

Effective Human Rights through Policy and Law: Curbing Digital Violence against Women in all Spheres of Life

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Effective Human Rights through Policy and Law?: Curbing Digital Violence against Women in all Spheres of Life

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Abstract

This paper examines the need to curb digital violence against women in all spheres of life. The paper defines digital violence. It observes that digital violence against women is a growing threat globally that negatively impacts their fundamental rights and freedoms. The paper examines how digital violence affects the fundamental rights and freedoms of women. In light of its impacts on human rights, the paper posits that curbing digital violence against women is crucial in fostering human dignity, justice and equality. It examines how digital violence against women can be effectively tackled through policy and law towards upholding human rights.

1.0 Introduction

Human rights refer to standards that recognize and protect the dignity of all human beings¹. Human rights have also been described as basic entitlements and freedoms that belong to every person in the world, from birth until death². According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights are rights we have simply because we exist as human beings³. It further notes that human rights are inherent for all human beings and are not granted by any state. It has been

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¹ United Nations Children’s Fund., ‘What are Human Rights?’ Available at <https://www.unicef.org/child-rights-convention/what-are-human-rights> (Accessed on 14/01/2026)

² Equality and Human Rights Commission., ‘What are Human Rights?’ Available at <https://www.equalityhumanrights.com/human-rights/what-are-human-rights> (Accessed on 14/01/2026)

³ Office of the United Nations High Commissioner for Human Rights., ‘What are Human Rights?’ Available at <https://www.ohchr.org/en/what-are-human-rights> (Accessed on 14/01/2026)

observed that human rights are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status⁴.

Fostering human rights is a crucial agenda globally in the pursuit of Sustainable Development. For example, at the global level, the *Universal Declaration of Human Rights (UDHR)*⁵ represents the universal recognition that human rights and fundamental freedoms are inherent to all human beings, inalienable and equally applicable to everyone, and that every person is born free and equal in dignity and rights⁶. It stipulates fundamental human rights and freedoms to be universally protected and common standards for achievement of these rights for all people in every nation⁷. In addition, the *International Covenant on Civil and Political Rights (ICCPR)*⁸ is a global instrument that was adopted in order to foster the realization of civil and political rights all over the world. Further, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*⁹ was adopted in order to enhance the protection and fulfillment of economic, social and cultural rights globally. At a continental level, the *African Charter on Human and Peoples' Rights*¹⁰ was adopted towards promoting and protecting human rights and fundamental freedoms for the people of Africa. Protecting human rights is also a crucial agenda in Kenya. The *Constitution of Kenya*¹¹ seeks to advance human rights for all citizens and contains a comprehensive Bill of Rights covering both civil and political rights; and economic, social and cultural rights¹².

⁴ United Nations., 'Human Rights' Available at <https://www.un.org/en/global-issues/human-rights> (Accessed on 14/01/2026)

⁵ United Nations General Assembly. *The Universal Declaration of Human Rights (UDHR)*. New York: United Nations General Assembly, 1948

⁶ Ibid

⁷ Ibid

⁸ United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966

⁹ United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966

¹⁰ Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights ("Banjul Charter")*, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981

¹¹ Constitution of Kenya., 2010., Government Printer, Nairobi

¹² Ibid, chapter four

Protecting human rights is therefore a vital agenda at the global, regional and national levels. Achieving this ideal is vital in the quest for Sustainable Development. For example, it has been observed that human rights are central in the Sustainable Development agenda since they are a necessary foundation for a peaceful, prosperous and sustainable world¹³. Further, it has been argued that without universal respect, implementation, and protection of human rights, it is impossible to build just, inclusive, and equal societies as envisaged under the Sustainable Development agenda¹⁴. The United Nations 2030 Agenda for Sustainable Development¹⁵ envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity¹⁶. The Agenda is grounded in key human right instruments including the UDHR, the ICESCR and the ICCPR¹⁷.

Despite their fundamental importance, protecting human rights remains a challenge globally. In particular, it has been observed that vulnerable groups including children, women, girls, persons with disabilities, and indigenous peoples continue to face human rights violations undermining justice, equality and development¹⁸. It is therefore

¹³ United Nations Development Programme., 'Human Rights for Sustainable Development' Available at <https://www.undp.org/rolhr/publications/human-rights-sustainable-development> (Accessed on 14/01/2026)

¹⁴ United Nations Development Programme., 'Human rights as a foundation for Sustainable Development' Available at <https://www.undp.org/kazakhstan/blog/human-rights-foundation-sustainable-development#:~:text=Human%20rights%20are%20the%20foundation,%2C%20inclusive%2C%20and%20equal%20society> (Accessed on 14/01/2026)

¹⁵ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 14/01/2026)

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Office of the United Nations High Commissioner for Human Rights., 'Human Rights' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/HandbookParliamentarians.pdf> (Accessed on 03/01/2025)

necessary to ensure effective protection of human rights especially for vulnerable groups in order to foster Sustainable Development.

