

JOINT COMMENTS TO THE DRAFT PAPER

Applying a gender lens to the implementation of the UNGPs in the digital age (13th March 2025 version)

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Introduction

Women at the Table¹, The Association for Progressive Communications (APC)², Derechos Digitales³, Pollicy⁴, Equality Now⁵ and AUDRI⁶ welcome the opportunity to present this joint contribution to the B-Tech Project report on applying a gender perspective to the implementation of the UNGPs in the digital age. Based on the consultation process organized by Women at the Table, APC and Derechos Digitales that took place during CSW69, we present a small set of comments that seek to contribute to enriching the structure and content of the report. Drawing on the arguments of the consultation participants⁷ about the need for a systemic change in the culture, business models and the very operation of technology companies. We reinforce the three pillars of the UNGPs with specific areas of concern from an intersectional and gender approach by linking specific recommendations to States and Companies, which helps stakeholders to easily identify and focus on actions related to their respective roles.

The structure we propose focuses on each of the UNGPs' pillars, acknowledging these are the most widely recognized global standard for governments and companies to address the negative impacts of business activities on the human rights of women and gender-diverse people. On Pillar I -State Duty to Protect-, we emphasize the critical need for comprehensive human rights based balanced legislation to address Technology-Facilitated Gender-Based Violence (TFGBV), alongside stronger Artificial Intelligence (AI) regulation and governance frameworks to mitigate gendered harms. We further highlight the necessity of guaranteeing gender-inclusive digital policies to bridge systemic inequalities in access and participation. Under Pillar II -Corporate Responsibility to Respect-, we underline how digital technologies can be used to exacerbate TFGBV, algorithmic bias, and discrimination while creating data privacy risks, underscoring the need for greater women's representation in tech development. Finally, on Pillar III -Access to remedy-, we highlight the marginal participation of women and gender-diverse people when building remediation mechanisms, as well as unclear judicial and non-judicial pathways to seek justice. We stress the need of democratic remedy mechanisms accessible for all, that prevent retaliation against victims.

¹ More information at: <https://www.womenatthetable.net/>

² More information at: <https://www.apc.org/en>

³ More information at: <https://www.derechosdigitales.org/>

⁴ More information at: <https://pollicy.org/>

⁵ More information at: <https://equalitynow.org/>

⁶ More information at: <https://audri.org/>

⁷ Members of organizations such as UN Women, UNFPA, the UN Working Group on Discrimination against Women and Girls (WGDAG) and CEDAW, among others, were present at the consultation, as well as civil society organizations.

Most relevant international standards

The documents listed below offers a solid normative framework for addressing the intersection of gender, technology, and business conduct under international human rights law. They reflect the growing recognition by UN bodies that the digital environment is not neutral, and that TFGBV and other online harms must be understood as human rights violations requiring urgent attention.

- HRC Resolution 20/8 (2012)⁸ reaffirmed that all human rights offline must also be protected online. It established the foundational principle that States have a duty to ensure rights such as privacy, freedom of expression and access to information in digital spaces, including for women and gender-diverse people.
- HRC Resolution 38/5 (2018)⁹, and the associated Report of the Special Rapporteur on violence against women, A/HRC/38/47¹⁰, identified online violence against women and girls as a form of gender-based violence and outlined States' obligations to prevent, investigate, punish, and provide redress for such violations. The report also provided a typology of TFGBV and called for cooperation with internet intermediaries.
- General Assembly report A/76/258 (2021)¹¹, authored by the Special Rapporteur on freedom of expression, Irene Khan, explored how online violence silences women — especially journalists, activists and human rights defenders — and highlighted the chilling effects of abuse, surveillance, and lack of platform accountability. It emphasized the need for gender-sensitive responses grounded in international human rights norms.
- A/79/500 submission (Austria, 2024)¹² contributed to ongoing debates around the Global Digital Compact. It underscored the necessity of digital inclusion, access to

⁸ A/HRC/RES/20/8. The promotion, protection and enjoyment of human rights on the Internet. Resolution adopted by the Human Rights Council. Available at:

