



# To Whom Is the Internet a Safe Place?

Gender-based violence in  
the online space

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# Case Study: Public Room and Reference to the Regulation and the Legal Framework for Gender-Based Violence in the Online Space



The Kvinna till Kvinna Foundation



This activity is implemented within the Project "On the Road to the EU: Preventing Violence against Women in the Republic of North Macedonia" funded by the "Kvinna till Kvinna" Foundation (The Kvinna till Kvinna Foundation) and implemented by the National Network to end Violence against Women and Domestic Violence.

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# INTRODUCTION

Gender-based violence in the online space, or online gender-based violence (OGBV), is a set of violent acts directed at women and girls because of their gender identity, committed or aided, in part or in full, through the use of information and communication technologies (ICT)<sup>1</sup>. Such violence and abuse can lead to serious consequences for the health, integrity and dignity of the victim and her close friends or family and put the victim in a life-threatening situation. Globally, women are 27 times more likely to face harassment online compared to men<sup>2</sup>.

With the onset of the Covid-19 pandemic and crisis in March 2020, the vast majority of people shifted their personal and professional activities online. Due to such a change of context, a significant increase in the number of OGBV cases is visible globally<sup>3</sup>. The situation in our country is equally worrying. The case of sharing explicit photos and personal contacts in the group "Public Room" on the Telegram platform is one of many, which not only remained unresolved, but was reactivated during the pandemic with a large number of bullies in several groups on the platform<sup>4</sup>.

The Covid-19 crisis may forever change the way we communicate and live, and the online space as such must be regulated in a similar way to the physical space, in order to prevent the rise of cybercrime and digital violence. This thematic report attempts to address the problem of digital gender-based violence, contextualized through a case study in North Macedonia, and to contribute to the debate on the need for additional preventive and protective measures aimed at better regulating the online space in order to protect victims of gender-based violence. The report's findings and good practices can contribute to advocating for similar activities and measures to be taken in our context as well.

The first section of the report provides a brief overview of the methodology used to approach the issue. The second section provides a reference to the part of the international legal framework that regulates gender-based violence and cybercrime. The third section deals with the case of the group "Public Room" on the Telegram platform. The next section offers an overview of good practices used in the countries of the region and Europe. Finally, the section part provides recommendations for enhancing the

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<sup>1</sup> Submission by the Due Diligence Project to the Office of the High Commissioner for Human Rights Pursuant to Human Rights Council Resolution 32/13 on Ways to Bridge the Gender Digital Divide from a Human Rights Perspective. (2018) "Eliminating online violence against women and engendering digital equality". Available at: <https://bit.ly/3fSxs5i>

<sup>2</sup> Glith. "The impact of online abuse". Available at: <https://fixtheglitch.org/impactofonlineabuse/>

<sup>3</sup> WWB Foundation (2020) "There's a pandemic of online violence against women and girls". Available at: <https://bit.ly/3cWvY5x> и BBC (2020) "Coronavirus: 'Revenge Porn' surge hits helpline". Available at: <https://www.bbc.com/news/stories-52413994>

<sup>4</sup> A1ON MK (2021). "Public Room Reactivated—explicit photographs and telephone numbers of girls in Macedonia shared on Telegram". Available at: <https://bit.ly/3wD1eWl>

strategic and legislative framework in the country in order to broaden the protection of victims of online gender-based violence.

## METHODOLOGY

To problematize online gender-based violence on the map, the methodology of this study refers to the principles of feminist action research<sup>5</sup>. The research attempts: 1) to map the phenomenon of online violence against women by documenting the developments related to "Public Room" and 2) to generate an overview of practices of addressing, protection against and prevention of online gender-based violence, by analyzing experiences in other countries. In this regard, the research is designed to provide:

1. Analysis of existing definitions of online gender-based violence (UN, EU and the national framework)
2. "Public Room" case study
3. Overview of good practices and initiatives by analyzing experiences in other countries.

Reflecting on the Council of Europe Conventions<sup>6,7,8</sup>, the UN Framework<sup>9</sup> and the national legislation, the first part of the survey attempts to problematize the absence of a harmonized statutory definition of online gender-based violence. Through an analysis of the developments related to "Public Room", the second part of the survey seeks to reach the phenomenon of online gender-based violence, the public discourse that normalizes violence and the non-action of national institutions. This part of the survey is formulated as a case study and refers to journalistic articles that reconstruct the chronology of events and the public discourse through articles and publicly available statements and materials from social networks. Finally, the third part documents initiatives in other countries for addressing, protection against and prevention of online gender-based violence. The review also draws on the contribution of representatives of civil society organizations from the Balkans and Europe actively working on the protection and prevention of (online) gender-based violence, to which a questionnaire was sent, specifically developed for the purposes of the research (see Annexes 1 and 2). The following gave their contribution to the survey:

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<sup>5</sup> Reid, C. (2004). Advancing Women's Social Justice Agendas: A Feminist Action Research Framework. *International Journal of Qualitative Methods*, 3(3), 1–15. <https://doi.org/10.1177/160940690400300301>

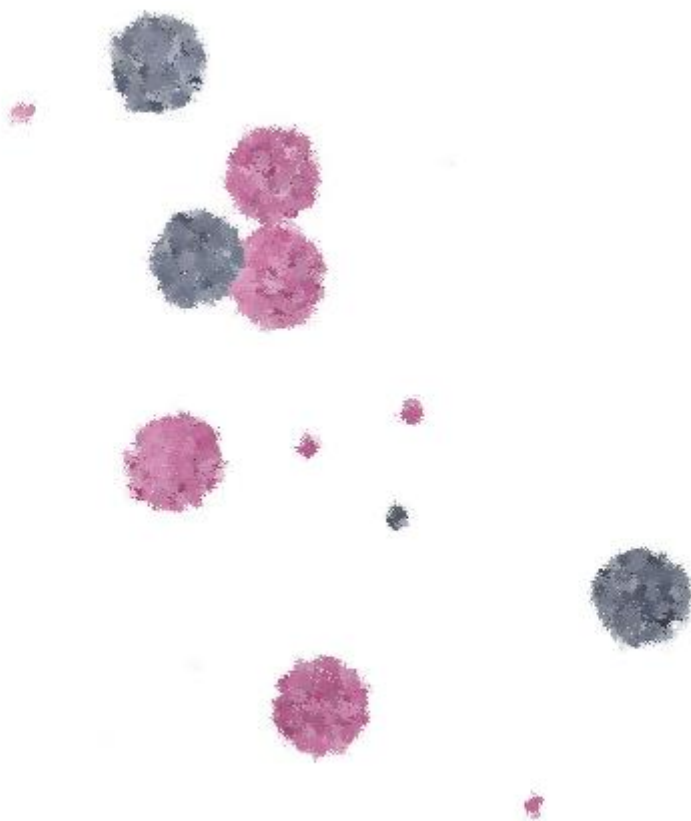
<sup>6</sup> Convention on Cybercrime (Budapest Convention), Council of Europe, 2001.

<sup>7</sup> Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.

<sup>8</sup> Council of Europe Convention on the Protection of Children against Sexual Abuse (Lanzarote Convention), Council of Europe, 2007.

<sup>9</sup> General Recommendation No 35 on gender-based violence against women, Committee on the Elimination of Discrimination against Women (CEDAW), 2017.

1. Hilary Watson – Policy & Campaigns Manager, Glitch UK
2. Mirjam Sági – Hungarian Academy of Science & PhD candidate at Institute for Regional Studies Hungary
3. Sofia Jamal – Independent expert on gender-based violence in Portugal
4. Kejsi Gaxha - Project Coordinator, Gender Alliance for Development Center, Albania
5. Léa Thuillier – France – En avant toute (s) – despite confirmation, did not respond due to sudden illness.



# BRIEF REFERENCE TO THE REGULATORY AND LEGAL FRAMEWORK FOR GENDER-BASED VIOLENCE IN THE ONLINE SPACE

Gender-based violence and cyber-crime (Internet crime) are recognized and regulated areas in international law and documents that have been used for decades. However, many of the main regulations that regulate these areas still recognize the areas as exclusively separate, without taking into account the trends of increasingly frequent cases of gender-based violence in the online/internet space. Our country has ratified and recognized many of these regulations, such as the Council of Europe Convention on Cybercrime, the Council of Europe's Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and the UN Convention on the Elimination of All Forms of Discrimination against Women with accompanying recommendations.

The Council of Europe Convention on Cybercrime, adopted in Budapest in 2001 and ratified by our country in 2004<sup>10</sup>, is the first international document that regulates crimes committed via the internet and other computer networks. Primarily, this document regulates illegal actions on the Internet related to copyright infringement, computer fraud, violation of Internet security protocols, but also producing, processing, distributing or storing child pornography on a computer device (Article 9). However, this Convention lacks explicit reference to online violence or harassment based on gender and gender identity.

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) was ratified by our country and entered into force in 2012<sup>11</sup>. This Convention aims to prevent and protect against all forms of sexual exploitation and abuse of children, whereas every minor under the age of 18 is considered a child. The Convention also contains an anti-discrimination clause where, among other things, the sex (but not the gender) of the victim is taken into account. However, this Convention also lacks an explicit provision regulating the issue of sexual exploitation and abuse of children in the online space.

The United Nations Council on the Elimination of All Forms of Discrimination against Women's Convention on the Elimination of All Forms of Discrimination against Women

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<sup>10</sup> Entered into force in 2005.

