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# **Online Sexual Harassment against Women in Ethiopia: Legal and Practical Challenges**

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*A Thesis Submitted to Centre for Human Rights Presented in Partial Fulfillment of the Requirements for the Degree of Master of Arts in Human Rights: College of Law and Governance Studies, Addis Ababa University*

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**April 2023**

## **Declaration**

I hereby declare that the thesis on “**Online Sexual Harassment against Women in Ethiopia: Legal and Practical Challenges**” is my own work and the reference used duly cited and acknowledged.

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## **Abstract**

The internet has provided many benefits to the world. Women are one part of the society who have benefited immensely from it. They, however, have also become victims to the dark side of the internet. This technological advancement has enabled violence against women to take up yet another form, one of which is online sexual harassment. Online sexual harassment is hardly a new phenomenon. It is in fact a mimic of the gender based violence already happening in the society which stands in the way of citizens from enjoying their lives and work free of violence.

Due to the vast expansion in the ICT sector, the commission of cyber-crimes in Ethiopia including online sexual harassment is on the rise. Ethiopian women are enduring the multifaceted effect of the crime in their social and economic aspects of their lives not to mention the effect it has on their psychological and physical wellbeing. Thus, this research sets out to investigate the effects of online sexual harassment on survivors as well as the legal frameworks available for survivors to get a legal redress. To do so, a qualitative research method is employed where primary data is gathered using in-depth interview and key informant interviews while analyzing the computer crime proclamation. Moreover, the research is supported by relevant secondary sources from different books, articles, journals and internet websites.

Ethiopia has adopted different policies and laws as well as put in place different institutional mechanism to fight against cyber-crimes including online sexual harassment. The most relevant instrument in this regard is the computer crime proclamation. Online sexual harassment is incorporated in the proclamation among other cybercrimes. The proclamation also designates law enforcement organs for the investigation and prosecution of online sexual harassment. However, the study found that the technicality of the proclamation as well as the vague, broad and general drafting of the provision dealing with online sexual harassment creates a gap in the actual implementation of the law. Moreover, the study revealed that human and institutional capacity of the law enforcement organs are not up to par with the level of sophistication the investigation of online sexual harassment requires.

## **Acronyms**

UNICEF	United Nations
OSH	Online Sexual Harassment
CEDAW	Convention on Elimination of all form of Discrimination against Women
WHO	World Health Organization
INSA	Information Network Security Administration
ACHPR	The African Charter on Human and Peoples' Rights
ILO	International labor organization
FDRE	Federal Democratic Republic of Ethiopia
ICT	Information communication technology
KII	Key informant interview
IGAD	Inter Governmental Authority for Development
FB	Facebook

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# Chapter One

## 1. Introduction

Historically women have suffered from different types of violence. An analysis conducted by World Health Organization (WHO) in 2018 has revealed that nearly 1 in 3 or 30% of women have been subjected to physical and/or sexual violence worldwide.<sup>1</sup> Violence against women is not a problem of one country or certain parts of the world; rather it's a worldwide phenomenon.

Societies has benefited immensely from advancement of technology the world has reached now. However, this advancement which enabled digital connectivity has also opened the door for new forms of oppression and violence. In this era, cybercrimes has grown immensely as the use of internet has become central to commerce, entertainment, and development.<sup>2</sup> One of such crimes is online sexual harassment which is not a new phenomenon but a mimic of gender based violence happening in the society.<sup>3</sup> This type of crime has become part of the virtual world as it is in reality, having consequences even more far-reaching than ever before. Its effect ranges from affecting the emotional (psychological) up to social and economic well-being of the victim. Perpetrators use different online platforms like Facebook, Viber, Instagram, YouTube, telegram, twitter, email and others for committing the crime. Studies show that women are more likely than men to experience online violence and face more severe and consequential forms of it.<sup>4</sup>

Perpetrators commit online sexual harassment to belittle, threaten, compel and coerce women to comply with their demands. Besides the negative impact the act violates different human rights of the women. Due to violation of the act on different human rights and its adverse economic, social and psychological effects, countries put different legal and institutional mechanisms to protect those affected by the act.

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<sup>1</sup> WHO (2021). Violence against women. Retrieved from <https://www.who.int/en/news-room/fact-sheets/detail/violence-against-women,2021>

<sup>2</sup> Dennis, M.A. (2022). Cybercrime. Retrieved from <https://www.britannica.com/topic/cybercrime>

<sup>3</sup> Nwaodike C., Naidoo N. (2020). Fighting Violence Against Women Online: A Comparative Analysis of Legal Frameworks In Ethiopia, Kenya, Senegal, South Africa, and Uganda. Internews, p.4

<sup>4</sup> Womankind Worldwide. (2018). Breaking the silence: Ending online violence and abuse against women's rights activists. Retrieved from <https://www.womankind.org.uk/resource/breaking-the-silence/>

## 2. Problem Statement of the Study

Despite the internet bringing immense benefits to its users, it has also brought with it a dark side where different violence is committed. Women, even if they share the benefits of internet, they have also been at the receiving end of the violence that comes with the use of internet. The benefit of anonymity and privacy to whosoever wants to commit violence makes the internet more dangerous and provides a safe haven for perpetrators. Moreover, decreased price of internet service and Wi-Fi being freely available in public places such as hotels, universities, phone shops, and internet cafés has expanded the use of internet users and is one major contributing factor for the commission of online crimes.

Ethiopians have also become accustomed to the use of the internet for different uses. The risk of being a potential target of online sexual harassment is increasing by the day in Ethiopia as more and more people are becoming dependent on the internet and going online every day to conduct different activities.

Research made in 5 sub-Saharan countries including Ethiopia, shows that women have experienced different form of online gender based violence, sexual harassment, including those committed online, taking 36 % of the share.<sup>5</sup> In addition, the research shows that among the 487 respondents in Ethiopia 31. 2 % of the respondents have been survivors of online gender based violence.<sup>6</sup> Moreover, a rapid assessment made on Violence against women who run for election in 2018 in Ethiopia shows those women candidates were exposed to many online violence including online sexual harassment and bullying using the most widely used social media (Facebook, YouTube and twitter) platforms in the country.<sup>7</sup>

The above researches, even if they do not show the full picture of the prevalence of online sexual harassment in Ethiopia, are indicative that online sexual harassment is a reality in

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<sup>5</sup>Iyer, N., Nyamwire, B. and Nabulega, S. (2020) Alternate realities, alternate internets: African feminist research for a feminist internet. Policy.P.11.

<sup>6</sup> Ibid

<sup>7</sup> Ethiopian Human Right Commission.( 2021) Rapid Assessment on Violence against Women in Elections (VAWE) Campaign Action Plan Development, unpublished. p.25-26.

Ethiopia. One can also tell the existence of online sexual harassment in Ethiopia while surfing through different social media platforms. These facts together with the researcher being survivor of online sexual harassment with no legal redress from law enforcement organs have motivated the researcher to inquire in detail about online sexual harassment in Ethiopia.

Locally not much research has been done on the subject matter. A research previously made only focused on cybercrime in general and assessed international frameworks vis a vis Ethiopia's cyber security proclamation. Other researches<sup>8</sup> dealt with offline sexual harassment mainly focusing in the workplace. The above mentioned researches on online violence against women in general and on women participating in the election didn't assess the adequacy of the law as well as the capacity of the law enforcement organs. Furthermore, most of the researches conducted did not address specifically the legal frameworks and implementation challenges in the Ethiopian legal system to get a legal redress as well as negative effects of online sexual harassment on survivors. Thus, this research tries to address what online sexual harassment against women is and its type as well as the effects it has on the survivor. In addition, the paper will critically analyze whether the legal framework and implementation mechanisms in Ethiopia is really helping survivors to get legal redress or protect/prevents others from becoming a survivor.

### **3. Objective of the study**

#### **3.1 General Objective**

The general objective of this study is to assess the legal and institutional frameworks governing online sexual harassment against women in Ethiopia.

#### **3.2 Specific Objectives**

- a. Examine types and characteristics of online sexual harassment

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<sup>8</sup>Malede, T. (2019). Students perception for sexual harassment and gender differentials: the case of fitawuriabayineh secondary and preparatory school, Center for gender studies, AAU, Addis Ababa & .Fisseha, B.(2018). Women's experience of workplace sexual harassment & their coping mechanisms: the case of arada sub-city kebele recreation centers, center for gender studies, AAU, Addis Ababa.

- b. examine the legal frameworks and institutional setups to combat online sexual harassment
- c. Identify legal and practical challenges in the enforcement of the law
- d. assess the effects of online sexual harassment on survivors

#### **4. Research Questions**

- a. What are types and characteristics of online sexual harassment?
- b. What are the legal frameworks and institutional setups to combat online sexual harassment in Ethiopia?
- c. What are the legal and practical challenges in the enforcement of the law?
- d. What are the effects of online sexual harassment on the survivor?

#### **5. Scope and limitation of the study**

Due to limited resources and time, the research is limited to assessing the experience of survivors in Addis Ababa as well as enforcement of the law at the federal level specifically in Addis Ababa. Moreover, the research will only focus on the experience of women in Addis Ababa (both reported and unreported cases) after the adoption of the cyber-crime proclamation in 2016.

With regards to limitation, there is lack of local based literatures as well as lack of empirical survey on the scope and prevalence of online sexual harassment in Ethiopia that could be used as a source. Therefore the study has largely relied on foreign literature. Moreover, the lack of comprehensive and organized data in law enforcement institutions (police and courts) posed another challenge to get a figurative data to exactly show the extent of the problem in Ethiopia.

In addition, getting information/interviews from survivor respondents was a challenge since the issue under study was sensitive and involves private matters that are rarely discussed in public in addition to the psychological stress/harm the crime leaves on the survivor.

## **6. Significance of the study**

Increased internet access is making technology an important resource for women. However, if not understood and used strategically, internet use may pose a serious danger. The reality on the ground is that Ethiopian women, just like any other women in the world, are becoming victims to different types of online sexual harassment and dealing with the multifaceted consequence of the crime. Online sexual harassment also violates different human rights of the women which extends the long stretched inequality and discrimination of women in the society. However, the legal and institutional setups in place are failing to provide proper solution to the problem as well as give redress to survivors.

This research is believed to raise awareness about occurrence of online sexual harassment in Ethiopia, its effects, the current laws regulating it and the institutional mechanism in place. It also gives insight to policy makers in identifying the gaps in the legal system so that they take online sexual harassment seriously and put an effective mechanism for survivors to get a legal redress as well as take preventive measures. Moreover, it is also meant to arouse interest of academia and other researchers to do further research in this area.

## **7. Research design and Methodology**

Research methodology is a road map to systematically solve the research problem.<sup>9</sup> In it, it shows the various steps adopted by the researcher in studying his/her research problem along with the logic behind them.<sup>10</sup> Thus based on the feminist research paradigm this research employed a qualitative design. This design is proper as the research revolves around the lived experiences of specific group/women making them at the center of the study to bring about empowerment, alleviation of inequalities and improved social justice policies of women. This design is also proper to deeply investigate the legal and institutional infrastructure to deal with online sexual harassment laws and their enforcement.

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<sup>9</sup>Kothari, C.R. (1990). Research Methodology: Methods and Techniques (2<sup>ND</sup> ED). New Age International Publishers.p.6.

<sup>10</sup> Id, p13

## 7.1. Research Approach

Since the issue under study in this paper is fairly new and previously not studied in depth in Ethiopia the researcher used an exploratory phenomenological approach to investigate the legal and institutional framework regulating online sexual harassment acts in Ethiopia as an issue of concern.

## 7.2. Method of Data collection and analysis

The research adopts qualitative research methods as a data collection technique since qualitative research is a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem.<sup>11</sup> Qualitative researches among other things help to explore a given problem to get a detailed understanding by involving participants to understand the contexts or settings in which they address a problem or issue.<sup>12</sup>

Qualitative research employs different methods to collect data<sup>13</sup> such as employing interviews with key informants to get background information or an institutional perspective and holding in-depth interviews to understand personal perspective.<sup>14</sup> Thus by employing those data collection techniques, the approach allowed the researcher to have the overall picture of the legal framework regarding online sexual harassment; closely examine the system in place and identify the legal and practical challenges in addition to enabling the researcher answer questions as to effects of the crime on survivors from their lived experience.

Moreover, as the research partly relates to a matter of a legal field, the researcher assessed the legal documents to answer some of the research problems. The analysis, besides exploring other domestic laws related to the study matter, has mostly focused on the computer crime proclamation.

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<sup>11</sup>Creswell, J. W. (2014). *Research Design; Qualitative, Quantitative, and mixed Methods Approaches* (Fourth ed.). London, UK: SAGE publications India Pvt.Ltd.

<sup>12</sup> Creswell, J.W. (2013). *Qualitative Inquiry & Research Design: Choosing Among the Five Approaches*. Thousand Oaks, CA: SAGE Publications, Inc. p.49

<sup>13</sup> Id, p46

<sup>14</sup>Hammarberg, K., Kirkman, M. and de Lacey, S. (2016) *Qualitative Research Methods: When to Use them and How to Judge Them*. *Human Reproduction* 31, 498-501. <https://doi.org/10.1093/humrep/dev334>. p499

## **I. Data collection method**

The research used both primary and secondary sources

### **A. Primary sources**

In qualitative research, there are different sampling methods including purposive or convenience sampling and snowball. In purposive sampling, participants are selected because they are likely to generate useful data for the research<sup>15</sup> whereas snowball sampling uses networking and referral to find participants.<sup>16</sup> For this study the researcher employed both type of sampling.

#### **i. Key Informant Interview (KII)**

The KII is conducted with members of the law enforcement organs specified in the computer-crime proclamation as key players (namely federal police, Information Network Security Administration (INSA) and public prosecutor) in the investigation and prosecution of the matter under study. The research employed purposive sampling method to select participants for the KII with a view of drawing in-depth understanding on the problem, assess investigation process/reporting mechanism which is in place and identify the major legal and practical challenges associated with investigating and prosecuting online sexual harassment crimes.

Moreover, these interviews were believed to acquire figurative data as well as case files in order to show the extent of the problem in the study area as well as analyze the actual implementation of the law by reviewing cases that actually were brought before the court and got a conviction. However, even if the researcher explored police station in the 10 sub cities and different courts for a possible cases and a figurative data, enough data that can show the extent of the problem is not acquired. Lack of organized data in law enforcement institutions played the major role coupled with inaccessibility of some case due to sensitive nature of the

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<sup>15</sup>Bricki, N., Green, J. (2018). A guide to using Qualitative research methodology. Retrieved from <https://nau.edu/wp-content/uploads/sites/30/Qualitative-research-methodology.pdf>

<sup>16</sup>Parker, C., Scott, S., & Geddes, A., (2019). Snowball Sampling, In P. Atkinson, S. Delamont, A. Cernat, J.W. Sakshaug, & R.A. Williams (Eds.), *SAGE Research Methods Foundations*. <https://dx.doi.org/10.4135/9781526421036831710>

case. Moreover, unwillingness of institutions to give information and data was also a contributing factor.

The researcher also tried to get firsthand information about the investigation process and implementation challenges from INSA forensic investigation department, the department that is responsible for carrying out cyber-crime investigations, but failed to get interview session as well as answers for the written questioner which was submitted at their request, even if several attempts were made. However, interview with an official from INSA legal department was achieved.

Overall, interviews were conducted with 7 law enforcement organs representatives (2 from cybercrime unit of the Federal Police, 4 public prosecutors at federal high court who handles OSH cases, 1 official from INSA legal department).

## **ii. In-depth interviews**

Furthermore, in-depth interviews were conducted with survivors of OSH crimes who reported their case to law enforcement organs and those who did not report. The interview with survivors who reported their cases was aimed at gathering information on the effect of such act on them, the reporting system and any challenge (if any) that they encountered in the process of getting a legal redress as well as what kind of coping mechanism they used. On the other hand, interviews with those survivors who did not report their cases was aimed at getting information on why they didn't report the crime, what they used as a solution and the effect of the crime on them. The collection of the data was limited by the saturation of the data collected from the accessible and willing respondents.

For choosing interviewees, snowball and purposive sampling methods were used. In total 10 survivors (2 who reported their case and 8 who did not) were interviewed face to face and through phone. Survivors age group range from 22-41 (there was no age restriction on age except that they are above 18 years old so that their category doesn't fall on children which is out of the scope of this paper). Other than the face to face and telephone interviews with survivors, interviews of survivors with other journalists were also used as a source.

## **B. Secondary data**

In addition to the primary sources, the research has used secondary sources in order to achieve the study objectives. In-depth legal analysis has been done on the computer-crime proclamation using doctrinal method to assess and identify the legal gaps of the provisions of the proclamation dealing with online sexual harassment cases.

Moreover, the research consulted different literatures (both published and unpublished), journals, articles, report, news and different international and regional legal instruments on the subject matter. Furthermore, various internet sites have been referred for relevant data and information.

## **II. Method of data analysis**

After Primary data is obtained using qualitative research methodology, the data analysis of this study followed reading, reducing, and transcribing. The data gathered were analyzed based on the principles of qualitative data analysis. Moreover, the process of analyzing the data was guided by the research purpose and the research questions. The data collected through interviews are analyzed based on the identification, interpretation and categorization of the opinions of the respondents.

The secondary data were used to support and corroborate the primary data. To analyze the books, journals, texts, reports and internet sites, the researchers used content analysis in a qualitative manner. This was done by selecting the documents which are pertinent to the research by dividing the contents into segments (themes) that can be treated as units of analysis.

## **8. Ethical Consideration**

This research is fully governed by the ethical principles of research. To this effect, during data collection through KII and in-depth interview, due care has been made to protect every participant and building confidence. Furthermore, permission from the individual institutions and

informed consent of the interview participants has been obtained before conducting the interviews.

Since the research subject is sensitive, at most care is given to interview survivors not to re-victimize them. They were informed about the purpose of the research, how their information is going to be used, the possible impact of the study and that their participation is voluntary. Their informed consent is obtained, as well as safety precautions with regards to their personal identifying information were taken. Face to face interviews were conducted in places chosen by the survivors and questions were posed to them in a supportive and non-judgmental manner.

All interview participants have been informed that they can withdraw at any time of the interview, as well as the data they provide will be maintained confidentially and presented in the thesis anonymously. In order to protect interview participants, all names used in this research are pseudonyms.

