

ARTICLE 19

African Union Convention on Ending Violence Against Women and Girls (2025)

Legal analysis

Executive summary

Violence against women and girls is an urgent issue across the world. It also manifests in specific and grave ways across the African continent. As the continent moves online, so has violence against women. New technologies are increasingly instrumentalised and weaponised to harm women and girls through deepfakes, doxxing, cyber-bullying, surveillance, and spreading non-consensual intimate images. These various forms of technology-facilitated gender-based violence (TFGBV) can often precede or occur alongside offline violence. The rapid development and use of AI tools have further exacerbated the issue.

The African Union Convention on Ending Violence Against Women and Girls (the Convention), adopted in February 2025, is an important step in addressing this challenge. However, it is glaring that the Convention falls short of naming or providing practical guidance for the reality of serious attacks, abuse, and harassment faced by women and girls online. This gap stands in contrast to resolutions by the African Commission on Human and Peoples' Rights, efforts such as the African Union Continental Artificial Intelligence Strategy, initiatives spearheaded by UN Women, and reports of the UN Secretary General, all of which recognise the unique risks TFGBV poses.

These risks are particularly acute for women journalists, human rights defenders, and other women active in public life. Seventy percent have experienced online violence in the course of their work; a quarter experienced AI-assisted violence, and over forty percent were subject to offline attacks, abuse or harassment linked with that online violence. Globally, online to offline violence for women journalists and media workers doubled between 2020 and 2025.

ARTICLE 19 is concerned that the Convention does not address these issues, while simultaneously containing provisions that may pose threats to freedom of expression:

- The Convention fails to define TFGBV as a separate, complex form of harm against women and girls that requires distinct analysis, understanding, and response.
- The Convention does not identify the separate risks posed to women journalists, human rights defenders, and other women participating in public life.
- It identifies “violence against women and girls” in an overbroad manner inconsistent with international declarations and guidance.
- It frames the main role of the State as providing legal or criminal penalties without providing safeguarding against how those might be misused, risking potential overcriminalisation without addressing root societal causes of violence against women and girls.
- It does not address the risks posed by weaponisation of judicial systems against women that participate in public life or come forward or speak out about abuse.

To support human rights-compliant interpretation and implementation of the Convention, should it enter into force, and to inform broader action on TFGBV and freedom of expression in Africa, ARTICLE 19 offers the following **recommendations to States**:

- States should recognise the distinct risks and harms women and girls face in digital environments and ensure that responses reflect the full scale and specificity of TFGBV.
- States should acknowledge the critical role social media companies play in addressing TFGBV and consider their responsibilities when designing measures to prevent and respond to gender-based violence.
- States should explicitly recognise the heightened risks women journalists, human rights defenders, and politicians face. They should adopt guidance and practical measures to ensure protection mechanisms, online safety strategies, and legal frameworks adequately respond to the specific threats these women encounter in the public sphere.
- The Convention, including its definition of “violence” against women and girls, should be interpreted in a manner consistent with international human rights law to avoid criminalising protected speech.
- Any use of criminal law to address online violence and harassment against women and girls must comply with international and regional human rights law.
- States should take measures to prevent and address the misuse of judicial systems against women and girls who speak out about violence, discrimination, or harassment.

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Introduction

The African Union Convention on Ending Violence Against Women and Girls (the Convention) was adopted during the 38th Ordinary Session of the Assembly of Heads of State and Government in February 2025.¹ The Convention will enter into force once 15 Member States have ratified it.² The primary aims of the Convention are to:

- Establish a comprehensive, legally-binding framework for the prevention and elimination of, and effective response to, all forms of violence against women and girls, across Africa, by addressing the root causes and drivers of such violence, strengthening legal and institutional mechanisms, and promoting a culture of respect for human rights, gender equality, and the dignity of women and girls.
- Ensure that State Parties reinforce a commonality of approach to eliminating violence against women and girls, whilst acting as a stimulus for an open narrative and advocacy on violence against women and girls.

