

STUDY

ON THE DIGITAL DIMENSION OF VIOLENCE AGAINST WOMEN IN THE REPUBLIC OF MOLDOVA



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ON THE DIGITAL DIMENSION OF VIOLENCE AGAINST WOMEN IN THE REPUBLIC OF MOLDOVA

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Executive summary

This study discusses the national framework in the Republic of Moldova to address the digital dimension of violence against women, with a view to aligning it with international legal provisions and policy standards. Key international actors, including GREVIO, the UN Special Rapporteur, the UN Working Group, UN Women, and UNFPA, have played crucial roles in addressing online and technology-facilitated violence, influencing the Republic of Moldova's response.

GREVIO, tasked with monitoring the implementation of the Istanbul Convention, recognises the gender-based and intersectional nature of online and technology-facilitated violence, emphasising its continuity with offline abuse experienced by women throughout their lives. It also clarifies that the digital dimension of violence against women includes a broad spectrum of harmful conduct falling under the general definition of violence against women as per Article 3(a) of the Istanbul Convention, while Parties should criminalise psychological violence, stalking, and sexual harassment in cyberspace under Articles 33, 34, and 40 of the Istanbul Convention. In the realm of CEDAW implementation, the CEDAW Committee's General Recommendation No. 35 (2017) broadens the obligations of State Parties to address the digital dimension of violence against women, recognising it and recommending appropriate legislative, policy, and other measures. The recommendations likewise stress the importance of data collection and private sector engagement. UN bodies, like the UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA, actively work to eliminate digital violence, emphasising gender-responsive laws, bridging data gaps, raising social awareness, and fostering collaboration amongst different stakeholders.

In assessing the compliance of the Republic of Moldova with the Istanbul Convention, GREVIO voices concern about the inadequacy of the national response to address the digital dimension of violence against women in its first Baseline Evaluation Report on Moldova (2023). Concurrently, UN Women Moldova acknowledges the prevalence and significance of online and technology-facilitated violence, but concrete actions are not specified. The UN entity does, however, disseminate general information on its website, addressing safe consultations and data collection strategies during the Covid-19 pandemic. UNFPA, instead, does not only acknowledge the digital dimension of violence against women but also launched a social awareness campaign named 'bodyright' in 2023.

In the national framework of the Republic of Moldova to address online and technology-facilitated violence against women, this study identifies preventive gaps, emphasising the need for specific education, training, preventive interventions, and treatment programs for perpetrators. In this context, preventive measures must also address internet norms, misogyny, hate speech, and toxic social media use, engaging all digital users, including men and boys. In terms of protection, the Republic of Moldova provides some general and specialist support services to victims of violence against women and domestic violence, with the 'Trust Line for Women and Girls' explicitly targeting those affected by its digital dimension. However, there is a lack of information on the digital dimension of violence against women, and support services may not fully meet victims' unique needs, such as the prompt removal of intimate content online. The criminal framework currently exhibits limitations, with narrow legal provisions on psychological violence, stalking, and image-based sexual abuse. Sometimes, the absence of specific provisions for the digital dimension of violence against women (e.g., victim's assistance and support) necessitates reference to broader frameworks governing sexual offenses offline. Efforts to address the digital dimension comprehensively involve the National Program (2023-2027), recognising present gaps and committing to coordinated policies. In this regard, the establishment of the National Agency for Combating Violence against Women and improved data collection aim to enhance understanding and targeted interventions. Private sector engagement, through regulatory and self-regulatory measures, could also be a key focus.

In conclusion, the Republic of Moldova is making strides to address the digital dimension of violence against women, but gaps persist. International standards and collaboration are essential in shaping a more comprehensive and effective national response. In line with them, the study highlights that

the current interpretation of online and technology-facilitated violence against women as a violation of the right to private and family life may not fully capture victims' experiences, suggesting the need for a nuanced approach. It also emphasises the significance of qualitative and quantitative research to unveil the nature and impact of these harms, providing a foundation for legal reforms and enhanced support mechanisms. Key recommendations include broader legal provisions, a victim-centred focus, and ongoing dialogue with the private sector. Financial support for CSOs is finally considered crucial for an effective response to online and technology-facilitated violence against women.

Introduction

The Republic of Moldova showed its commitment to combatting violence against women and domestic violence, by primarily ratifying the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on June 1, 1994 and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on January 31, 2022 (GREVIO, 2022). Furthermore, since becoming a member state of the UN on March 2, 1992, the Republic of Moldova has fostered strong connections with other international independent expert mechanisms and bodies addressing violence against women. These include the UN Special Rapporteur on Violence against Women and Girls, its Causes and Consequences (UN Special Rapporteur on VAW), the UN Working Group on Discrimination against Women and Girls (UN Working Group), the UN Entity for Gender Equality and the Empowerment of Women (UN Women), and the UN Sexual and Reproductive Health Agency (UNFPA).

In monitoring compliance with the Istanbul Convention, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its first baseline evaluation report on the Republic of Moldova in November 2023 (GREVIO, 2023). In this report, GREVIO welcomed the significant commitment of the Republic of Moldova to tackle violence against women and implement the Istanbul Convention. However, it also identified a crucial gap in the national and policy framework, specifically in addressing the digital dimension of violence against women, and strongly encouraged the Republic of Moldova to establish a comprehensive, coordinated set of policies at the state level, to effectively address this emerging manifestation of gender-based violence (GREVIO, 2023).

The prevalence of the digital dimension in violence against women is alarmingly widespread. In 2021, the UN labelled violence against women and girls as a 'shadow pandemic,' exacerbated by the intensification of the issue during the Covid-19 pandemic, particularly in terms of domestic violence and online abuse (UN Women, 2021. See also: GREVIO, 2021). Over the past decades, international organisations, policymakers and scholars have actively engaged in naming, understanding, and measuring this form of abuse (See: Rigotti, forthcoming; EDVAW Platform, 2022; GREVIO, 2021). The Republic of Moldova is no exception to this global trend, with a growing awareness and recognition of the digital dimension of violence against women within its borders. Whilst official government data is still unavailable (Ministry of Labour and Social Protection, 2023), an increasing number of personal experiences are gaining public attention (Dogaru, 2023), with some even becoming part of the emerging national caselaw on the subject (e.g., Chisinau Court of Appeal, dossier no. 1r-69/22, 21.11.2022; Chisinau Court of Appeal, dossier no. 1r-263/22, 16.05.2023).

Accordingly, this study aims to examine the digital dimension of violence against women in the Republic of Moldova within the context of relevant international legal and policy frameworks. It is composed of five sections. First, it begins with an overview of the conceptualisation of online and technology-facilitated violence against women on the international stage. At the heart of this exploration lies the understanding that the digital dimension of violence against women is part of the continuum of multiple, interconnected, and recurring forms of violence affecting women across both online and offline realms. Also, this examination considers the perspectives of various international independent expert mechanisms and bodies addressing violence against women and engaging in collaboration with the Republic of Moldova, namely GREVIO, the CEDAW Committee, the UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA. Second, it briefly examines whether and how these international expert mechanisms and bodies have monitored and assessed the significance, prevalence, and response to the digital dimension of violence against women in the Republic of Moldova, within the scope of their mandates. The third section discusses key legal provisions, case-law, and policies relevant to combatting the digital dimension of violence against women in the Republic of Moldova. Following a concluding section that summarises its main arguments and findings, the study puts forth recommendations derived from the legal analysis. These recommendations aim at addressing the escalating challenge of online and technology-facilitated violence against women in the Republic of Moldova.

1. International insights to understand and address the digital dimension of violence against women

In brief, the digital dimension of violence against women encompasses acts of violence facilitated by information and communication technologies (ICTs) such as smartphones, the internet, social media, and geolocation devices, as well as artificial intelligence (AI). This form of abuse specifically targets women based on their gender or disproportionately impacts them, reflecting a longstanding issue rooted in the persistent social subordination of women. As such, it is intricately linked to the ongoing and interconnected forms of gender-based violence women experience offline, with varying degrees of impact influenced by individual characteristics beyond gender (Rigotti, forthcoming). While the UN Special Rapporteur on VAW was amongst the pioneers in identifying the digital dimension of violence against women in 2018 (OHCHR, 2018), this emerging form of abuse has rapidly caught the attention of other international expert mechanisms and bodies. They have embarked on independent and collaborative efforts to conceptualise and address this evolving issue (EDVAW Platform, 2022).

What follows is a brief overview of how GREVIO, the UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA have addressed online and technology-facilitated violence against women. The focus on these international actors stems from their relationships with the Republic of Moldova in addressing violence against women, with an expectation of extending their efforts to the digital dimension as well.

