






# Online Gender Based Violence:

implications, developments  
and the legal framework  
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## Introduction

The achievement of gender equality and the empowerment of women and girls is a priority in today's society, as adopted in Sustainable Development Goal 5. The realisation of this goal also implies the assurance of equal and safe participation in, as well as access, of women to media and technology. However, the increase in access to the participation of women online creates new challenges, including their vulnerability to online violence. These new forms of violence against women are referred to as online gender-based violence (OGBV). In summary, it consists of every form of violence that is directed against women and carried out in the digital sphere, which may take different forms, such as cyberstalking and cyber harassment.

The present Report aims at providing a comprehensive overview of the contemporaneous issue of online gender-based violence. For such means, in the first chapter, the problem will be investigated, addressing the concept of OGBV and the main aspects surrounding this issue. Furthermore, it will explain the different forms that OGBV can take, as well as who is affected by such violence, and the consequences it may lead to.

Chapter 2 moves to the examination of the effects of the COVID-19 pandemic, since the restrictions imposed due to the pandemic were a factor that contributed to an increase in violence against women and the use of technology, therefore directly impacting OGBV.

In Chapter 3, the forms of the legal protection of women from OGBV will be analysed, mainly through an analysis of the international legal framework. This chapter will also briefly address the means of protection provided in regional systems and domestic legislation, which are also essential factors for the effective combating of OGBV.

The fourth and last chapter moves to the explanation of the main challenges faced regarding the protection of women from OGBV, including the lack of specific legislation and the absence of adequate training in judicial systems. Lastly, it elaborates recommendations for different stakeholders involved in the issue of online violence against women, aiming at contributing to the efficient prevention and suppression of OGBV.

## Chapter 1: Problem definition

Online gender-based violence entails every form of violence that is directed against women and carried out in the digital sphere. While there is still missing a global definition and data on Information and Communication Technology (ICT) facilitated violence, research suggests that women are disproportionately targeted and suffer serious consequences as a result. They have less access to the Internet and their access is not promised to be safe, since they are more than twice as likely as men to be targets of sexual cyber harassment (UN Women, 2020). In a survey conducted by Plan International, 50 percent of the female interviewees answered that they experience more online harassment than street harassment (Goulds et al., 2020). In the United States, 21 percent of surveyed women aged between 18 and 29 reported being victims of online sexual harassment and only 29 percent of economies have legislation to address cyber harassment (Wang & Affoum, 2021). In the Istanbul Convention, gender-based violence is defined as “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Convention Council of Europe Treaty Series - No. 210). The cyber component is not mentioned here, but online violence is committed in a continuum between the online and offline spheres, which means that cyber violence can have effects in the real world with physical harm. This can range from suicide after being cyberbullied to threats of violence that are being realised or physical symptoms of victims due to anxiety caused by cyber violence (UN Women, 2020). The interaction of digital and physical attacks can also be seen when domestic violence is enhanced or facilitated by means of the Internet of Things (IoT) for example, by monitoring the victim or preventing her from opening the smart-controlled locks to the home (Vera Morales, 2021). Hence, different forms of violence with digital and real dimensions are difficult to distinguish and consequences are hard to predict.

Criminal law is applied to cybercrimes in many countries even though a specific focus on the complex nature of cybercrimes is missing. Therefore, a feminist and human rights approach is necessary in the whole creation of new technology, safety regulations and legal documents, since OGBV diminishes the full enjoyment of fundamental rights for women. The United Nations (UN) Human Rights Council recognised that women’s full participation in economic, social, cultural and political affairs is hindered through violence in digital contexts (A/HRC/38/L.6) and the Special Rapporteur on violence against women reported that the following rights are not guaranteed due to OGBV (SRVW, 2018):

Right to equality and non-discrimination

Right to a life free of violence

Right to humane treatment

Right to self-determination

Right to freedom of expression and access to information

Right to freedom of assembly and association  
 Right to privacy and protection of personal data  
 Right to protection of honour and reputation  
 Women's sexual and reproductive rights

Unfortunately, many perpetrators are not punished although they violate basic human rights of women. One of the reasons for this is that perpetrators can hide behind anonymity, for example, by using fake profiles, so that they do not have to take great risks even when committing multiple crimes. Their abuse can be done without physical contact with the victim and from anywhere. Even the crime itself can be done automatically without direct command (Broadband Commission, 2015). Additionally, technology's affordability, rapid expansion and global reach, the permanence and replicability of online content that leaves an indelible digital record, and the possibility of easily locating people and their information facilitate violent acts for attackers (SRVW, 2018).

