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# ISSUE BRIEF

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## Cyberviolence against people living with HIV and key populations

### OPPORTUNITIES FOR PREVENTION AND RESPONSE

This issue brief provides information about cyberviolence against people living with HIV and key populations most at risk of HIV. It suggests specific measures that can be taken to address cyberviolence. It highlights good practice and examples of how these practices can be adapted to local contexts. This issue brief is intended for governments, UN entities, community and other civil society organizations - as well as other stakeholders engaged in rights-based responses to HIV.

“As a global community, we face questions about security, equity, ethics, and human rights in a digital age. We need to seize the potential of technology while safeguarding against risks and unintended consequences.

I see the United Nations as a unique platform for dialogue in our digital age. We need researchers, policymakers, technologists, entrepreneurs, civil society actors and social scientists to come to the table and share their part of the solution.”

United Nations Secretary-General António Guterres

## Introduction

According to UNAIDS, in 2022 there were 38.4 million people living with HIV, among them 1.7 million children. Fifty-four percent of all people living with HIV were women and girls.<sup>i</sup> Key populations<sup>ii</sup> and their sexual partners now comprise 70 percent of the new HIV infections worldwide and over 90 percent of infections outside sub-Saharan Africa.<sup>iii</sup> Violence - including physical, psychological, sexual and gender-based violence (GBV) - is an important driver of the HIV epidemic among key populations. It influences HIV risk and impedes access to HIV-related information, prevention, treatment, care, and support. This includes violence by state as well as private actors.<sup>iv</sup>

Information and communication technology (ICT) (computers, mobile phones, other Internet-enabled devices), social media (Facebook, Twitter, blogs, apps, chat rooms, websites)<sup>v</sup> can play an important role in ensuring the health and human rights of key populations. ICT platforms can provide a safe space to access and share information and education about HIV prevention, treatment and care. It can broaden outreach to providers of health, social and legal services. ICT platforms can support peer outreach, mobilization, participation and advocacy for rights.<sup>vi</sup> Virtual space can help build community and strengthen social bonds among people who face discrimination and violence, facilitating the sharing of health and safety information

and publicize information addressing persecution, violence in public spaces.

In this issue brief, cyberviolence is defined as the use of information and communications technology (such as mobile and smart phones, the internet, social media, email, etc.) to cause, facilitate, or threaten violence against an individual or group of individuals, that results in, or is likely to result in physical, sexual, psychological or economic harm or suffering and may include the exploitation of the circumstances, characteristics or vulnerabilities of an individual or group.

This includes threatening or inciting others to commit acts of violence; stalking, bullying, blackmailing, harassment, defamation, hate speech,<sup>1</sup> impersonating victims online, and non-consensual sharing of private, confidential and sensitive information, including data breaches and GBV.

The Global AIDS Strategy (2021-2026), the Global Fund Strategy (2023-2028) and the five-year Strategy of the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) recognize the critical role that ICT can play in facilitating and scaling up HIV responses and reaching those that are left furthest behind.<sup>vii</sup> The UNDP HIV and Health Strategy recognizes that data and digital technology have

significant potential to drive equity and more resilient and sustainable health systems.<sup>viii</sup>

The ability to post anonymously, to not disclose one's location and IP address, helps facilitate such free exchange of information, ideas, and expression. It also can be critical for people whose conduct is criminalized and those who face stigma and discrimination, where sharing information or HIV prevention commodities such as condoms, or safe injection equipment. Even gathering in public may expose criminalized and vulnerable groups to the risk of criminal prosecution as well as violence by law enforcement or private perpetrators.<sup>ix,x</sup>

But anonymity has a flip side - it also "provides a veil for harassers," making it more difficult to identify who or even where violators are so they can be held accountable for their actions.<sup>xi</sup>

In many countries, key populations "face persistent harassment and violence online, including death threats, threats of sexual and gender-based violence, defamation and disinformation campaigns. Harassment and hate speech online often lead to physical violence offline."<sup>xii</sup> Digitalization, accelerated by the response to the COVID-19 pandemic, has increased such threats.<sup>xiii</sup> The use of targeted communication surveillance and facial recognition software and location-based tracking (via data from mobile phones) to monitor and control key populations is also increasing.<sup>xiv</sup> The use of these digital tools may facilitate arbitrary arrests, detentions and other human rights violations, in turn, facilitating violence.<sup>xv</sup> The unauthorized disclosure of private, sensitive, confidential information that is collected and stored online (e.g., online healthcare records, electronic medical records, communication with healthcare providers) likewise may lead to human rights violations, including arbitrary arrest, detention and violence, especially for key populations subject to punitive or criminal laws.

Addressing cyberviolence against people living with HIV and key populations is critical for achieving SDG 3 on health and its targets on ending the AIDS epidemic and achieving universal health coverage by 2030; SDG 16 on peace, justice and strong institutions, and its targets on significantly reducing all forms of violence and related death rates; and more broadly, the goal of "foster[ing] peaceful, just and inclusive societies which are free from fear and violence."



