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HUMAN RIGHTS IMPLICATIONS OF TECHNOLOGY-FACILITATED GENDER-BASED VIOLENCE

SUBMISSION TO THE HUMAN RIGHTS COUNCIL ADVISORY
COMMITTEE



AMNESTY
INTERNATIONAL



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Amnesty International submits this document in response to the call for input for the study of the Human Rights Council Advisory Committee on technology-facilitated gender-based violence (TfGBV) and its impact on women and girls (as per HRC resolution 56/19) to the 63rd session of the Human Rights Council. Amnesty International presents a global overview of the occurrence and impact of TfGBV and holistic strategies to address it.

1. INTRODUCTION

Amnesty International submits this document in response to the call for input¹ for the study of the Human Rights Council Advisory Committee on technology-facilitated gender-based violence (TfGBV) and its impact on women and girls (as per HRC resolution 56/19) to the 63rd session of the Human Rights Council.

In this submission, Amnesty International presents a global overview of the occurrence and impact of TfGBV and holistic strategies to address it, based on our research, as well as an analysis of the interplay between international human rights law and TfGBV, with an emphasis on states' obligations. This submission offers information primarily covering "Part I – Core Questions to all Participants" of the questionnaire included in the call for input, including: (1) Impact of TfGBV on a range of human rights; (2) Intersectional nature of TfGBV and targeting of groups based on their marginalized identities and/or profession; (3) Legal and policy measures that enable and allow TfGBV to be perpetuated; (4) Gaps in human rights frameworks to address TfGBV; (5) Recommendations for addressing TfGBV more holistically.

Amnesty International understands TfGBV² to be any act of gender-based violence, or threat thereof, perpetrated by one or more individuals that is committed, assisted, aggravated and/or amplified in part or fully by the use of information and communication technologies or digital media. It disproportionately impacts women and girls but can also impact other people based on their real and/or perceived sexual orientation, gender, gender identity and/or expression, or sex characteristics, causing physical, psychological, economic, social and sexual harm.

Amnesty International uses the term TfGBV to also encompass violence against LGBTI people since such forms of violence are 'gender-based', where gender is understood as a socially constructed set of norms, roles and behaviours associated with a person's sex assigned at birth, which serves to uphold cis-heteropatriarchy.

TfGBV exists on a continuum of gender-based violence that is perpetrated against women, girls and LGBTI people, and is rooted in and reproduces gender inequality, power asymmetry and harmful gender norms and stereotypes.

Both global research and Amnesty International's own research on the issues has documented that TfGBV is a global phenomenon. According to the Institute of Development Studies, between 16-58 per cent of women have experienced technology-facilitated gender-based violence.³ A 2017 Amnesty International commissioned survey of women aged 18 – 55 in Denmark, Italy, New Zealand, Poland, Spain, Sweden, the UK and the USA found that 23 per cent of women reported at least one experience of online abuse or harassment.⁴ A UN Women study in Iraq, Jordan, Lebanon, Libya, Morocco, Palestine, Tunisia, and Yemen found that 60 per cent of women internet users had been exposed to online violence.⁵ A study of five countries in sub-Saharan Africa by Pollicy found that 28 per cent of women had experienced online violence.⁶ In a survey of 18,149 participants by CIGI, a higher proportion of transgender and gender-diverse people reported that being targeted online very negatively impacted their desire to live.⁷

¹ <https://www.ohchr.org/en/calls-for-input/2025/call-inputs-study-human-rights-council-advisory-committee-technology>

² The term 'technology-facilitated gender-based violence' is being used by many civil society organisations, including Amnesty International, to refer to the range of ways that different types of technology are being used to cause particular kinds of harm to women, girls and LGBTI people, both within and beyond online spaces. TfGBV, therefore, encompasses forms of GBV which rely on technology but do not necessarily happen 'online', including the use of spyware (when someone uses software to gain covert access to information from a target computer system or device), non-consensual video and image recording or sharing through Bluetooth and non-internet-based devices, and is therefore wider in its scope than 'online GBV'.

³ Institute of Development Studies, *Global evidence on the prevalence and impact of online gender-based violence*, 8 October 2021, <https://www.ids.ac.uk/publications/global-evidence-on-the-prevalence-and-impact-of-online-gender-based-violence-ogbv/>

⁴ Amnesty International, "Amnesty reveals alarming impact of online abuse against women", 20 November 2017, <https://www.amnesty.org/en/latest/press-release/2017/11/amnesty-reveals-alarming-impact-of-online-abuse-against-women/>

⁵ UN Women, *Violence against women in the online space: insights from a multi-country study in the Arab States*, 2021, <https://arabstates.unwomen.org/en/digital-library/publications/2021/11/violence-against-women-in-the-online-space>

⁶ Pollicy, "Alternate realities, alternate internets: African feminist research for a feminist internet", 18 August 2020, <https://www.apc.org/en/pubs/alternate-realities-alternate-internets-african-feminist-research-feminist-internet>

⁷ Centre for International Governance Innovation, *Supporting Safer Digital Spaces*, 8 June 2023, <https://www.cigionline.org/programs/supporting-safer-internet/>

When women, girls and LGBTI are targeted with technology-facilitated gender-based violence, it becomes more dangerous for them to engage and participate in online conversations and benefit from digital technologies. It can also lead to severe psychological harms that impact their mental health, including experiencing depression, anxiety, and thoughts of self-harm. TfGBV can also lead to women, girls and LGBTI people, to isolate themselves from online communities altogether. This makes TfGBV not only an issue of discrimination but also something that infringes on people's freedom of expression and their political participation.

Being a target of TfGBV can also result in economic harms as women, girls and LGBTI people are forced to minimize their digital footprint. It also affects their access to a range of information and services and can lead to attacks and instances of violation and abuse in the offline world as well. Therefore, where TfGBV forces targets to withdraw or limits their ability to use the internet, this has implications for a broad range of human rights, including the realisation of the rights to education, freedom of association, and assembly, to participate in social, cultural and political life, to health, to an adequate standard of living, to work and to social and economic development.⁸

Despite the wide-ranging impacts of TfGBV on women, girls and LGBTI people there are limited efforts to holistically address the issue from an intersectional feminist perspective.

2. IMPACT OF TFGVB ON A RANGE OF HUMAN RIGHTS

TfGBV makes it increasingly unsafe for women, girls and LGBTI people to engage with technology and benefit from social media, in a world increasingly driven by technological changes. Being targeted through TfGBV is widely reported as detrimentally impacting online engagement of survivors, especially on social media platforms, with LGBTI people at heightened risk of facing online targeting resulting in offline harms. TfGBV impacts an individual's ability to use digital spaces to freely express oneself. Survivors of TfGBV have consistently reported reduced participation in digital spaces, where people end up deactivating their accounts, reducing their engagement with technology or censoring themselves in online spaces, which has a domino effect on other rights, including their right to access information, health services and livelihood opportunities.

2.1. RIGHT TO LIVE FREE FROM GENDER-BASED VIOLENCE

International human rights law obliges states to uphold the right to live free from gender-based violence and requires that states ensure that both state and non-state actors respect people's right to live free from GBV, including TfGBV.⁹

In **Thailand**, Amnesty International has documented multiple cases where women and LGBTI human rights defenders (HRDs) have endured different forms of TfGBV, including unlawful targeted surveillance, and online harassment, as means of reprisal against them for their activism.¹⁰ All these instances of targeted digital surveillance and online harassment against women and LGBTI HRDs in Thailand documented by Amnesty International amount to the violation of the right to live free from gender-based violence.

