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Comments of the Association for Progressive Communications (APC) to the GNSO Privacy and Proxy Service Accreditation Issues WG Initial Report

The Association for Progressive Communications (APC) works towards the empowerment and support of organisations, social movements and individuals from the Global South by using information and communication technologies to build strategic communities and initiatives for meaningful contributions to equitable human development, social justice, participatory political processes and environmental sustainability. APC is both a network and an organisation, and its members are groups working in their own countries to advance the same mission.

Since 2013, one of APC's strategic priorities has been ending technology-based violence against women and girls. In this sense, many of the actions developed by APC's Women's Rights Programme (WRP) have been oriented towards increased visibility and understanding of online violence against women, evidence-based advocacy around prevention of online abuses directed at women and girls, and promotion of an online culture that affirms the rights to safety, security and privacy.

For this reason, APC has endorsed the Non Commercial Stakeholder Group (NCSG) comments to the Initial Report on the Privacy and Proxy Services published on May 5th and elaborated by the Privacy/Proxy Services Accreditation Services Issues working group (PPSAI WG), which will impact all groups and individuals that value the ability to protect their private information online. APC has also supported a coalition of organisations and individuals from all over the world that highlights the danger of ICANN's new Domain Registration Proposal.[1]

The report's proposal of requiring "commercial website" owners to display their address under their WHOIS data will prevent millions of site owners from safeguarding their private information, and especially endangers domain owners who are targets of online abuse, including women and girls, LGBTQ community members and advocates, journalists, women human rights and sexual rights defenders, among others.

Between April 2013 and June 2014, APC WRP developed the multi-country research project "From impunity to justice: Exploring corporate and legal remedies for technology-related violence against women"[2] (VAW), which revealed the types and extent of online violence suffered by women and girls, the lack of access to justice for survivors – women from the Global South who have faced technology-related VAW and sought justice through state agencies and internet intermediaries - and the strengths and limitations of available legal

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1   http://onlineabuseprevention.org/letter-to-icann-july-2015/
2   www.genderit.org/node/4258/

remedies.

Among the main consequences of online abuse, emotional harm appeared as the most outstanding (33%), followed by harm to reputation (18%) and invasion of privacy (18%). As reported in a majority of cases, these harms impeded women's full participation in online and offline life. Despite common belief, psychological violence is as damaging as physical violence. Online harassment and stalking often extend from online to offline and lead to both emotional and physical harms. Moreover, mental cruelty and psychological violence are recognised in international law and most national jurisdictions.

Technology-based VAW is an everyday event in the lives and experiences of women and girls all over the world. The same forms of gender discrimination that shape social, economic, cultural and political structures "offline" are reproduced, and sometimes amplified, on different digital platforms. APC's research-based recommendations for law-making institutions and those lobbying for legal change emphasise the need to balance rights to privacy, freedom of expression and freedom from violence and harassment for all individuals in constitutional, civil and criminal law; to extend laws to all who are vulnerable due to gender, including transgender and intersex individuals; and to create an enabling environment for women's access and enjoyment of ICTs.

In addition, a 2013 international survey[3] developed by APC revealed that most gender and sexual rights groups, organizations and networks find the internet useful for sharing (87%) and searching (73%) for information. Almost half the sample also found it useful for public action and support (47%), which roughly coincides with the 49% who work on raising public awareness or campaigning for rights. A significant 37% reported that the internet allows groups to network in safer conditions than face-to-face, and 26% said that it allows dialogue between people with diverse opinions. These examples reflect how the internet is an enabler of rights, including privacy and freedom of expression, for marginalised and at-risk groups.

On the other hand, nearly half of the sexual rights activists, advocates, scholars, and policymakers who responded to the survey had at some point received violent messages, threats or hate-based comments while working online. About one third of the sample mentioned intimidation (34%), blocking and filtering (33%) or censorship(29%). In response to online attacks, threats, and restrictions, 27% got technical help from someone else; 25% countered the problem technically by themselves (e.g., proxy servers, counter-hacking); 25% campaigned on or protested it; and 23% reported it or used legal strategies. We understand that these responses and counter strategies would not have been possible if activists' private data could not be protected.

Targeted disclosure of personal contact information would affect domain owners disproportionately, increasing barriers for those exercising activism or living under dictatorial regimes and extremely politically surveilled contexts. As revealed in our survey, twice as many activists from Africa and the Middle East had been warned, arrested, prosecuted, convicted, detained or questioned by government authorities because of their online activities (12%) compared to the global total average (6%).

Our research shows that the reality of online abuse should be a serious concern for all those working on internet governance, development and access. If we claim to make efforts towards a safe and inclusive internet for all, a proposal that puts at risk significant numbers of already marginalised people is not compatible with this goal. Therefore, we consider that any policy that could potentially enable such action should be reconsidered.

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3   www.genderit.org/articles/survey-sexual-activism-morality-and-internet