we are seeing such incidents being filmed and distributed via cellphones it is essential that action be taken immediately to indicate that this will not be tolerated."[100]*

According to the International Centre for Missing & Exploited Children (ICMEC) which annually reviews child pornography laws worldwide, about 55% percent of countries have laws that address child pornography to some extent. About 82% of these national legislations explicitly target computer-facilitated offences. There are also international instruments which harmonise national laws and enhance cooperation among nations - like the Council of Europe's Cybercrime Convention that criminalise all aspects of child pornography (signed by 30 countries, including Canada, Japan, USA and the Republic of South Africa).

Source: ICMEC Model Legislation & Global Review; Council of Europe Convention on Cybercrime

Section 19 and 20 of South Africa's 2007 Sexual Offences Act criminalises the creation, and display of child pornography.[101] A child is defined as a person under the age of 18. The maximum penalty a perpetrator can receive for this is a ten year jail sentence. However in above case, the National Prosecuting Authority chose not to deal with the distribution and recording of the sexual assault and no one was charged.

Child pornography laws can provide justice and redress for victims of the unauthorised

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[98] www.apc.org/en/news/womensnet-calls-action-against-filming-violence-ag;
Colleen Lowe Morna "If we can't tell rape from sex, something is really wrong" *Mail and Guardian Online* 29 November 2010 www.mg.co.za/article/2010-11-29-if-we-cant-tell-rape-from-sex-something-is-terribly-wrong and interviews with local informant and local media reports. The interviews and media monitoring took place between December 2010 and May 2011. To protect survivors' and informants' privacy names and URLs are not mentioned.

[99] The Shukumisa campaign was initiated by 26 organisations nationally and aims to shake up the way South African society deals with sexual offences. Its members include the Tshwaranang Legal Advocacy Centre, the Teddy Bear Clinic, Women and Men Against Child Abuse (WMACA), OUT LGBT Well-being, the Women's sector and LGBTI sector of the South African National AIDS Council, Women'sNet, the Sex Worker Education and Advocacy Taskforce (SWEAT) and the Western Cape Network on Violence Against Women. See: www.shukumisa.org.za

[100] See: www.womensnet.org.za/news/sexual-offences-schools and www.apc.org/en/news/womensnet-calls-action-against-filming-violence-ag

[101] "Child pornography" is further defined in the Films and Publications Act, 1996, an accompanying piece of legislation, as "any picture, or any description, of a real or imaginary person who is, or is represented as being under the age of 18 years, engaged or involved in any form of sexual activity, or assisting another person to participate in any form of sexual activity."

distribution of intimate images under eighteen or sixteen years old, for violations of their rights to security and bodily integrity.

The application of child pornography laws in dealing with these crimes has two pros. First more severe criminal penalties are usually imposed for such abuses and crimes under these laws than under, for example, privacy laws which are usually limited to fines or in exceptional cases imprisonment ranging from five to seven years.

A second pro is the relative willingness and readiness of states to investigate and prosecute child pornography crimes, not only within their borders but also transnationally.

Without a fast and effective regime of international cooperation, police are helpless to stop widespread unauthorised distribution of intimate and sexually abusive images on the internet or mobile phones across international borders. International coordination is necessary to prosecute those responsible.

However child pornography laws disregard the gender-dimension of these crimes and the other rights violated, including rights to privacy and self-determination. The failure of these laws to recognise children's autonomy and differentiate between the authorised and unauthorised recording and distribution of images can also be problematic. For example girls younger than eighteen can end up with a criminal record for sharing sexual or nude images and clips of themselves with their romantic partners.[102] Being prosecuted or "stamped" as a producer or distributor of child pornography for an act which can be a normal part of a sexual relationship can have lifelong consequences for teens.[103] Moreover the criminalisation of the sexual activities of teens violates their right to privacy and self-determination.

In this context, communication and women's rights advocates warn that child pornography has become one of the main arguments for introducing invasive regulation of content and surveillance measures for the internet and mobile phones in a number of countries. This could have serious implications for women's right to privacy and freedom of expression.[104] Censorship reflects the interests and views of those in power. Hence it is more probable that content which challenges patriarchal and stereotypical views of women and their sexuality will be labelled as "harmful" and regulated, silencing women and limiting their access to information.[105] For example in January 2010, the OpenNet

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[102] The PewInternet report on sexting in the USA (2009) highlights that teens who have sent out or forwarded nude images through text messages have been prosecuted or threatened with prosecution under laws generally reserved for producers and distributors of child pornography. Some people warn against such draconian response to sexting among youth and unintended use of child pornography laws. Source: Amanda Lenhart "Teens and Sexting" www.pewinternet.org/Reports/2009/Teens-and-Sexting/Main-Report/1-The-PIP-Study.aspx. See also www.thenationalcampaign.org/sextech/

[103] Read more on sexting and child porn law: Melissa Ditmore and Kevicha Echols "United States - Digital youth: Sexual development and expression, and the complications of modern technologies" *Global Information Society Watch* 2011 www.giswatch.org/en/country-report/freedom-association/united-states

[104] APC WNSP and Alternative Law Forum "Internet governance issues on sexuality and women's rights" *GenderIT.org* 2010. www.genderit.org/articles/internet-governance-issues-sexuality-and-womens-rights

[105] Sally-Jean Shackleton "Justifiable protection or entrenching patriarchy? Pornography and the internet in

Initiative documented that the Microsoft Bing search engine filtered out sexually related content including words like "anal", "breast", "sex" and LGBT-related terms ("gay," "lesbian," or "homosexuality") in Arabic regions.[106] Consequently censorship can restrict the capacity of women who face VAW or other discrimination to exercise their right to expression, connect with others and seek information about legal protection, available assistance, VAW prevention or health consequences. Hence child pornography laws, rather than protecting teenage girls can deprive them of their right to self-determination and leave them more vulnerable to VAW.

Opportunities for legislative innovation

- Measures contributing to the willingness and readiness of states to investigate and prosecute child pornography cybercrimes on national and transnational level can become a model for other laws, especially those dealing with privacy violations and VAW online.

- These laws need to recognise the right to self-determination as part of the right to bodily integrity and security and distinguish between consensual and non-consensual acts, to prevent the criminalisation of youth. While we can question to what extent consent is based on informed decision-making, the focus needs to be on prevention rather than criminalisation as a way to address it. Legal and policy measures aimed at online sexual abuses, must always be combined with education programmes for children and adolescents on how to negotiate online spaces and sexual interactions safely.[107]

- Laws dealing with the unauthorised distribution of private images of women and girls need to recognise the gender-based nature of these abuses. This would lead to a more adequate response to the needs of victims/survivors of this form of VAW as well as more holistic prevention measures.[108]

5.2 Privacy protection laws

Privacy laws protect the right to respect for private life and regulates the collection, storage and usage of information.[109] In the digital age, given the limitless memory of the internet and the amount of personal information that is collected on it, the protection of privacy is even more significant. However many states have inadequate legislation to protect this fundamental human right or hand over their duties to individuals and the

South Africa" *GenderIT.org* 2010 www.genderit.org/articles/south-africa-pornography-and-internet-justifiable-protection-or-entrenching-patriarchy

[106] opennet.net/sex-social-mores-and-keyword-filtering-microsoft-bing-arabian-countries

[107] APC WNSP and Alternative Law Forum "Internet governance issues on sexuality and women's rights" www.genderit.org/articles/internet-governance-issues-sexuality-and-womens-rights

[108] Yakin Ertürk *15 years of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009) - A critical review* (United Nations Human Rights Council, 2009) www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf

[109] Wikipedia "Privacy Law" accessed 1 March 2012 secure.wikimedia.org/wikipedia/en/wiki/Privacy_law

market.

The cases from Malaysia and Philippines that we will examine illustrate that privacy laws are often developed in response to specific events of abuse rather than on points of general principle.[110] Both national legislations proved inefficient in dealing with the complexity of the incidents of unauthorised distribution of intimate images of female public figures. In both countries, the cases led to reviews of privacy legislation and new enactments to address existing gaps.

Privacy laws also often fail to provide adequate redress for victims/survivors of the unauthorised distribution of intimate images due to the lack of an efficient and coherent global privacy rights framework to guide investigation and prosecution at transnational level.

Privacy Protection Act Malaysia

In February 2009, intimate pictures of a Malaysian female politician were sent, allegedly by her partner, to local daily newspapers and subsequently posted online and circulated via mobile phones. While newspapers did not publish the pictures, they questioned and reportedly bullied the politician over the images. Her political opponents used the leaked photos and videos to question her morality and demand her resignation. Despite her public statement that she did not feel embarrassed or compromised, she resigned from her political post. However due to her overwhelming public support, her resignation was eventually rejected by the government.[111]

When the photos of the politician were leaked, legislation protecting privacy rights in Malaysia was almost non-existent. Although the Constitution of Malaysia enshrines a conclusive list of fundamental rights, including freedom of assembly, speech and movement, it does not specifically recognise the right to privacy[112]. Hence limited privacy protection was only provided in cases involving the unlawful interception of digital communications or confidential information. To address this gap the Malaysian Bar Council organised a public forum entitled Privacy: Does it exist in Malaysia? Is it time to legislate? on 27 February 2009.[113]

At the Forum, a representative of the Bar Council's Human Rights Committee, urged the Parliament:

[to] take proactive steps to legislate such an act instead of leaving the courts to deal with the lacunas [loopholes]... the proposed Privacy Act as a Data Protection Act would only cover data collectors such as banks, government agencies and any other bodies who

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[110] Gus Hosein "Privacy and Security", in *The APC ICT policy handbook* ed. David Souter (Association for Progressive Communications, 2009) www.apc.org/en/system/files/APCHandbookWeb_EN.pdf

[111] Jac sm Kee and Sonia Randhawa "Malaysia: Violence against women and information communication technologies"; Elizabeth Wong "Dear Friends"

[112] The constitutional frameworks of many countries formally protect privacy, modelling their provisions on a number of recent international conventions - Article 12 of the Universal Declaration of Human Rights of 1948; Article 17 of the International Covenant on Civil and Political Rights; Article 8 of the European Convention on Human Rights. See more: Gus Hosein "Privacy and Security", in *The APC ICT Policy Handbook ed.* David Souter (APC, 2009) www.apc.org/en/system/files/APCHandbookWeb_EN.pdf

[113] Jac sm Kee and Sonia Randhawa "Malaysia: Violence against women and information communication technologies" www.genderit.org/content/malaysia-violence-against-women-and-information-communication-technologies

collect personal data. Something more comprehensive is clearly required to ensure that our privacy is protected.

However the response to this call for stronger privacy protection against violations by individuals (as in the case of the female politician) was watered down by debates on morality, the public's expectations of public figures and media independence.[114]

The need to balance one person's right to privacy with another person's right to know-two elementary human rights-raises a number questions:

- What ought to come first, the right to privacy or the right of access to information and media independence?[115]

- What level of privacy should a public figure be entitled to? Is it unreasonable for a woman in a policy function to expect privacy?

- What public interest is served by leaking intimate details from her sexual life and intimate images of her body? Does it assist others to oversee her ability to fulfil public functions?

Which or whose rights are prioritised, and from whose position these rights are defined depend on power relations within a society. Privacy debates are often framed from the privileged vantage point of middle-class men, while other perspectives are disregarded. Hence privacy breaches are predominantly equated with state or corporate intrusion into individuals' private lives. Women's concerns regarding privacy rights, that are rooted in power imbalances between individuals in the home, job market, or in decision-making structures, are given little attention in privacy policy development.[116] For example, despite the frequency of technology related VAW, there is little debate about these incidents among advocates for the rights to privacy and freedom of expression.[117]

Personal information,and intimate "paparazzi" style pictures of female politicians or public figures are often used by policy opponents or the media to discredit them through questioning their femininity and morality in the context of widely accepted cultural norms and moral codes. In November 2011, a columnist for the *Guardian*, *New Statesman* and *Independent in UK*, wrote about the sexual harassment she and other female writers face online:

The implication that a woman must be sexually appealing to be taken seriously as a thinker did not start with the internet: it's a charge that has been used to shame and

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[114] Joanna Loy "Privacy: Does it Exist in Malaysia? Is it time to legislate?" *The Malaysian Bar* 11 March 2009. www.malaysianbar.org.my/index2.php?option=com_content&do_pdf=1&id=21883
[115] It is critical to distinguish between public and private figures. Private citizens' privacy protections, including those who have involuntarily entered the public arena, tend to outweigh freedom of expression. In the case of policy figures, especially those who hold public positions of trust, such as politicians, freedom of expression or public interest in the name of open and accountable government can be prioritised over their claims to the right to privacy. www.thenewsmanual.net/Manuals%20Volume%203/volume3_62.htm#public
[116] Heike Jensen and APC WNSP *Gender research framework: Internet censorship & surveillance practices* (OpenNet Initiative Asia, 2009) [unpublished paper]
[117] Ibid.

dismiss women's ideas since before [the 18th century]... I have come to realise over the past year, just how much time and effort some vicious people are prepared to expend trying to punish and silence a woman who dares to be ambitious, outspoken, or merely present in a public space.

