

Considering

Technology Facilitated Gender-Based Violence (TFGBV)

as an Offense in Uganda's 2024 Sexual Offences Bill





Authors:

1. **Polllicy:** a civic-tech organisation that functions at the intersection of data, design, and technology to influence a culture of responsible data use, promote appropriate data governance practices, and advocate for policies that support an enabling data ecosystem.
2. **Collaboration on International ICT Policy for East and Southern Africa (CIPESA):** a non-profit organization that works to increase the capacity of Eastern and Southern African stakeholders to participate in ICT policymaking. CIPESA is a leading center for research and analysis of information aimed to enable policymakers in the region to understand ICT policy issues and support various stakeholders to use ICT to improve livelihoods.
3. **Gender Tech Initiative Uganda (GTI-U):** a non-profit organisation dedicated to bridging the digital divide by empowering women, girls, and marginalised communities with digital literacy and safety skills. We envision a world where technology is inclusive, accessible, and transformative and enables individuals to participate meaningfully in the digital economy and advocate for their rights.

Introduction

This policy brief examines Technology Facilitated Gender-Based Violence (TFGBV) as an intersecting issue of digital sexual offense, expanding beyond traditionally defined physical sexual offenses. It explicitly defines TFGBV and how it connects with sexual violence, highlighting the opportunity presented by the Sexual Offences Bill 2024 as a key policy reform to enhance prevention of both physical and digital sexual violence. The brief also identifies gaps within the existing legal framework which fails to specifically define digital abuses and establish legal response. Additionally it explores the impact of TFGBV on survivors in Uganda as a whole drawing on continental precedents. It highlights structural enablers, barriers and solutions to bridging the legal, institutional and capacity gaps. Primarily, the brief provides for policy pathways to consider and the specific recommendations for integrating TFGBV into the Bill.

On Tuesday 18th February 2024, Pollicy together with CIPESA and Gender Tech Initiative - Uganda presented insights of this policy brief to the Committee of Parliamentary and Legal Affairs and the Committee of Gender, Labour and Social Development. Held at the Parliament of the Republic of Uganda, the engagement aimed at underscoring the necessity of integrating and addressing TFGBV through the Sexual Offences Bill 2024.

Background

Sexual Violence is any sexual act or attempt directed towards a person's sexuality using coercion by any person regardless of their relationship to the victim or space of occurrence.¹ For example: rape, sexual assault and harrasment, defilement, indecent exposure and sexual exploitation.² Globally, 1 in 3 women have experienced sexual or physical violence or both from their lifetime from both intimate and non-intimate partners.³ In Uganda, over 14000 cases of sexual violence are reported through the Police crime reports annually.

Uganda has a robust, gender-responsive legal and institutional framework dedicated to addressing gender-based abuses for example, the 1995 Constitution, Penal Code Act, Domestic Violence Act 2010, Children's Act, Employment Act, among others. These laws are overseen by the Ministry of Gender, Labour and Social Development alongside enforcement authorities of Uganda Police Force, Directorate of Criminal Investigations, Office of the Director of Public Prosecutions and the Judiciary. Whereas these frameworks are existent and enforced, there is a legal gap of alignment and consolidation, scattered preventive measures and protection against the evolving nature of sexual offenses against most vulnerable groups such as women and children.

The Sexual Offences Bill 2024 is a proposed policy reform to bridge the legal gap of scattered laws against sexual violence in Uganda. It presents as a consolidated law for effectual prevention of sexual violence in the country by defining sexual offenses, enhancing punishment of sexual offenders, protecting victims during trial and responding to evolving and current nature of sexual violence.⁴

1 <https://apps.who.int/violence-info/sexual-violence/>

2 https://iris.who.int/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf

3 <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

4 <https://www.parliament.go.ug/news/3370/bill-criminalise-sexual-offences-re-tabled>

Whereas sexual violence is largely perceived as physical or verbal, society and social practices have evolved alongside technological advancements, thus creating both physical and digital environments in which gender based abuses interchangeably occur.⁵ Therefore, there is an evolving nature of sexual abuses with an intersection of TFGBV. UNFPA defines TFGBV, as “an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated and amplified in part or fully by the use of information and communication technologies or digital media, against a person on the basis of their gender”.⁶