1.1 The Istanbul Convention and GREVIO

Following its opening for signature on May 11, 2011, the Istanbul Convention entered into force on August 1, 2014, and has now been ratified by 38 countries and the European Union.¹ Its ultimate objective is to comprehensively protect women and girls against all forms of gender-based violence, including domestic violence, across and beyond Europe. Accordingly, this landmark treaty imposes a series of legally binding obligations on parties, encompassing violence prevention and prosecution, the protection and support of victims, and the formulation of comprehensive and coordinated policies to realise these objectives. Additionally, Chapter IX of Istanbul Convention (Articles 66-70) defines the mandate of GREVIO, the independent expert body which is tasked with monitoring the implementation of the Convention, together with the Committee of the Parties, the second pillar of the monitoring mechanism. In fulfilling its role, based on Article 69 of the Istanbul Convention, GREVIO can issue general recommendations on themes and concepts of the Istanbul Convention, fostering a deeper understanding and providing clear guidance for its effective implementation across parties.

In October 2021, GREVIO adopted its first General Recommendation, focusing on the digital dimension of violence against women and recognising it as a form of gender-based violence covered by the Istanbul Convention (GREVIO, 2021). In this regard, an important aspect of the general recommendation is related to terminology. In fact, the current terminological confusion regarding violence committed online or facilitated by technologies hinders victims from articulating their personal experiences, creates disparities in stakeholders' understanding, measurement, and evaluation of such abuse, and refrains

¹ <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=210>

parties from delivering an effective response (EDVAW Platform, 2022). Accordingly, GREVIO adopts the term ‘the digital dimension of violence against women,’ covering both online aspects (activities performed and data available on the internet, including internet intermediaries on the surface web as well as the dark web) and technology-facilitated (activities carried out with the use of technology and communication equipment, including hardware and software) harmful behaviour perpetrated against women and girls (GREVIO, 2021). For GREVIO, this terminology is comprehensive enough to comprise both online acts of violence and those committed through technology, including technology yet to be designed (GREVIO, 2021).

Subsequently, GREVIO shifts the focus to the nature of the digital dimension of violence against women, identifying three main characteristics. First, it recognises that this harmful behaviour targets women because of their gender and/or affects them disproportionately. Consequently, it emerges as a manifestation of gender-based violence rooted in the enduring social subordination and systemic violence against women (GREVIO, 2021). Second, GREVIO observes that online and technology-facilitated violence against women frequently overlap with gender-based abuse and harassment in the offline world, potentially amplifying the harms and sometimes even jeopardising the physical safety of the victim. As a result, the digital dimension of violence against women is considered a continuum, at the intersection with other forms of abuse women and girls experience offline (GREVIO, 2021). Third, for GREVIO, women encounter online and technology-facilitated abuse in diverse ways and to varying degrees, influenced by interacting and cumulative personal characteristics such as disability, sexual orientation, and political affiliation (GREVIO, 2021).

Against this backdrop, GREVIO provides an interpretation of the Istanbul Convention aligned with the victim-centred approach of its drafters, who did not intend to draw a distinction between online and offline experiences of gender-based violence against women (GREVIO, 2021). The digital dimension of violence against women includes a broad spectrum of harmful conduct falling under the general definition of violence against women, pursuant to Article 3(a) of the Istanbul Convention. More specifically, many forms of violence against women carried out through digital means fall under the purview of intentional behaviour, which States Parties to the Istanbul Convention are obligated to criminalise. These cover online psychological violence (Article 33), online stalking (Article 34), and online sexual harassment (Article 40).

Pursuant to Article 33 of the Istanbul Convention, psychological violence is “the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats”. The Explanatory Report of the Istanbul Convention clarifies this definition, explaining that this provision pertains to a pattern of conduct rather than a singular event, aiming to encompass the criminal nature of an abusive behaviour pattern occurring over time, be within or outside the family. Additionally, it explains that the extent of the criminal offence is restricted to intentional conduct, that negatively affects a person’s psychological well-being in a significant way (Council of Europe, 2011a). For GREVIO, online and technology-facilitated violence against women has a psychological impact on the victim, significant enough to fall within the scope of Article 33 of the Istanbul Convention. To illustrate this point, GREVIO gives some examples, where former or current abusive intimate partners possess and threaten to disseminate intimate images or exert control over the victim’s financial resources through online banking (GREVIO, 2021). A growing body of research further substantiates this perspective, highlighting the significant psychological harm women endure due to online abuse, manifesting in conditions like depression, self-harm, suicide ideation, and a range of psychosomatic symptoms (Aborisade, 2022; UN Women, 2021; Iyer et al., 2020; UNESCO, 2020; Van der Wilk, 2018; Henry & Powell, 2018; Bates, 2017).

Article 34 of the Istanbul Convention defines stalking as the “intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety.” The Explanatory Report to the convention further clarifies this definition, explaining that threatening behaviour may involve repetitively following another person, engaging in unwanted communication, or making it known that the person is under observation (Council of Europe, 2011a). This encompasses physical pursuit of the victim, showing up at their workplace, sports, or educational facilities, as well as tracking the victim in the virtual world (e.g., chat rooms and social networking sites) (Council of Europe, 2011a). The Explanatory Report adds that unwanted communication involves actively reaching out to the victim through any available means, including modern communication tools and ICT devices

(Council of Europe, 2011a). Similarly, the literature confirms that stalking practices in the digital sphere involve the intentional and repetitive use of ICTs to establish a pattern of threatening conduct, eroding a person's sense of safety and eliciting fear, anxiety, or alarm (Gillespie, 2019; Parsons-Pollard & Moriarty, 2009; Bocij & McFarlane, 2003).

Based on Article 40 of the Istanbul Convention, sexual harassment encompasses “any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, particularly when creating an intimidating, hostile, degrading, humiliating, or offensive environment.” Whereas the Explanatory Report does not address the digital dimension of sexual harassment, GREVIO provides clarification on this aspect in its General Recommendation. More specifically, it enumerates some online and technology-facilitated abusive behaviours falling under the umbrella of Article 40 of the Istanbul Convention. These encompass image-based sexual abuse (*i.e.*, the non-consensual creating, taking, and sharing of intimate and sexual materials) and cyberflashing (*i.e.*, the unsolicited sending of sexual images via ICTs) (GREVIO, 2021). Sexualised bullying is also covered, involving actions such as spreading gossip or rumours about a victim's alleged sexuality, posting sexualised comments under the victim's posts or photos, impersonating a victim and sharing sexual content, engaging in sexual harassment that impacts the victim's reputation and/or livelihood, as well as “outing” someone without their consent, intending to intimidate, threaten, and body-shame (GREVIO, 2021).

After examining the obligations to criminalise psychological violence, stalking, and sexual harassment in cyberspace, GREVIO formulates some recommendations encompassing the prevention, protection, prosecution, and coordinated policies essential to combat the digital dimension of violence against women. In terms of the prevention of the digital dimension of violence against women, GREVIO emphasises that the Istanbul Convention requires parties to undertake sustained measures addressing the root causes of violence against women. This involves challenging gender-based attitudes, roles, and stereotypes that perpetuate the tolerance, normalisation, and legitimacy of such violence. Additionally, parties are required to adopt legislative measures promoting and safeguarding the right of everyone, especially women, to live free from violence in both public and private spheres, as outlined in Article 4 of the Istanbul Convention (GREVIO, 2021). Concerning protection, the Istanbul Convention necessitates that parties safeguard women and girls at risk. This entails establishing specialised support services, including shelters, round-the-clock helplines, and rape crisis centres or sexual violence referral centres. Given the enduring and expansive nature of online content, continuous protective measures are imperative for effectively addressing the digital dimension of violence against women (GREVIO, 2021). From a prosecution standpoint, parties are required to ensure the effective investigation and prosecution of offenses established in accordance with the Istanbul Convention (GREVIO, 2021). Lastly, to ensure coordinated policies, the Istanbul Convention obliges parties to devise and implement comprehensive and coordinated policies across all levels of government and by all relevant agencies and institutions. This collaborative approach involves government agencies, non-governmental organizations (NGOs), national, regional, and local parliaments, as well as authorities (GREVIO, 2021).

1.2 CEDAW and its Committee

The CEDAW, adopted by the UN General Assembly in 1979 and enforced since 1981, is currently embraced by 189 State Parties. Designed to eliminate all forms of discrimination against women and ensure women's rights across all aspects of life, it mandates State Parties to adopt measures promoting gender equality. The CEDAW Committee oversees the implementation and compliance of the treaty, primarily through regular reporting by State Parties (Articles 18-20 of the CEDAW) and the adoption of general recommendations (Article 21 of the CEDAW). The latter serve to elucidate State Parties' reporting obligations, propose effective approaches to implementing treaty provisions, or offer interpretations and updates on the treaty's human rights aspects, clarifying specific provisions or highlighting thematic issues. (Schulz et al., 2022).

