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Tackling sexual harassment

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Digital-based violence in the Czech Republic

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1. Country context

1.1. Current Situation

The issue of digital violence has gained significance in recent years, however in the Czech context it is primarily linked to children and teenagers and lacks gender dimension in public debate. Violence online is seen (by experts as well as by general public) as an issue relevant for young people and thus most of the services, campaigns and projects are targeting youth and then parents and school teachers. Adults have very limited possibilities to gain information or help.

Other issue is the terminology; the phenomenon of digital violence is very often called cyberbullying as an umbrella term. Very few organisations work with extended definitions, such as intimate partner violence online, sexual harassment online, digital-based violence or gender-based violence online, sexting, etc. Terminology along with the social perception and tolerance to all forms of violence is an issue that is still present among general public. Tolerance is very often combined with humour not acceptable for many though commonly used as counter argument even in relation with the acts of a criminal nature. Low numbers of reported cases and lack of services for cyber-violence victims is the result of it.

Violence on-line is commonly seen as a gender blind issue by the state institutions and the majority of NGOs in the Czech Republic. The statistics usually provides data for certain types of violence in whole numbers meaning every 2nd child in the Czech Republic has experienced on-line violence, only 20 % of those children were aware of the issue, only a small number of children discussed the problem with adults (parents, older siblings or teachers), etc. The lack of gender statistics and lack of relevant data is one of the biggest barriers the country faces. Sadly, the willingness to accept the definition of gender-based violence online is not very high, and is even sometimes rejected.

Last but not least, the government pays attention to cybersecurity on political level, but there has not been any official declaration or statement regarding digital-based violence, initiative or campaign managed by the state, ministries etc. The issue of tackling sexual harassment and other online challenges is primarily in the hands of NGOs very often interlinked with private companies (such as mobile phone providers or banks) who are willing to financially support some education programs or helplines. As it was mentioned above, the vast majority of awareness initiatives target small children and young people. Special education focusing on cyber-prevention is not mandatory, however the demand is very high from the side of schools and parents.

1.2. Social circumstances and data available

As already indicated, in the Czech Republic there is a lack of relevant data, not to mention gender statistics and data for all segments of the population. The only age group covered by research is youth and small children.¹ Only in exceptional cases some studies run by the university departments include research on risky behaviour online among older generations, with a few gender statistical data.² Czech Republic provides data to EU survey EU Kids Online, published annually.³ There is data and education provided by the independent organisation supported by the Ministry of the Interior of the CR, focusing on certified and accredited education for children and senior citizens.⁴ In the recent years, many research activities have been provided by human rights organisations (mostly NGOs), and hate speech is one of the covered issues.⁵ There is no specific data on sexual harassment yet; the issue has been examined as cyberbullying and risky behaviour online that may include sexual assaults. There is one piece of research presenting the first gender statistics and reflecting on gender dimension of the phenomenon in relation to the experience of the middle-age generation.⁶

Most data available in the Czech Republic is provided by independent organisations (NGOs) and universities with some level of support from the local government. The Czech government supports various initiatives by the private companies, however the lack of own contribution and not taking the issue as priority is still inadequate in comparison to how important the online communication and behaviour have lately become.

1.3. Legal background

Czech legal system does not define cyber-violence as a term in any piece of the legislation, however it provides protection against certain criminal acts such as intimidation, stalking, hate speech, pornography and so on. Some forms of cyber-violence can be dealt directly with the support of social media providers and mobile network providers, serious cases can be addressed to the criminal court, whereas protection of personality can be also brought to the civil court. The Civil code contains examples applicable for protection of personal data, bullying, blackmail, revenge porn, faked profiles on social media, etc.

¹ <https://www.e-bezpeci.cz/> - annual report on cyber-violence among children, including random issues such as cyberbullying of teachers (2016), providers of the first helpline mobile application.

² <http://www.prvok.upol.cz/index.php/cz/vyzkumcz> - Centre for prevention of risky virtual communication.

³ Czech research team EU Kids Online:

<http://www.lse.ac.uk/media@lse/research/EUKidsOnline/ParticipatingCountries/Czech%20Republic.aspx>

⁴ <http://www.ncbi.cz/> - National Centre for Safer Internet with the project Safer Internet.

⁵ <https://www.clovekvtsni.cz/media/publications/553/file/1459365027-hate-speech-zaverecnazprava-final-verze.pdf> Hate speech in cyberspace and on social media. People in need, 2015.