In **Tunisia**, Amnesty International documented the role of TfGBV in the increasing repression and criminalization of LGBTI people. Some of the 84 individuals arrested between 26 September 2024 and 31 January 2025 were victims of entrapment and phishing via social media platforms and online dating

⁸ Office of the United Nations High Commissioner for Human Rights, Report: Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights, A/HRC/50/55, 13 May 2022, para. 7

⁹ UN Special Rapporteur on violence against women, Report: *Online violence against women and girls from a human rights perspective*, 18 June 2018, UN Doc. A/HRC/38/47, para 22

¹⁰ Amnesty International, *"Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand*, (Index Number: ASA 39/7955/2024), 16 May 2024, <https://www.amnesty.org/en/documents/asa39/7955/2024/en/>

applications by security officers, in violation of multiple human rights such as the right to privacy, the right to freedom of expression, and the right to live free from gender-based violence.¹¹

Young researchers who participated in Amnesty International's first youth-led research project documented how young LGBTI HRDs in the **Philippines** are exposed to sexually explicit threats, personal attacks, and the dismissal of young activists' credibility as human rights defenders on online platforms.¹² Young women HRDs, including queer women activists, who were interviewed as part of the project, reported online harassment in the form of body shaming, sexual harassment and rape threats, creating a hostile environment that transcends the digital space, compounded by fears of physical harm.

In the context of **Uganda**, Amnesty International found that LGBTI people have been subjected to different forms of TfGBV, including doxing, outing, accessing data of LGBTI people and organizations without their consent, trolling, harassment, threats of physical violence and death, blackmail, extortion, disinformation etc.¹³ Not only do these forms of TfGBV violate the rights of LGBTI people to live free from violence by itself, but in many instances, harms from online attacks, often transcend the digital space. Being a target of forms of TfGBV like outing and doxing, in particular, can leave LGBTI people more vulnerable to physical attacks, arrests, evictions, and being ousted by their families, putting their safety, dignity, bodily autonomy, housing and livelihood at risk. LGBTI people reported being physically attacked after being targeted online and receiving threats of physical attack online. Incidents of disinformation campaigns, online threats and calls to violence against LGBTI people in digital spaces, translating into physical attacks have also been documented by LGBTI organizations in Uganda.¹⁴

In the **United Kingdom**, polling commissioned in 2025 by Amnesty International found that 73% of the 3,024 UK-based social media users between the ages of 16 and 25 have witnessed misogynistic content online, with half encountering it on a weekly basis. 70% of the respondents polled reported experiencing misogynistic content directed at themselves on social media.¹⁵

States must take all necessary steps to protect those subjected to GBV including TfGBV,¹⁶ investigate these offenses, bring perpetrators to justice, and provide survivors with access to justice and timely and appropriate reparation.¹⁷ In addition, states must undertake measures to prevent TfGBV, including by raising awareness about this issue and establishing support services for all people whose right to live free from GBV has been violated.¹⁸ In doing so, it is fundamental to take into account, with an intersectional approach, the ways in which race or ethnic background, as well as socio-economic status can shape specific experiences of TfGBV in varying contexts.¹⁹

2.2. RIGHT TO FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION

Technology serves both to facilitate the exercise of the rights to freedom of expression, peaceful assembly and association offline, and as virtual spaces where the rights themselves can be actively exercised. Such technologies are important tools for groups of people that are marginalized by society and are confronted

¹¹ Amnesty International, "Tunisia: Authorities step up crackdown on LGBTI individuals with wave of arrests", 6 February 2025, <https://www.amnesty.org/en/latest/news/2025/02/tunisia-authorities-step-up-crackdown-on-lgbti-individuals-with-wave-of-arrests/>

¹² Amnesty International, "Left to their own devices: The chilling effect of online harassment on Young Human Rights Defenders in the Philippines", (Index Number: ASA 35/9187/2025) 4 April 2025, <https://www.amnesty.org.ph/2025/04/left-to-their-own-devices/#:~:text=Piloted%20in%20the%20Philippines%2C%20online%20Filipino%20young%20human,at%20risk%20on%20a%20daily%20basis%3A%20online%20harassment.>

¹³ Amnesty International, "Everybody here is having two lives or phones": The devastating impact of criminalization on digital spaces for LGBTQ people in Uganda, (Index Number: AFR 59/8571/2024), 23 October 2024, <https://www.amnesty.org/en/documents/afr59/8571/2024/en/>

¹⁴ SMUG, Instagram post, 17 May 2024, [instagram.com/smug2004/reel/C7ER_2FtrF9/](https://www.instagram.com/smug2004/reel/C7ER_2FtrF9/) (accessed on 10 October 2024); SMUG, Instagram post, 20 May 2024, [instagram.com/smug2004/reel/C7L1gMTNWf9/](https://www.instagram.com/smug2004/reel/C7L1gMTNWf9/) (accessed on 10 October 2024); Convening for Equality, Instagram post, 17 May 2024, [instagram.com/conveningforequality/reel/C7DpZxTN9Dm/](https://www.instagram.com/conveningforequality/reel/C7DpZxTN9Dm/) (accessed on 10 October 2024).

¹⁵ Amnesty International UK, "Toxic tech: New polling exposes widespread online misogyny driving Gen Z away from social media", 31 March 2025, <https://www.amnesty.org.uk/press-releases/toxic-tech-new-polling-exposes-widespread-online-misogyny-driving-gen-z-away-social>

¹⁶ UN Special Rapporteur on violence against women, Report: *Online violence against women and girls from a human rights perspective* (previously cited), para 67.

¹⁷ UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), 26 July 2017, CEDAW/C/GC/35, para 29.

¹⁸ CEDAW, General Recommendation No. 35 (previously cited), para 31 (iii).

¹⁹ CEDAW, General recommendation No. 35 (previously cited), para 12.

with restrictions when operating in physical spaces.²⁰ International human rights law and standards on freedom of expression, peaceful assembly and association are applicable to digital mediated spaces as well.²¹

Not only are states required to respect the right to freedom of expression online, but to comply with their obligations under IHRL, it is also required that states promote adequate conditions for the full enjoyment of the right, including by lifting any barriers that may hinder expression.²² In particular, states must actively eliminate “structural and systemic forms of gender discrimination” to protect freedom of expression “on a basis of equality”.²³ However, as Amnesty International’s research has found, this is far from the case.

For instance, Amnesty International’s research indicates that the discriminatory effects of TfGBV have led to a chilling effect that is deterring women and LGBTI HRDs in **Thailand** from fully exercising their rights to freedom of expression and peaceful assembly. Targeted digital surveillance has placed unwarranted limitations by unduly interfering with the HRDs’ ability to speak out or take part in protests – both online and offline. Similarly, online harassment chilled their expression by fostering an unsafe environment where the HRDs were exposed to discrimination, hostility and violence. Even those who were not directly targeted also suffered from the chilling effect and resorted to self-censorship due to the widespread fear engendered by these forms of TfGBV.²⁴

In **Uganda**, Amnesty International has documented a widespread chilling effect on freedom of expression (including gender expression) in social media spaces as a result of the TfGBV faced by LGBTI persons, which has worsened owing to the criminalisation under the Anti-Homosexuality Act, 2023 (AHA 2023) and the homophobic and transphobic narratives it stirred up.²⁵ This was found to extend to organizations (especially those working on sexual health) as well. All the interviewees who spoke to Amnesty International confirmed that they refrained from expressing themselves freely on social media, left social media platforms or, at least, exercised extra caution not to publicize statements that may make them be perceived as either LGBTI or supporters of the rights of LGBTI people, due to fears of being outed, arrested and ostracized from family and community.

