1. What can be done to reinforce the right to seek and receive information in the online environment?

As documented by the Erotics research, the internet has become an important site for sex education on a range of topics, including HIV/ AIDS, contraception, menopause, sexual pleasure and experiential accounts of medical procedures on pregnancy and gender transitioning. It meets information gap faced by young people in schools, where sex education is being regarded with alarm and moralistic terms, with India banning sex education in twelve states and the US emphasising abstinence-only sex education. The internet also helps individuals to mitigate the social costs of searching for and accessing information on sexuality.

The research also documented different ways in which access to these vital information are being limited. It demonstrated that regulation measures are complex, and are enacted and forwarded by a range of actors, both state and non-state, in formal and informal ways. Primarily the internet content regulation is being enforced in four different layers: i) access and infrastructure, ii) law and policy, iii) markets and economic forces, and iv) culture and social norms.

However the approach should shift from limiting sexual content, including pornography, to increasing education and literacy so that people of all ages are able to critically engage with the information they access. ¹

6. What are the current and emerging challenges relevant to freedom of expression online?

* Technology-related VAW impedes freedom of expression of women by creating a violent, misogynistic culture online. 

**Technology-related VAW infringes on women’s right to self-determination and bodily integrity. It impacts on women’s capacity to move freely, without fear of surveillance. It denies them the opportunity to craft their own identities online, form and engage in socially and politically meaningful interactions.**

* When companies/internet intermediaries put a blanket prohibition on ‘nudity’, is that they tend to uncritically equate the naked physical body with obscenity, sexually explicit material, and pornography. Terms of Services, community standards and privacy policies should not inadvertently censor consensual sexual expression, nor contribute to a conservative mind-set that degrades women’s bodies into sex objects alone. Such a policy arbitrarily restricts women’s freedom of expression and their rights to bodily autonomy.

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10. What are the optimum ways to deal with online hate speech? How can Media and Information Literacy empower users to understand and exercise freedom of expression on the Internet?

First, hate speech is only one form of technology-related VAW which impedes freedom of expression of women. From a study conducted by Association for Progressive Communication - Women’s Rights Programme (in Bosnia and Herzegovinia, Colombia, Kenya, Congo, Mexico, Pakistan, Philippines) these were the instances of technology related violence found:

- taking and/or uploading and distributing intimate photos and/or videos without consent: woman agreed that the photographs be taken for personal consumption, but did not consent to sharing the photographs; girl/woman was unaware she was being videotaped during a sexual act, then video was uploaded and distributed online;
- altering of photos/videos and uploading in pornography sites: photo of the woman’s face was attached to the naked body of another woman and later uploaded to pornography sites, then tagged with woman’s profession and city;
- harassment: women receiving insulting text messages; receiving comments and messages online using sexualised insults;
- stalking: activities monitored online;
- blackmail/threat: girl receiving messages asking her to have sex or her family will be harmed; woman threatened that her intimate photos will be made public unless she goes back to having a relationship with the perpetrator;
- accessing and/or dissemination of private data: email account hacked; accessing a woman’s social network account and messaging her contact list without her knowledge; leaking private documents and information to the public;
- creation of fake profile/identity theft: profile containing the name and picture of the woman but with derogatory descriptions such as “stripper”, “durex tester” and “professional whore”;
- hate speech: calling on women to be murdered, raped etc.;
- child pornography: children were asked to pose naked and perform sexual acts using video-chat;
- rape/sexual violence: woman forced to have sex.

To address technology-related VAW which covers a range of behaviours and actions, range of actors and actions need be involved, including:

1) 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. Both civil and criminal remedies should be available. To make the law effective, what is needed is for the police and judiciary to have more knowledge on technology-related VAW, how it is committed and who can be held liable. For example when complainants bring their concern to the authorities, cases tend to not reach the stage of filing a police report because of the failure of the authorities to recognize online threats and harassment as either VAW or as possible crimes under the Penal Code. In Mexico for instance, the public prosecutor told two survivors that they could not file a complaint because no crime had been committed, even though it is recognized by the penal code, and despite direct threats and defamation affecting personal integrity. In Pakistan, one survivor did not want to report the threats she was receiving for fear that she might be accused of blasphemy and that the police would just say “you deserved what happened to you”. (Namita’s)

2) Staff employed in companies and multinational enterprises need to be trained on
how to deal with complaints.

