

# **An Analysis of the Inter-American Model Law to Prevent, Punish, and Eradicate Digital Gender-Based Violence Against Women**

## **Intersectionality and Alignment with Grenada's laws, Constitution, and International obligations**

### **Intersectionality in the Model Law**

#### **Recognition of Diverse Identities**

The Model Law incorporates a strong intersectional framework. It recognizes that gender-based digital violence is not experienced uniformly by all women but is often **exacerbated by intersecting identities**, such as:

- **Age** (e.g., girls and adolescents)
- **Disability** (Article 4c, 6f, 7a, 37a)
- **Ethnicity and Race** (Articles 7k, 37a)
- **Sexual Orientation and Gender Identity** (Articles 7k, 8b)
- **Economic Status and Migration Status** (Articles 6f, 28e, 37a)

#### ***Examples in the Text***

- Article 4 establishes **guiding principles** such as the “**best interests of girls and adolescents**” and “**non-revictimization**”, showing a child-sensitive and survivor-centered lens.
- Article 37a defines **aggravating circumstances** based on multiple forms of vulnerability, ensuring that the justice system considers compounded harm.

#### **Alignment with Intersectional Practice**

This approach aligns with the **Belém do Pará Convention's** and **CEDAW's** expectations for **inclusive, non-discriminatory legal standards** that reflect the lived experiences of all women, including those from marginalized communities.

## Alignment with Grenada's Legal Framework and Constitution

### A. The Constitution of Grenada

Provision	Model Law Alignment
<b>Section 1: Fundamental Rights and Freedoms</b>	Aligned – The Model Law upholds rights to dignity, privacy, liberty, and equality.
<b>Section 13: Protection from Discrimination</b>	Aligned – The Law promotes equality and addresses discrimination based on gender, intersecting with other statuses like disability or ethnicity.
<b>Section 10 &amp; 11: Freedom of Expression &amp; Privacy</b>	Partial Alignment – The Model Law promotes freedom of expression but introduces content moderation, which must be balanced against constitutional protections to prevent overreach.
<b>Section 8: Protection from Inhuman Treatment</b>	Aligned – The Model Law prohibits degrading treatment in digital spaces (Article 6e).

### B. Relevant National Laws

Grenadian Law	Model Law Alignment	Gaps Identified
<b>Domestic Violence Act (2010)</b>	Aligned in principle	Does not include digital abuse, coercive control, or surveillance.
<b>Electronic Crimes Act (2013)</b>	Partially aligned	Lacks gender lens and does not cover image-based abuse, deepfakes, or cyberstalking.
<b>Child Protection Act (2010)</b>	Aligned with youth protections in Model Law	Could be strengthened to address online grooming and exploitation.
<b>Criminal Code</b>	Some relevant offenses exist (e.g., defamation, obscene publications)	Needs modernization to criminalize non-consensual image sharing and digital political violence.

## Alignment with International Conventions and Treaties

### A. Belém do Pará Convention

- **Full alignment** – The Model Law is specifically grounded in this Convention, reinforcing obligations to prevent, punish, and eradicate violence against women, including digital forms.
- The Law’s emphasis on **state due diligence**, **victim protection**, and **interagency coordination** is in direct compliance.

### B. CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)

- Aligned with Articles 1, 2, and 5 which obligate states to **eliminate discrimination in all forms**, including by private actors.
- The Model Law emphasizes **cultural and structural change**, as called for in **CEDAW General Recommendation No. 35** on gender-based violence.

### C. CRC (Convention on the Rights of the Child)

- Aligned through provisions addressing the **best interests of girls**, prevention of **online sexual exploitation**, and promotion of **digital literacy** for children.

### D. UNCRPD (Convention on the Rights of Persons with Disabilities)

- The Model Law references disability multiple times, requiring **reasonable accommodations in justice processes** (Article 28b) and specific protections (Article 37a).
- Grenada ratified the UNCRPD in 2014, but national legislation remains limited in enforcing digital protections for persons with disabilities.

### E. International Covenant on Civil and Political Rights (ICCPR)

- Aligns with the **rights to privacy, freedom of expression, protection from cruel treatment, and access to effective remedies**.
- The Model Law’s **judicial guarantees and data privacy safeguards** are consistent with the ICCPR framework.

## Recommendations to Enhance Domestic Alignment

1. **Amend the Domestic Violence Act and Electronic Crimes Act to:**
  - Include **gender-based digital violence** as defined in the Model Law.

- Introduce specific offenses like **non-consensual distribution of intimate images, online stalking, and AI-generated image abuse.**
- 2. **Establish legal definitions** for intersectional vulnerabilities (e.g., “symbolic violence”, “gender identity”, “algorithmic bias”) through an enabling or complementary bill.
- 3. **Develop comprehensive policy frameworks** incorporating the Model Law’s public policy measures (Chapter II), especially those that address **education, data collection, and interagency coordination.**
- 4. **Ensure consistency with constitutional rights** by embedding **due process and proportionality standards** in any content moderation or online restriction measures.
- 5. **Promote public and professional awareness** of international treaty obligations and their relevance to digital violence and intersectional rights protection.