Amnesty International’s research in Uganda also documented violations of the right to freedom of association, against organizations perceived as “promoting homosexuality”, a concept that is vaguely formulated in AHA 2023 and violates the principle of legality. This included restrictions and censorship on their use of digital tools and platforms for carrying out their activities. Civil society organizations and HRDs were subjected to online harassment and other forms of TfGBV, police raids, arbitrary arrest and detention, disproportionate restrictions on their activities, including suspension of registrations, and seizure of their information technology equipment. Amnesty International also found that organizations providing sexual health services and counselling, had to refrain from openly advertising their services online to LGBTI people.

In the **United Kingdom**, 20% of women aged 16-25 surveyed in a 2025 poll for Amnesty International reported having avoided or left certain social media platforms altogether after encountering TfGBV in the form of misogynistic content online. This amounts to a chilling effect, preventing these women from fully exercising their right to freedom of expression.²⁶

In a report on the practice of online ‘red-tagging’²⁷ in the **Philippines**, Amnesty International documented how TfGBV, including sexist and misogynistic public statements and gendered forms of red-tagging from

²⁰ UN Special Rapporteur on the rights to association and peaceful assembly, Report: The rights to association and peaceful assembly in digital age, 17 May 2019, UN Doc. A/HRC/41/41, para. 11.

²¹ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report, 2011, UN Doc. A/66/290.

²² UN Human Rights Committee, General Comment No. 34 (previously cited).

²³ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 30 July 2021, UN Doc. A/76/258, para. 51.

²⁴ Amnesty International, “*Being Ourselves is Too Dangerous*”, (previously cited), p.87.

²⁵ Amnesty International, “*Everybody here is having two lives or phones*” (previously cited), pp. 69-73.

²⁶ Amnesty International UK, *Toxic tech*, (previously cited).

²⁷ Red-tagging is defined as the public vilification of human rights defenders, student activists, teachers, media workers and others as members of and clandestine recruiters for the New People’s Army (NPA), a communist armed group that has been active in the Philippines since 1969.

former President Duterte and high-ranking military officials, affects young women, girls and LGBTI human rights defenders' rights to privacy and freedom of expression [p47], in a country where state violence is intricately linked with gender-based discrimination and violence.²⁸ HRDs have noted that their advocacy for gender equality has been wrongly targeted as a form of "inciting terrorism", resulting in silencing effects on individuals and whole organizations.²⁹ Tech-facilitated violence in the Philippines has helped to build up a false narrative vilifying activists to justify state violence, including false arrests, enforced disappearances and extrajudicial killings.

2.3. RIGHT TO PRIVACY

The right to privacy is enshrined in Article 12 of the Universal Declaration of Human Rights (UDHR). Article 17 of the ICCPR further provides that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence," and that "everyone has the right to the protection of the law against such interference or attacks".³⁰

International law and standards require that any state interference with the right to privacy must be lawful, necessary and proportionate.³¹ It must serve a legitimate aim and be subject to safeguards adequate to prevent abuse, such as being subject to judicial oversight for a defined purpose and period.³² Furthermore, any limitation on the right to privacy must comply with the principle of non-discrimination and other rights recognized under international law.³³ Where the limitation does not meet these criteria it is unlawful and/or arbitrary.³⁴

Amnesty International research in **Thailand** documented the violation of the right to privacy by unlawful targeted digital surveillance, including spyware attacks, against women and LGBTI HRDs in Thailand, which Amnesty International considers to be a form of TfGBV, owing to its disproportionate gendered impact.³⁵ As part of its research, Amnesty International interviewed nine of the 15 women activists confirmed to have been targeted in 2020 and 2021 by Pegasus, the highly invasive spyware developed by Israeli cybertechnology company NSO Group. The targeted digital surveillance was found to have disproportionately impacted women and LGBTI activists, creating a uniquely gendered fear that the breach of their private data could lead to further blackmailing, harassment and discrimination. Pertinently, states are required to refrain from or cease the use or transfer of technologies such as spyware, where they are impossible to operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights, unless and until the adequate safeguards to protect human rights and fundamental freedoms are in place.³⁶

In addition to targeted surveillance, HRDs in Thailand have also been subjected to doxing, whereby malicious unidentified actors have used doxing against numerous women, girls and LGBTI activists as a tactic of public shaming and intimidation, including by posting their personal photos, full names, ID card numbers and home addresses in some cases.

Similarly, the systemic discrimination and endemic violence that women in **Yemen** have long been subjected to has been compounded through digital spaces. One of the key forms of TfGBV documented by Amnesty International in Yemen, includes the non-consensual sharing of images and information, on

²⁸ Amnesty International, "*I turned my fear into courage*": Red-tagging and state violence against young human rights defenders in the Philippines, 14 October 2024, <https://www.amnesty.org/en/documents/asa35/8574/2024/en/> p45

²⁹ Amnesty International, "*I turned my fear into courage*" (previously cited), p. 47.

³⁰ International Covenant on Civil and Political Rights (ICCPR), Article 17.

³¹ ICCPR, Article 19. UN Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of opinion and expression, 12 September 2011, UN Doc. CCPR/C/GC/34.

³² Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report on surveillance and human rights, 28 May 2019, UN Doc. A/HRC/41/35, para. 50(c).

³³ UN Office of the High Commissioner for Human Rights (OHCHR), Report: *The Right to Privacy in the Digital Age*, 30 June 2014, UN Doc. A/HRC/27/37, paras 22-23.

³⁴ UN Office of the High Commissioner for Human Rights (OHCHR), Report: *The Right to Privacy in the Digital Age*, 30 June 2014, UN Doc. A/HRC/27/37.

³⁵ Amnesty International, "*Being Ourselves is Too Dangerous*", (previously cited).

³⁶ Human Rights Council, *Situation of human rights in Honduras - Report of the United Nations High Commissioner for Human Rights*, A/HRC/RES/58/23

Meta's Facebook platform between 2019 and 2023, which constitutes a clear violation of their right to privacy.³⁷

Amnesty International documented various violations of the right to privacy of LGBTQ persons in **Uganda**, including through practices such as outing, doxing, hacking of individual and organizational accounts, and accessing devices and data of LGBTI persons without their consent.³⁸ Amnesty International documented numerous instances where state and non-state actors (private individuals) had seized devices or data of LGBTI people in Uganda through threats of arrest, physical violence and abuse of state power and often used it to blackmail them for money. Interviewees also told Amnesty International that when phones are seized by the police, police look through their contacts and applications to find other LGBTI persons.

Both state and non-state actors in Uganda have also engaged in acts revealing personal information about LGBTI persons with the aim of shaming and maligning their reputation. As a result of being outed, LGBTI persons and HRDs were subjected to online and/or physical violence and threats thereof, evictions, loss of employment, or banished from family homes.

Amnesty International also documented four cases of accounts of LGBTI persons and organizations being hacked in Uganda and, in some cases, doctored images being shared through their account.³⁹

2.4. RIGHT TO HEALTH

The right to the highest attainable standard of physical and mental health is enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights. The right to health also entails the creation of a "social, psychosocial, political, economic and physical environment that enables individuals and populations to live a life of dignity, with full enjoyment of their rights" and is closely intertwined with the right to equality and non-discrimination.

