An overview of Online Gender-based Violence of Women in Politics (WIP)

Drawn from the Tanzanian Context

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PREAMBLE

The study is one of the outcomes of the Women at Web project implementation aiming at the East African regional advocacy campaign that happens (since 2020) in countries of Tanzania, Uganda, Kenya and Rwanda; two weeks before the annual *16 days of activism*. The advocacy is an online and offline campaign advocating against online gender-based violence and promoting of online safe spaces.

To be able to make the study into a reality, we have had stakeholders that we have engaged and have been part of the process since planning, initiation and implementation. We have been able to easily gain access for data collection through the questionnaire and the privilege to have focus group discussions with women in politics and members of parliament through our partner organisation, Omuka Innovation Hub which focuses at working with the rural to address the digital divide. We have been able to get a comprehensive legal analysis from the professional legal consultants who have experience and impressive knowledge on Cyber related laws and regulations. Victory Attorneys has been instrumental into getting to understand the legal framework of the state of online gender based violence in general.

To understand context aside from literature review, it was important to have on board Women in Law and Development in Africa (WiLDAF) and Tanzania Media Women's Association (TAMWA) in regards to context, approach and understanding of gender based-violence (GBV) in general. It was also important to understand how these influential organisations that advocates against GBV have successfully created knowledge-base and solutions over their impressive years of experience. These two organisations have been very key into applying context from the offline to online but most importantly into inputs and information which has been used in the report.

Special acknowledgements to the 394 women leaders in politics survey respondents, the public figures in politics who agreed to cooperate and share insights on the topic, and last but not least, the DW Akademie coaching team who were at every step of the report development into the right approaches of reporting and advocacy for both the online and offline approaches.

This report is just a start, there is so much work to do to address gender-based violence let alone online gender-based violence. We hope and wish for more partners on board to join forces into having more women active and engaging on the online space. We plus the mentioned partner organisations are in the process of developing a guiding OGBV framework which will need as many partners as possible to effectively address the OGBV related challenges.

Asha D. Abinallah
Women at Web Project lead and
CEO - Media Convergency,
30th November, 2021

Report Content

ILLUSTRATIONS

ABBREVIATION

GBV	Gender-based Violence
OGBV	Online Gender-based Violence
WIP	Women in Politics
TCRA	Tanzania Communications Regulatory Authority
WiLDAF	Women in Law and Development in Africa
TAMWA	Tanzania Media Women's Association
EPOCA	Electronic and Postal Communications Act
TPF	Tanzanian Police Force
TCRAA	Tanzania Communications Regulatory Authority Act
CHADEMA	Chama cha Demokrasia na Maendeleo
CCM	Chama cha Mapinduzi

PART ONE

The Study

An introduction
to an "Overview of Online Gender-based Violence of Women in Politics (WIP)" in Tanzania

1.STUDY OVERVIEW: ON THE STATE OF
ONLINE GENDER-BASED VIOLENCE OF WOMEN IN POLITICS (WIP)

Introduction

Women leaders and activists in politics are subject to gender-based violence and abuse whether psychological, physical or sexual. In the 2015 general elections in Tanzania, about three-quarters (69 percent) of the women candidates reported that they had experienced abusive language during election campaigns - for instance, verbal harassment, insults, and being booed while on stage[1]. The same abuse that Women in Politics face offline, mirrors what happens to the online space. Violence against women in their community infringes their enjoyment of human rights. Despite having a variety of initiatives, programs and strategic frameworks to address violence of any form on women in Tanzania, there is no survey or research done on the state of online gender-based violence of Women leaders/activists in politics. This study intends to highlight on the state of Online Gender-based Violence on Women in Politics so as to use to address the widespread of online abuse and the lack of digital visibility of women in politics. Eliminating gender-based violence from digital platforms is a must. And the more visible the female is online, the more technology facilitated gender-based violence they are prone to. The more power and positions woman holds in the society, the more fierce the abuse from the online community. A variety of pushing factors in the communities in attitudes towards the roles of women in the community mirrors very well on digital platforms.

Many theorists and activists have agreed that women still live in a world dominated by a culture and set of values originally prescribed by men. For quite some time all of the studies and theories used to understand the human brain were conducted on male subjects and defined by male terms. Those theories were then applied to women, and the differences women had with men were viewed as shortcomings. Culturally, this communicated that the way men behaved, thought and approached life were the right ways to conduct oneself, and that the behaviors and thoughts and approaches to life women had were less important [2].

The patriarchy life system is the source of gender-based violence against women in most part of the world as it is deeply rooted in some societies and backed up with fallacies and illogical notions. Sometimes, cultural norms and beliefs create impasse towards realization of equality of sexes and respect for women. Women were denied suffrage rights, were viewed as sex tools, and denied right to education and most of all freedom of choice. Following the introduction of internet and cyber space, most of the gender-based violence targeted to women and other marginalized groups like LGBT were shifted from physical world to Online Space where people

[1] Gilligan, C. (1982). In a different voice: psychological theory and women's development. Cambridge: Harvard University Press.
[2] TWCP, (2016). Violence against Women in Election (VAWE evidence from 2015 Tanzania General Elections)

do not meet physically and there is a huge possibility for a person to use internet anonymously. Animosity in online space shelter many abusers who may say or do anything prejudicial to women without being traced. Online Gender-Based Violence (OGBV), also known Online Violence against Women and also known as Technology-facilitated Gender-based Violence is is action by one or more people that harms others based on their sexual or gender identity or by enforcing harmful gender norms - this action is carried out using the internet and/or mobile technology and includes stalking, bullying, sexual harassment, defamation, hate speech and exploitation. OGBV deters safe online space for women and it prevents them from realizing their full potential in online spaces since they cannot fully express themselves for fear of being bullied and harassed because of their gender. Internet ecosystem is not properly functioning as OGBV discourages participation of women and other marginalized groups in various issues through online harassments and other abuses targeted to them.

Women at Web Tanzania, a project funded by DW Akademie - powered by Media Convergency in collaboration with Omuka Hub, Victory Attorneys, Women in Law and Development in Africa (WiLDAF) and Tanzania Media Women's Association (TAMWA) have joined forces in showing the experiences of Women in Politics on the online space, their encounters online, expectations, challenges and a way forward on enhancing online participation of women leaders in politics.

Context

The study initiative on "The State of Online Gender Based Violence on Women in Politics: Tanzania's Context" has been inspired and born out of DW Akademie's Women at Web regional project in countries of Tanzania, Uganda, Kenya and Rwanda which was first launched in 2018 as a pilot study. The goal for the Women at Web Project, has been to enhance women's digital participation online and to ensure that they can actively participate online as a safe space enabling them to engage in dialogue and discussion as well as access opportunities online.

From the early stage of the study, Women at Web Tanzania partnered with Hon. Neema Lugangira, a Member of Parliament in Tanzania to join forces on the best way collected data and information directly from Women in Politics so that we can have a solid report on what Women in politics faced online, the challenges, opportunities and strategy of bringing the them on board so to strengthen their online presence and increase their number on the space. Eventually during the development of the study we had more partners came on board thus we had an esteemed privilege to have Victory Attorneys, Women in Law and Development in Africa (WiLDAF) and Tanzania Media Women's Association (TAMWA). This partnership was and is still substantial for the integral role that each one brings on board. Victory Attorneys brought in a thorough analysis of legal framework in regards to Online Gender-based Violence while both WiLDAF and TAMWA brought on their years of experience of studying and being part of the solution of Gender-based Violence (GBV) over the years. OGBV can not be separated and understood away from the GBV context and circumstances.

Online Gender-based Violence is part of the continuum of violence against women and as such occurs in all countries, contexts and settings, is one of the most pervasive violations of human rights, and is a "manifestation of the historically unequal power relations between men and women and systemic gender-based discrimination [3]. The concept of online abuse or harassment is new to many internet users especially women who are the most targeted group. Due to knowledge gap, some people find themselves to be perpetrators of online abuse to women by simply posting and sharing contents which are abusive to women without knowing its an abuse. Online gender-based violence (OGBV) infringes on women's right to self-determination and bodily integrity, it also impacts on their ability to move freely, without fear of surveillance, and denies them the opportunity to create their own identities online, and to form and engage in socially and politically meaningful interactions [4].