This paper examines the need to curb digital violence against women in all spheres of life. The paper defines digital violence. It observes that digital violence against women is a growing threat globally that negatively impacts their fundamental rights and freedoms. The paper examines how digital violence affects the fundamental rights and freedoms of women. In light of its impacts on human rights, the paper posits that curbing digital violence against women is crucial in fostering human dignity, justice and equality. It examines how digital violence against women can be effectively tackled through policy and law towards upholding human rights.

2.0 Human Right Impacts of Digital Violence against Women

Digital violence involves the use of Information and Communication and Technologies (ICT) for harmful purposes including harassing, threatening and abusing individuals¹⁹. It encompasses various types of harmful actions and behaviour committed through the harmful use of digital tools and technologies such as smartphones, computers, the internet and social media platforms²⁰. Digital violence can also refer to various forms of harassment, degradation, discrimination or social isolation perpetuated through the internet or by electronic means of communication²¹.

It has been observed that digital violence and abuse is rising fast all over the world, yet most of it goes unnoticed and unreported²². Many individuals are being subjected to digital violence on various platforms including social networks, email, messenger

¹⁹ Introduction to Digital Violence., Available at <https://globalfoundationforgirls.org/wp-content/uploads/2024/04/GFG-What-is-Digital-Violence.pdf> (Accessed on 14/01/2026)

²⁰ Ibid

²¹ Digital Violence-An Overview., Available at <https://hateaid.org/en/digital-violence/> (Accessed on 14/01/2026)

²² United Nations Women., 'Digital Violence is Real Violence' Available at <https://africa.unwomen.org/en/stories/news/2025/11/digital-violence-is-real-violence-noexcuse-for-online-abuse> (Accessed on 14/01/2026)

applications, gaming platforms and chat rooms²³. It has been observed that the digital revolution that is permeating all spheres of life brings both opportunities and challenges. According to the United Nations, digital revolution can help make our world fairer, more peaceful, and more just²⁴. For example, technology is enhancing connectivity, financial inclusion, access to trade and public services, sustainable farming and access to education and health services thus playing a significant role towards achieving the Sustainable Development Goals (SDGs)²⁵. Despite its positive impacts, the digital revolution has also led to the weaponization of technology to spread hate, attacks and abuse against vulnerable groups including children, women and girls²⁶.

Digital violence against women and girls is a growing global threat that undermines fundamental human rights. It has been observed that technology-facilitated violence against women and girls has increased rapidly in recent years, posing serious threats to their rights, safety and well-being²⁷. Millions of women and girls all over the world are affected by digital abuse and violence²⁸. For example, it is estimated that globally, between 16 and 58 per cent of women have experienced some form of digital abuse and violence²⁹. Digital violence against women happens through various forms including cyber harassment, stalking, deepfakes and gendered disinformation³⁰. It has been observed that sexual harassment and stalking are the most common forms of digital

²³ Digital Violence-An Overview., Op Cit

²⁴ United Nations., 'The Impact of Digital Technologies' Available at <https://www.un.org/en/un75/impact-digital-technologies> (Accessed on 14/01/2026)

²⁵ Ibid

²⁶ United Nations Population Fund., 'Technology-facilitated Gender-based Violence' Available at <https://www.unfpa.org/TFGBV> (Accessed on 14/01/2026)

²⁷ United Nations Women., 'Digital abuse, trolling, stalking, and other forms of technology-facilitated violence against women and girls' Available at <https://www.unwomen.org/en/articles/faqs/digital-abuse-trolling-stalking-and-other-forms-of-technology-facilitated-violence-against-women> (Accessed on 14/01/2026)

²⁸ Ibid

²⁹ Ibid

³⁰ United Nations Women., 'Digital Violence is Real Violence' Op Cit

violence against women³¹. For example, image-based abuse (sharing intimate photos without consent), unwanted messages, social media posts and phone calls are some of the most commonly used tactics to perpetuate sexual harassment as a form of digital violence against women³². Further, it has been observed that most of the online deepfakes are sexual images of women and girls³³. In addition, women and girls continue to receive death threats, rape threats, or threats of beating and abduction through digital platforms³⁴.

