

ONLINE GENDER BASED VIOLENCE AMONG WOMEN AND GIRLS IN ZAMBIA

An Assessment of the Nature, Extent and Effects of Online Gender Based Violence among Women and Girls in Zambia

December, 2023

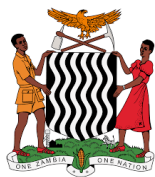
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LIST OF ABBREVIATIONS

GBV	Gender Based Violence
ITU	International Telecommunications Union
ICT	Information Communication Technology
LAAC	Legal Assistance and Advice Centre
OGBV	Online Gender Based Violence
POWA	People Opposing Women Abuse
SADC	Southern African Development Community
SALRC	South African Law Reform Commission
SDG	Sustainable Development Goal
UN	United Nations
UNDP	United Nations Development Programme

YWCA	Young Women Christian Association
ZAMSTATS	Zambia Statistics Agency
ZICTA	Zambia Information and Communication Technology Authority



EXECUTIVE SUMMARY

This study was undertaken by the Zambia Information and Communications Technology Authority (ZICTA) with support from the United Nations Development Programme (UNDP). The assessment which sought to establish the nature, extent and effects of Online Gender Based Violence (OGBV) was part of a broader initiative being implemented by the Government of the Republic of Zambia to support gender equality. This broader initiative is premised on attaining the global Sustainable Development Goal (SDG) number 5 of achieving gender equality and empowering women and girls.

There are various pieces of legislation in Zambia anchored on the

Republican Constitution which are aimed at promoting gender equality and empowering women and girls. Some of these laws include the Gender Equity and Equality Act, No. 22 of 2015, the Anti-Gender-Based Violence Act No.1 of 2011, the Cyber Security and Cyber Crimes Act No. 2 of 2021 and the Children’s Code Act No. 12 of 2022. A Child Online Protection Strategy also exists aimed at protecting the rights of children while using the internet. There are also several state and non-state actors involved in promoting gender equality and protecting women and girls online.

As the adoption of Information and Communication Technologies (ICTs) has continued to increase, several unintended outcomes have equally emerged. Among these adverse outcomes are online risks and incidents which include cyberbullying which is especially prominent among women and girls. A recent demand side survey undertaken by ZICTA, and the Zambia Statistics Agency (ZAMSTATS) revealed that most of the key demand side ICT indicators had a positive trend. Notably, mobile phone use and ownership, smartphone ownership and internet usage all continued to grow between 2018 and 2022. This was despite the consistent gender gap in access and usage of ICTs of about 7 percent. Further, the survey revealed that awareness of the existence of online risks was low as more than half of the internet users were not aware of the risks associated with being online.

Among the most prominent incidents of OGBV included sextortion, extortion, online harassment, hate speech and dissemination of obscene material. These incidents of OGBV had severe consequences related to withdrawal from online platforms, suicidal thoughts, low self-esteem, emotional and economic costs, and sexual exploitation among others. The focus group discussions among women and girls revealed that such vices were mainly targeted at women and girls, female political figures, or celebrities as well as the vulnerable in society such as women seeking income for survival or prospecting for jobs.

- a) Most countries in the region were established to have put in place legal and regulatory frameworks aimed at combating the emergence and incidents of OGBV. However, specific recommendations for redress in Zambia were recognized to include the establishment of a centralized reporting portal for OGBV, building capacity among law enforcement agencies and the judiciary, establishing safe spaces for OGBV victims, engage civic leaders and traditional leaders in developing programmes for identified victims and perpetrators of OGBV for information dissemination and awareness as brand ambassadors to the community as well as a general strengthening of the legal and regulatory framework for managing the risks of OGBV.

Felix Mutati

Minister of Technology and Science

1. BACKGROUND TO THE EVALUATION OF ONLINE GENDER BASED VIOLENCE AMONG WOMEN AND GIRLS IN ZAMBIA



Digital technologies are increasingly changing the way people work, consume, get information, and communicate with each other. There is wide evidence to show the extensive adoption of digital technologies globally over the last few years by both businesses and individuals. For the industry, digital technologies are an important source of improving efficiency in their production processes as well as unlocking new opportunities for providing innovative services to their customers. On the demand side, digital technologies such as the internet have transformed the way people learn, work and are an important source of entertainment. The International Telecommunications Union (ITU) in their latest facts and figures report show that an estimated 5.3 billion people of the earth's 8 billion were using the Internet in 2022, or roughly 66 per cent of the world's population. At the same time, three quarters of the population aged 10 years and over owned a mobile phone¹. These estimates confirm the positive trend in the extent of adoption of digital technologies among the world's populace.

However, a growing unintended adverse outcome of increased adoption of digital technologies has been the emergence of risks and incidents when people are online. Among the most prevalent risks encountered while online is cyber bullying which is especially prevalent among women and girls. The link between cyberbullying and mental health problems has been extensively documented. On average, across OECD countries with available data, about 12% of girls aged below 15

¹ <https://www.itu.int/en/ITU-D/Statistics/Pages/facts/default.aspx#:~:text=Latest%20figures%20show%20that%20an,over%20own%20a%20mobile%20phone.>

reported having been cyberbullied, compared to 8% for boys² The effects of cyberbullying are well documented in that they are likely to lead mental health issues, increased stress and anxiety, depression, acting violently or low self-esteem among others. These direct effects could have further secondary effects among people. For instance, kids being victimized by cyberbullying may lose interest in school. As a result, they often have much higher rates of absenteeism than non-bullied kids. They may skip school to avoid facing the kids cyberbullying them or because they are embarrassed and humiliated by the messages shared online. Their grades may also suffer because they find it difficult to concentrate or study and, in some cases, kids may either drop out of school or lose interest in continuing their education after high school. Similarly, cyberbullying could also lead to severe adverse outcomes such as suicide.

In Zambia, the adoption of ICTs has been consistent with the global trends. As at the end of June, 2023 there were a total of 20.1 million mobile network subscriptions representing a mobile penetration rate of 102 per 100 inhabitants. Internet adoption has also continued to be on the rise with the total number of active internet subscriptions increasing to 11.5 million subscriptions representing an internet penetration of 58.3 per 100 inhabitants. The latest demand side survey undertaken by ZICTA in collaboration with ZAMSTATS in 2022 revealed that the proportion of individuals aged 10 years and older that had used a mobile cellular was 63.3 percent representing an increment of 9.8 percentage points from the proportion of active mobile cellular phone users recorded in 2018. Similarly, the survey established that 25.2 percent of individuals aged 10 years and older had used the internet before translating into a 10.9 percentage point increase from the proportion of individuals that had used the internet in 2018. However, there is little evidence to show the extent of risks and their incident when online especially among women and girls. This is despite the importance of such information given the severe effects that could arise from such risks especially among women and girls.

One of the responses to addressing the challenges associated with gender related risks in the country was the agreement signed between the Government of the Republic of Zambia (GRZ) and the United Nations (UN) to devise mechanisms and strategies aimed at ending such vices. The GRZ – UN Joint Programme against Gender-Based Violence, which ran from 2019 to 2022, agreed to intensify efforts to mitigate gender inequalities in the social, cultural, economic and political spheres of the Zambian society. This initiative was aligned to the global development Agenda under the SDG number 5 aimed at ending all forms of discrimination against all women and girls everywhere. Particularly, the goal aims to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

ZICTA, being a regulator of the ICT sector, undertook tasks and activities under the programme that were inclined towards ICT and online related abuse. One of such interventions was a study on the effects of GBV and cyberbullying on women and girls. The study broadly sought to establish the effects of online bullying among women and girls. The extent of the incidence of such risks as well as the diversity of the risks among women and girls was also expected to be evaluated in

² OECD calculations based on the 2014 Health Behaviour in School-Aged Children Study and the 2013 United States School Crime Supplement of the National Crime Victimization Survey

the study. It was expected that the assessment would culminate into some recommendations aimed at addressing the adverse effects of online bullying among women and girls.

GBV generally has been on government's agenda for a long time now resulting in the enactment of the Anti-Gender Based Violence Act in 2011. With the proliferation of the use of ICT's, there has been an eminent rise in the use of the internet which has come with certain disadvantages such as online harassment. Unfortunately, some of the online harassments are gender based mainly affecting women and children. In trying to fight online harassment, the Government enacted the Cyber Security and Cyber Crimes Act in 2021 which criminalizes online harassment with a penalty of up-to five years.

Civil society as well as other local and international stakeholders have equally risen to the task by providing various services to the victims, conducting studies on GBV and providing recommendations to reduce cases and fight GBV. According to the Young Women Christian Association (YWCA), the group of people who are more at risk of online GBV are women. YWCA is currently running a program on protecting Zambian women, men and children from violence that occurs online, and to make sure there is online safety.

In terms of sensitizing the public, ZICTA, Save the Children International, Lifeline/ChildLine and YWCA collaborate in disseminating information in schools and communities. They also have programs aimed at protecting boys, girls and women from online violence. Save the Children International has supported the development of the National Child Safeguarding Framework that will promote the protection of girls and boys from all forms of violence, including online. In addition, they conduct evidence-based advocacy on gender specific risks and opportunities for children's online safety to advance the policy and legal environment for online safety.

Awareness in terms of how to protect yourself, what to do when you experience or witness any form of abuse and the reporting channels that can be used is conducted by Save the Children International. It further provides awareness on the use of the toll free child line 116 - and the GBV helpline - 933. Save the Children has programs to help women who have been victims of OGBV such as referral to counseling services and other support needs for GBV survivors.

This study relied on available evidence from the recently concluded demand side survey on access and usage of ICTs among households and individuals undertaken by ZICTA. The survey provided useful insights on the extent of adoption of ICTs among women and girls as well as a statistical profile of the extent of the incidents related to cyber bullying and other risks in the country. To gather insights on the effects of such risks among women and children, focus group discussions among women and girls were undertaken. To establish practical recommendations that would address these observed challenges, some benchmarking assessment of strategies adopted in other countries as well as key informant interviews with selected experts were undertaken.

