Online Gender-Based Violence

An assessment of women’s safety in the digital space.

This brief was developed by Sandra Aceng (Women of Uganda Network - WOUGNET), Joan Katambi (Digital Literacy Initiative), Francesca Grandolfo (DefendDefenders), and Gole Andrew (Encrypt Uganda) as part of the 16 Days of Activism against Gender-Based Violence campaign in 2020 on what online gender-based violence is, the legal frameworks, and possible measures to tackle it.

#SayNoToOnlineGBV
I. Introduction

Online gender-based violence has been recognised as a challenge to achieve gender equality for women. In the past few decades, information and communication technologies (ICT) have provided society with many new communication opportunities. For example, people can communicate in real-time with others in different countries using various technologies such as Voice over Internet Protocol (VoIP), instant messaging or social networking websites like Twitter, Instagram, and Facebook. These technologies have transformed self-expression, interactions, and relationships, and even provided somewhat direct access to social, private, non-government, and government sectors. The evolving use of ICT has created a global village where people can communicate with each other across societies. For this reason, ICT has been identified as an enabler of modern communication that affects all of society. Digital media and devices in and of themselves do not harm particular groups, but developers of these groups often overlook the needs of and impacts on those most likely to be harmed among them are women, human rights defenders, activists, journalists, and vulnerable groups like women with disabilities and LGBTIQ. These groups have reported online attacks on their physical appearance, gender identity, sexuality and religion just as we see in ‘real-world’ hate crimes.1

Our campaign: #SayNoToOnlineGBV

In 2020, during the 16 Days of Activism against Gender-Based Violence (GBV) campaign with the hashtag #SayNoToOnlineGBV, we highlighted issues and cases of online GBV in Uganda. This provided a contextual understanding of online GBV and its various shapes and forms. The visibility of women in the public eye, such as politicians or journalists, makes them likely targets for threats of violence and abuse. In our campaign we particularly focused on six forms of online GBV, which we each contextualised with the testimony of a victim:

- non-consensual intimate images;
- cyber bullying;
- online sexual harassment;
- doxing;
- cyber stalking; and
- impersonation.

II. Definitions

Gender-based violence & violence against women

According to UNHCR, “gender-based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms.”2 The Declaration on the Elimination of Violence against Women (DEVAW) defines Violence against Women as (VAW) as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”3 GBV and VAW are used to exercise power over women by creating fear, intimidation, punishment, and oppression. GBV and VAW silence women and girls and deprive them of their fundamental human and digital rights.4

Approximately one in three women experiences GBV or VAW in her lifetime.5

Online gender-based violence

The Association for Progressive Communications (APC) defines online gender-based violence as acts of violence that are committed, abetted or aggravated, in part or fully, by the use of information and communication technologies (ICTs), such as mobile phones, the internet, social media platforms, and email. It includes, but is not limited to, verbal and graphic threats, abusive comments and harassments, sexual assault, and rape photos and videos.6 Online gender-based violence can manifest itself as cyber-stalking, hacking, non-consensual intimate image violence, cyber-bullying, defamation, online sexual harassment, surveillance/tracking, hate speech, exploitation or impersonation among others.7

Consequences of online GBV

Online gender-based violence can harm victims’ physical and mental health, social status and economic opportunities. For example, people can communicate in real-time with others in different countries using various technologies such as Voice over Internet Protocol (VoIP), instant messaging or social networking websites like Twitter, Instagram, and Facebook. These technologies have transformed self-expression, interactions, and relationships, and even provided somewhat direct access to social, private, non-government, and government sectors. The evolving use of ICT has created a global village where people can communicate with each other across societies. For this reason, ICT has been identified as an enabler of modern communication that affects all of society. Digital media and devices in and of themselves do not harm particular groups, but developers of these groups often overlook the needs of and impacts on those most likely to be harmed among them are women, human rights defenders, activists, journalists, and vulnerable groups like women with disabilities and LGBTIQ. These groups have reported online attacks on their physical appearance, gender identity, sexuality and religion just as we see in ‘real-world’ hate crimes.