Culture and morality has historically been used to control women's bodies and behaviour. They are also frequently applied to justify state interventions that restrict women's rights to privacy, freedom of exchange and access to information (e.g. censoring access to information on issues of contraception or same-sex relations) and rights to bodily integrity and self-determination (e.g. her ability to choose to have a safe, legal abortion).

This is especially so in contexts where policy and public discourse is defined by religious fundamentalism, such as in Malaysia[118]. In such environments, privacy rights violations such as the unauthorised distribution of intimate images can be framed by a discourse of morality, public decency and honour. Within this discourse, such violations are defined as a corruption of social, community or family norms, "bad privacy",[119] rather than as a violation of a woman's bodily integrity and autonomy. As with other types of sexual violence, when a violent act is perceived as a crime against honour and public decency, shame commonly surrounds the victim/survivor and her morality is questioned. Consequently, victims/survivors would often rather not report the crime.[120]

Women's rights advocates have also criticised privacy doctrines that focus on the inviolability of home and family space and which have lead to the impunity of abusers in cases of intimate partner violence and incest.

Opportunities for legislative innovations

- State privacy policies need to be based on an assessment of individual needs and not on the perceived moral requirements of the community. Privacy violations need to be defined as "crimes against the individual" instead of "crimes against her/his family or home".

- Cases of unauthorised distribution of personal images of women need to be recognised as a form of VAW and a violation of women's rights to bodily integrity under privacy law and policy. In the digital age, personal data constitutes part of a person's identity as well as part of their body.

Anti-Photo and Video Voyeurism Act Philippines

- *In early 2009, a case involving private sex video recordings of an actress and her ex-partner dominated Philippines' media headlines for weeks. The videos were uploaded on the internet and spread virally through file-sharing sites, including free porn sites such as Spankwire.com. The videos quickly became one of the most downloaded files online. According to some news reports, the clips have also*

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[118] Heike Jensen et al *A gendered perspective to internet censorship and surveillance in Malaysia* (OpenNet Initiative Asia, 2009) [draft version of the paper] access.opennet.net/wp-content/uploads/2011/12/accesscontested-chapter-04.pdf

[119] Electronic Privacy Information Center (EPIC) "Gender and Electronic Privacy" epic.org/privacy/gender/

[120] Rashia Manjoo *Report of the Special Rapporteur on violence against women, its causes and consequences* www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf

As with the Malaysian case, this incident, led to a public hearing in the Senate "in aid of legislation" on 28 May 2009.[122] The hearing concluded that the present legislation did not cover the unauthorised distribution of private images and new legislation to prevent and provide appropriate protection against these violations was needed.

On February 2010, the Anti-Photo and Video Voyeurism Act of 2009 (Anti-Voyeurism Act), inspired by the US Video Voyeurism Protection Act of 2004[123], was enacted into law by the Congress of the Philippines. The law aims to protect Philippine citizens against "*acts that would destroy the honor, dignity and integrity of a person*".[124] Specifically the act penalises taking, copying and distributing photos or videos of sexual acts or of a person's private areas (genitals, pubic area, buttocks or female breast) without the consent of the person/s involved. The maximum penalties for these crimes are seven years of imprisonment and/or a fine of P500,000 (USD11,600).

The Anti-Voyeurism Act is an innovative piece of legislation that could be an important legal model worldwide. The act addresses to some extent the principal rights violated by

Section 3. Definition of Terms. Anti-Photo and Video Voyeurism Act of 2009:

*(d) **"Photo or video voyeurism"** means the act of taking photo or video coverage of a person or group of persons performing a sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such persons.*

*(e) **"Private area of a person"** means the naked or undergarment clad genitals, public area, buttocks or female breast of an individual.*

*(f) **"Under circumstances in which a person has a reasonable expectation of privacy"** means the belief that he/she could disrobe in privacy, without being concerned that an image or a private area of the person was being captured; or circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public, regardless of whether that person is in a public or private place.*

Source: Republic Act No. 9995 or Anti-Photo and Video Voyeurism Act of 2009

the unauthorised distribution of intimate images of women: the victim/survivor's right to privacy, bodily integrity and self-determination. It also imposes harsher penalties on perpetrators than other privacy laws, which usually limit penalties to fines.

Local lawyers however warn that the act only criminalises the copying and distribution of images and clips of a *sexual act*. Therefore it might be difficult for a victim/survivor to file a complaint in cases where self-recorded images of their private body areas are copied or distributed without written authorisation under this law.

> It's immediately clear that all four [prohibited acts] refer to sexual act or similar activity, but only the first covers taking pictures of private areas. For instance, a girl took a photo of her private parts using her phone. The boyfriend saw the photo and sent it by MMS to his cellphone. When they broke up, the (ex) boyfriend uploaded the photos in a social networking site. It would appear that the boyfriend would not be liable under the the anti-voyeurism law. Moral of the story? [125]

A major shortcoming of this act is that it does not explicitly recognise that these violations can be a form of VAW. Furthermore voyeurism is defined as a crime on the basis of lack of consent, without specifying what "consent" is in such incidences. This could lead to impunity for abusers.

The general experience has been that laws which define sexual violence on the basis of lack of consent often lead to the secondary victimisation of victims/survivors by forcing them to provide evidence of non-consent.[126] This has discouraged many women from reporting these crimes and/or seeking prosecution. Moreover women's rights activists question the concept of consent in sexual relationships given the subordinate social position of women. They argue that coercion may be present even when an act appears consensual in legal terms. Such coercion is due to gender norms and social expectations which guide female and male behaviour in sexual relationships and lead to women agreeing to unwanted sex.

To avoid these issues, some countries have developed definitions of rape which rely on the existence of certain coercive circumstances.[127] This includes evidence of intimidation, manipulation, threats of negative treatment, threats toward third parties, blackmail or drug-facilitated sexual assault. Other circumstances these definitions rely on is evidence of abuse from a person in a position of authority (e.g. when the victim/survivor is a minor or disabled and the abuser is a teacher, employer, or psychotherapist of the victim/survivor).[128]

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[125] Attyatwork.com "Around the Anti-Photo and Video Voyeurism Law" 2011 attyatwork.com/around-the-anti-photo-and-video-voyeurism-law/
[126] United Nations Division for the Advancement of Women *Handbook for Legislation on Violence against Women* (UN, 2009) www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf
[127] Ibid.
[128] www.endvawnow.org/en/articles/469-consent.html

Opportunities for legislative innovations

Legislative measures addressing digital voyeurism need to recognise the gender-based nature of such violence. This would help deal with gendered misconceptions which define consent and often compromise the fairness of court proceedings, especially in sexual abuse cases. Such legislative measures should be accompanied by education programmes which unpack and promote the negotiation of consent in sexual relationships.

5.3 Anti-violence against women laws

"It's like I'm getting raped every day", accounted the victim/survivor in the Malaysian case, after a new round of her intimate photos were posted online.[129]

In the previous sections we argued that the unauthorised distribution of intimate images of women are a form of VAW, and should be prosecuted as such. Victims/survivors of these incidents experience similar harms to victims/survivors of sexual offences, including the trauma of the violation of their sexual autonomy and bodily integrity and "*the trauma of reliving the pain in public*".[130]

Among the laws assessed in this chapter, anti-VAW legislation is the only set of laws that explicitly recognise these crimes against women as a form of VAW. A gender-sensitive approach to investigation and prosecution is ensures a holistic response to these violations and that women's rights are protected. It has been documented that a gender-neutral approach in cases of VAW may be subjected to manipulation by violent offenders and in some instances victims/survivors of violence themselves have been prosecuted (e.g. for the inability to protect their children from violence[131] disseminating pornographic material, or consensual sex as a minor).[132] In addition a lack of gender sensitivity by police, prosecutors, judges and other public officials dealing with cases of VAW can lead to the secondary victimisation of women.

A number of countries have introduced training programmes for public officials, or include capacity-building on VAW in the official curricula for these professions, to ensure that VAW cases are dealt with in a gender sensitive manner.[133]

Another strength of national anti-VAW laws is that they have to conform with key international and regional women's rights instruments.[134] Theses instruments allow for

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[129] Interviews with local informant and local media reports. The interviews and media monitoring took place between December 2010 and May 2011. To protect survivors' and informants' privacy names and URLs are not mentioned.

[130] Bridget Welsh "Gender bias against women: the case of Elizabeth Wong" (*Din American,* 18 February 2009) dinmerican.wordpress.com/2009/02/18/gender-bias-against-women-the-case-of-elizabeth-wong/

[131] United Nations Division for the Advancement of Women *Handbook for Legislation on Violence against Women*

[132] Colleen Lowe Morna "If we can't tell rape from sex, something is terribly wrong" mg.co.za/article/2010-11-29-if-we-cant-tell-rape-from-sex-something-is-terribly-wrong

[133] United Nations Division for the Advancement of Women *Handbook for Legislation on Violence against Women*

[134] Including the United Nations General Assembly Declaration on the Elimination of Violence against Women,

international groups and institutions to regularly monitor the progress of states in meeting their international and regional obligations.[135]

There are three types of anti-VAW laws that can be applied to cases of unauthorised distribution of intimate images of women: pornography laws, sexual offences acts, and sexual harassment legislations. Each of these laws carry their own limitations. For example sexual harassment laws are usually only concerned with vertical relationships (e.g. employer and employee, or teacher and student) and limited to specific settings (e.g. workplace or education environments). A major limitation of all these laws is that they often define VAW narrowly, and do not account for the full range of violations experienced by women, "*because she is a woman or which affects a woman disproportionately*".[136] Consequently, proving that an act of violence has caused subjective, psychological and emotional harm can be no less difficult for a victim/survivor than in the case of the other legislative tools discussed.

> *In the Philippines case, the victim/survivor filed two offences against the abuser under the Anti-Violence Against Women and their Children Act of 2004[137]: (a) the act of taking a video of the sexual encounter without the knowledge and consent of the victim/survivor, causing psychological and emotional distress on the complainant; and (b) the act of uploading the sex video on the internet, causing mental and/or emotional anguish and humiliation for the victim/survivor. The Court did not find any evidence on the unauthorised uploading of the intimate videos by the abuser. The Court concluded that recording of intimate images without the complainant's knowledge and consent is only a violation of the Anti-Violence Against Women and Their Children Act of 2004, when it "alarms or causes substantial emotional or psychological distress to the woman." In the Court view, sufficient evidence of the psychological harm by the recordings of intimate videos was not established. According to some local informants accounts, the Court even questioned how the recordings of a sexual act can be considered harmful in an intimate relationship.[138]*

If we agree that the online world is socially constructed, then gender norms, stereotypes and inequality that exists offline and which VAW is rooted in, can be replicated online. Hence anti-VAW laws need to recognise and aim to prevent and redress these new forms of technology related VAW. These laws need to expand their definitions of violence and harm which are very often limited to physical harms. The law needs to specifically

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the Convention on the Elimination of All Forms of Discrimination against Women, and general recommendations of the Committee on the Elimination of Discrimination against Women.

[135] United Nations Division for the Advancement of Women *Handbook for Legislation on Violence against Women*

[136] United Nations Convention on the elimination of all forms of discrimination against women (CEDAW), 1979. www.un.org/womenwatch/daw/cedaw/text/econvention.htm

[137] Philippines' Anti-Violence Against Women and their Children Act, 2004 pcw.gov.ph/index.php/publications/33-publications-laws/271-republic-act-9262-with-irr

[138] Interviews with local informant and local media reports. The interviews and media monitoring took place between December 2010 and May 2011. To protect survivors' and informants' privacy names and URLs are not mentioned.

recognise the more subjective but no less severe harms, based on emotional and psychological impacts, caused by violating women's control over their personal data and identity.

The anti-VAW laws also need to reflect the blurry boundaries between offline and online violence given that many abuses reach into the offline world from online spaces and vice versa.

> *In USA, a woman was raped by a stranger who said he was answering her Craigslist advert. The woman's ex-boyfriend had pretended to be her in the ad saying she was looking for a man to fulfil her violent rape fantasy.[139]*

As documented previously, offline VAW may scale up online, when sexual assault is recorded and widely distributed via social networking sites and/or mobile phones.