ARTICLE 19 provides its comments on the Convention following its significant advocacy for the rights of women, girls, and freedom of expression – especially through its ongoing “Equally Safe” project, which tracks the unique gendered risks faced by women journalists.³ Technology-facilitated gender-based violence (TFGBV) has been a longstanding focus of ARTICLE 19’s work,⁴ leading to advocacy for integration of gendered perspectives in international instruments in cyberspace.⁵ ARTICLE 19 has also made legal interventions where defamation laws have been used to intimidate and silence women for reporting sexual harassment.⁶

Issues of TFGBV present a major threat to the right to freedom of expression of women and girls. A study across five countries in Sub-Saharan Africa revealed that 28 percent of women reported experiencing online violence.⁷ These forms of abuse – including deepfakes, doxxing, cyberbullying, surveillance, the non-consensual dissemination of intimate images, and online harassment – not only cause serious psychological harm, but also frequently spill over into offline violence. Yet state responses to these issues have often been lacking. This is why the convention would have been an important opportunity to ensure that this issue is addressed, while at the same time ensuring that any responses to these issues comply with international human rights law, including the right to freedom of expression.

¹ African Union, [Convention on Ending Violence Against Women and Girls](#), adopted at the 38th Ordinary Session of the Assembly of Heads of State and Government, Addis Ababa, February 2025.

² See Article 17 of the Convention.

³ See ARTICLE 19, [Equally Safe: Towards a feminist approach to the safety of journalists](#), 2022.

⁴ See, for example, ARTICLE 19, [End impunity for tech-facilitated violence against women journalists](#), 3 November 2025; ARTICLE 19, [Online harassment against women journalists in the Iranian diaspora](#), 19 October 2021.

⁵ See, for example, ARTICLE 19 and Human Rights Watch, [Comments on the Draft Text of the UN Cybercrime Convention](#), August 2023; ARTICLE 19, [Submission to the report on Gender Justice by the UN Special Rapporteur on Freedom of Expression](#), November 2021.

⁶ See, for example, [ARTICLE 19’s intervention](#) to the European Court of Human Rights in *XY v. Georgia*, App No. 16777/23.

⁷ UN Africa Renewal, [The promise and peril of Africa’s tech revolution for women and girls](#), 27 November 2025.

This brief outlines the international human rights standards relevant to analysing the Convention and presents ARTICLE 19's observations from a freedom of expression perspective. It highlights key areas where freedom of expression is engaged, offering guidance to support stakeholders across Africa in addressing violence against women and girls in a holistic manner.

While the Convention has been adopted, these observations echo calls to pause and address its core shortcomings. They also seek to inform its implementation and any subsequent action in this area.

International human rights standards

The protection of freedom of expression under international law

The right to freedom of expression is protected by a number of international human rights instruments, in particular Article 19 of the **Universal Declaration of Human Rights (UDHR)**,⁸ Article 19 of the **International Covenant on Civil and Political Rights (ICCPR)**,⁹ and Article 9 of the African Charter on Human and Peoples' Rights.¹⁰ The African Commission on Human and Peoples' Rights in November 2019 adopted the Declaration of Principles of Freedom of Expression and Access to Information in Africa.¹¹

Additionally, **General Comment No 34**,¹² adopted by the UN Human Rights Committee (HR Committee) in September 2011, explicitly recognises that Article 19 of the ICCPR protects all forms of expression and the means of their dissemination, including all forms of electronic and internet-based modes of expression.¹³ In other words, the protection of freedom of expression applies online in the same way as it applies offline. State parties to the ICCPR are also required to consider the extent to which developments in information technology, such as internet and mobile-based electronic information dissemination systems, have dramatically changed communication practices around the world.¹⁴ The legal framework regulating the mass media should take into account the differences between the print and broadcast media and the internet, while also noting the ways in which media converge.¹⁵

Any limitations on the right to freedom of expression – including to electronic forms of communication or expression disseminated over the internet¹⁶ – must be strictly and narrowly tailored and may not put in jeopardy the right itself. More specifically, restrictions must:

- **Be prescribed by law:** this means that a norm must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly.¹⁷ Ambiguous, vague or overly broad restrictions on freedom of expression are therefore impermissible.
- **Pursue a legitimate aim:** exhaustively enumerated in Article 19(3)(a) and (b) of the ICCPR as respect of the rights or reputations of others, protection of national security, public order, public health or morals. As such, it would be impermissible to prohibit expression or information solely on the basis that they cast a critical view of the

⁸ UN General Assembly, Universal Declaration of Human Rights, 217A(III), 10 December 1948.

⁹ International Covenant on Civil and Political Rights, United Nations Treaty Series, vol. 999, p. 171, 16 December 1966.

¹⁰ African Charter on Human and Peoples' Rights, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

¹¹ African Commission on Human and Peoples' Rights, [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#), November 2019 ("Declaration of Principles on Freedom of Expression").

¹² UN Human Rights Committee (2011) General Comment No. 34, Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34 ("General Comment No. 34").

¹³ *Ibid.*, para. 12.

