

ONLINE GENDER-BASED VIOLENCE: TRENDS AND CHALLENGES IN CRIMINALISATION AND PREVENTION IN EUROPE

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STRUCTURE OF THE PRESENTATION

- ONLINE GENDER-BASED VIOLENCE AGAINST WOMEN AS A FRAMEWORK CONCEPT (UMBRELLA TERM)
- THE ONLINE ASPECT OF VIOLENCE IN THE JURISPRUDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS
- INTERNATIONAL AND EUROPEAN LEGAL INSTRUMENTS ON COUNTERING ONLINE VIOLENCE AGAINST WOMEN
- IN PARTICULAR, SEXIST HATE SPEECH / HATE SPEECH BASED ON GENDER AND NON-CONSENSUAL DISSEMINATION OF INTIMATE PRIVATE IMAGES – FEW GENERAL NOTES AND THE CASE OF ITALY

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WHAT IS ONLINE VIOLENCE AGAINST WOMEN?

SEVERAL DEFINITIONS

- MAPPING STUDY ON CYBERVIOLENCE (COE) 2017
- REPORT OF THE SR ON VIOLENCE AGAINST WOMEN (YAW) A/HRC/38/47 (2018): THE DEFINITION OF ONLINE VIOLENCE AGAINST WOMEN 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.
- EUROPEAN COMMISSION'S STRATEGY 2020-2025
- REPORT COMBATING GENDER-BASED VIOLENCE: CYBER VIOLENCE (EPRS) 2021

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ELEMENTS OF A DEFINITION THAT EMERGE FROM THE JURISPRUDENCE

- EUROPEAN COURT OF HUMAN RIGHTS, *VOLODINA V. RUSSIAN FEDERATION*, JUDGMENT OF 9 JULY 2019.
- *BUTURUGA V. ROMANIA*, JUDGMENT OF 11 FEBRUARY 2020.

CYBERVIOLENCE AS AN ASPECT OF VIOLENCE AGAINST WOMEN

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ISTANBUL CONVENTION OF THE COUNCIL OF EUROPE

- SOME NOTES ON THE CONVENTION

- WHAT ABOUT ONLINE VIOLENCE? DOES IT FALL WITHIN THE SCOPE OF THE CONVENTION?

- ONLINE STALKING
 - (SEE EXPL. REPORT)



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ONLINE VIOLENCE AGAINST WOMEN AS A FRAMEWORK CONCEPT

- DOXING
- REVENGE PORN
- SEXTORTION
- TROLLING
- HATE SPEECH
- ONLINE STALKING
- SEXUAL HARASSMENT
- OTHER BEHAVIOURS THAT CAN BE CONSIDERED WITHIN THE FRAMEWORK OF ONLINE VAW ARE: CYBER-BULLYING, NON-CONSENSUAL PORNOGRAPHY, IMAGE-BASED SEXUAL ABUSE, CREEPSHOTS, UPSKIRTING OR DIGITAL VOYEURISM, MOBBING, SEXTING, ETC.

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VICTIMS/SURVIVORS

- WOMEN AND GIRLS
- WOMEN IN POLITICS
- JOURNALISTS
- HUMAN RIGHTS' DEFENDERS
- ...

INTERSECTIONAL IMPACT

- STUDIES: EUROPEAN WOMEN'S LOBBY, AMNESTY INTERNATIONAL ITALY «SEXISM ON THE KEYBOARD».

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TWO EXAMPLES OF ONLINE VIOLENCE

Non-consensual
dissemination of intimate
private images

Hate speech on the basis
of gender

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NON-CONSENSUAL DISSEMINATION OF INTIMATE PRIVATE IMAGES

- BEHAVIOUR THAT IS MORE AND MORE CRIMINALISED AT DOMESTIC LEVEL
 - WHICH ELEMENTS?
- AN EXAMPLE: ITALY
- IS THE CRIMINALISATION THE ONLY ANSWER? DIFFERENT POSITIONS ON THE TOPIC?
- THE IMPORTANCE OF PREVENTIVE MEASURES

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HATE SPEECH

- UN SECRETARY GENERAL (2019):
 - ANY KIND OF COMMUNICATION IN SPEECH, WRITING OR BEHAVIOUR, THAT ATTACKS OR USES PEJORATIVE OR DISCRIMINATORY LANGUAGE WITH REFERENCE TO A PERSON OR A GROUP ON THE BASIS OF WHO THEY ARE, IN OTHER WORDS, BASED ON THEIR RELIGION, ETHNICITY, NATIONALITY, RACE, COLOUR, DESCENT, GENDER OR OTHER IDENTITY FACTOR. THIS IS OFTEN ROOTED IN, AND GENERATES INTOLERANCE AND HATRED AND, IN CERTAIN CONTEXTS, CAN BE DEMEANING AND DIVISIVE.
- EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)
- OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS

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WHERE IS HATE SPEECH DEFINED?