Despite having number of few reported cases on OGBV, Tanzania is yet to have a comprehensive legal framework which specifically deals with Online Gender- Based Violence per se. The current laws which regulate online crimes do not explicitly cover Online Gender-Based Violence although they protect online safe space to some degrees.

OGBV is included in most provisions which prohibits unlawful interference in internet space and hate speech in indirect way. For instance, when a law prohibits publication of obscene contents, it automatically touches gender violence without mentioning it explicitly. However, despite having strict laws in place, there are still OGBV cases observed in day-to-day life which tell the lawmakers that the existing laws are not deterrent enough.

Online Gender-based violence is rampant online, the violence that happens online is a result of the abuse that normally happens to women in everyday life because of their gender. A woman leader in politics faces more abuse and harassment in the society for the majority in the community are yet ready to embrace a woman in leadership positions. I advise Women in Politics to understand that Social Media presence is very important - the online platform provides opportunities that any Politician needs to take advantage of, its a space that you can voice your thoughts, ideas, showcase your work as well as call out the injustices.

AIKANDE KWAYU
Political Scientist and Analyst | November 2021

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[3] Prevention of violence against women and girls: Report of the Secretary-General. Commission on the Status of Women, Fifty-seventh session, 4-15 March 2013.

[4] Maholtra, N. (2015). Good questions on technology-related violence. Association for Progressive Communications.

GOAL

OF THE STUDY

The overall goal of the study is to inform state actors and policy makers on the need of having new legislation in respect to Online Gender-Based Violence so as to positively influence policy-reform through evidence based advocacy and initiate strategic-holistic approaches to bringing more women in politics online.

OBJECTIVES OF THE STUDY

01 To conduct a study on the state of Online Gender based Violence to Women leaders in politics and have segregated data in regards to Online Gender Based Violence to Women in Politics, specifically Women Parliamentarians

02 Provide respective authorities (Such as the Tanzanian Police, through Gender Desk, the Cyber Crime department and Tanzania Communications Regulatory Authority) with key finders of Violence against Women Parliamentarians online. .

03 To establish Strategic engagements and ways for collective action using the key findings with key stakeholders with the overall goal of increasing Women Parliamentarians active participation online.

04 To Influence policy change in relation to the Gender Digital Divide and Digital Inclusion

05 To create awareness to Women in politics on the concept of online spaces, it's security, obstacles, psycho-mental health and how to overcome online challenges thus reducing the Gender Digital-devide.

STUDY APPROACH

The approach used for the compilation of this report banked on collaboration with identified partners who had specific needed inputs to the value and development of the report. Media Convergency research team had step by step strategic advocacy meetings with an assigned advocacy expert from German supported by the DW Akademie. These strategic meetings focused on core methodologies and tools of advocacy and influencing positive change. Media Convergency collaborated with Omuka Hub (OH), an innovation Hub which was responsible for coordinating all key discussions and feedback sessions with women in politics and specifically the Members of Parliament. Omuka Hub has been key to pushing for data collection through the questionnaire which has been able to get the 294 respondents that the research has collected and analysed.

It was very imperative to get a professional legal framework and analysis that Victory Attorneys has provided to this report. The analysis has been integral to understanding the scope of challenge in what and how much is to be done to influence policy in advocating for laws or/and regulations that can take into account Online Gender-based Violence. Bring on board the offline context to the online word in respect to women in Politics has added value to the report especially after sessions and inputs with WiLDAF and TAMWA all partners of the development and release of the report.

We wish for more partners on board especially heading toward the 2025 general elections to which we wish for more women in politics online. This report has been part of the Women at Web regional advocacy campaign, a campaign which has been very effective with a good number of leaders both male and female sharing insights and perspectives in regards to addressing Online Gender-based Violence of women in politics online. Those perspectives have been added as part of the report. This approach has been applied as the bigger part of the plan of the framework towards actionable plans of realising all objectives of this report.

PART TWO

Legal Framework

Legal, Regulatory and Institutional Framework Of Online Gender-Based Violence In Tanzania

2. LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK OF ONLINE GENDER-BASED VIOLENCE IN TANZANIA.

2.1 Online Gender-Based Violence Legal Framework

Tanzanian legal system is made up from hierarchy of laws which starts from Constitution of United Republic of Tanzania of 1977 (as amended from time to time) which is a mother law of the land and sources of all other laws then followed by Parliamentary legislations (Principal Legislations) which are laws enacted by the Parliament of Tanzania. Other laws are Regulations which are made by respective ministries and Rules which are made out of the Principal Legislations and Regulations.

Also, in Tanzania, Chief Justice has powers to make Orders which have the legal effect as other laws in respect to particular area. There are also judge-made laws in Tanzania, whereas, Judges in Court of Records i.e. The High Court of United Republic of Tanzania and The Court of Appeal can make principles and Rules of Practice on matters which are not expressly provided by Principal Legislations or any other law of the land through the Doctrine of Stare Decisis or Precedents.

Online Gender-Based Violence topic in Tanzania is still embryonic and there is yet a policy to address the problem or even the efforts of the State Actors to rebuke on the issue and motivate online safe spaces for all.

In 2015, Tanzania's Parliament enacted a Cybercrimes Act with the purpose of combating online and digital crimes. The law prohibits hacking, Cyber-spoofing, Cyber Bullying and racist and xenophobic motivated insults with intent to protect internet consumers from any kind of crime or fraud.

Despite lack of single and comprehensive law to protect people from Online Gender-based abusers, there are some laws in place enacted to offer certain degrees of protection to consumers against Online Gender-Based Violence.

2.1.1 Constitution of United Republic of Tanzania of 1977 (as amended from time to time)

The Constitution of United Republic being the mother law in the country, is the source of all other legislations as it gives validity to all other laws pursuant to Article 64 (5) which states that,

"...this Constitution shall have the force of law in the whole of the United Republic, and in the event any other law conflicts with the provisions contained in this Constitution, the Constitution shall prevail and that other law, to the extent of the inconsistency with the Constitution, shall be void"

This basically means that for the other laws to be valid, they must first conform to the provisions of the Constitution. Even the slightest of repugnancy to the constitution the other law shall be void. Apart from validating other laws, the URT Constitution provides under its Article 12 (1) and (2) that all human beings are born free and are all equal and every person is entitled to recognition and respect for his dignity.

The provision clearly states that all people are born free and equal and every person is entitled to respect for his dignity. That is to mean, regardless of the gender, race or any other character a person belongs to he is entitled to respect of his dignity which includes not being interfered with, not being harassed, not being diminished, not being abused based on their gender, not being mocked, not being secluded or shut down in day-to-day life including in Online Spaces.

Apart from that, the Constitution also guarantees protection of the right to privacy, respect and protection of matrimonial life, person's residence and private communications under Article 16 of the Constitution. It provides in verbatim that;

"Every person is entitled to respect and protection of his person, the privacy of his own person, his family and of matrimonial life, and respect and protection of his residence and private communications"

As seen above, the Constitution addresses on the respect and protection of person, personal privacy of individuals, family and matrimonial life and most of all respect of private communications. Despite of this kind of protection and recognition the constitution offers, Tanzania is yet to have law specifically regulating online gender-based violence to conform to the provisions of the Article 16 of the Constitution as provided.

Furthermore, Article 13 of the Constitution of United Republic of Tanzania, provides on equality before the law, that all persons are equal before the law and are entitled without any discrimination to protection and equality before the law. The law cements that no law enacted by any authority in the United Republic shall make any provision that is discriminatory either of itself or in its effect. This implies that, every person in the United Republic is entitled to be protected by the law and being afforded legal redress regardless of their gender or any other character. And there is prohibition of having discriminatory laws or rules in force which discriminates people basing on any character or feature or which has discriminatory effect when applied.

Regarding safe online spaces agenda, the Constitution has in place right to freedom of conscience where under Article 18 every person is afforded freedom of opinion and expression of his ideas, has the right to seek, receive and or disseminate information regardless of national boundaries. Also, people are given freedom to communicate and a freedom with protection from interference from his communication and right to be informed at all times of various important events of life and activities of the people and also of the issues of importance to the society.

