

Dr Kim Barker

Dr Olga Jurasz

August 23rd, 2019

Online Violence Against Women: addressing the responsibility gap?

0 comments | 12 shares

Estimated reading time: 5 minutes

The Internet is a place without challenge nor disruption, and increasingly instances of online abuse and harassment are targeted at women. [Kim Barker](#) and [Olga Jurasz](#) argue that little has been done to address the issue of responsibility for such acts, both at a domestic and international level, but also by the platforms themselves.

Online Participation – an ‘entitlement’?

In today’s increasingly digital society, the ability of each and every person to interact, participate, and connect online is fundamental to a fulfilling existence. The place which enriches our daily interactions and

offers huge potential for online interactions and experiences which mirror and enhance our offline interactions has never been more readily accessible. This has been the situation since the emergence of the smartphone age, and with increasing digitalisation, has come increased potential for societally significant changes – perhaps the most prominent of which can be evidenced through, for example, the Arab Spring. Without the use of the Internet, and smartphones, the uprising would not have been able to mobilise, be recorded, nor shared.

That said, the Internet – whilst offering opportunities to participate, engage, and immerse in debate, content, and creativity, social change, and politics – is not a space without challenge nor disruption.

Increasingly, instances of online abuse, harassment, violence, and obscenity are being reported. Engaging and participating in a digital society comes with risks and perils – and increasingly these are targeted at women. Prominent women, and those who share, or are expected to share opinions and perspectives, are increasingly the recipients of huge volumes of abusive messaging, harassment, and even threats. The very nature of such a phenomenon of disruption diminishes the participatory potential of the Internet. This is not the only participatory challenge the Internet has faced, but is very much a contemporary challenge for women when it comes to exercising their rights to participate online, publicly and politically.

Recognising Online Violence Against Women?

Although the widespread nature of online violence against women and harms arising from it has been recognised at the [UN-level](#), little has been done to address the issue of responsibility for such acts, particularly from the perspective of international obligations of states.

At a domestic level, states have been slow to recognise and legislate against forms of Online Violence Against Women (OVAW) in an adequate and comprehensive manner. Typically, any legislative

developments – where present – focused on the image-based forms of online abuse, to the exclusion of text-based abuse, e.g. tweets inciting VAW and/or expressing gender-based hostility and/or with [misogynistic content](#). Similarly, the responsibility of platforms for tackling OVAW has not been given due consideration and priority unlike, e.g. content that is allegedly extremist or terror-related. Furthermore, efforts to tackle the phenomenon of OVAW has been halted by the juxtaposition of gender equality arguments with the freedom of expression considerations, so far resulting in a status quo where women are subject to violence and hate online, and their voices are silenced – something that [UN Special Rapporteurs have highlighted](#).

The responsibility gap?

Under [Article 7 of CEDAW](#), States have obligations under international law to take steps to prevent discrimination of women in public and political life. Although the provisions of the treaty were drafted well before the rise in online violence against women, their underlying premise has a contemporary application. Nowadays, it is difficult to imagine a space more public than the Internet. The Internet is widely used by women worldwide as a space to express themselves, their political views, campaign but also organise – as evidenced by women’s activism during the Arab Spring. Increasingly, an online presence is also required as a key part of professional jobs, but it does not come without a backlash. For instance, the [Amnesty International study](#) highlighted the scale of online violence against female politicians in the lead up to the 2017 elections, stressing the most severe impact of online abuse on politicians from BAME backgrounds.



Although the widespread nature of online violence against women and harms arising from it has been recognised at the UN-level, little has been done to address the issue of responsibility for such acts, particularly from the perspective of international obligations of states



This has severe impact on women's participation in the public and political sphere with many women questioning the merits of their online presence in light of the persistent and gendered abuse directed at them. This not only drives women away from the public/ online sphere but effectively results in silencing of women and their voices online. This situation is also concerning from the perspective of women's civil and political rights – especially when it comes to campaigning for office, carrying out their work as politicians, but also ensuring equal representation of women and men in public and political sphere. Finally, if women are not free and safe to express themselves and their views online – political or otherwise – then their freedom of expression is also affected.

What about the responsibility of platforms?

However, States are not alone in facing a responsibility to tackle OVAW – the social media platforms and their operators also have a role to play

in addressing these issues. For instance, Article 17 of the [Istanbul Convention](#) recognises the need for states and the information and communication technology sector to work together to prevent violence against women. This, in the context of OVAW, should include efforts by state parties and social media platforms to work together in combatting and preventing OVAW – both through legal and judicial avenues as well as through self-regulatory and community-based measures. That said, tackling OVAW should not be limited to the non-legal regulation sphere alone – it is important that actors responsible for committing OVAW are held accountable as well as those who fail to prevent it. Therefore, an approach combining comprehensive and adequate law reform which enables accountability for OVAW at a domestic level with an array of self-regulatory, and educational measures is preferable.

While the platforms themselves are not entities that sign up to international agreements and are not bound by CEDAW or the Istanbul Convention, their inaction – or selected action – makes them complicit in this sphere. Their business model – especially that of the Internet Giants (Facebook, Google, Twitter) is reliant upon their users. It is the users who generate advertising revenue, and data which these platforms exploit and commercialise. It is therefore in their best interests – as well as those of their users – to address the issue of OVAW, and ensure that these spaces are equal participatory spaces.



tackling OVAW should not be limited to the non-legal regulation sphere alone – it is important that actors responsible for

committing OVAW are held accountable as well as those who fail to prevent it



For too long, liability shields for online content have been allowed to be used as a catch-all for shying away from responsibility. The platforms have taken selected measures to notionally address some of the problems relating to offensive, and hateful conduct online – but these measures pale into insignificance when the speed with which other forms of offensive and harmful content is addressed. There is a continuing disparity in the level of attention paid to the OVAW issue, and the ‘Internet Giants’ despite being global leaders in their fields, have so far failed to be global leaders in tackling gender-based hostility, and its manifestation on their platforms. A continued denial of responsibility prejudices users, but also prejudices the role of the platforms in an increasingly connected society.

The Internet is evolving, continuously, and in its 30th anniversary year, it is time that stakeholders, NGOs, platforms, and regulatory bodies stand together to recognise, and tackle, OVAW. This is the first step in protecting online participation for all, but especially for women.

Dr Barker & Dr Jurasz are authors of [Online misogyny as a hate crime: a challenge for legal regulation](#) (Routledge 2019) and tweet from [@hate_om](#).

The views, thoughts and opinions expressed in this blog post are those of the author(s) only, and do not reflect LSE's or those of the LSE Centre for Women, Peace and Security.

About the author



Dr Kim Barker

Dr Kim Barker (@babylegaleagle) is based at Stirling Law School, University of Stirling (UK). Dr Barker's research focuses on internet & intellectual property law. Her research explores the regulation & control of online multi-user platforms including online environments (particularly online games and social media sites); and the intersection between user responsibility, platform provider responsibility and legal regulations. Her research (with Dr Olga Jurasz) explores the issues of online misogyny, including online violence against women (OVAW), and assess the legal responses to such societal problems.



Dr Olga Jurasz

Dr Olga Jurasz (@olga_jurasz) is based at the Open University Law School (UK). Dr Jurasz's research focuses on international law, human rights, and legal responses to violence against women (including online violence), specializing in feminist perspectives on law in these areas. Her research (with Dr Kim Barker) also explores a number of aspects of online, text-based abuse, including consideration of online misogyny & online violence against women (OVAW) as a hate crime as well as legal regulation of online abuse.