## **Chapter 2**

### **Literature Review**

#### **1. Introduction**

Gender based violence is as old as humanity<sup>17</sup> and it refers to harmful acts directed at an individual based on their gender. Women and girls most of the time are primary targets of such crimes. Gender based violence may not only inflict physical, mental and economic harm but they are serious violation of human rights and a life threatening health and protection issue.<sup>18</sup>

Gender based violence may take several forms and sexual harassment is one of the oldest of such violence with immense multi-faced effect on women. Sexual harassment is a form of violence that can happen anywhere affecting the survivors private and public life. Even if sexual harassment has been around for a long time happening everywhere and has different negative effects on the survivor, not much attention was given by countries.<sup>19</sup> A global attention and discussion on sexual harassment especially in workplace was ignited by the “me-too” movement which went viral in 2017 and “times up” movement in 2018 as a global campaign against sexual harassment and gender based violence. These movements jump started the public conversation to raise global consciousness and awareness on the magnitude and prevalence on violence against women around the world both in their personal and professional lives.

Even if sexual harassment is one of the violence committed against women, there is no one universally agreed definition since the act constituting it ranges from verbal to physical assault.<sup>20</sup> However, different organs have given a seemingly identical definition to the term which shows similar key characteristics of sexual harassment.

The Committee on the Elimination of Discrimination against Women<sup>21</sup> in its general comment defines sexual harassment as acts which are unwelcome, sexual in nature and which can be done by words or actions. The committee in addition states that the act is humiliating to

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<sup>17</sup> Asmat, R. and Mehboob, S. (2016) International laws and policies for addressing sexual harassment in the workplace: international research journal of interdisciplinary and multidisciplinary studies (IRJIMS) vol II, issue- II, scholar publications, India. Web: <http://www.irjims.com>

<sup>18</sup> United Nations High Commissioner for Refugees. (2001-2021). Gender Based Violence. Retrieved from <https://www.unhcr.org/gender-based-violence.html>

<sup>19</sup> Beverley, H.E, Gerald, A. M. (1994). An International Perspective on Sexual Harassment Law, Minnesota Journal of Law & Inequality, vol 12, 9

<sup>20</sup> Stop Violence against Women Sexual Harassment. (2003). Retrieved from <http://hrlibrary.umn.edu/svaw/harassment/explore/1whatis.htm>.

<sup>21</sup> the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women

the survivor and may also cause health and safety problem.<sup>22</sup> The International Labor Organization (ILO) in article 1 of Convention 190<sup>23</sup> also defines violence and harassment at work place which includes sexual harassment as “a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;<sup>24</sup>

Moreover, the European Commission<sup>25</sup> and U.S equal employment opportunity Commission<sup>26</sup> has also defined sexual harassment in a similar manner stating that it is an act constituting unwelcome or unwanted sexual advances, behavior or conduct, the persons rejection or submission is used as a bases for employment decision affecting that person and such conduct affecting the persons work performance or create humiliating/hostile work environment.

To address sexual harassment in the school setting the US department of education office has also offers a definition as

*“unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature which can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the school's program”<sup>27</sup>*

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<sup>22</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation 19

<sup>23</sup>It is the first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment

<sup>24</sup>International labor Organization. (2019). Violence and Harassment Convention, (No. 190), article 1(a & b), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

<sup>25</sup>Council of European Convention on prevention and combating violence against women and domestic violence, (Istanbul convention)art 40 and European Union Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

<sup>26</sup>U.S Equal Employment Opportunity Commission.(n.d.). Fact sheet: Sexual harassment discrimination. Retrieved from <https://www.eeoc.gov/laws/guidance/fact-sheet-sexual-harassment-discrimination>

<sup>27</sup>US department of Education.(n.d.).Revised Sexual Harassment Guidance: Harassment of Students by School Employees, other Students, or Third Parties.Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

From the above definitions, one can see that even if the definitions offered applies to different circumstances, there seems to be a general consensus as to what criteria's has to be met in order to label an act as sexual harassment. The first one is the action to be related to sex or sexual conduct/behavior and the conduct being unwelcomed, not returned or not mutual.<sup>28</sup> The other is the act to have an effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.<sup>29</sup> Moreover, unlike other gender based violence the unwanted act may be done verbally, nonverbally, and or physically creating a pool of acts which makes it difficult to have one single definition.

One thing to give emphasis in determining the unwelcome nature of an act, which distinguishes it from friendly behavior which is welcome and mutual, is that what is given more weight is how the conduct in question was perceived by the recipient rather than the intention behind it. Thus, what is considered as sexual harassment therefore is not contingent upon the type of act but the context within which an act is committed and whether the recipient considers it as welcome or unwelcome.<sup>30</sup>

In addition, it must be clear that unwelcome should not be misunderstood to mean involuntary submission by the survivor because a survivor might participate in the conduct taking into account the circumstances even if the act is offensive and objectionable.<sup>31</sup> For example, when sexual harassment happens in the work place or school where the survivor participates in the act fearing negative repercussion of rejecting the advancement on work related benefits or grades in the school.

Most of the time sexual harassment is done by men to show the assertion of power and dominance rather than the sexual interaction/attraction.<sup>32</sup> Often it occurs when there is unequal

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<sup>28</sup>Supra note 20

<sup>29</sup>Mingeirou, k. and Olney, S. (2019). Handbook Addressing violence and harassment against women in the world of work , ILO and UN women. P. 6

<sup>30</sup>Haspels, N., Kasim,Z., Thomas, C. and McCann, D.(2001) Action against sexual harassment at work in Asia and the Pacific, Bangkok, International Labor Organization. p 19

<sup>31</sup>UN.(n.d.). What is sexual harassment? Retrieved from <https://www.un.org/womenwatch/osagi/pdf/whatish.pdf>.P. 1

<sup>32</sup>Mary. B, Buhle. P. (1983). "Sexual Harassment at the Workplace: Historical Notes." In Workers' Struggles, Past and Present: A "Radical America" Reader, edited by James Green, 117–36. Temple University Press,p.118.

power between men and women in society and this is facilitated by social norms that perpetuate harmful attitudes, stereotypes, behaviors, and multiple (intersectional) forms of discrimination.<sup>33</sup> Men tend to lean toward violence or harassment to protect what they regard as a threat to traditional gender power structures and maintain their social status in the already established patriarchal society. This deeply embedded patriarchal conditioning gives men the sense of entitlement over the women to commit such acts.<sup>34</sup>

## 2. Online harassment

Due to technological advancements, ways of committing a crime has taken a new way. Different types of cybercrimes are being committed online using the internet. And internet crimes are on the rise because more and more people are depending on the internet for everyday activity. Moreover, the acts are cheap to commit, difficult to detect and often hard to locate because of the geographical indeterminacy of the Internet.<sup>35</sup>

Online harassment is among the different type of crimes that are committed over the internet. Online harassments acts can be any kind of communication, including the exchange of text, audio or video content, via the internet that endangers the safety of an individual or makes them feeling frightened and upset”<sup>36</sup>So perpetrators use internet as a means to cause harm to another person. Online harassment can take different forms like offensive name-calling, purposeful embarrassment, stalking, physical threats, bullying and sexual harassment.<sup>37</sup> And online settings like social media like Facebook, Twitter, Instagram, messaging services (e.g.

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<sup>33</sup> Supra note 29, p 6

<sup>34</sup> Hooda, S., Agarwal, K., Chanda, A., & Srivastava, A. (2022). Sexual harassment and sense of entitlement: A relation representative of fractured society. *Linguistics and Culture Review*, 6(S4), 126-138. <https://doi.org/10.21744/lingcure.v6nS4.2113> p.135)

<sup>35</sup> Brenner, S. and Goodman, M. (2002). The Emerging Consensus on Criminal Conduct in Cyberspace. *UCLA Journal of Law & Technology*, no. 3

<sup>36</sup> Boban, M., Andela J. S., Dudic, B., Backovic, T. Branislav and Kovacicova, Z. (2020). Research of attitudes towards Online violence.- significance of Online media and social marketing in the function of violence Prevention and behavior Evaluation. *MDPI Sustainability*. P.2

<sup>37</sup> Emily A.V. (2021). “The State of Online Harassment” ,Pew Research Center.

Whatsapp, Messenger, Snapchat or Skype), blogs, dating websites and apps, chat rooms etc<sup>38</sup> are used by perpetrators to threaten, embarrass, or humiliate their victims.

Harassment committed online, is committed for different reasons ranging from difference in political ideology, sexism, racism, hatred, revenge to for no apparent reasons. This act entails a range of psychological, emotional, social, economic and physical effects on the victim. Online harassments are the reflection of the real world inequalities and vulnerabilities, borne by women, in the digital sphere and in some cases aggravated by it.<sup>39</sup>

### **3. Online sexual harassment**

Online sexual harassment, which is one form of online harassment, is one of the major crime which is committed using the internet. Although both sexes engage in and experience OSH, women are the primary target.<sup>40</sup> Thus even though in theory online sexual harassment is a gender neutral crime, it is the women who are disproportionately targeted and suffer serious consequences as a result.<sup>41</sup> Thus online sexual harassment has become yet another norm for many women using the internet.

Globally internet use is on the rise and social media platforms provide ever increasing ways of staying connected,<sup>42</sup> women use social media for different purposes including educational, information, entertainment as well as to express their views on different subject matters and also to make their voice heard. Increasing reach of the internet, the rapid spread of mobile information and the widespread use of social media have further impacted the prevalence

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<sup>38</sup> VAN DER WILK, A.(2018). Study on Cyber violence and hate speech online against women: Women's Rights & Gender Equality, Policy Department for Citizens' Rights and Constitutional Affairs, European Union. P.11

<sup>39</sup> Supra note 3,p 4

<sup>40</sup>Nova, F.F., MD.Rifat, R., Saha,P., Ahmed,S.I., Guha,S. (2019). Online Sexual Harassment over Anonymous Social Media in Bangladesh. Proceedings of the tenth international conference on information and communication technologies and development. Article No.1 Pages 1–12. <https://doi.org/10.1145/3287098.3287107> p 2

<sup>41</sup>OHCHR.(2018). Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective. <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>

<sup>42</sup> Plan International (2020).Free to be online? Girls and young women's experience on online harassment. The State of the World's Girls Report,p.10

rates of ICT-facilitated violence against women.<sup>43</sup> Women are targeted by cyber criminals while using different platforms like Facebook, Instagram YouTube, Twitter, Viber,Telegram, WhatsApp, ticktok etc. Like offline sexual harassment, online sexual harassment signals to women that they are “either not welcome in a given space and/or that they will only be tolerated in that space under certain conditions of humiliation and ‘sexualization’<sup>44</sup>The act by installing fear, intimidation and humiliation in the victims, affects their right to digitally express themselves and participate equally, freely and without fear in different social-economic, as well as political aspects.

#### **4. Defining online sexual harassment**

Just like offline sexual harassment, there lacks a comprehensive global definition on OSH. However, it has been defined using a similar construct (even if there are limitations) as offline sexual harassment.<sup>45</sup> As the name indicates it is sexual harassment committed using online platforms and communications. It is the same discrimination and abuse perpetrated against women offline, but repackaged and transmitted over a different medium.<sup>46</sup> The characteristics of the offline sexual harassment including the unwelcome nature, the act being sexual, creating an offensive environment as well as installing intimidating, fear and humiliation all applies in online sexual harassment. The difference from offline sexual harassment is absence of physical presence and that internet is used as a convenient vehicle to commit the crime.

Thus, online sexual harassment can generally be defined as the use of the internet to make uninvited advances, communications, or interactions, such as sexually suggestive material and/or messages with another person<sup>47</sup> or it can be defined as “a range of sexually aggressive or

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<sup>43</sup> UN Women. (2022). Facts and figures: Ending violence against women. Retrieved from <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

<sup>44</sup>Kimble, M. (2016). Online Gendered Harassment and Violence Naming the Harm and Punishing the Behavior, Department of Communication Studies. The University of Michigan, p 16

<sup>45</sup>Buchanan, N., Mahoney, A. (1999-2021). legal and criminological Psychology, the British Psychological Society, Vol 26

<sup>46</sup> Supra note 44

<sup>47</sup>RKS Associate. (2020). Cyber crime and women. Retrieved from <https://www.rksassociate.com/cyber-crimes-and-women/>

harassing images, videos or texts delivered through the use of digital mediums<sup>48</sup> to make the receiver feel threatened, frightened, humiliated, coerced, upset, discriminated or exploited. These show that OSH is the extension of offline sexual harassment with the exception of the unique features that online environment gives for the perpetrator like advantage of anonymity and ability for the perpetrator to commit the crime at anytime and anywhere.

Online sexual harassment just like sexual harassment offline can be committed by different individuals and for different reasons. Perpetrators can be partners, ex-partners, friends, colleagues, schoolmates or, as is often the case, anonymous individuals. And some of the reasons for committing OSH includes revenge, jealousy, political agenda, anger, sexual desire, monetary need/desire and to avoid responsibility.<sup>49</sup> All these reasons will have different negative effects on the survivor in addition to violating her human rights. Thus, OSH serves as a form of social control that attempts to intimidate and restrict women from using public space, and thus forming gender discrimination and violence.<sup>50</sup>

## **5. Unique features of online sexual harassment**

It is difficult to put a clear distinction between online and offline sexual harassment. The continuum of violence has blurred the gap between online and offline spaces, whereby violence that begins online can be continued offline and vice-versa.<sup>51</sup> Be that as it may, however, online sexual harassment except the physical aspect, is the replica of offline sexual harassment with the extra added advantages to the perpetrator. And the following are some of the unique characteristics OSH have:

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<sup>48</sup>Encarnacion, J., Ray. A. (2021). Digital Connectivity and Women and Girls' Risk for Cyber-sexual Harassment in the COVID-19 Era. Retrieved from <https://unstats.un.org/unsd/undataforum/blog/digital-connectivity-and-cyber-sexual-harassment/>

<sup>49</sup> Supra note 30, p.34

<sup>50</sup> Hinson L, Mueller J, O'Brien-Milne L, Wandera N. (2018). Technology-facilitated gender-based violence: What is it, and how do we measure it? Washington D.C., International Center for Research on Women, p.2

<sup>51</sup> Supra note 5, p.4

### **a) Anonymity**

Anonymity in online communication is the major enabler which augments sexually explicit behaviours.”<sup>52</sup> When one talks about the anonymity that online platforms offer, it must be understood in two senses. Firstly, online platforms offer the perpetrator to remain anonymous or use an alias which doesn’t resemble his real identity and create information as well as publish anything in the internet. Second, the perpetrator can easily retrieve others’ information while being anonymous.<sup>53</sup> This anonymity factor exaggerates the effect of online harm in a way not possible in the offline act.

Moreover, the anonymity factor of the internet has been described as one of its chief attractions for online perpetrators.<sup>54</sup> This characteristic besides hiding the identity of the user, it also make OSH more dangerous since people tend to exhibit their true selves and carry out their fantasies when they are anonymous with little or no chance of being responsible for their actions, because the absence of identification is often perceived as an absence of rules and accountability.<sup>55</sup>

Furthermore, unlike the offline sexual harassment where, most of the time, the survivor can identify the perpetrator, in OSH the survivor may not tell who is harassing her or what they are capable of. It just leaves the survivor in a continuous frightening mode which can be damaging to one’s physical and psychological wellbeing.

### **b) Accessibility**

The other added advantage of OSH besides anonymity is accessibility where it is possible to commit the crime at any time and from anywhere.<sup>56</sup> This makes OSH a borderless crime since the perpetrators can launch their attack at any time and from anywhere in the world to whomever they want because committing the crime just needs an internet connection. Thus distance is no obstacle to online perpetrators. Online platforms enable the perpetrators to commit the crime

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<sup>52</sup>Nayar , P.K..(2010). An introduction to new media and cyber cultures. John wiley&sons Ltd.p 126

<sup>53</sup> Supra note 44

<sup>54</sup>Chawki,M., Darwish, A., Khan, M.A., Tyagi, S.(2015). Cybercrime, Digital Forensics and Jurisdiction.Springer International Publishing. P 69

<sup>55</sup> Supra note 38, p 26

<sup>56</sup>Supra note 44,p.126

without being physically present in the area or even in the same country as the survivor as well as without actually witnessing the direct effects their act creates on the survivor (whether they know the survivor or not).

### **c) Spread of data**

Unlike offline sexual harassment, in OSH when one posts a material be it picture, writing or video, the information spreads very quickly, reaching a large group of people at once in a fraction of seconds<sup>57</sup>, impacting the survivors in great length while the extent of hurt by the survivor is not witnessed by the offender and the people it has reached. In offline sexual harassment, only limited people can witness the act and the impact/humiliation is not as wide as the online one.

### **d) Permanence of data**

Moreover, once the content is uploaded in the internet/ cyber space, anyone can share, copy and duplicate it in many platforms making it hard for the survivor or law enforcements to erase the content permanently. The impact and destruction is extended since whatever is posted are spread and can stay on the internet forever and appear whenever someone including potential employers types the survivor's name into Google since the internet never forgets.<sup>58</sup> Thus in OSH, the chance of the survivor being re-victimized is very high since the content can resurface or reach a new audience including employers or new partners at any time.

### **e) Affordability**

Online sexual harassment can be committed using low cost technologies which are readily available and require less skill, time and effort.<sup>59</sup> The availability of internet service at home, cafes, schools and offices makes the commission of the crime easy for perpetrators.

The internet providing an easier medium for the commission of the crime makes online sexual harassment more dangerous. Furthermore, most of the time the chance of getting the

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<sup>57</sup> Supra note 38, p 28

<sup>58</sup> Fisseha, B (2018.) Women Experience of Sexual harassment at workplace and their coping mechanism: The case of Arada Subcity recreational center, Gender Studies, Addis Ababa University, p 15

<sup>59</sup> Supra note 5, p.11

offender sanctioned for his action, due to lack of evidence, is minimal which makes offenders feel more confident and boosts further online violence compared to the real environment<sup>60</sup> while leaving the survivor feel humiliated, upset, discriminated, coerced and threatened.

Perpetrators use social media like Facebook, Instagram YouTube, Twitter, Viber,Telegram and WhatsApp to harass their survivors, but the platforms mostly used for online sexual harassment are Facebook and Telegram.<sup>61</sup> These platforms can be a perfect ground for OSH as they have the added value of anonymity and other factors that is mentioned above which can be used by men as a social control that attempts to intimidate and restrict female use of public space to voice their opinions and exercise their rights.