2 Ibid.
nomic opportunities, and, in some cases, have led to suicidal death.¹

Victims have been forced to change their use of technology or completely withdraw from online spaces, affecting their freedom of expression and access to information. Victims of online gender-based violence tend to self-censor to avoid further victimization and due to loss of trust in the safety of using digital platforms.¹² Some victims leave online platforms altogether after cases of online GBV.¹³

Online threats of violence can lead to fear for victims' physical safety offline and ultimately compromise their ability to do their jobs. It does not take much to damage a reputation and consequently break down a person's career - it can be done from the comfort of one's home, safely hiding behind a fake account. Once information is online, it is practically impossible to get it offline again, as “the internet does not forget”.¹⁴ Therefore, many victims withdraw from public life, family, and friends, and become socially isolated. Particularly women who experienced NCII withdraw, as stigma around women's sexuality makes it a particularly humiliating experience. Luckily, more and more victims are starting to speak out, to decrease the stigma, like Judith Heard, founder of Day One Uganda, has been a victim of cyber harassment.¹⁵

III. Online GBV in Uganda

Online Violence against women in Uganda has risen over the years and this has deprived more women and girls of their fundamental human rights online because being a woman in public life and visible online makes you a target for different forms of abuse. Cyber harassment is on the rise yet there are very many hurdles in the fight against it.¹⁶ The increased occurrence of online violence against women involves the lack of effective measures to prevent such violence and contain it. This is what human rights defenders must address in order to eliminate all forms of gender-based violence.¹⁷

As part of our #SayNoToOnlineGBV campaign, we asked victims of online GBV to share their stories. These are the most common violations that victims shared with us:

Non-consensual intimate images
Sharing non-consensual intimate images (NCII) is one of the most prevalent forms of online gender-based violence. It describes the case in which sexually explicit images are shared online without the woman's consent. It is irrelevant whether the images were taken with or without consent, as the women did not consent to their public distribution. The perpetrators can be those who took the images (whether with or without consent) or hackers who somehow gained access to these intimate images. Calling it “revenge porn” is a misnomer: intimate images are not pornography, and revenge is only one possible motive. NCII is used to stalk, threaten, blackmail or extort victims. Deeply entrenched patriarchal norms add shame, stigma, and even victim-blaming on top of the online gender-based violence.

Cyberbullying
Cyberbullying is an intense form of psychological abuse, in which targets are scared, angered or shamed through frequent online messages. Any form of bullying erodes self-confidence and self-esteem, making it difficult to speak up. Cyberbullying follows its targets everywhere they go, so victims no longer have safe spaces and often get anxiety or depression. The internet bears the potential for more equality, but it can also be used to reinforce offline power imbalances. Shaming and harassing women online is rooted in patriarchal structures that reinforce inequality.

Cyberbullying

Rita’s Story:

My naked pictures were circulated by my ex-boyfriend online, after we had a bad breakup. Instead of prosecuting him, police were ordered to arrest me, citing that my behavior was immoral according to the country’s laws and regulations, and that I used my naked pictures for commercial purposes. Often times victims of Non-consensual Sharing of Intimate Images suffer twice, from psychological torture and criminal persecution.

#SayNoToOnlineGBV

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1. Ibid.
Online sexual harassment
Any unwanted, sexual, online, message is online sexual harassment. It can be a private or public text message, photo, or video. Harassment makes victims feel threatened, exploited or humiliated and especially when it is repeated, can impact victims’ mental health. Online sexual harassment is used to silence women and uphold patriarchal structures.

Doxing
Doxing is the practice of revealing private and personally identifying information, such as phone number or address, about an individual or organisation without their consent. It is often done to cause alarm, distress, harassment or even to incite violence.

Cyberstalking
Cyberstalking usually describes monitoring a victim's online activities and systematically sending disturbing messages, sometimes from various accounts. It can also include identity theft, vandalism, solicitation for sex, or threats and harassment. Victims often feel harassed, irritated, attacked, threatened and frightened. They fear for their own safety and well-being, and sometimes even for that of their family and friends. Stalking is an expression of power and usually targets women.

Impersonation
Impersonation describes when a hoax social media account is created using a victim's identity and photos. These accounts can be used to contact the victim or create fraudulent identity documents, but most often, the accounts are used to share offensive content in order to embarrass or shame the victim – often women.

