

Cambodia, Malaysia, Pakistan and the Philippines: Cross-country Study on Violence against Women and Information Communication Technologies

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This article presents and compares the findings of four national reports from Cambodia, Malaysia, Pakistan and the Philippines undertaken by the Association for Progressive Communications Women's Networking Support Programme (APC WNSP) as part of the project "Strengthening women's strategic use of ICTs to combat violence against women and girls". Asia has been at the forefront of embracing new information and communications technologies (ICTs), and in using them to promote democracy and human rights. From using SMSes to coordinate public protests in the Philippines, to circumventing the firewalls of Burma and China, Asians have shown ingenuity in mobilising ICTs for innovative rights-based purposes. However, ICTs in the region have also been used to violate rights, through increased opportunities for censorship and surveillance; whether surveillance by the state, or by perpetrators of violence against women (VAW). This article looks at the intersection between ICTs and violence against women, an area often overlooked in the discourse on ICTs and human rights, which tends to focus primarily on issues of access and freedom of expression.

BACKGROUND

Why is it important to talk about ICTs and violence against women?

The intersection of these two fields could present a new opportunity to give greater visibility to the threats faced by women and girls, to empower them to assert their rights in situations of violence, exclusion and discrimination, and to promote public policies that guarantee their well-being by effectively combating the different forms of violence used against women, girls and any other vulnerable members of society.

These goals are not new. For many decades, women's movements and organisations have been working hard to uphold the rights of women and girls in a society that seems to have failed to evolve in these areas. The opportunity offered by new information and communications technologies (ICTs) lies in the ways these tools can contribute both to highlighting violations of these rights and to more effectively enforcing them.

Studies addressing the intersection between violence against women and ICTs are very recent and still at an exploratory stage. This is a subject that needs to be analysed through different facets to help women and girls better understand how to recognise and assert their rights.

About the project

The APC WNSP project "Strengthening women's strategic use of ICTs to combat violence against women and girls" was carried out with the support of the Dutch government's MDG3 Fund. The project aims to help women participants negotiate the fraught terrain of ICTs where freedoms go hand in hand with growing privacy and security concerns. In order for ICT use to contribute to combating violence against women and girls, the project's actions are targeted at building new skills and knowledge that women can use to defend themselves and their communities.

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During the first phase of the project, case studies were commissioned to identify intersections between ICT use and violence against women in twelve countries spread across three regions: Asia (Malaysia, the Philippines, Cambodia and Pakistan); Africa (Democratic Republic of Congo, Republic of Congo, South Africa and Uganda); and Latin America (Mexico, Colombia, Brazil and Argentina).

GETTING DOWN TO WORK

Views from Cambodia, Malaysia, Pakistan and the Philippines

Across Asia, the policy framework for ICTs remains weak, and the intersection between ICTs and VAW is poorly understood. While the Philippines has the strongest human rights framework of the four countries analysed, all four suffer from a weak implementation of laws against violence against women. In each country, pornography and the exploitation of images of women and children online are given high coverage by the media, but concrete steps to protect and promote women's human rights through the use of ICTs are few. There is light however, in the innovative use of ICTs by women's rights organisations. While few women's rights organisations are involved in ICT policy-making, their use of mobile phones to help provide women with safe spaces, the use of the internet to advocate and network and the increasing awareness of the need for greater policy advocacy on the intersection of ICTs and VAW are the beginnings of a foundation for a future free of VAW, whether perpetrated through ICTs or more traditional methods.

Regional similarities and disparities

1 - Weak policy framework on VAW

Each of the four countries analysed has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); they all have some reference to gender equality or elimination of discrimination based on gender in their Constitutions; and each of them has legislation on VAW.

However, both in terms of the strength of the legislation on VAW and the will or ability of governments to enforce legislation, authorities in each of the countries falls short. The Philippines has, arguably, the most comprehensive framework of legislation against VAW in the region, with specific legislation on various aspects including 'mail-order brides', sexual harassment and a Magna Carta of Women, which, according to the Government website prohibits discrimination and guarantees women equality in the family.² The Philippines is also the highest placed Asian country in the Global Gender Gap Report 2009, ranking nine worldwide.³ Nevertheless, there were over 5,500 cases reported as 'Women in Especially Difficult Circumstances'. In addition, the number of cases reported to the police rose 21 percent in 2007. This indicates the is need to continue advocating enforcement.⁴