Although CEDAW does not explicitly condemn violence against women, General Recommendation no. 19 (1992) makes it clear that “gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence” (CEDAW, 1992, para. 6). These

provisions encompass traditional gender attitudes perpetuating violent and coercive practices against women (Article 2), trafficking in women and prostitution exploitation (Article 6), sexual harassment in the workplace (Article 11), harmful healthcare practices (Article 12), compulsory sterilization and abortion, as well as family violence (Article 16). Furthermore, General Recommendation no. 35 (2017) acknowledges that violence against women “manifests itself on a continuum of multiple, interrelated, and recurring forms, in a range of settings, from private to public, including *technology-mediated settings*” (emphasis added) (CEDAW, 2017, para. 6). This recognition broadens the scope of the general obligation of State Parties, including the Republic of Moldova, to adopt appropriate measures based on Articles 2 and 3 of CEDAW, covering violence against women in both offline and online realms. At the same time, General Recommendation no. 35 suggests that State Parties gather data on the digital dimension of violence against women and prompt the private sector, including businesses and transnational corporations, to implement suitable measures for eliminating violence against women on their services and platforms (CEDAW, 2017).

Ultimately, while General Recommendation no. 35 does not offer a specific definition or explicit clarification of online and technology-facilitated violence, its acknowledgment as a new form of violence against women means that the considerations applicable to its offline dimension remain relevant. Specifically, this implies recognising the gender-based and intersectional nature of the digital dimension of violence against women. In essence, this form of abuse targets women based on their gender or disproportionately affects them, exhibiting variations based on personal characteristics beyond gender, including race, religion, and age (CEDAW, 2010, 1992).

1.3 The UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA

In addition to the CEDAW Committee, various UN entities, such as the UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA, actively contribute to eliminating the digital dimension of violence against women. Generally, their collective efforts involve understanding and examining this issue, recommending States to deliver appropriate responses. The following overview provides insights into their mandates and work.

Established in 1994 by the UN Commission on Human Rights (OHCHR, 1994), the UN Special Rapporteur on VAW seeks and receives information on violence against women, its causes and consequences. For this purpose, its mandate involves engaging with governments, other UN entities, and non-governmental organisations (NGOs) to recommend measures at various levels, aiming to eliminate all forms of violence against women. Furthermore, the UN Special Rapporteur on VAW conducts country visits, issues annual and thematic reports, and collaborates with civil society and international bodies.² As previously said, in 2018, the UN Special Rapporteur on VAW issued a groundbreaking report on online and technology-facilitated violence against women, naming this emerging and continually evolving form of gender-based abuse and emphasising the need for women’s rights protection online (OHCHR, 2018). The report provides a first framework for addressing the impact of evolving technologies on violence against women, proposing actions for the UN, its State Parties, and internet intermediaries (OHCHR, 2018). Generally, recommendations to States include enacting gender-responsive laws, ensuring access to justice, creating national observatories, promoting digital literacy amongst women, and raising social awareness (OHCHR, 2018). For internet intermediaries, instead, adherence to relevant human rights instruments, transparent complaint mechanisms, data security, and participation in prevention and education campaigns are advised (OHCHR, 2018).

With a mandate from the UN Human Rights Council, the UN Working Group has fostered dialogue with States and human rights actors to identify and promote best practices in eliminating discriminatory laws against women since 2010 (OHCHR, 2010). It provides support to States in fulfilling obligations

² <https://www.ohchr.org/en/special-procedures/sr-violence-against-women>

addressing various forms of discrimination through thematic reports, country visits, and engagement with stakeholders. The group actively participates in initiatives, including public statements, amicus briefs, position papers, events, and collaborations with other UN entities.³ In its efforts regarding the digital dimension of violence against women, the UN Working Group relies significantly on the interpretations found in the general recommendations of the CEDAW Committee and the 2018 report of the UN Special Rapporteur (EDVAW Platform, 2022). Moreover, its examinations of women's rights in the evolving workplace and the activism of girls and young women in 2020 and 2022, respectively, specifically address the new challenges posed by technological advancements, such as the surveillance of women through their devices in both professional and personal settings (UN Working Group, 2022, 2020). By doing so, it implicitly acknowledges the intersectional nature inherent in online and technology-facilitated violence, recognising that women affected by this emerging form of abuse may face harm not only due to their gender but also based on their occupation, activism, and age. Regarding recommendations, the UN Working Group suggests that States enhance regulatory frameworks for technology providers to prevent and eliminate all forms of online and technology-facilitated violence against women and girls (UN Working Group, 2022, 2020). Additionally, it calls for concerted efforts from states, private companies, and other stakeholders to ensure safe online access for girls and young women, emphasising the need for secure online platforms, accountability for service providers, and strategies to address the gender-related digital divide. This requires effective regulatory frameworks, content moderation, reporting mechanisms, sanctions for perpetrators, and accessible information to combat cyberviolence effectively (UN Working Group, 2022, 2020).

In 2010, the UN General Assembly established UN Women, namely an *ad hoc* entity dedicated to promoting gender equality and empowering women (UN General Assembly, 2010). For this purpose, UN Women collaborates with UN States Parties to establish global standards for achieving gender equality and works alongside governments and civil society to formulate laws, policies, programs, and services necessary for the effective implementation of these standards, benefiting women and girls worldwide. A key priority of UN Women is the elimination of all forms of violence against women, including its digital dimension.⁴ Its strategy generally focuses on addressing data and research gaps, highlighting challenges and best practices, and offering policy recommendations. At the state level, it advocates for legal definitions and policies on online and technology-facilitated violence, highlights the need for a multi-agency approach and adequate data collection practices, and encourages prevention efforts through education, digital literacy, and awareness (UN Women & WHO, 2023; UN Women, 2022, 2021a, 2021b, 2020b, 2020a). Internet intermediaries, instead, are urged to contribute by disseminating educational materials and implementing transparent reporting procedures. Additionally, UN Women stresses the importance of technology and innovation in achieving gender equality, calling for investments to reduce the gender digital gap and create safe, gender-responsive technology environments (UN Women & WHO, 2023; UN Women, 2022, 2021a, 2021b, 2020b, 2020a). It likewise actively supports the Commission on the Status of Women, with its priority theme centered around innovation and technological change in 2023 (UN Commission on the Status of Women, 2023).

UNFPA, initially established in 1969 as the United Nations Fund for Population Activities and later renamed the United Nations Population Fund in 1987, maintains its original acronym (UNFPA, 1994). Its current objective is to ensure sexual and reproductive rights and choices for everyone, particularly women and young people, facilitating access to high-quality sexual and reproductive health services. In 2018, UNFPA initiated efforts to achieve three transformative results, one of which focuses on ending gender-based violence and harmful practices. For this purpose, it collaborates with policymakers, justice systems, and health systems, while providing essential services to support victims of gender-based violence, including in humanitarian crises.⁵ In response to online and technology-facilitated violence (UNFPA, 2021 c), UNFPA conducts country-specific research, gathering data and raising social awareness to empower victims while advocating for heightened accountability and regulatory measures (Nedeljković & Glišić, 2022; UNFPA & Wilson Center, 2022; Şener & Abınık, 2021; UNFPA Eastern and Southern Africa, 2021). Initiatives

3 <https://www.ohchr.org/en/special-procedures/wg-women-and-girls>

4 <https://www.unwomen.org/en/about-us/about-un-women>

5 <https://www.unfpa.org/about-us>

such as “The virtual is real” (UNFPA, 2022) and the “Bodyright” campaign (UNFPA, 2021d) contribute to this effort. Additionally, it supports technology and digital development with a focus on integrating safety and privacy measures by design (UNFPA, 2021b).

2. Monitoring and addressing the digital dimension of violence against women in the Republic of Moldova

In monitoring the implementation and ensuring compliance with CEDAW and the Istanbul Convention, both the CEDAW Committee and GREVIO have released reports specific to the Republic of Moldova. In particular, the Concluding Observations on the sixth periodic report of the Republic of Moldova were issued by the CEDAW Committee in 2020. The observations welcome the country's endeavours to strengthen its legal and policy framework to tackle violence against women. Nevertheless, while voicing concerns about common underreporting, inadequate resources, and insufficient data collection practices, the document does not refer to the digital dimension of violence against women (CEDAW Committee, 2020). In 2023, the first Baseline Evaluation Report of GREVIO similarly acknowledged the Republic of Moldova's substantial commitment to combating gender-based violence and implementing the Istanbul Convention. When identifying some areas requiring improvement, however, it mentioned the need to enhance efforts in curbing the digital dimension of violence against women. Despite the recent acknowledgment of the prevalence of online and technology-facilitated violence against women and the need for a comprehensive response in the newly adopted National Program on preventing and combating violence against women and family (2023-2027), GREVIO stressed its inability to evaluate its practical implementation. Besides, it highlighted the current absence of effective, comprehensive, and coordinated state-wide policies in this context (GREVIO, 2023).

The latest report from the UN Special Rapporteur on her visit to the Republic of Moldova dates back to 2009. While identifying violence within the private sphere as the most prevalent form of abuse against women, the report does not address its digital dimension (OHCHR, 2009), leaving room for potential exploration in future country visits. Similarly, after its first mission to the Republic of Moldova in 2012, the UN Working Group published a report the following year, primarily acknowledging the adoption of Law No. 45-XVI on Preventing and Combating Family Violence. However, recommendations for its effective implementation do not include references to the digital dimension of violence against women (OHCHR, 2013), suggesting a potential focus in future visits.

