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THE TRENDS AND IMPACT OF TECHNOLOGY ASSISTED VIOLENCE AMONG LESBIAN, BISEXUAL, QUEER (LBQ) WOMXN AND FEMALE SEX WORKERS (FSW) IN UGANDA

WHO WORKED ON THIS:

ACKNOWLEDGEMENTS

The trends and impact of technology assisted violence among Lesbian, Bisexual, Queer (LBQ) Womxn and Female Sex workers (FSW) in Uganda

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GLOSSARY

FSW	Female Sex Workers
LBTQ	Lesbian, Bisexual, Transgender, Queer
VAW	Violence Against Womxn
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer
LBQ	Lesbian Bisexual Queer
FGD	Focus Group Discussion
TAV	Technology Assisted Violence
OTT	Over the Top Tax
LBT	Lesbian Bisexual Transgender
WSW	Womxn who have sex with womxn
IANA	the Internet Assigned Numbers Authority
NCII	Non-Consensual Circulation of Intimate Images
ICANN	The Internet Corporation for Assigned Names and Numbers
HRAPF	Human Rights Awareness and Promotion Forum
HRI	Health and Rights Initiative
ERWEO	Eastern Region Women's Empowerment Organization
NGO	Non- Government Organization
JLOS	justice law and order sector
UBOS	Uganda Bureau of Statistics
WOMXN	An alternative way of spelling *women*, used by some feminists to avoid the perceived sexism in the suffix "-men"
CEDAW	Convention on Elimination of all Forms of Discrimination Against Women
GBV	Gender Based violence
W3C	World Wide Web Consortium
OGERA	Organization for Gender Empowerment and Rights Advocacy

EXECUTIVE SUMMARY

Technology-assisted violence (TAV) is a complex worldwide phenomenon with devastating results. Research to date shows that victim-survivors of intimate partner violence are tracked by their abusive partners who use technology to monitor their movements and communication. Many womxn, journalists, human rights defenders and politicians - especially female politicians, vocal LBTQ activists face daily death threats and rape threats for speaking out about various issues.

Those with intersecting marginalized identities are especially at risk, with Black, Indigenous and people of color; lesbian, gay, bisexual, transgender and queer (LGBTQ) people, sex workers and people with disabilities facing higher rates of attacks as well as concerted attacks that specifically target their identities. These attacks create legitimate safety concerns, involve appalling degrees of invasions of privacy and can have significant financial costs for those targeted. One of the most serious impacts is the silencing of womxn's and LGBTQ people's voices in digital spaces. TAV makes it unsafe and unwelcoming for womxn and LGBTQ people to express themselves freely in a world where digital communication has become one of the primary modes of communication.

As a fairly new phenomenon, TAV is not generally well understood. There has been relatively little empirical research conducted on TAV, and the bulk of the research on this topic to date is focused on higher-income countries. To better understand TAV, HER Internet is commissioning this research.

This comprehensive assessment on experiences of TAV against LBQ womxn and FSW in Uganda was prepared pursuant to the changing trends in the use of technology, the overwhelming need to determine their needs and challenges in relation to this form of violence, and the development of contextualized response strategies to mitigate the recurrence of this violence.

The increasingly rapid technological advances have created new possibilities for the criminal misuse of new Information and Communication Technologies (ICTs). It is therefore important we interrogate how far the harm goes, the avenues of access to justice for these violations and what LBQ womxn and FSW needs are in this regard.

The study is based primarily on open consultations with select LBQ womxn and FSW in four regions in Uganda - Gulu and Lira for the Northern region; Mbarara for the Western region; Mbale for the Eastern region and Kampala and surrounding areas for the Central.

The research is commissioned by HER Internet with financial support from Global Fund for Women.

INTRODUCTION

Technology intersects with virtually every aspect of our daily lives. In a survey involving service providers who provide services to victims of GBV, 97% indicated that victims who seek their services were being harassed, monitored and/or threatened by perpetrators misusing technology.[1] Understanding the impact of abusers' misuse of technology, the types of technology misused, and the ways in which technology can be used to assist survivors is therefore crucial to providing survivor support.

While harassment, threats and intimidation are not new tactics in the world of stalking, domestic and sexual violence, abusers are increasingly using technology as a means to monitor, harass, threaten, intimidate, impersonate and stalk their victims, making it difficult for survivors to find physical safety and eroding their sense of safety.

In addition, it is not uncommon for abusers to misuse multiple technologies at once, while also using non-technological abusive tactics. Not all types of violence and abuse are recognized and have equal responses. Survivors of some types of abuse, particularly newer forms of abuse using ever-changing technologies, face difficulties in gaining access to justice where legal systems have not yet caught up to technological shifts.

As the first LBQ run and serving NGO in the country tackling digital literacy, digital security information and skills for increased and safer online engagement, this research will provide us with a mechanism through which we document experiences of TAV against LBQ womxn and FSW in Uganda. It gives us the opportunity to identify the unique challenges of LBQ womxn and FSW affected by TAV and to define their unique needs in relation to identified experiences of online violence as well as accessing justice.

IDENTIFYING AND DESCRIBING THE PROBLEM

Recognizing the broader risk to which womxn and girls are exposed regarding technology assisted violence against womxn; LBQ womxn and FSW in particular are often at the intersection of additional threats as a result of their sexual orientation, gender identity /expression and choice of work while using online spaces. Unfortunately, there is no data highlighting the prevalence of technology assisted violence against these communities in Uganda, and no robust mechanism geared towards addressing significant vulnerabilities and online safety issues of this specific group of womxn. Therefore, there is an urgent need to interrogate the unique experiences of technology assisted violence, specifically targeting LBQ womxn and FSW in Uganda to develop contextualized and responsive strategies aiming to mitigate risk levels of these womxn while using technology. HER Internet therefore carried out a comprehensive assessment to determine experiences of technology assisted violence against LBQ womxn and FSW in Uganda.

Introducing the problem

> *"More inquiry is needed about the use of technology, such as computers and cell phones, in developing and expanding forms of violence. Evolving and emerging forms of violence need to be named so that they can be recognized and better addressed."–UN Secretary General, In-depth study on all forms of violence against women[2].*

This recognizes that while tech-related violence usually takes place online, it can and often does extend to the physical world, leading to physical violence in addition to psychological and emotional harm. This has made many understand that violence that is not physical is just as damaging. As

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1   https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/54e3d1b6e4b08500fcb455a0/1424216502058/NNEDV_Glimpse+-From+the+Field+-+2014.pdf

2   About the research project –End violence: Womxn's rights and safety online.(2006)

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previously noted, psychological harm is recognized as a form of violence and is clearly defined as a human rights violation under international law.

The National Resource Centre on Domestic Violence - an online network focused on violence against womxn and other forms of gender-based violence has shown that the harms resulting from technology-assisted violence include emotional or psychological harm, harm to reputation, physical harm, and sexual harm, invasion of privacy, loss of identity, limitation of mobility, censorship, and loss of property[3]. Other evidence has shown that technology-assisted violence can result in a violation of the right to life. For example, a case of spousal abuse resulting in a womxn being fatally stabbed by her husband, submitted to CEDAW under its Optional Protocol, included reference of threats and harassment made by the perpetrator to the victim by telephone[4].

Various cases covered by the media have shown incidences of online violence and harassment leading to the victim committing suicide and victim blaming which has discouraged many from reporting[5] .

SCOPE AND STRUCTURE OF THE STUDY

The methodology involved in obtaining vital information like the target group, goals, expected outcomes and more, stemmed from the concept paper. The concept paper guided the data collection, analysis and a report written thereafter.

Concept paper review: The concept paper was reviewed by the commissioning and study team. The aim was to ascertain that both parties understood the aim and nature of the study. It is in this meeting that the locations for study (Tool Testing and Main Study) were chosen.

Designing of the field tool: Using an Objective-Output Matrix, the Project Team was able to determine and map out questions that would be necessary to determine the results. This was done using a Brainstorming Method.

Testing of the designed tool: This was done to ascertain the practicality and functionality of the designed tool in obtaining relevant information from the respondents in accordance with the concept objectives. The tool was tested on a group of selected persons and refined based on the outcomes for the pretest exercise.

Mobilization: The process involved identifying the preferred characteristics: LBQ womxn and FSW in five districts of Mbale, Lira, Gulu, Mbarara and Kampala in 4 regions with the help of our sister organisations based in those regions.

Selection of areas for the study

The area of study was selected based on the 4 regions of Uganda; Central, Eastern, Northern and Western. The specific districts were selected on the basis of them being hotspots for our target respondents.

Collection of data

A mixed method involving both qualitative and quantitative was used to collect data. The option to combine them was based on the knowledge that each has specific limitations as well as particular strengths; by using them together, would enable one method to compensate for their other's mutual and overlapping weaknesses.

