



# Roundtable on Intermediary Liability and Gender Based Violence at the Digital Citizen Summit, 2018

November 1, 2018 | 11:30 AM - 12:30 PM

**Venue:** India International Centre (IIC)  
Lodhi Estate, 40, Max Mueller Marg,  
New Delhi, Delhi - 110003

---

## Concept Note

The debate on gender based violence (GBV) globally and in India has, in the past few years, evolved to include myriad forms of violence in online spaces. This ranges from violence native to the digital, such as identity theft, and extensions of traditional forms of violence, such as online harassment, cyberbullying, and cyberstalking<sup>1</sup>. Given the extent of personal data available online, cyber attacks have led to a variety of financial and personal harms.<sup>2</sup> Women and minorities commanding visibility in the digital space, such as journalists, have been subject to technology-facilitated hate speech, doxing, and sexual harassment at seemingly disproportionate levels. Studies have explored the extent of psychological and even physical harm to victims, which has been found to have similar effects to violence in the physical world<sup>3</sup>. Despite this, technologically-facilitated violence is often ignored or

---

<sup>1</sup> See Khalil Goga, “How to tackle gender-based violence online”, World Economic Forum, 18 February 2015, <<https://www.weforum.org/agenda/2015/02/how-to-tackle-gender-based-violence-online/>>. See also Shiromi Pinto, “What is online violence and abuse against women?”, 20 November 2017, Amnesty International, <<https://www.amnesty.org/en/latest/campaigns/2017/11/what-is-online-violence-and-abuse-against-women/>>.

<sup>2</sup> Nidhi Tandon, et. al., “Cyber Violence Against Women and Girls: A worldwide wake up call”, UN Broadband Commission for Digital Development Working Group on Broadband and Gender, <<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/images/wsis/GenderReport2015FINAL.pdf>>

<sup>3</sup> See Azmina Dhrodia, “Unsocial Media: The Real Toll of Online Abuse against Women”, Amnesty Global Insights Blog, <<https://medium.com/amnesty-insights/unsocial-media-the-real-toll-of-online-abuse-against-women-37134ddab3f4>>

trivialised. When present, redressal mechanisms are often inadequate, further exacerbating the effects of violence on victims.

Currently, intermediaries are considered neutral pipes through which content flows and hence have no liability as long as they do not perform editorial functions. This has also been useful in ensuring that the freedom of speech is not harmed. However, given their potential ability to remedy this problem, as well as the fact that intermediaries sometimes benefit financially from such activities, it is important to look at the intermediaries' responsibility in addressing these instances of violence. Governments across the world have taken different approaches to this question<sup>4</sup>. Models, such as in the US, where intermediaries have been solely responsible to institute redressal mechanisms have proven to be ineffectual. On the other hand, in Thailand, where intermediaries are held primarily liable for content, the monitoring of content has led to several free speech harms. The round table will aim to progress discussions on policy recommendations which strike a balance between these two extremes.

The Digital Citizen Summit is focused on finding common solutions to problems within the digital sphere and with our session, we aim to explore ways of how intermediaries can help tackle gender based violence. Firstly, we will discuss attempts at making the Internet a safer place for women which can ultimately help make it a gender equal environment. Secondly, we will analyze the key concerns of privacy and security through this conversation of how can we demand more from platforms for our protection and how best to regulate them. This lends itself to the theme of protecting internet freedom and civil liberties online.

Our exchange on Intermediary liability, specifically in relation to gender based violence, is a relatively novel one and we hope our audience will benefit from it.

---

<sup>4</sup> 'Examining Technology-Mediated Violence Against Women Through a Feminist Framework: Towards appropriate legal-institutional responses in India', Gurusurthy et al., January 2018.