However Jac sm Kee warns, in regard to new remedies to deal with VAW. that *"[w]hile it is vital to recognise, prevent and redress these grave violations, legal and other regulatory measures in this particular domain must also be cautious and safeguarded, because they can can be being easily manipulated by states and non-state actors as a pretext to infringe the fundamental rights of users."[140]* Lessons can be learned from policy debates and legislation evolving around online child pornography. Content regulation, such as content blocking or filtering, accompanying these policy developments has been an inadequate response to counter technology mediated forms of sexual violence against children. Censorship measures do result in too much and difficult to justify content blocking[141] and affects women's right to freedom of expression and opinion. Some communication rights advocates also argue that online content blocking in response to sexual violence is often an empty gesture from the state, and is not necessarily accompanied by real international action to prevent and eradicate the root bases of such abuses.[142]

Opportunities for legislative innovations

- The current definitions of VAW do not account for the full range of violations experienced by women online, nor do they deal with the impact of technology related violations on victims/survivors. It is important to update existing anti-VAW laws with broader definitions of violence and harms so they also recognise technology related VAW.

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[139] APC WNSP *How technology is being used to perpetrate violence against women – and to fight it* (APC WNSP, 2010) www.apc.org/es/node/11452
[140] APC WNSP and Alternative Law Forum "Internet governance issues on sexuality and women's rights"
[141] Frank La Rue "Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression"
[142] Tyler Moore and Richard Clayton *The impact of incentives on notice and take-down* (University of Cambridge: Computer Laboratory, 2008) www.cl.cam.ac.uk/~rnc1/takedown.pdf; Joe McNamee *Internet Blocking: Crimes should be punished and not hidden* (Brussels: EDRI) www.soros.org/initiatives/information/focus/policy/articles_publications/publications/edri-blocking-100606/EDRI-blocking-100606.pdf

- Existing anti-VAW legislation must also reflect the blurry boundaries between offline and online violence. In particular the law needs to recognise the increased harm and multiple victimisation caused to victims/survivors of sexual violence by the recording and widespread distribution of assault. Powell likens the recording and distribution of rape and sexual assault to cyberbullying and "happy slapping" where young people film pranks or assaults they commit. This has emerged as a significant problem in the United Kingdom. Powell suggests that promising legislative approaches, which treat the recording and distribution of these images as aggravating factors for assault, can be taken as a model. These approaches prescribe a more severe penalty when an offence has been recorded and even more severe when the image has then been distributed.[143]

- Legislative reforms need to go beyond content regulation, and must not be used as a pretext to infringe on the fundamental rights of ICT users. These measures must be properly debated with groups that may be negatively affected by them, including women and the LGBT (lesbian, gay, bisexual and transsexual/transgendered) constituency.[144]

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[143] Anastasia Powell "New technologies, unauthorised visual images and sexual assault" www.aifs.gov.au/acssa/pubs/newsletter/n23pdf/n23c.pdf
[144] APC WNSP and Alternative Law Forum "Internet governance issues on sexuality and women's rights"

Part III: Conclusions and recommendations

6. Key messages for policy-makers, ICT intermediaries, media, ICT users, and organisations working on VAW

Introduction

As this paper has shown, despite the increase in and severity of cases involving technology related VAW, neither organisations working on ICT policy nor those concerned with women's rights, give prominence to this new form of VAW on their agenda. Meanwhile victims/survivors of technology related VAW do not get recognition and redress for violations of their rights and abusers largely go unchecked.

Technology related VAW demands the attention of all stakeholders involved in shaping online spaces, and/or addressing VAW. This includes ICT users' communities, internet intermediaries, the state, organisations working on VAW and the media. Each of these actors relate to technology related VAW in different ways and have different roles. For instance the state, including policy-makers and law enforcers, is the primary duty bearer and has obligations under a number of treaties and policy frameworks to enact, implement and monitor legislation addressing all forms of VAW.

The need to engage with private sector companies who develop and operate mobile phone and internet platforms springs up more and more in our work.[145] Firstly, internet intermediaries are powerful players in ICT policy, influencing national and transnational debates that shape internet governance and regulatory measures. Secondly, they can play an important role in shaping anti-VAW policies and strategies that empower rather than protect and victimise women.

To guide the debate on the duties of stakeholders, in this chapter we provide examples of strategies and actions for state and non-state actors. This list is not exhaustive. We primarily focus on innovative measures collected through the findings of MDG3: Take Back the Tech! Some highlighted strategies and actions are focused on addressing offline VAW but can be extended to technology related VAW.

The key to eliminating VAW is prevention. As the UN Human Rights Council notes: "*The prevention approach is the more sustainable, focusing on change, whereas the State obligation to protect and punish remains relevant in combating violations.*"[146]

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[145] The core data collection for and writing of this paper took place between September 2010–June 2011. However, the area of ICTs and technology related VAW is developing and changing so fast that new trends have already emerged. Over the last 6 months our own and our partners analysis of the connections between ICTs and VAW has deepened and we are able to express more clearly the complexities and conflicting issues encompassing this new manifestation of VAW.

[146] Yakin Ertürk *15 years of the United Nations Special Rapporteur on Violence against Women, its causes and consequences (1994-2009) - A critical review*

The UN recognises three levels of prevention:[147]

> Primary preventative measures aim to tackle the root causes of VAW and transform unequal power relations.

> Secondary preventative measures intend to limit the consequences of VAW for victims/survivors through ensuring immediate response and support.

> Tertiary prevention or long term care and support for victims/survivors of violence include healing practices and self help groups.

> Each of these levels of prevention call for action from state and non-state actors and guide the discussion in this chapter.

6.1 Holistic laws and policies on ICT related VAW

States need to ensure that laws responding to technology related VAW are in place, implemented and monitored. As noted in the previous section this means that existing laws protecting women, such as anti-VAW laws, need to be expanded to account for technology related violence. Furthermore laws that deal with ICT related crime (privacy laws, pornography laws) need to account for gender differences and inequalities.

Responding effectively to any VAW requires a holistic legislative approach[148], which assesses and balances *all* women's rights and recognises that various discriminations can intersect. This is important to ensure that women who use the internet to organise (such as women with marginalised sexualities) are not adversely affected by content regulation aimed at protecting women's rights to bodily integrity and security.

To ensure a holistic approach to technology related VAW, inter-thematic dialogue and research with a range of actors, from women's rights advocates to state actors and private companies, and which covers the range of issues that affects women's rights and ICTs is necessary.[149] On a transnational level, spaces like the Internet Governance Forum, which adhere to a multi-stakeholder principle, can provide a good platform for initiating such dialogue.

These dialogues and policy-making spaces also need to ensure they are tackling unequal gender power relations through *"increasing women's participation in decision-making positions and political power, in order to influence policies and institutional practices that perpetuate impunity and tolerance for violence against women."[150]* Currently women are under-represented in ICT policy decision-making and within the ICT industry.

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[147] United Nations Human Rights Council *Prevention is key to ending violence against women* (UN, 2011) www.ohchr.org/EN/NewsEvents/Pages/PreventionViolenceAgainstWomen.aspx
[148] Rashida Manjoo *Report of the Special Rapporteur on violence against women, its causes and consequences*
[149] Jac sm Kee "Women's rights and the internet at the Human Rights Council" *GenderIT.org* 2011 www.genderit.org/articles/womens-rights-and-internet-human-rights-council
[150] United Nations Human Rights Council *Prevention is key to ending violence against women*

6.2   Advocacy to ensure women's participation

Advocacy and initiatives by women's rights organisations and other civil society actors is important to ensure policy and law makers take into account ICT related VAW and that women participate in policy making dialogues.

In countries where ICT policies are not developed or are in the process of development, advocates have an opportunity to influence these processes to ensure the development of a national policy that considers gender equity and addresses VAW within the framework of new ICTs. Initiatives such as gender report cards on the ICT sector, which monitor and assess gender parity and inclusion in these spaces on national, regional and international level, can be important to challenging women's under-representation.

The MDG3: Take Back the Tech! project sought specific opportunities for its local partners to participate in critical international and regional ICT policy-making spaces as well as engage with their national governments. The participation of women from these organisations in meetings such as the Internet Governance Forum[151], the 12th Meeting of African Network Operators' Group (AfNOG)[152] or the International Information and Communication Technology for Development 2010 Conference, allowed women's rights advocates to raise their concerns in contexts where women's perspectives are usually absent.[153] In the Philippines, local government authorities, including the Quezon City Gender and Development Resource and Coordinating office and the Cebu Commission on Women, consulted the local MDG3 project partners for advice on how government can craft or amend local laws, ordinances and education programmes so they address technology related VAW.[154]

MDG3: Take Back the Tech! also facilitated national dialogues within the 12 countries to develop strategy plans in response to technology related violence. These national dialogues engaged over 450 ICT policy-makers, representatives from state machineries on gender equality and women's rights, the judiciary, telecommunication regulators, women's rights organisations and private sector actors.[155]

6.3   Evidence building: Collecting data on ICT related violence against women

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 VAW. Currently, there is an alarming scarcity of information on VAW, ICTs and the intersection of the two.

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[151] The Internet Governance Forum (IGF) is a forum for multi-stakeholder policy dialogue on how the internet is run. It was set up at the end of 2005 by the United Nations Secretary-General following a resolution made by governments at the World Summit on the Information Society (WSIS). Source: www.apc.org/en/glossary

[152] The Africa Network Operators Group is a forum of network service providers on the African continent for the exchange of technical information, and discussion of implementation issues to ensure the stability of service to end users. Source: www.afnog.org

[153] MDG3 Fund Progress Report, October 2011

[154] MDG3 Fund Progress Report, October 2011

[155] MDG3 Fund Progress Report, October 2011

The evidence collected from the MDG3: Take Back the Tech! project is mostly anecdotal and collected through focus group discussions, interviews, national consultations and media reports. Neither in Malaysia, Pakistan, Cambodia nor Philippines was adequate information found on the number of victims/survivors of VAW, on the manner in which ICTs are used to perpetrate VAW or on the number of people affected by ICTs.[156] The national reports from Mexico, Brazil, Argentina and Colombia highlighted the scarcity of gender-disaggregated statistics available on ICT use in the region[157]. More systematic documentation of these violations, including in-depth case studies, is necessary to identify effective remedies and new policies.[158]

These studies need to ensure women's participation and perspectives through for example, open consultation with women and women's rights groups. Particular attention should be given to women marginalised due to race, sexual orientation, intellectual and physical abilities, age and socio-economic factors such as geographical location, level of education, employment situation and marital status.[159]

In November 2011, the APC WNSP in collaboration with the Take Back the Tech! campaign partners launched an online mapping platform[160] to document forms of VAW. The interactive map based on the Ushahidi platform allows internet users to share their stories, local news and personal experiences of technology related VAW. The mapping platform organises technology related VAW into five broad categories according to the type of violence: culturally justified VAW, online harassment and cyberstalking, intimate partner violence, rape and sexual assault and violence targeting communities.

The map also monitors four other broad categories: the act of violation (what the abuser or violator did), the harm faced by victims/survivors, the technology platform used in the incident, and who the abuser or violator was (ranging from known and unknown persons, to state and non-state actors).

As of December 2011, the interactive mapping platform was translated into 10 languages and had recorded 103 stories from across the globe, with the majority of stories coming from Africa, Latin America and Asia.[161] Data collected will be used to denounce abuses and lead evidence-based advocacy for policies that prevent violence and empower women ICTs users.

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[156] Sonia Randhawa "Cambodia, Malaysia, Pakistan and the Philippines: Cross-country study on violence against women and information communication technologies" *GenderIT.org* 2010 www.genderit.org/content/cambodia-malaysia-pakistan-and-philippines-cross-country-study-violence-against-women-and-in

[157] Maria Isabel Davidsziuk and Maria Alejandra Davidsziuk "Mexico, Argentina, Brazil and Colombia: Cross-country study on violence against women and information communication technologies" *GenderIT.org* 2010. www.genderit.org/content/mexico-argentina-brazil-and-colombia-cross-country-study-violence-against-women-and-informat

[158] MDG3 Fund Progress Report, October 2011.

[159] Rashia Manjoo *Report of the Special Rapporteur on violence against women, its causes and consequences* www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf

[160] www.apc.org/ushahidi/

[161] Sonia Randhawa "Mapping the intersection of technology and gender-based violence" *GenderIT.org* 2011 www.genderit.org/articles/mapping-intersection-technology-and-gender-based-violence

6.4 Making online spaces safer: Internet intermediary policies and strategies

Internet and mobile phone service providers need to play a role in ensuring women's privacy and safety when using their services. A victim/survivor of technology related VAW needs to know how to ensure her security online including how to stop the violence, how to remove abusive comments or images from online platforms and prevent similar violations in future.

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. Moreover they implement measures and policies that leave users more vulnerable to privacy breaches and security violations. For example, Facebook is well-known for making changes to its privacy policy that completely dismiss the original settings of users. Many online services store, analyse and sometimes sell our search queries, social relationships, sites we "like" or tweet about, and other data for profit.[162]

Engaging with internet intermediaries and demanding that they develop corporate policies, practices and tools that respect women's rights is a critical part of our future advocacy to end VAW.