<https://documents.un.org/doc/resolution/gen/g12/153/25/pdf/g1215325.pdf>

⁹ A/HRC/RES/38/5. Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts. Resolution adopted by the Human Rights Council. Available at:

https://digitallibrary.un.org/record/1640463/files/A_HRC_RES_38_5-EN.pdf

¹⁰ See: <https://docs.un.org/en/A/HRC/38/47>

¹¹ Khan, I. (2021). Promotion and protection of the right to freedom of opinion and expression. A/76/258. Available at: <https://undocs.org/A/76/258>

¹² A/79/500. Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls. Available at:

justice, and platform responsibility for addressing harms against women and LGBTQIA+ individuals online, within the framework of international cooperation.

- The Beijing Declaration and Platform for Action (1995)¹³, particularly Strategic Objective J, recognizes the critical role of media and information and communication technologies in advancing gender equality. It calls for the elimination of stereotypes and harmful portrayals of women in digital and media content, as well as the promotion of women’s full participation in ICT development and decision-making.
- The Commission on the Status of Women (CSW), especially in its 67th session (2023)¹⁴, emphasized innovation and technological change as key to achieving gender equality. It produced detailed guidance on preventing online gender-based violence, promoting equitable access, and ensuring digital rights for women and girls, including those in vulnerable and marginalized communities.

These instruments not only reinforce States’ obligations to protect and fulfill women’s and LGBTQIA+ rights in the digital sphere, but also provide clear standards for companies to prevent and remedy digital harms under the UNGPs. Together, they build the foundation for a rights-based, intersectional, and survivor-centered approach to digital governance.

Pillar 1 - The State duty to protect

States have a binding obligation under international human rights law to protect all individuals from rights violations, and this duty must be understood and implemented through a gender lens. Applying a gender perspective requires states to recognize and address the structural inequalities, discriminatory norms, and intersecting forms of oppression that make women and gender-diverse people more vulnerable to rights violations, both offline and online. This entails not only preventing and responding to direct acts of discrimination or violence but also dismantling systemic barriers that hinder the full enjoyment of rights – such as unequal access to justice, healthcare, education, and digital technologies. The duty to protect from a gender lens also means ensuring that laws, policies, and institutional practices do not reinforce gender biases and that they actively promote substantive equality. States must adopt measures that are inclusive, intersectional, and participatory, ensuring that the voices and experiences of those most affected by gender-based harms inform public decision-making. Failing to consider gender

<https://www.unwomen.org/sites/default/files/2024-10/a-79-500-sg-report-ending-violence-against-women-and-girls-2024-en.pdf>

¹³ See: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

¹⁴ See: https://www.unwomen.org/sites/default/files/2023-03/CSW67_Agreed%20Conclusions_Advance%20Unedited%20Version_20%20March%202023.pdf

dynamics in the fulfillment of this duty perpetuates injustice and undermines the universality and indivisibility of human rights.

Technology-facilitated gender-based violence (TFGBV) poses serious threats to the rights, dignity, and security of women and gender-diverse people, both online and offline. States have a positive obligation under international human rights law to protect individuals from such harms, including when they are perpetrated by private actors. This duty to protect requires states to adopt legislative, administrative, and practical measures to prevent TFGBV, ensure access to justice for victims, and promote safe digital environments. Protection also entails demanding digital platforms to uphold transparency, accountability, and human rights standards, while ensuring that interventions do not restrict fundamental rights, such as freedom of expression. Failure to act with due diligence to prevent, investigate, punish, and remedy acts of TFGBV constitutes a breach of states' human rights obligations, particularly under instruments like CEDAW¹⁵, the Universal Declaration of Human Rights, and regional human rights frameworks. In the digital age, the state's duty to protect must explicitly encompass online spaces, recognizing the structural inequalities that make certain groups more vulnerable to technology-driven abuse.