Impact of COVID
In Uganda, violence against women and girls increased steeply with the outbreak of the COVID-19 pandemic. On March 18th 2020, Uganda’s President, Yoweri Kaguta Museveni, announced a national lockdown effective March 20th 2020 as a measure to minimize the spread of COVID-19, including a curfew from 7pm to 6am. Non-food businesses, schools, and institutions of higher learning were closed. Restrictive movement and contact measures majorly affected the informal sector, in which 80% of Ugandan women work.16 The pandemic left everyone including women to depend on the internet so as to access information, socialize, work remotely, transact online business among others. This shift into the online space has increased online abuse and harassment, particularly against women from marginalised communities, including LGBTQ+ people, and women with disabilities and rural women. The disproportionate online violence targeted at women

en means women’s voices are silenced, affecting women’s rights online.

The Uganda Demographic and Health Survey 2016 indicates that up to 22% of women aged 15 to 49 in the country have experienced some form of sexual violence. Annually, 13% of women aged 15-49 report instances of sexual violence, which translates to more than one million women exposed to sexual violence every year in Uganda. 17 56% of Ugandan women have experienced physical, sexual, and emotional violence through intimate partner relationships. Additionally to rampant violence against women and girls offline, 75% of women interviewed reported suffering from mental stress and anxiety due to their experiences of online violence, according to a report by Anne Whitehead. 18 Another report by UN Women titled ‘Cyber Violence against Women and Girls: A Worldwide wake-up call,’ cited that women are 27 times more likely to be harassed online than men. 19 In Uganda, one in three women have experienced a form of online GBV. None of the interviewed women were aware of any policies or laws they can refer to for protection when violated, threatened and harassed. 20

IV. Legal framework

International

There is actually a powerful international human rights frameworks providing legal protection against online GBV, including:

- new United Nations convention on gender-based violence against women;
- the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003 (Maputo Protocol);
- and the Council of Europe Convention on preventing and combating violence against women and domestic violence 2011 (Istanbul Convention);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Declaration on the Elimination of Violence against Women (DEVWA); and
- Convention on the Rights of the Child (CRC) which highlights the abuse children, including girls, experience. 21

These frameworks have been used by States under international law to take steps to prevent such violence, to punish perpetrators and to provide support for the survivors. There have also been consistent topics for discussion and action at the international level, but unfortunately the issue of online GBV lacks visibility. Compared to offline violence, online violence is not documented enough, and emerging new forms of violence are not taken into account. 22

The international human rights framework, including various United Nations resolutions recognising online GBV, could become a useful tool to address online GBV but gaps in their domestic application constrain the effectiveness of the international framework. 23 Additionally, many countries still have laws and cultural, customary or religious laws, practices and attitudes which are conducive to or legitimate violence against women.24

Company policies (Twitter, Facebook, etc.)

ICT companies such as Facebook and Twitter among others have formulated policies and guidelines to address online GBV. Facebook launched a victim support hub called Not Without My Consent, with the aim to assist people report intimate images shared without permission on Facebook, Instagram or Facebook messenger. Twitter has a Hateful Conduct Policy which recognises free expression as a human right and acknowledges that some groups of people are disproportionately targeted with abuse online including women, people of colour, lesbian, gay, bisexual, transgender, queer, intersex, asexual individuals, marginalized and historically underrepresented communities. This policy provides guidelines on the type of behaviour not allowed on Twitter and encourages the reporting of hateful content. 25 For example, Pollicy’s recent research points out that “72.9% of online gender-based violence (OGBV) in Uganda took place on Facebook, followed by 38.1% on WhatsApp and 4.7% on Instagram”. 26 It’s high time, ICT firms step up their efforts to create a safe and

19 Daily Monitor. (Dec 5 2020). Women suffer most from online violence. https://www.monitor.co.ug/uganda/opinion/letters/women-suffer-most-from-online-violence-3219510
24 Ibid.

inclusive environment for women online.\textsuperscript{28}

**Uganda**

Uganda's government has drafted a number of laws and further put in place policies to address discrimination and violence against women including:

- the Domestic violence Act 2010;
- The Prohibition of Trafficking in persons Act;
- the Prevention of Female Genital Mutilation Act;
- the National Gender Policy;
- the National Action Plan on Gender Based Violence; and
- the National Development Plan II (NDP 2015/16-2019/20).\textsuperscript{26}