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3   https://vawnet.org/sc/technology-assisted-abuse

4   Fatma Yildirim (deceased) v. Austria, communication No. 6/2005, views adopted 6 August 2007, para. 12.1.3

5   https://edition.cnn.com/2018/11/10/africa/uganda-pornography-revenge-porn-asequals-africa-intl/index.html

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Documents and records:

This involved examining existing data in the form of research articles, conference reports and newsletters online. These were obtained using the search engine, Google. Key words used to obtain such information were: "technology assisted violence", "forms of technology related violence against womxn", "Access to justice for vulnerable victims of technology related violence" and "Solutions to technology related online violence". The advantage with this methodology is that the internet provided a wide array of information. A challenge was, the information about the target group of the research especially in the Ugandan context was almost non-existent. Therefore, literature and references were made to other African countries like South Africa and even more to countries outside of Africa.

Focus Group Discussions (FGD)

A total of six (6) FGDs were held; one each in Lira, Gulu, Mbale, Mbarara and two in Kampala, one for LBQ womxn and the other for FSW.

Key informants

These are individuals belonging to the communities we serve who are either in positions of leadership at organizations, online activists as well as those who have done similar work previously.

GENERAL FINDINGS FROM THE STUDY

Most technology assisted GBV is perpetrated by someone known to the victim, either as an intimate partner or as someone belonging to the survivor's immediate social circle. For victims in the social scene and FSWs, it is perpetuated by bloggers and online sites that many times turn into blackmailers.

The research has also shown that technology-assisted violence can lead to emotional or psychological harm, harm to reputation, physical and/or sexual harm, invasion of privacy, loss of identity, limitation of mobility, censorship, and loss of property. Many of the victims had to start censoring what they write on social media, who they tag and who tags them to avoid any further abuse

The findings have also shown that more than one in five FSW meet their clients on technology assisted mediums. These include Facebook and WhatsApp. Respondents highlighted the fact that Facebook and WhatsApp are an easier medium to meet clients because it doesn't necessitate one physically putting themselves in comprising or unsafe situations while looking for clients.

Furthermore the findings also show us that most FSW in this research are usually threatened or scammed by the clients they meet online. This is a major challenge that most respondents also shared. Many note that what exacerbates it is how difficult it is for them to get redress because sex work is criminalised in Uganda. Threats include shaming the FSW for the work she does, non-consensual sharing of intimate pictures, exposure to FSW's partners or children, 'exposing' to service providers like landlords , local council chairpersons among others.

Generally, while survivors of both non-technological abuse tactics and technology assisted violence engage in many of the same protective behaviors, survivors who experience technology assisted stalking are more likely to take time off from work; change or quit their job or school; avoid relatives, friends, or holiday celebrations; or change their email address when compared to other survivors. They also experience greater fear over time because of anonymity that perpetrators enjoy online.

The research also has illustrated that the financial costs associated with responding to technology assisted victimization, which can include legal fees, changing a phone number, email account and/or device, are much higher for victims of technology assisted violence.

Many of the victims/ survivors in this research believe technology assisted violence is only online – using social media accounts like Facebook, Twitter, Instagram. From the responses, they are not well versed with the fact that forums like telephones can also be technology assisted mediums of violence.

General mistrust of the police is one of the reasons many victims might not seek any assistance from them. Respondents make reference to the fact that police would be either hesitant or unable to handle such cases. Existing bias from the police and other justice law and order sector players towards LGBTQ persons was also shared as a barrier to the victims to reporting.

Anonymity of the perpetrator online in addition to the victim's desire to remain anonymous, further explains why cases often go unreported. LBQ womxn and FSW will be hesitant to reporting because they would prefer to stay unknown to police or the other avenues where they would have preferred to report.

WHAT IS THE PROBLEM?

A culture of impunity around issues related to violence against womxn and LBQ womxn

The continued impunity in handling cases of violence of especially womxn in their different diversities has normalized impunity in such situations. This impunity has also led to the notion of a complete breakdown in the criminal justice system right from investigation, prosecution and adjudication of cases involving womxn which in turn affects all efforts towards fighting the vice.

The non-efficacy of the laws and the lack of respect for Court ordered remedies are aggravated by gender insensitivity and homophobia on the part of enforcers and service providers, which serve to silence womxn especially LBQ womxn and FSW. Relevant laws, in several instances, are essentially dead letter legislation and are only selectively implemented. The excessive time taken to file charges, delays in the investigations, and the number of years that pass before a case has properly been considered are all factors that make womxn survivors desist from "wasting their time" by filing a complaint.

The role of intermediaries

It is primarily the duty of States to protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises[6]

Nevertheless, intermediaries, such as content service providers, social networks and search engines, have an obligation to prevent and respond to unlawful or harmful activity by users of their services. These mechanisms can be abused and inadvertently facilitate online harassment, and differential standards are applied to what content is taken down and what content is allowed to remain online. For example, while Facebook held a policy of banning images of breastfeeding, it took 200,000 signatures for the company to even begin responding to the issue of the hundreds of pages on the network which offer a barrage of vitriolic hate speech against womxn, photos of womxn's bloodied and beaten bodies, jokes promoting the use of drugs to rape womxn, and more. Although it is possible to hold intermediaries legally responsible for such violations, the threat of liability for intermediaries can be counterproductive in preventing tech-assisted violence because it effectively leads to over-regulation of content by

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6   See UN Guiding Principles on Business and Human Rights

companies and platforms, resulting in adverse effects on freedom of expression and association.

Rather intermediaries should exercise the responsibility to create conditions under which womxn can fully enjoy their human rights and fundamental freedoms.

A research on internet intermediaries and VAW online provided a detailed analysis of the user policies and redress frameworks of Facebook, YouTube and Twitter[7]. It was clear from the research that while approaches to violence against womxn differed between the companies, a number of overarching themes and trends could be identified. These included:

a) Reluctance to engage directly with tech-related VAW; until it became a public relations issue, suggesting a lack of appreciation of the seriousness of violence against womxn online, and a lack of recognition of the responsibility of the intermediary to take measures to mitigate the frequency and seriousness of instances of violence and to provide redress.

b) Lack of transparency around reporting and redress processes, reflected in the lack of information about the processes available to victims of technology assisted violence.

c) Failure to engage with the perspectives of womxn outside of North America or Europe.

d) No public commitment to human rights standards or to the promotion of rights, other than the encouragement of free speech. Company policy on anonymity and the right to privacy further contributes to the manifestation of tech-related VAW. Just as online anonymity can empower survivors of tech-related VAW, it can be used to shield perpetrators of online violence. However, laws that place limitations on anonymity with the stated goal of protecting victims of violence may not actually protect survivors or serve their needs.

> *As stated in a report of the UN Special Rapporteur on freedom of expression: "Restrictions of anonymity in communication [...] have an evident chilling effect on victims of all forms of violence and abuse, who may be reluctant to report for fear of double victimization."*

Sex work and patriarchy

FSW's vulnerability to experiencing GBV is exacerbated by their relative lack of material resources, which creates dependency on male partners/ clients, as well as community norms of male dominance and acceptance of violence with cultural ideologies that place women in subordinate positions .These structures of domination and exploitation of womxn which heighten their vulnerability to violence obtain legitimacy from patriarchy.

Patriarchy is about the social relations of power between men and womxn, womxn and womxn, and men and men. It is a system for maintaining class, gender, racial, and heterosexual privilege and the status quo of power – relying both on crude forms of oppression, like violence; and subtle ones, like laws; to perpetuate inequality. These patriarchal beliefs of male, heterosexual dominance and the devaluation of girls and womxn lie at the root of GBV. Patriarchy is a structural force that influences power relations, whether they are abusive or not. This therefore means that in a patriarchal society like most Ugandan communities it is no surprise that FSW will be devalued because their work dares to allow women to control their bodies. In response, such societies will therefore view sex work as an act reducing the female body to an object of sexual pleasure to be exploited by any individual.

Another facet of patriarchy that is employed against sex workers is stigmatization. Stigmatization has its roots in the standards set by patriarchal morality and many FSW experience it as the major factor that prevents them from accessing their rights. The lives of womxn in sex work are particularly held hostage because stigmatization impacts the lives of FSW in more ways than one. Some of the

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7   Carly Nyst, Internet intermediaries and violence against women online: user policies and redress framework of Facebook, Twitter and You-tube,APC (2014

rights denied due to this are: freedom from physical and mental abuse; the right to information; health care; housing; social security and welfare services. The most basic of all is the denial of the right to working in the 'business of making money from sex'. The sex work allows for some of their life stories to change from being dependent on men and seeking their approval to stories of strength that depict women as being with ability to cater to their needs.

Business and human rights

International human rights documents, such as the UN Guiding Principles on Business and Human Rights, have recognized the role of States and businesses in combating violence against womxn. The UN Guiding Principles, which have been endorsed by the HRC, call on States to help ensure that business enterprises operating in conflict areas are not involved with such abuses, including by *"providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence".[8]* The UN Global Compact states that *"businesses should support and respect the protection of internationally proclaimed human rights"* (Principle 1) and *"make sure they are not complicit in human rights abuses"* (Principle 2). The UN Women's Empowerment Principles (WEP) recommends that businesses "establish a zero-tolerance policy towards all forms of violence at work, including verbal and/or physical abuse and prevent sexual harassment". Therefore it is now more imperative than ever that business entities like Facebook, telecommunications companies have a critical role to play in ensuring that womxn in their different diversities are protected from violence in online spaces.