<sup>11</sup> The law on its ratification is announced with a decree in 2010. It is available here: [Lanzarote Convention \(coe.int\)](#)

(CEDAW), adopted in 1979, recognizes in its Recommendation 19 of 1992 gender-based violence as a form and manifestation of gender-based discrimination. Additionally, Recommendation 35 of 2017 broadens the understanding and interpretation of gender-based violence, which is a major step in the fight against violence against women<sup>12</sup>. In Article 20, the Recommendation clearly recognizes that gender-based violence against women occurs in all spaces and spheres of human interaction, including online and in other digital environments. However, this document represents only a general recommendation and is not binding on the State Parties<sup>13</sup>. Even more discouraging is the fact that CEDAW itself is one of the human rights conventions with the most reservations by States Parties, which allows states to selectively commit to certain regulations<sup>14</sup>.

The 2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is perhaps one of the most important documents for combating all types of violence against women and children. The Convention sets clear and coherent legal standards that should guarantee freedom from violence for all women. Our country has ratified this Convention and it entered into force in 2018<sup>15</sup>. While the Convention tries to protect women from *all forms of violence* and to create a comprehensive framework, policies and measures to protect and assist all victims of violence against women and domestic violence, the text of this document does not, however, indicate a detailed and open recognition of the Internet as a potential risk of gender-based violence.

Despite this, the interpretation of the Convention is broad, as is its transformation into domestic law, so that although online gender-based violence is not explicitly recognized, it does not mean that violence and harassment in the online space is unregulated. On the other hand, in domestic law, the Istanbul Convention contributed to the adoption of a comprehensive Law on Prevention and Protection from Violence against Women and Domestic Violence<sup>16</sup>, which entered into force in February 2021 and began to be implemented in May of the same year. This law explicitly recognizes online gender-based violence and defines it in Article 3 as: "Sexual harassment through the Internet [which] is<sup>17</sup> any verbal, non-verbal or other conduct of a sexual nature with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading or humiliating environment, access or practice, through electronic means of

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<sup>12</sup>United Nations Human Rights Office of the High Commissioner. Launch of CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19. Available at: <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/GR35.aspx>

<sup>13</sup> Quigg, R. J. A. (2017). The CEDAW Committee and Gender-Based Violence against Women: General Recommendation No 35. *International Human Rights Law Review*, 6(2), 263-278 Available at:

[https://pureadmin.qub.ac.uk/ws/portalfiles/portal/137755384/Submission\\_The\\_CEDAW\\_Committee\\_and\\_Gender\\_Based\\_Violence\\_against\\_Women\\_.pdf?fbclid=IwAR3iaTue4Y6KjOpiIgfF3BXqilkFKceEQzOK9qEzmdL\\_OFk17bfWgAbrHL4](https://pureadmin.qub.ac.uk/ws/portalfiles/portal/137755384/Submission_The_CEDAW_Committee_and_Gender_Based_Violence_against_Women_.pdf?fbclid=IwAR3iaTue4Y6KjOpiIgfF3BXqilkFKceEQzOK9qEzmdL_OFk17bfWgAbrHL4)

<sup>14</sup> Paulina, Montez. "Women's rights are Human Rights: CEDAW's limits and opportunities". In *Berkeley Journal of International Law* (Web). Available at: [Women's Rights are Human Rights: CEDAW's Limits and Opportunities \(berkeleyjournalofinternationallaw.com\)](https://www.berkeleyjournalofinternationallaw.com)

<sup>15</sup> Council of Europe. Charts of signatures and ratification of treaty 210. Available at: [Full list \(coe.int\)](https://www.coe.int/t/e/treaties/210.asp)

<sup>16</sup> Official Gazette of RNM. 24/2021. "Law on Prevention and Protection from Violence against Women and Domestic Violence".

<sup>17</sup> Authors' notes.



communication.<sup>18</sup> This definition is mirrored by the very definition of sexual harassment in the Istanbul Convention (Article 40), which, as mentioned above, does not recognize the internet space as a separate aspect of sexual harassment and gender-based violence.

However, the Istanbul Convention, in Article 40, criminalizes any form of sexual harassment which means that, when harmonizing the domestic law with the Convention, sexual harassment, including online, should constitute a form of gender-based violence which is sanctioned under the domestic Criminal Code. This is not yet the case in North Macedonia despite the announced amendments to the Criminal Code aimed at criminalizing sexual harassment and stalking.

This brief overview leads to the conclusion that the international regulation which is recognized in our legislation does not lay an explicit legal basis for, nor does it define, online gender-based violence. However, the broad interpretation of newer regulations such as the Istanbul Convention and CEDAW General Recommendation 35 has been mirrored into the domestic law where online violence against women is recognized as a form of gender-based violence but has not yet been criminalized within the Criminal Code of the Republic of North Macedonia. Having all this in mind, the section that follows presents the "Public Room" case study, which almost undoubtedly shows that it is precisely the absence of a harmonized legal framework and a definition of online gender-based violence that contributes to the impunity of perpetrators of this type of violence, especially if the victims are adult women.

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<sup>18</sup> Official Gazette of RNM. 24/2021. "Law on Prevention and Protection from Violence against Women and Domestic Violence".

# CASE STUDY “PUBLIC ROOM”

## 25 JANUARY- 5 FEBRUARY 2020 - PUBLIC ROOM I

On January 25, 2020, the media<sup>19</sup> revealed that on the Russian application Telegram there was a group called “Public Room” where pornographic content of underage girls was shared. On the day the group was exposed, it had 7,480 members. Although initially thought to be created and used by high school students, it was soon discovered that adult men shared and commented on images and videos of women and underage girls, including girls aged 12, 13 and 14. The group titled “Socializing and fulling around in our own way” was private and access to it was granted by invitation only. Users were hidden under aliases, and most had their phone numbers hidden. Some journalists who managed to infiltrate the group incognito revealed that they recognized some of the members’ phone numbers as belonging to certain politicians, businessmen and other public figures. Their identity was however not disclosed to the public, allegedly because according to Telegram’s rules, one can be added to the group without his or her consent.<sup>20</sup>

Portals published screenshots/pictures from the group and reported that photographs and videos of girls and women were shared together with their personal information and discrediting comments, such as: “she is easy”, “always ready to send nudes<sup>21</sup> as well as pricelists<sup>22</sup> for alleged sexual favors. The photographs and videos were shared together with the girls’ and women’s names and surnames, their social media profiles, their phone numbers and information about where they live. Some of the photographs and videos were downloaded from the social media accounts of the victims, while others had been sent in private messages to former or current partners who shared them in the group as revenge porn<sup>23</sup>.

The day after the Public Room was exposed, the Additional Deputy Minister in the Ministry of Interior, Slavjanka Petrovska, announced on her Facebook profile that the Public Security Bureau immediately launched an investigation. The next day, on January 26, 2020, the Technical Prime Minister Oliver Spasovski informed us that full proceedings have been initiated and that the Public Prosecutor’s Office had been notified. In his public address, the Prime Minister called for swift resolution of the case and said: “ I appeal to all, parents and educational institutions, for greater supervision of children<sup>24</sup> and for timely reaction both at home and in schools”. At the same press conference, the Additional Deputy

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<sup>19</sup> <https://alon.mk/macedonia/vo-tajna-grupa-na-telegram-se-spodeluvaat-pornografski-vidaa-i-fotografii-od-maloletni-devojchinja/>

<sup>20</sup> <https://alon.mk/macedonia/politichari-i-biznismeni-del-od-pornografskata-grupa-kade-shto-se-spodeluvaat-fotografii-od-maloletnichki/>

<sup>21</sup> <https://alon.mk/macedonia/administratorot-na-javna-soba-so-koj-kontaktirashe-alon-sam-se-prijavil-vo-policija/>

<sup>22</sup> <https://www.slobodenpecat.mk/kreatorot-na-javna-soba-zavrshi-vo-oglasnik-kupi-prodaj/>

<sup>23</sup> This term refers to the distribution of sexually explicit images or videos of individuals without their consent. The materials are likely to have been made by an intimate partner and at the time they were made may have been made with or without the consent and knowledge of the victim.

<sup>24</sup> Cursive added by authors.

Minister of Labor and Social Policy Sanela Shkrielj said that one day after the exposure of "Public Room" there were still no reports from the parents of the girls who were subject to abuse and appealed to the parents: "whose girls were exposed<sup>25</sup> in the group, to turn to the Centers for Social Work for expert help. "<sup>26</sup>

A portal <sup>27</sup> revealed that before "Public Room", there were similar groups on other platforms. The story began in September 2019, through an anonymous chat room on the Volafile platform (volafile.org). The group was named the "Slut Register" and its members, without having to have registered profiles, anonymously shared explicit content. According to the platform's rules, "the room" functions as a folder that automatically synchronizes shared content with users, who can then download it and share it further. This group died down some of the users migrated to a new group, now on the Telegram platform, named "Loafers". This group also disappeared after a while, and "Public Room" was formed in December 2019. By January 25, 2020, it reached 7,400 members. Just one day after the media release, about 600 members left "Public Room" and it was renamed to "Adults Only"<sup>28</sup>. On January 28, after the Ministry of Interior announced investigations, the group has 3,800 members and gets renamed to "Hmm", but the media reported that its members were migrating to another group on the Discord platform.

