



End violence: Women's rights and safety online

From impunity to justice: Domestic legal remedies for cases of technology-related violence against women

Women's Legal and Human Rights Bureau, Inc.

Association for Progressive Communications (APC)

March 2015



Ministry of Foreign Affairs

This research is part of the APC "End violence: Women's rights and online safety" project funded by the [Dutch Ministry of Foreign Affairs \(DGIS\)](#) and is based on a strong alliance with partners in seven countries: Bosnia and Herzegovina, Colombia, Democratic Republic of Congo, Kenya, Mexico, Pakistan and the Philippines. For more information visit [GenderIT.org](#) and [Take Back the Tech!](#)

From impunity to justice: Domestic legal remedies for cases of technology-related violence against women

2015

Project "End violence: Women's rights and safety online"

Research "From impunity to justice: Exploring corporate and legal remedies for technology-related violence against women"

The Women's Legal and Human Rights Bureau (WLB) (author) is a feminist legal non-government organisation from the Philippines composed of women's rights activists and advocates. Its main thrust is to engage in feminist legal advocacy work, through awareness-raising campaigns, actions on women's issues, training and research.

Richa Kaul Padte (editor) is a freelance writer and feminist activist. She writes on issues surrounding gender, sexuality and popular culture. She writes at www.richakaulpadte.com and tweets @hirishitalkies.

Katerina Fialova (research coordinator) is coordinating research activities in the APC "End violence: Women's rights and safety online" project. She also works as the GenderIT.org coordinator.

Jan Moolman (project coordinator) is coordinator of the APC "End violence: Women's rights and safety online" project.

Lori Nordstrom (publication production and proofreading) is the publications coordinator at APC.

The research was carried out in collaboration with Carly Nyst and partners located in seven countries: [OneWorldSEE](#) in Bosnia and Herzegovina, [Colnodo](#) in Colombia, [Si Jeunesse Savait](#) in the Democratic Republic of Congo (DRC), the [International Association of Women in Radio and Television](#) and [KICTANet](#) in Kenya, an APC project associate in Mexico, [Bytes for All](#) in Pakistan, and the [Foundation for Media Alternatives](#) in the Philippines.

Credit is due to the research advisory team – Anita Gurumurthy from IT for Change, Joy Liddicoat from APC, Avri Doria and Francisco J. Proenza – for their substantive input into the research design, analysis and peer review of the research findings.

Credit is also due to the final reports' peer reviewers: Erika Smith (an APC project associate in Mexico), Aida Mahmutovic (from OneWorldSEE), and Paz Peña (from ONG Derechos Digitales in Chile).

Financial support provided by the Ministry of Foreign Affairs of the Netherlands Funding Leadership and Opportunities for Women (FLOW).

Published by APC

2015

Creative Commons Attribution 3.0 Licence
<creativecommons.org/licenses/by-nc-nd/3.0>
Some rights reserved.

ISBN 978-92-95102-40-8

APC-201503-WRP-R-EN-DIGITAL-231



Ministry of Foreign Affairs

Table of contents

- Section I: Introduction.....5
- 1. Background to the research.....5
 - 1.1 Research objectives6
 - 1.2 Research methods7
- Section II: Analysis of findings.....10
- 1. The phenomenon of technology-related VAW.....10
 - 1.1 Violence against women: A continuum11
 - 1.2 The harms of technology-related VAW.....13
- 2. Adequacy and effectiveness17
 - 2.1 Protection under gender equality laws.....17
- 3. Agency, participation and women's power27
 - 3.1 Women taking ownership of their situation.....27
 - 3.2 Women as active seekers of justice.....28
- 4. Conclusions and recommendations.....32

Section I: Introduction

1. Background to the research

Emerging forms of technology-related violence against women (VAW)¹ are in need of serious attention. Harms and violations against women perpetrated through and within information and communications technology (ICTs) tend to be seen as trivial, and thus receive inadequate and inappropriate responses from concerned actors, including the state, the private sector, civil society, and even women themselves.² Not only are existing legal and regulatory mechanisms and law enforcement bodies uncertain of which laws to apply, but in addition, an overarching context of impunity for perpetrators of VAW makes the interface between VAW and technology a complex phenomenon.

It is within this context that the present research *seeks to examine the availability and effectiveness of existing domestic legal remedies for survivors of technology-related VAW to access justice and to prevent such violence from occurring*. Domestic legal remedies are analysed in the context of women's access to justice, while simultaneously noting that the existence and enforcement of laws protecting women and the availability of legal counsel during the process of adjudication are not enough to measure women's access to justice. The research therefore adopts a framework of access to justice that goes beyond simply legal measures, and views VAW as a product of a hierarchical system of oppression. This framework explores the intersectional nature of discrimination and remains mindful of the entire continuum of violence experienced by women. At the same time, the framework is invested with an understanding of the continuum of agency and empowerment that women individually and collectively exercise.

¹The UN Declaration on the Elimination of All Forms of Violence against Women (DEVAW) defines violence against women as: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (see the full text: www.un.org/documents/ga/res/48/a48r104.htm). APC defines technology-related VAW as gender-based violence that is committed, abetted or aggravated, in part or fully, by the use of information and communication technologies (ICTs). Others, such as the Women's Legal and Human Rights Bureau (WLB), call it ICT-related VAW to refer specifically to ICTs as a medium and place of commission of VAW. Throughout this paper the term "technology-related VAW" is used.

²Women's Legal and Human Rights Bureau. (2012). Women, privacy and anonymity: More than data protection. In D. Sabanes Plou (Ed.), *Critically Absent: Women's Rights in Internet Governance*. APC. www.genderit.org/node/3548

The research³ was carried out between April 2013 and June 2014 by the Association for Progressive Communications (APC) as part of a multi-country project entitled “Ending violence: Women’s rights and safety online”. The research was conducted in collaboration with partners located in seven countries: [OneWorldSEE](#) in Bosnia and Herzegovina, [Colnodo](#) in Colombia, [Si Jeunesse Savait](#) in the Democratic Republic of Congo (DRC), [the International Association of Women in Radio and Television](#) and [KICTANet](#) in Kenya, an APC project associate in Mexico, [Bytes for All](#) in Pakistan, and the [Foundation for Media Alternatives](#) in the Philippines.

1.1 Research objectives

The research aims to explore technology-related VAW at two levels. The first level comprises the mapping of existing domestic legal remedies and the second consists of case studies that highlight women’s experiences of seeking available remedies across varying contexts, including the barriers they faced.

The mapping of domestic legal remedies examines existing laws in the seven countries with reference to the protection they provide for women in cases of technology-related VAW. This section seeks to identify what national laws can apply to the harm resulting from technology-related VAW, and the related processes, mechanisms and institutions through which women may seek remedies and access justice.

The case studies aim to make visible women’s experiences of accessing justice. The emphasis here is on women’s voices and looking at how women exercise and negotiate agency in different situations and contexts.

Specifically, the research aims to:

- Identify available domestic legal remedies in cases of technology-related VAW
- Analyse the strengths and limitations of available domestic legal remedies in relation to women’s experiences
- Highlight the voices, views and experiences of survivors who have sought remedy in cases of technology-related VAW, and to identify insights from their experiences
- Put forward recommendations for ICT and VAW policies based on women’s experiences.

³The research explored the adequacy and effectiveness of domestic legal remedies and corporate policies/redress mechanisms to address the issue of technology-related violence against women (VAW).

The overarching goals of the research were to:

- Gather evidence to increase understanding of the dynamics of technology-related VAW, and of what works and what doesn’t in the fight against these forms of violence.
- Develop recommendations for effective evidence-based legal, civic and community-based response strategies that can be readily adopted by key stakeholders (primarily women, women’s rights advocates, public officials, legal professionals, and corporate agents) to fight technology-related VAW.

For more information on the adequacy and effectiveness of corporate policies/redress mechanisms to address the issue of technology-related VAW, see: Athar, R. (2015). *From impunity to justice: Improving corporate policies to end technology-related violence against women*. APC. www.genderit.org/VAWonline-research

1.2 Research methods

Corresponding to the objectives of the research, the primary data-gathering method involved putting together case studies that substantively demonstrated women's experiences of technology-related VAW and their attempts to seek justice. There were two central research activities carried out.

The first was *mapping domestic legal remedies across the seven countries through desk research and interviews*. This entailed identifying what constitutes harm caused by technology-related VAW as penalised and/or recognised by different domestic laws. It also entailed identifying the processes, mechanisms and institutions involved in providing remedies and affording women's access to justice.

The second research activity was comprised of *in-depth case studies on women's and girls' experiences of technology-related VAW and their attempts to access justice*. The case studies included interviewing survivors, lawyers, police officers and service providers. The three primary criteria for identifying case studies were (a) that it must be a VAW case as defined by the UN Declaration on the Elimination of Violence against Women (DEVAW), (b) that it must be committed via ICT, and (c) that the woman must have attempted to access justice through the legal system.⁴ There were a total of *24 case studies conducted across seven countries*.

1.3 Limitations of the research

The research explored the national legal systems of the seven partner countries. In mapping domestic legal remedies, the research provided a review of constitutions, general penal codes, gender equality laws, and specific national laws on VAW and ICT – all of which provided, in some measure, remedy in cases of technology-related VAW. However, the study was limited in that all the laws were reviewed in English, despite the fact that some countries have either French or Spanish as their official languages. The research worked under the assumption that the available English translations reflected the laws in their original languages. With respect to the case studies, similar limitations are present. Eight case studies were written in Spanish and three case studies were written in French. The cases were then translated to English, where they were analysed. This practice again worked under the assumption that the case studies were faithfully translated from their original languages to English.