1. States should address TFGBV through the adoption of comprehensive legislation

Non-existent or deficient TFGBV legislation in the area has allowed for the proliferation of cases and a widespread sense of lack of accountability. At the same time, many ill-suited laws have been not only ineffective at responding to or preventing TFGBV, but at times impose risks to women and gender non-conforming individuals, in particular criminalising expressions and behaviours. The few existing dedicated frameworks are often fragmented and lack proper implementation.

Recommendations to States:

- Recognize TFGBV as a form of Gender-Based violence: States should recognize TFGBV as a form of Gender-Based violence with real-life impact on women's lives and on society as a whole, advancing towards multifaceted and integrated legislative frameworks to address it from a human rights perspective.
- Comprehensive and balanced TFGBV frameworks: TFGBV frameworks should be comprehensive and recognize the many manifestations and dimensions of TFGBV as an expression of the continuum of online-offline structural violence faced by women and gender non-conforming individuals. Frameworks that address this issue need to be part of a broader multifaceted

¹⁵ See: <https://www.un.org/womenwatch/daw/cedaw/>

strategy that also involves non-legal measures aimed at removing systemic and structural barriers to gender equality.

- Survivor-centered and rights-based approaches: Frameworks should adopt survivor-centered and rights-based approaches promoting dignity and agency of survivors, rather than punishment alone.
- Provide for effective access to justice: States' institutions should facilitate the reporting of cases, documentation and evidence of digital attacks. Provisions should be included to promote the strengthened capacity of police, judiciary, and other authorities to understand TFGBV. Survivors should receive legal aid and digital evidence support.
- States should legislate for transparency and due diligence obligations for platforms: Legislative efforts regarding digital platforms need to advance towards reporting mechanisms; timely and due-process-driven takedown procedures; transparency reports on moderation and abuse complaints; impact assessments should be compulsory

2. AI regulation and governance should adopt a gender lens

AI systems are not neutral — they reflect and often reinforce existing social inequalities, including those based on gender. AI Systems can perpetuate and amplify gender bias. While women and marginalized genders often bear the brunt of AI harms, the tech sector itself lacks gender diversity.

Recommendations to States:

- Gender equality as a principle of AI governance: States should embed gender equality as a core principle of AI governance paying adequate attention to the diverse experiences of women and people of diverse genders when it comes to AI development and deployment.
- Ensure gender-disaggregated and inclusive data practices: States should promote the collection and use of gender-disaggregated data, while respecting privacy and consent. Address data gaps and biases by including data from diverse populations, particularly women and gender-diverse people from marginalized communities. Norms should also encourage participatory approaches in data design and annotation processes.
- AI regulation and governance should tackle bias and discrimination: States should mandate algorithmic impact assessments that evaluate potential gender and intersectional harms; require regular audits for bias and discrimination in high-risk AI systems; and impose accountability mechanisms for discriminatory outcomes, including redress for affected individuals.

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- States should promote gender-responsive innovation and research: Special programmes and financing should be developed to fund and support feminist tech initiatives and gender-sensitive AI research. States should incentivize developers and companies that build technologies to advance gender equality and social justice, as well as encourage open-source and community-led AI solutions that are responsive to local gendered needs.

3. Access and gender digital inclusion

Systemic barriers prevent women and gender-diverse people from fully accessing, using, and benefiting from digital technologies — and it remains a critical challenge in achieving digital justice. These barriers include limited access to affordable internet and devices, lower levels of digital literacy, socio-cultural norms that restrict technology use, and online environments that are often hostile or unsafe for women and LGBTQ+ individuals. In many contexts, women are less likely to own mobile phones, be represented in STEM fields, or participate in shaping digital policies, which deepens existing power imbalances. This exclusion not only limits individual opportunities for education, work, health, and civic engagement, but also distorts the development of technology itself, making it less representative and equitable. Without targeted interventions, gender digital exclusion risks becoming a self-reinforcing cycle of marginalization in an increasingly digital world.