This freedom is given to every person in the land according to the Constitution regardless of their gender or any other feature. Online gender-based violence has the effect of depriving this right and freedom from women who are major victims of OGBV by secluding them from participating in sensitive debates, some abusers tend to mock women and undermine their role in online spaces, the acts which hinder their active participation on information dissemination and eventually internet ecosystem is crippled.

Apart from the rights conferred by the Constitution, the Mother Law also imposes a duty to every person to conduct themselves and their affairs in the manner that does not infringe upon the rights and freedom of others or public interests. This is per Article 29 of the United Republic of Tanzania Constitution of 1977. This provision calls upon every internet user to contribute in safe online space by not intervening with the rights and freedom of other users through harassment, stalking, cyber bullying or any other form of online gender-based violence. Every person has rights and freedom but they do not extend to interfere with other person's rights and freedom. One's freedom must not in any way contravene or hinder another person's' freedom.

2.1.2 Penal Code [Cap. 16 R.E 2019]

This is a legislation enacted to establish a code of criminal law in Tanzania. The law does not specifically mention online gender-based violence but criminalizes some acts which may form part of the online Gender-based violence.

Some of the acts do fall under sexual assault on persons and indecent assault on women criminalized under Section 135 of the Act.

For instance, Section 135 of the Act provides that;

"any person who, with intent to cause sexual annoyance to any person utters any word or sound, makes any gesture or exhibits any word or object intending that such word or object shall be heard, or the gesture or object shall be seen, by that other person commits an offence of sexual assault and is liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding three hundred thousand Shillings or to both...".

The provision produced in verbatim above may apply to both sexual assaults committed either physically or in digital form as the there is no limitation of forum in case of utterances, gestures or exhibitions mentioned above.

Those utterances, gestures or exhibitions done by perpetrators to another fall within the armpit of the Section and the victim may report the culprit right away. The law criminalizes sexual assault as one of the common forms of gender-based violence which normally happens in physical world.

2.1.3 The Electronic and Postal Communications Act, No. 3 of 2010

This is a piece of legislation enacted by Tanzanian parliament with the aim of regulating postal and electronic communications with the view to keeping

abreast with the development in electronic communications industry.

The Electronic and Postal Communications Act (EPOCA) governs all electronic and postal communications in the country. Tanzania Communications Regulatory Authority (TCRA) is the regulatory Authority administering the law together with other number of regulations made under the Act.

The Act defines electronic communication to mean the communication of information in the form of speech or other sound, data, text or images by means of guided and unguided electromagnetic energy. The Act does not provide explicitly on OGBV but it prohibits transmission of obscene communication and sets a punishment for that under Section 118 of the Act, where it states that;

S. 118 Any Person who

(a) "by means of any network facilities...knowingly makes, creates, or solicits or initiates the transmission of any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any other person...

commits an offence and shall on conviction be liable to a fine not less than Five Million Tanzania Shillings or to imprisonment for a term not less than twelve (12) months, or to both and shall also be liable to fine of seven hundred and fifty thousand Tanzanian Shillings for every day during which the offence is continued after conviction".

Moreover, Section 120 of the Act prohibits unlawful interception of communication of any person and disclosure or uses or attempt to use information which is known to be unlawfully intercepted to unauthorized third party. This discourages OGBV which is sometimes facilitated through hacking and interception of private communication.

2.1.4 Cybercrimes Act, 2015

In 2015, the Tanzanian Parliament passed this law which was highly criticized by activists all over the country for being harsh and severe. Being a penal law, its application is not limited within Tanzania territory alone, but it extends to Tanzania nationals residing in foreign jurisdictions when they commit an offence which is a crime in both Tanzania and in that particular foreign land. The Act also apply to foreigners where the offence is committed using computer system, device or data located in Tanzania.

Section 23 of the Act prohibits Cyber Bullying by providing that;

"A person shall not initiate or send any electronic communication using a computer system to another person with intent to coerce, intimidate, harass or cause emotional distress"

This provision has the effect of condemning OGBV by making cyber bullying which is one of the forms of OGBV an offence and is punishable to a fine of Tzs. 5,000,000/= (Five Million Tanzania Shillings) or to imprisonment for a term not less than 3 years or to both.

On top of that, the Act under Section 14, prohibits publication of pornography or pornography which is lascivious or obscene. Transmission of pornography related contents is sometimes preferred by abusers to tarnish reputation of the victims based on their gender. Some perpetrators hijack and intercept data of the victims to obtain sensitive and secret information then leak them on the internet space with the intent of injuring their reputation.

The law prohibits publication of obscene content or causing the same content to be publicized.

Section 16 of the Act prohibits publication of false information whereas, it prohibits publication of information in a picture, text, symbol or any other form knowing that such information is false, deceptive, misleading or inaccurate, and with intent to defame, threaten, abuse, insult, deceive or mislead the public. The offender upon conviction is liable to a fine of not less than Five Million Shillings (Tzs. 5,000,000/=) equivalent to USD 2,176.00 or to imprisonment for a term of not less than 3 years or to both.

The provision aims at regulating consumers of internet services in relation to other users in the internet space by ensuring safe online space for all through making strict laws concerning publication of information. The provision discourages OGBV which is also done through publication of false information on individuals targeted for the purpose of defaming, insulting, abusing or threatening them.

2.1.5 Electronic and Postal Communications (Online Content) Regulations, 2020

This Regulation is made under EPOCA with the aim of regulating online content to online content service providers, internet service providers, application services licensees and online content users. Among other things, the law under Regulation 16 prohibits publication of some contents which are listed under Third Schedule to include but not limited to contents which infringes personal privacy and integrity of other individuals, sexuality and obscene contents, use of bad language and disparaging words and false, untrue or misleading words.

As the name suggests, the law exclusively deals with online contents in online platforms where anybody feels free to say anything. The law has effects of discouraging OGBV if used effectively to rebuke the issue. Although the law does not state explicitly on OGBV, but it acts as a proper instrument to combat OGBV by imposing a duty to licensees who are online content providers to regulate and install mechanisms which will filter contents published to crosscheck whether they conform to the type of contents allowed by the regulation and other laws of the land.

The provision may have adverse impact on the protection of personal data and respect to personal privacy but it may prove useful in combating OGBV by identifying and apprehend perpetrators of OGBV and set example to other people with the same malice.

2.2   Enforcement Mechanisms

Essentially, this deals with the organ (s) vested with powers to make regulations which put in place some laws that facilitate fair dealings in that particular sector and which regulate on relationships among stakeholders who are licensed or authorized to make certain dealings and the consumers who are recipient of services and or users. Number of laws which regulate Online Gender- based Violence fall within telecommunication sector under which Tanzania Communications Regulatory Authority (TCRA) is a main regulator and by default becomes responsible in ensuring OGBV comes to halt.

In this aspect, the major focus is on the institutions which are vested with powers to enforce laws put in place by lawmakers and regulators. Enforcement mechanism combine law enforcers and decision makers who have the sole functions of ensuring that the laws put in place are properly enforced by applying the same laws and make decisions accordingly.

2.2.1 Tanzania Police Force

Tanzanian Police Force (TPF) is the state body responsible for protecting citizens and their properties. TPF has a specialized segment titled "Cybercrimes Unit" which was inaugurated in 2006 in the Police Force Forensic Laboratory and it solely deals with all computer related crimes. TPF is only mandated to deal with criminal offences only, which includes computer related offences, violation of privacy and data breach.

TPF is the main organ dealing with number of offences established by Cybercrimes Act, 2015 through arrest, investigations and taking the matter to the office of Director of Public Prosecution (DPP) for further pursuit of prosecuting the offender.

Also, in 2013 Tanzania Police Force launched gender desks in police stations as part of the State efforts to tackle gender violence in the country. Gender desks were launched to help women and children to report cases of physical and sexual abuse to specially trained policewomen. The aim was to create confidential spaces in police stations for women and children who can file their complaints to female officers and still maintain anonymity so as to encourage more women to speak up on the brutality they face.

The action came as a response to a demographic and health survey of 2010 which shows that nearly 45% of 15 to 49 years old people reported having experienced physical or sexual violence in their lifetime with husbands and partners as common perpetrators.