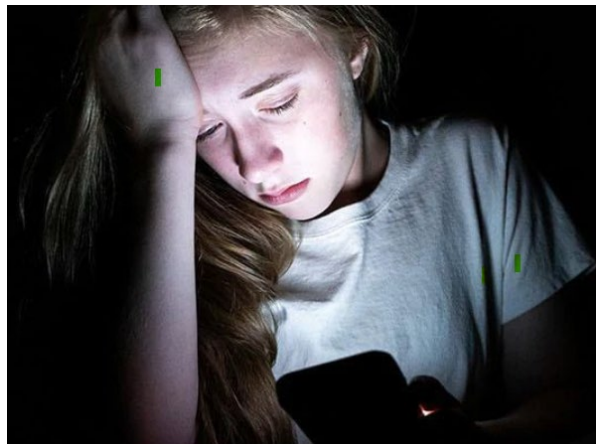
## Cyberviolence, key populations and HIV: trends and issues

There is no internationally recognized definition of cyberviolence. This type of violence is also referred to as 'online violence', 'digital violence,' 'technology-facilitated violence'. Laws censoring or restricting opinion, expression or information about key populations can also facilitate cyberviolence. Cyberviolence can be difficult to stop, as many of its forms create a digital record that can be disseminated quickly and widely and cannot be easily deleted.<sup>xvi</sup> This section provides an overview of the types of cyberviolence targeted at people living with HIV and key populations that contribute to increasing HIV risk and impede access to services.





## Digital surveillance, unauthorized collection and disclosure of private information



Information and communication technology has been used as a tool to conduct surveillance on key populations.<sup>xvii</sup> It can also be used to facilitate, threaten, or direct physical violence. This includes cases of hunting and directing murder or other violence offline of LGBTI+ people; government shutting down websites of community organizations or banning information on HIV prevention for people who use drugs and men who have sex with men, accounts of harm reduction organizations, LGBTI+ people and others perceived to be “foreign agents”. It can also include creating fake profiles in social media for entrapment of people based on their real or perceived sexual orientation or gender identity; extraction of data from digital devices, together with physical violence or under duress to identify other potential targets; and police monitoring and entrapment of LGBTI+ people on social media, dating applications, and other web platforms.<sup>xviii</sup>

The unauthorized disclosure of private, sensitive, and/or confidential information such as healthcare records, electronic medical records, communications with healthcare or social service providers (including regarding drug use, HIV

status, drug or HIV treatment, gender-affirming health care) may lead to violence or other abuse.<sup>xix</sup> Sex workers have also raised concern that the lack of transparency regarding the use and sharing of their information. Such is, for instance, the use of algorithms that pool user information from different social media platforms and share it with other users as “people you may know”. This practice can render sex workers’ private accounts visible on clients’ or family members’ screens and expose them to violence. In all of these cases, such disclosure may be especially harmful where key populations are subject to punitive or criminal laws.

Gathering accurate information about key populations, including with respect to population size estimates, HIV prevalence, or clinic visits, is important for HIV responses.<sup>xx</sup> The use of biometrics – the automatic identification of a person based on physiology or anatomy, such as voice, face, retina and iris patterns, DNA files, turned into a digital ID - has been proposed as a means to improve the accuracy of data on key populations.<sup>xxi</sup> However, in the context of criminalization, discrimination and stigma of these populations, the use of biometric identification may put key populations at risk of legal action or violence, for example if private, confidential and/or sensitive information about them or their geolocation is disclosed.<sup>xxii</sup> The use of biometric data for different purposes than for which it was collected (“function creep”) raises similar concerns.<sup>xxiii</sup> Sex worker advocates have raised concern that the use of biometrics with criminalized populations “could undermine the effectiveness of HIV surveillance efforts and trust in the AIDS response as a whole.”<sup>xxiv</sup> These risks should be considered when designing and deploying biometrics and similar systems in all country contexts, and especially in countries where punitive measures exist, learning from emerging good practice in this area.<sup>xxv</sup>





## Threats, incitement to violence, and online harassment

Information and communication technology has frequently been used to threaten key populations.<sup>xxvi</sup> These include cases where death threats have been sent to LGBTI+ rights defenders via SMS, phone calls and email after their participation in a diversity event<sup>xxvii</sup> and release of a video on the Internet threatening violence against LGBTI+ rights defenders.<sup>xxviii</sup> Social media can be used to harass key populations in ways that put them at heightened risk of violence.<sup>xxix</sup> This includes filming attacks on men presumed to be gay who are kidnapped, beaten and humiliated and posting the clips on social networks, while encouraging others to commit the same acts.<sup>xxx</sup> It includes disclosing the sexual orientation or gender identity of people on same-sex dating apps without consent;<sup>xxxi</sup> sharing photos of men presumed to be gay on social media;<sup>xxxii</sup> Police surveillance of social media announcements or discussions and chats to identify and crackdown on people suspected of being gay, transgender and those providing information on LGBTI+ issues on the internet that is considered “gay propaganda” and cyberattacks overwhelming a website or system to retaliate against those reporting on sensitive topics, including HIV, have also been reported.<sup>xxxiii</sup>



