

Frequently Asked Questions: Council of Europe Recommendation on Accountability for Technology Facilitated Violence against Women and Girls

Building on existing Council of Europe standards as well as other international legal instruments on violence against women and girls, the Recommendation provides member States with targeted and practical guidance to ensure accountability for technology-facilitated violence against women and girls (TFVAWG), including through effective measures to combat and prevent such violence.

Effective accountability requires addressing both individual and systemic responsibility. Legal and institutional frameworks should take into account the specific challenges of TFVAWG, such as anonymity and encryption, cross-border issues, and the rapid evolution of technology. In this context, it plays a central role in ensuring consequences for perpetrators and facilitators and in disrupting cycles of harm. Where impunity persists, it undermines victims' access to justice and sustains the perception that online environments operate beyond legal and regulatory control, thereby eroding state authority.

Furthermore, it is important to recognise that TFVAWG does not exist in a vacuum but forms part of a continuum of violence against women and girls. It can occur as an extension and intensification of other forms of violence and, at the same time, it is also a distinct form of violence, with its own unique dynamics and methods. Acknowledging its unique and evolving nature is essential to ensure that responses remain relevant, targeted, and effective.

Prevention is also a key component of accountability. By addressing the root causes of TFVAWG, preventive measures help reduce its occurrence and contribute to an environment of accountability in which violence against women and girls is neither facilitated, tolerated, accepted, nor ignored.

The Recommendation, including through regulating technology companies and internet intermediaries, provides a comprehensive and coherent response that fosters an environment of accountability, strengthens legal and policy frameworks, and reinforces effective and accessible justice systems.

FAQs

What is a Committee of Ministers Recommendation?

Within the Council of Europe, a recommendation is a non-legally binding international legal instrument that creates a political commitment for all member States from the moment of its adoption. Through recommendations, the Committee of Ministers of the Council of Europe invites member States to take certain actions, apply standards or align policies at national level. Unlike legally binding instruments, recommendations do not require ratification or formal acceptance by member States.

What is the aim of this Recommendation?

The aim of this Recommendation is to provide member States with targeted and actionable guidance for ensuring accountability for technology-facilitated violence against women and girls (TFVAWG) in all their diversity, including through preventing and combating such violence.

What does *accountability* mean?

For the purpose of this Recommendation, ensuring accountability is understood as the duty of states to ensure that those responsible for TFVAWG, including by enabling, facilitating or inciting such violence, are answerable for their actions or omissions. The Recommendation proposes a comprehensive notion of accountability, extending beyond criminal law to civil and administrative law.

How does this Recommendation ensure accountability for TFVAWG?

The Recommendation provides guidance for member States on enhancing legal, institutional and regulatory responses to strengthen accountability for technology-facilitated violence against women and girls. According to paragraph 3 of the Recommendation, ensuring accountability requires the existence of effective applicable processes, frameworks and mechanisms, including under criminal, civil or administrative law, through which complaints can be brought to establish the responsibility or liability of a natural or legal person. It also includes prevention measures that promote responsible conduct, challenge root causes of violence against women and girls and help create an environment where harmful actions are neither facilitated, condoned, accepted nor ignored.

Is criminal law a fundamental part of this Recommendation?

Yes, criminal law plays a central role in the Recommendation. Addressing TFVAWG through criminal law is an important step in recognising the seriousness of such acts, providing victims with access to justice, and ensuring accountability of perpetrators. The Recommendation calls on member States to adopt the necessary legislative or other measures to ensure that TFVAWG is effectively covered and addressed within criminal law frameworks, and it also highlights that legal responses should cover not only the commission of offences but also aiding, abetting, incitement and the attempted commission of criminal offences of TFVAWG. This can, for example, be implemented either by introducing specific standalone offences that include the technology-related element as a constituent part of the crime or by linking the technology-related element to existing criminal offences. The Explanatory Memorandum offers further illustrative examples on how this could be done.

Who can be considered a *victim* of TFVAWG?

For the purpose of this Recommendation, victims are understood to be natural persons who have suffered harm, including physical, mental, emotional or economic harm, directly caused by a criminal offence or civil tort. The term is used to remain consistent with established legal standards and international obligations. However, the Recommendation recognises that in

certain contexts, the term “survivor” may be preferred to highlight the agency and resilience of persons affected by TFVAWG.

What does the Recommendation do for the *content* that amounts to TFVAWG?

The recommendation asks member States to ensure that content amounting to technology-facilitated violence against women and girls that is inherently unlawful or rendered unlawful by its use is removed. Furthermore, to reinforce effective and accessible justice systems member States should ensure the availability of swift, accessible and effective orders against natural and legal persons to achieve the timely removal and deletion of said content, while taking effective measures to ensure that relevant evidence is preserved for investigative and judicial purposes for a limited time.

What is meant by “safety-by-design” in the context of TFVAWG?

Safety-by-design refers to embedding user safety directly into product and service development in order to proactively prevent TFVAWG. This includes technology companies and internet intermediaries conducting regular human rights risk assessments recognising the full diversity of women’s and girls’ experiences, with specific consideration for the risks of violence against women and girls, prior to deployment of their products and on an iterative basis, and implementing proactive measures to effectively mitigate any risks identified.

What should member States do to regulate technology companies in relation to TFVAWG?

Member States should adopt clear, transparent, and proportionate regulatory measures that require technology companies and internet intermediaries to take responsibility for preventing and combating TFVAWG. This includes integrating safety-by-design approaches, improving reporting and moderation systems, cooperating with authorities, enhancing transparency, and implementing safeguards that protect women and girls in digital environments.

What measures may be effective to prevent TFVAWG?

Prevention initiatives play an essential role in fostering an environment of accountability for TFVAWG, since they help to address its root causes. The Recommendation calls for comprehensive, accessible, evidence-based and inclusive prevention initiatives, notably through education, capacity building, including digital literacy training, and awareness raising. These initiatives should involve relevant stakeholders, in particular civil society organisations, victims of TFVAWG, the private sector, educational and research institutions and the media, as well as men and boys as allies.

They should also combine primary prevention strategies targeting the general population with secondary prevention efforts focused on groups at higher risk of experiencing or perpetrating TFVAWG, as well as tertiary prevention strategies aimed at individual perpetrators.

How does the Recommendation help strengthen justice systems while preventing secondary victimisation of victims?

The Recommendation calls on member States to strengthen justice systems by allocating adequate human, technical and financial resources to effectively address TFVAWG. This includes, inter alia, reinforcing the capacity of law enforcement, prosecutors and the judiciary, as well as ensuring the secure handling and management of evidence. At the same time, it places strong emphasis on preventing secondary victimisation by ensuring that victims are treated with dignity and respect, are properly informed and supported throughout proceedings, and are protected from intimidation, retaliation and repeated victimisation at all stages of investigations and judicial proceedings.

How does the Recommendation ensure its guidance remains relevant in a rapidly evolving digital landscape?

It does so by adopting a technology-neutral approach designed to be future-proof. In line with other international legal instruments, the Recommendation recognises that adaptability is necessary to keep legal and policy frameworks relevant as technology evolves. This means that definitions should be technology-neutral, and legislation and policies should address harmful behaviour rather than the methods or means used.

What is the impact on international cooperation?

Given the cross-border nature of TFVAWG, member States should ensure that international cooperation frameworks are used to expedite access to relevant evidence. They are also encouraged to develop standardised protocols to ensure the safe and secure cross-border exchange of such evidence.