The voice of the victims was mainly absent from both the public and the media space, but one of the portals reported anonymously on the terror experienced by several women whose contacts had been abused. One of the victims gave a statement to the media saying that some of the girls did not even know that they had been photographed or taped, while others realized that old videos and photos that they had sent in private messages to former partners were now being shared in front of thousands of men who were still terrorizing them on their social networks and in private messages. A woman shared that she was overwhelmed by messages with questions about how much she charged for sex and photos of male sexual organs, after photos that she had sent in a private message to her ex-husband were published in a group on Telegram. Although the woman reported the ongoing harassment to the police and asked the members to close the group, according to the media reports, she was met with ridicule.

Two days after the case was made public, the Cybercrime and Digital Forensics Sector contacted the Telegram network to obtain the necessary data on the functioning of this group and asked Telegram to close the group. On the same day, a media portal shared that it had established contact with one of the group's administrators. The administrator that went under the pseudonym "Medo" claimed that the group was originally created to share comic videos. Since sharing of pornographic content began and the number of members started rapidly increasing, the administrator tried on several occasions to delete the group but unsuccessfully because once the group reaches a certain number of

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<sup>25</sup> Cursive added by authors.

<sup>26</sup> <https://a1on.mk/macedonia/se-prezemaat-aktivnosti-za-raschistuvanje-na-sluchajot-so-grupata-javna-soba-na-telegram/>

<sup>27</sup> [https://a1on.mk/macedonia/zhrtvna-na-telegram-pornografijata-sandacheto-mi-e-polno-so-mashki-polovi-organi-koi-me-prashuvaat-kolku-treba-da-platat-za-seks/?fbclid=IwAR2qEPEhtBm9ovrpTijVMwvYrYeOUkddXPVN\\_NwNrOnUSyykiwY16dhUsKB8](https://a1on.mk/macedonia/zhrtvna-na-telegram-pornografijata-sandacheto-mi-e-polno-so-mashki-polovi-organi-koi-me-prashuvaat-kolku-treba-da-platat-za-seks/?fbclid=IwAR2qEPEhtBm9ovrpTijVMwvYrYeOUkddXPVN_NwNrOnUSyykiwY16dhUsKB8)

<sup>28</sup> <https://a1on.mk/macedonia/pornografiskata-grupa-javna-soba-e-zatvorena-chlenovite-otvoraat-nova/>

members, it allegedly become "self-sustaining" even though all administrators withdrew. Meanwhile, there were media reports that the group also started sharing experiences on use and supply of drugs.

On January 28, the Ministry of Interior informed that the creator and one of the administrators had been questioned by the police and that they were working on establishing the identity of the others. The Technical Minister of Interior Nakhe Chulev revealed that 800 videos and photos from Facebook and Instagram, but also from private messages had been shared in the group that at the time had 8,000 members<sup>29</sup>. On that same day, the administrator called Medo reported himself to the police. The Ministry of Interior confirmed that only 2 cases were reported, in one of which misuse of private information had been established. Chulev stated that *only the members that had shared content would be called*<sup>30</sup>.

On 31 January, the Public Security Bureau revealed that seven girls from Skopje, Kicevo, Tetovo and Stip had reported that their photos had been misused in "Public Room"<sup>32</sup>, while the Computer Crime and Digital Forensics Sector had received three reports related to "Public Room", namely by the First Children's Embassy in the World "Megjashi", the Internet Hotline Provider Macedonia Association and the Helsinki Committee for Human Rights.<sup>33</sup> On February 8, Nakhe Chulev<sup>34</sup> stated that they had received no response from Telegram's offices in London. Although the group was closed, Telegram did not respond to requests from institutions to share information about network users. At the same press conference, Chulev stated that **"some of the persons who reported being victimized simply did not meet the elements for initiating any criminal proceedings"**<sup>35</sup>.

## JULY 8, 2020 - GEVGELIJA HUB

After months of silence, on July 8, 2020, pornographic videos and photos of <sup>36</sup> girls and women that were widely shared in messages on Viber and Messenger with the logo "Gevgelija Hub" reached a medium's editorial office. The site stated that the women and girls were from Gevgelija and from Bogdanci and that they were subject to a public lynch by their fellow citizens.

## 27 JANUARY – 27 AUGUST 2021 - PUBLIC ROOM I AND II

On January 27, one year to the day "Public Room" was exposed, the media reported on the existence of three new Telegram groups under the name "Public Room" with more than

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<sup>29</sup> <https://360stepeni.mk/chulev-nemame-odgovor-od-telegram-se-ushte-ne-gi-znaeme-administratorite-na-javna-soba/>

<sup>30</sup> Cursive added by authors.

<sup>31</sup> <https://alon.mk/macedonia/administratorot-na-javna-soba-so-koj-kontaktirashe-alon-sam-se-prijavil-vo-policija/>

<sup>32</sup> <https://skopjeinfo.mk/devojki-od-skopje-kichevo-tetovo-i-shtip-prijavile-deka-bile-zloupotrebeni-vo-javna-soba>

<sup>33</sup> <https://www.brif.mk/javna-soba-grupa-za-zabava-ili-paravan-za-prostitutsija-lani-11-krivichni-za-seksualna-eksploatatsija-na-detsa-preku-internet/>

<sup>34</sup> <https://alon.mk/macedonia/video-istragata-za-pornografskata-grupa-javna-soba-vo-kjorsokak-telegram-ne-dava-informacii-za-chlenovite/>

<sup>35</sup> Cursive and bold added by authors

<sup>36</sup> <https://360stepeni.mk/pornografski-clipovi-se-shirat-po-privatni-poraki-kako-gevgelijahab/>

five thousand members. According to media reports, around 10,000 photos and videos had been shared in the groups.<sup>37</sup> As the topic once again captures the public attention, the Public Prosecutor's Office issues a statement that the case is still in the phase of preliminary investigation procedure and that forensic analysis of the seized mobile phones is being carried out. On that same day, one of the "Public Room" victims posts a video publicly on her Instagram profile<sup>38</sup> saying that a holiday photograph of her that she posted on her Instagram profile was shared in the Telegram group without her consent, together with her phone number and a vulgar comment that she provides sexual services. The girl realized that something was off when she became flooded with rude offers, calls and messages on her phone. She reported the case to the police, but she was told that **in cases like this, the Law provides protection only to minors, and not to adults.**

The next day, on 28 January, the President Stevo Pendarovski issued a statement urging competent institutions to properly investigate the case and punish the perpetrators. In his statement, he emphasized that *the right to privacy of thousands of women and girls has been violated*, adding that humiliation, sexism and violence leave lasting consequences. He added that "violence against women and girls in any form – psychological, physical, sexual, is punishable by law"<sup>39</sup>. Although the President's statement reaffirms that the right to privacy has been violated, he proceeds to emphasize that **violence** against women and girls is punishable by law and calls for protection of victims against double victimization.

On that same day, the Minister of Interior Oliver Spasovski informs that two people from Bitola and Shtip were arrested in the case which is now known as "Public Room 2"<sup>40</sup>. Prime Minister Zoran Zaev writes in a Facebook post that they have sent a request to Telegram to delete the group with a warning that the application may be restricted or blocked in our country should they refuse to cooperate. The statement emphasizes that the group shared "*pornographic content involving our citizens, including child pornography*"<sup>41</sup>.

After the two arrests, the media published a report that the group administrator sent messages inviting members to direct message him in order to gain access to the newly created group.

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<sup>37</sup> <https://bit.ly/3BvWbsm>

<sup>38</sup> <https://www.instagram.com/p/CKi6f18jzJA/>

<sup>39</sup> <https://twitter.com/spendarovski/status/1354746637244100608>

<sup>40</sup> <https://a1on.mk/macedonia/spasovski-dve-lica-edno-vo-bitola-i-edno-vo-veles-privedeni-za-sluchajot-javna-soba/>

<sup>41</sup> <https://sdk.mk/index.php/makedonija/ke-go-blokirame-telegram-ako-ne-sorabotuvaat-so-nas-se-zakani-zaev/>

<sup>42</sup> <https://a1on.mk/macedonia/otvorena-nova-grupa-po-denesnite-apsenja-za-javna-soba/>

Following the arrest of the first two persons, Spasovski informed that two other persons linked to the case “Public Room 2” had been arrested, bringing the total number of arrested persons to four – two persons from Bitola, one from Shtip and one from Veles<sup>43</sup>.

In the meantime, after meeting with one of the victims, the Minister of Justice Bojan Rarichikj informed that the acts of stalking and sexual harassment were going to be included in the Criminal Code. On his Facebook profile, the Minister wrote that the Ministry of Justice was working on amendments to the Criminal Code, in line with the Istanbul Convention, and that the amendments should enable protection in “cases of sexual, psychological and physical violence against women.”<sup>44</sup>

On that same day, January 28, Spasovski wrote on his Facebook profile that Telegram had closed the group but warned about the existence of a similar group<sup>45</sup>.