¹⁴ *Ibid.*, para.17.

¹⁵ *Ibid.*, para. 39.

¹⁶ See General Comment No. 34, *op.cit.*, para. 43.

¹⁷ See UN Human Rights Committee, *L.J.M de Groot v. The Netherlands*, No. 578/1994, UN Doc. CCPR/C/54/D/578/1994 (1995).

government or the political social system espoused by the government;

- **Be necessary and proportionate.** Necessity requires that there must be a pressing social need for the restriction. The party invoking the restriction must show a direct and immediate connection between the expression and the protected interest. Proportionality requires that a restriction on expression is not over-broad and that it is appropriate to achieve its protective function. It must be shown that the restriction is specific and individual to attaining that protective outcome and is no more intrusive than other instruments capable of achieving the same limited result.¹⁸

State obligations on gender-based violence and freedom of expression

The broader threat of violence against women and girls is an expansive and complex topic which cannot be explored in its entirety in one analysis. However, this section will focus on key elements at the intersection of gender-based violence and the right to freedom of expression of women and girls.

States have an obligation to take all appropriate measures, including through laws, social policies and programmes, to strengthen gender equality and eliminate gender stereotypes, negative social norms and discriminatory laws, policies, practices, and attitudes.¹⁹

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) – widely adopted by African States – requires State Parties to combat all forms of discrimination against women through appropriate legislative, institutional, and other measures and includes several specific provisions to protect women from violence.²⁰

In her 2021 report to the UN General Assembly, the UN Special Rapporteur on freedom of opinion and expression (UN Special Rapporteur on freedom of expression) adopted a 'feminist analytical framework', which she described as one that

[I]s attentive to the lived realities and needs of women and gender non-conforming people, and in so doing addresses traditionally neglected forms of speech relevant to their lives, including freedom of gender, sexual, and cultural expression. It takes an intersectional approach, noting that women's experiences vary according to their race, ethnicity, caste, religion, sexual orientation, age, geographic location, social, economic, and legal status and many other factors.²¹

Freedom of expression must be viewed through a feminist lens, underscoring the power imbalances in society that feed sexism, promote gender-based discrimination and misogyny,

¹⁸ See UN Human Rights Committee, *Velichkin v. Belarus*, No. 1022/2001, UN Doc. CCPR/C/85/D/1022/2001 (2005).

¹⁹ Report of the Special Rapporteur on freedom of expression, U.N. Doc A/78/288, 7 August 2023, para. 125.

²⁰ See Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), adopted 11 July 2003, entered into force 25 November 2005. The relevant obligations are set out, among others, in Articles 3, 4, 5, 11, 22, and 23. See also Article 1 (j) for the definition of "violence against women" as "all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war".

²¹ Report of the Special Rapporteur on freedom of expression, U.N. Doc A/76/258, 30 July 2021, para. 8.

and constrain women’s enjoyment of human rights including freedom of expression. This lens entails analysing the structural and intersectional inequalities impacting women, as well as the uniquely gendered risks faced by them, including by women journalists. It is also important to emphasise that women and girls are not a monolithic group, but face varying risks depending on race, nationality, sexual orientation, religion, and other characteristics.

The UN Special Rapporteur on freedom of expression has further underscored that the international legal standards applicable to various threats to women and girls – including disinformation, hate speech, and gender-based violence – are different.²² This means that given the complexity and nuance of threats against women cannot be, and must not be, confronted with a “one-size-fits-all” approach.²³ This is particularly the case when it comes to the role of national legal systems in addressing risks to women and girls. While law has an important role to play in the fighting of discrimination and in situations of gender-based violence or incitement to violence, legal measures – especially criminal law – have their limits as an effective weapon against the false narratives or entrenched bias and prejudices that lie at the core of these harms.²⁴

In particular, in responding to gendered threats against women and girls, States must ensure that those responses comply with international human rights standards, including when it comes to restrictions on freedom of expression. The UN Special Rapporteur on freedom of expression has emphasised that criminal law should be used only in very exceptional and the most egregious circumstances of incitement to violence, hatred, or discrimination.²⁵ This is particularly important in contexts such as addressing gender-based violence, which lacks a precise definition.²⁶ These principles are echoed in the Declaration of Principles on Freedom of Expression and Access to Information in Africa, which hold that “States shall criminalise prohibited speech as a last resort and only for the most severe cases”.²⁷

Key concepts and the evolving manifestations of gender-based violence

The threats against women and girls online have been well-recognised, including by the African Commission on Human and Peoples’ Rights²⁸ and by regional experts on freedom of expression in their Joint Declaration on Freedom of Expression and Gender Justice.²⁹ The expanded use of digital technologies has led not only to positive effects by providing women and girls with increased access to information and the ability to express themselves in online spaces at greater scale, but it has also subjected them to greater risks of vilification, harassment, and violence.³⁰ These forms of harm have expanded as technologies evolve –

²² *Ibid.*, para. 26.