Another reason is that existing legal frameworks are insufficient to protect women and their human rights. Consequently, their last resort is often to retreat from online spaces because of the fear of attracting violence, which again infringes on their right to expression and their right to access information, the data and digital rights researcher and expert in OGBV Garnett Achieng says (Sanusi, 2021). Since the prohibition of gender-based violence in all its forms has been recognised as a principle of international human rights law, States have due diligence obligations to prevent and combat online violence against women committed by any actor (Vera Morales, 2021). The Broadband Commission summarised these obligations in an extensive report focusing on preventing and combating cyber violence against women and girls. Their calls to action are to:

- Prevent violence against women
- Protect women from violence
- Prosecute and investigate incidents of violence against women
- Punish perpetrators of violence against women
- Provide redress to victims/survivors of violence against women

These can be achieved through a multi-level approach of sensitisation, safeguards, and sanctions. Sensitisation means that violence can be prevented by changing societal norms through criminal training and community development. Safeguards can be the monitoring of responsible internet infrastructures and customer care practices to minimise risks for women to use the Internet. Sanctions reach from setting up laws and regulations, punitive consequences for perpetrators, and consultations on a cyber civil rights agenda (Broadband Commission, 2015).

## 1.1 Different forms of OGBV

There is a wide range of gender-based online violence, which will roughly be grouped into cyberstalking, cyber harassment, and cyberbullying, and the interplay of online and offline, without claiming to

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address all forms of violence thematically.

Cyberstalking consists of spying, obsession with someone, collecting online information about them, and communicating with them without consent. This includes constantly sending friend requests or posting false or offensive information on the victims' social networks, joining all online groups in which they participate in, or the constant and noticeable checking of their profile (UNODC, 2019). The perpetual calling or sending of - sometimes even threatening or controlling - messages is also part of cyberstalking (Vera Morales, 2021). Moreover, it can have components of sexualized violence such as repeated sexual advances, sending unsolicited photos of male genitalia, surveilling a person's location (Henry & Powell, 2016), or cyberflashing, where photos of the victim are taken. These acts are also part of cyber harassment, but the repeated and obsessive targeting of one specific person is more typical for cyberstalking. Cyber harassment affects women disproportionately, making them more than twice as likely to be targeted as men (Vera Morales, 2021). Online harassment always has sexual connotations and can involve threats of rape, femicide, or any other form of sexualised physical violence. Besides threatening acts of physical violence, cyber harassment can also entail offensive verbal attacks related to women's gender status or physical appearance, which include sending unwanted sexually explicit material or misogynistic comments that dehumanise women and portray them as sexual objects (Jane, 2016). More examples of cyber harassment are hate speech, posting personal information, and spreading false information or rumours to damage a person's reputation (Vera Morales, 2021). Another specific form is gender trolling, which is the posting of messages or visual content and the creation of hashtags to incite violence against women and girls (SRVW, 2018). Cyberbullying mostly concerns harmful interactions between children. They use technologies to annoy, humiliate or attack other children by spreading false information with the purpose and consequence of marginalising and isolating the victim (UNODC, 2015). Virtual surveys, video games or reality sites are common tools for cyberbullying (Vera Morales, 2021).

There are a lot of types of online violence that can be summarised as the interplay of online and offline harm. They are usually committed by persons who identify as men, disproportionately affecting women (Vera Morales, 2021). For example, perpetrators use the method of sextortion, which is the threat of disseminating intimate visual content to obtain more sexual material, engage in sexual intercourse, or extort money (SRVW, 2018). Physical violence can generally be facilitated by technology, for example, when sexual attacks are organised through ICT or sexual violence occurs after the victim's location is published, which is called doxing. Another example is when the perpetrator befriends or dates the victim only to get close and then sexually abuse them (Vera Morales, 2021). This act of violence highly distorts the boundary between online and offline spheres and creates great mistrust.