## 6. Forms of online sexual harassment

Online sexual harassment can take many forms.This research uses the term online sexual harassment to describe the following forms:

### a) **Nonconsensual sharing of images and videos (revenge porn):**<sup>62</sup>

This type involves sharing of intimate images or videos originally obtained without consent (e.g., hidden recordings, hacking) as well as originally obtained with consent. Usually this type happens between people who are/were in a relationship”<sup>63</sup> Thus this type of OSH is committed by sharing the material (video or/and image) on online platforms without the consent of the potential survivor.This form may also include cyber morphing (editing the original picture by unauthorized user or fake identity).<sup>64</sup>

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<sup>60</sup> Supra note 36, p.2

<sup>61</sup> Supra note 5,p.23

<sup>62</sup> Cecil, C. (2020). Cyber Sexual Harassment Fact Sheet. Retrieved from <https://www.franklin.edu/current-students/blog/cyber-sexual-harassment-fact-sheet>

<sup>63</sup>Genn, B. A. (2014). What comes off comes back to burn: revenge pornography as the hot new flame and how it applies to the First Amendment and privacy law. The American University Journal of Gender, Social Policy & the Law, 23(1), 163-195. <http://search.proquest.com/docview/1640728632?accountid=14667p.165>

<sup>64</sup> Supra note 44, p37

### **b) Sextortion**

This involves a range of behaviors, such as harassing, coercing, blackmailing or threatening someone to elicit sexual favors (share sexual images of themselves or engage in sexual behavior online or offline) or other benefits using the threat of publishing/sharing sexual content (images, videos, rumors).<sup>65</sup>

Usually, sextortion occurs due to an abuser's possession of sexually explicit images of their target. Perpetrators will either trick individuals into taking and sending sexually explicit content of themselves or, in some cases, hack the target's computer to find compromising material to use as blackmail. The perpetrator then will threaten to send it to friends, family, school, employer or post it online unless the individual complies with their demands.<sup>66</sup>

### **c) Cyber sexual defamation**

In this type of form, perpetrators target a person with the use of sexual content that humiliates, upsets or discriminates against that person. This includes a range of behaviors including posting gossip, rumors or lies about sexual behavior of the survivor, impersonating someone and damaging their reputation by sharing sexual content or sexually harassing others.<sup>67</sup>

### **d) Unwanted sexualization**

This form of OSH happens when a person receives unwelcome sexual requests, comments and content. This includes a range of behaviors, such as: sexualized comments (e.g., on photos), sending someone sexual content (images, emoji, messages, jokes) without them consenting, unwelcome sexual advances or requests for sexual favors etc.

Generally, from the above points we can conclude that OSH involves misogynist behaviors on different private or public online platforms. Furthermore, which ever form is used by the perpetrator the goal remains the same: to make the survivor feel threatened, exploited, intimidated, embarrassed, humiliated, upset, sexualized or discriminated against.

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<sup>65</sup>Project deSHAME. (2021). Defining online sexual harassment. Retrieved from <https://www.childnet.com/what-we-do/our-projects/project-deshame/defining-online-sexual-harassment/>

<sup>66</sup> Supra note 44, p.37

<sup>67</sup> Supra note 65

## 7. Effects of online sexual harassment

A woman who is the target of sexual harassment often goes through the same process of victimization as other gender-related crimes by frequently blaming herself and doubting her own self-worth.<sup>68</sup> Societal myths like looking at sexual harassment as normal and natural sexual interest of men on women and blaming the survivor asserting that she asked for it, makes survivors of sexual harassment, whether online or offline, to feel guilty and ashamed and suffer the consequence in silence. This fear of embarrassment and humiliation are more distressing than the incident itself and prevents women from speaking out.<sup>69</sup>

The effect of OSH is multifaceted and usually those on the receiving end are those who realize the real extent and effect. The impact on survivors includes harm on their physical and psychological health, livelihoods, family ties, dignity and reputation as well as violation of their human rights. It may have a more severe effect on the survivor than that of the offline one because of the added unique features the internet gives to the perpetrator to commit the crime at a distance with no contact occurring between him and the survivor.<sup>70</sup>

OSH violates many human rights of the woman which are recognized under different legal instruments by creating an obstacle to the enjoyment of not only the free, functional, and joyful use of the internet, but also by affecting women's rights to live and work without fear. By creating humiliation, fear and intimidation, it not only causes psychological harm but restricts women from digital participation or expression of their views and ideas on different issues of life. This violates directly women's right to express themselves equally, freely and without fear like any other member of the society. Thus, it hinders the full realization of gender equality and facilitates discrimination. By causing extremely negative consequences, online sexual harassment also interferes with women's agency, livelihood, identity and well-being.<sup>71</sup>

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<sup>68</sup>William, P., Barbara, K. R. (2003). *Sexual Harassment On The Job: What It Is & How To Stop It* (4th Ed.), Minnesota Advocates for human right.

<sup>69</sup>Hadjifotiou, N. (1983). Women and harassment at work. Pluto handbooks. Pluto press limited, New south wales 2040, Australia, p.18

<sup>70</sup>Supra note 44, p.43

<sup>71</sup>Ibid

One might assume that OSH has a lesser effect than other physical violence or offline sexual harassment because of absence of physical presence. However, the consequences of OSH can sometimes be approximate to harm of physical violence<sup>72</sup>. And it should not be all lost that the online sexual harassment might escalate and lead to physical sexual violence.

Survivors of OSH may also suffer a range of emotional, psychological and physical effects. The psychological effects include shame, depression, anger or fear which may result in feeling of insecurity and helplessness.<sup>73</sup> It may also result in making a person feel threatened or scared, exploited, coerced, that their dignity is violated, humiliated or degraded, shamed or judged, upset, and feel guilty thinking that they are to blame. A study conducted in Egypt on online sexual harassment in university students corroborated these facts. The study revealed that survivors have suffered several emotional consequences ranging from anger to fear, hatred, sorrow and depression.<sup>74</sup> Furthermore, it may also result in behavioral change including isolation, deterioration of relationships as well as stress-related physical and mental illness including resorting to drugs and alcohol.<sup>75</sup>

Besides affecting survivors' psychological well-being, the effect of OSH can sometimes reach up to threatening the right to existence and life of survivors. In 2014, UNICEF reported that the risk of suicide attempt is 2.3 times higher for a survivor of cyber harassment compared to non-survivors.<sup>76</sup> The humiliation due to the content of the message/picture or video posted online and lack of support for the survivor has led survivors either to commit suicide or attempt to

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<sup>72</sup>Due diligence project. (n.d.) Eliminating online violence against women and engendering digital equality. Retrieved from (<https://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigital/DueDiligenceProject.pdf>)

<sup>73</sup> Supra note 62, p.3

<sup>74</sup> Ahmed, A. & Rasha, E. & Nahed, S. & Safaa, S. & Ahmed, A. (2017). Cyber sexual harassment: a cross-sectional survey over female university students in Upper Egypt. International Journal of Community Medicine and Public Health. 55. 61-65.

<sup>75</sup> ILO. (n.d.) Sexual harassment at work fact sheet. Retrieved from [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_fs\\_96\\_en.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_96_en.pdf) p.3

<sup>76</sup> Supra note 5, p.28

commit suicide.<sup>77</sup> A clinical research has also showed cyber harassment survivors experiencing depressive symptoms, self-injure, contemplate and attempted suicide.<sup>78</sup>

Moreover, a study in Norwegian has revealed an association of anxiety and depression on OSHsurvivors.<sup>79</sup> Furthermore, researches made in Germany and UK revealed that survivors of OSH has suffered in their private life by experiencing disliked sexual activities in their relationship, tension in relationship, feeling hostility towards other, withdrawal from contact with other people, emotional detachment and self-harm.<sup>80</sup> Online sexual harassment also brings lower self-esteem or loss of self-confidence as a result of the stress, anxiety and stigma because of cultural norm and societal thinking that survivors have brought it on themselves. Instead of giving the survivors support, societies more focus on to whom and what kind of violence happened.

When sexual harassment happens in the work place or school, it has an added element of affecting the survivors work or school performance and also creating an intimidating, hostile, or offensive work/learning environment. The severity of the problem in a work place might vary in the person's employment status, the type of work they carry out, or the conditions in the sector that they work in. And due to the harassment, the survivor might change or quit work, miss promotional opportunities, exhibit absenteeism, experience decreased motivation, decrease productivity, inability to concentrate.<sup>81</sup> It can have also long-term effect on women's reputations and can damage the livelihoods of women.<sup>82</sup> All these effects besides having a negative consequence on the survivor, the economic consequence may go beyond the survivor and affect her family, employer and society at large. The effect of OSH, in the extreme version, might also escalate to physical violence, leading to unwanted pregnancy, sexually transmitted disease etc.<sup>83</sup>

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<sup>77</sup> Supra note 69, p18

<sup>78</sup> Saleh, F.M., Grudzinskas, A, Judge, A. (2014). Cyber sexual Harassment and Suicide', Adolescent Sexual Behavior in the Digital Age: Considerations for Clinicians, Legal Professionals and Educators. online edn

<sup>79</sup> Ståhl, S&Dennhag, I (2021) Online and offline sexual harassment associations of anxiety and depression in an adolescent sample, Nordic Journal of Psychiatry, 75:5, 330-335, DOI: 10.1080/08039488.2020.1856924

<sup>80</sup> European commission. (1998) Employment, industrial relations and social affairs: sexual harassment in the workplace in the European union, , p29

<sup>81</sup> Supra note 29, p.9

<sup>82</sup> Supra note 38, p.34

<sup>83</sup> Supra note 45, p 29

## 8. Coping mechanism

As discussed above, the effect of OSH can be severe. When faced with this kind of situation, survivors use different type of coping mechanism to deal with the emotional stress. Coping mechanisms are defined as the strategies people often use in the face of stress and/or trauma to help manage painful or difficult emotions.<sup>84</sup>

Survivors of OSH after experiencing the harassment may go to law enforcement bodies like police to report the case in order to get a legal redress and/or seek medical help for their emotional or physical problems, seek counseling or legal aid services.<sup>85</sup> Other might chose not to report the case to law enforcement and deal with the problem by themselves and seeking help from their social networks. Survivors might seek social support service from family and friends to deal with the immense emotional and psychological stress from the harassment. Moreover, they might take matters to their own hands to resolve the problem. Resorting to deactivating/deleting ones social media, reporting the user to the platform, drawing attention to the issue online, blocking or ignoring the perpetrator and changing phone number are some of the coping mechanism that survivors use.<sup>86</sup> Other survivors may even choose not to access the internet at all out of fear.<sup>87</sup>

## 9. Online Sexual Harassment in Ethiopia

Browsing through the internet and westerns literatures, it's possible to find many studies on online sexual harassment against women. However, such type of harassment in the context of low and middle-income countries (LMICs) in the global south has not received enough attention in the literature.<sup>88</sup> Thus it is very difficult to get reports and literatures written to understand and

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<sup>84</sup> Good therapy. (2018). Coping mechanism. Retrieved from <https://www.goodtherapy.org/blog/psychpedia/coping-mechanisms>.

<sup>85</sup> Supra note 45, p.3

<sup>86</sup> Supra note 5, p.31

<sup>87</sup> Web Foundation. (2015). Women's Rights Online. Retrieved from <http://webfoundation.org/docs/2015/10/womens-rights-online21102015.pdf>

<sup>88</sup> Supra note 40, p 12

know the prevalence of OSH especially in Africa. Similarly in the Ethiopian context, there are many comprehensive studies done on offline sexual harassment in different workplace and school setups but almost non on OSH.<sup>89</sup> However, to the best of the researchers' knowledge, there is no comprehensive research done on OSH of women in Ethiopia. Having no research done on the subject matter, does not, however, mean the problem does not exist. The researcher being a woman and user of different social media platforms has witnessed different types of OSH and also has been a survivor of such a crime.

Even if Ethiopia is one of the countries which have the lowest internet penetration in the world and in Africa, development in the ICT sector in the last decade has led to a steady increase in the number of internet users. The growth of mobile connection from 37.68 million in 2019 to 58.54 million in 2022<sup>90</sup> and internet users from 29.83 million in 2022 to 31.3 million users in 2023<sup>91</sup> can attest to the growth. This growth creates a wide pool of users including women who can be first time users of the internet which can also make them an easy target for OSH and other cyber violence.

Like many other countries in the world, social media platforms have become popular in Ethiopia. For instance, the number of Ethiopians who use Facebook in 2022 were 5.95 million, while Instagram, Twitter and LinkedIn users has reached 606.5 thousand, 34.0 thousand and 700.0 thousand respectively.<sup>92</sup> Globally, Facebook is the most active among the social media and amongst its overall users 43.4 % of them are females.<sup>93</sup> The statistics of Facebook users in Ethiopia shows that 33.3 % of Facebook users are females.<sup>94</sup> Besides FB, telegram is also another popular

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<sup>89</sup> Only studies found related to online sexual harassment are research made by ECPAT, INTERPOL, and UNICEF. (2022). Disrupting Harm in Ethiopia: Evidence on online child sexual exploitation and abuse. Global Partnership to End Violence against Children and Supra note 7

<sup>90</sup> DIGITAL 2022: ETHIOPIA. Retrieved from ([https://datareportal.com/digital-in-ethiopia?utm\\_source=DataReportal&utm\\_medium=Country\\_Article\\_Hyperlink&utm\\_campaign=Digital\\_2022&utm\\_term=Ethiopia&utm\\_content=Country\\_Page\\_Link](https://datareportal.com/digital-in-ethiopia?utm_source=DataReportal&utm_medium=Country_Article_Hyperlink&utm_campaign=Digital_2022&utm_term=Ethiopia&utm_content=Country_Page_Link))

<sup>91</sup> Ibid

<sup>92</sup> Ibid

<sup>93</sup> Facebook stat and trend.(n.d.). Retrieved from [https://datareportal.com/essential-facebook-stats?utm\\_source=DataReportal&utm\\_medium=Country\\_Article\\_Hyperlink&utm\\_campaign=Digital\\_2022&utm\\_term=Ethiopia&utm\\_content=Facebook\\_Stats\\_Link](https://datareportal.com/essential-facebook-stats?utm_source=DataReportal&utm_medium=Country_Article_Hyperlink&utm_campaign=Digital_2022&utm_term=Ethiopia&utm_content=Facebook_Stats_Link)

<sup>94</sup> Supra note 90

platform in Ethiopia in comparison to other messaging apps like WhatsApp, which are more popular in other African countries.<sup>95</sup>

Women in Ethiopia use social media, like Facebook and Telegram to get and share information, for education and entertainment purposes, for commerce as well as to share their views and stands on different aspect of life. However, these platforms have also made women susceptible to different cyber-crimes. For whatever purpose women use the internet, it has become a common occurrence to witness women being harassed, sexually or otherwise, in online platforms. Women are being targeted for different reasons and by different people. OSH is just one continuation of victimization of women in the real world, since the internet world has a replica for every feminist issue in the real world.<sup>96</sup>

Even though the penetration of internet and social media users seems insignificant when compared to the population of Ethiopia, the number of women being targeted is increasing. Availability of computers, mobile, tablets, laptops, smartphones as well as fairly easy access to Wi-Fi (at home, school, café , library, hotel etc), and broadband internet being gradually becoming more available and affordable to citizens specially living in big cities like Addis Ababa has made it easy for perpetrators to commit OSH.

Since OSH mainly is gender-based and targeting women and girls, it hampers the full realization of gender equality and violates women's rights. Moreover its effect of restricting women from using the internet freely forms a social control leading to gender discrimination. Besides, men also use OSH as a means to maintain their social status in the already established patriarchal society. One indicator of this is the online harassment targeting women who are involved in politics, which is usually a male dominated area.<sup>97</sup> Unlike the mainstream media, social media provide the opportunities for women politicians to be the producers of their own narratives and express their views and insights to their followers freely in one hand as well as it is

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<sup>95</sup>ECPAT, INTERPOL, and UNICEF. (2022). *Disrupting Harm in Ethiopia: Evidence on online child sexual exploitation and abuse*. Global Partnership to End Violence against Children, p.39

<sup>96</sup> Spender, D. (1995). *Nattering on the Net: women, power and cyberspace*. North Melbourne: Spinifex Press, p.8

<sup>97</sup>Number of women who are involved in politics globally are not a number that come close to the number of men. In Ethiopia participation of women showed a relative increase following the formation of the new government administration which brought to power the first female president in Ethiopian history in addition to half of the cabinet members being women

a place where women in politics are constantly harassed and trivialized.<sup>98</sup> The result of a Rapid Assessment made on Violence against Women who participated in the 2018 (G.C) Ethiopian election has showed that the women were subjected to different forms of online violence including OSH, the reasons attributed being discriminatory societal attitude and norms regarding gender, religious and/or ethnic extremism, and low economic and educational status of women.<sup>99</sup>

In the work place also, men use sexual harassment (offline or online) to protect what they regard as a threat to traditional gender power structures like senior positions. A research done by Ethiopian Women Lawyers Association (EWLA) has shown that sexual harassment of women by men specially in work place is one of the serious problems that hinders women's progress to senior positions.<sup>100</sup> Thus men can use OSH in the workplace to hinder women from reaching a higher position which are usually dominated by men.

On the other hand, in a research done by UNICEF, in 2021 alone, 10% of internet-users aged 12–17 in Ethiopia, which represents an estimated 300,000 children in one year alone, were survivors of grave instances of online sexual exploitation and abuse including blackmailing children to engage in sexual activities, sharing their sexual images without permission, or coercing them to engage in sexual activities through promises of money or gifts.<sup>101</sup> Moreover, the research found out that one in five internet-using children in Ethiopia (19%) received sexual comments online like sexual jokes that made them feel uncomfortable through the most common used platforms such as Facebook, Telegram and Imo.<sup>102</sup> Children are out of the scope of this paper but the data from the research can help one to get a glimpse of OSH problems in Ethiopia.

Furthermore, a research done by Pollicy on online gender based violence in 5 African countries, one of which is Ethiopia, shows that among the 487 research participants, 31.2 % has experienced online gender based violence including OSH. The research also found out that in

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<sup>98</sup>Kassa, B. and Sarikakis, K. (2019). Social media trivialization of the increasing participation of women in politics in Ethiopia. *Journal of African Media Studies*. 11. 21-33. 10.1386/jams.11.1.21\_1.

<sup>99</sup> Supra note 17, p 44

<sup>100</sup> Ethiopian Women lawyers Association. (2007). *Sexual Harassment in Ethiopia: a problem for development of women.*, p.8

<sup>101</sup> Supra note 95, p.8

<sup>102</sup> Id , p.55

Ethiopia, Facebook, and Telegram were the main platforms where women experienced online violence.<sup>103</sup>

The above researches and facts are indicative that OSH is not a myth but a reality to women in Ethiopia which needs a serious attention and proactive engagement of all relevant organ of the government as well as non-governmental organizations.