⁶ Project Stop gender-based cyber-violence (Gender Studies, 2016) – including combined research and legislation analysis: <http://genderstudies.cz/cz/stop-kybersikane>

There is no specific legislation (act) (except Cyber Security Law⁷) that is specifically focused on cyber space. Most legislation is sufficient and applicable to online and offline sphere equally. What is crucial is the interpretation of the legislation and a good knowledge of how those two worlds are interconnected. And this responsibility lies with courts and legal representatives.

There are no statistical data on the number of reported cases. One of the reasons for this is already mentioned tolerance to violence and difficulty to distinguish the importance of the situation caused by lack of awareness and unified terminology. The fear of going public with personal data and information is another obstacle.⁸

What should not be missed is the fact that Istanbul Convention⁹ was signed by the Czech government only 2 years ago, in May 2015, and has not been ratified yet. The signature was preceded by a public campaign #zalstanbul¹⁰ (#forIstanbul) run by the leading non-profit organisations actively involved in combating violence, promoting human rights and non-discrimination issues (Czech Women's Union, Czech Women's Lobby). The campaign aimed to attract attention to this problem, so that it is taken seriously. The ratification of the Convention would bring changes to the system, as well as the first legal bindings concerning cyber-violence.

1.4. Good Practices

There is a number of good practices targeting children and young people. Children can report cyber violence of all kinds to mobile applications or use different helplines and non-stop advisory networks. There is one particular legal helpline available to adults www.stopkybersikane.cz providing consultations and direct help. Czech Police also provides help online with no age restriction.

The risks related to cyber-violence along with sexual harassment online have been very important part of the education in schools; however the phenomenon of online violence has not been embedded directly into the education package. Seminars and workshops are usually provided by the external organisations. Companies and schools need to pay for the services unless they are covered from specific grants. Schools pay attention to the prevention and awareness, but they very much rely on external services. The Ministry of education and sports has allocated the financial resources to tackle cyber-violence and has prepared the methodological tools for teachers and pedagogues.

Campaigns started being launched regularly in public space, communicating the issue through peers or advertising one of the helplines. Better awareness of what is and what is not considered to be sexual harassment and violence is very much needed and not just among younger generations.

⁷ <http://www.kybernetickyzakon.cz> – 2015.

⁸ https://aa.ecn.cz/img_upload/8b47a03bf445e4c3031ce326c68558ae/eo-legislativ-analyza.pdf - Legal analysis: how to tackle cyberbullying (Gender Studies, 2016).

⁹ <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210> - Convention on preventing and combating violence against women and domestic violence.

¹⁰ <http://www.rovnosance.cz/category/istanbulska-umluva-2/> - Istanbulská úmluva.

On political level, there is The Committee on the Prevention of Domestic Violence and Violence Against Women, which is an advisory body of the Government Council for Gender Equality. The Committee is responsible for Action plan for prevention of domestic violence and gender based violence for 2015-2018 with particular focus on cyber-violence. There is an active working group for the prevention of sexual violence run also by the Council. In 2015 The Council organised the very first conference on Media, Cyberspace and Violence and had elaborated several studies on selected issues, naming one “Analysis of gender-based cyber-violence in the Czech Republic.”¹¹

In recent years, the debate on sexual violence has been opened thanks to the study on Sexual harassment at Universities provided by the Sociological Institute (2011); unfortunately the research contains only real-life data. The same applies to the activities of the so called “collective 4th wave and Konsent”, a group of activists addressing important human rights issues such as sexual harassments in schools, intimate partner violence, rape and sexual exploitation, etc. Their activities combine different methods: art, activism with formal education and campaigning.

2. Policy Debates on Sexual Harassment

The issues of digital sexual harassment and gender-based violence remain more on the agenda of non-profit sector and private companies than on the agenda of the policy makers. Independent organisations support the role of state, but they are not fully supported financially in exchange to that. Many private companies who are tech, ICT oriented or even banks have allocated some financial resources for protection, prevention and awareness, which NGOs can apply for.

What has been missing though is the policy debate on inter-sectoral level. Private companies (social media providers, IT firms, mobile networks providers), representatives from the ministries, police enforcement, and many others ought to discuss the issue strategically and comprehensively, more working groups should be established. The establishment of a new department or institute for cybercrime should be considered. More action and debate need to be directed to the ordinary internet users (including potential users), general population of all age groups (not only children).