## 1.2 Who is affected the most?

OGBV has its roots in stereotypes about the characteristics of women and men and their social roles. In some deeply religious or traditional societies, women are placed automatically in a subordinate and dependent position to men. When women don't obey or fight against their discrimination, perpetrators act violently to suppress women back into their designated roles. Gender-based violence is therefore directed at women with the intention of harming them based on their sexual or gender identity, or by imposing harmful gender norms. Consequently, OGBV has a greater impact on indigenous, migrant, disabled or queer women, who already suffer forms of intersectional discrimination and are targeted on multiple levels (Vera Morales, 2021). According to Amnesty International, women face online violence that is targeted at their traits of identity (Amnesty International, 2018). The crimes are characterised by a combination of abuses that reflect racism, sexist beliefs, stereotypes, social prejudices, and notions of a supposed gender order (Vera Morales, 2021). Furthermore, women's rights defenders, journalists, bloggers, public figures and politicians are particularly exposed to forms of online violence such as hate speech (COE, 2023). In a study conducted by Plan International, 47 percent of interviewed partners responded to being attacked for their opinions. They felt that the attacks aimed at diminishing their credibility and knowledge of an issue or trying to silence them in general because of the conviction that girls shouldn't speak about certain topics (Goulds et al., 2020). Hence, digital violence against them takes the form of attacks on their visibility, sexuality, freedom of expression, and political participation. One of the objectives of digital violence is to silence women and keep them in conditions of subordination in society (Vera Morales, 2021). As Achieng says, women who talk about women's issues are attacked because people don't believe in their sometimes-radical ideas and find it disturbing that they are deviating from the norm where women are supposed to be passive, especially about their suffering (Sanusi, 2021).

## 1.3 Consequences

The consequences of experiencing OGBV are extensive and should not be underestimated. In a survey of women and girls across 22 countries, nearly a quarter indicated that they felt physically unsafe after experiencing online harassment. Some reported that they had a lower self-esteem or lost confidence and experienced emotional stress due to attacks of online harassment (Wang & Affoum, 2021). Survivors of OGBV can be plagued with trauma, sleep and eating disorders, and physical pain (Muheed et al., 2022). For instance, cyberstalking can cause depression, anxiety or panic attacks, the non-consensual sharing of sexual images can lead to suicide attempts, femicides or honour killings, doxing can impair women with physical attacks, and the sharing of private information can result in economic harm after damaging women's reputation (Muheed et al., 2022). This violence prevents women from expressing their opinions



freely in digital debates without the fear of being hurt, which leads to a hindered participation as active digital citizens who would otherwise be able to form a democracy and fair representation (SRVW, 2018). Around 75 percent of women who experienced digital abuse stated that they think twice before interacting on social media platforms, and 32 percent shared they had stopped commenting on certain issues altogether (Muheed et al., 2022).

What is also worth mentioning is that gender-biased technologies reproduce systemic violence because they are being fed with harmful gender stereotypes (Vera Morales, 2021). The already existing digital gender gap excludes women from entering the tech sector, which will be worsened when women are not legally protected from hostile online environments (Wang & Affoum, 2021). Hence, women and girls face another barrier to freedom of expression and their access to education, labour force and political discussion is impeded severely. Gender inequalities are being widened and making peaceful, sustainable, and just societies impossible. All these factors may result in social isolation when victims of OGBV withdraw from public and private life totally (Muheed et al., 2022).

## Chapter 2: Impact of Covid 19 pandemic on OGBV

Due to the COVID-19 pandemic and related restrictions, the use of online platforms has increased between 50 and 70 percent. Since women have limited digital skills caused by the digital gender divide, they are at a higher risk for cyberviolence. The COVID-19 pandemic is therefore often described as a pandemic of violence against women in the social media age. In that period, women and girls used videoconferences frequently to work and study, meanwhile ‘zoombombing’ occurred in the form of displaying unsolicited pornographic videos or other sexually explicit material during calls or online social events (UN Women, 2020). The combination of the increase in online and ICT facilitated violence and the shift to providing diverse services – school classes, health and legal support – online can restrict not only women’s freedom of expression but also the exercise of other fundamental rights regarding health, education and culture (Agudelo et al., 2020).

The use of digital tools has become obligatory in many cases, for example, to make purchases via the Internet, manage finances through online banking, stay in contact with friends, or engage in online business and remote learning. This digitisation also brought new possibilities for women to participate in digital debates, online women’s groups, and telework that enabled them to take over employee and family responsibilities. Through this development, many women felt more comfortable using digital tools, which could in turn reduce the gender digital divide in the future (Vera Morales, 2021b). On the other hand, however, many people used internet services to manage everyday tasks and when they were inexperienced regarding cybersecurity, they were exposed to more online risks at school or at work than before the pandemic. Additionally, attackers have used the fear and uncertainty created by the pandemic to spread false information (UNODC, 2020). The UN reported a 600 percent increase in malicious emails in the first month after the start of the pandemic and a 350 percent rise in false websites (Vera Morales, 2021b).

