

Understanding Online Gender-based Violence in Southern Africa

*An eight country
analysis of
the prevalence of
digitally enabled
gender-based
violence*



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Understanding Online Gender-based Violence

Abstract

This study, commissioned by the Meta Public Policy Department for Southern Africa at the request of NamTshuwe Digital on behalf of partners, investigates the prevalence of the phenomenon of online violence against women in the Southern African region. The study focuses on the following eight (8) countries Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe. These countries were strategically chosen for logistical and convenience purposes. A qualitative research methodology was deployed through a combination of secondary and primary sources.

The study begins by reviewing GBV trends and policy frameworks relied on in mitigating Gender based Violence in the countries of focus. The study then goes to outline existing legal frameworks within the countries dealing with technology and the extent to which they deal with online crimes in general and violence while highlighting an opportunity to deal with Online violence within their existence.

After understanding how online violence manifests in the countries, the report assesses the direct effect of online violence on women and girls, members of the LGBTIQ community and people with disability by determining the most affected as well as the perceived peak periods of the violence online. The report continues by analysing active players working to deal with online Gender based violence at different levels of society and understanding current tools used in mitigating the scourge of the violence.

Finally, the report investigates the government's efforts embarked on in dealing with Online Gender Based Violence, assessing statements and positions taken officially by government officials in this regard. The report ends with a summary and recommendations for country and regional remit.

Understanding Online Gender-based Violence

Attributions and acknowledgements

About the publication

This study is an independent body of research mapping the state of online gender-based violence particularly against women, girls, people with disabilities and the LGBTIQ+ persons in eight Southern African countries during 2021. It reviews the policy and regulatory framework in each country and discusses how different forms of online gender-based violence manifest in the region. The study also assesses the impact of online violence on women. Furthermore, it analyses the prevalence of online gender-based violence in the wake of the Covid-19 pandemic. It examines responses by the victims to these insidious forms of violence as well as practical interventions in terms of seeking redress. The report concludes by outlining efforts put in place by various governments to deal with online gender-based violence. It also highlights recommendations for action within the Southern African region.

The publication was managed through a partnership with the organisations and entities working in the field of law, digital rights, technology policy gender and freedom of expression who provided independent expertise in support of this research, as led by NamTshuwe Digital Consulting and Gender Links.

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Multiple stakeholders continue to work to advance digital rights and inclusion in Africa, ensuring best practises are adopted into policy and legislation. This report analyses the state of online gender-based violence in eight southern African countries, examining violations investigating the use and application of policy and legislation, highlighting milestones and proffering recommendations for the digital landscape in Africa. The report also touches on the notion of the digital divide and examines how online gender-based violence might have been worsened by the Covid-19 pandemic. It teases the manifestation of this societal scourge using different thematic focuses such as gender and technology, elections, privacy, access to information, and freedom of expression. It foregrounds the importance of an enabling legislative and policy framework.

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Foreword



Commissioner Maria Teresa Manuela

AU Special Rapporteur on the Rights of Women in Africa
African Commission on Human and Peoples' Rights

Online Violence Against Women

The African continent is embracing digital technologies at a frenetic pace. As a result, internet and social penetration rates have been on an upward trajectory for the past two decades. In 2017, the United Nations (UN) noted that the increasing internet penetration holds bright promises for the continent. The assumption was that because of its liberatory potential, the internet would empower ordinary people to engage in political action, commerce, online education and service delivery. Despite this initial optimism, there is sufficient evidence that the internet and its ancillary digital media technologies can expose citizens to various forms of harm and hurtful speech. Of concern, however, is that women are still marginalised and lag behind in accessing technology and harnessing the full benefits of the digital age while bearing the brunt of the digital divide and digital exclusion. This is a big challenge for the continent where inequalities of opportunities and access to life changing options remain widespread despite increasing levels of internet connectivity rates. Moreover, these structural inequalities are being reproduced in online spaces. Unfortunately, the marginalisation of women online leaves them and other vulnerable groups, such as LGBTIQ+ and persons with disabilities without access to life-enhancing services such as education, health, financial, as well as political inclusion in a world that is increasingly becoming digitised.

The online exclusion of women is, among other factors, fuelled by online violence which is increasingly becoming dire given the common disparities in Africa in general, and Southern Africa Development Community (SADC), in particular. This is a cause for concern, given indications from other parts of the world, particularly in the Global North, showing that women are immensely benefiting from the unprecedented possibilities of digital technologies. These opportunities include enhancing women inclusion, social status, political power and visibility. Some of these opportunities are what we all desire to see in Africa.

The African Commission on Human and Peoples' Rights (the African Commission) is continuously working towards the enhancement of the protection and promotion of human and peoples' rights on the continent, both offline and online. Through the Declaration of Principles on Freedom of Expression and Access to Information in Africa (the Declaration), the African Commission recognises the role of new digital technologies in the realisation of the rights to freedom of expression and access to information and affirms that the same rights that people have offline should be protected online, in accordance with international human rights law and standards. In this regard, the exercise of the rights to freedom of expression and access to information is protected from undue interference both online and offline. The Declaration also recognises gender equality and upholds the principle of non-discrimination. Furthermore, the Declaration recognises the need to protect and promote the rights of marginalised groups and groups that face multiple discrimination who are women, children, girls, persons with disabilities, the elderly, sexual and gender minorities, refugees and internally displaced persons. Principle 7 of the Declaration calls on States to "take specific measures to address the needs of marginalised groups in a manner that guarantees the full enjoyment of their rights to freedom of expression and access to information on an equal basis with others".

Despite the benefits associated with the acquisition and use of digital technologies, the proliferation of ICTs is contributing to the challenges that women face in society, including fuelling digitally enabled gender-based violence. The ease of accessibility of ICT tools such as mobile phones and social media platforms, facilitate various forms of abuse online that disproportionately affect women and girls. For example, on these platforms, perpetrators can be anonymous and could be located anywhere, without any physical contact with the victim. This inevitably contributes to the increasing occurrence of multiple forms of online gender-based violence where mostly women, girls and other vulnerable groups are harassed, defamed and silenced. The complexity of online gender-based violence is undoubtedly compounded by the unregulated nature of online spaces including social media platforms and mobile instant messaging sites.

Online gender-based violence against women and girls is closely linked to and necessitated by the existing societal realities such as the institution of patriarchy. This institution creates an environment for these forms of abuse to be committed. It manifests in a number of ways, that include gender trolling, cyberbullying, cyberstalking, defamation, hate speech and sexual harassment as well as image-based abuses. Women suffer physical, psychological, social, and economic harms as a result of such online gender-based violence. In some cases, the damage could be irreparable.

It is, therefore, imperative to deal with the phenomenon of online gender-based violence and hate speech online against women. The practice should be strongly condemned in all its various forms as it is to the detriment of women and girls' psychosocial, political and economic wellbeing. Thus, concerted efforts should be applied to build cases for action against OGBV across the continent. More significant is the need for legal and policy reform processes. Such actions are urgent and should be spearheaded by all progressive forces in society.

In tackling online gender-based violence, it is important to build consensus from our own localities on definitions of the crimes, including across diverse languages in order to inform advocacy and programme implementations and evaluations. Most importantly, there is a need to promote a culture of "speaking out", where those who report abuses feel protected by the law enforcement agencies, judicial system and other relevant authorities. Equally crucial is the need to address impunity so that survivors of online violence have access to effective remedies and psycho-social support services.

It is with profound hope that this research contributes to understanding the nature and extent of online gender-based violence against women that is largely unknown due to inhibitions including a lack of awareness, culture of silence, and lower levels of access to the internet and related technologies and weak accountability and reporting mechanisms.

It is therefore our collective hope that this study leads to harmonised and concrete strategies that effectively tackle the online violence committed against women, girls and equally and importantly other vulnerable groups (such as LGBTIQ and people with disabilities) in virtual spaces in the Southern African region.

Finally, it is important to intensify public education in the region on digital rights and collectively create reliable data that informs strategies and programme implementation that will curb this scourge that is facing women and other vulnerable and marginalised groups face. It begins now, with each one of us.

Foreword



Commissioner Maria Teresa Manuela

AU Special Rapporteur on the Rights of Women in Africa
African Commission on Human and Peoples' Rights

Violência On-line Contra as Mulheres

O continente Africano tem estado a adoptar tecnologias digitais e a aumentar a conectividade à Internet. Em 2017, as Nações Unidas destacaram que a crescente penetração da Internet era promissora para o continente. No entanto, é preocupante que as mulheres ainda sejam marginalizadas e estejam deixadas atrás no acesso à tecnologia e no aproveitamento de todos os benefícios da era digital, ao mesmo tempo que suportam o peso da divisão e exclusão digitais. Tal realidade tem sido um desafio para o continente, onde as desigualdades de oportunidades continuam elevadas, apesar das crescentes taxas de conectividade. A marginalização das mulheres no espaço virtual deixa a elas e a outros grupos vulneráveis, tais como LGBTIQ e pessoas com deficiência, sem acesso aos serviços diversos, tais como a educação, saúde, finanças, bem como a inclusão política num mundo que se está a tornar cada vez mais virtual.

A exclusão virtual das mulheres é, entre outros factores, alimentada pela violência que sucede no espaço digital, que está a agravar-se dadas as disparidades comuns em África em geral, e na SADC em particular. Isto é preocupante, se tivermos em conta as indicações de outras partes do mundo, particularmente no Norte Global, onde as mulheres estão largamente a beneficiar das possibilidades oferecidas sem precedentes era digital, através da utilização de novas tecnologias. Estas oportunidades incluem o reforço da inclusão feminina, do estatuto social, do poder político e da visibilidade, sendo que esta é a realidade que todos desejamos ver em África.

A Comissão Africana dos Direitos Humanos e dos Povos (a Comissão Africana), tem estado a trabalhar continuamente para o reforço da protecção e promoção dos direitos humanos e dos povos no continente, seja de forma *off-line* e *on-line*. Através da Declaração de Princípios sobre a Liberdade de Expressão e Acesso à Informação de África (a Declaração), a Comissão Africana reconhece o papel das novas tecnologias digitais na realização dos direitos à liberdade de expressão e acesso à informação, afirmando também que os mesmos direitos que as pessoas têm no espaço *off-line*, devem ser protegidos *on-line*, de acordo com as leis e normas internacionais dos direitos humanos. A este respeito, o exercício dos direitos à liberdade de expressão e de acesso à informação deve ser protegido contra interferências, tanto virtual ou fisicamente

A Declaração também reconhece a igualdade de género e defende o princípio da não discriminação. A este respeito, a Declaração reconhece a necessidade de proteger e promover os direitos dos grupos marginalizados e dos grupos que enfrentam múltiplas discriminações: mulheres, crianças, raparigas, pessoas com deficiência, idosos, minorias sexuais e de género, refugiados e pessoas deslocadas internamente. A Declaração apela no seu princípio 7 aos Estados a “tomar medidas específicas para responder às necessidades dos grupos marginalizados para garantir o pleno gozo dos seus direitos à liberdade de expressão e acesso à informação em pé de igualdade com os outros”.

Apesar dos benefícios obtidos através da aquisição e utilização de tecnologias digitais, lamentavelmente, a proliferação das TIC está a contribuir para o surgimento de desafios que as mulheres enfrentam na sociedade, incluindo o fomento da violência baseada no género no espaço digital. A facilidade de acesso das ferramentas das TIC, tais como telemóveis e plataformas de comunicação social, facilita várias formas de abuso virtual, que afectam desproporcionalmente mulheres e raparigas. Por exemplo, nestas plataformas, os perpetradores podem ser anónimos e podem estar localizados em qualquer lugar, sem contacto físico com a vítima. Isto contribui, inevitavelmente, para a ocorrência crescente de múltiplas formas de violência baseada no género, onde a maioria das mulheres, raparigas e outros grupos vulneráveis são vítimas, excluídas e enfrentam diferentes formas de desigualdades no espaço digital. A complexidade da violência baseada no género no espaço virtual é, sem dúvidas agravada, pela natureza não regulamentada dos espaços digitais, incluindo as plataformas de comunicação social.

A violência *on-line* contra mulheres e raparigas está intimamente ligada às realidades sociais existentes que se caracterizam pela desigualdade de género e outras vulnerabilidades, que criam um ambiente para que estas formas de abuso sejam cometidas. Manifesta-se numa multiplicidade de actos, que incluem a perseguição sexual, o *cyberbullying*, a perseguição cibernética, a difamação, o discurso do ódio e o assédio sexual, bem como os abusos baseados na imagem. As mulheres sofrem impacto físico, psicológico, social e económico como resultado desta violência virtual baseada no género, sendo que os danos podem ser irreparáveis.

É, portanto, um imperativo lidar com o fenómeno da violência cibernética e do discurso de ódio no espaço *on-line* contra as mulheres, sendo que tais actos devem ser fortemente condenados em todas as suas várias formas, pois é em detrimento das mulheres e das raparigas, seja na dimensão psico-social, política e económica. Assim, devem ser aplicados esforços concertados para esboçar actos contra a violência baseada no género no espaço *on-line* em todo o continente. Maior ainda é a necessidade de reforma jurídica e política que deve passar a reconhecer a violência *on-line* baseada no género como uma profunda ameaça para as mulheres, raparigas, pessoas com deficiência e diversidade de género.

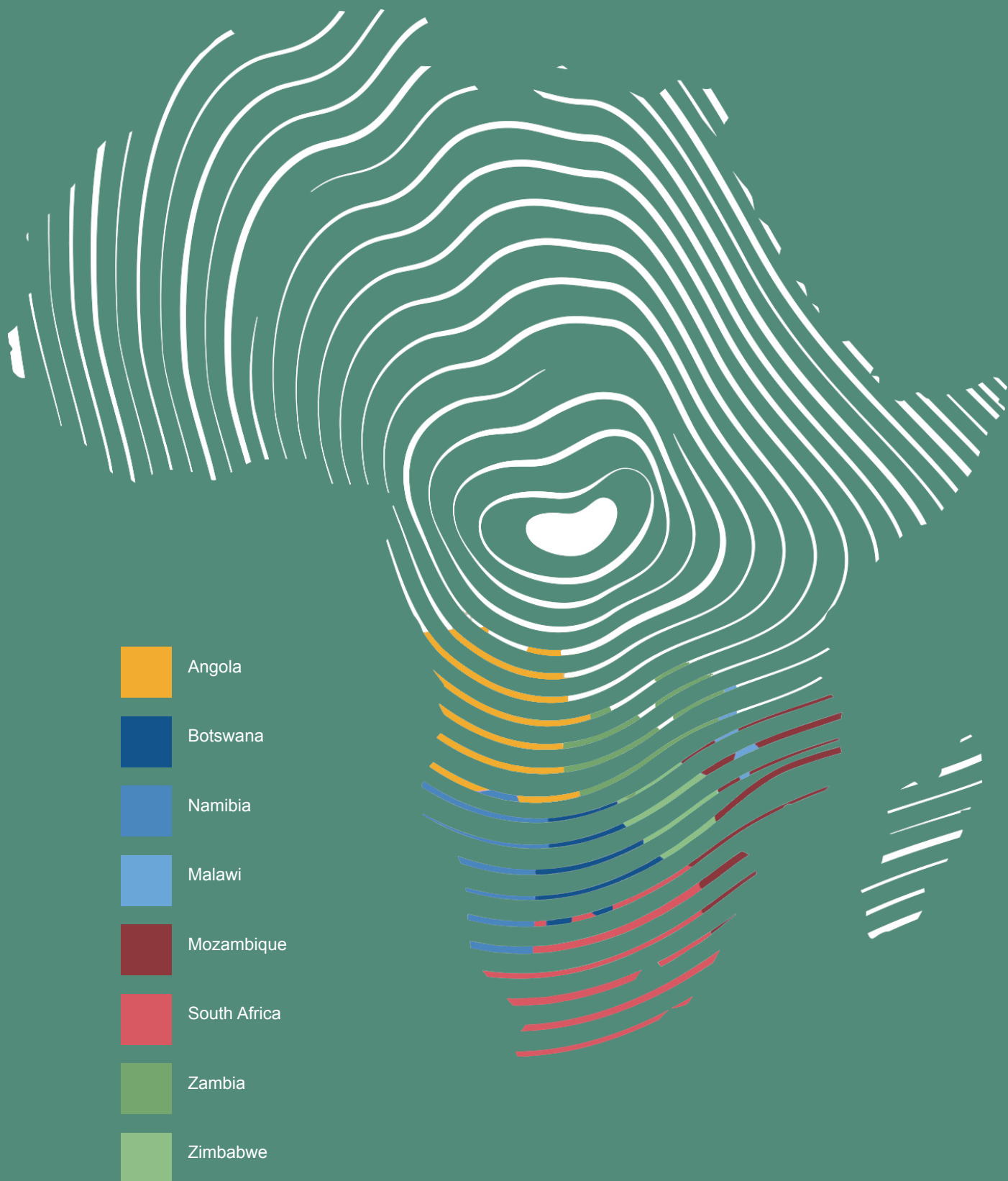
Ao combater a violência baseada no género no espaço *on-line*, é importante construir um consenso a partir das nossas próprias localidades sobre a definição dos crimes, incluindo em diversas línguas, a fim de prover subsídios para a advocacia, implementação e avaliação dos programas. Mais importante ainda, existe a necessidade de promover uma cultura de “fala”, onde quem denuncia abusos se sinta protegido pela aplicação da lei, pelo sistema judicial e por outras autoridades relevantes. Igualmente, é crucial combater a impunidade para que os sobreviventes da violência no espaço *on-line* tenham acesso ao recurso de uma melhor protecção e tenham apoio na procura de reparação dos danos sofridos.

É com elevada esperança que esta pesquisa contribui para compreender a natureza e extensão da violência *on-line* contra as mulheres, que é largamente desconhecida devido a inibição, incluindo a falta de consciência, cultura do silêncio, e níveis baixos de acesso à Internet e tecnologias relacionadas, bem como os fracos mecanismos de responsabilização e informação.

Por conseguinte, é nossa crença colectiva que este estudo conduza a estratégias harmonizadas e concretas que combatam eficazmente a violência perpetrada contra as mulheres, raparigas, mas sobretudo outros grupos vulneráveis (LGBTIQ e pessoas com deficiência), no espaço virtual na região da África Austral.

Finalmente, intensifiquemos a educação pública na região sobre direitos digitais, e criemos colectivamente dados fiáveis que informem estratégias para a implementação de programas, que irão refrear este flagelo que está a acometer as mulheres e outros grupos vulneráveis e marginalizados. Começa agora, com todos e cada um de nós.

Countries of Focus



Executive Summary

The advent of the internet and its ancillary technologies has created what some observers call a 'digital public sphere'. This sphere has grown in leaps and bounds, thereby reproducing similar social structures as those in the physical realm. On the one hand, the internet can be a space of opportunity and expansive human freedom. On the other hand, it has also facilitated harmful and hurtful behaviours. Hate speech, misogyny, dark forms of participation, information disorders and online gender-based violence (OGBV) have also become the norm. Whilst these social ills have always been part of most patriarchal and gerontocratic societies, the internet and its accompanying digital platforms have amplified the occurrence of these dark forms of online participation. Because of certain societal beliefs, cultures and values, women and girls are disproportionately affected by OGBV. Although there is a dearth of literature on this scourge in the global South, especially in Africa, anecdotal evidence suggests that OGBV mimics real world violence against women. The full extent of online violence against women remains, for the most part, unknown, particularly in Southern Africa. This is partly because of conservative views coupled with oppressive patriarchal cultures that inhibits individuals from speaking out, and limits women, girls and marginalised groups from accessing and utilising the internet and its associated technologies. Notwithstanding the well-known fact that digital inequality is endemic in the global South, women and girls are becoming more active on the internet and social media platforms.

This multi-country research represents an opportunity to take stock of the state of affairs with regards to the prevalence, nature and responses to OGBV in Southern Africa. Such deep-dive research also provides an outlet for researchers to engage with the phenomenon of OGBV from an insider's perspective, as opposed to a broad brush associated with quantitative studies. The study covered eight Southern African countries, each one with its own peculiar contextual dynamics: Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. Most of the case studies discussed in this report draw on primary and secondary data. Furthermore, cases foreground the policies, prevalence, responses and interventions by actors in the SADC region. Overall, the findings highlight that OGBV often occurs in most countries without proper follow-ups or reporting mechanisms. Thus, underreporting of OGBV is generally rampant in most of the countries studied in this report. There are no systematic interventions except for a few cases, where legal instruments have been put in place. Going forward, there is a need for national governments, platform companies, law enforcement agencies and women's organisations to work collaboratively in systematically addressing OGBV.

Hate speech, misogyny, dark forms of participation, information disorders and online gender-based violence (OGBV) have also become the norm. Whilst these social ills have always been part of most patriarchal and gerontocratic societies, the internet and its accompanying digital platforms have amplified the occurrence of these dark forms of online participation.

Introduction

There is consensus amongst scholars that the internet and its associated technologies have opened up doors to new and reconfigured forms of abuse such as cyberharassment, trolling, stalking, body shaming and non-consensual creation of sexual images through artificial intelligence. Taking advantage of technical affordances of the internet and social media platforms, perpetrators have sought to hide under the cloak of anonymity to inflict harm on their unsuspecting victims and targets. These digitally enabled abusive and manipulative behaviours constitute infringements on the rights and freedoms of women and girls. The United Nations Secretary General, António Guterres¹, in a June 2021 speech, stated that domestic violence, online harassment and sexploitation were some of the violent acts that have thrived during the COVID-19 pandemic. He called on everyone to urgently work towards redressing this social crisis.

There is consensus amongst scholars that the internet and its associated technologies have opened up doors to new and reconfigured forms of abuse such as cyberharassment, trolling, stalking, body shaming and non-consensual creation of sexual images through artificial intelligence.

In this report, the term online gender-based violence (OGBV) is used to refer to acts of violence committed against a person based on their gender, utilising information and communication technologies (ICTs). It zeroes in on how ICTs are abused to harass and silence women and girls. This is partly because existing research and policy briefs have highlighted that online harassment is gendered. For instance, the UN Special Rapporteur on Violence against Women's 2018 report has stated that:

...consequences of and harm caused by different manifestations of online violence are specifically gendered, given that women and girls suffer from particular stigma in the context of structural inequality, discrimination and patriarchy.²

OGBV manifests in many forms, such as intimate partner violence, stalking and sexual harassment facilitated by the use of digital tools such as social media and GPS tracking; non-consensual sharing of intimate images, or image-based sexual abuse (previously referred to as 'revenge porn'); and threats of rape and gruesome deaths that often translate into real world actions. These digitally enabled forms of harassment are mostly experienced by women and girls. Acts such as doxxing, trolling, hate speech and exploitation are also recognised as OGBV which disproportionately affect women.³

Acts such as doxxing, trolling, hate speech and exploitation are also recognised as OGBV which disproportionately affect women.

Besides the term online gender-based violence, there are several concepts which are often used synonymously to refer to the same phenomenon. It is crucial to emphasise that although the scourge is gendered, men and boys are also victims of this emerging practice. Below we unpack the list of some synonyms of the term online gender-based violence:

- 1 **Cyberharassment**
- 2 **Cyberbullying**
- 3 **Hate speech**
- 4 **Cyberstalking**
- 5 **Non-consensual pornography**
- 6 **Trolling**
- 7 **Doxxing**

1 UN 'A Global Model to Tackle Violence against women' 30 June. <https://namibia.un.org/en/133845-global-model-tackle-violence-against-women> (accessed 20 November 2021).

2 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, United Nations Human Rights Council (18 June 2018), A/HRC/38/47 (2018). <https://digitallibrary.un.org/record/1641160> (accessed 12 November 2021).

3 Internet Literacy Handbook. <https://rm.coe.int/0900001680770f65> (accessed 18 November 2021).

- 1. Cyberharassment** - a targeted course of ongoing action designed to mentally harm a specific individual, often through fear of physical harm and can involve several different acts of online violence.
- 2. Cyberbullying** - the term is largely used when looking at forms of online harassment (as outlined above) where children or teens are involved, although this form of violence can also be experienced by adults.
- 3. Hate speech** - is the use of harmful language that is targeted towards an individual's identity, such as their gender or sexual orientation.⁴
- 4. Cyberstalking** - is an extension of stalking where perpetrators will use small, pernicious acts which eventually erode the victim's sense of safety. Cyberstalkers will often have digital skills to hide their location and identity from authorities.⁵
- 5. Non-consensual pornography** - or image-based sexual abuse, or non-consensual sharing of intimate images, is the distribution of sexual acts in video or picture format without the individual's consent.
- 6. Trolling** - these are acts designed to provoke reactions from readers by deliberately making inflammatory statements.⁶
- 7. Doxxing** - is the act of accessing personal information, such as contact details or bank records, utilising online platforms or ICT tools and posting them publicly for malicious intent.⁷

Effects of online gender-based violence

There are several negative effects of OGBV on women and girls. It creates a chilling effect, which forces some of them to retreat from digital spaces. Consequently, this leads to the widening of the gender digital divide. The online exclusion of women and girls caused by OGBV bars them from accessing health, financial and educational resources, amongst others. These public goods and services are increasingly being made available online. It also limits them from participation in online public discourse, preventing them from exercising their innate rights to freedom of speech and association. It makes it hard for them to access information, which is an essential element for participation in democratic processes such as elections and referenda. It alienates them from applying for jobs online and engaging in electronic transactions. All of this results in a situation where women and girls are unable to achieve the United Nations Sustainable Development Goals (SDGs) such as equal access to basic services. It further complicates the attainment of SDG 5b, which states that technology should be used to inform and empower women.⁸



All of this results in a situation where women and girls are unable to achieve the United Nations Sustainable Development Goals (SDGs) such as equal access to basic services. It further complicates the attainment of SDG 5b, which states that technology should be used to inform and empower women.



This kind of abuse often becomes worse when women belong to LGBTIQ and other disenfranchised groups. The chilling effect associated with OGBV often pushes women and girls offline, where they are also doubly traumatised by perpetrators of offline violence.

In April 2021, UNESCO published a discussion paper based on an interdisciplinary study by the International Center for Journalists (ICFJ), which indicated that there are widespread instances of online violence against female journalists.⁹ In their international study, ICFJ found that the psychological, physical, professional, and digital safety and security impacts associated with this escalating freedom of expression and gender equality crisis are converging in complex ways.¹⁰ The report goes on to highlight that any kind of response to the matter is highly complicated, due to its intersectional nature. This is reiterated by UN Women in their report about online and ICT facilitated violence against women¹¹, which pointed out that not only were women and girls disproportionately affected, but women in politics and the media are also at higher risk due to their public personas and nature of work. This kind of abuse often becomes worse when women belong to LGBTIQ and other disenfranchised groups. The chilling effect associated with OGBV often pushes women and girls offline, where they are also doubly traumatised by perpetrators of offline violence.

While retreating from online spaces might seem to be a short-term strategy to avoid toxic spaces, in the long run this prevents them from accessing information and opportunities that could change their life chances. In the case of female politicians, celebrities, social media influencers and media practitioners, these acts can literally affect their livelihoods, mental health, bodily safety and in extreme cases, their lives. It is clear from the foregoing that the impact of OGBV on women and girls has life and death consequences. It can affect their personal and family livelihoods as well as negatively impact their wellness.

The SDGs state that the achievement of gender equality is of paramount importance in order to ensure that no one is left behind in building a sustainable, cohesive and peaceful world. In its Due Diligence Report¹², the UN emphasises the importance of eliminating OGBV as part and parcel of eradicating gender based violence (GBV). The UN Special Rapporteur on Violence against Women¹³ observes that online spaces and technologies have become tools for the continued systemic oppression of women and girls. These acts of online violence, therefore, infringe on their inalienable human rights as articulated in national constitutions, regional frameworks and international instruments.

4 Council of Europe 'Types of Cyberviolence'. <https://www.coe.int/en/web/cyberviolence/types-of-cyberviolence#Hate> (accessed on 19 November 2021).

5 ML Pittaro 'Cyber stalking: An Analysis of Online Harassment and Intimidation' (2007) 1 *International Journal of Cyber Criminology* 180-197. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/cyber-stalking-analysis-online-harassment-and-intimidation> (accessed 19 November 2021).

6 European Institute for Gender Equality. <https://eige.europa.eu/thesaurus/terms/1487> (accessed 19 November 2021).

7 US Department of Homeland Security 'How to Prevent Online Harassment from "Doxing"'. <https://www.dhs.gov/sites/default/files/publications/How%20to%20Prevent%20Online%20Harassment%20From%20Doxing.pdf> (accessed on 18 November 2021).

8 UN Sustainable Development Goals Indicators <https://unstats.un.org/sdgs/metadata/?Text=&Goal=5&Target=5.b> (accessed 18 November 2021).

9 UNESCO 'The Chilling: Global trends in online violence against women journalists' <https://en.unesco.org/publications/thechilling> (accessed 20 November 2021).

10 As above.

11 UN Women 'Online and ICT facilitated violence against women and girls during COVID-19' <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Brief-Online-and-ICT-facilitated-violence-against-women-and-girls-during-COVID-19-en.pdf> (accessed 19 November 2021).

12 The Due Diligence Project to the Office of the High Commissioner for Human Rights Pursuant to Human Rights Council Resolution 32/13 on 'Ways to Bridge the Gender Digital Divide from a Human Rights Perspective' 'Eliminating Online Violence Against Women and Endangering Digital Equality' <https://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigital/DueDiligenceProject.pdf> (accessed 13 November 2021).

13 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, United Nations Human Rights Council (18 June 2018), A/HRC/38/47 (2018) <https://digitallibrary.un.org/record/1641160> (accessed 12 November 2021).

It should be noted that OGBV is a global phenomenon. This means that the African continent is not spared from this structural problem. It only manifests itself in different ways in various societies depending on the contextual factors at play. For instance, in polarised, conservative and unequal societies, cases of OGBV are often amplified. This phenomenon is of particular concern in Africa, especially in Sub-Saharan Africa, where the gender divide stands at 37%¹⁴. In this regard, the African Union (AU) has identified the elimination of gender disparities as one of its top focus areas.¹⁵ They have also singled out harmful cultural practices and behaviours as contributory factors to the normalisation of OGBV and proposed a multi-pronged approach to tackling the matter.¹⁶

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Rationale and scope of the report

This study sought to shine the spotlight on an underreported issue, which has attracted the attention of policy makers, women's organisations and platform companies. For instance, in its 2021 discussion paper, UNESCO noted that research on OGBV is still lacking in developing countries.¹⁷ This state of affairs suggests that little is known about this social crisis, yet it affects women and girls who constitute the bulk of the population in the global South. It is possible to speculate that OGBV continues unabated within these societies with little to no active interventions aimed at resolving the matter. Extending this argument further, UN Women Africa in their recent policy paper¹⁸ highlighted the glaring gap in data that looks at incidences of GBV during the COVID-19 pandemic.

This report is an important reference for policy makers, platform companies, human rights defenders and researchers interested in OGBV.

This lack of comprehensive research in an area with huge societal implications is concerning. Hence, this report is an important reference for policy makers, platform companies, human rights defenders and researchers interested in OGBV. It highlights areas requiring urgent policy and legislative interventions in order to push back against the scourge of OGBV. This eight country report paints a vivid picture about the need for more granular and ethnographic studies to reveal the real state of affairs on OGBV in Southern Africa. For instance, most country reports highlight that OGBV is extremely difficult to address due to underreporting on the issue. This impedes government, the media and civil society from pulling in the same direction in matters of policy formulation, creating user-friendly interventions and developing appropriate legal frameworks to tackle OGBV.

The report documents the country levels of internet penetration, as well as online and offline gender disparities. It teases out the existing legal and policy frameworks. It maps the nature and prevalence of GBV and OGBV in each country. It problematises this scourge within the context of the unfolding COVID-19 pandemic and its accompanying restrictions. Lastly, the report offers conclusions and recommendations to address the issues raised in each country and the region as a whole to address the ongoing human rights transgressions of OGBV. The report also endeavours to contribute towards influencing the direction of OGBV policies. This is particularly important at a time when there is an appetite in the SADC region to pass and revise data protection, cyber-security and cybercrimes and electronic transactions bills.

Methodology

Most of the country reports relied heavily on primary and secondary data. Whilst in some instances quantitative data was used to corroborate the overall argument, it is plausible to note that these reports are anchored in a predominantly qualitative research methodology.

The research design followed a case study approach. This type of approach is often deployed to generate an in-depth, multi-faceted understanding of a complex issue (such as OGBV) in its real context. Country researchers made use of desktop research and qualitative interviews. In terms of sampling techniques, researchers relied on non-probability methods such as purposive and convenience sampling in order to recruit key informants, participants and other key stakeholders. Interviews with respondents and key informants were carried out in line with the approved WHO and national guidelines on the COVID-19 pandemic. Thus, social distancing, wearing of masks and sanitising of hands were religiously observed throughout the data collection process.

Primary data was complemented by secondary sources such as reports from the government, the media, and civil society organisations. Because of the lockdown measures which militated against extensive travelling by country researchers, these country reports must be viewed as a starting point for more large-scale studies focusing on OGBV. Due to these limitations, this report is not aimed at generalising the findings, but rather shedding light on an unfolding social crisis. With regard to ethical considerations, informed consent, traceability, confidentiality and privacy were safeguarded.

The impact of the COVID-19 pandemic and its link to OGBV

The unfolding coronavirus (COVID-19) pandemic that has seen most countries across the world imposing various non-pharmaceutical interventions including lockdowns and travel restrictions, has also been accompanied by increased cases of online violence against women and girls. In other words, the pandemic has exacerbated the already tenuous state of affairs with regards to gender-based violence. It forced families to coexist in crowded, restricted and sometimes fragile social spaces, thereby creating a fertile ground for both GBV and OGBV to thrive. Since digital spaces became the most used venues and channels for access to information and public assembly, cases of OGBV were reported in most countries. Loss of employment, working from home and virtual learning amongst other knock-on effects of the pandemic left women and girls in a worse-off situation. It exposed them to various forms of GBV from their partners, fathers, brothers and relatives. This happened when face-to-face meetings were restricted due to lockdown measures.

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14 World Bank 'Closing the Digital Gender Gap: Why Now Should Have Been Yesterday' 9 June 2020

<https://www.worldbank.org/en/news/feature/2020/06/09/closing-the-digital-gender-gap-why-now-should-have-been-yesterday> (accessed 10 December 2021).

15 African Union 'Men's Conference on Positive Masculinity: "Galvanizing Positive Masculine of violence in Africa"' 25 November 2021. <https://au.int/en/newsevents/20211125/mens-conference-positive-masculinity-galvanizing-positive-masculinity-end> (accessed 20 November 2021).

16 African Union 'Practical solutions mooted on ending violence against women and girls and harmful practices in Africa' 18 June 2021

<https://au.int/en/pressreleases/20210618/practical-solutions-mooted-ending-violence-against-women-and-girls-and> (accessed 20 November 2021).

17 UNESCO 'The Chilling: Global trends in online violence against women journalists' <https://en.unesco.org/publications/thechilling> (accessed 20 November 2021).

18 African Union Commission *et al* 'Gender-based Violence in Africa during the COVID-19 Pandemic' UN Women Africa <https://africa.unwomen.org/en/digital-library/publications/2020/12/gbv-in-africa-during-covid-19-pandemic> (accessed 20 November 2021).

In some countries, state sponsored violence against women and girls was also pronounced. Security forces such as the army and police were fingered in some of these human rights violations. Cases abound in Mozambique, South Africa, Namibia and Zimbabwe where females were beaten up for violating lockdown measures. The increase in online activity during the pandemic also exacerbated online insecurity, especially around data protection and cyberharassment. For instance, an online event in South Africa discussing the issue of GBV/OGBV was disrupted by hackers displaying racial and sexual content. Such incidents demonstrate the ever growing need for more online security mechanisms.

Given the ways in which government resources were overstretched during the height of the pandemic, there was little focus on OGBV by law enforcement agencies. This created a conducive environment for perpetrators to harass women and girls with impunity, especially on video conferencing and social media platforms.

Key findings

The individual country reports present unique manifestations of OGBV, for instance, demonstrating that female media practitioners, celebrities and politicians bear the brunt of cyberbullying and sexual harassment, amongst many other online violent actions.



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In Malawi, it was found that incidences of online violence often stem from events occurring offline which then spread onto online platforms. For instance, in 2019, Malawian WhatsApp groups were awash with a video of a woman who was being stripped by men for wearing political party regalia. The woman was stripped and ridiculed by men of an opposing political party. The men were eventually arrested and charged with insulting the modesty of a woman, robbery, and use of force under the Penal Code.

In the case of Angola, research revealed that online activists and journalists are sporadically targeted with threats, though they face less violence and harassment than journalists who operate mainly in the traditional media sphere.¹⁹ Some independent online news outlets report receiving regular calls from government officials directing them to tone down criticism or refrain from reporting on certain issues.

The same trend was observed in Botswana where the country witnessed incidents of cyberbullying, harassment and many other forms of OGBV, particularly online abuse of women campaigners and activists. Incidents of cyberbullying are reported to be on the rise due to growth of internet usage, and it is suspected that most of these cases go unreported in Botswana.

The Namibia report chronicles an environment where online violence thrives in the absence of appropriate legislation. Existing laws are outdated, gender blind and at most leave legal interpretations to courts. The lack of gender aggregated data on online violence hampers reporting and consequent action in dealing with online violence in the country. Female journalists, women politicians as well as other women in visible positions are the most targeted, while non-consensual image sharing is amongst the top forms of online violence.

The Mozambican report highlights the launch of digital platforms aimed at promoting political participation of young people, especially women. It chronicles the inner workings of Txeka, a digital platform for promoting political participation of young people, particularly women. It discusses an e-platform, called Nyandayeyo, which means “help” created with the sole intention of fighting against domestic violence.

In South Africa, research suggests that incidences of OGBV occur primarily on platforms such as Facebook and WhatsApp. The prominence of Facebook and chat platforms such as WhatsApp as platforms where OGBV often occurs may be because Facebook does not require the verification of users on signup (such as providing a phone number), making it easier for one to hide their identity while using the platform. In terms of how targets of OGBV respond to this scourge, the South African report underscores the fact that most LGBTIQ youth resort to measures such as blocking, deleting offensive content and adjusting privacy settings to cope with cyber victimisation.

The Zambian report further showed that OGBV is an emerging national issue. It manifests as cyberbullying, trolling, hate speech, body shaming and non-consensual sharing of intimate images/videos, and it is usually targeted at female politicians or political aspirants, socialites, media persons, activists, bloggers and ordinary female internet users, especially those who are known to be vocal about their views.

Female politicians, journalists, human rights defenders and journalists have been on the receiving end of OGBV in Zimbabwe. Journalists such as Ruvheneko Parirenyatwa and Samantha Musa (MisRed) have been bullied online. This scourge manifests in the form of cyberbullying and sharing of non-consensual intimate images. Zimbabwe witnessed a rise in GBV cases by over 40% following the COVID-19 pandemic, as recorded in 2020 through the national GBV hotline manned by Musasa, a civil society organisation dealing with GBV cases affecting women and girls. The Zimbabwe Gender Commission also noted that GBV was more prevalent during lockdowns.

Most of these country reports confirm studies by Amnesty International which noted that restrictions imposed by the fight against the COVID-19 pandemic have turned certain homes in some Southern African countries into enclaves of cruelty, rape and violence for women and girls trapped by abusive family members.

Conclusion

The proceeding sections will present the individual country reports and conclusions on the findings from each country. Each country represents a particular reality in the region, and examples should be applied to the context. In the last section, the report recommends actions that can be pursued within the region to address the ongoing human rights violations related to OGBV.

¹⁹ African Union Commission *et al* 'Gender-based Violence in Africa during the COVID-19 Pandemic' *UN Women Africa* <https://africa.unwomen.org/en/digital-library/publications/2020/12/gbv-in-africa-during-covid-19-pandemic> (accessed on 20 November 2021).

Acronyms and Abbreviations

A4AI	Alliance for Affordable Internet [Aliança para Internet Acessível]	LGBTIQ	Lesbian Gay Bisexual Transgender Intersex Queer [Lésbicas, Gays, Bissexuais e Transgénero]
ACRWC	African Charter on the Rights and Welfare of the Child [Carta Africana dos Direitos e Bem-Estar da Criança]	LGBTIQ+	Lesbian, gay, bisexual, transgender, intersex, queer, plus
AI	Amnesty International [Amnistia Internacional]	MACRA	Malawi Communications Regulatory Authority
ANCWL	African National Congress Women's League,	MASFAMU	Ministry of Social Action, Family and Promotion of Women [Ministério da Acção Social, Família e Promoção da Mulher]
APC	Association for Progressive Communications		
ATI Act	Access to Information Act	MGCAS	Ministry of Gender, Children and Social Action [Ministério de Género, Criança e Acção Social]
AU	African Union	MICT	Ministry of Information and Communication Technology
BOCRA	Botswana Communications Regulatory Authority	MPA	Media Practitioners Act
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women [Convenção sobre a Eliminação de todas as Formas de Discriminação contra as Mulheres]	MPS	Malawi Police Service
CCPR	International Covenant on Civil and Political Rights [Pacto Internacional sobre os Direitos Cíveis e Políticos]	NERM	Namibia Equal Rights Movement
CIP	Centre for Public Integrity [Centro de Integridade Pública]	NGOCC	Non-governmental Gender Organisations Coordinating Council
CIPESA	Collaboration on ICT Policy Centre for Eastern and Southern Africa	NDP	National Development Plan
CRC	Convention on the Rights of the Child [Convenção sobre os Direitos da Criança]	NDS1	National Development Strategy
CESCR	International Covenant on Economics and Social and Cultural Rights [Pacto Internacional dos Direitos Económicos, Sociais e Culturais]	NGP	National Gender Policy
CRAN	Communication Regulatory Authority of Namibia	NSP	National Strategic Plan
CSO	Civil Society Organisation [Organização da Sociedade Civil]	OGBV	Online gender based violence [Violência <i>on-line</i> baseada no género]
DIFAMU	Directorate of Family and Promotion of Women [Direcção da Família e Promoção da Mulher]	OP-CRC-SC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography [Protocolo Facultativo à Convenção sobre os Direitos da Criança relativo à Venda de Crianças, Prostituição Infantil e Pornografia Infantil]
DVA	Domestic Violence Act	POTRAZ	Postal and Telecommunications Regulatory Authority of Zimbabwe
EC	European Commission	PNIEG	National Policy for Gender Equality and Equity [Política Nacional para a Igualdade e Equidade de Género]
EEC	Employment Equity Commission	PWD	People with Disabilities
EFF	Economic Freedom Fighters	RIA	Research ICT Africa [Pesquisa ICT África]
ETCSA	Electronic Transactions and Cyber Security Act	RSF	Reporters Without Borders
EWf	Emthonjeni Women's Forum	SADC	Southern Africa Development Community
FADM	Mozambique Armed Defence Force [Forças Armadas de Defesa de Moçambique]	SAPS	South African Police Service
FAMOD	Mozambican Disabled Person's Organisation Forum [Fórum das Associações dos deficientes de Moçambique]	Stats SA	Statistics South Africa
FPB	Film and Publications Board	SDG	Sustainable Development Goals
FRELIMO	Mozambique Liberation Front [Frente de Libertação de Moçambique]	SVRI	Sexual Violence Research Initiative
GALZ	Gays And Lesbians Association of Zimbabwe	UNDP	United Nations Development Programme
GBV	Gender Based Violence [Violência Baseada no Género]	UNESCO	United Nations Educational, Scientific and Cultural Organization
GBVF	Gender Based Violence and Femicide	UNFPA	United Nations Population Fund
GDI	Gender Development Index [Índice de Desenvolvimento de Género]	UNICEF	United Nations International Children's Emergency Fund
GDP	Global Domestic Product [Produto Interno Bruto]	UNWOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
GEA	Gender Equality Act	WALPE	Women's Academy for Leadership and Political Excellence
GGGI	Global Gender Gap Index	WAR	Women Against Rape
GII	Gender Inequality Index	WCAG	Web Content Accessibility Guidelines [Directrizes de Acessibilidade do Conteúdo da Web]
HPP	Harambee Prosperity Plan	ZICTA	Zambia Information and Communications Technology Authority
ICT	Information and Communications Technology [Tecnologias de Informação e Comunicação]	ZNWL	Zambia National Women's Lobby
ICASA	Independent Communications Authority of South Africa	ZWPC	Zambia Women Parliamentary Caucus
ICCPR	International Convention on Civil and Political Rights		
INAC	National Children's Institute [Instituto Nacional da Criança]		
INACOM	Angolan Institute of Telecommunications [Instituto Angolano das Comunicações]		
INS	National Institute of Health [Instituto Nacional de Saúde]		
IoT	Internet of Things [Internet das Coisas]		
ISOC	Internet Society		
ISP	Internet Service Provider		
ITU	International Telecommunication Union		
LEAD	Labour, Economists and African Democrats		

Angola.

Pesquisador: Dércio Tsandzana



Perfil do país

Localizado na África Austral, Angola é um país de língua portuguesa com uma população estimada em cerca de 31 milhões de pessoas.¹ O PIB do país deverá atingir 100 mil milhões de dólares até ao final de 2021.² Angola tem sido governada pelo MPLA desde a independência. O actual Presidente, João Lourenço, foi eleito em 2017, após mais de 30 anos de governação pelo anterior Chefe de Estado, José Eduardo dos Santos, uma administração política marcada por actos que podem ser descritos como de encerramento do espaço político e cívico, que também se reflectiram no exercício da liberdade de expressão.³ Os *media* são predominantemente propriedade do Estado, sendo que os meios de comunicação estatais informam favoravelmente sobre a acção do governo e carecem de cobertura independente. Em 2020, o Governo privatizou uma série desses órgãos de comunicação.⁴

A Constituição angolana estipula as modalidades para o exercício da liberdade de expressão e de imprensa.⁵ Nos últimos anos, tem havido menos receio de expressar críticas ao Governo ou opiniões controversas em conversas privadas, em comparação com o período sob o governo de José Eduardo dos Santos.⁶ No entanto, a auto-censura persiste, alimentada pela preocupação de que uma percepção de intenção de organização contra o Governo possa resultar em represálias. Embora o acesso à Internet esteja a aumentar, o Governo controla largamente as actividades feitas no espaço *on-line*.⁷ A vigilância já conhecida contra grupos da sociedade civil, jornalistas e académicos pode contribuir para a relutância em se manifestarem.

A Constituição garante a liberdade de reunião, mas embora o Governo de João Lourenço tenha mostrado mais tolerância para com as manifestações públicas do que o seu antecessor, as marchas pacíficas são por vezes alvo de violência e detenções por parte das forças de segurança. Angola está classificada na posição 106 entre 180 países no Índice Mundial de Liberdade de Imprensa de 2021. Note-se ainda que nenhum repórter/jornalista foi morto em Angola em 2021.⁸

Angola tem três (3) empresas de telefonia móvel, nomeadamente a Movitel, Unitel e a empresa estatal Angola Telecom, que possuía o monopólio do serviço telefónico até 2005. O quarto operador de telecomunicações, denominado Africell, deverá iniciar as suas operações ainda em Dezembro deste ano.⁹ De acordo com o relatório da Freedom House (2021), Angola é "parcialmente livre", com uma pontuação de 31/100 pontos¹⁰ - e está classificado em 62/100 no relatório de Liberdade na Internet (2021).¹¹ Em Dezembro de 2020, Angola registou cerca de nove milhões de utilizadores da Internet, crescendo cerca de sete milhões em comparação com o ano anterior.¹² A expansão da Internet em Angola representa 26,5% da população, de acordo com a IWS.¹³

O Instituto Angolano das Telecomunicações (INACOM), o regulador de telecomunicações do país, informou que havia 14 milhões de utilizadores de telemóveis em 2019, representando quase metade da população; o número significou um aumento de 2% em relação ao ano anterior.¹⁴ A Lei das comunicações electrónicas e dos serviços da sociedade de informação, adoptada em 2011, prevê os direitos dos cidadãos à privacidade e segurança *on-line*, entre outras disposições que regulam o sector das telecomunicações.¹⁵

A pontuação do índice da desigualdade de género em Angola manteve-se estável em torno de 0,66 pontos em 2021, o que significa que as mulheres tinham 34% menos probabilidades de ter as mesmas oportunidades que os homens no país.¹⁶ As disparidades de maior impacto foram medidas nas categorias de oportunidade e participação económica, e empoderamento político. Além disso, nestas categorias, Angola classificou-se entre os países com menor desempenho na África Subsaariana.¹⁷ O país classificou-se em 25º lugar entre 35 nações da região

Na área da participação política, em Fevereiro de 2021, 29,6% dos lugares no parlamento angolano eram ocupados por mulheres.¹⁸

Mapeamento de políticas e legislação¹⁹

Angola ractificou a Convenção sobre a Eliminação de todas as Formas de Discriminação contra as Mulheres (CEDAW), a Convenção sobre os Direitos da Criança (CRC); o Pacto Internacional dos Direitos Económicos, Sociais e Culturais (CESCR) e o Pacto Internacional sobre os Direitos Cívicos e Políticos (CCPR); o Protocolo à Carta Africana dos Direitos Humanos e dos Povos sobre os Direitos das Mulheres em África (Protocolo de Maputo); a Declaração da SADC sobre Género e Desenvolvimento e a sua adenda sobre a Prevenção e Erradicação da Violência contra Mulheres e Crianças.