Private companies (social media providers) are obligated by law to provide security and protection of citizens' data and privacy, if the privacy is violated and citizens' data is misused or stolen, they should bear the responsibility. The problem is, that the evaluation of the user's complaint or request might take up to one month and within this time, cases e.g. sexual harassment of stolen identity or intimate content can become devastating for the victims.

The last comment reflects the work of police, what has been missing or not sufficient is the level of education provided to the police enforcement for the purposes of

¹¹ Analýza genderově podmíněné kyberšikany v ČR, Úřad vlády ČR, Dlouhá, Svatošová, Tenglerová, 2016.

gender-based violence investigation. It is ironical, that police provides numerous seminars in schools, but very often they fear of using their experience from the field. They argue that in this way they could provide instructions to the potential aggressors or give out their know-how.

The main dilemma concerning political discussion is the problem of censorship and rights and responsibilities of providers and the state. The issue includes the crucial role of the state and the role of those who profit from citizens' data and personal information. It also touches upon the freedom of expression and other basic rights.

3. Learning from France and Denmark

Prevention mechanisms for tackling sexual harassment (and gender-based violence) need to be based on current research data and statistics. The scope of the problem needs to be defined with a clear and commonly accepted terminology. What needs to be taken into consideration is the close interconnection between online and offline actions, meaning we cannot tackle online violence or sexual harassment when the real-life harassment is tolerated or accepted by the majority of the population. Most importantly, the perception of violence as something unacceptable has to be communicated in the public space and through different media.

3.1. France

The French law provides a criminal offence of sexual harassment in public transport. What can be learnt is the necessity of the legal framework that provides protection of victims and supports awareness-raising. It also presents sexual harassment as a form of gender-based violence and thus can target the national campaigns accordingly. It also shows how important it is to have quality data and local statistics we can build our projects on. Tackling sexual harassment in public transport is undeniably a big step forward and from our Czech perspective certainly a good practice. However, there are other areas where sexual harassment takes place and it is important to address schools, universities or work place. French good practice could be also used for tackling sexual harassment in other areas.

3.2. Denmark

Denmark presents a comprehensive and inspiring solutions and approach covering the most significant areas such as education and research, support for victims, cooperation with police enforcement, legal framework for punishment and awareness including prevention. Danish example echoes very much with Czech culture and options our government can use to tackling on-line violence.

Attention should not be paid only to children and young generations. International data¹² clearly show that digital-based violence is not just an issue among young people, but different generations world-wide. The focus needs to be broadened along with particular measures.

4. Conclusion and recommendations

This paper seems to be rather critical to the current situation, however there is a noticeable attention to the cyber issues on multiple levels, from social media providers, from the government, from public sector, but there is also a warning sign how slow and not very flexible Czech state reacts to the current trends and situations. We talk about phenomenon linked to technologies and internet and this is considered as one of the fastest growing industries in the world and thus we need to keep pace with it. We need to build a system of sufficient protection, help and prevention, a mechanism that works ultimately and unconditionally for all who seek for help or those who are bystanders (friends, family, colleagues, school mates) or potential victims.

We now have a good knowledge of what works and what is effective from other EU states (such as Danish and French examples) or overseas, thus we should focus on applying already existing mechanisms to the Czech system, and take a clear stand “zero tolerance to any form of violence” on all levels of our lives. This requires the acceptance of online forms of violence as legitimate danger.

Recommendations to the state administration:

- to create a political strategy how to tackle cyber-violence (prioritise different categories and activities for this field, provide clear terminology for the field of new media and ICT, interlink this strategy with other related political strategies and priorities);
- with a focus on tackling cyber-violence adjust the institutional structures (establish multi-filed platforms of experts from different sectors, allocate some financial resources, consider e.g. child ombudsperson or ombudsperson for cyber-violence survivors);
- to cooperate with the private sector in prevention and awareness activities as well as to provide support (make communication between providers and users easier and effective, set the rules and responsibilities for providers when dealing with cyber-violence);
- to support research on all age groups, victims and perpetrators, collect relevant statistical data;

¹² Violence against women: an EU-wide survey. FRA, 2014.

- to support education of experts (including court, crisis centres, police, etc.) and children before they come across with ICT and encourage more girls and women to enter ICT and STEM fields and become tech-savvy;
- to support and initiate awareness campaigns;
- to allocate adequate financial resources for the elimination of all forms of violence;
- to establish a good working network of institutions and services for victims available for all age and gender groups;
- to focus on prevention (including focus on potential aggressors and perpetrators at an early stage) mainly through education;
- to revise current legislation and accept international conventions relevant for cyber-violence.