Briefing Paper 586

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The Impact of Digital Technology on Gender-Based Violence and Femicide

1. Introduction

In 2018, social media platforms such as Facebook and WhatsApp were instrumental in mobilizing South African women, gender non-conforming people, and the LGBTQIA+ community to carry out a national shut down in response to the rising rates of gender-based violence and femicide (GBV&F).[1] This national shutdown led to extensive legislative reform aimed at ending GBV&F. Besides legislative reform, digital technologies are increasingly playing different roles in combating GBV&F in the 21st century. These roles include software applications that can remotely support GBV survivors. Regrettably, though, digital technologies are also being used to develop new forms GBV, posing a challenge for existing legal instruments that are becoming inadequate in combating the GBV&F crisis. Thus, investing in how to make digital technologies more accessible and affordable is crucial in ending the GBV&F pandemic in South Africa.

2. Legislative Reform

In the 2018 national shutdown, participants were urged to stay away from work and to join a march which raised twenty-four demands to the State, aimed at combating GBV&F in the country.[2] This march prompted the Presidential Summit to end GBV&F, leading to a series of legislative reforms, including the *National Council on Gender-Based Violence and Femicide Bill*.[3]

Notably, the Bill defines femicide as "the killing of a female person or perceived female person on the basis of gender identity…" and lists the different contexts in which femicide can take place.[4] The object of the National Council is to co-ordinate a multi-sectoral approach between relevant stakeholders with the aim of combating and end-

ing GBV&F. Further, the National Council must, no later than six months after its establishment, implement a National Strategic Plan (NSP), as well as monitor and evaluate the relevant stakeholders' progress.[5] This Bill has been sent to the National Council of Provinces (NCOP) for approval, which is one of the steps towards making the Bill an official piece of enacted legislation.

Notably, the 'relevant stakeholders' that are to be included in the implementation of the NSP by the National Council on GBV&F include the private sector, organs of State, and civil society.[6] This definition creates space for a number of key actors that can be deemed responsible for the implementation of the National Strategic Plan, including the voices of civil society groups that protect persons vulnerable to GBV&F.

One such civil society group that works to protect children's rights expressed dissatisfaction with what it saw as the Bill's bias towards women, arguing that there was not enough focus on children, as discussed at the 2022 GBV&F Summit.[7] Furthermore, the Bill was said to neglect the unique needs of boys and men, again due to 'bias' towards women.[8] This latter criticism shows the uncertainty many people have over the role of men and boys in ending and combating GBV&F. Moreover, it shows the underlying need – and opportunity – to encourage communities to engage sensitively and meaningfully on the GBV&F issue because it is a national pandemic that uniquely impacts all of us in different but profound ways.

3. Beneficial Digital Technologies

Digital technology has paved the way for facilitating the conversation amongst civil society on how to combat and end GBV&F. Most common are the

online chat groups on Facebook and WhatsApp, which have also helped people mobilise themselves for action against GBV&F, for instance, the 2018 national shutdown already mentioned.

Key support services are also being developed by companies that can count as relevant stakeholders in the struggle to end GBV&F. For example, *Bright Sky SA App* is a software application that was launched by the Vodacom Foundation to assist users to locate the nearest service providers available nationally, such as police stations and hospitals.[9] Additionally, the application provides educational tools such as risk assessment questionnaires to help users identify abusive relationships. Users may also use the application to record incidents of abuse, which may later be used as evidence in criminal prosecutions.[10]

Kwanele is another software application that supports GBV survivors using artificial intelligence (AI). *Kwanele* is developing a chatbot that allows anonymous reporting of GBV&F incidents, dissemination of information around GBV&F, as well as information crucial for survivors wishing to pursue criminal charges.[11] The application is uniquely 'survivor-centred', in that it seeks to minimise re-victimisation of the survivor. This addresses the shame and stigma survivors often encounter in reporting cases and similarly allows anyone, including friends and family of the survivor, to report a case as a form of bystander intervention.