²³ *Ibid.*, para. 27.

²⁴ *Ibid.*, para. 123.

²⁵ *Ibid.*, para. 34.

²⁶ *Ibid.*, para. 34.

²⁷ Declaration of Principles on Freedom of Expression, op.cit., Principle 23(2).

²⁸ African Commission on Human and Peoples’ Rights, [Resolution on the Protection of Women Against Digital Violence in Africa, ACHPR/Res. 522](#), 11 August 2022.

²⁹ UN Special Rapporteur on freedom of expression, the OSC) Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples’ Rights Special Rapporteur on Freedom of Expression and Access to Information, [Joint Declaration on Freedom of Expression and Gender Justice](#), May 2022.

³⁰ See, for example, African Commission on Human and Peoples’ Rights, [Resolution on the Protection of Women](#)

particularly driven by the rapid expansion of the use of artificial intelligence. Deepfake pornographic videos, trolling campaigns, the proliferation of spyware and doxxing, and increased normalisation of political rhetoric attacking women and girls have all been by-products of this rapid digitalisation.

While there is no formal international definition of violence against women in digital contexts, in recent years there has been an emerging consensus on some key features and factors, which have informed a working definition that has been increasingly utilised at the international level.³¹

In 2022, an expert group of diverse stakeholders – across inter-governmental organisations, government agencies, civil society, and academia – convened to better understand the issue of technology-facilitated violence against women and map existing definitions of the issue. The expert group identified the following characteristics that tended to be named in conceptual definitions of technology-assisted violence against women:

- **Violence against women or gender-based violence:** An implicit reference to existing definitions of violence against women and gender-based violence, coined by the Committee on the Elimination of Discrimination against Women General Recommendations no.19 (1992) and no.35 (2017).
- **Gender dimension/motivation of the act:** A specification that it is an act of gender-based violence, directed towards a woman because she is a woman or that affects women disproportionately.
- **Means:** Naming of information and communication technology or technologies generally and/or specific technologies (eg. spyware, GPS) as the means through which the violence was perpetrated.
- **Medium or Space:** Referenced as ‘online’ or ‘cyber’ or ‘digital’ spheres.
- **Forms of violence:** A list of some or several specific forms of TFVAW, (eg. sextortion, doxxing, trolling).
- **Harm:** Reference to harms generally, or specific forms of harm, that ensue as a result of having experienced TFVAW (eg. physical, sexual, psychological, social, economic, other).
- **Continuum of violence:** Reference to the fact that TFVAW occurs within a continuum of violence that can include offline violence, and vice versa. For example, a woman may be stalked online and then the stalker may show up at her place of work, or a partner abusing a woman at home may monitor and control her movements even when they are not home, using GPS-enabled technology.³²

Based on these characteristics, the expert group recognised the following working definition:

[Against Digital Violence in Africa, ACHPR/Res. 522](#), 11 August 2022; African Union, [Continental Artificial Intelligence Strategy: Harnessing AI for Africa’s Development and Prosperity](#), July 2024; UN Women, [UNGA 79: Intensification of Efforts to Eliminate All Forms of Violence Against Women and Girls: Technology Facilitated Violence Against Women and Girls](#); Report of the UN Secretary General, Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls, UN Doc. A/79/500, 8 October 2024; UN Women, [Technology-facilitated Violence against Women: Towards a common definition](#), Report of the meeting of the Expert Group, 15-16 November 2022.

³¹ UN General Assembly, Intensification of efforts to eliminate all forms of violence against women and girls, Report of the Secretary-General, U.N. Doc A/77/302, 18 August 2022, para. 7.

³² UN Women, [Technology-facilitated Violence against Women: Towards a common definition](#), Report of the meeting of the Expert Group, 15-16 November 2022.

Technology-facilitated violence against women (TFVAW)* is any act that is committed, assisted, aggravated, or amplified by the use of information communication technologies or other digital tools that results in or is likely to result in physical, sexual, psychological, social, political, or economic harm, or other infringements of rights and freedoms.

