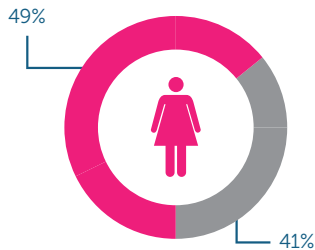


# 4 REASONS WOMEN STRUGGLE TO ACCESS JUSTICE IN TECH-BASED VAW

Less than half of reported cases of technology-based violence against women (VAW) are investigated by the authorities.



49% of survivors of technology-based violence against women turn first to police/state enforcement authority. However, less than half of those cases are investigated by the authorities (nearly 41%).

If I ever had faith in the authorities, I lost that faith.



Louisa, from Mexico, repeatedly reported the online threats, but got no response from the prosecutor's office.

If I reported it to the police they'd turn around and say, "tau sahi kiya na aap kay saath" (you deserved what happened to you).



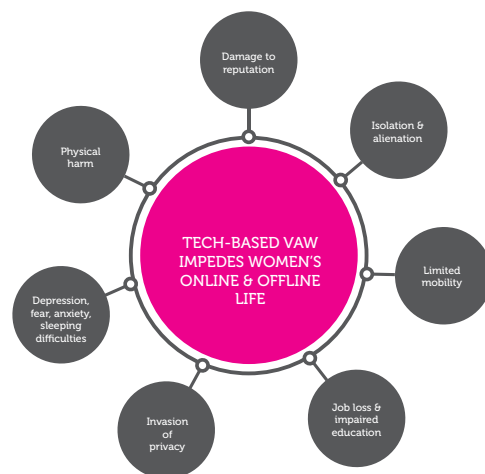
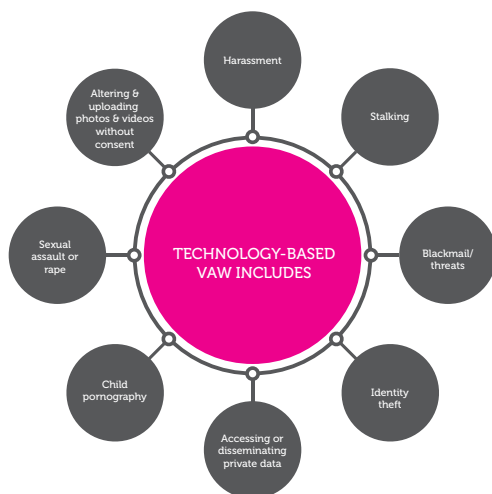
Bayhaya, a human rights defender from Pakistan, did not report the threats she and her colleagues received for fear that police might blame her.

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.



Lawyer, Philippines

## 1 THE PERCEPTION THAT VIOLENCE THAT TAKES PLACE ONLINE IS NOT "REAL" AND IS THEREFORE LESS HARMFUL



Technology-based violence against women (tech-based VAW) encompasses acts of gender-based violence that are committed, abetted or aggravated, in part or fully, by the use of information and communication technologies (ICTs).

I considered committing suicide, because I figured that this would send the message that this wasn't a game.

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.

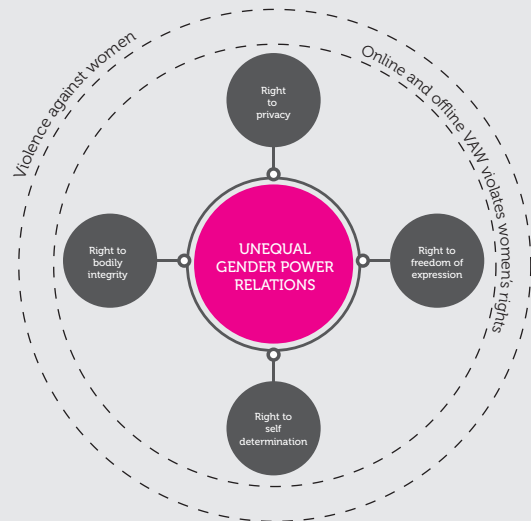
It distresses me to think that one day when my daughters are older they might see these pictures and hold it against me.

Despite common belief, psychological violence is as damaging as physical violence. Online harassment and stalking often extend from online to offline, and lead to both emotional and physical harms. Mental cruelty and psychological violence are recognised in international law and in most national jurisdictions.