Secondly, while one of the main objectives of the research was to highlight women's views and voices, some of the interview respondents were not survivors themselves. The unavailability of survivors in some of the partner countries, and a survivor's initial consent to the interview and subsequent decision to not participate, both further limited the scope of the personal experience that some of the interviews were able to cover. In the former instance, the voices of women were mediated by service providers, social workers or advocates, while in the latter instance, we occasionally find incomplete narratives.

⁴The woman must have attempted to access justice, it not being necessary that the case be fully adjudicated on the merits or have reached the highest tribunal of the land; it suffices that the case shows the effort exerted by the woman/survivor to seek domestic remedy for the grievance in the best possible ways and means available to her. This may involve the most basic measures such as the filing of complaints with relevant authorities such as the police, service providers or internet intermediaries, to more advanced actions such as the filing of cases in courts or appealing decisions with higher courts.

1.4 Analytical framework

This paper draws from the *access to justice framework* developed by the Women's Legal and Human Rights Bureau (WLB),⁵ which states that women's access to justice necessarily lies beyond legal measures and within the interplay of politics, economics and culture – especially in cases of VAW. This framework posits that the existence of domestic legal remedies for cases of VAW and multi-disciplinary support services alone cannot measure women's access to justice when the circumstances of access remain affected by factors outside the legal system. Thus, *enabling and disabling contexts for access to justice* are critically examined in conjunction with available remedies, structures, processes and support services. The adoption and *integration of an intersectional approach* to women's access to justice makes visible a wider continuum of violence and discrimination. Moreover, this access to justice framework looks at development of women as a whole. *It sees women as active agents* and in the best position to identify their own strengths and needs. Further, the framework argues that the following elements must be present for women to be truly able to access justice: adequacy of remedies, participation and critical engagement of women, effectiveness, legitimacy of results, and changes in attitude.

Understanding *violence against women as a continuum of discrimination and abuse*⁶ further enhances the access to justice framework, especially in that it allows for an approach where "offline" VAW and technology-related VAW stem from the same causes. Technology-related VAW is then seen as a distinct phenomenon on this continuum (rather than an isolated occurrence), and is marked in particular by the borderless nature of ICTs, an absence of physicality, and the anonymity offered by digital personhood.⁷

The access to justice framework encompasses the following: a) adequacy and effectiveness, b) addressing the culture of impunity, and c) participation and power of women. These elements serve as the lens through which the findings of the research are viewed and analysed.

(a) An examination of the remedies for cases of technology-related VAW focuses on their adequacy and effectiveness. *Adequacy* as an element of access to justice covers not only the existence and availability of legal and other possible remedies in cases of VAW, but demands that these remedies are affordable, functioning and gender-responsive. It also measures whether the availability of such remedies is widely known. *Effectiveness*, on the other hand, presupposes that an adequate system already exists. Effectiveness pertains to the effective, speedy and immediate enforcement of a process that women can benefit from. In the short run, effectiveness includes the existence of immediate protective measures. In the long run, effectiveness involves both monitoring oversight on the part of state actors as well as the capacity building of duty bearers to further facilitate and improve women's access to justice.

⁵Women's Legal and Human Rights Bureau. (2014). *Mapping and Analysis of Domestic Legal Remedies to Issue of Violence against Women (VAW)*. Unpublished.

⁶Women's Legal and Human Rights Bureau. (2011). *Study on ICT, VAW and Sexuality: A Policy Advocacy*. Unpublished.

⁷Gurumurthy, A. (2004). *Gender and ICTs: An Overview*. Brighton: BRIDGE. www.bridge.ids.ac.uk/reports/cep-icts-or.pdf

To measure adequacy and effectiveness the following components are taken into account: discrimination of poor and marginalised women, the failure of authorities to make use of available laws, strategies of survivors in seeking remedies, and the availability of support services and support groups for women who experience technology-related VAW.

(b) A *culture of impunity* raises questions of legitimacy and credibility around the legal system as an institution accountable for violations against women, and in particular, technology-related VAW. It signifies a breakdown in the effectiveness of the legal system, and allows for a popularly held perception that perpetrators of VAW will not be punished under the law. This significantly impacts women's access to justice in cases of technology-related VAW.

(c) Lastly, a consideration of women's agency, power and participation brings to light *how women – as evidenced by the case studies – took ownership of their situations* and have become active seekers of justice in the process. This includes women's knowledge of the law and of their rights, women taking control of technology, and the value of collective empowerment in women's struggles.

Section II: Analysis of findings

1. The phenomenon of technology-related VAW

Technology-related VAW is increasingly becoming a part of women's experiences of both violence and digital media.⁸ The 24 cases from country partners illustrate the specific dangers and risks women and girls face. These include:

- Taking, uploading or distributing intimate photos or videos without consent: In one instance, a woman agreed to having her photographs taken for personal consumption, but did not consent to having them uploaded online. In another instance, a young woman was unaware she was being videotaped during a sexual act, following which the video was uploaded and distributed online.
- Altering photos or videos and uploading them to pornography websites: In one example, a video of a woman was altered so that she appeared naked and then circulated on pornography websites.
- Harassment: This includes women receiving insulting text messages or comments online, which often damage both their reputation and self-esteem.
- Stalking: Where women's activities online or on their mobile phones are monitored by abusers.
- Blackmail or threats: In one instance, a minor girl received text messages from her brother-in-law demanding that she have sex with him, or else her family would be harmed. In another instance, a woman's ex-partner threatened to upload intimate photographs online if she refused to return to the relationship.
- Accessing or disseminating private data: In one example, a woman's email account was hacked and her private communication was read. In another instance, a woman's social networking account was hacked and messages were sent to her contacts. In other instances, hacking led to private documents and information being leaked to the public.
- Creation of fake profiles or other forms of identity theft: In one instance, a fake Facebook profile was created of a woman, where her professions were listed as "stripper", "Durex tester" and "professional whore".⁹ 1
- Hate speech: This includes calling for women to be murdered, raped, etc.
- Child pornography: Where children are made to pose naked and perform sexual acts for video-chats, photographs and videos.
- Rape and sexual violence: In one instance, a woman was videotaped having sex, and the threat of the video being made public led to her being repeatedly raped. In another instance, a minor girl was lured away from her home via text message, and then kept captive and raped over the course of three months.

⁸APC. (2013). *Statement to the 57th Session of the CSW: Violence against women and information and communications technology*. www.apc.org/en/system/files/CSW%20APC%20statement%20FINAL%20VERSION.pdf

⁹Kaul Padte, R. (Ed.) (2014). A case study from Bosnia and Herzegovina: How a fake Facebook profile threatened to destroy one family's life. www.genderit.org/node/4235

The internet has become a key means for individuals to exercise their rights to freedom of opinion and expression.¹⁰ However, women who experienced VAW online have expressed fear towards technology, and have subsequently become hesitant about using digital media.

As one of the respondents shared, "Yes, I have been hesitant to use ICTs out of fear of new digital aggression... I know that these virtual media were not designed to hurt women [and] that they are designed for communication. But the majority of men use them to cause us harm. I currently don't use them because I'm afraid of what could happen to me again."¹¹

Technology-related VAW infringes on women's right to self-determination and bodily integrity. It impacts on women's capacity to move freely without the fear of surveillance or harassment. Most crucially, technology-related VAW denies women the opportunity to craft their own identities online, or to form and engage in socially and politically meaningful interactions that are enabled by digital media.¹²

1.1 Violence against women: A continuum

The range of violence that women experience reflects an interconnectedness between harassment, violation, abuse and assault. Liz Kelly argues that a comprehensive definition of VAW should therefore address a "continuous series of elements or events that pass into one another and cannot be readily distinguished."¹³ VAW is not fragmented; it is a continuum. Technology-related VAW is therefore on this continuum as much as "offline" VAW, where both are experiences connected to and brought about by unequal gender power relations enmeshed in society. The same forms of gender discrimination that shape social, economic, cultural and political structures are reproduced online and on different digital platforms.¹⁴ Contrary to popular belief, technology-related VAW is not deviant and episodic, but rather an everyday event in the lives and experiences of women and girls all over the world.¹⁵

Like all VAW, *technology-related VAW is not necessarily perpetrated by strangers*. Of the 24 cases, 14 of the perpetrators were known to the survivors. In most of these 14 cases, the perpetrator had an intimate relationship with the woman (as either a current or former boyfriend/husband), or belonged to the survivor's immediate circle (of family members, co-workers or friends). In cases where technology-related VAW took place in the context of domestic violence, women were subjected to physical beatings and/or sexual violence, coupled with insulting, threatening or violent text messages, phone calls or emails. In other cases,

¹⁰UN Human Rights Council. (2011). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

¹¹Ramirez, C. and López Sepulveda, M. (2014). Case Study Number 4, Colombia. Colnodo. Unpublished; case study summaries available at: www.genderit.org/node/4236

¹²Fascendini, F., & Fialova, K. (2011). *Voices from digital spaces: Technology-related violence against women*. APC. www.genderit.org/sites/default/upload/apcwnsp_mdg3advocacypaper_full_2011_en_0.pdf

¹³Kelly, L. (1987). *Exploring the Continuum of Sexual Violence in the Lives of Young People*.