Anonymity

The Merriam-Webster dictionary defines anonymity as "the quality or state of being unknown to most people". Some researchers believe that the ability to remain anonymous when committing acts of say cyber bullying is a major influencing factor for perpetrators, as they believe they will be able to conduct such behavior without risk of being caught[9] . This reporting has also been supported[10] noting that, *"One of the key attractions of cyber bullying is reported to be the perceived anonymity that the Internet and other communication technologies can provide".* The perception of anonymity gives the perpetrator a greater sense of power and a lesser sense of accountability. Creation of their own usernames allowing the user to become anonymous presents the opportunity for anyone to send anonymous threatening messages, photos, spread false rumours, and disclose personal information to purposely harm and discredit another person. In addition, anonymity also encourages the perpetrators to engage in these activities in a relentless fashion without regard to time, days of the week, or location because they have no fear. Not knowing who the offender is can also increase the feeling of threat.

On the other hand, for many LGBTQ individuals - especially those who may be living in countries where homosexuality is still criminalized, the anonymity presented by technology has made it much easier to find other LBGTI people which builds a sense of online community, acceptance and belonging.

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8   UN Guiding Principles on Business and Human Rights, 7(b)

9   (O'Brien, 2012).

10   Price and Dalgliesh (2010) (p. 51)

Continued criminalization of sex work

Legal status of sex work in the world[11]

About 77 countries have unreservedly legalized sex work. There is considerable and often emotive debate around the topic of sex work. Sex work is either criminalized, decriminalized, or legalized depending on the country

The legal status of sex work in Africa varies by country. Sex work is a common form of work in Africa and this is partially due to widespread poverty in many sub-Saharan African countries. Uncontrolled sex work and its continued criminalization is one of the drivers for the prevalence of HIV/AIDS in Africa. In the Central African Republic, sex work is legal. Senegal and Cote d'Ivoire permit the operations of brothels. In other countries, such as Angola, sex work is illegal. In Cameroon, sex work is illegal but tolerated, especially in urban and tourist areas.

The Penal Code Act of Uganda criminalises various activities related to sex work including: prostitution; living on the earnings of prostitution; aiding and abetting prostitution; and operating brothels. In recent years, a number of laws, beyond criminal provisions, have been enacted which impact upon the rights of sex workers. These Acts include the Anti-Pornography Act 2014, the NGO Act 2016 and the HIV/AIDS Prevention and Control Act 2014. These developments have created the need to critically assess the legal framework in which sex workers operate, and how this environment affects their rights. Sex work is not recognised under Uganda's employment and labour laws yet it is a means of livelihood for many womxn and men. Consequently, sex workers face numerous socio-economic difficulties including arrests, imprisonment and prosecution, stigmatization, exploitation, prosecution, lack of protection, limited access to public services and vulnerability to sexually transmitted diseases. Since sex work is prohibited, sex workers battle to find legal remedies, support and services to aid them when their rights are violated. These violations are suffered despite the fact that the rights of sex workers are guaranteed in both international instruments and the Ugandan Constitution. While the criminalization of sex work is globally recognised and studied as an infringement of the rights of sex workers, Uganda's unique social context and moralistic legal framework warrants a deeper assessment of the impact of the legal regime on the rights of sex workers. By extension, sex workers protection online is thereby not guaranteed and this will be manipulated by many users of the technology to further abuse the rights of sex workers.

LBQ womxn and the law in Uganda

In Uganda, the context in which many LBQ womxn exist has been mostly hostile. They have continued to experience resistance by communities and social institutions that seek to maintain the status quo and prevent changes on a wide range of issues, particularly about body politics, autonomy, freedom and dignity about sexuality and gender.

Religious leaders have been used as a tool to push for homophobia, transphobia and biphobia. They have supported the enactment of the existing legislation against LGBTQ persons and are often aided by rhetoric on so-called traditional and cultural values that should be observed and protected.

The issue of homosexuality is the only standpoint that unites all religious sects, politicians and cultural leaders who hold a lot of power in the different communities in Uganda making the advocacy for LGBTI persons quite challenging. As a result, LBQ womxn have been stripped of their rights to assembly and the freedom to assemble and associate.

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11   https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=c4be11a8-1e2a-4dba-a666-202d1552e5a2#_ftn9

In addition, there has been a tendency by political leaders to divert the attention of most citizens from many failing ministries to homosexuality, the latest being that the Presidential elect –Yoweri Kaguta Museveni claimed one of the opposition leaders Robert Kyagulanyi alias Bobi Wine was being financed by LGBTI community in bid to gain traction against his opponent[12] .

Unfortunately, in most cases, this agenda is driven on the backs of minorities, particularly LBQ womxn.[13] There is an increase in the number of conversations that LBQ womxn are having about "corrective rape" and other forms of VAW and many have received these threats both physically and online where many Ugandan LBQ womxn have found community, organize and share information on various issues .

LBQ womxn also face unique challenges in accessing legal and health services. The challenge, exacerbated by poverty-related inequalities, coupled with the low level of education and limited skills have posed a considerable challenge in sustaining the livelihood of LBQ womxn.

This is further aggravated by high unemployment levels, high uptake of drugs, intimate partner violence –which is rarely reported because of mistrust in the justice system which in turn makes them very vulnerable.

As a whole, the LGBTQ community is under attack and often struggling for protection and recognition with grave danger to their lives and even when LBQ womxn have been pushed into ways of organising that are about immediate survival - it is mostly among LBQ womxn in urban centres.

Intersection between freedom of expression and technology assisted violence: Controlling Freedom of Speech on the Internet.

All Internet activities around the world occur without central coordination or control.[14] Companies and individuals who make their computers accessible to Internet users do so voluntarily. There is no particular rule dealing with freedom of speech on the Internet or controlling communication between speakers and listeners around the world. However, there are groups or organizations establishing standards and norms for the Internet. Those groups or organizations include: (1) Internet Engineering Task Force (IETF); (2) World Wide Web Consortium (W3C); (3) Internet Society (ISOC); and (4) Internet Corporation for Assigned Names and Numbers (ICANN); and the Internet Assigned Numbers Authority (IANA).

These private organizations have great power and control over Internet governance including freedom of speech on the Internet. For example, ICANN, a private entity essentially unaffiliated with any pre-existing territorial government or international governance entity, is responsible for Internet Protocol (IP) address space allocation, protocol identifier assignment; generic (gTLD) and country code (ccTLD), Top-Level Domain name system management, and root serve system management functions.[15]

> *"The role of government is to govern and, generally, to pass laws and adopt regulations designed to control certain forms of activity. It is broadly recognized, however, that governance and regulation extends beyond governments to encompass a broad range of institutions and mechanisms of control," especially in information and communication technologies.[16]*

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12   https://www.reuters.com/article/us-uganda-lgbt-election-idUSKBN29B22W

13   M Muwonge & J Nanyange 'Research on the Lived Experiences of Lesbian, Bisexual, Queer (LBQ) Womxn in Uganda' (2019)

14   see Gary Schneider et al., The Internet 12 (5th ed. 2009).

15   http://www.icann.org/en/about/learning/glossary (last visited Oct. 21, 2013) See http://www.icann.org/en/about/ welcome (last visited Oct. 21, 2013).

16   U.N. Doc. ECE/CECI/1, available at http://www.unece.org/fileadmin/ DAM/ceci/publications/ict.pdf.

The Internet

As a vehicle for expression, the Internet serves various functions. It is simultaneously a publishing tool and a communications tool, allowing millions around the world to communicate instantaneously at the cost of a local call. It brings the ability to broadcast to an audience of millions within the reach of everyone with access to a computer and a telephone line; it serves as a huge multimedia library of information on topics ranging from human rights to deep-sea exploration and it is being used as an important educational tool, with Universities offering courses over the Internet. Governments use it to make information available and even public health services have gone on-line to provide self-help information. Increasingly, traditional media such as newspapers and radio stations are also going 'online', thus enriching Internet content, providing a bridge between the 'paper-world' and cyberspace and ensuring world-wide access to local papers. In addition, the Internet has developed an important entertainment function, providing for example on-line movies, games or music events. It has also developed a crucial commercial function, with more and more businesses trading over the Internet, selling everything from computers to holidays to flowers. As has been noted, *"The Internet is as diverse as human thought."*[17]

The queers and the Internet

Access to the internet, mobile telephony and other means of communication facilitated by technology have long been identified by researchers and policy makers alike as central to promoting the empowerment of womxn and marginalised communities[18] .Technology has played a considerable role in the development and organisation of the LGBTQ community. It represents an empowering tool for LGBTQ people to meet with each other, to build networks and join forces, to access information and acquire knowledge about vital health care issues, as well as to express, spread and strengthen their political claims.

> *"Violence based on prejudice is expressive by definition; it sends out a message of terror that extends to those persons, beyond the individual victim, who are identified with the characteristics that gave rise to the attack, whether these are real or perceived."*

However, technology has also been a platform where many LGBTQ and FSW have experienced violence most of which is based on prejudice. Violence is a social phenomenon and not just an isolated or individual act. Crimes based on prejudice are rationalizations or justifications of negative reactions, for example, negative reactions to non-normative expressions of sexual orientation or gender identity.[19] Such violence: addressed towards specific social groups, such as LGBTQ persons requires a context and social complicity because of the symbolic impact it has.