Recommendations to States:

- Develop targeted policies and programmes to expand affordable and equitable access: States should invest in universal, affordable meaningful internet connectivity, especially in underserved rural and low-income areas.
- Facilitate financing for alternative models of connectivity: States should expand and sustain funding for connectivity models that are community-base and centered, such as community networks.
- Gender-sensitive digital literacy programs at all levels: States support gender-sensitive digital literacy trains from basic to advanced skills, ensuring also that women and girls have access to training in STEM and emerging tech fields.
- Involve women in tech policy and governance: States should contribute to closing the gender gap in tech policy and ensure women's and LGBTQIA+ organizations are represented in digital policy-making bodies.

Pillar 2 - The corporate responsibility to respect

Businesses, including technology companies and digital platforms, have a responsibility to respect human rights, including the rights of women and gender-diverse people, in accordance with international standards such as the UN Guiding Principles on Business and Human Rights. This duty to respect requires companies to avoid causing, contributing to, or exacerbating human rights abuses, including technology-facilitated gender-based violence (TFGBV). Businesses must actively prevent, and mitigate risks to human rights throughout their operations, products, and services, applying a gender-sensitive lens in all due diligence processes. Respecting human rights also demands that businesses ensure their technologies do not perpetuate or amplify existing gender inequalities, that they provide accessible and effective remedies for harms caused, and that they engage meaningfully with affected groups. In digital environments, where corporate actions shape the conditions for expression, participation, and safety, businesses must integrate gender considerations into content moderation, algorithm design, data practices, and security measures to uphold the rights and dignity of all users.

1. Technology-Facilitated Gender-Based Violence and Safety

Technology-facilitated gender-based violence (TFGBV) has emerged as a pervasive issue affecting women and girls disproportionately in digital spaces. This includes online harassment, non-consensual sharing of intimate images, stalking facilitated by technology, deepfakes, doxxing, and coordinated attacks that silence women's voices. These harms often have several consequences, leading to psychological trauma, self-censorship, withdrawal from online spaces, damage to reputation, and physical safety risks. The scale and severity of these impacts are further magnified for women facing intersectional discrimination.

Recommendations to Businesses:

- **Safety by Design:** Integrate safety features from the earliest stages of product development, including conducting TFGBV-specific risk assessments before launching new features or products that enable user interaction or content sharing.
- **Effective Response Systems:** Implement robust and accessible reporting mechanisms for TFGBV with transparent timelines, trained human reviewers who understand gender-based violence, and appropriate escalation pathways for serious threats.
- **Stakeholder Engagement:** Collaborate with women's rights organizations, data and civic tech organisations, survivors, and experts in gender-based violence to understand evolving threats and develop effective safety measures that address the lived experiences of women and girls.

2. Algorithmic Bias, Discrimination and Data Privacy

Digital technologies frequently reinforce gender stereotypes and perpetuate discrimination through algorithmic bias and privacy violations that disproportionately affect women and girls. AI systems and recommendation algorithms often amplify harmful stereotypes, depicting women in limited roles or hypersexualized contexts, while reinforcing traditional gender norms. These systems, designed and trained primarily by mono-demographic teams using unrepresentative datasets, fail to account for diverse lived experiences. The resulting technology reflects and amplifies existing social biases, leading to discriminatory outcomes in areas from search results to hiring practices. Meanwhile, the vast collection of personal data — particularly reproductive, health, and intimate information — poses heightened risks for women who may face surveillance, harassment, or legal consequences based on this data, especially in contexts where reproductive rights are restricted.

Recommendations to Businesses:

- **Bias Testing and Mitigation:** Conduct comprehensive assessments for gender bias at all stages of algorithmic development, including representative testing data, diverse validation methods, and continuous monitoring of outcomes with particular attention to stereotypical representations.
- **Privacy-Enhancing Design:** Implement gender-responsive privacy practices, including data minimization for sensitive information, enhanced protections for reproductive and health data, and clear controls that empower users to understand and manage how their data is used.
- **Transparent Reporting:** Publish regular, detailed reports on algorithmic performance across gender lines, documenting testing methodologies, identified biases, mitigation efforts, and outcomes to enable accountability and continuous improvement.