¹⁴Kee, J. (2006). *Cultivating Violence Through Technology? Exploring the connections between information communication technologies (ICT) and violence against women*. APC www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf

¹⁵Women's Legal and Human Rights Bureau. (2010). *Mapping and Analysis of Domestic Legal Remedies to Issue of Violence against Women (VAW)*. Unpublished.

after the relationship had ended, private or intimate photos and videos of women were uploaded online to exact revenge and intimidate them. In some cases, the violence started online. For example, one woman was threatened first via mobile phone – an act of violence that over time escalated into rape.

What characterises technology-related VAW as a distinct phenomenon within a wider continuum of VAW is firstly its *mode of perpetration*. ICTs allow for the fast dissemination of information and content, provide multiple platforms for posting and reposting, and are comprised of vast worldwide computer networks. Thus, technology-related VAW is harder to contain, rendering survivors helpless to stop the proliferation of the violence. The uploading of intimate and altered photos and videos without consent in case studies from Pakistan, Philippines, Colombia and Mexico¹⁶ best illustrates how difficult – or even impossible – it is to remove pictures and photos uploaded online. Even if content is taken down from one website, it may be available on other platforms or stored in data logs, thus continuing to perpetuate harm.

This is illustrated by Berenice from Mexico, who was made the subject of a fake pornographic video wherein her face was morphed onto the body of a naked woman. While Berenice was able to remove the video from one porn website, she later found out that another porn site was still showing the video – and this site refused to take it down.¹⁷

In this sense, violence perpetrated online remains visible for others to see, acting as a constant reminder and exacerbating the effects of the abuse. As one interviewee subject to a similar violation shared, “My reputation and dignity are being affected and I am being seen by everybody without anyone doing anything about it... up until now the photographs remain there and day after day they are seen by more people and the number of followers grows.”¹⁸

A second defining characteristic of technology-related VAW can be seen in cases where survivors did not know perpetrators – *the anonymity offered by digital and virtual spaces created a new and overwhelming fear for women*.

Louisa, a woman from Mexico, faced a great deal of homophobic and violent threats both online and on her mobile phone. Here, she describes the effect this had: “It feels like there is a dam where all these ideas are deposited – where women are seen as sex objects and where our sexuality is not respected. This dam is cracking, and you know that at any moment it is going to break and everything – all these ideas – are going to come crashing down on you. You get a call, an email, a message: they’ve gotten through to you. And even though you patch up the dam, it is going to break, and all these messages get through. It is very exhausting. I felt sad when I saw the reality. I felt vulnerable, not knowing what I was facing.”¹⁹

¹⁶Kaul Padte, R. (Ed.) (2014). Case study summaries: Women’s experiences of technology-related VAW and their access to justice. APC. www.genderit.org/node/4221

¹⁷Polanco, G., & Smith, E. (2014). Case Study Number 3, Mexico. APC. Unpublished; case study summaries available at: www.genderit.org/node/4238

¹⁸Ramirez, C. and López Sepulveda, M. (2014). Case Study Number 4, Colombia. Colnodo. Unpublished; case study summaries available at: www.genderit.org/node/4236

1.2 The harms of technology-related VAW

Technology-related VAW profoundly harms women, yet too often it remains unrecognised and trivialised, and no action is taken to address and challenge it.²⁰ *These harms impede women's full participation in online and offline life, and undermine their dignity and well-being.*

Technology-related VAW permeates every aspect of women's lives – from work to education to social relationships. Women recounted experiencing multiple and often connected harms simultaneously. Technology-related VAW causes substantial emotional and psychological distress to women. *Almost all the case studies revealed that survivors suffered from depression, fear and anxiety.* From the quotations below, the extent of psychological harm to women can be seen:

"I got so depressed – to the point where my employer actually forced me to go see a psychologist."²¹

"I had nightmares all the time of being raped by these bastards; of them doing harm to my parents, my husband and my daughter – because of me. I still get nightmares that they have done something to my daughter or kidnapped my husband."²²

One woman even said that her emotional suffering was equivalent to that of poverty, quoting Mother Teresa, who famously said, "Loneliness and the feeling of being unwanted is the most terrible poverty."²³ Another said it felt similar to "losing one's soul."²⁴

There was also a certain point where some survivors expressed suicidal thoughts as a result of the harm they faced. One woman recounts, "I considered committing suicide, because I figured that this would send the message that this wasn't a game."²⁵

In many cases, survivors were faced with incredulity and the impression that what happened to them was not "real". Worse, women felt that they were to blame for what happened to them, and felt extremely guilty. Louisa from Mexico, for example, considered herself to be a "fool" for putting her address on the internet.

The psychological suffering of women as a result of technology-related VAW often caused a total disruption to their lives. Women were so deeply affected by the violence that their productivity at work decreased. One woman described how the distress and depression caused her severe sleep difficulties. She said, "I cannot sleep more than three hours at a stretch anymore," and for two years her work routine was affected.²⁶ *In fact, sleep deprivation was*

¹⁹Polanco, G., & Smith, E. (2014). Case Study Number 2, Mexico. APC. Unpublished; case study summaries available at: www.genderit.org/node/4238

²⁰Citron, D. K., & Franks, M. A. (2014). *Criminalizing Revenge Porn*. works.bepress.com/danielle_citron/37

²¹Si Jeunesse Savait. (2014). Case Study Number 1, DRC. Unpublished; case study summaries available at: www.genderit.org/node/4253

²²Bukhari, G. (2014). Case Study Number 2, Pakistan. Bytes for All Pakistan. Unpublished; case study summaries available at: www.genderit.org/node/4239

²³Kučukalić, B., & Mahmutović, A. (2014). Case Study Number 1, Bosnia and Herzegovina. OneWorldSEE. Unpublished; case study summaries available at: www.genderit.org/node/4235

²⁴Polanco, G., & Smith, E. (2014). Case Study Number 3, Mexico. Op. cit.

²⁵Si Jeunesse Savait. (2014). Case Study Number 1, DRC. Op. cit.

²⁶Bukhari, G. (2014). Case Study Number 2, Pakistan. Op. cit

one of the most common psychological harms experienced by survivors of technology-related VAW.

Survivors often became isolated and alienated from the outside world. This was particularly true for women whose photos and videos were uploaded without their consent; their social lives deteriorated because of the public embarrassment and ridicule they suffered, both from the general public as well as their friends and families. Says one woman, "I felt like I lost something, perhaps my confidence. For one year, I did not talk to people. I felt there was nothing for me to say so I did not talk."²⁷

In some instances, the violence resulted in total economic loss because the survivor was forced to quit her job. Ruby, a popular actress from the Philippines, describes her experience after sex videos of her were non-consensually distributed online: "I had been working for [only] five years and I did not expect to lose my job. All my contracts ended at the same time, just when the scandal erupted. And I had just bought a house and I had to earn to pay for the balance."

Students who experienced technology-related VAW expressed how the violence caused deterioration in their grades and academic performance, as they either stopped going to classes, or if they did continue studying, they were distracted. One student survivor says of her concentration: "It went away on vacation." *In one case, the survivor's education came to an end* because her father believed it was her freedom to commute to school that had ultimately led to the violence – and by extension, the "shame" suffered by the family.²⁸

In some cases of technology-related VAW, it was not only a survivor's life that was impacted, but her immediate environment suffered too. For instance, Bayhaya from Pakistan received anonymous threats to her life, and was advised by a trained security officer to close her office for a week, since it was unsafe for her employees to come into work for that period of time.²⁹

The effects of the violations also extended to women's families and friends, and at times resulted in feuds or broken relationships. Martha from Colombia married a man who was violent to her while they were married. She later divorced him and remarried. However, Martha's ex-husband created a fake profile of her online and started posting intimate pictures he had taken of her while they were still together. As a consequence, her second husband asked her for a divorce, and she is currently undergoing divorce proceedings. Martha says, "It distresses me to think that one day when my daughters are older they might see these pictures and hold it against me."³⁰

One of the most significant harms of technology-related VAW is that *it renders women powerless*. Through a culture of impunity and blame, it forces women to accept the situation as inevitable, leaving them overwhelmed, isolated and alone.

²⁷FMA. (2014). Case Study Number 2, the Philippines. Op. cit.

²⁸Bukhari, G. (2014). Case Study Number 3, Pakistan. Op. cit.

²⁹Bukhari, G. (2014). Case Study Number 1, Pakistan. Op. cit.

³⁰Ramirez, C. and López Sepulveda, M. (2014). Case Study Number 4, Colombia. Op. cit.

1.3 Culture of impunity

The phenomenon of technology-related VAW situates itself within a prevailing culture of impunity. A culture of impunity is characterised by a failure in the application of laws and legal processes. It specifically pertains to the structural and systemic failure of the justice system to address abuses as they occur, creating the perception that such acts can and will remain unpunished. Impunity is manifested in the existence of gaps between the formal recognition of rights and their effective application. Under the culture of impunity, the legal system loses its legitimacy and credibility as an institution accountable for violations against women.

The existence of a culture of impunity was present in cases of technology-related VAW across all seven countries. The case studies illustrate a perceived notion of a complete breakdown in the criminal justice system, including the investigation, prosecution and adjudication of cases involving VAW. The non-efficacy of the laws and government inaction were aggravated by gender insensitivity on the part of enforcers and service providers, which served to silence women instead of encouraging them to assert their rights. Relevant laws, in several instances, were essentially dead letter legislation – i.e. laws that were no longer being enforced. The excessive time taken to file charges, delays in the investigations, and the number of years that passed before a case was properly considered were all factors that made women survivors desist from “wasting their time” by filing a complaint.