A igualdade de género como um direito é afirmada em vários textos jurídicos: é preservada na Constituição,²⁰ que se refere à "igualdade" no primeiro artigo. O artigo 21(h) e (k) da Constituição atribui ao governo a tarefa de promover a igualdade e a não discriminação entre cidadãos com base, entre outras coisas, na raça e no sexo, e de promover a igualdade entre homens e mulheres. A lei dos partidos políticos (n.º 22/10 de 3 de Dezembro de

1 Angola stats, World Bank <https://data.worldbank.org/country/AO> (acesso em 31 de Outubro de 2021).

2 <https://tradingeconomics.com/angola/gdp> (acesso em 31 de Outubro de 2021).

3 Open Democracy: Quão livre é a liberdade em Angola? [How free is freedom in Angola?] <https://www.opendemocracy.net/pt/qu-o-livre-liberdade-em-angola/> (acesso em 21 de Outubro de 2021).

4 <https://www.angop.ao/noticias/economia/privatizacao-das-participacoes-nas-telecomunicacoes-vao-a-auscultacao/> (acesso em 7 de Novembro de 2021).

5 Article 40 of the Constitution <https://www.wipo.int/edocs/lexdocs/laws/pt/ao/ao001pt.pdf> (acesso em 26 de Outubro de 2021).

6 <https://freedomhouse.org/country/angola/freedom-world/2021> (acesso em 8 de Novembro de 2021).

7 See Freedom House (2021) - <https://freedomhouse.org/country/angola/freedom-world/2021> (acesso em 7 de Novembro de 2021).

8 <https://rsf.org/en/angola> (acesso em 8 de Novembro de 2021).

9 <https://africanews.space/angolas-africell-to-start-operations-in-2021/> (acesso em 7 de Novembro de 2021).

10 <https://freedomhouse.org/country/angola/freedom-world/2021> (acesso em 7 de Novembro de 2021).

11 https://freedomhouse.org/country/angola/freedom-net/2021#footnoteref2_kwrwxj (acesso em 7 de Novembro de 2021).

12 <https://www.statista.com/statistics/1225595/number-of-internet-users-in-angola/> (acesso em 7 de Novembro de 2021).

13 <https://www.internetworldstats.com/af/ao.htm> (acesso em 8 de Novembro de 2021).

14 <https://inacom.gov.ao/ao/noticias/telemoveis-popularizaram-uso-da-internet-em-luanda/> (acesso em 7 de Novembro de 2021).

15 See all legislation regulating telecommunications in Angola, <https://erca.co.ao/pacote-legislativo-da-comunicacao-social/> (acesso em 31 de Outubro de 2021).

16 <https://www.statista.com/statistics/1220535/gender-gap-index-in-angola/> (acesso em 7 de Novembro de 2021).

17 <https://www.statista.com/statistics/1220485/gender-gap-index-in-sub-saharan-africa-by-country/> > acesso em 7 de Novembro de 2021.

18 <https://data.unwomen.org/country/angola> (acesso em 7 de Novembro de 2021).

19 See more on 'Angola gender country profile' <https://op.europa.eu/en/publication-detail/-/publication/ef895bee-7273-11e5-9317-01aa75ed71a1> (acesso em 29 de Outubro de 2021).

20 <https://constitutii.files.wordpress.com/2013/02/ao001pt.pdf> (acesso em 29 de Outubro de 2021).

2010) estipula a obrigação de prever uma quota de mais de 30% de mulheres em cargos políticos eleitos.²¹ O Código da Família²² estabelece o igual direito e responsabilidade de marido e mulher na gestão dos bens do agregado familiar. Contudo, uma questão crítica que não é considerada no código é a posse dos bens após a separação ou divórcio.

Uma das preocupações mais alarmantes relacionadas com as mulheres e as relações de género é a elevada prevalência da violência doméstica, apesar da adopção de uma lei sobre a matéria (n.º 25/11 de 14 de Julho de 2011).²³ O Código Penal²⁴ impõe penas brandas para crimes de natureza sexual. Afirma que quem comete agressão sexual contra outra pessoa, mesmo que essa pessoa seja o cônjuge do perpetrador, a punição é uma pena de prisão de seis meses a quatro anos.

A violência sexual e doméstica contra mulheres e raparigas é generalizada, mas poucos casos são denunciados à polícia e/ou são processados. As mulheres hesitam em denunciar casos à polícia, dada a atitude dos funcionários judiciais em relação à violência doméstica e sexual, sendo que alguns desses tribunais são isolados e praticamente inexistentes nas províncias.²⁵ As vítimas de violação não casadas nas zonas rurais são, além disso, muitas vezes esperadas para casar com o perpetrador, uma vez que se afirma que de outra forma poderiam não encontrar um marido.²⁶ O elevado nível de violência é atribuído ao elevado nível de pobreza, frustração e desespero após a guerra civil, decorrida entre 1975 a 2002.²⁷ Estas condições limitam a capacidade das mulheres em denunciar quando sofrerem violência no espaço *on-line*, dada a falta de condições para que a sua voz seja verdadeiramente considerada.

Em 2013, Angola adoptou a Política Nacional para a Igualdade e Equidade de Género (Decreto nº 222/13 de 24 de Dezembro de 2013) e a Estratégia de Advocacia e Mobilização de Recursos para a sua Implementação e Monitoria (PNIEG). Apesar dos progressos realizados na esfera jurídica, o direito tradicional e consuetudinário é frequentemente prejudicial para as mulheres e coloca-as em posições vulneráveis, especialmente em termos de matrimónio, direitos de propriedade e custódia dos filhos. As leis existentes exercem pouca influência sobre abusos e violência cometidos no espaço *on-line*, com a única excepção da Lei de Protecção de Dados²⁸ que pode ser utilizada contra abusos e ameaças baseados na imagem. O seu artigo 59 declara que quem estiver vinculado ao segredo profissional nos termos da lei, sem justa causa e sem o devido consentimento, revelar ou divulgar a totalidade ou parte dos dados pessoais, será punido com uma pena de prisão até 18 meses ou com uma multa correspondente.

A Lei de Protecção das Redes e Sistemas Informáticos, adoptada em 2017, prevê, no seu artigo 14º a segurança na Internet.²⁹ Afirma que os fornecedores de Internet devem promover o registo dos utilizadores e a implementação de medidas e ferramentas para a antecipação, detecção e reacção aos riscos de segurança nas suas redes. Entende-se que esta disposição pode ser utilizada para proteger as mulheres no espaço virtual, uma vez que visa proteger todos os utilizadores ligados a diferentes plataformas e fornecedores de serviços de telecomunicações em Angola.

A Lei das Comunicações Electrónicas (n.º 23/11 de 20 de Junho de 2017)³⁰ proporciona protecção no espaço digital. O artigo 15 refere-se à «Protecção dos cidadãos na utilização das TIC». Prevê o direito à confidencialidade das comunicações; o direito à privacidade das informações pessoais, incluindo o direito de acesso e consulta, bem como o direito a que essas informações sejam utilizadas no estrito cumprimento dos princípios constitucionais e das normas legais aplicáveis; e o direito à segurança da informação, melhorando a qualidade, credibilidade e integridade dos sistemas de informação. Estas disposições podem ser invocadas na abordagem da protecção das mulheres contra todos os tipos de violência no espaço virtual, porque reforça a segurança e a protecção de dados *on-line*.

“

Esta disposição promove claramente a vigilância disfarçada através do registo obrigatório dos utilizadores da Internet. No entanto, no lado positivo, entende-se que esta disposição pode ser utilizada para proteger as mulheres no espaço virtual, uma vez que visa proteger todos os utilizadores ligados a diferentes plataformas e fornecedores de serviços de telecomunicações em Angola.

“

Esta sub-notificação aplica-se também à denúncia de casos que ocorrem no espaço virtual, uma vez que não existem bases de dados ou investigações que já tenham sido feitas sobre o assunto.

Além disso, em resposta ao 7º Relatório Periódico sobre a Violência contra as Mulheres em Angola, publicado em 2019, o Comité das Nações Unidas para a Eliminação da Discriminação contra as Mulheres registou³¹ a sub-notificação da violência baseada no género contra mulheres e raparigas, que é reforçada pela legitimação social da violência e por uma cultura de silêncio e impunidade. Esta sub-notificação aplica-se também à denúncia de casos que ocorrem no espaço virtual, uma vez que não existem bases de dados ou investigações que já tenham sido feitas sobre o assunto.

Violência baseada no género no espaço *on-line*/digital durante a COVID-19

De acordo com a Freedom House (2021),³² os esforços governamentais para manipular o conteúdo virtual são esporadicamente relatados. Foi noticiado que os activistas e jornalistas que trabalham com ferramentas digitais são alvo de ameaças, embora enfrentem menos violência e assédio do que os jornalistas que operam principalmente na esfera dos meios de comunicação tradicionais.³³ Alguns órgãos de informação digitais independentes relatam receber chamadas regulares de funcionários do governo, orientando-os no sentido de atenuar as críticas ou de se absterem de reportar sobre determinadas questões.³⁴ As medidas de emergência impostas em Março de 2020 por conta da COVID-19, exigem que os órgãos de comunicação social estatais e privados colaborem com as “autoridades competentes”, o decreto define como os organismos governamentais responsáveis pela segurança, protecção civil e saúde pública.³⁵

Os centros familiares do Ministério da Acção Social, Família e Promoção da Mulher (MASFAMU) registaram um total de 3.769 casos de violência doméstica em 2019, mais 466 casos em comparação com os primeiros dez meses de 2020.³⁶ Utilizam linhas telefónicas para denunciar casos de violência doméstica, com confidencialidade, anonimato e de forma gratuita. Estas linhas também podem ser utilizadas para denunciar violência baseada no género cometida no espaço virtual.

21 <https://fr.scribd.com/document/287897720/Lei-Dos-Partidos-Politicos-Angola> (acesso em 30 de Outubro de 2021).

22 https://data.unicef.org/wp-content/uploads/2017/12/codigo-da-familia-lei-no-188-de-20-de-fevereiro_2017-04-06-02-16-27-890.pdf (acesso em 29 de Outubro de 2021).

23 <https://www.adra-angola.org/artigos/lei-contra-violencia-domestica> (acesso em 30 de Outubro de 2021).

24 https://governo.gov.ao/fotos/frontend_1gov_documento/novo_codigo_penal_905151145fad02b10cd11.pdf (acesso em 29 de Outubro de 2021).

25 <https://www.voaportugues.com/a/v%C3%ADtimas-da-viol%C3%A2ncia-dom%C3%A9stica-em-angola-prefer-em-sil%C3%A2ncia-%C3%A0-den%C3%B2ncia/5414952.html> (acesso em 7 de Novembro de 2021).

26 Há um estigma de que as mulheres não podem denunciar casos de violência baseada no género porque dependem exclusivamente dos homens para organizar as suas vidas.

27 Reference 'Angola - Country Gender Profile - African Development Bank' <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADB-BD-IF-2008-210-EN-ANGOLA-COUNTRY-GENDER-PROFILE.PDF> (acesso em 29 de Outubro de 2021).

28 https://www.apd.ao/fotos/frontend_1editor/2110617_lei_22-11_de_17_junho-protecao_dados_pessoais.pdf (acesso em 7 de Novembro de 2021).

29 <https://animalexdominis.files.wordpress.com/2018/03/proteccao3a7c3a3o-das-redes-e-sistemas-informaticos-2017.pdf> (acesso em 7 de Novembro de 2021).

30 <https://minttcs.gov.ao/ao/documentos/lei-n-23-11/> (acesso em 8 de Novembro de 2021).

31 <https://digitallibrary.un.org/record/3801198> (acesso em 7 de Novembro de 2021).

32 https://freedomhouse.org/country/angola/freedom-net/2021#ootnoteref2_kwrwxj (acesso em 7 de Novembro de 2021).

33 As above

34 <https://www.ecoi.net/en/document/1418258.html> (acesso em 8 de Novembro de 2021).

35 https://governo.gov.ao/fotos/frontend_1gov_documento/diario_medidas_covid_9914006625ffa247bcbfb2.pdf (acesso em 8 de Novembro de 2021).

36 <https://www.dw.com/pt-002/angola-regista-consider%C3%A1vel-aumento-de-crimes-contra-mulheres/a-55728807> (acesso em 7 de Novembro de 2021).

É importante notar que mesmo antes da COVID-19, Angola tinha vindo a registar muitos casos de violência contra as mulheres.³⁷ No Dia Internacional para a Eliminação da Violência contra as Mulheres, entidades públicas revelaram que o país havia registado 19 assassinatos de mulheres entre Março e Novembro de 2020 e 11 casos de violência doméstica por dia durante aquele período.³⁸

Durante a pandemia, a UNICEF lançou uma plataforma digital chamada “Internet que Kuia”³⁹ para fornecer informação sobre a protecção contra a COVID-19. A plataforma é de livre acesso. Contém também informação sobre saúde sexual e reprodutiva, aconselhamento sobre abuso e exploração sexual, bem como linhas directas de denúncia gratuitas e legislação para proteger mulheres e crianças contra a violência *on-line* em geral. No entanto, não fornece estatísticas em tempo real.

Em Abril de 2020, Ondjango Feminista, uma organização local de promoção dos direitos da mulher, defendeu a protecção das mulheres durante a pandemia.⁴⁰ Na mesma época, uma outra organização, Observatório do Género, apelou⁴¹ à polícia nacional angolana para providenciar contactos para a denúncia de casos de violência doméstica. Segundo a organização, este crime, que afecta principalmente mulheres e crianças, tem aumentado durante as restrições por conta da pandemia viral. Embora o número de casos não tenha sido mencionado, de acordo com a directora da organização, Delma Monteiro, houve relatos de redes sociais de mulheres e crianças que foram vítimas de violência.⁴²

Até Dezembro de 2020, apenas 36% dos indicadores necessários para monitorizar os progressos dos Objectivos de Desenvolvimento Sustentável (ODS) numa perspectiva de género estavam disponíveis localmente, com lacunas em áreas-chave, em particular: trabalho doméstico não remunerado, indicadores-chave do mercado de trabalho, tais como as disparidades salariais entre géneros e as competências em matéria de tecnologias da informação e da comunicação.⁴³ Além disso, muitas áreas - tais como género e pobreza, assédio físico e sexual, acesso das mulheres a bens (incluindo a terra), género e ambiente - carecem de metodologias comparáveis para uma monitoria regular. Eliminar estas lacunas de informação sobre o género é essencial para alcançar os compromissos dos ODS relacionados com o género em Angola.

Caso de estudo: Parem de nos Matar

Em Outubro de 2018, as mulheres angolanas lançaram nas redes sociais uma campanha intitulada “Parem de nos matar”.⁴⁴ Utilizando uma página do Facebook⁴⁵, a iniciativa pretendia chamar a atenção para o aumento do número de assassinatos de mulheres pelos seus parceiros e a propagação do discurso de ódio contra as mulheres no espaço digital, bem como mobilizar as pessoas contra a VBG (Violência Baseada no Género).⁴⁶ A campanha foi organizada pela Associação Ondjango,⁴⁷ uma organização não governamental feminista que utiliza o Facebook como principal instrumento de mobilização para aumentar a sensibilização para os crimes contra as mulheres em Angola.

A página é muito activa no Facebook e conta com mais de 8 000 seguidores, onde diariamente é publicado algo sobre a protecção das mulheres.⁴⁸ Contudo, desde 2019, parece que a campanha “Parem de nos Matar” perdeu o seu ímpeto, uma vez que quase nada foi publicado sobre a mesma, embora os casos de violência prevaleçam.



Ondjango também utiliza o Instagram para falar sobre as mulheres no sector informal. A campanha que começou em 2018, chamada “Resgate”, que destinava-se a proteger as mulheres que trabalham no sector informal sem apoio social e financeiro do Estado.

Ondjango também utiliza o Instagram para falar sobre as mulheres no sector informal. A campanha que começou em 2018, chamada “Resgate”,⁴⁹ que destinava-se a proteger as mulheres que trabalham no sector informal sem apoio social e financeiro do Estado.

Para além da campanha nos meios de comunicação digitais, as mulheres apelaram a uma marcha a 26 de Fevereiro de 2019, semelhante ao que já tinha acontecido em Dezembro de 2018, quando mais de 500 mulheres marcharam em Luanda, a capital angolana. A campanha desencadeou reacções opostas de alguns homens, que tentaram justificar a onda de violência contra as mulheres através de uma contra-campanha no Facebook chamada “Parem de nos trair”, na crença de que a traição é uma razão válida para a violência doméstica contra as mulheres.⁵⁰

Em Março de 2021 foram publicadas imagens em redes sociais relatando a morte de uma jovem vítima de transfobia⁵¹. Titica, uma cantora local e membro da comunidade LGBTIQ, lamentou o seu Instagram, tendo partilhado fotografias e disse “Parem de nos matar, só queremos ser nós... mais empatia”.⁵² Antes disso, em 2013, circulou um vídeo nas redes mostrando duas mulheres a serem barbaramente espancadas num armazém em Luanda. Na sequência de uma busca autorizada pelo tribunal, o Ministério Público apreendeu os instrumentos de tortura que aparecem no vídeo, mas nunca se soube quem agrediu as mulheres.⁵³ Freedom House (2021) também relatou que as mulheres e a comunidade LGBTIQ enfrentam assédio *on-line* em Angola, mesmo que desde a descriminalização da relação entre pessoas do mesmo sexo em Fevereiro de 2019, tenham sido relatados menos incidentes de assédio.⁵⁴



Freedom House (2021) também relatou que as mulheres e a comunidade LGBTIQ enfrentam assédio on-line em Angola, mesmo que desde a descriminalização da relação entre pessoas do mesmo sexo em Fevereiro de 2019, tenham sido relatados menos incidentes de assédio.

37 <https://www.rfi.fr/pt/angola/20190328-angolanas-denunciam-violencia-domestica> (acesso em 29 de Outubro de 2021).

38 <https://www.dw.com/pt-002/angola-regista-consider%C3%A1vel-aumento-de-crimes-contra-mulheres/a-55728807> (acesso em 8 de Novembro de 2021).

39 <https://ao.goodinternet.org/> (acesso em 7 de Novembro de 2021).

40 <https://www.ondjangofeminista.com/ondjango/2020/4/14/violencia-domestica-em-tempos-de-isolamento-social> (acesso em 27 de Outubro de 2021).

41 News report <https://e-global.pt/noticias/lusofonia/angola/angola-ong-denuncia-aumento-de-violencia-domestica-durante-quarentena/> (acesso em 29 de Outubro de 2021).

42 <https://visao.sapo.pt/actualidade/sociedade/2020-03-30-covid-19-ong-angolana-denuncia-aumento-de-violencia-domestica-devido-a-quarentena/> (acesso em 8 de Novembro de 2021).

43 Ver ‘Are ICTs enabling women’s empowerment?’ <https://plussocialgood.medium.com/are-icts-enabling-womens-empowerment-162f9a8d2aa0> (acesso em 29 de Outubro de 2021).

44 <https://www.dw.com/pt-002/mulheres-angolanas-lan%C3%A7am-campanha-parem-de-nos-matar-nas-redes-sociais/a-50755066> (acesso em 29 de Outubro de 2021).

45 <https://www.facebook.com/OndjangoFeminista/posts/1915118611948570/> (acesso em 8 de Novembro de 2021).

46 www.novojornal.co.ao/sociedade/interior/parem-de-nos-matar---o-grito-das-mulheres-contra-a-maior-violacao-de-direitos-humanos-em-angola-chegou-ao-parlamento-63947.html (acesso em 29 de Outubro de 2021).

47 <https://www.ondjangofeminista.com/ondjango/2018/12/11/parem-de-matar-as-mulheres> (acesso em 29 de Outubro de 2021).

48 <https://www.facebook.com/OndjangoFeminista> (acesso em 29 de Outubro de 2021).

49 <https://www.instagram.com/p/BqMomyYg9s/> (acesso em 30 de Outubro de 2021).

50 <https://globalvoices.org/2018/12/30/stop-killing-women-a-new-campaign-against-domestic-violence-in-angola/> (acesso em 29 de Outubro de 2021).

51 <https://www.lilipastanews.com/2021/03/03/jovem-de-25-anos-e-morto-em-cabinda-por.html> (acesso em 29 de Outubro de 2021).

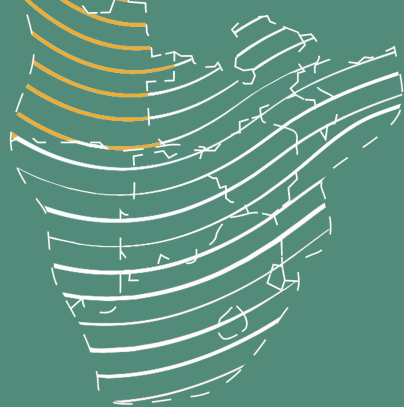
52 <http://portaltudoaver.com/2021/03/22/titica-reage-a-morte-do-homossexual-sucedida-em-cabinda-parem-de-nos-matar/> (acesso em 29 de Outubro de 2021).

53 <https://www.jn.pt/mundo/palops/video-de-agressao-a-duas-mulheres-em-luanda-gera-condenacao-generalizada-3043269.html> (acesso em 29 de Outubro de 2021).

54 https://freedomhouse.org/country/angola/freedom-net/2021#footnoteref2_kwrdwxj (acesso em 11 de Novembro de 2021).

Angola.

Researcher: Dércio Tsandzana.



Country overview

Located in Southern Africa, Angola is a Portuguese-speaking country with an estimated population of around 31 million people.¹ GDP in Angola is expected to reach US\$100 billion by the end of 2021.² Angola has been ruled by the MPLA since independence. The current President, João Lourenço, was elected in 2017 after more than 30 years of governance by the previous head of state, José Eduardo dos Santos. The previous political administration was characterised by repression, shrinkage of political and civic space as well as media censorship. This meant that inalienable rights such as freedom of assembly, freedom of conscience and freedom of expression were severely constrained.³ The media is predominantly owned by the state. Although there is private ownership of the press, it is important to note that state-owned media are duty bound to report favourably towards the ruling party. There is systematic government interference in the operations of the public media. More significantly, the Angolan government privatised a number of media outlets in 2020.⁴ It remains to be seen whether this privatisation is going to be accompanied by a more accommodative space for press freedom and independent journalism.

The Angolan constitution provides for freedom of expression and the press.⁵ In recent years, there has been somewhat less fear of retribution for expressing criticism of the government or controversial opinions in private conversations, compared to the period under the rule of José Eduardo dos Santos.⁶ However, self-censorship persists, fueled by concerns that the government has the capacity to conduct surveillance and harass private citizens. While internet access is still increasing, the Angolan government actively monitors online activities.⁷ Surveillance is generally deep-seated in the social and political fabric of Angola. It has contributed to a culture of self-censorship. For instance, civic activists, journalists, trade unionists, politicians and academics are increasingly muting their voices largely because of reprisals and state-sponsored harassment. The Constitution guarantees freedom of assembly but what is on paper is not often replicated in practice. Although the current regime has shown more tolerance for public demonstrations when compared to the previous one, sometimes peaceful marches are met with violence and arrests by the security forces.

Angola is ranked 106th out of 180 countries in the 2021 World Press Freedom Index. Despite this low ranking, no reporters/journalists were killed in Angola in 2021.⁸ The country has three (3) mobile phone companies. These are Movitel, Unitel and Angola Telecom (which is state-owned). The company had monopoly of the telephone services until 2005. Angola's fourth licensed telecommunications operator, Africell, started operations in December 2021.⁹ According to the 2021 Freedom House report, Angola is 'partly free' with a score of 31/100 points¹⁰ - and is ranked 62/100 on Freedom on the Net (2021).¹¹ By December 2020, the country had registered around nine million internet users, a steady growth from seven million in the previous year.¹² Internet penetration rate stands at 26.5% of the population, according to the InternetWorldStats.¹³

The Angolan Institute of Telecommunications (INACOM), the country's telecommunications regulator, reported that there were 14 million mobile phone users in 2019, representing almost half of the population. This figure represents a 2% increase over the previous year.¹⁴ The law on Electronic Communications and Information Company Services, adopted in 2011, provides for citizens' rights to privacy and security online, among other provisions regulating telecommunications.¹⁵

The gender gap index score in Angola remained at 0.66 in 2021, meaning that females were 34 percent less likely to have the same opportunities as males.¹⁶ Gender disparities were more pronounced in the categories of economic participation and opportunity, and political empowerment. Moreover, Angola ranked amongst the lowest performers in Sub-Saharan Africa (SSA) on these sub-categories.¹⁷ Consequently, the country ranked 25th among 35 nations in the SSA region. In the area of political participation, by February 2021, 29.6% of seats in the Angolan parliament were held by women.¹⁸

By December 2020, only 36% of indicators needed to monitor SDG progress from a gender perspective were locally available, with gaps in key areas, in particular: unpaid care and domestic work, key labour market indicators such as the gender pay gap and information and communications technology skills.¹⁹ In addition, many areas – such as gender and poverty, physical and sexual harassment, women's access to assets (including land), and gender and the environment – lack comparable methodologies for regular monitoring. Closing these gender data gaps is essential for achieving gender-related SDG commitments in Angola.

Mapping policy and legislation²⁰

Angola ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC); the International Covenant on Economic, Social and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); the SADC Declaration on Gender and Development and its addendum on the Prevention and Eradication of Violence against Women and Children.

1 The World Bank 'Angola stats' <https://data.worldbank.org/country/AO> (accessed 31 October 2021).

2 Trading Economics Angola GDP <https://tradingeconomics.com/angola/gdp> (accessed 31 October 2021).

3 Open Democracy 'Quão livre é a liberdade em Angola?' 2 November <https://www.opendemocracy.net/pt/qu-o-livre-liberdade-em-angola/> (accessed 21 October 2021).

4 C Santos 'Privatization of participation in telecommunications goes to consultation' Angop 25 January <https://www.angop.ao/noticias/economia/privatizacao-das-participacoes-nas-telecomunicacoes-va-o-a-auscultacao/> (accessed 7 November 2021).

5 The Constitution of the Republic of Angola, 2010, art 40.

6 Freedom House 'Freedom in the World 2021: Angola' <https://freedomhouse.org/country/angola/freedom-world/2021> (accessed 8 November 2021).

7 As above

8 Reporters Without Borders 'Press freedom still fragile despite the old dictator's departure' <https://rsf.org/en/angola> (accessed 8 November 2021).

9 Space in Africa 'Angola's Africell to Start Operations in 2021' 29 September <https://africanews.space/angolas-africell-to-start-operations-in-2021/> (accessed 7 November 2021).

10 Freedom House 'Freedom in the World 2021: Angola' <https://freedomhouse.org/country/angola/freedom-world/2021> (accessed 8 November 2021)

11 As above

12 Statista 'Total number of internet users in Angola from 2014 to 2020' <https://www.statista.com/statistics/1225595/number-of-internet-users-in-angola/> (accessed 7 November 2021).

13 Internet World Stats 'Angola Internet Usage and Marketing Report' <https://www.internetworldstats.com/af/ao.htm> (accessed on 8 November 2021).

14 INACOM 'Mobile phones popularized Internet use in Luanda' <https://inacom.gov.ao/ao/noticias/telemovels-popularizaram-uso-da-internet-em-luanda/> (accessed 7 November 2021).

15 See all legislation regulating telecommunications in Angola <https://erca.co.ao/pacote-legislativo-da-comunicacao-social/> (accessed 31 October 2021).

16 Statista 'Angola: gender gap index in Angola from 2016 to 2021' <https://www.statista.com/statistics/1220535/gender-gap-index-in-angola/> (accessed 7 November 2021).

17 Statista 'Gender gap index in Sub-Saharan Africa as of 2021, by country' <https://www.statista.com/statistics/1220485/gender-gap-index-in-sub-saharan-africa-by-country/> (accessed 7 November 2021).

18 UN Women 'Angola' <https://data.unwomen.org/country/angola> (accessed 7 November 2021).

19 NG Nakale 'Are ICTs enabling women's empowerment?' +SocialGood 3 April <https://plussocialgood.medium.com/are-icts-enabling-womens-empowerment-162f9a8d2aa0> (accessed 29 October 2021).

20 See more on 'Angola gender country profile' <https://op.europa.eu/en/publication-detail/-/publication/ef895bee-7273-11e5-9317-01aa75ed71a1> (accessed 29 October 2021).

Gender equality as a right is protected in various legal instruments. For instance, it is guaranteed by the Angolan Constitution²¹. It is referred to as 'equality' in the first article. Article 21(h) and (k) of the Angolan Constitution tasks the government to promote equality and non-discrimination between citizens based on, among other things, race and sex, and to promote equality between men and women. The law on political parties (No. 22/10 of 3 December 2010) makes provision for a quota of more than 30% of women in politically elected positions.²² The Family Code²³ establishes equal rights and responsibilities between husband and wife in the management of the assets of the household. One critical issue which is not considered in the Code is possession of the property after separation or divorce.

One of the most serious concerns relating to gender relations is the high prevalence of domestic violence. This is despite the adoption of a domestic violence law (No. 25/11 of 14 July 2011).²⁴ The Penal Code²⁵ imposes lenient penalties for crimes of a sexual nature. It states that whoever commits sexual assault against another person, even if this person is the spouse of the perpetrator, is punishable by imprisonment ranging from six months to four years.

Sexual and domestic violence against women and girls is widespread, but few cases are reported to the police and/or prosecuted. Women are hesitant to report cases to the police given the attitude of judicial officials towards domestic and sexual violence. Most courts are situated in urban areas. This means that in rural areas, women and girls have no courts of appeal to turn to in the event of being violated.²⁶ There are also retrogressive cultural practices in some rural areas. For instance, unmarried rape victims in villages are often expected to marry the perpetrator as it is claimed that they might otherwise not find a husband.²⁷ The high level of domestic violence is attributed to the high level of poverty, unemployment and desperation after the civil war from 1975 to 2002.²⁸ These conditions limit women's ability to report if they suffer violence online, given the lack of conditions for their voice to be seriously considered.

In 2013, Angola adopted the National Policy for Gender Equality and Equity (Decree No. 222/13 of 24 December 2013) and Advocacy Strategy and Resource Mobilisation for its Implementation and Monitoring (PNIEG). Despite the progress made in the legal sphere, traditional and customary law is often detrimental to the empowerment of women and girls. It places them in vulnerable positions, especially in terms of matrimony, property rights, inheritance and custody of children. Most existing laws are silent on cyber crimes related to online gender-based violence. The only exception is the Data Protection Act,²⁹ which criminalises image-based abuse and doxxing. For example, article 59 of the Act states that "whoever being bound to professional secrecy under the terms of the law, without just cause and without due consent discloses or divulges all or part of personal data, shall be punished with a prison sentence of up to 18 months or with a corresponding fine".

This provision clearly promotes backdoor surveillance through the mandatory registration of internet users. However, on the positive side, this provision can be used to protect women in the online space, as it aims to protect all the users connected to different platforms and telecommunications service providers in Angola.

The Computer Networks and Systems Protection Law of 2017 provides for security on the internet.³⁰ It states that internet providers should promote the registration of users and the implementation of measures and tools for the anticipation, detection and reaction to security risks on their networks. This provision clearly promotes backdoor surveillance through the mandatory registration of internet users. However, on the positive side, this provision can be used to protect women in the online space, as it aims to protect all the users connected to different platforms and telecommunications service providers in Angola.

The Electronic Communications Law (No. 23/11 of 20 June 2017)³¹ provides for the protection of citizens online. Article 15 refers to the 'protection of citizens in the use of ICTs.' It provides for the right to confidentiality of communications, the right to privacy of personal information, including the right of access and consultation, as well as the right to have this information used in strict

compliance with constitutional principles and applicable legal rules. It also guarantees the right to information security by improving the quality, credibility and integrity of information systems. These provisions can be relied on in addressing the protection of women against all types of online violence.

In addition, in response to the 7th Periodic Report of 2019 on Violence Against Women in Angola, the United Nations Committee on the Elimination of Discrimination against Women observed³² the underreporting of gender-based violence against women and girls. This is reinforced by the social legitimisation of violence and a culture of silence and impunity. Underreporting is not limited to only offline spaces but also occurs online. Unfortunately, there are no databases or empirical research tackling this emerging scholarly issue.

Underreporting is not limited to only offline spaces but also occurs online. Unfortunately, there are no databases or empirical research tackling this emerging scholarly issue.

Digitally-enabled gender-based violence during the COVID-19 pandemic

According to Freedom House (2021),³³ government efforts to manipulate online content are sporadically reported. It was reported that online activists and journalists are sporadically targeted with threats, though they face less violence and harassment than journalists who operate mainly in the traditional media sphere.³⁴ Some independent online news outlets report receiving regular calls from government officials directing them to tone down their criticism or refrain from reporting on certain issues.³⁵ The COVID-19 emergency measures imposed in March 2020 require state and private media outlets to collaborate with "competent authorities." This means that the media must work closely with government bodies responsible for security, civil protection, and public health.³⁶

The family centres of the Ministry of Social Action, Family and Promotion of Women (MASFAMU) recorded a total of 3,769 cases of domestic violence in 2019, 466 more cases compared to the first ten months of 2020.³⁷ They use telephone lines for reporting cases of domestic violence, with confidentiality, anonymity and free of charge features. These lines can also be used to report OGBV on social media networks.

21 The Constitution of the Republic of Angola, 2010.

22 Lei Dos Partidos Políticos (Political Parties Law) 22 of 2010.

23 The Family Code Law 1 of 1988.

24 Law Against Domestic Violence Law 25 of 2011.

25 The Penal Code Law 38 of 2020.

26 V Rodrigues 'Victims of domestic violence in Angola prefer silence to denunciation' VOA 11 May <https://www.voaportugues.com/a/v%C3%ADtimas-da-viol%C3%A2ncia-dom%C3%A9stica-em-angola-preferem-o-sil%C3%A2ncio-%C3%A0-den%C3%Bancia/5414952.html> (accessed 7 November 2021).

27 There is a stigma that women cannot report GBV cases because they depend exclusively on men to organise their lives.

28 African Development Bank & African Development Fund 'Angola Country Gender Profile' 2008 <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADB-BD-IF-2008-210-EN-ANGOLA-COUNTRY-GENDER-PROFILE.PDF> (accessed 29 October 2021).

29 Data Protection Act 22 of 2011.

30 Computer Networks and Systems Protection Law 7 of 2017.

31 Electronic Communications Law 23 of 2011.

32 Concluding Observations on the 7th periodic report of Angola, CEDAW (14 March 2019), UN Doc CEDAW/C/AGO/CO/7 (2019).

33 Freedom House 'Freedom in the World 2021: Angola' <https://freedomhouse.org/country/angola/freedom-world/2021> (accessed 8 November 2021)

34 As above

35 Freedom on the net 2017 - Angola <https://www.ecoi.net/en/document/1418258.html> (accessed 8 November 2021).

36 Presidential Decree 10 of 2021 (measures to prevent and control the spread of the SARS-CoV-2 and COVID-19).

37 DW 'Angola regista: "considerável aumento" de crimes contra mulheres'

<https://www.dw.com/pt-002/angola-regista-consider%C3%A1vel-aumento-de-crimes-contra-mulheres/a-55728807> (accessed 07 November 2021).

It is important to note that even before COVID-19, Angola had been registering many cases of violence against women and girls.³⁸ On the International Day for the Elimination of Violence against Women, public entities revealed that the country recorded 19 murders of women between March and November 2020 and 11 cases of domestic violence per day during that period.³⁹ This shows that domestic violence is rampant in Angola.

During the pandemic, UNICEF launched a digital platform called '*Internet que Kuia*'⁴⁰ to provide information on protection against the coronavirus. The platform is freely accessible. It also contains information on sexual and reproductive health, advice on sexual abuse and sexual exploitation, as well as free reporting hot-lines and legislation to protect women and children against GBV in general. However, it does not provide real-time statistics.

In April 2020, *Ondjango Feminista*, a local organisation promoting women's rights, advocated for the protection of women during the pandemic.⁴¹ In April 2020, another organisation, *Observatório do Género* [Gender Observatory] called⁴² on the Angolan national police to provide contacts for reporting cases of domestic violence. According to the organisation, this crime which mainly affects women and children has increased during the restrictions. Although the number of cases was not mentioned, according to the director of the organisation, Delma Monteiro, there have been reports on social media networks of women and children who have been victims of violence.⁴³

Case studies: Stop killing us

In October 2018, Angolan women launched on social media networks a campaign called '*Stop killing us*'.⁴⁴ The initiative was intended to draw attention to the increased number of murders of women by their partners and the spread of hate speech against women in the digital space, using a Facebook page⁴⁵ to mobilise people against GBV.⁴⁶ The campaign was organised by *Associação Ondjango*,⁴⁷ a feminist non-governmental organisation which uses Facebook as their main mobilising tool to raise awareness about crimes against women in Angola.

Ondjango also uses Instagram to champion the cause of women in the informal sector. The campaign that began in 2018, called '*Rescue*',⁴⁸ is aimed at protecting women working in the informal sector without social and financial state support. The organisation has a very active Facebook page with over 8 000 members⁴⁹ where they initially published daily posts on women's protection. However, since 2019 it seems that the campaign has lost its momentum as hardly anything has been posted, although cases of violence remain prevalent.

“ *Ondjango also uses Instagram to champion the cause of women in the informal sector. The campaign that began in 2018, called “Rescue”, is aimed at protecting women working in the informal sector without social and financial state support.* ”

In addition to the social media campaign, the women called for a march on 26 February 2019, similar to what had already happened in December 2018 when more than 500 women marched in Luanda, the Angolan capital. The campaign sparked opposing reactions from some men who tried to justify the wave of violence against women through a counter-campaign on Facebook called '*Stop Betraying Us*', in the belief that betrayal is a valid reason for domestic violence against women.⁵⁰

“ *Freedom House (2021) also reported that women and LGBTIQ people face online harassment in Angola, even if since the February 2019 decriminalisation of same-sex conduct, fewer incidents of harassment against LGBTIQ people have been reported.* ”

In March 2021, images were published on social media networks reporting the death of a young victim of transphobia.⁵¹ Titica, a local singer and member of the LGBTIQ community, lamented on her Instagram, shared photos and said 'Stop killing us, we just want to be us ... more empathy'.⁵² Before that, in 2013 a video circulated on social media networks showing two women being barbarously beaten in a warehouse in Luanda. Following a court-authorised search, the Public Prosecutor's Office seized the instruments of torture appearing in the video, but it was never actually known who assaulted the women.⁵³ Freedom House (2021) also reported that women and LGBTIQ people face online harassment in Angola, even if since the February 2019 decriminalisation of same-sex conduct, fewer incidents of harassment against LGBTIQ people have been reported.⁵⁴

Government position

In Angola, different laws are in place to protect women. In addition, policy measures under the National Development Plan aim to promote⁵⁵ the full realisation of human rights and fundamental freedoms for men and women, promote all equal-opportunity aspects in employment policies, including reducing occupational segregation and helping to reconcile work and family life, as well as counter the persistent under-representation of women in all decision-making spheres. It also aims to promote equal access and full enjoyment of social rights for men and women, in order to eliminate gender disparities in primary and secondary education and at other educational levels by 2025. However, the policy lacks a specific approach on women-ICT and OGBV.

38 RFI 'Angolanas denunciam violência doméstica' <https://www.rfi.fr/pt/angola/20190328-angolanas-denunciam-violencia-domestica> (accessed 29 October 2021).

39 DW 'Angola regista: "considerável aumento" de crimes contra mulheres'

<https://www.dw.com/pt-002/angola-regista-consider%C3%A1vel-aumento-de-crimes-contra-mulheres/a-55728807> (accessed 07 November 2021).

40 <https://ao.goodinternet.org/> (accessed 7 November 2021).

41 L Fekayamäle 'Domestic Violence in Times of Social Isolation' *Ondjango Feminista* 14 April <https://www.ondjangofeminista.com/ondjango/2020/4/14/violencia-domestica-em-tempos-de-isolamento-social> (accessed 27 October 2021).

42 e-Global 'Angola: NGO denounces increase in domestic violence during quarantine' 5 April <https://e-global.pt/noticias/lusofonia/angola/angola-ong-denuncia-aumento-de-violencia-domestica-durante-quarentena/> (accessed 29 October 2021).

43 'COVID-19: Angolan NGO Denounces Increase in Domestic Violence Due to Quarantine' <https://visao.sapo.pt/atualidade/sociedade/2020-03-30-covid-19-ong-angolana-denuncia-aumento-de-violencia-domestica-devido-a-quarentena/> (accessed 8 November 2021).

44 DW 'Angolan Women Launch "Stop killing us" campaign on social media' <https://www.dw.com/pt-002/mulheres-angolanas-lan%C3%A7am-campanha-parem-de-nos-matar-nas-redes-sociais/a-50755066> (accessed 29 October 2021).

45 <https://www.facebook.com/OndjangoFeminista/posts/1915118611948570/> (accessed 8 November 2021).

46 S Bernardo "'Stop killing us' - the women's cry against "the biggest rights violation in Angola" reached parliament' www.novojornal.co.ao/sociedade/interior/parem-de-nos-matar---o-grito-das-mulheres-contra-a-maior-violacao-de-direitos-humanos-em-angola-chegou-ao-parlamento-63947.html (accessed 29 October 2021).

47 L Fekayamäle 'Stop killing women' *Ondjango Feminista* 11 December <https://www.ondjangofeminista.com/ondjango/2018/12/11/parem-de-matar-as-mulheres> (accessed 29 October 2021).

48 <https://www.instagram.com/p/BqMomyYgps9/> (accessed 30 October 2021).

49 <https://www.facebook.com/OndjangoFeminista> (accessed 29 October 2021).

50 S Hossi & L Anderson 'Stop killing women - a new campaign against domestic violence in Angola' 30 December <https://globalvoices.org/2018/12/30/stop-killing-women-a-new-campaign-against-domestic-violence-in-angola/> (accessed 29 October 2021).

51 '25-year old man is killed in Cabinda for being gay' *Lil-PastaNews* 23 March 2021 <https://www.lipastanews.com/2021/03/jovem-de-25-anos-e-morto-em-cabinda-por.html> (accessed 29 October 2021).

52 D Castro 'Titica reacts to the death of the homosexual that happened in Cabinda: "Stop killing us" 22 March <http://portaltudoaver.com/2021/03/22/titica-reage-a-morte-do-homossexual-sucedida-em-cabinda-parem-de-nos-matar/> (accessed 29 October 2021).

53 JN 'Vídeo de agressão a duas mulheres em Luanda gera condenação generalizada' 8 February

<https://www.jn.pt/mundo/palops/video-de-agressao-a-duas-mulheres-em-luanda-gera-condenacao-generalizada-3043269.html> (accessed 29 October 2021).

54 Freedom House 'Freedom in the World 2021: Angola' <https://freedomhouse.org/country/angola/freedom-world/2021> (accessed 8 November 2021).

55 UN Women 'Angola commits to the empowerment of women and gender equality, the dignity of families and the advancement of women' <https://www.unwomen.org/en/get-involved/step-it-up/commitments/angola> (accessed 27 October 2021).

The Ministry of Social Action, Family and Promotion of Women (MASFAMU) is responsible for 'defining and implementing the national policy to defend and guarantee the rights of women in the family and society in general.'⁵⁶ The Ministry faces challenges in terms of human and financial resources. They have a limited number of staff and little access to the relevant training for the promotion of women and gender equality, which requires constant updating of skills. Many government actions are mainly focused on children, but less on OGBV. In the period between 1 and 8 October 2021, 1 080 complaints of violence against minors were reported to the National Children's Institute (INAC). According to the spokesperson for the Institute, Rosalina Domingos, sexual abuse is one of the most common of all cases reported.⁵⁷

Although human resources and funding have been provided to all provinces by the Directorate of Family and Promotion of Women (DIFAMU), these resources are not being evenly distributed. There is little-to-no independent agenda of the DIFAMU compared to MASFAMU, which effectively means that the programmes implemented are defined by a central authority. Despite the growing interest in the topic of gender mainstreaming in government policies and programmes, the summary analysis of the national budget clearly shows that women's issues are not prioritised in the national resource allocations, given that the Ministry received the smallest budget allocation.

Regarding the presence of women in the government's decision-making bodies, Angola is the second best represented country amongst the Portuguese speaking African countries after Mozambique, even if women are still underrepresented with 30% of seats in the National Assembly.⁵⁸ OGBV activists can engage the Group of Women Parliamentarians (GoWP) established in the National Assembly to get political support for legislative reform and to assist them to raise their issues in Parliament.⁵⁹

In April 2021, the Secretary of State for Telecommunications and IT, Mário Augusto de Oliveira, expressed support for technological initiatives developed by women.⁶⁰ Oliveira emphasised that ICTs play an important role in the economic development and participation of women. Therefore, it is important to reduce the gender gap in the sector and to encourage young women to choose careers in the ICTs sector.⁶¹

The Angolan executive branch has adopted policies to support gender issues, including the advancement of women, support victims of violence, give due recognition to families, develop communities and promote rural women. The head of state also mandated a review of the percentage of representation of women at all levels to increase it to at least 40% and has launched national campaigns to prevent violence and traditional practices that violate the rights of women and girls. But, as also noted regarding current national legislation, there is no specific focus on online violence against women and girls. Laws are not adequately harmonised to address the use of technologies progressively.

There is a lack of disaggregated data focusing on gender-based violence committed through ICTs against women and other marginalised groups in Angola. According to the Minister of Social Action, Family and Promotion of Women, Faustina Alves,⁶² the strengthening of mechanisms of defence and monitoring of victims are being done through the Family Counselling Centre and telephone hot-lines. It is not being done through social media networks. The Minister said that it is necessary to anticipate and react to the risks of violence, abuse, exploitation, discrimination and other forms of violation of rights, paying special attention to the vulnerable and marginalised groups.⁶³

“ There is a lack of disaggregated data focusing on gender-based violence committed through ICTs against women and other marginalised groups in Angola.

Conclusion

This country report has shown that online gender-based violence is an emerging area of concern in Angola. Although activists and journalists are generally on the receiving end of online gender-based violence, this study has also underscored the fact that there is a lot of underreporting. OGBV manifests as hate speech, stalking, doxxing and cyberbullying on digital platforms. Equally, there is increasing reports of acts of discrimination against minority groups such as LGBTIQ on social media platforms. The most vulnerable groups are women and girls who often have no voice. Unfortunately, most of the time these targets and victims of OGBV choose to stay silent, since there are no specific legal frameworks to protect them when their rights are violated.

“ There is no legislation specifically dealing with OGBV. It is also noted that the cases that have been reported lack a clear follow-up, and are not properly resolved. Furthermore, the penalties that are applied in cases of online violence are often not known.

It is, thus, clear that there is a need for the government to start a broad reflection on how digital media platforms are used in Angola. They also need to reflect on how the abuse of these platforms is affecting women and other minorities. This may be an opportunity to improve existing legal instruments or adopt new ones and even find alternative approaches to mitigate online violence against women and girls. In fact, in Angola, issues of access to technology for women are still at a nascent stage. The levels of gender inequalities are high and no evidence exists showing that women are actively participating in societal issues through digital media platforms. There is no legislation specifically dealing with OGBV. It is also noted that the cases that have been reported lack a clear follow-up, and are not properly resolved. Furthermore, the penalties that are applied in cases of online violence are often not known. Both the penal code and the ordinary laws are vague when dealing with women and children in the digital space. This has resulted in a number of cases, which are not resolved.



⁵⁶ Ministry of Social Action, Family and Women's Promotion <https://masfam.gov.ao> (accessed 8 November 2021).

⁵⁷ 'One thousand and eighty reports of violence against minors reported to INAC in the period from October 1st to October 8th' <https://rna.ao/rna.ao/2021/10/11/mil-e-oitenta-denuncias-de-violencia-a-menores-reportadas-ao-inac-no-periodo-de-01-a-08-de-outubro/> (accessed 8 November 2021).