Two days after “Public Room 2” was uncovered, the Platform for Gender Equality announced a protest march demanding that the Public Prosecutor’s Office solve the case, punish the administrators and members who shared discrediting content of women and girls, protect the victims and make changes to the Criminal Code to enable special sanctions for online sexual harassment.<sup>46</sup>

On that same day, the Government’s Press Office issued a statement calling on the Public Prosecutor’s Office and the Court to act on the case. In its statement, the Government reaffirmed their commitment to amending the Criminal Code and introducing by-laws on victim protection:

*“The by-laws that the Government is currently working on will impose an obligation on the court, immediately and no later than 24 hours following the receipt of the proposal from the Ministry of Interior and the police report, without holding a hearing, to decide on issuing an emergency measure for protection of victims of gender-based violence.”* Moreover, the statement said that the introduction of comprehensive sexual education would contribute to the prevention of such cases. The Spokesperson of the Mol, Toni Angelovski, in a press release confirmed that although “Public Room” was closed, there was another similar group where some of the members migrated, and the Mol were monitoring a group with members from North Macedonia and Serbia.<sup>47</sup>

On January 31, Spasovski stated that following the arrests of the four suspects in the case “Public Room”, their mobile phones were sent to forensic analysis. The Cybercrime Sector within the Mol was investigating the content and searching for evidence whether the

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<sup>43</sup> <https://a1on.mk/macedonia/privedeni-ushte-dvajca-za-javna-soba-mvr-gi-istrazhuva-site-chlenovi/>

<sup>44</sup> <https://www.slobodnaevropa.mk/a/31074609.html>

<sup>45</sup> <https://360stepeni.mk/telegram-ja-zatvori-javna-soba/>

<sup>46</sup> <https://360stepeni.mk/javna-soba-se-organizira-protesten-marsh-za-poddrshka-na-zhrtvite-i-za-kazni-na-administratorite-i-chlenovite/>

<sup>47</sup> <https://360stepeni.mk/video-angelovski-od-mvr-otvorena-e-nova-javna-soba-rabotime-na-detektirane-na-chlenovite/>

devices of the arrested persons contained any content related to child pornography.<sup>48</sup> Almost two weeks after the exposure of “Public Room 2”, on February 2, the President Pendarovski stated for the media:

*I have met with some of the victims in my Cabinet and they informed me that they first reported the abuse in March, a few days before the pandemic lockdown, which means that it has been a year of institutional inaction. Someone has to be held accountable for the inappropriate and amateurish action or, even worse, inaction of the institutions.<sup>49</sup>*

The State Public Prosecutor, Ljubomir Joveski, issued a statement emphasizing the need for amending the Criminal Code by introducing the crimes of “stalking” and “sexual harassment”. He also informed that because “Public Room” is a profile created on the Telegram platform registered in a foreign country, the Prosecutor’s Office had no authority to issue a ban or prosecute the perpetrators.

One week on the day of the exposure of “Public Room 2”, female activists from the Platform for Gender Equality and citizens marched from the Ministry of Interior to the Basic Public Prosecutor’s Office with the slogans: “A state that fails to act is a state that rapes”, “It is never the victim’s fault”, “Inaction is complicity”, “Sleeping police, wide awake rapists”.<sup>50</sup>

On February 4, Spasovski issued a statement saying that the investigation was hampered due to the unwillingness of the Telegram offices to cooperate. He also informed that the Mol had submitted all collected evidence to the Basic Public Prosecutor’s Office expecting that “the Basic Public Prosecutor’s Office will make an effort to ensure a more efficient resolution of such cases and show that *citizens and their rights are protected, especially from misuse of personal information*”.<sup>51</sup>

On February 5, 2021, the Public Prosecutor’s Office informed that the creator and moderator of the “Public Room” of 2020 had been arrested. The persons were suspected of production and distribution of child pornography and would remain in custody for 30 days due to the risk of flight, repetition of the crime and influencing witnesses. The Public Prosecutor’s Office stated that they were in no position to reveal more information due to the secrecy of the preliminary investigation, even though more than 20 requests and orders had been sent to the Mol. They also informed that based on individual reports by victims, they are establishing whether there were grounds for criminal offences.<sup>52</sup>

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<sup>48</sup> <https://www.24.mk/details/javna-soba-se-veshtachat-telefonite-na-osomnichenite>

<sup>49</sup> <https://360stepeni.mk/pendarovski-za-javna-soba-na-institutsiite-im-trebashe-skoro-edna-godina-da-reagiraat-odgovornosta-mora-da-ima-ime-i-prezime/>

<sup>50</sup> <https://360stepeni.mk/zaspana-drzhava-budni-siluvachi-stotitsi-gragani-na-protestot-za-javna-soba/>

<sup>51</sup> <https://360stepeni.mk/spasovski-za-javna-soba-ochekuvam-deka-i-ojo-ke-napravi-poveke-napori-za-efikasno-reshavane-na-ovie-slucai/>

<sup>52</sup> <https://a1on.mk/macedonia/privedeni-administratorot-i-moderatorot-na-prvata-javna-soba-se-bara-pritvor-za-da-ne-izbegaat/>

On that same day, the Platform for Gender Equality demands criminal prosecution of the perpetrators for the adult victims as well, not only for the crime of child pornography:

*We are expecting criminal charges for – misuse of personal data, prostitution mediation, endangering safety or dissemination of racist and xenophobic material through a computer system, depending on the circumstances in the case. We are expecting purging the police of police officers who are perpetrators of violence against women and their sanctioning and education on professional conduct. We are expecting specialized provisions to act on cases of gender-based violence. At the march on the occasion of the International Women's Day (March 8), we will request information on what has been done in this regard.<sup>53</sup>*

On March 7, Oliver Spasovski, as the Vice-President of SDSM, at the online discussion of the Women's Forum organized on the occasion of the International Women's Day – March 8, announced that the Ministry of Interior will initiate establishment of a special unit for combating gender-based violence composed of several institutions. Spasovski stated:

*The Mol is actively working on finding new forms of joint partnership approach with the NGO sector and citizens, especially girls and women who are most often victims of such insidious forms of degradation. To that end, the Ministry will propose the establishment of a special unit, a special Task Force for combating gender-based violence, composed of representatives of several state institutions, the Public Prosecutor's Office, the Court and the law enforcement, including representatives from the civil sector, which will represent a sort of a link for quick reaction, sanctioning and prevention of these phenomena.<sup>54</sup>*

On that same day, the Prime Minister, Zoran Zaev, issued a statement:

*As I have already said on several occasions, we will not be silent on any form of violence, especially violence against women and girls. In agreement with the institutions' obligation to protect women and girls, we are calling on the Prosecutor's Office and the Court to act quickly, decisively and professionally and to be a significant and essential part of the institutional response to gender-based and sexual violence.<sup>55</sup>*

On March 8, the march of the Platform for Gender Equality took place, when female activists and citizens once again sent a note of protest for resolution of the cases related to "Public Room".<sup>56</sup> On the same day, Serbian media about the existence of a Balkan network similar to "Public Room" in which around 36 000 men from the Balkans

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<sup>53</sup> <https://360stepeni.mk/detska-pornografija-ima-i-kaj-del-od-chlenovite-na-javna-soba-2-aktivistite-najavija-marsh-za-budene-na-institutsiite/>

<sup>54</sup> <https://360stepeni.mk/ke-se-formira-posebna-edinita-za-borba-protiv-rodovo-nasilstvo-najavi-spasovski/>

<sup>55</sup> *Ibid.*

<sup>56</sup> <https://bit.ly/3kCA10x>



participate in sharing photos, videos and even home addresses of women from the region.<sup>57</sup> The next day, the media report that the Serbian Prosecutor's Office demanded that the Telegram platform shut down the group, and upon order of the Prosecutor's Office for High-Tech Crime, members of the Office for Organized Crime undertook measures and activities for resolving the case<sup>58</sup>.

On April 26, 2021, after more than a year since the case was made public, the administrator and moderator, D.K. (32) and M.P. (22) of the first "Public Room" on the Telegram application were charged with the criminal offence of production and distribution of child pornography. The charges were filed by the Basic Public Prosecutor's Office – Skopje and according to their press release, charges were filed against two people aged 32 and 31:

*"In the period from 19.12.2019 to 28.01.2020, the two defendants, acting as the founder and the moderator of the group "Public Room" on the social platform Telegram, were responsible for handling the textual and audio-visual content shared by the group members. However, they deliberately allowed content containing audio-visual material showing obvious sexual acts with a child to be available in the group. "<sup>59</sup>.*

Regarding the second group under the same name, the case led by the Basic Public Prosecutor's Office is still in the phase of preliminary investigation. The Basic Public Prosecutor's Office inform that international legal assistance has been requested i.e. they have requested data from the United Kingdom but are still waiting for a response. While the Basic Public Prosecutor's Office is expecting cooperation with the United Kingdom, cases of "Public Room 2" are also led by the Prosecutor's Offices in Bitola, Veles, Kavadarci and Prilep.

On July 2021, the first hearing for the case "Public Room" was held. In the address, the Prosecutor Miloshevski points out:

*"The prosecution will prove that they have deliberately and knowingly installed an application, acted as an administrator and creator of the application on which they created a group "Public Room" and audio-visual material of sexual acts with children was shared in the group. We will prove that gender morality was jeopardized, as well as the children's freedom and the protection of the physical and mental identity and the dignity of the child. "<sup>60</sup>.*

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<sup>57</sup> <https://www.slobodenpecat.mk/otkriena-balkanska-soba-na-telegram-nad-36-000-mazhi-od-regionot-spodeluvale-eksplicitni-fotografii-od-zheni/>

<sup>58</sup> <https://360stepeni.mk/srbija-bara-podatotsi-od-telegram-za-otkrivane-na-chlenovite-vo-balkanskata-javna-soba/>

<sup>59</sup> <https://alon.mk/macedonia/obvinenie-za-kreatorot-i-administratorot-na-grupata-javna-soba/>

<sup>60</sup> <https://360stepeni.mk/sudene-za-javna-soba-obvinitelstvoto-tvr-di-deka-ke-dokazhe-vina-kaj-kreatorot-i-administratorot-na-grupata/>

Before the beginning of the hearing, the defense lawyers asked for a continuance claiming that they have been granted full access to all evidence only two days before the hearing.