Louisa from Mexico suffered several types of homophobic threats and insults. Despite repeatedly reporting the offences, she did not get any substantial response from the general prosecutor’s office in the state of Mexico. Of this she says, “If I ever had faith in the authorities, I lost that faith.”³¹

The culture of impunity was so pervasive in some cases that one lawyer interviewed in the Philippines said: “The worst thing to do is to file a case because under our justice system, it is best that these cases are settled outside of court.”³²

The lack of credibility and legitimacy of the legal system makes it very difficult for women to seek justice, and therefore they are more likely to seek support from multiple informal structures and services instead. Even in high-profile cases, which involved women with financial capacity and political connections, justice was elusive. In Colombia and Pakistan, cases of high-profile women were not fully investigated, prosecuted or punished,³³ raising questions as to how much worse access to justice is for poor and marginalised women.

A prevailing culture of impunity is further fed and aggravated by gross and persistent *corruption in legal systems and the lack of political will to address VAW*. As evidenced by the case studies, going to court was often a very expensive process that entailed bribery at several levels. Women were often forced to “compromise” on justice because they lacked the capacity to bribe a corrupt judicial system.

³¹Polanco, G., & Smith, E. (2014). Case Study Number 2, Mexico. Op. cit.

³²FMA. (2014). Case Study Number 1, the Philippines. Unpublished. Case study summaries available at: www.genderit.org/node/4240

³³Ramírez Cardona, C. (2014). Case Study Number 1, Colombia. Colnodo. Unpublished; case study summaries available at: www.genderit.org/node/4236; and Bukhari, G. (2014). Case Study Number 1, Pakistan. Op. cit.

Other discouraging scenarios that further hindered women's access to justice were *the filing of retaliatory suits by defendants and the settlement of cases due to cultural pressure*. All three case studies from Pakistan strongly highlight these barriers. Due to the extent of extremism brought about by the establishment of military rule and the formation of religious neo-conservative parties in Pakistan, pro-women laws became void when perpetrators invoked blasphemy laws.³⁴

For example, Bayhaya – a human rights defender from Pakistan – did not report the threats she and her colleagues were receiving for fear that she might be accused of blasphemy, and that the police would say that she deserved what happened to her. This fear was strongly echoed by her colleagues, since many people have been lynched or burned alive by crowds at the mere accusation of having committed blasphemy. This has made women such as Bayhaya become resigned to their reality and “lose all faith in the system.”³⁵

In some cases, legislation on VAW was rendered inadequate by hostile or difficult environments in countries emerging from post-war conflicts. In such cases, the country's weak political infrastructure, high levels of fragmentation in legislative standards, and a lack of communication between implementing authorities impaired a full realisation of women's rights. In the Democratic Republic of Congo, Bosnia and Herzegovina, and Colombia, women suffered from mass rapes, and impunity remained a large problem.³⁶ In Mexico, the fight against drugs, extreme violence around the country, and a general context of insecurity has made the murders of women invisible.³⁷ In several places where public policy and legislative reform are carried out in the name of “national security”, even basic civil rights are being challenged.

In Colombia, a group of women's human rights defenders were threatened via email and stalked offline by paramilitary groups. However, security and control agencies denied the existence of such groups and stigmatised the women as allies of guerrilla groups, thus downplaying the threats the women had received.³⁸

The attempts of Baaghi – a high-profile political activist in Pakistan – to access justice demonstrated that civilian law enforcement agencies could not do anything when faced with transgressions by the military. Despite personal backing from the president and interior

³⁴Bukhari, G. (2014). Case Study Number 1 and 2, Pakistan. Op. cit.

³⁵Ibid.

³⁶The magnitude of conflict-related sexual violence against women in these countries is yet to be fully understood. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2013 reported the mass rapes, killing and arbitrary execution of Congolese women by FARDC soldiers as well as by the M23 rebels (www.un.org/apps/news/story.asp?NewsID=47732#.U6uUnJSSw1). In Bosnia and Herzegovina, reports stated that around 20,000 to 60,000 Bosniak women were systematically raped during the 1992-1995 Yugoslavia armed conflict (www.womenundersiegeproject.org/conflicts/profile/bosnia). In Colombia, a survey undertaken by women's organisations spanning a nine-year period (2000-2009) estimated that 12,809 women were victims of conflict rape, 1,575 women had been forced into sex work, 4,415 had forced pregnancies, and 1,810 had forced abortions (reliefweb.int/sites/reliefweb.int/files/resources/ABColombia_Conflict_related_sexual_violence_report.pdf)

³⁷Católicas por el Derecho a Decidir. (2012). *Femicide and Impunity in Mexico: A context of structural and generalized violence*. www2.ohchr.org/english/bodies/cedaw/docs/ngos/CDDandCMDPDH_forthesession_Mexico_CEDAW52.pdf

³⁸Ramírez Cardona, C. (2014). Case Study Number 1, Colombia. Op. cit.

minister, Baaghi could not access justice. According to her, civilian ministers were not powerful enough, since in reality the military controlled Pakistan's affairs.³⁹

Across countries, *a culture of impunity flourishes due to deep-seated misogyny* and a systematic hatred of women. Articulated in both overt and covert ways, misogyny has been institutionalised, thus creating a situation where impunity for perpetrators – and a corresponding lack of faith in the legal system – is the norm.

2. Adequacy and effectiveness

In order to assess the adequacy and effectiveness of women's access to justice, the legal and policy landscapes of seven countries were examined with reference to their efficacy in protecting women's rights. *All seven countries involved in the study have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). They have also explicitly stated in their constitutions the equality of women and men before the law.* In several countries, the constitution directly prohibits discrimination on the grounds of sex, and all seven constitutions guarantee rights to privacy and to freedom of expression.

In all countries there are available substantive laws that can be invoked in cases of technology-related VAW. These are:

- Gender equality laws
- Laws defining and penalising violence against women – either existing as separate laws or contained within a country's penal law
- Specific laws penalising technology-related VAW offences
- Specific laws penalising ICT offences
- Civil laws for damages.

These will be further discussed in the following sub-sections.

2.1 Protection under gender equality laws

Signatory countries to CEDAW are mandated to enact a gender equality law. *While all the seven countries are signatories to CEDAW, only five have enacted a gender equality law.* These are Bosnia and Herzegovina, Colombia, Kenya, Mexico and the Philippines. Patterned after CEDAW, these gender equality laws provide protection from discrimination including discrimination in the form of violence. These laws also establish institutions tasked with the mandate of promoting and protecting women's rights.

All seven countries have legislation that makes reference to VAW.⁴⁰ Colombia, Mexico and the Philippines provide for the broadest definition of VAW and have special laws on VAW. These countries have adopted the definition of VAW provided under DEVAW, which includes

³⁹Bukhari, G. (2014). Case Study Number 2, Pakistan. Op. cit.

⁴⁰As part of the review of related literature and studies, researchers mapped the available domestic legal remedies across the seven countries. See: APC. (2014). Domestic legal remedies for technology-related violence against women: Review of related studies and literature. www.genderit.org/sites/default/upload/domestic_legal_remedies_for_technology-related_violence_against_women_review_of_related_studies_and_literature.pdf

psychological, emotional and financial harms, and encompasses violence across public and private spheres. *By adopting this broad definition of VAW, these laws are potential sources of remedy in cases of technology-related VAW.*

The other four countries' definitions of VAW are limited. Mostly contained in penal laws, these definitions of VAW fall short of DEVAW and General Recommendation 19 of CEDAW. In Bosnia and Herzegovina, provisions relating to VAW can be found in the penal code under "criminal offences against sexual freedom and morality". Pakistan and the DRC have similar references in their penal codes, and see VAW as a violation against a woman's modesty and against good and public morals. In Kenya and the DRC, VAW is addressed in sexual offences acts. Under these acts, too, *VAW is closely tied to morality and is limited to sexual offences against women. These categorisations automatically limit the laws' applications and fail to recognise the continuum of violence that women experience.*

Criminal codes or penal codes are usually resorted to even if there is no explicit mention of technology-related VAW. Since such codes are general in nature, they provide definitions of VAW including rape, pornography, prostitution, pandering, sex trafficking and sexual harassment. When such forms of VAW are perpetrated through the use of ICTs, the provisions of the criminal codes or penal codes become useful in addressing technology-related VAW. For instance, in cases of rape and sexual harassment committed through ICTs (involving threats, intimidation, false pretence, fraudulent machination, or deceit) remedies may be generally sought through the country's criminal or penal code.

However, only Colombia, Mexico and the Philippines expressly recognise psychological violence in their laws, which makes these laws especially useful in cases of technology-related VAW. While Bosnia and Herzegovina also recognises psychological VAW, it only does so in cases of domestic violence. This therefore discounts the law's applicability to cases where VAW is committed by a partner in a dating relationship or by a stranger.

Despite their limitations, the various definitions of VAW across penal and criminal codes (with or without the express mention of technology) have been used by women seeking remedy for technology-related VAW – with varying degrees of effectiveness.

2.2 Protection under ICT laws

Aside from VAW laws and provisions within a country's penal code, remedies for technology-related VAW can also be found in laws specifically enacted to penalise ICT offences. Of the seven countries, only the Philippines and Kenya have recognised ICT-related offences in their laws.