Many women still didn’t have access to ICTs due to low levels of digital literacy or due to higher rates of domestic violence resulting from confinement policies that created tension in households. A hindered acquisition of digital skills not only puts women in a vulnerable position, but also their families and communities, since women have taken over most of the unpaid care work or supervision of children’s learning processes when schools were closed. Therefore, cyberthreats could have reached the people that are under their care as well (Vera Morales, 2021b). A lack of access to ICTs could also mean less access to proper information about the virus, news about confinement and quarantining measures, and support or subsidy programs, putting affected women in weaker positions and placing their health and wellbeing at risk (Vera Morales, 2021b) Women were also put at greater risk of being infected since they make up 70 percent of personnel in health, care-giving, and social assistance occupations. Additionally, the level of poverty has increased for women since they held most of the insecure and informal jobs that were affected the most by the pandemic (Global Health 5050, 2023).

## Chapter 3: The legal protection of women online

The elimination of online gender-based violence is of primary importance in today's society. However, there are no specific binding instruments or provisions in international law addressing this issue, which poses difficulties in its elimination. Despite the lack of a specific instrument, it does not mean that women's rights are completely unprotected online. As such, this chapter will analyse the possibilities for the protection of women from OGBV in existing international law. Furthermore, it will briefly outline how the issue is dealt with within regional frameworks and domestic legislation.

### 3.1 The international legal framework

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the principal international instrument in the field of women's rights. It provides a definition of discrimination against women, condemning its practice, and determining that State parties should agree to pursue by all appropriate means to eliminate it. In Article 1, the term "discrimination against women" is defined as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

In CEDAW General Recommendation No. 19, adopted in 1992, the United Nations Commission on the Status of Women elucidated that discrimination against women includes gender-based violence, which is a human rights violation, defined as "violence which is directed against a woman because she is a woman or that affects women disproportionately" (CEDAW, 2017, §1).

Although it is not directly binding, the Declaration on the Elimination of Violence against Women, adopted in 1993, 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" (UNGA, 1993). Its preamble reinforces the interpretation that violence against women is included within the meaning of discrimination against women, as prohibited by CEDAW. It states that the Declaration will strengthen and complement the process of the CEDAW, whose effective implementation contributes to the elimination of violence against women (UNGA, 1993).

CEDAW General Recommendation No. 35 suggests that the prohibition of gender-based violence against women has become part of customary international law, based on the observance of State practice and *opinio juris* following the interpretation set on General Recommendation No. 19. In this Recommendation, the Committee further clarifies that the Convention is applicable to gender-based violence committed in technology-mediated environments (CEDAW, 2017). Therefore, despite the absence of a definition of "online gender-based violence" in a legally binding instrument, from this analysis it is established that OGBV is included within the concept of discrimination against women,

which is expressly prohibited by CEDAW and customary international law.

The International Covenant on Civil and Political Rights (ICCPR) can also be useful for the issue of OGBV, despite the lack of specific provisions on violence against women. Specifically, articles 2, 3, and 25 address the rule of non-discrimination, which includes discrimination on the ground of sex. In addition, Art. 20(2) determines that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. Although it does not expressly mention gender-based violence, advocacy of gender-based hatred should similarly be regarded as a violation of human rights (Aziz, 2017).

Further guidance on the issue of OGBV is also observed in UN Resolutions, which can assist the interpretation of norms, guide the elaboration of new legislation, and eventually become part of customary international law. Firstly, it is important to stress that in Resolution 68/181, the General Assembly recognises that information-technology-related violations against women “are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights” (UNGA, 2014, para. 4). In Resolution 32/13, the Human Rights Council (HRC) sets a key understanding for the protection of women on the internet, affirming that the rights that people have must also be protected online, which is also upheld in HRC Resolution 20/8 (HRC, 2016a; HRC, 2012). As explained by the Special Rapporteur on violence against women and girls:

The view of the Internet and digital technologies as enablers of rights and the digital space as an extension of rights held offline paved the way for discussions on how digital technologies had an impact on women’s and girls’ rights, specifically with regard to gender-based violence (HRC, 2018, §45).