Many reports showed that survivors rarely tell their stories while few cases are reported to the Police due to stigma. Following that challenge, government of Tanzania saw the need of having special and confidential gender desks in police stations which will be handled by trained police officers.

The target of establishing these gender desks was to tackle the problem of gender-based violence (GBV) which mostly include physical violence while it can extend to include Online-Gender-based violence (OGBV) which operates through online means.

Despite the initiatives of the state through TPF in trying to curb and even eradicate OGBV related crimes, but there are no certain data of cases relating to OGBV that have been reported. This is due to the fact that, all cyber related cases reported are taken as a single category and there is no sub-categorize, this makes it hard to have specific data on number of OGBV related cases have been reported and how many have been taken to the office of the DPP for prosecution.

2.2.2 Tanzania Communications Regulatory Authority (TCRA)

TCRA is a quasi-independent government body vested with functions of regulating communications and broadcasting sectors. The Authority was established under Tanzania Communications Regulatory Authority Act, 2003 with the aim of regulating electronic communications, postal services and management of the national frequency spectrum in the country. Before establishment of TCRA, there were two commissions which are now defunct dealing with communications and broadcasting services, i.e., Tanzania Communications Commission and Tanzania Broadcasting Communications.

Section 5[5] of Tanzania Communications Regulatory Authority Act (TCRAA) provides that, among other things the Authority shall have the following duties when exercising its functions; The Authority shall strive to enhance the welfare of Tanzanian Society by doing the following;

- Protecting the interests of the consumers
- Promoting the availability of regulated services to all consumers including low income, rural and disadvantaged consumers.
- Enhancing public knowledge, awareness and understanding of the regulated sectors. And,
- Taking into account the need to protect and preserve the environment.

The first duty is of much interests concerning with the study at hand, that the Authority is vested with the duty of protecting the interests of the consumers (i.e. internet users, subscribers). The Authority is empowered and entrusted with the duty to make some laws which may facilitate its day-to-day functions.

One of the laws which the Authority enacted to protect the interests of the consumers is Electronic and Postal Communications (Online Content) Regulations, 2020. Interests of the consumers provided include their privacy and protection of their personal integrity and usage of internet free from harassment, cyber bullying or any other malicious acts done by third party or the licensee companies.

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[5] Tanzania Communication Regulatory Authority Act, 2003.

2.2.3 Content Committee

This Committee is established under Section 26 of the TCRAA with the powers and functions of advising sector minister on broadcasting policy, monitoring and regulating broadcast content, handle complaints from operators and consumers and monitoring broadcasting ethics compliance, along with other functions assigned to it by TCRA (Authority) in line with the functions and powers of TCRA enumerated under Section 5 and 6 of TCRAA.

In line with Online Gender based violence, the Committee is responsible in handling consumer complaints which may include privacy infringement committed by content service providers or any other person. When a person feels that some of his rights or freedom have been infringed or violated by Content Providers through publication of content prohibited under the Regulation which attacks his/her gender in any way, he may file a complaint against that service provider as per the procedures provided under the Regulation. Procedure of filing a complaint to the Committee is provided for under Regulation 20 of the EPOCA (Online Content) Regulations, 2020 whereas, a person may file a complaint to the content service provider concerning prohibited content, and the provider shall within 12 hours resolve the complaint.

When the content service provider fails to resolve the complaint within specified time, the aggrieved person may, within 30 days from the date of filing the complaint refer the complaint to the Authority (TCRA).

2.3. Fair Competition Tribunal

As per Regulation 20 (4) of the Electronic and Postal Communications (Online Content) Regulations, 2020 a person who is aggrieved by the decision of the TCRA after receiving complaint from Content Committee, may appeal to the Fair Competition Tribunal (FCT) against such decision.

Fair Competition Tribunal is established by virtue of Section 83 (1) of the Fair Competition Act, No. 8 of 2003, the Tribunal is vested with the functions of hearing and determining appeals under Part XI of the Act (which are appeals from the decisions of the Commission; to issue warrants in accordance with Section 71 of the Act and carry out functions conferred on it under TCRA Act, 2003 and any other written law.

In regard with OGBV, the Tribunal plays a role of appellate institution after the Content Committee and TCRA fail to resolve the matter, or when one of the parties to the previous proceedings is still aggrieved with the decision of the TCRA. The Victim may seek redress by approaching the Tribunal for furtherance of his/her rights.

2.4. Courts of Law

OGBV can result into both civil and criminal liability against offender. The victim of OGBV can institute a civil claim in courts of law against acts of libel or defamation, or can report the matter to the nearest police station against the offender and proceed with criminal prosecution.
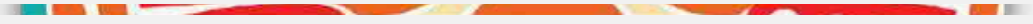
Procedure for instituting a civil claim is provided for under The Civil Procedure Code, Cap. 33 R.E 2019 whereas, the claim is instituted by way of Plaint [6]. Results of civil claims vary depending on the reliefs prayed for in a particular Plaint and for specific damages how they are specifically pleaded/proved. Oftentimes, Courts are awarding compensations in accordance with the injury inflicted, proper apology or civil prisoner in few cases. On the other side of the Criminal liability, the results are oftentimes severer than in civil claims where the offenders are facing heavy punishments of imprisonment or fine or both and in few cases corporal punishment.

Since OGBV is also condemned by the Constitution as aforesaid, the breach of which amounts to Human Rights claim. Thus, the High Court which is the only Court with the jurisdiction of entertaining Human Rights petitions may come to the rescue in favour of the petitioner. The petitioner may apply to the High Court when he sees that his rights have been violated, is being violated or likely to be violated by any Authority or person [7].

"While conducting the study and doing the legal analysis in regards to Online Gender-based violence, it has come to our realisation that we do have laws and regulations that regulate the online space and have indirectly addressed online gender-based violence, only that these laws and regulations has but touched on minimal issues related to OGBV but not in detail. There is a need of having laws and regulations that directly address OGBV and Victory Attorneys and Consultants, we believe we have a role to play into realising the need."

VICTORY ATTORNEYS & CONSULTANTS
November 2021

[6] ection 22 of the Civil Procedure Code [Cap. 33 R.E 2019]

[7] Article 30 (3) of the Constitution of the United Republic of Tanzania, 1977

PART THREE

LITERATURE REVIEW & FINDINGS

The State of
Online Gender-Based Violence
in Tanzania

THE STATE OF
ONLINE GENDER-BASED VIOLENCE
IN TANZANIA

3.1. Online Gender-Based Violence

Tanzania has witnessed an increase of online form of gender violence where women and girls are victims. The increased prevalence of this form of online violence against women is caused among other reasons, by the state inaction to take into context the already existing forms of gender-based violence and the inevitable shift to the online space as well. The illiteracy of online users on the lack of know-hows of positive use and security plus an increase of internet subscribers are adding onto the increase of online violence. Women in the public eye face most of the online abuse and harassment, while most of the women who are low profile's chances to be abused relies on themselves embracing the online space and being active, the women in the public eye are abused through other pages that shares news and information about them whether they are personally active or inactive online. Women in politics are among who face severe abuse and all forms of harassment online.

The general elections of 2020 has portrayed as one of the times when most cases of a big number of women in politics were subjected to online abuse. During the focus group discussion and one-on-one interview, this was referred over over referring to the online harassment and abuse that the nineteen women leaders in politics form the opposition party Chama cha Demokrasia na Maendeleo (CHADEMA) faced just after the general election. It's online harassment and abuse that named them (and that name has stuck) as COVID19 (considered dangerous as the pandemic) being referred to as viruses within their party. Having reached out to some of the victims of OGBV they all admitted to having been significantly psychologically and mentally harmed – admitting at one time they where scared to go out to the public because they were afraid of being physically harmed. The perpetrators online are of a variety of form, there are others who are well known and public with a significant influence to which adds tremendous damage when they are part of it.

3.2.   Forms of Online Gender-based Violence

There has been an abundant of definitions of OGBV as there has been reports that have comprehensively explained on OGBV at international level. Despite of these reports having not based on the Tanzanian perspective, the forms of OGBV discussed are the same and are applicable in Tanzania.

