DUE DILIGENCE
PROJECT

NARRATIVE REPORT

2018 – 2019:
Bridging Policy
and Practice
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Introduction and executive summary

Through a three and half years of multi-year and multi-country research and consultation with over 300 CSOs from 48 countries, individual experts and intergovernmental organizations, the Due Diligence Project (DDP) unpacked and added content to the State due diligence obligation, assessed the status of State compliance, identified and analyzed good practices and developed the Due Diligence Framework on State Accountability to Eliminate Violence against Women together with guiding principles in five areas, namely prevention, protection, prosecution, punishment and provision of redress and reparation.

In accordance with this mandate, the DDP utilizes a four-prong approach, namely –

- Targeted Technical Assistance to government officials in their development, implementation and application of laws, programmes, and policies. This is done through workshops with government decision-makers, judiciary and line ministries at the national level;

- Building capacities of CSOs to assess their governments’ human rights compliance and collaborate with them to end violence against women;

- Enhancing the knowledge base by customizing and applying the due diligence principle to specific themes/issues such as culture and family life, social norms, online violence, human rights responsibilities of non-State entities (e.g. internet intermediaries) through research, consultations with experts (UN mandate holders) and engagements with stakeholders.

- Collaborating with key policy makers & forums through briefings, working groups and submissions by working with inter-governmental organizations, treaty bodies and mandate holders.

In the years 2018-2019, the Due Diligence Project continued with its four-prong approach, namely research and advocacy, to promoting and protecting gender equality and eliminating gender discrimination and violence against women and girls. This approach provides a firm foundation for

In the first prong of targeted technical assistance, DDP engaged intensively (with the Asian Development Bank) to build the capacity of judges and prosecutors in gender-sensitization and facilitating access to justice for women victims/survivors as well as creating a sensitive and comfortable environment for women and girls and child
witnesses. This includes the need to encourage the admission and participation of female lawyers and judges. The engagement also culminated in the provision of technical assistance in the setting up of the first Gender-Based Violence Court in Pakistan and subsequently a further 115 such courts throughout the country.

DDP also undertook research, both an in-depth research into State measures to eliminate violence against women on the island of Java, Indonesia as well as a longer five-country research into online violence against women in India, Malaysia, Pakistan, Philippines and the Republic of Korea. The findings serve to enhance the knowledge base through research. The findings of the online violence were presented at the Preparatory Beijing +25 Ministerial meeting in Bangkok.

DDP also studied the converse impact of technology and convened an expert meeting (with UN Women) on the optimal entry points for safe technology to prevent and address violence against women (safe technology).

With respect to civil society, DDP continues to conduct seminars and workshops as well as involve civil society in all our research. Civil society serves as a catalyst to change and is in an optimal position to assess the efficacy of State policies, laws and measures. States who establish smart partnerships with civil society are better able to revise and sharpen their strategies.

Finally, DDP continues to actively engage with governments, inter-governmental organisations and mandate holders to ensure that its work is translated into policies, laws and programs that will empower and enhances women’s and girls’ ability to equally enjoy their rights and freedoms.

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**A. Strategic Thematic Intervention**

(i) Expanded participation of civil society, academic, industry actors and government officials from Africa, the Americas, Asia and Europe to contribute toward the thematic report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women;

**1. Online violence against women**

Apart from the engagements with special mandate holders and governments on online violence against women, DDP continued its research and advocacy on eliminating online violence against women.
(a) Expert Group Meeting on Online Violence with UN Special Rapporteur on violence against women, its causes and consequences in support of her thematic report on online violence against women, George Washington University, USA, 16-17 January 2018

DDP convened an expert group meeting on 16-17 January 2018 in collaboration with the Government of Canada in Washington DC on information communication technology based violence against women with the objective, inter alia, of supporting the SRVAW’s mandate as well as supporting the Human Rights Council resolution on the same in June 2018 to be proposed by the Government of Canada.

DDP had been engaging with the UN Special Rapporteur on violence against women, its causes and consequences (SRVAW), Ms. Dubravka Šimonović, to highlight the issue of online violence against women, announced that online violence against women as a priority theme. DDP stepped up the collaboration after the Special Rapporteur’ announced that her 2018 thematic report would online violence against women.