The HRC also expressly recognises that acts of cyberbullying and cyberstalking are included in the pattern that constitutes violence against women, reinforcing the interpretation that OGBV is included within the concepts of discrimination and violence against women (HRC, 2015a; HRC, 2015b). Such an interpretation is also sustained by the Special Rapporteur on violence against women, affirming that: The definition of online violence against women therefore extends to any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately (HRC, 2018, §23).

Furthermore, the UN High Commissioner for Human Rights stressed that “online violence against women must be dealt with in the broader context of offline gender discrimination and violence” (OHCHR, 2017, §57).

From this overview of the international legal framework, it is found that despite the lack of a specific binding instrument, women and girls are still entitled to protection from OGBV. As widely established, OGBV must be included within the broader context of gender-based discrimination and violence, allowing for the applicability of relevant international instruments, such as the CEDAW and the ICCPR.

### 3.2 Regional systems

It is also important to stress that protection against OGBV can also be analysed from the perspective of regional frameworks. In Europe, two key instruments are identified: the Council of Europe (COE) Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, and the Budapest Convention on Cybercrime. Although there are no instruments specifically addressing OGBV, it possesses two instruments that approach separate parts of this issue. Article 1 of the Istanbul Convention delimitates its purposes, including to protect women against all forms of violence, and to contribute to the elimination of all forms of discrimination against women. Furthermore, as identified by the HRC, it requests States to encourage the private sector to participate in the implementation of policies to prevent violence against women, “and to promote educational programmes for users on ways to address abusive online content of a sexual or violent nature” (HRC, 2018, §51). The Convention on Cybercrime, or the Budapest Convention, was adopted by the COE in 2001. It aims at the protection of society against cybercrime, providing definitions that may be relevant in the context of OGBV, as well as determining criminal law measures that should be taken by the State parties. Among these provisions, Art. 9 addresses offences related to child pornography. Although its scope is narrower than OGBV, it does provide girls with express legal protection against a critical problem within the context of online violence. Furthermore, the European Convention on Human Rights establishes the prohibition of discrimination in Article 14, including discrimination based on sex (Council of Europe, 1950). Interpreting this provision analogously to the CEDAW, it is seen that such prohibition also includes violence against women, as it is included within the meaning of discrimination against women.

The Organization of American States (OAS) possesses an instrument specifically addressing violence against women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of Belém do Pará. It defines violence against women and establishes that “every woman has the right to be free from violence in both the public and private spheres” (OAS, 1994, Art. 3). Within the African Union, in 2003, the Protocol to the African Charter on Human and People’s Rights was adopted on the Rights of Women in Africa. It establishes the obligation of States Parties to combat all forms of discrimination against women through appropriate legislative, institutional, and other measures, as well as a wide set of rights (African Union, 2003). Although none of these instruments adopted in regional systems specifically address OGBV, it is important to reaffirm the understanding established by the HRC in Resolutions 32/13 and 20/8. Therefore, applying this interpretation, the same rights delimited by the aforementioned instruments should also be upheld online, contributing to wider protection of women from OGBV.

### 3.3. Overview of domestic legislations

Beside the international legal rules aiming to combat OGBV, States must implement such obligations within their domestic legislation and take action to protect women online. The Special Rapporteur on violence against women identifies that within States which have updated their legislation to address OGBV, the most frequently used instruments represent cybercrime laws, criminal laws, laws on domestic violence and violence against women, hate speech laws, and laws on data protection and privacy. Other identified national legislation includes laws that address online stalking, online harassment, and the

non-consensual sharing of intimate images (HRC, 2018). Where such specific laws do not exist, victims may sue the perpetrators through alternative legislation on related crimes. These laws can be sufficiently broad and flexible, or may not be adequate in some cases (HRC, 2018). Several domestic legislations prohibit hate crimes on the basis of race, religion, national origin, gender identity, sexual orientation, or disability (Vera Morales, 2021). There are also offences concerning stalking, sexual harassment, breach of intellectual property rights, threats, identity, and data theft and impersonation, which can be useful in combating OGBV (Aziz, 2017). The Special Rapporteur also provides as examples claims based on laws concerning the protection of privacy or defamation, as well as the classification of the non-consensual dissemination of sexual images as an aggravating circumstance in a domestic violence-related offence (HRC, 2018). In cases where the legislation provided is not adequate or sufficient, victims may also attempt to claim their rights through civil means. However, these means do not adequately address the victims' rights and therefore may contribute to continuing impunity (HRC, 2018).