Cyberspace has brought on a phenomenon that knows no boundaries, the perpetrators of OGBV may commit crimes beyond country boarders. There has been an evident imbalance of number of female compared to that on men online. And despite the growing literature on violence against women in politics, there is non for online gender-based violence of women in politics. Media Convergency and partners are realising the report with hope that it will be the first of may reports to showcase the online gender based violence that women face in general and women in politics in particular.

The following are forms of Online gender-based listed by the Forum.

3.2.1 Infringement of Privacy

Infringement of privacy is unlawful or illegal interference of another person's life through accessing personal data or information which is meant to be private, or disturbing another person's private life by any means which is not consensual. Infringement of privacy can be done through accessing, using, manipulating and disseminating personal data without consent by cracking personal accounts, stealing passwords, cyber spoofing, using another person's computer to access a user's accounts while it is logged in.

Also, privacy can be infringed through taking, accessing, using, manipulating or disseminating photographs and videos without consent which includes pornography contents for purpose of revenge, and sharing or disseminating private information or content, including sexualized images, audio clips or video clips, without knowledge or consent.

Doxing which is essentially revealing and publicizing the records of an individual, which were previously private or difficult to obtain [8], also falls within infringement of privacy, although it is not illegal in some jurisdictions when the information is accessed through public domains and obtained through legal means. However, doxing can be illegal when it used with the intention of providing access to the woman in real life for harassment and other inappropriate purposes.

3.2.2 Surveillance and monitoring

This is done through monitoring and tracking of online and offline activities, usage of spyware and keyboard loggers without a user's consent and using GPS and other geolocator software to track a woman's movement without her consent.

[8] www.fortinet.com as accessed on 16th of September 2021

3.2.3 Tarnishing reputation/ credibility

A person's reputation can be tarnished or damaged through several actions like creating and sharing false personal data such as online accounts, advertisements and social media accounts with intention of injuring user's reputation or credibility, creating and manipulating fake photos and videos, disseminating private information for the purpose of damaging someone's reputation and through making offensive, disparaging or false online comments that are intended to tarnish a person's reputation which may amount to libel and defamation.

3.2.4 Online harassment

Online harassment can be done through several ways including cyber-bullying or repeated harassment through unwanted messages, attention or contacts, direct threats of violence including threats of sexual or physical violence, abusive comments, unsolicited sending/receiving of sexually explicit materials, incitement to physical violence, hate speech, social media posts which target gender, online contents which portray women as sexual objects, use of sexist or gendered comments and name calling, use of indecent or violent images to demean women, abusing and shaming women for expressing views that are not normative, disagreeing with men or for refusing sexual advances. Online harassment can also be done through counselling suicide or encouraging femicide, mobbing including the selection of a target for bullying and harassment.

3.2.5 Direct Threats and violence

Threat can be defined as statement of an intention to inflict damage, pain, injury or any other hostile action on someone in retribution for something done or not done[9]. Direct threat and violence can be a form of OGBV in multiple ways like sexualized blackmail or extortion, trafficking of women through the use of technology including victim selections and preparation for sexual assault and femicide. Theft of identity and other properties targeted to women and impersonation which may result in physical attack.

"Online Gender-based violence is being undermined a lot in the society especially for us Women leaders in Politics. It is time we acknowledge that this thing is serious. Online harassment really destroys confidence in a woman and leads to doubting and self-censoring oneself in expressing your views and engaging in interesting discussions. It is important for women to know that OGBV is there and it's not going anywhere; whomever is abusing or harassing you its because they have some hidden agenda, they have a limited way of thinking and it has nothing to do with you as a woman. I used to be one of the victims and used to shy away from social media, but now am used to it and I can freely interact without giving a second thought to the perpetrators"

JANET RITHE
ACT Wazalendo, Party National Coordinator | November 2021

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[9] www.merriam-webster.com as accessed on 1st of October 2021

ONLINE PERSONA OF PERPETRATORS
AGAINST WOMEN IN POLITICS

The Oblivious

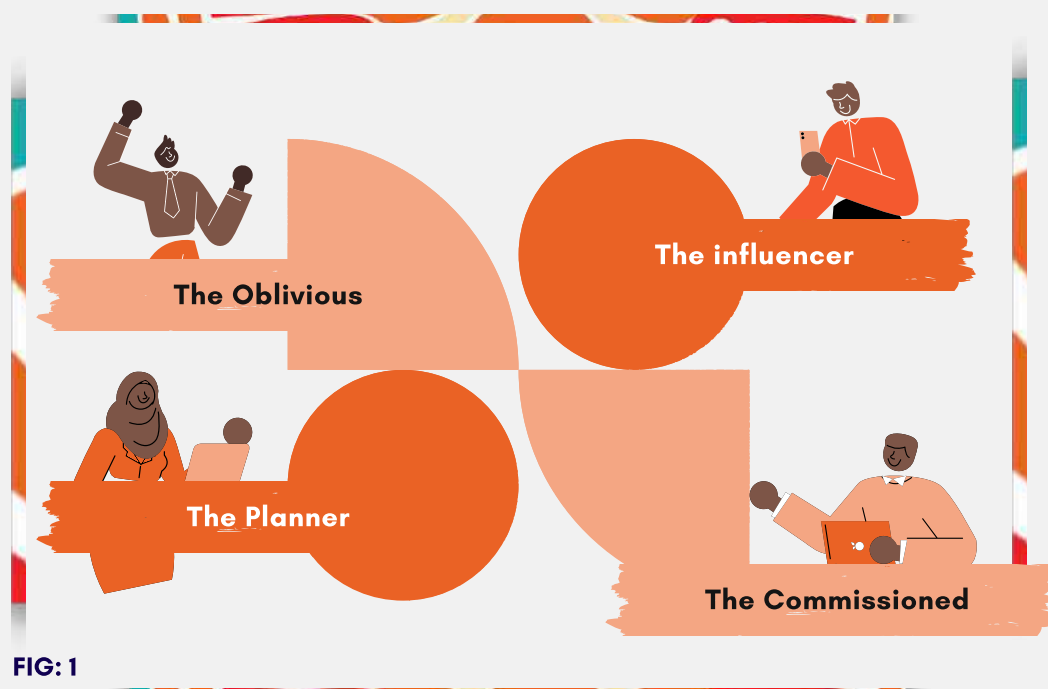The influencer

The Planner

The Commissioned

FIG: 1

The Influencer

The type of persona has huge social media following or might not have a huge following but has a strong influence of what a certain group of followers will stand by. This person has huge influence on social media community and when they have a certain ideology or/and stance, their followers tend to imitate the same with no hesitation or doubt, with such a persona, there are those who usually inflict a pouring of abuse of a targeted WIP. They are merciless, they go after the target and any one associated with the target in offline life whether public of private.

The Commissioned

This type of persona usually has huge following and an abundance of information usually fake, meandered facts or gossip. But of course they are followed by people of all calibre and have huge ability to tarnish an image of any reputable person.

The Planner/Strategist

This type of persona is usually an opponent or allies of the opponents. Usually someone close and know the target very well. They will deliberately plan how to harass and abuse the targeted WIP using personal history and information with no limits or remorse. This persona usually relies on the Influencer or the commissioned with no moral to choose what to share to their pages or not.

The Oblivious/Follower

This type of persona, has no independent thinking. Usually relies and changes according to the change of their role modal. They have no idea nor means to think alternatively or independently. They will passionately defend something (good or bad) in the exact same way which their leader (usually an Influencer or commissioned) will defend it, without having any reason beyond that which they see.

PRINCIPLE FINDINGS

The segregated data from the study are a result of questionnaire that was circulated to women in politics, leaders, members and aspiring women political leaders. We collected a total of three hundred and ninety four (394) respondents with a total number of fifteen questions that were designed in a way that would help determine Digital behavioural usage, digital challenges and digital-will of women in politics of responding to opportunities if and when presented to them. We had targeted to have at least two hundred 200 respondents of the survey but it went beyond expectations especially after the regional online advocacy campaigns with hashtags #OGBV_WIP and #SafeSpacesOnline that fueled interest to participation. Media Convergency through the Women at Web Tanzania project used the campaign [10] to create more awareness focusing on the topic "Addressing OGBV of Women in Politics". The results are revealing to many aspects and has created an interest to do more. Later in the report after having presented the segregated data of the findings we will present general findings from the focus group and one one one discussions with women leaders in politics that the research team had the pleasure of having a sit down with.