In 2009, the Philippines enacted a law that prohibits the taking, publishing and distributing of photos/videos without consent, known as the Anti Photo and Video Voyeurism Act of 2009. In 2013, it enacted the controversial Cybercrime Law which penalises "cybersex", which is defined as the "wilful engagement, maintenance, control or operation, directly or indirectly, of

any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer, for favour or consideration.”⁴¹

Kenya has a cyber crime law known as the Kenya Information and Communications Act, Cap 411A that recognises the “improper use of computer systems, which includes sending [a] message that is grossly offensive or of an indecent, obscene or menacing character; or to send a message that one knows to be false for the purpose of causing annoyance, inconvenience or needless anxiety to another person.” It also recognises the publication and transmittal in electronic form of any obscene information or material.⁴²

However, these laws are cyber crime laws. For the most part they are oriented towards commercial offences and concerned with attacks on the integrity of computer systems, computer networks and computer data – rather than on people. *Provisions on technology-related VAW, while present in these cyber crime laws, are not prioritised.*

2.3 Civil remedies

In some countries, civil remedies in the form of damages are also available in cases of technology-related VAW. An example is that of damages for slander in Bosnia and Herzegovina. Though many abusive comments received by women can indeed be classed as slander, the case studies found that filing a case was too expensive, and most women were unable to make use of this provision.⁴³ In the Philippines, for example, damages are available for as long as the complainant is able to prove direct harm arising from the act complained of. But since they are not criminal in nature, *civil cases require the payment of filing fees based on the total amount of the damages claimed.*

Country	CEDAW ratification	Gender equality law	VAW law	ICT-VAW law	Civil remedies
Bosnia and Herzegovina	✓				✓
Colombia	✓		✓		
Democratic Republic of Congo	✓				
Kenya	✓			✓	
Mexico	✓	✓	✓	✓	
Pakistan	✓				
Philippines	✓	✓	✓	✓	✓

⁴¹Philippine Cybercrime Law, Section 4.c.1.

⁴²Kenya Information and Communication Act, Section 29.

⁴³In an interview with a legal expert, it was determined that it is possible to bring the case of Serena from Bosnia and Herzegovina to court, but in order to file a civil suit she would need a great deal of money. See: Kučukalić, B., & Mahmutović, A. (2014). Case Study Number 1, Bosnia and Herzegovina. Op. cit.

⁴⁴This table may not provide an exhaustive list of the available laws in cases of technology-related VAW. As stated in the limitations of the research, only documents available in English were reviewed in the mapping of available laws, thus some laws might be missing from the list.

2.4 Trivialisation of technology-related VAW and the incompetence of duty bearers

As evidenced by the case studies, instances of technology-related VAW are often trivialised. When women reported VAW to the police, responses were either unaccommodating or dismissive. When the complaint was made to other concerned authorities, *cases tended to not reach the stage of a police report given the failure of authorities to recognise online threats and harassment as VAW – or even as crimes under the penal code.*

Social stigma often awaits a woman who files a complaint for abuse and violence. The view that VAW is a “private” act is still prevalent, particularly when it occurs in the context of intimate relationships. Women who filed cases against their husbands were looked upon with disfavour and seen as dishonourable. This generally accepted attitude across societies affected women’s access to justice in subtle yet systematic ways.

For example, a woman named Che from Kenya faced a situation where her husband used her internet accounts to send disruptive messages to her friends and family. He also stole money using her ATM card and regularly beat her. Che, however, was prevented by her immediate community from filing a complaint against her husband. She explains, “You are not allowed to sue the father of your children. If you go to the police, it is like you have betrayed your children.”⁴⁵

Beatrice, also from Kenya, who did report her husband’s threatening messages to the police, was dismissed because it was a “family affair”. She recalls: “I was so scared, but when I went to the police to report they didn’t take me seriously. I wanted them to intervene but they told me that it is ‘domestic’ and I should go back to my husband or go to counselling. I wanted them to summon my husband but they didn’t do that either.”⁴⁶

In most cases, there was an impression among law enforcement that when violence took place in a virtual space, it was not “real” and was therefore less (or not at all) harmful. This attitude then impacted the way in which concerned authorities responded to complaints.

Rebecca from Bosnia and Herzegovina, for example, recounts how the police initially dismissed her complaint about receiving mobile threats. They later responded because the mobile threat had escalated to and culminated in “actual” physical harm.⁴⁷

In Pakistan, where heinous physical crimes against women are common and almost always go unpunished,⁴⁸ technology-related VAW is considered too insignificant to receive serious attention. Here, use of the internet and social media is considered to be a privilege, and online

⁴⁵IAWRT. (2014). Case Study Number 2, Kenya. Unpublished; case study summaries available at: www.genderit.org/node/4237

⁴⁶IAWRT. (2014). Case Study Number 1, Kenya. Unpublished; case study summaries available at: www.genderit.org/node/4237

⁴⁷Kučukalić, B., & Mahmutović, A. (2014). Case Study Number 3, Bosnia and Herzegovina. OneWorldSEE. Unpublished; case study summaries available at: www.genderit.org/node/4235

⁴⁸Palo, S. (2009). A Charade of Change: Qisas and Diyat Ordinance Allows Honor Killings To Go Unpunished in Pakistan. *UC Davis Journal of International Law and Policy*, 15. jilp.law.ucdavis.edu/issues/volume-15-1/Palo.pdf

VAW is seen as a “little discomfort” for the wealthy.⁴⁹ Relatedly, it is seen as something to be expected when one uses technology. *In effect, since VAW is already not taken seriously, this trivialisation is heightened in cases of technology-related VAW.*

Moreover, *the police also have the tendency to neglect their role and obligation to investigate VAW cases that are filed due to their own biases.* This is clearly illustrated in the case of a woman from a small village in Pakistan, whose intimate video was widely distributed. Here the police hinted that the video was actually disseminated by the survivor and her family so that they could attain “fame and fortune”.⁵⁰

Victim blaming and the stigmatising of women by law enforcement are common in cases of technology-related VAW. It is therefore not surprising that survivors of technology-related VAW who went to court seeking relief were more often than not faced with the attitude of “she must have had it coming”.

One such example is Ruby from the Philippines. Popularly known as a “sexy actress” for having endorsed liquor brands and posing for a popular men’s magazine, Ruby’s “modesty” was questioned when her private videos were uploaded online. People were quick to call her a slut and a “cheap prostitute who deserved what she got.”⁵¹

In a similar vein, in the case of a young girl from Pakistan who was unknowingly videotaped while having sex, one journalist was eager to state that the sex she was having was “habitual”.⁵²

In cases where there was initial consent on the part of the woman to be photographed or videotaped, women were later reproached and questioned by law enforcement as to why they allowed such pictures and videos to be taken in the first place. As a result of these pervasive views on VAW and women “asking for it”, survivors experience re-victimisation when attempting to access justice. This then results in *a culture of silence where survivors are inhibited from speaking out for fear of being blamed for the violence they have experienced.*

2.5 The failure of authorities to make use of available laws

Domestic legislation often does not explicitly mention technology-related VAW as a criminal offence. There is therefore a corresponding lack of mechanisms for the protection of survivors, as well as no clear procedures for the investigation and prosecution of such cases.

In Mexico, a public prosecutor told two survivors of threats that they could not file a complaint, because the local state penal code did not recognise threats as a crime. This statement was made despite the fact that these threats led to defamation and affected the women’s personal integrity and sense of safety.⁵³

⁴⁹Bukhari, G. (2014). Case Study Number 2, Pakistan. Op. cit.

⁵⁰Bukhari, G. (2014). Case Study Number 3, Pakistan. Op. cit.

⁵¹FMA. (2014). Case Study Number 2, the Philippines. Op. cit.

⁵²Bukhari, G. (2014). Case Study Number 1, Pakistan. Op. cit.

⁵³Polanco, G., & Smith, E. (2014). Case Study Number 2, Mexico. APC. Unpublished; case study summaries available at: www.genderit.org/node/4238

In fact, cases from all seven countries demonstrated that *there were various existing laws that could have been invoked in cases of technology-related VAW. However, the authorities' awareness about these available remedies was very limited.* In most cases, law enforcers were ignorant of possible available remedies for women's complaints, thus creating a huge barrier to women's attempts to access justice. In Mexico for instance, even if public prosecutors are aware that a General Law for a Life Free of Violence for Women exists, few referred to it or knew how to apply it. This was true at both the local and state levels, and was the result of a lack of implementation protocols.⁵⁴

Inaction by authorities also existed in cases that did not reach the stage of formal filing because *authorities did not understand that online threats and harassment could be categorised as bringing about the same violations as offline crimes* – as stipulated in the penal code.

The case studies revealed that most authorities were incompetent in responding to survivors' needs and were gender-insensitive. Baaghi from Pakistan explained that many laws do not actually help the women in Pakistan due to problems with implementation and unwillingness on the part of the police to help. She lamented, "Laws are of no use because the police stationhouse officers are not convinced of the laws. Thanas (police stations) are not even aware when parliament passes a law that has implications for criminal procedures, such as a sexual harassment bill. There is no government mechanism mandating thanas to invoke new laws. [In fact] in most cases, thanas are in farflung areas and are not even notified of the new law."⁵⁵

The case studies showed that there are several agencies and institutions that women can report violence to; however, *duty bearers are not necessarily gender-sensitive in their handling of VAW cases and lack proper training to investigate technology-related VAW.* Establishing a special women's desk within agencies is not widely practised, and in some cases there is a total absence of specialised VAW desks. In cases where there are specialised VAW desks, *authorities lack the capacity to investigate technology-related VAW, particularly in cases where the perpetrator is unknown to the survivor or located in another jurisdiction.*

One survivor from Colombia narrated, "It was not possible to catch the sender of the threats, because in one case the threat had been sent from a public place – an internet café – and in the other case, the person responsible could not be identified because the address was in the United States."⁵⁶

Women's access to justice is limited by the capacities of relevant crime units. For instance, in countries such as Bosnia and Herzegovina and Pakistan, *cyber crime units dealt only with highly technical and commercially motivated crimes, such as criminal fraud, and did not specialise in technology-related VAW.* In both countries the cyber crime units are also highly centralised, and thus *beyond the reach of women living in rural areas.* In Kenya and Pakistan

⁵⁴Polanco, G., & Smith, E. (2014). Case Study Number 1, Mexico. APC. Unpublished; case study summaries available at: www.genderit.org/node/4238

⁵⁵Bukhari, G. (2014). Case Study Number 2, Pakistan. Op. cit.