Cambodia has a comparably comprehensive legal framework, including legislation on sexual harassment (absent in Malaysia and Pakistan), on domestic violence, on trafficking and exploitation, and a strong policy commitment to achieving all the Millennium Development Goals, including MDG3, resulting in a Cambodian MDG policy framework. Nevertheless, Cambodia remains notorious for sexual violence against women and girls, for trafficking and sexual exploitation - with the country's pervasive poverty as a driving factor in much

²PGMA to sign Magna Carta of Women tomorrow', 13 August 2009, available at http://www.gov.ph/index.php?option=com_content&task=view&id=2001421&Itemid=2

³ See Global Gender Gap Report at <http://www.weforum.org/pdf/gendergap/rankings2009.pdf>

⁴Statistics from GADPortal, <http://www.ncrfw.gov.ph/index.php/statistics-on-filipino-women/14-factsheets-on-filipino-women/73-statistics-fs-violence-against-filipino-women>, accessed 9 Feb 2010.

exploitation, and the inability (or unwillingness) of the authorities to enforce legislation.

In Malaysia, legislation on VAW has been criticised both for the lack of implementation and for some important gaps, most notably in the area of marital rape. The legislation on domestic violence does not define domestic violence, for example, instead relying on the Penal Code. Rather the Domestic Violence Act concentrates on measures to regulate the reporting of cases and on the protections to which victims are entitled. Despite passing anti-trafficking legislation in 2007, Malaysia remains a hotspot for human trafficking, often as a transit point, but also as a source of trafficked women, particularly women from indigenous backgrounds and refugees, predominantly from Burma.

Women in Pakistan still suffer from an attempt at Islamisation under General Zia al-Haq that appeared to specifically target women and women's rights. In particular, the legacy of the Hudood Ordinance of 1979⁵ remains today, despite attempts to reassert women's rights through legislation such as the Women's Protection Act 2006. However, it remains the case that women who are unable to prove a rape, can be charged with illicit sex, or *zina*, and subject to punishment. There is no legislation on domestic violence, and no legislation on sexual harassment.

In all the countries analysed, there was a perceived gap in the ability of women from rural areas to have access to justice.

2- VAW and the global economic system

One common thread among all four countries is concern about the impact of global patterns of trade and migration on women's welfare. This includes concern about trafficking in women and girls, to concerns about the welfare of overseas workers, women in poverty and trafficking in images of women, without their consent (informed or otherwise).

This problem is most evident in the concern expressed in the Philippines report over both mail-order brides and the problems faced by overseas foreign workers (known as OFWs). In the Cambodian report, there was particular attention paid to the trafficking in women's images, with or without their consent, and the widespread availability of sex videos in Khmer. In an extreme case cited, a couple taught their seven-year-old daughter how to film them while engaged in sex. Poverty – both in terms of time and resources – is also cited as a reason why women are not engaging with ICTs, even when training is offered. Women remain under-represented at all levels of ICT usage in Cambodia, limiting their ability to both benefit and to influence policy.

Malaysia, as noted above, is a hotspot for trafficking, on the US State Department's blacklist of countries engaged in human trafficking.⁶ While it is the most affluent of the countries surveyed, the effect of poverty is evident. Malaysian women most affected by trafficking are from indigenous populations, those who are the poorest on all socio-economic indicators.

Another concern in Malaysia is domestic worker abuse, particularly guest workers from neighbouring countries. As opposed to the Philippines, where the concern is protection of Filipino nationals abroad, Malaysia is a receiving nation with a poor framework for the protection of overseas workers' rights. While this has received much media attention, the media often perceive a need to balance coverage of violence with coverage of alleged exploitation by domestic migrant workers, worsening the imbalance of power between the employer and the employed.

⁵ The Hudood Law was intended to implement Islamic [Shari'a](#) law, by prescribing Qur'an-based punishments for fornication, adultery or rape.

⁶ *Trafficking in Persons Report 2008*, US State Department, available at <http://www.state.gov/documents/organization/105501.pdf>

In Pakistan, the most visible link to the global economic system is the militarised areas, with the heavy awareness of foreign military activities in the border regions. The impact of this on VAW is two-fold, in the difficulties the central authorities have in imposing national legislation that protects women's rights, but also in the way in which it drives discourse away from a rights-based approach.