2. POLICIES, LAWS AND REGULATIONS ON OGBV

The achievement of gender equality and empowerment of women and girls requires stronger laws, policies, and institutions. The Government supports the creation and adoption of laws and policies that promote gender equality, the empowerment of women and the realization of their human rights.

2.1. Republican Constitution (Amendment) Act No. 2 of 2016

Our Republican constitution (Amendment) Act No. 2 of 2016³ has placed emphasis on the equal worth of women and men and their rights to freely participate in, determine and build a sustainable political, legal, economic and social order. Values and national principles such as equity, equality and non-discrimination have been enshrined in our Zambian constitution.

2.2. Gender Equity and Equality Act, No. 22 of 2015

According to the object of the Gender Equity and Equality Act, No. 22 of 2015⁴, it provides for the taking of measures and making of strategic decisions in all spheres of life in order to ensure gender equity, equality and integration of both sexes in society, promote gender equity and equality as a cross cutting issue in all spheres of life and stimulate productive resources and development opportunities for both sexes, prohibit harassment, victimization and harmful social, cultural and religious practices. It seeks to eliminate all forms of discrimination against women and girls, empowers women to participate fully in public and private affairs of the country. The country has established GBV Fast Track Courts to increase access to justice for GBV victims and ensure quick disposal of cases.

2.3. Anti-Gender-Based Violence Act No.1 of 2011

Further, the Anti-Gender-Based Violence Act No.1⁵ provides for the protection of victims of gender based violence, establishment of the Anti-Gender-Based Violence Committee and the Anti-Gender-Based Violence Fund.

2.4. Cyber Security and Cyber Crimes Act No. 2 of 2021

Zambia enacted the Cybersecurity and Cybercrimes Act, Data Protection Act and Electronic Communications and Transactions Act in line with the African Union Convention on cybersecurity and personal data protection. The

³[https://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20\(Amendment\),%202016-Act%20No.%202016-0.pdf](https://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20(Amendment),%202016-Act%20No.%202016-0.pdf)

⁴ https://www.gender.gov.zm/?page_id=1629

⁵ https://www.gender.gov.zm/?page_id=1629

Cybersecurity and Cybercrimes Act⁶ has provided for offences pertaining to OGBV such as cyber extortion, identity, publication of information, pornography, child pornography, child solicitation, obscene matter or things, hate speech and harassment utilizing means of electronic communications.

2.5. The Children Code Act of 2022

The Children Code Act of 2022⁷ seeks to protect children from any form of violence and abuse including sexual abuse. This Act is expected to mitigate against offences targeted at children and act as a deterrent to perpetrators.

The Government continues to strengthen the policy and legal frameworks. The government has put in place critical elements for a digital transformation in the Country. These initiatives include the revision of the ICT Policy, the National Gender Policy, the e-Government agenda and the development of the National Digital Transformation Strategy to ensure the attainment of gender equality in the development processes by redressing the existing gender imbalances.

2.6. Child Online Protection Strategy

As a member state of the ITU through the Ministry of Technology and Science and ZICTA, the Government of the Republic of Zambia prioritized the domestication of ITU Resolution 179 to reinforce its commitment to child welfare in the physical and digital environment. With national ambitions for digital transformation, the resolution promotes the 2015 National Child Policy for Zambia. With children and young adults representing approximately about 70% of Zambia's population, ensuring the safe and secure adoption of ICTs amongst this segment of the population is paramount if Zambia is to fully harness its demographic dividend in a digital society. Today's youth and children are tomorrow's digital work force therefore ensuring their safety through instruments such as the National Child Online Protection Strategy⁸ is paramount in ensuring Zambia's ability to participate, contribute and compete in the global digital economy. Zambia developed and launched its COP Strategy in August, 2020. The Strategy's vision is **"A Safe and Secure Cyberspace for All Children"**. With four overarching pillars, namely Organizational Structures, Capacity Building & Awareness, Legal measures, International Cooperation and Technical and Procedural measures

⁶<https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%202%20of%202021The%20Cyber%20Security%20and%20Cyber%20Crimes.pdf>

⁷<https://www.parliament.gov.zm/sites/default/files/documents/acts/ACT%20No.%2012%20OF%202022%2CThe%20Children%27s%20Code%20FINAL.pdf>

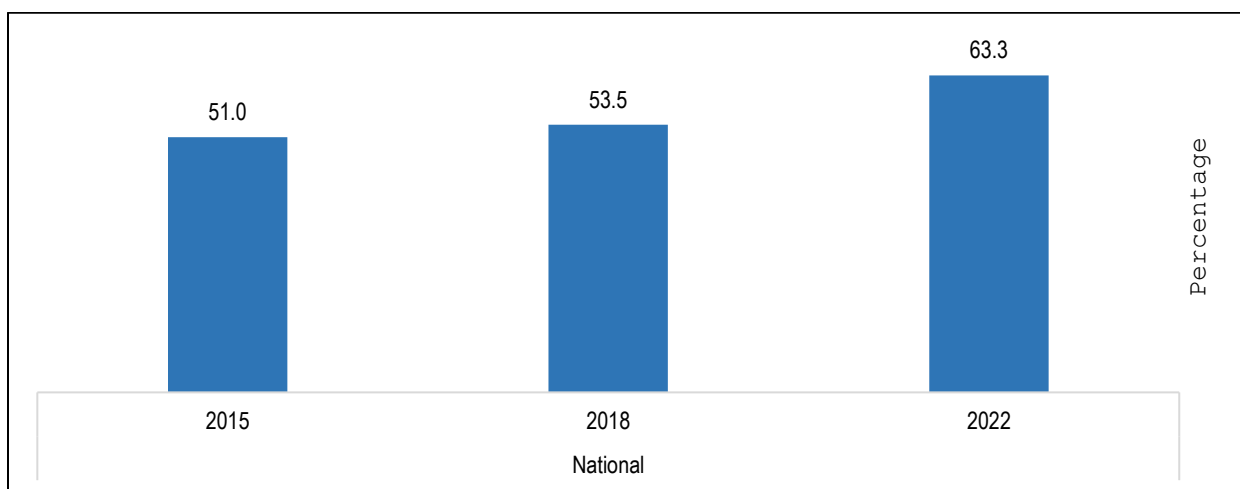
⁸ <https://www.zicta.zm/storage/posts/attachments/Eu63HezeLZR0P6Zedq70CUOAlwQPL9jfYaNXQdIB.pdf>

3. ADOPTION OF ICTS AMONG WOMEN AND GIRLS IN ZAMBIA

3.1. Access and Usage of Mobile Phones

According to the 2022 national survey on access and usage of ICTs in Zambia undertaken by ZICTA and ZAMSTATS, the proportion of individuals aged 10 years and older that had used a mobile cellular telephone before was 63.3 percent in 2022. This presented an increment of 9.8 percentage points from the proportion of active mobile cellular phone users recorded in 2018 and 12.3 percentage points above the figure recorded in 2015. The findings from the survey confirm the growing trend in usage of mobile phone services which not only serve as a means of communication but can also be an avenue for various risks.

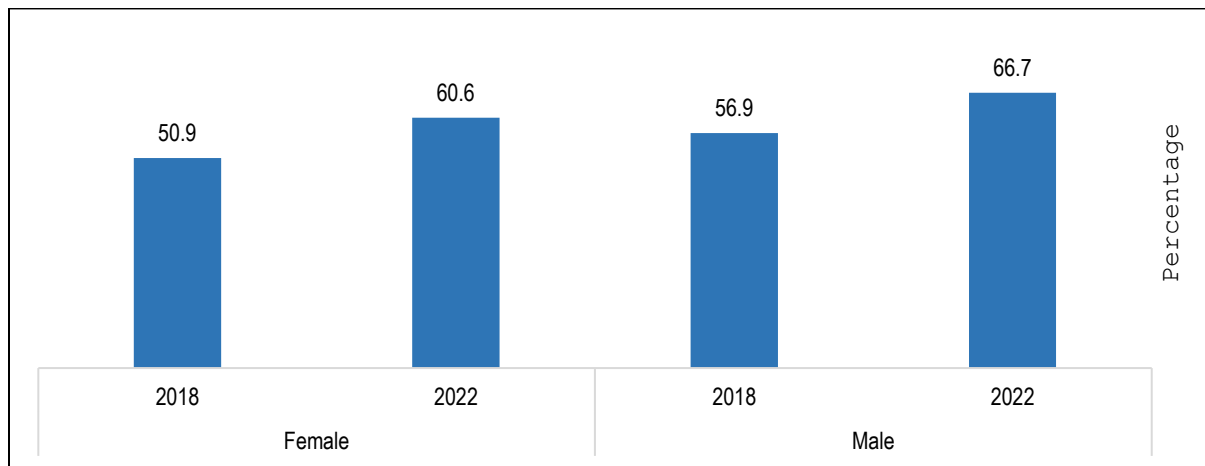
Figure 1: Active Mobile Cellular Telephone Usage; 2015 - 2022



Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

The survey report further established the existence of a gender gap in usage of mobile phones. The report highlighted that there are relatively more of males that use mobile telephone services at 57.3 percent than the proportion of females at 47.4 percent. In spite of this gap in usage, it was noted that mobile phone usage amongst males and females between 2018 and 2022 had increased significantly by 9.7 percentage points and 9.8 percentage points respectively. These findings support the assertion that there are increasingly more women and girls using mobile telephone services.