## Restriction of information and spread of disinformation, derogatory and defamatory claims

The spreading of disinformation, derogatory and defamatory claims, imposing restrictions on freedom of opinion and discussing sexual orientation, gender identity, sex work, drug use and prevention, treatment and support services for key populations, including harm reduction are

all interconnected - and closely associated with violence. They often happen in virtual space or are enhanced through digital media outlets.



The practice of spreading degrading and defamatory information about people living with HIV and key populations is used to justify violence against them. “Urban legends” about deliberate infection with HIV through unprotected sex, or injections pre-date the digital age but are still spread online. So is disinformation that transgender women or men are “not real women or men,” and their dignity, gender identities, expressions and sexual and reproductive health and rights should not be taken seriously; that LGBTI+ people are “sick”, and they can be “cured of homosexuality and transgenderism”; that sex workers are “morally corrupt” and that people who use drugs are “criminals”. Several countries have enacted or proposed laws<sup>xxxiv</sup> banning the dissemination to minors of information about issues related to sexual orientation or gender identity), under the guise of protecting children from information that would be harmful to their health and development.<sup>xxxv</sup> There is evidence that online intimidation and violence against LGBTI+ people has increased since the adoption of these laws.<sup>xxxvi</sup> Legislation criminalizing website owners or operators<sup>xxxvii</sup> for online discussion on sex work has been associated with increased risk of violence and other factors affecting HIV risk for sex workers, including transgender women and others

who do sex work.<sup>xxxviii</sup> Laws penalizing the use of the internet to spread information perceived to be “drug propaganda” have been used to punish private organizations publishing scientific and other public discussion of harm reduction and drug dependence treatment online.<sup>xxxix</sup> Personal information of staff, volunteers and supporters of such organizations, including photographs and location have been illegally published online with defamatory statements that these people are “foreign agents” and “proponents of drug use”.<sup>xl</sup>



### Parallels with violence against women and girls

According to UNAIDS, every week around 4,900 young women aged 15-24 years become infected with HIV. In Sub-Saharan Africa, women and girls accounted for 63% of all new HIV infections in 2021. Six in seven new HIV infections among adolescents are among girls. Girls and young women aged 15-24 years are twice as likely to be living with HIV than young men.<sup>xli</sup> Similarly to key populations and people living with HIV, young women and girls are disproportionately affected by violence in cyberspace, or violence facilitated by technology. Young women and girls living with HIV, or part of a key population can be exposed to an even higher risk of cyberviolence – or *vice versa*, as the UN Broadband Commission for Digital Development has stressed that women are 27 times more likely to face online harassment than men.<sup>xlii</sup> UN Women has pointed out that violence against women and girls “can be clustered as online violence which takes place in the digital world e.g., on social media platforms, virtual reality platforms, workplace platforms, gaming, dating, chat rooms and other digital platforms and technology facilitated ... which is facilitated through different digital tools e.g., GPS/location-based technologies, AI, transportation apps, communication tools such as mobile phones, etc.”<sup>xliii</sup> Online and technology facilitated violence against women and girls was a priority topic for the 67<sup>th</sup> Session of the Commission on the Status

of Women in 2023. The Commission recognized that “while technology can be used to promote women’s and girls’ full realization of civil, political, economic, social and cultural rights, it can also be used to perpetuate gender stereotypes and negative social norms and create vicious cycles, where inequalities are amplified and perpetuated through digital tools, and recognizes the need to address the impact of structural barriers to the realization of those rights”.<sup>xliv</sup>



### Emerging good practice and opportunities



People living with HIV, key populations and their representative organizations are finding effective ways to protect online safety and security and/or mitigate its impact to address cyberviolence against them in hostile environments, including in the context of criminalization.