The second hearing was held on August 27, 2021. The defense of the first defendant in the case "Public Room", D.K, said in his opening statement that there was neither a crime nor a victim in this case and asked for revocation of the defendant's detention order due to family reasons. The court rejected the request with the explanation that there was a flight risk. The next hearing for the case "Public Room" is scheduled on September 16.

## **WILL SOMEONE BE HELD ACCOUNTABLE FOR GENDER-BASED VIOLENCE IN PUBLIC ROOM?**

"Public Room" was uncovered in January 2020. Although the creator of the group and some of the administrators were known to the institutions from the very beginning, the case remained in the preliminary investigation procedure for a year. After a year of silence from the Public Prosecutor's Office, the media disclosed three new groups as "Public Room".

"Wow, she has such a womanly body for a 14 year-old", "Do her daddy", "Some boys' porn"<sup>61</sup>, "Are there any photos of good female teachers?"<sup>62</sup>, "Give something from Novo Lisiche", "The slut went to the police to report this group because someone put a naked picture of her", were some of the comments that the public could read in the shared screenshots from the "Public Rooms". Besides photos and videos, the group shared names and surnames of girls and women, phone numbers where they could be reached, Instagram and Facebook profiles where they could be found, the city and neighborhood they lived in. In all the sensationalism that surrounded the first "Public Room" case, testimonies of the victims' experiences were largely absent from the media. According to several anonymous statements of women who were exposed in the "Public Room", they suffered persistent harassment from men who sent them pictures of their penises and asked for sexual favors in private messages or in comments on social networks. Women and girls were discredited with their holiday photos or photos they shared on their private profiles. Some of the photos and videos were sent in private messages to former or current partners and husbands, not imagining that thousands of men would share them on Telegram. The first "Public Room" had 8,000 members, the second had 5,000. In the

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<sup>61</sup> <https://360stepeni.mk/video-shto-se-se-shiri-po-grupi-kako-javna-soba/>

<sup>62</sup> <https://360stepeni.mk/video-shto-se-se-shiri-po-grupi-kako-javna-soba/>

meantime, the "Balkan Population" was discovered, with 36,000 men from Serbia and North Macedonia as members.

All victims of "Public Room" are women and girls. All transgressors are men. However, in the discourse of the institutions, "Public Room" was not treated as an embodiment of gender-based violence. In the statements of the competent officials and the media statements, there was talk about "violation of the citizens' privacy" and "child pornography". The competent officials called for "greater supervision over children"<sup>63</sup>, that "the right to privacy of thousands of women and girls was violated"<sup>64</sup>, that "pornographic and private content of our citizens, as well as child pornography"<sup>65</sup> had been shared, and that "the citizens and their rights should be protected, above all from the misuse of personal data".<sup>66</sup>

Explicit reference to "gender-based violence" and "violence against girls and women" was only made in the statements of the Minister of Internal Affairs and the Prime Minister when they spoke before their party's Women's Forum on the occasion of March 8<sup>67</sup>. The statements of the Public Prosecutor's Office regarding this case made reference, in accordance with the existing regulation, only to "violation of privacy"<sup>68</sup> and "child pornography". In fact, the only charges filed in relation to "Public Room" were for "production and distribution of child pornography." No one raised the question of or took responsibility for gender-based violence. Although the institutions called on the victims to come forward, the then Technical Minister of Interior stated at a press conference that "some of the persons who came forward as victims simply do not meet the elements for initiating a criminal procedure"<sup>69</sup>. A victim who spoke publicly about the case, after trying to report it to the police, was also advised that in cases like this the law only protects minors.

"They can't find anything on us, legally or otherwise." We are unbeatable<sup>70</sup>" was one of the comments from Telegram groups shared in the media. Although activists from civil society organizations emphasized that there were grounds for prosecuting the perpetrators under the existing legislation (misuse of personal data, prostitution mediation, endangering safety or spreading racist and xenophobic material through computer systems), no one has yet taken responsibility for the terror suffered by the women victims of "Public Room". The only judgment was that of the public, part of which once again condemned the victims, that "they asked for it because they took photos of themselves naked". In the local

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<sup>63</sup> Cursive added by authors.

<sup>64</sup> <https://twitter.com/spendarovski/status/1354746637244100608>

<sup>65</sup> <https://sdk.mk/index.php/makedonija/ke-go-blokirame-telegram-ako-ne-sorabotuvaat-so-nas-se-zakani-zaev/>

<sup>66</sup> <https://360stepeni.mk/spasovski-za-javna-soba-ochekuvam-deka-i-ojo-ke-napravi-poveke-napori-za-efikasno-reshavane-na-ovie-slucai/>

<sup>67</sup> <https://360stepeni.mk/ke-se-formira-posebna-edinitsa-za-borba-protiv-rodovo-nasilstvo-najavi-spasovski/>

<sup>68</sup> <https://360stepeni.mk/joveski-za-da-nema-javni-sobi-potrebni-se-izmeni-vo-kz-i-jaknene-na-javnata-svest/>

<sup>69</sup> Cursive added by authors.

<sup>70</sup> <https://360stepeni.mk/video-shto-se-se-shiri-po-grupi-kako-javna-soba/>

"Gevgelija Hub", the female victims were subjected to a public lynch by their fellow citizens from Gevgelija and Bogdanci<sup>71</sup>.

With statements to the media or on their Facebook profiles, the officials of the competent institutions in the first few days of the disclosure of the cases related to the Telegram groups circularly shifted the responsibility, confirming the weakness of the system in treating gender-based violence. Although the Ministry of Justice announced that the amendments to the Criminal Code, whereby "stalking" and "sexual harassment" are criminalized, have been approved by the Government, the Criminal Code has yet to be opened in the Assembly, which requires a two-third majority.

Rationalizing the inertia in dealing with Public Room, the NGOs point to the non-cooperation of the Russian network, which, although it closed the groups, refused to cooperate with the national institutions. The privacy of thousands of women and girls was terrorized in the Telegram groups, but Telegram refused to share the perpetrators' user data, ironically, respecting the privacy of the transgressors, according to the platform's policies.

"We will prove that sexual morality is directly threatened, and that the child's freedom and the protection of the child's physical and mental identity and dignity are threatened," the Public Prosecutor said at the first "Public Room" hearing. At the time of writing this report, proceedings are still ongoing regarding the charges against the administrator and creator of the group uncovered in January 2020 for production and distribution of child pornography, while the cases for the groups uncovered in January 2021 are still in the phase of preliminary investigation procedure. It remains to be seen when the amendments to the Criminal Code will be adopted and if anyone will take responsibility for the gender-based violence that thousands of girls and women have suffered and are still suffering.

## GOOD PRACTICE

The data collected in the period July/August 2021 through questionnaires with representatives of civil society organizations, independent experts and academics in the field of gender equality from four countries in Europe<sup>72</sup>, show that online gender-based violence is either completely unrecognized and unregulated (Hungary); or is legally regulated through other forms of violence such as domestic violence and sexual harassment, but in cases where there are elements of the use of digital tools, the

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<sup>71</sup> <https://360stepeni.mk/pornografski-klipovi-se-shirat-po-privatni-poraki-kako-gevgelijahab/>

<sup>72</sup> For more, see the section "Methodology".

committed crime is considered a more serious form of violence (Portugal, Albania); or new legislation is in the process of being passed, which specifically regulates online violence taking into account the gender dimension (Great Britain - Online Safety Bill). Almost all respondents emphasized that online-violence in their countries is a novelty and a topic that is still not openly talked about in public and that it gained momentum after the onset of the crisis with the Covid-19 pandemic. Namely, the Covid-19 crisis has increased the risk of online gender-based violence and thus created the need for greater public debate. In addition, in different countries, considering intersectional differences, the online gender-based violence stemmed from racism-driven violence against certain groups of people, including women as a vulnerable category (Great Britain).

In the countries that were the focus of the survey, the main advocates and initiators of action for prevention and protection against online gender-based violence are civil society organizations, but in certain cases public institutions also took awareness raising action or made some contribution to the debate on protection against online GBV.

- In Portugal, the Victim Support Association (Associação Portuguesa de Apoio à Vítima) has established the Safe Internet Line (Linha Internet Segura) – which is a telephone line where users can get information and clarifications about safe, healthy and responsible use of the internet and the digital tools. Illegal content on the internet can also be reported on this line, such as, for example, content with a sexual connotation involving minors, incitement to violence, racism, etc.
- The Glitch Association from Great Britain publishes manuals aimed at strengthening the position of women in the online space, as well as research the findings of which serve as basis for advocacy at the level of public policies. Examples of such manuals are: Digital Threats to Democracy: A Handbook for Women, and Handbook 2.0 – Right the Wrong, Protecting Black Women from Gender-Based Violence Online. Similar manuals are published by the Family Planning Association from Portugal. One such manual is also used in schools for 10- to 15-year-old children, which addresses violence risk assessment, including cyber-violence. The respondent from Albania, on the other hand, referred us to a collection of online violence case studies from Serbia, Bosnia and Herzegovina and Albania, as well as the institutional approach and response to these cases. This collection is used by civil society organizations in Albania in order to promote the change of existing legal solutions towards comprehensive laws that protect victims of GBV.