3. Representation and Participation in Technology Development

The profound underrepresentation of women in technology development and leadership positions results in products and services that fail to address women's needs and concerns. Women remain significantly underrepresented in technical roles, management, and board positions within technology companies, with even lower participation rates for women facing multiple forms of discrimination. This imbalance leads to technology designed primarily from mono-demographic perspectives, creating a cycle where products fail to serve women adequately, gender stereotypes are reinforced, and barriers to women's participation in digital spaces persist. The resulting gender digital divide limits women's economic opportunities and influence over the digital systems increasingly shaping society.

Recommendations to Businesses:

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- **Diverse Development Teams:** Establish targeted recruitment, retention, and advancement programs to increase women's representation at all levels, particularly in technical and decision-making roles, with specific attention to women facing intersectional discrimination.
 - **Inclusive Design Processes:** Implement formal protocols that ensure women's perspectives are incorporated throughout product development, including diverse user testing panels, gender impact assessments, and structured feedback mechanisms from women users.
 - **Workplace Transformation:** Create equitable and supportive workplace environments by addressing bias in evaluation systems, implementing comprehensive anti-harassment policies, offering flexible work arrangements, and fostering cultures where women can thrive professionally.

4. Lack of access to Data and poor data governance

People are at the heart of development, and states must adopt strategic, preventative approaches, rather than defaulting to defensive postures that have often hindered the advancement of digital agendas. The constantly evolving nature of the digital landscape has left many policy frameworks struggling to keep pace. In this vacuum, corporate governance and control are increasingly shaping the global digital order. Major tech actors are consolidating their dominance, enabled by weak data governance structures and divergent interpretations of digital transformation across regions.

Under the UN Guiding Principles on Business and Human Rights (UNGPs), companies are expected to respect human rights, which includes proactively identifying, mitigating, and addressing risks stemming from their products and services. This responsibility is heightened in light of rising threats to safety, privacy, and equality, especially for marginalised groups like women and girls.

Recommendations to Businesses:

Corporate responsibility today must encompass and adhere to market and country standards such as:

- Human rights due diligence across value chains, with attention to groups most vulnerable to digital harms.
- Integration of gender-responsive approaches, including consultation with affected stakeholders.
- Commitments to transparency and accountability, especially in digital technologies' design, deployment, and governance through access to data mechanisms¹⁶.

¹⁶ The GPSDD has released a new Roadmap for Accessing Mobile Network Data for Official Statistics that offers practical guidance to help national statistical offices harness the power of mobile data.

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- Mitigation of unintended consequences, such as technology-facilitated gender-based violence and discriminatory algorithmic practices.

To fulfill their responsibilities, tech companies must ensure access to data and cybersecurity and embrace inclusive and ethical design that upholds all users' dignity, safety, and rights in an increasingly borderless and vulnerable digital world.

Pillar 3 - Access to remedy

Emerging digital technologies deployed by companies, governments or individuals can inflict serious harms on women and gender-diverse people, with consequences that can be profound and irreversible. These harms significantly undermine the exercise of fundamental human rights. Access to effective remedy is a core component of the UNGPs that tackles technology-related gender harms and requires coordinated efforts of States and businesses, involving affected groups. Remediation mechanisms can include judicial and non-judicial pathways as well as operational-level grievance mechanisms developed by businesses. However, “providing a mechanism through which a remedy can be sought is not the same as providing a remedy itself”¹⁷. For example, tech companies’ business models and their recent policy changes about inclusion and equity open additional challenges for gender-responsive effective remedy, which underscores the importance of reforms across legal frameworks, corporate policies, governance and management practices to ensure that dignity and respect for all is placed at the core of how tech business operate¹⁸. Below, we outline four key areas of concern that states and businesses must address to implement remedial strategies with gender lens at the center.