[Prism Chat](#), an anonymous online chat support system launched in 2019, provides a safe space for LGBTI+ youth to speak with peers about issues related to sexuality and gender identity, pairing those dealing with LGBTI+-related issues seeking support with members of the LGBTI+ community who can provide such support. Chatrooms have safety features to block intrusive, disrespectful, or inappropriate conversations and to direct people to emergency services with professional support. Prism has proved an important source of support and information for LGBTQ+ youth during the COVID-19 pandemic, many of whom may have been trapped at home in homophobic environments. By the end of 2021, Prism had over

30,000 users. Prism is supported by Youth Co: Lab, a project co-led by UNDP and the Citi Foundation to empower and invest in youth in the Asia-Pacific region through support for leadership, social innovation, and entrepreneurship.<sup>xlv</sup>

Through its online platform, the EECA Regional HIV Legal Network connects legal professionals who provide free legal aid to people living with or affected by HIV and key populations in nine countries in Eastern Europe and Central Asia; facilitates the submission of complaints regarding rights violations against key populations; and provides knowledge resources to help people living with HIV, legal aid workers and other interested parties to use the law to ensure their rights. The Network is supported by UNDP, with co-financing from the European Union.<sup>xlvi</sup>

Key populations throughout the world use social media, mobile phones, or the internet to protect their safety. In Belize, [Trans in Action](#) uses WhatsApp and chat rooms to keep in touch with transgender peers in situations where they may be exposed to violence, including when they travel or go out.<sup>xlvii</sup> In South Africa, a sex worker-led community-based organization operates a helpline with an alert service to share information about clients that assault or otherwise mistreat them.<sup>xlviii</sup>

The Global Network of Sex Work Projects' "[Digital Security: The Smart Sex Worker's Guide](#)," reviews potential threats posed by the use of digital technologies and laws, policies and practices governing digital spaces, including an increased risk of violence and in turn, HIV risk, their impact on sex workers and good practice to address them, highlighting the key role of ensuring the meaningful involvement of sex workers in planning, design, delivery, monitoring and evaluation of digital services. The Guide also provides detailed recommendations to governments, funders, and service providers regarding steps necessary to ensure digital security for sex workers to address threats posed

by information and communication technology to their lives, health, and safety.<sup>xlix</sup>

Global Action for Gay Men's Rights (MPact)'s [Activist's Guide to Digital Security](#) provides information and advice to advocates and human rights defenders about how to protect sensitive information and avoid censorship, surveillance and threats when using computers and mobile phones, including how encrypt data, access blocked websites and applications, and chat, call and share files by smartphone.<sup>i</sup>

Frontline AIDS and LINKAGES, in collaboration with international, regional and domestic civil society organizations of people living with HIV, key populations and the support of UNAIDS, PEPFAR, USAID and the Global Fund, developed a [safety and security kit](#) to help community-based organizations and others providing direct services to address violence, including cyberviolence, against key populations in hostile environments, such as where their conduct or presentation is criminalized, and where they face heightened levels of violence, discrimination and stigma.<sup>ii</sup> A related [tool](#) developed by Linkages in collaboration with people living with HIV, people who use drugs, LGBTI+ persons and sex workers in the Middle East and North Africa region and their respective organizations provides guidance on ensuring outreach workers' safety when conducting digital outreach and on keeping data and communications safe when working with these populations.<sup>iii</sup>

UN Women's [brief on online and ICT-facilitated against women reviews strategies to prevent and respond to gender-based cyberviolence](#), with specific examples of programs that provide services, support awareness-raising, specific tools to secure privacy and security and create safe online spaces for women in all their diversity.<sup>iiii</sup>

[The Take Back the Tech!](#) campaign facilitates

awareness-raising, documentation, and digital safety to address online gender-based violence against women, queer, and gender diverse people. The campaign provides a platform to share resources, information, and strategies to take control of information and communication technology for activism against gender-based violence.<sup>liv</sup>

UNFPA has developed a [reporting tip sheet for journalists](#) in cases of digital violence and digital GBV and document on preventing digital GBV and has launched the “bodyright” symbol as part of its campaign against digital violence.<sup>lvj</sup>

In 2019, a dating app released a [security feature](#) to protect LGBTI+ users when they visit countries where same-sex conduct or status is criminalized by hiding the user’s gender orientation and sexual identity from their profile to prevent this information from being used to commit cyberviolence against them.<sup>lvii</sup> The app’s online safety tips specifically address risks for LGBTI+ people of using the dating app, noting that some law enforcement personnel have used dating apps

for entrapment and that some countries have laws that criminalize communication between individuals on same-sex dating apps or websites and aggravate penalties if the communication results in a sexual encounter.<sup>lviii</sup> The dating app company worked with ILGA World to develop these features.

During the COVID-19 pandemic researchers found out that bots have often amplified and redirected hate speech in online discourses about racism.<sup>lix</sup> In 2021, a chatbot was taken down after engaging in homophobic slurs on social media in South Korea.<sup>lx</sup> These incidents inspired activists and technical experts to develop bots that could identify hate speech, especially against women and LGBTI+ people and alert online platforms, or regulatory authorities. In some cases, bots are used by activists to counter massive cyber mob attacks known as “dogpiling” that cannot be adequately addressed by individual human users.<sup>lxi</sup>

## Response

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The UNDP Strategic Plan, HIV and Health Strategy and Digital Strategy (2022-2025) all acknowledge the risks associated with the misuse of digital technologies, but also the great benefits that their responsible use yields; digitalization is seen as an essential enabler of UNDP’s work worldwide. Human rights protections apply online in the same way that they do offline.<sup>lxii</sup> With respect to cyberviolence, people living with HIV and key populations, key state human rights obligations include the rights to health, non-discrimination and equality, privacy, freedom of opinion, expression and information, freedom of association and assembly, freedom from torture and cruel, inhuman, or degrading treatment and the right to an effective remedy. In developing

measures to address cyberviolence against people living with HIV and key populations, their rights of key populations to meaningful participation in the design, implementation and assessment of laws, policies, and practices to prevent and redress cyberviolence is fundamental.