LGBTI people interviewed by Amnesty International in **Uganda** reported severe impact on their mental health, including feelings of depression, fear, anxiety, stress and at times suicidal ideation.⁴⁰ Being targeted through TfGBV, often followed by serious consequences in the offline space, also affected their self-esteem and left them with poor mental health, while simultaneously lacking any psychosocial support. The chilling effect caused by TfGBV also forced LGBTI people to isolate, further adding to feeling of loneliness and distress.

TfGBV was also found to be directly impacting HRDs and organizations providing sexual and reproductive health services (SRH) and information to the LGBTI community through digital spaces in Uganda. Social media platforms have served as a key space for mobilization and outreach to the LGBTI community for health-related information and service delivery. However, online and offline attacks, chilling effect and self-censorship have severely impaired how LGBTI human rights defenders and organizations are able to communicate information related to SRH of the LGBTI community, and consequently the number of people they can reach, which has a detrimental impact on SRH of LGBTI persons in Uganda.

Similarly in **Thailand** TfGBV was found to have led to psychological impacts with serious consequences on the mental health of women and LGBTI HRDs. After facing attacks in the digital space, many of the HRDs told Amnesty International that they suffered from post-traumatic stress disorder, depression and anxiety that led to serious bodily and psychological harms.⁴¹

Amnesty International found that technology-facilitated gender-based violence has a devastating impact on the survivors' mental health and consequentially on their professional life and relationships in **Yemen**.⁴² All women interviewed by Amnesty International reported significant psychological harm and suffering as a

³⁷ Amnesty International, "My life was completely destroyed": Technology-facilitated gender-based violence in Yemen, 5 November 2024, <https://www.amnesty.org/en/documents/mde31/7730/2024/en/>

³⁸ Amnesty International, "Everybody here is having two lives or phones" (previously cited), pp. 45-50.

³⁹ Amnesty International, "Everybody here is having two lives or phones" (previously cited), p.50.

⁴⁰ Amnesty International, "Everybody here is having two lives or phones" (previously cited), pp. 74-76.

⁴¹ Amnesty International, "Being Ourselves is Too Dangerous", (previously cited), pp. 78-79.

⁴² Amnesty International, "My life was completely destroyed" (previously cited), p.7.

result of the online abuse, as well as an impact on their professional and social lives. They reported deep psychological harm, including fear, anxiety, depression, isolation and suicidal thoughts. One woman said she attempted suicide as a result of the abuse.

3. GROUPS AT SPECIFIC RISK OF TfGBV

While TfGBV impacts all women, girls and LGBTI people, those facing intersectional forms of discrimination and systemic marginalisation, including on the basis of race, disability, religion, caste, ethnicity, age, class, rural and urban setting, among others, may face both unique and compounded forms of TfGBV. The UN Committee on the Elimination of Discrimination Against Women finds that “because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact... gender-based violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed.”⁴³

Women, girls and LGBTI people in certain roles involving a higher degree of public engagement, including **journalists, HRDs, and politicians**, may face a higher risk of TfGBV.⁴⁴ For example, 73% of respondents in a UNESCO survey of journalists identifying as women said they had experienced online violence. The research found that “racism, religious bigotry, sectarianism, ableism, homophobia and transphobia intersect with misogyny and sexism to produce significantly heightened exposure and deeper impacts for women experiencing multiple forms of discrimination concurrently” and that “Black, Indigenous, Jewish, Arab and lesbian women journalists experienced both the highest rates and most severe impacts of online violence”.⁴⁵ Previous Amnesty International research has also found that women politicians, journalists, human rights defenders and those with large social media following are often targeted for such abuse and violence.⁴⁶

Amnesty International found that **racialized women** (Black, Asian, Latin American and mixed-race women) in **UK and USA** were 34% more likely than white women to be mentioned in abusive content, or repeated content that was hurtful or hostile.¹⁶ Similar observations have been noted in the context of **Canada**. In Canada, the Canadian Race Relations Foundation found in 2021 that racialized 2SLGBTQ+ people were particularly targeted by online hate, with racialized Canadians being almost three times more likely than white Canadians to experience racist, sexist, or homophobic comments online.¹⁹ Preliminary research by Amnesty International amongst **Black, Indigenous and racialized women and 2SLGBTQIA+ people** about their experiences of TfGBV, similarly indicates that in cases where identifiers as to race, caste, ethnicity and SOGIE were known, they have been referenced and used to perpetrate various forms of TfGBV, including use of sexist and racist slurs and harmful stereotypes.²⁰

Global research on TfGBV has found that people are disproportionately targeted because of their **sexual orientation, gender identity and/or expression**, with transgender women experiencing the highest proportions of TfGBV.⁴⁷ LGBTI people are also more likely to be subjected to certain forms of TfGBV like online harassment, including insults, death threats and threats of violence, doxing, outing and blackmail.⁴⁸ The attacks against LGBTI persons and organizations in digitally mediated spaces mirrors, reproduces and amplifies harmful stereotypes, biases, prejudice, discrimination and violence faced by LGBTI communities in the offline space. It is rooted in and reproduces inequality, power asymmetry and harmful norms and

⁴³ Committee on the Elimination of Discrimination Against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, CEDAW/C/GC/35 para 12

⁴⁴ UN Special Rapporteur on violence against women, its causes and consequences (SR on VAW), Report on online violence against women and girls from a human rights perspective, 18 June 2018, A/HRC/38/47, para 29, <https://documents.un.org/doc/undoc/gen/g18/184/58/pdf/g1818458.pdf?token=wK7EQk2iGHQceookJY&fe=true>

⁴⁵ UNESCO, The Chilling : Global trends in online violence against women journalists, , April 2021, <https://unesdoc.unesco.org/ark:/48223/pf0000377223>

⁴⁶ Amnesty International, Toxic Twitter – A Toxic Place for Women, 21 March 2018, <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/>

⁴⁷ Centre for International Governance Innovation, *Special Report: Supporting Safer Digital Spaces*, 8 June 2023, cigionline.org/publications/supporting-safer-digital-spaces/.

⁴⁸ Generation G, *Decoding Technology-Facilitated Gender Based Violence: A reality Check from seven countries*, 27 June 2024 rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/; Luke Hubbard, *Online Hate Crime Report: Challenging Online Homophobia, Biphobia and Transphobia*, Galop, 2020, galop.org.uk/wp-content/uploads/2021/06/Online-Crime-2020_0.pdf.

stereotypes that perpetuate historical structural and systemic discrimination faced by LGBTI people and enable their marginalization within social, economic and political spheres. Threats, harassment and violence against LGBTI people that start in offline spaces, often percolate into and are amplified through social media platforms, which can in turn lead to further offline violence and attacks.

Amnesty International's research in Uganda shows similar trends. Transgender, non-binary and gender diverse people in Uganda have reported being subjected to relentless TfGBV, having concerns about government surveillance, being threatened with physical harm and death, cyberstalking, cyberbullying and extortion.⁴⁹ Amnesty International documented technology-facilitated attacks targeting LGBTI individuals and human rights defenders, as well as organizations working on advancing rights of LGBTI persons, and found that they were subjected to increased online harassment, threats of violence, blackmail and extortion, the non-consensual sharing of private information, outing, and censorship was rampant.⁵⁰

In **Thailand**, Amnesty International interviewed Muslim women and LGBTI people, including those belonging to the racialized Malay population from the country's southern border provinces, where negative attitudes towards women and LGBTI people remain prevalent. This research found that HRDs promoting the rights of LGBTI people face additional complex risks because of their work and their gender and/or sexual orientation, necessitating increased protection.⁵¹ The findings further established that many LGBTI HRDs in the Muslim community in Thailand also encountered doxing as a means of reprisal against their activism on gender equality.⁵² Many LGBTI HRDs who spoke out about LGBTI rights within the Muslim community faced a violent backlash online.