⁵⁸ DW 'Women to power in the PALOP' <https://www.dw.com/pt-002/mulheres-ao-poder-nos-palop/a-52677550> (accessed 8 November 2021).

⁵⁹ National Assembly of Angola <http://www.parlamento.ao/grupo-de-mulheres-parlamentares> (accessed 15 November 2021).

⁶⁰ Ministry of Telecommunications, Information Technologies and Social Communication 'Luanda hosts forum about girls and ICT' 29 April (The secretary spoke at the opening of the VI forum "Girls and ICTs", representing the minister of Telecommunications Information and Social Communication Technology) <https://minttcs.gov.ao/ao/noticias/luanda-acolhe-forum-sobre-as-menhinas-e-as-tic/> (accessed 27 October 2021).

⁶¹ M Oliveira 'MINTTICS supports technology initiative developed by women' <https://www.angop.ao/noticias/tecnologia/minttcs-apoia-iniciativa-tecnologica-desenvolvida-por-mulheres/> (accessed 28 October 2021).

⁶² Official Portal of the Government of the Republic of Angola 'Masfam encourages the culture of waiting for Acts of Violence' <https://governo.gov.ao/ao/noticias/masfam-incentiva-cultura-de-denuncia-de-actos-de-violencia/> (accessed 27 October 2021).

⁶³ As above

To improve this situation, the following recommendations should be considered:

Government

- There is a need for the government to adopt specific legislation that protects women in the online space, not only to punish offenders, but to promote respect and gender coexistence. This work should be done in coordination with the communications regulatory authority in order to respect personal data provisions as stipulated in the Data Protection Act.
- There should be capacity building awareness raising for law enforcement, judiciary officers and media on how to report, investigate and ultimately prosecute of cyber crimes.
- There is a need to strengthen the Domestic Violence Law (No. 25/11 of 14 June 2011), which represents another important step in achieving gender equality. However, the judicial and institutional mechanisms to facilitate its implementation are inadequate, and the law should provide protection on OGBV.
- It is important to work, both in the lower levels of the education sector and technical and vocational training, on the self-representation of women in professions considered masculine.

Media

- Sensitisation in media reporting on OGBV, highlighting the cases and proposing strategies to fight against the phenomenon.
- Demand greater publicity from the official communication bodies regarding cases of violence against women in the online space.
- There is an urgent need to create coordination mechanisms for better communication between citizens and communication bodies in order to uncover and follow up on cases of violence in the online and offline spaces.

Social media networks

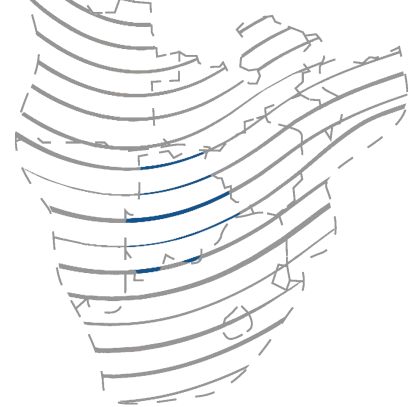
- Creating rapid reporting mechanisms that are appropriate for the local context, especially given language barriers.
- There is an urgent need for cases of violence against women published on social networks to be properly investigated, without exposing the intimate sensitivities of the victims.
- Strengthening local coordination between stakeholders in order to better understand the context and the needs of victims.

Civil society organisations

- There is a need for more joint and coordinated work in order to combine the different efforts of civil society organisations working on women's issues, especially on OGBV.
- Civil society organisations should adopt internal and public strategies that serve as a model for the protection of women in the online space.

Botswana.

Researcher: Pamela S Dube.



Country overview

Botswana is a landlocked country situated in Southern Africa, bordering South Africa, Namibia, Zambia and Zimbabwe. It has an estimated 2.3 million population based on 2018 figures. The country's GDP stands at US\$ 15.78 billion¹. In 2019, internet connectivity stood at 61% of the population. In terms of gender, 34.9% of male headed households in Botswana have internet access, while female headed households with internet access constitute 28.6% of all households². The full extent of the gender digital divide in Botswana has proven difficult to ascertain, given the lack of gender disaggregated ICT data.

“The full extent of the gender digital divide in Botswana has proven difficult to ascertain, given the lack of gender disaggregated ICT data

Botswana's Constitution is derived from Roman-Dutch Law. While there has been piecemeal review of the Constitution over the years, there is now an on-going process for a comprehensive review with nationwide consultations scheduled to start in December 2021. This follows the establishment of a constitutional review commission. This process is an opportunity for Botswana to introduce reforms and develop a progressive constitution in line with international human rights laws and standards.

One critical voice in the review process comes from gender activists calling for gender parity. In response to President Mokgweetsi Masisi's 8 November 2021 State of the Nation Address (SONA), women politicians at the Women's Participation in Politics Training Academy in the central district demanded gender parity in the commission, as well as in the new constitution.³

Botswana is known for its tolerance of freedom of speech and independence of the media with section 12 of the Constitution guaranteeing freedom of expression. Traditionally, citizens of Botswana respect freedom of speech. During public hearings/gatherings, the *Kgotla* meetings, everyone is free to share their views without fear - '*mafoko a kgotla a mantle othe* (all views are well) and '*mmualebe o bua la gagwe* (he who speaks ill speaks their mind).⁴

However, there has been a growing trend of political intolerance and general suppression of opposing views. Since the establishment of the Directorate of Intelligence and Security Services (DISS) under the former administration of President Ian Khama in 2008, Botswana has experienced human rights violations, including suppression of dissenting views. There is generally fear that the DISS monitors and eavesdrops on mobile phone conversations. In response to the SONA, a specially elected member of parliament and world renowned human rights and gender activist, Dr Unity Dow, harshly criticised the DISS, calling it out for human rights violations with impunity.⁵

State suppression of freedom of expression has, however, been happening before the DISS under current and past administrations. For instance, in May 2005, the government of President Festus Mogae deported and declared an Australian political scientist working for the University of Botswana, Professor Kenneth Good, *persona non grata*. He was an open critic of the Botswana government.⁶ Subsequently, the African Commission ruled that the Government of Botswana acted inappropriately in deporting Professor Good.⁷

The advent of the internet and social media has seen Botswana's once glorified democracy being questioned. The cyberspace is now a platform for contestation of ideas. But then as the paper discusses, the digital space, with no ethical and professional standards to adhere to, is an open platform for online abuse.

“The advent of the internet and social media has seen Botswana's once glorified democracy being questioned. The cyberspace is now a platform for contestation of ideas.

Despite constitutional freedom of expression guarantees and a relatively free press, Botswana has no information law to allow for easy access to information held by the state and public agencies. With the Freedom of Information Act (FOI), the media is aided in the access and dissemination of correct and reliable content, which is not the case when state information is not availed legally. The media, thus, depends on unreliable sources of information, and are exposed to expensive litigation. The media then is not able to grow and flourish.

In relation to the subject matter, FOI can even assist the authorities to access information online in the fight against online gender-based violence. Instead, the country has limiting and controlling laws such as the Media Practitioners Act of 2008 (MPA). The main focus of the MPA is to establish a statutory regulatory instrument to register or disbar media practitioners and control independent print media. While the law deals with aspects of content control related to publication of material that can hurt victims of sexual assault, it does not address OGBV. However, based on the fact that all mainstream print media operate online publications, the authority of this act could be extended to online news and may present both negative and positive outcomes.

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Chapter two of the Botswana constitution deals with the protection of fundamental rights and freedoms of the individual, including protection of the right to life, protection from inhuman treatment, protection for privacy of home and other property and protection from discrimination on grounds of race.⁸ While women's rights are not specified in the Bill of Rights, there are policy provisions addressing gender equality.

The National Policy on Gender and Development of 2015 was developed to address inequality. The National Gender Commission was established to monitor implementation of the policy. It does not address OGBV but only GBV in the traditional sense. Botswana is ranked 95th in the Gender Inequality Index (GII is 0.465) and 55th in the Global Gender Gap Index, as per 2018 World Economic Forum report. In the Sub-Saharan region, which is placed third of the eight regions, Rwanda is placed highest at number six followed by Namibia at 10th spot. In the SADC region, Namibia is followed by South Africa (19), Zimbabwe (47) and Mozambique at 49th.

1 Republic of Botswana 'About our country' <https://cms1.gov.bw/about-our-country> (accessed 13 November 2021).

2 Statistics Botswana 'Botswana Household Access and Individual Use of Information and Communication Technologies' 2014 <https://www.statsbots.org.bw/sites/default/files/publications/Botswana%20Access%20and%20Use%20of%20ICTs%202014%20Statistics.pdf> (accessed 13 November 2021).

3 Gender Links 'Women demand new deal in Constitution' 10 November <https://genderlinks.org.za/news/botswana-women-demand-gender-parity-in-new-constitution/> (accessed 17 November 2021).

4 T Basimanebotho 'Women Politicians Seek Inclusion' *Mmegi* 12 November 2021 <https://www.mmegi.bw/news/women-politicians-seek-inclusion/news> (accessed 17 November 2021).

5 T Basimanebotho 'Dow Breaks Ranks with BDP on DIS' *Mmegi* 12 November 2021 <https://www.mmegi.bw/news/dow-breaks-ranks-with-bdp-on-dis/news> (accessed 17 November 2021). 6 K Dipholo 'Remembering Professor Good' *The Voice Botswana* 10 November 2020 <https://news.thevoicebw.com/2020/11/remembering-professor-good/> (accessed 17 November 2021).

7 'African Commission rules outspoken academic wrongly deported' *Survival* 21 August 2010 <https://www.survivalinternational.org/news/6387> (accessed 20 November 2021).

8 UN Women <https://www.unwomen.org> (accessed 20 November 2021).

The UN Women Global Database on violence against women report notes that, globally, Botswana made some progress on women's rights to work, education, health and many other areas, but limited in political leadership and chieftancy. With few women in political office (11% in the current parliament and 18% in local councils) issues of critical importance affecting women such as OGBV cannot be adequately addressed at legislation and policy development.

“With few women in political office (11% in the current parliament and 18% in local councils) issues of critical importance affecting women such as OGBV cannot be adequately addressed at legislation and policy development.”

Mapping policy and legislation

Another blot on Botswana's international standing is that GBV is prevalent in the country. The latest UNFPA Botswana office reports note that about 67% of women and children have experienced GBV.⁹ This is despite the fact that there are laws enacted to fight gender-based violence and criminality. One of such is the Penal Code of 1977. However, this law does not address OGBV as it was enacted when there was no online violence and never amended to make provision for it.

The Domestic Violence Act 2008 is in place in order to protect women in domestic relationships.¹⁰ While the law is not specific to OGBV, this legal framework refers to harassment that may occur electronically via sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the applicant's home or work.¹¹ It is highlighted here because it is one law which is directed at addressing GBV in totality, albeit in the context of domestic violence, and therefore could be a point of reference in advocating for specifics on OGBV legislation.

The Cybercrime and Computer Related Crimes Act 2018 is intended to combat cybercrime and computer related crimes, repress criminal activities perpetrated through computer systems and facilitate the collection of electronic evidence. The law is meant to respond to and keep up with new crimes such as cyberterrorism, money laundering, trafficking of illegal and harmful chemicals, cyberstalking and cyberharassment,¹² and also has sections on offensive electronic communication, pornographic or obscene material and non-consensual sharing of material. Currently, only the Cybercrime and Computer Related Crimes Act seems to address the latter.¹³

In the media space, the Media Practitioners Act of 2008 (MPA) was adopted to ensure professionalism and establishment of the statutory authority, the Press Council's complaints and appeals committees. It is not gender specific, nor does it address OGBV. However, there are sections in clause 9 of the code of ethics on protection and non-publication of identities of victims of sexual assault and children who commit crimes, which can be amplified for online application.

“The review may be an opportunity to introduce OGBV issues.”

The MPA has, however, been met with resistance. When it was gazetted in December 2008, the then national director of the Botswana chapter of the Media Institute of Southern Africa (MISA) Botswana, Thapelo Ndllovu, was quoted saying it was 'very repressive' and that civil society would continue to lobby against it.¹⁴ There are ongoing consultations to review the law. Notably, the MPA is not there to protect journalists, let alone women in the media. The review may be an opportunity to introduce OGBV issues.

The Cinematography Act of 1970 regulates/censors pornography, among other things. The law is under review, and is aimed at promoting the development of the film industry.¹⁵ However, no published information could be found online as to how this law was received or whether there had been advocacy against it. Again, the review may be a vehicle to introduce areas of fighting OGBV in the film industry. .

The Communications Regulatory Authority Act of 2012 was enacted solely to establish the Botswana Communications Regulatory Authority (BOCRA), which came into effect on 1 April 2013. The authority is mandated to regulate the communications sector, which comprises telecommunication, internet and ICTs, radio communications, broadcasting, postal services and related matters.¹⁶ The Act is not gender specific, nor does it address OGBV.

However, as BOCRA regulates all independent broadcasters and all the radio stations regulated and licenced by the authority (*Yarona FM, Duma FM, GabzFM and eBotswana*) have online platforms, this therefore could be interpreted that BOCRA does regulate the private online radio platforms.

The authority sets guidelines for internet media, with the intention to develop and grow ICTs. It does not however regulate content. Content providers on the internet, on social media especially, have a free reign. As part of its mandate, BOCRA conducts public education campaigns on the safe use of the internet that address issues such as cyberbullying. The authority provides guidelines on broadcast scope and local content targeting the music sector. It monitors ethics and professional reporting, and has the power to sanction and revoke licenses if the broadcaster is deemed to discriminate on the basis of gender, ethnicity, culture, religion, race, or sexual orientation. However, the BOCRA mandate does not cover the state media, which is the biggest, oldest and with wider reach. The industry has always called for the correction of that anomaly, and for BOCRA to be empowered to transform the state broadcaster into a public broadcaster.

While the internet is supposed to be under BOCRA regulation, the authority is more focused on licensing internet providers. However there have been hints from the government to review the law. As a general principle of fairness and non discrimination, the act deals with gender equality, and regulates against slander and crude language.

Legislation addressing gender and gender-based violence

The Penal Code, as amended in 1986 and the Domestic Violence Act 2008, though not explicitly intended, are the instruments used for arrest, detention and prosecution of OGBV acts. The police can detain, impound and prosecute based on the publication and distribution of child sexual abuse material. With the advent of online video platforms such as YouTube, the review of the law is an opportunity to address OGBV in online content.

Botswana has also enacted the Data Collection Act of 32 of 2018 which was created primarily for protection of personal data and meticulously defines the principles of data protection.¹⁷

9 UNFPA Botswana <https://botswana.unfpa.org/en/topics/gender-based-violence-1> (accessed 17 November 2021).

10 UN Women 'Global Database on violence against women' <https://evaw-global-database.unwomen.org/en> (accessed 13 November 2021).

11 Domestic Violence Act 10 of 2008.

12 C Swanka 'Botswana reviews Cinematography Act to boost creative economy' *Sundat Standard* 2 September 2019 <https://www.sundaystandard.info/botswana-reviews-cinematography-act-to-boost-creative-economy/> (accessed 13 November 2021).

13 BE Mooketsi 'An investigation into the Prevalence of Cyberbullying Amongst Undergraduate Students in the University of Botswana' (2018) 21(2) *Mosenodi Journal* 44-54.

14 MISA & IFEX 'Government Passes Repressive Media Law' 16 January <https://ifex.org/government-passes-repressive-media-law/> (accessed 13 November 2021).

15 C Swanka 'Botswana reviews Cinematography Act to boost creative economy' *Sundat Standard* 2 September 2019 <https://www.sundaystandard.info/botswana-reviews-cinematography-act-to-boost-creative-economy/> (accessed 13 November 2021).

16 BOCRA <https://www.bocra.org.bw/> (accessed 13 November 2021).

17 Data Collection Act 32 of 2018.

Gender and ICT during COVID-19

The year 2020, characterised by the unprecedented COVID-19 pandemic, was a period during which the importance of the internet became pronounced in Botswana.¹⁸ With the growing access and usage of cyberspace, and social media in particular, the country is seeing incidents of cyberbullying, harassment and many other forms of OGBV, particularly online abuse of women campaigners and activists.¹⁹ Furthermore, with schools closed, some children were reliant on online platforms for learning, and that increased their risk of exposure to inappropriate content and online sex predators.²⁰ Incidents of cyberbullying are reported to be on the rise due to growth of internet usage, and it is suspected that most go unreported.²¹ In December 2020, the Minister of Defense, Safety and Security, Kagiso Mmusi was quoted, stating that since the enactment of the Cyber and Computer Related Crimes Act of 2018, 38 cases of online abuse have been reported, with none successfully prosecuted since then.²²

“With the growing access and usage of cyberspace, and social media in particular, the country is seeing incidents of cyberbullying, harassment and many other forms of OGBV, particularly online abuse of

In 2018, a University of Botswana research fellow, Bojelo Esther Mooketsi-Mosenodi undertook investigations on cyberbullying among undergraduates. The findings are reflective of international trends, showing that incidents of online abuse are prevalent. These include online teasing, threats, being excluded from online groups as a form of punishment, spread of rumours on social media platforms, stalking, body shaming by sharing embarrassing pictures, sharing of embarrassing private conversations and audio recordings, etc.²³

In 2019, a 19-year old was arrested and charged for sharing pictures of a well-known male comedian wearing a dress, likening him to the First Lady Mrs Neo Masisi. The First Lady's picture was shared alongside, painting her 'ugly'.²⁴

Female journalists also experience online violence. UNESCO notes that the role of political actors, including presidents and elected representatives, party officials and members in instigating and fuelling online violence campaigns against women journalists is a major issue.²⁵ At the height of electioneering in 2019, the member of parliament for Selibe-Phikwe West, Dithapelo Koorapetse was accused by the media union of cyberbullying a female reporter, Tirelo Ditshipi. During a public spat with another journalist, Philemon Mmeso, who is also Ditshipi's husband, Koorapetse shared the female journalist's pictures on social media platforms, ridiculing her. Koorapetse's party president refused to call the MP to order, saying Ditshipi was 'collateral damage'.²⁶ In another incident MISA documented that a Botswana Guardian investigative journalist, Yvonne Mooka, who exposed a prophet for illegal activities bordering on money laundering, was trolled online and harassed by those who did not like her investigative story, something which they noted does not often happen to male journalists.²⁷

An investigation by Mmegi Online in February 2021, found that cyberbullying of celebrities has escalated. 'Online abusers are known to target exactly what the person dislikes about themselves, making cyberbullying even more cruel'.²⁸ Local celebrities who spoke of their ordeal related how the bullying left them vulnerable and unsure of themselves. Retired international soccer star, Dipheto Dispy Selolwane and his girlfriend, Marang Molosiwa, who had to pull out of the DSTV Valentine CookOff competition when they were bullied, were trolled and mocked for their age difference. Another internationally acclaimed star, rapper and former Big Brother contestant Game 'Zeus' Bantsi found himself a victim of body shaming on social media platforms. He faced a barrage of negative comments over weight gain. A young television presenter, Sadi Dikgaka, also had to deal with trolling and cyberbullying over her body. In October 2021, Ms Boitumelo Raphaeleng, a mourning mother of rapper Dramaboi was cyberbullied, insulted and threatened for revealing that her son died of HIV related complications.²⁹ Comments from Dramaboi's Facebook page and other social media platforms had people bashing and accusing her of abandoning her son.

“The social media space is forever bombarded with memes and embarrassing images of politicians, including the president, cabinet members, members of parliament, opposition leaders and other leaders, including media personalities.

During a government appeal of a constitutional case by LGBTIQ activists, a well known lawyer representing the state, Advocate Dr Sidney Pilane went on The Voice Online, using a derogatory term, *matanyola*, against the gay community.³⁰ The social media space is forever bombarded with memes and embarrassing images of politicians, including the president, cabinet members, members of parliament, opposition leaders and other leaders, including media personalities.

The Botswana media is small and ill resourced. In most cases, reporting is limited to Gaborone or based on official events. Despite this reality, the media has been active in reporting on incidents of GBV in general, mostly around the annual 16 Days of Activism, from 25 November to 10 December 2020. However, they rarely provide coverage of OGBV when it affects ordinary people.

Over the years, organisations such as Emang Basadi, Women Against Rape (WAR), Ditshwanelo Human Rights Centre and BONELA were involved in training and upskilling of women, children and the LGBTIQ communities on human rights and safety issues, but not on OGBV.

18 BOCRA 'Broadband Facts and Figures' 2020 <https://www.bocra.org.bw/sites/default/files/documents/Broadband%20Facts%20and%20Figures%20DECEMBER%202020.pdf> (accessed 13 November 2021).

19 VAWG Helpdesk 'Botswana: Gender-based Violence (GBV) Briefing Note' <https://www.sddirect.org.uk/media/1843/vawg-helpdesk-report-236-botswana-gbv-factsheet-may-2019.pdf> (accessed 13 November 2021).

20 T Samboma 'Vulnerability of Children in Botswana during COVID-19' (2020) 63(6) *International Social Work* 807-810.

21 'BOCRA intensifies awareness on cyber bullying' *Mmegi* 4 November 2016 <https://www.mmegi.bw/news/bocra-intensifies-awareness-on-cyber-bullying/news> (accessed 13 November 2021).

22 K Thobega 'Botswana sets up gender violence courts to tackle pandemic backlog' *Thomson Reuters Foundation* 30 November 2020 <https://www.reuters.com/article/botswana-na-rape-court-idUSL8N2IG3BE> (accessed 10 December 2021).

23 BE Mooketsi 'An investigation into the Prevalence of Cyberbullying Amongst Undergraduate Students in the University of Botswana' (2018) 21(2) *Mosenodi Journal* 44-54.

24 M Mokwape 'Kasane teen charged for likening First Lady to local comedian' *Mmegi* 19 November 2019 <https://www.mmegi.bw/news/kasane-teen-charged-for-likening-first-lady-to-local-comedian/news> (accessed 13 November 2021).

25 UNESCO 'The Chilling: Global trends in online violence against women journalists' UNESCO <https://en.unesco.org/publications/thechilling> (accessed 13 November 2021).

26 International Federation of Journalists 'Botswana: Politician ridicules female journalist on social media' 26 June 2019

<https://www.ifj.org/fr/salle-de-presse/nouvelles/detail/category/gender-equality/article/botswana-politician-ridicules-female-journalist-on-social-media.html> (accessed 13 November 2021). 27 MISA 'The State of Press Freedom in Southern Africa 2019-2020' http://www.africanplatform.org/fileadmin/user_upload/Southern_Africa_Press_Freedom_report_2019-2020.pdf (accessed 13 November).

28 M Tlankane 'Cyber bullying Celebrities escalates' *Mmegi* 19 February 2019 <https://www.mmegi.bw/ampArticle/182673> (accessed 13 November).

29 N Kganyane 'Dramaboi: A sad story of stigma, denial, social status' *Mmegi* 22 October 2021 <https://www.mmegi.bw/lifestyle/dramaboi-a-sad-story-of-stigma-denial-social-status/news> (accessed 21 November 2021).

30 B Benza 'Botswana Appeals ruling allowing gay sex, court delays judgment' <https://www.reuters.com/world/africa/botswana-appeals-ruling-allowing-gay-sex-court-delays-judgment-2021-10-12/> (accessed 13 October 2021).

The Botswana police does not release data on OGBV cases, they only release data on offline gender-based crimes as stipulated in the Domestic Violence Act, such as rape and assault. As the laws and reports do not refer to OGBV crimes, it is no surprise that police statistics do not reflect that. This therefore creates an opportunity for the Police to segregate the crime statistics hence, reporting not only on GBV in general but also on OGBV cases.

The ICT policy, locally named Maitlamo, facilitated the establishment of ICT centres, Kitsong Centres, in the rural areas in the mid 2000s. However, these centres are not gender specific and offer free internet to rural youths. If needed the centres can be used to provide digital safety training for women, girls, people with disabilities and LGBTIQ persons in safe spaces.

In 2018, the Botswana chapter of the Digital Literacy programme³¹ was launched. While not gender specific, the programme is intended to equip village development committees, referred to as village parliaments. The majority of members of these committees across the country are women - an opportune platform to empower and train women on digital safety and OGBV.

“ While not gender specific, the programme is intended to equip village development committees, referred to as village parliaments.

Botswana society is catching up on ICTs, but not much training is being done on online safety. The few available platforms are startups, with no evidence of work done in this area. It is not known what programmes the Internet Society Botswana Chapter has embarked on related to online safety. In the north west area, Maun, there is a social enterprise outfit called Click Generation, offering ICT education to children and teenagers. The organization does not offer specific training on online safety, but this can be a good platform to offer such.

Government response to online gender-based violence

At the time of this research, there had not yet been any ruling or pronouncements by the government regarding OGBV. However, there are some limited efforts to tackle online violence in general, but not specific to gender. Sections 16 to 20 of the Cybercrime and Computer Related Crimes Act (amendment of 2018) can be used to prosecute crimes such as cyberbullying, cyberharassment, image-based sexual abuse and child sexual abuse material. It opens the door to the fight against OGBV.

Also, as already highlighted, during the 16 Days of Activism in December 2020, the government set up special courts to prosecute GBV cases. Once again, OGBV is not specified, so it is not clear if such cases will be attended to by the courts.

In 2020, the Commissioner of Police explained that the Botswana Police Services was working on a strategy to fight GBV.³² So far, there is no publicly available information on the strategy supporting these pronouncements.

The government has a huge responsibility to address OGBV. As such, actions by the government in ending OGBV become of paramount importance to shape national discourse on the issue. In 2018, the then Minister of Nationality, Immigration and Gender Affairs, Hon. Dorcas Makgato, convened a Commonwealth Women Parliamentarians meeting to discuss strategies of making the internet a safer place for female parliamentarians.³³ This platform created a space for women in politics, not only in Botswana but in the region, to share their lived experiences and impact of OGBV. In 2020, the Minister of Defence, Justice and Security indicated that the Botswana Police Service is conducting public awareness campaigns to sensitise people on online safety.³⁴

“ The authority runs a cybersecurity awareness month, in addition to running a campaign against cyberbullying as part of its commitment towards educating consumers on communication matters.

In line with the BOCRA mandate, information on the safe use of the internet that addresses issues such as cyberbullying is part of BOCRA's annual public education initiatives. The authority runs a cybersecurity awareness month, in addition to running a campaign against cyberbullying as part of its commitment towards educating consumers on communication matters.³⁵ Six months into the establishment of Special Courts on GBV, the Minister of Justice, Safety and Security, Kagiso Mmusi told the July sitting of parliament that of the 440 domestic abuse cases brought to court post the launch, nearly 70% had received a ruling within 30 days. However, it is not known how many of these cases are fueled by the usage of ICTs, qualifying them as OGBV cases.

In early 2021, after a failed motion in the National Assembly by an opposition MP, Yandani Boko, calling for a presidential commission to investigate GBV, the government set up an inter-ministerial committee to address issues of GBV. The committee, headed by the Vice-President, is expected to start nation-wide consultations on GBV. There has been no mention of OGBV in this process.

Conclusion and recommendations

Botswana is not immune to the scourge of OGBV such as cyberbullying and cyberstalking, as demonstrated by this research. However, there is a challenge of limited data to demonstrate its prevalence. Cyberbullying of the LGBTIQ community, celebrities, politicians, women activists and female journalists seem to be on the rise. Whenever there is a LGBTIQ-related case before the courts, the level of vulgar, insulting cyber attacks rise. On social media platforms such as Facebook, WhatsApp and Twitter, heated debates and cyberattacks - bullying, distribution of embarrassing videos, audio recordings and pictures of public personalities run unabated. From such public discourses it can be deduced that victims of online abuse feel vulnerable, hurt, embarrassed and defeated and that OGBV takes place freely on social media platforms. But beyond such conversations and analysis, there is hardly any official or legal action being taken. The legislative framework is currently not adequate to address online violence, and there is a slow uptake, not only in the reportage on OGBV crimes, but also in prosecution rates. Even the highly publicised case of a youth who was arrested in 2019 for allegedly defaming the First Lady, Mrs Neo Masisi, is still to come before the courts of law. A positive development is that the online space allows for public engagement, and thus bringing issues to the fore. As legislators, politicians, journalists, lawyers and other public figures always seem to lead in these discussions, with youths especially, it can be an opportunity to influence and advocate for change in policies and laws to ensure OGBV is addressed.

31 AK Dithlogo 'Botswana Chapter Digital Literacy Program seeks to Empower Rural Village Development Committee Leaders' Internet Society 3 December 2018 <https://www.internetsociety.org/blog/2018/12/isoc-botswana-chapter-digital-literacy-program-seeks-to-empower-rural-village-development-committee-leaders/>, 3 December 2018, (accessed 20 November 2021)

32 K More 'Botswana: BPS Institutes Gender-Based Violence Fighting Measures' Daily News 15 October 2020 <https://allafrica.com/stories/202010160050.html> (accessed 13 November 2021).

33 B Balozwi 'Cyberbullying an emerging threat to female leadership' *Gender Links* 3 September 2018 <https://genderlinks.org.za/news/cyber-bullying-an-emerging-threat-to-female-leadership/> (accessed 13 November 2021).

34 D Ramadubu 'Law quiet on cyberbullying' *Midweek Sun* 9 December 2020 <https://www.pressreader.com/botswana/the-midweek-sun/20201209/281638192784989> (accessed 13 November 2021).

35 'BOCRA intensifies awareness on cyberbullying' *Mmegi* 4 November 2016 <https://www.mmegi.bw/news/bocra-intensifies-awareness-on-cyber-bullying/news> (accessed 13 November 2021).

The following recommendations are proposed:

Government

- Legislation dealing with gender-based violence in general must be extended to accommodate OGBV.
- There is a need to enact specific laws dealing with OGBV, in addition to the provisions of the Cybercrime and Computer Related Crimes Act, to fight online violence, especially against vulnerable communities.
- Implementation and monitoring of legislation aimed at fighting GBV must be strengthened to sift and bring out data related to OGBV.
- The police services must develop strategies to train and empower officers to deal with OGBV.
- The legislators need to take advantage of the constitutional review process, to enact gender focused laws, policies and provisions.
- The government, through BOCRA and Statistics Botswana, must lead in the collection of gender disaggregated data as it pertains to the gender digital divide as well as the prevalence and extent of OGBV.
- BOCRA must escalate efforts on sensitising Batswana on issues related to cyberbullying as part of their mandate.
- On 9 December 2021, the government gazetted amendments to the Penal Code, proposing stiffer sentences for Rape. The proposed amendments also speak of criminalising uttering of insults and sending nudes.
- An opportunity was missed to broaden the scope and introduce Online Gender-based Violence into the proposed amendments.

Media

- The media needs to take an active, agenda-setting role to change the narrative on OGBV amongst the public and lawmakers.
- The media needs to contribute to the online safety of journalists in their newsrooms through empowering journalists with digital safety skills.
- The media should engage in information dissemination on OGBV.
- The media should drive the call and campaign for the enactment of OGBV laws and policies.

Social media networks

- Without tampering with freedom of expression rights, platform companies have to play an active role to address online violence.
- The social networks should have clear and punitive measures to tackle abusive posts.
- The country criminal laws should be observed by the networks.
- BOCRA should regulate the internet and social media to ensure OGBV is addressed.
- Networks should drive the process to help the Botswana government enact laws and policies to fight online violence and OGBV in particular.

Civil society

- International donor organisations have a role in ensuring the empowering and survival of non-governmental organisations. Botswana since being declared a middle-income country, has lost a great chunk of donor funding, weakening further an already weak civil society. Civil society organisations, especially in the areas of gender rights and media, are in great need of funding and a change in donor community attitudes and policy towards Botswana will help build capacity and knowledge to advocate for legislation around OGBV.
- Civil society needs to understand and utilise the media, and engage the media as a partner in raising awareness about digital rights.
- Civil society needs to run sustained advocacy and awareness raising campaigns on ending OGBV as part of the already existing GBV awareness campaigns happening in the country.
- Civil society must also be able to lobby the government to find opportunities in existing legislation to include OGBV as an emerging form of violence that needs to be high on the agenda.

Namibia.

Researchers: Emily May Brown & Dr Wanja Njuguna.



Country overview

Namibia is a country in the Southern Africa region with a population estimated in January 2021 to be approximately 2.56 million.¹ Since the last national census, the percentage of females has remained almost unchanged at 51.5%. This means that 48.5% are made up of males. Whilst 52.5% of Namibia's population live in urban areas, the rest of the citizens are located in rural areas.²

January 2020 statistics indicated that Namibia had 1.28 million internet users, reflecting an internet penetration of 51% with an annual increase of 24,000 (+1.9%) between 2019 and 2020. Of these internet users, 800 000 (31.2% of the total population) are social media users.³ This data is further confirmed by the World Bank's development indicators, compiled from officially recognised sources.⁴

The 2021 Inclusive Internet Index has ranked Namibia at 102nd in the overall index, which is lower than neighbouring Botswana with a score of 94. However, Namibia scores better in the categories for gender gaps in internet and mobile phone access, at 85.8% and 87.3% respectively.⁵

The Global Gender Gap Index of 2021 places Namibia in the 6th position, topping the ranks for Africa, with Rwanda next at number seven, Mozambique at 32 and Zimbabwe at 47. The index primarily assesses economic participation, educational attainment, health and survival as well as political empowerment. In delving further into gender and representation, a 2020 gender and media progress study showed that at 24%, the use reliance on women as news sources in Namibia has increased by five percentage points over the past five years.⁶

Namibia's Constitution guarantees freedom of speech for all. However, this right can be restricted under certain circumstances. An example is *crimen injuria* which is regarded as a legitimate and proportionate restriction in terms of freedom of expression. Since gaining independence in 1990, Namibia has been rated as 'free' with regards to the democratic nature of its political system.⁷ As far as press freedom is concerned, the country has been ranked number one in Africa.⁸ It must be noted that there have been instances where press freedom has been limited by the courts when attacked by certain state departments.⁹ Despite the commendable reputation in terms of freedom of expression, concerns have been raised around police brutality, criminalisation of same-sex relations, communications surveillance and discrimination against women. Other problematic provisions, especially in the Communications Act of 2009 will be discussed below. There are fears that these provisions may be used to facilitate disproportionate and unnecessary surveillance of ordinary people, thereby causing a chilling effect in the public sphere, when enacted.

Mapping the policy and legislation landscape in Namibia

Namibia is a signatory to the UN Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights. Due to the country's ratification of these international and regional instruments, it is duty bound to uphold the tenets of equality between women and men. In short, the country has an international obligation to remove all forms of sex and gender discrimination in its national laws.

The Constitution of the Republic of Namibia 1990 provides for affirmative action, especially with regards to women and other previously disadvantaged groups in society. This is partly because during the colonial and apartheid eras, blacks and women in particular faced various forms of structural discrimination and social injustices.¹⁰ For instance, article 95 of the Constitution calls for the enactment of laws that ensure women are afforded equal opportunities 'to participate fully in all spheres of Namibian society.' Furthermore, the Constitution provides for the right to family,¹¹ while affording both men and women equal rights within the marriage and upon its dissolution. Additionally, the Constitution affirms gender equality in article 4 where it stipulates that the rules on citizenship are the same for children born to Namibian mothers or fathers, and for men or women who marry Namibian citizens.

In article 10, the Constitution affirms that all persons are equal before the law and that no person may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. Article 66 recognises that both customary and Roman Dutch law which were in force when the country attained independence shall remain valid, as long as both laws do not contradict the Constitution or any other statutory law.

Despite these progressive provisions, GBV in Namibia has reached alarming levels. UNFPA Namibia¹² reported that over 1 000 people are raped each year. More significantly, 90% of these are women. Another startling revelation is that 6% of pregnant women in Namibia experience physical violence during pregnancy, while 15% of GBV survivors never seek support services. A 2020 GBV report by the Equality and Justice Alliance exploring gaps in terms of legal protection in several countries,¹³ noted that criminal offences, civil wrongs as well as civil remedies currently exist in Namibia for the purpose of averting physical, verbal and online harassment. Although *crimen injuria* criminalises the unlawful, intentional and serious violation of the dignity of another person in the real world, this can also be extended to the online space where similar offences can be committed. While Namibia has no law criminalising online violence and harassment, other laws dealing with defamation and hate speech have been used in such cases.

1 World Bank 2021 'Population, total- Namibia' <https://data.worldbank.org/indicator/SP.POPTOTL?locations=NA> (accessed 3 November 2021)

2 Namibia 2011 Population and Housing Census Report <https://cms.my.na/assets/documents/p19dmn58guram30ttun89rdp1.pdf> (accessed 3 November 2021).

3 S Kemp 'Digital 2020: Namibia' 18 February <https://datareportal.com/reports/digital-2020-namibia> (accessed 3 November 2021).

4 Trading Economics 2021 <https://tradingeconomics.com/namibia/individuals-using-the-internet-percent-of-population-wb-data.html> (accessed 3 November 2021).

5 'Namibia overview: The Inclusive Internet Index' 2021 <https://theinclusiveinternet.eiu.com/explore/countries/NA/?category=overall> (accessed 3 November 2021).

6 T Nyamweda 'Gender, Information and Communication' in CL Morna et al (eds) Southern Africa Gender Protocol Voice and Choice Barometer (2021) https://genderlinks.org.za/wp-content/uploads/2021/08/10.2021VoiceandChoiceBarometer_MEDIA_FINAL.tnclmkcdl_072021.pdf (accessed 3 November 2021).

7 Freedom House 'Namibia: Freedom in the World 2020' <https://freedomhouse.org/country/namibia/freedom-world-2020> (accessed 3 November 2021).

8 Reporters Without Borders (RSF) 'Namibia' <https://rsf.org/en/namibia> (accessed 3 November 2021).

9 Reporters Without Borders (RSF) 'Namibia' <https://rsf.org/en/namibia> (accessed 3 November 2021).

10 The Constitution of the Republic of Namibia, 1990, art 23.

11 The Constitution of the Republic of Namibia, 1990, art 14.

12 UNFPA 'Gender Based Violence in Namibia Brief' (2020) https://namibia.unfpa.org/sites/default/files/pub-pdf/gbv-fact_sheet_november_2020.pdf (accessed 3 November 2021).

13 Equality and Justice Alliance 'Comparative Legal Review of Harassment and Sexual Exploitation Laws Across the Commonwealth' (2020) <https://www.sistersforchange.org.uk/2020/03/16/comparative-legal-review-of-harassment-and-sexual-exploitation-laws/> (accessed 3 November 2021).

Similar to other countries in the SADC region, the topic of OGBV has not yet received significant scholarly and policy research attention in Namibia. Given the overreliance on the internet and social media platforms, it is not far-fetched to argue that online gender-based harassment and violence continue to create an unsafe environment for women, activists and feminists to freely express their ideas, organise and campaign.¹⁴

“ *Similar to other countries in the SADC region, the topic of OGBV has not yet received significant scholarly and policy research attention in Namibia.* ”

Policy and legislative provisions related to gender and ICTs

There is no national policy or strategic document that specifically deals with online gender-based violence and harassment. Even the 2010 National Gender Policy does not explicitly focus on ICT-enabled violence. The policy is also silent on how ICTs can be harnessed in the fight against gender inequalities in Namibia. Moreover, there are no clearly set targets for using ICTs to empower women. Consequently, there is no gender disaggregated data that is collected regularly to inform policy or gender interventions. This revelation was confirmed by the findings of a 2020 study by the Web Foundation¹⁵ together with the Internet Society Namibia Chapter (ISOC Namibia).

A review of the National Gender Policy¹⁶ has been somewhat delayed because of consultations which had to be postponed as a result of the COVID-19 pandemic. The policy addresses twelve critical areas of concern, including peace-building and conflict resolution, natural disaster management and gender equality in the family context.¹⁷ The policy deals directly with gender, media, research and ICTs to promote women's access to information and communication technologies. It also seeks to eliminate the negative portrayal of women and girls. Like other policy documents, it does not explicitly refer to ICT-enabled violence or how to use ICTs to combat GBV.

The National Integrated Early Childhood Development (NIECD) policy (2007) established a national IECD committee chaired by the Ministry of Gender Equality, Poverty Eradication and Social Welfare, with the Ministry of Safety and Security represented by the Women and Child Protection Unit to advise on issues of safety, security and protection of young children, and provide clear guidelines for IECD care-givers in their work with young children and their families.¹⁸ However, this policy is also silent on OGBV and the girl child.

The Married Persons Equality Act 1 of 1996¹⁹ serves to remove sexual discrimination within civil marriages. Article 14 states that 'Men and women ... shall be entitled to equal rights as to marriage, during marriage and its dissolution.' However, in terms of sexuality, it makes reference to 'women' and 'men' only, while 'others' are not defined. Nevertheless, the Act applies to 'hybrid' marriages as well, but does not recognise GBV as a distinctive threat to equality in marriages, nor does it recognise OGBV in marriages.

“ *The Act introduces procedures that are likely to contribute towards the eradication of discriminatory practices, but does not recognise ICTs to be used to empower women. It does not address existing barriers perpetuating imbalances in the employment sector, of which online violence is one.* ”

The Affirmative Action Employment Act 6 of 2007²⁰ seeks to achieve equal opportunity in employment, in keeping with articles 10 and 23 of the Constitution. The Act introduces procedures that are likely to contribute towards the eradication of discriminatory practices, but does not recognise ICTs as a tool to be used to empower women. It does not address existing barriers perpetuating imbalances in the employment sector, of which online violence is one.

The Ministry of Information and Communication Technology's strategic plan for 2017 to 2022²¹ has bemoaned the lack of awareness (and means) to address cybercrime, but and its goals regarding cybercrime are not gender-specific. The goals are presented in a generic format.

The current National Development Plan (NDP5: 2017 – 2022) has as one of its key goals to ensure that Namibia would have universal access to information, affordable communication and technology infrastructure and services by 2022.²² Access to information in Namibia's rural areas is listed as a concern in NDP5, which is often coupled with a lack of access to electricity as well. The upgrading of the ICT infrastructure would have to include the promotion of e-services, including e-governance and innovation. However, no gender-specific targets for other vulnerable communities (such as persons with disabilities and women) have been set for universal service and access.

The Harambee Prosperity Plan II (HPP 2021 – 2025) is the nation's poverty eradication plan that also positions ICT literacy and infrastructure as key in unlocking national development.²³ In addition to lacking key gender provisions, the Plan's earlier version (HPP I, 2016 – 2020) had initially listed key actions related to safety online, but these were not met by the stipulated deadline. The establishment of a Computer Emergency Response Team by 2017 was not met as well, however this provision is also included in the draft Cybercrime Bill.

The Communications Regulatory Authority of Namibia (CRAN) is mandated to ensure consumers receive the full benefit of competitive, electronic communication services by holding licensees accountable in ensuring safety for users. However, the regulatory act makes no reference to gender or vulnerable communities, including the girl child, women and the LGBTIQ community.

The Communications Act of 2009 generally does not address *crimen injuria*, which is defined as 'unlawfully and intentionally impairing the dignity or privacy of another.'²⁴ The law of *crimen injuria* protects one's constitutional right to human dignity, and allows for criminal prosecutions.

The Communications Act in part 6, *sections 70 - 77* however mandates the setting up of an interception centre, the functions of authority relating to interception, issues of disclosure of information, equipment relating to interception as well as regulations relating to interception. While this section has not yet come into full force, upon implementation women politicians, including those in opposition, female activists as well as female journalists may face risks regarding the right to privacy and freedom of expression online, as it allows surveillance through SIM registration. Critics state that it 'lacks substantial data protection and transparent, strong oversight mechanisms to safeguard against surveillance overreach and abuse.'²⁵

14 L Ossenbrink 'Why digital Rights and Women's Rights go hand in hand on Namibian Twitter' 25 August 2020 <https://globalvoices.org/2020/08/25/why-womens-rights-and-digital-rights-go-hand-in-hand-on-namibian-twitter> (accessed 3 November 2021).

15 ISOC Namibia 'Women's Rights Online Report Card' <http://webfoundation.org/docs/2020/08/GenderReport-Namibia.pdf> (accessed 3 November 2021).

16 The Republic of Namibia National Gender Policy (2010-2020).

17 Toolkits 'Namibian National Gender Policy (2010-2020)' <https://toolkits.knowledgesuccess.org/toolkits/youthpolicy/namibia-national-policy-reproductive-health> (accessed 3 November 2021).

18 Republic of Namibia 'Towards Integrated Early Childhood Development Service Delivery in Namibia: A framework for Action' (2017-2022) <https://www.rightstart.com.na/wp-content/uploads/2020/01/IECD-Framework-web-full.pdf> (accessed 3 November 2021).

19 Married Persons Equality Act 1 of 1996.

20 Affirmative Action Employment Act 6 of 2007.

21 Ministry of Information and Communication Technology Strategic Plan (2017-2021) <https://dfsobservatory.com/content/strategic-plan-2017-2022> (accessed 3 November 2021).

22 Namibia's 5th National Development Plan (NDP5) (2017/18 - 2021/22) https://www.ecb.org.na/images/docs/Investor_Portal/NDP5.pdf (accessed 3 November 2021).

23 Harambee Prosperity Plan II (2021-2025) <http://hppii.gov.na/wp-content/uploads/2021/03/HPP2.pdf> (accessed 3 November 2021).

24 D Hubbard 'Stalking: Proposed New Legislation for Namibia' (2008) <https://www.lac.org.na/projects/grap/Pdf/mono3stalking.pdf> (accessed 3 November 2021).

25 F Links 'State surveillance abuse looms large' The Namibian 10 November 2021 <https://www.namibian.com.na/6215210/archive-read/State-surveillance-abuse-looms-large>.

This same section has previously been criticised by the media and civil society,²⁶ saying it enables state surveillance and the interception of all telecommunications by police and national intelligence officials through mandatory SIM card registrations, and extensive and expansive data collection and retention obligations imposed on telecommunications service providers.

“ While this section has not yet come into full force, upon implementation women politicians, including those in opposition, female activists as well as female journalists may face risks regarding the right to privacy and freedom of expression online, as it allows surveillance through SIM registration.

Nonetheless the Act under section 117 sets for general offences in subsections (1) (c) and (2)

(b) prohibiting the creation and circulation of indecent materials using telecommunications devices. In particular, the section stipulates that any person who knowingly makes, creates and solicits; or initiates the transmission of, any comment, request, suggestion, proposal, image or other communication which are obscene, lewd, luscious, filthy or incident with the intent to annoy, abuse, threaten or harass another person commits an offence. The act further sets a punishment of not more than 5 years in prison and a fine not exceeding N\$20 000. The measures of this section aren't well publicised and hence the public isn't aware of them. This situation has allowed the violence online to continue in the country.

It is important to note that since the act is currently under review, there is an opportunity to set clear protective measures for women and girls across all spheres of society, especially for politicians, activists and journalists who are constantly at risk of violence and abuse.

The Information Technology Policy of 2009 states that it supports Namibia's roadmap to becoming a developed nation, called Vision 2030.²⁷ The policy views ICTs to be one of the most important sectors in the economic development of the country by 2030. The policy also addresses consumer protection and standards, as well as information security and privacy. This policy is likely to be the most effective in curbing OGBV, although in its current form, the policy is not explicit about the issue under investigation or privacy online at individual level.

While none of Namibia's policies or strategies deal directly with cybercrime, it is important to note that in February 2020, with the support of the Commonwealth Secretariat, Namibia considered the key pillars of its cybersecurity strategy.²⁸ The strategy is likely to be the precursor to the proposed Cybercrime Bill, which has been in draft form since 2013. The Bill was last updated in 2019. It provides for most of the procedural powers required under the Budapest Convention on Cybercrime. It was drafted with assistance from the Council of Europe through a process that started in 2013.²⁹

“ While this section deals with non-consensual sharing of images, cyber threats and serious harms to reputations, it makes no specific reference to women, girls and the LGBTIQ community as members of society needing special considerations.

In relation to online violence, the Draft Bill seeks to address electronic harassment and abuse. For instance, in chapter 4, section 14, the Bill stipulates that a person who intentionally posts or sends such a data message, or who intentionally causes such a data message to be displayed, commits an offence. Once someone is convicted, he or she is liable to a fine not exceeding N\$10 000, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment. While this section deals with non-consensual sharing of images, cyber threats and serious harms to reputations, it makes no specific reference to women, girls and the LGBTIQ community as members of society needing special considerations. Additionally, the Draft Bill deals with what it calls 'child pornography' (instead of the now generally accepted term 'child sexual abuse material') in section 13, and with grooming of children in section 15. No gender inclusive language has been used to ensure protection of women and sexual minorities.

The Draft Bill states in its preamble that it comes into effect to establish a Computer Emergency Response Team and to provide for its powers and functions as well as to create offences related to computer and information systems.