⁵⁶Ramírez Cardona, C. (2014). Case Study Number 1, Colombia. Op. cit.

cyber crime agencies are newly established and not fully functional. Women are often faced with personnel who lack requisite training to handle technology-related VAW. In one case from Pakistan, the survivor was told off the record that the cyber crime unit had been dissolved due to an absence of funds.⁵⁷

This inadequacy of resources in terms of *whether institutions are allocated with sufficient funds and whether they are assigned with skilled service providers were common concerns across the seven countries*. In general, institutions were grossly under-resourced, presenting a barrier to even receiving complaints, not to mention investigating them. It was also observed that *personnel were not fully trained in appropriate laws and protocols relevant to gender violence or ICTs*. Cases from Mexico have attested that inaction on the part of personnel to resolve VAW cases is due to low salaries and an inadequate number of staff to handle the levels of VAW alongside ICT-related security threats.⁵⁸

Apart from the lack of a specific desk or department to address technology-related VAW, *women seeking justice were often referred from one agency to another without a proper referral system and with an obvious lack of coordination between state agencies*. This often resulted in a sense of hopelessness and frustration on the part of the survivor.

Antonia from Colombia, an NGO worker who received threatening messages via email, related, "After the denunciation was made there were multiple visits to the NGO; we complained to the Foreign Ministry about the number of visits we had from different police departments without any coordination between them. We also observed a lack of coordination between the other state agencies including the Human Rights Unit of the Prosecutor's Office, the Interior Ministry's National Protection Unit, the Human Rights Programme of the Presidency of the Republic, and the High Council for Women's Equality."⁵⁹

Stories from Bosnia and Herzegovina, Mexico and Colombia are clear examples of this frustrating "ping pong" wherein women who faced violence had to endure going from one agency to another without receiving any satisfactory assistance. For instance, Morgana of Mexico – who was subject to slander on a community Facebook page – went to family welfare, the local police, a women's desk, and the Justice of Peace to receive help. Despite approaching all these different authorities, in the end Morgana's photos remain online and the perpetrator remains at large.⁶⁰

The failure of authorities to invoke relevant laws and assist women points to a pervasive culture of impunity across all seven countries.

2.6 Discrimination against poor and marginalised women

The cases studies demonstrated that multiple and overlapping forms of discrimination hindered women's access to justice. Survivors suffered violence and discrimination not only

⁵⁷IAWRT. (2014). *Kenya: Analytical country report*. To be published in 2015; and Bukhari, G. (2014). *Pakistan country report: Technology-driven violence against women*. Bytes for All Pakistan. www.genderit.org/sites/default/upload/tech_driven_violence_against_women1.pdf

⁵⁸Polanco, G., & Smith, E. (2014). *Mexico: Analytical country report*. APC. To be published in 2015.

⁵⁹Ramírez Cardona, C. (2014). Case Study Number 1, Colombia. Op. cit.

⁶⁰Polanco, G., & and Smith, E. (2014). Case Study Number 4, Mexico. Op. cit.

because they were women, but because they were either poor or from a marginalised community.

Aisha, a 16-year-old young woman living in a remote village in Pakistan, came from a family whose monthly income was under USD 100. After being subject to sexual violence, non-consensual videotaping and then distribution of the film, Aisha's fight for justice was rendered more difficult by the fact that she lacked adequate education around both the laws and the legal system.⁶¹ Moreover, other stories from Pakistan demonstrate that due to the inaccessibility of legal language, those women who had lower levels of literacy found it more difficult to access justice.⁶²

Laws are often written in a manner and language incomprehensible to women, and authorities are condescending or unable to provide a legal explanation that women can understand.⁶³ Elsewhere, WLB has stated: "The law in its seeming majesty has rendered itself inaccessible, with the effect that more often than not, it does not work for and cannot be truly claimed and owned by the women [it] seek[s] to protect."⁶⁴

Poor women were discriminated against right from the time of reporting VAW. It proved common for the police to not even register the complaints of a survivor if a woman was not influential or backed by elders in the community (as demonstrated by Aisha's case) – or conversely, if the accused was influential.⁶⁵

The case of Mary from Mexico is another example of this. Uneducated and poor, Mary found the authorities unaccommodating and dismissive of her complaint regarding a sexual assault – even though Mary was a minor, and the seriousness of the offence was grave. But when an NGO accompanied Mary and her mother to the police, the complaint was registered.⁶⁶

Often the economic status of a woman determined her entry into the legal system, since processes tended to be expensive. *The cost of litigation was one of the main challenges that women identified as a barrier to accessing justice.* Wanting to pursue redress for the abuse they suffered became a dilemma for many women, who were forced by circumstance to be practical and focus on survival – which in many instances meant letting go of the case.

For instance, Tatiana from the DRC was raped, but stated that she did not go to the local authorities because she did not have the money to go to court. She said, "Victims always come out losing the case, along with their money."⁶⁷

In most places free legal services were provided by the state; however, they were of poor quality. As observed in one case, state legal counsel was not well versed with the case facts

⁶¹Bukhari, G. (2014). Case Study Number 3, Pakistan. Op. cit.

⁶²Bukhari, G. (2014). *Pakistan country report: Technology-driven violence against women*. Bytes for All Pakistan. www.genderit.org/sites/default/upload/tech_driven_violence_against_women1.pdf

⁶³Lemon, N. (2013). Access to Justice: Can Domestic Violence Courts Better Address the Need of Non-English Speaking Victims of Domestic Violence? *Berkeley Journal of Gender, Law & Justice*, 21(1). scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1247&context=bglj

⁶⁴Women's Legal and Human Rights Bureau. (2010). Op. cit.

⁶⁵Bukhari, G. (2014). Case Study Number 3, Pakistan. Op. cit.

⁶⁶Polanco, G., & Smith, E. (2014). Case Study Number 1, Mexico. Op. cit.

⁶⁷Si Jeunesse Savait. (2014). Case Study Number 3, DRC. Op. cit.

and was not aware of all the possible available remedies.⁶⁸ *In some cases, survivors opted not to file a case due to the distance of the available services, which tended to be located only in capital cities. Getting access to courts and following up cases take time and transport fees. So even though there was most likely a willingness on the part of the survivor to pursue the case, she could not sustain a prolonged litigation process due to her economic circumstances. Survivors were often the sole breadwinners in their families, and therefore needed to prioritise work to ensure their families' well-being.*

However, it must be noted that although economic considerations pose a significant barrier, it cannot be concluded that a stable economic and financial status would necessarily guarantee women's access to justice. Stories of women survivors who were comparatively economically privileged still showed that the availability of pro bono lawyers was essential, because the costs of court were overwhelming.

As one woman narrates, "I could go to court, I know, but going to court is the last option even for upper middle class people, especially when they are women. You have to take time off from your work; you have to allocate a certain amount of money. I could not get a pro bono lawyer and the lawyers I got were far beyond my reach. I just can't spend that much on court."⁶⁹

A remedy cannot be adequate – and in fact could prove to be ineffective – when it is too costly to pursue. And by extension, a remedy that does not respond to the needs of survivors constitutes impunity.

2.7 Availability of support services and support groups

Women's courage and self-confidence in pursuing cases was buoyed by the presence of social support from their families, friends and sympathetic women's organisations. Without the presence of such support networks, it was possible for survivors of violence to re-experience trauma at the hands of service providers and legal professionals who would interrogate the women, thus discouraging them from proceeding with cases.

This can be seen in the story of Tatiana from the DRC. Aside from the fact that Tatiana did not have the financial means to press charges, she also lacked the motivation to do so since she had no moral support from her family. As a result, she did not file a complaint against her rapists.⁷⁰

Similarly, when Berenice from Mexico learned that a doctored pornographic video featuring her face had been uploaded online, she contacted the State Women's Institute through Facebook to ask for support. However, she was told that "there are more serious cases" and that she would have to wait.⁷¹

⁶⁸Bukhari, G. (2014). Case Study Number 3, Pakistan. Op. cit.

⁶⁹Bukhari, G. (2014). Case Study Number 2, Pakistan. Op. cit.

⁷⁰Si Jeunesse Savait. (2014). Case Study Number 3, DRC. Op. cit.

⁷¹Polanco, G., & Smith, E. (2014). Case Study Number 3, Mexico. Op. cit.

Similar to VAW occurring in offline spaces, *the first words survivors hear are crucial in their fight for justice*. Women need to feel support and reassurance that there are people who believe in their cause and who affirm their right to seek remedy for the violence they have experienced.