In 2024, a Global Call to Action during the 68th Convention on the Status of Women (annual women’s rights convention) was made for all stakeholders, especially policymakers to develop responsive mechanisms through laws, policies, and systems that prevent TFGBV, hold perpetrators accountable, and protect victims.⁷ The Resolution on the Protection of Women Against Digital Violence in Africa - ACHPR/Res. 522 (LXXII) 2022 recognises that “that online violence manifests in different ways to include cyberstalking, unsolicited, sexually explicit content, doxing (sharing of personal information online), cyberbullying and the non-consensual sharing of intimate images”.⁸

The increasing incidents of digital sexual abuses amidst a technological reality justifies the need of recognizing, integrating and aligning TFGBV as a policy issue within gender related policy reforms like the Sexual Offences Bill 2024. Through this policy brief, Pollicy and its partners emphasizes the fundamental opportunity the Sexual Offences Bill presents and how the ongoing policy review process is crucial to addressing the evolving nature of sexual violence amidst technological advancements in Uganda.

Opportunity and Justification

Emerging technologies have reshaped the social, economic, and political structures of society. This reality has created an evolving nature of gender-based abuses in terms of forms, perpetuation, impact, and need for responsive policy mechanisms. Women and girls are faced with similar sexual attacks online as those in the physical environment with numerous reports made of unsolicited online interactions that translate into defilement, rape, and physical harassment, among others.

The Sexual Offences Bill proposed as a consolidated law for sexual offences and strengthening prevention of sexual violence against women and children presents an opportunity to respond to the emergent sexual offences created by technology and missed in the existing legal framework.

Similarly, consideration of TFGBV into the Sexual Offences Bill will enable the alignment of domestic laws on digital and gender-based rights with international and continental standards like: the Universal Declaration on Human Rights, the Universal Convention on Civil and People’s Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), African Charter

5 <https://datagovernancehub.org/events/the-role-of-digital-literacy-in-combating-tfgbv-in-africa>

6 <https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-TFGBV-Making%20All%20Spaces%20Safe.pdf>

7 <https://www.unfpa.org/sites/default/files/resource-pdf/FINAL%20Call%20to%20Action%20to%20Address%20TF%20GBV.docx.pdf>

8 *Resolution on the Protection of Women Against Digital Violence in Africa - ACHPR/Res. 522 (LXXII) 2022*, <https://achpr.au.int/en/adopted-resolutions/522-resolution-protection-women-against-digital-violence-africa-achpr>

on Human and People's rights (Article 9), the Maputo Protocol that calls for preventing any gender-based abuses against women and girls, and, the Beijing Platform for Action (Section J) that emphasizes the equal and fair participation and use of emerging technologies by women without discrimination or abuse. This is in alignment with the standards set by the African Commission on mechanisms of protecting all persons especially marginalized groups online through access to information, freedom of expression, personal data protection and privacy, and protection from online violence.

Through extensive knowledge and experience in responding to TFGBV through research and capacity-building programs with women, as new digital platforms emerge, **Pollicy** and its consortium of partners recommend legislative flexibility through the Sexual Offences Bill by outlining a clear definition of TFGBV and including clauses that can adapt to changing technologies, ensuring ongoing protection for vulnerable groups against sexual violence.

Implication of TFGBV on Uganda

Uganda registered 14,425 sexual-related offences with a loss of over UGX 72 Billion to cybercrimes in 2024.⁹ Whereas the annual Police reports neither document Technology Facilitated Gender Based Violations nor specify the sexual offences or cybercrimes related to digital sexual violence, the findings reflect the socio-economic implication of digital and sexual-related offences on both the survivors and the country. Research shows that 1 in 3 women have experienced online violence resulting in social, psychological, and physical negative effects.¹⁰ Multiple reports show that the negative impact of TFGBV does not stop at the victim/survivors level but rather permeates to family, community, and national levels. Survivors are witnessed to adapting to passive interaction online, deactivation of personal platforms, development of mental disorders following online abuse, social withdrawal and in extreme cases, suicide.^{11, 12}

To note, TFGBV does not affect women only, but it is evidently seen that women and men experience online violence differently. Pollicy's study, **Amplified Abuse**, revealed that women are more likely to experience online sexual harassment, body shaming, misogynistic hate speech, and non-consensual intimate image sharing compared to men who faced hate speech and cyberbullying forms only. The study upholds the disproportionate vulnerability of women against men with TFGBV abuses and their consequent impact on women. Similarly, with only 37.8% of social media users as female compared to 62.2% of males, TFGBV risks reducing the presence of females online.¹³

If left unaddressed, Technology Facilitated Gender-Based Violence (TFGBV) is likely to persist and further widen the digital gender divide that the Ugandan government has been striving to bridge through digital inclusion programs and action plans at political, social, and economic levels. The multistakeholder efforts of the private sector, academia, and civil society also risk being undermined. Additionally, TFGBV will lead to gender-imbalanced participation of Ugandans in development agendas, both offline and online.