LEGAL AND POLICY FRAMEWORK

> *"More inquiry is needed about the use of technology, such as computers and cell phones, in developing and expanding forms of violence. Evolving and emerging forms of violence need to be named so that they can be recognized and better addressed."–UN Secretary General, In-depth study on all forms of violence against womxn (2006)1About the research project –End violence: Womxn's rights and safety online*

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17   ACLU v. Reno, 929 F. Supp. 824, 830-849 (ED Pa. 1996) at 842 (District Court Opinion).

18   Association for Progressive Communications. (2015). How technology issues impact womxn's rights : 10 points on Sectionj See http://www.genderit.org/sites/default/upload/sectionj_10points_apc.pdf

19   Gómez, María Mercedez. Chapter 2: Prejudice-based Violence, in Motta, Cristina and Sáez, Macarena (eds.), Justice´s Gaze: A Casebook on Diverse Sexualities and Jurisprudence in Latin America. Vol. 2, Bogotá, Colombia: Siglo del Hombre Editores, Red Alas, 2008, p. 99

National Legal and Policy framework

Uganda does have various Acts that indeed attempt to address issues related to violence on technology and its accompanying repercussions. Some to mention are: -

- The Computer Misuse Act, 2011: An Act to make provision for the safety and security of electronic transactions and information systems; to prevent unlawful access, abuse or misuse of information systems including computers and to make provision for securing the conduct of electronic transactions in a trustworthy electronic environment and to provide for other related matters.

- The Data Protection And Misuse Act, 2015: An Act to protect the privacy of the individual and of personal data by regulating the collection and processing of personal information; to provide for the rights of the persons whose data is collected and the obligations of data collectors, data processors and data controllers; to regulate the use or disclosure of personal information; and for related matters

- Anti-Pornography Act: An Act to define and create the offence of pornography; to provide for the prohibition of pornography; to establish the Pornography Control Committee and prescribe its functions; and for other related matters.

- Penal Code Act: An Act to establish a code of criminal law. The fact that this topic is being given attention already is recommendable. However, there are challenges to the approach:

Challenges: There is none that specifically speaks to violence against womxn and other marginalised groups online - the Acts are generalized. Such a scenario often does not strongly bring out the issue and repercussion, especially when the more vulnerable gender is in the spotlight like it is with tech-related VAW.

There is no central repository of legal frameworks that pertain to tech assisted violence making it challenging for those who would seek legal redress to easily understand how the law protects them.

TYPES OF ABUSE

Abusers use a variety of technology in order to monitor, harass, impersonate, or stalk victims. For the purpose of this survey, monitoring is defined as accessing survivors' technology, either physically or remotely, to learn/ know about their activities. Harassment is defined as using technology to annoy, threaten, harass, or intimidate survivors. Impersonation is defined as pretending to be the survivor or someone else as a tactic to further abuse. For example, the abuser may access the survivor's accounts and send messages pretending to be the survivor, create accounts pretending to be the survivor, or spoof caller ID. Sexual extortion, or "sextortion," occurs when an individual has, or claims to have, a sexual image of another person and uses it to coerce a person into doing something they do not want to do [20]

Abuse Facilitated Through Social Media

Social media is a space which abusers misuse frequently to monitor and harass survivors. As the findings in this report will show, in terms of monitoring and harassment, social media and text messaging are the two types of technology most often used. Facebook is the most misused platform by abusers, as reported by 99% of programs. It is unsurprising that nearly every program reported Facebook as the main social media abusers use to harass victims.

People in cyberspace, including perpetrators, are nomadic. Their online 'survival' depends on the constant transition from one state/identity to another. Thus, prosecuting cyber stalking and tech-

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20   Wittes et al. 2016.

related VAW cases is a difficult task, especially when they happen across borders in countries that have different, if any, harassment laws or laws on cyber stalking.

Non- consensual sharing of intimate images and female sex workers.

Non-consensual circulation of intimate images (NCII) is a form of online violence that is on the rise in Uganda and other sub-Saharan African countries, commonly referred to as "revenge porn". However, this is a misleading term because NCII is not pornography, but rather a form of online violence that womxn and young girls are facing in this digital age. The videos and images used are sometimes captured through hidden cameras, from ex-lovers and partners. These intimate images or videos are then shared without the subject's consent. There are also new trends in technology like stalkerware or spouseware that put womxn's private data at risk.

Previously, the perpetrators were mostly ex-lovers who intended to shame the victims as revenge. However, we now see shameless people who want to extort money from the victims or their families as a form of blackmail or from the sale of these videos or pictures. Most of these videos are shared on porn sites as well. For a vulnerable Group like FSW and LBQ womxn, this is even worse because it presents another fear of being outed.

Uganda does not have a law that protects womxn who experience NCII but instead the Anti-Pornography Act 2014 is used to litigate NCII cases. Unfortunately, this Act treats NCII as pornography. Section 13 of the Act criminalises the production, trafficking in, publication, broadcasting, procuring, importing, exporting, selling or abetting any form of pornography. This Act punishes the victim for the production of the explicit pictures/videos while the perpetrators responsible for the publication, broadcasting or trafficking are not investigated or summoned. Uganda has the Data Protection and Privacy Act 2019; however, this Act is neutral and doesn't mention how to regulate NCII data. A law on this specific offence, prohibiting the distribution of non-consensual intimate images would not only make it easier for victims to come forward and give the police a greater incentive to prosecute these activities, but crucially it would also make clear that distributing sexual images without consent is a violation of their rights and another way through which women are fundamentally shamed, extorted and harmed.

In regards to FSW, distribution of non-consensual intimate images is one of the violations they face while they do their work. It is employed as a tool to further control women's bodies, to and to keep them quiet and off the digital space as they are trying to do offline. The intersection between sex work and distribution of non -consensual intimate images is a 'sticky'one because many times many people do not consent as an important access when dealing with their (sexworkers') bodies. It is believed that since there is usually voluntary exposure of their bodies for money, they are not worthy of privacy.

Without being viewed as legitimate laborers or referenced as experts during policy making, sex workers are subjected to harmful policies intended to "protect" sex workers and treat them as victims. Many activists conclude that "the neoliberal politics of protection are less about protection of individual rights and more so about the abilities of the state and state-sanctioned actors to police gender and class"[21].

This is worsened by the fact that Uganda is mostly organised in patriarchal societies whose major focus is largely on moralism rather than human rights.

21   Jackson, Crystal A. "Framing Sex Worker Rights: How U.S. Sex Worker Rights Activists Perceive and Respond to Mainstream Anti–Sex Trafficking Advocacy." Sociological Perspectives, vol. 59, no. 1, 2016, pp. 27–45. *JSTOR*, www.jstor.org/stable/26340166. Accessed 1 Feb. 2021.

THE FINDINGS

Age of the respondents

Respondents aged (18-25) rated highest in participation with 41.1%, with (26-33) coming next with 35%; (33-41) rating next with 22.2%. The research only had 0.85% participation from those below 18 and 0.85% for those above 41.

Sexual orientation

The study was participated in by Lesbians (L), Bisexual (B), Queer (Q) and others (O). For some of the respondents who clocked in as others went on to include that they are heterosexual.

Graph below showing the sexual orientation of the different respondents:
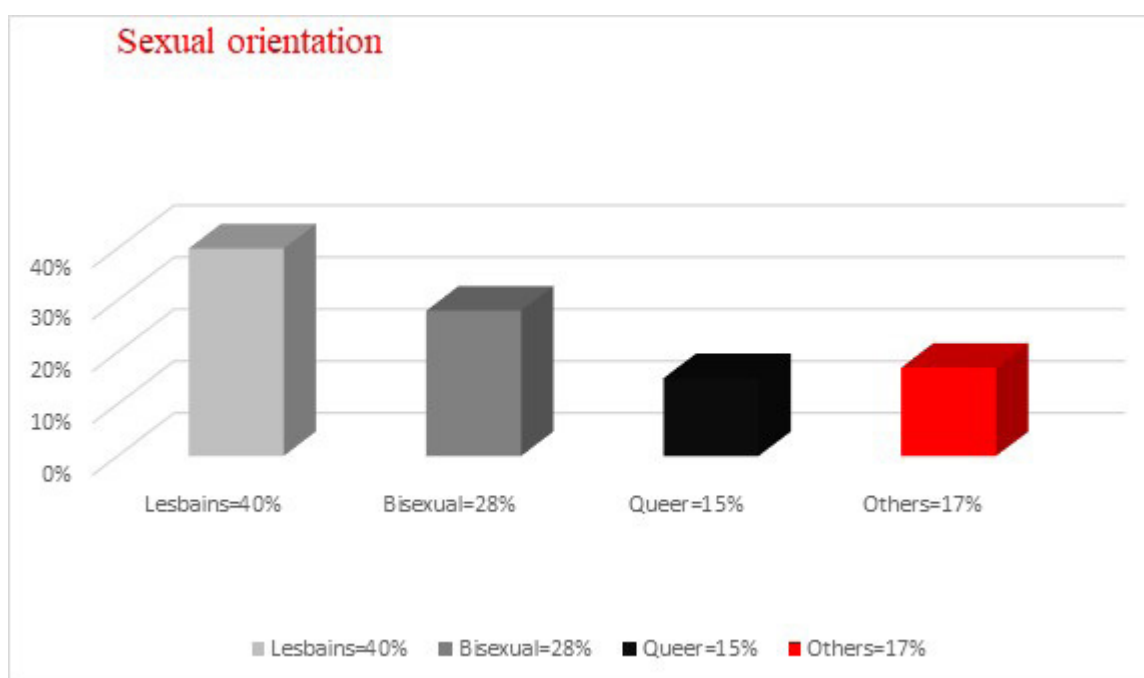
Are you a sex worker?