(b) Workshop on online violence against women, National Commission on Violence against Women (KOMNAS Perempuan), Jakarta, 13 July 2018

DDP collaborated with KOMNAS Perempuan to deliver a seminar on online violence against women, State and internet intermediaries’ obligations, the protection of freedom of expression and elimination of violence against women in online spaces. Fifty participants attended the lively and interactive seminar.

(c) Workshop on online violence against women, Kuala Lumpur, 23 July 2018

DDP collaborated with local civil society organisations in Malaysia to deliver a one-day workshop on online violence against women. Participants indicated that the workshop clarified many of the complicated issues and questions on online violence and encouraged the participants to meet the challenge of eliminating online violence against women with confidence.
DDP was invited to deliver a paper on *Due Diligence to Eliminate Online Sexual and Gender-Based Violence: The State, Intermediaries and Universal Access* at the International Conference on Social Economy of Gender convened by the Punjab Commission on the Status of Women in Lahore, Pakistan.

### 2. Harnessing safe technology

(a) *Optimal entry points for safe technology in the provision of essential services, Vienna, 7-9 November 2018 (with UN Women, UN Population Fund and UN Office on Drugs and Crime)*

Information, communication and technologies, particularly mobile technologies with apps and online capabilities, have grown exponentially throughout the world. The capacity of governments to deliver e-service has correspondingly enhanced, resulting in improved e-government service delivery including information and online services.¹ Providing access to a set of quality, accessible, multi-sectoral and coordinated essential services can provide women and girls with the opportunity to break recurrent cycles of violence and mitigate the consequences of such violence.

New trends in technology both promises to equalize accessibility to and availability of services as well as deepen the digital divide. Human computer interaction and new models such as crowdsourcing blurs the line between users and subjects. It also has the ability to materially reproduce socio-cultural perceptions and entrench norms and practices, both positive and negative.

The objective of the expert meeting was to identify and explore this technology, discern its cultural premise and impact, as well as assess its adaptability and appropriateness in the provision of essential services; keeping in mind that any strategy to eliminate violence against women and girls must empower women and girls subject to violence.

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integrate thoughtful gender analysis in its design and use as well as promote, protect and fulfill their human rights. The meeting was attended by academics, government officials and civil society advocates from Africa, Asia, Europe and Latin America and the Caribbean.

3. Engaging civil society on effective regional organizing

(a) Conference on Feminist Charter for a Just, Peaceful, Violent-free and Democratic South East Asia, Jakarta, 6-8 March 2019 (Shirkat Gah and Institute for Women’s Empowerment)

DDP collaborated with a coalition of South Asia and South East Asia feminist organisations to provide technical expertise in conceptualising State obligations to promote, protect and fulfill universal women’s human rights in South East Asia in all its diversity and to remove gender inequalities which persists in the models in place in South East Asia so that women’s rights and full potential may be realised. After all, marginalizing women’s voices, capacity and contributions also means a loss of opportunity, resources and wealth for the region.

A charter for a just, peaceful and violence free democratic South East Asia was prepared as the foundational instrument to guide civil society in their work to hold States and intergovernmental organisations, in particular, the Association of South East Asian Nations (ASEAN) accountable to promote, protect and fulfill women’s human rights. The charter also allows for civil society organisations to adapt it in accordance with their particular focus and needs.

Participants included civil society advocates from Cambodia, Indonesia, Malaysia, Philippines, Singapore, Thailand, and Timor Leste.
4. Engaging academics – bridging research and policy

(a) 5th World Conference on Women’s Studies, Activism, Solidarity and Diversity, Bangkok, 25-27 April 2019

DDP is conscious of bridging research and policy and believes in increasing the engagement of academics with government policy makers as well as industry actors to facilitate positive cross-fertilisation so that research findings may resonate with governments and industries toward developing evidence-based policies. The conference provides one such avenue to bring together researchers, industry actors and policy makers. DDP presented a paper on Online hate and cyber violence: Holding States and intermediaries accountable to a packed room. Students and advocates recorded how the paper demystified online hate and violence and encouraged them to interrogate the issue further.