It is found that several countries in Latin America and the Caribbean have recently begun to recognise online violence against women and enact specific laws on issues such as cyberstalking, cyber harassment, grooming, and cyberbullying (Vera Morales, 2021). For instance, Paraguay enacted Law 19.580 in 2017, which “recognized telematic violence, which is defined as the dissemination or publication through ICTs of audiovisual material that adversely affects the dignity or privacy of women” (Vera Morales, 2021, p. 45) In Brazil, Law 13.772/2018 criminalised the unauthorised recording, storage, and exposure of nude or sexual content. In addition, Law 13.718/18, criminalises the dissemination of images of sexual violation (Vera Morales, 2021). In Peru, the crimes of harassment, sexual harassment, sexual blackmail, and dissemination of images, audiovisual materials, or audio with sexual content through ICTs were incorporated into its Criminal Code. In 2020, Nicaragua adopted the Cybercrime Law, punishing threats and harassment by means of new technologies, including the dissemination of sexually explicit material (Vera Morales, 2021). In Latin America, progress was also identified regarding the formation of police bodies specialising in cybercrime. Specialised agencies were established in Mexico, Colombia, Brazil, Argentina, and Bolivia. In addition, in Peru, there is a digital platform for reporting incidents of online harassment (Vera Morales, 2021).

Furthermore, some States recognise hate speech based on gender or sex, including Canada, Croatia, Netherlands, and South Africa. Laws on online violence have been identified in several States, including Canada, England, Germany, Israel, New Zealand, South Africa, Wales, and several US states (Aziz, 2017). The adoption of domestic legislation by States addressing OGBV is of primary importance in the effective combat and accountability of such crimes. Overall, domestic laws worldwide address cyberstalking, cyber harassment, the non-consensual sharing of intimate images, hate speech in general, and more. Therefore, women and girls may seek redress through criminal or civil proceedings. Still, it is necessary to analyse whether the existing legislation adequately addresses the issue of OGBV, in order to cease impunity and provide victims with effective remedies.

## Chapter 4: critical reflection and prospects

### 4.1 Challenges on the protection of women from OGBV

Despite the imposition of international legal obligations upon States and the rights set in domestic laws, there are still challenges concerning the protection of women from OGBV. Firstly, the lack of specific legislation itself is a factor that causes difficulties in seeking accountability. It weakens the protection of these cases, as the existing provisions may not encompass all relevant aspects of OGBV, and it makes it more difficult for victims to understand their rights and how to pursue them. Even if the issues concerning the lack of adequate norms could be overcome in the abstract/Even if overcoming the issues concerning the lack of adequate norms in the abstract, there are additional obstacles concerning the implementation of such rights and seeking accountability in practice. As such, the HRC has expressed concern over the impunity of human rights violations and abuses committed online (HRC, 2016b). The efficacy of these norms may be impaired due to factors such as weak political infrastructure and the inaction of enforcement officers (Aziz, 2017). In addition, the costs of litigation are also a factor that discourage women from seeking judicial remedies (HRC, 2018). It is detected that law enforcement bodies usually trivialise online violence against women, besides being characterised by a victim-blaming attitude. These challenges result in the enhancement of a culture of silence and underreporting, where women are reluctant to seek legal remedies due to the fear of victim-blaming (HRC, 2018). Furthermore, even in cases where victims succeed in reporting a case, there are further challenges due to the lack of technical knowledge and ability in the judiciary, owing to the lack of adequate gender-sensitive training (HRC, 2018). The criminal justice systems usually present challenges in the investigation, prosecution, and adjudication of such cases (Aziz, 2017). As observed by the HRC, “in many States, law enforcement agencies and courts are failing to take appropriate action in situations of online violence against women, or are using such laws as a pretext to restrict freedom of expression” (OHCHR, 2017, §38). Finally, the perpetration of crimes online can be committed beyond the territorial limits and jurisdiction of States, posing difficulties for authorities to identify, investigate and prosecute perpetrators, as well as provide remedies (HRC, 2018).