Women and girls globally are therefore experiencing various types of digital violence and abuse including cyberbullying, sexual harassment and cyberstalking³⁵. As a result, digital violence and abuse has been identified as a gendered phenomenon with women and girls-particularly young women, human rights defenders, journalists, and women in politics being disproportionately impacted³⁶. Digital violence negatively impacts the human rights of women and girls. The United Nations notes that violence against women and girls continues to persist as one of the most prevalent human rights issues globally, with serious impacts on women's and girls' health and lives, families, communities and society at large³⁷. In particular, the United Nations notes that rapid technological advancement has created new risks with regards to violence against women and girls further worsening human rights violations against them³⁸. For instance, the psychological trauma, sexual abuse, economic losses, curtailed educational opportunities, and threats

³¹ United Nations Women., 'Digital abuse, trolling, stalking, and other forms of technology-facilitated violence against women and girls' Op Cit

³² Ibid

³³ United Nations Women., 'Digital Violence is Real Violence' Op Cit

³⁴ Ibid

³⁵ United Nations Economic Commission for Africa., 'Unite to End Digital Violence against Women and Girls' Available at <https://www.uneca.org/stories/%5Bblog%5D-unite-to-end-digital-violence-against-women-and-girls-%23-noexcuse> (Accessed on 14/01/2026)

³⁶ Ibid

³⁷ United Nations General Assembly., 'Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls' A/79/500., Available at <https://www.unwomen.org/sites/default/files/2024-10/a-79-500-sg-report-ending-violence-against-women-and-girls-2024-en.pdf> (Accessed on 14/01/2026)

³⁸ Ibid

to physical safety emanating from digital violence affects several fundamental rights and freedoms including the right to dignity, right to development, right to education and right to equality and non-discrimination³⁹.

Digital violence and abuse against women and girls is therefore a major human rights issue globally that requires urgent attention. It has been observed that this form of abuse amplifies gender-based violence against women and girls with severe consequences on fundamental human rights and freedoms⁴⁰. Consequently, curbing violence against women and girls in all spheres of life is crucial towards effectively protecting human rights for equality, peace, justice and development.

3.0 Curbing Digital Violence against Women and Girls in all Spheres of Life through Policy and Law

Violence against women and girls is a growing threat that impedes the enjoyment of fundamental human rights and freedoms. It has been observed that perpetrators are using a wide range of digital tools and platforms to inflict gender-based harm, abuse, hate speech, violence control and harassment against women and girls⁴¹. Further, the rise of misogynistic content in online spaces is also fuelling discriminatory norms that cause violence against women and girls⁴². Digital violence against women and girls is linked to human right abuses. For instance, women and girls are usually forced to abandon education, suffer from reduced productivity in their professions, restrict their online presence, suffer mental health crises and lose confidence to speak up⁴³. Further, it has

³⁹ Ibid

⁴⁰ United Nations Economic Commission for Africa., 'Unite to End Digital Violence against Women and Girls' Op Cit

⁴¹ United Nations General Assembly., 'Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls' Op Cit

⁴² Ibid

⁴³ United Nations Women., 'Digital violence is real violence: One activist's fight for safety and human rights' Available at <https://www.unwomen.org/en/news-stories/feature-story/2025/11/digital-violence-is-real-violence-one-activists-fight-for-safety-and-human-rights#:~:text=Women/Radhika%20Chalasan-Digital%20abuse:%20A%20global%20epidemic%20hiding%20in%20plain%20sight,and%20a%20fake%20user%20id.%E2%80%9D> (Accessed on 14/01/2026)

been observed that in some cases, digital violence is linked to offline violence including physical violence and femicide⁴⁴.

Curbing digital violence against women in all spheres of life is therefore vital towards effectively upholding human rights. In particular, strengthening policies and laws that govern the cyberspace is crucial towards tackling digital violence against women and girls⁴⁵. It has been argued that digital spaces must be treated as real spaces where fundamental human rights apply⁴⁶. Consequently, all countries have been urged to enact laws and policies addressing digital violence⁴⁷. In addition, there is need to strengthen enforcement of such laws and policies including through robust monitoring and reporting mechanisms⁴⁸. Cooperation with technology and social media companies has also been identified as a crucial approach towards ensuring accountability in the cyber space towards curbing digital violence against women and girls and other vulnerable groups⁴⁹.

Enacting and implementing robust legal frameworks is therefore key towards addressing digital violence against women and girls. It has been observed that the dynamic and evolving nature of technology and the cyber space requires robust legal, policy and accountability frameworks to ensure effective protection of human rights⁵⁰. Consequently, it is imperative to enact and implement laws and policies consistent with international human rights frameworks with a focus on actions and approaches to improve transparency and accountability in the cyber space including through

⁴⁴ United Nations General Assembly., 'Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls' Op Cit

⁴⁵ Ibid

⁴⁶ United Nations Women., 'Digital Violence is Real Violence' Op Cit

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ United Nations General Assembly., 'Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls' Op Cit

partnerships involving governments, technology providers and women's rights organisations⁵¹. In addition, there is need to implement digital literacy programs particularly for vulnerable groups such as women and girls in order to encourage safe use of the cyber space towards protecting human rights⁵².