The questionnaire also probed into whether the respondents identified as sex workers and 57% responded that they did not while 43% identified as sex workers. Through evaluation it was noted that most respondents who identify as bisexual, queer and others also identified as sex workers.

Other forms of employment

The questionnaire looked into whether the respondents were employed or not. This is a common question in researches involving LGBTQ and sex workers communities because in most countries, like it is noted above, sex work is criminalized and therefore sex workers might respond as being unemployed if that is the nature of work they do.

Under this theme, 65% answered that they were employed; 25% were not employed, 9% were employed but not continuously, while 1% did not disclose. Mbarara rated highest with 81% respondents being employed while Mbale had the highest unemployed with 60%.

The trends and impact of technology assisted violence among Lesbian, Bisexual, Queer (LBQ) Womxn and Female Sex workers (FSW) in Uganda

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Accessibility to Internet

The questionnaire also probed into access to internet and all the respondents answered the question:

Graph below illustrates percentages of access to internet:
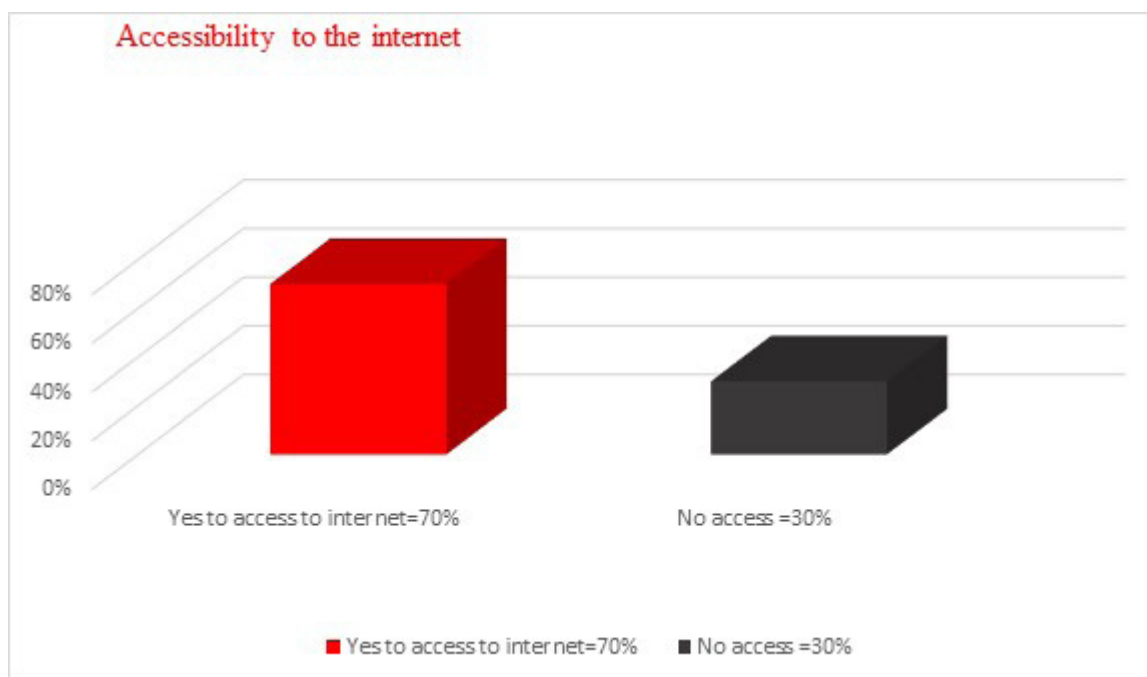
How respondents access internet

The study also looked into the different mediums through which people access the internet.

Graph below shows the different responses from respondents on how they access internet.
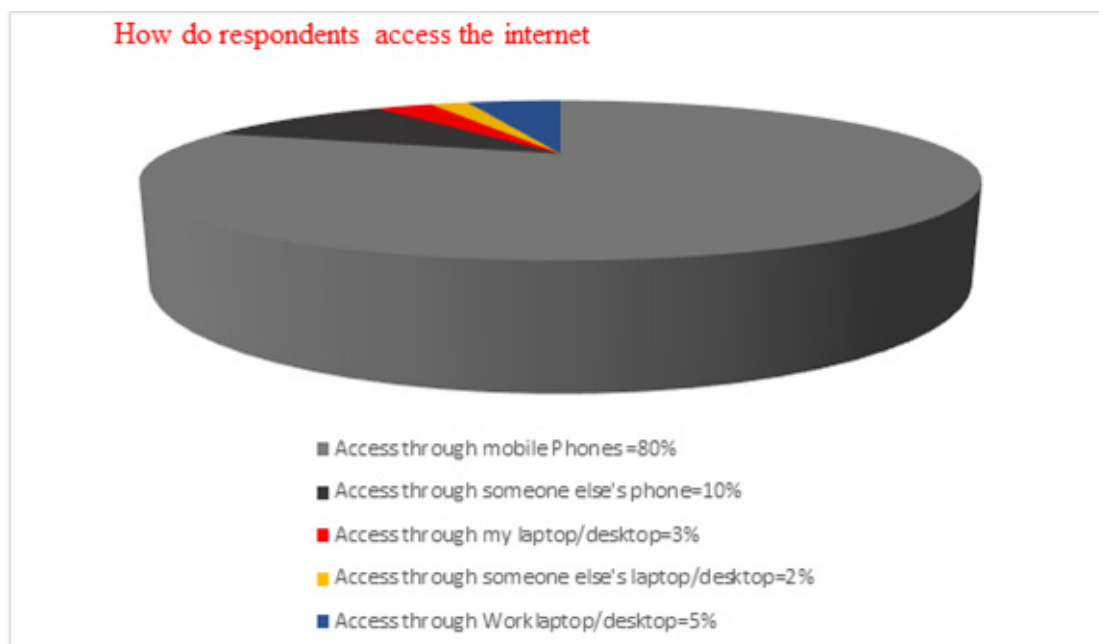
Under this theme, some respondents made selections outside the listed options. The table below illustrates the different options selected by the respondents.

The trends and impact of technology assisted violence among Lesbian, Bisexual, Queer (LBQ) Womxn and Female Sex workers (FSW) in Uganda

Table below: Percentage of people using the different mediums to access internet outside the listed options.

Mobile Phones and my laptop/ desktop	32%
Mobile Phones and my work laptop	11%
Work laptop / desktop and My Laptop/	11%
Mobile Phones, someone else mobile phone and My Laptop/desktop	21%
Mobile Phones and someone else mobile phone	14%
Mobile phones and someone else's laptop/ desktop	11%

Platforms commonly used

For this theme, 34% of the respondents revealed that they used the internet for social media, 28% clocked in as using the internet mainly for emails, 10% selected dating applications, 6% selected none while search engines scoped 12% and 10% selected none. Similar to the earlier theme, some of the respondents selected more than one medium (As presented in the questionnaire.)

As discussed in the introduction, social media has been a huge platform for most LGBTQ persons because it creates a platform for advocacy and networking; for finding community and for providing visual representation.

*Graph below shows a representation of those that selected more than one option as presented on the questionnaire*

Respondents who selected more one combination of responses

■ Social media, email and search engine =45% ■ Social media and email =20%
■ social media and search engine=10% ■ social media and dating sites=5%
■ social media , dating apps and email=20%
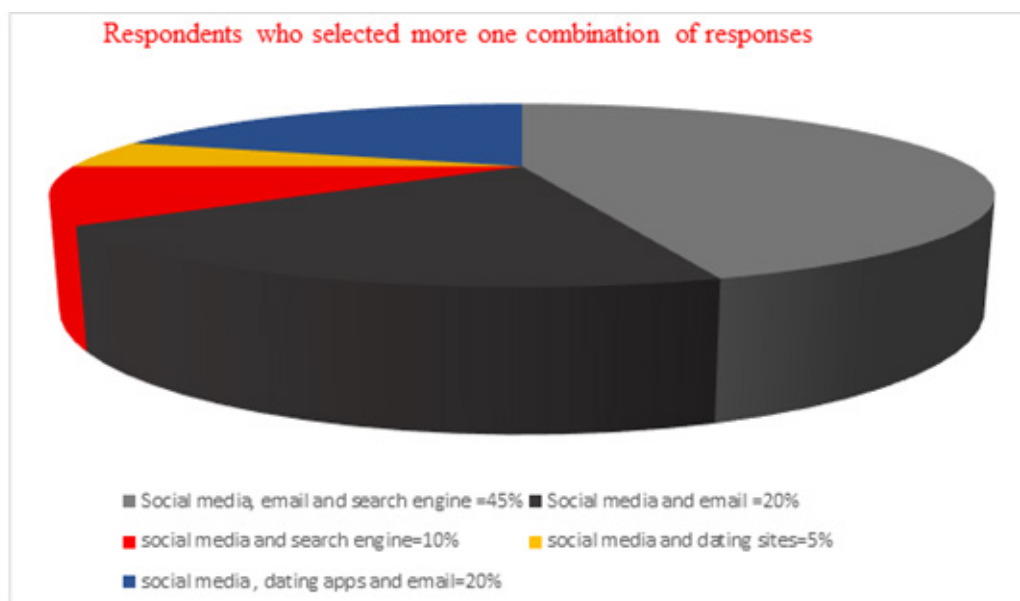
Experience with technology assisted violence

The study also interrogated if any of the respondents had experienced any technology assisted violence and 44.4% responded in affirmative; 38.4% responded that they had never experienced any of such violence while 16.35% responded with ''maybe'' and only 0.85% did not respond.