The UN Special Rapporteur on the situation of human rights defenders presented an observation in a report to the Human Rights Council on child and youth HRDs that at the global level, **young defenders, especially women and girls**, often faced "gendered attacks online" to "harass, control, blackmail or humiliate" them.⁵³ Amnesty International found that in the Philippines the targeting of young human rights defenders is deliberate and strategic, stemming from the vital role that student and youth protests have played in the resistance against oppression and human rights violations throughout different situations. Online (and offline) red-tagging was found to intersect with discrimination and violence against young women and LGBTI people, whereby instances of misogynistic red-tagging comments from high-ranking officials about female environmental activists and harassment of LGBTI organizations were noted.⁵⁴

4. RELEVANT NATIONAL NORMS, POLICY OR MEASURES ENABLING TfGBV

4.1. THAILAND: IMPACT OF HETERO-PATRIARCHAL NORMS, INADEQUATE EXISTING PROVISIONS, AND LAWS CRIMINALIZING FREEDOM OF EXPRESSION

In the context of Thailand, TfGBV has been used as part of the government's repression in the civic space and the society's hetero-patriarchal norms and power structures that marginalize women and LGBTI people who undertake activism related to human rights.⁵⁵

⁴⁹ See also: APC, *The Left Out Project report* (previously cited); Cecilia Strand and Jakob Svensson, "Towards a Situated Understanding of Vulnerability — An Analysis of Ugandan LGBT+ Exposure to Hate Crimes in Digital Spaces", 2023, *Journal of Homosexuality*, Volume 70, Issue 12, pp. 2806-2827; Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence among Lesbian, Bisexual, Queer (LBQ) Womxn and Female Sex workers (FSW) in Uganda*, 2021; and HERInternet, *Navigating Algorithms: The Case of Structurally Silenced Communities in Uganda*, 2024.

⁵⁰ Amnesty International, "Everybody here is having two lives or phones" (previously cited).

⁵¹ Amnesty International, "Being Ourselves is Too Dangerous", (previously cited), p. 40.

⁵² Amnesty International, "Being Ourselves is Too Dangerous", (previously cited), p. 68.

⁵³ UN Special Rapporteur on the situation of human rights defenders, Report: "We are not just the future": Challenges faced by child and youth human rights defenders, 17 January 2024, UN Doc. A/HRC/55/50, paras 43-44.

⁵⁴ Amnesty International, "I turned my fear into courage" (previously cited), pp. 6-8.

⁵⁵ Amnesty International, "Being Ourselves is Too Dangerous", (previously cited), p. 39.

Despite the existing constitutional provisions, Thailand's domestic law lacks a robust framework for protecting women and LGBTI people from TfGBV in line with IHRL. While Thailand has adopted a law on combating gender-based discrimination (the 2015 Gender Equality Act), its application includes exemptions for discrimination committed in the name of religion or national security (Section 17(2)). In addition, the Thai government has proactively used existing cyber laws to prosecute online expression by critics and provides no human rights-compliant legal safeguards for preventing the violation of the right to privacy.⁵⁶ The three main laws widely used to prosecute critics are Articles 112 (lèse-majesté) and 116 (sedition) of Thailand's Criminal Code, and the Computer Crimes Act.⁵⁷ These legislations create an enabling environment in which TfGBV can thrive.⁵⁸

Aside from the criminalization of internet users, investigations by social media companies confirmed the Thai authorities' involvement in online smear campaigns, widely known in Thailand as 'information operations', which have targeted HRDs including women and LGBTI people.⁵⁹

Further, the Thai government has a record of purchasing and using digital surveillance technologies which, as Amnesty International has documented, have been used to perpetuate TfGBV against women activists advocating for gender justice.⁶⁰

4.2. TUNISIA: IMPACT OF VAGUE AND OVERBROAD LEGISLATIONS

In Tunisia, the overbroad domestic legal provisions (which criminalize same-sex relations, "indecent" acts deemed to be offensive to "public morals") and their subjective and discretionary application create an environment for targeting of LGBTI people online and offline and for their arrest, simply for failing to adhere to gender norms or having a non-conforming gender appearance or expression.⁶¹

4.3. UGANDA: IMPACT OF LAWS THAT CRIMINALIZE VARIOUS ASPECTS OF LIVES OF LGBTI PEOPLE

A range of laws, particularly the Anti-Homosexuality Act, 2023 (AHA 2023), that criminalize various aspects of the lives of LGBTI people have entrenched stigma, discrimination and violence and embolden state and non-state actors to commit abuses against LGBTI people, both online and offline, with impunity.⁶²

Amnesty International's research in Uganda found that criminalization has created a fertile ground for online blackmailing in Uganda. Criminal laws have increased fears amongst LGBTI people of being arrested and charged under draconian provisions if they resist the demands of online blackmailers, while simultaneously being unable to seek any redress from the state.⁶³

The passage of anti-LGBTI laws also contributed significantly to the severity and volume of hateful and abusive content against LGBTI people online. While the presence of threats of violence, harassing messages, and trolling against LGBTI people in Uganda were present before, almost all the people interviewed by Amnesty International said that the severity and volume of hateful and abusive content against LGBTI people has increased since the passage of the AHA 2023.⁶⁴

Criminalization laws have also pushed organizations providing sexual health services and counselling to LGBTI people to refrain from openly advertising their services online to LGBTI people, exposed them to

⁵⁶ Amnesty International, *"Being Ourselves is Too Dangerous"*, (previously cited), p. 35.

⁵⁷ The lèse-majesté law criminalizes anyone who "defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent", and is punishable by imprisonment from three to 15 years.

⁵⁸ For example, in response to the rise of online activism after 2020, the Thai government aggressively used the Computer Crimes Act, which criminalizes the dissemination of "false" or "distorted" information online, to prosecute dissidents. In some cases, individuals were sentenced to decades of imprisonment for criticizing the monarchy on social media platforms, such as the case of Thai woman and retired civil servant Anchan Preelert. Amnesty International, *"Being Ourselves is Too Dangerous"*, (previously cited), p. 24.

⁵⁹ Amnesty International, *"Being Ourselves is Too Dangerous"*, (previously cited), p. 24.

⁶⁰ Amnesty International, *"Being Ourselves is Too Dangerous"*, (previously cited), p. 25.

⁶¹ Amnesty International, *Authorities step up crackdown on LGBTI individuals with wave of arrests*, 6 February 2025, <https://www.amnesty.org/en/latest/news/2025/02/tunisia-authorities-step-up-crackdown-on-lgbti-individuals-with-wave-of-arrests/>

⁶² Amnesty International, *"Everybody here is having two lives or phones"* (previously cited).

⁶³ Amnesty International, *"Everybody here is having two lives or phones"* (previously cited), pp. 50-52.