Despite the contributions and efforts made, it is still very difficult for victims of online GBV to find support, because most laws do not refer to online violence. Article 33(1) of the Ugandan Constitution accords full and equal dignity of women with men which must also extend to the online sphere. Women and girls in Uganda remain at risk and continue to face violence online, as offline patriarchal structures have shifted online and gender inclusive laws and policies remain limited, with little regard for the gendered violence ICT facilitates. Additionally, most women do not make use of the few legal measures available, because the majority fear that engagements with law will not result in a favourable experience.\textsuperscript{26} Socio-cultural norms enable victim-blaming and affect the implementation of existing legal frameworks in such a way that women are penalised. The few ICT and internet related laws and policies effective in Uganda lack the inclusion of gender issues. The **Computer Misuse Act of 2011** only mentions the provisions to prevent unlawful access, abuse, or misuse of information systems on computers and other electronic devices such as mobile phones, and the **Data Protection and Privacy Act, 2019** only tackles the privacy of individual, personal data and regulates the use or disclosure of personal information. The **Anti-Pornography Act, 2014** rather than protecting victims of non-consensual intimate images, punishes them. WOUGNET's February, 2020 study titled “Bridging the Digital Gender Gap in Uganda: An Assessment of Women's Rights Online Based on the Principles of the African Declaration of Internet Rights and Freedoms” stated that “section 13(1) of the Anti-Pornography Act criminalises the production, trafficking in, publication, broadcasting, procuring, importing, exporting, selling or abetting any form of pornography, only in one case, (that of Martha Kay) have other individuals (outside the victim) been charged for cybercrime related to the leaking of the nude pictures and videos.” Judith Heard, one of the victims, told the BBC, in 2019, how she was arrested and shamed for the leaked nudes.\textsuperscript{31} Despite the existence of these legal frameworks, they still lack gender specific provisions to curb online GBV. Uganda's law enforcers are often not aware of online GBV or do not consider it a form of gender-based violence.

**V. Obstacles in the fight against online GBV**

**Internationally**

There are numerous challenges hindering the fight against online GBV. ICT companies often respond inadequately to reports of online GBV. Amnesty International's #Toxic Twitter research states that despite having laws in place both nationally and internationally to react to online violence and abuse, Twitter enforces these policies inadequately.\textsuperscript{30} In March 2019, Twitter introduced its **non-consensual nudity policy**, according to which “posting or sharing intimate photos or videos of someone that were produced or distributed without their consent on twitter is considered a violation of their privacy and the twitter rules”. The implementation of this policy remains inadequate, also because many users are not aware of the policy and therefore do not use it to report cases of online violence.

Making social media platforms safer and inclusive is an ever-increasing challenge, as long as content moderation depends on biased algorithms of artificial intelligence tools. Technology companies have participated in the development of product solutions like better reporting format for harassment - a great first step - but a lot of work remains to be done to meet the danger of abuse, incitement, and provocation that women and girls face. Terminology, definitions and measures on online gender-based violence are still inconsistent. Terms like cyber violence, cyber aggression, digital abuse, and online victimization are used interchangeably, making it difficult to differentiate and measure them.\textsuperscript{31}

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\textsuperscript{31} WOUGNET. (2020, February). Bridging the Digital Gender Gap in Uganda: An Assessment of Women’s Rights Online Based on the Principles of the African Declaration of Internet Rights and Freedoms’’ stated that “section 13(1) of the Anti-Pornography Act criminalises the production, trafficking in, publication, broadcasting, procuring, importing, exporting, selling or abetting any form of pornography, only in one case, (that of Martha Kay) have other individuals (outside the victim) been charged for cybercrime related to the leaking of the nude pictures and videos.” Judith Heard, one of the victims, told the BBC, in 2019, how she was arrested and shamed for the leaked nudes.\textsuperscript{31} Despite the existence of these legal frameworks, they still lack gender specific provisions to curb online GBV. Uganda's law enforcers are often not aware of online GBV or do not consider it a form of gender-based violence.