1. Lack of collaboration with women and gender diverse individuals in seeking remedies.

Access to remedy¹⁹ cannot be effective without the active and sustained participation of those most affected. Women and gender-diverse people face disproportionate harms in digital environments, yet they are frequently excluded from the design of remedies and redress mechanisms intended to serve them²⁰. This

Developed in collaboration with global partners, the roadmap outlines key steps for building trusted data partnerships, navigating legal frameworks, and ensuring data privacy. <https://od4d.us12.list-manage.com/track/click?u=7c4215a36a63ebf0a8186742d&id=4a6d153c42&e=dedf6f3ae5>

¹⁷ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-concepts-and-principles.pdf>

¹⁸ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-ecosystem-approach.pdf>

¹⁹ Including judicial mechanisms, State-based non judicial mechanisms and non-State-based grievance mechanisms.

²⁰ See <https://www.ohchr.org/sites/default/files/access-to-remedy-concepts-and-principles.pdf>

exclusion reinforces structural barriers and undermines the legitimacy, accessibility and effectiveness of these mechanisms.

Participation is not just a procedural formality; it is a recognized human right under international instruments such as the International Covenant on Civil and Political Rights. It must be meaningful, inclusive, and sustained across all phases of decision-making related to remedy mechanisms. According to the UNGPs (Principle 31), affected groups must be involved in the design and performance of grievance mechanisms to ensure that they are responsive, culturally appropriate, and rights-compatible²¹. Without such participation, remedies fail to reflect the lived experiences of those they aim to serve and risk reinforcing existing power asymmetries²². Besides, this approach amplifies the agency and knowledge of women and gender-diverse individuals regarding their rights, while strengthening the implementation of remedial strategies with gender lens at its core.

Recommendations to States:

- Establish a victim/survivor informed 'remedy ecosystem'²³: Meaningfully include victims/survivors' groups when drafting laws, policies and institutional frameworks for remediation to ensure their effectiveness and avoid revictimization. This approach to remedy addresses structural discrimination against women and gender-diverse groups, while creating sustainable and systemic remedy mechanisms which victims/survivors can rely on.
- Regularly audit and update remedy mechanisms: Engage women's rights groups, feminist movements, LGBTQIA+ organizations, and civil society in reviewing existing remedy mechanisms to ensure these remain responsive, culturally appropriate, and aligned with human rights standards.

Recommendations to business:

- Enhance dialogues with victims/survivors organizations and civil society: Develop corporate policies and remedy mechanisms with stakeholder engagement especially including victims/survivors organizations and civil

²¹ See https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

²² See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf>

²³ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-ecosystem-approach.pdf>

society. This contributes to properly identifying and acting towards adverse impacts of companies' decisions, policies and products²⁴.

- Participation of women and gender-diverse people in leadership positions: Eliminate all forms of discrimination and increase the representation of women and gender diverse individuals from diverse backgrounds in leadership roles, including those related to access to remedy. This will enable early detection of gender biases and risks in tech policies and products, while fostering gender-responsive operational grievance mechanisms.

2. Unclear pathways for accessing remedies due to absence of local human rights-based legal regulations on TFGBV and other digital rights issues.

As highlighted on Pillar 1, there either insufficient or fragmented TFGBV legislation, which acts as a challenge for ensuring remedies against rights violations affecting women and gender-diverse individuals. As such, it is important to clarify that criminal law is not the only option to access remedies, and criminal laws that are not based on human rights and proportionality standards may even pose risks of revictimization for survivors²⁵. Following CSW67 agreed conclusions²⁶, there are a variety of institutional ways for victims/survivors to approach remediation and activate protection measures, such as administrative and civil pathways. Nevertheless, the existence of multiple mechanisms does not guarantee their effectiveness or real accessibility. The routes to them are often not integrated and lack a human rights perspective²⁷. Additionally, their existence remains uneven across States. The same applies to laws related to critical digital issues, such as data protection. Together, these factors create challenges for access to judicial remedy mechanisms, as women and gender-diverse people lack clear pathways to seek justice when their rights are harmed.

