

Submission to MESECVI on the Inter-American Model Law on Digital Violence Against Women

Equality Now welcomes the opportunity to provide feedback on the Inter-American Model Law on Digital Violence Against Women.

Founded in 1992, Equality Now is an international human rights organization that works to protect and promote the rights of women and girls around the world in the areas of legal equality, harmful practices, sexual violence, and sexual exploitation, with a cross-cutting focus on adolescent girls. Equality Now combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls and works to ensure that governments enact and enforce laws and policies that uphold their rights. Recognizing that addressing sexual exploitation, abuse, and violence in the digital realm requires a global approach that promotes universal digital rights, Equality Now, together with Women Leading in AI, has formed the Alliance for Universal Digital Rights (AUDRi).¹ AUDRi is advocating for universal equality of safety, freedom, and dignity for all in our digital future.

We commend MESECVI for its leadership in advancing legal protections against gender-based violence in digital spaces. As a global organization advocating for legal and systemic change to end violence and discrimination against women and girls, we recognize the critical role that MESECVI plays in ensuring the effective implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará Convention).

With the increasing prevalence of digital violence against women and girls (DVAWG), comprehensive legal frameworks are essential to prevent harm, ensure accountability, and uphold survivors' rights. The Model Law represents a significant step forward in setting regional standards, but we believe there are areas where it can be further strengthened to enhance clarity, effectiveness, and alignment with international human rights obligations.

We are writing to share specific recommendations in the following areas:

1. Expanding the Scope of Protection Against Digital Violence

¹ Please see: <https://audri.org/>

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We suggest broadening the scope beyond gender to recognize that multiple intersecting conditions of oppression can contribute to digital violence against women.

Recommendation: We recommend amending Article 2 on the definition of digital violence against women based on gender to:

*"Any action, conduct, or omission against women, **based on any condition of oppression, such as their gender, ethnic origin, socioeconomic status, migration status, etc., that causes death, harm, or physical, sexual, psychological, economic, or symbolic suffering in any sphere of their lives, and that is committed, instigated, or aggravated, in part or in whole, through the use of technology.**"*

2. Broadening Legal Protections:

a. Redefining "Community" to Embrace Global Realities

The term "Community" in Article 3.B may limit the scope of protection by suggesting that digital violence against women occurs only within a specific social group or geographical area. However, digital violence can be perpetrated from anywhere by individuals who have no direct connection to the victim, given the global and accessible nature of information and communication technologies (ICTs). To better reflect the realities of digital violence and ensure more effective protection for women, examining comparative legal frameworks like Mexico's Ley Olimpia can provide valuable insights. This law defines digital violence as "(...) any act that, through the use of ICTs, affects the integrity, dignity, or private life of women, regardless of the relationship or location of the perpetrator."

Recommendation: We recommended replacing "community" with a broader term, such as "any environment," eliminating geographical or relational limitations regarding the perpetrator.

b. Ensuring Legal Protection and Accountability for Sextortion

Article 7 acknowledges various forms of digital violence against women based on gender. However, it does not address other significant forms, such as sextortion. Recognizing sextortion as a distinct type of gender-based violence is crucial for ensuring legal protection and accountability for this increasing form of abuse. Sextortion exploits power imbalances and disproportionately affects women and girls, compelling them to comply through threats of exposing intimate content.² Unlike other forms of digital violence, sextortion uniquely combines sexual coercion with extortion, making it essential to address specific legal provisions. Without

² Equality Now.2021. Ending Online Sexual Exploitation and Abuse of Women and Girls: A Call for International Standards.

<https://equalitynow.storage.googleapis.com/wp-content/uploads/2021/11/13160619/Ending-OSEA-Report.pdf>

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explicit recognition, victims may find it difficult to access justice, and perpetrators may evade accountability due to gaps in the law. Including sextortion in legal frameworks enhances protection for survivors, deters abuse, and reinforces the right to privacy and dignity in digital spaces.

Recommendation: Add a separate legal definition of sextortion, emphasizing that threats to expose intimate content in exchange for money, favors, or compliance constitute a criminal offense.

c. Expand the definition of intimate content

Article 5.i of the definitions section refers to “Intimate sexual character” while Article 7 describes the manifestations of digital violence against women as content of an “intimate sexual nature”. We suggest not limiting intimate content to that of a sexual nature. This is so as to include culturally or religiously sensitive content. For instance, images of women without religious attire, even if not considered sexual, can have serious social or personal consequences, including harassment, blackmail, and reputational harm.³ By framing intimate content as only sexual the Model Law overlooks the cultural and religious sensitivities that shape individuals' vulnerabilities to digital abuse. By broadening the scope, the Law can better protect women from coercion and non-consensual distribution of images that, while not sexual in nature, can still violate their dignity, autonomy, and safety. This approach recognizes the diverse ways online image-based abuse manifests and ensures that digital rights frameworks are inclusive of different cultural and religious contexts.

Recommendation: We recommend removing the word “sexual” from the terms “intimate sexual character” in Article 5.i and “intimate sexual nature” in Article 7.