Figure 2: Active Mobile Cellular Telephone Usage by Sex; 2018 - 2022

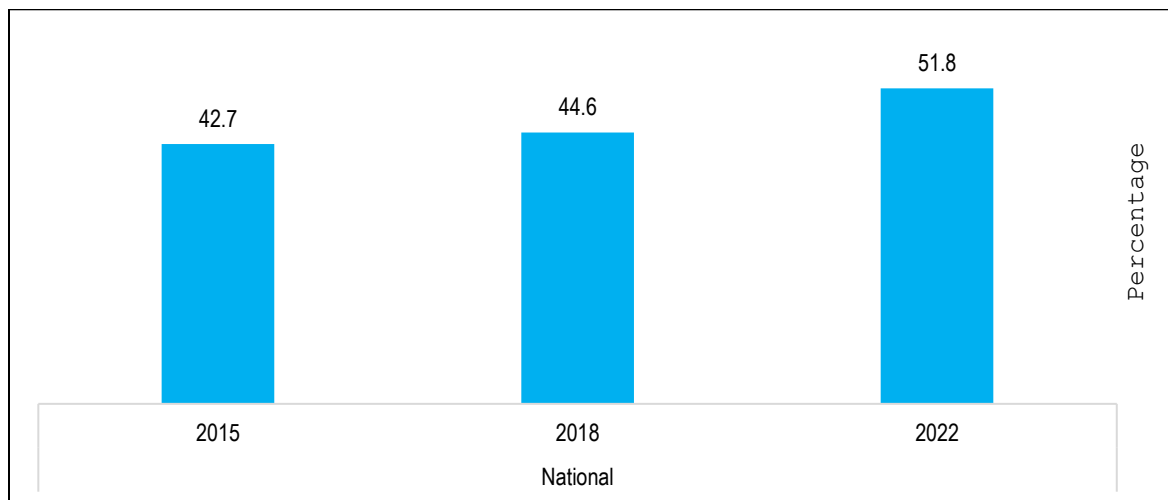


Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

3.2. Ownership of Mobile Cellular Telephone

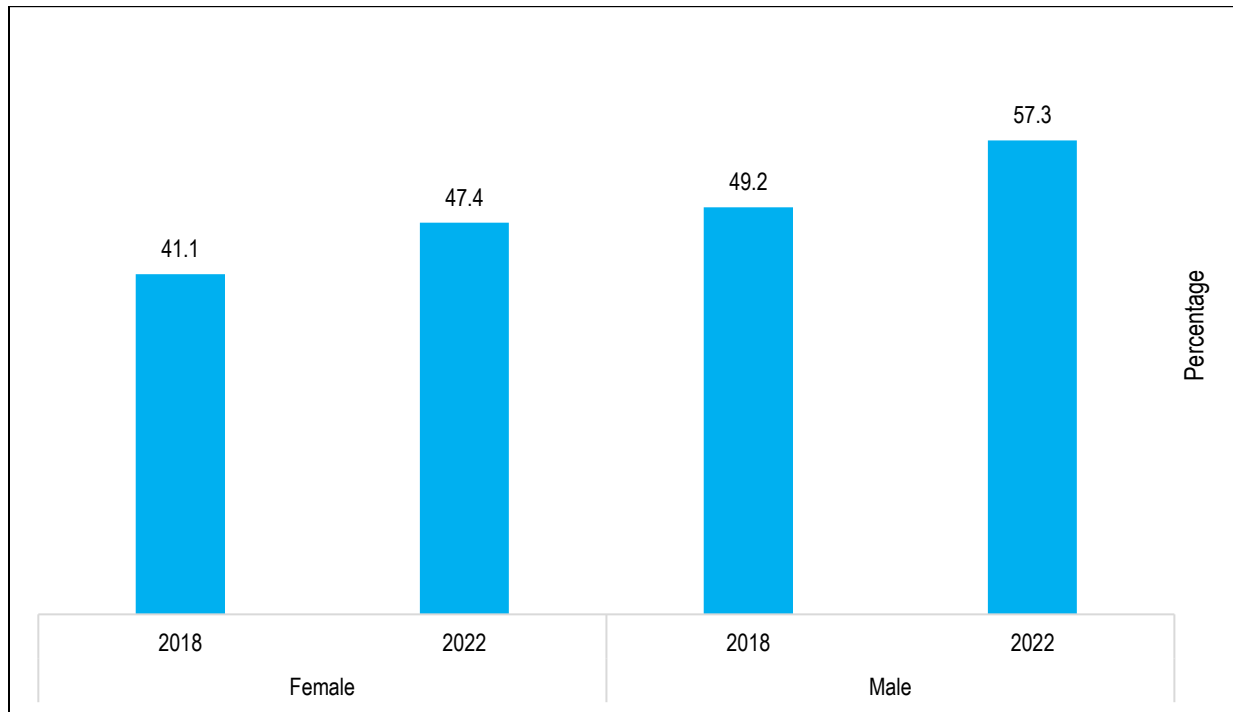
Consistent with the increased usage of mobile telephone services, the 2022 National ICT survey report highlighted that 51.8 percent of individuals aged above 10 years old owned a mobile cellular telephone reflecting a 7.2 percentage point increment from the mobile phone ownership rate recorded in 2018. These trends reflect increasing ownership of mobile phones in the country.

Figure 3: Mobile Cellular Telephone Ownership; 2015 - 2018



The survey report further established that the proportion of males that owned mobile phones continued to be relatively higher than that of females that owned mobile phones. The proportion of males that owned a mobile phone increased from 49.2 percent to 57.3 percent translating into an increase of 8.1 percentage points while that of females increased from 41.1 percent to 47.4 percent representing an increase of 6.3 percentage points. The key observation is that despite the gender gap across males and females in ownership of mobile phones, both males and females continued to increase their ownership of mobile phone devices.

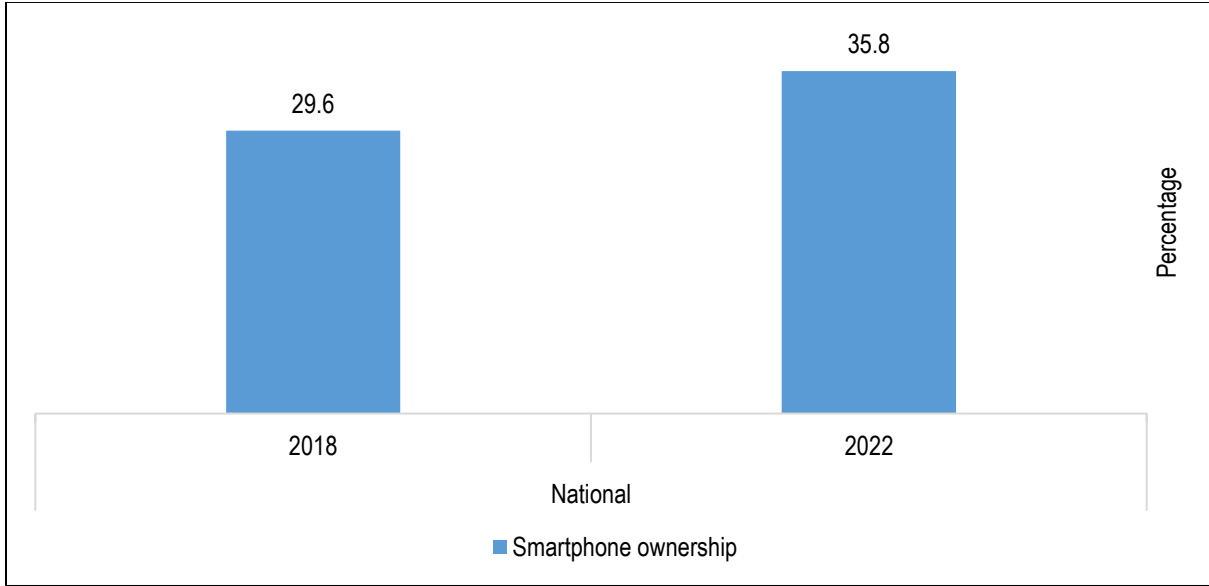
Figure 4: Mobile Cellular Telephone Ownership by Sex; 2018 - 2022



Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

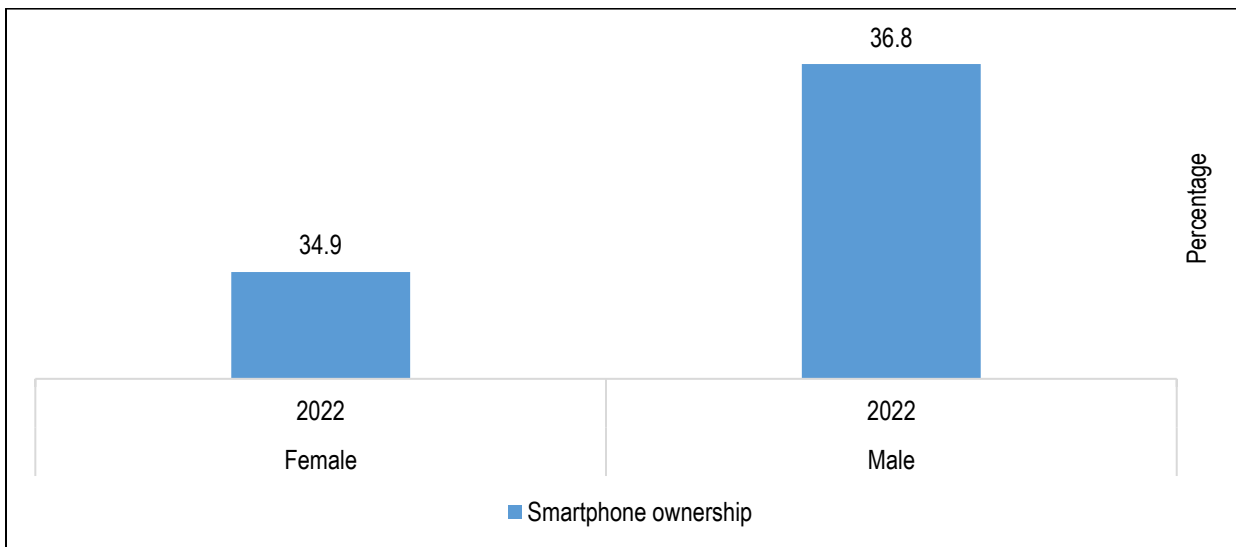
Among the total number of individuals aged 10 years and older that owned mobile phones, 35.8 percent were noted to have smartphones. This represented a 6.2 percentage point increase in the proportion of individuals with mobile phones that owned smartphones from 29.6 percent recorded in 2018. Smartphones are a useful avenue of increasing access to internet services which ultimately provide the platforms for vices such as cyber bullying.

