

**GREVIO's Comments on MESECVI's Draft
Inter-American Model Law on Gender-Based
Digital Violence Against Women**

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The increasing prevalence and severity of the digital dimension of violence against women is a global concern which has been a key priority for GREVIO. This is reflected in its first General Recommendation, dedicated to this issue, as well as its ongoing focus on the digital dimension of violence against women in its monitoring work. GREVIO's evaluations highlight a legislative gap in addressing the digital dimension of violence against women in Europe, a challenge that also persists at a global level.

In this context, we congratulate MESECVI for this important initiative, which has the potential to make a concrete impact on States Parties to the Belém do Pará Convention by strengthening legal and policy frameworks to prevent digital manifestations of violence against women, protect victims and hold perpetrators accountable by invoking the responsibilities of both state and private sector actors.

We are pleased to provide the following comments, which we hope will be useful in further refining the model law:

Articles 1 and 2: GREVIO believes that these articles present an opportunity to link digital manifestations of violence against women to the broader issue of violence against women in order to highlight that these are not separate phenomena but part of a continuum with shared root causes.

Similarly under **Article 2**, we suggest including attempted acts within the definition of gender-based digital violence, to better capture the full scope of harmful behaviours.

Under **Article 4** setting out guiding principles, GREVIO proposes including “intersectional approach” among the guiding principles to reflect the fact that women experiencing multiple forms of discrimination—including women with disabilities, LGBTI women, migrant and refugee women and women from ethnic or racial minorities—are often more severely affected by this form of violence.

Under the same article in paragraph (o), we suggest emphasising the proportionality of criminal law responses, rather than focusing on their minimal use, to ensure accountability for perpetrators and the effective eradication of impunity.

Under **Article 5** entitled “Definitions”, GREVIO wishes to point out that the provided definition of “content moderation” in paragraph (c), may not fully capture all forms of digital violence against women, as it refers to “illegal content or information that violates general terms and conditions.” GREVIO highlights that not all forms of online or technology-facilitated violence are classified as illegal or covered by platform policies.

Under the same article, paragraph (e) seeks to define “disinformation or dissemination of false content”. GREVIO believes that adding the qualifier “causing harm” may narrow the scope of the definition, as not all disinformation is intended to cause harm directly—it may also serve to confuse, distort or influence. We thus propose defining the scope by focusing on the underlying motivations for such acts, such as influencing political debates, discrediting opponents, or inciting hatred and prejudice.

Under **Article 6** entitled “Women’s Right to Live Free from Gender-Based Digital Violence”, we suggest linking paragraphs (j) and (l) to emphasise the importance of ensuring women's right to assembly and association in digital spaces.

Under **Article 7** listing different manifestations of violence in the digital sphere, we propose adding the production of non-consensual intimate images to the scope of paragraphs (b) and (c). Under the same article in paragraphs (f) and (g), which address online stalking, we suggest explicitly including the practice of installing spyware on women's devices to monitor their correspondence and activities. In paragraph (l), we recommend explicitly referring to sexist hate speech when describing harassment, humiliation, intimidation or defamation based on gender.

Under **Article 8** regarding violence affecting women in the public eye, we propose including the practice of "shadow banning", where women's or women's organisations' social media accounts get restricted or banned as a result of co-ordinated collective reporting by misogynistic groups under false pretences.

Under **Article 9** that sets out public policy measures on prevention, GREVIO proposes to expand specialised training initiatives set out in paragraph (d) to include efforts to combat digital violence in addition to prevention measures, and to extend training to social welfare and healthcare professionals. Under paragraph (f) of the same article on data collection, we recommend using the term "sex-disaggregated data" instead of "gender-disaggregated data," in line with paragraph 76 of the Explanatory Report to the Istanbul Convention. Additionally, we propose including type of violence, victim-perpetrator relationship and geographical location among the disaggregation factors.

Under **Article 10**, we propose that paragraph (c) which requires the establishment of effective complaint mechanisms and thorough handling of digital evidence explicitly reference criminal reporting and investigation procedures to ensure these safeguards are available within the criminal justice system.

Under **Article 19** on content moderation, in paragraph (a), instead of the term "systems," we suggest using "accessible and efficient internal complaint mechanisms established in accordance with Article 20" to highlight the relationship between these two provisions, unless Article 20 is intended to establish a separate mechanism from the one referenced in Article 19(a).

Under **Article 20** entitled "Internal Complaint Mechanisms of Service Providers", we propose stressing that complaint mechanisms should be available in all languages spoken by the service provider's user base.

Article 22 seeks to ensure the "algorithmic accountability" of service providers. We commend MESECVI for addressing this issue and propose supplementing it with the concept of "safety by design" to ensure that all technological innovations -including those go beyond algorithms such as spyware apps, tracking devices and other digital tools- integrate safety measures to prevent their misuse for violence against women.

Under **Article 26** setting out guiding principles in the judicial process, we propose explicitly including victim-centred and trauma-informed approaches among the list of principles.

Under **Article 28** regarding the rights of victims in the judicial process, we recommend adding safeguards to protect victims' privacy and prevent re-victimisation and re-traumatisation, which is extremely important particularly in cases involving image-based abuse.

Under **Article 33** on restorative justice, GREVIO proposes that, rather than promoting such processes, the article should emphasise that participation must be strictly voluntary, with robust safeguards in place to ensure informed consent. Additionally, a clarification could be included to explicitly state that restorative justice is not a substitute for access to the formal criminal justice system.

Under **Article 37** on aggravating circumstances, we suggest aligning terminology with the UNCRPD by referring to "psychosocial and intellectual disabilities" rather than "mental and intellectual disabilities."

Article 44 sets out the civil liability of service providers, which GREVIO welcomes. We also propose introducing an additional article to address the civil liability of individual perpetrators, ensuring comprehensive accountability mechanisms.

As a more general comment on the adoption of the term "gender-based digital violence," GREVIO wishes to highlight the varying terminology used by different international organisations and academic spheres, such as "the digital dimension of violence against women" and "online and technology-facilitated violence against women." This observation stems from a concern that, in certain English-speaking countries, the term "digital violence" may be misinterpreted as referring to violence committed through the use of hands, fingers or digits.

Once again, GREVIO commends MESECVI for this initiative and appreciate the opportunity to contribute to this important work. We extend our best wishes to MESECVI in this endeavour and express our readiness to provide support as needed.