- Awareness raising campaigns, as well as advocacy, are frequent ways in which the civil sector in the respondents' home countries builds the capacities of citizens and advocates for change. For example, such was the campaign aimed at young people in Portugal: "During social distancing, violence does not only stay at home"; In Albania, in May 2021, a large forum was held by the LGBTI Equal Rights Association in partnership with the organization OMSA - Open Mind Spectrum Albania, which was attended by representatives of the Albanian Parliament, the government, human rights organizations and other stakeholders where the subject of discussion was the need for greater protection from online violence in Albania which often manifests itself through hate speech towards vulnerable categories of people.
- In some countries, an institutional response to the increasing momentum of online GBV can be observed. So, even though Hungary as a country does not recognize gender at all as an analytical category in its legislation, the police in the Jász-Nagykun-Szolnok district publish content on how to protect, above all, minors from online violence. The main problem is that although they are aware that those who need the most protection are women and girls, this gender dimension is not recognized by the local authorities. On the other hand, in Portugal, the institutional response is dedicated to education and is mostly within educational institutions. For example, the University of Coimbra is currently implementing a project on protection against online GBV supported by the National Agency for Science, Technology and Innovation. Part of this project is dedicated to training professionals and employees in the public sector on handling online GBV, as well as creation of a prevention manual intended for schoolteachers and service providers.

Apart from the respondents' feedback, the desktop survey on good practices yielded several interesting strategies and activist initiatives.

- In 2017, the European Women's Lobby launched the #HerNetHerRights initiative. This initiative lasted 6 months and resulted in: Report on the situation of online GBV against women and girls in Europe, Recommendations for public policies and Handbook for activists to encourage women to fight against cyber-violence by men, to develop strategies for resistance and fight against perpetrators and contribute to structural change in society. Although a structural change of the protection system is needed as the precondition for prevention of GBV, good practices have been shown that women and girls should search (Google)

themselves more often on the Internet to know exactly what information is publicly available on them; to encrypt/protect their devices and data in order to prevent unwanted access by trolls i.e. persons who intentionally antagonize users or a person, usually through offensive comments on posts and forums; to use online services and sites where you can check the traces we leave on the Internet after certain communications, such as: <https://myshadow.org/trace-my-shadow>; to check which personal data are used by social platforms and networks (<https://securityinabox.org/en/>); to establish alternative profiles and dual identities in order to provide a secure communication space if the original one becomes/is insecure.

([https://gendersec.tacticaltech.org/wiki/index.php/Complete\\_manual#Counterspeech](https://gendersec.tacticaltech.org/wiki/index.php/Complete_manual#Counterspeech));

- The Take Back the Tech platform constantly publishes strategies and tools for dealing with online GBV that can be considered good practices and are intended for the victims themselves and their loved ones. In their guide, they recommend that it is extremely important to first detect and recognize the type of violence, i.e. whether it is hacking of the personal profile, creating fake profiles using other people's personal data, using and disseminating personal data and/or images, threats, blackmail, censorship, etc. Then, to tell about the violence to a person who will not make hasty conclusions and prejudices (this requires raising everyone's awareness); to preserve as much evidence as possible from the committed crime by making copies of the material (screenshots), the profiles of the perpetrators, making notes, etc.; to report the violence if the victim feels that way and to give her full support (institutional capacities must be built in order to avoid double victimization of the victims); to increase and improve the privacy settings of online profiles; if the victim wants, to reveal the identity of the perpetrators publicly on social networks or the media, if they are known to her.

Because not all situations are the same, different strategies and tools work differently for different people. It is important to recognize the level at which the victim feels comfortable and safe to react and act! '

## FINAL CONSIDERATIONS

Gender-based violence in the online space, although not new, is an increasingly topical problem, both globally and in our country, especially considering the new way of life imposed by the by Covid-19 pandemic. However, international standards do not set an explicit legal basis for, nor define, online gender-based violence. Despite this, the broad interpretation of more recent regulations such as the Istanbul Convention and CEDAW's general Recommendation 35, has been reflected in domestic law where online violence against women is recognized as a form of gender-based violence, but has not yet been criminalized under The Criminal Code of the RNM. At the time of writing this report, amendments to the Criminal Code have been announced, among other things, in this direction, of criminalizing online GBV, but it remains to be seen how it will be regulated. In addition, at the EU level, a new directive on digital services is proposed, which opens up space for sanctioning violence in the online space through more rigorous regulation of the content of online platforms.

"Public Room" is the case study described in this report, for which it can be argued that it is precisely the absence of a harmonized legal framework and definition of online gender-based violence that has contributed to the impunity of the perpetrators of this type of violence, especially if the victims are adult women. All victims of "Public Room" are women and girls. All transgressors are men. However, in the discourse of the institutions, "Public Room" was not treated as an embodiment of gender-based violence. Hence, the punishment of the perpetrators is also inadequate, slow and not yet implemented; namely, some of the perpetrators are currently on trial.

And at the level of Europe, the problem of online GBV is a hot topic. Good practices mostly come from women's and human rights activists, scientific research and civil society. Although few in number, victim protection and education initiatives and services, as well as self-protection strategies, have been established in countries such as Great Britain and Portugal. In the countries of the region (Albania), this issue, as in our country, is opened in the public debate and key initiatives are in sight. Unfortunately, in EU countries where the discourse of anti-gender movement and ideology largely prevails, such as Hungary, gender is not recognized as an analytical category at all, hence the discussion of online gender-based violence is impossible without recognizing the gender dimension of this type of online violence.



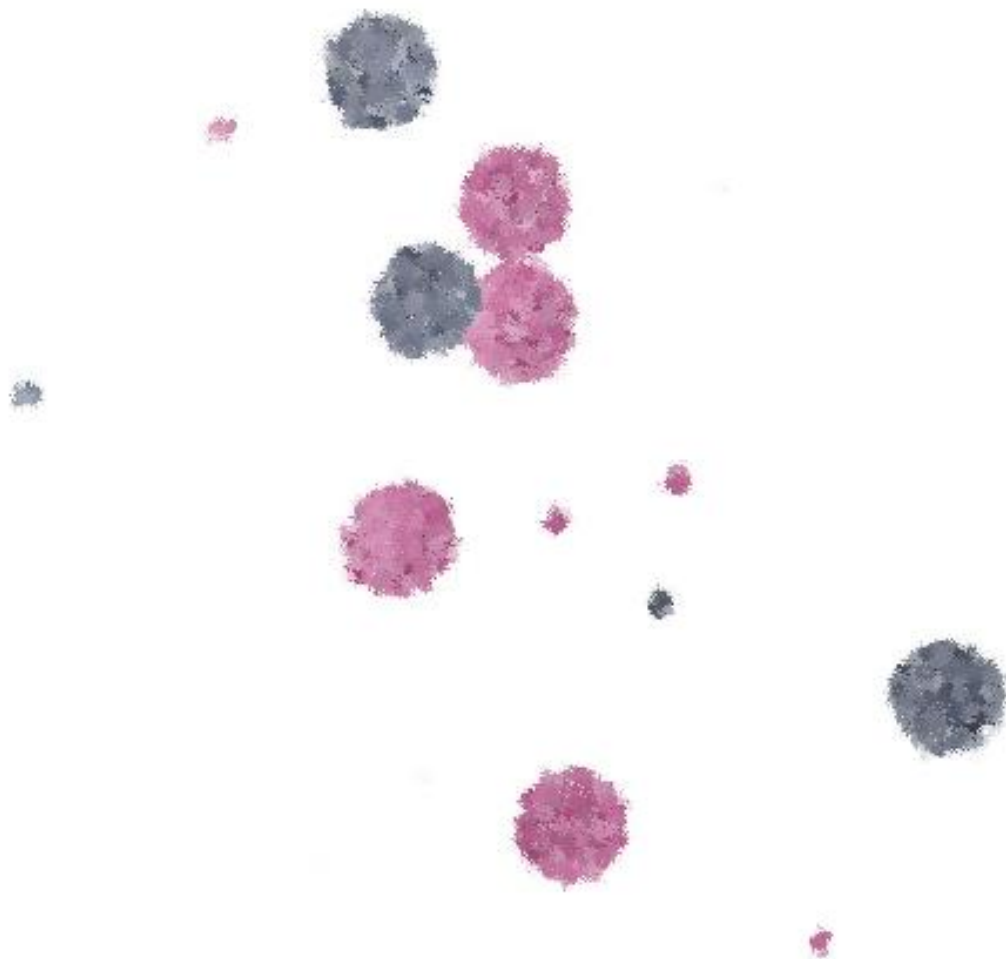
# RECOMMENDATIONS FOR IMPROVING THE PROTECTION SYSTEM

Considering everything that was covered in the parts of this research, both at national and international level, the following recommendations have been created in order to guide all stakeholders in RNM who are affected by this phenomenon:

- **Legislation** – explicit inclusion of the term digital or online gender-based violence or sexual harassment in the Criminal Code of RNM. Although with the new amendments to the Criminal Code proposed by the Government of RNM in July 2021, stalking was recognized as a criminal offense, including on the internet, this process is yet to enter a parliamentary procedure. Taking into account that the amendment to the Criminal Code requires 2/3 votes of the composition of the Assembly, the inclusion of the provision is not guaranteed. In addition, it should be seen how the provision is formulated and whether it covers all forms of digital/online gender-based violence against women and girls.
- Trainings on **building and increasing the capacities** for recognizing and acting on cases of digital gender-based violence intended for the police, the Public Prosecutor's Office, the judiciary, social work centers and all other stakeholders who primarily process DGBV cases and provide services.
- Campaigns on **raising public awareness** about the forms, scope and gender dimension of digital gender-based violence, as well as ways to prevent and protect against this type of violence.
- **Teaching programs** within the educational system (with a focus on secondary schools) with the aim of educating children about the types of digital violence, legal obligations and sanctions, as well as the ways in which they can be protected from violence and report violence, taking into account that this age group can be considered as vulnerable and crucial for addressing the problem of DGBV.
- **Building the capacities of the teaching staff and other persons involved in the educational process** in the direction of their education and appropriate application of the approved curricula in order to recognize the system of protection, bearing in mind their significant role on the development of students.
- **Digital literacy** – most strategies and ways of protection require good knowledge and operation of online tools, hence greater and better digital literacy, aimed at the categories of people who are most vulnerable and at risk of DGBV, plays a crucial

role both in developing skills and self-protection, as well as for documenting cases of DGBV in order to facilitate their processing in all stages.