Effective complaints mechanisms

Informal policies, such as terms of services, acceptable use and community guidelines (ToU's), to which one must agree to before using internet or mobile phone services, should integrate the protection of women's rights within their frameworks. This includes adequate representation of anti-VAW experts in standards-setting processes.

The ToU's should be accompanied with complaint mechanisms that allow women to report rights violations and assists them in stopping abusive behaviour. The Safer Social Networking Principles[163] for online child safety, agreed on by the European Commission and 20 major social networking sites, recommends that complaint mechanisms should be easily accessible to users at all times. Users should be provided with easy to understand instructions on how to make an effective complaint and an indication of how reports are typically handled. Submitted complaints should be acknowledged and acted upon expeditiously.

Safety awareness

Internet intermediaries also have an important role to play in media literacy and awareness raising. They should help users understand what constitutes illegal, unethical or risky behaviour and the consequences of this behaviour as defined in their ToU's, which virtually "*[all] users do not read*".[164] In this context the Civil Society Information Society Advisory Council (CSISAC) at the Organisation for Economic Co-operation and Development (OECD) notes that:

> As long as Internet intermediaries treat even the most serious privacy violations as justified by reference to the user having consented to the data treatment in

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[162] www.takebackthetech.net/be-safe/browsing
[163] ec.europa.eu/information_society/activities/social_networking/docs/sn_principles.pdf
[164] ec.europa.eu/information_society/activities/social_networking/docs/sn_principles.pdf

question,by mechanisms such as browse-wrap agreements that virtually no user reads, no real privacy protection can be achieved. Genuine consent is a more complicated concept than most Internet intermediaries seem willing to acknowledge. At a minimum, genuine consent needs to be informed, identifiable, given freely and retractable.[165]

Hence intermediaries need to invest in exploring new and creative ways to foster healthy privacy practices among users.

Safety by design

Primary prevention of technology related VAW can be also addressed through the technical architecture of ICT services. For example the Safer Social Networking Principles recommends measures that can improve the protection of children's private information through technological means. For example setting their profiles as 'private' by default, so other users cannot search their profile information, only "direct friends" can post comments and content on their profiles and they have the option to pre-moderate and/or delete unwanted comments and pictures. This would give children more control over their content and restrict access that others have to their information. Similar measures would be useful to increase women's safety online.

The use of HTTPS is another technical measure which can help protect women against breach of personal data (such as username and password). Hyper Text Transmission Protocol Secure (HTTPS) is a secure version of the Hyper Text Transfer Protocol (HTTP). It ensures that transmission of data between a computer and website is encrypted and hence cannot be seen by other party. In 2011 Access, a global campaign mobilising ICT users around their digital rights, called on Facebook and other internet intermediaries to "*install HTTPS (as opposed to HTTP) – a simple, cheap, and highly effective security solution – as a default feature across the entire platform*."[166]

Initiatives like the EU Safer Social Networking Principles, the outcome of dialogue between all key stakeholders and which implementation is regularly assessed by, can guide internet intermediaries in their effort to increase protection of women's rights.

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[165]   OECD *The economic and social role of internet intermediaries* (OECD, April 2010) www.oecd.org/dataoecd/49/4/44949023.pdf

[166]   www.accessnow.org/page/s/facebook-unfriend-the-dictators

6.5 Media literacy and empowering women users

The mere existence of provisions that protect women from VAW does not guarantee that laws are enforced. For example even with some of the most progressive laws, South Africa is far from being a safe place for women. Preventing VAW requires changing attitudes and behaviour within society. This includes working with ICT "user communities" and potential victims of ICT related violence.

Examples of this kind of work are media literacy initiatives which target potential victims and "by standers" of technology related VAW. By standers are present at an incident of violence but do not participate in it. Activities targeting bystanders aim to educate ICT users to be more critical and aware of the legal implications of their online acts. These initiatives engage users in discussions on what it means to be an ethical user.[167] Peer education programs following this approach have become increasingly popular. Examples are initiatives in the USA, led by youth who educate other youth on the consequences of sharing sexual information and images via the internet or through mobile phones. This work was prompted by cases of youth being charged with child pornography for sharing sexual material online.[168]

Due to unequal power relations and women's limited access to and control over ICTs, women are often not confident enough or sufficiently technologically "savvy" to be able to navigate online spaces securely and protect themselves from technology related VAW. These dangers include filtering and blocking of life-saving content (e.g. information on safe sex, abortion, or shelters), the unauthorised use of personal data, online activity tracking or password hacking. Strengthening women's secure online behaviour and their control as ICT users should be integral part of preventative strategies.

APC WNSP engages with women's rights defenders and front line organisations working on VAW and sexual rights. These women are often online targets of individuals, states or fundamentalists groups because of their feminist work, or stance on gender equality. We build their capacities via training in secure online communications and networking to exchange experiences. We also support the distribution online of content and campaigns threatened by shut downs or cyber attacks.[169]

In Philippines, the National Police (PNP) has issued safety guidelines for users of popular social networking websites, such as Facebook.[170] In South Africa, the "Keep your chats exactly that!" campaign launched by the MDG3 local partner WomensNet helps girls educate themselves about safe communication in order to prevent them from becoming victims of violence when using the internet and mobile phones. The campaign provides

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[167] Anastasia Powell "New technologies, unauthorised visual images and sexual assault"
[168] www.genderit.org/articles/lebanon-and-usa-where-line-sex-internet
[169] Susan Tolmay "ICTs – A Double-edged Sword For Women Human Rights Defenders" *AWID.org* 25 November 2011 www.awid.org/News-Analysis/Friday-Files/ICTs-A-double-edged-sword-for-Women-Human-Rights-Defenders See also: www.genderit.org/newsletter/danger-and-opportunity-icts-and-womens-human-rights-defenders
[170] www.mb.com.ph/node/283348/pnp-i

practical tips to sixth and seventh graders and runs workshops with children, teachers and parents.[171]

In Democratic Republic of Congo, the MDG3 local partner *Si Jeunisse Savait* produced an audio drama about women's experiences of phone harassment as part of the Take Back the Tech! campaign. The audio drama was distributed through the partner's mobile information service using Freedom Fone[172], an open-source phone platform with information on demand services using interactive audio voice menus, voice messages, SMS and polls.[173]

In Mexico twenty girls, aged nine to fourteen, learned about secure online communications and privacy in Facebook and became cyber-promoters of self care and "good use" of Facebook. They contacted other girls online who they felt might be at risk due to the openness of their profiles. The girls also visited local schools to talk about cyberbullying and Facebook privacy. [174]

Global Take Back the Tech! is a collaborative campaign organised by APC WNSP during the 16 days of activism against gender-based violence (25 November-10 December). The campaign calls on all ICT users, especially women and girls, to take control of technology to end VAW. It includes daily actions[175] that explore different aspects of VAW and its interconnection with communication rights. An example of a daily action is the "I don't forward violence" pledge that specifically targets by standers to become part of a growing movement of critical internet users and commit to not record, post, forward and distribute information, images and videos that can cause harm or put women and girls in danger.[176]

6.6 The role of mass media

Mass media also has an important role to play in responding to technology related violence, especially in preventing secondary victimisation of victims/survivors. They can positively assist in naming and unpacking technology related violence and how it is a severe abuse of women's rights. Secondly they should not be complicit in distributing private images and information about victims/survivors.

Media Monitoring Africa (MMA, which oversees media culture in Africa), raised concerns on how the South African media handled the case referred to in the last chapter, where

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[171] APC WNSP "How technology is being used to perpetrate violence against women – and to fight it" *APC.org* 2010 www.apc.org/es/node/11452. See more on: www.womensnet.org.za/campaign/keep-your-chats-exactly
[172] www.freedomfone.org/
[173] MDG3 Fund Progress Report, October 2011.
[174] APC "Mexican girls to promote safe use of Facebook" *APC.org* 2011 www.apc.org/en/node/11287; MDG3 project Fund Progress Report, October 2011. See more at: piiafac.blogspot.com/2011/02/cuidandonos-en-facebook.html
[175] www.takebackthetech.net/take-action/16days
[176] www.takebackthetech.net/take-action/2011/02/25

video clips of an alleged gang-rape were distributed via mobile phone and the internet. MMA reported that some newspapers provided "*a detailed account of what could be seen in the video. The level of detail given could be described as gratuitous, and appears completely unnecessary.*" They also noted that some media published images of the alleged victim/survivor's home with a caption indicating where she lived. MMA's report further criticised the media for victim-blaming and questioning the girl's claims.[177]

6.7   Support for victim/survivors of violence

An integral part of secondary prevention of technology related VAW is the need to build the capacity of front line organisations working on VAW to provide direct support to victims/survivors. Front line organisations need practical guides and technology tools adapted for use in local contexts. For example MDG3: Take Back the Tech! produced a guide on how cyberstalkers use technology tools, including advice on how to stay safe and where to seek local support[178]. These organisations also need to build their capacity on secure online communications, and monitoring and reporting of technology related VAW.

Support networks

Long term care and support for victims/survivors of violence is an objective of tertiary prevention of VAW, and essential for these women to be able to heal and contribute to activism on these issues. ICTs can play a role in facilitating this care and support. For example, MDG3: Take Back the Tech! helped train 50 LGBT persons on their rights and Web 2.0 tools with the aim of creating a virtual space for LGBT people in Columbia, to communicate with others and advocate for non-violent relationships.

Storytelling

Digital storytelling is another initiative aimed at assisting victims/survivors in healing. Digital stories are recordings of people's experiences of violence, courage and transformation through words, pictures and music. The story teller has control over the medium so that the process is as powerful for them as the end product is for the listener. Digital stories can also be powerful tools for advocacy. The MDG3 project in collaboration with local partners supported digital storytelling with women in a war-torn area in central Colombia and young black lesbian women in South Africa, among others. [179]

In the Philippines, the local MDG3 project partner collaborated with a non-profit theatre collective of students on the production of a radio drama series on young women's online and offline experiences of sexual harassment. The group conducted discussions with

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[177] Sandra Banjac and Laura Fletcher *Rape is rape: media's role in reporting the alleged gang rape of a school girl* (Media Monitoring Africa, 2010) www.mediamonitoringafrica.org/images/uploads/MMA_analysis_of_rape_coverage.pdf
[178] www.apc.org/en/pubs/issue/how-avoid-becoming-cyberstalking-victim
[179] www.takebackthetech.net/digital-stories

students and women in the community to learn more about their experiences. A script-writing workshop then developed the series to be aired on local community radio.[180]

Solidarity campaigns

Other initiatives in civil society have been solidarity campaigns to support victims/survivors of technology related violence. Such campaigns name and recognise online abuses against women, urge governments and the private sector to respond better and shape a "zero tolerance to violence" online. These solidarity campaigns use the internet, mobile phones and viral marketing in building their campaigns. [181]

The "Walk with Eli" campaign[182] was launched shortly after intimate pictures of the Malaysian politician were circulated on the internet. The campaign condemned the attack on the victim/survivor's private life as malicious and "*symptomatic of the hostility, prejudice and obstacle against women in public life*". It focused on keeping the politician, who wanted to resign, in active political life. The campaign used online and offline methods: petitions, a public rally, and a Facebook site[183] with almost 4000 members.