Interrogating on why a percentage was not certain if they had experienced this violence could be because oftentimes, different people are unable to recognize let alone accept that what they are experiencing in violence even offline.

In a research conducted by FEM Alliance in 2019 on " The Prevalence of Intimate Partner Violence among LBT/ WSW: A Case Study of The Central, Eastern, Northern and Western parts of Uganda", emotional abuse was reported most prevalent across the 4 regions but was under reported in all of them. Many respondents during that study who did not report having experienced abuse went ahead to describe controlling and abusive behavior by partners which they did not seem to consider abuse. The report goes on to share that this fact underscores the need for efforts to educate LBTQ about violence in order to ensure that people can recognize it when it happens and seek support.

As what happens online is a reflection of what exactly is happening offline, it is therefore likely that even with TAV, victims might not be able to recognize that they are experiencing violence.

Knowledge of anyone who has experienced technology assisted violence

80% responded in affirmative about knowing someone who has experienced violence; 17% did not know not of anyone while 3% did not respond to this question. This confirms the assertion that it is easier to talk about violence when the respondent isn't narrating a personal experience. It also confirms the fact that friends are the biggest support system for victims of violence.

Experiences of technology assisted violence

The study also looked into some scenarios where the respondents / or someone they knew had experienced violence through the use of technology.

Threats of violence

From the respondents' responses, it was noted that many have experienced threats from either their ex-partner or total strangers on social media simply because of how they dress or who they are with, in the photos uploaded online. For FSW, the threats go from private messages to public posts. For some, threats come through text messages with the perpetrators using their numbers and strangers' numbers. The threats also come through calls where the perpetrator makes calls threatening to expose FSW for the work they do; or LBQ womxn – for their sexual orientation and gender expression.

The worst part about the experiences shared is the fact that when shared with friends and family, some downplayed them as 'just social media'. A US journalist and writer Jessica Valenti commented on this too in a report by Amnesty International sharing about how difficult it is to assess the seriousness of threats made against her online. She explained,

> *"When you're in real life you decipher what is a real threat and what is not. Should I cross to the other side of the street, or should I tell this person to f*** off? You can make informed decisions in that moment. You can't do that online because you don't know where or who that person is. Is this person a real threat or is this person a 12 year old? You have no clue."*

Outing

Respondents also shared about the threats of being exposed by their ex partners, clients for those involved in sex work, and close friends who fall out with them; actions also known as outing. This fear, they shared, made them self -censor to avoid 'annoying' the perpetrators.

Body shaming

Although people of all genders and sexual orientation can experience violence and abuse in online spaces, the abuse experienced by womxn is often sexist or misogynistic in nature, and online threats

of violence against womxn are often sexualized and include specific references to womxn's bodies. The aim of violence and abuse is to create a hostile online environment for womxn with the goal of shaming, intimidating, degrading, belittling or silencing womxn. One of the respondents shared having got comments like: *"Are you a man or a woman" " That chest is for women not men why pose like a man"* and another noted that: *"...yet such comments attract attention from bullies on Facebook who start sending you pictures of their private parts".*

Many of the respondents in this study also reported scenarios where their pictures have received comments that speak to their weight and to how they dress. Respondents also shared that this kind of treatment is received from strangers who are tagged in pictures.

Failing offline relationships

From the descriptions, a lot of this violence extended from what is happening offline. Many victims shared that after a relationship had ended, their ex partners would start to harass them online. LBQ womxn face this particular violence from ex-lovers/partners who go on to share their intimate pictures without their consent either to their friends (as a way to show the victim that they are in control of who sees these pictures if their needs are not met) or to the victim's new lover as a way to 'claim' the person or to slut shame them.

For the FSW, this vice is mostly perpetrated by the clients to manipulate them into agreeing to certain things or by their (ex) partners to shame and out them.

Identity based violence

Descriptions of experiences of the respondents proved that there are kinds of online abuse that focuses solely on an aspect of a person's identity other than their gender. A 2017 report by LGBT organization Stonewall commissioned by YouGov surveyed more than 5000 LGBT people and found that 10% of them experienced homophobic, biphobic and transphobic abuse or behavior online in the month before the research.22 Respondents shared that they got comments demeaning them; asking if they are lesbians because they have not had sexual intercourse with men before. Some of the respondents shared that these comments make it difficult for them to use their accounts. One respondent shared that it makes them uncomfortable when asked questions like *" Are you a womxn or a man?"* Another reported saying that a she came across a Facebook response to her picture saying; *"These ones behave like that because they have not got some dick from men."* From the FGDs held, these sentiments were shared by many present as some of the questions found in their comment sections, mostly from strangers.

Shaming of Sex workers

Respondents especially FSW shared that a lot of the violence they experience is usually from people known to them and that these people are usually threatening to 'expose' them to the public. FSW share scenarios like *"It was a client who wanted to have me without paying so he kept threatening to tell all the people in the trading center."* This 'validity' of their threats is rooted in the fact that sex work is criminalized in Uganda. It is also rooted in the fact that many Ugandans view sex work as immoral, unreligious and something that one should be ashamed of. This is unfortunately carried through even to access to social services like health.

In a report by Amnesty in 2019[23], a sex worker and advocate who wished to remain anonymous shared that abuse on platforms like Twitter that targets sex workers often includes deliberately being 'outed' with a view of shaming or humiliating them. She explains that;

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22   https://www.stonewall.org.uk/resources/lgbt-britain-hate-crime-2017
23   https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-womxn-chapter-3/

> *"When dealing with a criminalized and stigmatized population being attacked by people who are not in that population; there is always a question of power...Twitter being an open space is a problem for targeted abuse against sex worker advocates. For me the fear of being outed means I couldn't advocate effectively. Being outed is something I've seen over and over again on Twitter. People live in constant fear of being outed non-consensually... It's really hard to do advocacy when you are waiting for the other shoe to drop"*

OPINIONS FROM RESPONDENTS ON WHY THEY / SOMEONE THEY KNOW EXPERIENCED THIS TECHNOLOGY ASSISTED VIOLENCE

Respondents shared the following as the major reasons why they believe they or someone they know experienced violence;

Lack of respect: More than 65% of the respondents answered that their perpetrators lack respect for other people.

Ignorance: The other common response was ignorance as the reason why perpetrators harass their victims. Responses like "some people are not aware that it is a crime."

Use of substances: A reasonable number of respondents also named use of drugs, alcohol and other substances as the reason why. Clocked in where responses like "A lot of people use drugs and alcohol so when they are drunk, they end up using their phones for the wrong reasons."

Homophobia: A few of the respondents clocked in homophobia sharing that many Ugandans simply hate LGBTQ persons in general and therefore will attack them wherever they see them whether they are known to them or not.

Cheating: 57% of the respondents shared that their (ex) partner started to harass them through SMS, phone calls, Facebook and WhatsApp messages. This, they share, is intended to frustrate the victim from moving on from the relationship but simultaneously affects their psychological wellbeing.

Lifestyle of the victims: The respondents also shared that the lifestyles of many LBQ womxn and FSW caused technology assisted violence. This response was common in instances where the respondents were sharing reasons why they believed a person known to them experienced this violence. This is a critical issue because many of the respondents were simply blaming the victims. Responses included; *'She was too out there, many people could take advantage of her.' 'The lifestyle of my friend as a sex worker, was to blame".* Victim blaming is a concept common among womxn that experience violence even offline.

No clear laws/ Legal framework on technology assisted violence: 54% of the respondents shared that having no laws that specifically speak to this nature of violence is another factor that fuels it. While 46% shared that they have had about some laws that they could use to protect themselves but are unaware of any details of how these laws can be used in seeking redress.

Uncontrolled access to the internet: 80% of the respondents reported that there is a huge challenge of Ugandans generally having unlimited access to the internet. They also explained that the fact that someone can harass, stalk and send threats over the internet without them being traced is another challenge. 20% shared that there is a need to have a central body that manages the internet and its use a solution to this issue to make the internet safer for usage.

Lack of privacy in relationships: 70% of the respondents shared that many LBQ womxn have always been affected by this nature of violence because of lack of privacy. From the several responses, one can tell that there is a general understanding that LBQ womxn should keep their relationships private which further fuels queerphobia .