While Member States bear the primary responsibility for respecting, protecting, and fulfilling rights related to cyberviolence against people living with HIV and key populations, businesses also have the responsibility to ensure that measures to address such cyberviolence meet human rights standards, including through the exercise of due diligence to identify human rights risks and impacts, avoid complicity in such abuses,



and ensure processes to enable the remediation of abuses that they cause or to which they contribute.<sup>lxiii</sup>

The following are strategic considerations for UN entities, States, civil society, businesses, and other key stakeholders to prevent cyberviolence against people living with HIV and key populations, mitigate its harmful impacts, and provide remedies to address it. The cooperation of Member States, international organizations, and IT companies is critical for an effective response to cyberviolence against people living with HIV and key populations, who should be provided with technical and financial support so that they can meaningfully participate in the design and implementation of interventions for their safety and security.

- **Legal environment assessments** should include information on cybersecurity, privacy, and confidentiality and cyberviolence in legal scans, legal environment assessments and their respective updates.
- **Country-level documentation** of types of cyberviolence that people living with HIV and key populations experience as well as frequency, information about perpetrators, types of digital space or ICT used, and consequences.
- **Monitoring and reporting** cyberviolence against people living with HIV and key populations to systematically document its occurrence, inform advocacy with decisionmakers on the impact of cyberviolence and key populations and necessary reforms, and ensure accountability for cyberviolence.
- **Protecting the privacy and security of online communications necessary for people living with HIV and key**

**populations to communicate safely online.** This includes the development of encryption and anonymity tools that protect these rights, and laws, regulations and policies ensuring that restrictions limiting freedom of expression comply with human rights standards, which is be provided by law and necessary and proportionate to achieve a legitimate objective.

- **Ensuring accountability and justice,** including through strategic litigation, for harm caused by cyberviolence.
- **Raising awareness about cyberviolence and promoting digital literacy** among people living with HIV and key populations, HIV service organizations, civil society organizations working with key populations and other stakeholders, including judges, lawyers, police, frontline workers, and the media.
- **Training for the media** to support literacy on cyberviolence and its impact on key populations and accurate reporting of information about key populations and HIV.
- **Education and training** for people living with HIV and key populations on cyberviolence and measures to prevent and protect against it, including protecting the privacy and confidentiality of information shared, such as a person's identity and geolocation. Toolkits on implementing comprehensive HIV programmes with sex workers, men who have sex with men, transgender women and people who use drugs, respectively, developed by UNDP and other UN entities in collaboration with members of these key populations and their respective organizations, provide guidance on digital security that can be used in these trainings.<sup>lxiv</sup>

- **Disseminating guidance** regarding appropriate use of digital technologies with respect to people living with HIV and key populations.
- **Working with IT companies** to prevent, mitigate and redress cyberviolence linked to their operations, products or services and ensure accountability for actions contributing to cyberviolence.
- **Developing and implementing codes of conduct** for ethical and rights-based collection, storage and use of data on key populations.

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# ENDNOTES

<sup>i</sup> UNAIDS, 2022, Global HIV & AIDS statistics — Fact sheet, <https://www.unaids.org/en/resources/fact-sheet>

<sup>ii</sup> For the purposes of this document, “key populations” include men who have sex with men, transgender people, people who inject drugs, sex workers and their clients (the four categories included in UNAIDS’ definition), as well as people that are perceived or identified as part of these populations. The specific populations that are key to the epidemic vary according to country context.

<sup>iii</sup> UNAIDS (2022), In Danger: UNAIDS Global AIDS Update, <https://www.unaids.org/en/resources/documents/2022/in-danger-global-aids-update>