- Most of the **research** in this area tends to give a more in-depth insight into the extent, characteristics and effect of digital gender-based violence in order to better inform, but also advocate for change based on evidence and facts.



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# ANNEX 1 – QUESTIONNAIRE ON GOOD PRACTICES

## Your work

1. Please describe your work related to prevention and combating gender-based violence (GBV) and harassment, including online GBV and harassment, if applicable.

## Legal instruments

2. Does your national legislation recognize online GBV and harassment?

### If YES

- a. Which forms of online GBV, and harassment are recognized and what are the sanctions?

### If NO

- b. In your opinion, how should online GBV be legally regulated in order to ensure more efficient prevention and sanctioning?

## Good practices and recommendations

3. Can you identify cases of online GBV that have caused a public call for public policy reform in your country?
4. Can you identify grass-roots initiatives or civil society actions (advocacy, research, services, etc.) that can be shared as good practices for prevention and combating online GBV and harassment?
5. Can you identify institutional efforts or public policy reforms in your country that can be shared as good practices to prevent and combat online GBV and harassment?
6. Do you have other recommendations or experiences of lessons learnt?

## ANNEX 2 – RESPONSES TO THE QUESTIONNAIRE ON GOOD PRACTICES

Hilary Watson– Great Britain

1. I'm the Policy and Campaigns Manager at Glitch, a UK-based charity working to tackle online abuse, with a particular focus on women and minority communities. We are an organization led by African American women with a special interest in ending online GBV and online racism and abuse.
2. In the United Kingdom, there is a new draft - the Online Safety Bill - which is yet to be approved by the Parliament. Although it states that women are disproportionately more exposed to online violence, it is not yet clear how thoroughly the law will recognize online GBV. It seems that women will not be recognized in primary legislation (in the context of the fact that they are more exposed to online violence), but women should be mentioned in secondary legislation and therefore covered to some extent – as to the extent, we can only speculate.
3. The debate in the UK about online abuse has mainly been led in the media in relation to racist abuse of footballers. Most discussions revolve around the male players, although when the conversation expands to other sports or women's football, online GBV is discussed. Gender-based violence is more widely discussed by UK politicians and many women have cited online abuse as a reason not to stand for re-election. The fear of gender-based violence for British politicians has become particularly widespread after the murder of MP Jo Cox, 5 years ago. Recently, her sister was elected to her seat in Parliament and, herself, was exposed to immense online abuse.
4. Glitch has many [tools](#) to help empower women online, including the recent tools on “Digital Threats to Democracy”, as well as Toolkit 1.0 and 2.01. Our [report](#) “The Ripple Effect: Covid-19 and the Epidemic of Online Abuse”, created in partnership with the Coalition to End Violence Against Women, presents our research on gender-based online abuse during the first lockdowns and quarantines due to Covid- 19 in the United Kingdom. The European Women's Lobby has also done a lot in this area, including their #HerNetHerRights initiative in 2017.
5. Many organizations have proposals for policy reform that have the potential to make real change, but many changes at platform or government level do not go far enough to be considered good practice. Hopefully this will change in the near future.
6. Platforms recognized gender-based violence at the Equality Forum in July 2021. Although their commitments are small, there appears to be a growing movement away from platform self-regulation towards legislation in many countries to work to end online abuse, including gender-based violence. The gender abuse we see online, as well as racist abuse, also



happens offline. We believe there needs to be a public health approach to ending online abuse that focuses on teaching users of all ages, including those still in education, how to be good digital citizens. To end online abuse, we need to see change from big tech companies, governments, civil society organizations and individuals. We believe that this work should be framed as a form of violence against women, and we should partner with the specialized sector on violence against women, with adequate resources and means to end online abuse and support survivors of violence.

### Mirjam Sági – Hungary

1. My PhD thesis focuses on the political discourse on women's safety in public space and I am currently working as a part of a research team focused on collecting data from women's life stories.
2. In Hungary, "online gender-based violence and harassment" is not legally regulated, nor is gender-based violence generally recognized or regulated because gender is not recognized as part of the legal terminology.
3. The debate about online harassment (not always gender-based) in Hungary mostly focuses on celebrities in the country. The articles that are available on popular media portals usually elaborate on the harassment experiences of a famous person or the experiences of other people who do not live in the country. These articles rarely elaborate on the potential for public policy reform and at best focus on activities undertaken by international NGOs.
4. A comprehensive study, which is available in Hungarian, was conducted by Amnesty and provides detailed information on the subject, however the study does not cover Hungary itself in its research. <https://www.amnesty.hu/a-noket-ero-online-bantalmazas-riaszto-kovetkezmenyei/>.
5. The police in the Jász-Nagykun-Szolnok district have issued two announcements regarding online child molestation aimed at parents and how they can protect their minor children. Online child harassment is more often discussed in public, but its gender dimension is often unrecognized. <http://www.police.hu/hu/hirek-es-informaciok/bunmegelozes/aktualis/biztonsagos-internet-nap-ii-online-zaklatas>

### Sofija Jamal – Portugal

1. My professional background is in the field of psychology. (2013, University of Porto, Portugal). I have a master's degree in psychology of justice (2015, University of Porto, Portugal) and recently completed a second undergraduate degree in European Studies (2021, University of Coimbra, Portugal). I started my career as a trainee working in the police investigating high risk crimes such as (femicides) domestic violence. Then, I started collaborating with several Portuguese civil society organizations as professional support for victims of gender-based violence, providing psychological support to victims of intimate partner violence and sexual

crimes, developing, implementing and coordinating violence prevention programs targeting younger and older people; I trained key stakeholders/professionals on early detection and prevention of FGM, participated in research and monitoring, such as the Observational Study for Romantic Relationship Violence and the National Study for Romantic Relationship Violence in Higher Education. Another relevant experience I have is the engagement with the European Institute for Gender Equality where I worked with the gender-based violence team on projects to collect data on intimate partner violence, estimating the number of girls at risk of genital mutilation in the European union, and gender analysis of measures to protect against human trafficking in the EU. Following this, I was awarded a research grant at the University of Coimbra (Portugal), to work on a gender analysis of punishments for intimate partner murder. At the moment I am working on the management and implementation of the second edition of the above-mentioned project for early detection and prevention of female genital mutilation (with NGO Gentopia). I am a trainer of the Domestic Violence program for public administration in Portugal (through the state agency for training of public administration) and I am a consultant on a data mapping project on gender-based violence in central Asia (through the Eastern European Institute for Reproductive Health).

2. The legislative framework in Portugal is not gender-sensitive, so gender-based violence is criminalized through various crimes in a gender-neutral framework (eg., inter alia, through domestic violence, harassment, rape, stalking, female genital mutilation). Online violence is also not separately criminalized, and if it can be proven, it is a more serious form in certain conditions (described below). For the purposes of this questionnaire, I will describe the types of crimes of domestic violence (through which, for example, intimate partner violence is criminalized) and sexual harassment. If any other crime of gender-based violence is of interest to this project (all forms are criminalized separately) please let me know and I will add more information about them as well (eg., rape, stalking, harmful practices...) Domestic violence is criminalized by Article 152 of the Criminal Code and involves physical or psychological abuse, including bodily harm, deprivation of liberty and sexual offences, recurrent or not, and may directed against: a spouse, a former spouse, a person from the same or the opposite sex with whom the offender maintains or has maintained a close personal relationship, regardless of whether they share or have shared a residence; a parent; especially if the person is vulnerable (based on age, disability, illness, pregnancy or economic dependence) with whom the offender shares a residence. This is punishable by imprisonment from 1 to 5 years. The prison sentence is increased to 2 to 5 years if: the victim is a minor or if the crime occurs in the presence of a minor; if it happens in the place where the victim resides; if the perpetrator shares, via the Internet or through another public medium, personal data (for example images and/or sounds) that are related to the private life of the victim and without her consent. The sentence is increased to 2 to 8 years if the crime involves physical injury. It increases from 3 to 10 years if the crime results in the death of the victim. In addition, the perpetrator may be issued with a ban to contact the victim, a ban to use and carry weapons (from 6 months to 5 years) and mandatory participation in violence prevention programs. Sexual harassment is criminalized by Article 170 of the Criminal Code and includes acts of exhibitionism, suggestion or coercion of a sexual nature. This is punishable by a prison sentence of up to 1 year or a fine of up to 120 days. Although there is no specific mention of

sexual harassment, these examples are considered as some of the ways in which sexual harassment can occur.