"Hatred towards womxn when they are free": 45% of the respondents shared that there is general hatred for womxn and this hate is even worse for LBQ womxn and FSW that defy the norm. Some of the responses were, *"Society hates it when womxn are doing the things they like", "It is especially the men that hate when they see womxn are free and enjoying themselves."*

Heteronormativity: 65% of the respondents shared that the notion that heterosexuality is the only normal, natural or good form of sexuality is why they experienced this nature of violence. One respondent noted that in Uganda it is advisable to present heterosexuality in online spaces like Facebook, Twitter and Instagram because 'the majority' of people are heterosexual.

Mistrust in the available avenues of access to justice: 80% of the respondents shared that most LBQ womxn and FSW lack information about the efficacy of the processes at the avenues where they can report when they experience technology assisted violence.

Identity of the perpetrator

The study also looked into whether the victims were aware of who was causing this harm to them/ the person who experienced violence and 66% knew the perpetrator while 34% responded that the perpetrator was unknown to them.

If known, who was it?

On whom the respondents believed was their perpetrators the following were the responses:

The highest number of respondents experienced technology assisted violence at the hands of ex partners rating at 30% and this was the case for both FSWs and LBQ womxn who participated in this research. Friends rated next with 15%; clients at 15% and this was mostly from FSWs; partners at 10%; family at 10%; strangers at 6%; neighbor came next with 5%; 5% did not respond to this question and bloggers rated last at 4%

Impact of this violence:

Respondents shared descriptions of the impact of technology assisted violence which was grouped as shown below:

Table below shows the nature of impact of technology -assisted violence and the different descriptors

Nature of impact	Description
Psychological	More than 75 % of the respondents reported breaking down, fear of harm, didn't move for a while, outing, traumatized
Self-censorship	Reduced engagement with social media such as; no posting, no commenting on other people's posts.
Cut off from friends	Friends were cut off from social media, and in real life. Had to self-isolate to avoid embarrassment from friends who they believed to be perpetrators.
Loss of a job/ source of income	Changed location where they were doing sex work, some lost jobs and gigs.
Loss money	Some respondents reported having lost money trying to make the problem go away.

How did you/ they deal with the situation?

The results from this question showed that the respondents were most comfortable with seeking advice from friends first as a way of dealing with the situation. Cited was the fact that many friends will usually be more understanding and more supporting to them.

The respondents also noted that their next option as a response to this violence was to block, and unfriend. They also shared that they would seek assistance from different NGOs for assistance. A big percentage of the respondents also shared that they were isolated from friends, family and generally communing with other LBQ persons.

15% of the respondents sought for counseling. 15% is a low percentage given that many respondents also shared being emotionally and psychologically unwell after these experiences of violence.

A number of respondents also shared moving houses as their first response after experiencing technology assisted violence. This has been a common response to ensure safety and avoid stigmatisation in the communities.

Another interesting response was the number of those that clocked in that they exited social media spaces all together. Responses ranged from *"I left Facebook because I couldn't control it"* to *"I first went off social media for some time so that people can forget."*

5% of the total responses shared that they would ignore whatever was being said to them on the different social media platforms. Respondents shared responses like *'' I would ignore, people will forget''*

Under this theme, we also had 5% of the respondents sharing that they would report to police if they ever experienced such violence. This was a response mostly from respondents who added that this was because they feared for their life and that not reporting to the police would invalidate what happened to them in case the violence progressed to offline.

Would you report to police if you experienced this violence?

53% reported 'No' to reporting to police while 15% reported maybe and 32% clocked in Yes. The data from this study has shown that many respondents would never report to the police. The number of respondents who responded that they would report to the police went ahead to explain that it is for solely for two reasons; Firstly, having proof of experiencing this violence to which one respondent shared that; *"I would report to the police so that I get a police letter showing that I reported.* Secondly, the reason cited by respondents was to protect themselves from death threats. It clearly showed that the respondents only considered technology -assisted violence as harmful when it is in 'extremes' like death threats.

Why wouldn't you report to the police?

Based on the responses from the question above, a high number of respondents would never opt for reporting to police because;

- They are homophobic and reporting could mean outing oneself. This has been a major challenge for the general LGBTQ movement and FSW because of the continued criminalization of their existence

- They will be unable to recognize the nature of damage. Technology assisted violence is relatively new in Uganda especially in relation to civilians and there is a perception that the police and JLOS actors are not able to recognise and respond to it effectively.

- They believe that police is incompetent: Like the respondents, many Ugandans' experience with

police where offences of such nature are reported first has mostly been positive so there is a general perception that police might not be competent enough to handle such technology related cases.

- They are the biggest orchestrators of victim blaming: Victim blaming is one of the major reasons why victims/ survivors are forced into situations where they cannot report. It stigmatises them into believing that what happened to them was their fault.

- They are corrupt and are usually more about the money than the solution -The latest UBOS report has shown that police still continue to be the most corrupt institution.[24] There is a general mistrust of the operations of the police and this stems from different peoples' experiences with them especially when one is a victim.

- Impunity – in dealing with offline violence which in turn creates fear and anxiety about how this will spill over into how they handle cases of TAV.

For those that responded with Maybe and Yes they shared that it was because;

- Fear that it would get physical so one would need protection.

- Fear of death as a result of physical or emotional harm (self or otherwise) so reporting would be a preventive measure.

- They have the power to arrest the perpetrators.

- For anyone to seek assistance from any avenue to address violence, one needs a statement from the police regarding the incident.

Other options to consider when reporting

Friends were the most common source of emotional support for those who have been victims of TAV. However, even some who said they were not aware of any other avenues of reporting listed friends as their only source of support implying that friends are not really acknowledged as a valid source of support. This is very common in the general operations and existence of LGBTQ persons yet problematic for many reasons.

LBQ/ FSW Ugandans are often denied institutional support for all issues from health care to legal services. As such, many have to rely on informal support systems such as friends, family (when they are supportive) and other such networks like NGOs. Given the challenges associated with support from donor funded organizations - which were mostly listed, there is value in looking into how this most common support can be strengthened and made more relevant for the queers who have access to it. Institutions listed included;

Memberhip organisations to which most of the respondents subscribed like HRI, WONETHA and NGOs as a generalised response; legal service providers like HRAPF; Local authorities; social media platforms as well as HER Internet. Many times LBQ womxn and FSW will opt to report any issues that affect them to their organisation and so it is important that we scrutinize if indeed they are able to handle cases of TAV specifically.

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24   https://www.monitor.co.ug/uganda/news/national/police-most-corrupt-says-igg-ubos-report--3304740

WHAT OTHER CHALLENGES DO YOU HAVE WITH BEING ONLINE?

More than 70% of the respondents had two responses in common- data (actual Mobile data) and OTT. The OTT was introduced in May 2018 by the Ugandan government to curb gossip and broaden the country's tax base. Effective July 2018, internet users in Uganda seeking to access social media sites were required to pay the daily duty tax of 200 Ugandan shillings equivalent to 0.05 USD cents. As a result, more than 60 online platforms including Facebook, WhatsApp and Twitter were affected[25].

Uganda has so far lost nearly 30% of internet users between March and September 2018 due to the effect of the tax.[26] Some of these users have gone back to using traditional means of communication like SMS messaging and yet other countries are now discussing innovative ways to narrow the digital divide.

Other users resorted to tax avoidance tactics through the use of Virtual Private Networks (VPNs) to bypass the payment of the tax. Some internet users resorted to using wi-fi in offices and restaurants to avoid the Over-The-Top (OTT) tax payment. Several VPN users in Uganda cite unfairness of the tax, affordability concerns, and increased corruption as reasons for avoiding the tax.

Last year in January 2020, the Uganda Revenue Authority (URA) proposed a policy shift to the tax. [27] Instead of imposing the social media tax that is collected through mobile money, the authority wants direct tax on internet bundles by amending Schedule 2 of the Excise Duty Act. The authority argues that the policy shift will stop tax evasion. Collection of the tax hit a shortfall of UShs 234 billion (63,716,328 USD) according to the 2018/2019 financial year report. However, the controversial tax policy shift is yet to be discussed further by the parliamentary committee on Finance.

With all the above, many LBQ womxn and FSW who are mostly vulnerable and lack adequate access to resources are usually unable to afford this service, the Internet.

Other challenges highlighted were; 'Forced / strategic heterosexuality' to fit in, stalking, fear of humiliation especially from strangers, lack of smartphones, difficulty involved in downloading Apps, limited knowledge on navigating some of the Apps like Twitter.

Some of the respondents (13%) reported that they did not face any challenges.

What nature of support do you need?

The following were the responses:

- Creating awareness and sensitization about the dangers of TAV so that people can enjoy online spaces with no fear.

- Advocate for laws and policies that can be used to sue perpetrators.

- Create a strong support system in the LBQ and FSW movements.

- Support FSW with counseling and how to get customers online in a safer manner.

- Financial assistance to enable them to purchase smartphones and afford internet costs.

- Digital safety and security training to learn how to be safe online.

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25   https://www.theguardian.com/global-development/2019/feb/27/millions-of-ugandans-quit-internet-after-introduction-of-social-media-tax-free-speech

26   https://www.theeastafrican.co.ke/business/Internet-tax-sends-users-offline/2560-5377112-tmeyq2/index.html

27   https://www.monitor.co.ug/News/National/URA-wants-to-shift-tax-data-decries-increased-evasion-OTT/688334-5417762-31rrdbz/index.html

- Advocate for removal of OTT and reduction in the exorbitant internet costs.