<sup>iv</sup> See, e.g., Shannon, K., Crago, A. L., Baral, S. D., Bekker, L. G., Kerrigan, D., Decker, M. R., Poteat, T., Wirtz, A. L., Weir, B., Boily, M. C., Butler, J., Strathdee, S. A., & Beyrer, C. (2018). The global response and unmet actions for HIV and sex workers. *Lancet* (London, England), 392(10148), 698–710. [https://doi.org/10.1016/S0140-6736\(18\)31439-9](https://doi.org/10.1016/S0140-6736(18)31439-9); Blankenship, K. M., Reinhard, E., Sherman, S. G., & El-Bassel, N. (2015). Structural Interventions for HIV Prevention Among Women Who Use Drugs: A Global Perspective. *Journal of acquired immune deficiency syndromes* (1999), 69 Suppl 2, S140–S145. <https://doi.org/10.1097/QAI.0000000000000638>; Shannon, K., Strathdee, S. A., Goldenberg, S. M., Duff, P., Mwangi, P., Rusakova, M., Reza-Paul, S., Lau, J., Deering, K., Pickles, M. R., & Boily, M. C. (2015). Global epidemiology of HIV among female sex workers: influence of structural determinants. *Lancet* (London, England), 385(9962), 55–71. [https://doi.org/10.1016/S0140-6736\(14\)60931-4](https://doi.org/10.1016/S0140-6736(14)60931-4);

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<sup>v</sup> “Information and Communication Technology” is an umbrella term that can include other terms including electronic and mobile health applications, such as electronic medical records and mobile phone apps for health purposes.

<sup>vi</sup> See also Global Commission on HIV and the Law, Risks, rights and health – Supplement (2018), [www.hivlawcommission.org/supplement](http://www.hivlawcommission.org/supplement) (noting that digital health technologies can enable people living with HIV and its co-infections make more informed decisions and take more control of their healthcare reliably and with less stigma, while cautioning that these technologies also present concerns about safety, quality, and effectiveness).

<sup>vii</sup> Global Fund Strategy 2023-2028 (2022), Fighting Pandemics and Building a Healthier and More Equitable World, [https://www.theglobalfund.org/media/11612/strategy\\_globalfund2023-2028\\_narrative\\_en.pdf](https://www.theglobalfund.org/media/11612/strategy_globalfund2023-2028_narrative_en.pdf), See also: PEPFAR, Fulfilling America’s Promise to End the HIV/AIDS Pandemic by 2030, 2022, <https://www.state.gov/pepfar-five-year-strategy-2022/>

<sup>viii</sup> UNDP, HIV and Health Strategy 2022-2025: Connecting the dots - Towards a more equitable, healthier, and sustainable future, <https://www.undp.org/publications/connecting-dots-towards-more-equitable-healthier-and-sustainable-future-undp-hiv-and-health-strategy-2022-2025>

<sup>ix</sup> UNSG António Guterres, Remarks to the General Assembly on the Secretary-General’s priorities for 2020, 22 January 2020, <https://www.un.org/sg/en/content/sg/speeches/2020-01-22/remarks-general-assembly-priorities-for-2020> (“Some responses may require legally-binding measures. Others may be based on voluntary cooperation and the exchange of best practices. This includes support for existing processes and institutions like the Open-Ended Working Group on information and telecommunications in the context of security, and the Group of Government Experts on advancing responsible behavior in cyberspace and within the General Assembly.

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I believe consensus has been built to strengthen the Internet Governance Forum to serve as a central gathering point to discuss and propose effective digital policies. Following up on the Report of the High-level Panel on Digital Cooperation, I will soon present a Roadmap for Digital Cooperation covering internet connectivity, human rights, trust and security in the age of digital interdependence. At the same time, we need a common effort to ensure artificial intelligence is a force for good.”

<sup>x</sup> Gender Justice and Freedom of Expression - Report of Special Rapporteur on the promotion and protection of freedom of opinion and expression (2021), <https://www.ohchr.org/en/documents/thematic-reports/a76258-gender-justice-and-freedom-expression-report-special-rapporteur>

<sup>xi</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye (2015), UN Doc. A/HRC/29/32, paras.

Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective (2018), UN Doc. A/HRC/38/47, para. 75.

<sup>xii</sup> UNSG (2020), Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation, A/74/821

<sup>xiii</sup> UNSG (2020), Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation, A/74/821

<sup>xiv</sup> Davis, S. (2020). *The Uncounted: Politics of Data in Global Health* (Cambridge Studies in Law and Society). Cambridge: Cambridge University Press. doi:10.1017/9781108649544; see also UNSG (2020), Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation, UN Doc. A/74/821, para. 49 and notes 36-40.

<sup>xv</sup> See Davis, S. (2020). *The Uncounted: Politics of Data in Global Health* (Cambridge Studies in Law and Society). Cambridge: Cambridge University Press. doi:10.1017/9781108649544; UNSG (2020), Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation, UN Doc. A/74/821, para. 49 and notes 36-40.

