

CDT Europe's Work on Tech-Facilitated Gender-Based Violence (TFGBV)

Background of CDT Europe working on TFGBV

CDT Europe's work on combatting the proliferation of tech-facilitated gender-based violence is rooted in our work on protecting free expression and in tackling online harms that disproportionately impact minoritised groups. Through the work of our [Online Expression & Civic Space programme](#), we advocate for a rights-based, feminist, and intersectional approach to online safety. CDT Europe has engaged in various public [consultations](#), policy and legislation's [analysis](#), and [publications and op-eds](#) on TFGBV's implications for online civic space, in addition to participating in panels, conferences, and events addressing digital rights, gender equality, and online safety.

Terminology

We recognise that there is no globally agreed definition for TFGBV. We have historically used online gender-based violence and institutions such as the EU use terms such as digital violence, cyber violence or cyber harassment. However, there is a need for a unified terminology for the global conversation on this topic in order to align efforts. At CDT Europe, we use **Tech-Facilitated Gender-Based Violence (TFGBV)** as it is most comprehensive, capturing both online and offline harms facilitated through digital technologies, and reflecting the continuum of gendered violence.

Harmonisation and effective implementation of EU legislation

Several legislations and coregulatory frameworks exist that are relevant to addressing TFGBV, including the Council of Europe Istanbul Convention, EU Directive on Violence against Women (VAW) and Digital Services Act. It will be important therefore to ensure implementation and enforcement of these rules is harmonised in order to be effective.

A harmonised approach to enforcement of these rules will help to avoid the adoption of conflicting approaches by regulatory authorities, which would not only undermine the purpose of the legislative framework- *to provide equal protection against these harms under the law for all in the EU*- but that may unintentionally compound the harms felt by victims. Enforcement agencies will therefore need to ensure that there is increased internal capacity of gender expertise to support enforcement; strong data collection and support the developments of a broader TFGBV research agenda in order to; and ensure consultation with a diversity of civil society organisations to inform enforcement.

Non-criminal redress mechanisms

CDT Europe supports a multi-pronged approach to tackling TFGBV. Where proportionate, assessed on a case-by-case basis, and grounded in international human rights law, criminal redress can be appropriate, as is the case with cyberstalking and NCIIA. However, not all forms of TFGBV should be criminalised as the act of balancing the protection of rights would make it challenging. These forms of TFGBV are nonetheless harmful and must urgently be addressed through appropriate risk and harm mitigation measures.

Gendered disinformation against women and gender-non-conforming individuals in public life

According to several [studies](#) and [reports](#), women and gender-non conforming people face numerous challenges when running for political office. These include attacks they are subject to in various online spaces that they must use to campaign and promote their work. Such actions are often aimed at undermining and preventing their participation in politics or public life, silencing their voices and relegating them to less important, or less powerful positions.

[Research by CDT](#) found that women political candidates of colour were subject to the highest level of mis- and disinformation when compared to other candidates. Some targeted approaches to tackle this issue could come from platform providers, complying to the current EU legislation, and ensuring their products include safety-by-design and reporting mechanisms to protect particularly vulnerable groups of people from online harm. In order for these approaches to be effective, the disproportionate vulnerability of women of colour to online violence must be recognised by platforms and legislators alike.

Protecting encryption as a tool to combat and respond to TFGBV

Since the earliest conversations on the issue of TFGBV, questions have surfaced regarding the need to 'address' the issue of anonymity and privacy. This is particularly the case when it comes to the non-consensual sharing of intimate images which can often occur across messaging platforms. It is of course essential that victims have access to redress and justice in these cases and we welcome the provisions of the EU Directive on VAW which criminalises this act.

However, it is crucial that the ability to freely use encrypted services is strongly protected, not only in respect to the right to privacy as enshrined in the EU Charter of Fundamental Rights, but for the protection of the very communities we are advocating to protect against all forms of gender-based violence. Many service providers, such as domestic violence shelters, human rights defenders and journalists rely on encrypted services to perform their vital work. Tampering with encryption would be inherently counterproductive and may lead to a chilling of speech, and limit the services certain organisations can provide.

5 Key Recommendations

- Ensuring the **harmonisation** and **effective implementation** of EU legislation addressing TFGBV (DSA, Directive on VAW and DW, and others).
- Guaranteeing the protection of the **freedom of expression**, especially for marginalised communities, in all efforts to tackle TFGBV.
- Combating harms best mitigated through **risk mitigation measures**, such as **gendered disinformation**, especially against women and gender non-conforming individuals in politics and public positions.
- Streamlining **terminology** to align efforts and strengthening of the **non-criminal redress mechanisms**.
- Protecting **encryption** as an essential tool for advocates, front-line services providers and victims of TFGBV as a means of private communication.