- Arrest and prosecution of online bullies and other perpetrators of TAV.

- Support from the social media platforms to ensure that their spaces are safe for all users.

General recommendations from HER Internet /Way Forward.

1. Online violence causes offline harm(s).

Violence such as abuse and harassment perpetrated online has offline consequences and can ruin people's lives. It is part of a continuum of violence against womxn, with abuse crossing between online and offline spaces. Facing abuse, violence and other risks, some womxn understandably self-censor, while others continue to speak out and all too often suffer consequences such as hate speech, rape and death threats, cyber stalking, homophobic and misogynistic remarks.

To foster an equal and just online space for all; we urge policy makers, tech platforms, law enforcement entities, civil society organisations and the general public to take this abuse seriously and work to minimise violence in the spaces they occupy.

2. Context is vital in understanding TAV.

In order to address the effects of TAV for victims, we need to understand context as it varies from one individual to another. One respondent explained that in their conservative area, a picture of two womxn holding hands could lead to dangerous consequences, including breaking family ties. While content like this would not necessarily affect another womxn in the same way, it can be used against them. There have been cases of womxn being blackmailed and forced to pay to keep photos offline.

This demonstrates how important it is to understand cultural and socio-economic complexities and nuance. We must invest in deepening our understanding of how various platforms are used and misused through the lens of upholding moral values, especially in contexts of oppression.

3. Over the Top Tax (OTT) and its impact.

LBQ womxn and FSW are among the vulnerable groups in Uganda who are disproportionately affected by the extremely high costs of living in the country. Due to structural inequalities such as criminalization, schools justify this to expel students and employers to withdraw work, based on the real or perceived identity of the womxn, setting them up for an uphill battle in the socio-economic sphere.

Ugandans have in the past experienced internet shutdown or blockage during protests and elections, as recently seen with the 2021 general elections, but the government denies that there is any connection between the tax and the internet shutdowns. OTT is simply another instrument to muzzle freedom of expression and speech of all Ugandans but with far reaching consequences for minority communities like LBQ womxn and FSW. There is limited access to; services such health and legal, opportunities for personal or career growth, spaces to network and commune as well as resources (financial or otherwise) because the tax affects all the commonly used social networking platforms.

We urge policy makers to scrap this tax off because it is not in line with various international and regional human rights treaties ratified by Uganda which require the country to respect, protect and promote freedom of expression, in addition to Uganda's Constitution which recognizes the right to freedom of expression and the right to access information for everyone.

4. The law in Uganda.

As seen throughout this research process, there is no law specific to TAV and its effects. There is also very limited knowledge of existing laws which opens them up to subjective interpretation. The existing laws are already vague and have not yet caught up with technological advances in the recent past. A specific example is the Anti-Pornography Act that is used to criminalise and further violate a victim of non-consensual sharing of intimate images without taking into account the actions of the perpetrator.

There is therefore an urgent need to carry out mass sensitization and awareness of the legal policies and documents pertinent to use of the internet and technology for communities to know the available avenues of redress. Furthermore, this will help identify gaps in the law that need to be addressed by policy makers. Womxn's access and experiences when using ICTs and the internet cannot be assumed to occur naturally when gender-blind approaches are implemented.

5. We have power to protect each other online.

Violence, including TAV exists because of unequal power structures that are a result of oppressive systems like patriarchy. Such oppressive systems cannot be dismantled at individual level because they are woven deep into the social fabric and our subconscious thoughts and actions. We need collective action to dismantle them from the core.

When we go online we are part of a community and can help support victims of abuse and harassment in public spaces online by; reporting abuse using platform tools, supporting victims of abuse to let them know they're not alone such as by sending a private message, replying to their original post constructively or in a positive light and amplifying their message by sharing with your communities.

CONCLUSION

Overall, there are few interventions that specifically address technology-facilitated violence. While there are promising interventions out there, they are mostly small-scale and untested. Even fewer interventions aim to prevent technology assisted violence. The solutions that do exist tend to focus on supporting victims/survivors to report and document their experiences and on connecting them to community and institutional support services.

In addition, the use of information and communications technologies has been identified as one of the means suitable for supplementing the various reforms in recuperating the performance of the justice sector in Uganda and the Government has made strides in this regard. However, these small strides have not had recognizable impact because of the patriarchal and homophobic nature of societies in Uganda; the focus of many actors ranging from the police, the courts of law and communities is largely on morals rather than human rights.

Furthermore, most of the programs are designed to support local initiatives and grassroots movements to raise awareness of the issue. Technology-facilitated violence is a nascent field. Terminology, definitions and measures are still inconsistent. Terms like cyber violence, cyber aggression, digital abuse and online victimization are used interchangeably, making it difficult to differentiate between them and measure them. From the responses in this research, one can easily tell that there is a general lack of knowledge on the issue among LBQ and FSW. Victim blaming has come out very strongly among the reasons why LBQ womxn and FSW experience this nature of violence which justifies the urgent need to address it.

Finally, most studies to date have focused primarily on heterosexual, in-school adolescents and young adults in high-income countries, leaving wide gaps in knowledge. Much of the literature focuses on individual types of technology assisted violence, ignoring the continuum of violence and the fact that individuals may experience different behaviors simultaneously. There is little research on the role of social factors like class or wealth status in experiences of technology assisted violence, nor on its impacts and consequences. As technology becomes more widely available, the need for rigorous evidence focused on the prevalence of technology-facilitated violence and its global impacts grows, especially as development solutions increasingly include technology-facilitated platforms with very little evidence to support their effectiveness in the VAW field.

ANNEX

Questionnaire used during the FGDs for this research study.

Technology assisted violence faced by LBQ womxn and FSW in Uganda.

Technology assisted violence against womxn encompasses acts of gender-based violence that are committed online via the Internet or through the use of information and communication technologies (ICTs), such as phones, social media platforms, and email.

Recognising the broader risk to which womxn and girls are exposed to regarding violence against womxn, LBQ (lesbians, bisexual and queer) womxn and FSW (female sex workers) in particular, are often at the intersection of additional threats as a result of their sexual orientation, gender identity / expression and choice of work while using online spaces. Unfortunately, there is no data highlighting the prevalence of technology assisted violence against these communities in Uganda, and a robust mechanism in place geared towards addressing significant vulnerabilities and online safety issues of this specific group of womxn. HER Internet therefore wishes to carry out a comprehensive assessment to determine experiences of technology assisted violence against LBQ women and FSW in Uganda, their needs and challenges in relation to this type of violence.

* Required

1. What is your age group? *

   Mark only one oval.

   ◯ Below 18 years

   ◯ 18 - 25

   ◯ 26 - 33

   ◯ 33 - 41

   ◯ Above 41 years.

2. What is your sexual orientation? *

   Mark only one oval.

   ◯ Lesbian

   ◯ Bisexual

   ◯ Queer

   ◯ Other:

3. Do you identify as a sex worker? *

   Mark only one oval.

   ◯ Yes

   ◯ No

   ◯ Maybe

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4. Are you otherwise employed? *

    Mark only one oval.

    ◯ Yes

    ◯ No

    ◯ Not continuously

5. Do you have access to the internet? *

    Mark only one oval.

    ◯ Yes

    ◯ No

6. If yes above, how do you access the internet?

    Check all that apply.

    ☐ My mobile device
    ☐ Someone else's mobile device
    ☐ My laptop/desktop
    ☐ Someone else's laptop/desktop
    ☐ Work laptop/desktop

7. Through what platform do you use the internet?

    Check all that apply.

    ☐ Social media apps (WhatsApp, Facebook, Twitter, etc)
    ☐ Email (gmail, yahoo, etc)
    ☐ Search engines (Google, Safe Search, DuckDuck go, etc)
    ☐ Dating apps (Tinder, We date, etc)
    Other: ☐ _____

8. Have you experienced any form of technology assisted violence?

    Mark only one oval.

    ◯ Yes

    ◯ No

    ◯ Maybe

9. Has anyone you know experienced any form of technology assisted violence?

Mark only one oval.

◯ Yes

◯ No

◯ Maybe

10. If yes (or Maybe) to either 2 questions above, briefly describe the incident.

_____

_____

_____

_____

11. In your opinion, why do you think you (or they) experienced this violence?

_____

_____

_____

_____

12. Was the perpetrator...

Mark only one oval.

◯ Known? (friend, partner, family, etc)

◯ Unknown? (random stranger on the internet, a friend of a friend, etc)

13. If known, who was it? Please do not mention names.

_____

14. How did this experience affect you?

_____

_____

_____

_____

15. How did you (or they) deal with the situation?

_____

_____

6. If you've ever experienced technology assisted violence, or should you ever experience it, is the nearest police station an option you would consider?

Mark only one oval.

⃝ Yes

⃝ No

⃝ Maybe

17. Why?

_____

_____

_____

_____

18. What other options would you consider to report the incident to?

_____

_____

_____

_____

19. What other challenges do you have with being online?

_____

_____

_____

_____

20. What kind of support do you need from Her Internet going forward?

_____

_____

_____

_____

_____

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