⁹ <https://upf.go.ug/wp-content/uploads/2025/02/ACR2024-Web.pdf>

¹⁰ <https://ogbv.pollicy.org/>

¹¹ https://prevention-collaborative.org/wp-content/uploads/2024/12/Research_Report_Not_Just_a_Trend_Assessing_the_Types_Spread_and_the_Impact_of_Online_Gender_Based_Violence_in_Uganda.pdf

¹² <https://www.ndi.org/our-stories/impact-online-violence-against-women-2021-uganda-general-elections>

¹³ <https://datareportal.com/reports/digital-2024-uganda>

Policy Issues

Inclusion of TFGBV as a Sexual Offence

Technology-facilitated gender-based violence manifests in various forms including non-consensual sharing of intimate images, sexist hate speech, misogynistic disinformation campaigns, cyberstalking, cyberbullying, sextortion, cyber flashing, sexual harassment, unsolicited sexually explicit content, doxing, deepfakes, trolling, mansplaining, online impersonation, and online grooming for sexual assault among others.

Sexual Offences have largely been defined as physical within Uganda's legal framework. However, technology increasingly enables and perpetuates sexual violations. These violations interchangeably seed offline and online with one in three women having experienced online violence in Uganda.¹⁴ Women are the primary victims of TFGBV suffering social, economic, health, and political consequences.

Notably, TFGBV is a rapidly growing threat that is committed and amplified through the use of information and communications technologies, or digital spaces, against a person based on their gender.¹⁵ It is also enabled by the evolving new and emerging technologies, and women are the larger victims of TFGBV with the damaging social, economic, health, and political effects suffered.

Inclusion of Voyeurism in the Bill

Voyeurism “refers to acts and actions by a person who with the intent to derive sexual gratification covertly observes, views, photographs, records others in a dwelling house or business premises or other place where there is an expectation of privacy including as they undress or engage in sexual activities.

Voyeurism involves the use of various technologies, including cameras and the use of technology platforms to disseminate the content.

Experiences in Uganda have shown voyeurism taking shape in the country with a lot of online content created without the consent of the victims and disseminated through various platforms. It is necessary to provide for the offence to prevent individuals from sexually exploiting others. This exploitation often occurs when the voyeur observes or records the victim, even if the victim is not aware of it.

Countries including the United States of America, vide Video Voyeurism Prevention Act of 2004, Canada, Vide the Criminal Code and the United Kingdom vide the Sexual Offences Act 2003 have criminalised voyeurism.

¹⁴ <https://pollicy.org/wp-content/uploads/2022/08/Amplified-Abuse-Report-on-online-violence-Against-women-in-the-2021-general-elections.pdf>

¹⁵ <https://www.unfpa.org/TFGBV>

Policy Gaps

Despite the Sexual Offences Bill expounding on addressing sexual offences faced by women and other vulnerable groups like children, it comes very least on explicitly specifying the online sexual violence that manifests through Online Gender Based Violence or Technology Facilitated Gender Based Violence (TFGBV). This digital form of violence is an increasingly dominant, rapidly emerging, and evolving form that escalates sexual violations and a 'ghost house' that mirrors the physical sexual offences.

Uganda's existing legal framework on digital abuses: Constitution of the Republic of Uganda 1995, Computer Misuse Act 2011, Penal Code Act Cap 120, Uganda Communications Act 2013, and Data Protection and Privacy Laws- do not explicitly define and criminalize gender-based violence online, especially the sexual forms.

The nullification of provisions of the Anti-pornography Act 2014 and the absence of a more responsive law continue to create a gap in addressing the intersection of sexual abuses and technology/internet as the perpetuating environment. In August 2021, the Constitutional Court nullified provisions of the Anti-pornography Act on grounds of violating the right to freedom of expression and victimization of women. Whereas this law was created to deter the spread of pornography and protection of women and girls, the enforcement of the law (re) victimized women and created targeted abuse from perpetrators. Neither its enforcement nor its annulment solved the heightened abuse of non-consensual intimate image sharing online, thus a continued challenge.