Regarding privacy, the Constitution is clear about the right to privacy as expressed in article 13 of the Constitution:

No persons shall be subject to interference with the privacy of their homes, correspondence or communications save as in accordance with law and as is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others. However, there is no specific law dealing with privacy online in the country at the moment.

The Data Protection Draft Bill 2019 has been developed with support from the International Telecommunications Union, the European Commission, the African Union and the SADC. The Bill has been necessitated by the vast volumes of data transmitted within the country, across borders and even between continents. At the end of 2021, the Bill was sent back to drafters as it was found wanting in addressing specific data protection safeguards. The current bill does not make any reference to women, girls and LGBTIQ communities and it is written in a gender neutral language.

ICTs and online gender-based violence during the COVID-19 pandemic

The COVID-19 pandemic revealed many aspects of gender and vulnerability online in Namibia. Issues related to data protection became more prominent, with women reporting harassment by strangers (predominantly men) who have picked up their details from registers kept by public and private companies. These registers were meant to collect personal information as part of COVID-19 contact tracing measures put in place by the Namibian government. Contact tracing, as well as mobile applications collecting data, have raised serious concerns about privacy and protection of personal data or information. Some of this information was found through a study conducted by ISOC Namibia with funding from CIPESA. The study clearly articulates the gendered nature of data protection within the context of the COVID-19 pandemic.³⁰

“ The COVID-19 pandemic revealed many aspects of gender and vulnerability online in Namibia.

26 F Links 'State surveillance abuse looms large' *The Namibian* 10 November 2021 <https://www.namibian.com.na/6215210/archive-read/State-surveillance-abuse-looms-large> (accessed 3 November 2021). See also S Immanuel 'Civil society warns against Govt phone spying' *The Namibian* 22 October 2021 <https://www.namibian.com.na/6214602/archive-read/Civil-society-warns-against-Govt-phone-spying> (accessed 3 November 2021).

27 Information Technology Policy for the Republic of Namibia 2008 https://www.researchcictafrica.net/countries/namibia/NMICT_IT_Policy_2008.pdf (accessed 3 November 2021).

28 Council of Europe 'Namibia: Cybercrime policies/strategies' https://www.coe.int/en/web/octopus/country-wiki-ap/-/asset_publisher/CmDb7M4RGb4Z/content/namibia?_101_INSTANCE_CmDb7M4RGb4Z_viewMode=view/ (accessed 3 November 2021).

29 As above

30 P Chetty 'Presentation of the Draft Data Protection Policy for Namibia' https://www.itu.int/en/ITU-D/Projects/ITU-EC-ACP/HIPSSA/Documents/In-country%20support%20documents/Namibia_Data_Protection_Draft_Policy_Chetty_Version1.pdf (accessed 3 November 2021).

Over the years, the country has seen usage of ICTs to organise, petition, take action and raise awareness on various gender issues. A particular case has been the #ShutItAllDown protests against GBV and femicide, which were triggered by a series of gruesome assaults on women and girls in 2020. These protests made use of social media to organise but were also made visible through mainstream media's social media pages. Video clips and photos from the march of twerking female and male protestors did not sit well with some ordinary people who felt the dancing was inappropriate for such an occasion. It was seen as taking away the appropriate injustice frames associated with such a movement.³¹ The pain of female protestors in particular have been shared by prominent scholars such as University of Pretoria Professor Henning Melber,³² who highlighted GBV in Namibia in an article in *The Conversation*. In this thought provoking article, Melber explained the challenges that the protestors had to go through. He foregrounded toxic masculinity, which he argued has torn apart a social fabric that would allow the protesting women to live without fear.

“**Digital spaces have provided an opportunity for women and gender activists to raise issues in relation to their lives, shining the light on digital rights.**”

Digital spaces have provided an opportunity for women and gender activists to raise issues in relation to their lives, shining the light on digital rights. In 2020,³³ Global Voices reported that social media platforms, particularly Twitter, have become the organising zone for online campaigns in Namibia. Causes such as legalising abortion in the country have been popularised on social media platforms.³⁴ Through this campaign, feminist activists launched and disseminated an online petition³⁵ calling for the legalisation of abortion, which in the end gained about 61 000 signatures which represent more than 2% of the Namibian population.

The local chapter of the MeeToo Movement of Namibia has come to fruition through social media engagement.³⁶ The organisation has also called out sexual offenders in a name-and-shame fashion using its Twitter page,³⁷ while also using their online presence to lobby for a sexual offender list in the country.

In 2021, ISOC Namibia carried out an awareness campaign on online violence,³⁸ building on the organisation's earlier work as far back as 2018. Through the current campaign, an NBC journalist (Blanche Goroses),³⁹ musicians (Top Cherri and ML_Musik)⁴⁰ and a former Miss Namibia finalist (Rejoice Marowa)⁴¹ narrated their ordeals of having been at the receiving end of damaging remarks and derogatory comments about their body or sexuality via social media platforms. Unfortunately, such online attacks have often seen women toning down their online presence, even though they had played a meaningful role encouraging other women to uphold their rights and to demand respect. A campaign such as this portrays positive role models who are needed in African societies, working to keep their voices by refusing to be silenced online.

“**Unfortunately, such online attacks have often seen women toning down their online presence, even though they had played a meaningful role encouraging other women to uphold their rights and to demand respect.**”

In light of the above evidence, there is a need to realise the role that ICTs play in the development of women in Namibia.⁴² This view has been echoed by Nashilongo Gervasius (2020) when she observed that ICTs can be a powerful catalyst for political, social and economic empowerment of women. It can also be a tool to promote gender equality and, consequently, truly affirm that women are equal everywhere.

Online gender-based violence in Namibia

A number of criminal cases regarding non-consensual sharing of images have been reported over the years in the media, with very few reaching the courts. In September 2020, *Informante* newspaper reported⁴³ about two men who were arrested for so-called revenge porn (image-based sexual abuse). One case involved extortion and the other was about pornographic content involving a minor. These are just some of the cases that have received media attention although most go off the radar due to underreporting. In most cases, it is not clear whether victims eventually find recourse in the courts of law.

However, there is a rare case of OGBV that was dealt with legally and brought some type of recourse to the survivor. In September 2021, a well-known socialite, Beata Sekerete, also known as Betty Davids, won her case in court.⁴⁴ This was after she filed a lawsuit against Imms Nashinge, a spokesman for the Independent Patriots for Change (IPC). Nashinge was ordered by the court to pay Davids N\$60 000 as damages after he posted derogatory insults about her on a WhatsApp group, later shared by participants of the group. Comments following the case show that there is a general feeling that OGBV is rife and some felt there is a need to hold perpetrators accountable. One of the comments on the case was by @ShadowsOfWolf_, who tweeted:

Imms insinuating that Betty is unqualified is actually funny because she's at least five times more academically qualified than him. I hope she teaches this misogynist who resorts to calling women prostitutes in an attempt to shame & degrade them, a lesson he'll never forget.⁴⁵

On her part, Davids said she was angry about being called a prostitute in a WhatsApp group.⁴⁶ Generally, there were many comments and messages in support of Betty Davids being the victim of OGBV.

31 A Hambuda 'ShutItAllDown' The Namibian 16 October 2021 <https://www.namibian.com.na/205504/archive-read/ShutItAllDown> (accessed 3 November 2021).

32 H Melber 'ShutItAllDown in Namibia - the fight against gender-based violence' *The Conversation* 29 October 2020 <https://theconversation.com/shutitalldown-in-namibia-the-fight-against-gender-based-violence-148809>

33 L Ossenbrink 'Why digital Rights and Women's Rights go hand in hand on Namibian Twitter' 25 August 2020 <https://globalvoices.org/2020/08/25/why-womens-rights-and-digital-rights-go-hand-in-hand-on-namibian-twitter/> (accessed 3 November 2021).

34 As above

35 Change.Org 'Legalize Abortion in Namibia' <https://www.change.org/p/honorable-dr-kalumbi-shangula-minister-of-health-and-social-services-legalize-abortion-in-namibia> (accessed 3 November 2021).

36 I Lazareva 'Namibian women say #MeToo in new movement against sexual violence' *Reuters* 10 May 2019 <https://www.reuters.com/article/us-namibia-women-harassment-idUSKCN1SG1SZ> (accessed 3 November 2021).

37 K Harrisberg 'Namibia's #MeToo movement on the hunt to find and punish sexual predators' *The Jakarta Post* 19 March 2020 <https://www.thejakartapost.com/news/2020/03/19/namibias-metoo-movement-on-the-hunt-to-find-and-punish-sexual-predators.html> (accessed 3 November 2021).

38 ISOC Namibia <https://twitter.com/ISOCNamibia/status/1425366248867651588?s=20> (accessed 3 November 2021).

39 ISOC Namibia <https://twitter.com/ISOCNamibia/status/1460534242983751682?s=20> (accessed 3 November 2021).

40 ISOC Namibia <https://twitter.com/ISOCNamibia/status/1460143513606266883?s=20> (accessed 3 November 2021).

41 ISOC Namibia <https://twitter.com/ISOCNamibia/status/1460875830347939841?s=20> (accessed 3 November 2021).

42 N Gervasius 'Interrogating the role of ICTs in Women Empowerment' *The Namibian* 13 March 2020 <https://www.namibian.com.na/199049/archive-read/Interrogating-the-role-of-ICTs-in-Women-empowerment?fbclid=IwAR2AT1E-MsjNGqIO1Fd271vMBBG7Uj2zJlJk6LiE6pXSgpOQzJqaSY5-Nx0> (accessed 3 November 2021).

43 Informanté News 'Two men arrested over Revenge Porn' https://m.facebook.com/informantenam/posts/3337705009629769?locale2=ja_JP (accessed 3 November 2021).

44 'Betty Davids Wins Court Case Against Imms' *Nalebrity* 14 September 2021 <https://nalebrity.com/betty-davids-wins-court-case-against-imms> (accessed 3 November 2021).

45 As above

46 'I was angry - Betty Davids' *The Namibian* 5 March 2021

<https://www.namibian.com.na/209348/archive-read/I-was-angry-%E2%80%93-Betty-Davids> (accessed 3 November 2021).

David's case gave impetus to the stance taken publicly against OGBV by Namibia's First Lady, Monica Geingos, who has often spoken out about online harassment and bullying, having been a victim herself. Most notably, in March 2021, Geingos released an International Women's Day video message⁴⁷, shared on social media, calling out all male abusers who constantly defamed her via her social media platforms, saying: 'I am challenging gendered insults this Women's Day.' Her message was reported by Global Citizen,⁴⁸ which highlighted that the First Lady used the day's theme, 'Choose to challenge,' to interrogate gender stereotypes and cyberbullying. She also challenged citizens to stand up for women who are experiencing similar forms of abuse.

Even before Geingos' stance and David's case, women in prominent spaces have been targeted by online violence. In November 2020, Facebook users watched in shock as online bullies and misogynists attacked the then new councillor for Windhoek City, Sade Gawanas' choice of clothing during her swearing-in ceremony. A picture of Gawanas in her off-shoulder attire attracted misogynistic comments on how she should have dressed. Gawanas later posted her disappointment over the insults hurled at her. She claimed in a tweet that the majority came from women and asked for commenters to do better.⁴⁹

“ A picture of Gawanas in her off-shoulder attire attracted misogynistic comments on how she should have dressed.

Gawanas is just one of the many female politicians who are constantly met with misogyny, abuse and online violence. Pictures and posts about female politicians' looks, weight and comparing them to animals make the rounds on WhatsApp groups, social media statuses, Twitter as well as Facebook posts. These kinds of posts are common during election times and political events. In November 2019, posts of SWAPO Secretary-General, Sophia Shaningwa, being compared to a honey badger made the rounds.⁵⁰ These posts often surface at the peak of political events where Shaningwa is expected to make political statements in line with her position. Other posts of the youngest Deputy Minister in the Ministry of Information, Communication and Technology, Emma Theofelus, being compared to a donkey or coronavirus have been curated by ISOC Namibia in order to condemn OGBV via social media posts.⁵¹

“ Social media posts by media houses regarding LGBTIQ members receive high volumes of comments, of which many are misogynistic.

Politicians and celebrities are not the only members of society at the receiving end of violence online. Members of the LGBTIQ community, who are generally stigmatised offline, are subjected to online violence as well. Social media posts by media houses regarding LGBTIQ members receive high volumes of comments, of which many are misogynistic. A case in point is reports on comedian, Xuro Milton,⁵² who in February 2021 suffered assault at the hands of security officials at his residence during the height of the COVID-19 pandemic. When mainstream media shared the

reports via their social media platforms, it attracted even more negative comments.⁵³ The sheer volume of negative comments were also visible on news stories posted on social media about twins born via a surrogate and fathered by a gay couple in neighbouring South Africa. While the media tried to highlight the challenges when the Ministry of Home Affairs seemed reluctant to confer national identity documents to the twins, reactions on the social media stories went into a frenzy with homophobic comments.⁵⁴

In 2019, television personality, Leonard Witbeen, was taken off air by the Namibian Broadcasting Corporation (NBC) following the circulation of pornographic video content in which he featured. Again, misogynistic comments dominated the story wherever it was shared online.⁵⁵ It was clear that online misogyny is subjected to those previously vulnerable and without a voice.

As articulated earlier, the strong link between OGBV and data protection came to the fore during the COVID-19 pandemic. This was corroborated by an exploratory study on data protection during COVID-19⁵⁶ by ISOC Namibia, which revealed instances of data exploitation, targeted advertising and women harassment. This study also highlighted widespread evidence of data breaches, abuse and theft. The study concluded that the lack of cybercrime and data protection laws has the net effect of putting women at risk of online blackmail and sexualised hate speech. The study found that 80% of respondents ended up using fake names and pseudonyms when filling up registers at public and private entrances during the contact tracing blitz in 2020. In an opinion piece,⁵⁷ as well as a blog post,⁵⁸ Nashilongo Gervasius, reflected on the challenges that women faced in dealing with a double pandemic. She argued that there was a need for deeper public education on privacy matters and the dangers of data exposure, particularly for women and girls.

As a response to widespread complaints around online violence, ISOC Namibia organised a Women Digital Forum ahead of the 2019 parliamentary and general elections. The forum⁵⁹ called for the introduction of legislation against cyberbullying. Participants also urged the government to enact legislation that would protect women against violence committed on online platforms. The forum also implored the lawmakers to clearly define the rules of engagement as well as come up with a watertight definition of online violence and how internet users can report and take action against perpetrators. The law should protect aspiring female politicians from cyberbullying.

In July 2021, ISOC Namibia launched a social media campaign against online violence. This campaign was corroborated by another initiative which was launched by 4th year law students at the University of Namibia in September 2021.⁶⁰ The initiative was aimed at educating the public on cyberbullying on social media platforms with the slogan 'Stop Cyber Bullying Namibia'. A cross section of prominent and influential people in Namibia, including Pallhus Shuudeni, a public prosecutor at the Oshakati Magistrate's Court. Have expressed their dissatisfaction with the prevalence of cyberbullying. Others who expressed their strong views against the scourge include NBC's Menesia Muinjo, singer Tate Boitie, and businessman Nico Kaiyamo.

49 SS Gawanas <https://twitter.com/sadegawanas/status/1334757912061861889?s=12> (accessed 3 November 2021).

50 The Namibian Facebook post https://www.facebook.com/TheNamibianNewspaper/photos/a.287882347907943/3066203926742424/?comment_id=3066248040071346 (accessed 3 November 2021).

51 N Gervasius Facebook Post <https://www.facebook.com/NashilongoG/posts/555376298693836> (accessed 3 November 2021).

52 R Igual 'Namibian comedian Xuro Milton beaten in homophobic attack' *Mamba Online* 18 February 2021

<https://www.mambaonline.com/2021/02/18/namibian-comedian-xuro-milton-beaten-in-homophobic-attack/> (accessed 3 November 2021).

53 'The Namibian 'Oc Ebs opens up about alleged homophobic attack' <https://www.facebook.com/TheNamibianNewspaper/posts/namibian-comedian-host-and-presenter-xuro-milton-better-known-as-oc-ebs-says-he-4301952223167582/> (accessed 3 November 2021).

54 Informanté News 'Surrogate twins will arrive today' <https://m.facebook.com/informantenam/photos/a.277814335618867/4030080963725500/> (accessed 3 November 2021).

55 The Namibian 'NBC Presenter off air over sex clips' <https://www.facebook.com/TheNamibianNewspaper/posts/television-personality-leonard-witbeen-has-been-taken-off-air-by-the-namibian-br/2654582371237917/> (accessed 3 November 2021).

56 ISOC Namibia 'Data Protection and Privacy in Namibia: An exploratory study in the context of COVID-19' <https://isocnamibia.org/wp-content/uploads/2021/04/Data-Protection-During-COVID-19-Study-in-Namibia.pdf> (accessed 3 November 2021).

57 N Gervasius 'Data Protection and Privacy in Namibia through COVID-19 lenses' *New Era* 28 January 2021 <https://neweraive.na/posts/opinion-data-protection-and-privacy-in-namibia-through-covid-19-lenses> (accessed 3 November 2021).

58 N Gervasius 'Surviving a double pandemic: Online violence against girls and women' 7 June 2021 <https://plussocialgood.medium.com/surviving-a-double-pandemic-online-vio-lence-against-girls-and-women-daf9295a8127> (accessed 3 November 2021).

59 S Ikela 'Call for anti-online bullying law' *The Namibian* 10 October 2019 <https://www.namibian.com.na/194046/archive-read/Call-for-anti-online-bullying-law> (accessed 3 November 2021). 60 NBC 'UNAM Students Embark on Cyberbullying Campaign' 8 September 2021 <https://nbcnews.na/news/unam-students-embark-cyberbullying-campaign.48681> (accessed 3 November 2021).

In 2020, the World Web Foundation together with ISOC Namibia launched a scorecard report,⁶¹ which highlighted that the country has no clear, set targets for using ICTs to empower women and that in general no ICT sex-disaggregated data is collected regularly to inform policy or gender interventions at all levels. Overall, the scorecard ranked Namibia with 29% in achieving targets set by the assessment and set forth a five-point action plan, calling for the government to:

- Improve digital skills interventions for women and girls
- Improve ICT access and affordability
- Prioritise relevant online content for women participation
- Establish specific targets to close the ICT gender gap
- Ensure a safe online environment that protects women's digital rights

Highlighted that the country has no clear, set targets for using ICTs to empower women and that overall no ICT sex-disaggregated data is collected regularly to inform policy or gender interventions at all levels.

In 2021, technology activist and researcher, Nashilongo Gervasius, penned a blog⁶² for the Open Internet Leadership Democracy in which she asked a pertinent question: Can OGBV in Namibia be addressed through legislation? She urged policymakers to ensure that the proposed Data Protection Bill should include specific provisions to deal with OGBV. Through ISOC Namibia and ten partner organisations, she also led the formulation of recommendations⁶³ submitted to the Ministry of Justice, Ministry of Gender and Ministry of ICT. In their submission, they called for the draft Data Protection Bill to put in place appropriate safeguards to curb OGBV.

In the quest to protect other vulnerable members of society against online violence, UNICEF and Lifeline Childline launched an online portal⁶⁴ to report abusive content targeting children. The portal was meant to address the production and circulation of child sexual abuse materials. In February 2021, UNICEF released a report on keeping children safe online during the pandemic,⁶⁵ highlighting the need for parents to be vigilant on what their children are reading, watching and engaging with online.

Government response to online gender-based violence

Online violence is on the rise in Namibia. This concerning situation has forced public officials and politicians to make official statements on this phenomenon. Because of the mass permeation of the internet and social media platforms in people's everyday lives, the Ministry of ICT have been warning the public against the production and distribution of sensitive materials.⁶⁶

The then Director of ICT in the Ministry of Information and Communication Technology, Henry Kassen, was quoted in the media in 2015⁶⁷ as having said that the ministry would provide legal remedies aimed at punishing those found posting insensitive content especially graphic images of GBV victims. At that time, the Director of ICT was referring to the Electronic Transaction and Cybercrime Bill, which has since been revised and unbundled into two separate laws. Kassen was quoting as having said:

the bill once enacted into law would allow parties to apply for defamatory content to be removed from internet sites to prevent further publication. Currently there is very little that law enforcement agencies can do to police social networks.

As discussed above, the Bill was later split in 2018, with the Electronic Transaction Act being passed in 2019 and the Cybercrime and Data Protection Bill remaining in draft format. In 2017, the then Deputy Minister of Gender Equality and Child Welfare, Lucia Witbooi, condemned the practice of publishing image-based sexual abuse materials, whereby intimate videos were posted on social media platforms after couples broke up.⁶⁸

In February 2020, the then Minister of ICT, Stanley Simataa, confirmed to the media that the government had approved a proposal to regulate social media.⁶⁹ According to him, the "reason for this was to protect the girl-child from falling pregnant in school." He added that this would be "in instances where social media is being used to transmit messages that encourage young girls to indulge in activities that will lead to them falling pregnant in schools." While Simataa's pronouncement could be seen to be promoting the curbing of OGBV, it can also be viewed as interfering with freedom of speech and expression while using the girl-child as a smokescreen. However, these proposed regulations have not yet been introduced to the public.

A social media policy and implementation plan for civil servants has been in place since 2017.⁷⁰ However the policy and implementation plan does not speak about online gender-based violence. This is despite the fact that social media platforms for the government offices/ministries/agencies are managed by women and other marginalised groups in society.

The Minister of Justice, Yvonne Dausab, has become one of the senior members of cabinet to speak out about online violence. For instance, in September 2020, during an interview⁷¹ with the Ministry of Information and Communication Technology, Dausab said that with more Namibians active on social media, cyberbullying is increasingly becoming a worrying trend. She referred to it as 'revenge porn'. She also called for progressive ways to end this scourge.

Despite the public pronouncements by senior members of government and politicians, the laws that have been passed or are in draft format have not recognised OGBV as an issue requiring urgent attention.

Dausab said that with more Namibians active on social media, cyberbullying is increasingly becoming a worrying trend. She referred to it as 'revenge porn'. She also called for progressive ways to end this scourge.

61 ISOC Namibia 'Women's Rights Online Report Card' <http://webfoundation.org/docs/2020/08/GenderReport-Namibia.pdf> (accessed 3 November 2021).

62 N Gervasius 'Can legislation address online gender-based violence in Namibia?' Open Internet for Democracy 30 September 2021

<https://openinternet.global/news/can-legislation-address-online-gender-based-violence-namibia> (accessed 3 November 2021).

63 ISOC Namibia <https://twitter.com/ISOCNamibia/status/1443880059585155072?s=20> (accessed 3 November 2021).

64 Internet Watch Foundation 'Namibia launches IWF reporting portal for online' [namibia-launches-iwf-reporting-portal-for-online-images-and-videos-of-child-sexual-abuse](https://www.iwf.org.uk/namibia-launches-iwf-reporting-portal-for-online-images-and-videos-of-child-sexual-abuse) (accessed 3 November 2021)

65 UNICEF 'How to keep your child safe online while stuck at home during the COVID-19 outbreak: 5 ways to help keep your child's online experiences positive and safe' 4 February 2021 https://www.unicef.org/coronavirus/keep-your-child-safe-online-at-home-covid-19?gclid=CjwKCAiAp8iMBhAqEiwAJb94z30na4rokCgqGfFovsfr9T0ku_Sjtc2jS0NqYYjBBMDGDOuLZs1RoC-QQcQAvD_BwE (accessed 3 November 2021).

66 'MICT warns public against distributing sensitive material' New Era 14 October 2015 <https://newera.livelihoods.org/posts/mict-warns-public-distributing-sensitive-materials> (accessed 3 November 2021).

67 'New social media law in final stages of review' New Era 20 April 2015 <https://newera.livelihoods.org/posts/social-media-law-final-stages-review> (accessed 3 November 2021).

68 Witbooi condemns publication of revenge porn' New Era 3 February 2017 <https://newera.livelihoods.org/posts/witbooi-condemns-publication-of-revenge-porn> (accessed 3 November 2021).

69 S Ikela 'Namibia: Gvt targets offenders on social media' 6 February 2020 <https://allafrica.com/stories/202002070405.html> (accessed 3 November 2021).

70 Social media use policy and implementation plan for Namibia (2016/17-2019/20) http://www.nied.edu.na/assets/documents/05Policies/NationalCurriculumGuide/Social_Media_Policy.pdf (accessed 3 November 2021).

71 Minister of Justice Talk, Revenge Porn, Cyberbullying, Namibian Laws <https://youtu.be/Fujo8CulDrM> (accessed 3 November 2021).

Conclusion and recommendations

OGBV manifests itself in many forms in Namibia. Evidence in this country report shows that female politicians, journalists, activists and celebrities are more prone to become victims of online violence. Several case studies have been discussed in this report where females and members of the LGBTIQ communities have been violated on social media platforms. Without legislative measures to curb online violence against female journalists, politicians, celebrities and sportspersons, chances are that more and more people will become victims of this social ill. While the internet has given them an opportunity to become visible and assemble in virtual spaces, the same platforms have exposed them to the dark side of the internet and social media platforms. This country report has also articulated several initiatives by civil society organisations, progressive social movements, politicians and prominent members of society aimed at changing the status quo. These initiatives include protests, public engagements, capacity building workshops, research and policy engagement forums. However, the government's lack of urgency in introducing appropriate legislative measures, enforcing existing laws and providing supportive education seems to be enabling rather than curtailing online violence in Namibia.

The negative impact of online violence in Namibia has far reaching consequences. It forces survivors to move offline or withdraw from social media platforms. This ultimately hampers women and other marginalised communities' participation in politics, the economy and social development. The same is true of Namibian girls and members of sexual minority groups. Should this situation be left unattended, it could set back the progress attained in promoting gender equality. It could also reproduce offline GBV which has significantly affected the life chances of women and girls in Namibia. This in many ways is contrary to the idea that technology can help bridge the gap and ensure inclusive development. While statistics are available on offline GBV, there is a disconcerting absence of disaggregated data by gender. Without such data it becomes even harder to advocate and lobby for legislative and policy reforms in Namibia.

Namibia still has to pass its cybercrime and data protection laws as well as formalise its digital strategy. This means that there are still opportunities to incorporate gender inclusive language, and gender specific provisions in the proposed piece of legislation. There is also an opportunity to ensure that gender disaggregated data on ICT usage are factored into the legislation. Equally important is the recognition of technology as an enabler of gender equality and women's empowerment.

The scourge of online violence affects the safety and security of women and girls, especially in the absence of legislation in Namibia. As UN Women⁷² observed, with the increase in internet use, more girls and women have fallen victim to online violence, without action in Namibia. During the COVID-19 pandemic, this has become a danger to society, as women make up half of the population.

Given that the Namibian government has established 17 Women and Child Protection Units under the Ministry of Safety and Security throughout the country to deal with gender-based violence, it is important these centers are equipped with soft and technical skills to deal with online violence.

The following recommendations are proposed:

Government

- Government needs to repeal existing laws that are no longer fit for purpose and pass all the pending laws that will ensure perpetrators of OGBV and other forms of GBV are dealt with immediately and proportionally to send a message across the nation.
- Pending legislation such as the Data Protection and Privacy Bill could be used to meet national commitments, UN Sustainable Development Goals, promoting increased access to the internet and fighting online violence.
- There is a need to constitutionally recognise digital rights as human rights.
- Government needs to provide credible statistics that various stakeholders can work with to effectively deal with OGBV.
- Regulators must ensure legal frameworks are in place to deal with online violations and engage with social media platforms to disempower violators' use of the platforms.
- There is a need for cross-sectoral capacity building workshops on OGBV.

Media

- Media through its power to reach people *en masse* with information can provide education on online violence and how these can be prevented or prosecuted, as well as meaningful engagement online.
- There is a need for media training on social media safety and development of guidelines to complement work done by UNESCO and other partners in the region and globally.
- Investigative reporting on how cases of OGBV are dealt with and their detrimental effects on society is critical.

Social media networks

- Social media networks need to work consistently with local stakeholders to ensure that the online rights of individuals are upheld.
- Social media platforms must work with local actors to understand the local nuances and textures of OGBV.
- Social media platforms must work with regulators to disempower violators' use of the platforms by working with regulators.

Civil society

- Civil society organisations must work with other stakeholders towards providing education nationally, using all languages possible to inform all citizens about different forms of OGBV.
- CSOs working together with the government to provide a system of monitoring of violations on social media platforms, besides prosecution of the same, will go a long way in curtailing OGBV.
- The above might mean working to create a public listing of offenders close to the sexual offenders list so that violators know they have nowhere to hide.
- There is a need to come up with local initiatives that deal with social media violations complementing and working with the Namibia Police. This could help with education and prosecutions related to online violence but also provide education and counseling to ensure that such actions are not repeated.

⁷² UN Women 'Online and ICT-facilitated violence against women and girls during COVID-19'

<https://www.unwomen.org/en/digital-library/publications/2020/04/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19> (accessed 3 November 2021).

Malawi.

Researcher: CM Mandala.



Country overview

The Republic of Malawi is a landlocked country in southeast Africa bordered by Zambia, Tanzania and Mozambique. Malawi's estimated population is 19.8 million,¹ of which about 52% are women.² In 2020, the World Bank pegged Malawi's annual GDP at almost US\$12 billion.³ By 2019, only 15.5% of the Malawian populace had used the internet regularly.⁴

The country's constitution contains a Bill of Rights that enshrines, among others, the protection of human rights and freedoms, the right to life, liberty, human dignity and personal freedoms.⁵ Section 24 of the Constitution provides that women have rights to full and equal protection of the law and that laws be passed to eliminate customs and practices that discriminate against women. The Constitution further contains principles of national policy, the first of which is gender equality.⁶ Through this principle, the state is mandated to achieve gender equality by ensuring the full participation of women in all spheres of Malawian society on the basis of equal opportunities with men; and the implementation of the principles of non-discrimination and such other measures as may be required. The state is also mandated to implement policies to address social issues including domestic violence and security of the person, among others. There are laws that could be used to address online gender-based violence such as the Penal Code, the Gender Equality Act, the Electronic Transactions and the Cyber Security Act. All these laws are discussed in detail below.

In 2019, Malawi was ranked 142 out of 193 on the UNDP's Gender Inequality Index⁷ that reflects inequality between women and men in reproductive health, empowerment, and the labour market. Mobile cellular subscriptions have increased in Malawi from 0.4 per 100 inhabitants in 2010, to 48 per 100 inhabitants in 2019.⁸ According to the GSMA's Digital Identity Country Report on Malawi, in 2017 mobile phone ownership was 30% for basic/feature phones, and 10% for smartphones.⁹ The report further found that 47% of women in urban areas owned internet-enabled phones compared to 59% of men in urban areas; while 26% of women in rural areas owned internet-enabled phones compared to 38% of men in rural areas.¹⁰ Malawi is ranked 114th on the Inclusive Internet Index where improvements in relevance were cited.¹¹ The Index also notes challenges regarding internet inclusivity, such as rising costs of smartphones, mobile internet costs, low digital literacy rates and poor infrastructure.¹²

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Mapping policy and legislation

Legislative framework

The Constitution contains a Bill of Rights¹³ that enshrines, among others, the protection of human dignity and personal freedoms. Section 21 provides for the right to privacy that proscribes 'interference with private communications, including mail and all forms of telecommunications.'¹⁴ The parameters of the right to privacy have not yet been defined by enabling legislation, nor have there been judicial pronouncements on the parameters of the right to privacy, and therefore the provision is underutilised. In 2021, three years after the government announced plans to draft a bill on data protection, the government of Malawi issued a call for public comments on the Data Protection and Privacy Bill. Over the years, there have been growing concerns about the information obtained from the biometric National Registration exercise that took place some years ago. The system connects information from passports and driving licences to a National Identity Card;¹⁵ as well as other ancillary data from banks and cellular service providers' mandatory registration of sim cards that are linked to the National Identity Card. The Bill would give effect to the right to privacy enshrined in section 21 of the Constitution. It would also apply to 'processing of personal data wholly or partly by automated means.'¹⁶ The proposed law regulates the processing of personal information and includes provisions on prohibition of processing sensitive personal data,¹⁷ and includes penal sanctions for breach of confidentiality.¹⁸ Unfortunately, the Bill does not contain definitions of what constitutes 'personal data.' It is hoped that the feedback garnered from the 2021 consultations will clarify the definition and will include protection of data such as pictures, in addition to the current focus on biometric details. Currently, interferences with the right to privacy can be remedied through penal laws. For example, non-consensual sharing of intimate images could fall under insulting the modesty of a woman in the Penal Code, and the offences of cyberbullying and cyberharassment under the Electronic Transactions and Cyber Security Act.

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In July 2021, a social media commentator was arrested for a 'cyber-related case' arrest stemming from their Facebook post that criticised a particular government action and/or entity.

1 Worldometer 'Malawi Population 2021' <https://www.worldometers.info/world-population/malawi-population/> (accessed 2 November 2021).

2 Malawi National Statistical Office 'Census Gender Report' http://www.nsomalawi.mw/index.php?option=com_content&view=article&id=107%3A2008-population-and-housing-census-results&catid=8%3Areports&Itemid=1 (accessed 15 November 2021).

3 The World Bank 'GDP (current US\$)-Malawi' <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=MW> (accessed 2 November 2021).

4 World Bank 'Malawi- Individuals using the Internet (% of population)' (2021) <https://tradingeconomics.com/malawi/individuals-using-the-internet-percent-of-population-wb-data.html> (accessed 15 November 2021).

5 The Constitution of the Republic of Malawi, 1994, chap 4.

6 The Constitution of the Republic of Malawi, 1994, sec 13(a).

7 UNDP Human Development Report 'The next frontier: Human development and the Anthropocene' (2020) <http://hdr.undp.org/sites/default/files/hdr2020.pdf> (accessed 15 November 2021).

8 Statista 'Number of mobile cellular subscriptions per 100 inhabitants in Malawi from 2010 - 2019' <https://www.statista.com/statistics/509554/mobile-cellular-subscriptions-per-100-inhabitants-in-malawi/> (accessed 13 November 2021).

9 GSMA 'Digital Identity Country Report: Malawi' (2019) <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2019/02/Digital-Identity-Country-Report.pdf> (accessed 2 November 2021).

10 As above

11 The Economist 'The Inclusive Internet Index' (2021) <https://theinclusiveinternet.eiu.com/explore/countries/MW/> (accessed 2 November 2021).

12 As above

13 The Constitution of the Republic of Malawi, 1994.

14 The Constitution of the Republic of Malawi, 1994, sec 21.

15 J Kainja 'Data Protection Law on the Horizon in Malawi' *CIPESA* 22 June <https://cipesa.org/2021/06/data-protection-law-on-the-horizon-in-malawi/> (accessed 13 November 2021).

16 Data Protection and Privacy Bill (2021).

17 Data Protection and Privacy Bill (2021) sec 19.

18 Data Protection and Privacy Bill sec 14.

Section 35 of the Constitution guarantees the right to freedom of expression for every person. Again, there is currently no enabling legislation. Guarantees of freedom of expression are safeguarded through court declarations. For example, when phone-in radio programmes were banned, the Constitutional Court declared this act unconstitutional for infringing the right to freedom of expression.¹⁹ On the other hand, these same laws can also be used to suppress dissent. There have been incidents of arrests of social media commentators for views expressed on social media platforms. In July 2021, a social media commentator was arrested for a 'cyber-related case' arrest stemming from their Facebook post that criticised a particular government action and/or entity.²⁰ They were eventually released after questioning without any charges being opened.²¹ The concern this raises in relation to online gender-based violence is that women activists dealing with sensitive issues such as abortion and LGBTIQ issues could be targeted for airing their views on social media platforms. Considering that both abortion and same-sex relationships are illegal in Malawi, arrests made solely from social media activism can be daunting for women and other activists.

The Penal Code contains provisions that could tackle online violence. It dates back to 1930 and contains some archaic language that could be difficult to apply to current circumstances. Nonetheless, it contains the offence of insulting the modesty of a woman in section 137. It states:

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture or exhibits any object intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman or intrudes upon the privacy of such woman, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.²²

This provision could potentially be used to prosecute those who commit online violence, for example the non-consensual sharing of intimate images of the victim or others and using profane language against women. Stevenson-McCabe and Chisala-Tempelhoff write about an activist called Beatrice Mateyo who was prosecuted under this section for carrying a placard at a protest that read '*kubadwa ndi nyini si tchimo*, my pussy my pride' (loosely translated to mean 'to be born with a vagina is not a crime/sin, my pussy my pride'). Unfortunately, this provision has also been weaponised against the women whose 'modesty' it was supposed to protect, and hence this poses a challenge to the protection of women facing OGBV when applied in the online context.

The Gender Equality Act also contains multiple provisions that could be used to combat online violence. Section 5 of the Act prohibits harmful practises, defined under section 3 as:

Social, cultural or religious practice which, on account of sex, gender or marital status does or is likely to (a) undermine the dignity, health or liberty of any person; or (b) result in physical, sexual, emotional, or psychological harm to any persons.²⁵

Further, section 6 provides for the offence of sexual harassment and specifically prohibits: 'any form of unwanted verbal, non-verbal or physical conduct of a sexual nature.'²⁶ It is not clear whether this provision could apply in the online context, since our research did not pick up any cases that have been taken to court and prosecuted for online violence under this provision.

Another noteworthy cybersecurity-related law is the Electronic Transactions and Cyber Security Act (ETCS Act) (2016), and the development of the National Cybersecurity Strategy. The ETCS Act establishes a Malawi Computer Emergency Response Team (MCERT) that could be extremely beneficial to the fight against OGBV. Section 6(2) of the ETCS Act states that 'the Malawi CERT shall take charge of its information infrastructure protection actions and serve as a base for national coordination to respond to information and communication technology security threats. 'The ETCS Act creates offences related to computer systems such as 'child pornography',²⁷ cyberharassment,²⁸ offensive communication,²⁹ and cyberstalking³⁰ among others. This is the only act in Malawi that speaks directly to online gender based violence, however, there have not been any cases brought under this Act for OGBV. While the ETCS Act might be well intentioned, the provisions do not adequately provide protection for OGBV, for example, it is not clear which provisions could be used in the case of deepfakes. There are gaps in the ETCS Act that could be addressed.

Malawi has a plethora of other laws that could lead to impunity for online violence. For example, section 4(1) of the Official Secrets Act that limits access to information by prohibiting the disclosure of information by public officers. This could be problematic for women who seek information from public offices and officers, who could then say it's an official secret. Further, the Communications Act of 2016 regulates the interception of communications and prohibits unlawful interception of communications. This could be extended to online interactions and could be used by women to counter incidences of doxxing, and/or cyberbullying. While these might not be directly related to online violence, the provisions on official secrets could limit options for obtaining information by women, while the provisions of the Communications Act, if used creatively, could offer an additional avenue for recourse for women facing OGBV.

19 See the Constitutional Court's declaration on freedom of expression made in 2020 in matter of *The State v Malawi Communications Regulatory Authority on the application of the Registered Trustees of National Media Institute of Southern Africa, Times Radio Limited & Zodiak Broadcasting Limited* (Constitutional Reference Case Number 3 of 2019).

20 Face of Malawi 'Social Commentator Joshua Chisa Mbele arrested over facebook post' 28 July 2021 <https://www.faceofmalawi.com/2021/07/28/social-commentator-joshua-chisa-mbele-arrested-over-facebook-post/> (accessed 2 November 2021).

21 W Mzungu 'Prof Danwood Chirwa says Chisa Mbele's arrest reminder of MCP dark days' Nyasa Times 29 July 2021 <https://www.nyasatimes.com/prof-danwood-chirwa-says-chisa-mbeles-arrest-reminder-of-mcp-dark-days/> (accessed 2 November 2021).

22 Penal Code Act 8 of 1999.

23 SS McCabe & SC Tempelhoff 'Image-Based Sexual Abuse: A Comparative Analysis of Criminal Law Approaches in Scotland and Malawi' in J Bailey et al (eds) in *The Emerald Handbook of Technology Facilitated Violence and Abuse* (2021) 516.

24 Gender Equality Act 3 of 2013.

25 Gender Equality Act 3 of 2013.

26 Gender Equality Act 3 of 2013. See also McCabe & Tempelhoff 'Image-Based Sexual Abuse: A Comparative Analysis of Criminal Law Approaches in Scotland and Malawi' in J Bailey et al (eds) in *The Emerald Handbook of Technology Facilitated Violence and Abuse* (2021) 516 where there is a lamentation that while these provisions seem to be quite progressive towards addressing online violence, there is a fear that these same provisions can be used to prosecute women for taking their own intimate images.

27 Electronic Transactions and Cyber Security Act 33 of 2016 sec 85- 'child pornography' is a direct quote from the Act, however the widely accepted terminology is child sex abuse material.

28 Electronic Transactions and Cyber Security Act 33 of 2016 sec 86.

29 Electronic Transactions and Cyber Security Act 33 of 2016 sec 87.

30 Electronic Transactions and Cyber Security Act 33 of 2016 sec 88.

31 Official Secrets Act 3 of 1913.

32 Communications Act 34 of 2016.

33 Communications Act 34 of 2016 sec 176.

Malawi has a National ICT Policy that was adopted in 2013. The focus of the policy is economic development, commerce, national security and international cooperation.³⁴ While there are no express provisions on women, gender, cybercrime, and online protection, the policy undertakes to provide for the needs of underserved communities to facilitate the creation of an enabling environment for optimisation of ICT in all sectors.³⁵ Importantly for OGBV measures, the policy notes that there is a lack of trust of online and electronic services due to lack of legal instruments to protect individuals from abuse.³⁶ The policy was adopted in 2013 and since then there has been legislation enacted, such as the Gender Equality Act 2013 and the Electronic Transaction and Cyber Security Act 2016 that could address the mistrust and protect individuals from abuse.

The National ICT Master Plan (operational from 2014 to 2031) was developed to operationalise the National ICT Policy. It touts its connection to the Malawi Growth and Development Strategy II which was Malawi's strategy on the implementation of the Millennium Development Goals (MDGs). The Master Plan sets out a strategy for enhanced cyber security, mainly focused on Government IT infrastructure, and commerce.³⁷ It identifies four threats to cyber security: criminal attacks, destructive attacks, nerd attacks, and espionage attacks.³⁸ Of interest are the destructive attacks where examples have been provided such as 'hackers, ex-employees, vengeful individuals' just to mention a few. The Master Plan does not expressly mention gender or women, but the cited provisions could be useful in the protection of women online.

There is also a National Cyber Security Strategy (2019-2024) that 'aims to provide a national framework for ensuring secure, safe and resilient cyberspace, as well as fostering trust and confidence in cyberspace by Malawians.'³⁹ One of the key strategic issues is to 'enable and continuously improve the safety of vulnerable groups in the cyberspace, especially the safety of children'⁴⁰ and strategic goal five is on 'enhancing and coordinating the fight against all forms of cybercrime.'⁴¹ The associated objectives and actions cited in the strategy are focused on safeguarding children, and inclusion of parents in cybersecurity. There is no specific reference to gender/women, but girls/women/PWD/LGBTIQ persons could be included, and have often been included, in the category of vulnerable groups in need of protection.

“ There is no specific reference to gender/women, but girls/women/PWD/LGBTIQ persons could be included, and have often been included, in the category of vulnerable groups in need of protection.

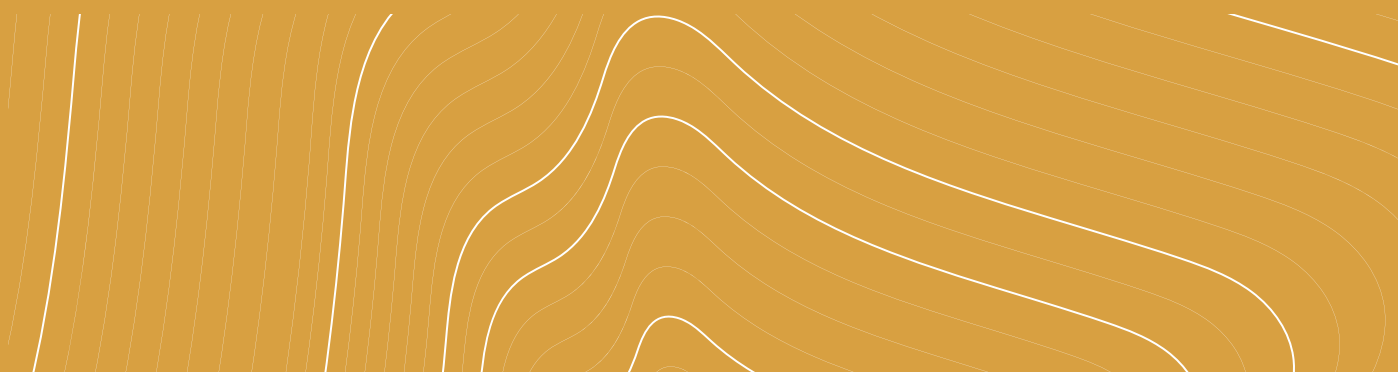
Online gender-based violence during the COVID-19 pandemic

In April 2020, Malawi instituted restrictive measures in response to the COVID-19 pandemic that limited movement, placed restrictions on attendance of public events, and introduced penal sanctions for breach of the regulations.⁴² As was the case the world over, including in Malawi, those who already had an online presence increased time spent online, and some who did not have an online presence initiated their online interactions.

A survey conducted by the Association for Progressive Communications⁴³ to explore gender-based violence online found that after the restrictive measures were instituted in Malawi, 67.1% of the respondents experienced online gender-based violence, and 26.4% experienced it weekly.⁴⁴ Further, 62.5% of the respondents experienced online gender-based violence on Facebook and WhatsApp.⁴⁵

A 2020 study on online gender-based violence against women revealed that the major forms of cyber violence during the COVID-19 pandemic in Malawi were cyberbullying, cyberharassment, and online sexual exploitation.⁴⁶ One of the respondents that were interviewed as part of the study was a nurse who revealed that she was being bombarded by misinformation on COVID-19. She also complained of receiving messages reminding her that she was at particularly high risk of contracting COVID-19 by people from her networks as well as anonymous senders.⁴⁷

“ A 2020 study on online gender-based violence against women revealed that the major forms of cyber violence during the COVID-19 pandemic in Malawi were cyberbullying, cyberharassment, and online sexual exploitation.



34 Republic of Malawi National ICT Policy (2013) 4.

35 Republic of Malawi National ICT Policy (2013) 7.

36 Republic of Malawi National ICT Policy (2013)

37 Malawi Government National ICT Master Plan (2014-2031) 71.

38 Malawi Government National ICT Master Plan (2014-2031) 72.

39 Malawi Government National Cyber Security Strategy (2019 - 2023) iii.

40 Malawi Government National Cyber Security Strategy (2019 - 2023) 9.

41 As above

42 Public Health (CoronaVirus Prevention, Containment and Management) Rules Government Notice 5 of 2020.

43 DF Malanga 'Tackling gender-based cyber violence against women and girls in Malawi amidst the COVID-19 pandemic' 28 June 2020 <https://www.apc.org/en/pubs/tackling-gender-based-cyber-violence-against-women-and-girls-malawi-amidst-covid-19-pandemic> (accessed 4 November 2021).

44 As above

45 As above

46 As above

47 As above

The prevalent forms of OGBV in Malawi are shown in the table below, as per the findings of the APC study.⁴⁸

Table 1: Forms of gender-based cyber violence women and girls experience⁴⁹

Women and girls' experience(s) of gender-based cyber violence	Frequency (multiple response)	Percentage
Cyberharassment	51	76.1
Cyberbullying	56	83.6
Cyberstalking (eg false accusations, threats, etc)	62	92.5
Online hate speech	31	46.3
Online sexual exploitation	48	71.6
Non-consensual pornography	36	53.7
Online defamation	29	43.3
Others	13	19.4

Other incidences of online gender-based violence

Incidences of violence that occur online often stem from events occurring offline that are spread onto online platforms. For example, in 2019, Malawian WhatsApp groups were awash with a video of a woman who was being stripped by men for wearing political party regalia. The woman was stripped and ridiculed by men of an opposing political party. The men were eventually arrested and charged with insulting the modesty of a woman, robbery, and use of force under the Penal Code.⁵⁰ The arrests were motivated by women's groups, and sympathisers who pressured the police into affecting the arrests. Even though people were irate about the incident, there were also opposing factions, mainly those from the opposite political party, who lauded the actions of the men.

“Second, online commentaries pose a challenge to women/gender activist/journalists or those found victims as they can no longer freely engage for fear of being falsely vilified as spreading mis/disinformation.”