Figure 5: Proportion of Smartphone Ownership amongst Mobile Cellular Telephone Owners; 2018 - 2022



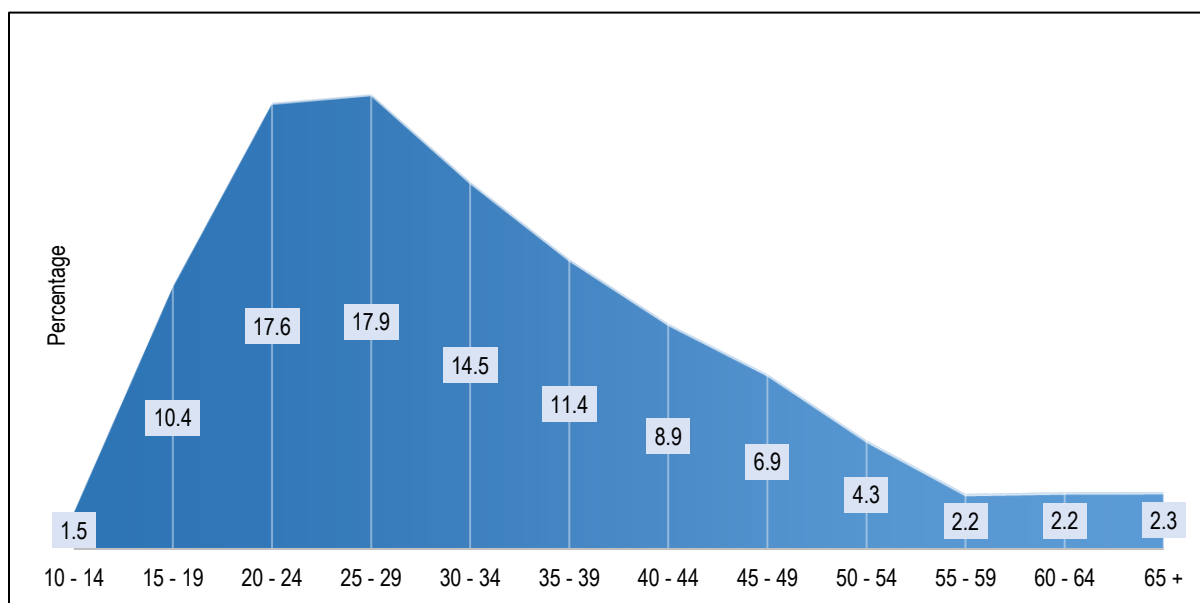
Consistent with other findings, it was noted that there was a relatively larger proportion of males with mobile phones that indicated that they owned smartphones compared to the proportion of females with mobile phones that owned a smartphone. Specifically, 36.8 percent of males with mobile phones owned a smartphone while 34.9 percent of females owned a smartphone representing a minor gender disparity of 1.9 percent points. Generally, smart phone adoption remains relatively low in the country with the disparity across gender being negligible.

Figure 6: Proportion of Mobile Cellular Owners that Own a Smartphone by Sex; 2022



The age distribution of individuals with mobile phones that owned smartphones showed that the largest proportion of smartphone owners were between the age of 14 and 35 making up to 60 percent of the population. The smallest proportion of smartphone owners were above the age of 55 and below the age of 15, cumulatively making up 8 percent of the total proportion of smartphone owners. These insights on the age distribution reflect that girls and young women are likely to constitute the larger proportion of the female population that own smartphones. The findings can also be extended to reflect that these age groups are the most at risk of being victims of cyberbullying.

Figure 7:



Proportion Mobile Phone Owners with a Smartphone by Age; 2022

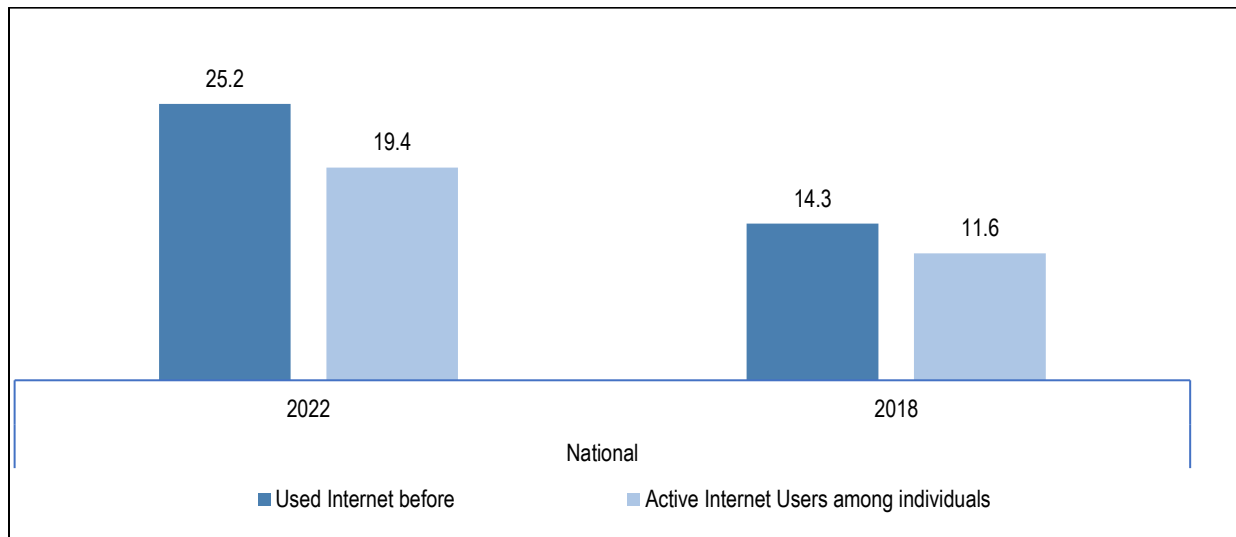
Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

3.3. Access and Usage of Internet Services

Internet services are an important source of access to information. The survey established that 25.2 percent of individuals aged 10 years and older in the country had used the internet before translating into a 10.9 percentage point increase

from the proportion of individuals that had used the internet in 2018. Consequently, the internet use penetration rate was 19.4 in 2022 relative to 11.6 percent in 2018 representing an increase of 7.8 percentage points.

Figure 8: Internet Usage by Individuals 2018 - 2022

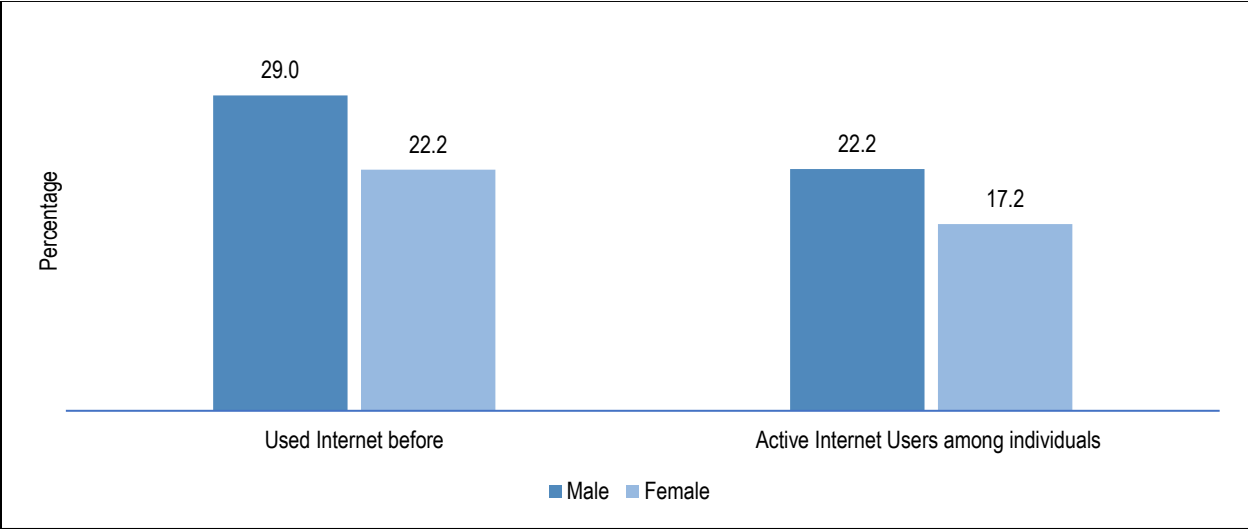


Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

Consistent with earlier estimates on the gender divide, the proportion of individuals aged 10 years and older that have used the internet before was relatively higher amongst males than females. Specifically, the proportion of males that had used the internet before was 29 percent whilst the proportion of females was 22.2 percent translating into a gender disparity of 6.8 percentage points. Notwithstanding, the proportion of females using the internet increased from 17.2

percent in 2018 to 22.2 percent in 2022. These increases in usage of the internet imply that the likelihood of online cyberbullying is also increasing.

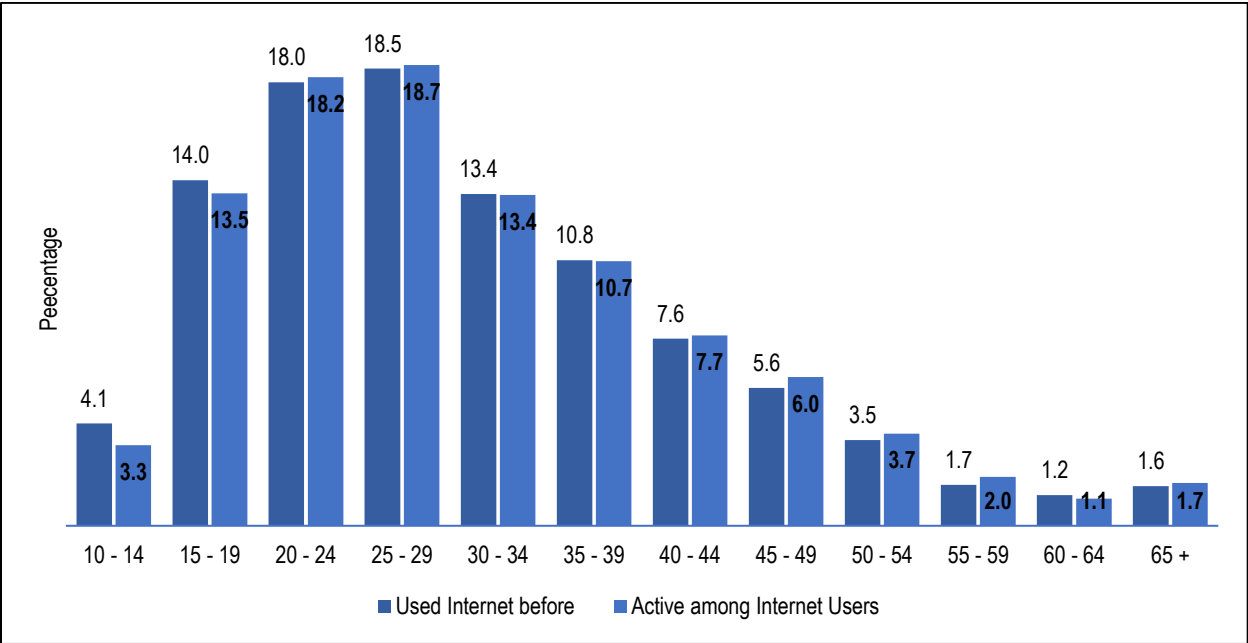
Figure 9: Internet Usage by Sex 2022



Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

The survey further revealed that the bulk of internet users were noted to be among the youth ranging from the age of 15 to 34 years old. This age group accounted for more than 60 percent of individuals that had used the internet before as well as those that were active internet users. This implies that most of the internet users in the country are among girls and young women.