The present women's rights and protection laws: Uganda Constitution 1995, Penal Code Act, Domestic Violence Act 2010, Children's Act, Prevention of Trafficking in Persons Act, and the Employment Act - do not provide an intersecting definition and penalizing of the socially evolving sexual violations in the digital realm for example the seeding nature of sexual harassment, sextortion, sex grooming, among others. The National Gender Policy and the National Action Plan on Women equally miss TFGBV and its interplayed occurrence in the digital and physical environments.

In line with our advocacy, specific TFGBV language detailing these emerging digital abuses should be incorporated into the Bill to bridge gaps in the definitions and ensure that evolving forms of online sexual violence are punished accordingly.

Precedent and Exemplification

Just like Uganda, most African Countries do not have deliberate laws that respond to TFGBV despite having digital rights frameworks. At Sub-Saharan Level, South Africa provides a policy precedent and exemplification that can demonstrate the feasibility and consideration of TFGBV into the proposed law that seeks to strengthen sexual violence against women and children;

1. Domestic Violence Amendment Act 14 (2021) - integrates both physical and digital abuses where a victim of cyberstalking can apply to a court for interim protection orders even when the identity of the alleged stalker is unknown.¹⁶
2. Protection from Harassment Act 17 of 2011 - The Act is the first SADC legislation to address sexual harassment, providing a quick and affordable civil remedy, including protection orders for electronic harassment. It extends beyond physical harassment to stalking, driven by increased internet and cellphone use in South Africa.

Structural Enablers, Barriers and Solutions

Enablers

Existent gender-based legal pathways that can integrate TFGBV response mechanisms: Uganda has a sound gender-based legal and policy framework that defines and responds to gender-based abuses with streamlined actors responsible for enforcement. The Ministry of Gender, Labour and Social Development provides an oversight to gender legal and policy frameworks alongside enforcement actors like the Uganda Police Force (UPF), Criminal Investigations Directorate, and the Office of the Director of Public Prosecutions (DPP) and designated gender desks. Through these pathways and consideration of resource (knowledge/skill, designated human resources, and equipment/finances) enhancement, TFGBV policy actions can be integrated and adequately enforced.

The multi-stakeholder efforts of civil society, the private sector, technology companies and academia in prevention and protection mechanisms against TFGBV: There is a critical role played by the different stakeholders in promoting digital literacy programs on safety and security, platform protection actions like X, Facebook, WhatsApp and Email that provide for reporting abuse, blocking perpetrators and; reporting pathways and physical, mental or legal aid for survivors within civil society. These complementary efforts provide a benchmark of practicality and structures that can be utilized for legal mechanisms against TFGBV.

¹⁶ https://www.gov.za/sites/default/files/gcis_document/202203/45824gen788.pdf

Barriers

The law enforcement, specifically the Uganda Police Force, is reported as under-equipped and least prepared to partake in TFGBV cases due to a lack of modern technology and limited skillset.¹⁷ Further research indicates that despite the incapacitation, the Police Force many times trivializes TFGBV-related abuses and some personnel are involved in victim blaming,¹⁸ with the majority of stations lacking specialized departments for the handling of TFGBV. Amidst limited coverage and official claims of adequate follow-ups by cybercrime departments, survivors/victims indicate that they face challenges with the reporting process that is similar to that of other crimes and this is equally due to fear, ignorance, and lack of trust in the Uganda Police Force's capacity.¹⁹

The existing legal framework does not explicitly define and respond to digital sexual violence. Whereas Uganda has a strong gender-based legal and policy framework in the ICTs and protection of marginalized groups, it omits specific definitions, inclusion, and response to gender-based abuses created/enabled by technologies. Similarly, it is noted that whereas the judiciary is critical in providing TFGBV survivors with access to justice; "access to the exact statistics of the number of TFGBV cases that have been handled by the courts of law is an uphill task and, with the absence of statistics from the judiciary on TFGBV cases, it is difficult to assess the extent to which the judiciary has addressed TFGBV in Uganda."²⁰

Underreporting of gender-based cybercrimes in the Police annual crime reports. This reflects a possible challenge in data collection, understanding of TFGBV terminologies and response actions, and a question of resource allocation to cybercrimes investigations.