3. As far as I know, no. However, awareness campaigns, research and services targeting online violence have been significantly more visible in the context of the Covid pandemic, given that restrictive measures have alerted the public to forms of violence that can occur at a distance. In that sense, many of the initiatives listed below were made/supported in the context of the pandemic (in contrast to the lack of initiatives previously).
4. **Services:** Internet Safety Line/ Linha Internet Segura – telephone line coordinated by the Portuguese Association for Victim Support/ Associação Portuguesa de Apoio à Vítima. Although this hotline does not exclusively address gender-based violence, it is an accessible service through which information and clarifications are provided on safe, healthy and responsible use of the Internet and digital technologies. This line also handles reports of illegal online content (eg., sexual content involving minors, incitement to racism, violence, etc.). It works from 9 a.m. to 9 p.m. from Monday to Friday on the phone +351 800 21 90 90 or by email: [linhainternetsegura@apav.pt](mailto:linhainternetsegura@apav.pt)

**Research:** Master's thesis on digital evidence in cases of domestic violence (2018): SILVA, Tiago André Matos. Recolha da prova digital nos procesos-crime de violence domestica. Available at: <http://www.dgsi.pt/bpjl.nsf/585dea57ef154656802569030064d624/8c9e6d393df732d080258589004b102f?OpenDocument>  
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**Handbooks:** A pedagogical manual for use in schools (for children aged 10-15) on risk assessment, which includes a section on cyber-bullying. Produced by the End FGM European Network and implemented by the Portuguese civil organization (APF – Association for Family Planning/ Associação para o Planeamento da Família). Available at: [01\\_content\\_risk\\_assessment\\_supportdocuments\\_portuguese.pdf \(apf.pt\)](#)

**Awareness raising campaigns:** Campaigns on digital violence within a romantic relationship, especially targeting young people; During social distancing, violence is not limited to the home. Produced by the NGO Associação Plano i (2020). Available at: [#AViolênciaNoNamoroNãoFicaFechadaEmCasa - YouTube](#)

5. The University of Coimbra is currently implementing a project called "VioxMulheres19 - Online Violence against Women" (2021), which aims to prevent and fight against misogyny and digital violence in the context of the Covid-19 pandemic, financially supported by the

Fundação para a Ciência e a Tecnologia, Portugal's National Agency for Science, Technologies and Innovation. Within this project:

- a. Trainings aimed at professionals on "Online violence against women: prevention and combat mechanisms/ / Violência online contra as mulheres: Mecanismos de prevention e combate" (2021) were conducted. More information is available at the following link: <https://www.cig.gov.pt/2021/04/formacao-violencia-online-contra-as-mulheres-mecanismos-de-prevencao-e-combate/>
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6. During this year's "Valentine's Day", the Portuguese Equality Agency (Commission for Citizenship and Gender Equality / Comissão para a Cidadania e Igualdade de Género), together with the Secretary of State for Citizenship and Equality, launched a campaign against violence within a romantic relationship with a focus on online violence (especially occurring through social media). This campaign involved a large number of Portuguese "tiktokers", "instagramers" and "youtubers". More information is available at the following link: [Campanha #NamorarSemViolência - CIG](#)
7. One of the main problems related to the prosecution of digital gender-based violence and harassment is gathering solid evidence, considering that content online can very easily be changed, deleted or uploaded anonymously/under a hidden identity. Considering these specific characteristics of these forms of violence, I think it is very important to strengthen the capacities of the police (resources and training) to conduct investigations into online violence. In addition, I think that the legal framework should explicitly provide for online violence as a separate form of violence within the already mentioned forms of gender-based violence, in order to ensure the possibility to report cases on such basis (something that is only implicit for now). Awareness-raising campaigns are also key to encourage victims to report cases (including reporting on successful online violence proceedings in terms of convictions, in order to strengthen victims' confidence in the justice system). Greater sharing of information about the risk and prevention of online violence against women is needed, and in my opinion, this should be one of the main focuses of prevention programs and initiatives today. Finally, more research is needed in order to get a better picture of the scope, characteristics, and effect of online gender-based violence in the Portuguese context, in order to better create public policies and create better services and resources to support victims.

1. Founded in 1994, the Gender Alliance for Development Center (GADC) is a non-partisan non-profit organization with over 20 years of experience in research, public education, capacity development assistance, monitoring and advocacy. GADC promotes democratic development and good governance with a particular focus on gender equality and social inclusion. GADC is a leading civil society organization in Albania and Southeast Europe, recognized for its role in introducing key issues related to women's rights and social inclusion. We address key issues such as gender-based violence and human trafficking, or the economic empowerment of vulnerable groups, and advocate for key legislation and policies, such as the law on domestic violence as well as the introduction of gender-responsive budgeting at the local level and at the central government level. Our work has led to significant improvement in addressing gender inequality and social exclusion of vulnerable groups in the country. Since its inception, GADC has implemented more than 100 projects that have impacted the lives of thousands of beneficiaries across Albania. However, a project for online GBV and harassment has not been implemented by our organization.

2. For any legal provision to be effective in preventing and sanctioning a particular issue, specific cultural and background attributes must be taken into account. Albania has laws that prohibit discrimination on several grounds, including gender. In addition, cybercrime is provided in several sub-articles of Law no. 7895, of 27.1.1995 "Criminal Code of the Republic of Albania" (amended), but the only provision that comes close to preventing online GBV is Article 84/a, which states that **"A serious threat of murder or serious bodily injury made to a person through computer systems on the basis of ethnicity, nationality, race or religion shall be punished by a fine or up to three years in prison."**

- Hate speech is not regulated under Albanian laws and is therefore not taken seriously, especially when online. In most cases when women report online or offline hate speech, threats, stalking or harassment, the most common response they receive is "forget" or "unsubscribe".
- Any legal provision in Albania must take into account that women and girls are attacked online because of their gender, profession or simply because they are part of a social network. Although Albania has ratified the Human Rights Council Resolution 32/13 of the Office of the High Commissioner for Human Rights, the country has focused only on providing Internet access. In the 2017 report submitted pursuant to Resolution 32/13, Albania stated that it recorded no legal or practical barriers limiting women's rights regarding Internet access and ICT use.

Therefore, issues such as the protection of human rights on the Internet were not mentioned at all.

The steps to consider are:

- a) Action plans aimed at resolving online GBV;

- b) Inclusion of evidence-based measures to address online GBV and harassment;
  - c) Strengthening the role of law enforcement officials in addressing online violence against women;
  - d) Funding and support of specialized organizations working on women's rights and online violence with a human rights and gender approach;
  - e) Sharing examples of good practices from the regional, EU and international level that effectively address online GBV in order to inform a range of stakeholders such as women's organizations, UN agencies, local authorities, CSOs focused on the field of technology;
  - f) Continuous engagement of women's rights organizations in developing strategies, guidelines, laws and other legal provisions.
  - g) Establishing a Support and Guidance Center that will receive cases of online GBV and harassment, provide protection and guidance to women and girls. This center should be associated with lawyers and psychologists who will provide adequate legal assistance/representation and psychological support.
- In order to have an effective legal regulation in Albania to combat GBV and harassment, it is not enough to have a law. Unfortunately, police officers as a first step in addressing online GBV and harassment lack information and training on how to handle these issues. Most of the time they openly discriminate, mock or act in a rude and completely unprofessional manner. Training sessions and monitoring of their work ethics are essential in this fight.
3. In 2021, there was an increase in rape cases and all victims were underage girls, videotaped and threatened to be published on the Internet if they spoke about or reported the rape. The case of a 15-year-old Albanian girl who was blackmailed and subjected to four months of torture and rape caused a series of protests by women and human rights activists. A group of them attended the Ministry of Education's consultations with civil society on the "National Draft Strategy for Education 2021-2026" and asked for an institutional commitment to prevent all forms of violence, including sexual violence.
4. Most cases of sexual harassment and rape in Albania are not reported because the perpetrators threaten the victims to publish them on Internet.
5. Cyber Violence Against Women and Girls from the Western Balkans<sup>73</sup>:: Selected Case Studies and Cyber Security Management Approach: **Case Study from Albania: Understanding Gender Cyber Violence and Discrimination.**

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<sup>73</sup>[https://www.dcaf.ch/sites/default/files/publications/documents/CyberVAWG\\_in\\_WB.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/CyberVAWG_in_WB.pdf)

6. One year ago<sup>74</sup>, the Ombudsman, the Commissioner for Protection against Discrimination, the Audiovisual Media Authority and the Albanian Media Council established the "Alliance without Hate", and civil society organizations are invited to cooperate with this Alliance and jointly deal with all incidents, as well as to cooperate at other levels.

7. On May 12, 2021, the LGBTI Equal Rights Association in partnership with Open Mind Spectrum Albania (OMSA) held an online forum, with representatives of the Albanian parliament, government, human rights institutions and civil society organizations, to discuss the phenomenon of hate speech, especially by political leaders, but also by others, against vulnerable communities such as women and girls, LGBTI people and the Roma community.

**A specific proposal** was to ask the Albanian parliament to hold informative sessions, as a legal and procedural requirement for the newly elected deputies, who went to elections on April 25. Informative sessions can be jointly offered as a preventive measure on topics such as discrimination, gender equality, human rights and much more.

8. Continuous and active education of women of all ages, from all areas (urban and rural) and backgrounds (socio-economic-cultural). The phrase "women supporting women" can never be emphasized enough. Unfortunately, in Albania women face more hatred and less support from other women. We have to work extremely hard to raise awareness, educate, encourage women to speak up and not conform to societal rules or what others think is "morally right". Women are the first pillar of education; if they educate themselves, they will educate their children and a whole generation. We should include a male audience, especially young men. Raised in a society that gives them unrealistic superiority, it is essential that they learn to be equal with their female peers at a young age.

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<sup>74</sup> <https://www.coe.int/en/web/tirana/-/no-hate-alliance-a-joint-approach-against-discrimination-and-hate-speech>