⁶⁴ Amnesty International, *"Everybody here is having two lives or phones"* (previously cited), pp. 52-55.

online harassment and other forms of TfGBV, police raids, arbitrary arrest and detention, disproportionate restrictions on their activities, including suspension of registrations, and seizure of their information technology equipment.⁶⁵

Criminalization creates an added barrier for LGBTI people in accessing justice for TfGBV faced by them wherein rampant fears about being blackmailed or arrested themselves under criminal laws acted as deterrents in seeking state support.

Overall, the AHA 2023 appears to have had a chilling effect on the exercise of range of rights by LGBTI individuals, HRDs and organizations in Uganda, both online and offline.

4.4. PHILLIPPINES: IMPACT OF ANTI-TERRORISM ACT OF 2020

In the context of the Philippines, the Anti-Terrorism Act (ATA) of 2020 is incompatible with international human rights law and open to abuse by government authorities due to its overly broad definition of terrorism. The ATA has been used to bring baseless charges against young human rights defenders, targeting and smearing local human rights activists who have spoken up, online and offline, about allegations of serious human rights violations against civilians by the Philippine military. The ATA adds to the laws, including the Terrorism Financing Prevention and Suppression Act and the Cybercrime Prevention Act, both passed in 2012, which the State has weaponized to target and harass human rights defenders and critical journalists.⁶⁶

5. GAPS IN ADDRESSING TFGBV

States are required to ensure that individuals whose rights have been violated by TfGBV have access to remedy. States have a duty to create an accountability framework that: provides equal and effective access to justice for all; establishes mechanisms for effective, prompt, thorough and impartial investigations, including access to relevant information; and offers adequate, prompt and effective reparations including non-repetition guarantees.⁶⁷ International law also requires states to undertake measures to prevent TfGBV, including by raising awareness about this issue and establishing support services for all people whose right to live free from gender-based violence has been violated.⁶⁸

The right to an effective remedy has been recognized under various international and regional human rights treaties and instruments.⁶⁹ Effective remedies can include compensation for physical or mental harm, rehabilitation including medical and psychological care, and legal and social services. Survivors should also be provided with satisfaction through measures such as effective investigations and prosecution of the perpetrators or public acknowledgement of the facts and acceptance of responsibility and guarantees of non-repetition, through actions or reforms to prevent future abuses.⁷⁰

⁶⁵ Amnesty International, “Everybody here is having two lives or phones” (previously cited), pp. 58-61.

⁶⁶ Amnesty International, “I turned my fear into courage” (previously cited), p. 17.

⁶⁷ Corte IDH. Cuadernillos de Jurisprudencia de la Corte Interamericana de Derechos Humanos No. 13: Protección Judicial, 2021, corteidh.or.cr/sitios/libros/todos/docs/cuadernillo13_2021.pdf; Antônio A. Cançado Trindade, *El derecho de acceso a la justicia internacional y las condiciones para su realización en el sistema interamericano de protección de los derechos humanos*, Presentación del Presidente de la Corte Interamericana de Derechos Humanos, Juez Antônio A. Cançado Trindade, ante el Consejo Permanente de la Organización de los Estados Americanos (OEA), Washington, D.C., OEA/Ser.GCP/doc.3654/02, 2002, corteidh.or.cr/tablas/r08066-2.pdf

⁶⁸ CEDAW, General Recommendation No. 35 (previously cited), para 31 (iii)

⁶⁹ UDHR, Article 8; ICCPR, Article 2(3); International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 6; CEDAW, Article 2; CAT, Article 14; European Convention on Human Rights, Article 13; American Convention on Human Rights, Article 25; African Charter on Human and Peoples’ Rights, Article 7(1)(a); Charter of Fundamental Rights of the European Union, Article 47; Arab Charter on Human Rights, Articles 12 and 23; UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006, UN Doc. A/RES/60/147, among others.

⁷⁰ See, Corte IDH. Cuadernillos de Jurisprudencia de la Corte Interamericana de Derechos Humanos No. 13: Protección Judicial (previously cited); Antônio A. Cançado Trindade, *El derecho de acceso a la justicia internacional y las condiciones para su realización en el sistema interamericano de protección de los derechos humanos* (previously cited).

Instead, Amnesty International's research in multiple countries has found that women, girls and LGBTI people seeking to report TfGBV and receive support from the state, face barriers such as inadequate policies to tackle TfGBV, limited knowledge about redress for TfGBV among survivors, misconceptions about TfGBV among law enforcement officials,⁷¹ gender-based bias and prejudice among law enforcement officials, burdensome legal processes, and social stigma that can deter people from reporting.⁷²

5.1. THAILAND

Amnesty International found that authorities in Thailand have not taken sufficient measures to prevent, investigate and punish those involved in perpetuating TfGBV. The Thai government needs to adopt an intersectional and gender-sensitive approach to address threats to the right to privacy, as well as refrain from engaging in any activities, such as surveillance operations, that compromise the right to privacy of individuals.

Women and LGBTI HRDs have struggled with gender insensitivity in the Thai criminal justice system. In several cases, police officers did not recognize the severity of TfGBV, leading to failures in registering and investigating complaints effectively. Both judicial and non-judicial mechanisms proved inadequate in addressing TfGBV.⁷³ Women and LGBTI HRDs in Thailand have not been able to receive any form of adequate, prompt, thorough and effective reparations. In a lawsuit initiated by two Thai women HRDs regarding TfGBV in the form of targeted smear campaigns, the civil court stated that there is no law guaranteeing compensation for individuals who suffer from human rights violations if such violations cannot be attributed to a state entity. The absence of such a law is an important factor in women and LGBTI HRDs being left without reparations for TfGBV and being unable to identify the perpetrators through the existing grievance mechanisms in Thailand.⁷⁴

The UN Committee against Torture has specifically raised concerns regarding the lack of progress in the investigations of the “alleged use of Pegasus software by State actors to surveil and harass women and lesbian, gay, bisexual and transgender human rights defenders, including through the use of online smear campaigns”. The Committee further recommended that the Thai government conduct prompt, thorough, and impartial investigations of these TfGBV attacks, appropriately prosecute perpetrators, and provide survivors with redress.

The CEDAW Committee has recommended that the Thai government “strengthen the gender responsiveness and gender sensitivity of the justice system” in line with its general recommendation No. 33 (2015) on women's access to justice. However, Amnesty International's findings revealed that the government had not heeded this recommendation.⁷⁵ The CEDAW Committee also noted concerns around the exemptions provided under Section 17(2) of Thailand's Gender Equality Act which allows gender-based discrimination on grounds of religious principles and national security. The Thai government received recommendations from the CEDAW Committee to lift these exemptions, given that the principle of non-discrimination is non-derogable. The UN Working Group on discrimination against women and girls made the same recommendation calling for the government to revise this provision after its official visit to Thailand in December 2024. However, the government has not followed this recommendation⁷⁶ [p36].

5.2. UGANDA

Access to justice in cases of TfGBV requires a multi-pronged approach, including measures to identify, prevent, report and seek redress for TfGBV, including through psychosocial support, legal aid and specialized units that can address TfGBV holistically. However, as noted below, Amnesty International found that far from this being the case, LGBTI people in Uganda do not have access to any redress for the

⁷¹ A study in Uganda found that only 53% of respondents indicated that they were aware that they can report cybercrimes and online violence. Unwanted Witness, *Weak Legal and Institutional Framework: A Hindrance To Justice For Survivors Of Online Violence Against Women And Girls In Uganda*, 2020.