This working definition has been cited recently by UNESCO and UN Women in their tracking of online violence against women.³³

These concerns are reflected in the Declaration of Principles on Freedom of Expression and Access to Information in Africa, which urges States to “take specific measures to ensure the safety of female journalists and media practitioners by addressing gender-specific safety concerns, including sexual and gender-based violence, intimidation and harassment”.³⁴

Such definitions can provide helpful guidance for the purposes of common understanding, dialogue, remediation, collaboration among stakeholders, and advocacy. At the same time, it is important to emphasise that harms to women and girls are complex and overlapping, making it difficult to define in precise terms the conduct, including expression, that might harm them.³⁵ Owing to this difficulty in precision, the UN Special Rapporteur on freedom of expression has cautioned against the use of specific definitions of online gender-based violence by States for the purposes of criminalising expression.³⁶

Responsibilities of social media companies

Technology companies, and in particular social media companies, are key actors when it comes to TFGBV. Like all businesses, they have the responsibility to respect all human rights, including gender equality and the right to freedom of expression, in line with the UN Guiding Principles on Business and Human Rights.³⁷ More specifically, they are expected to exercise due diligence and conduct regular human rights assessments of their products, operations and policies, with a view to identifying, preventing or mitigating actual or potential adverse impacts on human rights, and to provide remediation. In the context of social media, this involves conducting reviews of recommender and content moderation algorithms, especially where those systems are applied to local languages.

In a previous report on the issue of online harassment and abuse against women journalists and major social media platforms, ARTICLE 19 found that to uphold their responsibility to respect human rights in the context of TFGBV, social media companies should take a number of steps, including creating clear, accessible community guidelines on abuse (in local languages), increasing transparency around how content moderation and algorithms work, and conducting regular human rights and gender impact assessments. They should also ensure

³³ UN Women, [Tipping Point: The Chilling Escalation of Online Violence Against Women in the Public Sphere](#), 2025.

³⁴ See Principle 20 of the Declaration of Principles on Freedom of Expression, op.cit..

³⁵ UN Doc. A/78/288, op.cit., paras. 22-25.

³⁶ *Ibid.*, para. 34.

³⁷ UN Human Rights Council (2011) ‘Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie: Guiding principles on business and human rights: Implementing the United Nations “Protect, Respect and Remedy” framework’, A/HRC/17/31, 21 March, annex.

fair and effective complaint systems by giving users proper notice and reasons for decisions, while improving redress mechanisms.³⁸

³⁸ See ARTICLE 19, [Online harassment and abuse against women journalists and major social media platforms](#), 2020.

Observations on the Convention

ARTICLE 19 provides observations on the Convention from a freedom of expression perspective, with the aim of offering constructive guidance to support stakeholders across the African continent in addressing the complex issue of violence against women and girls in a holistic manner. The focus is on key areas where freedom of expression is engaged, highlighting opportunities for improvement and considerations for how these challenges should be addressed moving forward. Although the text of the Convention has been adopted, we hope that these observations will guide relevant stakeholders in future action.

ARTICLE 19 is aware of criticism regarding the Convention's development process, particularly concerns about limited transparency and inclusiveness, including the lack of structured participation by regional feminist organisations, the absence of *travaux préparatoires*, and inconsistencies suggesting the process may have been rushed or insufficiently documented.³⁹

While recognising positive aspects of the Convention – such as recognising States' role in preventing violence through education and support measures, highlighting heightened risks faced by certain groups of women and girls, promoting access to justice through victim-centred remedies, and encouraging multisectoral collaboration – ARTICLE 19 considers that stronger transparency and broader stakeholder engagement could have helped ensure it addresses a wider range of human rights risks.

Concerns

ARTICLE 19 wishes to note that, despite the Convention's positive aspects, there are some important elements that either appear to have been overlooked or might inadvertently encourage restrictions incompatible with international and regional standards.

Lack of reference to technology-facilitated violence against women and girls

One of the most glaring shortcomings of the Convention is the minimal attention it gives to technology-facilitated gender-based violence (TFGBV) as a distinct threat. Article 1(k) defines "Violence against women and girls" and only contains one reference to online harms, stating in passing that the definition's provisions also apply to harms "in cyberspace".

"Cyberspace" is referenced earlier in Article 1(b) as "a digital medium of communication and interaction of global or interconnected systems". However, the term "cyberspace" then appears only six more times in the rest of the Convention. Neither TFGBV nor the terms "internet", "technology", or "online" are referenced at all.