UN Women Moldova first mentioned the issue of online and technology-facilitated violence against women in 2019, recognising its increasing occurrence (La Strada Moldova & UN Women, 2019). Although no specific actions have been taken in this regard, UN Women Moldova has included general information on its website. They encompass safe consultations for victims and data collection practices during the Covid-19 pandemic (UN Women, 2023; UN Women & WHO, 2020). Likewise, UNFPA has recognised the prevalence and significance of the digital dimension of violence against women, endorsing the above-mentioned 'bodyright' campaign. The campaign was officially launched in the Republic of Moldova in 2023, further underlining the commitment to addressing this new and evolving form of gender-based abuse, with the Council of Europe joining the initiative (UNFPA Moldova, 2023b).

As demonstrated, the various international independent expert mechanisms and bodies collaborating with the Republic of Moldova have only partially explored the digital dimension of violence against women. Consequently, the following section assesses the presence or absence of preventive, protective, prosecutorial, and coordinated measures in addressing online and technology-facilitated violence in the Republic of Moldova.

3. The Republic of Moldova’s framework on the digital dimension of violence against women

In the recently adopted National Program on preventing and combating violence against women and family (2023-2027), the Ministry of Labour and Social Protection recognises that, similar to offline scenarios, women and girls often face sexual violence in cyberspace, including sexist language, harassment, and stalking. The document stresses that the intersection between technology and gender-based violence amplifies the challenges faced by victims, given the numerous perpetrators and the widespread distribution of harmful content. Consequently, the digital dimension of violence against women has profound impacts on their lives, mental and physical well-being, safety, reputation, and impairs their right to participate online (Ministry of Labour and Social Protection, 2023).

Against this background, the next section aims to assess the current response to the digital dimension of violence against women in alignment with the Istanbul Convention and its interpretation by GREVIO in the Republic of Moldova. Considerations are also given to the implementation status of legislative and policy recommendations put forward by the CEDAW Committee, the UN Special Rapporteur on VAW, the UN Working Group, UN women, and UNFPA. For this purpose, the section adopts the Istanbul Convention’s 4Ps approach (Council of Europe, 2011b), encompassing prevention, protection, prosecution and coordinated policies.

3.1 Preventing the digital dimension of violence against women

As previously mentioned, the Istanbul Convention mandates that parties implement sustained measures to prevent the digital dimension of violence against women. This involves addressing root causes, altering attitudes, challenging gender roles, and dismantling stereotypes that perpetuate the toleration of violence against women. Given that online and technology-facilitated violence against women is inherently gender-based and an extension of ongoing harms throughout women’s lives, all the preventive measures targeting social and cultural behaviours, as well as eliminating prejudices and gender stereotypes in the offline world, implemented in the Republic of Moldova (GREVIO, 2023), are already key initial steps and resources. Furthermore, the Republic of Moldova has implemented some specific measures tailored to address the digital dimension of violence against women as follows.

In line with Article 13 (awareness raising) of the Istanbul Convention, the Republic of Moldova conducts regular awareness-raising activities to commemorate international days in the collective fight against violence against women. Key dates, such as International Women’s Day (8 March) and the International Day for the Elimination of Violence against Women (25 November), serve as focal points for these initiatives (GREVIO, 2023). Notably, since 2020, 25 November has marked the beginning of the “16 Days of Activism against Gender-Based Violence” campaign. The campaign encompasses a range of events, including round tables, TV shows, theatre performances, video spots, open lessons in educational institutions, and the distribution of informative materials. This initiative strongly emphasises giving a voice to victims, with the 2023 edition focusing on the critical need for funding and investments to prevent violence against women (Centrul de Drept al Avocaților, 2023; IOM Moldova, 2023). Additionally, on the last Wednesday of April, the national “Denim Day” campaign takes place, dedicated to raising awareness and promoting zero tolerance towards rape and sexual violence. The 2023 edition centred

on the theme of sexual consent in intimate relationships (La Strada Moldova, 2023c; UNFPA Moldova, 2023a). None of the said campaigns, however, have specifically addressed the digital dimension of violence against women. This omission poses a risk of perpetuating hierarchies between various forms of gender-based violence, which do not align with victims' current experiences both offline and online. In the rapidly evolving digital and AI age, campaigns aimed at raising social awareness should adapt to include measures that encompass the diverse forms of violence women may face. This adaptation is crucial for ensuring a more inclusive and effective approach to combatting gender-based violence in all its manifestations.

In this context, the only exception is the previously mentioned 'bodyright' campaign launched by UNFPA Moldova, in collaboration with various national and international partners, including the Council of Europe,⁶ on November 24, 2023. Carried under the slogan "Without my consent, it's not your content," the social awareness campaign encourages individuals to add a bodyright symbol when sharing images online (UNFPA Moldova, 2023b). Briefly, the bodyright symbol serves as the inaugural copyright mark dedicated to asserting and demanding protection from digital violence. It distinguishes between consensual and non-consensual intimate materials circulating in cyberspace, aiming to prompt tech companies and policymakers to treat the violation of human rights and the protection of bodily autonomy online as seriously as they address copyright infringement (UNFPA, 2021a). Although it seemingly remains unclear if this event will become an annual occurrence, UNFPA reports active promotion of the #bodyright campaign in the Republic of Moldova. Several young volunteers from Youth Centers, the Peer Educators Network in technical vocational education, and the UN Youth Advisory Panel have actively amplified the messages of the campaign (UNFPA Moldova, 2023d).

In terms of education and training of professionals in line with Article 14 (education) and 15 (training of professionals) of the Istanbul Convention, considerable emphasis has been placed on preventing child sexual abuse online, which falls more under the scope with the Council of Europe Convention on Protection of Children against Sexual Exploitation and Abuse (also known as the Lanzarote Convention) (La Strada Moldova, 2023a, 2023b, 2023d; UNICEF Moldova, 2020). Some initial effort has also been made to address the offline dimension of violence against women, including the optional introduction of new school courses on gender equality and specialised training for professionals working on domestic violence (UN Moldova, 2022; Universităţii de Stat din Moldova, 2023; Women's Law Center, 2023). Instead, there is currently no information available about education and training initiatives specifically addressing the digital dimension of violence against women. It is crucial to address this gap in prevention efforts in the future. Early education is essential, as attitudes, beliefs, and behaviour patterns are often shaped during formative years. In this context, teachers, coaches, and any community leader should be considered key players and role models for alternative and more equal gender roles. Additionally, enhancing the understanding of professionals in this context can lead to improved assistance and support for victims, while helping them identify and work with offenders.

Similarly, there appears to be a lack of preventive interventions and treatment programs in compliance with Article 16 (preventive intervention and treatment programmes) of the Istanbul Convention. This provision is centred on the objective of assisting offenders in altering their attitudes and behaviour to prevent the recurrence of gender-based violence (Oddone, 2021). Implementing this provision in the context of the digital dimension of violence against women is likewise crucial. In fact, it is likely to foster a genuine understanding of the harm inflicted on victims, promotes a sincere acceptance of responsibility for gender-based wrongdoing, and encourages a personal journey toward more gender-equitable attitudes and interactions.

Ultimately, while there is growing collaboration with the media in social awareness campaigns and other preventive activities against violence towards women (GREVIO, 2023), it remains crucial to consistently address the gender stereotypes and victim-blaming tendencies that already characterise media coverage of gender-based violence offline (Balica et al., 2022), as these tendencies may potentially

6 More precisely, the Council of Europe's project 'Supporting the implementation of the Istanbul Convention in the Republic of Moldova' actively participated in the „bodyright” campaign. In alignment with this commitment, the project will extend its support to the Parliament of the Republic of Moldova, aiding in the enhancement of legislative frameworks aimed at preventing and tackling digital violence against women. For further details, please refer to: <https://www.coe.int/en/web/chisinau/supporting-the-implementation-of-the-istanbul-convention-in-the-republic-of-moldova>

transfer to online cases. At the same time, preventive measures should extend to shaping internet norms and behaviours. While promoting digital security and fostering safe online attitudes plays a significant role in prevention, addressing issues like misogyny, hate speech, and the toxic use of social media is equally crucial. Prevention strategies should therefore engage not only with women and girls but with all digital media users, encompassing men and boys, to transform online behaviour, reshape internet culture, and challenge harmful notions of gender hierarchies. For this purpose, UN Women suggests that ICT intermediaries can implement pop-up reminders and warnings, discouraging users from uploading materials related to online and technology-facilitated violence against women (UN Women, 2020b). Overall, this modification will contribute to enhancing the adequate implementation of Article 17 (participation of the media and private sector) of the Istanbul Convention on the participation of the media and the private sector in the comprehensive fight against violence against women. In this regard, the National Program on preventing and combating violence against women and family (2023-2027) also underscores the importance of adopting specific measures to be implemented by the media and the private sector, internationally recognised as key stakeholders in the collective and effective fight against the digital dimension of violence against women (EDVAW Platform, 2022).