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[180] Foundation for Media Alternatives "Local radio, sms helplines, and the internet: Filipino women think local in stopping eVAW" *APC* 11 February 2011 www.apc.org/en/news/local-radio-sms-helplines-and-internet-filipino-wo

[181] Viral marketing uses pre-existing social networks to reach a set objective through self-replicating viral processes, analogous to the spread of viruses or computer viruses. The concept "word of mouth" is significantly enhanced by the networking effect of the internet, and takes the form of video clips, images or text messages. Source: Wikipedia "Viral Marketing" accessed 1 March 2012 secure.wikimedia.org/wikipedia/en/wiki/Viral_marketing

[182] See: walkwith.elizabethwong.org/

[183] See: www.facebook.com/group.php?gid=55123906845&ref=mf

1. APPENDIX: Area and population per MDG3 project country

Country	Area	Population
Argentina .ar	2,766,890 km2	40,091,359
Brazil .br	8,514,877 km2	190,732,694
Cambodia .kh	181,035km^2	14,805,000
Colombia .co	1,141,748 km2	45,586,233
Congo .cg	342,000 km2	3,686,000
Democratic Republic of Congo .cd	2,345,409 km2	70,916,439
Malaysia .my	329,847 km2	27,565,821
Mexico .mx	1,972,550 km2	112,322,757
Pakistan .pk	796,095 km2	170'600,000
Philippines .ph	299,764 km^2	91,983,000
South Africa .za	1,221,037 km2	49,991,300
Uganda .ug	236,040 km2	32,369,558

Source: Wikipedia.org

2. APPENDIX: Gender Inequality Index in the MDG3 project countries country[184]

		Gender Inequality Index		Maternal mortality ratio	Adolescent fertility rate	Seats in parliament (%)	Population with at least secondary education (% ages 25 and older)		Labour force participation rate (%)		Contraceptive prevalence rate, any method (% of married women ages 15–49)	Antenatal coverage of at least one visit (%)	Births attended by skilled health personnel (%)
		Rank	Value			Female	Female	Male	Female	Male			
HDI rank		2008	2008	2003–2008	1990–2008	2008	2010	2010	2008	2008	1990–2008	1990–2008	2000–2008
46	Argentina	60	0,534	77	56,9	39,8	57	54,9	57	81,6	65,3	99	99
56	Mexico	68	0,576	60	64,8	22,1	57,7	63,6	46,3	84,6	70,9	94	94
57	Malaysia	50	0,493	62	12,8	14,6	66	72,8	46,7	82,1	..	79	100
73	Brazil	80	0,631	110	75,6	9,4	48,8	46,3	64	85,2	..	98	97
79	Colombia	90	0,658	130	74,3	9,7	49,5	48,5	43,3	79,8	78,2	94	96
97	Philippines	78	0,623	230	45	20,2	65,9	63,7	50,2	80,6	50,6	91	62
110	South Africa	82	0,635	400	59,2	33,9	66,3	68	51	67	60,3	92	91
124	Cambodia	95	0,672	540	39,2	15,8	11,6	20,6	75,6	85,5	40	69	44
125	Pakistan	112	0,721	320	45,7	21,2	23,5	46,8	21,8	86,7	29,6	61	39
126	Congo	121	0,744	740	112,8	9,2	43,8	48,7	62,4	83,6	44,3	86	86
143	Uganda	109	0,715	550	150	30,7	9,1	20,8	80,5	91,2	23,7	94	42
168	Congo	137	0,814	1100	201,4	7,7	10,7	36,2	57,4	86,8	20,6	85	74

Source: UNDP

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[184] "The Gender Inequality Index is a composite measure reflecting inequality in achievements between women and men in three dimensions: reproductive health, empowerment and the labour market. It varies between zero (when women and men fare equally) and one (when men or women fare poorly compared to the other in all dimensions). The health dimension is measured by two indicators: maternal mortality ratio and the adolescent fertility rate. The empowerment dimension is also measured by two indicators: the share of parliamentary seats held by each sex and by secondary and higher education attainment levels. The labour dimension is measured by women's participation in the work force". Source: UNDP hdr.undp.org/en/statistics/gii/

3. APPENDIX: International and regional instruments to protect women's rights

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador" (1988)
American countries also signed the American Convention on Human Rights - San José de Costa Rica Pact (1969)[185]
ASEAN Charter (2008)[186]
ASEAN Political Security Community (APSC) Blueprint (2009)[187]
ASEAN[188] Socio-Cultural Community Blueprint (2009)[189]
Beijing Declaration and Platform for Action (1995)[190]
Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015)[191]
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1986)[192]
Convention against Transnational Organized Crime (2000)[193]
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)[194]
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)[195]

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[185] Ratified by Argentina, Brazil, Colombia, Mexico.
[186] Ratified by Malaysia, Philippines and Cambodia.
[187] Ratified by Malaysia, Philippines and Cambodia.
[188] Association of Southeast Asian Nations commonly abbreviated ASEAN.
[189] Ratified by Malaysia, Philippines and Cambodia.
[190] Ratified by all twelve countries.
[191] Ratified by Malaysia, Philippines and Cambodia.
[192] Ratified by all twelve countries except Malaysia.
[193] Ratified by all twelve countries except Malaysia.
[194] Ratified by all twelve countries.
[195] Ratified by all twelve countries.

Convention of Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)
Convention on the Abolition of Slavery (1956)
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)[196] and its Optional Protocol (CEDAW-OP) (1999)[197]
Convention on the Elimination of Racial Discrimination (1967)[198]
Convention on the Nationality of Married Women (1957)
Convention on the Political Rights of Women (1954)
Convention on the Prevention and Punishment of the Crime of Genocide (1948)
Convention on the Rights of Persons with Disabilities (2006)
Council of Europe Convention on Action against Trafficking in Human Beings (2005)
Declaration on the Commitment for Children in ASEAN (2001)[199]
Declaration on the Elimination of Violence Against Women in the ASEAN Region (2004)[200]
Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)
Equal Remuneration Convention (1951)[201]
Forced Labour Convention (1930)[202]
Inter-American Convention on Forced Disappearance of Persons (1994)
Inter-American Convention on International Child Trafficking (OEA) (1997)
Inter-American Convention on the Elimination of All Forms of Discrimination Against Person with Disabilities (1999)
Inter-American Convention on the Granting of Civil Rights to Women (1948)[203]
Inter-American Convention on the Prevention, Punishment and Eradication of VAW - "Convention of Belem do Pará" (1994)[204]
Inter-American Convention to Prevent and Punish Torture (1985)
International Convention for the Protection of All Persons from Enforced Disappearance (2006)
International Convention for the Suppression of the Traffic in Women of Full Age (1933)[205]
International Convention for the Suppression of Trafficking in Women and Children (1921)[206]
International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1995)[207]
International Covenant on Civil and Political Rights (1966) and its Optional Protocol and Second Optional Protocol[208]

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[196] www.un.org/womenwatch/daw/cedaw/text/econvention.htm
[197]   Ratified by all twelve countries (Argentina, Brazil, Cambodia, Colombia, Democratic Republic of Congo, Malaysia, Mexico, Pakistan, Philippines, Republic of Congo, South Africa, Uganda).
[198] Ratified by all twelve countries except Malaysia.
[199] Ratified by Malaysia, Philippines and Cambodia.
[200] Ratified by Malaysia, Philippines and Cambodia.
[201] Ratified by all twelve countries.
[202] Ratified by all twelve countries.
[203] Ratified by Argentina, Brazil, Colombia and México.
[204] Ratified by Argentina, Brazil, Colombia and Mexico.
[205] Ratified by Argentina, Brazil, Colombia, México and South Africa.
[206] Ratified by Brazil, Congo and México.
[207] Ratified by all twelve countries except Malaysia and Pakistan.
[208] Ratified by all twelve countries except Malaysia.

International Covenant on Economic, Social and Cultural Rights (1974)[209]
Optional Protocol to the Convention on the Elimination of Discrimination against Women (1999)
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005)[210]
Resolution on the ASEAN Plan of Action for Children (1993)[211]
Right to Organise and Collective Bargaining Convention[212] (1949)[213]
Rome Statute of the International Criminal Court (2002)[214]
UN Security Council Resolution 1820 (2008)[215]
UNICEF Convention on the Rights of the Child (1989)[216]

Source: Developed by the MDG3: Take Back the Tech! team based on diverse sources.

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[209] Ratified by all twelve countries except Malaysia.
[210] Ratified by Congo, DRCongo, South Africa, Uganda.
[211] Ratified by Malaysia, Philippines and Cambodia.
[212] www.ilo.org/ilolex/cgi-lex/convde.pl?C098
[213] Ratified by all twelve countries except México.
[214] Argentina, Brazil, Cambodia, Colombia, Democratic Republic of Congo, Mexico, Philippines (signed but not ratified), Republic of Congo, South Africa, Uganda. Pakistan voted for the Rome Statute in 1998 but has not signed the agreement on the basis of reservations.
[215] Ratified by all twelve countries.
[216] Ratified by all twelve countries.

4. APPENDIX: Predominant kind of VAW and legislation per country

Country	Predominant kind of discrimination and violence against women	National legislation related to VAW
Argentina	Intimate partner violence Sexual violence Trafficking in women	1993. Act 2.385/93 on incorporation of sexual harassment to the basic Justice Regime; 1995. Law 24.417 on protection against domestic violence; 1997. Act 1.363/97 on equal treatment between agents of the Federal Administration; 1998. Act 254/98 establishes the plan for equal opportunities between men and women in the workplace; 1998. Law 25.013 on labour reform introducing discriminatory dismissal on grounds of race, sex or religion; 1999. Law 25.087 on crimes against sexual integrity; 2000. Law 25.273 establishes the creation of an excused absences special scheme for pregnant girls who attend to school; 2002. Law 25.543 establishes the obligation to offer an HIV test to all pregnant women; 2002. Law 25.584 prohibits public education establishments from restricting access to pregnant students; 2002. Law 25.673 creates the National Programme for Sexual Health and Responsible Parenthood; 2003. Law 25.808 establishes that the directors and officials of public and private education establishments cannot take institutional actions that impede the normal pursuit of studies to students during pregnancy, during the lactation period and during parenthood; 2004. Law 25.929 establishes that health insurance companies must provide certain benefits related to pregnancy, labour, childbirth and postpartum; 2006. Law 26.130 establishes that every person over eighteen-year-old has the right to tubal ligation or vasectomies in the health services system; 2006. Law 26.150 establishes the National Programme on Comprehensive Sexual Education; 2009. Act 1836/2009 creates the National Coordinating Unit for prevention, treatment and eradication of violence against women; 2009. Law 26.485 on comprehensive protection to prevent, sanction, and eradicate violence against women;[217]

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[217] This law defines "media violence" for the first time, as one of the ways through which violence is expressed.

		2005. Law 26.061 on comprehensive protection of children's and adolescent's rights; 2008. Law 26.364 on prevention and punishment of trafficking in persons and victims assistance.
Brazil	Intimate partner violence Sexual abuse Moral and symbolic violence	1990. Law 8071/90 on Heinous Crimes; 1990. Law 8.609 creating the Child and Adolescent Statute; 2006. Law 11.340 on domestic and family violence (Maria da Penha law); 2008. Law 1.829/08 on Child Pornography; Constitutional Letter; Federal Constitution; Penal Code; Code of Consumers Defence.
Colombia[218]	Intimate partner violence Sexual violence	National Constitution of Colombia (articles 17, 42 and 43); 1981. Law 51 approving the Convention on the Elimination of All Forms of Discrimination Against Women; 1991. Law 21 approving agreement 169 for indigenous and tribal people, equal opportunities and treatment for both men and women at work and protection against sexual harassment; 1994. Law 115 on general education (teachers' and students' sexual harassment); 1995. Law 248 approving the Inter-American Convention on the Prevention, Punishment and Eradication of VAW; 1996. Law 294 on VAW; 1997. Law 387 on preventive measures for forced displacement; 1997. Law 360 on crimes against sexual freedom and *pudor*; 2000. Law 575 on VAW; 2005. Law 975 on Justice and peace (articles 38 and 41); 2006. Law 1098 on child and adolescence; 2006. Law 985 on trafficking of women; 2007. Law 1142 of food assistance; 2007. Law 1146 on prevention of sexual violence and comprehensive care of sexually abused adolescents and children; 2008. Law 1257 on VAW; 2008. Auto 092 and 237 established 10 gender risks in armed conflict; 2008. Law 1236 that modifies Penal Code on sexual abuse crimes; 2010. Law 1413 including the care economy in the

It is defined as: "the broadcast of stereotyped images through any means of communication which promotes the exploitation of women, insults, discriminates, humiliates or attacks the dignity of women, or the use of women, adolescents or girls in pornographic messages or images constituting patterns that create violence against women". www.cnm.gov.ar/LegNacional/DECRETO_1011_LEY_26.485.pdf

[218] In 2010, the Colombian Ministry of Communications and Information Technologies and other ministries and governmental institutions launched the "Woman you have rights and we are with you" campaign, to promote Law 1257 (2008) to eradicate violence against women (www.mujertienesderechos.org/index.php)

		national accounts system (measuring women's contribution to national economic and social development as a tool for the implementation and setting of public policies).
Cambodia[219]	Intimate partner violence Rape Trafficking in women Sexual harassment	1999. Neary RatanakI; 2003. Neary RatanakII; 2009. Neary RatanakIII; 1989. Law on Marriage and Family; 1992. Provisions relating to the Judiciary and Criminal Law and Procedure Act Applicable in Cambodia during the Transitional Period (UNTAC) 1992 (with regards to rape and trafficking); 1993. Cambodian Constitution; 1994. Law on Immigration (with regards to trafficking); 1996. Law on Suppression of Kidnapping, Trafficking and Exploitation of Human Persons 1996, which is consistent with the UN Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children; 1997. Labor Law. Sexual harassment and indecent behaviour in the workplace is prohibited by Article 172 of the Cambodian Labor Law; 2001. Law on Aggravating Circumstances of the Felonies; 2005. Law on the Prevention of Domestic Violence and the Protection of Victims; 2006. Law on Monogamy. 2009. National Action Plan to Prevent VAW.
Congo	Intimate partner violence Sexual violence	1984. Family Code; 1810. Criminal Code (some articles have been reformed in 1973); 2008. National Gender Policy; 2010. *Potignon* law: Law No. 4-210 Law on the protection of the child in the Republic of Congo.
Pakistan	Rape Intimate partner violence Harassment	1973. Constitution of Pakistan; 2006. Women's Protection Act; 2007. Draft Bill on Domestic Violence; 2008. Draft Bill on Harassment.
South Africa	Intimate partner violence Sexual violence and intimate femicide Harmful	1996. Choice on Termination of Pregnancy Act and 2008 Amendment; 1998. Domestic Violence Act; 2007. Sexual Offences Amendment Act; 2005. Children's Act; 2007. Sexual Offences Amendment Act;