Another form of violence stems from political or social commentators that have huge followings online and provide some form of whistleblowing which may be exaggerated, and marred with mis/disinformation which causes great public uproar, often resulting in offline repercussions. An example here is the arrest of a political/social commentator for a Facebook post that criticised the government.⁵¹ This presents a twofold challenge here. First, the commentaries themselves are not always factual, and could be a form of OGBV in themselves. Second, online commentaries pose a challenge to women/gender activist/journalists or those found victims as they can no longer freely engage for fear of being falsely vilified as spreading mis/disinformation. The overall effect is that freedom of expression, for these women as enshrined in the Constitution, is not free.

On the other hand, these same commentators often target individuals and cause great resentment towards those individuals. For example, in 2020 the High Court of Malawi found several government agents responsible for mass rapes that occurred in a peri-urban area of Nsundwe in which eighteen women and girls were raped by police officers and/or security agents during mass demonstrations that were calling for political transformation in Malawi.⁵² These eighteen women were awarded compensation by the High Court in 2021, which caused a social media uproar where many political/social commentators insinuated that these highly personal and violent attacks did not happen to these women and that they were merely aiming to 'cash in.'⁵³ Such narratives, especially when they dominate online public spheres, may or do cast doubt over the work of those genuinely working to ensure gender justice, and trivialises victim's experiences.

Another collaborated narrative on social media was that the Women Lawyers Association, who were both amicus curiae in the case and the women's lawyers, were similarly exploiting the women for their own gain.⁵⁴ This social media narrative continued in subsequent court processes, where the attack was then extended to the presiding female judicial officer who was accused of being part of the exploitation circle.⁵⁵ There have also been sentiments that the backlash from these decisions was gendered as the eighteen women who were raped were represented by women lawyers, and some of the judicial decisions were made by women. Increased occurrences such as these can discourage women from seeking justice especially with the knowledge that they will be vilified on online platforms such as Facebook and WhatsApp as it was in this case. All of these posts were reported to Facebook for spreading of mis/disinformation but no action was taken by Facebook.⁵⁶ It was further exacerbated, as screenshots of these posts were circulated on other platforms such as WhatsApp and Twitter, driving coordinated and uncoordinated re-victimisation over indeterminate periods of time.

“Increased occurrences such as these can discourage women from seeking justice especially with the knowledge that they will be vilified on online platforms such as Facebook and WhatsApp as it was in this case.”

48 DF Malanga 'Tackling gender-based cyber violence against women and girls in Malawi amidst the COVID-19 pandemic' 28 June 2020 <https://www.apc.org/en/pubs/tackling-gender-based-cyber-violence-against-women-and-girls-malawi-amidst-covid-19-pandemic> (accessed 4 November 2021).

49 DF Malanga 'Tackling gender-based cyber violence against women and girls in Malawi amidst the COVID-19 pandemic' 28 June 2020 <https://www.apc.org/en/pubs/tackling-gender-based-cyber-violence-against-women-and-girls-malawi-amidst-covid-19-pandemic> (accessed 4 November 2021). 50 SS McCabe & SC Tempelhoff 'Image-Based Sexual Abuse: A Comparative Analysis of Criminal Law Approaches in Scotland and Malawi' in J Bailey et al (eds) in The Emerald Handbook of Technology Facilitated Violence and Abuse (2021) 516.

51 Face of Malawi 'Social Commentator Joshua Chisa Mbele arrested over facebook post' 28 July 2021 <https://www.faceofmalawi.com/2021/07/28/social-commentator-joshua-chisa-mbele-arrested-over-facebook-post/> (accessed 2 November 2021).

52 *State v IG of Police, the Clerk of the National Assembly, and the Minister of Finance ex-parte MM and 18 others*, Judicial Review 7 of 2020.

53 'Government finally compensates 'Nsundwe' sexual abuse victims, women lawyers happy' *Nyasa Times* 20 July 2021 <https://www.nyasatimes.com/government-finally-compensates-nsundwe-sexual-abuse-victims-women-lawyers-happy/> (accessed 4 November 2021).

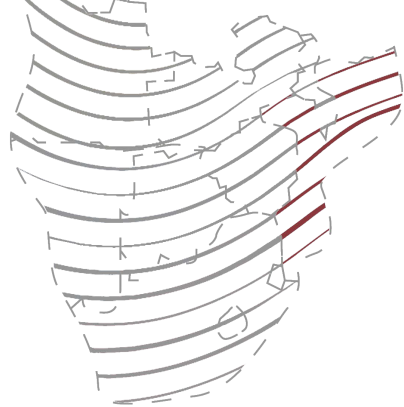
54 M Chimulala 'Women Lawyers Association dupes Nsundwe sexual abuse victims; carts home K255 million' *Maravi Post* 7 August 2021 <https://www.maravipost.com/women-lawyers-association-dupes-nsundwe-sexual-abuse-victims-carts-home-k255-million/> (accessed 4 November 2021).

55 P Nyondo 'K255m award to pro bono women lawyers ruffles feathers' *Nyasa Times* 8 August 2021 <https://www.nyasatimes.com/k255m-award-to-pro-bono-women-lawyers-ruffles-feathers/> (accessed 4 November 2021).

56 Personal disclosure to the researcher by a complainant who prefers to remain anonymous.

Mozambique.

Pesquisador: Dércio Tsandzana.



Perfil do país

Moçambique é um país da África Austral com uma população de cerca de 32 milhões de habitantes. Cinquenta e um por cento dessa mesma população é constituída por mulheres.¹ Tem um PIB de 14,3 mil milhões de dólares (2021).² O mercado das telecomunicações está estruturado em torno de três operadores, TmCel, Vodacom e Movitel. De acordo com uma pesquisa da *After Access* (2017)³, realizada em 16 países, Moçambique obteve as mais baixas taxas de existência de telemóveis e expansão da Internet, situando-se em 30% e 10%, respectivamente. Em 2019, a *Research ICT Africa* (RIA) revelou⁴ que Moçambique tem o nível mais baixo de uso de telemóveis (50%) e a segunda maior disparidade de género nas TIC depois do Ruanda, onde metade dos homens (50%) em Moçambique possuem telemóveis, em comparação com apenas 32% das mulheres.

Em Janeiro de 2021, Moçambique tinha aproximadamente 16 milhões de ligações móveis (excluindo a IoT), ligeiramente acima dos 15,3 milhões do ano anterior.⁵ Uma série de barreiras limita desproporcionalmente o acesso das mulheres à Internet móvel em Moçambique. Um factor importante é o baixo nível de propriedade de um smartphone, onde 56% dos homens possuem um smartphone, em comparação com apenas 46% das mulheres.⁶; e outra é a utilização da Internet móvel, situando-se actualmente em 27% para os homens e 17% para as mulheres.

As restrições sociais contribuem de forma larga para agravar a fractura digital de género, como o acesso limitado às oportunidades de emprego para as mulheres em comparação com os seus homólogos. Por exemplo, em algumas regiões rurais de Moçambique, a posse de um smartphone é considerada inadequada para as mulheres, dado que estas são obrigadas a justificar-se perante os homens nas suas comunidades se quiserem utilizar um smartphone ou adquirir dados de Internet.⁷

A Constituição de Moçambique (artigo 48) garante os direitos de liberdade de expressão e de acesso à informação. Estipula que todos os cidadãos têm o direito à liberdade de expressão, bem como o direito à informação; e que a liberdade de imprensa inclui, em particular, a liberdade de expressão e criatividade jornalística e o acesso às fontes de informação. Apesar destas garantias constitucionais, Moçambique tem uma pontuação de 43/100 pela Freedom House (2021) no campo dos direitos políticos, uma vez que o país é considerado parcialmente livre com a seguinte classificação: direitos políticos 14/40 pontos e liberdades civis 29/60 pontos, observando que “as mulheres sofrem discriminação na educação e no emprego; em média, as mulheres são menos instruídas e ganham menos do que os homens. O assédio sexual no local de trabalho e nas escolas continua a ser generalizado”.⁸

Há cerca de seis anos, o relatório sobre os Direitos das Mulheres no espaço virtual em Moçambique⁹ revelou que enquanto quase todas as mulheres e homens nas áreas sub-urbanas de Maputo possuem um telemóvel, apenas 33% das mulheres tinham acedido à Internet, em comparação com 59% dos homens. Estes resultados confirmam que as mulheres e as raparigas estão a ser excluídas no espaço *on-line* em Moçambique. Naquele relatório, a maioria dos inquiridos (96% dos homens e 93% das mulheres) responderam que utilizam o seu telemóvel todos os dias. Os serviços mais frequentemente utilizados pelos inquiridos foram uma combinação de chamadas de voz e SMS, e a frequência de utilização destes serviços foi maior entre as mulheres (64%) em comparação com os homens (49%), uma vez que mais homens utilizavam uma combinação de serviços de voz, SMS e dados de Internet. Em 2018, Sónia Jorge, Directora Executiva da A4AI, salientou que as mulheres são desproporcionalmente afectadas pelo elevado custo de ligação à Internet - apenas 33% das mulheres nas zonas pobres de Maputo, a capital, utilizam a Internet, em comparação com 59% dos homens.¹⁰

Dados mostram que a desigualdade de género em Moçambique é severa, com o país classificado na posição 127 dos 162 países, no Índice de Desigualdade de Género (2020).¹¹ Moçambique está classificado com 0,912 pontos no Índice de Desenvolvimento de Género (GDI, 2020).¹² Isto significa, em outras palavras, que Moçambique é um dos dez países com as pontuações mais baixas do mundo e, consequentemente, isto cria um ambiente menos favorável para as mulheres usufruírem dos seus direitos.

A violência contra as mulheres é galopante: um terço das raparigas e adolescentes de 15 anos declaram que são sobreviventes de violência física; 46% dizem-se ser sobreviventes de violência doméstica, sexual ou emocional dos seus parceiros; e 70% relatam ter sido molestadas na escola. Muitas raparigas jovens em Moçambique não têm a oportunidade de viver a sua infância ou de perseguir as suas aspirações. Moçambique tem a 10ª maior taxa de casamento infantil e uma das mais altas taxas de gravidez na adolescência do mundo.¹³ No campo político, ao longo dos anos, a percentagem de mulheres no parlamento moçambicano aumentou, de 25,2% em 1997, para 41,2% em 2019.¹⁴

1 Censo Geral da População, 2017 <http://ghdx.healthdata.org/record/mozambique-population-and-housing-census-2017> (acesso em 27 de Outubro de 2021).

2 Trading Economics 'Mozambique PIB' <https://tradingeconomics.com/mozambique/gdp> (acesso em 28 de Outubro de 2021).

3 A Gillwald & O Mthobeli 'After Access 2018: A Demand-Side View of Mobile Internet from 10 African Countries' *Research ICT Africa* (2019) <https://researchictafrica.net/2019/05/16/after-access-africa-comparative-report/> (acesso em 29 de Outubro de 2021).

4 A Gillwald et al 'State of ICT in Mozambique' *Research ICT Africa* (2019) <https://researchictafrica.net/publication/ict-in-mozambique/> (acesso em 30 de Outubro de 2021).

5 Faria 'Número total de ligações móveis em Moçambique de 2017 a 2021 (em milhões)' Statista 29 de Julho <https://www.statista.com/statistics/1253675/number-of-mobile-connections-mozambique/> (acesso em 8 de Novembro de 2021).

6 Inquérito GSMA Intelligence Consumer, 2019 <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2020/05/GSMA-The-Mobile-Gender-Gap-Report-2020.pdf> (acesso em 7 de Novembro de 2021).

7 'Divisão de género no espaço digital em África: Milhares de Mulheres Africanas ainda offline' Deutsche Welle <https://www.dw.com/en/africas-mobile-gender-gap-millions-of-african-women-still-offline/a-49969106> (acesso em 7 de Novembro de 2021).

8 Freedom House 'Freedom in the World 2021' Moçambique <https://freedomhouse.org/country/mozambique/freedom-world/2021> (acesso em 7 de Novembro de 2021).

9 Fundação World Wide Web 'Moçambique: O que é manter as mulheres offline?' 11 de Dezembro de 2015 <https://webfoundation.org/2015/12/mozambique-what-is-keeping-women-offline/> (acesso em 7 de Novembro de 2021).

10 A Frey 'Mozambique must address low internet access' *Club of Mozambique* 24 de Abril <https://clubofmozambique.com/news/mozambique-must-address-low-internet-access-affordability-says-a4ai/> (acesso em 7 de Novembro de 2021).

11 IZ Pswarayi Riddihough 'Hora de acção corajosa para promover a paridade de género em Moçambique' Banco Mundial 8 de Março <https://www.worldbank.org/en/news/opinion/2021/03/08/time-for-bold-action-to-advance-gender-parity-in-mozambique> (acesso em 7 de Novembro de 2021).

12 Relatórios de Desenvolvimento Humano do PNUD: Moçambique, Indicadores de Desenvolvimento Humano <http://hdr.undp.org/en/countries/profiles/MOZ> (acesso em 7 de Novembro de 2021).

13 UNICEF 'Casamento de crianças em Moçambique' <https://www.unicef.org/mozambique/en/child-marriage-mozambique> (acesso em 8 de Novembro de 2021).

14 'Moçambique: Mulheres no parlamento' https://www.theglobaleconomy.com/Mozambique/Women_in_parliament/#:~:text=Mozambique%3A%20Women%20in%20parliament%2C%20percent,from%202019%20is%2041.2%20percent (acesso em 7 de Novembro de 2021).

Mapeamento de políticas e legislação

Moçambique ractificou a Convenção sobre a Eliminação de todas as Formas de Discriminação contra as Mulheres (CEDAW); a Convenção das Nações Unidas sobre os Direitos da Criança (CRC); o Protocolo Facultativo à Convenção sobre os Direitos da Criança relativo à Venda de Crianças, Prostituição Infantil e Pornografia Infantil (OP-CRC-SC); a Carta Africana dos Direitos e Bem-Estar da Criança (ACRWC); o Protocolo à Carta Africana dos Direitos Humanos e dos Povos sobre os Direitos das Mulheres em África (Protocolo de Maputo); a Declaração da SADC sobre Género e Desenvolvimento.

Moçambique não tem legislação específica para proteger as mulheres no espaço *on-line*. As leis existentes são genéricas, sem particularidades sobre a violência baseada no género no espaço virtual (OGBV). De facto, o quadro legal sobre os direitos das mulheres parece estar desatualizado ou sem disposições de relevância para a OGBV, mesmo que a Constituição da República¹⁵ estabeleça claramente a igualdade total de género em todas as áreas da sociedade e proíbe toda a discriminação legislativa, política, cultural, económica e social (artigos 6, 67, e 69). De acordo com o artigo 6, todos os cidadãos são iguais perante a lei, gozam dos mesmos direitos e estão sujeitos aos mesmos deveres, independentemente da cor, raça, sexo, origem étnica, local de nascimento, religião, nível de educação, posição social, estado civil dos pais ou profissão. O artigo 67 declara que homens e mulheres são iguais perante a lei em todas as esferas da vida política, económica, social e cultural.

A Constituição moçambicana enfatiza diferentes tópicos sobre a igualdade de género. O artigo 35 sublinha, por exemplo, a universalidade sem discriminação (incluindo sexo), e o artigo 36 estipula a igualdade de género, enquanto que o artigo 122 invoca a promoção e o apoio à participação, papel e empoderamento das mulheres em todas as esferas da vida política, económica, social e cultural do país. O artigo 35 prevê o “Princípio da Universalidade e Igualdade” que retrata que todos os cidadãos são iguais perante a lei e gozam dos mesmos direitos, sendo que estão sujeitos aos mesmos deveres, independentemente da cor, raça, sexo, origem étnica, local de nascimento, religião, nível de educação, posição social, estado civil dos seus pais, profissão ou preferência política.

O Direito de Família de Moçambique (Lei 10/2004 de 25 de Agosto de 2004)¹⁶ estabelece a igualdade de género no âmbito familiar. Além disso, o país tem também uma Lei sobre Violência Doméstica Perpetrada Contra as Mulheres (Lei 29/2009 de 29 de Setembro de 2009).¹⁷ Em finais de 2019, o Parlamento moçambicano aprovou uma nova lei que criminaliza as uniões forçadas/prematuras (os menores de 18 anos).¹⁸ Este foi o culminar de anos de esforços do Governo e das organizações da sociedade civil, agindo com base na preocupação de que quase metade das raparigas em Moçambique casam antes dos 18 anos - uma das mais altas taxas de casamento infantil do mundo.¹⁹ Moçambique tem uma política e estratégia de género que foi adoptada em 2006 e um plano de acção nacional para responder à violência baseada no género²⁰ e para prevenir a discriminação contra as mulheres. É coordenada através de 27 unidades de género criadas no sector governamental.

Porém, Moçambique enfrenta desafios na realização do pleno potencial do sector das TIC, com vista ao desenvolvimento da sua economia e no progresso dos objectivos das TIC destinados à realização dos Objectivos de Desenvolvimento Sustentável das Nações Unidas.²¹ Existe legislação que regula todas as comunicações por meio de sistemas e dispositivos electrónicos ligados à Internet. No entanto, a mesma é omissa quanto aos direitos/protecção das mulheres no espaço virtual. Moçambique também não dispõe de uma lei de protecção de dados. Do mesmo modo, o país não tem uma lei sobre a cibercriminalidade, mas tem uma lei sobre transacções electrónicas.²²

“Porém, Moçambique enfrenta desafios na realização do pleno potencial do sector das TIC, com vista ao desenvolvimento da sua economia e no progresso dos objectivos das TIC destinados à realização dos Objectivos de Desenvolvimento Sustentável das Nações Unidas.”

Embora as leis existentes não tratem de questões especificamente relacionadas com as TIC e as mulheres, algumas das disposições são importantes porque poderiam orientar uma maior defesa no sentido da adopção de estratégias e políticas para uma maior protecção das mulheres na paisagem *on-line*.

Muitas vezes, esta legislação protege essencialmente às crianças, tal como assinalado pelo código penal,²³ onde o seu artigo 211 define a pornografia envolvendo menores como qualquer material, qualquer que seja o seu meio ou plataforma, que represente visualmente um menor, ou uma pessoa que pareça ser um menor, envolvido em conduta sexualmente explícita. O mesmo artigo estabelece que tal conduta será punida com uma pena de prisão de 1 a 5 anos. Não há referência a actos cometidos através da utilização ou distribuição através das TIC ou outras tecnologias relacionadas com actos ilegais contra mulheres, e outros grupos marginalizados como as pessoas com deficiência e a comunidade LGBTIQ.

Violência baseada no género no espaço *on-line*/digital durante a COVID-19

A insurgência em Cabo Delgado e o estado de emergência por conta da COVID-19, suscitaram medidas estatais que ameaçam a liberdade de expressão, de opinião e o direito de acesso à informação.²⁴ Nomeadamente, o decreto que instituiu o estado de emergência impediu os meios de comunicação social de transmitir informação da COVID-19 que é “contrária à informação oficial”, restringindo arbitrariamente a informação jornalística e interferindo com a independência editorial.²⁵ Uma plataforma denominada *Fica Atento*,²⁶ criada pelo Instituto Nacional de Saúde (INS) foi concebida para divulgar informação oficial sobre a pandemia em Moçambique. *Fica Atento*, como entidade patrocinada pelo Estado, parece ser altamente recomendada para informação sobre a COVID-19.

15 Constituição da República de Moçambique.

16 Lei da Família, No. 10 de 2004.

17 Lei sobre a Violência Doméstica Perpetrada contra as Mulheres, Lei No. 26 de 2009.

18 Lei de Prevenção e Combate às Uniões Prematuras, Lei No. 19 de 2019.

19 A Odhiambo ‘Moçambique Passes Law to End Child Marriage’ Human Rights Watch <https://www.hrw.org/news/2019/07/19/mozambique-passes-law-end-child-marriage> (acesso em 8 de Novembro de 2021).

20 Plano de Acção Nacional de Resposta à Violência de Género (2018-2021).

21 Gillwald *et al* (n 6 acima).

22 Lei das Transacções Electrónicas, No. 3 de 2017.

23 Lei do Código Penal, No. 35 de 2019.

24 Gardaworld ‘Moçambique: Autoridades que mantêm restrições COVID-19 a partir de 1 de Março’ 1 de Março <https://www.garda.com/crisis24/news-alerts/449191/mozambique-authorities-maintaining-covid-19-restrictions-as-of-march-1-update-11> (acesso em 7 de Novembro de 2021).

25 D Tsandzana ‘In Mozambique, a tug of war between public health and digital rights during the pandemic’ 18 de Janeiro <https://globalvoices.org/2021/01/19/in-mozambique-a-tug-of-war-between-public-health-and-digital-rights-during-the-pandemic/> (acesso em 7 de Novembro de 2021).

26 #Fica Atento ‘COVID-19’ <https://covid19.ins.gov.mz/> (acesso em 7 de Novembro de 2021).

Desde 30 de Março de 2020, Moçambique encontra-se em estado de emergência, que tem sido constantemente prolongado em resultado da pandemia da COVID-19. Como resultado, Moçambique tem estado em extrema fragilidade causada por actividades económicas de desenvolvimento dependentes do financiamento dos doadores e agravada pela inversão dos investimentos estrangeiros.²⁷ Embora por um lado existam políticas e mecanismos que protegem os direitos das mulheres, tais como a legislação sobre violência doméstica e o casamento precoce, o compromisso do Estado tem sido limitado pela falta de recursos²⁸, o que pode claramente afectar a protecção das mulheres no espaço virtual.

“ **O efeito desta limitada situação pode claramente afectar a protecção das mulheres no espaço virtual por parte do Estado.** ”

mulheres sofria violência³⁰ e nos últimos dois anos (2019-2020), eventos climáticos extremos, tais como ciclones, secas e chuvas irregulares, afectaram os meios de subsistência e aumentaram a vulnerabilidade das mulheres.³¹

Contudo, as desigualdades no acesso e protecção no espaço virtual não afectam apenas as mulheres, mas são também uma realidade em outros grupos sociais, especialmente durante a pandemia. Numa pesquisa pioneira orientada pelo Fórum de Organização de Deficientes Moçambicanos (FAMOD), associado ao Data for Change, sediado no Reino Unido, foram realizados testes de acessibilidade automatizados em 90 dos mais importantes websites em Moçambique. O resultado é um conjunto de dados disponíveis ao público³² de 722.053 casos de “violações” em termos de acessibilidade. Cada violação representa uma barreira que impede alguém com uma deficiência visual, auditiva, física ou cognitiva de aceder plenamente a uma página web.

“ **Contudo, as desigualdades no acesso e protecção no espaço virtual não afectam apenas as mulheres, mas são também uma realidade em outros grupos sociais, especialmente durante a pandemia.** ”

Segundo a CIPESA (2021), o estudo do FAMOD revelou que apenas cinco tipos de violações de acessibilidade foram responsáveis por quase 90% de todas as violações encontradas. Estas cinco violações foram baixo em contraste de cores (37% das violações), falta de pontos de referência para identificar regiões de uma página (33%), ligações que não se tornam aparentes (11%), nenhum texto descritivo para elementos interactivos (3%) e nenhum “texto alt” para imagens (2%).³³ As violações foram definidas de acordo com as normas internacionais de acessibilidade da Web, como descrito nas Directrizes de Acessibilidade do Conteúdo da Web 2.0 e 2.1 (WCAG 2.0 e 2.1).³⁴

Casos de estudo

Esta secção apresenta dois casos que são considerados exemplos de iniciativas que utilizam a tecnologia para promover a protecção das mulheres no espaço digital. Ambos são desenvolvidos por organizações da sociedade civil.

Txeka

Txeka³⁵ é uma plataforma digital para promover a participação política dos jovens, particularmente das mulheres. A organização promove acções de envolvimento cívico através das redes sociais. Desde 2020, Txeka tem vindo a trabalhar para remediar casos de violência através de campanhas virtuais em diferentes plataformas digitais.³⁶ Em particular, a campanha concentra-se na publicação de mensagens contra a violência baseada no género em Moçambique em geral, e mais particularmente durante o período da COVID-19.

“ **Desde 2020, Txeka tem vindo a trabalhar para remediar casos de violência através de campanhas virtuais em diferentes plataformas digitais.** ”

Txeka também partilha vários artigos da legislação sobre a protecção de raparigas e mulheres. É de notar que a organização promove as suas actividades através de vídeos e animações ilustrativas. Esta iniciativa também aborda a violência *on-line*, relatando casos que ocorreram nos últimos anos em Moçambique. A página é seguida por mais de 29 000 utilizadores no Facebook, e a mesma tem vindo a publicar diariamente um mínimo de quatro posts sobre disposições legais para a protecção das mulheres, tanto em *on-line*, como no espaço físico. Fornece também alguns exemplos de casos de OGBV em África.

Plataforma Digital Nyandayeyo

Em 2017, uma iniciativa local de mulheres lançou uma plataforma electrónica para a denúncia de casos de violência doméstica, depois de acolher uma conferência sobre Mulheres Africanas na Tecnologia. Esta ferramenta, denominada *Nyandayeyo*, que significa “socorro”, procura reforçar a luta contra a violência doméstica. A mesma foi desenvolvida pela Muthiana Code, uma organização da sociedade civil composta por adolescentes e jovens mulheres apaixonadas pela tecnologia. A plataforma permite o acesso à informação, tornando possível ver os pontos de serviço mais próximos sobre o acesso à polícia e às entidades sociais para proteger as mulheres.³⁷ O acesso à referida plataforma é feito através do *login* num navegador da Internet, com ou sem dados móveis.³⁸

27 M Toulemonde ‘O escândalo da dívida oculta de Moçambique: Para onde foram os 2 mil milhões?’ The Africa report 22 de Outubro de 2021 <https://www.theafricareport.com/137710/mozambique-hidden-debt-scandal-where-did-the-2bn-go/> (acesso em 7 de Novembro de 2021).

28 UNICEF (n 13 acima).

29 Africa Renewal ‘Libertar mulheres e raparigas da violência em Moçambique’ 8 de Março <https://www.un.org/africarenewal/news/freeing-women-and-girls-violence-mozambique> (acesso em 7 de Novembro de 2021).

30 DHS ‘Mozambique Demographic and Health Survey 2011’ (2013) <https://dhsprogram.com/publications/publication-fr266-dhs-final-reports.cfm> (acesso em 28 de Outubro de 2021).

31 J Onabanjo ‘Turning the tide for women and girls caught in Mozambique’s Cabo Delgado Crisis’ Africa Renewal <https://www.un.org/africarenewal/magazine/march-2021/turning-tide-women-and-girls-caught-mozambique%E2%80%99s-cabo-delgado-crisis> (acesso em 7 de Novembro de 2021).

32 Github ‘Acessibilidade da Web em Moçambique’ <https://github.com/Amilcar-Paco/a11ymoz> (acesso em 7 de Novembro de 2021).

33 CIPESA ‘Investigação detecta mais de 700 000 barreiras que limitam a acessibilidade dos websites em Moçambique’ 2 de Março <https://cipesa.org/2021/03/investigacao-finds-more-than-700000-barriers-limiting-website-accessibility-in-mozambique/> (acesso em 7 de Novembro de 2021).

34 Iniciativa para a acessibilidade da Web ‘Web Content Accessibility Guidelines (WCAG) Overview’ (Directrizes para a acessibilidade do conteúdo da Web) <https://www.w3.org/WAI/standards-guidelines/wcag/> (acesso em 7 de Novembro de 2021).

35 Txeka <https://www.facebook.com/TxekaMoz/> (acesso em 26 de Outubro de 2021).

36 Publicação do Txeka <https://www.facebook.com/TxekaMoz/posts/1809716939211592> (acesso em 29 de Outubro de 2021).

37 Muva ‘O nascimento da plataforma Nyandayeyo’ 23 de Julho de 2019 <https://muvamoz.co.mz/o-nascimento-da-plataforma-Nyandayeyo/> (acesso em 28 de Outubro de 2021).

38 W Massala ‘Moçambique tem uma plataforma electrónica para denunciar casos de violência doméstica’ <https://www.menosfios.com/mocambique-plataforma-electronica-denuncia-violencia-domestica/> (acesso em 27 de Outubro de 2021).

O acesso também é possível através de tecnologia interactiva suportada em todos os telemóveis. Para tal, a digitação do código *202# permite às mulheres denunciarem casos de violência doméstica em tempo real. Muthiana Code é dedicada igualmente à formação, promoção e apoio de adolescentes e mulheres jovens nas engenharias. Visa, ainda, promover a mudança, de uma forma simples e produtiva, para o desenvolvimento de várias áreas sociais no país, incluindo a violência contra as mulheres no espaço virtual. No entanto, não há dados públicos disponíveis sobre os casos que foram relatados desde a sua criação.

Incidências da violência baseada no género no espaço virtual em Moçambique

Em Fevereiro de 2021, a Amnistia Internacional (AI) publicou³⁹ um relatório sobre a VBG nos países da África Austral. Como resultado, foi observado que as restrições impostas pela luta contra a pandemia da COVID-19 transformaram certos lares em alguns países da África Austral em enclaves de crueldade, violação e violência para mulheres e raparigas presas por membros da família abusivos. A AI também destacou a falta de meios de fuga e de apoio às vítimas. O mesmo relatório afirma que Moçambique é um dos países que oferece a menor protecção às mulheres sobreviventes de violência doméstica. Porém, importa destacar que a AI apenas centrou-se apenas em casos que foram noticiados publicamente nos meios de comunicação social, não necessariamente em casos de OGBV. Devido ao conflito no Norte de Moçambique, há relatos de casos de violência que afectaram a liberdade de expressão e o acesso à informação.⁴⁰ No dia 18 de Janeiro de 2019, Fátima Mimbire, defensora dos direitos humanos e antiga investigadora do Centro de Integridade Pública (CIP), recebeu mensagens intimidatórias e ameaças de morte nas redes sociais.⁴¹ Além disso, militantes do partido Frelimo têm vindo a defender a violência contra Fátima nas redes sociais,⁴² e para este efeito, no dia 3 de Maio de 2019, Alice Tomás, deputada da Frelimo, apelou no Facebook para que Fátima “fosse violada por 10 homens fortes e enérgicos para lhe dar uma lição”. Na ocasião, a sociedade civil apelou ao Estado para que investigasse as ameaças nas redes sociais e tomasse medidas para garantir a protecção dos activistas. Tais ataques foram igualmente condenados por organizações internacionais como a Amnistia Internacional⁴³ e Human Rights Watch.⁴⁴

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Devido ao conflito no Norte de Moçambique, há relatos de casos de violência que afectaram a liberdade de expressão e o acesso à informação. No dia 18 de Janeiro de 2019, Fátima Mimbire, defensora dos direitos humanos e antiga investigadora do Centro de Integridade Pública (CIP), recebeu mensagens intimidatórias e ameaças de morte nas redes sociais.

Já devido ao conflito armado em Cabo Delgado, em Abril de 2021, a Rede de Mulheres Jovens Líderes de Moçambique lançou uma campanha na sua página do Facebook para apoiar as vítimas do terrorismo.⁴⁵ Normalmente, 7 de Abril é celebrado como o Dia da Mulher Moçambicana, mas a organização decidiu que o dia não deveria ser utilizado para comemoração, porque muitas mulheres estavam a sofrer. Antes desta campanha, circulava também na Internet um vídeo de uma mulher nua torturada e morta por soldados ou militantes em Cabo Delgado.⁴⁶

O *Crisis Evidence Lab*, da Amnistia Internacional, analisou e verificou o vídeo que foi partilhado nas redes sociais, tendo sido concluído que a mulher não identificada foi abordada por homens que pareciam ser membros da Força de Defesa Armada de Moçambique (FADM). Depois de a espancaram com um pau de madeira, alvejaram-na e deixaram o seu corpo nu na auto-estrada. Quatro homens dispararam contra ela um total de 36 vezes com uma variedade de espingardas Kalashnikov e uma metralhadora ao estilo PKM.⁴⁷ O vídeo foi amplamente partilhado nas redes sociais e motivou organizações cívicas locais e internacionais a tomarem uma iniciativa para proteger as mulheres. Da mesma forma, o governo foi forçado a condenar o acto.

Posição do governo

O governo de Moçambique tem algumas soluções⁴⁸ para promover o bem-estar das mulheres. No entanto, é de notar que estas ainda são acções tradicionais e são frequentemente colocadas no mesmo pacote com protecção infantil, sem mencionar a OGBV.⁴⁹ The Spotlight Initiative,⁵⁰ que é liderada pelo Ministério de Género, Criança e Acção Social (MGCAS), foi lançada em Março de 2019, e é implementada nas províncias de Gaza, Manica e Nampula por um período de quatro anos. Com um compromisso de 40 milhões de dólares da União Europeia (UE), o programa centra-se nas áreas prioritárias do combate à violência sexual e de género e às uniões precoces. Promove, também, a saúde sexual e reprodutiva (SRH) para mulheres e raparigas. As instituições governamentais nos sectores da assistência social, saúde, justiça e polícia fazem parte da mesma iniciativa,⁵¹ juntamente com mais de vinte OSC. Em conjunto, estes parceiros alcançaram mais de 1,9 milhões de pessoas, incluindo mais de 1,1 milhões de mulheres e raparigas, nos últimos dois anos. A iniciativa também treina raparigas na utilização de redes sociais para denunciar a VBG.

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39 VOA 'A violência contra as mulheres aumentou com medidas de combate à COVID-19 em Moçambique' 9 de Fevereiro <https://www.voaportugues.com/a/viol%C3%A2ncia-contra-mulheres-aumentou-com-medidas-de-combate-%C3%A0-covid-19-em-mo%C3%A7ambique/5770946.html> (acesso em 25 de Outubro de 2021).

40 Civicus 'Activistas e jornalistas sujeitos a ameaças, escritórios incendiados' 31 de Outubro <https://monitor.civicus.org/updates/2020/10/31/activists-journalists-threats--offices-outlet-set-on-fire/> (acesso em 25 de Outubro de 2021).

41 Amnistia Internacional 'Direitos Humanos em África: Revisão de 2019-Moçambique' https://www.ecoi.net/de/dokument/2028283.html#_ftn2 (acesso em 25 de Outubro de 2021).

42 Deutsche Welle (WE) 'Moçambique: CIP exige a perda de mandato da Deputada da Frelimo' <https://www.dw.com/pt-002/mo%C3%A7ambique-cip-exige-cassa-%C3%A7%C3%A3o-de-deputada-da-frelimo/a-48677881> (acesso em 25 de Outubro de 2021).

43 Amnistia Internacional 'Moçambique: Defensor dos Direitos Humanos a enfrentar ameaças virtuais' 29 de Janeiro de 2019 <https://www.amnesty.org/en/documents/afr41/9744/2019/en/> (acesso em 25 de Outubro de 2021).

44 A Frey 'Moçambique: Human Rights Defender facing threats online: Fatima Mimbire' *Club of Mozambique* 30 de Janeiro de 2019. <https://clubofmozambique.com/news/mozambique-woman-human-rights-defender-facing-threats-online-fatima-mimbire/> (acesso em 25 de Outubro de 2021).

45 Mulheres Jovens Líderes de Moçambique <https://www.facebook.com/mulheresjovenslideres.mz/posts/329831672046000> (acesso em 27 de Outubro de 2021).

46 Human Rights Watch 'Moçambique: Alegados Soldados Executam Mulher' 17 de Setembro <https://www.hrw.org/node/376419/printable/print> (acesso em 7 de Novembro de 2021).

47 Amnistia Internacional 'Moçambique: Civis mortos como crimes de guerra cometidos por grupos armados, forças governamentais e contratação de militares privados' 2 de Março <https://www.amnesty.org/en/latest/news/2021/03/mozambique-civilians-killed-as-war-crimes-committed-by-armed-group-government-forces-and-private-military-contractors-new-report/> (acesso em 7 de Novembro de 2021).

48 Departamento de Atendimento à Família e Menores Vítimas de Violência (DAFMVV-Ministério do Interior) http://www.mint.gov.mz/index.php?option=com_content&view=article&id=55&Itemid=408 (acesso em 7 de Novembro de 2021).

49 Atendimento de Mulheres e Crianças http://196.3.96.161/mint.gov.mz/index.php?option=com_content&view=article&id=55&Itemid=89&showall=1

50 <https://www.unicef.org/mozambique/en/stories/mozambique-responses-gender-based-violence-context-covid-19> (acesso em 27 de Outubro de 2021).

51 LC Neves 'Moçambique responde à violência baseada no género no contexto da COVID-19' UNICEF 29 de Agosto

<https://www.unicef.org/mozambique/en/stories/activists-support-survivors-violence-through-instant-messaging-apps-mozambique> (acesso em 28 de Outubro de 2021).

Denardina, 26 anos, trabalha como activista comunitária na cidade de Nampula com a OSC Ophenta. Antes da pandemia, esta organização costumava realizar campanhas porta-a-porta em transportes públicos, grupos de discussão e sessões de teatro de rua para educar as comunidades sobre a prevenção da VBG.

Devido à COVID-19, estes activistas caminham agora pelos bairros da cidade de Nampula com megafones, divulgando mensagens sobre prevenção e denúncia da VBG e uniões prematuras, partilhando contactos de ajuda e distribuindo folhetos para informar as mulheres sobre onde encontrar apoio e serviços. O WhatsApp é também utilizado como ferramenta para denunciar casos de violência.

Para melhorar a recolha de dados estatísticos, o governo testou *Info Violência*,⁵² um novo pacote de software digital para a gestão de casos de VBG por organizações da sociedade civil. Esta aplicação fornece informação crucial sobre tendências relacionadas com a VBG, o que ajuda a dar prioridade a intervenções em áreas onde as mulheres e raparigas mais precisam dela. No entanto, quando contactados para solicitar dados e estatísticas para o presente estudo, os gestores da aplicação declinaram, argumentando de que a informação era sensível. Infelizmente, tal como outras iniciativas, esta aplicação apenas prevê casos de violência baseada no género relatados por telefone. Não existe qualquer disposição para reportar casos que ocorram *on-line* ou em redes sociais.

Há também uma iniciativa chamada Rapariga Biz,⁵³ um programa conjunto, liderado pelo governo, implementado pelo UNFPA, UNICEF, UN WOMEN e UNESCO. A iniciativa é financiada pela Embaixada da Suécia e pelo Governo do Canadá. Entre outras intervenções, o programa forma mulheres jovens a aconselhar os seus pares sobre saúde sexual e reprodutiva e direitos conexos, bem como competências essenciais para a vida. Embora pareça ser uma iniciativa interessante, a componente de prevenção da violência baseada no género através de plataformas digitais está em falta. Apenas prevê a denúncia da violência baseada no género através de uma plataforma denominada SMS Biz, enviando uma mensagem de texto para 92222.⁵⁴ A iniciativa faz parte de um projecto maior denominado “U Report”, e foi concebido para ajudar os jovens e adolescentes a expressar os problemas que enfrentam nas suas comunidades e para ajudar a consolidar as respostas a estes problemas.

Conclusão

É evidente através dos estudos de caso aqui apresentados que a violência de género existe no espaço *on-line* em Moçambique, embora ainda recente, afecta principalmente as mulheres. O caso da activista e defensora dos direitos humanos que foi exposta nas redes sociais por outra mulher de forma difamatória, representa uma grave violação do que muitas mulheres experimentam todos os dias. Existe a crença da existência de outros casos que são esquecidos/escondidos ou desconhecidos, porque as vítimas não têm a mesma voz e capacidade de exposição sobre como lidar com as violações virtuais. Além disso, com a persistência do conflito armado no Norte de Moçambique, existe a probabilidade de continuarem a ocorrer casos de violência, afectando especialmente as mulheres, quer no espaço físico, quer digital. No entanto, não podemos ignorar o facto de que alguns casos de violência contra outros grupos minoritários, tais como LGBTIQ e pessoas com deficiência, podem estar a ocorrer, mesmo que não existam exemplos públicos.



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A ausência de protecção legal contra todos os actos de violência cometidos no espaço virtual complica ainda mais a situação das mulheres e raparigas.

O impacto destes casos, no futuro, resultará no aumento do medo de denunciar actos violentos de forma aberta e pública, realidade que já prevalece entre as mulheres, uma vez que esta situação continua a ser agravada pela ausência de protecção legal contra todos os actos de violência cometidos no espaço virtual. De facto, como demonstrado ao longo da pesquisa, Moçambique possui um quadro legal sobre a protecção das mulheres e a promoção da igualdade de género em geral, mas nada específico sobre OGBV. Existem apenas alguns exemplos de como o governo ou as organizações da sociedade civil estão a trabalhar para mitigar a VBG através de meios digitais, incluindo a utilização de plataformas de redes sociais.

No entanto, falta ainda uma visão clara e concertada de todos os interessados sobre como proteger as mulheres e os direitos das minorias nas plataformas digitais.

Do mesmo modo, existe quase uma ausência de debate sobre o papel das tecnologias na vida das mulheres, especialmente tendo em conta os baixos níveis de conectividade em Moçambique. O fosso digital de género parece ser um obstáculo à expansão do acesso às TIC. O mesmo foi observado durante a pandemia, onde ainda não existem dados estatísticos claros sobre a situação e segurança das mulheres durante os recorrentes estados de emergência, adoptados desde Abril de 2020. Esta pesquisa demonstrou, entre outros resultados, que os homens têm uma vantagem relativa em relação às mulheres no acesso a diferentes oportunidades digitais, não só como proprietários destas ferramentas, mas também como utilizadores.

A fim de alterar o actual cenário de quase inexistência de ferramentas específicas que possam proteger as mulheres contra a violência baseada no género no espaço virtual, é importante apontar algumas recomendações que possam orientar o Estado e a sociedade em geral, mas também as plataformas digitais e os meios de comunicação social em particular.

⁵² FNUAP 'Respondendo a casos de GBV em tempos de pandemia de COVID-19: o poderoso papel dos operadores da 'linha verde' de emergência' 20 de Julho

<https://mozambique.unfpa.org/pt/news/respondendo-aos-casos-de-vbg-em-tempos-de-covid-19-o-poderoso-papel-dos-operadores-da-linha> (acesso em 25 de Outubro de 2021).

⁵³ UNFPA 'Rapariga Biz: É um programa que muda a vida dos adolescentes' diz o Ministro Sueco 25 de Maio <https://mozambique.unfpa.org/pt/news/rapariga-biz-%C3%A9-um-programa-que-muda-vida-das-adolescentes-diz-ministro-sueco> (acesso em 7 de Novembro de 2021).

⁵⁴ <https://smsbiz.co.mz/> (acesso em 7 de Novembro de 2021).

Governo

- Adoptar um quadro legislativo que aborde especificamente a violência contra as mulheres na paisagem virtual, como base para proporcionar um recurso às vítimas - especialmente a actual Lei das Transacções Electrónicas que pode ser importante na área da protecção de dados.
- A adopção da Política e Estratégia Nacional de Segurança Cibernética, em Agosto deste ano, pode também servir como um passo importante no estabelecimento de regras e sanções contra actos que constituem violência contra as mulheres no espaço *on-line*.
- Desenvolver a capacidade de todas as entidades do sistema de justiça criminal, particularmente as Unidades de Assistência às Vítimas de Mulheres e Crianças, para identificar potenciais casos de violência, vítimas de tráfico, investigar casos de tráfico e encaminhar as vítimas para cuidados; e assegurar a adopção de uma política credível de saúde sexual e reprodutiva.⁵⁵
- Implementar estruturas de coordenação ao mais alto nível para assegurar a cooperação inter-ministerial em matéria de direitos da mulher.
- Adoptar um plano de acção nacional anti-tráfico, uma vez que Moçambique não tem políticas ou leis eficazes que regulam os recrutadores de mão-de-obra estrangeira e os responsabiliza pelo recrutamento fraudulento.
- Alterar a lei anti-tráfico e alinhar a definição de tráfico com o direito e as normas internacionais.
- Muitas mulheres possuem telemóveis, mas poucas estão a utilizá-los para se conectarem. O governo poderia considerar a introdução de um plano de acesso gratuito ou subsidiado à Internet, proporcionando a mais mulheres a oportunidade de utilizar os dispositivos de que já dispõem para o efeito.
- A fim de facilitar o acesso das mulheres, as TIC precisam de estar localizadas em instituições e locais frequentados por mulheres, onde se sintam seguras e bem-vindas. Estas podem incluir ONG, centros de emprego de mulheres, bibliotecas e centros de saúde. Fornecer acesso à Internet num centro de saúde local poderia trazer o benefício adicional de aumentar o acesso das mulheres à informação sobre saúde durante as suas visitas.

Media

- Estabelecer mecanismos de denúncia para expor casos de violência doméstica no espaço *on-line*.
- Estabelecer parcerias entre os meios de comunicação social privados e públicos para a divulgação dos mecanismos de protecção da mulher, no espaço virtual, através da partilha de contactos essenciais e plataformas de acção.

Plataformas digitais e virtuais

- Facilitar a denúncia de casos de violência contra mulheres no espaço virtual, bem como a remoção dos infractores que cometam casos de violação das regras de utilização dessas mesmas redes sociais.
- Clarificar a linguagem utilizada pelas plataformas das redes sociais, sobre as regras de acompanhamento das queixas e de protecção dos utilizadores, particularmente em língua portuguesa.
- Remoção de conteúdos ofensivos e comunicação de tais conteúdos à polícia, bem como coerência na aplicação das políticas de moderação.

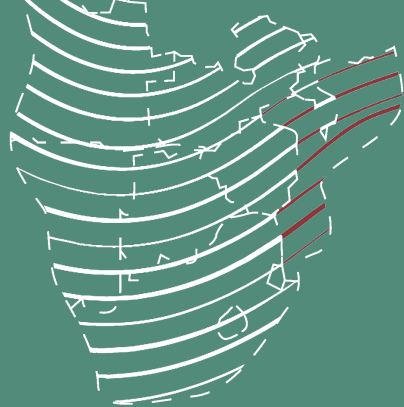
Organizações da Sociedade Civil

- Expandir as plataformas de comunicação entre as organizações da sociedade civil, bem como a promoção de iniciativas realizadas virtualmente que beneficiam as mulheres.
- Continuar a promover campanhas virtuais que tenham um público alvo concreto, como o caso da violência contra as mulheres devido ao conflito armado no Norte de Moçambique.

⁵⁵ <https://www.state.gov/reports/2021-trafficking-in-persons-report/mozambique/> (acesso em 28 de Outubro de 2021).

Mozambique.

Researcher: Dércio Tsandzana.



Country overview

Mozambique is a Southern African country with a population of about 32 million. 51% of the population consists of women.¹ It has a GDP of US\$14.3 billion (2021).² The telecommunications market is dominated by major service providers. These are TmCel, Vodacom and Movitel. According to the 2017 After Access Survey³, which was conducted across 16 countries, Mozambique had the lowest mobile phone and internet penetration rates, 30% and 10%, respectively. In 2019, *Research ICT Africa* (RIA) reported⁴ that Mozambique has the lowest mobile phone adoption level (50%) and the second highest gender disparity after Rwanda: half of all men (50%) in Mozambique have mobile phones, compared to only 32% of women.

By January 2021, Mozambique had approximately 16 million mobile connections (excluding IoT), slightly up from 15.3 million in the previous year.⁵ A number of barriers disproportionately limit female access to the mobile internet in Mozambique. One important factor is low levels of smartphone ownership, where 56% of men own a smartphone, compared to only 46% of women⁶; and another is mobile internet usage, currently at 27% for men and 17% for women.

Social restrictions contribute immensely in exacerbating the gender digital divide, such as limited access to employment opportunities for women compared to their male counterparts. In some rural regions of Mozambique owning a smartphone is considered inappropriate for women. Women are forced to justify themselves to men in their communities if they want to use a smartphone or purchase data.⁷

The Constitution of Mozambique (article 48) guarantees the rights of freedom of expression and access to information. It stipulates that all citizens have the right to freedom of expression, as well as the right to information; and that freedom of the press includes, in particular, the freedom of journalistic expression and creativity and access to sources of information. Despite these constitutional guarantees, Mozambique is ranked 43/100 by Freedom House (2021) on political rights. The country is considered 'partly free' with the following classification: political rights 14/40 points and civil liberties 29/60 points. The same report indicates that "women experience discrimination in education and employment; on average, women are less educated and earn less than men. Sexual harassment in the workplace and at schools remains widespread."⁸

About six years ago, the Women's Rights Online Mozambique report⁹ found that while nearly all women and men in Maputo slum areas own a mobile phone, only 33% of women had accessed the internet, compared to 59% of men. These results confirm that women and girls are being excluded online in Mozambique. In that report, the majority of respondents (96% of men and 93% of women) responded that they use their mobile phone every day. The services most frequently used by respondents was a combination of voice calls and SMS, and the frequency of use of these services was higher amongst women (64%) when compared with men (49%), as more men used a combination of voice, SMS and data services. In 2018, Sonia Jorge, Executive Director at A4AI, pointed out that women are disproportionately affected by the high cost of the internet – just 33% of women in poor areas of Maputo are using the internet, compared with 59% of men.¹⁰

Well documented evidence shows that gender inequality in Mozambique is acute, with the country ranking 127 out of 162 countries in the Gender Inequality Index (2020).¹¹ Mozambique is ranked 0.912 in the Gender Development Index (GDI, 2020).¹² This means that the country is one of the ten countries with the lowest scores in the world and consequently this creates a less favourable environment for women to enjoy their rights.