B. Strategic in-depth research-advocacy

Outcome of research:

(i) In-depth understanding of the manifestations of violence against women including hate, misogyny and violence against women in the digital space or through the use of information communication technology;
(ii) Record of challenges and measures and policies undertaken by both States and internet intermediaries in preventing and responding to online violence against women;
(iii) Expanded participation of civil society, academic, industry actors and government officials in addressing and eliminating online violence against women;
(iv) Enhanced ability of civil society and States to address and eliminate online violence against women.
(a) In depth research into State accountability to eliminate violence against women in Java, Indonesia, 10-12 July 2018

After extensive engagement with government officials, judges and civil society advocates in Indonesia, DDP initiated an in-depth research into Indonesia’s discharge of its due diligence obligation to eliminate violence against women through qualitative interviews with government functionaries and independent human rights commissions. In 2017, DDP conducted field research with civil society advocates in several cities in Java. In 2018, DDP continued its in-depth research by conducting interviews with government officials and mechanisms to examine the various strategies, measures and policies adopted by the Government of Indonesia to prevent violence against women, protect victims/survivors, prosecute and punish perpetrators as well as provide reparation and redress for victims/survivors of violence on the island of Java.

(b) Research: Information communication technology related violence against women: prevalence, trends, legislation, issues, dynamics and trends in Asia (India, Malaysia, Pakistan, Philippines and Republic of Korea) 2019 [with UN Women]

Eliminating ICT VAWG is critical in empowering women by ensuring equal access to ICT. Removing violence against women from digital platforms also has the net effect of promoting and strengthening freedom of information as it creates an environment that allows more individuals, especially sections of society who face discrimination in other public spaces, to participate in these media. Although States have adopted various strategies to end ICT VAWG, ICT VAWG continues to be a universal phenomenon and women are subjected to different forms of ICT VAWG.

The objectives of the research were –

1. To investigate States obligation to end ICT VAWG and what this obligation entails;
2. To study States’ efforts to date in dealing with ICT VAWG;
3. To consider ICT intermediaries’ efforts to date in dealing with ICT VAWG;
4. To investigate the perspectives of civil society in the assessment of State efforts, achievements and challenges in preventing violence against women, protecting survivors, prosecuting cases, punishing perpetrators and providing redress for survivors; and
5. To identify promising practices and make recommendations to eliminate ICT VAWG;
6. To develop a knowledge and advocacy product that provides an overview of the issue and recommendation to address ICT VAWG in the Asia region for different stakeholders.
The research employed a mixed method approach, utilizing both review of secondary materials and primary data collection. Five countries were selected for this research, namely India, Malaysia, Pakistan, Philippines and the Republic of Korea. The choice of countries was determined based on, amongst others, viability of conducting the research, taking into account the existence of independent civil society organizations (this is because a major part of the research requires engaging with civil society advocates), State measures to prevent, address and respond to ICT VAWG (namely existing laws, policies and mechanisms on ICT VAWG), diversity in language, sub-regions (geography) and socio-political and economic situations, amongst others.

Apart from a survey, DDP researchers had on-site focus groups discussions and key informant interviews with government officials (including officials from ministries, police, prosecutors, judges, specialized agencies dealing with information communication technology), civil society advocates and internet intermediaries in India (October 2019), Malaysia (August 2019), Pakistan (July 2019), Philippines (September 2019) and Republic of Korea (October 2019). The report is currently being finalized.

C. Engagement with and at the United Nations in New York, Geneva & Bangkok

The Due Diligence Project also engaged with the various UN Mandate Holders, namely the UN Special Rapporteur on violence against women, its causes and consequences, the UN Special Rapporteur in the field of cultural rights. It also engaged with governments in support of resolutions on women’s human rights.

Outcome of engagements:

(ii) Increased awareness of civil society, academic and industry actors in conceptualizing a framework on state accountability to promote, protect and fulfil as well as corporate accountability to respect, protect, remedy negative consequences to human rights including on the critical and emerging issues of online violence against women;
(iii) Enhanced use and application of the due diligence principle and DDP’s research findings by these same stakeholders who define, shape and direct policy on women’s human rights at the international and inter-governmental level as well as industry actors who develop user policies for the public at large;

(iv) Increased understanding of the impact of culture on women’s human rights and underlining the universality of human rights in support of the Special Rapporteur in the field of cultural rights.