<sup>xvi</sup> See Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective:  
<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session38/Documents/AHRC3847EN.docx>;

<sup>xvii</sup> See Just, N. and Magnet, S., "Digital surveillance technologies and the impact on vulnerable populations during COVID-19", 2021, International Journal of Infectious Diseases, vol. 112, pp. 144-147,  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8507787/>

<sup>xviii</sup> Wolfgang Benedek (2018), OSCE Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation,  
[https://www.osce.org/files/Moscow%20Mechanism%20Document\\_ENG.pdf](https://www.osce.org/files/Moscow%20Mechanism%20Document_ENG.pdf) See also: UAWIRE (2017), Information uncovered about a second prison for homosexuals in the Russian republic of Chechnya, <https://uawire.org/news/homosexual-men-from-Chechnya-confirm-existence-of-special-prisons-in-the-republic> See also: Novaya Gazeta (2017), Расправы над чеченскими геями, <https://novayagazeta.ru/articles/2017/04/04/72027-rasprav-y-nad-chechenskimi-geyami-publikuem-svidetelstva>

<sup>xix</sup> See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez (2013), UN Doc. A/HRC/22/53, para. 71.

<sup>xx</sup> Kavanagh, M. M., Baral, S. D., Milanga, M., & Sugarman, J. (2018). Biometrics and public health surveillance in criminalized and key populations: policy, ethics, and human rights considerations. *The lancet. HIV*, S2352-3018(18)30243-1. Advance online publication. [https://doi.org/10.1016/S2352-3018\(18\)30243-1](https://doi.org/10.1016/S2352-3018(18)30243-1)

<sup>xxi</sup> UNDP (2021), Guidance on rights-based and ethical use of digital technologies in health;  
<https://www.who.int/publications/i/item/9789241511124>

<sup>xxii</sup> Kavanagh, M. M., Baral, S. D., Milanga, M., & Sugarman, J. (2018). Biometrics and public health surveillance in criminalised and key populations: policy, ethics, and human rights considerations. *The lancet. HIV*, S2352-3018(18)30243-1. Advance online publication. [https://doi.org/10.1016/S2352-3018\(18\)30243-1](https://doi.org/10.1016/S2352-3018(18)30243-1); UNDP (2021), Guidance on rights-based and ethical use of digital technologies in health

<sup>xxiii</sup> Kavanagh, M. M., Baral, S. D., Milanga, M., & Sugarman, J. (2018). Biometrics and public health surveillance in criminalised and key populations: policy, ethics, and human rights considerations. *The Lancet. HIV*, S2352-3018(18)30243-1. Advance online publication. [https://doi.org/10.1016/S2352-3018\(18\)30243-1](https://doi.org/10.1016/S2352-3018(18)30243-1); UNDP (2021), Guidance on rights-based and ethical use of digital technologies in health;; Davis, S. (2020). *The Uncounted: Politics of Data in Global Health* (Cambridge Studies in Law and Society). Cambridge Also note: France National Consultative Ethics Committee for Health and Life Sciences [CCNE] 2007 (concluding that because they intrude on human dignity and privacy and “dilute [the self] in a collection of digitized parameters,” biometrics create “legitimate reason to fear for survival of the free space left to an individual;” OHCHR (2018), The Right to Privacy in the Digital Age, UN Doc. A/HRC/39/39 (“The creation of mass databases of biometric data raises significant human rights concerns. Such data is particularly sensitive, as it is by definition inseparably linked to a particular person and that person’s life and has the potential to be gravely abused. For example, identity theft on the basis of biometrics is extremely difficult to remedy and may seriously affect an individual’s rights. Moreover, biometric data may be used for different purposes from those for which it was collected, including the unlawful tracking and monitoring of individuals. Given those risks, particular attention



should be paid to questions of necessity and proportionality in the collection of biometric data. Against that background, it is worrisome that some States are embarking on vast biometric data-based projects without having adequate legal and procedural safeguards in place.”).

<sup>xxiv</sup> Global Network of Sex Work Project, Digital Security: The Smart Sex Worker’s Guide, [https://www.nswp.org/sites/default/files/sg\\_to\\_digital\\_security\\_eng.pdf](https://www.nswp.org/sites/default/files/sg_to_digital_security_eng.pdf)

<sup>xxv</sup> Kavanagh, M.M., Baral, S.D., Milanga, M., & Sugarman, J. (2018). Biometrics and public health surveillance in criminalised and key populations: policy, ethics, and human rights considerations, the Lancet, [www.hivlawandpolicy.org/sites/default/files/Biometrics%20and%20public%20health%20surveillance%20in%20criminalised%20and%20key%20populations%20policy%20ethics%20and%20human%20rights%20considerations\\_0.pdf](http://www.hivlawandpolicy.org/sites/default/files/Biometrics%20and%20public%20health%20surveillance%20in%20criminalised%20and%20key%20populations%20policy%20ethics%20and%20human%20rights%20considerations_0.pdf)

<sup>xxvi</sup> Deborah Gleeson, Ronald Labonté, "Digital technologies, HIV, and human rights", Globalization and Health Journal, 2020, <https://doi.org/10.1186/s12992-020-0536-6>. See also: Sarah Escobar and Rami G. Khouri, The Digital Security Risks Facing Marginalized Communities in Lebanon", Carnegie Endowment for International Peace, 2021, <https://carnegieendowment.org/2021/05/13/digital-security-risks-facing-marginalized-communities-in-lebanon-pub-84427>

<sup>xxvii</sup> BRA 5/2013 Brazil, A/HRC/25/74  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/111/69/PDF/G1411169.pdf?OpenElement>

<sup>xxviii</sup> Communications Report of Special Procedures (2013), UN Doc. A/HRC/23/51

<sup>xxix</sup> See Gleeson and Labonté,, at 6.