Violence against women is rampant. For instance, one-third of 15-year-old adolescent girls declare that they are survivors of physical violence. Furthermore, 46% say they are survivors of domestic, sexual, or emotional violence from their partners. Moreover, 70% report being harassed at school. Many young girls in Mozambique do not have the opportunity to enjoy their childhood or pursue their dreams. Mozambique has the 10th highest child marriage rate and one of the highest adolescent pregnancy rates in the world.¹³ In politics, over the years, the percentage of women in the Mozambican parliament has increased from 25.2% in 1997 to 41.2% in 2019.¹⁴

Mapping policy and legislation

Mozambique ratified the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the United Nations Convention on the Rights of the Child (UNCRC), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC), the African Charter on the Rights and Welfare of the Child (ACRWC), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the SADC Protocol on Gender and Development.

1 GHDX 'Mozambique Population and Housing Census 2017' <http://ghdx.healthdata.org/record/mozambique-population-and-housing-census-2017> (accessed 27 October 2021).

2 Trading Economics 'Mozambique GDP' <https://tradingeconomics.com/mozambique/gdp> (accessed 28 October 2021).

3 A Gillwald & O Mothobi 'After Access 2018: A Demand-Side View of Mobile Internet from 10 African Countries' *Research ICT Africa* (2019) <https://researchictafrica.net/2019/05/16/after-access-africa-comparative-report/> (accessed 29 October 2021).

4 A Gillwald *et al* 'State of ICT in Mozambique' *Research ICT Africa* (2019) <https://researchictafrica.net/publication/ict-in-mozambique/> (accessed 30 October 2021).

5 J Faria 'Total number of Mobile Connections in Mozambique from 2017 to 2021 (in millions)' Statista 29 July <https://www.statista.com/statistics/1253675/number-of-mobile-connections-mozambique/> (accessed 8 November 2021).

6 GSMA 'Connected Society, The State of Mobile Internet Connectivity in 2019' <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2020/05/GSMA-The-Mobile-Gender-Gap-Report-2020.pdf> (accessed 7 November 2021).

7 Africa's Mobile Gender Gap : Millions of African Women still offline' *Deutsche Welle* <https://www.dw.com/en/africas-mobile-gender-gap-millions-of-african-women-still-offline/a-49969106> (accessed 7 November 2021).

8 Freedom House 'Freedom in the World 2021, Mozambique' <https://freedomhouse.org/country/mozambique/freedom-world/2021> (accessed 7 November 2021).

9 World Wide Web Foundation 'Mozambique: What is keeping women offline?' 11 December 2015 <https://webfoundation.org/2015/12/mozambique-what-is-keeping-women-offline/> (accessed 7 November 2021).

10 A Frey Mozambique must address low internet access, affordability says A4AI' *Club of Mozambique* 24 April <https://clubofmozambique.com/news/mozambique-must-address-low-internet-access-affordability-says-a4ai/> (accessed 7 November 2021).

11 IZ Pswarayi Riddihough 'Time for bold action to advance gender parity in Mozambique' *The World Bank* 8 March <https://www.worldbank.org/en/news/opinion/2021/03/08/time-for-bold-action-to-advance-gender-parity-in-mozambique> (accessed 7 November 2021).

12 UNDP Human Development Reports: Mozambique, Human Development Indicators <http://hdr.undp.org/en/countries/profiles/MOZ> (accessed 7 November 2021).

13 UNICEF 'Child marriage in Mozambique' <https://www.unicef.org/mozambique/en/child-marriage-mozambique> (accessed 8 November 2021).

14 The Global Economy 'Mozambique: Women in parliament' https://www.theglobaleconomy.com/Mozambique/Women_in_parliament/#:~:text=Mozambique%3A%20Women%20in%20parliament%2C%20percent,from%202019%20is%2041.2%20percent (accessed 7 November 2021).

Mozambique has no specific legislation to protect women in the online space. The existing laws are general, with no particularities on online gender-based violence (OGBV). In fact, the legal frameworks on women's rights seem to be outdated or with no provisions of relevance for OGBV. This is despite the fact that the Constitution¹⁵ clearly establishes total gender equality in all areas of society. It also prohibits all legislative, political, cultural, economic, and social discrimination (Articles 6, 67, and 69). According to Article 6, all citizens are equal before the law, enjoy the same rights and are subject to the same duties, regardless of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, marital status of the parents or profession. Article 67 states that men and women are equal before the law in all spheres of political, economic, social and cultural life.

The Constitution of Mozambique emphasises different thematic areas on gender equality. Article 35 stresses universality without discrimination (including sex), and article 36 promises gender equality, while article 122 stipulates promotion and support for women's participation, role, and empowerment in all spheres of the country's political, economic, social and cultural life. Article 35 provides for the 'Principle of Universality and Equality' which depicts that all citizens are equal before the law, and shall enjoy the same rights and be subject to the same duties, regardless of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, the marital status of their parents, their profession or their political preference.

The Mozambique Family Law (Law 10/2004 of 25 August 2004)¹⁶ establishes gender equality in the family setting. Additionally, the country also has the Domestic Violence Perpetrated Against Women (Law 29/2009 of 29 September 2009).¹⁷ In late 2019, the Mozambican Parliament approved a new law criminalising unions with minors (those under 18 years of age).¹⁸ This was the culmination of years of efforts by the government and civil society organisations, acting on the concern that almost half of girls in Mozambique marry before 18 – one of the highest child marriage rates in the world.¹⁹ The country has a Gender Policy and Strategy, which was adopted in 2006. Mozambique also has the National Action Plan for Responding to Gender-Based Violence²⁰ aimed at preventing discrimination against women. It is coordinated through 27 gender units set up in the public sector.

However, Mozambique faces challenges in realising the full potential of the ICT sector in developing its economy and making progress on the ICT targets intended for the achievement of the United Nations' Sustainable Development Goals.²¹ There are laws that regulate all communications by means of electronic systems and devices connected to the internet. However, these laws are silent on the protection of women and girls' rights online. Mozambique also does not have a Data Protection Act. Equally, the country does not have a law on cybercrime and cybersecurity, but it has a law on electronic transactions.²²

“ However, Mozambique faces challenges in realising the full potential of the ICT sector in developing its economy and making progress on the ICT targets intended for the achievement of the United Nations' Sustainable Development Goals.

Even though the existing laws do not deal with issues specifically related to ICT and women, some of the provisions are important because they could guide further advocacy towards the adoption of strategies and policies for greater protection of women in the online landscape.

The existing legislation often essentially protects children, as pointed out by the penal code,²³ where its article 211 defines pornography involving minors as any material, whatever its medium or platform, that visually depicts a minor, or a person appearing to be a minor, engaged in sexually explicit conduct. The same article states that such conduct shall be punished with imprisonment for a term of one to five years. There is no reference to acts committed through use or distribution via ICTs or other technology relating to unlawful acts against women, and other marginalised groups like people with disabilities and the LGBTIQ community.

Digitally-enabled gender-based violence during the COVID-19 pandemic

The insurgency in Cabo Delgado and the COVID-19 state of emergency have elicited restrictive measures that threaten freedom of expression, opinion and the right to access information.²⁴ Notably, the decree that instituted a state of emergency barred the media from transmitting COVID-19 information that is “contrary to official information”, arbitrarily restricting journalistic information and interfering with editorial independence.²⁵ A platform called *Fica Atento*,²⁶ created by the National Institute of Health (INS) was designed to disseminate official information about the pandemic in Mozambique. *Fica Atento*, as a state-sponsored entity, appears to be the most highly recommended for COVID-19 information.

“ The net effect of these limitations is that the government has paid lip service to the issue of OGBV.

Since 30 March 2020, Mozambique has been in a state of emergency, which has been constantly extended as a result of the COVID-19 pandemic. As a result, the country has been in a state of extreme economic fragility caused by an over-dependence on donor funding and hollowing out foreign direct investments.²⁷ While on the one hand there are policies and mechanisms that protect the rights of women, such as the legislation on domestic violence and early marriage, the commitment of the state has been constrained by the lack of resources.²⁸ The net effect of these limitations is that the government has paid lip service to the issue of OGBV.

In particular, this is in reference to the budgeting and representation practises that preserve patriarchal models of domination. Before the pandemic, the rates of gender inequality, such as premature unions, an illiteracy rate of around 70%, unemployment and the absence of social security mechanisms, as well as domestic and sexual violence were high. With COVID-19, the rate of GBV has surged significantly in Mozambique.²⁹ Even before the pandemic, one in three women suffered violence³⁰ and in the last two years (2019-2020), extreme weather events such as cyclones, droughts and irregular rains have affected livelihoods and increased the vulnerability of women.³¹

21 A Gillwald *et al* 'State of ICT in Mozambique' *Research ICT Africa* (2019) <https://researchictafrica.net/publication/ict-in-mozambique/> (accessed 30 October 2021).

22 Electronic Transactions Law 3 of 2017.

23 Penal Code Law 35 of 2019.

24 Gardaworld 'Mozambique: Authorities maintaining COVID-19 restrictions as of March 1/ update 11' 1 March <https://www.garda.com/crisis24/news-alerts/449191/mozambique-authorities-maintaining-covid-19-restrictions-as-of-march-1-update-11> (accessed 7 November 2021).

25 D Tsandzana 'In Mozambique, a tug of war between public health and digital rights during the pandemic' 8 January 2021 <https://globalvoices.org/2021/01/19/in-mozambique-a-tug-of-war-between-public-health-and-digital-rights-during-the-pandemic/> (accessed 7 November 2021).

26 #Fica Atento 'COVID-19' <https://covid19.ins.gov.mz/> (accessed 7 November 2021).

27 M Toulemonde 'Mozambique's hidden debt scandal; Where did the 2bn go?' *The Africa report* 22 October 2021 <https://www.theafricareport.com/137710/mozambiques-hidden-debt-scandal-where-did-the-2bn-go/> (accessed 7 November 2021).

28 UNICEF 'Child marriage in Mozambique' <https://www.unicef.org/mozambique/en/child-marriage-mozambique> (accessed 8 November 2021).

29 Africa Renewal 'Freeing women and girls from violence in Mozambique' 8 March <https://www.un.org/africarenewal/news/freeing-women-and-girls-violence-mozambique> (accessed 7 November 2021).

30 DHS 'Mozambique Demographic and Health Survey 2011' (2013) <https://dhsprogram.com/publications/publication-fr266-dhs-final-reports.cfm> (accessed 28 October 2021).

31 J Onabanjo 'Turning the tide for women and girls caught in Mozambique's Cabo Delgado Crisis' *Africa Renewal* <https://www.un.org/africarenewal/magazine/march-2021/turning-tide-women-and-girls-caught-mozambique%E2%80%99s-cabo-delgado-crisis> (accessed 7 November 2021).

However, inequalities in access and protection in the online space do not only affect women, but are also a reality in other social groups, especially during the pandemic. In a pioneering data-driven investigation, the Mozambican Disabled Person's Organisation Forum (FAMOD) has teamed up with UK-based non-profit Data4Change to run automated accessibility testing on 90 of the most important and useful websites in Mozambique. The result was that publicly-available dataset³² of 722 053 instances of accessibility 'violations'. Each violation represents a barrier preventing someone with a visual, hearing, physical or cognitive impairment from fully engaging with the web page.

“ However, inequalities in access and protection in the online space do not only affect women, but are also a reality in other social groups, especially during the pandemic. ”

According to CIPESA (2021), the FAMOD's investigation revealed that just five types of accessibility violations accounted for nearly 90% of all the violations found. These top five violations were low colour contrast (37% of violations), lack of landmarks to identify regions of a page (33%), links that aren't made apparent (11%), no descriptive text for interactive elements (3%) and no 'alt text' for images (2%).³³ The violations were defined according to international standards for web accessibility as described under the Web Content Accessibility Guidelines 2.0 and 2.1 (WCAG 2.0 and 2.1).³⁴

Case studies

This section presents two cases that are considered examples of initiatives that use technology to promote the protection of women in the digital space. Both are developed by civil society organisations.

Txeka

Txeka³⁵ is a digital platform for promoting political participation of young people, particularly women. The organisation promotes civic engagement actions through social media platforms. Since 2020, Txeka has been working to remedy cases of violence through online campaigns on social media and other digital platforms. ³⁶ In particular, the campaign has been focusing on posting messages against gender-based violence in Mozambique in general, and most particularly during the COVID-19 period.

“ Since 2020, Txeka has been working to remedy cases of violence through online campaigns on social media and other digital platform. ”

Txeka also shares several articles of legislation on the protection of girls and women. It should be noted that the organisation promotes its activities through videos and illustrative animations. This initiative also addresses online violence, reporting on cases that have occurred in the last years in Mozambique. The page is followed by more than 29 000 users on Facebook. The page has been publishing a minimum of four posts daily about legal provisions for the protection of women, both online and in the physical space. It also provides some examples of external cases of OGBV in Africa.

Digital platform Nyandayeyo

In 2017, a local women's initiative launched an electronic platform for reporting cases of domestic violence, after hosting a conference on African Women in Technology. This e-platform, called Nyandayeyo, which means 'help' seeks to strengthen the fight against domestic violence. The platform was developed by Muthiana Code, a civil society organisation composed of teenagers and young women who are passionate about technology. The platform provides access to information, making it possible to see the nearest service points on access to police and social entities to protect women.³⁷ The platform is accessed through logging in on an internet browser, with or without mobile data.³⁸

*Access is also possible through interactive technology supported by all mobile phones. Typing in the code *202# enables women to report cases of domestic violence in real time. Muthiana Code is dedicated to the training, promotion and support of adolescents and young women in engineering. It aims to promote change, in a light and productive way, for the development of several social areas in the country, including violence against women online. However, there is no public data available on the cases that have been reported since its creation.*

Incidences of online gender-based violence in Mozambique

In February 2021, Amnesty International (AI) published³⁹ a report on GBV in Southern African countries. The report noted that restrictions imposed by the fight against the COVID-19 pandemic have turned certain homes in some Southern African countries into enclaves of cruelty, rape and violence for women and girls trapped by abusive family members. Amnesty International also highlighted the lack of means of escape and support for victims. The same report states that Mozambique is one of the countries that offers the least protection to female survivors of domestic violence. The Amnesty Report report focused only on cases that were publicly reported in the media, not necessarily on OGBV cases.

Due to the conflict in the north of Mozambique, there are reports of cases of violence that have affected freedom of expression and access to information.⁴⁰ On 18 January 2019, Fátima Mimbire, a female human rights defender and former Centre for Public Integrity (CIP) researcher, received intimidating messages and death threats on social media.⁴¹ Further, FRELIMO militants have been advocating violence against Fátima

“ Due to the conflict in the north of Mozambique, there are reports of cases of violence that have affected freedom of expression and access to information. On 18 January 2019, Fátima Mimbire, a female human rights defender and former Centre for Public Integrity (CIP) researcher, received intimidating messages and death threats on social media. ”

32 Github 'Web Accessibility in Mozambique' <https://github.com/Amilcar-Paco/a11ymoz> (accessed 7 November 2021).

33 CIPESA 'Investigation Finds More than 700 000 barriers Limiting Website Accessibility in Mozambique' 2 March <https://cipesa.org/2021/03/investigation-finds-more-than-700000-barriers-limiting-website-accessibility-in-mozambique/> (accessed 7 November 2021).

34 Web Accessibility Initiative 'Web Content Accessibility Guidelines (WCAG) Overview' <https://www.w3.org/WAI/standards-guidelines/wcag/> (accessed 7 November 2021).

35 Txeka <https://www.facebook.com/TxekaMoz/> (accessed 26 October 2021).

36 Txeka's publication <https://www.facebook.com/TxekaMoz/posts/1809716939211592> (accessed 29 October 2021).

37 Muva 'The birth of the Nyandayeyo platform' 23 July 2019 <https://muvamoz.co.mz/o-nascimento-da-plataforma-nyandayeyo/> (accessed 28 October 2021).

38 W Massala 'Mozambique has an electronic platform for reporting cases of domestic violence' 18 December 2017 <https://www.menosfios.com/mocambique-plataforma-electronica-denuncia-vio-lencia-domestica/> (accessed 27 October 2021).

39 VOA 'Violence against women increased with measures to combat COVID-19 in Mozambique' 9 February 2021 <https://www.voaportugues.com/a/viol%C3%Aancia-contra-mulheres-aumentou-com-medidas-de-combate-%C3%A0-covid-19-em-mo%C3%A7ambique/5770946.html> (accessed 25 October 2021).

40 Civicus 'Activists and journalists subjected to threats, offices independently set on fire' 31 October <https://monitor.civicus.org/updates/2020/10/31/activists-journalists-threats--offices-outlet-set-on-fire/> (accessed 25 October 2021).

41 Amnesty International 'Human Rights in Africa: Review of 2019-Mozambique' https://www.ecoi.net/de/dokument/2028283.html#_ftn2 (accessed 25 October 2021).

on social media,⁴² and to this effect, on 3 May 2019, Alice Tomás, FRELIMO member of parliament, called on Facebook for Fatima “to be raped by 10 strong and energetic men to teach her a lesson.” Civil society called for the state to investigate the threats on social media networks and take action to guarantee the protection of activists. These attacks against women activists on social media networks were condemned by international organisations like Amnesty International⁴³ and Human Rights Watch.⁴⁴

Due to the armed conflict in Cabo Delgado, in April 2021, the Network of Young Women Leaders of Mozambique⁴⁵ launched a campaign on its Facebook page to support victims of terrorism. Normally the 7th of April is celebrated as Mozambican Women's Day, but the organisation decided that the day should not be used for celebration because many women were suffering. Before this campaign, a number of videos had also been circulating on the internet of naked women being tortured and killed by soldiers or militants in Cabo Delgado.⁴⁶

Amnesty International's Crisis Evidence Lab analysed and verified the video that was shared on social media networks. The unidentified woman was approached by men who appeared to be members of the Mozambique Armed Defence Force (FADM). Four different gunmen shot her a total of 36 times with a variety of Kalashnikov rifles and a PKM-style machine gun.⁴⁷ The video was widely shared on social media networks and motivated local and international civic organisations to take an initiative to protect women. Likewise, the government was forced to condemn the act.

Government position

The government of Mozambique has put in place some mechanisms⁴⁸ to promote the well-being of women and girls. However, it is noteworthy to highlight these interventions are still couched in analogue terms. There is still no mention of OGBV⁴⁹, although it is now a national concern. The Spotlight Initiative,⁵⁰ which is led by the Ministry of Gender, Children and Social Action (MGCAS), was launched in March 2019. This initiative is currently being implemented in Gaza, Manica and Nampula provinces for a period of four years. With a commitment of US\$40 million from the European Union (EU), the programme focuses on the priority areas of combating sexual and gender-based violence and child marriages. It also promotes sexual and reproductive health (SRH) for women and girls. The Spotlight Initiative works in collaboration with government institutions such as the departments of social welfare, health, justice and police. It also partners with more than 20 CSOs.⁵¹ Together, these partners have reached over 1.9 million people, including over 1.1 million women and girls, in the past two years. The initiative also trains girls on using social networks to report GBV.

“However, it is noteworthy to highlight these interventions are still couched in analogue terms. There is still no mention of OGBV, although it is now a national concern.”

Denardina, 26, works as a community activist in Nampula City with CSO Ophenta. Before the pandemic, this organisation used to organise door-to-door and public transport campaigns, discussion groups and street theatre sessions to educate communities about GBV prevention.

Due to COVID-19, these activists now walk through the neighbourhoods of Nampula City with megaphones, spreading messages about preventing and denouncing GBV and early unions, sharing helpline contacts and distributing leaflets to inform women on where to find support and services. WhatsApp is also used as a tool to report cases of violence.

To improve statistical data collection, the government tested InfoViolência [Info Violence],⁵² a new digital software package for managing cases of GBV by civil society organisations. This application provides important information on trends related to GBV, which helps prioritise interventions in areas where women and girls need it most. However, when contacted to request data and statistics for this report, the application managers declined to comment, arguing that the information was sensitive. Unfortunately, like other initiatives, this application only provides for GBV cases reported by phone. There is no provision to report cases that occur online or on social media networks.

There is also an initiative called *Rapariga Biz*,⁵³ a government-led, joint programme implemented by UNFPA, UNICEF, UN WOMEN and UNESCO. The initiative is funded by the Embassy of Sweden and the government of Canada. Among other interventions, the programme trains young women to counsel their peers on sexual and reproductive health and rights, as well as essential life skills. The initiative includes a component of GBV prevention by reporting GBV through a SMS Biz platform, by sending an SMS to 92222.⁵⁴ The initiative is part of a larger project called ‘U Report’, and is designed to help young people and adolescents to speak out against sexual violence. It also helps these cohorts to amplify their voices.

42 *Deutsche Welle* (WE) ‘Mozambique: CIP demands impeachment of Frelimo Deputy’ <https://www.dw.com/pt-002/mo%C3%A7ambique-cip-exige-cassa%C3%A7%C3%A3o-de-deputa-da-da-frelimo/a-48677881> (accessed 25 October 2021).

43 Amnesty International ‘Mozambique: Human Rights Defender facing threats online: Fatima Mimbire’ 29 January 2019 <https://www.amnesty.org/en/documents/afr41/9744/2019/en/> (accessed 25 October 2021).

44 A Frey ‘Mozambique: Human Rights Defender facing threats online: Fatima Mimbire’ *Club of Mozambique* 30 January 2019 <https://clubofmozambique.com/news/mozambique-woman-human-rights-defender-facing-threats-online-fatima-mimbire/> (accessed 25 October 2021).

45 Mulheres Jovens Líderes de Moçambique <https://www.facebook.com/mulheresjovenslideres.mz> (accessed 27 October 2021).

46 Human Rights Watch ‘Mozambique: Alleged Soldiers Execute Woman’ 17 September <https://www.hrw.org/node/376419/printable/print> (accessed 7 November 2021).

47 Amnesty International ‘Mozambique: Civilians killed as war crimes committed by armed group, government forces, and private military contractors-new report’ 2 March <https://www.amnesty.org/en/latest/news/2021/03/mozambique-civilians-killed-as-war-crimes-committed-by-armed-group-government-forces-and-private-military-contractors-new-report/> (accessed 7 November 2021).

48 Ministry of Interior Department of Attendance to Family and Minors Victims of Violence (DAFMVV) http://www.mint.gov.mz/index.php?option=com_content&view=article&id=55&Itemid=408 (accessed 7 November 2021).

49 Ministry of Interior M. and Child Care http://196.3.96.161/mint.gov.mz/index.php?option=com_content&view=article&id=55&Itemid=89&showall=1 (accessed 7 November 2021).

50 LC Neves ‘Mozambique responds to gender based violence in the context of COVID-19’ UNICEF 29 August <https://www.unicef.org/mozambique/en/stories/mozambique-responds-gender-based-violence-context-covid-19> (accessed 27 October 2021).

51 LC Neves & A Cossa ‘Activists support survivors of violence through instant messaging apps in Mozambique’ UNICEF 4 May <https://www.unicef.org/mozambique/en/stories/activists-support-survivors-violence-through-instant-messaging-apps-mozambique> (accessed 28 October 2021).

52 UNFPA ‘Responding to GBV Cases in times of the COVID-19 pandemic: the powerful role of ‘Green Line’ emergency hotline operators’ 20 July <https://mozambique.unfpa.org/pt/news/respondendo-aos-casos-de-vbg-em-tempos-de-covid-19-o-poderoso-papel-dos-operadores-da-linha> (accessed 25 October 2021).

53 UNFPA ‘Rapariga Biz: “Is a program that changes the lives of adolescents” says Swedish Minister’ 25 May <https://mozambique.unfpa.org/pt/news/rapariga-biz-%C3%A9-um-programa-que-muda-vida-das-adolescentes-diz-ministro-sueco> (accessed 7 November 2021).

54 <https://smsbiz.co.mz/> (accessed 7 November 2021).

Conclusion

It is evident through these case studies that gender violence exists in the online space in Mozambique, although it is still in nascent stages. It is disproportionately affecting women and girls. The case study of an activist and human rights defender who was exposed on social media platforms by another woman in a defamatory manner represents one of the many types of OGBV, which most women experience on a daily basis in Mozambique. There is belief that there are other cases that are forgotten/hidden or unknown, because the victims do not have the same voice and capacity of exposure on how to deal with violations online. Furthermore, with the persistence of the armed conflict in Northern Mozambique, there is a likelihood that cases of violence will continue to happen, especially affecting women and girls. There is a need to shed light on cases of OGBV affecting minority groups such as LGBTIQ and people with disabilities. These people are rarely given media coverage or voice despite the fact that they are on the receiving end of both offline and online gender-based violence.

“ ***It is evident through these case studies that gender violence exists in the online space in Mozambique, although it is still in nascent stages.*** ”

If left unchecked, OGBV is likely to engender a climate characterised by a chilling effect, whereby women and girls might fear engaging openly and constructively on various public spheres. The absence of legal protection against all acts of violence committed in the virtual space further complicates the situation of women and girls. In fact, as demonstrated throughout this country report, Mozambique has constitutional provisions that seek to protect women and promote gender equality in general, but nothing specifically addressing OGBV. There are only a few examples of how the government and civil society organisations are working to mitigate GBV through digital means, including the use of social media platforms. However, a clear and concerted vision from all stakeholders on how to protect women and minority rights on digital platforms is still lacking.

“ ***The absence of legal protection against all acts of violence committed in the virtual space further complicates the situation of women and girls.*** ”

Equally, there is almost an absence of debate on the role of technologies in women's lives, especially considering the low levels of connectivity in Mozambique. The digital gender gap seems to be an obstacle to the expansion of access to technology. The same was noted during the pandemic where there is still no clear statistical data on women's situation and safety during the recurrent states of emergency adopted since April 2020. This country report has shown that men have a relative advantage when compared to women in accessing different digital opportunities, not only as owners of these tools, but also as users.

Recommendations

In order to change the current scenario of the almost non-existence of specific tools that can protect women against gender-based violence in the virtual space, it is important to offer some recommendations that can guide the government, civil society organisations, platform companies and the media.

Government

- Adopt a legislative framework that specifically addresses violence against women in the online landscape as a basis for providing a remedy for victims. The government should urgently amend the existing Electronic Transactions Law (3/2017 of January 9).
- The government should promulgate a data protection law and a cyber-security and cybercrimes legislation.
- The adoption of the National Cyber Security Policy and Strategy in August this year may also serve as an important step in establishing rules and sanctions against acts that constitute violence against women in the online space.
- Build the capacity of all entities in the criminal justice system, particularly the Women and Children's Victim Assistance Units, to identify potential violence, trafficking victims, investigate trafficking cases, and refer victims for care; and ensure the adoption of a credible sexual and reproductive health policy.⁵⁵
- Implement coordinating structures at the highest level to ensure inter-ministerial cooperation in women's rights.
- Adopt a national action plan on anti-trafficking, as Mozambique does not have effective policies or laws that regulate foreign labour recruiters and hold them accountable for fraudulent recruiting.
- Amend the anti-trafficking law and align the definition of trafficking with international law and standards.
- So many women own mobile phones, but few are using them to get connected. The government could consider introducing a subsidised or free internet access scheme, providing more women with the opportunity to use the devices they already have to get online.
- In order to facilitate access for women, ICSS need to be located in local institutions frequented by women where they feel safe and welcome. These might include NGOs, women's employment centres, libraries and health centres. Providing internet access in a local health centre could bring the added benefit of increasing women's access to health information during their visits.

Media

- Establish reporting mechanisms to expose cases of domestic violence in the online space.
- Establish partnerships between private and public media for publicising the mechanisms of protecting women in the online space by sharing essential contacts and action platforms.

Social media networks

- Facilitate the report of cases of violence against women online, as well as removal of offenders from the online space in the event of violation of the rules of use of social networks.
- Clarify the language used by the social network platforms on the rules for following up on complaints and protecting users, particularly the Portuguese language.
- Removal of offending content and reporting of such content to law enforcement, as well as consistency in application of the moderation policies.

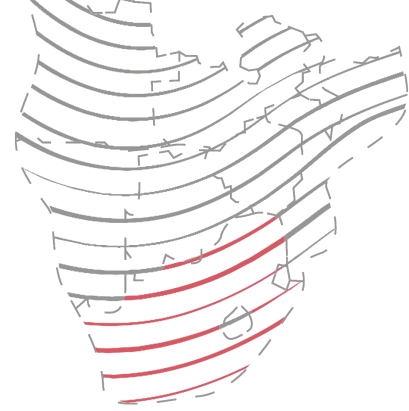
Civil society organisations

- Expand communication platforms between civil society organisations and the promotion of initiatives carried out online that benefit women.
- Continue to promote virtual campaigns that have a concrete target audience, such as the case of violence against women because of the armed conflict in Northern Mozambique

55 U.S Department of State '2021 Trafficking in Persons Report: Mozambique' <https://www.state.gov/reports/2021-trafficking-in-persons-report/mozambique/> (accessed 28 October 2021).

South Africa.

Researcher: Tarisai Nyamweda.



Country overview

Located at the southernmost tip of Africa, South Africa has an estimated population of 60.14 million people.¹ Approximately 51.1% (almost 30.75 million) of the population is female.² The country's GDP contracted by 7.2% in 2020 compared to a growth of 0.2% in 2019.³ World Bank data shows that 2020 GDP stood at US\$303.7 billion.⁴

The 2019 Statistics South Africa (Stats SA) general household survey data shows that 63.3% of South African households had at least one member who had access to or used the internet either at home, work, place of study, internet cafés, or at public hotspots.⁵ Social media active usage penetration is estimated to be at 41.9%.⁶ South Africa did not reach its target for broadband access, which was to have 100% of South Africans having access to broadband internet services by 2020, in line with the vision of the National Development Plan.⁷ Instead, at the end of 2020 the previous minister of communication and digital technologies, Stella Ndabeni Abrahams committed that 80% of the South African population will have access to the internet by 2024.⁸ The 2020 State of the Information and Communication Technology Sector report by the Independent Communications Authority of South Africa (ICASA), shows overall smartphone penetration reached 91.2% in 2019, up from 81.7% in 2018;⁹ while other research shows that more women than men own mobile phones.¹⁰ Similar to other countries in the region, South Africa has not explicitly addressed the gender digital divide, although its overall promotion of access is a step in the right direction.¹¹ A 2019 report on Africa's Gender Digital Divide by Afrobarometer reveals that regular internet usage by women in South Africa is at a proportion of 51% compared to men at 55%. The proportion of women who regularly use the internet has more than doubled between 2011 and 2018.¹²

South Africa has one of the biggest media markets on the continent and provides the largest variety of media outlets in Southern Africa. The airwaves have been liberalised and there is vibrant competition in print and online media. The public broadcaster, community media and some commercial media outlets provide news and information in some or all of the eleven official languages, although English and Afrikaans languages dominate print and online media.

The right to freedom of expression and press freedom is protected in section 16 of the Constitution, with limitations that are reasonable and justifiable in an open and democratic society. Freedom of access information is guaranteed in section 32, which states that everyone has a right of access to any information held by the state and information held by others that is required for the exercise or protection of any rights.¹³ The 2021 World Press Freedom Index compiled by Reporters without Borders (RFB) reveals that South Africa now sits in the 32nd position (down one spot from last year) out of 180 countries.¹⁴

In 2018, South Africa organised a Presidential Summit on Gender-Based Violence and Femicide (GBVF) which saw R1.6 billion in government funding reprioritised to support efforts to end GBV in the country.¹⁵ While notable progress has been achieved in the fight for gender equality, GBV continues to be a pervasive violation of women's rights presenting a major obstacle to attaining gender equality - and while the OGBV phenomenon may just be emerging, like the speed of the social media that spawned it, it risks spiralling out of control if not seriously addressed.¹⁶

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Mapping legislation and laws

The UN Sustainable Development Goal (SDG) 5 puts the use of ICTs at the centre of achieving women's empowerment. However, for this to be successful there is a need for solid policies that promote women's use of ICTs as an enabler for women's empowerment. Despite clear benefits for increasing women's online participation, very few countries have technology policies and strategies that target OGBV. Moreover, most countries do not collect the data they need to understand the issue and formulate policies to address it.¹⁷

Although South Africa has “progressive” GBV laws, it has one of the highest GBV incidence rates in the world.¹⁸ There are a multitude of factors that continue to influence this, including persistent discriminatory patriarchal practices as a root cause and the high levels of poverty, unemployment and inequality which are also contributing factors.¹⁹ One of the main entry points to combating the pandemic of online and technology-facilitated violence against women and girls is through top-down changes introduced by governments and political leaders enacting the appropriate legislative and policy reforms.²⁰ It is essential that any legislative responses to violence facilitated by ICTs take into consideration how multiple and intersecting forms of discrimination can intensify experiences of domestic and gender-based violence.²¹ While most legal frameworks will touch on offline gender violence in its varying forms, the online aspect is left out. This creates a false dichotomy between offline and online violence resulting in underestimation of the prevalence, extent and impact of online violence which may be considered as not “real” violence. There is no specific legislation for OGBV or online violence in general, but there are several frameworks that protect citizens which can be used by people to seek justice for online harms suffered. However, the scope of the various pieces of legislation is limited when considering the extent and forms of online violence.

South Africa's Bill of Rights guarantees freedom of expression. Section 16 (1) states that everyone has the right to freedom of expression, which includes freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research. The right in subsection (1) does not extend to propaganda for war; incitement of imminent violence;

15 SA Government News Agency '1.6 BN allocated for GBV emergency Action plan' 11 November accessed 1 November 2021 <https://www.sanews.gov.za/south-africa/r16bn-allocat-ed-gbv-emergency-action-plan> (accessed 3 November 2021).

16 Media, information and communication https://genderlinks.org.za/wp-content/uploads/2021/08/10.2021VoiceandChoiceBarometer_MEDIA_FINALtnclmcdl_072021.pdf (accessed 3 November 2021).

17 World Wide Web Foundation 'Women's rights online, Closing the digital gender gap for a more equal world' 2020 <http://webfoundation.org/docs/2020/10/Womens-Rights-Online-Report-1.pdf> (accessed 5 November 2021).

18 Internews 'Fighting Violence Against Women' 18 August <https://internews.org/resource/fighting-violence-against-women-online/> (accessed 5 November 2021).

19 'Gender Based Violence' Insight newsletter Issue 28 <https://www.gcis.gov.za/insight-newsletter-issue-28> (accessed 11 November 2021).

20 S Al-Nasrawi 'Combating Cyber Violence Against Women and Girls: An Overview of the Legislative and Policy Reforms in the Arab Region' in J Bailey et al (eds) *The Emerald International Handbook of Technology-Facilitated Violence and Abuse* (2021) 493.

21 Research ICT Africa et al 'Domestic Violence Amendment Bill, Joint Submissions by Research ICT Africa, Association for Progressive Communications, ALT Advisory, and Members of the Feministing While African Network' 2020

https://researchictafrica.net/wp/wp-content/uploads/2020/10/Domestic_Violence_Amendment_BillB20-2020-Joint-SubmissioRIA-APC-ALT-FWA.pdf (accessed 5 November 2021).

or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.²² Gender equality and freedom of expression are intertwined. There cannot be one without the other. Promoting gender equality - especially women's rights to equal and free participation - represents an integral component of freedom of expression and opinion. Thus, gender activists maintain that OGBV also entails a freedom of expression issue that legislators must urgently address.²³ The occurrences of OGBV does not enable public participation that could support the actualisation of human rights such as freedom of expression.²⁴

With the protection of equality and non-discrimination embedded in the Equality Act, this framework can be used by those who suffer cyberharassment or any other forms of violence online that can limit freedom of expression and participation and digital equality. A 2020 report by Pollicy notes that the provisions of the Equality Act have previously been applied to online behaviour related to other grounds of discrimination, such as race and sexual orientation. As such, these provisions would presumably extend to OGBV as well.²⁵

In 2020 the Domestic Violence Act was in the process of being amended. A multi-stakeholder collection of civil society activists, technologists, policymakers, researchers, and feminists submitted written comments in response to the Domestic Violence Amendment Bill introduced by the Minister of Justice and Correctional Services in the National Assembly and published in the Government Gazette in August 2020.²⁶ The civil society organisations proposed that the amendment should ensure that victims and survivors of domestic violence, both on- and offline, are afforded the maximum protection from domestic abuse that the law can provide.

Under the existing Domestic Violence Act, a victim of cyberstalking can apply to a court for an interim protection order even when the identity of the alleged stalker is unknown. The law also empowers the police to investigate a stalker to identify the perpetrator even before a victim launches an application for a protection order.²⁷ The Act, although it provides for recourse for victims of cyberharassment, does not empower victims with practical mechanisms or regulatory measures to enable them to obtain evidence required for a protection order against a perpetrator.²⁸ The Act fails victims particularly in two respects: firstly providing prima facie evidence could prove to be an arduous task on the part of the complainant as a result of the nature of cyberharassment; and secondly that individuals not in a domestic relationship with the perpetrator are not afforded protection.²⁹

The Protection from Harassment Act 17 of 2011, is the first specific legislation to address sexual harassment in the SADC region.³⁰ The essence of the Act is to provide a quick, easy and affordable civil remedy in the form of a protection order for harassment, including electronic stalking. The Act transcends beyond the physical aspect of harassment, mainly because of the increase of cell phone and internet users in South Africa.³¹ If the court is satisfied in terms of section 3(2), a protection order must be issued at the start of any legal proceedings. In an effort to apprehend offenders, electronic service providers can be forced to reveal details such as the name, email address or cell phone to which the IP address belongs.³²

“ In the Act, “harassment” means directly or indirectly engaging in conduct that the respondent knows or ought to know which causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to or brought to the attention of the complainant or a related person.³³

The Protection from Harassment Act provides recourse for both domestic and nondomestic relationships.³⁴ Section 4 of the Act places an obligation on the Internet Service Provider to aid law enforcement by providing any information to ascertain the identity of the perpetrator, easing the burden of proof placed on the complainant.³⁵ As an incentive to ISPs, section 4(8) states that the relevant minister may compensate the ISP that provides information to law enforcement.

22 The Constitution of the Republic of South Africa Act 108 of 1996.

23 Media, information and communication https://genderlinks.org.za/wp-content/uploads/2021/08/10.2021VoiceandChoiceBarometer_MEDIA_FINALtnclmkcdl_072021.pdf (accessed 3 November 2021).

24 As above

25 C Nwaodike & N Naidoo 'Fighting Violence Against Women Online: A comparative Analysis of legal frameworks in Ethiopia, Kenya, Senegal, South Africa and Uganda' 2020 https://ogbv.policy.org/legal_analysis.pdf (accessed 4 November 2021).

26 Research ICT Africa et al 'Domestic Violence Amendment Bill, Joint Submissions by Research ICT Africa, Association for Progressive Communications, ALT Advisory, and Members of the Feministing While African Network' 2020

https://researchictafrica.net/wp/wp-content/uploads/2020/10/Domestic_Violence_Amendment_BillB20-2020-Joint-SubmissioRIA-APC-ALT-FWA.pdf (accessed 5 November 2021).

27 South African Government 'Domestic Violence' <https://www.gov.za/about-government/government-programmes/domestic-violence> (accessed 5 November 2021).

28 A Manyame 'Are your hands tied when it comes to cyber harassment?' De Rebus (DR) 2018

www.derebus.org.za/are-your-hands-tied-when-it-comes-to-cyber-harassment/ (accessed 5 November 2021).

29 As above

30 South African Government 'Domestic Violence' <https://www.gov.za/about-government/government-programmes/domestic-violence> (accessed 5 November 2021).

31 KZN Women in Business 'Cyberbullying and harassment in South Africa' 26 March <https://www.kznwib.co.za/2019/03/26/cyber-bullying-and-harassment-in-south-africa/> (accessed 5 November 2021).

32 KZN Women in Business 'Cyberbullying and harassment in South Africa' 26 March <https://www.kznwib.co.za/2019/03/26/cyber-bullying-and-harassment-in-south-africa/> (accessed 5 November 2021).

33 Protection from Harassment Act 17 of 2011.

34 Manyame 'Are your hands tied when it comes to cyber harassment?' De Rebus (DR) 2018

www.derebus.org.za/are-your-hands-tied-when-it-comes-to-cyber-harassment/ (accessed 5 November 2021)

35 As above

In 2021 South Africa enacted the Cybercrimes Act 2020. The law provides an opportunity to protect the dignity of women from practices such as gender trolling, threats and image based sexual abuse,³⁶ but does not explicitly reference OGBV against women and girls. Rather, it refers to online violence against a person or group of persons in general. Under part two on malicious communications, it explicitly denounces the disclosure of intimate images without the person's consent, defining an intimate image as the depiction of a person "which (i) (aa) is "nude, or the genital organs or anal region of [the person] is displayed, or if [the person] is a female person, transgender person or intersex person, their breasts, are displayed; or (bb) the covered genital or anal region of [the person], or if [the person] is a female person, transgender person or intersex person, their covered breasts, are displayed; and (ii) in respect of which [the person] so displayed retains a reasonable expectation of privacy at the time that the data message was made in a manner that (aa) violates or offends the sexual integrity or dignity of [the person]; or (bb) amounts to sexual exploitation".³⁷ Any person who violates the act faces a fine, imprisonment of up to 15 years, or both.

The Films and Publications Act gives sufficient agency to those who suffer from violence facilitated by or through ICTs.³⁸ The Film and Publications Amendment Act of 2019 criminalises non-consensual intimate image distribution of a person's private sexual photograph or film with the intention of causing that individual harm.³⁹ The Act compels ISPs to provide the Film and Publications Board and the South African Police Service with details about the perpetrator. However, the Act is being criticised for loopholes which may render it ineffective and limiting, including the intent to harm requirements, narrow scope of images covered by the offence and problematic definitions of private and sexual means.⁴⁰

The National Integrated ICT Policy white paper of 2016 does not discuss ICT related violence. It however recognises that there is limited gender disaggregated data or granular statistics on differences in ICT access and use by age group and commits that the government will work with Stats SA to address these and ensure regular detailed and timely collection of the data necessary to measure performance.⁴¹

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Gender, ICTs and COVID-19

Although the proliferation of ICTs provides many positive possibilities, it adds another dimension to gender inequality.⁴² The struggles that women, girls and LGBTIQ persons face in daily life often extend to their digital media platforms. Online violence is exacerbated because of the potential of anonymity, being unconstrained by time, larger audience size, lack of physical interaction, high frequency of violation, the variety of media that can be used and the reduced threat of intervention.⁴³

From abusive online comments and cyberharassment, to the perpetuation of harmful stereotypes through social media and online imagery, this section details incidents collected from online sources including opinion and editorial pieces, news reports and research studies collected to inform this report.

Generally, the full impact of COVID-19 is yet to be seen. However, one thing for certain is that it has resulted in a shift towards increased interactions in cyberspace. The Freedom of the Net 2021 report notes that online harassment on the basis of gender and sexuality is rampant in South Africa, and racist language is common.⁴⁴ Regarding racist and racially discriminatory terminology, the report points to a particularly sharp increase during the May 2019 elections. The report further notes that women and LGBT+ people are the ones who routinely experience online harassment.⁴⁵ A 2020 study by Pollicy notes almost one quarter of women in South Africa surveyed in this report have experienced online GBV. The report further notes that in South Africa incidences of OGBV occur primarily on platforms such as Facebook and WhatsApp.⁴⁶ The researchers argue that the prominence of Facebook and chat platforms such as WhatsApp as platforms where OGBV often occurs may be because Facebook does not require the verification of users on signup (such as providing a phone number), making it easier for one to hide their identity while using the platform.⁴⁷

Twitter is also a platform where violence and abuse against women flourishes, often with little accountability.⁴⁸ So like other media platforms, it is contributing heavily to the toxicity that prevails online.

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Speaking to News24, Casey Rousseau from 1st for Women Insurance, who launched South Africa's first cyberbullying insurance policy in 2018, noted that the threat of being cyberbullied has now increased given the unprecedented rise in screen time during the coronavirus pandemic. While many social media platforms are taking their policies seriously when it comes to reducing cyberbullying, children remain at risk and more still needs to be done.⁴⁹

Activists are also often targets for online attacks and intimidation. The shift to online discourse risks narrowing the space for women's civil society organizations to operate and to undertake urgent advocacy and service delivery in support of women's rights.⁵⁰

36 Media, information and communication https://genderlinks.org.za/wp-content/uploads/2021/08/10.2021VoiceandChoiceBarometer_MEDIA_FINALtnclmcdl_072021.pdf (accessed 3 November 2021).

37 Cybercrimes Act 19 of 2020.

38 Research ICT Africa *et al* 'Domestic Violence Amendment Bill, Joint Submissions by Research ICT Africa, Association for Progressive Communications, ALT Advisory, and Members of the Feminising While African Network' 2020

https://researchictafrica.net/wp/wp-content/uploads/2020/10/Domestic_Violence_Amendment_BillB20-2020-Joint-SubmissioRIA-APC-ALT-FWA.pdf (accessed 5 November 2021).

39 Films and Publications Amendment Act 11 of 2019.

40 M Bordachar *et al* 'Non-consensual Intimate Image Distribution: The Legal Landscape in Kenya, Chile and South Africa' Supporting a safer internet Paper 2, Centre for International Governance Innovation (2021) <https://www.cigionline.org/publications/non-consensual-intimate-image-distribution-the-legal-landscape-in-kenya-chile-and-south-africa/> (accessed 7 November 2021).

41 National Integrated ICT Policy White Paper 2016 https://www.dtps.gov.za/images/phocogallery/Popular_Topic_Pictures/National_Integrated_ICT_Policy_White.pdf (accessed 7 November 2021).

42 African Union 'Media Portrayal of Women and Media Gender Gap in Africa' 2017 https://au.int/sites/default/files/newsevents/workingdocuments/33025-wd-au_gender_and_media_paperfinaldraft_tncm_02112017.pdf (accessed 7 November 2021).

43 RA Sabella *et al* 'Cyberbullying myths and realities' Computers in Human Behaviour (2013) 29.

44 Freedom House 'Freedom on the Net 2021 South Africa report' 2021 <https://freedomhouse.org/country/south-africa/freedom-net/2021> (accessed 18 November 2021).

45 As above

46 N Iyer *et al* 'Alternate Realities Alternate Internets, African Feminist Research for a Feminist Internet' Policy 2020 <https://ogbv.policcy.org/report.pdf> (accessed 7 November 2021).

47 As above

48 Amnesty International 'Toxic Tweeter-A Toxic Place for Women' <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1/> (accessed 18 November 2021).

49 'Cyberbullying on the rise under the shadow of COVID 19 here is what to do' News 24 21 November 2020 <https://www.news24.com/news24/southafrica/news/cyberbullying-on-the-rise-under-the-shadow-of-covid-19-heres-what-to-do-20201121> (accessed 9 November 2021).

50 United Nations 'Policy Brief: The Impact of COVID 19 on Women' 2020 <https://reliefweb.int/sites/reliefweb.int/files/resources/policy-brief-the-impact-of-covid-19-on-women-en.pdf>

In 2020, during a meeting to discuss how COVID-19 was disproportionately affecting women and girls, women's rights groups including UN Women in partnership with the Minister in the Presidency for Women, Youth and Persons with Disabilities, Maite Nkoana-Mashabane, encountered an online attack on their webinar to disrupt proceedings. In a UN statement released after the incident Zeenat Abdool noted that "the regrettable incident of misogynists attempting to disrupt the meeting through streaming images of a sexual nature, reminded us that no one is spared, and we should all join our efforts to address this shadow pandemic of violence that is both online at work or school and offline behind secure walls in homes where women seek refuge."⁵¹

The Sexual Violence Research Initiative (SVRI) also suffered a Zoom bombing incident. The organisation, which works to strengthen the evidence base and build capacity on violence against women and against children globally, experienced similar abuse in a webinar on advancing research to prevent violence against women. The meeting was hacked with racially charged and sexually explicit material. The SVIR noted that this form of violence inflicted upon those attending, presenting and organising the event may have far-reaching consequences for the wellbeing of those who experienced it, and for the SVRI to provide future events that are open, inclusive and accessible for all.⁵²

According to UNICEF in South Africa, lockdowns may put children's privacy in danger. As they spend more time online, they are more likely to encounter online risks, including being exposed to child sexual abuse material, or child sexual abuse and exploitation.⁵³ South Africa has a hotline for reporting online child sexual abuse. Childline South Africa also offers counselling and support to children who need to reach out on 08000 55 555.⁵⁴

In 2020 Zen Williams, founder of Rise Against Domestic Abuse SA, identified herself as a survivor of image-based sexual abuse, cyberstalking, cyberharassment, domestic violence, hacking and narcissistic abuse.⁵⁵ She indicated she had not yet reached a point of finding justice and had pending cases with the National Prosecuting Authority. Williams turned her own experiences into a tool to help others and has been paving a way forward for life after abuse.⁵⁶ She runs an advice website,⁵⁷ a WhatsApp legal advice group as well as an organisation that tackles topics such as the dangers of cyberstalking and the gap in the judicial system which leaves women vulnerable to cyberstalking and image-based abuse.⁵⁸

“ In South Africa, over the past decade, a new threat to women in journalism has emerged: cyber misogyny (hatred of women online), trolling or online social media bullying.