Recommendations

1. Strengthen current initiatives aimed at increasing social awareness about the digital dimension of violence against women, going beyond mere acknowledgment of their significance. The strategic approach should include the regular recurrence of events explicitly crafted to draw attention to the nuances of online and technology-facilitated violence. To broaden the reach and effectiveness, it is essential to deploy a diverse array of communication strategies precisely tailored to engage and resonate with various audiences.
2. Promote gender equality initiatives that highlight the continuum of offline and online violence against women across all educational levels, extending from kindergarten to university settings. This entails endorsing and supporting projects within both formal and informal educational environments. Additionally, the key role of educators, coaches, and other influential figures should be acknowledged, positioning them as role models for alternative and more equitable forms of masculinity.
3. Offer comprehensive training opportunities to professionals involved in addressing violence against women and domestic violence. The training should be tailored to enhance their skills in identifying the nuanced and evolving patterns of online and technology-facilitated violence. Emphasis should be placed on developing expertise in responding to these challenges, particularly in terms of providing effective victim assistance and support. Study visits, training exchanges, and collaborative meetings with professionals from other countries or relevant international organisations should be encouraged.
4. Establish preventive interventions and treatment programs of offenders, enabling referrals at various stages, ranging from pre-trial detention to post-release follow-ups. Advocate for a non-stigmatising approach towards offenders, ensuring access to specialised services if they exhibit specific needs, such as mental health issues.
5. Enhance collaboration with the media to combat violence against women, particularly addressing gender stereotypes and victim-blaming tendencies, and extend this collaboration to include ICT intermediaries. These intermediaries should not only advocate for digital security and foster safe online attitudes but also actively contribute to combating misogyny, hate speech, and the toxic use of social media among all their users.

3.2 Protecting women against the digital dimension of gender-based violence

Based on the Istanbul Convention, parties must protect women identified as at risk of violence and establish specialised support services for victims and their children, comprising shelters, 24/7 telephone

helplines, and rape crisis or sexual violence referral centres. The enduring presence and extensive dissemination of intimate materials in cyberspace emphasise the necessity for continuous protective measures to effectively address the digital dimension of violence against women, a challenge that the Republic of Moldova is actively trying to address as briefly follows.

Article 18 (general obligations) of the Istanbul Convention outlines several general principles for the provision of both general and specialised protective and supportive services. Among these principles is the requirement for services to collaborate and coordinate efforts involving all relevant agencies, considering the dynamics among victims, offenders, children, and their broader social environment. In this regard, on November 8, 2022, the Ministry of Labour and Social Protection, in collaboration with the Council of Europe, organised a dedicated seminar to enhance the understanding of the digital dimension of violence against women among public authorities, the private sector, and civil society (Antiviolența, 2022).

In accordance with Article 19 (information) of the Istanbul Convention, the Republic of Moldova is mandated to enact legislative or other measures ensuring that victims of online and technology-facilitated violence receive timely and comprehensive information about available support services and legal remedies in a language they can understand. Given that online and technology-facilitated violence is acknowledged as a form of gender-based violence, it is expected that Article 11 of the Law on Preventing and Combating Family Violence will also be applicable. This provision obliges competent authorities responsible for preventing and combating domestic violence to inform victims about their rights, relevant procedures, available services and providers, as well as the availability and extent of legal counselling or aid. The law also outlines law enforcement's duty to inform victims about the release of a detained person or the suspension of a protection order (GREVIO, 2023). While there is no information available on the application of these provisions, it is alarming that the official webpage dedicated to the prevention of domestic violence does not address the digital dimension of violence against women when providing information on its offline counterpart (Antiviolența, 2023).

Articles 20 (general support services) and 22 (Specialist support services) of the Istanbul Convention outline the provision of general and specialist support services to uphold victims' rights and empower them through tailored assistance that meets their unique needs. These services may encompass safe accommodation, legal counselling, and psychological support (CoE, 2011). Based on GREVIO's first baseline report, social, healthcare, and women-to-women specialist services are somewhat accessible to victims of gender-based violence, irrespective of the initiation of criminal proceedings (GREVIO, 2023). Whilst some of these services could benefit victims of online and technology-facilitated violence, there is no available data demonstrating their implementation in this context. Notably, the Secretary of State at the Ministry of Labour and Social Protection has acknowledged this gap and expressed a commitment to address it. More precisely, she has stated that the new network of assistance units for victims of gender-based violence could extend assistance to victims of online and technology-facilitated violence as well, despite a shortage of qualified specialists (Dogaru, 2023). Potential assistance may include aiding victims in removing non-consensually taken, created, and/or shared intimate and harmful content online. When reporting promising practices in this field, UN Women refers to the UK Revenge Porn Line's initiative 'StopNCII.org', which introduced a new high-tech device capable of creating a digital fingerprint for intimate images, proactive detection and removal (UN Women, 2022).

In line with Article 24 (telephone helplines) of the Istanbul Convention, the Republic of Moldova has established state-wide round-the-clock (24/7) telephone helplines, providing free advice to callers while maintaining confidentiality or respecting their anonymity. Since 2018, it has been supporting the state-wide helpline operated by the NGO La Strada, known as the "Trust Line for Women and Girls," providing assistance to victims of violence against women (GREVIO, 2023). This helpline is explicitly promoted for victims of online and technology-facilitated violence (UNFPA Moldova, 2023d). Considering the advancements in digital technology, the Republic of Moldova could likewise explore alternative and complementary avenues to provide support and assistance more effectively. For instance, UNFPA highlights the increasing use of apps that empower victims to seek help, access information, and avail themselves of general and specialist services (UNFPA, 2021b). This technological approach might offer an additional and accessible means for individuals facing online and technology-facilitated violence to obtain the assistance and support they need. More specifically, these measures streamline the process

for victims to seek information and assistance, making it easily accessible and avoiding potential complexities or feelings of shame that might discourage individuals from seeking help either directly or through someone else (UN Women & UNICEF, 2021).

Recommendations

1. Enhance the dissemination of specific information about the digital dimension of violence against women, by first updating the official webpage dedicated to the prevention of domestic violence. This timely and comprehensive information should encompass details about victims' rights, reporting and judicial procedures, available support services and providers, along with the accessibility and scope of legal counselling or assistance.
2. Establish general and specialised support services that are gender-sensitive and reflective of the unique experiences of victims. This includes conducting tailored needs assessments related to the digital dimension of violence against women and recognising the crucial role of training professionals to effectively address these needs.
3. Keep abreast of technological advancements to enhance the assistance and support services provided by current telephone helplines. In particular, it is necessary to prioritise new technological means that can improve accessibility and ensure greater anonymity for users.

3.3 Prosecuting the digital dimension of violence against women

The Istanbul Convention requires parties to set a range of provisions related to substantive law, as well as to ensure the effective investigation and prosecution of offences established in accordance with the convention.

As previously said, Article 33 (psychological violence) of the Istanbul Convention mandates parties to criminalise psychological violence, encompassing intentional actions that severely impair an individual's psychological integrity through coercion or threats. For GREVIO, the digital dimension of violence against women falls under this provision due to its significant psychological impact on victims (GREVIO, 2023). In 2016, Article 201/1 of the Criminal Code was amended, also to include under letter b) psychological violence, including isolation, intimidation for the purpose of imposing personal will or control over the victim. Whilst no case-law can currently show the specific scope of application of this provision, its phrasing seems to be narrow, risking not to be reflective of victims' experience. Precisely, it does not comprehensively address all the forms of psychological violence endured by victims and outlined by GREVIO, such as threats, insults, shaming, defamation, incitement to suicide or self-harm, and economic abuse (GREVIO, 2023). In response to this potential legal gap, one could wonder whether Article 150 of the Criminal Code on the determination or facilitation of suicide and Article 155 of the Criminal Code on threat of death or serious injury to bodily integrity or health might come to rescue. Notably, both provisions explicitly mention actions 'through electronic communication networks,' while Article 155 is applicable in cases where the offense is committed due to gender-based prejudice. At the same time, Article 201/1(c) of the Criminal Code that amounts domestic violence to deprivation of economic means could contribute to filling the gap, the main problem being the narrow scope of the provision that is contingent on the causation of a slight injury to the bodily integrity or health of the victim. Regardless, the report from the People's Advocate of the Republic of Moldova highlights the low number of prosecutions and sentences for psychological violence (People's Advocate Office of the Republic of Moldova, 2023). This applies to online and technology-facilitated violence as well, given the absence of specific case-law.