ARTICLE 19 stresses that this level of attention does not appropriately reflect the importance, scale, or urgency of the problem of TFGBV. While online harms do share some overlapping

³⁹ See Dr Mariam Kamunyu, [Objection! The AU Convention on Ending Violence Against Women and Girls, and the Question of Participatory Legitimacy](#), *AfricLaw*, 18 September 2025.

characteristics with offline harms and violence, they are much more than an alternate “forum” in which harms against women and girls occur. TFGBV raises a plethora of distinct issues that have been widely addressed by international, regional, and national bodies, as well as the UN Special Procedures.

These risks are made all the more timely with the accelerated use of AI technologies, including in Africa, as emphasised recently in the African Union Continental AI Strategy, which explicitly highlights TFGBV.⁴⁰ The report of the UN Secretary General on TFGBV also highlights a number of specific risks online such as misogynistic norms proliferating online, the growth of AI, and the use of online spaces by anti-rights actors.⁴¹

UNESCO and UN Women have cited a definition formulated after extension work by the expert group convened to work toward a common definition of technology-facilitated violence against women:

[A]ny act that is committed, assisted, aggravated, or amplified by the use of information communication technologies or other digital tools that results in or is likely to result in physical, sexual, psychological, social, political, or economic harm, or other infringements of rights and freedoms.

This framing would be a positive starting point to understanding the issue of TFGBV against women and girls in Africa.

Recommendation: Going forward, States should more fully consider the scale and specificity of technology-facilitated gender-based violence against women and girls. In particular, greater conceptual clarity and dedicated attention to TFGBV – drawing on existing international standards and developed in open and inclusive engagement with relevant stakeholders – would be essential to ensure that responses adequately address the distinct risks and harms arising in digital environments.

Lack of reference to responsibilities of and engagement with social media companies

As mentioned earlier, certain technology companies, in particular social media companies, are key actors when it comes to TFGBV. Online platforms are a key vector in enabling TFGBV to reach new levels of scale, speed, and reach. The digital context not only mirrors the offline misogyny faced by women but also provides the space and tools for controversial, emotive and sensationalist content to be significantly augmented.⁴² Algorithmic recommender systems play a major role in exacerbating the problem. They have been criticised for seeking to maximise user engagement and monetisation, rather than protecting user rights and safety.⁴³

Further, while platforms typically have content policies, women and girls widely report that these policies are frequently not followed or are disproportionately applied by AI moderation

⁴⁰ African Union, [Continental Artificial Intelligence Strategy: Harnessing AI for Africa’s Development and Prosperity](#), July 2024.

⁴¹ UN Women, [UNGA 79: Intensification of Efforts to Eliminate All Forms of Violence Against Women and Girls: Technology Facilitated Violence Against Women and Girls](#); Report of the UN Secretary General, Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls, UN Doc. A/79/500, 8 October 2024.

⁴² UN Doc. A/78/288, op.cit., para. 59.

⁴³ *Ibid.*

systems that fail to understand context, particularly in African languages.⁴⁴ This is particularly important, as in recent years, major social media platforms have taken steps backward in their commitments to trust and safety.

At the same time, online platforms can also have a key role in assisting authorities in investigating TFGBV. Law enforcement will often have to request information from internet intermediaries to carry out their investigation. For example, in 2020, the UN Special Rapporteur on violence against women (Special Rapporteur on VAW), recommended the establishment of “an effective response to online gender-based violence against women journalists and efficient cooperation with internet intermediaries in that regard”.⁴⁵

The Convention focuses primarily on State obligations. Nevertheless, reflecting a certain awareness of the different actors that have a role to play in the context of violence against women and girls, the Convention references social media platforms in the context of “preventative measures” as part of a list of stakeholders that should be engaged to promote awareness of violence against women and girls.⁴⁶

However, the Convention gives limited attention to the specific responsibilities of States regarding social media companies. States have a role in engaging with companies operating in their jurisdiction, either through regulation, or through dialogue where countries are not in a practical position to “regulate” large companies – or when the necessary preconditions to do so in a human rights-compliant way are not present.

Recommendation: States should take a comprehensive approach to recognising and understanding the responsibilities of social media companies when it comes to the question of TFGBV. While we acknowledge that engagement with companies can prove challenging for regulators and authorities, at the very least, States should advocate for social media platforms to make proper investments in trust and safety in their countries and languages. As States encourage investments in AI, they should ensure that companies operating are using and developing technologies with sufficient guardrails to identify, prevent, and mitigate TFGBV against women and girls. Any restrictions on online content or platform activities must comply with international human rights standards, ensuring they pursue legitimate aims and are necessary and proportionate to achieving those aims.