3) Women have to be aware that behaviour and acts that cause suffering and harm are in fact offences & adopt self-protection measures: The APC research showed that women's agency is powerful in the online space, when remedy sought from relevant authorities did not work, victim-survivors adopted self-protection measures by learning how the Internet works and what can be done to counter online violence using the same technology. However, it should be noted that women who were able to make most of benefits offered by the Internet are those with education, knowledge, and technology savviness - the women who knows their rights and have access to technology. For poor women who do not have access and knowledge to claim technology, it will remain a disadvantaged to them and a hindrance to access justice. (DLR)

Currently cases of technology-related VAW are trivialized. When women report them to the police, the responses are either unaccommodating or dismissive. When complainants bring their concern to the authorities, cases tend to not reach the stage of filing a police report because of the failure of the authorities to recognize online threats and harassment as either VAW or as possible crimes under the Penal Code. In Mexico for instance, the public prosecutor told two survivors that they could not file a complaint because no crime had been committed, even though it is recognized by the penal code, and despite direct threats and defamation affecting personal integrity. In Pakistan, one survivor did not want to report the threats she was receiving for fear that she might be accused of blasphemy and that the police would just say “you deserved what happened to you.”

*The cases showed that women sought justice through the legal system, however, when remedy sought from relevant authorities did not work, victim-survivors adopted self-protection measures by learning how the Internet works and what can be done to counter online violence using the same technology. The story of Berenice of Mexico exemplified this.  

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However, when she did not get a favorable response, she took the matter in her own hands and decided to take action using ICT. She capitalized on the anonymity offered by ICT as a means to denounce the situation and as a shield of protection. She researched how this could have happened to her online, discovering informational sites such as “Pantallas Amigas” (http://www.pantallasamigas.net/) in Spain. Once she found out the videos, she immediately implemented safety and security practice online. She related,

“Once I found out about the video, I changed my passwords and I changed the names of my accounts, you know, the things you can change like what your name is, and I don’t use last names anymore, I used a witch theme...and I changed my name on Face.”


2. Women’s Legal and Human Rights Bureau, Inc. Building Women’s Access to Justice: Domestic legal remedies for cases of technology-related violence against women – Final research report for the APC “End violence: Women’s rights and online safety” project (APC, August 2014), to be published in December 2014.
She spoke with a friend who is a computer engineer and found out about spyware and remote access control of computers. She researched how to do reverse-image searches and tried to monitor where her picture and the video were being uploaded. At the end, she was able to take down her videos and get back her sense of security. It can be drawn from the cases that women’s agency is powerful in the online space. Technology/ICT enables women’s agency online so long as the woman knows her rights and has access to technology. However, it should be noted that women who were able to make most of benefits offered by the Internet are those with education, knowledge, and technology savviness. For poor women who do not have access and knowledge to claim technology, it will remain a disadvantaged to them and a hindrance to access justice. It should be highlighted as well that even women took 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.

11. What are the optimum systems for independent self-regulation by journalistic actors and intermediaries in cyberspace?

The corporate attitude displayed to abuses of women’s rights and human rights is troubling. Most such companies shift the burden of dealing with technology-related VAW to the State or national government where their operations are located, or to the individuals facing harassment. Their responses are that:
- law enforcement is responsible for addressing VAW,
- that a court order is essential to protect privacy rights, and
- that women and girls should take steps to keep themselves safe.