Article 34 (stalking) of the Istanbul Convention defines stalking as "intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety." The Explanatory Report already refers to the potential use of ICTs, thereby acknowledging the digital dimension of violence against women (Council of Europe, 2011a). In the Moldovan framework, this provision has been transposed into Article 78 of the Code of Misdemeanour, which prohibits the

repeated persecution of a person causing anxiety, fear for their safety or that of their close relatives, compelling them to change their way of life. This is committed by tracking the person, contacting, or attempting to contact them by any means. There is no case law demonstrating that this transposition is applicable to the digital realm, although the reference to tracking a person or the residual term 'by any means' could suggest such applicability. However, if that were the case, the scope of the provision would be limited, as cyberstalking includes activities such as impersonation, harassing with accomplices to isolate the victim, and invading the victim's privacy through tactics like surveilling social media, accessing emails and phones, stealing passwords, or hacking devices. This involves installing spyware or geo-localisation apps or stealing devices (GREVIO, 2021). Overall, a weakness lies in the lack of deterrence and poor enforcement, which is also observed in the prosecution of offline stalking (GREVIO, 2023).

Article 40 (harassment) of the Istanbul Convention defines sexual harassment as any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, especially when creating an intimidating, hostile, degrading, humiliating, or offensive environment. However, GREVIO has clarified its scope to encompass image-based sexual abuse, cyberflashing, sexualised bullying, sextortion, threats, doxing, impersonation, and outing (GREVIO, 2021c). Under Article 173 of the Moldovan Criminal Code, sexual harassment comes to be understood as "any physical, verbal or non-verbal behaviour that damages the person's dignity or creates an unpleasant, hostile, degrading, humiliating, discriminatory or insulting atmosphere by the use of threats, coercion or blackmail with the aim of engaging in sexual relations or other unwanted sexual acts with a person." Given that GREVIO has already noted the infrequent application of this provision to offline cases, the practical relevance of its digital counterpart is likely to face similar limitations (GREVIO, 2021c). In this regard, it is worth observing that in 2011, the Bălți Court of Appeal changed the conviction of an ex-boyfriend for image-based sexual abuse. The court acquitted the man of sexual harassment under Article 173 of the Criminal Code and instead maintained the conviction under Article 177(1) of the Criminal Code. Indeed, Article 177 of the Criminal Code prohibits the illegal collection or knowing spreading of information protected by law about the personal life of another person, constituting a personal or family secret, without their consent.⁷ Although criminal prosecutions have begun to apply Article 177 and have even led to some convictions, its full potential in addressing cyberharassment is yet to be realised. In 2023, for example, the Chisinau Court of Appeal upheld the conviction of a male former partner who had filmed and shared a video depicting sexual conduct with the victim, based on Article 177(1) of the Criminal Code.⁸ Similarly, a year prior, the same court upheld the conviction of a former husband who had non-consensually taken and shared pictures of his ex-wife, under Article 177(2) of the Criminal Code. Incidentally, the court emphasised that such conduct violates Article 28 of the Constitution, safeguarding private, intimate, and family life. This violation imposes a negative obligation on any individual to abstain from actions that may degrade or endanger information about the personal life of another person.⁹ In 2023, an amendment was made to Article 177 of the Criminal Code, introducing a new paragraph specifically addressing the dissemination of sexually explicit information, including images and recordings, through ICTs, with the intent of revenge, hatred, humiliation, or damage to the honour and dignity of the individual. However, this provision is limited in its scope, criminalising only a specific category of acts (*i.e.*, dissemination) and targeting specific perpetrator motives (*i.e.*, revenge, hatred, humiliation, or damage to honour and dignity). This formulation can be considered misleading and potentially victim-blaming. Precisely, while it addresses image-based sexual abuse to some extent, it falls short in covering all the other forms of non-consensual conduct outlined in Article 40 of the Istanbul Convention. This encompasses the non-consensual taking and creation of intimate images, along with threats to disseminate such materials. Moreover, criminalising conduct based on perpetrator motives sets higher thresholds for prosecution, potentially implying victim responsibility or a requirement to endure specific consequences (Rigotti & McGlynn, 2022). Consequently, many victims remain inadequately protected under this legal framework.

7 Bălți Court of Appeal, dossier no. 1a-225/2011, 01.06.2011

8 Chisinau Court of Appeal, dossier no. 1r-263/22, 16.05.2023

9 Chisinau Court of Appeal, dossier no. 1r-69/22, 21.11.2022

Although it is not directly tied to the transposition of the Istanbul Convention, it is noteworthy that Article 70 of the Code of Misdemeanour explicitly prohibits incitement to gender-based discrimination, extending its reach to actions carried out through a computer system. This recognition underscores the acknowledgment that online and technology-facilitated violence against women transcend physical spaces, posing new challenges in combating gender-based harms in cyberspace.

Similar to sexual offenses committed offline (GREVIO, 2023), judges in Moldova appear to underutilise the full spectrum of available punishments, often opting for the least severe sanctions. This approach risks downplaying the seriousness of online and technology-facilitated violence against women. In any case, according to the Moldovan Criminal Procedure Code, women victims of violence have access to primary compensation from the offender either through criminal proceedings (Article 219) or by initiating a separate civil lawsuit (Article 221). In the above-mentioned decision of the Chisinau Court of Appeal (2023), for example, the civil action filed by the injured party was partially accepted, resulting in an award of moral damages in the amount of 50.000 L.

When addressing general obligations and immediate response in line with Articles 49 (general obligations) and 50 (immediate response, prevention and protection) of the Istanbul Convention, the absence of specific provisions addressing the digital dimension of violence against women necessitates reference to the broader framework governing offline sexual offenses. In this context, GREVIO points to Articles 8 and 11 of the Law on Preventing and Combating Family Violence, which mandate prompt reactions from authorities responsible for addressing domestic violence (GREVIO, 2023). These provisions contain the obligation to inform victims comprehensively about their rights, available assistance from authorities and institutions, relevant services and organisations, legal procedures for filing complaints, and the role of the police, emphasising a multi-agency approach and collaboration with other competent authorities and civil society. Additionally, Article 11, paragraph 2, of the Law on Preventing and Combating Family Violence underscores victims' entitlement to assistance for physical, psychological, and social recovery through specialised medical, psychological, legal, and social interventions. Importantly, the provision of protection and assistance services is explicitly unconditional on the victim's testimony or participation in the prosecution of the perpetrator. The law also safeguards the victim's right to privacy and confidentiality of information. Despite these legal provisions, a notable disparity exists between the number of requests for police assistance in domestic violence cases and the confirmed cases, as well as convictions (GREVIO, 2023). This raises concerns about the potential underreporting or inadequate handling of online and technology-facilitated violence cases, possibly leading to a similarly concerning situation.

Overall, all the existing measures providing support and assistance to victims, as transposed from Articles 56 (measures of protection) and 57 (legal aid) of the Istanbul Convention, should be applicable to cases of online and technology-facilitated violence. It is therefore crucial to consider both the aspirations and limitations already identified by GREVIO in this context, like the improvement of access to justice (GREVIO, 2023). Furthermore, in recognising the continuum of gender-based violence that women experience, Article 215 of the Code of Criminal Procedure should remain relevant for protecting their life, bodily integrity, and freedom in cyberspace. Ultimately, judicial authorities must be able to issue binding legal orders, upon the victim's application, to remove or disable access to non-consensual intimate material, involving relevant providers of intermediary services. These legal orders play a vital role in preventing or limiting harm, acknowledging the so-called 'third victimisation' women endure with each viewing or distribution of such material (Clevenger & Navarro, 2021).

Recommendations

1. Broaden the criminalisation of the digital dimension of psychological violence - as outlined in Article 201/1 of the Criminal Code - in line with GREVIO General Recommendation no.1. This entails explicitly addressing threats, insults, shaming, defamation, incitement to suicide or self-harm, and economic abuse through ICTs and AI.
2. Enhance the coverage of Article 78 of the Code of Misdemeanour by extending its prohibition to encompass the digital dimension of stalking. In line with GREVIO General Recommendation no.1, this expansion should also include acts like impersonation, collaborative harassment to isolate the victim, and invasion of the victim's privacy through tactics such as monitoring social media, accessing emails and phones, stealing passwords, or engaging in device hacking.

3. Revise Article 177(3) of the Criminal Code to encompass the digital dimension of harassment in a comprehensive manner that avoids restrictive, misleading, and victim-blaming language, aligning it with GREVIO General Recommendation no.1. This revision should involve expanding the scope to incorporate the non-consensual taking and creation of intimate images, threats to disseminate such materials, and eliminating any references to the offender's motives.
4. Ensure the effective enforcement of the revisions to Article 201/1 of the Criminal Code, Article 78 of the Code of Misdemeanour, and Article 177(3) of the Criminal Code, while imposing proportionate sanctions and providing avenues for seeking compensation. For effective investigation, prosecution, and sanctioning, it is necessary to provide comprehensive training for law enforcement agents, lawyers, and judges, equipping them with the necessary skills and knowledge to address the specificities of the digital dimension of violence against women. Additionally, fostering social awareness through campaigns targeting the digital dimension of violence against women and dismantling gender stereotypes can further contribute to creating a more informed and supportive legal environment.
5. Guarantee the applicability of provisions governing victim's support and assistance services in cases involving the digital dimension of violence against women. Amendments should be introduced to empower judicial authorities to issue legally binding orders, upon the victim's application, for the removal or disabling of access to non-consensual intimate material, thus preventing third-party victimisation.