Additionally, addressing TFGBV and other technology-related harms through judicial mechanisms requires not only integrated and clear legal frameworks but also capacity-building for judges, prosecutors and other key actors to deliver

²⁴ See https://www.apc.org/sites/default/files/apc_submission_gender_tech_and_the_role_of_business.pdf

²⁵ See https://www.derechosdigitales.org/wp-content/uploads/gender_considerations_on_cybercrime.pdf

²⁶ See https://www.unwomen.org/sites/default/files/2023-03/CSW67_Agreed%20Conclusions_Advance%20Unedited%20Version_20%20March%202023.pdf

²⁷ See <https://www.derechosdigitales.org/wp-content/uploads/cciddhh.pdf>

effective gender sensible remedies that hold technology companies accountable and keep victims/survivors at the center of the process. Otherwise, as evidence shows²⁸, victims/survivors may experience revictimization and other rights' violations.

Recommendations to States:

- Integrate remedy routes for TFGBV: Avoid fragmentation between judicial and non-judicial pathways for addressing TFGBV by ensuring institutional coordination. The choice of remedy mechanisms must be grounded in human rights standards and aligned with survivor/victims' needs and redress goals.
- Comprehensive human rights-based and survivor-centered legal frameworks: Operationalize human rights when building TFGBV legal frameworks. This includes establishing protection measures and procedural safeguards aligned with a human rights perspective so these frameworks can effectively provide gender-protective remedies. Legal remedies for TFGBV should explicitly recognize it as a form of gender-based violence and, consequently, a violation of human rights.
- Capacity-building for officials and prosecutors: Implement mandatory gender-sensitive training for police officers, judges, prosecutors and other key actors to address gender biases in the interpretation and application of legal frameworks. Those biases can lead to revictimization and minimization of complaints. This measure pushes officials to recognize the gendered dimensions of tech business-related harms and their disproportionate impact on women and gender-diverse individuals' rights, as highlighted by UN standards²⁹ and statements³⁰.

Recommendation to Businesses:

- Accountability measures and specific policies against TFGBV: Assess and mitigate potential risks that tech products and services pose to women and gender-diverse people by accounting for prevalent digital rights violations and evolving TFGBV manifestations. Employ design guidelines and protections developed including those developed by the United Nations

²⁸ Ibid

²⁹ See CEDAW's General Recommendation 35:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en

³⁰ See A/HRC/38/47. Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective.

Available at: <https://docs.un.org/en/A/HRC/38/47>

Populations Fund³¹. This enables businesses to identify operational systemic gaps and biases while adapting their practices and policies in response³².

- Public information about risks and threats for women and gender-diverse people: Disclose public reports³³ about when and why tech products and services' performance may facilitate or exacerbate TFGBV or pose risks and threats to other rights such as data protection and freedom of expression for women and gender diverse individuals. The reports should include information about the measures taken by the companies to mitigate those risks, including available remedy routes.

3. Risks of digital oppression and retaliation against women and gender-diverse people when seeking for remedies.

Accessing remedies for technology-related harms should be a safe and empowering process. Nonetheless, drawing attention to business-related gender and human rights harms can put women and gender-diverse people “at risk of harassment, intimidation, harm to their reputations and mental health and, in some cases, threats to their physical safety”³⁴. This is particularly difficult for those living under repressive regimes where state actors rely on digital surveillance technologies³⁵ and tech companies allow censorship. These reprisals include online harassment, reputational harm, intimidation and, in many cases, threats to physical safety — particularly for journalists, human rights defenders and public-facing figures.

UN Special Procedures have repeatedly raised concern about the chilling effect of such retaliation on civic participation and freedom of expression. The Special Rapporteur on freedom of expression (A/76/258) and the Special Rapporteur on violence against women (A/HRC/38/47) emphasize the need for States to adopt risk-based protection measures and ensure that justice systems are capable of recognizing and responding to these threats.