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[219] In 2003, the government set the Cambodian Millennium Development Goals, based on the MDG goals agreed at the United National Millennium Summit but also incorporating some changes to adapt the global MDGs in the context of Cambodia. The Cambodian Millennium Development Goals (CMDGs) include 9 goals, 25 overall targets, and 106 specific targets. www.mop.gov.kh/Default.aspx?tabid=156
- CMDG 3: Promote gender equality and women's empowerment.
- Overall target 8: Reduce significantly all forms of violence against women and children.
- Target 3.17: Increasing the population percentage aware that violence against women is wrongful behaviour and a criminal act to 100 by 2015.

	traditional practices (*ukuthwala*-forced, under-age marriage) Economic dependence and abuse Sexual and reproductive health issues	2009. Protection from Harassment Bill; 2007. Children's Amendment Act; 2009. Harassment Bill; South Africa's National Policy Framework for Women's Empowerment and Gender Equality.
Democratic Republic of Congo	Rape and sexual violence perpetrated by combatants of armed conflicts Intimate partner violence, generalised forms of violence:verbal (injuries, threats), economic (poverty, privation of essentials), physical (blows and damage to the body), psychological (frustration, anguish, humiliation), sexual (sexual harassment, rape, conjugal rape, unwanted pregnancies)	1940. Decree of the Congolese Penal Code; 1987. Law No. 87-001 of the Family Code; 2002. Law No. 015/2002 on Labour Code; Code Criminal Congolese; Memorandum of legal and judicial support for victims of sexual violence; 2002. Law of the Labour Code; 2006. Constitution of the Democratic Republic of Congo; 2006. Law on sexual violence No. 06/019; 2006. Law No. 06/018 amending and supplementing Decree of January 1940 on the Congolese Penal Code and Law No. 06/019 of 20 July 2006 amending and supplementing the Decree of August 1959 O6 Procedure; 2009. Law No. 09/001 on Child Protection.
Malaysia	Intimate partner violence Trafficking in women Sexual harassment Rape Gender discrimination	1984. Islamic Family Law Act (differs in 14 states) regarding polygamy, *zina* or illicit sex and *khalwat* or close proximity, which are used to control women's sexuality; 1989. National Policy for Women (amended in 2009); 1994. Domestic Violence Act; 1999. National Plan of Action for Women (amended 2008); 2001. Child Act; 2001. Amendment to the Federal Constitution Article 8 (2) to disallow discrimination based on gender; 2001-2005. Eighth Malaysia Plan; 2006-2010. Ninth Malaysia Plan; 2007. Anti-Trafficking in Persons Act; 2006. Amendments to Penal Code on laws related to rape;

		2008. Policy on 30% women at decision making position.
Mexico	Economic violence Emotional violence Sexual abuse Sexual exploitation Trafficking in women Femicide[220] Torture Violence against women's rights advocates	2007. General Law on Access to Women to a Life free of violence; 1996. Law on Assistance and Prevention of Family (only in FD); Internal legislation on VAW, sexual harassment at work, trafficking in women and girls for slavery and symbolic violence.
Philippines	Rape (includes marital rape, sexual assault, and incestuous rape) Sexual harassment Sex discrimination, lesbophobia and homophobia Intimate partner violence Reproductive rights violations Abuse of women with physical or mental disabilities Culture bound practices harmful to women, ritual abuse within religious cults Sexual slavery, prostitution and international trafficking in women Abuse of women in media and through ICTs Pornography Abuse of women in war/conflict areas as well as internal refugee	1990. Anti-Mail Order Bride Act; 1992. Republic Act 7610 (Special Protection Act of Children against Abuse, Exploitation and Discrimination); 1995. Anti-Sexual Harassment Act; 1997. Anti-Rape Law; 1998. Rape Victims' Assistance and Protection Act; 2003. Anti-Trafficking in Persons Act; 2004. Anti-Violence Against Women and Their Children Act; 2006. RA 9344 Comprehensive Juvenile Justice law. 2008. RA 9775 Anti Child Pornography Act; 2009. RA 9710 *Magna Carta* of Filipino Women; 2010. RA 9995 Anti-Photo and Video Voyeurism Act.

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[220] The National Citizens' Watch on Femicide website shows that in 18 Mexican states 1,728 women were murdered between 2009 and 2010 and femicide is not even typified as a crime in Mexican legislation.

	or relocation camps, and custodial abuse	
Uganda	Intimate partner violence Rape Sexual harassment	Constitution of Uganda; National Objectives and Directive Principles of State Policy; 2010. Domestic Violence Act[221]; National Gender Policy; National Equal Opportunities Policy.

Source: Developed by the MDG3: Take Back the Tech! team.

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[221] Rosebell Kagumire "ICT Boom for Economy, A Bust for Some Women" *IPS* 25 November 2010 ipsnews.net/news.asp?idnews=53670

5. APPENDIX: Statistical indicators used to compute the ICT Development Index (IDI) by the MDG3 countries

	Fixed telephone lines 100 inhabitants		Mobile cellular subscriptions per 100 inhabitants		International internet bandwidth per internet user (bit/s)		Proportion of households with computers		Proportion of households with internet access	
	2007	*2008*	*2007*	*2008*	*2007*	*2008*	*2007*	*2008*	*2007*	*2008*
Argentina	24,1	24,4	102,3	116,6	8'943	21'959	36,4	37,6	27,5	29,9
Brazil	20,7	21,4	63,6	78,5	3'398	5'617	26,5	31,2	20,1	23,8
Cambodia	0,3	0,3	18	29,1	3'857	7'216	4,1	5,1	2,4	3
Colombia	17,9	17,9	76,5	91,9	4'213	5'801	18,6	22,8	10,2	15,5
Congo	0,6	0,6	36,3	50	10	10	5	6,3	1,4	1,9
Democratic Republic of Congo	0	0,1	10,5	14,4	239	190	0,3	0,3	0,2	0,2
Malaysia	16,4	15,9	87,9	102,6	2'778	4'254	31,3	38,7	15,2	21,1
Mexico	18,4	19	61,9	69,4	836	1'285	22,1	25,7	12,0	13,8
Pakistan	2,8	2,5	36,4	49,7	404	487	8,1	9,8	1,1	1,2
Philippines	4,4	4,5	64,6	75,4	1'887	8'393	18,3	21,0	12,3	13,8
South Africa	9,2	8,9	86	90,6	852	2'380	14,8	15,9	4,8	5,2
Uganda	0,5	0,5	13,7	27,0	306	148	1,2	1,6	0,1	0,2

Source: Page 103-104 of Measuring the Information Society, International Telecommunication Union 2010.

6. APPENDIX: Classification of national ICT policy landscape[222]

Country	Main national ICT legislative and policy framework
Argentina	- Civil Code includes protection of privacy since its reform by law 21.173 (1871) - Law 21.173 on Others' Lifes Intromission (1975) - Law 24.766 on Confidentiality (1996) - Law 25.326 on Data Protection (2000) - Law 25.467 National System on Science, Technology and Innovation (2001) - Law 25.690 on internet providers (2003) - Law 25.873 that involve internet service providers and mobile phone related services (2004) - Law 26.032 (2005) establishes that searching, reception and dissemination of information and ideas through the internet are considered under the constitutional guarantee of freedom of expression - Law 26.388 on cybercrime (2008) - Law 13.869 creates a Registry of offenders against sexual integrity (2008) - Law of Audiovisual Communication Services (2009)[223] - Mandate 512/09 that created the Digital Agenda (2009) - *Conectar Igualdad* Programme (2010)
Brazil[224]	- Brazilian Telecommunications Code (1962) - Filling COGE No. 75 (2007). *Teleaudiência* criminal Forums - discipline procedures - ATO GCGJT paragraph 2 (2006). Approved creation of study commission on electronic settlement in labour - Ordinance No. 756 (2006). Approved the Internal Policy Department of Informatics, in the form of the Schedule to this Ordinance - Resolution 522 (2006). Regulates the subpoena of electronic shares under the CJF - Law No. 11.341 (2006). Amendment to CPC to allow evidence of rift jurisprudence through publications on the internet - Ordinance No. 259 (2006). Provides for the performance of acts and procedural terms, in electronic form under the Internal Revenue Service - State Law No. 12,228 (2006). Provides for the shops that provide by lease, machines and computers for internet access and other matters - State Decree No. 50,386 (2005). Certificate of internet history - Resolution No. 293/05-SESP. Creates the NuCiber, organ of

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222 Source: www.giswatch.org/sites/default/files/SE_Asia.pdf
223 On October 2009, the Law of Audiovisual Communication Services was passed (www.infoleg.gov.ar/infolegInternet/anexos/155000-159999/158649/norma.htm). In section 9 on Communications Media it establishes the duty of the media: "To promote a balanced and varied image of women and men in the communication media." However, these measures are currently aimed at regulating images in the traditional media such as television, radio, and audiovisual productions, but do not specifically refer to digital communications where violence can acquire new forms. In Atschull's view the process of access and use of the new technologies is so rapid that it is producing a "legal vacuum".
224 www.ibdi.org.br/site

	special activity of the Civil Police of Parana - Municipal Law No. 14.098 (2005). Provides for the prohibition of access to sites with sex, drugs, pornography, paedophilia, violence and weapons - Decree 5111, in 19.07.5, the *Governandor Paraná*. Establishes guidelines for the licensing of computer programs in public - Joint Resolution No 003 (2005). Modifies the name of the AC-JUS - Ordinance No. COGE 637 (2005). Authorises video conferencing in prison - Character experimental - Act No 34, in 2:03:05, the Pres. the STSJ - creates a certificate of service online - Resolution DC-9 (2005) establishes rules and guidelines for the sites of state government on the internet - Resolution No. 260 (2005). Provides for the electronic signature system of the Federal Court of the Third Region - State Law No. 11,819 (2005). Provides for the deployment of video conferencing equipment for interrogation of prisoners and audiences at a distance - Bill No 4562 (2004). Provides for the identification of subscribers to e-mail - Resolution No. 397 (2004). Establishes guidelines for implementing the use of digital certification under the Council of the Federal Court of 1st and 2nd grades
Cambodia[225]	- Constitution of the Kingdom of Cambodia, article 40 (1993) - Policy and Strategies on Information and Communication Technology in Education (2004) - Master Plan for ICT in Education by the Ministry of Education, Youth and Sport (2009-2013) ensures gender balance: "*Combating gender imbalance is especially critical. The Ministry must not only take affirmative action to ensure roughly equal balance between men and women in teacher training for ICT but must also ensure that curricula and training materials not only are free of gender bias, but also project gender equality as part of their content*". - Law on the Suppression of Human Trafficking and Sexual Exploitation, articles 38 and 39 (2008). - Draft of ICT national policy 2015 by the National Information Communication Technology Development Authority. Objective 10 mentions to "enforce the WID (Women in Development) within the scope of ICT". - National Strategic Development Plan Update 2009-2013. According to point 476, to strengthen the regulatory framework the Ministry of Post and Telecommunication will continue working to receive official approval for: Law on Telecommunication (2009) Law on Radio-communication (2010-2011) Law on Cyber (2011-2012) Law on Fibre Optic Cable Network

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[225] Cambodia does not have cyberlaw in place yet but its Constitution guarantees communication and transmission of information freedom without censorship. The National ICT policy is still a draft - it has not been sent to government yet – and different from the 2003 version where a gender perspective and the promotion of women's participation in this sector was missing. The Open Institute planned to organise a consultation meeting to discuss this draft and draw government's attention to integrate a gender perspective in the national policy.