⁷² Generation G, *Decoding Technology-facilitated Gender-Based Violence* (previously cited) and Amnesty International, “*Being Ourselves is Too Dangerous*” (previously cited).

⁷³ Amnesty International, “*Being Ourselves is Too Dangerous*”, (previously cited), p. 14

⁷⁴ Amnesty International, “*Being Ourselves is Too Dangerous*”, (previously cited), p. 93

⁷⁵ Amnesty International, “*Being Ourselves is Too Dangerous*”, (previously cited), p. 73.

⁷⁶ <https://www.ohchr.org/sites/default/files/documents/issues/women/wgdawg/statements/2024-12-13-eom-thailand-wgdawg-en.pdf>, p.36

TfGBV they face, and instead, egregiously risk being arrested as survivors of TfGBV themselves, especially if their LGBTIQ identity becomes known.⁷⁷

Criminalization further creates an added barrier for LGBTI people. All 57 LGBTI persons and HRDs interviewed by Amnesty International in **Uganda** reported that they would not consider reporting TfGBV to the police or seek state assistance. Rampant fears about being disbelieved, outed, blackmailed or arrested themselves under Uganda's criminal laws were the major deterrents in seeking state support.⁷⁸

The passage of the AHA 2023, in particular, was noted as deterring reporting by the LGBTI people interviewed by Amnesty International. Before the AHA 2023 was passed, interviewees told Amnesty International that the community would feel safe with some police officers who had received LGBTI-sensitivity training, but after the AHA 2023 passed it was hard to trust anyone as LGBTI people risk getting outed and arrested through reporting.⁷⁹

Even in the few instances where LGBTI people reported TfGBV to the police, despite the risk of being charged under criminal laws themselves, the police failed to act and subjected complainants to humiliation.

5.3. YEMEN

Yemen lacks a comprehensive legislative framework and policy measures which recognize, prevent, investigate and address all forms of TfGBV. Instead, prosecutors and judges resort to Criminal Code provisions that do not specifically reference online crimes, complicating prosecution and giving judges more discretion not to pursue such cases.

Six out of the seven women Amnesty International spoke to who had faced TfGBV in Yemen had reported the abuse to police, despite numerous barriers in seeking justice, including fear of being shamed or subjected to violence by family members, stigmatization and demands for bribes from authorities to pursue their cases.⁸⁰ Out of the six complaints reported to the police, four reached the trial stage out of which only one perpetrator was convicted and ordered to pay compensation to the survivor.

Even though some governorates have specialized cybercrimes units, most people interviewed by Amnesty International were unaware of the existence of this unit, pointing to minimal efforts to raise awareness about avenues to access justice. Some survivors described how police officers and members of the prosecution blamed them for being targeted and others noted that they had to pay bribes to police officers and prosecutors in order to get them to investigate the complaints they had filed.

6. ROLE OF COMPANIES

Many forms of technology-facilitated harms against women and LGBTI people are tied to the policies and decisions of private companies. Companies have a responsibility to respect human rights wherever they operate in the world and across all of their business activities. This is a recognized standard of conduct as set out in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) and the OECD Guidelines for Multinational Enterprises (OECD Guidelines).⁸¹

The UN Guiding Principles establish that companies should have in place an ongoing and proactive human rights due diligence process to identify, prevent, mitigate, and account for how they address their impact

⁷⁷ Amnesty International, *“Everybody here is having two lives or phones”* (previously cited).

⁷⁸ A study by HERInternet prior to the passage of the AHA, including on reporting patterns on TfGBV among LGBTQ people and female sex workers, noted that 53% of the respondents reported that they would not report instances of TfGBV. This was attributed to a variety of reasons, including: homophobic attitude amongst police officers and criminalization of same-sex conduct leading to outing; police inability to recognize and adeptly address online harms; blaming of LGBTQ people themselves for the harms caused to them; police corruption; and prevailing impunity for violence against LGBTQ people in the offline sphere. Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

⁷⁹ Amnesty International, *“Everybody here is having two lives or phones”* (previously cited).

⁸⁰ Amnesty International, *“My life was completely destroyed”* (previously cited), pp.4-7.

⁸¹ OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 2011, UN Doc. HR/PUB/11/04, ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf, Principle 11 including Commentary

on human rights, and to cease or prevent adverse human rights impacts where they are contributing to them.⁸² These guiding principles require businesses to respect the human rights of all, especially those belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them”.⁸³ These specific groups, as derived from IHRL, include women and LGBTI people. Therefore, companies’ human rights due diligence policies and implementation should include establishing adequate mechanisms to address gender-based violence connected to their value chain, including TfGBV.⁸⁴ For surveillance, telecommunications and Big Tech companies, the latter assumes even greater precedence, as unlawful targeted digital surveillance, online harassment, doxing, smear campaigns and other forms of TfGBV can be facilitated by the tools deployed as part of their business models.⁸⁵

The UN Guiding Principles also delineate that States, in turn, should set the expectation that all business enterprises operating in their territory or jurisdiction respect human rights throughout their operation.⁸⁶ States should also encourage, and where needed, require business enterprises to communicate how they address their potential human rights impacts, including advising on appropriate methods, such as human rights due diligence, and how to effectively consider issues of gender, vulnerability and/or marginalisation.”⁸⁷

The evidence collected by Amnesty International in **Uganda** suggests that social media companies do not adequately address TfGBV against LGBTI people in Uganda and thus fail to comply with their responsibility to respect human rights.⁸⁸ In Uganda, Amnesty International’s research found that social media companies are failing to comply with their human rights responsibilities in three ways: a) they fail to moderate specific content amounting to TfGBV, b) LGBTI people face numerous challenges in reporting TfGBV, where they often do not know how to report abuses and file complaints; and c) there are gaps in content moderation in local languages other than English, especially Luganda, both in terms of gendered disinformation and online harassment.

In **Yemen**, all seven women interviewed by Amnesty International reported that they did not report abusive posts or fake accounts to social media platforms themselves because they did not know how to do so.⁸⁹ Moreover, Community Standards set by social media companies failed to take into account the countries’ contexts and the cultural sensitivities in its delineation of what amounts to “intimate imagery”, requiring removal from their platforms for violation of their standards.

In **Philippines**, Amnesty International found that Meta’s broad response to red-tagging falls short of its responsibility to respect human rights under international human rights standards, which require companies to provide clear and transparent public information on how the company addresses the identified risks posed by red-tagging, including information on the relevant content moderation standards and its human content moderation capacities, how affected HRDs can report and seek removal of red-tagging posts and how content moderation decisions can be challenged.⁹⁰ Content moderation relying on automated moderation, also failed to account for the risks of the unmoderated amplification of content in languages other than English.

Overall, social media companies should adopt a survivor-centred reporting system that prevents re-traumatization and is easy to access, navigate and follow up. They also have a responsibility to ensure users are aware of reporting mechanisms and not discouraged from reporting TfGBV by lack of easy and accessible information about the same. They must empower users with robust privacy tools and adapt its policies to reflect cultural contexts, including by strengthening country-specific expertise in content moderation and engaging local civil society organizations in meaningful ways.

⁸² UN Guiding Principles on Business and Human Rights (previously cited), Principle 19 and Commentary.

⁸³ UN Guiding Principles on Business and Human Rights. Implementing the United Nations “Protect, Respect and Remedy” Framework, 16 June 2011, Principle 12.