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<sup>103</sup> Supra note 5, p.23 &24

## Chapter 3

### **International, Regional and National Legal Frameworks Regarding Online Sexual Harassment Against Women**

Online sexual harassment is not a problem of a specific country. No country is immune from this problem. The primary responsibility to protect citizens from any crime that violates their human right lies on each State. As several of the general recommendations<sup>104</sup> of the human rights committees put it, human rights impose three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfill. Among these three obligations, the obligation to protect comes at the forefront when we talk about protecting women from OSH crimes. The obligation to protect requires measures by the state to ensure that rights are protected and violations prevented.<sup>105</sup> In order to fulfill this obligation states are required to have the necessary legal and institutional frameworks so that individuals are not deprived from the enjoyment of their rights. Governments besides enacting different domestic laws, they enter into international and regional agreements in order to do away with their responsibilities effectively.

Due to the borderless nature of cybercrimes in general and online sexual harassment in specific, a country cannot or won't be able to mitigate its effect only by issuing domestic/national laws. Thus it requires cooperation between countries to find a solution and effectively address the issue, mitigate its effect and give appropriate remedy for survivors. One

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<sup>104</sup>See for instance: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Adopted by the General Assembly of the United Nations, Resolution 53/144 (Contained in Document A/RES/53/144), 9 December 1998; General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the International Covenant on Civil and Political Rights (Contained in Document CCPR/C/21/Rev.1/Add. 13), Human Rights Committee, 26 May 2004; General Comment No. 3: The Nature of States Parties' Obligations (Contained in Document E/1991/23), Committee on Economic, Social and Cultural Rights, 14 December 1990; General Recommendation No. 28: Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (Contained in Document CEDAW/C/GC/28), Committee on the Elimination of Discrimination against Women, 16 December 2010; General comment No. 25: Children's rights in relation to the digital environment (Contained in Document CRC/C/GC/25), Committee on the Rights of the Child, 02 March 2021;

<sup>105</sup>Alemu. G (Ph.D.), Birmeta. Y., Tadesse, W. (2013). Ethiopian Human Rights Handbook, office of the High Commissioner, p.15

of the major means for this kind of cooperation is through international and/ or regional instruments. This chapter will explore some of the main international and regional instruments addressing OSH before exploring different legal framework in Ethiopia that can regulate cases of OSH.

## 1. International legal instruments

All gender based violence including OSH has adverse effects on the survivors including her right on the enjoyment of different rights enshrined in international instruments. OSH violate rights like freedom of speech, the right to equal participation in public life, the right for respect of her honor and reputation, the right to private and family life, the right to work and live free of fear and violence and non-discrimination based on sex.

Even if the above mentioned rights are given to women, there is hardly any specific legal instrument at the international level which explicitly condemns and criminalizes OSH. Let alone on OSH, one has to go through different international instruments to come up with the key characteristics of sexual harassment in general as there is no universally agreed definition of what constitutes a sexual harassment yet.<sup>106</sup> The United Nations, which is the largest and primary forum where states shows their solidarity globally to cooperate in matters which goes beyond their domestic law capacity, has initiated efforts to enact legislation on cybercrime but fell short to adopt a legal document/Convention.<sup>107</sup> Even if, this is the case, an effort was made to extend definitions of violence against women to crime not only committed offline but through online mediums too.<sup>108</sup>

The first standalone convention on women's rights, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which is the first international human right instrument to codify comprehensively international legal standards for women<sup>109</sup> has

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<sup>106</sup>Supra note 29

<sup>107</sup>Teketel, I (2018). Cybercrime in Ethiopia: Lessons to be learned from International and Regional Experiences, School of Law, Addis Ababa University, Addis Ababa. p. 24

<sup>108</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation 35

<sup>109</sup> UN WOMEN. (n.d.) Short history of CEDAW Convention. Retrieved from <https://www.un.org/womenwatch/daw/cedaw/history.htm#:~:text=By%20the%20terms%20of%20the,human%20rights%20and%20fundamental%20freedoms>.

strengthened and prohibited discrimination against women<sup>110</sup> which were recognized in several human right instruments like the Universal Declaration of Human Right (UDHR)<sup>111</sup>, International Covenant on Civil and Political Rights<sup>112</sup> as well as the International Covenant on Economic, Social and Cultural Rights<sup>113</sup>.

However, it is general recommendation No.19 and 35 of the Committee, the committee which was responsible for the implementation of CEDAW, which widened the definition of the meaning of discrimination against women in article 1 of CEDAW. General recommendation No.19 of the committee extended the definition to include gender based violence which is directed against a woman because she is a woman or that affects women disproportionately such as acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.<sup>114</sup>

Whereas, General Recommendation No. 35 acknowledges that gender-based violence against women can occur in public and private spaces and all areas of human interaction, including through technology-mediated environments, such as contemporary forms of violence occurring online and in other digital environments”.<sup>115</sup> Thus, the combined reading of the two general recommendations (19 and 35) will give us that gender based violence are violence that is directed against a woman because she is a woman or that affects women disproportionately including acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty including those occurring in the Internet and digital spaces.

Online sexual harassment, since it affects women disproportionately and is committed because of their gender, falls within the definition of gender based violence given by recommendation no 19. Moreover, the recognition and explicit mention of gender based

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<sup>110</sup> Convention on the Elimination of all forms of discrimination against Women, article 1 &2

<sup>111</sup> Universal Declaration of Human Right, art 2

<sup>112</sup> International Covenant on Civil and Political Rights (1966), art 2 &3

<sup>113</sup> International Covenant on Economic, Social and Cultural Rights (1966), art 2&3

<sup>114</sup> Supra note 22, para 6 &7

<sup>115</sup> Ibid

violence happening online is the right step in the right direction in fighting cyber-crimes against women in general specifically online sexual harassment.

Even though, CEDAW was drafted at a time when the online world did not exist<sup>116</sup> trying to incorporate online violence against women was commendable. However, taking into account the gravity of the crime and violation of multiple rights of women with the non-binding nature of committee recommendations, it leaves a huge gap in protecting and achieving equal enjoyment of women's right. Adopting a comprehensive legal document which has a binding effect will go further in protecting women's right.

In terms of OSH committed at the work place, the International Labor Organization (ILO) has established global standards aimed at ending violence and harassment in the world of work by adopting the Violence and Harassment Convention (No. 190). The Convention with its accompanying recommendation No.206 is the first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment.<sup>117</sup>

The ILO Convention No. 190 defines violence and harassment as “a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.”<sup>118</sup> The Convention also give meaning to the term gender-based violence and harassment as “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment”.<sup>119</sup>

What makes this Convention particularly important to OSH is what provided as the scope of application of the Convention in Article 3 therein. Article 3(1)(d) of the Convention states that the Convention applies to violence, and harassment in the world of work occurring, among other

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<sup>116</sup> Supra note 42, p 10

<sup>117</sup> Supra note 75

<sup>118</sup> Supra note 24, art 1(1)(a)

<sup>119</sup> Id, art 1(1)(b)

things, through work-related communications, including those enabled by information and communication technologies. Hence, the ILO Convention No. 190 serves as a major milestone in addressing online sexual harassment, though its scope is limited to the world of work. The convention also gives protection to wide range of works including trainees and even to workers whose employment is terminated.<sup>120</sup>

## 2. Regional legal instruments

### a) Europe

In the European region context, there are 2 major conventions which are complementary to each other when it comes to OSH. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) lays the basis for preventing and combatting gender-based violence in general and online sexual harassment in particular while Convention on cyber-crime complements it by providing procedural and international cooperation processes.

The Istanbul Convention serves as a major step towards a comprehensive and harmonized response to ensuring a life free of violence for all women and girls across and beyond Europe.<sup>121</sup> Article 3(a) of the Istanbul Convention defines violence against women as “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.<sup>122</sup> The Istanbul Convention is also clear in treating violence against women in terms of right and non-discrimination.<sup>123</sup> Moreover article 40 of the same Convention specifically defines what constitutes sexual harassment. It states that sexual harassment involves “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a

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<sup>120</sup> Id, art 2(1)

<sup>121</sup> Council of Europe.(2023).Key facts about the Istanbul Convention.Retrieved from <https://www.coe.int/en/web/istanbul-convention/key-facts>

<sup>122</sup>The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, art 3(a)

<sup>123</sup> Id, art 3 and 4

person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.”<sup>124</sup>

Even if the above mentioned articles of the Conventions doesn't mention specifically the commission of violence against women digitally, the Group of Experts on Action against Violence against Women<sup>125</sup> has extended definition of violence against women in article 3(a) of the Convention to include violence against women in the digital sphere including internet and technology facilitated medias.<sup>126</sup>

In addition, the experts also recommended that Article 40 of the Istanbul Convention also applies to sexual harassment committed online or through digital means such as non-consensual image or video sharing; non-consensual taking, producing or procuring of intimate images or videos; exploitation, coercion and threats; sexualized bullying; and cyber flashing.<sup>127</sup> Moreover, the Experts underscored that online sexual harassment acts not only affects women's psychological well-being but also restricts their activities and choices including at work, in the private, public or online sphere.”<sup>128</sup>

On the other hand, the Convention on cyber-crime usually called as the Budapest Convention provides a comprehensive, operational and functional solution for the investigation and prosecution of cybercrimes both domestically and between Parties.<sup>129</sup> Even if online sexual harassment against women is not specifically mentioned, the Convention provides the procedural and evidentiary process to secure electronic evidence for prosecuting technology-facilitated among which is online sexual harassment against women. The convention also lays down one of the important factors in the fight against OSH which is ways for international

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<sup>124</sup> Supra note 122, art 40

<sup>125</sup> GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence is the independent expert body responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ([Istanbul Convention](#)) by the Parties)

<sup>126</sup> GREVIO General Recommendation No. 1 on the digital dimension of violence against women , 2021

<sup>127</sup> Ibid

<sup>128</sup> Id, paragraph 39

<sup>129</sup> Jamil,Z.(2016). *Comparative Analysis of the Malabo Convention of the African Union and the Budapest Convention on Cybercrime*, (Global Action on Cybercrime Extended, Glacy+, Version 20, 2016), 3.<<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806bf0f8>

cooperation&mutual legalassistance in investigating such crimes.<sup>130</sup> For these two reasons, the Convention even if initially meant to be a regional convention has enjoyed wider international acceptance and attracted nonEUcountries to become members.Currently it has 68 member states among which 23 are non EU members.<sup>131</sup>Furthermore, the Convention had served as a guideline for countries when developing their national legislation against Cybercrime, and as a framework for international cooperation between State Parties.<sup>132</sup>Ethiopia can be sited as 1 country who used the document as a bench mark/guideline to develop its own cyber legislations.<sup>133</sup>

The above two instruments even if they don't mention OSH as a separate crime, they complement each other. However, the inclusion of OSH just like the international instrument is extended by the interpretation of committees responsible for the implementation of those instruments which doesn't have a force like the provisions of the law. Thus a legal instrument which specifically states the crime and can be enforced is needed to give protection to women.

## **b) Africa**

The growing rate of digital transformation within the African region is facilitating the emergence of new cybercrimes and created opportunities for cybercriminals in the continent. Its easy to say that cybercrime is thriving in the African continent making Africa the new hub for cyber criminals.<sup>134</sup> Especially recently due to loss of jobs and the low economic growth in the Covid 19 pandemic as well as the capacity of law enforcement organs, has facilitated easy criminal opportunities which led toincrease in activities related to Cybercrime including online

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<sup>130</sup>The Budapest Convention on Cybercrime, chapter 3

<sup>131</sup> Council of Europe. (n.d.) Chart of signatures and ratifications of Treaty 185. Retrieved from <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=185>

<sup>132</sup> Council of Europe. (n.d.) Budapest Convention and related standards. Retrieved from <https://www.coe.int/en/web/cybercrime/the-budapest-convention-old#:~:text=It%20serves%20as%20a%20guideline,State%20Parties%20to%20this%20treaty>

<sup>133</sup>Yilma,K.M. (2014).Developments in cybercrime law and practice in Ethiopia. Elsevier Ltd computer law and security review 720-735 p.721

<sup>134</sup>Fawzia, C. (2011). Addressing the Growing Specter of Cyber Crime in Africa: Evaluating Measures Adopted by South Africa and Other Regional Role Players.*The Comparative and International Law Journal of Southern Africa* 44, no. 1 123–38.<http://www.jstor.org/stable/23253117>

sexual harassment.<sup>135</sup> Interpol in its 2021 report on assessment of cybercrimes in Africa, has reported that digital extortion which includes online sexual harassment such as blackmailing and sextortion is one of the most prominent cyber threats within the region.<sup>136</sup> To battle these criminal activities African states need to coordinated their actions against cybercrime in the continent.

Although commission of online sexual harassment and other cybercrimes are the new realities in the region, the Africa region does not have a standalone continental convention or a treaty which deals with dealing cybercrimes like online sexual harassment. The region has adopted a Convention on Cyber Security and Personal Data Protection, also known as the Malabo Convention, on 27 June 2014 whose aims is to harmonize the laws of African States on electronic commerce, data protection, cybersecurity governance and cybercrime control. However, it has not entered into force yet since it needs 15 ratifications and as of March 2022, only 13 AU Member States have ratified the Convention<sup>137</sup>

Despite the lack of a standalone regional instrument to fight against online sexual harassment against women, the African Charter on Human and Peoples' Rights (ACHPR) serves as a regional framework for protection of women. There is also the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol) which can supplement ACHPR. This protocol serves as a reference in the fight against gender-based violence in Africa. It insures different right to women one of which is women to be free from sexual harassment in educational institutions and workplaces.<sup>138</sup>

Taking into account the upsurge of cyber-crimes in the African region, it is sad to see that the Malabo Convention has not yet entered into force. The African region needs an instrument

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<sup>135</sup> INTERPOL.(2021.) African cyber threat assessment report.2021. Retrieved from [file:///C:/Users/ACER/Downloads/AfricanCyberthreatAssessment\\_ENGLISH%20\(1\).pdf](file:///C:/Users/ACER/Downloads/AfricanCyberthreatAssessment_ENGLISH%20(1).pdf)

<sup>136</sup> Id, p 14

<sup>137</sup> List of countries which have signed, ratified/acceded to the African union convention on cyber security and personal data protection. (2022). Retrieved from [https://au.int/sites/default/files/treaties/29560-sl-AFRICAN\\_UNION\\_CONVENTION\\_ON\\_CYBER\\_SECURITY\\_AND\\_PERSONAL\\_DATA\\_PROTECTION.pdf](https://au.int/sites/default/files/treaties/29560-sl-AFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION.pdf)

<sup>138</sup> Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol), collective reading of art 12 &13

which stands alone or complements the Maputo protocol to fight against cyber-crimes committed against women. The reluctance of countries to take action in the fight against cyber-crimes including OSH against women will harm women of the continent a great deal and consequently will have a heavy cost for society as a whole.

From the above discussion, the importance of international and regional instrument to combine forces among countries in the fight against different cyber-crimes is evident. Moreover these kinds of instruments will also help to clarify jurisdictional matters where the crime involves different actors from different jurisdictions. In such cases, there is a lack of clarity over what constitutes jurisdiction (whether it is the place of the act, the country of residence of the perpetrator, the location of the effect, or the nationality of the owner of the computer) as well as who would get the precedence of jurisdictional claim.<sup>139</sup> Moreover multilateral instrument, besides solving jurisdictional problems, it will help solve problems arising from the incompatibility of criminalization of acts and criminal procedures between members which make investigating and prosecuting cyber-crimes difficult.<sup>140</sup>

Thus to curb cyber-crimes and protect citizens, having national laws is not enough, it needs to be backed up international or regional instrument to join forces with other countries which will in turn help to better protect citizens and prevent perpetrators from exploring different gaps in different jurisdictions for impunity.

### **3. National legal frameworks**

Ethiopia has enacted different national laws and policies in order to give protection to different member of the society, individuals as well as to fulfill its obligation under different international and regional human right treaties which gives multiple promotion and protection of human rights to all and some specifically to women.

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<sup>139</sup> Supra note 54, p 20

<sup>140</sup> Roberts, L.D. (2008), Jurisdictional and Definitional Concerns with Computer-mediated Interpersonal Crimes: An Analysis on Cyber Stalking”, *International Journal of Cyber Criminology*, Vol 2 (1): 271–285 available at <https://bit.ly/2tWcZrr> )

Among the national laws, the Federal Democratic Republic of Ethiopia (FDRE) Constitution under Article 25 proclaims the equality of all persons before the law and guarantees them the equal protection of the law without any discrimination on grounds of sex and other status. Article 35 of the FDRE Constitution, which is specifically dedicated to the rights of women, unequivocally states that women have equal rights with men in the enjoyment of rights and protections provided for by the Constitution. The FDRE Constitution further prohibits any laws, customs and practices that oppress or cause bodily or mental harm to women.<sup>141</sup> This rights which are recognized in the law of the land are trickled down to other national instruments to give protection to women in different sectors.

When we come to protection of women against OSH, even if there is no law which specifically defines it, there are different policies and legal frameworks in place which generally regulate and protect all citizens from cybercrimes including acts of OSH. Under the next section, major national legal instrument which can apply to protection of women from online sexual harassment will be discussed.