The case studies revealed that the most immediate need for women in cases of technology-related VAW was the presence of support services. The existence of protective measures and their immediate availability are measures of effectiveness and are crucial to a survivor's search for justice. Moreover, cases showed that the incarceration of the perpetrator or monetary compensation for the violence were not immediate concerns. Rather, it was the survivor's need to immediately protect herself and her children from further abuse and violence. *Survivors who requested protection orders often had their requests denied or were made to wait for several months*. This, coupled with a lack of awareness of police authorities on how best to proceed, meant that women were left to protect themselves.

A survivor from Mexico shared that when she went to the public prosecutor's office to ask for protection, they told her that they could not do anything; she felt completely unarmed and compared the experience to being thrown "in front of the lions in the coliseum." However, when one organisation quickly responded to her situation she felt "safer, more confident, supported, and relieved."⁷²

Once the immediate danger had passed, a survivor's next need was to be able to address the trauma she had experienced. This was most often done through *counselling, therapy, and in cases of domestic violence, a shelter where the survivor could stay free from danger*. The cases studies highlighted the presence and importance of government-run welfare offices where girls and women could seek help.

For instance, state family welfare offices or the National System for Integral Family Development (Desarrollo Integral Familiar) are everywhere in Mexico, and in some states they have shelters specifically for women. However, service quality varies, funding is insufficient, and demand is high. Moreover, depending on the shelter, staff may not have appropriate professional backgrounds for handling cases of technology-related VAW.⁷³

On the other hand, many countries entirely lack such services and shelters. For instance, in the case of children victims of cyber pornography in Cordova in the Philippines, the children had to be brought to a regional centre and endure several hours of travel due to the unavailability of shelters in the local municipalities of the survivors. There was also a lack of professionals to deal with the children's trauma, and even at the regional centre there were only two psychologists to assist numerous children.⁷⁴

For survivors of technology-related VAW who were students, an important source of support was counselling provided or made accessible by educational institutions. This was demonstrated in the case of Irene from Colombia, who faced harassment from her ex-

⁷²Polanco, G., & and Smith, E. (2014). Case Study Number 2, Mexico. Op. cit.

⁷³Polanco, G., & and Smith, E. (2014). Case Study Number 1, Mexico. Op. cit.

⁷⁴FMA. (2014). Case Study Number 3, the Philippines. Op. cit.

boyfriend and was able to access counselling sessions at the university to help her through the trauma.⁷⁵

A gender-sensitive – or better yet, feminist – lawyer assisting with or handling a survivor's case was a clear advantage. Alejandra from Colombia, who was being harassed by her ex-boyfriend, said that support was integral to the success of her case: not only from the women's programme of the secretariat of social management at District City Hall, but also from an NGO and from women lawyers sensitive to issues of VAW.⁷⁶

Considering the trauma and ordeal that survivors of violence have to go through in order to endure rigorous and technical legal battles, support from professionals, family, friends and women's organisations is absolutely crucial. The stress of a long drawn-out litigation battle cannot be borne alone. *These support systems strengthen a woman's resolve: first, in deciding to file the case, and second, in pursuing the case until the very end.* As Vanessa of Bosnia and Herzegovina, who was stalked by a man online, related, "Knowing that I have [my family's] support calmed me down and empowered me."⁷⁷

3. Agency, participation and women's power

Effective responses to VAW perpetrated through ICTs call for and necessitate an empowering approach on the part of survivors. This section illustrates the visibility and participation of survivors in making decisions regarding the grievance they experienced, as well as their decision to pursue and seek justice. Stories from the case studies are *stories of women exercising and negotiating their agency*. Women across the seven countries have shown that they are not merely static victims, but instead have chosen to react, respond and empower themselves when confronted with technology-related VAW.

3.1 Women taking ownership of their situation

Although women's immediate reactions were often to hide, keep the problem a secret, ignore it, or run away when confronted with technology-related VAW, women almost always later tried to understand their own situation in order to overcome their struggles.

Kinca is a woman from Kenya who contested the national presidential race, during which time she received various forms of abuse online. She recalls, "I got depressed; I could not work for three months. I went to see a counsellor. After that I started understanding what I was going through and I was able to start recovering from the situation."⁷⁸

Women's first step in overcoming their situation was by working on their self-confidence and sense of trust. Cases show it was a difficult and slow process, which was made easier by the support that women had access to. In several cases, the survivors were not only fighting for themselves but for other women as well. They even became advocates against VAW after speaking out about their stories.

⁷⁵Ramírez Cardona, C. (2014). Case Study Number 3, Colombia. Op. cit.

⁷⁶López Sepulveda, M. (2014). Case Study Number 2, Colombia. Colnodo. Unpublished; case study summaries available at: www.genderit.org/node/4236

⁷⁷Kučukalić, B., & Mahmutović, A. (2014). Case Study Number 2, Bosnia and Herzegovina. Op. cit.

⁷⁸IAWRT. (2014). Case Study Number 1, Kenya. Op. cit.

Serena is a mother from Bosnia and Herzegovina against whom a slanderous Facebook profile was created. She says, "Now it is not only an issue of protecting my reputation or ensuring that my children go back to their normal lives inside and outside school, but also of helping to protect the rights of other women and other children to whom this can easily happen."⁷⁹

3.2 Women as active seekers of justice

The women profiled by the case studies came from a diversity of age groups, educational backgrounds, income levels, marital statuses, and geographical and cultural locations; however, they all actively sought justice for the violations committed against them. Women did not just accept the violations; they were all conscious that a crime had been committed against them and that they were entitled to redress.

Women actively sought justice through the law, and when survivors failed to get a response from one authority, they approached other agencies and *insisted on making the system work despite its weaknesses*. And in cases where all the authorities failed to respond, survivors went to the media and took to the streets to make their case a public issue.

For example, when she and her partner were faced with several threats, Louisa – a woman from Mexico – organised a protest on the same day as the town's local festival. The press covered the demonstration, and stated that Louisa and her partner's security were at risk. The harassment and threats then stopped.

3.3 Survivors' strategies for remedy and justice

The case studies revealed that women approached various and multiple agencies in pursuit of remedy for the technology-related VAW they experienced. *Firstly, survivors reported the incidents to the government agencies nearest them – generally either a police station or a municipal hall*. In instances where the survivor and perpetrator were both students and belonged to the same university, the survivor reported to and sought help from school authorities. *Secondly, survivors went to the public prosecutor's office to ask for an investigation and prosecution of their cases*. Driven by unresponsiveness, insensitivity, or a lack in capacity of state agencies, survivors were resourceful in seeking other avenues to access justice. The case studies reveal that women did not just stop at reporting technology-related VAW to the police, but also contacted other government agencies that they thought they could get help from.

Louisa from Mexico, who faced homophobic threats across various mediums and had little success with police reports, then contacted the National Council to Prevent Discrimination for more assistance. She did this citing that one of the agency's mandates was to provide actions to protect Mexican citizens from discrimination or exclusion based on sex and sexual preferences.⁸⁰

⁷⁹Kučukalić, B., & Mahmutović, A. (2014). Case Study Number 1, Bosnia and Herzegovina. Op. cit.

⁸⁰Polanco, G., & Smith, E. (2014). Case Study Number 2, Mexico. Op. cit.

In cases where perpetrators and survivors were living in different countries, the Ministry of Foreign Affairs was also contacted. Another strategy to seek remedy that survivors resorted to was *filing a complaint with either a national or regional human rights commission*, such as the Inter-American Commission on Human Rights in Latin America. This was particularly true in the case of Antonia from Colombia, who works as a human rights defender. The alleged perpetrator of the technology-related violence against her was a state actor.⁸¹

3.4 Women's knowledge of the law and of their rights

The majority of survivors interviewed stated that they had little to no knowledge of which – if any – laws could protect them. The case studies also demonstrated that a woman's awareness and knowledge of her rights under both international and domestic laws is an advantage when seeking redress through the legal system.

When Irene from Colombia encountered harassment from her ex-boyfriend through her mobile phone, she was initially unsure how to respond. However, before proceeding to file a formal complaint with the police, she prepared herself by reading about the relevant laws and consulting lawyers. Therefore when it came to the actual filing of the complaint, Irene had more bargaining power and was able to direct police officers as to how best to proceed with her case.⁸²

Women's knowledge of the law is also dependent on women's ability to participate in the process. Police investigators often single-handedly decide which cases to file, and there is little scope for survivors to participate in pursuing these cases. For example, when Serena from Bosnia and Herzegovina took a case of slander and impersonation to a federal inspector, he refused to take down any notes and seemed disinterested in her case. Later, the State Investigation and Protection Agency as well as the public prosecutor's office refused to even listen to her, much less file her case.⁸³

The issue of participation becomes even more complex when it comes to disadvantaged women, who likely do not have high levels of education, income, or even decision-making power within their immediate circles. Aisha from Pakistan, who was subject to sexual violence and non-consensual video distribution, was not given a voice in decisions regarding her case. Instead, it was community elders and her male relatives who were recognised as primary decision makers in pursuing justice.⁸⁴

It is important to note here that in order for a woman to be comprehensively aware of her full rights, *information about these rights must be made available and accessible to women in general*.

⁸¹Ramírez Cardona, C. (2014). Case Study Number 1, Colombia. Op. cit.

⁸²Ramírez Cardona, C. (2014). Case Study Number 3, Colombia. Op. cit.

⁸³Kučukalić, B., & Mahmutović, A. (2014). Case Study Number 1, Bosnia and Herzegovina. Op. cit.

⁸⁴Bukhari, G. (2014). Case Study Number 3, Pakistan. Op. cit.