4- VAW and freedom of expression

In all the countries surveyed, the need to 'protect' women and children from exploitation or from being exposed to exploitative images is often cited as a reason to clamp down on freedom of expression online. While not minimising the harm that pornography does to women and girls, both in terms of its production and its impact, this is often framed in terms of control rather than in terms of harm minimisation – for example the Malaysian government's announcement in 2009 that it intended to replicate the 'Great Firewall of China', with the aim of protecting children.⁷

This linking of VAW with freedom of expression is particularly problematic in countries with a poor record of respecting freedom of expression. The Philippines, with undoubtedly the most free media of the four countries surveyed, suffers from being one of the most dangerous places in the world to practise journalism, with few killers being brought to justice, and a culture of impunity against those who murder both journalists and human rights activists. While all three of the other countries surveyed have official measures in place to prevent free expression, there is little recognition of the importance of freedom of expression or the impact of anti-pornography legislation on the ability of women (particularly young women) to access information on sexual and reproductive rights.

Simultaneously, there is a global problem that women are unable to have control over their own bodies, or images of their own bodies. While there has, for example, been action against a female Cambodian teenager who was filmed having sex, it is not clear that action was taken against those who distributed the images, presumably without her consent. Again, this is not a problem unique to Asian countries, but in all countries examined, the rhetoric of protection of women and children has been stronger than action against those who engage in the non-consensual exploitation of women's images.

There is a need to address pornography and paid sex from a rights-based framework, balancing the needs of women for privacy and protection with the rights of all to freedom of expression.

5 - Lack of a rights-based attitude to ICT policy

There is no substantive engagement with civil society, and in particular the women's movement, in the formulation of ICT policy in any of the countries analysed. In Malaysia, Cambodia and Pakistan, the assumption that ICT is 'gender-neutral' drives both discussion on ICTs and policy around them. Those attempting to bring rights-based considerations to discussions on ICT policy have been accused of politicising the internet, the assumption being that a privatised web is somehow not political.⁸ While the issue of a digital divide and access to ICTs, particularly the internet and web-based applications, is addressed in all countries to some degree, there is little discussion of further implications for gender relations.

Internationally, as well as in Asia, this does not solely apply to policy-makers, but also to the women's and human rights movements. In the Philippines, despite recognition since 2003 that a gender perspective has been lacking in decision-making on ICT, there have been few

⁷*Malaysia plans Internet filter, tougher controls*, Reuters, 6 August 2009, available at <http://www.reuters.com/article/idUSSP39843320090806>

⁸See, for example, *Internet could face 'grave threat' at WSIS, lawmaker says*, Washington Internet Daily, 19 October 2005, <http://www.wgig.org/news/grave.html>

steps to rectify the situation. This is in part, as shown in the Malaysian case, because of a lack of confidence by activists that they are able to engage in the discourse around ICT, but also due to a lack of resources.

These gaps are compounded by the neoliberal discourse that surrounds ICT policy – deregulation in the Philippines, for example. When the discourse is 'market-driven', as in Malaysia, and focused on profit maximisation, human security and human rights are often seen as superfluous to the discussion.

6 - Scarcity of information on VAW, ICTs and the intersection between the two

In none of the countries surveyed, do the authors feel that there was adequate information on the numbers of women who are victims or survivors of VAW, on the manner in which ICTs are used to perpetrate VAW or on the numbers who are affected by ICTs. This adds to the problem that VAW is generally an under-reported crime, as many crimes against women, such as rape and domestic violence are not reported either for fear of consequences or because domestic violence, as noted in the Philippine report, is still seen as being a private matter, to be kept within the family.

In Pakistan, for example, statistics on VAW were compiled from newspaper stories, indicating a lack of official statistics on VAW. Not only does this mean that cases that are not reported in the media are missing from the statistics, it also means that crimes that are 'newsworthy', such as honour killings, are over-represented. While the paper recognises these limitations, it is difficult in these circumstances to have a picture of the severity, extent or even forms of VAW in Pakistan. Pakistan does, however, have gender disaggregated statistics on mobile phone usage, but not on other forms of ICTs and their usage.

In Malaysia, while the statistics on VAW are available, there is limited information available, such as geographic breakdown, and there is no gender disaggregation on statistics on ICT penetration. The police have been reluctant to provide further information on both rape and domestic violence statistics, citing that the information could be sensitive.