#### **a) Policies**

##### **i. The National Information and Communication Technology (ICT) Policy and Strategy 2016**

Ethiopia has drafted the national ICT policy<sup>142</sup> to guide its ICT sector to highlight and guide the use of ICT in the transformation of Ethiopian economy and society.<sup>143</sup> While this is the overall vision of the policy, the policy has set out different objectives in order to meet its goals. Among the objectives stated in the policy are to make ICT infrastructures safe and implement appropriate cyber security measures for the prevention of unlawful practices.<sup>144</sup>

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<sup>141</sup>The Federal Democratic Republic of Ethiopia Constitution, 1995, art 35(4)

<sup>142</sup>This 2016 policy is the updated or revised version of the 2009 policy and has taken into account the tremendous impact of globalization and rapid technological change since the first policy was implemented. (<https://comesabusinesscouncil.org/wp-content/uploads/2020/04/6-ICT-Policy-and-Strategy.pdf>)

<sup>143</sup>The National Information and Communication Technology (ICT) Policy and Strategy 2017, preamble

<sup>144</sup> Id, p 10

The policy recognizing the role of ICT on different aspects of women's life and development laid down its commitment to improving the access of ICT for Youth and Women. However, creating access only doesn't guarantee the proper utilization as well as the protection of women from the new ways of cyber-crime violence. Cognizant of the fact that women are one part of the society that is disproportionately affected by crimes committed using online technologies, the policy has put a strategy in place to protect them from ICT born crimes.<sup>145</sup> And one of the strategies laid down by the government to fulfill its commitment is to ensure the existence of proper legal and corresponding computer framework to prevent the dissemination of harmful and offensive content or cyber-bullying which disproportionally affects youth and women.<sup>146</sup>

## **ii. Criminal justice policy**

This policy covers the overall steps, principles, law enforcement responsibilities and strategies used in the criminal system of the country. Insuring the safety and security of the government and citizens by protecting them from crimes and establishing a Criminal Justice System which protects the rights and freedoms of all individuals are among the objectives of the policy.<sup>147</sup>

The policy has recognized the need to employ different modern investigative technics in cases which are complicated and have an international aspect. Among the cases which are sited as needing modern investigative technics are those cases where electronic evidence is needed.<sup>148</sup> Thus recognizing the complexity and difficulty of investigating and prosecuting crimes committed using the web, the policy opted for the need of a law which can regulate the use of modern investigative technics other than those stipulated in the 1961 Criminal Procedure Code as well as the need to have an international cooperation so as to deal with crimes which have a transnational nature.<sup>149</sup>

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<sup>145</sup> Id, p 17

<sup>146</sup> Id, p 30

<sup>147</sup> The Federal Democratic Republic of Ethiopia Criminal Justice Policy 2011, p 1

<sup>148</sup> Id, p 20

<sup>149</sup> Hailu, H. (2015), The State of Cybercrime Governance in Ethiopia, University of Oxford, p 12

Generally, the policy recognized that Ethiopia is vulnerable to different national and transnational cyber-crimes and called for promulgation of proper laws, capacity building of relevant law enforcement organs as well as forming and strengthening of international cooperation since cyber-crimes most of the time are borderless.

## **b) Laws**

### **i. Criminal Code of the Federal Democratic Republic of Ethiopia**

The Criminal code of the Federal Democratic Republic of Ethiopia 2004 is the first instrument to ever legislate on cybercrime.<sup>150</sup> Failure of the previous penal code (1957) to properly cover crimes born out of advances in technology and the complexities of modern life such as computer crimes as well as not giving the degree of seriousness they deserve necessitated the enactment of criminal code.<sup>151</sup>

The Criminal Code of Ethiopia as a principle prohibits acts, whether done intentionally or by negligence and by whatever means or in any manner, that causes injury to the physical or mental health of an individual.<sup>152</sup> Article 580 of the Criminal Code prohibits intimidation while Article 581 prohibits the act of threat of accusation or disgrace (.....threatening to disclose a fact such as to injure the honor or reputation of either the survivor or a third party and thereby induces such other person to submit to a condition or demand contrary to morality). In addition, article 582 makes coercion punishable when it is meant to compel someone to do a thing or to permit it to be done, or to refrain from doing it or from permitting it to be done. Moreover, Article 613 and Article 714 prohibits defamation and blackmail respectively; while extortion, the use of violence or grave threats rendering a person unable to resist in order to obtain an unjustifiable benefit, is prohibited under Article 713. What makes the above-mentioned provisions all the more so relevant to crimes committed online, especially to online sexual harassment, is what is provided under Article 710 of the Criminal Code. The Article states that the above mentioned acts remain crimes punishable under the Criminal Code even when committed through the use of a computer.

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<sup>150</sup>Mehari., S.A. (2020). Implications of the Ethiopian Computer Crime Proclamation on the Enjoyment of Human Rights Vol 7 ISSUE 2 IJRAR- International Journal of Research and Analytical Reviews p 112

<sup>151</sup> The Criminal Code of the Federal Democratic Republic of Ethiopia 2004, preamble

<sup>152</sup> Id, art 553

Moreover, Article 640 and 641 of the criminal code deals with obscene or indecent publications and performances respectively. Article 640 prohibits making, importing or exporting, transporting, receiving, possessing, displaying in public, offering for sales or hires, distributing or circulating materials which are deemed obscene or grossly indecent. While Article 641 criminalizes organizing, giving public auditions or performances to obscene or grossly indecent contents, in a theatre or in a cinema, by projection or by radio or television broadcast, by video, or in any other way. Thus one can argue that even if the commissions of those crimes are not specifically mentioned to include use of the internet, that they can be used in an online sexual harassment case. However, the problem lies with regards to evidence and investigation procedures since the criminal code relies on the standard criminal procedure code of Ethiopia which was enacted in 1961 where computer, let alone computer crimes are unknown in Ethiopia. The incorporation of cybercrimes into the criminal code without amending its corresponding procedural aspect makes the investigation and prosecution of cybercrimes ineffective.<sup>153</sup>

On the other hand, the Criminal Code dedicated articles 706 to 711 to deal with computer crimes specifically. The computer crimes that were dealt with in these 6 articles were illegal access of a computer, computer system/computer network, causing damage to data and disrupting use of computer system. Even if the code is meant to cover technology born cybercrimes, it failed to address a range of new crime committed through computers which already emerged in the wake of the enactment of the Code one of which is online sexual harassment against women. This in addition to the Code failing to provide tailored procedural and evidentiary provisions that would be necessary in the investigation and prosecution of cybercrimes and using the ordinary procedure code which is too outdated to be applied to the cybercrime given the peculiarity and novelty of these online crimes necessitated the enactment of the cyber proclamation.<sup>154</sup> The computer crime proclamation also repealed the above section of the criminal code (articles from 706- 711).<sup>155</sup>

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<sup>153</sup> Supra note 149, p 16

<sup>154</sup> Supra note 133, Pages 723

<sup>155</sup> Computer Crime Proclamation 958/2016 Federal Negarit Gazette No. 83 , 2016, art 45

## ii. Computer Crime Proclamation No.958/2016

The most relevant piece of Ethiopian legislation currently in effect regarding cybercrimes in general, which also encompasses online sexual harassment, is the Computer Crime Proclamation No.958/2016. The proclamation was enacted for the prohibition, prevention, detection, prosecution and response to cybercrimes.

The Computer Crime Proclamation, on its part, recognizing the insufficiency of other laws in the country to address crimes born as a result of technological advancement and the utilization of information communication technology being vulnerable to various computer crimes that can endanger individual rights unless the appropriate framework is established, incorporates new legal framework which deals with computer crimes.<sup>156</sup>

This proclamation which is influenced by the Budapest convention<sup>157</sup> does not provide definition as to what constitutes computer crimes. It rather lists and classifies cyber-crimes into three categories. The Article, which is the most relevant to this research, is found under the third category of cyber-crimes titled illegal content data.<sup>158</sup> Article 13 “computer crimes against liberty and reputation of persons” is the most prominent provision of the Proclamation in relation with online sexual harassment against women.

The Article reads

*“Whosoever intentionally:*

- 1) Intimidates or threatens another person or his families with serious danger or injury by disseminating any writing, video, audio or any other image through a computer system shall be punishable, with simple imprisonment not exceeding three years or in a serious cases with rigorous imprisonment not exceeding five years.*
- 2) causes fear, threat or psychological strain on another person by sending or by repeatedly transmitting information about the survivor or his families through computer system or by keeping the survivor’s computer communication under surveillance shall be*

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<sup>156</sup> Id, Preamble

<sup>157</sup> Yilma, K.M. (2021). Cybercrime lawmaking and human right in Ethiopia, 15 Mizan law review 1:73-106. p.84

<sup>158</sup> Supra note 155, art 12- 16

*punishable with simple imprisonment not exceeding five years or in serious case with rigorous imprisonment not exceeding ten years.*

- 3) *disseminates any writing, video, audio or any other image through a computer system that is defamatory to the honor or reputation of another person shall be punishable, upon complaint, with simple imprisonment not exceeding three years or fine not exceeding Birr 30,000 or both.*”

The article prohibits the intimidation, threatening of another person by writing, video, audio or pictures as well as the actual dissemination of those materials to defame his/her honor or reputation. Since the major effects of committing OSH on women is to intimidate, threaten or cause fear or create psychological strain on the survivor, the provisions of this article can be applicable on cases of online gender based violence.<sup>159</sup> This Article even though doesn't specifically define different acts and components of OSH; it can be somewhat interpreted to apply to the different forms of OSH crimes.

When one looks at the way the provision is written, it is written in a broad way making it a catch all article. The article is formulated in a general and vague manner which will make it difficult for law enforcement to implement the law as well as the public to understand what is actually prohibited by the law.

The rule of law demands that a law as much as possible to be clear, precise and unambiguous so that it communicates to people as to what is accepted and what is not in a given society.<sup>160</sup> Moreover, the principle of *nullum crimen sine lege* (no crime without law) requires that a conduct constituting an offence must be criminalized by law and this principle require criminal acts to be publicized in unambiguous text.<sup>161</sup> Thus having a clear, precise and detailed drafting of a law will help in easy implementation of the law, easy understanding to the public in addition to punishing criminals depending on the severity of their actions. In addition, a precision

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<sup>159</sup> Supra note 3, p. 6

<sup>160</sup> Majambere, E. (2011). Clarity, precision and unambiguity: aspects for effective legislative drafting, *Commonwealth Law Bulletin*, 37:3, 417-426, DOI: [10.1080/03050718.2011.595140](https://doi.org/10.1080/03050718.2011.595140)

<sup>161</sup> Glaser, S. (1942). *Nullum Crimen Sine Lege*, *Journal of Comparative Legislation and International Law* Vol. 24, No. 1, p. 29-37

in a law is a desirable virtue of legal provisions as it mitigates problems in judicial interpretation of the rules.<sup>162</sup>

Thus the lack of definition of the OSH, failure to mention key elements constituting the crime as well as broad and general formulation of the article can be mentioned as defects of the article. Detail analysis of the proclamation vis-a-vis OSH together with law enforcement views will be dealt in detail in the next chapter.

The Proclamation also holds liable service providers if they helped in the dissemination of material or failed to take measures to remove illegal contents like materials of OSH.<sup>163</sup> Thus in order for service providers to avoid liability, they together with a government organ have the duty to report to the police about the commission of cybercrime or dissemination of any illegal content through the computer system it administers.<sup>164</sup> The researcher believes that holding service providers responsible for what is posted in their media helps in the fight against OSH since this will minimize the victimization process by containing further dissemination of the posting because service providers will remove the item as well as report it to the authorities once they are aware of the posting to avoid responsibility whether the survivor reports it or not. However, the definition of service providers is written in a very broad way. Thus it's better to specifically mention who actually these service providers are.

### **iii. Additional laws with cybercrime implications**

One of the laws which can be applied in cases of online sexual harassment is the Hate Speech and Disinformation Prevention and Suppression Proclamation No.1185 /2020. Article 4 of this Proclamation prohibits disseminating hate speech by means of broadcasting, print or social media using text, image, audio or video. The definition of hate speech is given under Article 2(2) of the same Proclamation. It defines hate speech as “speech that deliberately promotes hatred, discrimination or attack against a person or a discernible group of identity, based on ethnicity, religion, race, gender or disability.” As one of the forms of OSH is cyber

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<sup>162</sup>Yilma, K.M. (2016). Some Remarks on Ethiopia's New Cybercrime Legislation *Mizan law review* Vol. 10 No. 2. <http://dx.doi.org/10.4314/mlr.v10i2.7>

<sup>163</sup> Supra note 155, art 16

<sup>164</sup> Supra note 155, art 27

defamation and the definition provided in this article caters for the gender element as well, the prohibition of hate speech can also apply to cases of OSH.

Moreover, the 1960 civil code of Ethiopia provides for a civil remedy where a person's image is posted non-consensually and where a person is defamed by another person. Article 27 to 31 provides provision where a person can get a civil remedy in a situation where his/her image is exhibited or offered for sale without his/her consent. Article 27 under the title "Image of the person" prohibits the non-consensual posting of a person's image/photograph in a public place except for situation where his/her pictures were posted because of his official position, by order of law enforcement or the pictures are taken in a public event.<sup>165</sup> When it comes to the sanction this act entails, the code provides that the person, whose image is posted, can demand the posting to be stopped, get compensation and moral damage suffered due to the posting of the image.<sup>166</sup>

Furthermore, Article 2044 of the Code provides civil remedy against defamation. The Article provides that a person commits an offence whereby his words, his writings or by any other means he acts in such a way as to make another living person detestable, contemptible or ridiculous and to jeopardize his credit, his reputation or his future. Though not sufficient to redress the deep damages OSH inflicts on the survivor, defamation avails an opportunity to compensate a survivor for injury to his/her honor and reputation.<sup>167</sup>

### **c) Institutional mechanisms**

The adoption of legal and policy frameworks means nothing unless those frameworks are effectively implemented. Thus the government has put in place institutional mechanism to ensure implementation of the laws for the protection of citizens from cybercrimes like OSH as well as to provide for mechanisms where survivors get redress when they become survivors of cybercrimes.

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<sup>165</sup>The 1960 civil code of Federal Democratic Republic of Ethiopia , art 28

<sup>166</sup> Id, art 29

<sup>167</sup> Supra note 3, p 12

### **i. Federal Police**

Federal police is one of the main law enforcement organs in Ethiopia with a mission of ensuring peace and security by preventing crime and investigating crime when committed.<sup>168</sup> Among the long list of crimes that the commission is empowered to investigate is to investigate crimes relating to information network and computer system as well as to work in collaboration with the Ministry of Justice and other relevant organs with respect to crime investigation.<sup>169</sup> Article 23 of the Computer Crime Proclamation has also given a joint investigative power to federal police with regards to investigating cybercrimes covered in the proclamation. In order to help in its investigation, the federal police together with the Attorney general may also organize a special task force unit to follow up on the computer crimes<sup>170</sup> as well as be a part/member of an executive task force to prevent and control computer crimes.<sup>171</sup>

The researcher has conducted an interview with respondents<sup>172</sup> from the federal police in their role of investigating OSHand got the information that they are able to investigate crimes like OSHand with the help of their cyber unit division. The unit was established in 2004 and currently has 6 officers to investigate all crimes related with computer crime. The unit investigates cybercrimes when individuals or other law enforcement organs like the public prosecutor request them to investigate. The short comings of the unit will be discussed in chapter 4.

### **ii. Attorney General/Public Prosecutor**

According to the Computer Crime proclamation, much of the responsibility with regards to cybercrimes seems to be entrusted to the Public Prosecutor who is under the Attorney General. It has been given the power to investigate computer crimes, in collaboration with the Federal Police.<sup>173</sup> Moreover it has been given the task of leading a National Executing Task Force which

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<sup>168</sup>Ethiopian Federal Police web page. (n.d.). Retrieved from <http://www.federalpolice.gov.et/en/federal/police/aboutus>

<sup>169</sup> Ethiopian Federal Police Commission Establishment Proclamation 720/2011, article 6(2) and (5)

<sup>170</sup> Id, art 38(2)

<sup>171</sup> Id, art 41

<sup>172</sup> Interview with an officials at Federal Police investigation unit for financial transaction crimes, at the federal Police Commission Crime Investigation Bureau May 20,2022 10:30 AM and Interview with an official at the Federal Police cyber-crime unit, at the Federal Police Commission Crime investigation Bureau May 20,2022 10:30 AM

<sup>173</sup> Supra note 155, art 21(1)

shall be established in order to prevent and control computer crimes.<sup>174</sup> Even if the proclamation is not clear as to who will be responsible to establish that task force, it can be inferred from looking at the federal attorney's power of leading, coordinating and identifying the member of the task force, that it is the responsible organ for the establishment of task force.

Furthermore, recognizing the international aspect of cybercrimes including OSH, the Attorney general is further tasked with cooperating as well as entering in to an agreement with the competent authority of another country so as to enable the exchange of information, carry out joint investigations, and execute extradition of criminals.<sup>175</sup> Structurally, due to the complicated and trans-boundary nature of cybercrimes, the organized and trans boundary crimes directorate in the attorney general office is empowered to investigate crime emanating from the computer crime proclamation.<sup>176</sup> The directorate has also the power to delegate, when necessary, branch office to deal with cases bestowed to it.<sup>177</sup>

### **iii. Courts**

When it comes to the Courts, the court that has jurisdiction to adjudicate cases involving cybercrime is given to the Federal High Court by the Computer Crime Proclamation.<sup>178</sup>

### **iv. Information Network Security Administration (INSA)**

The Information Network Security Administration which was first established in 1999 is the first and only institution in Ethiopia which is believed to be equipped with technologies to fight cybercrimes against the country. INSA was established in 2006 by the Council of Ministers Regulation No. 130/2006 and re-established in 2011 by Council of Ministers Regulation No. 250/2011 and Proclamation No. 808/2013. The administration has been established for the objective of securing information and computer based key infrastructures, to maintain national peace, democratization and development programs.<sup>179</sup>

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<sup>174</sup> Id, art 41

<sup>175</sup> Id, art 42

<sup>176</sup> አ.ፌ.ዲ.ሪ.ጠቅላይ ዐ.ቃ.ቤ.ህግ ተቋማዊ አደረጃጀት ሰነድ፣ 2013, p.91 (translation by the researcher)

<sup>177</sup> Id, p 93

<sup>178</sup> Supra note 155, art 40

<sup>179</sup> Information Network Security Agency re-establishing proclamation no.808/2013, article 5

The Administrations powers include draft national policies, laws, standards and strategies that enable to ensure information and computer based key infrastructures security,<sup>180</sup> take all necessary counter measures to defend any cyber or electromagnetic attacks on information and computer based infrastructures or systems or on citizens' psychology<sup>181</sup> and provide assistance and support, in respect of preventing and investigating cybercrimes, to police and other organs empowered by law.<sup>182</sup> The Administration also has the power to establish international collaboration, when it is necessary, to implement its mission.<sup>183</sup>

In line with these responsibilities, the computer crime proclamation has also given the INSA the responsibility to provide technical support, conduct analysis on collected information, and provide evidences where requested to support the investigation process of cybercrimes.<sup>184</sup>

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<sup>180</sup> Id, art 6 (2)

<sup>181</sup> Id, art 6 (4)

<sup>182</sup> Id, art 6(7)

<sup>183</sup> Id, art 6(18)

<sup>184</sup> Supra note 155, art 23 (2)

## Chapter 4

### Legal and Practical Challenges in the Enforcement of the Law

#### 1. Introduction

Owing to the huge investments into the ICT sector by the government of Ethiopia as well as the promotion and facilitation of extensive use of ICT and internet supported services, Ethiopians are becoming accustomed to the benefits of internet in different sectors and in their day to day life. Citizens' demand for access to the internet is growing by the day. The government is undertaking various works to increase internet connectivity, modernize internet service including introducing 4G and 5G networks, decrease price and partially privatize telecom services in order to satisfy this growing need of internet service. In addition, these developments undoubtedly bring about different good opportunities to users. However, it also provides an opportunity for criminals to get a faster and better internet access to launch their cyber-attacks and exploit users especially new users. Digital technologies today make available to ordinary citizens tools which have the power and capability to inflict considerable damage<sup>185</sup>

OSH against women is among the crime introduced by internet and is becoming common in Ethiopia. One of the ways to fight this crime is through a legal means. For this purpose, the Government of Ethiopia, as seen in the previous chapter has adopted different policies and legal frameworks as well as put in place institutional mechanisms for the enforcement of the law so that survivors get redress, perpetrators get punished and the society learn a lesson from that. Thus having considered in the previous chapter the legal and institutional mechanisms, this chapter will discuss the empirical data gather through presentation and analysis of KIIs and in depth interviews as well as gaps identified after the in-depth legal analysis of the computer crime proclamation.