4.0 Conclusion

The rise of digital violence against women and girls is a major threat to human rights. Curbing digital violence against women is therefore a crucial agenda globally towards upholding human rights. Through effective laws and policies, it is possible to combat digital violence against women and girls and ensure human rights, justice and equality for every human being⁵³. It is therefore necessary to enact and implement robust laws and policies on digital violence which adhere to international human right standards, foster collaborations between governments, technology companies and women groups towards ensuring transparency and accountability in the digital space and enhance digital literacy towards safe use of the cyber space⁵⁴. Curbing digital violence against women is a pertinent ideal in the era of technology towards upholding human rights. There is need to strengthen policy and law in order to actualise this agenda globally for peace, justice and development.

⁵¹ Ibid

⁵² United Nations Economic Commission for Africa., 'Unite to End Digital Violence against Women and Girls' Op Cit

⁵³ United Nations General Assembly., 'Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls' Op Cit

⁵⁴ Ibid

References

Constitution of Kenya., 2010., Government Printer, Nairobi

Digital Violence-An Overview., Available at <https://hateaid.org/en/digital-violence/>

Equality and Human Rights Commission., 'What are Human Rights?' Available at <https://www.equalityhumanrights.com/human-rights/what-are-human-rights>

Introduction to Digital Violence., Available at <https://globalfoundationforgirls.org/wp-content/uploads/2024/04/GFG-What-is-Digital-Violence.pdf>

Office of the United Nations High Commissioner for Human Rights., 'What are Human Rights?' Available at <https://www.ohchr.org/en/what-are-human-rights>

Office of the United Nations High Commissioner for Human Rights., 'Human Rights' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/HandbookParliamentarians.pdf>

Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981

United Nations Children's Fund., 'What are Human Rights?' Available at <https://www.unicef.org/child-rights-convention/what-are-human-rights>

United Nations Development Programme., 'Human rights as a foundation for Sustainable Development' Available at <https://www.undp.org/kazakhstan/blog/human-rights-foundation-sustainable-development#:~:text=Human%20rights%20are%20the%20foundation,%2C%20inclusive%2C%20and%20equal%20society>

United Nations Development Programme., 'Human Rights for Sustainable Development' Available at <https://www.undp.org/rolhr/publications/human-rights-sustainable-development>

United Nations Economic Commission for Africa., 'Unite to End Digital Violence against Women and Girls' Available at <https://www.uneca.org/stories/%5Bblog%5D-unite-to-end-digital-violence-against-women-and-girls-%23-noexcuse>

United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966

United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966

Effective Human Rights through Policy and Law: Curbing Digital Violence against Women in all Spheres of Life

United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). New York: United Nations General Assembly, 1948

United Nations General Assembly., 'Intensification of efforts to eliminate all forms of violence against women and girls: technology-facilitated violence against women and girls' A/79/500., Available at <https://www.unwomen.org/sites/default/files/2024-10/a-79-500-sg-report-ending-violence-against-women-and-girls-2024-en.pdf>

United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

United Nations Population Fund., 'Technology-facilitated Gender-based Violence' Available at <https://www.unfpa.org/TFGBV>

United Nations Women., 'Digital abuse, trolling, stalking, and other forms of technology-facilitated violence against women and girls' Available at <https://www.unwomen.org/en/articles/faqs/digital-abuse-trolling-stalking-and-other-forms-of-technology-facilitated-violence-against-women>

United Nations Women., 'Digital violence is real violence: One activist's fight for safety and human rights' Available at <https://www.unwomen.org/en/news-stories/feature-story/2025/11/digital-violence-is-real-violence-one-activists-fight-for-safety-and-human-rights#:~:text=Women/Radhika%20Chalasan-Digital%20abuse:%20A%20global%20epidemic%20hiding%20in%20plain%20sight,and%20a%20fake%20user%20id.%E2%80%9D>

United Nations Women., 'Digital Violence is Real Violence' Available at <https://africa.unwomen.org/en/stories/news/2025/11/digital-violence-is-real-violence-noexcuse-for-online-abuse>

United Nations., 'Human Rights' Available at <https://www.un.org/en/global-issues/human-rights> (Accessed on 14/01/2026)

United Nations., 'The Impact of Digital Technologies' Available at <https://www.un.org/en/un75/impact-digital-technologies>