There are also developments in the gig economy to combat GBV&F, specifically e-hailing applications that have developed safety features to protect users.[12] For instance, there are features to verify the identity of drivers and emergency reporting features if the user suspects or finds themselves in a situation they deem dangerous. However, it is important for such safety features to be deployed not only in private e-hailing services, but in other forms of public transportation as well, so that such safety features are accessible to the great majority of people who commute by bus, train or minibus taxi.

4. Dangers and Challenges

Unfortunately, the digital space has also ushered in a new type of gender-based violence: cyberviolence. Cyberviolence can be defined as "the use of computer systems to cause, facilitate, or threaten violence against individuals, that results in (or is likely to result in) physical, sexual, psy-

chological or economic harm or suffering and may include the exploitation of the individual's circumstances, characteristics or vulnerabilities."[13] Cyberviolence can happen to anyone, but it is prevalent against women or people perceived as women, as well as people in the LGBTQIA+ community.[14] Research by the World Health Organisation (WHO) shows that cyberviolence is a growing trend, with an estimated one in ten women having experienced some form of cyberviolence, such as cyber-harassment, cyber-stalking, or online sexual exploitation.[15]

Forms of online, image-based, sexual abuse, such 'deepfake image-based sexual abuse' using advanced AI tools is also on the rise, and forms part of cyberviolence. Broadly defined, image based sexual abuse is the act of having private, sexual images created and or distributed without consent.[16] This form of cyberviolence goes beyond what is commonly referred to as 'revenge porn' to include, amongst other things, images and videos generated through image manipulation. Such image manipulation is achieved using powerful AI tools to produce convincing, thus deceptive, images and videos. Over 90% of all deepfakes online include fake videos of women who have not given their consent.[17] A notable example is the sexually explicit viral deepfake video depicting the popular American singer Taylor Swift. This video was viewed 47 million times in under 24 hours.[18] Although the video was removed on the social media platform, this episode shows how rapidly sexual cyberviolence can spread, often causing significant harm to the people concerned.

Although South African legislation does not mention 'deepfakes', the *Cybercrimes Act* criminalises anyone who "unlawfully and intentionally discloses, by means of an electronic communications service, a data message of an intimate image, which may be real or simulated, of a person, without their consent."[19] In implementing this legislation, the power of AI can also be harnessed to protect online users. Digital technologies aimed at helping users protect their personal online images is crucial. For instance, technology embedded in social media applications to prevent screengrabs without consent, or features that alert a person when their images are shared to third parties without their consent. Furthermore, training may be needed to educate users on the risks posed by sharing personal information online.

Evidently, cyberviolence is a growing form of GBV that needs relevant stakeholders to address another underlying issue: digital literacy and digital inclusion in South Africa. Research shows that, globally, men are 21% more likely than women to have internet access, which presents a challenge in combating GBV&F through digital technology.[20] Digital literacy should form part of school curricula since South Africa has had a growing trend in cyberviolence amongst children, especially since COVID-19, during which children's online presence increased.[21]

5. Conclusion

An integrative and multi-sectoral approach towards ending GBV&F must have digital inclusion as a key driver in implementing the *National Strategic Plan for Ending Gender-Based Violence & Femicide* (NSP-GBV&F). A report assessing the localisation of the NSP-GBV&F shows that gender has an effect when it comes to accessing GBV&F services.[22] Women who were financially dependent on the men in their families were reported to lack intervention strategies such as economic empowerment. Notably, access to GBV&F services provided via digital platforms is also a function of economic empowerment. For instance, digital technologies require access to a mobile phone, access to the internet for non-zero-rated applications, as well as bus fare to travel to police stations, clinics or other support centres. However, the report also showed that community members often led family-based intervention strategies and thus, awareness campaigns aimed at strengthening these mechanisms can be helpful in combating GBV&F.

Digital technologies offer various ways of implementing legislative and other strategies in South Africa that are aimed at ending GBV&F. However, current legislation still needs to be developed to keep up with new forms of GBV&F, such as cyberviolence. A multi-sectoral approach necessarily includes the private sector, for example cellphone networks and software development companies. Finally, digital literacy is increasingly becoming crucial to protect young people and civil society at large from the exploitation of their personal information uploaded online.

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