3. Strengthening regional cooperation

To effectively prevent, sanction, and eradicate digital violence against women in the Americas, international cooperation should also be anchored in regional cooperation. Organisation of American States (OAS) member states should work together to harmonize legal frameworks, ensuring consistency across the region in the definition, investigation, and prosecution of digital gender-based violence against women across borders. Through regional mechanisms such as the Inter-American Commission of Women (CIM) and the Meeting of Ministers of Justice (REMJA), states can enhance mutual legal assistance, facilitate the extradition of offenders, and

³ Equality Now.2021.Submission to the UK Law Commission on Intimate Image Abuse Consultation.
<https://equalitynow.storage.googleapis.com/wp-content/uploads/2021/10/15173646/UK-Law-Commission-Consultation-Intimate-Image-Abuse-Submission-1.pdf>

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improve cross-border enforcement of protection measures. Cooperation with regional human rights bodies, civil society organizations, and digital platforms is also critical in promoting the effective implementation of this Model Law, ensuring accountability, and fostering safer online environments. Additionally, OAS states should advocate for international standards that address digital violence from a gender perspective, reinforcing commitments under the Belém do Pará Convention and other human rights instruments. By prioritizing coordinated action and shared responsibility, the region can strengthen protections for women and girls in digital spaces within the region and beyond and ensure access to justice for victims.

Recommendation: Amend Article 13 to reflect strengthened and coordinated regional cooperation.

4. Protecting all with a public voice

The current heading under Article 8 appears to provide protections solely for women politicians; however, digital violence against women affects all women who have a public voice. Research shows that women with public profiles—such as journalists, politicians, human rights defenders, entrepreneurs, and influencers—are disproportionately targeted by digital gender-based violence due to their visibility, which challenges traditional gender norms. These relentless attacks send a chilling message that women should stay out of politics, activism, business, and other public roles. This isn't just about silencing individuals; it's about maintaining patriarchal control and excluding women from shaping the future. By amplifying harassment, doxing, and disinformation campaigns, progress on gender equality and human rights is being eroded.

Recommendation: We recommend modifying the title of Article 8, “Manifestations of digital violence based on gender against women with a public voice,” to reflect a broader scope.

5. Strengthening content moderation & user reporting mechanisms

The internal reporting mechanisms provided for in Article 25 require strengthening of the service providers content moderation and user reporting mechanisms to enhance service provider accountability and protection of women from digital violence. Current systems often fail to adequately address gendered and intersectional violence, leaving vulnerable women unprotected. Article 25 should provide that reporting mechanisms must be simple for user to understand, find and use. They should also be accessible be effective and provide timely responses and clear communication about the status of reports.⁴ Service providers should be

⁴ Equality Now.2023. Submission to The UN Human Rights B-Tech Project Call for inputs: Gender, Tech & the Role of Business. https://equalitynow.storage.googleapis.com/wp-content/uploads/2023/09/30132347/Submission-to-UN-Human-Rights-B-Tech-Project-Call-for-inputs_-_Gender-Tech-the-role-of-business.pdf

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required to have transparent reporting mechanisms, and disclose how they respond to user reports of digital violence, ensuring accountability, victim support and respect for human rights.

Recommendations: We recommend Article 25 should be amended to include the following:

“To enhance protection, particularly for women, service providers must strengthen their content moderation and user reporting mechanisms to ensure accountability and address digital violence, including gendered and intersectional violence. The reporting systems should be simple for users to understand, access, and use. They must allow users to easily find and navigate the reporting process and provide timely responses and clear communication about the status of reports. Service providers should have transparent reporting mechanisms, and disclose how they respond to user reports of digital violence, ensuring accountability, victim support and respect for human rights”

We further recommend the following amendment to Article 5.c:

“Content moderation: Activities carried out by service providers, whether automated or not, that are intended, in particular, to detect, identify, and act against illegal content or information that is inconsistent with their general conditions. **Content moderation may include preventive measures, user reporting mechanisms, and actions such as the actual removal, restriction, labeling, or escalating such content or information to authorities.**”

6. Safeguarding human rights and preventing legal abuse

a. Definition of service provider

Safeguarding human rights and preventing legal abuse requires a careful balance between service provider responsibilities and protecting user freedoms. While service providers play a critical role in upholding safety and security on digital platforms. However, the provision defining "service provider" in Article 5.b is too broad and open to abuse due to its vague and overly inclusive language. It could lead to confusion, as it encompasses a wide range of entities, potentially including businesses not directly involved in communications or data services. This could result in overregulation, misuse for surveillance, and privacy violations. Additionally, the lack of clear accountability and the risk of scope creep could lead to unintended consequences and difficulties in enforcing the regulation. To prevent these issues, the definition should be more specific and focused on entities directly involved in communication services and data processing.

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Recommendation: We recommend that the definition should be more specific and focused on entities directly involved in communication services and data processing, as follows:

“Service provider: This shall mean any public or private entity that:

- (i) Provides individuals residing in the country with the ability to communicate **via a telecommunications network or online communication platform**, such as internet service providers, mobile network operators, or messaging platforms;
- (ii) Processes or stores electronic data **solely in connection with the provision of communications services**, including cloud storage services and data centers dedicated to communications-related data;
- (iii) Designs, manufactures, or markets technological products **specifically intended for the capture, storage, processing, or transfer of electronic communications or personal data**, such as devices or software used for communication, internet access, or data management.”

Conclusion

We urge MESECVI to incorporate these recommendations to ensure that the Model Law is a strong, survivor-centered, and enforceable legal framework that effectively addresses the realities of digital violence against women. We remain committed to supporting MESECVI and Member States in advancing legal and policy reforms that uphold the rights of women and girls across the region.

Equality Now appreciates the opportunity to contribute to this process and looks forward to continued engagement with MESECVI to strengthen legal protections against digital violence.

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