WHICH SOCIAL MEDIA NETWORK DO YOU BEST PREFER?

Youtube
2.7%

Twitter
14.4%

FaceBook
8.9%

Whatsapp
43.6%

Instagram
29%

LinkedIn
1.5%
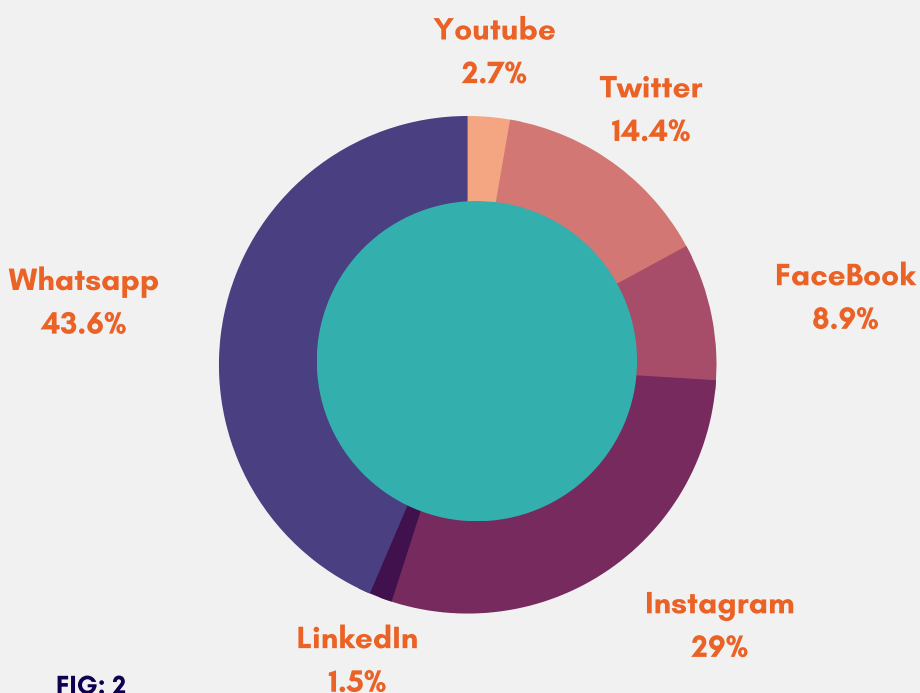
FIG: 2

Understanding interest of the Internet users (especially 'digital-behavior') requires understanding platforms which WIP best prefer over other platforms. It should however be noted that having the best preferable Social Media is not synonymous with being active on that preferred platform. There are three scenarios. (1) they are active, (2) they actively follow conversations but never engage in any way, (3) they use it moderately to engage but very active on following up feeds.

[10] The regional advocacy campaign happens in countries of Tanzania, Uganda, Kenya and Rwanda with an overall goal of calling stakeholders and partners in the ecosystem to unite efforts in creating, applying and promoting safe spaces for women and collectively advocate on ending online gender-based violence and harassment in the region.

WHAT SOCIAL MEDIA NETWORKS DO YOU OFTEN USE?

Percentage	Network
99.9%	Whatsapp
70%	Instagram
63%	FaceBook
54%	Twitter
45%	YouTube
31%	JamiiForums
27%	Telegram
23%	Club House Twitter Spaces
5%	LinkedIn

FIG: 3

The survey tool had nine (9) social networks which were commonly mentioned during data collection and integrated it to the questionnaire. The most popular was WhatsApp with 390 respondents admitting to use and with only 4 saying that they did not often use it. It should be noted that the link to the questionnaire was only submitted through whatsApp groups which had Women in Politics in them, and the col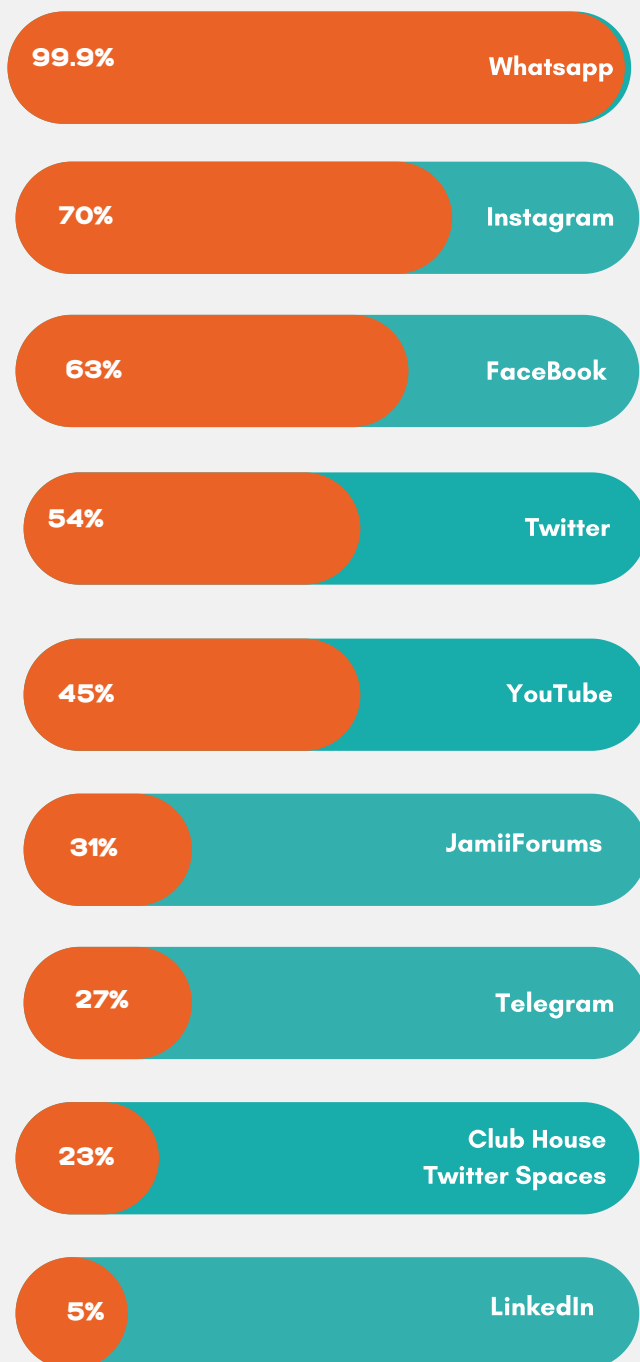lection method of follow up was to call some of the inactive respondents to fill in the questionnaire. With Clubhouse and Twitter spaces being more popular for Tanzania since early 2021, a number of 91 respondents having checked as one of the network often used is encouraging towards advocating for more WIP online. The least used network is LinkedIn with only 20 having admitted to using it. As the professional network, we encourage the use of the platform to any women professionals let alone the WIP.

As a Woman in Politics I admit that there is severe damage brought by harassment and bullying towards women on social media networks. It's usually done by men in hidden names and also some women back them up by supporting this sort of abuse with deliberate intent to mislead agenda brought by women online, sometimes it's because they are threatened by women leaders who are doing great work. I personally extend my thanks to Women at Web Tanzania - the training which was conducted to us last year was really helpful into circumventing the online space and engaging actively.

ANNA AGATHA MSUYA
Member of the National Council - CCM Party | November 2021
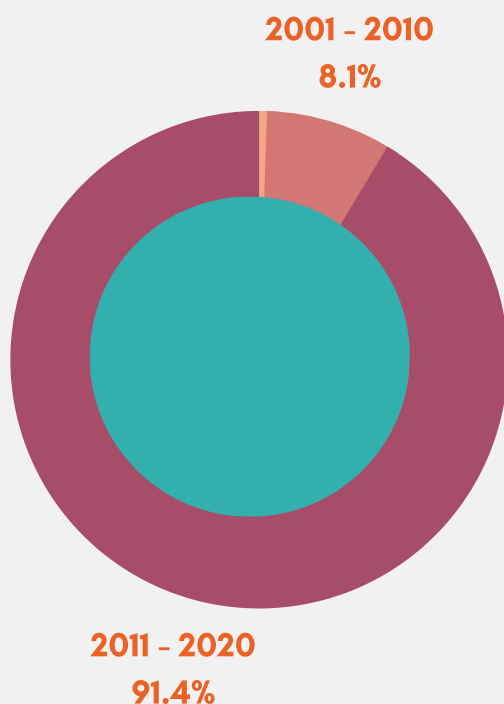
WHEN DID YOU JOIN SOCIAL MEDIA NETWORKS?