Recommendation to States:

³¹See <https://www.unfpa.org/publications/safe-ethical-tech-gbv>

³² See UNGPs 29th:

https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

³³ Following UNESCO guidelines for the governance of digital platforms. For more information, see: <https://unesdoc.unesco.org/ark:/48223/pf0000387339>

³⁴ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf>

³⁵ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf>

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- Safeguard victims' and survivors' confidentiality: Ensure that all remediation mechanisms earn and maintain the trust of victims and survivors by protecting their identities and data³⁶. In order to assure that, States should conduct thorough risk assessments, which should actively involve those affected and take into account social, cultural, linguistic, and gender-sensitive factors — including those that may not be immediately visible to State decision-makers³⁷.
 - Follow-up and protection measures: Establish coordinated institutional mechanisms to safeguard victims/survivors throughout the complaint and grievance processes, preventing retraumatization and further rights violations.

Recommendation to Businesses:

- Internal safeguards to prevent retaliation: Ensure that operational grievance mechanisms cannot be exploited to silence women and gender-diverse people — for example, through false reports intended to censor them³⁸, malicious flagging or abuse of reporting tools. Develop internal safeguards to detect and prevent retaliation, and conduct regular audits to assess whether systems, such as those for content moderation, are being misused against vulnerable groups.
- Human rights and gender impact assessments: Conduct ongoing human rights and gender-sensitive audits with input from human rights specialists about operational-level grievance mechanisms to identify and mitigate systemic risks affecting women and gender diverse individuals that prevent them from accessing effective remedies through corporate routes.

4. Social, financial and political barriers for women and gender diverse people to access remedy.

Remediation mechanisms often bring additional cultural, social, physical and financial barriers for women and gender-diverse people, as stated in UNGPs

³⁶ See <https://www.derechosdigitales.org/wp-content/uploads/APC-Derechos-Digitales-and-Global-Partners-Digital-submission-to-the-UN-Human-Rights-B-tech-Project-call-for-inputs.pdf>

³⁷ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf>

³⁸ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf>

(Principle 26³⁹). For many women and gender-diverse people, remediation mechanisms are inaccessible not because they do not exist, but because they are shaped by systemic inequalities. Economic hardship, limited legal and digital literacy, discriminatory laws, social stigma, and lack of trust in institutions create intersecting obstacles to justice⁴⁰, disproportionately affecting those from racialized communities, rural areas, and other marginalized groups, deepening exclusion.

The UNGPs (Principle 31) recognize that grievance mechanisms must be accessible and equitable, which includes addressing structural disadvantages and ensuring that affected individuals have the information, support and resources necessary to seek redress on equal footing. The CEDAW Committee and multiple UN Special Rapporteurs stress that lack of financial means, legal aid, or basic knowledge of rights are major contributors to impunity in cases of TFGBV and other digital harms. These systemic failures cannot be addressed with minor adjustments. Remedy mechanisms must be redesigned to remove cost, procedural and informational barriers and must be rooted in intersectional and survivor-centered approaches.

Recommendations to States and businesses:

- Accessible remediation mechanisms: Provide free legal aid and digital literacy support, ensuring access to information about available remedies in inclusive, clear language and format. Accessibility must be measured not by formal availability, but by whether people can use these mechanisms safely, effectively and with dignity.
- Inclusive remediation mechanisms: Design inclusive remedy pathways for all “including people with physical, sensory or cognitive disabilities, people who are not literate, and people who speak minority languages”⁴¹.
- Affordable remediation mechanisms: Remove cost and procedural barriers that disproportionately impact low-income and marginalized groups; and invest in public awareness and outreach strategies co-developed with communities most affected.

³⁹ See

https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_E_N.pdf

⁴⁰ See <https://www.derechosdigitales.org/wp-content/uploads/APC-Derechos-Digitales-and-Global-Partners-Digital-submission-to-the-UN-Human-Rights-B-tech-Project-call-for-inputs.pdf>

⁴¹ Association for Progressive Communications (APC) (2023). Gender, tech and the role of business: APC submission to B-Tech Project call for inputs. Available at: https://www.apc.org/sites/default/files/apc_submission_gender_tech_and_the_role_of_business.pdf