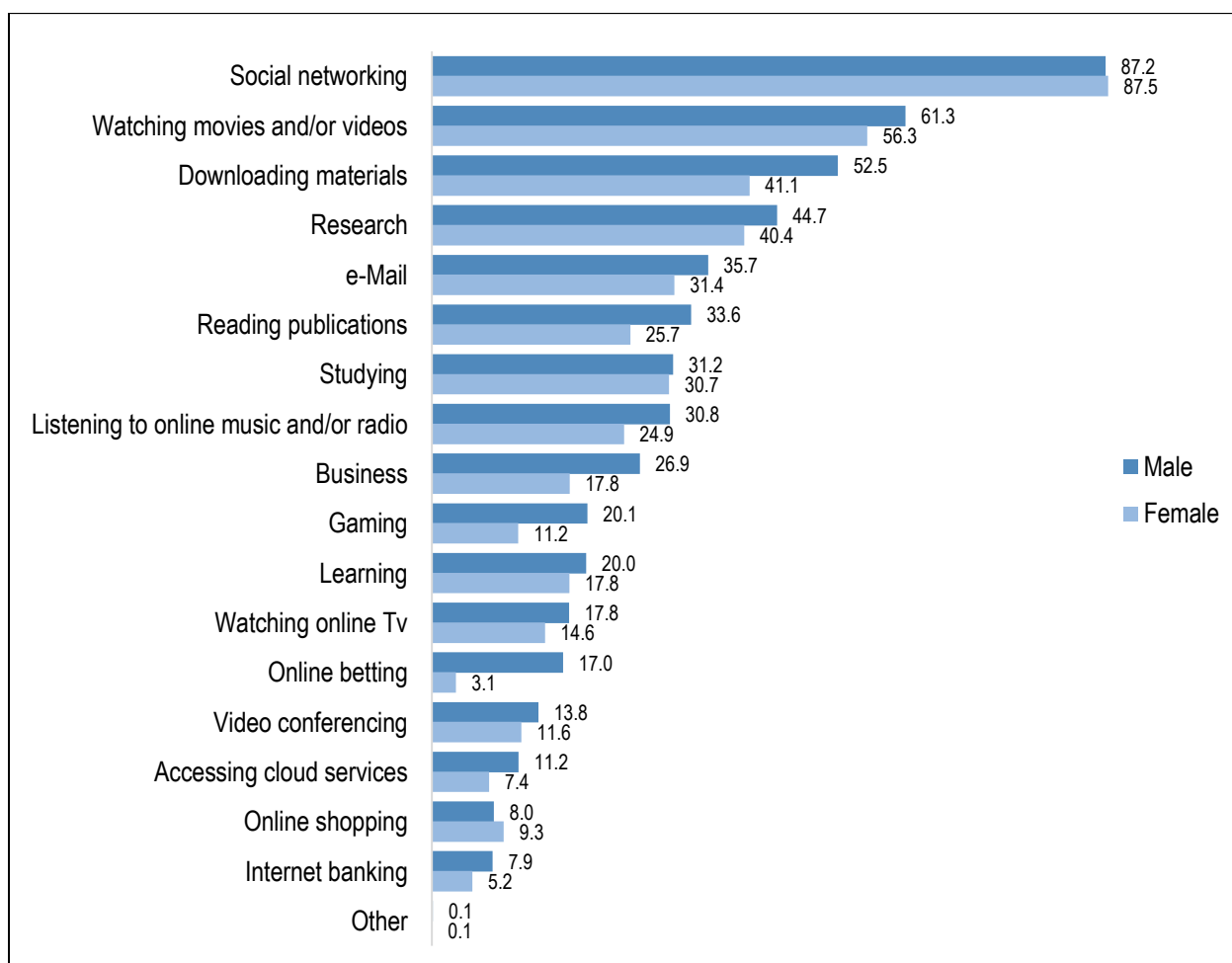
Figure 10: Internet Usage by Age Group 2022



Source: ZICTA, 2022 National Survey on Access and Usage of ICTs

Most internet users, both female and male, used the internet platform for social networking. There were minimal disparities between the proportion of male internet users and that of females that used the internet for other reasons. The increased usage of the internet for social networking increased the likelihood of risks such as cyberbullying which are often conducted on social media platforms.

Figure 11: Activities Undertaken Online by Sex 2022

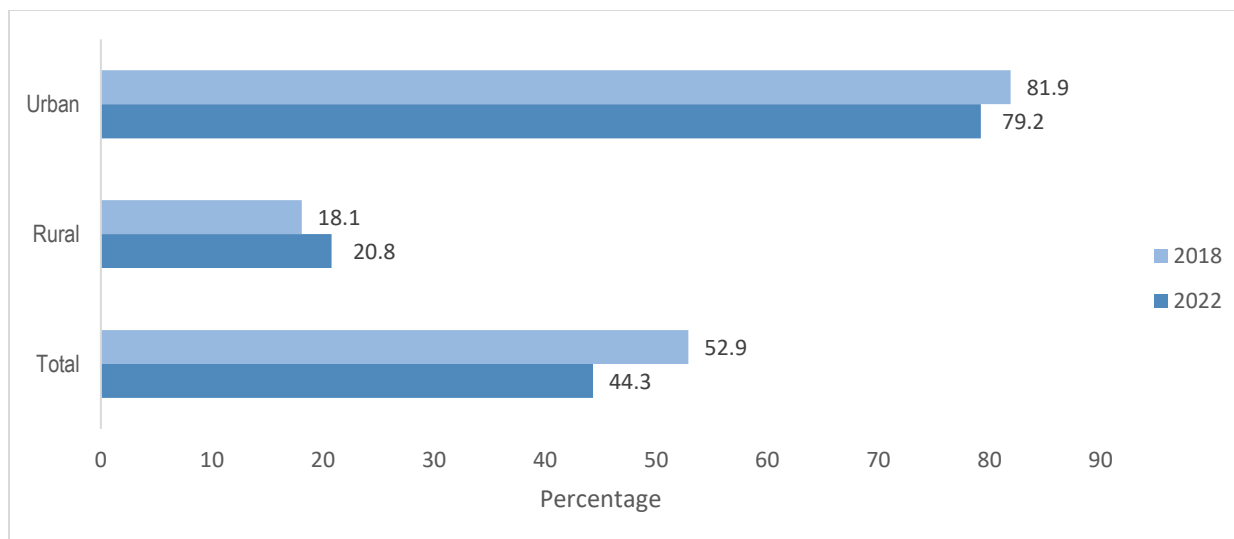


3.4. Awareness and Incidence of Online Risks

The 2022 National survey on access and usage of ICTs estimated the proportion of individuals aged 10 years and older with access to the internet that were aware of the risks associated with online activities at 44.3 percent in 2022 which

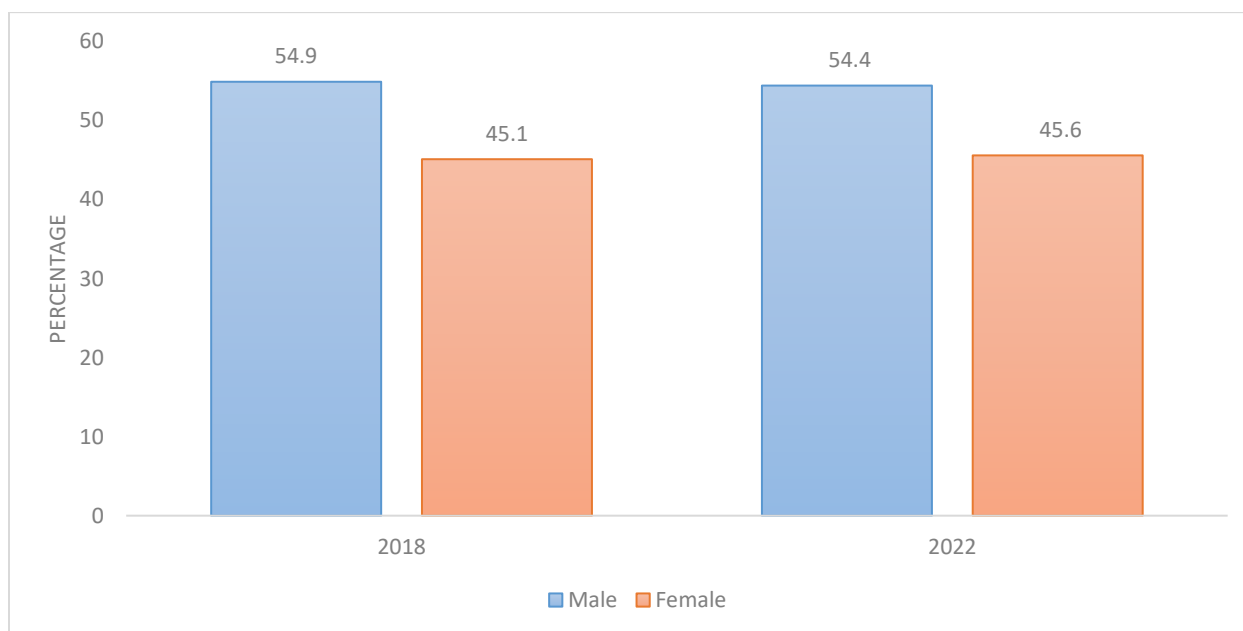
was comparatively less than 52.9 percent recorded in 2018. This implies that despite the growth in the number of users of internet services, the majority of the online users are not aware of the risks associated with using internet services.