Solutions

- Capacity building/strengthening of the Uganda Police Force specifically the Gender Desks/ Cybercrime departments on understanding TFGBV and legal enforcement procedures
- Instituting full-time cybercrime specialists within gender desks across enforcement units countrywide with the required skillset and professionalism
- Alignment of national laws on Gender and digital rights with international and continental standards. This would strengthen legal frameworks on holistic protection and prevention of violence against women both offline and online.
- Explicitly defining and proactively adopting gender-sensitive approaches in addressing TFGBV within the domestic legal provisions.

¹⁷ <https://africarenewal.un.org/en/magazine/uganda-violence-against-women-unabated-despite-laws-and-policies>

¹⁸ <https://fidauganda.org/wp-content/uploads/2023/03/>

¹⁹ <https://unisciencepub.com/wp-content/uploads/2024/11/Understanding-Technology-Facilitated-Gender-based-Violence-TFGBV-in-Uganda.pdf>

²⁰ <https://unisciencepub.com/wp-content/uploads/2024/11/Understanding-Technology-Facilitated-Gender-based-Violence-TFGBV-in-Uganda.pdf>

Proposed Policy Pathways

A plea to consider the policy recommendations made as such, as a means of including TF-GBV into the Sexual Offences Bill towards holistically preventing sexual violence in both the physical and digital forms;

1. Uganda should define and include TFGBV in the Bill, to align with the global, regional, and national existing digital policy and legal frameworks to ensure consistent legal interpretation and enforcement.
2. To address the full scope of violations, we recommend that the Bill explicitly list forms of TFGBV including cyber harassment, non-consensual intimate image sharing, and online grooming as prosecutable offenses, ensuring survivors have clear legal pathways to redress.
3. While the Bill uses “online platform” in clauses 1, 6, and 7, replacing “online platform” with “Technology-facilitated gender-based violence” will be more exhaustive in the scope of the gender-based offences committed in the online spaces
4. Provide for the offence of voyeurism and specify its definitive scope in the interpretation section.
5. Recognize and respond to the legislative gaps within the existing legal frameworks on the prevention of violence against all in both the physical and digital spaces.
6. Based on these precedents, we call for aligning TFGBV measures with similar provisions on digital harassment, ensuring that Ugandan legislation covers both civil and criminal remedies for TF-GBV survivors.
7. In line with our advocacy for multi-stakeholder approaches, we ask that the Gender Committee work closely with the ICT sector, civil society, and survivors’ networks to ensure TFGBV provisions are comprehensive and survivor-centred.

Specific Policy Recommendations for The Sexual Offences Bill

We therefore recommend that under each of these clauses within the Sexual Offences Bill, TF-GBV should be included as such:

Defects in the existing law.

The alignment of the scattered sexual offences legislation and response to the evolving and current sexual offences should also specifically extend to include the advent of emerging technologies and the role they play in aiding the exacerbation of sexual offences. As such:-

- The data that can be collected from tech platforms can aid in establishing a commission of crime/ aggravating sentences.
- If the law is silent regarding tech platform accountability it can potentially create further violence against women.

To enhance accountability, we recommend that the Bill explicitly oblige technology platforms (social media sites, ISPs) to cooperate in providing relevant data and evidence in TFGBV cases, under clear legal safeguards.

Remedies

The Bill should adopt a more specific language to include “new social and technological vices”. This supports the reality of emerging technologies and their role in reinforcing sexual violence against women by escalating them both in the online and physical environments.

Part I—Preliminary

Interpretation

Consider defining what a sexual offence is while indicating that this can either be physical or digitally made. As such;

A “**sexual offence**” means the deliberate and unsolicited interference of one’s sexual body parts by physical or descriptive abuse by another party with intent of harm.

An “**online platform**” is any digital space or environment where people can communicate.

Re-align the interpretation of “**Minister**” to clearly mean the Minister responsible for justice;

Realign “**person in authority**” to clearly mean a person who is charged with the duty or responsibility for the health, welfare or supervision of a person;

Realign “**person in position of trust**” to clearly mean a person committed into the care or charge of a person in authority;

TF-GBV should be considered as a defined issue and terminology being acted upon by the proposed law as an online violence that fuels sexual violations against women. “**an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated and amplified in part or fully by the use of information and communication technologies or digital media, against a person on the basis of their gender**”²¹

The parameter of ‘*gain*’ should not be limited to financial only, as is in Bil, but also include social and political benefit.

In line with our recommendations, including TFGBV in the interpretation section establishes a clear legal basis for digital sexual offenses, which can significantly strengthen enforcement and prosecution.