- SEE IN PARTICULAR THE ADDITIONAL PROTOCOL TO THE CYBERCRIME CONVENTION, ADOPTED IN 2003, CONCERNING THE CRIMINALISATION OF ACTS OF A RACIST AND XENOPHOBIC NATURE COMMITTED THROUGH COMPUTER SYSTEMS, AND THE COUNCIL FRAMEWORK DECISION 2008/913/JHA OF 28 NOVEMBER 2008 ON COMBATING CERTAIN FORMS AND EXPRESSIONS OF RACISM AND XENOPHOBIA BY MEANS OF CRIMINAL LAW.
- EUROPEAN COURT OF HUMAN RIGHTS, *VEJDELAND AND OTHERS V. SWEDEN* (2012) AND *BEIZARAS AND LEVICKAS V. LITHUANIA* (2020).

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WHERE ARE THE WOMEN? HATE SPEECH ON THE BASIS OF GENDER

- RECOMMENDATION OF THE COUNCIL OF EUROPE FOR PREVENTING AND COMBATING SEXISM OF 2019
 - ANY ACT, GESTURE, VISUAL REPRESENTATION, SPOKEN OR WRITTEN WORDS, PRACTICE OR BEHAVIOUR BASED UPON THE IDEA THAT A PERSON OR A GROUP OF PERSONS IS INFERIOR BECAUSE OF THEIR SEX, WHICH OCCURS IN THE PUBLIC OR PRIVATE SPHERE, WHETHER ONLINE OR OFFLINE, WITH THE PURPOSE OR EFFECT OF: I. VIOLATING THE INHERENT DIGNITY OR RIGHTS OF A PERSON OR A GROUP OF PERSONS; OR II. RESULTING IN PHYSICAL, SEXUAL, PSYCHOLOGICAL OR SOCIO-ECONOMIC HARM OR SUFFERING TO A PERSON OR A GROUP OF PERSONS; OR III. CREATING AN INTIMIDATING, HOSTILE, DEGRADING, HUMILIATING OR OFFENSIVE ENVIRONMENT; OR IV. CONSTITUTING A BARRIER TO THE AUTONOMY AND FULL REALISATION OF HUMAN RIGHTS BY A PERSON OR A GROUP OF PERSONS; OR V. MAINTAINING AND REINFORCING GENDER STEREOTYPES.



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HATE SPEECH ON THE BASIS OF GENDER

The relevance of the online dimension

How intersectional is hate? Some reflections

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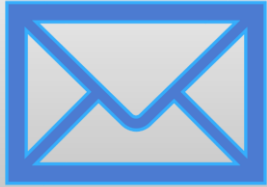
MEASURES TO COUNTER HATE SPEECH

- AT EU LEVEL, THE *CODE OF CONDUCT ON COUNTERING ILLEGAL HATE SPEECH* WAS ADOPTED ON 31 MAY 2016: VOLUNTARY COMMITMENT BY FACEBOOK, YOUTUBE, TWITTER, MICROSOFT, AND INSTAGRAM TO COUNTER SPREAD OF HATE SPEECH ONLINE.
- TRENDS TOWARDS CRIMINALISATION, BUT NEED OF PREVENTIVE MEASURES.
- IS THERE A NEED OF HARMONISATION AT EU LEVEL?
- NATIONAL LAWS: THE CASE OF ITALY AND THE ONGOING DEBATE
- HATE SPEECH VS FREEDOM OF SPEECH? THE NEGLECTED IMPACT OF HATE SPEECH ON WOMEN'S FREEDOM AND AUTONOMY

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THANK YOU VERY MUCH

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- PLEASE FIND MY LATEST BOOK «VIOLENCE AGAINST WOMEN'S HEALTH» OPEN ACCESS HERE [HTTPS://WWW.MANCHESTEROPENHIVE.COM/VIEW/9781526124982/9781526124982.00007.XML](https://www.manchesteropenhive.com/view/9781526124982/9781526124982.00007.xml)
- FORTHCOMING REPORT FOR THE EUROPEAN EQUALITY LAW NETWORK (CO-AUTHORED WITH DR. **LORENA SOSA**) WILL BE SOON AVAILABLE HERE [HTTPS://WWW.EQUALITYLAW.EU/](https://www.equalitylaw.eu/)