Figure 12: Distribution of Individuals’ Awareness of Online Risks by Region; 2018 and 2022



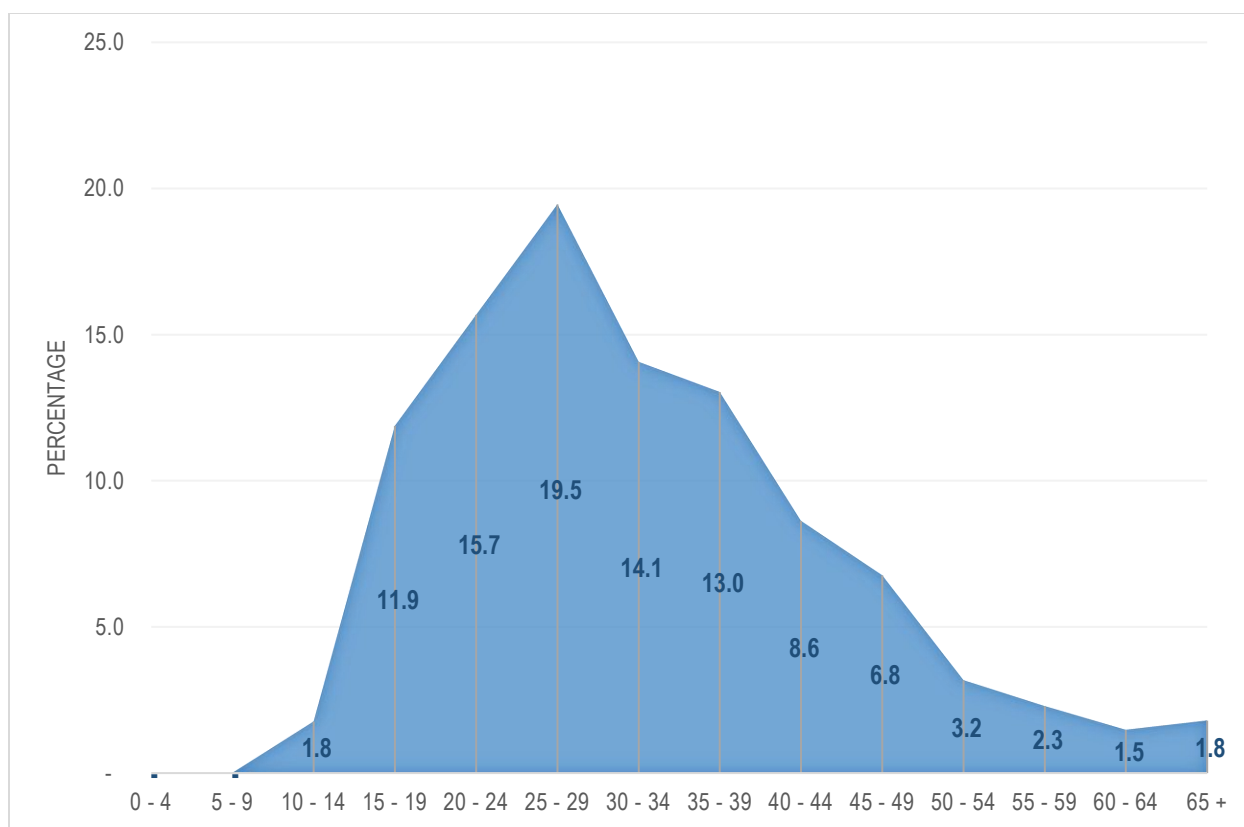
The survey further revealed that there were more males aware of the risks associated with being online than females. In 2022 males accounted for 54.4 percent of the individuals that had access to internet services and were aware of risks associated with online activities while the females accounted for 45.6 per cent. This means that women and girls are likely to be victims of online risks owing to the limited awareness on the existence of such risks.

Figure 13: Distribution of Individuals Awareness of Online Risks by Sex; 2018 and 2022



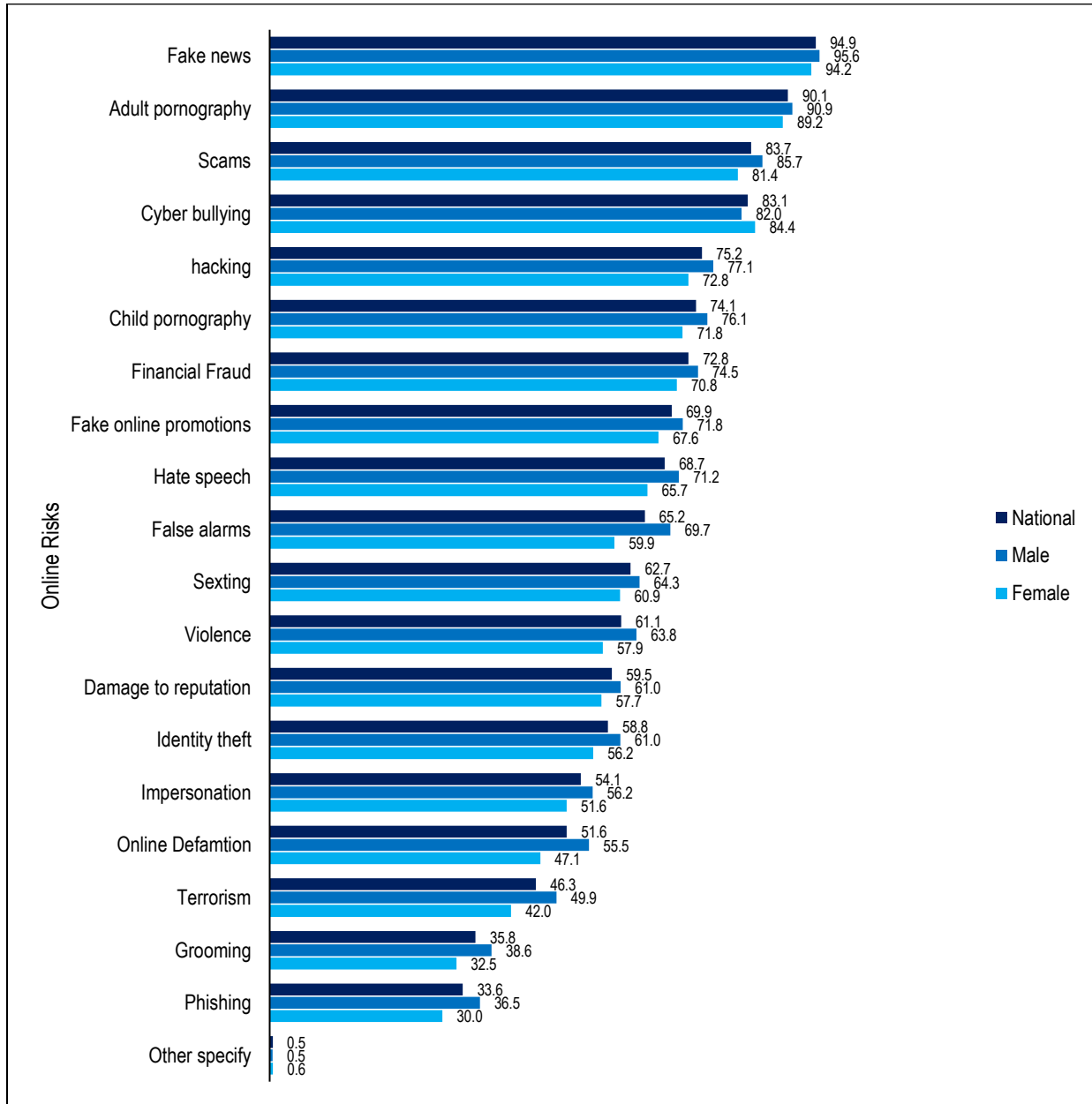
Young people were also established to be more aware about risks associated with online activities compared to people above the age of age of 35. Specifically, 63.0 percent of the internet users that indicated that they were aware of risks associated with online activities were below the age of 35 years. This implies that older people are at a higher risk of being victims of online risks in Zambia.