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<sup>185</sup>Karake,Z., Lubna,S.(2010). *Cyber Law and Cyber Security in Developing and Emerging Economies* .Edward Elgar Publishing Limited, UK p.1

## 2. Commission of online sexual harassment in Ethiopia

Witnessing OSH in different social Medias is increasing by the day. The researcher, as user of different social media outlets has witnessed OSH committed against women as well as became a survivor of it. It is easy for any internet user and sometimes even those who doesn't use them to become victims of OSH.<sup>186</sup> Different factors contribute to this fact. Increasing use of digital technology in our everyday lives both in our private or professional lives, not knowing or following safety internet using tips as well as having somehow easy access to internet can be cited contributing factors for the rising level of OSH.

Women in Ethiopia use different social media for different social, economic and personal development. Apart from the good uses of social medias bring to women, they are becoming a breeding ground for OSH. Access to the internet with a help of mobile data as well as free Wi-Fi provided in public places helps anyone with the intent to commit OSH at anytime and anywhere. The constant growth of mobile connection and internet users<sup>187</sup>, creates a wide poll of users including women who can be first time users of internet which can also make them an easy target for OSH and other cyber violence. The irresponsible behavior of internet users who are often unaware of online ethics or the law governing it commits OSH against women and restriction the use of internet by women.<sup>188</sup>

According to research made by Pollicy<sup>189</sup>, among 487 women research participants, 31.2 % of them has faced some type of online violence including sexual harassment in Addis Ababa.<sup>190</sup>

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<sup>186</sup> Asmare, M. (2015). Computer Crimes in Ethiopia: An Appraisal of the Legal Framework. International Journal of Social Science and Humanities Research ISSN 2348-3164 (online) Vol. 3, Issue 1, pp: (92-104), P 94

<sup>187</sup> Supra note 90

<sup>188</sup> Kalemera, A., Nalwoga, L., Nanfuka, J., Wakabi, W. (2014). State of Internet Freedoms in East Africa: An Investigation into the policies and practices. Defining Internet Freedom in East Africa, CIPESA OpenNet Africa, p.3 [www.cipesa.org](http://www.cipesa.org)

<sup>189</sup> Pollicy is an NGO who made a research on 5 African countries, one of which is Ethiopia, to understand the online experiences of women as well as document the prevalence, experiences and responses to online gender-based violence against women in the 5 countries.

<sup>190</sup> Supra note 5, p.23

### 3. Reasons for committing OSH

Online sexual harassment in Ethiopia just like the offline ones committed by a person who is known by the survivor like friend, family, colleague, supervisor etc or by a person totally unknown by the survivor. The reasons for committing the crime also differ from perpetrator to perpetrator. Some scholars identified reasons like to retaliate, punish, harm, show technical ability and to show weakness of the legal system as a possible motives for committing computer crimes in general.<sup>191</sup> And some of the main reasons why men commit online sexual harassment on women in Ethiopia include revenge, hatred, to get unfair advantage (monetary value or sexual favor) and to avoid responsibilities.

#### a) Revenge/hatred or to resume a relationship

A respondent<sup>192</sup> stated that the most common type of OSH that is being reported and which showed a steady increase is revenge porn and extortion. As per the respondent, perpetrators use this kind of OSH for two purposes. One is to humiliate or retaliate against the survivor for breaking up with them by posting the intimate video or picture on social media or using such a material as a leverage to get back with their ex by threatening her that if she doesn't get back together with him, he will post the pictures on social media. The respondent mentioned a case where an ex-husband of a survivor who is leaving abroad started posting very personal images and videos of his ex-wife in social media as well as sending them to her family members as retaliation against her for divorcing him. She also mentioned another case which is sent for investigation where a college student is being threatened by her ex-boyfriend to get back together with him otherwise face the humiliation of an intimate video which he recorded when they were intimate without her knowing being out in the public.

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<sup>191</sup> Supra note 186, p 97

<sup>192</sup> Interview with an official of Public Prosecutor Office under the organized and trans boundary crimes Directorate General at Lideta high court office 15 April 2022 at 10:27 AM and interview with an official at the Federal Police cybercrime unit, at the federal Police Commission Crime investigation bureau May 20, 2022 at 10:30 AM

### **b) For unfair advantage**

The other reason for committing OSH is to get unfair advantage like sexual favors or money out of the survivor. Perpetrators threaten to post intimate images/ videos of the survivor, that they acquired from their previous relationships with the survivor or by hacking the survivors electronic devices, as a leverage to get money/sexual favors out of their survivors as well as demands money to remove pictures/videos that they posted on social media. Recently a famous artist is a survivor of online sexual harassment where she received a threatening message by telegram that if she doesn't pay 200,000 birr that a naked pictures of her will be all over the internet.<sup>193</sup> Similarly, a case is under investigation in bole police station where a woman is asked to pay money by the perpetrator to take down a post in Ticktok showing the survivor being intimate with her boyfriend.<sup>194</sup>

A respondent also recounted a case where a perpetrator hacked a telegram account of a man and demanded to be paid money by threatening to post the man's wife picture which the perpetrator got as a result of the hacking. The perpetrator then changed his demand to having sex with the man's wife.<sup>195</sup>

### **c) To avoid responsibility**

Yet another reason for committing online sexual harassment is to avoid ones' responsibilities like paternity and paying child support. A mother was threatened by her baby father threatening to post an intimate video (revenge porn) on social media if she tells anybody that the baby is his and/or asks for child support.<sup>196</sup> In addition, it has been made a public knowledge that an Ex-husband of a famous TV personality leaked an intimate video of the latter on major social media in order to discredit her on their ongoing child custody battle.<sup>197</sup>

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<sup>193</sup>Seifufantahun show. (n.d.) Program on an artist sexually harassed. Retrieved from [https://www.youtube.com/watch?v=n0rjPUp\\_4vA](https://www.youtube.com/watch?v=n0rjPUp_4vA)

<sup>194</sup> Interview with an official at the Addis Ababa Police, bole police station

<sup>195</sup> Interview with an official of Public Prosecutors office under organized and trans boundary crimes directorate General at lideta high court office 15 April 2022 at 10:27 AM

<sup>196</sup>HiwotFikiru. (2022). Retrieved from <https://www.facebook.com/groups/715601499249087/permalink/1212249692917596/?mibextid=Nif5oz>

<sup>197</sup> Retrieved from [https://www.tiktok.com/@mtv\\_ethiopia/video/711123459262160133?is\\_from\\_webapp=1&sender\\_device=pc&web\\_id=7101552188871493125](https://www.tiktok.com/@mtv_ethiopia/video/711123459262160133?is_from_webapp=1&sender_device=pc&web_id=7101552188871493125)

Basically, from the above cases and other reasons mentioned in different literatures, perpetrators use OSH to make the other person mentally and psychological stressed so that they submit to their demands. When women face revenge porn or extortion form of OSH, there is no easy way out; submission will make them to be forever slaves to the wishes of the perpetrator and refusing to submit to the demands of the perpetrator on the other hand, the repercussion might be of exposure of intimate secrets/images. Reporting it to law enforcement will not necessarily give redress to the effects of exposure as well. Be that as it may, pursuing the legal avenue is the better evil of all the options women in such kind of situation should consider.

The next sections will deal with the legal and institutional challenges to properly prosecute OSH cases to give justice to the survivor as well as deter the crime from happening again.

#### **4. Legal gaps identified in the Computer Crime Proclamation**

One of the means to fight a crime is to put in place a legislation that criminalizes the act and puts proper punishment for those who transcends the law. Because countries which has no or weak law with respect to computer crimes or cybercrimes tends to be mostly besieged by computer criminals than those countries which has strong computer criminal law.<sup>198</sup>The move by the Ethiopian government to have a separate proclamation to deal with cybercrimes has to be mentioned as a first right step in the fighting against cyber-crimes including OSH.

However, besides the shortcoming of the proclamation discussed in the previous chapter, more gaps will be discussed hereunder. The other gap in the proclamation is that it full of technical words/jargons which make it very difficult for a lay person to understand the law and law enforcement organs to implement it. A respondent described it as “the definition itself needing its own definitions”.<sup>199</sup> One of the purposes of a law is for the public to read and understand what’s expected of him/her as well as know the consequence of breaking the law.

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<sup>198</sup>Supra note 155, p 96

<sup>199</sup> Supra note 195

The law should have been clear and written in a way a lay person understands it. Furthermore, the law enforcement bodies need to understand the element/content of the law for its proper implementation.

*“The proclamation is full of technical words which are very difficult to understand even to the level of having hard time proving the facts of a case fitting the description of the law. For this sometimes we are forced to seek expert witness from INSA in order to give explanation but they rarely oblige.”<sup>200</sup>*

The respondent added not only public prosecutors but sometimes even judges have difficulty of understanding the legal arguments of the parties before them and orders for an expert witness to provide testimonies.

The other problem with the construction of article 13 is that, it lacks a clearly defined boundary which is one characteristics of a law.<sup>201</sup>All the more so, criminal offences should be carefully and narrowly worded and be proportionate to the pursuit of a legitimate aim so that justice is served<sup>202</sup>and that other right of citizens are not unnecessarily restricted. Furthermore, there are several key terms in article 13 of the Proclamation which are left undefined. This vagueness of the article is a big challenge in prosecuting OSH cases. Thus serious consideration has to be given in order to specify the details elements of what constitutes OSH by using languages and terms which doesn't beg for interpretation.<sup>203</sup>

Moreover, intimidation is punishable under article 13 of the proclamation. However what constitutes intimidation or what intimidation means is not defined anywhere in the proclamation. This is also the reason why the article is partly criticized for having a potential of being used for restricting the right to freedom of expression of citizens since there is a possibility where this article can be used by the government to silence journalists, activists or bloggers in the political

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<sup>200</sup>Interview with public prosecutor, July 6, 2022 10:00 AM

<sup>201</sup>Supra note 54, P 69

<sup>202</sup>ARTICLE 19.(2016). Ethiopia: Computer crime proclamation, legal analysis.Free Word Centre, , London EC1R 3GA p. 17

<sup>203</sup>For instance, Article 12 of the Proclamation, which talks about child pornography, is more detailed and clear when compared to the wordings of article 13 as well as in terms of the protection it offers. Same standard should have been emulated in crafting article 13.

field.<sup>204</sup> Thus terms/words of the proclamation needs to be revised and be specific and precise so that the law is not misused for aims other than what it is intended for.

As per the researchers opinion the other gap in the law is the redress it provides. One of the characteristics of a strong law is the punishment it puts for a person who is found in violation of the law. A punishment is supposed to serve dual purposes: as a punishment for the wrong doer as well as deter others from committing similar offences. The punishment provided in the proclamation for crimes like revenge porn is simple imprisonment not exceeding 3 years or fine not exceeding birr 30,000 or both.<sup>205</sup> When determining punishments for crimes,observance of the principle of proportionality is one of the basic requirements of fairness and justice.<sup>206</sup>The principle of proportionality suggests the punishment/penalty for a crime to be proportional to the gravity of the wrong committed.<sup>207</sup>In other words, there must be coordination and balance between crime and punishment in order to ensure justice. To insure the proportionality of the penalty to the act committed, different elements of crimes like the type of crime, the severity of the crime, the extent of the damage, deterrence and justice are considered

However when we look at the punishment provided in Article 13 of the computer crime proclamation, the punishment doesn't seem to take the severity of some of the crimes included in there like revenge porn. The psychological effect of OSH on survivors as discussed in chapter two can reach upto taking one's life. Considering the grave psychological, social and economic impact acts like revenge porn entails on the survivoras well as their loved ones, the punishment needs a revision. The current punishment provided in the proclamation is lenientand can only be considered as a slap on the handespecially when compared to punishment provided in other countries like Kenya<sup>208</sup> which sets a maximum of 10 years for acts of cyber harassment.

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<sup>204</sup>Supra note 197

<sup>205</sup> Supra note 155, art 13(3)

<sup>206</sup>Balmer. T. A. (2008). *Some Thoughts on Proportionality*, Oregon Law Rrview, Vol.87, 783.p. 784

<sup>207</sup>Von Hirsch. A. (1992).*Proportionality in the Philosophy of Punishment*, University of Chicago Press, Crime and Justice, Vol. 16 p. 55

<sup>208</sup>The Computer misuse and cybercrimes Act of the Republic of Kenya, 2018, paragraph 27

Thus article 13 needs to clearly show which acts of OSH are criminalized and put a penalty for each act that reflects their severity.

A case where it shows the minimal application of punishment by courts is a case (Pp file no.44/11), where a 22 years old young man, who is an 8th grade dropout currently working as shoe shiner and weaver at ShiroMeda, sexually harassed a woman through Facebook. The young man be-friended a woman who lives in Beirut and they started chatting. After they chatted for a while he asked her to send him nude pictures of her and she did a couple of times. After a while she stopped talking to him and blocked him saying that she is a family woman having a husband and kids. Then he told her that he will post her nude pictures on Facebook unless she pays him 30,000 birr. This put her in an immense psychological pressure as she fears that her marriage is in danger and her husband might inflict physical damage on her if he finds out. As a result, she came to Ethiopia and reported the case to the police. The police investigated and tracked the guy and brought him to justice. The man after pleading guilty was sentenced to 1 year and 2 months prison time. When considering the punishment given by the court, the researcher believes that it is very minimal and insignificant when compared to the psychological stress it caused on the survivor as well as the economic implication the blackmailing and coming into Ethiopia have caused.

Thus, having a law is not enough by itself. A law which is ambiguous and difficult for implementation with weak punishment schemes will encourage future perpetrators in addition to enabling perpetrators to manipulate the law or use its loopholes to get away with their crimes. In the other hand it will discourage survivors to use the internet due to fear of harassment as well as discourage who are already survivors of the crime to come forward to law enforcement allowing the continuance of the commission of the crime and victimizing more women.

## **5. Challenges in the enforcement of the law**

As discussed in the previous chapter, the government has put in place different institutional mechanisms for the enforcement of the law. This section will discuss the challenges

faced by the major stakeholders identified for the investigation and prosecution of OSH in the Computer crime proclamation.

**a) Federal police**

According to the computer crime proclamation, one of the major organs which were given the power to investigate cybercrimes together with the public prosecutors is the federal police. It is the cybercrime investigation unit of the federal police that is responsible to investigate OSH cases. According to a respondent<sup>209</sup> they receive and investigate OSH against women (mostly revenge porn type which showed an increase through time) under the unit and request support from INSA if the investigation needs more expertise.

However, the cyber-crime unit with only 6 officers and limited resource in the unit to handle every cases related with cybercrime is overwhelming and has impact on timely investigation of cases.<sup>210</sup> Moreover the limited man power the unit has not received the required training to investigate cyber-crimes since working in the unit doesn't necessarily require one to possess skill and knowledge in cybercrimes or information technology in general.<sup>211</sup> Some training has been given by INSA, UN and IGAD but was not enough.<sup>212</sup>

Cybercrimes, due to their unique nature, are difficult to investigate even to those law enforcement agencies which are presumed to have advanced technological capacities.<sup>213</sup> In prosecuting OSH, the vital element is finding evidence which required a skill in ICT and advanced technology. When the organ that is responsible for the investigation is ill equipped with technology and expertise, the challenge will be enormous possibly leading to the level of creating a safe haven for criminals. The Ethiopia's law enforcement bodies rely mainly on conventional investigation methods of fighting ordinary crime in order to investigate and

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<sup>209</sup>Interview with an official at Federal police investigation unit for financial transaction crimes, at the federal Police Commission Crime investigation bureau May 20,2022 10:30 AM

<sup>210</sup>Interview with an official at the cyber-crime unit, at the federal Police Commission Crime investigation bureau May 20,2022 10:30 AM

<sup>211</sup> Ibid

<sup>212</sup>Interview with Federal police officials. Supra note 172

<sup>213</sup> Supra note 186, P 94

prosecute cyber criminals.<sup>214</sup> This will make the fight against all OSH and other cybercrimes a futile exercise.

Acquiring evidence in OSH cases require IT based technical investigative knowledge as well as advanced technology which enables to investigate the crime thoroughly. This is especially true as cyber criminals are becoming highly sophisticated, demanding a highly equipped law enforcement organ in order to bring them to justice.