I. Online violence against women (information communication technology related violence against women)

Digital technology has the potential to play an important role in advancing gender equality and empowering women and girls. Yet, women’s and girls’ ability to access, use and benefit from the transformative potential of digital technology is increasingly undermined by online, digital and ICT-facilitated violence against women and girls (VAWG). While States and digital intermediaries have taken important steps to address online, digital and ICT-facilitated VAWG, there is much that can still be done.

(a) Eliminating Online, digital and ICT-facilitated violence against women, Palais des Nations, Geneva, 21 June 2018

The DDP convened a panel discussion in conjunction with the Human Rights Council session in June 2018, hosted by the Government of Canada to explore the next steps to address online, digital and ICT-facilitated VAWG, the potential of a human rights framework to analyze States’ and digital intermediaries’ responses to VAWG in digital contexts, and recommendations on what can be done to curb and ultimately eliminate online, digital and ICT-facilitated VAWG.

The panel was convened to support and draw attention to both the Special Rapporteur’s thematic focus on online violence against women as well as the Government of Canada Human Rights Council resolution on preventing and responding to VAWG in digital contexts.

The panel was moderated by the Permanent Representative of Canada to the UN Ambassador Rosemary McCarney. Panelists included Dubravka Šimonović, UN Special Rapporteur on violence against women, its causes and consequence, David Kaye, UN
Special Rapporteur on the promotion and protection of the freedom of opinion and expression and DDP director, Zarizana Abdul Aziz.

(b) Panel on “Information communication technology related violence against women: prevalence, trends, legislation, issues and dynamics” in conjunction with the preparatory meeting for the Asia-Pacific Ministerial Conference on the Beijing+25 Review, Bangkok, 17 – 18 Oct 2019 (with UN Women and Government of Korea)

The findings of the five-country research into online violence against women was presented at the Asia-Pacific Beijing +25 preparatory meeting in Bangkok. The panel also discussed online violence against women in Korea. Participants included country delegates and civil society advocates. The aim of the presentation was to highlight the importance of ensuring sufficient focus was made on online violence during the Beijing + 25 review.

2. Universality of Human Rights

The universality of human rights is one of the most important principles codified in international law. It is the central idea of the Universal Declaration of Human Rights and a foundational aspect of the entire human rights system. Simultaneously, respect for cultural diversity is also threatened.

(a) Cultural Diversity and Cultural Rights: A Cultural Rights Celebration of the 70th Anniversary of the Universal Declaration of Human Rights, Church Centre, 10th floor (777 UN Plaza), 23 October 2018

DDP co-convened a side event panel to examine the cultural rights approach to the universality of human rights, and the close interrelationship between universality and cultural diversity. The UN Special Rapporteur in the field of cultural rights, Karima Bennoune, also discussed her report to the General Assembly (A/73/227) focusing on the current threats to universality, calling for foundational renewal and vigorous defence of this principle, and recognition of its close interrelationship with cultural diversity.
The panelists were Wole Soyinka, Nigerian playwright, poet and essayist, Literature Nobel Prize winner (1986), Karima Bennoune, Special Rapporteur in the field of cultural rights and Zarizana Abdul Aziz, Director of the Due Diligence Project.

D. Capacity building with the Judiciary

Outcome of engagements:

(i) Establishment of specialized gender-based violence courts with trained specialized judges and prosecutors incorporating gender-sensitized approach and environment to better provide access to justice for women victims/survivors;

(ii) More efficient handling and management of cases pertaining to gender-based violence and gender discrimination cases;

(iii) Enhanced understanding and application of Constitutional protection of women and the legal State obligation and fulfillment of women’s human rights and constitutional fundamental liberties;

(iv) Increased gender awareness and sensitization of judges and prosecutors culminating in better handling of cases and decision-making;

(v) Increased access to the courts by women survivors/victims of violence, particularly with the setting up of gender-based violence courts;

(vi) Enhanced recognition of the importance of the role of female judges in delivering justice and equal access to the courts.