3.4 Coordinating policies to address the digital dimension of violence against women

The Istanbul Convention mandates parties to devise and execute comprehensive and coordinated policies across all government levels and relevant agencies and institutions, engaging government bodies, NGOs, national, regional, and local parliaments and authorities. The National Program on preventing and combating violence against women and family (2023-2027) incorporates this as the fourth general objective, potentially recognising the current problems and already demonstrating a commitment to enhancing the implementation of this last pillar.

In compliance with Article 11 (data collection and research) of the Istanbul Convention, the Republic of Moldova is expected to routinely collect disaggregated and pertinent statistical data on instances of all forms of violence against women, encompassing its digital dimension. The National Program acknowledges the insufficiency of statistical data collected by diverse public institutions, citing a lack of harmonisation, disaggregation based on key factors such as gender, age, form of violence, perpetrator-victim relationship, and geographical location. Official statistics currently lack specificity regarding types of violence, including the extent of incidents involving digital devices or the digital environment. Filling this gap in data will therefore contribute to understanding the prevalence, patterns, and impact of online and technology-facilitated violence against women in the Republic of Moldova, facilitating more targeted and informed interventions. For this purpose, the Republic of Moldova could benefit from considering specific guidelines and recommendations provided by international expert mechanisms and bodies addressing violence against women. For example, UNFPA emphasises the importance of targeting young people, who are seemingly more susceptible to digital abuses, as well as offenders, namely a group often overlooked (UNFPA, 2023). On the other hand, UN Women suggests engaging in consultations with civil society organisations, feminist movements, and other advocates for gender equality. These consultations should be a continuous process, involving the refinement of methodologies, responsiveness to the priorities and perspectives of victims, and the identification of emerging forms, tactics, and contexts of online and technology-facilitated violence against women (UN Women & WHO, 2023).

In addressing the digital dimension of violence against women, GREVIO generally calls for the establishment of an appropriate institutional framework to ensure a comprehensive response. This not only involves effective collaboration among the judiciary, public prosecutors, and law enforcement

agencies (LEAs) but also underscores the need for active engagement and coordination with civil society and non-governmental organisations (CSOs and NGOs) and the private sector (GREVIO, 2021). However, the current level of cooperation among key stakeholders to address online and technology-facilitated violence remains unclear, potentially mirroring the same strengths and limitations observed in addressing offline violence (GREVIO, 2023). In this regard, La Strada Moldova and UN Women report a lack of community and societal engagement in addressing gender-based violence (La Strada Moldova & UN Women, 2019). Furthermore, despite the increasing presence of CSOs and NGOs dedicated to addressing gender-based violence, numerous challenges impede their effectiveness. Insufficient funding is a prevalent obstacle (GREVIO, 2023), and there appears to be a lack of dedicated focus on the digital dimension of violence against women within these organisations. Ultimately, in the near future, the Republic of Moldova will establish the National Agency for Combating Violence against Women, tasked with developing specific policies and overseeing stakeholders involved in addressing this gender-based abuse (Văcărescu, 2023), in line with Article 10 of the Istanbul Convention (coordinating body). However, there is no explicit mention of its jurisdiction or competence in addressing the digital dimension of violence against women. Additionally, it is recommended for the National Agency to involve women at all stages, from conceptualisation to implementation, ensuring that policies, laws, and other interventions adequately address the needs and expectations of women (UN Women, 2020b).

Ultimately, it appears that the Republic of Moldova barely engages with the private sector, and there is a compelling need for a shift in this approach. Internationally, there is a growing recognition of the key role the ICT intermediaries can play in addressing online and technology-facilitated violence against women, often emphasising the necessity for legal and policy reforms targeting them in line with human rights standards. This includes implementing risk assessments, harm reduction measures, and effective reporting mechanisms (EDVAW Platform, 2022). In this regard, UN Women underscores the importance that those representatives of the private sector involved in risk assessment, harmful content identification, and complaint reviews are sensitised to gender issues and receive training on the digital dimension of violence against women, understanding its implications and impacts on victims and women in general. Simultaneously, the UN entity makes it clear that any privately-enforced sanction against online and technology-facilitated violence, such as apologies, suspension, and banning from the social platform, must proportionately reflect the harm and gravity of the violence (UN Women, 2020b).

Recommendations

1. Introduce a comprehensive data collection system across various public institutions, enabling the collection of disaggregated data on the digital dimension of violence against women. This data should encompass key factors such as gender, age, type of violence, perpetrator-victim relationship, and geographical location. Further qualitative and quantitative research should be conducted to ensure a context-sensitive understanding of online and technology-facilitated violence against women within the country.
2. Ensure effective collaboration among the judiciary, public prosecutors, and LEAs, while fostering active engagement and coordination with CSOs and NGOs and the private sector. This requires necessitates the allocation of adequate funding to public institutions, CSOs, and NGOs, alongside the establishment of a coordinating body. This coordinating body should possess expertise in online and technology-facilitated violence and include women among its members.
3. Engage ICT intermediaries in the processes of risk assessment, identification of harmful content, and review of complaints. This involvement should be contingent upon the sensitisation of their staff to gender issues and comprehensive training on the digital dimension of violence against women. This training should equip them with an understanding of the implications and impacts of such violence on victims and women as a whole. Privately-enforced sanctions against online and technology-facilitated violence, including apologies, suspension, and banning from social platforms, should be proportionate to the harm and gravity of the offence.

4. Conclusions

This study has sought to investigate the Republic of Moldova's national framework concerning the digital dimension of violence against women, aligning with legal provisions and policy standards established by relevant international expert mechanisms and bodies.

It began with an overview of how international expert mechanisms and bodies addressing violence against women, including GREVIO, the UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA, have addressed the issue of its digital dimension. These entities play a key role in monitoring, providing recommendations, and working towards eliminating this new and evolving gender-based abuse. GREVIO, for instance, identified key characteristics and forms of online and technology-facilitated violence against women under the Istanbul Convention, emphasising the obligation of parties to criminalise harmful behaviours, like cyberstalking and cyberharassment. Similarly, the CEDAW Committee, through General Recommendation no. 35, expanded the obligations of State Parties to respond to the digital dimension of violence against women, while stressing the importance of data collection and collaboration with the private sector. The UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA also actively contribute to addressing online and technology-facilitated violence, by advocating for gender-responsive laws, data collection, social awareness, and collaboration among various stakeholders.

The study then moved to the monitoring and assessment efforts of international expert mechanisms and bodies concerning the digital dimension of violence against women in the Republic of Moldova. Notably, GREVIO stood out as the sole international actor expressing concern about the insufficient national response to digital violence against women in its first Baseline Evaluation Report on Moldova (2023). On a similar note, UN Women Moldova acknowledged the prevalence and significance of online and technology-facilitated violence in 2019, although no specific actions were undertaken. It did, nonetheless, provide information on its website about secure consultations and data collection during the Covid-19 pandemic. Furthermore, UNFPA recognised the digital dimension of violence against women and initiated the 'bodyright' social awareness campaign in 2023.

Against this backdrop, the study discussed the existing response to the digital dimension of violence against women in the Republic of Moldova, focusing on prevention, protection, prosecution, and coordinated policies. This analysis was conducted in accordance with the Istanbul Convention and its interpretation by GREVIO. Additionally, relevant legislative and policy recommendations from the CEDAW Committee, the UN Special Rapporteur on VAW, the UN Working Group, UN Women, and UNFPA were considered.

The Republic of Moldova has undertaken initiatives to tackle the digital dimension of violence against women, exemplified by the 'bodyright' campaign launched in 2023 by UNFPA. This campaign aims to safeguard women and girls from online and technology-facilitated violence by distinguishing consensual and non-consensual intimate materials. More generally, the study underscored several gaps in prevention efforts that the Republic of Moldova needs to address comprehensively. Specific shortcomings include the absence of targeted education and training, crucial for shaping attitudes and providing support to victims. Furthermore, there is a notable lack of preventive interventions and treatment programs, essential for assisting offenders in behaviour change. Lastly, the study emphasised the need for preventive measures to shape internet norms and behaviours, addressing issues like misogyny, hate, and the toxic use of social media. The engagement with all digital media users, including men and boys, was considered essential. In addressing the digital dimension of violence against women, the Republic of Moldova protect women through the provision of general and specialist support services. In this regard, the "Trust Line for Women and Girls," operates 24/7 and is likewise promoted for victims of online and technology-facilitated violence. Nonetheless, the study identified significant shortcomings in the information available, highlighting that the official webpage dedicated to preventing domestic violence lacks any mention of the digital dimension. Besides, it pointed out that existing support services may not fully meet the unique needs of victims, such as the swift removal of intimate materials online.