*“Since cyber-crime are dynamic in nature, having a skilled man power which is trained in investigating cyber-crimes and having advanced technological gadgets and software available in institutions which investigate cyber-crimes plays a vital role in curbing the crime”.*<sup>215</sup>

The case of a medical student<sup>216</sup> who is a survivor of an online sexual harassment will be a perfect example for this. The respondent stated that she has been harassed by a Facebook account that is opened in her name. She recounted her experience as

*“That time was the worst time of my life. It was both stressful for me and my family. At that time, I was a 3<sup>rd</sup> year medical student. When I got the first call from an unknown male, I was sleeping because I had a very important exam the next day. The man said why are you asleep while posting that kind of message? I was confused since I don’t have a Facebook account and told him he must have the wrong number. However, after I hang up the phone a couple of unknown people and my friends started calling. Then my friends explained that an account by my name and picture has been opened and a message sexual in nature was posted with my number on it so that anybody interested could call. I couldn’t sleep after that and was unable to focus on my exam the next day. To this day I am reminded of the effect of the crime since I didn’t score the required grade to follow my dream specialization even if I was a top scorer in the campus. Went to the police and*

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<sup>214</sup>Supra note 149, P 14

<sup>215</sup>Interview with an official at INSA information security legal department, June 12,2022 10:00AM

<sup>216</sup>Interview with Seble, survivor of online sexual harassment, Jan 20, 2022. (The researcher used pseudonyms for the survivors in order to protect their identity)

*INSA and reported my case together with the people I suspected of doing that but they failed to get a concrete evidence to determine the perpetrator even if the Facebook account was still active. The case is closed until concrete evidence is acquired but the likelihood of finding evidence after 5 years is very slim so i gave up on the legal process and left it to God.”<sup>217</sup>*

Another case which is closed by the public prosecutor due to lack of evidence involves a guy who is blackmailing a girl with an intimate video which he recorded without her knowledge.<sup>218</sup>The respondent explained that

*“the guy met the woman when she came to Addis for visiting her family since she lives and works in a middle east country. During her stay they had started a relationship which continued through social media after she left. After a brief stay she didn’t like how things are going since he started to ask her to send him money and other things. So she decided to end the relationship. However, after she told him it was over, he sent her a video of them being in bed during her stay in Addis and threatened her that if she doesn’t send him what he is asking that he will disseminated the video through different social medias. The woman sent him the money but the blackmail didn’t stop. Then her family brought the case when they found out that she is contemplating to end her life because of the blackmail. After police investigation, the perpetrator got caught by the police and the video was found on his phone. However, the guy insisted that it was consensual and the money she send him was out of good heart and because they were in a relationship. Since possession of a video is not punishable by the law, the blackmailing message was wanted as evidence. But because the perpetrator has deleted the message and INSA couldn’t retrieve it, the case was closed.”*

From the above cases, it can be seen that acquiring an evidence play a very important part in getting the perpetrator punished. Thus this is an indicative that at most effort should be exerted

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<sup>217</sup> A program on the story can be watched at Addis Ababa police TV program.(n.d.)ወሲብኒ.ዲዮዋለቀቀችውወጣት፣ፓሊስ፣ፕሮግራምላይቀረብኛ. Retrieved from <https://www.youtube.com/watch?v=YoSq7fChyR4>

<sup>218</sup> Interview with a public prosecutor 8, 2022 11:30 AM

in training officers who investigate OSH and other cyber-crimes to elevate their skills and knowledge in order to investigate and find evidence as well as equip investigation units with the most advanced technology in the field. Otherwise women will be left with life altering effect of OSH.

Another problem observed by the researcher is the entertainment of OSH by Addis Ababa police. The proclamation gives the investigative power specifically to federal police and the public prosecutor when it comes to cyber-crimes. Even if sometime Addis Ababa Police deals with OSH by specific delegation from the public prosecutor, there are times cases are entertained without delegation. The researcher is of the opinion that this poses risks to the successful investigation of OSH. Lack of knowledge of the existence of the relevant law, limited or no investigative skill on cyber-crimes and the level of cooperation from INSA will greatly affect the outcome of the case. A case of OSH being investigated at Bole police station confirmed this point. A perpetrator was demanding money from the survivor to take down a video he/she posted of her with her boyfriend kissing under the influence of alcohol together with intimate messages. The investigative officer tried her best to investigate the crime but she only could do little since the investigation requires specific technical expertise and tools. Moreover INSA's cooperation is nil when it comes to Addis Ababa police.<sup>219</sup>

Similarly, the researcher has also come across an OSH case entertained by another department other than the cyber-crime unit in the federal police commission. This kind of things might seem simple but have a huge impact on the successfulness of the case. Thus all law enforcement organs need to be made aware, the relevant law when it comes to OSH and who as well as by whom the investigation is going to be made.

#### **b) Public Prosecutor**

When reading the computer crime proclamation, one would get the feeling that the legislator wanted the public prosecutor to have the driver seat in the investigation of cybercrimes. It is always good to have one organ designated to overlook the implementation of certain legislation. However, that overseeing organ needs to have the expertise in the area where it is

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<sup>219</sup> Interview with Addis Ababa police, Supra note 194

mandated to lead. Lack of relevant expertise and skill to investigate cyber-crimes in addition to technicality of the computer crime proclamation poses a major hurdle to public prosecutors in entertaining actual cases of OSH.<sup>220</sup>

*In Ethiopia, due to fairly easy internet access OSH cases specially renege porn cases are on the rise. However, when it comes to OSH against women, impunity is more the rule than the exception. One of the major reasons attributable to this is lack of evidence, which is due to lack of the necessary technical ability of law enforcement organ, lack of the necessary cooperation and capacity of INSA as well as sophistication skills of perpetrators.*<sup>221</sup>

For instance the requirement of proving the dissemination or transmission of the intimidating picture, video or writing by the perpetrators in article 13 is found very difficult to prove given the technological development/advancement and professional capacity that law enforcement has at the moment.<sup>222</sup> Not only dissemination, the technological advancement that INSA has reached doesn't even allow it to retrieve deleted message nor can they prove a certain message came from a certain internet user/phone. Moreover, proving who actually transmitted a certain material is a herculean task even if it is one of the vital factor in determining the perpetrators of online sexual harassment.

An infamous case in which a single person sexually harassed more than 150 women using telegram and Facebook is a perfect example for the above mentioned points.<sup>223</sup> The perpetrator used different tactics to sexually harass many women, most of whom lives in his neighborhood and had different social interactions with, including hacking their telegram account, friended them on Facebook (with his own account and other fake ones) and telegram so that he get access to their pictures and get other information. And once he got access to the women' pictures, he cropped their faces and attach it to the naked bodies of women in the internet to make it look

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<sup>220</sup> Interview with public prosecutors, Supra note 195 & 200

<sup>221</sup> Interview with public prosecutor, (18 May 2022) at 9:30 AM

<sup>222</sup> Interview with public prosecutors, Supra note 195

<sup>223</sup> NahooGuday. (n.d.) 200 ስ.ቶቸንበወሲ.በንግድላይያሰማራውወጣት. Retrieved from <https://www.youtube.com/watch?v=5Dvq70McM04&t=320s>

like naked bodies of the survivors and sends the edited pictures to the people in the survivors' contact (including employers, family members, colleagues and friends) using the hacked (survivors') telegram number as well as post the women's picture on public websites with their telephone number saying that anybody who wants a sexual relation with them to contact them and repeatedly sending harassment messages to the women. The perpetrator was apprehended later by the police with the help of evidence acquired by IT skilled individuals from among the survivors' family.

A respondent from public prosecutor who is handling the case stated that police investigation unveiled cropped pictures of the women who have been victimized by the perpetrator together with the sketch of cropped pictures, revealing pictures of other women who didn't come forward were found in the suspect's computer as well as different SIM cards he used to hack the women's phones in order to get access to their telegram account. However, since the law requires evidence of transmission not possession of the materials and transmission of the material from his phone cannot be proven by law enforcements since he used the women hacked telegram to send the materials and the only institution that can do that is the company which runs telegram, the perpetrator is out on bail. Moreover, this kind of crimes are punishable by complaints<sup>224</sup> so law enforcement cannot include those women whose pictures were found in the perpetrators computer in the investigation.

The technology that the world has reached has enabled 1 person to affect this many women. It is a sad truth that survivors are forced to live with the consequences of the crimes while the perpetrator is living his life without any consequence. Contributing factors to this outcome is a combination of the law, technical capacity of our law enforcement as well as lack of establishing cooperation with different social media companies that this many women were affected by a single person and enjoying his freedom while his survivors are still suffering from the psychological trauma.<sup>225</sup>

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<sup>224</sup> Supra note 155, art 13(3)

<sup>225</sup> Interview with public prosecutor, supra note 200

The Federal Attorney General is empowered to establish international cooperation with other countries as well as organizations with regards to matters concerning computer crime, including for exchange of information, joint investigations, extradition and similar matters.<sup>226</sup> Since the nature of cybercrimes are borderless and that major social media companies are located abroad, forging cooperation with these companies or with the country where they are registered as well as other countries will help tremendously in getting evidence as well as taking immediate action in order to avert further victimization. Because there are actual cases where women fall victim to OSH committed by perpetrators living abroad but couldn't get help/justice from law enforcements since there are no established working relations with major social media companies.<sup>227</sup>

It is the researchers' belief that forging some form of working relationships with other countries and relevant organization as well as companies is very important. Establishing cooperation with social media platforms, especially those with huge consumer bases in Ethiopia such as Facebook and telegram, could be very crucial in tackling online sexual harassment. This cooperation might also bring other added benefits like providing opportunities for Ethiopian law enforcement organs to receive support from these countries organizations in terms of equipment and trainings as well as experience sharing.

Besides creating an international cooperation, the Federal Attorney General is tasked with establishing a National Executing Task Force<sup>228</sup> which was supposed to be composed of the Federal Attorney General with members from the Federal Police Commission, and other relevant bodies. Even if the benefit of establishing this task force is immense in preventing and protecting as well as investigating cybercrime in an organized manner, the said task force is not yet established.

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<sup>226</sup> Supra note 155, art 42

<sup>227</sup> Interview with public prosecutor, Supra note 195

<sup>228</sup> Supra note 155, art 41(2)

### c) INSA

Evidence, as was mentioned in the previous section, plays a major role in successfully handling cases of OSH. As per the Proclamation, the power of investigating cybercrimes in general (including online sexual harassment) is given to two entities which lack the necessary technical knowledge to handle cybercrimes. Due to its sophisticated nature of cybercrimes, it is very difficult if not impossible for any person without the technical expertise to investigate cybercrimes. The one and only organ that is believed to possess the necessary manpower with expertise (with limitations) in Ethiopia is INSA. However, the proclamation instead of giving INSA the primary responsibility of investigating cybercrimes, it minimized its role to a supportive one.

The fact that the Proclamation restricting INSA's role to sheer provision of technical assistance,<sup>229</sup> shows how the legislator underestimated cybercrimes. The sophisticated and dynamic nature of cybercrimes needs technically equipped professionals to investigate the crime for a better outcome.

*“Even though INSA is believed to be equipped with the technologies better than other law enforcement organs, their lack of cooperation is a major problem”.*<sup>230</sup>

The researcher tried to interview INSA forensic investigation department representatives so as to hear their side for the lack of cooperation with other law enforcement organs and the general investigation process with regard to OSH. Unfortunately, such an interview as well as written answers did not materialize despite repeated efforts. However, a respondent from INSA legal department<sup>231</sup> stated that,

*“as a sole institution being in charge of cyber security, the institution is loaded with several cases and it is working beyond its capacity. Cybercrimes against women with sexual nature is on the rise and cyber criminals are also becoming more sophisticated in their commission of the crime that even law enforcements are having a hard time*

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<sup>229</sup> Supra note 155, art 23 (2)

<sup>230</sup> Interview with Public prosecutor, Supra note 195 and 200

<sup>231</sup> Interview with INSA, Supra note 216

*investigating. This, in addition to most of internet users being new to the technology and unaware of the crimes that can be committed using internet, exacerbated the problem.”*

Moreover, INSA organizes special trainings for those units which works on cyber issues in different law enforcement organs like the federal police with the aim of equipping those organs with necessary tactics of investigation and which in turn help to decrease the work load of INSA. The researcher is of the opinion that even if training officers from other law enforcement organs is good, only a certain amount of evidence can be achieved. Having skill needs to be supported by technology in order to be successful. Thus continuous training needs to be given and until other organs are equipped with the necessary technological equipment, INSA needs to increase its capacity and help in the investigation of OSH as far as it can because the effects of the crime on the survivor transcends personal harm and could affect the country at large.

## **6. Effects of OSH**

OSH is a global issue denying women their right to enjoy fundamental freedom, dignity, equality, self-worth, and security. Women at any stage in their lives can be survivors of online sexual harassment and suffer a huge impact on their lives, their personal health, their psychological health, their self-worth, and affects the safety of their families and even their ability to earn a living.<sup>232</sup>

The finding of this research also reveals that survivors face multifaceted psychological as well as physical harm apart from the violation of their human rights. The research respondents, apart from those who totally stopped using social media, have explained that they always have anxiety using social media. They fear that the same problem would happen all over again. The effect that OSH leaves is not something that is forgotten within a short period of time if at all it is forgotten.

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<sup>232</sup> Supra note 5, p 28

Despite the distance between the perpetrator and the survivor, the magnitude of the psychological effect OSH on the survivor is something that shouldn't be looked at lightly. A respondent<sup>233</sup> explained her ordeal as

*“While I was in the university, me and my friends used to spent a lot of time chatting with different guys since there was nobody to monitor us in campus, we were boy crazy and generally we were enjoying our freedom away from our families. It is then that I started chatting with a guy who had a profile picture of the famous singer. He claimed he was the singer and also told me some believable stories. Since I was a huge fan I was happy to talk to him. Our chat became daily and started to get flirtatious. I was convinced it was him so I was happy that a famous person was interested in me. That is why I didn't hesitate to send him naked pictures of me when he requested it. Then after a while he wanted to take the “relationship” into a physical one. I hesitated since I haven't had that kind of a relationship with anyone before. I don't know whether he got tired of convincing me or thought that I would eventually find out who he really is, one day he just texted and told me he is not the singer that he claimed to be but if I don't comply with his demands including sexual relation he would send the pictures to my mother as well as post it on social media for the world to see and ruin my life. I thought my life was done right then and there. I blamed myself, I ask guy why me, the thought of the pictures being shared with all to see is too humiliating specially I thought of the things this kind of news would do to my mother who raised me without a father and sacrificed so many things for me.. Thus I saw no way out other than comply with his demand.”*

She<sup>234</sup> further explained that complying with his demand didn't make her feel better but hate her life, put her into a deep depression, affected her grades and hate all men. She regretted her decision and always wonders if she would have felt any worse if the pictures were posted.

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<sup>233</sup> Interview with soliana, survivor of Online sexual harassment, May 15,2022

<sup>234</sup> Ibid

*“My self -worth was diminished and even if the perpetrator stopped making demands a while ago I still live in fear because I don’t know whether he will start his demands again”.*

Similarly a respondent<sup>235</sup> who submitted to a sexual relation with her former boyfriend because of his threat to post a video of them being intimate explained that she feels like a slave to him.

The emotional stress and how survivors respond to the threat or the act differ from survivor to survivor. It might be easy for people to judge on how the above survivors responded to the perpetrators’ demand. However, they are the only ones who know the psychological trauma the act caused them. Moreover, sometime the psychological effect is so severe that it might reach up to self-harm. A participant from Addis Ababa in a research by Pollicy explained that she dropped out of the university and tried to take her own life because of the shame she felt by the OSH. Her life was spared only because her parents send her abroad.<sup>236</sup>

In the case where 1 person harassed more than 150 women, the survivors have experienced different effects including *humiliation, stress*, loss of weight, paranoia as well as mental health issue. Moreover, to one of the survivors the OSH had escalated to physical sexual assault.<sup>237</sup>

*Once you become victim of OSH, your mind won’t forget the experience. It will always stay at the back of your mind especially when you use social media or when an unknown number calls you. All you think about is what if that person who is impersonating me and posted my number is doing the same thing again”*<sup>238</sup>

This was the concern of a respondent who is forced to change her phone number to avoid unknown men from calling after a perpetrator created a Facebook impersonating her and posted

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<sup>235</sup> Interview with Beza, survivor of Online sexual harassment, July 20,2022

<sup>236</sup> Supra note 5, p 29

<sup>237</sup> Supra note 224

<sup>238</sup> Interview with Betelehem, survivor of Online sexual harassment, August 13,2022

her phone number. This is a manifestation of long term effect of OSH on the survivors' lives. The act also leaves survivors to live in constant fear and contemplation of what would the person do next.<sup>239</sup> A woman<sup>240</sup> who was continuously harassed by email expressed her concern that

*“I always look around when I walk alone in the street, go to restaurants or anywhere in public because I fear that whoever is emailing me might do harm on me”.*

The psychological effect of OSH is felt by the survivor whether the material posted is true or not. A respondent<sup>241</sup> whose cropped picture together with defamatory writing was posted with a fake Facebook account stated that

*“It really doesn't matter whether what was written about you is false or the pictures are photo-shopped. It still affects you psychologically. It is only you and probably the people close to you that know the truth. Others will still think that what is written about you is true. And the overall fact is that being associated with this kind of stuff affects you greatly.”*

A survivor of OSH has been fired from her work because the employers thought that what they saw is true even though it's a photo-shopped picture of the survivor.<sup>242</sup> This is not the only case where OSH affects the survivors' work. A respondent<sup>243</sup> who is hired in an esteemed government office has been sexually harassed through messages in Facebook and through email. At first she thought it was a friend who is making a joke on her, however, the message intensified and the content of the message grew from commenting on her dress and body into asking for sexual favors. She said until she found out who it was she was in constant fear thinking whether it was the guy in her neighborhood, the person she met at an event, the person that she meets at the taxi that is doing this to her or what the harasser might do next. After a while she said she found out that it is her supervisor who is messaging her. He did confirm that it was in fact him who is sending her the messages when she confronts him. This, however, didn't

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<sup>239</sup>Interview with Muna, survivor of Online sexual harassment, March 3, 2022

<sup>240</sup>Interview with Liya, survivor of Online sexual harassment, May 02, 2022

<sup>241</sup>Interview with Blen, survivor of Online sexual harassment, Feb 16, 2022

<sup>242</sup>Supra note 224

<sup>243</sup>Interview with Rahel, survivor of Online sexual harassment, August 10, 2022

stop his harassment and he kept on sending her messages nonetheless. The girl was not sure as to what to do since she didn't know that this type of behavior is punishable by law and what her faith would be if her supervisor found out that she went to law enforcement. She said she was so depressed and was contemplating of leaving her job, which she loves and worked hard to get in, before she got the courage and manages to record her harasser by her phone and submitted her recording to Human Resources. She explains, the ordeal affected her work, her performance as well as her relation with her family since she was depressed and angry all the time.

Another respondent also confirmed the effect of OSH on her work among other things. The respondent<sup>244</sup>, who is married and have children, who have been blackmailed by a person she used to chat on FB, explained that

*“during that time I thought my world was crumbling. I was in a very bad shape psychologically and physically. I was afraid that I will lose my marriage and scared of the humiliation that would bring on me and my respected family. My health was also affected because i started skipping meals as a result of the stress. My work (private work) was also affected since I couldn't focus on my work.”*

OSH not only affects work life but has also the potential to change the life path of a survivor. The medical student<sup>245</sup> who shared her story with the researcher has expressed that she feels the effect of the crime to this day since she didn't score the required grade to follow her dream specialization at that time even if she was a top scorer in the campus before the crime. In this case, if that incident wouldn't have happened, the survivor would have studied what she wanted and become more successful.