The judiciary’s role is not merely limited to adjudicating specific disputes between litigants. The more critical role and influence of the judiciary is in developing and if necessary changing mindsets to accord with the constitution and rule of law. ²

Given the critical role and potential influence of the judiciary, DDP focused its attention on engaging the judiciary on gender sensitization, gender equality and preventing/prosecuting violence against women cases, drawing its authority and inspiration from national Constitutions, domestic laws and international human rights norms.

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² “Experience attests that… local habits and feelings will yield, gradually though this be, to law and education … vigorously flow[ing] from the fruitful exercise of the responsibility of those charged with political official power and from the almost unconsciously transforming actualities of living under law.” Cooper v Aaron, 358 U.S. 1, at 25, per Frankfurter J.
Prior to the development of the training programme, critical stakeholders (government officials, the High Courts and Supreme Court, police, civil society advocates and inter-governmental agencies) as well as judges and prosecutors themselves were consulted. Months were set aside to develop customised modules for each country in line with their Constitutions, national laws, legal system, judicial precedents, social, cultural and religious milieu, international human rights obligations. The modules also incorporated promising/good practices from comparable jurisdictions.


These trainings constitute the 2\textsuperscript{nd} phase of judicial trainings conducted in Pakistan to help establish a cohort of judicial trainers who would be able to mainstream the training into the regular training curriculum provided at judicial academies. The trainings were initiated by the Asian Development Bank.

So far, more than trained 400 judges in Pakistan have been trained. The training was accompanied by the establishment of the first Gender-based Violence Court in Lahore. The Court made impressive strides in providing a less stressful environment for victims/survivors as well as prosecutors and defence counsels. It adopted more rigorous case management procedures including enquiring into attrition of cases.

Following from the success of the first Gender-based Violence Court in Lahore, 115 further gender-based Violence Court were planned – one in each district throughout the country. The programme in July 2019 focused on training judges and prosecutors for the newly established gender-based violence courts.


The training is in furtherance of DDP’s prior work on legal reform in Afghanistan. After extensive consultations with judges and prosecutors, as well as local lawyers, government officials, the Supreme Court, and international agencies, customized training modules were developed and 100 judges and 80 prosecutors were
In order to ensure that the training is adopted as part of the training curricula for judges, a training of trainers (ToT) was also conducted in September 2019. Twenty-five judicial trainers received intensive training and simulated exercises in order with a view to mainstream the training programme into regular judicial trainings conducted by the Court. The training was initiated by the Asian Development Bank.

(c) Women’s Judges Summit, Islamabad, 21-23 December 2018 (US Embassy in Islamabad)

DDP director, Zarizana Abdul Aziz was invited to deliver the keynote address at the First Pakistan Women’s Judges Summit convened by the US Embassy in Pakistan. In the address, she focused on Gender Equality, Gender Discrimination and the Alliance between Men and Women from the perspective of the Constitution and laws of Pakistan, Islamic precepts and international human rights as well as the importance of bringing women’s perspectives to the judiciary.

E. MOVING FORWARD

Conclusion

The Due Diligence Project has made great strides in utilizing the tools it developed on targeted areas such as preventing, responding and eliminating online violence as well as optimal use of safe technology to prevent and address violence against women.

DDP further focused on critical stakeholders that enforce State obligation to eliminate discrimination and violence against women, namely the judiciary. In this, DDP’s director successfully worked with Asian Development Bank to train judges in Pakistan and Afghanistan as well as establish gender-based violence courts in Pakistan.

Given that eliminating ICT VAWG is critical in empowering women by ensuring equal access to ICT, DDP deepened its cutting edge research into online violence against women, starting with Asia. The findings of the research provided better understanding into the nature, prevalence, trends, legislation, gaps and challenges of online violence against women and highlighted the importance of removing violence against women from digital platforms to ensure that women and girls have equal and positive access to the digital space.
Moving forward, DDP plans to expand its work on online violence, cultural impact on discrimination against women and girls and training of critical actors and stakeholders in eliminating discrimination and violence against women and girls.

In conclusion, the Due Diligence Project would like to acknowledge and record its gratitude and appreciation to its funders for their support which enabled the Due Diligence Project to continue its exciting work toward eliminating violence against women.