In the Philippines, there is a break-down of the statistics of 'Women in Especially Difficult Circumstances'. However, the major cause of these cases is 'unclassified', making it difficult to understand what lies behind these circumstances. There is also, as elsewhere, a 'dearth of information' on the intersection of ICT and VAW, making this an important gap in policy.

7 - Tools for violence

While, as detailed below, ICTs are a valuable tool for combating VAW, they are also used by perpetrators of VAW to extend control over women.

Mobile phones are everywhere in Asia. While, as in Pakistan, men retain control over the technology in some countries, in the other countries surveyed large numbers of men and women have access to mobile technology. While the use of mobile phones have been used across the region to harass and stalk women, either from anonymous callers or as part of ongoing abuse, perpetrators of violence are also using images from mobile phones to harass and coerce women. In Malaysia, for example, women's activists have cited the use of intimate images used to blackmail women into remaining in a relationship, particularly young women. In Cambodia, a similar situation has arisen with videos taken for private consensual use being used to humiliate and shame women, and in the case of a famous actress, images taken without her consent have been subsequently made available online.

While none of these problems is unique to Asia, they bring into sharp relief concerns over ownership of images, and the duties of internet service providers, website owners and government to think creatively about ways to protect the privacy and sanctity of an individual's represented body. Abuse is not limited, any longer, to what happens to our physical bodies, but also what happens to our bodies virtually.

Another issue that emerges is the longevity of images online. In the Philippines, a celebrity doctor is standing trial for posting intimate videos of himself with his girlfriend online, taken without her consent, these videos are still available online.

In the paper on the Philippines, concerns are raised about the pervasive nature of paid sex online. While recognising the diversity of experiences that led to women engaging in sex work, the report notes with concern that economic necessity may be driving women into sex work in countries such as the Philippines, and that it can be difficult to draw a line between paid consensual sex and VAW.

Issues of trafficking and related forms of VAW are examined above.

8 - Tools for building

One of the most prevalent tools for building resistance to VAW and empowering women has again been through mobile phones, partly due to their easy accessibility. In Pakistan, for example, mobile phones have been used by victims to escape from situations of violence. In Cambodia, a couple who had been accused of coercive sex managed to use video on phones to prove that their relationship was consensual.

The internet also provides a space for women's rights activists. While the predominant form of engagement appears to be static websites, this is possibly due to internet sites not being the best form of outreach to potential or actual victims of VAW, as women are less likely than men to be in control of computers and have the time to learn the skills needed to navigate the web with confidence. However, as experiences in all four countries surveyed show, the internet is a resource for information sharing at national, regional and international levels.

The Pakistan report also highlights the role that individuals can play in highlighting issues through personal blogs, posting information about abuse and through initiating debate.

The Philippine report highlights a best practice that combines the use of SMSes and web services to provide an emergency service to Filipino overseas foreign workers. While migrant workers are often isolated and find it difficult to access services, this emergency number meant that support could be quickly deployed to help both men and women in distress – half the callers were women and the 200 calls included two rape cases and one case of harassment.

FINAL CONSIDERATIONS

While the women's and human rights movements in all four countries considered have worked hard, and made important progress, to advance women's human rights and gender equality, much work remains to be done to address both traditional and new challenges. It is vital that the challenges of VAW and ICTs are recognised as part of the ongoing struggle to prevent violence against women, that while there are new manifestations of violence, the underlying issues of power, inequality and injustice are the same. With this understanding, feminists can recognise that technological knowledge is less important than a commitment to empowerment and human rights when engaging with policy and discourse surrounding ICTs. One of the key factors preventing women, and the women's rights movements, from engaging online is the assumption that technology is gender-neutral, that it should be left to 'experts' to decide these matters, and that 'ordinary' men and women are passive recipients of technology.

It is vital that civil society hold policy-makers to account for the impact of their decisions on the lives of the marginalised, particularly women, and to ensure that the best possible outcomes are measured by the impact on people's lives, rather than on the profit margins of ICT companies – which is the way that policy in countries such as Malaysia appears to have been dictated: even when there have been positive outcomes for human rights and VAW,

such as the guarantee of freedom of expression online, this has been at the request of potential investors.

Lastly, women's organisations across the region are already taking advantage of new technologies to improve networking, access to information and to provide new services. Greater replication of some of these initiatives, such as the SOS SMS in the Philippines, could ensure greater protection for women and also encourage further learning and new ideas to emerge.