

GLOBAL INFORMATION SOCIETY WATCH 2013

Women's rights, gender and ICTs



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CONGO, DEMOCRATIC REPUBLIC OF

Online violation of women's rights



Si Jeunesse Savait
Françoise Mukuku

Introduction

During the electoral campaign of 2011, a female politician from the Democratic Republic of Congo (DRC) stood for parliament and was duly elected. One day, while I was watching television, I saw that she had been the victim of phone harassment. A stranger regularly threatened her because she had been successful in the elections.

The insults included insinuations that she had prostituted herself to win the post and that she was no longer worthy of being a wife. The man, who failed to introduce himself every time, also used a blocked number. Despite her fear at seeing that anybody could access her number, she said that she felt an inner reassurance because she had campaigned well and deserved her seat in parliament.

The story of our parliamentarian is unfortunately not isolated. For women who dare to take public office, or are in some way in a position to give their opinions on the running of the country – such as journalists, female politicians or public figures in other domains – it is not uncommon to receive telephone threats to discourage them in their work, or to have their private photographs circulated without their consent or even doctored photo montages showing them in compromising positions. Identity thefts on Facebook have also multiplied.

Policy and political background

In 2006, the DRC organised its first democratic and transparent elections in 40 years. Although the new constitution adopted by referendum included, for the first time in black and white, the principle of equal male-female representation, the implementing law for this parity was not adopted in time to force political parties to submit electoral lists with equal numbers of female and male candidates.

The fact that in the DRC power is still perceived to be in the hands of men and women are culturally regarded as unsuitable for the public arena has also had an impact on the election of female politicians.

In every election, they find it difficult to be accepted. Their personalities are sullied by false accusations, and the publication of compromising photographs and videos on the internet or via Bluetooth is a way of discouraging them and tarnishing their images in the minds of the Congolese electorate.

With regard to privacy violations, Congolese laws do not recognise the sanctity of personal data, which may include email. The provisions of the Criminal Code stipulate that defamation is applicable if newspapers publish false information. But in most cases, only influential people and politicians go beyond their right to respond and resort to the legal system to assert their rights. There is no provision in the law for the theft of data, which falls under misappropriation of goods belonging to another person, as any type of fraud is classified by the Criminal Code. In the case of publication without consent, there is no real misappropriation as the data still exists and is accessible to the owner. Sometimes, the data was given in good faith, but for a different purpose.

Using technology to violate women's rights

With the increase in the number of internet users and service abuses and owing to the easy access provided by mobile telephones, we are witnessing the appearance of violence against women making use of these technologies.

Telephones and applications that allow anonymity are used to frighten women. They are threatened to discourage them from talking about “distressing” subjects. This is what happened to three female radio journalists from Nord-Kivu who provided regular news coverage about women who had been the victims of brutal and cruel rape in the east of the country. They received threats to force them to stop tarnishing the image of the country.

Most of the time, these women do not report such acts because they do not know what to do in such cases.

Other women, often personalities from the world of politics, journalism or business, regularly see photographs of themselves circulated in photo montages of naked bodies in the sexual act. This is all to reduce them to what their detractors wrongly

believe their primary function to be: an object of pleasure and procreation; this is even truer in the political world where debates break out every time the gender parity enshrined in the constitution is mentioned.

It is a reminder that women have no business getting involved with politics, that they should return to their kitchens or take care of their husbands, that they have only won the post because of their intimate relations with one influential male politician or another.

However, in the DRC today, women believe that they have the potential to motivate development. They are active in the country's economy and come together in associations that work towards community development and, increasingly, in political parties not only working with women as mobilisers but creating women's federations and involving them in their management.

Despite the cultural conservatism which means that, although they represent 60% of the electorate, Congolese women only represent 20% of candidates and occupy only 10% of decision-making posts, the draft implementing law on equal representation which stipulates measures to ensure that political parties have equal numbers of women and men on their electoral lists should rectify the current situation and ensure more justice for women in politics. This should also lead to less stigmatisation of women in politics because their presence will be legally justified.

With regard to curbing these offences against women, the Criminal Code has become obsolete as it does not incorporate the new forms of violence against women. Sexual violence is the subject of a specific law and the Criminal Procedure Code has been amended to adapt to the specific nature of such violence, but a law covering technology-based violence against women should also be envisaged.

Moreover, the women and girls who are the victims of this abuse are generally not aware of

the judicial means available to them. Companies offering internet-based services should also see to what extent they should make their customer policy public if they have already found technological solutions to the theft of personal data, identity misappropriation, telephone threats, etc.

Conclusions

Violence against female politicians using information and communications technologies (ICTs) may merely be the reflection of the cultural conservatism which believes that women are not meant to be decision makers. However, above and beyond female politicians, Congolese women need legislation to be developed with regard to violence against women and the use of ICTs. Such types of abuse should be taken into account so that women are able to take part in the country's development in an effective and egalitarian manner.

Action steps

- Take legal measures to protect women against technology-based violence.
- Encourage women to report these violent acts.
- Before the next general elections, vote in the implementing law to ensure equal male-female representation.
- Raise awareness of the benefits of including women and the opinions of women in decision making.
- Encourage companies offering internet-based services to openly fight these violent acts and publish the different judicial remedies available to the users of their services.
- Work with parliamentarians to ensure that a law curbing technology-based violence against women and girls reinforces the country's legal arsenal. ■