21 <https://www.unfpa.org/publications/technology-facilitated-gender-based-violence-making-all-spaces-safe>

Part II—Sexual Offences

Clause 6. Indecent Exposure

This should expand by adding that exposing or displaying can be done electronically too, through the use of video, imagery, gifs, memes or AI-generated content.

(1) A person who-

- a. while in a public place, or online platform intentionally exposes his or her sexual organ and bare breasts or, buttocks or thighs to any other person,
- b. unlawfully intrudes on the privacy of a person by intentionally—
 - i. exposing or displaying that person’s sexual organ, breasts, buttocks or thighs to any other person, whether physically or online; or

Therefore, we propose that ‘*or online platform*’ be added under Clause 6(1)(a) and that ‘*online platform*’ should then be defined in the interpretation section as ‘*a digital space or environment where people can communicate.*’ Inclusion of this seeks to take into consideration the role that technology is playing in enabling sexual offences among which indecent exposure.

Similarly, there is a need to delete thighs and to add the word ‘*bare*’ before breasts or buttocks. This avoids a risk of going back to the nullified provisions in the Anti-Pornography Act that led to women getting undressed in public. Including “**online platform**” and clarifying the scope of indecent exposure online or through AI-generated content ensures that perpetrators cannot exploit technology to avoid prosecution.

Clause 7. Indecent Communication

The clause should be expanded to include the intentional use of technology to generate materials of a sexual nature, generation of pictures of another person performing sexual acts or in a state of nudity.

Should also include offence of Public printing, publishing and distribution of AI-generated videos or pictures defined as ‘deep fakes’ impersonated as another person’s/self nudity or in a sexual act.

A person who-

- a. transmits, transfers, sends or forwards to another person on any platform, unsolicited material of a sexual nature;
- b. without consent, records or takes a picture of another person who is-
 - i. in a state of nudity; or
 - ii. engaging in a sexual act; or
- c. generates, prints, publishes or distributes a picture or video and sound recording of-
 - i. a person in a state of nudity;
 - ii. a person who is engaging in a sexual act;
 - iii. a person’s sexual organs, breasts or buttocks, commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a period not exceeding five years or both.

(3) For purposes of subsection (1) (a), “**material of a sexual nature**” includes conversations, texts, pictures, videos, objects or written materials showing or depicting-

- a. a person in a state of nudity;
- b. a person engaging in a sexual act; or the sexual organ, breasts, highs or buttocks of any person.

Therefore, the interpretation section should define videos and pictures to include AI generated pictures, sounds and videos for the purpose of diversifying this clause to include the digital environment and TF-GBV.

Inclusion of sound recording is an attempt to cover all the forms through which users of this Bill communicate. Indecent communication via online platforms can cause emotional distress, psychological harm, or even incite violence.

Similarly, under this clause like highlighted, there is need to clearly state that this will include all platforms for avoidance of doubt. We have continued to observe the utilisation of all platforms including online platforms to communicate. It is important that it is legislated on to ensure protection of all users to be able to maximumly benefit from the potential these platforms present . Including AI-generated content and deep fakes in the definition of indecent communication aligns with our recommendation to future-proof the Bill against emerging technologies that facilitate sexual abuse.

8. Sexual Harassment

Under this clause, it is suggested that the sexual harassment is immaterial to a charge under subsection (1) that—

- a. the victim consented to the acts that constitute sexual harassment;
- b. the victim welcomed the acts that constitute sexual harassment; or
- c. the acts constituting sexual harassment did not have a detrimental effect on the victim.

We also propose the addition of contact to be both physical and digital 7, 1 (c) because its undoubted that sexual harassment is in the recent, manifests in digitalized means of unsolicited messaging, image/video/audio sharing to victims.

- d. Similarly, the scope of defining the environment for sexual harassment is widened to mean, ‘the world of work’. It is a preferred term because it aligns with the employment (amendment) Act 2012 which recognizes both the formal and informal sectors of work and in this context, sexual harassment manifests in both worlds and prudent to consider both environments. Thus amend to;
- e. Anyone in the world of work who commits an offence and is liable, on conviction, to a fine not exceeding six currency points or imprisonment not exceeding three months or both.
- f. Whereas authority and victimisation is appreciated under this clause, we recommend that the Bill recognizes that sexual harassment occurs in broader contexts too, which include peer to peer. This is with the power relations being largely gender based as one being male with a mindset of women as sexual references/objects.