3.5 Women taking control of technology

ICTs are not only a medium through which women are victimised and face violence; they are also important avenues for women to exercise agency and empowerment. Several cases illustrated that ICTs have provided women with information and education, and served as spaces for self-expression and as potential tools to challenge gender inequalities. *ICTs, and in particular the internet, have enabled survivors to claim, construct and express themselves.* This took forms ranging from being able to connect across territories to demanding accountability and transparency.

Louisa from Mexico, who was subject to homophobic violence, gained an understanding of how technology-related VAW is carried out and responded to the violence by being more outspoken about the threats she faced. After facing physical threats, she continued her activism online and created several blogs to discuss issues important to her. She created 12 blogs on different topics. Louisa felt the need to express herself and to continue her activism and she saw these blogs as a way to do it safely. Louisa asserted, "I will continue to use these media. I think the internet is marvellous for self-advertising because there is no charge. You pay for your internet and you are free to write whatever you want. I can't, I don't want to, I won't stop using it."⁸⁵

Case studies showed that when legal remedies did not work – or were taking too long – survivors strategised against VAW by learning how online violence could be countered by using the same technology that the perpetrators used.

Berenice, a woman from Mexico, had her private photos non-consensually uploaded on pornography websites. She had no idea who the culprit was, but suspected that someone had hacked her email. Afraid that people might say demeaning things about her, Berenice contacted the cyber crime police through Facebook. However, when she did not get a favourable response, she took the matter into her own hands. She capitalised on the anonymity offered by the internet as a means to safely and publicly denounce the situation. She also researched to find out how such a violation could have taken place, and what she could do to protect herself. She related, "Once I found out about the video, I changed my passwords and I changed the names of my accounts. I don't use last names anymore either." She also learned how to do reverse-image searches and tried to monitor where her pictures and the video were being uploaded, and then ask for them to be taken down.⁸⁶

The online world provides alternative strategies for survivors in which they do not have to deal with state or police insensitivity. In some situations, the immediacy of online remedies has meant that engaging with the state can be entirely avoided.

⁸⁵Polanco, G., & and Smith, E. (2014). Case Study Number 2, Mexico. Op. cit.

⁸⁶Polanco, G., & and Smith, E. (2014). Case Study Number 3, Mexico. Op. cit.

After Bayhaya from Pakistan received threatening messages online, her organisation created an active social media desk. The desk now checks comments on the organisation's Facebook page every 30 to 40 minutes, deletes hate speech, and bans perpetrators.⁸⁷

Another woman from Pakistan facing threats, Baaghi, used the same strategy. She said that it was the simplest and most effective thing she had learned. She said, "I know that neither Facebook nor Twitter, nor any other authority or institution in Pakistan, is going to help me as a victim... So now I just block them (abusers) and I just don't give a damn... How can I take out so much time and money every time for a single account when the attackers are in their hundreds?"⁸⁸

As evidenced by the case studies, women's agency online is powerful. ICTs enable women's agency in contexts where women know their rights and have access to technology. *Women who were best able to benefit from the internet were those with education and knowledge, and those who were technology-savvy.* Poorer women did not have the access and knowledge to claim technology as their own, which hindered their access to justice.

However, it should be highlighted that *even if women take actions on their own, the state's accountability and obligation to protect women from violence is not diminished.* The state remains the primary duty bearer in upholding women's rights.

3.6 Collective empowerment

An essential aspect of women's participation and critical engagement is how a particular woman's case affects collective practices and attitudes. This is especially true of women's organisations, which may then lobby the state to create better laws and policies that can respond to the experiences and needs of women facing technology-related VAW.

At the same time, the presence of NGOs and women's groups in the struggle for women's rights serve as encouragement and as a source of empowerment for women survivors. The support of NGOs and women's groups is also crucial in raising issues of VAW in public and bringing such issues to the media's attention. Their advocacy campaigns serve to pressure governments to comply with their international obligations and compel duty bearers to fulfil their obligations.

The story of Ruby from the Philippines – who had an intimate video of hers leaked online – attested to the strength of advocacy. Her case was supported by the women's movement and was instrumental to the swift passage of the Anti Photo and Video Voyeurism Law, which now criminalises the uploading and distribution of photos and/or videos without consent.⁸⁹

Collaborative actions between survivors, women's organisations and human rights defenders also led to meaningful strategies to deal with technology-related VAW. Both online and offline actions and activism are important in women's access to justice. The internet is an important

⁸⁷Bukhari, G. (2014). Case Study Number 1, Pakistan. Op. cit.

⁸⁸Bukhari, G. (2014). Case Study Number 2, Pakistan. Op. cit.

⁸⁹FMA. (2014). Case Study Number 2, the Philippines. Op. cit.

avenue that is unconstrained by physical space. Online spaces provide an array of creative forms of participation and engagement with individuals and groups, such as signing online petitions or raising awareness around the rising incidents of technology-related VAW. In turn, offline organising and sharing stories of violence also allowed women to come together and advocate for their rights.

4. Conclusions and recommendations

Technology-related VAW is rooted in a structural and systemic gender inequality. It therefore requires a holistic approach to understanding women's access to justice and the various elements that it is comprised of. It is important that these elements do not only exist in words or legislation, but are accessible in reality and in practice. *Access to justice is negated by the complexities of the law and by a structural or systemic failure to address technology-related VAW.* It is also negated by prevailing attitudes in society, gender bias and discrimination on the part of duty bearers, and a wider culture of impunity in cases of VAW.

Since women's experiences are diverse and varied, a cross-cutting strategy that responds to the challenges women face in accessing justice has to be developed. It has to take into account legal, political, economic and cultural factors affecting women's access to justice. *This entails addressing the root causes of the problem* and focusing not only on reactionary measures, but also on protective and preventive ones. Simultaneously, a comprehensive approach to technology-related VAW should contextualise how women's varying experiences intersect on a wider continuum of VAW.

4.1 Recommendations for states to eliminate VAW

- Legislation is instrumental in impeding or promoting initiatives to address technology-related VAW. The widespread legal, social, economic and political ramifications of gender discrimination and of VAW make it necessary to review and reform a broad range of laws. *States must respect, protect and fulfil women's rights by fully implementing CEDAW at the national level through laws and policies.*
- States – and in particular legislators – must pursue a protective, preventive and proactive approach to VAW. This includes the adoption of policies and programmes addressing and incorporating the issue of VAW at all levels and ensuring *the full rights of all women – particularly survivors of VAW.*
- States should recognise VAW as a human rights violation and provide a *comprehensive definition of VAW that includes psychological violence and recognises its occurrence in both public and private life.* As illustrated by the laws of all seven countries, most nations have a narrow definition and understanding of VAW, which tends to position women as victims in need of protection. *The perception of VAW as a moral issue rather than as a form of discrimination against women reinforces control over female sexual behaviour and punishes women who transgress sexual norms.*
- It is crucial to develop a technology-related VAW law that *takes into account the gendered nature of the violation* and addresses it as a social phenomenon.
- *Adequate budgets and resources should be allocated by states to address VAW.* These should be directed towards making the institutions involved in addressing VAW

functional and able to effectively address the needs of women survivors of violence. States should, where possible, create *a dedicated agency to receive and investigate complaints of VAW*.

- The focus must be on redress rather than criminalisation, and particular attention must be paid to *the provision of effective protective orders and the availability of support services*. Practical means should be provided to survivors to halt violence without requiring them to become embroiled in lengthy and demanding criminal procedures.
- *Comprehensive capacity building – including rights-based education – should be undertaken by all institutions*. This should specifically address gender issues and women's rights.

4.2 Strengthening women's networks

An enabling environment for access to justice in cases of VAW calls for the strengthening of women's networks and cooperation efforts. Civil society – particularly women's groups – plays a crucial role in effectively bringing the attention of states to the recognition, promotion and fulfilment of women's rights. *A strong network of and cooperation between women's groups and organisations can lead to meaningful exchanges and discussions on strategies to employ around technology-related VAW*.

4.3 Transformation of the ICT arena

- Gender-unequal access to technology and women's subordinate status in the ICT arena (and society at large) are realities that must be confronted. The *creation of an enabling environment for women's access to and enjoyment of ICTs* includes:
 - a) the availability of good quality ICT infrastructure for women
 - b) capacity building and training for women on new technologies so as to move women beyond traditional ICT roles to highly technical ones (including as web developers and programmers)
 - c) the creation of relevant applications and content for women.
- States should address the gender divide in relation to ICTs by taking affirmative action, such as providing subsidies for ICT-related courses for women and girls, and in particular marginalised groups of women.
- New and developing technologies present complexities in policies and legal debates. These raise questions on how to balance protection from violence on the one hand and the fulfilment of the rights of a diversity of people on the other hand. *There should be global multistakeholder processes to form an international framework on internet rights and freedoms that has a strong commitment to women's human rights, equality and social justice*.
- Internet governance platforms and forums should provide a mechanism to ensure women's meaningful participation in policy discussion and decision making.
- Women's organisations and activists should proactively participate in internet governance and take on leadership roles to influence the agenda and shape public policy matters on internet governance. Women's organisations and activists should

also continue their advocacy on varied ICT issues and continue to create solidarity and movements within and beyond internet governance forums.

4.4 Structural changes

In order to sufficiently address the wider issues surrounding all violence against women, democratic institutions must be established through increased civil society and citizen participation, transparency and accountability. Specifically, the increased political participation of women in the construction of public policy will usefully take into account their identities and experiences in policy formation and implementation.