In South Africa, over the past decade, a new threat to women in journalism has emerged: cyber misogyny (hatred of women online), trolling or online social media bullying.⁵⁹ A 2018 research report by Gender Links and the South African National Editors' Forum (SANEF) shows that of the journalists surveyed in the research 30% women and 9% men agreed that women journalists do face cyber violence. While only a few women reported cyberstalking, quite a few said they had been victims of unknown email or cell phone correspondence issuing violent threats, bullying and trolling, often of a sexual nature.⁶⁰ Online violence has been described as the new frontline of attacks on journalists, with women journalists at the epicentre of risk. UNESCO argues in a recent report that within the journalism fraternity, online violence against women journalists is designed to belittle, humiliate, and shame; induce fear, silence and retreat; discredit them professionally, undermining accountability journalism and trust in facts; and chill their active participation (along with that of their sources, colleagues and audiences) in public debate. This amounts to an attack on democratic deliberation and media freedom, encompassing the public's right to access information, and it cannot afford to be normalised or tolerated as an inevitable aspect of online discourse, or contemporary audience-engaged journalism.⁶¹

Politicians have often been caught in the crosshairs of online violence, especially against journalists. Earlier in 2021, SANEF noted "the harrowing online attack on another female journalist by a senior politician." In this instance, the President of the African National Congress (ANC) Women's League, Bathabile Dlamini, singled out journalist Qaanitah Hunter on Twitter following a story authored by Hunter titled "Bathabile Dlamini faces resistance over calls for ANCWL to support Magashule".⁶² In her tweets, Dlamini accused Hunter of deliberately "spreading lies" and being "bankrolled" by a "Master" to "destroy the ANC". Her tweets further referred to Hunter as "misogynistic" and "an insult to the struggle for women's emancipation", and labelled her as an "information peddler".⁶³

51 United Nations 'Calls for attention to cyber violence and its devastating effect on women and girls in South Africa' 9 June <https://southafrica.un.org/en/109163-calls-attention-cyber-violence-and-its-devastating-effect-women-and-girls-south-africa> (accessed 9 November 2021).

52 L Loots *et al* 'Online safety in a changing world-COVID-19 and cyber violence' 16 April <https://www.svri.org/blog/online-safety-changing-world-%E2%80%93-covid-19-and-cyber-violence> (accessed 9 November 2021).

53 UNICEF 'Children at increased risk of harm online during global COVID-19 pandemic' 15 April <https://www.unicef.org/southafrica/press-releases/children-increased-risk-harm-online-during-global-covid-19-pandemic-unicef> (accessed 8 November 2021).

54 As above

55 'Combating cyber stalking , violence' News 24 26 October 2021 <https://www.news24.com/news24/southafrica/local/peoples-post/combating-cyberstalking-violence-20211025> (accessed 8 November 2021).

56 As above

57 Rise Against Domestic Violence South Africa <https://www.riseagainstdomesticviolence.co.za/> (accessed 15 November 2021).

58 'Combating cyber stalking , violence' News 24 26 October 2021 <https://www.news24.com/news24/southafrica/local/peoples-post/combating-cyberstalking-violence-20211025> (accessed 8 November 2021).

59 G Daniels and T Nyamweda 'Glass Ceilings: Women in South African media houses 2018 Introducing a new Chapter on Cyber Misogyny' Gender Links 2018 https://www.researchgate.net/publication/333973158_Glass_Ceilings_Women_in_South_African_media_houses_2018_Introducing_a_new_chapter_on_Cyber_Misogyny (accessed Nov 7 2021).

60 As above

61 UNESCO 'The Chilling: Global trends in online violence against women journalists' 2021 <https://unesdoc.unesco.org/ark:/48223/pf0000377223> (accessed 3 November 2021).

62 'Protecting women journalists essential for democracy, media freedom' News 24 10 August 2021 <https://www.news24.com/news24/columnists/guestcolumn/william-bird-and-avani-singh-pro-protecting-women-journalists-essential-for-democracy-media-freedom-20210810> accessed 8 November 2021).

63 As above

In 2019, the late Karima Brown, who was a prominent journalist took the Economic Freedom Fighters to court in a case of doxxing where her cellphone number was published on the social media platform Twitter and following that she experienced harassment, intimidation and received death and rape threats.⁶⁴

In 2018, Ferial Haffajee, a prominent journalist and editor, was threatened with getting “a bullet in her head” via a Twitter message.⁶⁵ This follows many other ongoing vicious attacks experienced by the editor. In a case study written in The Glass Ceiling Research by Gender Links and SANEF, Haffajee notes that the violence is patriarchal and gendered. Research shows that in patriarchal societies such as India and South Africa, safety could be one of the main reasons women journalists cannot always cover an important political, investigative or hard news story. Women journalists describe instances where they have been threatened and trolled on social media, and growing concerns about cyber misogyny might lead to female journalists withdrawing from online platforms, further depriving an already male-dominated public sphere of female voices.⁶⁶

An online survey of ninety LGBTIQ young adults aged between 18 and 34 from South Africa reveals a high incidence of exclusion, outing and harassment, covering a wide variety of types, duration and experienced severity, taking place through text messaging and social media sites such as Facebook, Instagram and Twitter.⁶⁷ The research notes that to cope with the incidents most LGBTIQ youth resort to measures such as blocking, deleting offensive content and adjusting privacy settings to cope with cyber victimisation.⁶⁸

Government responses

In South Africa, conversations on gender-based violence and femicide (GBVF) increasingly take centre stage in the national discourse. The public and political sphere has been dominated by calls for increased tangible action and not only rhetoric. The government, civil society and other stakeholders have continued to highlight GBV in the country as cases continue to increase; and financial and other commitments have been made to drive the agenda to end GBV. While offline GBV receives the necessary attention from all sectors of society, there have not been much pronouncements on OGBV. On the other hand, victims/survivors of GBV often turn to social media platforms to seek remedy, given the inadequate response of law enforcement.

“ While offline GBV receives the necessary attention from all sectors of society, there haven’t been much pronouncements on OGBV. On the other hand, victims/survivors of GBV often turn to social media platforms to seek remedy, given the inadequate response of law enforcement.

While much attention has been placed on the business and human rights practices of intermediaries, there has been less attention paid to how their policies and practices impact specifically on communities outside of the US, where the majority of social media platforms used by victims/survivors are based.⁶⁹

South Africa developed a 2020-2030 national strategic plan (NSP) on ending GBVF,⁷⁰ which amongst other things deals specifically with OGBV. The NSP is an output of the 2018 Presidential Summit in response to the GBVF crisis. It aims to provide a multi-sectoral, coherent strategy, policy and programming framework to strengthen a coordinated national response to GBVF by the government and the country as a whole.⁷¹

The national strategic plan acknowledges the existence of OGBV in the activities, outcomes and outputs outlined in the document. It defines it as any act of GBV against a woman that is committed, assisted or aggravated in part or fully by the use of ICTs, such as mobile phones, the internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately.

Its interventions include addressing online violence and it recognises the specific vulnerability of young women in facing a disproportionate level of online violence.⁷² It calls for technology intermediaries to adhere to human rights standards to protect women’s rights on online platforms and new technologies. It also calls for the design and roll out of cyberviolence and cyber awareness programmes that are disability-accessible and promotes online safety. The NSP also calls for capacity building of police, prosecutors and the judiciary on emerging cyber threats so that they better understand the nature of OGBV; and fast tracking of legislative measures to address inadequate management of OGBV cases. It also notes the need for studies to develop a deepened understanding of the impact of online violence on women and LGBTIQ persons and potential strategies to address it.⁷³

In 2020, the Department of Social Development and UNICEF commissioned research to explore children’s online behaviour and experiences. The Disrupting Harm Survey was a nationally representative study involving 2 643 children between the ages of 9 and 17, and 1 393 parents or caregivers, in all nine provinces in South Africa.⁷⁴ The study found that one third of children in South Africa are at risk of online violence, exploitation and abuse. It further reveals that children who have been sexually exploited online prefer not to share their experiences or trauma about the incident, which in turn can have a devastating long-term impact on their mental health and emotional wellbeing.⁷⁵

64 R Davis ‘EFF court losses mount as Karima Brown wins battle, but faces criticism of her own’ Daily Maverick 6 June 2019 <https://www.dailymaverick.co.za/article/2019-06-06-eff-court-loss-es-mount-as-karima-brown-wins-battle-but-faces-criticism-of-her-own/> (accessed 7 November 2021).

65 F Haffajee ‘Ferial you deserve a bullet in the head’ Huffington Post 18 June https://www.huffingtonpost.co.uk/ferial-haffajee/ferial-you-deserve-a-bullet-in-the-head_a_23461346/ accessed 8 November 2021).

66 S Rao & YR Gumede ‘Gazing past the glass ceiling: Indian and South African female journalists’ perceptions of their role and power in the newsroom Global Media and Communication’ (2020) 16(1) Global Media and Communication 57-74.

67 K Hendrick *et al* ‘Cyber-Harassment Victimization Among South African LGBTQIA+ Youth’ 2020 https://link.springer.com/chapter/10.1007/978-3-030-45002-1_12 (accessed 5 November).

68 As above

69 APC ‘Online gender-based violence: A submission from the Association for Progressive Communications to the United Nations Special Rapporteur on violence against women, its causes and consequences’ 2017 https://www.apc.org/sites/default/files/APCSubmission_UNSR_VAW_GBV_0_0.pdf (accessed 8 November).

70 National Strategic Plan on Gender-Based Violence and Femicide 2020 <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf> (accessed 8 November).

71 As above

72 National Strategic Plan on Gender-Based Violence and Femicide 2020 <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf> (accessed 8 November).

73 As above

74 United Nations ‘One third children in South Africa at risk of online violence, exploitation and abuse’ 3 June <https://southafrica.un.org/en/129825-one-third-children-south-africa-risk-online-violence-exploitation-and-abuse> (accessed 8 November 2021).

75 As above

Conclusions and recommendations

This study discusses the state of OGBV in South Africa. It focuses on legal provisions, government interventions as well as incidents. The research shows that there is no particular legislation solely focusing on OGBV, even though isolated frameworks providing legal protections exist in different sectors/cases. The lack of specific legislation and policies leaves many women, girls and LGBTIQ persons who may be disproportionately affected by OGBV at risk. However, there are opportunities in existing legislation to strengthen the law and make provisions to include OGBV. For example, the Domestic Violence Amendment Bill of 2020 can possibly provide some forms of protection in the context of OGBV, including for cyberharassment, cyberstalking and non-consensual image sharing.

Women and LGBTIQ people routinely experience online harassment in South Africa. Although there is paucity of data on the extent and prevalence of OGBV compared to GBV in the physical world, the available information points to the possibility that it can spiral out of control if not addressed seriously.⁷⁶ This report shows that OGBV in South Africa is mostly occurring through social media platforms, including Facebook, WhatsApp and Twitter, with varied impact on people. For example, OGBV against women journalists is an increasingly threatening form of silencing women in the media, which poses a clear threat not only to their safety and well-being, but also to the diversity of voices in the media and to freedom of expression and access to information.⁷⁷ People who have experienced OGBV are using different coping mechanisms, including reporting this phenomenon, deleting, blocking or all together withdrawing from using the platforms. It will take effort from various stakeholders to contribute to ending OGBV. Below are recommendations for different players:



The lack of specific legislation and policies leaves many women, girls and LGBTIQ persons who may be disproportionately affected by OGBV at risk. However, there are opportunities in existing legislation to strengthen the law and make provisions to include OGBV, for example the Domestic Violence Amendment Bill of 2020 can possibly provide some forms of protection in the context of OGBV, including for cyberharassment, cyberstalking and non-consensual image sharing.

Government

- Update legal and policy frameworks to elaborate on and further develop a comprehensive definition of what constitutes OGBV. Legislation cannot overlook growing evidence of online violence including sexual harassment, stalking, controlling behaviours and more.
- Find opportunities within existing policy and law revisions to incorporate OGBV measures where applicable.
- Increase and fund research efforts, for example, through Stats SA, to gather comprehensive evidence on the prevalence, drivers and impact of OGBV, similar to what has been done for GBV.
- The annual State of the ICT sector report produced by ICASA must also reflect in detail progress made on closing the gender digital divide as well as incorporate progress and action on ending OGBV.

Internet intermediaries

- Platform providers need to take up more responsibilities in ensuring a safe internet where there is no place for OGBV, developing practical measures to help women and address OGBV, for example, taking down content where violations have been reported. Platform providers must also make their reporting mechanisms known and user friendly for those who want to report OGBV occurrences.
- Fund online safety training for different digital platforms.
- Create industry engagement platforms for sharing of best practices and joint standard setting by internet intermediaries on handling OGBV occurrences across different social media platforms, and make them publicly accessible.

Civil society

- Build on and replicate existing efforts to tackle OGBV, for example, development of toolkits as done by Power Singh in their Deconstruct OGBV⁷⁸ initiative, which aims to deconstruct relevant laws and reporting options, including tips on reporting and evidence gathering, as well as a step-by-step explanation of applying for a protection order. Another example to emulate is the Real411 disinformation complaints platform⁷⁹ initiated by Media Monitoring Africa, which also deals with complaints regarding online attacks on journalists.
- Empower women and girls with digital safety tools.
- Implement advocacy campaigns on awareness raising and education as well as social behaviour change.

Media

- Invest in digital safety training for journalists in newsrooms and in particular provide specific training for women journalists to help them deal with cybermisogyny.
- Increase coverage of OGBV to raise awareness of its existence and different ways it manifests.

⁷⁶ G Daniels and T Nyamweda 'Glass Ceilings: Women in South African media houses 2018 Introducing a new Chapter on Cyber Misogyny' Gender Links 2018 https://www.researchgate.net/publication/333973158_Glass_Ceilings_Women_in_South_African_media_houses_2018_Introducing_a_new_chapter_on_Cyber_Misogyny (accessed Nov 7 2021).

⁷⁷ UNESCO 'UNESCO stands up against the online harassment of women journalists' 17 June <https://en.unesco.org/news/unesco-stands-against-online-harassment-women-journalists> (accessed 7 November 2021).

⁷⁸ Power Singh Inc 'Deconstruct Online Gender-Based Violence Toolkit' <https://powersingh.africa/wp-content/uploads/2021/06/1-Online-Gender-Based-Violence-FINAL.pdf> (accessed 10 November 2021).

⁷⁹ Media Monitoring Africa, Real411 online disinformation reporting platform <https://www.real411.org/> (accessed 10 November 2021).

Zambia.

Researcher: Bulanda T. Nkhowani.



Country overview

Zambia is a landlocked Southern African country with nine neighbouring countries. By 2020, Zambia's total population estimate stood at 17.89 million, with the female population pegged at 9 million (51%).¹ According to World Bank data, the country's GDP in 2020 stood at US\$19.32 billion,² a decline of about US\$4 billion from 2019.

With about 17 active internet service providers (ISPs),³ by mid-2021, internet penetration in Zambia stood at 56%, representing 10.4 million users.⁴ The country has three mobile network providers while a fourth licence was granted to Beeline Telecommunications,⁵ whose operations are yet to commence. Mobile phone usage stood at 107%,⁶ as people often own more than one phone or sim card.⁷ The majority of the population accessing internet services in the country, uses mobile broadband (56%) compared to those who use fixed line subscriptions (0.5%).⁸

The Constitution of Zambia recognises and guarantees the rights to freedom of expression,⁹ access to information,¹⁰ freedom of assembly and association,¹¹ and the right to privacy.¹² However, it is worth noting that Zambia lacks explicit laws on the right to assembly and association, and for access to information. The Access to Information bill has been awaiting enactment for the last 19 years. The main reasons for the delay could be government's concerns that the bill may compromise classified information, and that it is not regarded as a priority in view of many pressing needs.¹³ The right to privacy is to some extent protected through the Cybersecurity and Cybercrimes Act and Data Protection Act, while freedom of expression is protected through the Independent Broadcasting Authority Act. However, this does not apply to non-broadcast areas such as the internet.

According to UNDP's 2019 Gender Inequality Index (GII) which reflects gender-based inequalities in reproductive health, empowerment, and economic activity, Zambia ranked 146 out of 189 countries,¹⁴ with a GII value of 0.539 which is quite close to the SADC region's average of 0.573.¹⁵ The 2018 Zambia Information and Communications Technology Authority (ZICTA) ICT survey highlights that out of all the active users of mobile phones 51% were female and 57 were male, while more males (87%) owned mobile phones compared to females (81%). On the other hand, less females (6%) had knowledge on how to use a computer, compared to their male counterparts (8%).¹⁶

Mapping policy and legislation

Zambia is signatory to various international, regional and sub-regional treaties protecting and promoting women's rights. These include the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), and the SADC Protocol on Gender, among others.

In 2011, Zambia passed an Anti-Gender-Based Violence Act,¹⁷ which seeks to provide a comprehensive framework for protection of and means of survival for victims and survivors of gender-based violence, and prosecution of perpetrators.

In June 2020, cabinet passed a resolution to approve the African Union Convention on Cybersecurity and Personal Data Protection, which was a welcome step that will ensure harmonisation of the new cyber laws and regional cooperation on matters of cybersecurity, cybercrime and data protection - all key issues enhancing online freedoms and addressing risks and dangers that are derived from women and girls' use of ICTs.

In March 2021, Zambia passed three ICT-related laws: the Cybersecurity and Cybercrimes Act, Data Protection Act and Electronic Commerce and Transactions Act (reviewed).¹⁸



1 Zambia Statistics Agency 'Zambia at a Glance' <https://www.zamstats.gov.zm/#> (accessed 9 November 2021).

2 The World Bank Data 'GDP (current US\$) - Zambia' <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=ZM> (accessed 9 November 2021).

3 ZICTA Statistics Portal 'ICT Indicators' <http://onlinesystems.zicta.zm:8585/statsfinal/ICT%20Indicators.html> (accessed 9 November 2021).

4 As above

5 B Chabusha 'Zambian Company Beeline Wins 4th Mobile Licence' 19 February <https://zambiareports.com/2021/02/19/zambian-company-beeline-wins-4th-mobile-licence/> (accessed 9 November 2021).

6 ZICTA Statistics Portal 'ICT Indicators' <http://onlinesystems.zicta.zm:8585/statsfinal/ICT%20Indicators.html> (accessed 9 November 2021).

7 ZICTA 'Press release: ICT Sector 2020 Mid-Year Market Performance 10 September' <https://www.zicta.zm/storage/posts/attachments/L8Rg8iUz40QU3QwksTow7dDG2g2082nyugm1ExSU.pdf> (accessed 16 November 2021)

8 ZICTA Statistics Portal 'ICT Indicators' <http://onlinesystems.zicta.zm:8585/statsfinal/ICT%20Indicators.html> (accessed 9 November 2021).

ZICTA Statistics Portal

9 The Constitution of the Republic of Zambia, 1996, art 20.

10 The Constitution of the Republic of Zambia, 1996, art 20.

11 The Constitution of the Republic of Zambia, 1996, art 21.

12 The Constitution of the Republic of Zambia, 1996, art 17.

13 K Manchishi (2021) The Struggle for Access to Information in Zambia: Looking to new media as an enabler, Mulungushi University

14 United Nations Development Programme (UNDP) 'Human Development Report: Beyond Income, Beyond Averages, Beyond Today: Inequalities in Human Development in the 21st Century' (2019).

15 Ministry of Gender 'Gender Status Report- 2017-2019' <https://tinyurl.com/u4esmez3> (accessed 14 November 2021).

16 Zambia Information and Communications Technology Authority (ZICTA) 'ICT Survey Report Households and Individuals: Survey on Access and Usage of Information and Communication Technology by Households and Individuals in Zambia' (2015).

17 Gender Links 'Zambia: Anti-gender Based Violence Act passed 7 October 2011' <https://genderlinks.org.za/programme-web-menu/zambia-anti-gender-based-violence-act-passed-2011-10-07/> (accessed 9 November 2021).

18 The Electronic Commerce and Transactions Act of 2009 was reviewed and unbundled to form the current ECT Act, Data Protection Act and Cybersecurity and Cybercrimes Acts.

Of the three acts, the Cybersecurity and Cybercrimes law provides general protections for OGBV. It criminalises the following offences: pornography,¹⁹ child sexual abuse,²⁰ child solicitation,²¹ production, possession and circulation of obscene matters or things,²² unsolicited electronic messages,²³ hate speech,²⁴ and harassment using electronic means.²⁵ For instance:

(1) A person shall not produce or participate in the production of pornography using a computer system. A person convicted of an offence under subsection (1) is liable to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or both. ²⁶



This provision on pornography criminalises and discourages the non-consensual sharing of private images/content through production, distribution, selling, procuring, or circulation that is done knowingly or unknowingly.

This provision on pornography criminalises and discourages the non-consensual sharing of private images/content through production, distribution, selling, procuring, or circulation that is done knowingly or unknowingly.

Recently, the country has been plagued with leaked videos and images of women in intimate moments, mostly leaked by ex-lovers or those who find themselves in possession of such videos/images. With the new law in place, law enforcement are able to summon and charge perpetrators accordingly. The provision on unsolicited electronic messages criminalises cyberstalking and cyberbullying. It states that:

A person commits an offence if that person, knowingly and without lawful excuse or justification— (a) initiates the transmission of multiple electronic communications from or through a computer system.

Electronic communication in this context means any communication that uses an electronic device that inputs, outputs, processes and stores data. Such systems include smartphones, portable tablets, laptops, desktops computers, the internet etc, and any person who sends multiple messages (spamming) commits an offence. However, an exception is made for messages generated by the cabinet, with the intent to inform the nation. Lastly, the provision on harassment utilising electronic communication which criminalises acts of online harassment, cyberbullying and targeted hate speech caused with the intent to coerce, intimidate, harass, or cause emotional distress falls short because not all harassment of this nature is motivated by intent to harm or cause distress. The law states:



Lastly, the provision on harassment utilising electronic communication which criminalises acts of online harassment, cyberbullying and targeted hate speech caused with the intent to coerce, intimidate, harass, or cause emotional distress falls short because not all harassment of this nature is motivated by intent to harm or cause distress.

A person who using a computer system intentionally initiates any electronic communication, with the intent to coerce, intimidate, harass, or cause emotional distress to a person commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Prior to the enactment of the Cybersecurity and Cybercrimes Act, the Penal Code Act served as the principal law for penalising online misdemeanours that had a cyber component. For example, cases of criminal libel, defamation of the president, defamation, use of insulting words and obscene matters or things if committed using electronic means were charged and tried using the Penal Code Act.

The existing outdated National ICT Policy 2006,²⁷ has been undergoing review for several years due to its obsolete state having been overtaken by developments in technology. It is still unclear when the process will be completed. However, it is hoped that the new policy will provide a clear roadmap and strategy on bridging the gender digital gap and tackling OGBV in the country.

In August 2020, the Ministry of Transport and Communications and the ICT regulator, ZICTA, jointly launched the Child Online Protection Strategy,²⁸ which seeks to address the emerging child welfare and online risks through enhanced policy, legal and institutional reforms, as well as multi-stakeholder collaboration. The strategy provides a roadmap for addressing online violations against children such as cyberbullying, exposure to obscene material and child sexual abuse material. This strategy provides measures for addressing online gender-based violence against girls under 18.

A Children's Code bill with the objective of protecting children from any form of violence and abuse - sexual or otherwise - will apparently soon be tabled in Parliament by the new government.²⁹ Stakeholders anticipate that the bill will be strengthened to include online misdemeanours committed against children in general and in particular, girls.

Extent and prevalence of online gender-based violence



The true extent and prevalence of OGBV in Zambia is still unknown, owing to the fact that OGBV has not been given serious attention.

The true extent and prevalence of OGBV in Zambia is still unknown, owing to the fact that OGBV has not been given serious attention. There is also limited literature and data captured or documented on the subject. However, it is clear from interviews conducted with stakeholders that OGBV is prevalent, escalating at a fast rate and requires urgent actions to address its root causes, manifestations and effects.

19 Cybersecurity and Cybercrimes Act 2 of 2021 sec 56.

20 Cybersecurity and Cybercrimes Act 2 of 2021 sec 57.

21 Cybersecurity and Cybercrimes Act 2 of 2021 sec 58.

22 Cybersecurity and Cybercrimes Act 2 of 2021 sec 59.

23 Cybersecurity and Cybercrimes Act 2 of 2021 sec 62.

24 Cybersecurity and Cybercrimes Act 2 of 2021 sec 65.

25 Cybersecurity and Cybercrimes Act 2 of 2021 sec 69.

26 Cybersecurity and Cybercrimes Act 2 of 2021 sec 69 Cybersecurity and Cybercrimes Act 2021 Continued "A person who knowingly— (a) produces pornography for the purpose of its distribution for profit through a computer system commits an offence and is liable on conviction to a fine not exceeding one million penalty units or to imprisonment for a period not exceeding ten years, or to both"; or (b) "offers, circulates or makes available, pornography through a computer system commits an offence and is liable on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

27 Zambia National ICT Policy (2006).

28 ZICTA 'Child Online Protection Strategy' <https://www.zicta.zm/storage/posts/attachments/Eu63HezeLZR0P6Zedq70CUOAlwQPL9jfYaNXQdlB.pdf> (accessed 14 November 2021).

29 Lusaka Times 'Government to enact bill to make it illegal to report stories about Child offenders on Social media' 7 November <https://www.lusakatimes.com/2021/11/07/government-to-enact-bill-to-make-it-illegal-to-report-stories-about-child-offenders-on-social-media> (accessed 14 November 2021).

In 2018, the Zambia Women Parliamentary Caucus (ZWPC) expressed concern that the level of cyberbullying, especially of women, was frightening due to the alarming increase in cases.³⁰ Prior to the August 2021 general elections when President Lungu announced his female running mate, Professor Nkandu Luo, she was cyberbullied for what she wore to the press briefing. Social media was awash with memes of her outfit. This is just one example of the harsh realities that female politicians face. Another case is that of Iris Kaingu,³¹ a young woman who aspired for a parliamentary seat in the last elections. Talks and taunts about her 'sex tape' that was leaked in 2011 kept emerging during the campaigns leading up to the 2021 elections. Her social media accounts were often trolled with reminders of the leaked video.

In another incident, a socialite called Mwizukanji, sued and received a cash settlement of K50 000 (US\$2900) from a person who defamed and harassed her on Facebook.³² It is not clear what law was used for this crime, however it is noteworthy that a cyber-related crime received judgment in the complainants favour.

“ Failure by the Women's Movement in Zambia to speak out against female cyberbullying would be detrimental to attaining the goal of equal gender representation in decision-making processes.

In an interview with a representative from the Non-governmental Gender Organisations Coordinating Council (NGOCC),³³ they said the most prevalent form of OGBV is cyberbullying and harassment of female politicians who experience personal attacks or 'character assassination'. Many women made headlines not for positive contributions or achievements, but for what they wore, looked like or marital status. This fear of being victimised has discouraged many women from aspiring for political positions.

The ZWPC further charged that failure by the Women's Movement in Zambia to speak out against female cyberbullying would be detrimental to attaining the goal of equal gender representation in decision-making processes.³⁴ In Zambia, 18% of parliamentary seats are held by women.³⁵

According to Zambia National Women's Lobby (ZNWL),³⁶ Incidences of OGBV are very high. The organisation confirmed that about 70% of women in politics that ZNWL has engaged on this issue, testified to having experienced one form of OGBV or the other. Cyberbullying increased exponentially during the 2021 elections and many female candidates were bullied and this state of affairs continues.

According to ZNWL, the common types of OGBV include cyberbullying, hate speech and online sexual harassment. ZNWL is currently implementing a project to address this challenge with a number of activities, including the creation of a text/ WhatsApp tip line for reporting cyberbullying. Secondly, ZNWL has observed that women have begun to shun utilising social media platforms which are useful for engaging and mobilising support, doing business, getting information and interaction. Some women have been swindled and blackmailed while some girls have ended up being sexually abused by people they met online.

An activist from Sistah Sistah Foundation stated that many girls and women have resorted to enhancing their digital and physical security by learning about digital security tips and information and being aware of their surroundings after making certain posts online, for fear that they may be in danger based on their online activities.³⁷

A representative from the Zambia Police Service stated that OGBV caused many women and girls to get depressed after being bullied or to practice self-censorship for fear of being victimised, bodyshamed or insulted online, and in extreme cases receiving threats of rape.³⁸ In addition, many victims were unsure if they could get justice if they reported such cases to law enforcement, especially in rural and peri-urban areas. Statistics on OGBV are unavailable as this is a category that the police do not document.

Similarly, a representative from Common Cause Zambia highlighted through an interview that OGBV has had negative impacts on women and girl's freedom of expression online for fear of being trolled for expressing their views on varying issues.³⁹

A digital rights lawyer notes that the focus in the country has been on mitigating offline GBV. This is evident from the dedicated fast-track court that was introduced to deal with offline GBV cases. The lawyer further states that the Anti-Gender-Based-Violence Act of 2011 presents an opportunity to include OGBV provisions.⁴⁰

The following challenges were noted from the interviews:

- Limited data on extent, prevalence and nature of OGBV as the focus has been on offline GBV
- Lack of trust and awareness by victims of where to report and seek justice for OGBV cases
- Limited capacity of law enforcers to address OGBV
- CSO action is happening in silos

“ With increased internet access, one would assume that OGBV could also have exacerbated, however there is no data to support this hypothesis.

Online gender-based violence during COVID-19

Internet access increased significantly in Zambia during the lockdown period due to people turning to the internet as a lifeline and alternative for their offline activities: usage of virtual education platforms, virtual communication platforms, virtual productivity/work platforms, financial services and online entertainment, including social media.⁴¹ With increased internet access, one would assume that OGBV could also have exacerbated, however there is no data to support this hypothesis.

30 Lusaka Times 'Cyber bullying in Zambia against women has reached alarming levels- Nkandu Luo' 23 September <https://www.lusakatimes.com/2018/09/23/cyber-bullying-in-zambia-against-women-has-reached-alarming-levels-nkandu-luo/> (accessed 9 November 2021).

31 Ask Muvi TV 'Iris Kaingu talks about her sextape' 13 November <https://www.facebook.com/askmuvi/videos/iris-kaingu-talks-about-her-sextape/3171189796324445/> (accessed 14 November 2021).

32 Zed Turn 'Mwizukanji Receives K50,000 Cash Settlement From A Person Who Defamed Her On Facebook' 14 July <https://www.zedturn.com/mwizukanji-receives-k50000-cash-settlement-from-a-person-who-defamed-her-on-facebook/> (accessed 9 November 2021).

33 Representative of Non-governmental Gender Organisations Coordinating Council, November 2021, Telephonic Interview.

34 Tech Watch News 'Cyberbullying Hinders Women's Digital Inclusion In Development, Says Prof. Luo' <https://www.techwatch.news/cyberbullying-hinders-womens-digital-inclusion-in-development-says-prof-luo/> (accessed 9 November 2021).

35 Ministry of Gender 'Gender Status Report- 2017-2019' <https://tinyurl.com/u4esmez3> (accessed 14 November 2021).

36 Representative of Zambia National Women's Lobby, November 2021, Telephonic Interview.

37 Telephone communication with the representative of Sistah Sistah Foundation in November 2021.

38 Telephone communication with the representative of Zambia Police Service in November 2021.

39 Telephone communication with the representative of Common Cause Zambia in November 2021.

40 Telephone communication with the representative of the Law Association of Zambia in November 2021.

41 According to ZICTA internet penetration increased from 52 % in 2019 to 57% in 2020, the year when Zambia recorded its first case of COVID-19 and subsequently implemented covid-19 protocols that included online learning, remote working etc. In Q2 of 2021, the average internet penetration was 56% and in this year COVID-19 measures had been relaxed- ZICTA Statistical Portal, ICT Indicators, <http://onlinesystems.zicta.zm:8585/statsfinal/ICT%20Indicators.html> (accessed 9 November 2021).

Government position

The enactment of three ICT related laws showed political will in enhancing the country's cybersecurity. However, the laws have not been applied to any known case yet. In particular, the Cybersecurity and Cybercrimes Act provides for protection against OGBV. ZICTA, the ICT regulator, has developed toll free helplines for online child protection and other victims of cyberbullying. In addition, the regulator implements periodical awareness raising interventions through media campaigns, social media, talks (TV/radio/schools), et cetera. One notable intervention that brought cyberbullying to the fore was when ZICTA staged a cyberbullying sensitisation campaign with a female Zambia Airforce fighter jet pilot, Captain Thokozile Mwamba. She walked from Livingstone to Lusaka to raise awareness of cyberbullying.⁴² Although this was not a purely OGBV focused campaign, the use of a female ambassador helped to highlight the unique threats that women face online.

Conclusion and recommendations

Based on the evidence presented throughout this research, OGBV is on the increasing trend in Zambia. Currently, it manifests as cyberbullying, trolling, hate speech, body shaming and non-consensual sharing of intimate images/videos, and it is usually targeted at female politicians or political aspirants, socialites, media persons, activists, bloggers and ordinary female internet users, especially those who are known to be vocal about their views. This has led to a culture of self-censorship by female internet users who shy away from expressing their views online, stopped participating in online democratic and political processes and are overall being discouraged to use or access digital devices for fear of the perceived threats and harms. While current legal and policy reforms, sensitization and mitigation efforts by the government and other stakeholders are encouraging, more tailored efforts are necessary to ensure that women and girls fully participate in the digital sphere.



OGBV is on the increasing trend in Zambia. Currently, it manifests as cyberbullying, trolling, hate speech, body shaming and non-consensual sharing of intimate images/videos, and it is usually targeted at female politicians or political aspirants, socialites, media persons, activists, bloggers and ordinary female internet users, especially those who are known to be vocal about their views.

In the long run OGBV affects women and girls' interest in acquiring digital skills, which in today's modern world are needed for gainful employment, economic participation and access to basic services such as online financial services, e-learning, e-health et cetera. Further, the absence of women and girls from the online world contributes to widen the gender digital divide and this will be detrimental to achieving the country's inclusive digital transformation agenda.

It is imperative that all stakeholders collaborate to achieve a safe and trusted online space for women and girls to freely and fully participate in and reap the many benefits that technology has to offer. And in providing solutions, ensure that the needs of women, girls and marginalised groups are well understood and taken into account.

The following recommendations are proposed:

Government

- Should produce the revised National ICT policy, capturing plans for digital inclusion of the unconnected, marginalised communities, strategies to bridge the gender digital divide and a clear and focused roadmap for providing safeguards for women and girls online. In addition, the government should commit to implementing these plans.
- Should enact gender specific legislation that provides safeguards for OGBV (or revise existing legislation to include a gender lens). For example, the current Cybersecurity and Cybercrime Act or the Anti-GBV Act could be strengthened to specifically address OGBV.
- Should demonstrate political will and raise awareness about OGBV by having ambassadors or local political champions speak out against OGBV; and launch awareness campaigns.
- Law enforcement agencies
- Should take part in occasional capacity building exercises on cybercrimes and OGBV, beyond urban areas.

Media

- Should engage in awareness raising and enhanced storytelling on what OGBV entails and the extent and prevalence of it, including highlighting ways and tools that provide protection and justice to women and girls.
- The media could also benefit from tailored training on how to identify and report on OGBV.
- Social media networks should enhance awareness of community standards locally through local partnerships and provide easy to locate reporting measures/tools within their social networking sites that take into account the African/SADC realities and priorities.

Civil society organisations

- Should engage in awareness raising efforts towards creating citizen and policymaker awareness of the nature and extent of OGBV.
- In addition, there is an urgent need for enhanced and collaborative advocacy on OGBV especially to lobby for enactment of statutes that specifically deal with the alarming levels of cyberbullying.
- Should provide digital security training for at-risk internet users, and support for victims of OGBV such as strategic litigation, funds for victim support, counselling, etc.

Academia

- There is a need for a better understanding of the issue of OGBV through evidence based research, understanding its prevalence, nature violations, common types of threats, key statistics and possible mitigation measures.

⁴² Zambia News ' Zambia's first female fighter pilot Captain Thokozile Muwamba raise awareness on cyberbullying' 20 February <https://zambianeye.com/captain-thokozile-arrives-in-livingstone-from-lusaka-on-foot/> (accessed 10 November 2021).

Zimbabwe.

Researcher: Thobekile Matimbe.



Country overview

Zimbabwe is a Southern Africa country with an estimated population of 15 million¹ and an estimated GDP of US\$16.77 billion in 2020.² In the face of the COVID-19 pandemic, Zimbabwe's GDP contracted by 10% in 2020.³ Zimbabwe's Global Gender Gap Index (GGGI) score for 2021 is 0.732, behind Namibia (0.809) and South Africa (0.781),⁴ but ahead of countries like Eswatini, Botswana and Malawi.⁵ The GGGI measures progress related to economic participation and opportunity, educational attainment, health and survival and political empowerment.⁶ According to the World Bank, in 2020, women comprised 52.3% of the population in Zimbabwe.⁷ Despite a population with more women than men, the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) states that 58.7% of mobile subscribers are men.⁸

Obligations under international law

Zimbabwe is a state party to the African Charter on Human and Peoples' Rights (African Charter), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on Civil and Political Rights (ICCPR). Zimbabwe ratified the UN Convention on the Rights of the Child (CRC) in 1990 and acceded to the African Charter on the Rights and Welfare of the Child (African Children's Charter) in 1995. Under these frameworks, human rights standards for promoting equality, non-discrimination and human dignity are entrenched.⁹ The United Nations Human Rights Committee stipulates that states must address patterns of violence against categories of victims such as:

"intimidation of human rights defenders and journalists, retaliation against witnesses, violence against women, including domestic violence, the hazing of conscripts in the armed forces, violence against children, violence against persons on the basis of their sexual orientation or gender identity, and violence against persons with disabilities."¹⁰

While the protections offered under international law may not explicitly stipulate the protections of these rights online, all rights protected offline must be protected online.¹¹ The African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information (the Declaration) elaborates on Article 9 of the African Charter providing in principle 37 that states must take the necessary measures to ensure freedom of expression and access to information online as well as to ensure that marginalised groups have the means to exercise their rights online.¹² In addition, principle 40(1) highlights that everyone has the right to privacy including confidentiality of their communications and protection of their personal information.¹³ States must, for instance, ensure that private communications are kept confidential providing sufficient protection to victims of the non-consensual sharing of intimate images. Article 3(4) of the Maputo Protocol provides for the protection of women from all forms of violence, particularly sexual and verbal violence.¹⁴

The African Children's Charter provides for protection of children's privacy highlighting the need for protecting children's reputation and honour. These rights are not limited to offline spaces. The Committee on the Rights of the Child states in General Comment No. 25 (2021) on children's rights in relation to the digital environment, among other comments, that states must ensure that those who provide digital services to children comply with the relevant guidelines, standards and codes and enforce lawful, necessary and proportionate content moderation rules.¹⁵ In addition, Zimbabwe acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC, also referred to as CRC Optional Protocol) in 2012 which addresses child pornography on the internet and other evolving technologies providing protection for children from sex tourism and other forms of sexual exploitation.¹⁶ Article 3 of the CRC Optional Protocol calls on state parties to address these forms of harm to children through enacting relevant criminal laws and penal codes.¹⁷

However, Zimbabwe has not yet ratified the African Union Convention on Cyber Security and Personal Data Protection which was adopted by the African Union on 27 June 2014, which seeks to among other things address the risks and dangers associated with the use of electronic data and to address cybercrimes.¹⁸ Given the mentioned international standards, the government of Zimbabwe has obligations to ensure that domestic laws and policies are enabling everyone, without distinction, to enjoy their freedom of expression, privacy and access to information without their human dignity and equality rights being violated. The incidence of OGBV has the effect of forcing individuals to withdraw from engaging meaningfully online or causing them to permanently stop any use of online platforms. As such, fostering an environment where everyone is free from OGBV is critical.



However, Zimbabwe has not yet ratified the African Union Convention on Cyber Security and Personal Data Protection which was adopted by the African Union on 27 June 2014, which seeks to among other things address the risks and dangers associated with the use of electronic data and to address cybercrimes.

1 Worldometer 'Zimbabwe Population' <https://www.worldometers.info/world-population/zimbabwe-population/> (accessed 1 November 2021).

2 Trading Economics 'Zimbabwe GDP' <https://tradingeconomics.com/zimbabwe/gdp> (accessed 1 November 2021).

3 African Development Bank Group 'Zimbabwe Economic Outlook' <https://www.afdb.org/en/countries/southern-africa/zimbabwe/zimbabwe-economic-outlook> (accessed 1 November 2021).

4 World Economic Forum 'Global Gender Gap Report' (2021) 10 <https://www.weforum.org/reports/ab6795a1-960c-42b2-b3d5-587eccda6023> (accessed 11 November 2021).

5 World Economic Forum 'Global Gender Gap Report' (2021) 10 (table 1.1 shows that out of 156 countries, Namibia ranked 6th, South Africa 18th, Mozambique ranked 32nd and Zimbabwe ranked 47th. Eswatini ranked 52nd, Botswana 71st and Malawi 115th) <https://www.weforum.org/reports/ab6795a1-960c-42b2-b3d5-587eccda6023> (accessed 11 November 2021).

6 World Economic Forum 'Global Gender Gap Report' (2021) 5 <https://www.weforum.org/reports/ab6795a1-960c-42b2-b3d5-587eccda6023> (accessed 11 November 2021).

7 The World Bank 'Population, female - Zimbabwe' <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=ZW> (accessed 11 November 2021).

8 Postal and Telecommunications Regulatory Authority of Zimbabwe 'Abridged Postal & Telecommunications Sector Performance Report' (2021) <https://www.techzim.co.zw> (accessed 2021).

9 See for instance, articles 2 and 5 of the African Charter, articles 2 and 3 of the Maputo Protocol and article 2 of CEDAW.

10 United Nations Human Rights Committee General comment No. 35 on Article 9 (Liberty and security of person) para 9 where it is stated as follows: Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights' <https://tbinternet.ohchr.org> (accessed 12 November 2021).

11 UN Human Rights Council Resolution on the promotion, protection and enjoyment of human rights on the Internet, para 1 <https://ap.ohchr.org> (accessed 12 November 2021).

12 African Commission on Human and Peoples' Rights Declaration on Freedom of Expression and Access to Information, principles 37(1) and (4).

13 African Commission on Human and Peoples' Rights Declaration on Freedom of Expression and Access to Information, principle 40(1).

14 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) art 3(4).

15 United Nations Committee on the Rights of the Child General Comment No. 25 (2021) on children's rights in relation to the digital environment, para 56.

16 See the preamble to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

17 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, art 3.

18 See the African Union Convention on Cyber Security and Personal Data Protection Preamble.

Defining online gender-based violence

Gender-based violence refers to acts of violence committed against women, men, boys or girls, as a result of social norms about roles and behaviour expected of each gender.¹⁹ GBV is therefore seen in different forms and applies in domestic setups as domestic violence or generally as violence against a specific gender such as violence against women or the LGBTIQ community. Online gender-based violence refers to these harmful acts perpetrated online. Online gender-based violence manifests in forms such as intimate partner violence, stalking and sexual harassment facilitated by the use of digital tools, such as social media and GPS tracking.²⁰

The United Nations Special Rapporteur (SR) on violence against women reported that the risk of harm arising from online content appears in the form of sexist, misogynistic, degrading and stereotyped portrayals of women and online pornography;²¹ as well as behaviours such as bullying, stalking, harassment, intimidation facilitated and perpetrated via social media, tracking applications and profiling technology.²² Women experience these harmful practices offline and online. However, the SR highlighted that:

*"consequences of and harm caused by different manifestations of online violence are specifically gendered, given that women and girls suffer from particular stigma in the context of structural inequality, discrimination and patriarchy."*²³

Domestic laws and policies

The Constitution of Zimbabwe, 2013, provides for human dignity, right to equality and non-discrimination, women's rights, and provides for the right to personal security which includes freedom from all forms of violence from public or private sources in which violence would be an affront to the enjoyment of bodily or psychological integrity.²⁴ These protections ideally shield everyone from any form of violence including OGBV. The Constitution further provides for freedom of expression in section 61(a). In section 61(5) it states that freedom of expression excludes incitement to violence, advocacy of hatred or hate speech, malicious injury to someone's reputation or dignity, or malicious or unwarranted breach of a person's right to privacy. Protection from OGBV, therefore, falls within the constitutional provisions.

“Protection from OGBV therefore, falls within the constitutional provisions.”

The right to privacy is guaranteed by the Constitution in section 57 and includes the right not to have the privacy of communications infringed upon.²⁵ Section 62 provides for the right to access information. Section 62(3) stipulates that every person has a right to the correction of their information, or the deletion of untrue, erroneous or misleading information held by the state or any institution or agency of the government at any level. The Constitution, therefore, as a starting point offers sufficient safeguards against OGBV. Laws must align with the Constitution to activate the guaranteed protections.

The legislative framework on gender-based violence in Zimbabwe does not specifically provide for online gender-based violence. In the absence of express legislative provisions covering OGBV there are no adequate protections. There is a need for specific provisions which address OGBV to guarantee adequate protections to victims of OGBV. The Domestic Violence Act of 2006 (DVA) seeks to provide protection and relief to victims of domestic violence and to provide for matters connected with or incidental to it.²⁶ Section 3(1) of the DVA defines domestic violence as:

*"any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent and includes physical abuse, sexual abuse, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment and stalking."*²⁷

While there is no express reference to online violence in the DVA, protections for OGBV must also be specifically provided and not left to interpretation. Section 3(2)(e)(iii) defines harassment, for example, as engaging in a pattern of conduct that induces in a complainant the fear of imminent harm or feelings of annoyance and aggravation, including sending, delivering or causing the delivery of offensive or abusive letters, telegrams, packages, facsimiles, electronic mails or offensive objects to the complainant. This can be broadly extended in interpretation to include OGBV through the use of electronic devices but not necessarily to gender-based violence on social media platforms. Leaving this section

“While there is no express reference to online violence in the DVA, protections for OGBV must also be specifically provided and not left to interpretation.”

to discretion in interpretation is a concern. The specific mention of 'digital technologies, internet or use of ICTs' in this definition would ensure explicit coverage of OGBV in the scope of protection in the DVA. Section 4(1) stipulates that anyone who commits an act of domestic violence shall be guilty of an offence and liable to a fine not exceeding level fourteen or imprisonment for a period not exceeding ten years or to both such fine or imprisonment.²⁸ The DVA is, however, limited to cases of domestic violence.

Section 88(a) and (b) of the Postal and Telecommunications Act provides for the offences of sending a message by telephone that is grossly offensive or is of an indecent, obscene or threatening character or sending a message by telephone that is known to be false for causing annoyance, inconvenience or needless anxiety to any other person, punishable by a fine not exceeding level five or to imprisonment for a period not exceeding six months, or both.²⁹ These provisions do not mention transmission of similar offensive or harmful messages through social platforms and cannot be considered as sufficiently addressing online gender-based violence.

While the above provisions can to some extent offer protection for women and girls in the use of telephones and cellphones, they do not specifically and adequately cover OGBV. However, the Data Protection Act signed into law by the President of Zimbabwe in December 2021 deals with various elements of OGBV. The law amended provisions of the following three pieces of legislation: Criminal Law (Codification and Reform Act), the Criminal Procedure and Evidence Act and the Interception of Communications Act. Although it is a step in the right direction, concerns have been raised around the inclusion of the cyber security regulatory framework in the Act. It clearly defines cybercrimes such as sharing of non-consensual intimate images, child pornography, stalking, doxxing, revenge porn, hate speech and cyberbullying.

In addition, obscenity laws are archaic and tend to unreasonably restrict freedom of expression as they tend to be overly broad. The use of terms like 'inconvenience' and 'needless anxiety' do not address the effects of gender-based violence and in themselves are overly broad terms that can mean anything. As such, obscenity laws violate freedom of expression in themselves.