Lack of attention to women journalists, human rights defenders, and politicians

In recent years, there has been a significant escalation in attacks against particularly exposed groups of women, especially women journalists, human rights defenders, and politicians. For example, a UNESCO and UN Women global survey found that seventy percent of women human rights defenders, activists, journalists, and media workers experienced violence in the course of their work. The incidence rate of offline harm triggered by online violence more than doubled between 2020 and 2025.⁴⁷ These risks are particularly exacerbated in the context of

⁴⁴ See, for example, The Network for Women Leaders for Development, [RFLD Director Addresses Critical Digital Violence Crisis at UNDP Regional Dialogue](#), 9 December 2025.

⁴⁵ See, for example, [Visit to Ecuador - Report of the Special Rapporteur on VAW its causes and consequences](#), A/HRC/44/52, 6 May 2020, para 93.

⁴⁶ See Article 10 (b)(iii) of the Convention.

⁴⁷ UN Women, [Tipping Point: The Chilling Escalation of Online Violence Against Women in the Public Sphere](#), 2025.

armed conflict, where there has been an escalation in attacks on women journalists, including in armed conflicts on the African continent.⁴⁸

While the Convention references violence against women and girls in “public spheres”, this does not adequately address the unique risks these specific groups face. Women and girls are not a monolithic category. They are frequently and *specifically* targeted in response to their political participation, activism, or reporting, and at times purely on the basis of being women operating in the public sphere. The objective of these types of attacks is to silence, stigmatise and intimidate them. This can have the effect of driving them offline and out of debate, whether because they fear for their safety, or the barrage of abuse becomes unbearable whenever they look at their devices.

Recommendation: States should explicitly recognise the heightened risks faced by women journalists, human rights defenders, and politicians. States should adopt guidance and practical measures – developed through consultation with these groups, journalist associations, civil society, and other relevant stakeholders – to ensure that protection mechanisms, online safety strategies, and legal frameworks adequately respond to the specific threats faced by these women in the public sphere.

Overbroad and counterproductive definition of “violence against women and girls”

While the Convention fails to properly acknowledge TFGBV, it does, at the same time, define “violence” using elements that do not appear in other international instruments, and which are extremely broad and highly subjective. Taken together with the Convention’s emphasis on using domestic criminal measures, elaborated below, there is a risk that the Convention could inadvertently encourage or legitimise the criminalisation of protected expression as “violence” – whilst doing little to remedy actual harms against women and girls.

Article 1(k) defines “violence against women and girls” as the following:

“Violence Against Women and Girls” means all acts perpetrated against women and girls that cause or could cause them verbal, emotional, physical, sexual, psychological, or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on, or deprivation of, fundamental freedoms in the private and public spheres, or in cyberspace, in times of peace, armed conflict, transition, post-conflict, disaster, and post-disaster situation.

Under the above definition, any insult or criticism, including legitimate criticism of women politicians, can conceivably be regarded as “violence” since it “could” cause emotional harm.

Similarly, accurate reporting on the business dealings of women could be considered violent if it “could” lead to economic harm. This illustrates the breadth of harm captured by the Convention’s language, encompassing not only likely or actual physical, psychological, or sexual harm but also economic, reputational, and other indirect impacts.

The definition goes well beyond that set forth by the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation 19.⁴⁹ There, gender-

⁴⁸ See, for example, Media Defence, [Modules on Online Violence against Journalists in Sub-Saharan Africa](#), 2024.

⁴⁹ UN Committee on the Elimination of Discrimination against Women, CEDAW General Recommendation No. 19,

based violence includes:

[V]iolence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

It also goes beyond the United Nations Declaration on the Elimination of Violence against Women (UN Declaration), which, while not legally binding, reflects a normative consensus among States. It defines “violence against women” as

[A]ny act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.⁵⁰

Both these definitions are limited to acts that either cause, threaten, or are likely to result in harm, rather than those that merely “could” lead to harm. The risk with a definition that is not sufficiently limited to actual harm is that it may distract from the most seriously harmful acts, while exposing protected expression to criminalisation.

Recommendation: States and relevant stakeholders should align their interpretation of any treaty, provision or law dealing with TFGBV with international human rights law, and in a manner consistent with established international standards, focusing on acts that cause, threaten, or are likely to cause harm and that is linked to physical, sexual, or psychological harm.