Figure 14: Distribution of Individuals’ Awareness of Online Risks by Age; 2022



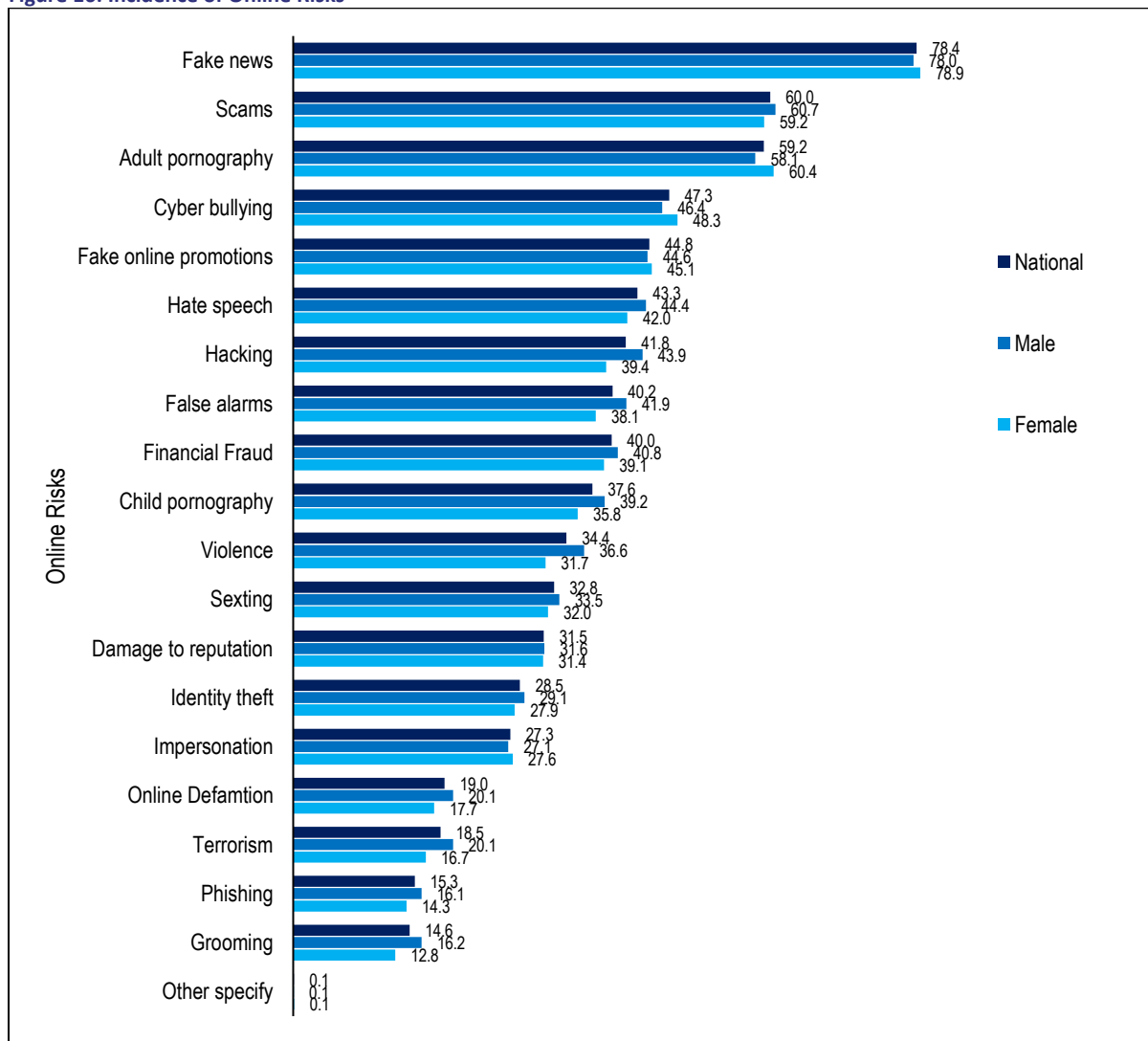
The most prevalent risks identified by internet users aged 10 years and older that were aware of online risks included fake news, adult pornography and scams accounting for 94.9 percent, 90.1 percent and 83.7 percent respectively. Awareness of risks associated with terrorism, online defamation and phishing were relatively low among individuals aged 10 years and older that reported to be aware of risks associated with online activities. The variation across gender on awareness of online risks was minimal with a consistent pattern observed on the risks that are widely understood and those that are not.

Figure 15: Distribution of Individuals' Awareness of Online Risks by Type; 2022



Exposure to fake news and scams were the most prevalent incidents that individuals' aged 10 years and older with access to internet encountered while online. Specifically, 78.4 percent of the internet users aged 10 years and older that indicated that they were aware of online risks had been exposed to fake news, while 60.0 percent had been exposed to scams. Further, about 47 percent of internet users that were aware of the risks related to cyber bullying encountered cyber bullying while online. On the other hand, risks such as phishing and grooming were less commonly encountered by individuals aged 10 years and older that were exposed to risks while online accounting for 15.3 percent and 14.6 percent respectively. The distribution of the incidence of the risks was relatively consistent across gender with a relatively higher proportion of females being victims of cyberbullying compared to males.

Figure 16: Incidence of Online Risks



4. EFFECTS OF ONLINE GBV AMONG WOMEN AND GIRLS



4.1. Nature of Online Gender Based Violence in Zambia

Online bullying is among the risks with the highest incidence in the country as evident by the latest national demand side survey undertaken by ZICTA and ZAMSTATS. There are various forms that online bullying takes place among women and girls. Some of the various forms of OGBV are sextortion, extortion, online harassment, hate speech and dissemination of obscene material to mention a few. Based on the focus group discussions undertaken as part of this study, cyber extortion has been identified as one of the most prominent OGBV crimes in Zambia.

Cyber Extortion as provided under section 52(1) (a) of the Cyber Security and Cyber Crimes Act is described as a person commits an offence if that person, through a computer system with intent to extort or gain anything from any person, accuses or threatens to accuse any person of committing a crime or offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of a crime⁹. It was also established that most of the victims of vulnerable groups that fall victim to this vice are women and girls.

⁹ <https://www.parliament.gov.zm/node/8832>

Some of the reasons that have contributed to the heightened cyber extortion among women and girls are; need for companionship, financial gain, social status, low self-esteem, employment opportunities to mention a few. **One of the respondents in the focus group discussions narrated that she had entered into a relationship with someone on Facebook. She subsequently agreed to send nude pictures of herself to the perpetrator after which he threatened to disseminate the material if she did not send him money. She sent over 10,000 Kwacha to prevent her pictures from being circulated but the perpetrator kept demanding for larger sums of money. She fell into a state of depression and was only assisted after police intervened.**

Another respondent reported of how her daughter was being blackmailed by an unknown person. She initially sent inappropriate photos to her boyfriend- who later shared them with his friends on a WhatsApp group. The perpetrator, from the WhatsApp group, sent the photos to the respondent's daughter and demanded that the two meet and she should give in to his sexual demands failure to which he would post the photos on many social media platforms to embarrass her. The mother had to report the matter to the police for assistance but this scenario left the daughter very traumatised.

Another growing form of OGBV is hate speech which is increasingly being eminent especially on social media platforms. *Hate Speech* is when the offender sends offensive messages to the victim or posts offensive comments on social media about the victim. According to the cybersecurity and cybercrimes act, hate speech means “*verbal or non-verbal communication, action, material whether video, audio, streaming or written, that involves hostility or segregation directed towards an individual or particular social groups on grounds of race, ethnicity, antisemitism, tribalism, sex, age, disability, colour, marital status, pregnancy, health status and economic status, culture, religion, belief, conscience, origin.*”

There have been several incidents of hate speech against celebrities, politically exposed persons and social media influencers among other groups. One of the respondents in the focus group discussions narrated an incident involving a prominent female musician in the country. **A picture was posted of her online with the caption “The most beautiful girl in Zambia”. Because of her dark complexion and acne prone skin, she received a lot of negative backlash from the online community.**

Another respondent indicated that she posted wedding photos of her sister on her facebook page and received backlash about her make-up and her wedding dress. Both the respondent and the sister were affected by this backlash as the photos were even circulating on other social media platforms such as WhatsApp and it was difficult to delete them. She further explained the mental anguish she went through as the situation went beyond her control.

Dissemination of obscene material was established to be equally a growing trend especially among women and girls. **Dissemination of obscene material** is when obscene material is being circulated online via social media platforms such as WhatsApp and Facebook. Sexual images of women and girls are usually created and distributed without consent.

Obscene material was reported to mostly disseminate via Facebook and WhatsApp social media applications. **One respondent said that she did not know that it was a crime to take nude pictures and videos of herself. She explained that one day when her phone malfunctioned, she took it for repair and to her shock she found her pictures circulating on social media. She said this caused her so much shame and embarrassment. She learnt from the workshop that it was a crime to produce and circulate obscene material.**

Another respondent explained that she was on a church WhatsApp group and one of the group members lost a phone. The person who stole the phone started sending phishing links that had nude photos and videos of ladies. She indicated that this caused her so much discomfort as the church group had distinguished men and women of God.

4.2. Extent of OGBV among Women and Girls

Due to the lack of reporting and a centralised data base, it is difficult to ascertain the true extent of OGBV. Therefore, establishing the rates of OGBV is complicated as the numbers will be dependent on the number of reports recorded.

Majority of the respondents that were interviewed during the focus group discussions reviewed that OGBV was more prevalent on WhatsApp and Facebook. OGBV is increasing due to the wide reach that a single post on social media can cover. More people have access to ICTs and social media platforms and therefore, information goes viral at a much faster rate due to information being received and forwarded via different platforms.

4.3. Effects of OGBV among Women and Girls

The focus group discussions revealed that online violence has potential to have very severe effects on not only on the victim's reputation but their dignity, self-esteem, physical and psychological health. These effects often lead to secondary effects such as victims retreating from use of the internet and isolating themselves. Some of the effects of OGBV are outlined below:

4.3.1. Social, Economic and Emotional Abuse

One of the participants in the focus group discussions said OGBV can limit victim's rights to express themselves freely and equally for fear of being abused of their opinion. She explained that she wanted to alert other online users about someone who had scammed her out of paying for a TV which she never got but she instead received a backlash with abusive language. She was driven to the point of deactivating her account. She said she would rather not be socially active but observe from afar.

4.3.2. Sexual Abuse

A participant in the focus group discussion explained that she had wanted to join a modeling agency but was shocked that she was sent pictures of how they wanted her to pose when she joined the agency. She said these pictures were of couples posing in compromising positions. She said she was forced to withdraw as this was not what she expected.

4.3.3. Emotional Abuse

Some participants in the focus group discussions narrated how OGBV led to psychological and emotional harm and subsequently withdrawal of digital participation in politics and cultural life. One of the participants said she withdrew from the political arena as she became a target of violent and abusive content. She said she recalled how a renowned Zambian female politician was ridiculed on social media and was advised to not waste time but to go and get married.

4.3.4. Hopelessness

Some participants reported that they felt hopeless when cases were presented to the police as they were mocked or teased which made them lose confidence in the police. It was also reported that some victims were blamed for what they posted meaning they deserved the abuse they experienced. This caused them to withdraw from social media. Other participants explained how some of the abuse extends to offline platforms. One of the participants who suffered online abuse was forced to close her account for a while. However, she still suffered offline abuse as she was identified as “isn’t it that girl who.....”