⁸⁴ CEDAW, General recommendation No. 35 (previously cited), paras 20 and 24

⁸⁵ Commission on the Status of Women, Sixty-seventh session, Agreed conclusions, Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls, 20 March 2023, UN Doc. E/ CN.6/2023/L.3, <https://documents.un.org/doc/undoc/ltid/n23/081/71/pdf/n2308171.pdf?token=yC39b9kGNepa09hbzX&fe=true>

⁸⁶ UN Guiding Principles (previously cited), Principle 2 and Commentary

⁸⁷ UN Guiding Principles (previously cited), Principle 3 and Commentary

⁸⁸ Amnesty International, “Everybody here is having two lives or phones” (previously cited), pp. 64-67.

⁸⁹ Amnesty International, “My life was completely destroyed” (previously cited), p. 8.

⁹⁰ Amnesty International, “I turned my fear into courage” (previously cited),

Lastly, private companies that are involved in manufacturing surveillance software and equipment have a responsibility to respect human rights. In order to meet that responsibility, surveillance technology companies must take steps to ensure that HRDs do not continue to become targets of unlawful surveillance using its products or services, including by implementing adequate human rights due diligence processes, as set out in international business and human rights instruments such as the UN Guiding Principles, to ensure its activities, or those of its subsidiaries, sub-contractors and suppliers, respect the rights of HRDs and do not hinder their legitimate work.

There is an urgent need to cease the production, sale, transfer and support of Pegasus or other similar forms of highly invasive spyware that can neither be independently audited nor limited in its functionality, given that technical safeguards and a human rights-respecting regulatory framework would still be insufficient to prevent their adverse human rights impacts. In the case of Thailand, Amnesty International found that NSO Group failed to adequately uphold its responsibility to respect human rights as required by the UN Guiding Principles, given the role played by its Pegasus spyware in digitally surveilling women. The evidence from Thailand of how the use of highly invasive spyware can constitute a form of TfGBV increases the urgency of addressing the proliferation of such technologies.

7. RECOMMENDATIONS

7.1. STATES

States must take immediate measures to address TfGBV against women, girls and LGBTI persons. To this end, they must, at a minimum:

- Enact and implement comprehensive legislative and policy measures to recognise, prevent, document, investigate and address all forms of TfGBV and provide redress and support for survivors.
- Ensure that women, girls and LGBTI people are able to freely and safely exercise their right to freedom of expression in digital spaces, without fear of discrimination, harassment, intimidation and violence, in line with international standards and safeguards.
- Ensure there are swift mechanisms in place that focus on providing redress and support for survivors, including ensuring that internet intermediaries have a human-rights compliant and transparent mechanisms to address harmful content and facilitate accountable reporting by survivors.
- Proactively remove structural and systemic barriers to gender equality, including by undertaking legislative measures, social policies and educational programmes to eliminate gender stereotypes, negative social norms and discriminatory attitudes against women, girls and LGBTI people and create awareness about the phenomenon of TfGBV, its consequences and intersectional harms.
- Provide capacity building and training to all staff within law enforcement agencies, judicial authorities and cybercrime units to ensure they adopt a gender-responsive, trauma-informed, survivor-centric and intersectional feminist approach to dealing with survivors. Law enforcement agencies must be provided with necessary human and financial resources to provide all necessary support to survivors and should be held accountable for any mistreatment of survivors.
- Ensure meaningful consultation with civil society organisations, HRDs and activists working on women's rights, gender and sexuality, SOGIESC issues and feminist approaches to technology, especially those from marginalized communities, in the process of any policy development, and its implementation and monitoring.

- Ensure access to comprehensive support services for survivors, including mental health support, shelters, protection orders and helplines specially designed to address TfGBV.
- Refrain from using, exporting, importing and transferring surveillance technologies that are fundamentally incompatible with human rights, such as highly invasive spyware, whose functionality cannot be limited to only those functions that are necessary and proportionate to a specific use and target, and whose use cannot be independently audited.
- Implement a human rights regulatory framework that governs surveillance and is in line with IHRL standards. Until such a framework is implemented, a moratorium on the purchase, sale, transfer and use of all spyware should be enforced.
- Facilitate country visits by Special Procedures and regional mechanisms to document how TfGBV impacts a range of rights of women, girls and LGBTI persons, including the rights to privacy, to freedom of expression and association, and to be free from discrimination.

7.2. INTERNATIONAL AND REGIONAL MECHANISMS

International and regional mechanisms that are tasked with monitoring compliance with international human rights law should:

- Continue to monitor and document, including through country visits, the impact of TfGBV on a range of human rights protected under international law, as well as laws that facilitate the perpetuation of TfGBV with impunity, such as criminalization laws.
- Address the gaps in standards to address TfGBV by all stakeholders, including social media companies.

7.3. SOCIAL MEDIA COMPANIES

Human rights due diligence

- Undertake a comprehensive review and overhaul of human rights due diligence, including by mainstreaming human rights considerations throughout all their platforms' operations, especially in relation to the development and deployment of its algorithmic systems, its content moderation and ad review.
- Ensure that human rights due diligence policies and processes address the systemic and widespread human rights impacts of their business model as a whole and be transparent about how risks and impacts are identified and addressed.
- Elaborate internal professional standards that translate human rights responsibilities into guidance for technical design and operation choices for algorithms and other products and services.
- Ensure civil society organizations and human rights defenders can provide more meaningful input into human rights due diligence and content moderation processes.

Content moderation and resourcing

- Ensure that content moderation guidelines are based on – and consistent with – international human rights law and standards, including on gender-based violence;
- Ensure that content constituting TfGBV is restricted in line with international human rights law and standards which allows for restrictions of freedom of expression to protect the rights of others, provided that these restrictions are necessary and proportionate to that aim;
- Ensure that reporting mechanisms are adequate, accessible to all users, including in widely spoken local languages other than English, sufficiently clear, responsive and timely;

- Notify users promptly upon receipt of notice, and give clear indications of timeframes in which decisions will be taken;
- Provide detailed explanations to restrict – or not restrict – content on the basis of user notice;
- Provide mechanisms for independent appeal of decisions to restrict – or not restrict – content on the basis of user notice.
- Expand content moderation capacity and resourcing to adequately cover all the widely spoken languages other than English, with a particular emphasis on resolving existing inequalities that disproportionately impact Global South countries.
- Ensure equality and consistency between jurisdictions in relation to the resourcing of content moderation, policy, and human rights teams globally.

Business model, ad review and algorithmic amplification

- Radically improve transparency in relation to the use of content-shaping and content moderation algorithms, ensuring that their mechanics are publicly available in clearly understandable terms.
- Enable independent researchers to access and review data, which is in the public interest, including data pertaining to algorithmic systems.

7.4. SURVEILLANCE TECHNOLOGY COMPANIES

- Immediately terminate the use, transfer, support and sale of its technologies in states where surveillance software has been misused to unlawfully target HRDs, journalists and members of civil society, or where there are inadequate safeguards to prevent abuse;
- Urgently take steps to ensure that HRDs do not continue to become targets of unlawful surveillance using its products or services, including by implementing adequate human rights due diligence processes, as set out in international business and human rights instruments such as the UN Guiding Principles, to ensure its activities, or those of its subsidiaries, sub-contractors and suppliers, respect the rights of HRDs and do not hinder their legitimate work;
- Conduct human rights due diligence, including conducting robust human rights risk assessments, for all proposed use, sales and transfers, including engaging with rights holders. The human rights due diligence process should also be transparent.



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