## 2 THE PERCEPTION THAT technology-based VAW is a new form of violence and has nothing to do with other forms of violence



Technology-based VAW is an everyday event in the lives and experiences of women and girls all over the world. The same forms of gender discrimination that shape social, economic, cultural and political structures "offline" are reproduced, and sometimes amplified, on different digital platforms.



VAW is not fragmented; it is a continuum.

## 3 THE PERCEPTION THAT THERE ARE NO LEGAL REMEDIES TO DEAL WITH TECHNOLOGY-BASED VAW

SUMMARY OF EXISTING LAWS THAT MAY ADDRESS TECHNOLOGY-RELATED VAW

CEDAW RATIFICATION	VAW LAW
CIVIL REMEDIES	CYBER-CRIME LAW
ICT-VAW LAW	GENDER EQUALITY LAW

In most countries existing laws can be used in cases of technology-based VAW.

However, the adequacy and effectiveness of these laws is limited due to:

- the absence of a comprehensive definition of VAW that includes psychological and financial harms
- the perception of VAW a morality issue
- narrowing VAW to sexual offences
- limited recognition of VAW within cybercrime laws
- improper training of the authorities to investigate technology-based VAW
- a lack of coordination between state agencies
- biases of the authorities, including victim blaming

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## 4 THE PERCEPTION THAT WOMEN SHOULD JUST CLAIM THEIR RIGHTS IF THEY WANT REDRESS

Technology-based VAW is situated within a culture of impunity characterised by gaps between the formal recognition of rights and their effective application. A culture of impunity silences women instead of encouraging them to assert their rights.

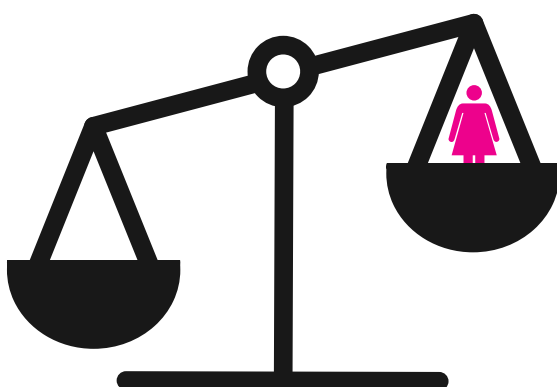


I was so scared, but when I went to the police to report they didn't take me seriously. I wanted them to intervene but they told me that it is "domestic" and I should go back to my husband or go to counselling.

Beatrice from Kenya

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The culture of impunity is further aggravated by the following factors:



the lack of political will to address VAW

class, caste, ethnicity, race of survivors

difficult environment in countries emerging from post-war conflicts

cultural pressure of religious neo-conservative parties

corruption in legal systems

## RECOMMENDATIONS FOR LAW-MAKING INSTITUTIONS AND THOSE LOBBYING FOR LEGAL CHANGE

- Adopt a comprehensive definition of VAW that includes psychological violence and recognises connections between offline and online VAW.
- Amend outdated laws that frame women in paternalistic terms (e.g. colonial language of “chastity”).
- Recognise women's bodily autonomy and right to self-determination.
- Balance rights to privacy, freedom of expression and freedom from violence and harassment for all individuals in constitutional, civil and criminal law.
- Include both civil and criminal options, offer means of swift redress and expand remedies beyond the online space.
- Extend laws to all who are vulnerable due to gender, including transgender and intersex individuals.
- Allocate adequate and sufficient budgets to work on VAW.
- Ensure training on technology-based VAW for the police and judiciary.
- Build awareness among users, internet service providers and social networking platforms.
- Create an enabling environment for women's access and enjoyment of ICTs.

### Learn more:

[www.genderit.org/VAWonline-research](http://www.genderit.org/VAWonline-research)  
<https://www.takebackthetech.net/mapit>

This infographic draws on the research findings of the APC “End violence: Women's rights and safety online” project funded by the Dutch Ministry of Foreign Affairs (DGIS) based on a strong alliance with partners in seven countries: Bosnia and Herzegovina, Colombia, the Democratic Republic of Congo, Kenya, Mexico, Pakistan and the Philippines.



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Ministry of Foreign Affairs of the  
Netherlands