		Sub-decree on the Establishment of Cambodia Telecommunication
		Sub-decree on Establishing Universal Telecommunication Services (2009-2011)
		Ratification of Charter and Convention of International Telecommunication Union (2009)
		Ratification of the Adoption of Cambodia as Signatory of Memorandum of US Internet Association (2009-2010)
		Ratification of International Multilateral Partnership Against Cyber Threats (2010-2011)
		Policy on Management of Telephone Services through Voice over Internet Protocol (VoIP) and Internet Service Provider (ISP) (2010-2011)
		Announcement on Tabulation of National Frequency Plan (2009)
		Announcement on Establishing of Commission for Radio Frequency Usage Management (2010)
		Circular on Installing of Radio Antenna (2009)
		Prakas[226] on National Telephone Numbering Scheme (2009-2010)
		Prakas on Costs of Using Telephone Numbering Scheme (2009-2010)
		Prakas on Connection of Public Telecommunication Network (2009-2010)
		Prakas on Management of Radio-communication Equipment and Cost of Radio Frequency Use (2011)
		Prakas on Technology Management, Setting-up and Usage of Telephone Service (Mobile and Fixed) (2009)
Colombia		- Compartel Programme - Computers for Education Programme - Connectivity Agenda - National ICT Plan - Online Government
Congo		- 2001. Law No. 08/2001 on freedom of information and communication (addresses issues of privacy and circulation of images).
Democratic Republic of Congo		- Constitution of the DRC (2006) - Law No. 96/002 on freedom of press (1996) - Order No. 81/012 on the status of journalists working in the DRC (1981)
Malaysia[227]		- Sedition Act, Official Secrets Act and the Internal Security Act - Communications and Multimedia Act (proposal to amend under way to include online security) - Amendments to the Penal Code (amendments exclude marital rape and stalking) (2006) - General Consumer Code - Malaysian Communications and Multimedia Content Code (proposal to amend under way to include online security) - Copyright (Amendment) Act (1997) - Printing and Presses Act (1984)
Mexico[228]		- Special Parliamentary Commission to promote digital access

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226 Prakas is in the Khmer language and means an official regulation released by a ministry. Its function is smaller than a sub-decree.

227 Source: www.giswatch.org/sites/default/files/SE_Asia.pdf

	to Mexicans (2006) - Federal Telecommunications Law - General Law on Radio and Television - Law on Industrial Property - Federal Law on Transparency and Governmental Public Access to Information - Federal Law on Protection of Personal Data in Private Possession (2010)
Pakistan	- Pakistan Telecommunication (Re-Organisation) Act (1996 with amendments in 2006) - Pakistan Telecom Rules (2000) - Pakistan IT Policy and Action Plan (2002). Never implemented and new policy is being worked out[229] - Pakistan ICT Policy (2011). Work in progress[230] - Telecommunication De-regulation policy (2003) - Mobile Cellular Policy (2004) - Pakistan Electronic Media Regulatory Authority Ordinance (2002) - Broadband Policy (2004) - Universal Service Fund Rules (2006) - Telecom Consumers Protection (Amendment) Regulations (2010) - Prevention of Electronic Crimes Ordinance 2007 (lapsed in 2009 and new law is still pending
Philippines[231]	- RA 9995 or the Anti Cyber Photo and Video Voyeurism Act (2009) - E-Commerce Act (2000) - Several pending cybercrime bills before the Philippine Congress[232] - Philippine Digital Strateg
South Africa	- Independent Broadcasting Authority Act (1993) - Broadcasting Act (1999) - Independent Communications Authority of South Africa Act (ICASA) (2000) - Film and Publications Act (1996) with amendments in 1999 and 2004. - Proposed Amendment Bill (2006) (pending) - The Interception and Monitoring Prohibition Act (1992) - The Regulation of Interception of Communications and Provision of Communication Related Information Act

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228 Since laws in Mexico do not take into account the violence experienced by women and girls through ICTs and since the lobby process to integrate these issues into legislation has not begun yet, policies can be classified as belonging to the embryonic level.

229 Pakistan's first ever IT Policy was developed in 2002 with an ambitious action plan backed by huge funds. However, over the time period, the policy could not be implemented due to several socio-political reasons. Nonetheless, Pakistan's telecommunications sector has seen a huge growth, mainly due to the de-regulation of policy and market dynamics.

230 Bytes for All in collaboration with other stakeholders are helping the broad based consultative process.

231 Source: www.giswatch.org/sites/default/files/SE_Asia.pdf

232 Philippines does not have any law on cybercrime or privacy. The Philippine Congress has a pending cybercrime bill for 9 years now supported by ICT practitioners and human rights advocates. For privacy, there is also still no laws in place but a Data Retention bill has passed the Lower House of Congress on 3rd reading. (There is a constitutional guarantee on the right to privacy). There are privacy provisions in several sectoral laws which exist, e.g. Bank Secrecy Act, Anti-Wiretapping Act, among others but none deal with gender or VAW issues. A cybercrime policy is important in the context of the Philippines, but it has to be carefully crafted and studied so as not to step on other civil and political rights of its citizens. A law that directly address VAW and ICTs should be drafted with the active participation of different women's organisations and the women's movement in general.

	(RICPCRIA) (2002) - Promotion of Access to Information Act - Telecommunications Authority Act (1996) - Electronic Communications Act (2005), formerly the Convergence Bill - Electronic Communications and Transactions (ECT) Act (2003) - Electronic Communications Security (Pty) Ltd Act (2002) - Domestic Violence Act (1998) recognises stalking and harassment through telephone calls and electronic mail but provides little recourse. - Sexual Offences Amendment Act (2007) includes display of child pornography and creation of child pornography as an offence. The act makes interim provisions relating to combating trafficking in persons for sexual purposes and further criminalises sex work, by criminalising clients of sex workers. - Protection From Harassment Bill (2009) attempts to address stalking and harassment, and includes some aspects of cyber stalking, using ICTs to control or abuse women and girls (though not limited to them), provides increased protections and affirmatively places responsibilities on service providers to co-operate with protective enforcements. Defines harassment as directly or indirectly engaging in conduct that causes harm and includes, following, pursuing or accosting verbally or electronically. - Children's Act (2005) - Children's Amendment Act (2007) provides provisions to combat child pornography - Protection of Personal Information Bill (2009) - Prevention and Combating of Trafficking in Persons Bill (2010), which puts measures in place to hold ISPs accountable for "facilitating" trafficking in persons and introduces more victim friendly approaches to trafficking; - South Africa's National Policy Framework for Women's Empowerment and Gender Equality makes a commitment to redress inequities in the ICT sector and support women's participation.
Uganda	- Uganda's National Information and Communication Technology policy - Rural Communications Development Policy - 3 draft cyber laws: the Computer Misuse, the Electronic Transactions and the Electronic Signatures Bills (tabled in Parliament in 2009) - The Domestic Violence Act (2010).

Source: Developed by the MDG3: Take Back the Tech! team.

7. APPENDIX: ICT policy and legal frameworks

The ICT policy and legal landscape of the MDG3: Take Back the Tech! project countries is strikingly heterogeneous.[233] Where both gender and ICT policy exist they walk separate paths.

From the Latin American region, the countries that show intermediate, mature and advanced ICT policy and legislative frameworks are Brazil and Colombia. From the African region, the most mature/advanced is South Africa and from the Asia-Pacific region, the most mature/advanced are Cambodia and the Philippines. The South African legislative corpus gives one of the most comprehensive approaches in terms of ICT, an exceptional scenario in terms of legislation.

Mexico is number one in the international ranking of crimes mediated through ICTs (mainly child pornography, trafficking and theft of information)[234] but it has one of the weakest ICT legislations of all the countries addressed. In most of the countries, national ICT policies and strategies are gender-blind, as in South Africa, Argentina, Malaysia and Philippines. Or otherwise, VAW legislation does not integrate ICT issues. In Mexico and Colombia, none of the laws that deal with VAW include ICT in any way.

In Colombia despite a comprehensive national plan and a legal corpus for ICTs, gender issues and the relationship between VAW and ICT is not explicitly mentioned. Cambodia's national draft ICT policy is another example of how gender mainstreaming is not seen in public ICT initiatives.

In Argentina ICT laws do not make specific provision for VAW. Important progress was made on symbolic violence in media, through the passage of the law on Audiovisual Communication Services in 2009. However there are no specific considerations for internet and other information technologies, which leaves a legal vacuum regarding new IT. There are still no prospects of legislating and addressing the VAW mediated through ICT.

Uganda's National Information and Communication Technology Policy can be classified as mature. Even though it does not explicitly deal with VAW through ICTs, it does consider gender mainstreaming in ICTs policy. On the other hand, the three draft Ugandan cyber laws do not pay attention to gender or VAW. Only the Electronic Signatures Bill has one direct reference to females in section 86 (4), which is in respect to a search warrant for suspected offenders.[235] The outstanding rapid growth of the ICT market in Uganda (one

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[233] Classification of national ICT policy framework according to level of maturity from restrictive, to embrionic, emerging, negotiating, intermediate, mature and advanced. Adapted from: Madanmohan Rao "South-East Asia - regional report" *Global Information Society Watch: ICTs and Environmental Sustainability* 2010 www.giswatch.org/sites/default/files/SE_Asia.pdf

[234] Source: blog.derecho-informatico.org/mexico-es-lider-en-delitos-via-internet/2011/02/14/#more-1438

[235] Kathering Franke, Katherine "Access to cell phones in Uganda: How technology enables gender-based violence" (*Gender & Sexuality Law Blog*, 28 November 2010) blogs.law.columbia.edu/genderandsexualitylawblog/2010/11/28/access-to-cell-phones-in-uganda-how-

of the fastest in the East Africa region) has captured much public attention and left much more unnoticed the forms of VAW perpetrated through the use of ICT.

A significant progress was made with the Domestic Violence Act of 2010. For the first time in Uganda, this Act acknowledges the link between the use of ICTs and intimate partner violence. The Act criminalises the repeated sending of abusive messages and letters: *"A person who repeatedly makes abusive telephone calls or causing another person to make abusive telephone calls to the victim, commits an offence".[236]*

In Colombia, although laws and technology policy programmes do not directly address violence against women and its prevention through technology, they do guarantee the equality and participation of various sectors of the population. Therefore its national ICT policy and legislation framework can be classified as intermediate, since the relationship between technology and VAW is recognised at some stage of public policy.

In Philippines, past ICT policy plans have not addressed gender at all. Neither of the country's Medium Term Development Plans (for 2004-2010 and the current one in draft form, for 2011-2016) mention gender in their ICT sections. Although the current draft Philippine Digital Strategy 2011-2016 includes gender as a cross-cutting issue, at present it is underdeveloped and lacks concrete gender programs and policies. The ICT legislation which make provision for violence against women are:

- The Anti CyberVoyeurism Act (2009), which addresses unauthorised distribution of intimate photos/videos (though there is a contested concept of "consent")

- The E-Commerce Act (2000), which addresses computer hacking in general (but not specifically in relation to VAW).

- In Malaysia, the Eighth Malaysia Plan 2001-2005 allowed for a de-prioritisation of women's rights generally and on VAW issues specifically. Paradoxically this was during the same period that the amendment of the Federal Constitution included prohibition of gender-based discrimination.

Cybercrime and violence against women

Defining VAW in cyberspace is a contentious issue. However, violence committed on children through online child prostitution and pornography is a concern for all sectors and seems to be an arena where international cooperation converges.

The Convention on Cybercrime[237] of 2001 drawn up by the Council of Europe in Budapest was the first international treaty seeking to address computer and internet crimes. Of the countries addressed in MDG3: Take Back the Tech!, only South Africa, Mexico, Philippines

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technology-enables-gender-based-violence/
[236] Ibid.
[237] conventions.coe.int/Treaty/EN/Treaties/html/185.htm

and Argentina signed the convention. Philippines has not ratified it yet.[238] The convention includes article 9 under "offences related to child pornography", which punishes the production, distribution, offering, procuring (for oneself or for another person) and possession of child pornography in a computer system or on a computer-data storage medium.

In most of the national reports the only issue that got support from all sectors is the violence committed on children through online child prostitution and pornography. This fact is not reflected in national ICT laws. In the Philippines, for example, a country with outstanding incidents of cybercrime against women and growing online child prostitution and pornography, there are still several pending cybercrime bills before the Congress.

Cambodia still does not have a cyber law but the Law on the Suppression of Human Trafficking includes punishment for crimes against women mediated through ICT.

A cybercrime law does not guarantee the protection and defence of women's rights or an anti-VAW approach. Cybercrime laws need in-depth discussion and analysis in order to pin down their implications for women's rights.

Some sectors appear to be using the child pornography issue to gain more control and power. Hence in the policy deliberation of these matters the voices of women are hardly heard.[239] For example in South Africa there is a growing concern about child pornography and an increase in discussion about censoring young people's access to ICTs. This is a matter of concern since it will limit young women's access and will inevitably be subject to protectionist approaches on the use of the mentioned technology.

Pornography and its wide dissemination through ICTs is raising debates on censorship and freedom of expression. In South Africa, pornography is technically permissible as stated in the Constitution (every person has the right to freedom of expression, freedom of the press, other media and to freedom of artistic creativity). At the same time the Constitution states that everyone has inherent dignity and protection against anything that constitutes incitement to cause harm.