Considering technological advancements, the study suggested exploring innovative approaches, such as utilising apps, to offer more accessible support for victims. In the Republic of Moldova, the existing legal framework exhibited significant limitations in addressing the digital dimension of violence against women. Although Article 201/1 of the Criminal Code has been amended to prohibit psychological violence, it has a narrow scope and lacks explicit coverage of various harmful behaviours, such as threats, insults, shaming, defamation, incitement to suicide or self-harm, and economic abuse. A similar issue arose with Article 78 of the Code of Misdemeanour, which, while prohibiting stalking, falls short in encompassing the full range of cyberstalking activities like impersonation, hacking, or invasion of privacy. Additionally, it appeared that Article 173 of the Criminal Code provides limited legal protection for victims of image-based sexual abuse. Ultimately, the study stressed that the absence of specific provisions for the digital dimension of violence against women necessitates reliance on the broader legal framework governing sexual offenses offline.

Addressing the digital dimension of violence against women requires the development and implementation of comprehensive and coordinated policies across all government levels, involving relevant agencies, institutions, NGOs, CSOs, and the private sector. Accordingly, the study highlighted that the National Program on preventing and combating violence against women and family (2023-2027) recognises the current lack of such comprehensive policies and coordination and demonstrates a commitment to filling this gap. For example, the establishment of the National Agency for Combating Violence against Women is seen as a step towards enhancing coordination. The National Program also aims to improve data collection in a harmonised and disaggregated manner, contributing to a better understanding of the prevalence, patterns, and impact of online and technology-facilitated violence against women. Furthermore, the engagement with the private sector is emphasised, with a focus on implementing regulatory and self-regulatory measures.

5. Final recommendations

This report is the study carried out in respect of the Republic of Moldova and its national framework to combat the digital dimension of violence against women, to be understood as encompassing both online aspects (activities performed and data available on the internet, including internet intermediaries on the surface web as well as the dark web) and technology-facilitated (activities carried out with the use of technology and communication equipment, including hardware and software) harmful behaviour perpetrated against women. Based on this assessment, the report welcomed the significant and initial commitment demonstrated by the Republic of Moldova in this field and developed some specific recommendations to strengthen its national framework concerning prevention, protection, prosecution, and coordinated policies. What follows is a broader and more descriptive assessment and recommendation.

Legally qualifying the digital dimension of violence against women: The Republic of Moldova appears to primarily legally qualify the digital dimension of violence against women as a violation of the fundamental right to private and family life under Article 28 of the Constitution. As previously shown, this understanding arises from the systematic examination of criminal provisions that prohibit certain instances of online and technology-facilitated violence, as well as relevant case-law. However, this interpretation does not fully capture the experiences of victims who commonly perceive image-based sexual abuse and presumably other forms of online and technology-facilitated violence as violations of their sexual autonomy (McGlynn & Rackley, 2017). In the same vein, GREVIO has noted that according to the principles of international human rights law, “non-consensual acts of a sexual nature should be defined as violations of an individual’s bodily integrity and sexual autonomy rather than as crimes against morality, public decency, honour, family or society” (GREVIO, 2020, par. 156). Within the national framework, this reinterpretation is not only advisable but also conceivable. Particularly, La Strada Moldova and UN Women clarify that the constitutional guarantee of the intimate dimension of private life aims to safeguard an individual’s identity, intimate life, and personal relationships, including sexual freedom (La Strada Moldova & UN Women, 2019). This recognition holds paramount significance and could serve as a foundational element for the development and implementation of a national framework that champions personal autonomy and consent. More precisely, such an approach could contribute to dismantling enduring social subordination and gender stereotypes, empowering women to articulate their experiences and participate in society on an equal footing.

Conducting comprehensive research: This study signifies the first-ever examination of the digital dimension of violence against women in the Republic of Moldova. Its significance goes beyond its immediate findings, as it should act as a catalyst for a more comprehensive and nuanced exploration through qualitative and quantitative research. Such an investigation will play a key role in unfolding the nature, scale, significance, and impacts of online and technology-facilitated harms on women within the Moldovan context. As such, it will not only amplify the voices of victims but will also serve as a foundation for informed legal reforms, enhanced law enforcement practices, improved victims’ support mechanisms, and more effective social awareness campaigns. This is of the utmost importance, considering that, at the time of writing, the Ministry of Internal Affairs has seemingly initiated a draft law to adjust the provisions of Law No. 20 regarding the prevention and combating of digital crime. Although the content of the draft law has not been publicly disclosed, this political move arises from the pressing need for reporting mechanisms to be easily accessible to citizens and for the establishment of specialised units dedicated to identifying and combating cybercrimes, including those related to the digital dimension of violence against women (UNFPA Moldova, 2023c).

Reforming the legal framework: On the matter of legal reform, it is necessary to broaden the scope of the existing provisions in the criminal and misdemeanour codes, which currently only address specific instances of online and technology-facilitated violence against women. More precisely, this limited scope relates to the particular actions described in the provisions, the reference to “information of a sexual nature,” the additional burden of proving the perpetrator’s motivation, and the sole consideration

of “computer systems”. As previously discussed, the digital dimension of violence against women encompasses a diverse range of behaviours and experiences. Legal reform should therefore reflect the personal and varied experiences of victims, while recognising that nudity and other intimate imagery may not always align with conventional norms in dominant communities (Erika Rackley et al., 2021). Furthermore, caution should be exercised when referring the offender’s motivation, as it could place a level of responsibility on victims for the harmful conduct, potentially complicating criminal prosecution. A balanced approach is necessary to ensure legal liability without hindering the pursuit of justice. Ultimately, legal reform must adopt a forward-thinking perspective, acknowledging the ever-evolving nature of digital violence against women. The continuous development of social media platforms, artificial intelligence, and emerging technologies like the metaverse necessitates an agile and adaptable legal framework.

Adapting the legal framework and enforcement to the unique needs of the victims: In the absence of specific provisions, this study has frequently relied on the application of the national framework addressing gender-based violence occurring offline. While this may suffice in certain instances or serve as an initial step, future legal and policy reforms should be shaped on the unique characteristics of the digital dimension of violence against women. As previously emphasised, introducing a provision that empowers judicial authorities to promptly issue binding legal orders, upon the victim’s application, for the removal or disabling of access to non-consensual intimate material is of utmost importance. While involving relevant intermediary service providers, this measure aims to mitigate the ongoing harm inflicted by online and technology-facilitated violence, often escalating with each viewing or distribution of intimate materials. Moreover, given the current limitations of the legal framework addressing the digital dimension of violence against women, a significant role will be played by case-law in its responsiveness and reflection of victims’ experiences. Judges, in this context, should adopt a gender-sensitive and intersectional approach, acknowledging that victims may experience online and technology-facilitated violence differently due to multiple and intersecting personal characteristics, including disability, age, and occupation, among others. Incidentally, this recognition should also guide the provision of assistance and support to victims. For this purpose, it is essential to ensure comprehensive training for professionals engaged in addressing the digital dimension of violence against women. This training, potentially involving collaborative initiatives with other countries, should equip them with the necessary skills to identify the nuanced and evolving patterns of online and technology-facilitated violence and respond effectively to its specificities.

Engaging with the private sector: The fight against the digital dimension of violence against women and the safeguarding of women’s human rights find themselves at the crossroads of conflicting rights and freedoms, including those intertwined with broader economic, financial, and business interests. Accordingly, it is necessary to foster ongoing dialogue with the private sector, recognising the responsibility of the Republic of Moldova to regulate business activities that could adversely impact the fundamental rights and freedoms of women in cyberspace and beyond. In this regard, in Europe, the prevailing legislative and policy trajectory currently involves several measures that states should impose on the private sector to identify and mitigate online and technology-facilitated harms. These measures encompass risk assessments, human rights due diligence, content moderation, independent audits, and the creation of transparency reports, among others (Nave & Lane, 2023; Posetti & Bontcheva, 2022; Council of Europe, 2021). The Republic of Moldova could take inspiration from these efforts and actively join the collective fight, drawing on existing lessons learned.

Engaging with CSOs and NGOs: As previously reported, in the Republic of Moldova, CSOs and NGOs currently play a pivotal role in preventing and addressing gender-based violence, as well as providing crucial assistance and support to victims. Their involvement could therefore be vital in raising social awareness, advocating for policy reforms, and implementing preventive measures, extending their impact to the digital sphere. Nonetheless, it is essential to acknowledge that the current contribution of CSOs and NGOs in this context is still limited, potentially due to existing financial constraints. To enhance their impact and effectiveness, increased funding is imperative. These organisations often operate on limited budgets, and bolstering their financial resources would empower them to expand their reach, implement more comprehensive programs, and address the multifaceted challenges posed by online and technology-facilitated violence against women.

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