<sup>xxx</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 68/150, UN Doc. A/HRC/26/50

<sup>xxxi</sup> See, e.g., <https://www.hrw.org/sites/default/files/reportpdf/lebanon0910pdf.pdf>;  
<https://www.hrw.org/news/2020/04/27/morocco-online-attacks-over-same-sex-relations>

<sup>xxxii</sup> [63] According to the New York Times, "Officers herded naked, cowering men into the middle of the room and began taking photos, some of which — including one of Mr. Handoko — appeared on Indonesian social media within hours." Jeffrey Hutton, "Indonesia’s Crackdown on Gay Men Moves From Bars Into the Home," The New York Times, December 20, 2017, <https://www.nytimes.com/2017/12/20/world/asia/indonesia-gay-raids.html> (accessed April 30, 2018).

<sup>xxxiii</sup> See Freedom House on Acción Solidaria

<sup>xxxiv</sup> IE on SOGIE, A/HRC/29/23, <https://undocs.org/A/HRC/29/23>

<sup>xxxv</sup> OHCHR (2015), Discrimination and violence against individual, para. 49 ((also noting that "In some cases, these laws have been accompanied by bans on non-governmental organizations receiving funding from abroad, allegedly in order to curb the influence of "foreign agents".<sup>80</sup> Such measures put defenders at risk of arrest, violence and discrimination, and can threaten rights relating to, inter alia, health, education, cultural expression and information.")

<sup>xxxvi</sup> see also European Court of Human Rights Jurisprudence (Case of Bayev and Others v. Russia; Epidemiologists’ link w-HIV and ‘gay propaganda’ law stifling info about sexual health Chris Beyrer, et. al., "The Expanding Epidemic of HIV-1 in the Russian Federation," Plos, November 2017, <https://doi.org/10.1371/journal.pmed.1002462>

<sup>xxxvii</sup> <https://www.bitchmedia.org/article/inside-social-medias-war-on-sex-workers>  
<https://www.mtv.com/news/3143241/sex-work-censorship-effects/>  
<https://csalateral.org/issue/8-1/sex-work-social-media-networked-publics-counterpublics-nelson/>  
<https://hackinghustling.org/posting-into-the-void-content-moderation/>  
<https://www.rollingstone.com/politics/politics-news/the-war-on-sex-workers-needs-to-stop-now-628335/> ;  
<https://jezebel.com/the-senates-anti-sex-trafficking-bill-is-a-disaster-for-1823704879>, <https://survivorsagainstsesta.org/tech-advice/>, <https://www.allure.com/story/sesta-sex-trafficking-bill-celebrity-psa>; <https://freedomhouse.org/country/usa/freedom-net/2020>

<sup>xxxviii</sup> Turner, C. M.; Arayasirikul, S.; Wilson, E. C. Disparities in HIV-related risk and socio-economic outcomes among trans women in the sex trade and effects of a targeted, anti-sex-trafficking policy. Social Science & Medicine, [s. l.], v. 270, 2021. DOI 10.1016/j.socscimed.2020.113664; Global Network of Sex Work Project, Digital Security: The Smart Sex Worker’s Guide, [https://www.nswp.org/sites/default/files/sg\\_to\\_digital\\_security\\_eng.pdf](https://www.nswp.org/sites/default/files/sg_to_digital_security_eng.pdf)

<sup>xxxix</sup> Working Group on Arbitrary Detention (2021), Arbitrary detention relating to drug policies, UN Doc. A/HRC/47/40, para. 50.

<sup>xl</sup> The "Committee for the Protection of National Interests", a Russian non-profit organization established in 2020, published profiles of HIV activists without their permission, including facial photos and information on their location, together with defaming statements of the activists being "foreign agents" and "promoters of drug use". The website inagency.ru has been taken offline in 2022.

<sup>xli</sup> UNAIDS, Global HIV& AIDS Statistics: Factsheet, 2022, <https://www.unaids.org/en/resources/fact-sheet>

<sup>xlii</sup> UN Broadband Commission for Digital Development, "Cyber Violence Against Women and Girls: A World- Wide Wake-Up Call", 2015, [www.broadbandcommission.org/publication/cyber-violence-against-women/](http://www.broadbandcommission.org/publication/cyber-violence-against-women/)

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