Emphasis on criminalisation despite vague definitions

The Convention stresses in Article 4 that it seeks to adopt a “holistic” response to ending violence against women and girls. However, the very next article on the “obligations” of States begins with a call for States to “enact and enforce laws that fight all forms of violence against women and girls in the private and public spheres, and in cyberspace”. It also calls on States to “ensure that the criminal justice system is designed to provide effective forensic, case management, prosecutorial, and legal services to victims”. Finally, Article 15(2) requires, in the event of a contradiction between provisions, that the interpretation “that favours the realisation of ending all forms of violence against women and girls” shall prevail.

While the provision of legal measures is a crucial tool and deterrent available to States to combat violence against women and girls, it is important that these measures contain proper safeguards that ensure they are not misused to restrict freedom of expression in manners that are inconsistent with international human rights standards. Article 15(2) appears to suggest that where freedom of expression conflicts with the aim of maximising ending “all” violence, that the latter will prevail regardless of any proportionality analysis required under international law. This is particularly worrisome given the aforementioned breadth of the Convention’s definition of “violence” which includes activities that “could” cause harm even when they are not “likely” to.

A/47/38, 1992.

⁵⁰ UN General Assembly, Declaration on the Elimination of Violence against Women, G.A. Res. 48/104, 20 December 1993.

The UN Special Rapporteur on freedom expression has made clear that criminal law should be used only in very exceptional and the most egregious circumstances of incitement to violence, hatred or discrimination against women and girls.⁵¹ That principle is echoed in the Declaration of Principles on Freedom of Expression and Access to Information in Africa, which holds that “States shall criminalise prohibited speech as a last resort and only for the most severe cases”.⁵²

Recommendation: States should consider criminal sanctions as one of many tools, but not the first tool, that are available to address certain forms of violence. Any use of criminal law must comply with safeguards provided under international human rights and regional law.

Addressing abuse of judicial systems

A major issue facing women and girls who experience violence is the misuse of judicial systems in order to prevent them from coming forward against perpetrators. Women are often targeted with vitriol, attacks, stigmatisation, and exclusion, including judicial harassment, simply for denouncing or exposing gender-based discrimination and harassment. Some forms of judicial harassment can include strategic lawsuits against public participation (SLAPPs) against women merely for seeking accountability for violence. However, allegations of sexual assault and harassment, particularly in a workplace, are matters of clear public interest. This public interest dimension must form an integral part of the balancing exercise when assessing restrictions on freedom of expression.

The UN Special Rapporteur on VAW has observed that “women who speak out about their abuse online are frequently and increasingly threatened with legal proceedings, such as for defamation, which aims to prevent them from reporting their situation”.⁵³ The UN Special Rapporteur on freedom of expression likewise observed that “[w]eaponising the justice system to silence women feeds impunity while also undermining free speech”.⁵⁴ The weaponisation of judicial systems is characterised by power imbalances, abuse of legal procedures, attempts to consume resources, and a strategy to discourage others from coming forward. This misuse of the law undermines safeguards of fair trial, due process, and access to courts, which often warrants additional procedural safeguards against abusive claims, legal aid, and deterrents against frivolous claims brought for harassment as well as expedited mechanisms for their dismissal.⁵⁵

While the Convention devotes several articles to addressing the need for access to justice (in Articles 5 and 6 in particular), these articles focus on *use* of the justice system by women and girls rather than the *misuse* of the system against them. While Article 10(b)(iv) makes reference to building and strengthening capacity of judges and judicial officers, it does not mention this problem or provide specific remedies to address it. This risk has been specifically identified by regional experts on freedom of expression, who highlight the increased use of “frivolous and

⁵¹ U.N. Doc A/78/288, op.cit., para. 34.

⁵² Principle 23(2) of the Declaration of Principles on Freedom of Expression, op.cit.

⁵³ Report of the Special Rapporteur on VAW, its Causes and Consequences on online violence against women and girls from a human rights perspective, UN Doc. A/HRC/38/47, 18 June 2021, para. 31.

⁵⁴ UN Doc. A/76/258, op.cit., para. 22.

⁵⁵ See ARTICLE 19, [SLAPPs against journalists across Europe](#), March 2022.

vexatious” lawsuits to discourage public participation or speaking out.⁵⁶

Recommendation: States should take measures to prevent and address the misuse of judicial systems against women and girls who speak out about violence, discrimination, or harassment. This includes adopting procedural safeguards to identify and dismiss abusive or frivolous claims – such as SLAPPs – at an early stage, ensuring access to legal aid and support for affected women, and promoting judicial awareness of the gendered dynamics of some of these cases.

⁵⁶ Joint Declaration on Freedom of Expression and Gender Justice, op.cit.