4.3.5. Low Self Esteem

Another participant said OGBV can lower self-esteem and self-confidence due to anxiety and stress based on what the victim had posted online. She had a horrid experience when she posted pictures of herself dressed in traditional attires which her mother made for sale on her Facebook account. For this, she received backlash on her tribal status where the perpetrators told her that she must belong to a certain tribe because of the colour of the garments posted. One of the participants indicated that she was scared to be on social media for fear of experiencing abusive comments from people because of the acne she had. She said she had to think twice before she became active on social media.

4.3.6. Suicidal Thoughts

A participant said she suffered societal judgement due a post she posted online. She was humiliated to the point that she had to close her Facebook account because she contemplated suicide. A participant said she contemplated suicide and withdrawal from society after a picture that was taken of her at an event was posted online without her knowledge. She was cyberbullied because of the outfit she wore, she was receiving calls from strangers just to mock her. She said she experienced the worst time of her life as a result.

5. OVERVIEW OF STRATEGIES AIMED AT MITIGATING OGBV IN OTHER REGIONS

Online Gender Based violence has been on the increase and violates human rights for women and girls globally. It is pervasive in both offline and online spaces. OGBV is a form of gender injustice and discrimination that takes place in online spaces. This type of GBV can include stalking, harassment, bullying, and pornography among others. It has been observed that ICTs make it easier to perpetuate OGBV. Due to sharing of information on various digital platforms such as the Internet or social media, any one is vulnerable to harassment, discrimination, and violence online.

Meta Public Policy Department for Southern Africa conducted a study, Understanding Online Gender Violence (2021) in eight (8) SADC countries to review the GBV trends and policy frameworks in place to combat GBV. The study further looked at the existing legal frameworks that the countries had to handle online crimes. The report revealed that there is a policy and regulatory gap in terms of targeting OGBV crimes specifically. Some key insights were drawn from the following countries: Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zimbabwe and Zambia.

5.1. ANGOLA

The Constitution of the Republic of Angola, 2010 guarantees the gender equality as a right and tasks the Government to promote equality and non-discrimination between citizens. The Angolan government actively monitors online activities which has promoted self-censorship. The Government implemented the Computer Networks and Systems Protection Law 7 of 2017 which provides for security on the internet. However, none of these regulations speak into OGBV directly. Types of OGBV in Angola include hate speech, stalking, doxing and cyberbullying. Victims of OGBV are vulnerable groups such as women and girls. Activists and Journalists prominently suffer from OGBV than other groups.

5.2. BOTSWANA

The National Policy on Gender and Development of 2015 addresses inequality and GBV although OGBV is not categorically addressed. The Cybercrime and Computer Related Crimes Act 2018 provides for the combating of online crimes including cyberstalking and cyber harassment. Types of OGBV experienced in Botswana is cyberbullying, cyber-harassment and image-based sexual abuse. Cyberbullying of celebrities, politicians, women activists is prevalent in Botswana

5.3. MALAWI

The types of OGBV prevalent in Malawi are doxing, cyberbullying, cyber-harassment and non-consensual sharing of intimate images. Majority of the victims of OGBV are women in public circles such as lawyers and nurses. The governing regulations in Malawi are the Gender Equality Act¹⁰ and the Electronic Transactions and Cyber Security Act¹¹. Even though the Malawi policies and regulations do not specifically look at OGBV, Malawi's criminal code includes provisions related

¹⁰ <https://media.malawilii.org/files/legislation/akn-mw-act-2013-3-eng-2014-12-31.pdf>

¹¹ <https://media.malawilii.org/files/legislation/akn-mw-act-2016-33-eng-2017-12-31.pdf>

to various forms of GBV. While it primarily focuses on offline crimes, it can be used to address online GBV in some cases. However, specific laws targeting OGBV are yet to be introduced.

5.4. MOZAMBIQUE

The Mozambican constitution guarantees the protection of human rights and prohibits discrimination on the basis of sex or gender. This constitutional framework forms the basis for addressing GBV, including OGBV. Even though there is no specific law that targets OGBV in Mozambique, the Criminal Code contains provisions that can be used to address several of OGBV including cyberbullying and online harassment.

Mozambique has developed a National Policy for Gender Equality and Equity, which encompasses strategies to address GBV, both offline and online.

5.5. NAMIBIA

Namibia has a National Gender Policy of 2010¹², although it does not address issues relating to OGBV. The country is yet to pass laws to provide for cybercrime. OGBV is more reported in female politicians, journalists, activists and celebrities. However, there are a number of organisations in Namibia that are actively involved in combating OGBV and promoting digital safety and women's rights. These include but are not limited to:-

1. **Internet Society Namibia Chapter** focuses on promoting an open, secure, and accessible internet in Namibia. They may work on initiatives related to online safety and digital literacy¹³.
2. **Legal Assistance and Advice Centre (LAAC)** provides legal assistance and advice to marginalized groups, including women who may experience various forms of GBV, including online harassment.¹⁴

5.6. SOUTH AFRICA

South Africa has a 2020 -2030 national strategic plan which acknowledges the existence of OGBV and also provides interventions and potential strategies to combat OGBV. South Africa's online harassment on the basis of gender and race is rampant and has been on Governments agenda to combat. Some of the mitigating measures by government include the enactment of Protection from Harassment Act 17 of 2011, Promotion of Equality and Prevention of Unfair Discrimination Act, and Cybercrime Act 19 of 2020. The Cybercrime Act provides an opportunity to protect the dignity of women from practices such as gender trolling, threats and image based sexual abuse but does not expressly address OGBV. The South African Law Reform Commission (SALRC) has been reviewing existing laws and proposing new legislation to address digital violence and harassment. South Africa lacks a direct policy on OGBV.

¹² http://1325naps.peacewomen.org/wp-content/uploads/2020/12/namibia_gender_2010-2020_en.pdf

¹³ <https://isocnamibia.org/>

¹⁴ <https://www.lac.org.na/>

South Africa has a number of support services and helplines that deal with GBV and OGBV cases. Some of them include but are not limited to:-

1. **Gender-Based Violence Command Centre** is a national helpline in South Africa that provides support and assistance to victims of GBV and OGBV. The helpline operates 24/7 and offers counselling, referrals and assistance in emergencies¹⁵.
2. **People Opposing Women Abuse (POWA)** is a South African organization dedicated to providing support and services to women who have experienced abuse, including online abuse. They offer a helpline and various support programs¹⁶.
3. **Lifeline South Africa** offers counseling and emotional support services to individuals facing various life challenges, including OGBV¹⁷.
4. **Thuthuzela Care Centres** are facilities in South Africa that provide comprehensive support services to victims of sexual violence, which may include online sexual harassment. While not a helpline, these centres offer crucial assistance to survivors¹⁸.

Civil society organizations and government agencies in South Africa run campaigns to raise awareness about OGBV, including its consequences and how to report incidents. Efforts are being made to promote digital literacy and online safety among women and youth.

5.7. ZIMBABWE

Zimbabwe has a Domestic Violence Act of 2006 which doesn't speak directly into OGBV. However, the country has existing legal frameworks that can be used to address OGBV including the Criminal Law (Codification and Reform) Act¹⁹ which covers offences like cyberbullying and harassment and the Data Protection Act of 2021²⁰ which deals with various elements of OGBV. The country identifies OGBV as a problem affecting influential women such as politicians, journalists and celebrities. Female journalists experience OGBV mostly perpetrated by political figures.

¹⁵ <https://gbv.org.za/about-us/>

¹⁶ <https://www.powa.co.za/POWA/>

¹⁷ <https://lifelinesa.co.za/>

¹⁸ <https://www.gov.za/TCC>

¹⁹ <https://www.law.co.zw/download/1698/>

²⁰ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/114001/143076/F-26458745/ZWE114001.pdf>

6. RECOMMENDATIONS FOR MITIGATING RISKS AND INCIDENTS RELATED TO OGBV

Based on the assessment of the legal and regulatory framework in the country to support gender equality as well as the trends in adoption of digital technologies as well as the associated risks especially among women and girls, the following recommendation are proposed:

- a) Establishment of a centralized OGBV management information system and database. This system would facilitate for the collection and collation of incidents of OGBV reported at various points which would also include the police. The platform would ensure that the country has comprehensive and up to date oversight on the incidents of OGBV. The system would also ensure that the country devices responsive strategies which are aligned to the nature and extent of the OGBV prevailing in the country.
- b) Increased awareness on risks and incidents of OGBV. The latest demand side survey undertaken by ZICTA and ZAMSTATS revealed that there is limited awareness on the risks associated with OGBV. Consequently, the limited awareness of such risks leads to a high incidence especially among young women and girls. There is need for enhanced awareness targeted at young women and girls on the risks that may be associated with online activities which would include OGBV. In the schooling system, such training can be targeted at guidance and counselling teachers who would provide support to learners who may fall victims.
- c) Establishment of safe spaces for victims of OGBV. The lack of adequate places of safety for victims is a challenge. There is need to establish places of safety and training of service providers on how to handle cases of OGBV. The growing adoption of internet services in the country is expected to be coupled with increasing incidents of OGBV. As the consequences of OGBV can be severe, there is need to establish accessible safe spaces for the victims to minimize the severity of the effects. In addressing OGBV, it is of utmost importance to have well informed and knowledge equipped care givers and service providers.
- d) Increase capacity building programmes for law enforcement agencies and the Judiciary. It is equally important to build capacity of service providers such as the Police and Judiciary on how to manage reported cases of OGBV. Law enforcement agencies if not equipped could be a source for increased distress and further the severity of the effects of OGBV.

- e) Engage the civic leaders (Members of Parliament, Councilors), traditional leadership, religious leaders, faith based organisations on preventive measures and reporting channels and mechanisms in order to enhance awareness within the community. Further, develop a programme for identified victims and perpetrators of OGBV to disseminate information as brand ambassadors to the community.

Review of the legal framework as digital technologies are fast changing with new and emerging risks always presenting. The current legal and regulatory framework as well as the existing institutional arrangements aimed at responding to the challenges of OGBV may need to be reviewed and updated to reflect current trends and expected outcomes.