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[238] Child pornography is a term used to typify a criminal conduct, while the terms sexual abuse and exploitation of children and adolescents is ingrained in human rights discourse

[239] Jessica Umanos Soto "Philippines: Violence against women and information communication technologies" www.genderit.org/resources/philippines-violence-against-women-and-ict

8. Bibliography

Alegre, Alan and Patricia Borcena "Philippines national report" in the *Global Information Society Watch: ICTs and Environmental Sustainability*, Association for Progressive Communications, 2010.
www.giswatch.org/sites/default/files/gisw2010countryphilippines_en.pdf

Around the Anti-Photo and Video Voyeurism Law, Attyatwork.com, 2011.
attyatwork.com/around-the-anti-photo-and-video-voyeurism-law/

Assessment of the implementation of the Safer Social Networking Principles for the EU on 9 services: Summary report, European Comission, 2011.
ec.europa.eu/information_society/activities/social_networking/docs/final_reports_sept_11/report_phase_b_1.pdf

Boland Abraham, Linda, Marie Pauline Mörn and Andrea Vollman *Women on the web: How women are shaping the internet*, comScore Inc, 2010.
www.comscore.com/Press_Events/Presentations_Whitepapers/2010/Women_on_the_Web_How_Women_are_Shaping_the_Internet

Calo, M. Ryan *The boundaries of privacy harm*, 2010.
papers.ssrn.com/sol3/papers.cfm?abstract_id=1641487

Convention on the elimination of all forms of discrimination against women (CEDAW), United Nations, 1979. www.un.org/womenwatch/daw/cedaw/text/econvention.htm

Cyberstalking: How to stay safe and protect yourself online, Association for Progressive Communications Women´s Networking Support Programme, 2011.
www.apc.org/en/system/files/CyberstalkingFactSheet.pdf

Davidsziuk, Maria Isabel and Alejandra *Mexico, Argentina, Brazil and Colombia: Cross-country study on violence against women and information communication technologies*, GenderIT.org, Association for Progressive Communications Women´s Networking Support Program (APC WNSP), 2010. www.genderit.org/content/mexico-argentina-brazil-and-colombia-cross-country-study-violence-against-women-and-informat

Ditmore, Melissa and Kevicha Echols "Digital youth: Sexual development and expression, and the complications of modern technologies", United States national report in the *Global Information Society Watch: Internet rights and democratisation*, Association for Progressive Communications, 2011. www.giswatch.org/en/country-report/freedom-association/united-states

EROTICS: Exploratory research on sexuality and the internet - summary report,

Association for Progressive Communications Women´s Networking Support Program, 2011. www.genderit.org/es/node/3284

Ertürk, Yakin *15 years of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009) - A critical review*, United Nations Human Rights Council, 2009. www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf

Essof, Shereen *South Africa: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Program, 2009. www.genderit.org/content/south-africa-violence-against-women-and-information-communication-technologies

Franke, Katherine A*ccess to cell phones in Uganda: How technology enables gender-based violence*, Gender & sexuality law blog, Columbia Law School, 2010. blogs.law.columbia.edu/genderandsexualitylawblog/2010/11/28/access-to-cell-phones-in-uganda-how-technology-enables-gender-based-violence/

Gender and electronic privacy Electronic Privacy Information Center (EPIC). epic.org/privacy/gender/

Gender Evaluation Methodology toolkit, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2006. www.apcwomen.org/gemkit/en/gem_tool/index.htm

Gender Justice: Key to achieving the Millennium Development Goals, UNIFEM, 2010. www.unifem.org/progress/pdfs/MDGBrief-English.pdf

GenderIT.org, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP). www.genderit.org

Handbook for legislation on violence against women, United Nations Division for the Advancement of Women, 2009. www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf

How technology is being used to perpetrate violence against women – and to fight it, Association for Progressive Communications Women´s Networking Support Programme, 2010. www.apc.org/es/node/11452

In-depth study on all forms of violence against women, Report of the Secretary-General, United Nations General Assembly, July 2006. www.unhcr.org/refworld/docid/484e58702.html

Internet blocking. Crimes should be punished and not hidden, European Digital Rights (EDRI) Brussels: 2010. www.soros.org/initiatives/information/focus/policy/articles_publications/publications/edri-blocking-100606/EDRI-blocking-100606.pdf

Internet governance issues on sexuality and women´s rights, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP) and Alternative Law Forum, 2010. www.genderit.org/articles/internet-governance-issues-sexuality-and-womens-rights

Internet Rights Charter, Association for Progressive Communications, 2006. www.apc.org/en/node/5677

Jensen, Heike and the Association of Progressive Communications, Women´s Networking Support Programme (APC WNSP) *Gender Research Framework: Internet censorship and surveillance practice*s, OpenNet Initiative Asia, 2009. [unpublished paper]

Jensen, Heike, Jac Sm Kee, Sonia Randhawa, and Gayathry Venkiteswaran *A gendered perspective to internet censorship and surveillance in Malaysia*, OpenNet Initiative Asia, 2009. [draft version of the paper] access.opennet.net/wp-content/uploads/2011/12/accesscontested-chapter-04.pdf

Jurisprudential annotations to the Yogyakarta Principles, November 2007. www.yogyakartaprinciples.org/yogyakarta-principles-jurisprudential-annotations.pdf

Kagumire, Rosebell *ICT Boom for Economy, a bust for some women*, Inter Press Service, 2010. ipsnews.net/news.asp?idnews=53670

Kalupner, Sibylle *The human right of bodily integrity and the challenge of intercultural dialogue,* presented at the workshop Reframing Human Rights II: Genesis and Justification, Fourth Berlin Roundtables on Transnationality. Berlin and Erfurt: April-May, 2006. www.irmgard-coninx-stiftung.de/fileadmin/user_upload/pdf/archive/Sibylle_Kalupner.pdf

La Rue, Frank *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, United Nations Human Rights Council, May 2011. www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

Leao, Ingrid, Thais Lapa, and Tamara Amoroso *Brazil: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Program, 2009. www.genderit.org/content/brazil-violence-against-women-and-information-communication-technologies

Lenhart, Amanda *Teens and sexting*, Pew Research Center, 2009.
www.pewinternet.org/Reports/2009/Teens-and-Sexting.aspx

Madanda, Aramanzan, Berna Ngolobe, and Goretti Zavuga Amuriat *Uganda: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Program, 2009.
www.genderit.org/content/uganda-violence-against-women-and-information-communication-technologies

Madanmohan Rao "South-East Asia regional report" in the *Global Information Society Watch: ICTs and Environmental Sustainability*, Association for Progressive Communications, 2010. www.giswatch.org/sites/default/files/SE_Asia.pdf

Malhotra, Namita *The world wide web of desire: Content regulation on the internet*, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2007.
www.genderit.org/sites/default/upload/webOFdesire_EN.pdf

Maltzahn, Kathleen *Digital dangers: Information & communication technologies and trafficking in women*, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2005.
www.genderit.org/sites/default/upload/digital_dangers_EN_1.pdf

Manavy, Chim *Cambodia: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Programme, 2009. www.genderit.org/content/cambodia-violence-against-women-and-information-communication-technologies

Manjoo, Rashida *Report of the Special Rapporteur on violence against women, its causes and consequences*, United Nations Human Rights Council, May 2011.
www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf

Mexican girls to promote safe use of Facebook, Association for Progressive Communications, 2011. www.apc.org/en/node/11287

Millennium Declaration, United Nations General Assembly, September 2000.
www.un.org/millennium/declaration/ares552e.pdf

Moolman, Jan and Sm Kee, Jac: Sexuality and women's rights in the *Global Information Society Watch: Internet rights and democratisation*, Association for Progressive Communications, 2011. www.giswatch.org/en/freedom-association/sexuality-and-women-s-rights

Moore, Tyler and Richard Clayton *The impact of incentives on notice and take-down*, Computer Laboratory, University of Cambridge. United Kingdom: 2008.

www.cl.cam.ac.uk/~rnc1/ takedown.pdf

Niño, Lucy and Lida Nuñez *Colombia: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Programme, 2009. www.genderit.org/content/colombia-violence-against-women-and-information-communication-technologies

Niombo, Sylvie with contributions by Ella Mouelhet and Herman Malanda *Congo: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Programme, 2009. www.genderit.org/resources/congo-violence-against-women-and-information-communication-technologies

Niombo, Sylvie with contributions by Josepha Pumbulu, Esquire, and Philomène Mukendi *Democratic Republic of Congo: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Programme, 2009. www.genderit.org/resources/democratic-republic-congo-drc-violence-against-women-and-ict

Pasha, Kyla *Pakistan: Violence against women and information and communication technologies*, Bytes for All & Association for Progressive Communications Women´s Networking Support Programme, 2009. [draft version] www.genderit.org/resources/pakistan-violence-against-women-and-ict

Peralta, Cristina *Argentina: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Programme, 2009. www.genderit.org/content/argentina-violence-against-women-and-information-communication-technologies

Philippines Anti-Violence Against Women and their Children Act, 2004. pcw.gov.ph/index.php/publications/33-publications-laws/271-republic-act-9262-with-irr

Powell, Anastasia *New technologies, unauthorised visual images and sexual assault*, Australian Institute of Family Studies, 2009. www.aifs.gov.au/acssa/pubs/newsletter/n23pdf/n23c.pdf

Prevention is key to ending violence against women, United Nations Human Rights Council, 2011. www.ohchr.org/EN/NewsEvents/Pages/PreventionViolenceAgainstWomen.aspx

Randhawa, Sonia *Cambodia, Malaysia, Pakistan and the Philippines: Cross-country study on violence against women and information and communication technologies*, GenderIT.org, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2010. www.genderit.org/content/cambodia-

malaysia-pakistan-and-philippines-cross-country-study-violence-against-women-and-in

Randhawa, Sonia *Mapping the intersection of technology and gender-based violence*, GenderIT.org, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2011. www.genderit.org/articles/mapping-intersection-technology-and-gender-based-violence

Rape is rape: media's role in reporting the alleged gang rape of a school girl, Media Monitoring Africa, 2010. www.mediamonitoringafrica.org/images/uploads/MMA_analysis_of_rape_coverage.pdf

Reily, Niamh (editor) *Bodily integrity and security of person in women's rights as human rights: Local and global perspectives. Strategies and analyses* made at the ICCL Working Conference on Women's Rights as Human Rights. Dublin, Germany: March 1997. whr1998.tripod.com/documents/icclbodily.htm

Sekaggya, Margaret *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

Sm Kee, Jac *The privacy puzzle - part I*, GenderIT.org, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2009. www.genderit.org/content/privacy-puzzle-part-i

Sm Kee, Jac and Sonia Randhawa *Malaysia: Violence against women and information communication technologies*, Association for Progressive Communications Women´s Networking Support Program, 2009. www.genderit.org/content/malaysia-violence-against-women-and-information-communication-technologies

Sm Kee, Jac *Cultivating violence through technology? Exploring the connections between information and communication technologies (ICT) and violence against women (VAW)*, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2005. www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf

Sm Kee, Jac *Women´s rights and the internet at the Human Rights Council*, GenderIT.org, Association for Progressive Communications Women´s Networking Support Program (APC WNSP), 2011. www.genderit.org/articles/womens-rights-and-internet-human-rights-council

Souter, David (editor) *The APC ICT policy handbook*, Association for Progressive Communications, 2009. www.apc.org/en/system/files/APCHandbookWeb_EN.pdf

Take Back the Tech! 2011 campaign call, Association for Progressive Communications

Women´s Networking Support Programme (APC WNSP), 2011.
www.genderit.org/feminist-talk/map-it-end-it-take-back-tech

The economic and social role of internet intermediaries, Organisation for Economic Co-operation and Development (OECD), April 2010.
www.oecd.org/dataoecd/49/4/44949023.pdf

Tolmay, Susan *ICTs – A Double-edged Sword For Women Human Rights Defenders*, Association for Women's Rights in Development (AWID), 2011. *www.awid.org/News-Analysis/Friday-Files/ICTs-A-double-edged-sword-for-Women-Human-Rights-Defenders*

Umanos Soto, *Jessica Philippines: Violence against women and information and communication technologies*, Association for Progressive Communications Women´s Networking Support Programme, 2009. www.genderit.org/resources/philippines-violence-against-women-and-ict

VAW and ICTs: Unpacking the issues, Foundation for Media Alternatives (FMA), presentation prepared for the Consultation Workshop on Engendering a Philippine Action Plan for E-VAW, MDG3: Take Back the Tech! project, Manila, Philippines: 29 July 2010.

Violence against women and information and communication technologies - national reports, Association for Progressive Communications Women´s Networking Support Programme (APC WNSP), 2009. www.genderit.org/category/tags/mdg3research-papers

Welsh, Bridget *Gender bias against women: the case of Elizabeth Wong*, 2009. dinmerican.wordpress.com/2009/02/18/gender-bias-against-women-the-case-of-elizabeth-wong/–

Wikipedia.org www.wikipedia.org

Women & mobile: A global opportunity, GSMA, 2010.
www.mwomen.org/Research/women-mobile-a-global-opportunity_1