Furthermore, the impact of OSH can extend to the social relationship of the survivor. A respondent,<sup>246</sup> who shared her story with the researcher, stated that someone which she didn't know hacked into her telegram and got access to her pictures (semi naked pictures) that she sent to her partner/boyfriend. The hacker asked for money threatening to post her pictures on social

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<sup>244</sup> Interview with Helen, survivor of Online sexual harassment, Feb 18, 2022

<sup>245</sup> Interview with Seble, supra note 217

<sup>246</sup> Interview with Muna, Supra note 240

media where everybody could see it. She said she was unable to pay so he posted the pictures on FB and telegram channel with her phone number. She said her immediate reaction was panic, shock and embarrassment. She stopped using FB and telegram as well as changed her phone number. But before she knew her telegram was hacked she got into a huge fight with her boyfriend thinking that he or his friends might be the ones who posted the pictures. And it really took a toll on her relationship after that. Similar experience was felt by another survivor who suspected the people around her as the ones who posted her photo-shopped picture on FB.<sup>247</sup>

Thus, it is safe to conclude that apart from violating women's right to work and live free of fear and harassment, OSH touches so many social and economic aspects of the survivors' life.

## **7. Reasons for under reporting**

Even if the survivors suffer immensely from the effects of online sexual harassment, they seldom report it to law enforcement bodies. This is often due to reasons ranging from culture of silence, normalization of the crime, lack of awareness as to the law, fear of reprisals, feeling ashamed, stereotypes blaming the survivor instead of the perpetrator etc. There is also the issue of providing evidence to prove once case which can be challenging most of the time.<sup>248</sup>

A research/study which assessed the prevalence of sexual violence and associated factors among female students at DebreBirhan University showed that sexual harassment was the most common form of sexual violence experienced by female students and that most of the survivors (98.3%, n=60) did not report to the legal authorities because of not knowing of what to do, fear of shame, fear of parents' response, and fear of the perpetrators.<sup>249</sup> Moreover the absence of structured reporting mechanisms contributes to the under reporting of online sexual harassment, as well as creates lack of data as to the extent of the effect of online sexual violence.<sup>250</sup>

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<sup>247</sup> Supra note 224

<sup>248</sup> ILO.(n.d.).Sexual harassment in the world of work. Retrieved from [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms\\_738115.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738115.pdf) p.2

<sup>249</sup> Hassen S, Mohammed B (2016). Sexual Violence and Associated Factors Among Female Students at DebreBerhan University, Ethiopia. *Cureus* 13(7): e16189. doi:10.7759/cureus.16189

<sup>250</sup> CIPEASA.(2022). Combating Online Violence Against Women and Girls Towards a Digital Equal World. Retrieved from <https://cipesa.org/2022/03/combating-online-violence-against-women-and-girls-towards-a-digital-equal-world>

The following section deals with the researcher's findings as to why survivors underreport the crime of online sexual harassment.

**a) Lack of awareness**

Some survivors are unaware that the act is punishable by law and will consider it as a way of life that she has to endure. Many women are uninformed of their rights online and are not aware of the tools available to secure themselves online.<sup>251</sup> Even if there is a law that punishes such acts, if the survivor doesn't know its existence, they won't be able to enforce their rights. A participant in the research made by Pollicy stated that women like her who became survivor of different forms of OSH either don't know it or normalize it.<sup>252</sup>

A respondent<sup>253</sup> whose story was discussed in the above section who was hired in an esteemed government office didn't take the case to the police because she didn't know that the law would have provided redress for such kind of harassment. Similarly another respondent<sup>254</sup> didn't know that such acts are punishable by law.

**b) Public shame/humiliation**

The other reason for not reporting crimes of online sexual harassment is the fear and shame that if they report a case and the case goes to court more people is going to hear about it. In addition, one of the factors that is contributing to the increase in number of OSH is lack of awareness of crimes that can be committed online and the lack of awareness as to how to protect oneself in the online sphere.<sup>255</sup> When survivors are tricked into sending pictures or have been hacked and become survivor they most of the time blame themselves for the commission of the crime.<sup>256</sup> So they believe that if people hear about the crime, they will be blamed and humiliated bringing shame to them and their family.

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<sup>251</sup> Supra note 5, p 17

<sup>252</sup> Supra note 5, p 24

<sup>253</sup> Interview with Rahel, Supra note 244

<sup>254</sup> Interview with Betelehem, Supra note 239

<sup>255</sup> Interview with public prosecutor, Supra note 195

<sup>256</sup> Interview with public prosecutor, Supra note 219

A case<sup>257</sup> that is brought by a famous public figure that was cat fished and blackmailed is an actual case that can prove the above case. The survivor who sent a naked picture to a fan turned lover was blackmailed to send money to prevent the naked pictures from being posted online. The survivor paid once but the demand for money continued. The survivor reported the case and eventually the perpetrator was apprehended. Even if the survivor suffered psychological stress and lost monetary value, she pleaded with the court to close the case in order to save her from public humiliation. The judge then decided to close the case after ordering the perpetrator to delete all the pictures and videos.

Another respondent<sup>258</sup> explained her case as

*I made a terrible decision 3 years back when I started to chat with a guy I met on Fb. Even though I was married, due to different personal problems in my marriage I used to chat with men. I don't know what I was thinking at that time, got close to one of them and through time sent him naked pictures of mine. I know that was foolish of me but at that time he was giving me all the attention in the world which is lacking in my marriage. After a while he wanted to have physical sexual relationship and I stated that I was married and refused. To my dismay, he started sending threatening messages that if I don't comply he will send the picture to my husband and post it on FB. I thought my world was crumbling. I was in a very bad shape psychological and physical thinking that I will lose my marriage and the humiliation that would cause me, my children and my respected family. I didn't report my case fearing that if I went to the police my husband will find out about the case, divorce me, use this to have custody of my kids and not to mention the rumors once the reason for my divorce gets out.*

### **c) Re-victimization**

Survivors don't want also to re live what happened to them, especially in front of many people. In bringing the case to court, they will be a witness and also the evidence whether a picture or video might be shown in court.

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<sup>257</sup> Even if the case is decided, the researcher couldn't access the file because of the plaintiff being a public figure

<sup>258</sup> Interview with Helen, Supra note 245

A respondent<sup>259</sup> affirmed this point by explaining that the system in place allows re-victimization because the survivor may sometimes needs to testify on behalf of her case in front of many people at the court. Moreover, evidences like intimate videos and pictures which are submitted as evidence has to go through many court clerks, in order to be sent for the defendant, which sometimes view the content out of curiosity. The respondent mentioned an instance where she asked the court to allow her only to show the video in court without the mater being sent to the suspect as evidence but the court denied her request citing that it would violate the constitutional right of the defendant.

**d) Lack of awareness of the law by enforcement organs/negative attitude of law enforcement bodies**

Sometimes survivors don't report their cases to the police since the response from police is not welcoming. A respondent<sup>260</sup> stated that she was a survivor of OSH where an account was created by her name and different cropped picture together with defamatory messages were being posted. She said she went to a nearby police station and tried to report the incident. However, the officers didn't know what online sexual harassment was and downplayed the act and refused to take her complaints. "They need major training first on how to treat people and about different type of crime," she said. Furthermore, she added that the setting in the police station was not survivor friendly since she had to talk to the officer as to what happened to her in front of other male officers. She said she regretted going there and never went to the police station again. Rather she asked her friends on FB to report that page and eventually FB blocked the account

The researcher can attest to the downplaying of the act from similar personal experience and lack of knowledge of the applicable law during different interaction the researchers have with law enforcements while doing this research. However, the researcher observed a changed and positive attitude among law enforcement organs than 8 years back.

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<sup>259</sup>Interview with public prosecutor, Supra note 195

<sup>260</sup>Interview with Blen, survivor, Supra note 242

**e) Fear of reprisal**

Most of the time perpetrators threaten to post pictures and videos online or threaten to send them to family and friends unless their demands are met. Thus survivors tend to comply with the demand than report the case to law enforcement fearing that the perpetrator will do what they threatened to do and humiliate them if they try to get justice without complying with their demands. A respondent<sup>261</sup> who thought the perpetrator was a famous singer and being blackmailed into having sexual relation with the perpetrator didn't report her case because of fear of humiliation specially facing her mother

**f) Lack of confidence in the legal system**

People go to law enforcement when they believe that they will get the appropriate justice. However, if they think that the process won't give them justice they will resort to something else. The absence of laws designed to specifically address various forms of digital violence and the lack of sufficient in-country reporting mechanisms, often result in many women being forced to solve the problem by themselves.<sup>262</sup>

Moreover, when survivors think that the punishment is less, they tend to not report the case because they believe that the lengthy court process will not be worth sacrificing valuable time and money as well as reliving the incident while the perpetrator gets away with a slap on the hand.<sup>263</sup>

A respondent<sup>264</sup> whose telegram was hacked didn't go to law enforcement because a family and friends have convinced her that the police won't help her unless she has strong evidence.

**g) Stereotypes blaming the survivor instead of the perpetrator**

Women often prefer not to report crime for fear of social repercussions<sup>265</sup> The survivors of online sexual harassment, who are most of the time women, suffer quietly as the laws and

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<sup>261</sup>Interview with Soliana, Supra note 234

<sup>262</sup> CIPESA.(2020). In Search Of Safe Spaces Online: A Research Summary.Retrieved from [https://cipesa.org/?wpfb\\_dl=404](https://cipesa.org/?wpfb_dl=404).

<sup>263</sup>Interview with public prosecutor, Supra note 222

<sup>264</sup>Interview with Muna, supra note 240

society tend to focus on the cultural and moral aspects of any given incident. We live in a patriarchal society where people focus more on whom the crime happened to than who did it and refer the survivor by the crime that happened to her instead of her name. Thus all this will contribute to the lack of reports on online sexual harassment and other crimes

Women are generally advised to “not feed the troll”, to “change their privacy settings” or to “go offline for a while” which led to normalization of the crime while covering up the survivors’ perspectives.<sup>266</sup> People also advise a woman “not to share intimate or private images” however pictures might be obtained simply through illegally hacking and internet-enabled devices. Moreover, this is a wrong way of thinking in which blame is shifted from the perpetrator to the victim. This kind of victim blaming by the society gives entitlement to the perpetrator over the victim and validates his action. Victim blaming and normalizing of online sexual harassment is and will result in silencing women and will lead to a continuum of violence against women. Thus in order to make a real change and influence law makers towards OSH, these dangerous and problematic mentalities of the society has to be changed.

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<sup>265</sup> Combatting Online Violence Against Women & Girls: A Worldwide Wake-up Call.(2015). Retrieved from <https://en.unesco.org/sites/default/files/highlightdocumentenglish.pdf> p.2

<sup>266</sup> Supra note 41, p. 21

## Chapter 5

### Conclusion and Recommendation

#### 1. Conclusion

The internet is revolutionizing our society by creating vast new opportunities for people and making it easier to connect, cooperate and share information with one another. In this era, people share so many aspects of their lives on the internet like their job, address, relationship status and so much more. This dependency and openness on the internet as well as the fast rate of technological advancements in tools that could bypass securities, however, made it very easy for cyber criminals to target individuals.

Women as any other member of the society use the internet, among other things, as a source of education, information, entertainment, sharing of their ideas, to make their voice heard as well as raise awareness on gender based violence. Even if these are positive sides of the internet, on the other hand, the internet has enabled and opened up new ways of committing crimes that are more complicated and devastating to unsuspecting women. One of such crimes is online sexual harassment.

Online sexual harassment is becoming one of the major crimes being committed against women. Just like sexual harassment committed elsewhere, online sexual harassment has no one definition but has a characteristic of sexual behavior/conduct which is unwanted and not reciprocated by the women. However, what makes online sexual harassment more dangerous and harmful is that it uses online platforms as a means for the commission of the crime. These online platforms give the perpetrator particular advantage like anonymity, accessibility and affordability which leaves the survivor in a state of constant fear and re-victimization because of easy distribution and permanency of data on the internet. OSH can also take different forms and the major ones include sharing of non-consensual video/picture, exploitation, coercion and threat to participate in sexual act, cyber sexual defamation and unwanted sexualization which include receiving unwanted comments, jokes etc

Online Sexual harassment is not a local phenomenon, but exists in all countries and cultures, although its perceptions and judgment significantly differ from one culture to another. Even though the crime violates many human rights of the survivor in addition to affecting her psychologically, socially and economically, there is a misunderstanding of the act characterizing it primarily as nonphysical act and considering it as a lesser form of sexual violence. Therefore, it has received significantly less attention which forced women to suffer yet violence in silence.

One way of fighting this dangerous crime is through having a strong law. However, International and regional human right instruments that give legal protection to women in cases of crimes committed by cyber space came short when it comes to protecting women from the evil deeds of the internet. The instruments don't specifically mention the crime but try to include it among other violence committed against women through general recommendations. The protection they provide falls short of dealing with the extent of the problem since those recommendations are not binding. In order for women to use the internet as anybody else and to get the most out of it, creating an environment where women feel confident and safe is very important. One way of protecting women and fighting this type of crimes is to have a strong legal instrument which includes the unique features of the crime into it. This will also help countries to cooperate in the fight against OSH since it's a borderless crime.

Besides international and regional legal instruments, individual countries including Ethiopia have adopted their own national laws and policies to fight cyber-crime including online sexual harassment. Nowadays it is becoming common to see women being sexually harassed online in Ethiopia. Expansion in ICT sector and availability of technological gadgets as well as fairly lower internet cost coupled with the lack of awareness of the problem and safe way of using the internet by women have contributed to the rise of online sexual harassment against women in Ethiopia.

Ethiopia has promulgated different policies and laws as well as put in place different institutional mechanism to fight against cyber-crimes including OSH. The most relevant legal framework that could be applied in cases of OSH is the Computer crime proclamation. The proclamation included specific cyber-crimes as well as procedures to be applied to cybercrimes

given the peculiarity and novelty of these which was lacking in previous laws like the criminal code.

Even though, adopting a proclamation to fight the ever growing cyber-criminal activities including online sexual harassment in the country is a right step in the right direction, much more work is needed to curb the commission of the crime since its effects on the women is not something be underestimated. The effects of OSH are multifaceted and impact the psychological, social and economic aspect of the survivors' life. The work has to start by revising the existing vague, technical and general provision of the proclamation since it doesn't sufficiently cover existing crimes like different forms of OSH as well as emerging form of online sexual harassment nor does it provide the required punishment so as to deter the commission of the crime.

Moreover, merely criminalizing online sexual harassment does not automatically provide the remedy to survivors nor does it eliminate the violence, it has to be backed up by the necessary institutional mechanisms to implement it. The current setup and capacity of the law enforcement organs which are in place are not up to par to give the necessary solution to the problem. The institutions suffer from lack of resource, capacity and trained manpower. In addition, lack of cooperation and coordination between the law enforcement organs as well as insufficient awareness to the crime/ applicable law exacerbated the problem. Such a state might lead to the underreporting of crimes by survivors and provides fertile ground for perpetrators. Allowing, these legal and institutional gaps to continue is to allow continuation and suffering of yet another crime by women while encouraging future perpetrators.

All of the problems outlined above are indicative of the immense work that lies ahead in combating online sexual harassment committed against women. The work needs to focus on the prevention, protection, prosecution of the crime so that women use Internet without any marginalization and contribute freely, effectively and equitably to social, economic, political and cultural development of their country. Thus the researcher recommends the following.

## 2. Recommendation

### a) Legal

- The Computer crime proclamation needs to be amended in such a way that it clearly, precisely and unambiguously criminalize acts of OSH as well as accommodates the evolving nature of the crime.
- Considering the multifaceted impact of the crime on the survivor, the law should define and punish different act of OSH depending on the severity of the act.
- The lead investigation power in cybercrime cases needs to be given to an organ which is technically as well as technologically equipped. Thus INSA, even if it has its own shortcoming, needs to be included among the primary investigative organs.

### b) Institutional mechanisms

- law enforcement organs need to be equipped with the necessary resource, technological tools and training
- law enforcement organs needs to increase their technical ability and understanding of computer-related crimes
- Educate law enforcement organs on reasonable measures to prevent online sexual harassment, effectively investigate, take action against perpetrators and provide redress to survivors.
- Law enforcement organs need to work more closely and cooperate with each other
- create international cooperation with other countries to co-operate on cross-border law enforcement, with organizations that work on fighting cyber-crimes as well as with mega social media companies is vital to effectively investigate and fight cyber crime
- establishing easily accessible, safe and specialized reporting mechanisms

### c) Awareness creation and education

- Awareness creation for both the public (including employers and school faculties) as well as law enforcement organs about different type of online sexual harassment, the applicable law and reporting mechanism.

- Owing to the technical nature of cybercrime, capacity building must be taken as a matter of priority. Cybercrime units in the police forces, investigators, public prosecutors and judges must be properly acquainted with the nature, scope and purposes of the crime, investigative techniques and the law
- educating women on cyber safety practices (smart and safe internet use) and their different rights
- encourage private companies to set themselves self-regulatory standards, such as measures limiting any form of digital violence against women
- include digital education in school curriculums to teach girls and boys from young age about safety internet practices

**d) Help for survivors**

- Survivors need psychological help because of the trauma online sexual harassment leaves on them. Thus proper attention should be given and means for them to get psychological help should be arranged.
- Ensure hotlines and helplines include cases of OSH

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### **Key Informant interview-**

1. Interview with Director of organized and trans boundary crimes directorate General at lideta high court office,(18 May 2022) at 9:30 AM
2. Interview with team leader of public prosecutor's office under organized and trans boundary crimes directorate General at lideta high court office,(15 April 2022) at 10:27 AM
3. Interview with Federal police head of investigation unit for financial transaction crimes, at the federal Police Commission Crime investigation bureau may 20,2022 10:30 AM
4. Interview with official at the cyber-crime unit, at the federal Police Commission Crime investigation bureau may 20, 2022 10:30 AM
5. Interview with team leader at civil case coordination office at kaliti federal high court public prosecutor's office, July 6, 2022 10:00 AM
6. Interview with public prosecutor at kaliti federal high court public prosecutor's office, July 8, 2022 11:30 AM
7. Interview with INSA, team leader at information security legal department, June 12,2022 10:00AM

### **In depth interview**

1. Interview with Muna, survivor of online sexual harassment, March 3, 2022
2. Interview with Seble, survivor of online sexual harassment, Jan 20, 2022
3. Interview with Blen, survivor of online sexual harassment, Feb 16, 2022
4. Interview with Helen, survivor of online sexual harassment, Feb 18, 2022
5. Interview with Rahel, survivor of online sexual harassment, august 10, 2022
6. Interview with Betelehem, survivor of online sexual harassment, august 13, 2022
7. Interview with Liya, survivor of online sexual harassment, may 02, 2022
8. Interview with Beza, survivor of online sexual harassment, July 20, 2022
9. Interview with Soliana, survivor of online sexual harassment, May 15, 2022
10. Interview with Sara, survivor of Online sexual harassment, June 19, 2022