Recommendations for corporate policy

1. Companies, especially multinational companies, providing internet/telephony services, social and pornography sharing platforms, must abide by the United Nations Guidelines on Business and Human Rights (or the “Protest, Respect and Remedy” framework of the UN) that requires that all human rights be respected throughout the operation of businesses. The company should make a formal and authentic commitment to upholding human rights, and taking action to prevent and address violence against women and transgender people, even though it is the duty of the State to ensure the guidelines are followed.

2. The privacy policy of the company should provide adequate protection to those who are vulnerable to forms of violence and harassment via the company’s services. This privacy policy should protect against technology related violence, and not be a veil behind which acts of harassment and violence are protected.

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3. Women’s Legal and Human Rights Bureau, Inc. Building Women’s Access to Justice: Domestic legal remedies for cases of technology-related violence against women – Final research report for the APC “End violence: Women’s rights and online safety” project (APC, August 2014), to be published in December 2014.

3. Companies should invest in capacity building of personnel, particularly in customer service departments, and also have separate procedures for dealing with complaints of technology-related violence against women and others who are vulnerable. Most of those employed in these departments are not aware of how technology can be used for violence and harassment, nor are they aware of the duties and the obligations of the company to protect their users against such violence under national law, international guidelines and under their own terms of service. In particular, they need to improve their ability to fully serve people who do not speak English and/or live outside of North America and Europe.

4. Agreements between the user and the company, such as terms of service and privacy policy should make explicit references to technology-related VAW (not only a general prohibition against illegal use) and they should provide a transparent and easily accessible process for filing complaints where the privacy of the complainant is protected. Companies should cooperate formally with anti-VAW groups and women’s rights groups, including the groups outside of North America and Europe, to input into these policy formation and planning.

5. Building upon transparency reports and formal annual reports companies should include specific details of how the company has addressed VAW, along with other human rights abuses. In particular to publish information on the number of reports received, responded to, and acted upon, including information about complaints processes more generally, what standards are applied and how complaints are dealt with throughout their lifecycle.

6. Companies should fund research, education, and prevention initiatives on the issue of bullying, harassment, especially from a gendered-perspective to address violence against women.

18. How can security of personal data be enhanced?

One of the challenges is an unclear definition of private/personal and publicly available information. Terms of Services of social networking companies often prohibit users publishing identification documents, financial information, credit card numbers, social security numbers, unlisted telephone numbers, complete addresses, and private email addresses; they also state that full names and publicly available information is not prohibited. However it is unclear what constitutes ‘publically available’ information. The lack of clarity raises questions for users safety and security. For example, if an address of a private citizen is available on the internet, does that automatically qualify it as publically available? Is the question of how that information was distributed to begin with taken into account?

Also companies genuinely concerned with privacy should make user profiles completely ‘private’ as the default setting, encouraging users to make informed and individual decisions about what information they choose to share and make public. Yet the trend is the opposite, and the increase of personal data in the public realm can present heightened safety risks individuals.6

6 Rima, Athar Building Women’s Access to Justice: Improving Corporate Policies to end Technology-related Violence Against Women – Final research report for the APC “End violence: Women’s rights and online safety” project (APC, August 2014), to be published in December 2014.
27. What pertinent information materials exist that cut across or which are relevant to the four fields of the study?

- Nyst, Carly Internet intermediaries and violence against women online: User policies and redress framework of Facebook, Twitter and YouTube (APC, July 2014) http://www.genderit.org/node/4076
- Rima, Athar Building Women’s Access to Justice: Improving Corporate Policies to end Technology-related Violence Against Women – Final research report for the APC “End violence: Women’s rights and online safety” project (APC, August 2014), to be published in December 2014.
- Women’s Legal and Human Rights Bureau, Inc. Building Women’s Access to Justice: Domestic legal remedies for cases of technology-related violence against women – Final research report for the APC “End violence: Women’s rights and online safety” project (APC, August 2014), to be published in December 2014.
- APC Internet rights charter - https://www.apc.org/node/5677