### 4.2 Recommendations

Many different stakeholders play a crucial role in improving the prevention of online violence against women and the protection of women from this form of violence. States must provide legal mechanisms, educational measures, and support programs for victims. Civil society actors can change stereotypical norms and expectations and social media companies must recognise their responsibility in providing safe big data networks. The UN Special Rapporteur on Violence against women has recommended States to provide prompt, adequate and accessible assistance services for women affected by OGBV, which should include the establishment of hotlines and specialised care units, and information about the existence of these programs should be spread. Victims must also be provided with appropriate legal

assistance, which necessitates the establishment of legal mechanisms that allow for diligent investigation and punishment of acts of online violence against women. States must also cooperate with social media companies to take effective measures to prevent the publication of harmful gender-based content, enhance possibilities to remove it, and to stop its distribution (SRVW, 2018). The digital gender gap must be closed by promoting women's digital literacy and participation.

Moreover, perpetrators should always be prosecuted and sanctioned, which requires easily accessible, safe and specialised online mechanisms enabling women to report abuse to the authorities. Also, law enforcement agencies must be trained to be able to investigate and prosecute cyberviolence more efficiently and detect it under all circumstances (COE, 2023). Tech companies and social media platforms must incorporate human rights, gender equality and marginalised perspectives at the centre of their innovations and design processes. These companies together with States should also gather thoroughly disaggregated data on OGBV (Muheed et al., 2022).

An important role in combating gender-based violence in any sphere is the role of men and boys as allies of women. The Youth Toolkit published by UN Women says: "Boys and men can use their privilege and power to help deconstruct harmful gender norms and challenge the patriarchal system, practices and structures put in place to dismantle equality" (Muheed et al., 2022, p. 39). The aim should be to educate men and create programmes that address their dominant position in society. The Rwanda Men's Resource Centre Indashyikirwa Programme, for example, reduced Intimate-Partner Violence (IPV) through couples' training, community activism and building women's safe spaces. They also promote men's engagement in reproductive and maternal health, caregiving, and healthier relationships and found that two years after participating, men were nearly half as likely to use violence against their female partners and spent almost an hour more per day doing household chores (Muheed et al., 2022). Another example is the Involved Fatherhood Programme of the Children's Dignity Forum (CDF) that provides men with training on positive and caring fatherhood which aims at building capacity in terms of skills, knowledge and attitude about the role of men as caring partners. Men and boys are also educated on positive parenting models, protection of women and girls from violence, child marriage, teen pregnancy and female genital mutilation. Therefore, CDF recognises that equality between women and men is a fundamental principle of international law and gender equality as a societal responsibility can only be achieved when both men and women are fully engaged (Muunguja, 2020).



## Conclusion

In this report, the issue of online gender-based violence was investigated. The first chapter explained how gender-based violence in the digital realm is characterised by and constituted of. It made clear that the dimensions between digital and physical violence can be entangled, which makes the criminal prosecution of these cases very complicated. When looking deeper at different forms of OGBV, we focused on cyberstalking, cyber harassment and the already mentioned interplay of digital and physical violence. It is also important to emphasise that specific groups are even more affected by violence that targets their gender or identity. Among these are Black women, queer persons, women in political positions or women's rights activists. One chapter was dedicated to the far-reaching consequences of OGBV for victims, which range from trauma, physical pain, stress, and depression, to the worst outcome of suicide attempts or femicides. We also highlighted the impact and development of OGBV in the recent years of the COVID-19 pandemic. Women with hindered access to ICTs due to low levels of digital literacy or IPV also had less access to proper information about the virus, news about confinement and quarantining measures, and support or subsidy programs which put women in weaker positions and placed their health and wellbeing at risk. After the general outline of the OGBV, the legal framework followed. First, the international dimension was analysed, with the most important legal document being the CEDAW, which protects women from discrimination based on their gender. On the European level, the Istanbul Convention and the Budapest Convention on Cybercrime address OGBV. Although there are no instruments specifically addressing OGBV on the European level, the EU possesses two instruments that approach separate parts of this issue. In a next step, challenges in combating OGBV were formulated. First, there is a lack of specific domestic legislation which puts difficulties in seeking accountability for OGBV crimes. Another challenge is the weak political infrastructure and the inaction of enforcement officers. In addition, many women don't report their harmful experiences because they fear victim-blaming in patriarchal societies. In the final chapter, recommendations were formulated, addressing States, tech companies and the society as a whole. Laws must be enacted, police officers must be trained, helplines and safe spaces for victims must be put in place, women must be empowered to participate in technological innovations, and last but not least, men must be engaged in prevention and protection of women through education and advocacy.

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