19 University of Pretoria 'What is gender-based violence?' <https://www.up.ac.za/speakoutup/article/2390196/what-is-gender-based-violence> (accessed 10 November 2021). See also UNHCR 'Gender-based Violence' where the UNHCR defines as '...harmful acts directed at an individual based on their gender and manifest in different forms such as sexual, physical, mental and economic harm inflicted in public or in private.' <https://www.unhcr.org/gender-based-violence.html> (accessed 2 November 2021)

20 Centre for International Governance Innovation (CIGI) 'What is online gender-based violence?' <https://www.cigionline.org/multimedia/what-is-online-gender-based-violence/> (accessed 10 November 2021).

21 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, United Nations Human Rights Council (18 June 2018), A/HRC/38/47 (2018) <https://digitallibrary.un.org/record/1641160> (accessed 12 November 2021).

22 As above

23 As above, para 25.

24 The Constitution of the Republic of Zimbabwe Amendment Act 20 of 2013, secs 51,56, 80 & 52(a).

25 The Constitution of the Republic of Zimbabwe Amendment Act 20 of 2013, sec 57(d).

26 Domestic Violence Act 14 of 2006.

27 Domestic Violence Act 14 of 2006 sec 3(1)(a)-(g).

28 Domestic Violence Act 14 of 2006 sec 4(1).

29 Postal and Telecommunications Act 4 of 2000 secs 88(a) & (b).

OGBV in Zimbabwe also manifests in the form of sharing of non-consensual intimate images. Section 13 of the Censorship and Entertainments Control Act, 1967 (Censorship Act) prohibits the importation, production and dissemination of undesirable publications, pictures, statues and records with a penalty of a fine not exceeding level seven or up to two years imprisonment.³⁰ While this provision may be relied upon in cases of OGBV, it is an overly broad provision with adverse impacts on freedom of expression. The Act defines what falls under “undesirable publications” referring among other things to indecency or obscenity, which terms are overly broad and can violate freedom of expression.

“**OGBV in Zimbabwe also manifests in the form of sharing of non-consensual intimate images.**”

In an interview with the researcher,³¹ informant A, who requested that her identity be kept confidential, said that about two years ago she experienced OGBV and the police failed to assist her. After a break-up with her boyfriend, he declared that no other man would marry her and thereafter went on to share intimate nude pictures of her on Facebook and WhatsApp. She was distraught and reported the matter to the police and to date, her boyfriend has not been arrested. Section 13 of the Censorship Act was not even relied on to bring her boyfriend to account for his conduct. She had to refrain from engaging actively on Facebook for over a year. She is not certain if the posts were taken down from Facebook and fears that they continue to be circulated on WhatsApp. She suffered from depression and almost committed suicide as a result of the OGBV she experienced.

A Cyber Security and Data Protection Bill was gazetted on 15 May 2020. The enactment of this law will create the following noteworthy offences which address OGBV and attract a penalty of a fine not exceeding level ten or imprisonment for a period not exceeding ten years, or both;³²

- The transmission of data messages inciting violence or damage to property.
- The sending of threatening data messages.
- The generation and sending of any data message to another person, or posts on any material whatsoever on any electronic medium accessible by any person, with the intent to coerce, intimidate, harass, threaten, bully or cause substantial emotional distress, or to degrade, humiliate or demean the person of another or to encourage a person to harm himself or herself.
- The distribution, making available or broadcasting data concerning an identified or identifiable person knowing it to be false, intending to cause psychological or economic harm.
- The transmission of data with intimate images without consent.

The bill, however, raises a number of concerns such as its criminalisation of distribution of false data under section 164C and sections 5 and 7 which designate the role of the Postal and Telecommunications Regulatory Authority of Zimbabwe as both a Cyber Security Centre and Data Protection Authority, over and above being a regulator for the telecommunications sector.³³ Having an independent body to handle cyber security issues would be most appropriate rather than overloading POTRAZ with the sole responsibility of overseeing three critical mandates.

“**Having an independent body to handle cyber security issues would be most appropriate rather than overloading POTRAZ with the sole responsibility of overseeing three critical mandates.**”

The government of Zimbabwe revised the National Gender Plan (NGP) in 2017 and collaborated with the UN, academia, civil society organizations, private sector, and development partners in developing a National Gender Policy Implementation Strategy and Action Plan to ensure gender equality and women empowerment.³⁴ Partnerships are key in the collaborative fight against OGBV and more work needs to be done by different stakeholders to fully realise the aspirations of the NGP.

The government developed the National Development Strategy (NDS1) for 2021-2025. It provides that the government will focus on the development of an e-Government Cyber Security System which will be adopted to reduce cyber related crimes. Under NDS1, the government also seeks to increase protection of consumer rights in the digital domain and to foster a trustworthy online environment that will be prioritised. It also seeks to enact the Cyber Security Act between 2021-2025 to ensure increased consumer satisfaction and protection in the use of ICTs.

Gender, ICT and online gender-based violence during COVID-19

For this report, the researcher conducted a number of interviews with key stakeholders in civil society as well as victims of OGBV to gather views on the occurrence of OGBV in Zimbabwe.³⁵ The informants responded to information gathered either through WhatsApp, a Google form or telephone calls and indicated consent for information being shared to enrich this study.

Zimbabwe witnessed a rise in GBV cases by over 40%³⁶ following the COVID-19 pandemic, as recorded in 2020 through the national GBV hotline manned by Musasa,³⁷ a civil society organisation dealing with gender-based violence cases affecting women and girls in Zimbabwe. The Zimbabwe Gender Commission also noted that GBV was more prevalent during lockdowns.³⁸ However, there are no statistics on OGBV in Zimbabwe, reflecting a need for civil society organisations monitoring the incidence of gender-based violence to also document information on OGBV.

The most prevalent form of OGBV experienced, as highlighted by informants for this study, is cyber bullying. A privately owned radio talk show, the Morning Latte programme in 2019 interrogated the situation of cyber bullying.³⁹ In the programme, Tafadzwa Mushunje, a young woman in Zimbabwe and founder of the Zimbabwe Anti-Cyber Bullying Trust, spoke about how she suffered online GBV in 2017 on Facebook. She narrates how young people are cyber bullied without a remedy. She was accused of injecting a child with HIV-infected blood by her ex-boyfriend, who was her boyfriend at the time of the incident. Tafadzwa reported her story to the police who could not help her and she felt that the police lacked knowledge of cyber bullying. She was arrested instead of the perpetrator.⁴⁰ This case shows the challenges many other women face on Facebook and other platforms.

“**The most prevalent form of OGBV experienced, as highlighted by informants for this study, is cyber bullying.**”

30 Censorship and Entertainments Control Act 37 of 1967.

31 Any reference to the researcher for this report refers to Thobekile Matimbe.

32 Cyber Security and Data Protection Bill 2019 clauses 164, 164A, 164B, 164C and 164E.

33 Cyber Security and Data Protection Bill 2019 clause 5 and 7.

34 United Nations (UN) Women Zimbabwe's Multi-stakeholders' Approach to Achieve Gender Equality' (2019) <https://africa.unwomen.org/en/news-and-events/stories/2019/11/zimbabwes-multi-stakeholders-approach-to-achieve-gender-equality> (accessed 2 November 2021).

35 Any reference to the researcher for this report refers to Thobekile Matimbe.

36 OCHA 'Zimbabwe' <https://reports.unocha.org/en/country/zimbabwe/card/2XxB9GOV93/> (accessed 10 November 2021).

37 As above

38 Gender links 'Gender based violence increases in Zimbabwe' <https://genderlinks.org.za/news/110074/> (accessed 3 November 2021).

39 Morning Latte <https://www.facebook.com/newsdayzim/videos/242956939962323> (accessed 3 November 2021).

40 Orbit International Talkshow <https://www.youtube.com/watch?v=NDWQgjzw18Y> (accessed 3 November 2021).

An interview with Emthonjeni Women's Forum (EWF) revealed that women aged between 16-45 are mostly affected by OGBV as they are threatened online, usually by their partners or spouses causing them to endure both psychological and emotional abuse.⁴¹ According to EWF, women are also 'sexually assaulted through revenge porn, where intimate and sensitive media of them are shared on social media without their consent.'⁴² This also amounts to domestic violence and can find protection within the DVA.

Women in politics face the harsh wrath of OGBV in a space which is not conducive for them to freely express themselves. They face violent attacks online which can lead to self-censorship and low engagement online.⁴³ Fadzayi Mahere, Movement for Democratic Change Alliance spokesperson and Linda Masarira of the Labour, Economists and African Democrats (LEAD) are examples of Zimbabwean women politicians who have been cyber bullied, but have continued resolutely to participate in politics.⁴⁴ Linda Kushinga Sibanyoni, an independent politician highlighted her experiences online in an interview:⁴⁵

As an independent politician it manifests daily when I post an opinion on any matter that really doesn't sit well with those that have differing political ideologies from mine. Sometimes I might not even be online and I am tagged and trolled because someone feels like it.

Sibanyoni is one of many other women politicians who have been called prostitutes or told to find men on social media platforms, particularly on Twitter.⁴⁶ Stable Dewa, the Executive Director of Women's Academy for Leadership and Political Excellence (WALPE) highlighted that abuse on social media can discourage women from participating in politics.⁴⁷ This is contrary to section 56(3) of the Constitution which guarantees the right to non-discrimination based on gender or political affiliation. An interview with the Media Institute of Southern Africa (MISA) Zimbabwe revealed that female journalists and female politicians in Zimbabwe bear the brunt of cyber bullying, harassment and non-consensual sharing of intimate images.⁴⁸ With regards to persons with disabilities, an interview with Agness Chindimba, the Executive Director for Deaf Women Included, highlighted that the barrier for persons with disabilities is the accessibility of social media platforms. She acknowledged cyber bullying as a likely challenge faced by persons with disabilities.⁴⁹ Jules Daudi from Zimbabwe Blind Women Trust also echoed the same concerns over accessibility and highlighted that visually impaired women and girls who rely on assistance from others to be online are at risk of being exposed to OGBV through those who assist them.⁵⁰

“**Jules Daudi from Zimbabwe Blind Women Trust also echoed the same concerns over accessibility and highlighted that blind women and girls who rely on assistance from others to be online are at risk of being exposed to OGBV through those who assist them.**

Female journalists such as Ruvheneko Parirenyatwa and Samantha Musa (MisRed) have been bullied online. Female celebrities are also affected. A case in point is the attack on female celebrities by a social media personality called Shadaya.⁵¹ Women and sexual minorities are mostly affected by OGBV in the form of online sexual coercion and extortion, emotional blackmailing, cyber bullying, verbal attack and defamation of character.⁵² An interview with the Gays And Lesbians Association of Zimbabwe (GALZ) highlighted that the LGBTIQ community face online violence with their personal information often exposed

by intolerant members of the community.⁵³ They also face threats of physical harm and even murder as a result of intolerance and homophobia.⁵⁴ The other concerns they face are state monitoring and harassment on various social media platforms. This is prevalent when there is a case under investigation.⁵⁵

Men are also victims of OGBV although these cases are relatively few compared to those affecting women and LGBTIQ persons. The 2020 Paradigm Initiative Londa report for Zimbabwe highlights hate speech that was directed at Archbishop Robert Ndlovu on Twitter. The clergyman was attacked after a letter by the Zimbabwe Catholic Bishops' Conference calling for an urgent resolution to the country's economic and political challenges.⁵⁶

Conclusion and recommendations

In Zimbabwe, OGBV is a problem disproportionately affecting women in politics, journalists, celebrities and in private relationships. Women are adversely affected by OGBV as it prevents them from meaningfully engaging in the political sphere or social spaces due to the name calling they face online, the cyberbullying and non-consensual sharing of intimate images. These forms of OGBV violate women's privacy, their human dignity and their psychological integrity. Women are bound to withdraw from public life as in the case of informant A mentioned above.

The LGBTIQ community also face the brunt of OGBV at the hands of an intolerant online community as well as occasioned by surveillance of their activities in the private and public sphere. The nature of violence online faced by the LGBTIQ people is also mostly in the form of cyber bullying and homophobic name calling and harassment. The effect of OGBV is an online space that is not safe for everyone to express themselves freely. All forms of OGBV have the effect of forcing victims to withdraw from the use of online platforms for fear of violence associated with having an online presence. Evidence gathered from ten key informants for this research revealed that OGBV is indeed prevalent in Zimbabwe, mostly on Twitter, Facebook, WhatsApp and Instagram. Violence online is gendered, affecting women disproportionately.

“**These forms of OGBV violate women's privacy, their human dignity and their psychological integrity. Women are bound to withdraw from public life as in the case of informant A mentioned above.**

41 Information gathered from a representative of EWF who requested not to be cited in her personal capacity.

42 Quote extracted from an interview with EWF.

43 United Nations Human Rights Council 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 A/HRC/38/47 <https://digitallibrary.un.org/record/1641160> (accessed 12 November 2021).

44 BA Mutingwende 'Women in politics must challenge cyberbullying' <https://spiked.co.zw/women-in-politics-must-challenge-cyberbullying/> (accessed 3 November 2021).

45 Information gathered from Linda Kushinga Sibanyoni, an independent politician.

46 See <https://twitter.com/LindaKSibs/status/1419378599044468740> (accessed 10 November 2021).

47 BA Mutingwende 'Women in politics must challenge cyberbullying' <https://spiked.co.zw/women-in-politics-must-challenge-cyberbullying/> (accessed 3 November 2021).

48 Information shared by Nompilo Simanje - Legal and ICT Policy Officer MISA-Zimbabwe in interview responses shared with the researcher of this report.

49 Information shared in an interview with the researcher.

50 Information shared in an interview with the researcher.

51 Youth Village 'Misred, Zuva and Pokello become latest victims of cyber bullying' <https://youthvillage.co.zw/2020/04/misred-zuva-and-pokello-become-latest-victims-of-cyber-bullying/> (accessed 3 November 2021).

52 Information submitted by Sexual Rights Centre, Director, Musa Sibindi. Sextortion

53 Interview responses submitted to the researcher by Samuel Matsikure, Programs Officer - GALZ.

54 Interview responses submitted to the researcher by Samuel Matsikure, Programs Officer - GALZ.

55 Interview responses submitted to the researcher by Samuel Matsikure, Programs Officer - GALZ.

56 <https://twitter.com/nqabamatshazi/status/1294741389872431104?lang=en> (accessed 3 November 2021). See also Paradigm Initiative 'Londa.

The fact that OGBV occurs in Zimbabwe without an adequate legal framework to ensure the safety of users online is particularly concerning. Without a cyber security law, the space remains a battlefield where victims remain in the line of fire of OGBV. In upholding human dignity, equality and non-discrimination, it is critical to adhere to international human rights standards to which Zimbabwe is bound. The African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information provides in principle 20(6) that states must take measures to ensure the safety of female journalists and media practitioners by addressing gender-specific safety concerns, including sexual and gender-based violence, intimidation and harassment.⁵⁷



The fact that there is not much empirical research on OGBV in Zimbabwe is a gap that needs to be covered by the Zimbabwe Gender Commission and civil society organisations working on women's rights to ensure sufficient evidence and data on the extent of OGBV.

The fact that there is not much empirical research on OGBV in Zimbabwe is a gap that needs to be covered by the Zimbabwe Gender Commission and civil society organisations working on women's rights to ensure sufficient evidence and data on the extent of OGBV. This will enhance advocacy initiatives and ensure adequate means of addressing the challenges.

Victims of domestic violence in the form of OGBV can find remedies by reporting cases of OGBV to the police, as long as the alleged offences are covered by the DVA. Furthermore, victims can use provisions in the recently signed Data Protection Act of 2021. Victims may also continue to engage the police as they can help assess if there is any other applicable criminal offence that perpetrators may be charged with. Organisations such as Musasa and EWF may also be approached for counselling services and possible guidance on the best course of action. Victims may also approach the Zimbabwe Gender Commission with any queries or reports where they fail to be assisted by the police.

There is clearly a need for multi-stakeholder OGBV collaboration to contribute to an enabling environment for freedom of expression, privacy, access to information and general safety online, guided by the following proposals:

Government

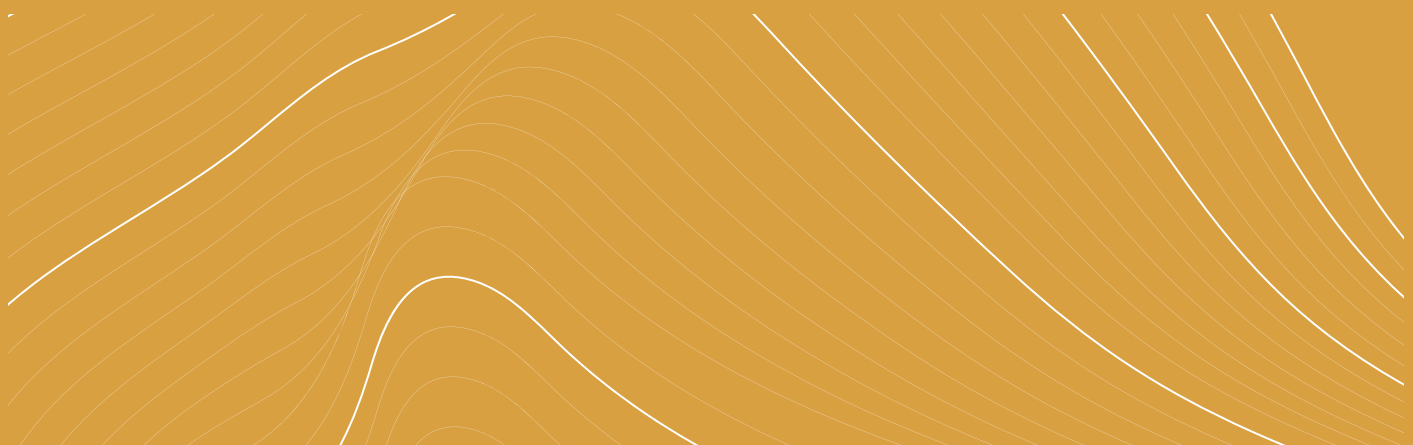
- Separate Data Protection and Cyber Security issues in the recently passed Data Protection Act in line with international standards.
- There is an urgent need for a comprehensive data protection framework with safeguards on the collection, processing, transmission and storage of data as guided by data protection and privacy principles.
- Audit existing laws to identify gaps in the protection of women from online violence and amend them to provide protection from OGBV.
- Mandate social media platform providers to moderate content in line with international human rights standards to safeguard users from OGBV.
- Ratify the African Union Convention on Cyber Security and Personal Data Protection.
- Repeal the Interception of Communication Act and Postal and Telecommunications Act. Disseminate information and sensitise the public on the responsible use of the internet.
- Ensure protection for female journalists and media practitioners in promoting article 9 of the African Charter.
- Promote equal participation of women in politics in promoting article 9 of the Maputo Protocol by ensuring a safe space for women in politics offline and online.
- Amend the DVA to include explicit provisions and protections against OGBV.
- Designate authority to an independent body through legislation to monitor content moderation and ensure recourse for victims of OGBV.
- Engage in capacity building training for the police to better handle cases of OGBV.

Media

- Consult relevant stakeholders on improving content moderation policies to ensure OGBV is not tolerated on social media platforms.
- Revise current content moderation policies in line with the contributions received from the relevant stakeholders.
- Ensure removal of harmful content within 24 hours.
- Improve accessibility to social media platforms for persons with disabilities.

Civil society organisations

- Continued advocacy for an online gender-based violence free environment, adoption of relevant legislation and ratification of the African Union Convention on Cyber Security and Personal Data Protection.
- Partnering with the government and other relevant stakeholders to raise awareness on the negative effects of OGBV.
- There is a need for the media to join in the sensitisation of the social media platform users on the adverse effects of OGBV.



⁵⁷ African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information principle 20(6).

Conclusions and Recommendations

Conclusion

This multi-country study sought to take stock of the state of affairs with regards to the prevalence, nature and responses to online gender-based violence in Southern Africa. Furthermore, the study endeavoured to assess the existing legal and policy frameworks in operation and how it attempts to protect citizens from online gender-based violence (OGBV). It focused on eight countries within the SADC region. These include: Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. These countries were chosen for logistical and convenience purposes. Data was collected through a combination of secondary and primary sources.

The report has revealed that Southern Africa is not immune to the fast spreading scourge of OGBV. Although gender-based violence predates the digital age in Africa, this study has highlighted how the mass permeation and adoption of digital media technologies have amplified cases of harassment, stalking, trolling, body shaming, hate speech and so forth. Hiding behind the cloak of anonymity, perpetrators of digitally-enabled harassment and cyberbullying have created a toxic atmosphere on various social media platforms. This kind of harassment has disproportionately targeted women and girls. The situation was even made worse during the COVID-19 pandemic, when most people migrated online to access information, education, social services, buying and selling as well as entertainment and socialisation.

Although this growing phenomenon is not well-documented in the global South including Southern Africa, it is pertinent to note that its impact has far reaching impact on women and girls' rights and interests such as digital equality, freedom of expression and civic participation. Evidence from the eight country reports suggests that existing policy and legislative frameworks have no specific provisions to address these emerging dark forms of participation. Most countries in Southern Africa have outdated inception of communication, cybersecurity and cybercrimes and data protection laws. For instance, existing cybersecurity and cybercrimes laws which borrow heavily from the SADC and African Union model laws focus on child pornography, hacking and fake news. There is little or no mention of intimate partner violence, stalking and sexual harassment facilitated by the use of digital tools such as social media and GPS tracking, non-consensual sharing of intimate images or image-based sexual abuse (previously referred to as "revenge porn"); and threats of rape and gruesome deaths that often translate into real word actions. In rare cases, some legal frameworks focus on cyberharassment, stalking, image-based abuse and cyberbullying. Notably, these frameworks exist in silos and do not talk to one another. The lack of harmonisation of these laws create loopholes that are exploited by perpetrators of OGBV. As a result, victims of OGBV have inadequate legal safeguards to hold perpetrators accountable for their vitriol online. The lack of specific legislation and policy frameworks leaves many women, girls, children and LGBTIQ persons at great risk. Equally missing from extant studies is the extent to which people with disabilities are being affected by OGBV.



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Countries such as South Africa, Zambia, Botswana, Zambia and Malawi have joined a growing number of states that have developed cybercrimes and cybersecurity laws. Zimbabwe and Namibia are still to enact cybercrimes cybersecurity laws despite years of drafting and public consultation processes. On its part, Zimbabwe has recently passed the Data Protection Act, which deals with cyberharassment, stalking, fake news, image-based abuse, child pornography and cyberbullying. Whilst the law has been criticised for enabling state surveillance, disproportionate sentences and broad definitions of specific crimes, it provides a starting point to address OGBV in Zimbabwe. As discussed, the absence of harmonisation creates a situation where law enforcement agencies and the judiciary operate at cross-purposes. Going forward, there is an urgent need to appropriate coordination mechanisms between various stakeholders to ensure coherent and unified implementation of laws combating online violence. For example, in countries like Angola where the Data Protection Act is in place, this can be used to help in the coordination and implementation of combating OGBV related initiatives and programmes. Similarly, in Mozambique where a specific law dealing with online gender-based violence against women and girls, there is need to amend the existing law (the Electronic Transactions Act) so that it addresses this emerging societal problem.

The study has found that OGBV disproportionately affects girls, women, children and LGBTIQ persons in the SADC region. The most targeted people are women and girls who are human rights defenders, activists, politicians, journalists, social media influencers and celebrities, influencers and politicians. It has observed that OGBV targeting women politicians significantly prevents them from meaningfully engaging in the political sphere. Abusive comments and hate speech creates a chilling effect on political participation. This research has revealed that OGBV is consistently

The study has found that OGBV disproportionately affects girls, women, children and LGBTIQ persons in the SADC region.

being used to silence especially female journalists. Such a scourge poses a real threat towards the safety and security of female journalists. In the long run, this hampers the achievement of diversity of voices in the public sphere. It impacts negatively on the enjoyment of freedom of expression and freedom of assembly. Although prominent women and girls are more often than not the victims of OGBV, it is crucial to emphasise that even ordinary women in society are not immune from this scourge. For instance, in Botswana, an elderly mother of a slain celebrity mentioned at his funeral that his cause of death was related to HIV and AIDS. This led to vitriolic and abusive conversations against the mother on various online platforms.

OGBV in the SADC region manifests in different forms. These include: doxxing, cyberbullying, cybermisogyny, cyberharassment and non-consensual sharing of intimate images, loosely known as revenge porn or image based sexual abuse. In short, these forms of OGBV are a clear violation of women's rights, especially freedom of expression, privacy, their human dignity and their psychological integrity. The study has also found that victims of OGBV have resorted to an array of coping mechanisms, including reporting the abuse to law enforcement agencies, deleting the post, blocking and withdrawing from using social media platforms for a specific period of time. The efficacy of these actions remain unknown given the culture of silence prevailing amongst victims of online abuse and violence. There is also a lack of follow-up by law enforcement agencies, which further complicates the situation.



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Another issue of concern is the lack of publicly accessible disaggregated data on OGBV, which is attributable to underreporting and systemic silences around the issue. Moreover, the existence of inadequate laws and policies coupled with the lack of reporting mechanisms have made the situation worse in most countries. There is an absence of open public dialogues on the issue of OGBV. The lack of capacity of law enforcement agencies is also another elephant in the room. Thus, capacity building and awareness raising workshops targeting law enforcement agencies and judiciary officers may help in the long run. In some cases, even when the law exists, the interpretation often leaves a lot to be desired.

Furthermore, existing laws and policy frameworks are yet to recognise online-gender based violence as part and parcel of digital rights. Most constitutions are still framed in technologically neutral terms. This report highlights the need for reviewing rights-based provisions of different constitutions in order to address emerging societal challenges. In order to achieve this, there is a need for coordinated multi-stakeholder processes. The fact that social media platforms do not have a physical presence in most of the countries is seen as contributing to a lack of understanding local context and inaction with regards to timeous taking down of abusive content on their platforms. This report calls for meaningful coordination between platform companies, law enforcement agencies, civil society organisations and government actors in order to combat OGBV.

Research in the eight Southern African countries has indicated that just like the ways in which GBV in the physical world increased with the implementation of COVID-19 restrictions in the region, there was also a surge in OGBV due to the increase in online participation and activities. However, little empirical evidence exists on this trend. With increasing OGBV, the future of women's rights online is bleak, given that mostly females and people with disabilities are continuously migrating offline as a coping mechanism. Some are shying away from platforms that were thought to bring about so many possibilities, especially in the empowerment of women. Through this research, it is clear that, if left unchecked, OGBV will threaten the already fragile gains made towards achieving gender equality in the region.

“ There is a need to promulgate new laws and amend old ones so that they address the necessary and proportionate principles as well as uphold the human rights-based approaches.

Finally, it will take combined efforts from various stakeholders to contribute towards the creation of an enabling environment for freedom of expression, privacy, access to information and safety online. In order to change the current situation, it is important to offer some gender-sensitive advice to policy makers, platform companies and law enforcement agencies in order to turn the tide. There is a need to promulgate new laws and amend old ones so that they address the necessary and proportionate principles as well as uphold human rights-based approaches to combat OGBV in Southern Africa. To improve this situation, the following recommendations should be considered

Recommendations

Governments

- Governments are encouraged to adopt policies and legislative frameworks that specifically address OGBV as a basis for providing a remedy for victims.
- Countries that do not yet have cybercrime and data protection laws are encouraged to develop such legislation in line with international standards, taking into account the need for gender-based measures.
- There is a need to strengthen existing legislation that may be used to fight OGBV and recognise ICT-related violence as “real” violence.
- There should be capacity building and awareness raising on OGBV amongst law enforcement agencies and judicial officers in order to empower them in dealing with OGBV cases.
- Through the national statistics offices as well as communication and ICT regulatory authorities, national governments must undertake research to provide adequate evidence on OGBV.
- In order to facilitate online access for women, public ICT facilities need to be located in local institutions frequented by women and girls, where they feel safe and welcome. These ‘safe’ spaces might include NGOs, women’s employment centres, libraries and health facilities. Providing internet access in a local health centre could bring the added benefit of increasing women’s access to health information during their visits.
- It is important to increase awareness on OGBV in primary, secondary and tertiary education sectors.

Internet intermediaries

- Enhance awareness of community standards locally and through local partnerships and provide user-friendly reporting mechanisms.
- Taking down content that violates human rights timely and with local context understanding. Machine automated decisions seem ineffective given the diversity of languages and culture.
- Continue working with different communities in the region so that the responses to OGBV are tailored to the challenges that exist in individual countries.
- Create industry engagement platforms for sharing of best practices, challenges, common solutions and joint standard setting by internet intermediaries on handling OGBV occurrences across different social media platforms.
- Facilitate the reporting of cases of violence against women online, as well as removal of offenders from the online space in the event of violation of social networks’ rules of use.
- Removal of offending content and reporting of such content to law enforcement agencies, as well as consistency in application of moderation policies.
- Share related data with communities concerned at given opportunities.

Civil society

- Implement advocacy and awareness raising campaigns on OGBV.
- Partner with the government, internet intermediaries and other relevant stakeholders to raise awareness of the impact of OGBV and also gather evidence on this phenomenon.
- Provide digital security training for at risk internet users and support for victims of OGBV, such as strategic litigation, funds for victim support and counselling.
- Expand communication platforms between civil society organisations and the promotion of initiatives carried out online that benefit women.

Media

- Increasing reportage on OGBV. There is a need for the media to better inform social media users about OGBV prevention measures and the adverse effects of OGBV.
- Develop in-house strategies to tackle online harassment and cybersexism against female journalists.
- Invest in digital safety and security training and tools for journalists in newsrooms; and in particular provide specific training for women journalists to help them deal with cyber misogyny.
- Establish partnerships between private and public media for publicising mechanisms for protecting women in the online space and sharing information on essential contacts and action platforms.

Academia

- Increase research on OGBV to add to the body of knowledge and sound evidence base on the prevalence, nature of violations, and mitigating strategies developed.
- Raising awareness amongst journalism and media studies students on the new and emerging threats encountered by journalists and giving them practical guides and tools to stay safe online.
- Create databases with statistical data to guide evidence-based research in order to better understand OGBV in the region. This can be done at the request of digital platforms, respecting the data privacy of users.
- Establish partnerships with survey/polling centres and research institutes that already have advanced research experience on OGBV elsewhere in the world.
- Invest in action research as a way to better disseminate the results of studies conducted by academia, so that there is acceptance of the research within the community.

META

Acknowledgements

META position and acknowledgement At META, we are acutely aware that alongside the empowering potent aggravated by the internet, social media, and other forms of Information and communication technologies (ICTs). As the Public Policy team, we are deeply concerned by the use of ICTs to perpetuate harm online, including sexual and gender-based violence. There is a lack of current research on the prevalence of sexual and gender-based violence online, particularly in the Southern African region, and society's increasing dependence on digital tools and platforms, particularly in the context of the ongoing COVID-19 pandemic, mandates us to take effective action to address these concerns.

At Meta, safety across all our platforms remains an utmost priority. This report bears witness to our commitment to work collectively with diverse stakeholders to find appropriate and meaningful solutions. The report reflects the findings of a research project to map the state of online gender-based violence against women, girls, people living with disabilities and LGBTQI persons in southern African, and aims to spark new and innovative solutions to address online gender-based violence. While independently researched, edited, and published, this report has our full support and we thank the contributors for their valuable contribution to mitigating violence in the digital domain.

We are committed to continuing our work to ensure that the internet is a safe, accessible, and empowering space for all, and encourage you to join us on this endeavour.



Partners and Funders

This research is made possible through the collaborative support of the following organizations, whose multi-stakeholder process ensured that a report on mapping online gender-based violence in Southern Africa builds into a tangible product.

Organisation's Profile

Meta Public Policy for Southern Africa

Formerly known as Facebook, Meta is a global platform connecting users at individual and corporate level through an open platform. Headquartered in Silicon Valley, California, Meta holds two operational offices in Africa, under which this project is supported financially by the Southern Africa Public Policy team.



NamTshuwe Digital

NamTshuwe Digital is a consulting hedge in the area of research Technology Policy, Digital Inclusion, Strategic Communications, program development and implementation. To date, NamTshuwe Digital has implemented and provided service for corporate and not-for-profit sector clients, ranging from Digital Rights and Safety Online and carried out different policy research on various topics including, Data Protection, Online Violence and safety as well as regular canvassing top trending technology market sector for local and international clients. We are experienced in scaling conversations via various platforms on diverse topics, particularly those related to digital inclusion.



namTshuwe digital

CIPESA

The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) works to enable African stakeholders to use ICT to improve governance and livelihoods. We promote digital rights, ICT for democracy and civic participation, open data and the right to information, the digital economy, and multi-actor internet governance. We do this through research and contributing to the availability of information on the policy, legislative and practice environment affecting ICT in Africa; advocacy and awareness raising on threats to free speech, access to information, equal access, privacy and security online and opportunities for technology to advance democratic participation, transparency and accountability in governance; spurring multi-stakeholder conversations on protecting and promoting internet rights; and knowledge and skills development in digital rights policy engagement, digital literacy, digital security, social accountability and human rights monitoring. At the heart of all our work is building a just and equitable society where all individuals access and use technology to gain opportunities and participate in public affairs.



Pollicy

Pollicy is a feminist collective of technologists, data scientists, creatives and academics working at the intersection of data, design and technology to craft better life experiences by harnessing improved data. Our work focuses on influencing a culture of responsible data use, promoting appropriate data governance practices and advocating for policies that support an enabling data ecosystem. Pollicy has conducted extensive work on studying online gender-based violence across Africa, including a 3300+ women quantitative and qualitative study conducted in five countries across the continent. Pollicy has been instrumental in developing alternate approaches to digital safety trainings and recently developed an interactive fiction game called Digital Safetea accessible at digitalsafetea.com. Pollicy has also conducted social media research using natural language processing and sentiment analysis to explore how online violence and hate speech manifest against women politicians in Uganda. The organization recently launched a regional program on digital resilience working with women politician leaders across Uganda and Tanzania. Lastly, Pollicy is interested in exploring African feminist data governance and through our study on Afrofeminist Data Futures, we engaged with feminist movements from across the continent to co-conceptualize our growing data needs and practices.

POLLICy

University of Pretoria Center for Human Rights

The Centre for Human Rights, University of Pretoria, is an internationally recognised university-based institution combining academic excellence and effective activism to advance human rights, particularly in Africa. It aims to contribute to advancing human rights, through education, research and advocacy. The Centre for Human Rights hosts Advanced Human Rights in Africa courses and incorporates women's rights in the digital age, which inevitably includes violence against women online.



Centre for Human Rights
UNIVERSITY OF PRETORIA

Gender Links

Gender Links (GL) is a leading Southern African Women's Rights Organisation whose work has been widely acclaimed across the continent. The organisation works across 15 Southern African countries. It is committed to an inclusive, equal and just society in which women and girls in all their diversities exercise their voice and choice in accordance with the SADC Protocol on Gender and Development and related regional, continental and global instruments. GL is a global thought leader on gender and the media and has worked in this space for 20 years now. It is the founding chair of the Global Alliance on Gender and the Media (GAMAG), a global movement created in 2013 to promote gender equality in and through media and ICTs.



GENDER LINKS
FOR EQUALITY AND JUSTICE

GL has a strong focus on using ICTs to optimise its work, and in empowering women. GL believes ICTs offer many exciting possibilities to make voices heard. Through its work on *Making IT work for gender justice*, GL has brought many women into the digital space to raise their voices on issues that matter to them through the cyber dialogues programme. GL has implemented a project on *Engendering freedom of expression and digital equality*, to promote women's rights supported by the Advancing Rights in Southern Africa initiative.

Advancing Rights in Southern Africa (ARISA)

The ARISA programme is a five year programme led by Freedom House and is implemented by the PROGRESS Consortium with support from USAID.



ADVANCING RIGHTS
IN SOUTHERN AFRICA
ARISA

It seeks to improve the recognition, awareness, and enforcement of human rights in Southern Africa including protection of the region's most vulnerable and marginalised groups. The programme focuses on four main thematic human rights areas, including; media freedoms and digital rights, women's customary land rights, the rights of indigenous people and the protection of the rights of human rights defenders. GL's ARISA programme work focuses on media freedoms and digital rights.

Internet Society Namibia Chapter

The Internet Society Namibia Chapter is a leading voice in technology policy and development in the country where it primarily serves members of the Internet Society in Namibia and works to advance the policy and development of the internet in Namibia. The Chapter's area of focus to date has been ensuring trust on the internet, advancing inclusive technology policy positions and implementing projects ensuring that the internet is for all. To date, we have conducted research related to Women Safety Online and Data Protection. So far, we have implemented projects related to Safety Online for Women and Children, Internet Of Things, Privacy Online as well as many thematic issues related to the technical standards of the internet. We do this collaboratively with local and international partners, and most importantly we have a strong working relationship with the O/M/As and other development partners and educational institutions in ensuring that our work filters to public interests and serve the nation complementing the national agenda.



Internet Society
Namibia Chapter

Our work related to Women Rights Online, have received tremendous support from the Africa Digital Rights Fund administered by CIPESA, support from the Internet Society Global and in partnership with the Web Foundation and Facebook.

Researchers

Dércio Tsandzana

Angola and Mozambique

Named by the Community of Portuguese Speaking Countries as one of the most influential young people (2021), Dércio Tsandzana is a Mozambican Ph.D. Candidate in Political Science (Sciences Po, France). He holds an MA in Political Science at the same University and since 2013 has been working on youth, Internet, social media and political participation in Africa, including on-line activism for Global Voices International where he is the Lusophone Editor. Alongside his Ph.D., Tsandzana undertook research work focusing on digital rights and data privacy with ALT Advisory (South Africa), Electoral Institute for Sustainable Democracy in Africa (EISA), Collaboration on International ICT Policy for East and Southern Africa (CIPESA), Paradigm Initiative (PIN), Association for Progressive Communications (APC), Freedom House and the African Declaration on Internet Rights and Freedoms. Social Media Handle @derciotsandzana. **Online Gender-Based Violence:** There is an urgent need to join forces in order to end gender-based violence in the online landscape. There is no more time, we must act now.



Dr Wanja Njuguna

Namibia

Dr Wanja Njuguna is a Journalism and Media Technology academic at the Namibia University of Science & Technology. Previously, she taught at the University of Botswana, Media Studies Department where among her accomplishments was incorporating the department's newspaper into the print media curriculum and increasing the publication's distribution from 3000 copies to about 11,000 by the time of exit. Previously a writer and sub-editor with the Nation Media Group in Kenya, the award winning journalist/lecturer has been a recipient of many journalism fellowships and awards among others, John S. Knight Journalism Fellowship (Stanford University, USA), William Star Journalism Fellowship (Harvard University), Co-Overall Winner of CNN African Journalist of the Year Award (2000) as well as the award's judge in 2015 & 2016, IJNET June 2011 Journalist of the Month and 2009 Runner-Up Bessie Head Creative Writing Competition in Botswana. A HIV & AIDS Behavioural Communication Researcher, Wanja has a PhD in Media Studies (University of Namibia), Masters in Public Administration (Harvard University, USA), Masters in Communication (Daystar University, Kenya) and a Bachelor of Communication (Messiah College, USA). **Online Gender-Based Violence:** wears a dark coat that is camouflaged in various colours which inhibit its recognition as abuse. It is therefore critical to educate and inform people in the countries we live/work in on how to recognise the abuse and call it out for what it is - abuse. But most importantly, to press governments for strict regulations and legislation of laws that will help curtail its spread.



Chikondi Mandala

Malawi

Chikondi Mandala is a PhD candidate at the University of Kent where she is a Next Generation Scholar. Ms. Mandala has conducted research on law as a tool for gender equality and social justice with the Gender and Justice Unit; trade, entrepreneurship and development with the New Markets Lab; women's access to justice with the Women Judges Association of Malawi; and advancing rights of incarcerated persons with the Centre for Human Rights, Education, Advice, and Assistance. She has been a judicial officer for eight years at the Malawi Judiciary. She holds a Master of Laws (LLM) from Harvard University where she was a Fulbright Scholar, and a Bachelor of Laws (LLB) (Honours) from the University of Malawi.

Online Gender-Based Violence: While the world celebrates access to the internet and accessibility of information through the internet, the existence, prevalence, and harm caused by Online Gender-Based Violence ought to be recognised as a gendered occurrence. A UN Women report found that 'women face online violence more often than men through a continuum of multiple, recurring, and interrelated forms of gender-based violence.' Online Gender-Based Violence is real, it is harmful, and it ought to be addressed.



Tarisa Nyamweda

South Africa

Tarisa Nyamweda is a Communications for Social Change Manager at Gender Links, a Southern African based women's rights organisation. She has close to 10 years experience working in gender and media development.

Online Gender-Based Violence: At this time we need to take a multi-stakeholder approach in ending OGBV and work from the local to the global level in order to eradicate OGBV. More priority and resources need to be put to ending OGBV at these varying levels. At the rate at which OGBV is growing this is urgent now more than ever.



Thobekile Matimbe

Zimbabwe

Thobekile Matimbe is a Community Manager at Paradigm Initiative, an organisation promoting digital rights and inclusion in Africa. She is a human rights lawyer and consultant with over 10 years legal and civic engagement experience. She has served in the Zimbabwean judiciary as a magistrate and worked in leading human rights organisations in Zimbabwe, fighting impunity and defending human rights. She has served as a Fellow with the Southern Africa Litigation Centre advocating for human rights protection in Southern Africa. She has expertise in community management, participating in over 10 regional and international coalitions advancing digital rights. She is a 2018 Mandela Washington Fellow and Board Chairperson for Emthonjeni Women's Forum (EWF), an organisation in Zimbabwe fostering a gender-based violence-free society.

Online Gender-Based Violence: Adequately addressing online gender-based violence as a matter of urgency ensures that everyone embraces digital technologies without fear of harm or ridicule. It guarantees a safe haven for free expression and access to information for all. Regrettably, the gains of the movement for equality and non-discrimination for women are sadly reduced online as women bear the brunt of online gender-based violence the most. It is critical that women's rights activists mount up the same efforts and fervency employed in the fight against gender-based violence offline to dismantle online gender-based violence.



Pamela Dube

Botswana

Pamela Sethunya Dube is a media Practitioner with almost 30 years in the industry. She has worked for media houses in Botswana (Mmegi, The Voice, The Gazette and Mokgosi) and South Africa (The Sowetan, Mail & Guardian and Sunday Independent). She is also a media, gender and human rights activist, having served in the boards of MISA-Botswana, Press Council of Botswana, Media Workers Association of South Africa, the Forum of Black Journalists, Gender and Media in Southern Africa etc. She is also a media trainer and mentor, working with Women In News program of WAN-IFRA and Gender Links.

Online Gender-Based Violence: While Botswana has laws and policies tackling gender-based violence in general, there is little being done to address the prevalence of OGBV. Reported cases of online violence against women are hardly prosecuted mainly because OGBV is not understood or given the attention.



Bulanda Tapiwa Nkhowani

Zambia

Bulanda Tapiwa Nkhowani is a writer, researcher and public policy enthusiast with a focus on Internet governance, digital rights and digital inclusion. With several publications to her name, Bulanda holds a BA (Hons) in Media Studies and Sociology from the University of Namibia and is actively involved in Internet governance policy forums and discussions at all levels. She is a Co-convenor of the Zambia Internet Governance Forum (Zambia IGF) and an Africa School on Internet Governance (AfriSIG) Alumna. Bulanda currently works with Paradigm Initiative as a Digital Rights Program Officer for Southern Africa.

Online Gender-Based Violence: is certainly increasing and needs to be given the attention that it requires. Currently, it is difficult to understand the true extent of online gender-based violence due to the limited information and data on the subject. Sadly it is seen as a frivolous issue and we firstly need to debunk these myths and raise awareness of its manifestations, threats and effects, and provide evidence-based solutions to ending the vice.



Emily Brown

Namibia

Emily May Brown is a Journalism and Media Technology academic, who saw it fit to provide journalism students with opportunities in terms of training that would provide them with a balance between theory and practice. Partnerships with organisations not only in Namibia but also the SADC region facilitated such learning. Some of the students benefited from North-South Partnerships by spending a semester at one of two universities in Finland. This approach ensured that the students were better prepared for the world of work upon completion of their studies. Her qualifications include a Master of Science Degree in Journalism and Mass Communication. This Degree was made possible through a fully-funded Fulbright Scholarship to study Journalism at Iowa State University in the USA; a B. Honours Degree in Communication Science and a Bachelor's Degree - majoring in Communication and Sociology. She presently serves as the Chair of Gender Links Southern Africa.

Online Gender-Based Violence: is particularly dangerous because so many victims endure the pain of this type of abuse in silence. Such silence often results from a sense of helplessness because of the shame associated with the nature of the online-abuse. The perpetrators are often anonymous for a period of time which exacerbates the duration of the abuse. Policies and laws in our countries seem to always lag behind the onset of such crime, which means that there is no real deterrent to carry out these harmful activities.



Editorial Board

Amanda Manyame

Amanda Manyame is a Digital Law and Rights Consultant working at the intersection of technology and law. She is a proponent of public interest technology and advocates for policy and regulatory development that creates an enabling environment for technological advancements that do not risk human rights. As a legal advisor, Amanda actively works with civil society, tech companies and policy influencers to provide a n understanding of t he different considerations that influence tech policy and digital rights. Amanda holds a Bachelor of Laws degree and a Master of Laws degree in Information and Communication law. Twitter Handle: @AmandaManyame



Online Gender-Based Violence: Online Gender-Based Violence (OGBV) deters women from fully participating online. Without concerted efforts to legally recognise the different forms of OGBV and provide adequate protection, women will continue to be censored and left out.

Hlengiwe Dube

Hlengiwe Dube is a Project Manager at the Centre for Human Rights' Expression, Information and Digital Rights Unit. She works on projects on privacy, data protection, artificial intelligence, freedom of expression, access to Information and digital rights in general. She Holds a Master's Degree in Human Rights and Democratisation in Africa and is currently a PhD candidate at the University of Pretoria. Twitter handle: @hledubzz



Online Gender-Based Violence: Online gender-based violence infringes on women's rights online, particularly their empowerment, dignity and autonomy. Eliminating violence against women online is essential in creating a safe space for women and girls to thrive and effectively benefit from the digital environment. The online space should not be a preserve of those with privileged positions or power but should be an inclusive environment that also caters for the vulnerable and marginalised. States and other stakeholders should take the necessary steps to eliminate all forms of technology-enabled violence against women and girls.

Neema Iyer

Neema Iyer is an artist and a technologist. She is the founder and director of Pollicy, a feminist civic technology collective based in Kampala, Uganda and is a co-host on the Terms and Conditions podcast. Pollicy works on understanding how technology impacts societies and can be used to improve life experiences. Neema has a Masters in Public Health from Emory University and has worked on large-scale mobile and digital projects across Africa as part of TTC Mobile (previously Text to Change) and Viamo (previously VOTO Mobile). She is a Fellow with Stanford's PACs and is a Women's Safety Expert Advisor for Meta. She currently leads the design of a number of projects focused on building data skills, on fostering conversations on data governance and digital security, and on innovating around policy. Social media handles: @pollicyorg @neemaiyer



Online Gender-Based Violence: The internet is endlessly fascinating, however, we need to work collective as a society in how we design technology platforms and develop technology policy, to ensure that all people can enjoy and thrive in online spaces, free from discrimination, hate, intolerance, disinformation, bullying and other forms of violence.

Izak Minnaar

Izak Minnaar is a media and elections consultant and trainer, currently focusing on journalism, elections, media freedom, access to information, open data and digital rights work in South Africa and around the continent. He worked at the South African Broadcasting Corporation as Editor, SABC Digital News until 2019. His journalism career spanned over 40 years in editorial coverage and newsroom leadership roles at print, broadcast and online media. He is a founding member of the South African National Editors' Forum and serves on the Press Council of South Africa. He was also on the drafting teams of the African Commission on Human and Peoples' Rights 2017 *Guidelines on Access to Information and Elections in Africa*, and the 2019 *Declaration of Principles on Freedom of Expression and Access to Information in Africa*.



Online Gender-Based Violence: Just don't do it - it ruins people's lives!



“Despite the benefits associated with the acquisition and use of digital technologies, the proliferation of ICTs is contributing to the challenges that women face in society, including fueling digital enabled gender-based violence.”

Hon. Maria Teresa Manuela
AU - Special Rapporteur on the Rights of Women in Africa

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GENDER LINKS
FOR EQUALITY AND JUSTICE



ADVANCING RIGHTS
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