\textsuperscript{32} Brian Mutabi & Owen Wagabaza, How the Internet is being used to Perpetuate Online Violence against Women. https://www.kas.de/docu-

\textsuperscript{ments/280229/4516563/How-the-internet-is-being-used-to-perpetuate-violence-against-women.pdf

\textsuperscript{33} Hinson L et al., (2018). Technology-facilitated gender based violence:what is it and how do we measure it? https://www.icrw.org/wp-content/up-

\textsuperscript{loads/2018/07/ICRW_TFGBVMarketing_Brief_v8-Web.pdf

\textsuperscript{26} Martha Kay) have other individuals (outside the victim) been charged for cybercrime related to the leaking of the nude pictures and videos.” Judith Heard, one of the victims, told the BBC, in 2019, how she was arrested and shamed for the leaked nudes.\textsuperscript{31} Despite the existence of these legal frameworks, they still lack gender specific provisions to curb online GBV. Uganda's law enforcers are often not aware of online GBV or do not consider it a form of gender-based violence.
In Uganda

In Uganda, despite a newly set up cybercrime unit in Uganda’s Police Force, most staff do not have the right training, tools or resources to protect women from online GBV or to bring perpetrators to courts of law. The limited capacity together with damaging patriarchal and gender insensitive attitudes of the police force, undermine women’s access to justice. It is no wonder Uganda’s law enforcement lacks gender sensitivity, given politicians continue to voice misogynist stances. Fr. Simon Lokodo, State Minister for Ethics, has threatened to arrest victims whose nude pictures or videos were distributed and circulated onto the social media platforms, rather than focusing on the perpetrators. During our #SayNoToOnlineGBV campaign for 16 Days of Activism, we received numerous accounts in which victims of NCII were charged rather than the perpetrators.

Online GBV has devastating consequences on the mental health of women. On top of the violence and abuse itself, they often lack support to deal with it. Experiences of online GBV are normalized by society, so many victims do not even recognize it. Limited data on the extent of online GBV, and particularly on what works to prevent it, contribute to the normalization of online violence. Women are humiliated and silenced, driving them to self-harm, despair, sadness, misery - or even suicide. For instance, is increasing evidence that the Internet and social media can influence suicide-related behaviour and nearly 1 million suicide deaths worldwide occur every year.

VI. Conclusion

Online gender-based violence is on the rise in Uganda. Although the internet can facilitate connection and participation, it also provides new opportunities to perpetuate gender inequalities and violence. A psychosocial, effective, robust legal approach is needed to protect women against online GBV. The legal regime regulating cyberspace could be sufficient to protect women, but its implementation is aptly insufficient.

34 Brian Mutebi and Owen Wagabaza, How the Internet is being used to Perpetrate Online Violence against Women, https://www.kas.de/documents/280229/4615663/How+the+Internet+is+being+used+to+perpetrate+violence+against+women.pdf
VII. Recommendations

To the government of Uganda:
- develop legal frameworks that are gender responsive and inclusive in order to protect women's rights online;
- develop a specific law tackling online GBV;
- monitor the implementation of existing international and national laws;
- offer continuous capacity building to key stakeholders, such as the police force or judiciary;
- conduct mass sensitisation programmes to create awareness about online GBV and ensure that women can safely use digital platforms; and
- conduct campaigns, to tackle online GBV from the grassroots and in solidarity with men.

To the international community:
- continue developing an international human rights law framework; and
- hold states accountable that do not adhere to the existing international human rights framework.

To social media platforms:
- continue developing strategies to prevent and report online GBV; and
- ensure that current strategies against online GBV are visible and easily accessible.

To civil society:
- conduct research to better understand the various forms of online GBV, how widespread it is, and what effects it has, with a particular focus on Uganda and East Africa;
- develop action plans, policy briefs and commitments to prevent and respond to online GBV; and
- be gender-sensitive in their work and offer protection to women human rights defenders that become the target of online GBV.

To donors:
- offer targeted funding for research on online GBV;
- support interventions to prevent online GBV.

To media:
- inform and educate on women's digital rights and online GBV in a gender-sensitive way; and
- be particularly careful in their reporting about cases of online GBV, so as to not harm the victim any further.

References

4. Brian Mutebi and Owen Wagabaza, How the Internet is being used to Perpetuate Online Violence against Women.https://www.kas.de/documents/280229/4616563/How+the+internet+is+being+used+to+perpetrate+violence+against+women.pdf