2001 – 2010
8.1%

FIG: 4

2011 – 2020
91.4%

As of March 2021 according to the Tanzania Communications Regulatory Authority (TCRA) there are 29 million internet users in Tanzania. Nevertheless it is unfortunate that the data is not segregated in a way to know the number of male and female internet users. From the collected data, only two WIP of the 394 were connected to the internet before the year 2000. Historically, Internet services in Tanzania started in 1995. Five years later, in 2000, the country had only 115,000 people connected to the internet [11]. That means that of the 115,000 users of Internet the two women were among the users. There are 32 WIP between 2001 – 2010 while the rest 360 started using the isocial networks between 2011 to 2020.

HOW OFTEN DO YOU USE SOCIAL NETWORKS?

There is a very good number of internet users among women in politics, however the challenge lies in the fact that these active users are active in text messengers apps, such as WhatsApp and Telegram. And those mostly active on social media are not active engagers but rather active users who follow up news and informations across sectors in a variety of platforms. After completion of the report one of the identified challenges from the data is that we had not considered putting in data as one of the challenges of not being online with the presumption they all had access regardless of the cost. The nine percent explains mostly with women in politics and a much lower level of leadership. The higher the level of leadership the higher the interest in knowing what has been said on social media about news and events.

74% Daily

17% Weakly

9% Once in a while

FIG: 5

[11] Local Feature: The revolution of Internet access in Tanzania - https://bit.ly/3FYM6GV

HAVE YOU EVER HAD DIGITAL SKILLS TRAINING OR SOCIAL MEDIA USAGE?

Somehow 18%
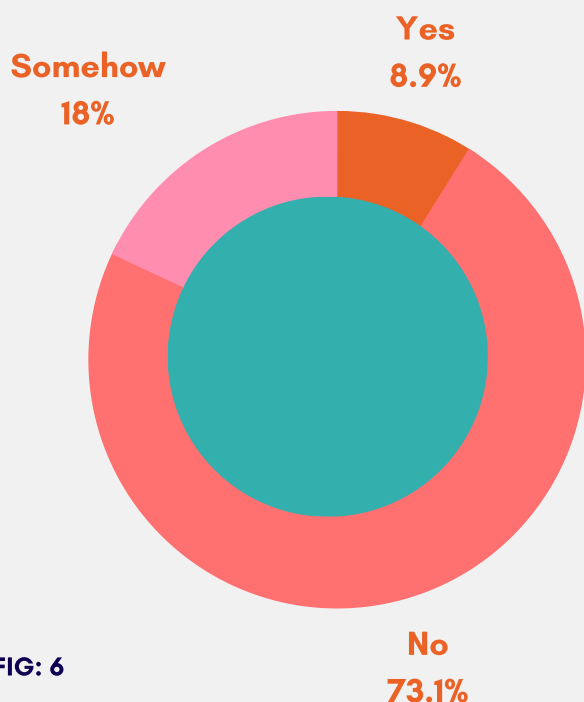
Yes 8.9%

No 73.1%

FIG: 6

Of the 394 WIP, only 35 of them have had digital skills training. Of the 13 respondents of the 394 where part of a capacity building digital skills training conducted in February 2020 under the Women at Web Tanzania Project. The response "somehow" includes and considers informal trainings or sessions that the WIP might have received in informal settings. With the 73% who have yet to have training, this emphasises the need for digital skills capacity building to WIP at a large but effective scale. A lot of efforts are being put forward for digital transformation and inclusion by the government. The Ministry of ICT has been tasked to have 80% of Tanzanians having access to the Internet by 2025 [12]. This calls for a need to make sure that the WIP are not left behind during the process.

DO YOU THINK DIGITAL PLATFORMS CAN INCREASE OPPORTUNITIES TO YOUR POLITICAL CAREER?

Respondents from this section raises interest in understanding the WIP. It will later be found out that the 3% who do not know that there are opportunities from the digital space that would add value to their career is smaller than the 13% who certainly responds with having no interest in acquiring digital skills. Meaning that there are WIP out there who regardless knowing that there are opportunities online, they are still neither willing to be active online nor learn any skills that can help them come online. Nevertheless the more active the WIP are online, the more probably it will influence interest of all WIP to be active online.
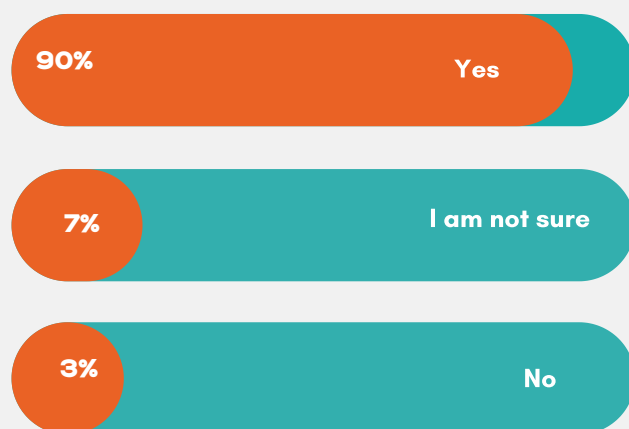
90% Yes

7% I am not sure

3% No

FIG: 7

[12] A call to Action - https://bit.ly/311NBot

WOULD YOU BE INTERESTED AND COMMITTED TO TRAININGS ON THE USE AND SECURITY OF SOCIAL MEDIA?

I am not sure
9.9%

No
13.2%

Yes
76.9%
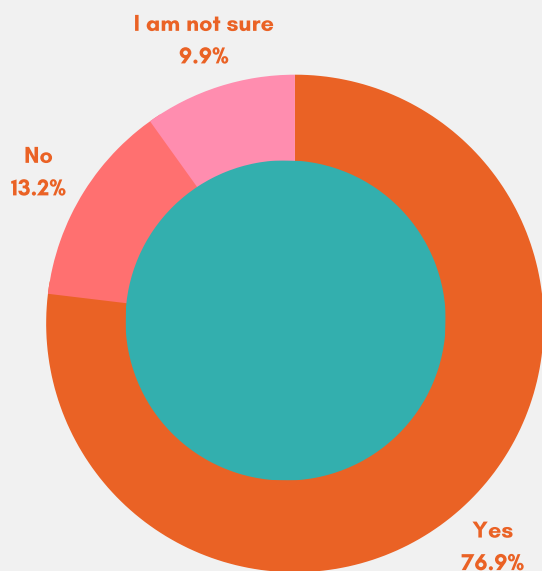
FIG: 8

In the struggle against OGBV, among the challenges others rise form their own families and communities. Among the 394 WIP respondents, 52 of them were certain that they did not need any training of the digital skills and security. Followup calls indicated that most of the respondents, had agreed with their families that they would never be active on social networks, and thus by default limiting interest of online participation and further segmenting the gender-digital divide. That is to say some cultural traditional beliefs are negative towards women using smartphones and devices, thus posing as a barrier to full political participation of WIP. With the 13.2% there is huge hope to join the 76.9 who are certain, once there are visible sustainable programs to bring WIP on board, its easy to change their minds and follow the course of actively engaging to the online spaces.

"I take it very serious on the issue of Online Gender-Based Violence in the community. It is sad that most of the community is silent and has normalised it thinking that it is fine. It is not, it is killing girls and young women's dreams into becoming future women leaders in politics. I join forces in this group of Members of parliament of advocating against Online Gender-based Violence, so that we empower young women to reach their goals and dreams to become better leaders in the future"

HON. FELISTA NJAU
Member of Parliament - CHADEMA | November 2021

DO YOU USE SOCIAL MEDIA NETWORKS TO PROMOTE YOUR POLITICAL ACTIVITIES?

