

Tackling gender-based online violence in the DSA

The reluctance of social media platforms to take decisive actions to reduce online gender-based violence has real impact – not only on the victims themselves, but also on democracy, freedom of expression, and gender equality.

Women and non-binary people are subject to massive and persistent abuse online, with 74% of women reporting experiencing some form of online violence in the EU in 2020¹. Women from marginalised communities, including LGBTQ+ people, women of colour, and Black women in particular, are often disproportionately targeted with online abuse.²

As a result, women and non binary people, especially those working as politicians and journalists who are subjected to gender-based violence online, are withdrawing from public discourse online³, and stepping down from taking an active part in society. This raises significant concerns for the protection of fundamental rights, in particular freedom of expression. But it also undermines our democracies, as that participation makes our democracies more representative and equitable.

Everyone should be able to speak their mind without being subject to harassment or online violence. To meaningfully and effectively enjoy the right to freedom of expression, it should be exercised freely and without fear of violence and abuse.

Online violence and abuse often constitutes illegal behavior. However, a significant part of this behaviour does not reach the threshold of illegal content, yet its effect is having equally devastating impact. Women frequently cite the threat of rapid, widespread, public attacks on personal dignity as a factor deterring them from entering into or withdrawing from electoral processes⁴.

The European Parliament and the Council now have a unique opportunity to address this. Not by taking disproportionate measures that would do more harm than good such as banning online anonymity or changing fundamental principles like the prohibition of general monitoring obligations, but by supporting the key accountability tools on risk assessment, risk mitigation and mandatory audits in the Commission's proposal for a Digital Services Act.

Since some of this abusive behavior is facilitated and indirectly encouraged by platforms' design features, there needs to be a clear obligation imposed on very large platforms in particular to identify, prevent and mitigate the risk of gender-based violence taking place on and being

¹ <https://onlineviolencewomen.eiu.com/>

² <https://webfoundation.org/2020/11/the-impact-of-online-gender-based-violence-on-women-in-public-life/>

³ Amnesty International's online poll showed that across the 8 countries polled, 32% of women who experienced abuse or harassment online said they had stopped posting content that expressed their opinion on certain issues, including 31% of women in the UK and 35% of women in the USA,

<https://medium.com/amnesty-insights/unsocial-media-the-real-toll-of-online-abuse-against-women-37134ddab3f4>

⁴ https://speier.house.gov/_cache/files/6/c/6c8eec9e-eadf-4aac-a416-3859703eefc4/802A6A022C05E16123E4EAF4B0BE5BBF.gender-disinformation-letter-to-facebook-final-formatted-2.pdf

amplified by their products. Through Article 26.1 of the DSA, platforms should be forced to take into account the ways in which design choices and operational approaches can influence and increase these risks, especially as defined in article 26.1.(a)-(c).

Without such an obligation, and independent oversight over the implementation of risk mitigations measures, online abuse will remain rampant.

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