

Digital rights, online violence against women and strive for equality:

a challenge for digital Europe?

Professor Olga Jurasz

Director, & Founder, Observatory on Online Violence Against Women Law School, The Open University

5 December 2023



1

OVAW: the scale

The data 'challenge'

- ▶ 11% of women in EU-28 experienced cyberharassment and 5% cyberstalking (FRA 2014).
- ▶ Online poll of women aged 18–55 in the **UK, USA, Spain, Denmark, Italy, Sweden, Poland** and New Zealand about their experiences of online abuse or harassment on social media platforms (Amnesty Int'l 2017).
- ▶ 4 to 7 % of women in the EU-27 have experienced **cyber harassment** during the past 12 months, while between 1 and 3 % have experienced **cyber stalking** (European Parliamentary Research Service, 2021).



Amnesty International, 2017



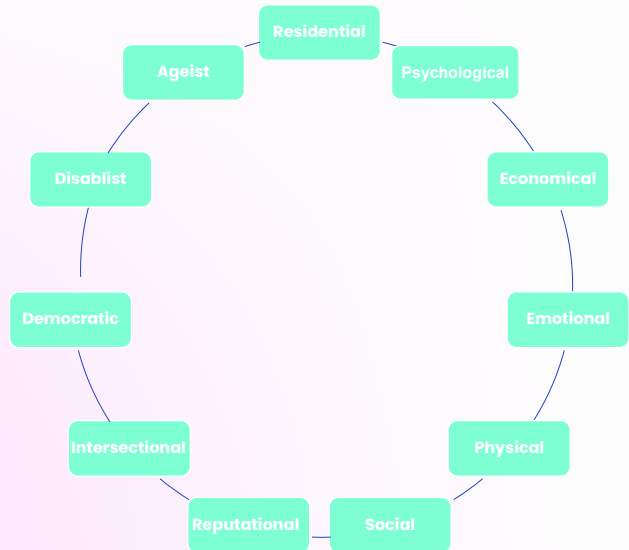
2

2

1

OVAW: the impact and harms

- ▶ The economic assessment estimated the overall costs of **cyber harassment** and **cyber stalking** at between **€49.0 and €89.3 billion** (EPRS 2021) with key impacts on the quality of life and labour market.
- ▶ **Mental health and wellbeing**, **ability to express views online**, the need for **protective measures** in place identified as top three types of impact by UK-based women who experienced online violence in 2022-23 (Jurasz, 2023)
- ▶ OVAW & **education** (CEDAW GR36)
- ▶ **Typology of harms** arising from text-based abuse (Barker & Jurasz 2021)



The promise of the digital and equal Europe?

Gender equality is a core principle of the European Union, but it is not yet a reality. In business, politics and society as a whole, we can only reach our full potential if we use all of our talent and diversity.

Using only half of the population, half of the ideas or half of the energy is not good enough.

Ursula von der Leyen
President of the European Commission

#UnionOfEquality

We need a digital transition which is European by design and nature. One that rebuilds trust where it is eroded and strengthens it where it exists.

Ursula von der Leyen
President of the European Commission

#DigitalEU



European Commission

A (gender equal) Europe fit for the digital age?

- › **EC Gender Equality Strategy 2020–2025**
- › **Proposal for a Directive on combating violence against women and domestic violence (8 March 2022)**
 - defining illegal online content related to cyber violence
 - cyber stalking;(iv) non-consensual sharing of intimate images; (v) cyber harassment; and (vi) cyber incitement to hatred or violence
- › **Digital Services Act (2022)**: due diligence obligations, GBV as a systematic risk
- › **European Declaration on Digital Rights and Principles for the Digital Decade (2023)**
 - Participation in the digital sphere without GBV and harassment.

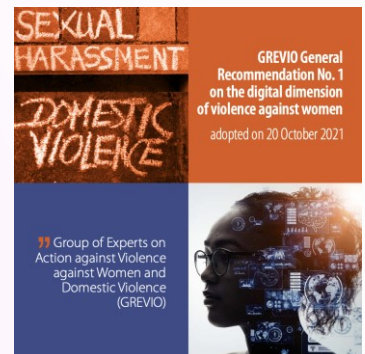


5

5

Council of Europe

- › **Gender Equality Strategy 2018–2023**
- › **2019 CoE CM Recommendation on preventing and combatting sexism**
- › **ECtHR, Buturuga v Romania (2020), Volodina v Russia (No.2) (2021)**
 - recognition of technology-facilitated VAW within domestic abuse context
 - Article 8
- › **GREVIO General Recommendation No. 1 on the digital dimension of violence against women and girls (2021)**
- › **2022 CoE CM Recommendation on combatting hate speech**



6

6

Fragmentation

- Linguistic / terminology
- Institutional / regulatory
- Gender / tech



7

Fragmentation

Linguistic / terminology

Online Technologically Facilitated Violence Against Women	Online Violence Against Women	Text Based Abuse	Image Based Sexual Abuse	Upskirting
Voyeurism	Online Misogyny	Cyberstalking	Cyberbullying	Online harassment
Multi-Platform Harassment	Trolling & Flaming	Social Media Abuse	Doxing / Doxxing	Swatting
Impersonation	Dogpiling			

8

8

Fragmentation

Institutional & regulatory

✓ **Inconsistencies across various law & policy documents at domestic and international levels**

- lack of harmonization within law & policy
- different approaches towards legislating
- difficulties in cross-border cooperation

✓ **Dangers of cooptation**

✓ **Hierarchy of harms – harmful but not illegal?**



Fragmentation

Gender vs platform regulation

- ✓ gender-platforms dichotomy
- ✓ FoE **vs.** equality
- ✓ 'Regulation by omission' (gender OR online / tech)



Towards digital and equal Europe?

- › Greater efforts at tackling fragmentation are needed
- › Multisectoral approach
- › Cautious optimism in light of the rise of anti-genderism in the EU
- › Europe leading the way in tackling online and digital violence?



LEGAL CHANGE



ONLINE CULTURE



SOCIAL CHANGE



The Open
University

Law School