- g. To address digital sexual harassment, we advise explicitly referencing unsolicited online messages, texts, images, videos, or audio as actionable offenses, ensuring survivors have clearer guidance for seeking legal remedy.
- h. Sexual exploitation
- i. We propose that this clause also criminalises using an AI-generated likeness of a person in the production of pornographic material without their consent. Therefore, under (1)a, an additional statement can be made of;

A person who obtains financial or other benefits for himself, herself or any other person by-

- a. involving another person in prostitution or the production of pornographic materials. This includes use AI generated likeness of a person in the production of pornographic material without their consent;

Including AI-generated likeness in the realm of sexual exploitation, mirroring our proposed approach helps ensure that technology is not exploited to circumvent consent requirements.

Part IV—Court Powers

26. Payment of Compensation

This clause should strongly consider rehabilitative support through trauma informed approaches when dealing with redress for victims. That whereas compensation through payment of damages to the victim by the offender is fair, it is of greater importance that psycho-social support is prioritised for a holistic recovery and reinstatement of a victim.

In addition to financial compensation, we recommend mandating psychosocial counselling and digital safety education to support survivors' full rehabilitation and bolster their future online security.

Part VI—Miscellaneous Provisions

41. Extra-territorial jurisdiction

We propose that this clause considers the role that cross-border data flows play in this regard.

Given the global nature of TFGBV, we suggest including provisions for international cooperation in data-sharing and investigation to address offenses committed from outside Uganda's jurisdiction.

Conclusion

Strengthening legal and policy frameworks against sexual violence in Uganda necessitates a comprehensive approach that addresses both physical and digital forms of abuse and their evolving nature. As Uganda undertakes policy reforms on sexual violence, it is crucial to align international, continental, and domestic laws to integrate technology-facilitated gender-based abuses. Additionally, recognizing the impact of technological advancements and the digital age on societal practices and behaviors is essential. This evolving nature of sexual offenses demands holistic policy formulations and interventions that are responsive to these changes.

References

African Commission on Human and People's Rights. (August ,2022). Resolution on the Protection of Women Against Digital Violence in Africa - ACHPR/Res. 522 (LXXII) 2022

Arthur Kakande. (September, 2021). The Impact of Online Violence Against Women in the 2021 Uganda General Elections

Data Reportal (2024). Digital 2024: Uganda

Doreen Abiero and Lucy Mwaura. (2024). The Role of Digital Literacy in Combatting Technology Facilitated Gender Based Violence in Sub Saharan Africa

Government Gazette Republic of South Africa. (2022). Domestic Amendment Act 14 of 2021.

Iyer,N., Nyamwire, B., and Nabulega, S. (2020). Alternate Realities, Alternate Internets.<https://ogbv.policypolicy.org/report.pdf>

Kakande, A., Achieng, G., Iyer, N., Nyamwire, B., Nabulega, S., and Mwendwa, I. (2021) Amplified Abuse: Report on Online Violence Against Women in the 2021 Uganda General Election.<https://vawp.policypolicy.org/>

Lizhan Brown , Jacob Segale (PhD), Abishiag Wabwire, Linette Du Toit, Josephine Tjirongo and Diana Macauley (2024). Understanding Technology Facilitated Gender-based Violence (TFGBV) in Uganda. J Psychol Neurosci; 6(4):1-10. DOI:<https://doi.org/10.47485/2693-2490.1095>

Parliament of the Republic of Uganda. (October 14, 2024). Bill to Criminalize Sexual Offences Re-tabled

Stephen Ssenkaaba. (December 2017). Uganda: Violence against women unabated despite laws and policies

Uganda Police Annual Crime Report. (2024)

UNFPA (July 2024). Global Call to Action to Address Technology Facilitated Gender Based Violence. UNFPA, Report

UNFPA. (November 25, 2024). Technology Facilitated Gender Based Violence: A Growing Threat

UNFPA (2021). Making All Spaces Safe

World Health Organization. (2022). Violence info: Sexual Violence. WHO, Report

World Health Organisation. (March, 2024). Fact Sheets: Violence Against Women. WHO, Report

World Health Organization. (2012). Understanding and Preventing Sexual Violence, WHO, Report

WOUGNET. (2021). Not Just A Trend: Assessing the Types, Spread and the Impact of Online Gender Based Violence in Uganda

