

Resolution on the Protection of Women Against Digital Violence in Africa - ACHPR/Res. 522 (LXXII) 2022

Aug 11, 2022

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 72nd Ordinary Session held virtually, from **19 July to 2 August 2022:**

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Further recalling Article 9 of the African Charter that gives every individual the right to receive information, and express and disseminate his opinion within the law;

Recalling Article 1 of the Protocol to the African Charter on the Rights of Women in Africa ('the Maputo Protocol') which defines violence against women to include acts that cause psychological or economic harm or threats to undertake arbitrary restrictions on or deprivation of fundamental freedoms;

Taking into consideration Article 3 of the Maputo Protocol which guarantees every woman's right to dignity and not to be exploited and degraded, and the protection of every woman from all forms of violence particularly sexual and verbal violence;

Recalling Principle 7 and 42(7) of the *Declaration of Principles on Freedom of Expression and Access to information in Africa*, which provides that "States should take specific measures to address the needs of marginalised (including women) groups in a manner that guarantees the enjoyment of their rights to freedom of Expression and Access to information on an equal basis with other"; and that "harmful sharing of personal information, such as child sexual abuse or non-consensual sharing of intimate images, shall be established as offences punishable by law" respectively;

Bearing in mind African Union's Agenda 2063 which serves as the blueprint and master plan for transforming Africa into the global power house and place emphasis on availability of adequate ICT infrastructures and internet to Africans as a right;

Taking note of the *Joint Declaration on Freedom of Expression and Gender Justice*, issued on 03 May 2022, which recognizes the importance of the internet and digital technology in bolstering freedom of expression and access to information globally, and promoting the empowerment of women and others who experience, discrimination and marginalization;

Mindful of the 3 May 2022 *Statement commemorating World Press Freedom Day* which highlighted that digital violence is increasingly gendered and disproportionately affects women, through *inter alia* threats of sexual violence, misogynistic disinformation campaigns and “revenge pornography”;

Considering the intensified use of the internet and social media platforms for information dissemination and other purposes;

Concerned that women who access the internet are constantly at the risk of violence and that majority of women who access the internet have been subjected to some form of harassment while States continue to have gaps in their legal framework to protect women against digital violence;

Aware that online violence manifests in different ways to include cyberstalking, unsolicited, sexually explicit content, doxing (sharing of personal information online), cyber-bullying and the non-consensual sharing of intimate images;

Recognising that the rights protected offline through existing human rights instruments, are similarly protected online;

Further recognising the obligation of the African Commission to develop the requisite normative standards on the protection of women including in the digital environment;

Acknowledging that some African States have started legislating crimes and violations occurring in the digital space through various versions of cybercrime laws including, Kenya, Tanzania, Eswatini, Botswana, South Africa, and Mauritius;

Further acknowledging that some of these laws have provisions for the specific protection of women from online violence;

Convinced of the urgent need to review legislative frameworks in order to weed out discriminatory laws that exacerbate violence against women in order to afford them better protection and criminalise digital violence against women under domestic national laws;

THE AFRICAN COMMISSION

Calls on States to:

1. Review/adopt legislation that aims at combating all forms of digital violence, and expanding the definition of gender-based violence to include digital violence against women including cyber-harassment, cyberstalking, sexist hate speech amongst other ICT-related violations;
2. Undertake research on digital violence against women. This research should include studies and the adjustment of crime statistics on digital violence against women to identify legislative and non-legislative needs;
3. Undertake awareness-raising programmes which target boys and men, as well as campaigns involving all relevant stakeholders. These programmes should address the root causes of digital violence against women within the general context of gender-based violence in order to bring about changes in social and cultural attitudes and remove gender norms and stereotypes, while promoting the respect of fundamental rights in the online space, with special regard to social media platforms;
4. Facilitate women's access to education in digital technology domains in order to remove the digital gender gap, and ensure gender diversity in the tech sector;
5. Undertake mandatory and continuous training for practitioners and professionals dealing with victims of digital violence including law enforcement authorities, social and child healthcare staff, criminal justice actors and members of the Judiciary;
6. Ensure and facilitate effective cooperation between law enforcement authorities and service providers with regards to the identification of perpetrators and gathering of evidence, which should be in full compliance with fundamental rights and freedoms and data protection rules.
7. Implement victim friendly and gender-sensitive policies when handling cases of digital violence against women;
8. Undertake measures to safeguard women journalists from digital violence, including gender-sensitive media literacy and digital security training;
9. Repeal vague and overly wide laws on surveillance as they contribute to the existing vulnerability of female journalists.