This explains for the lack of WIP online. The forth industrial revolution one would expect that all leaders whether politics or not, will embrace the use of technology and digital media. The 38% does not necessarily mean that 38% actively engage on Social Media but rather that some are independently active while other use other third party to share and promote their work. The others rely on WhatsApp group more for sharing their work, limiting most of the online users to and with them. It should be noted also that not all WIP understand that it is important to showcase their work to the community, and most of this belongs to the 38% that said no.

39%	Yes
38%	No
23%	It Depends
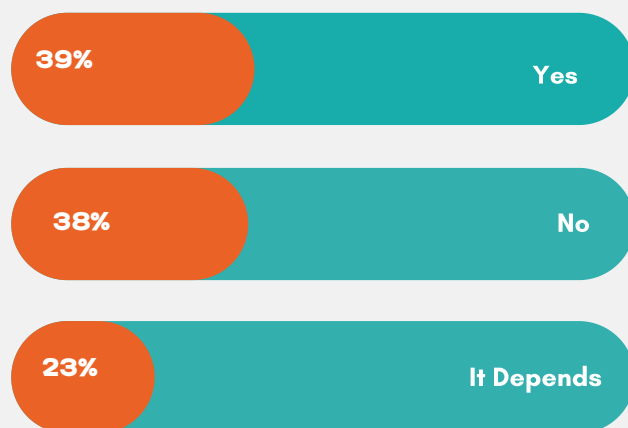
FIG: 9

HAVE YOU EVER ACCESED OPPORTUNITIES FROM ONLINE (WHEATHER ACTIVE OR NOT)?

The Digital world offers an endless list of opportunities for women. This data shows how it is imperative to pave way for digital empowerment. The lack and low will of digital usage not only deprives of the WIP of opportunities but the also their citizens that they save. 165 (29% + 13%) women is a huge number to admit or not being sure to having ever accessed opportunities digitally just because they are not active. This goes contrary to the 90% of WIP who agreed and believed that digital platforms increases opportunities to their political career. Doing away with OGBV will inevitably strengthen of active engagement and thus access to opportunities.

58%	Yes
29%	I am not that active
13%	No

FIG: 10

HAVE YOU EVER BEEN ABUSED OR HARASSED ONLINE BECAUSE YOU ARE A WOMAN LEADER IN POLITICS?

The 35% respondents who responded no to the question, most of them admitted to being very low profile and deliberating doing so to just focu on their work. While there are also those who were not certain because they could not recall if they were directly abused or harassed online. The OGBV was observed to be part of cultural traditional barriers, there are circumstance which both the perpetrators and the victims might not be aware that the incidence is a form of OGBV. Nevertheless it was interesting to learn that most abuse was not necessarily inflicted from engagements of the victims online but rather from their images being used to media platforms sharing news and information about them.
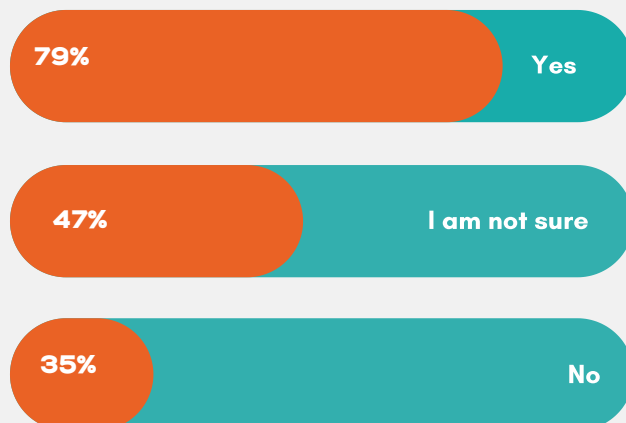
79% Yes

47% I am not sure

35% No

FIG: 11

IF 'YES' TO ABOVE, WHAT STEPS DID YOU TAKE AFTER BEING ABUSED ONLINE?.

Reported to Respective Authorities
3.5%

Stopped using Social Media
41.7%

Took a Social Media Break
34.9%

FIG: 12

Used legal advise
2.6%

Attached back
15.1%
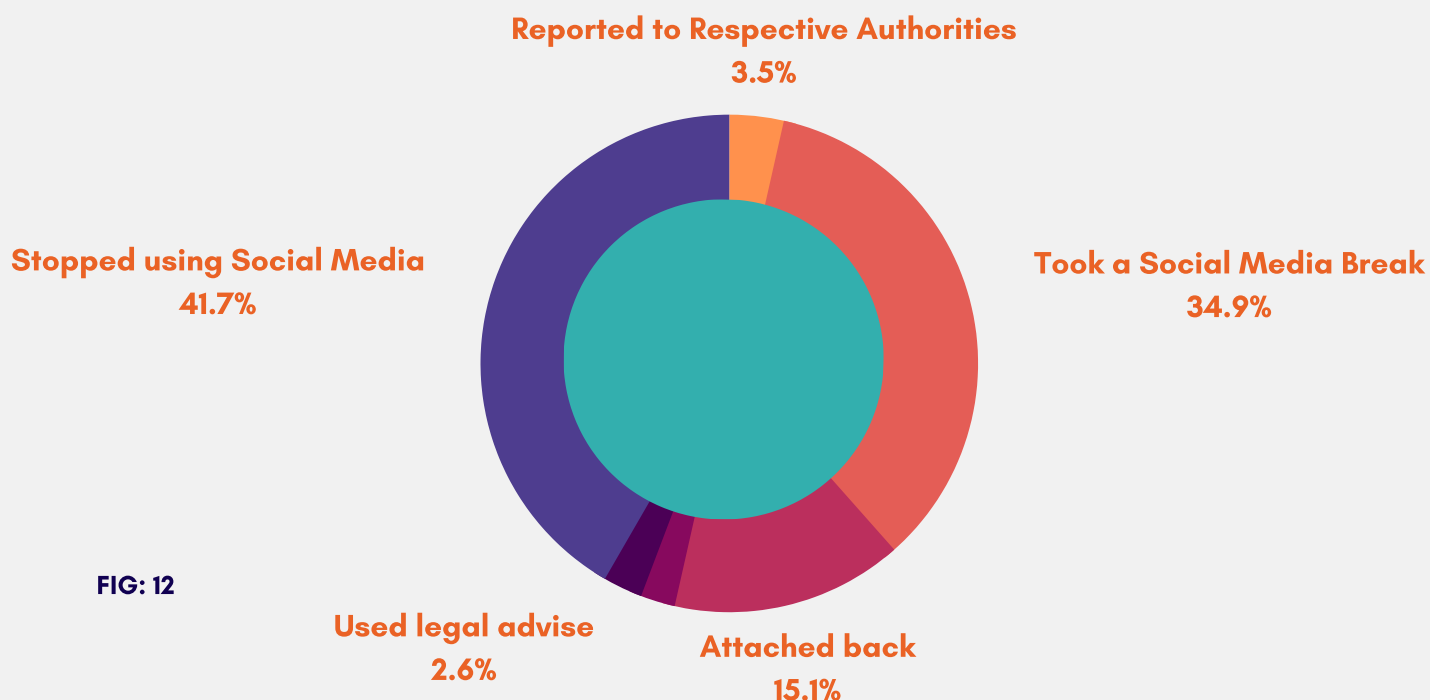
The list of responses to the question "If 'YES' to above, what steps did you take after being abused online?"; where six (6), and the results to the responses where 3.5% Reported to the respective authorities, 34.9% took a break from Social Media, 15.1% Attached back, 2.2% Used the report option (report abuse button), 41.7% Stopped using social media and only 2.6% used legal advise. The responses portrays that once the WIP face challenges online, most actions are futile and thus discourages online engagement. The total number of the WIP who either stoped using Social Media or took a break is at 239 respondents among the 312 who had admitted to having faced OGBV in one way or another. The responses have a common aspect of self-censorship in fear of being victimised for the majority of WIP as consequences of being harassed or bullied online.

IF 'YES' TO PRIOR QUESTION,
WHAT KIND OF OGBV DID YOU INCUR?

Cyberstalking

77%

Trolling

61%

Dissing

47%

Body Shaming

43%

Stolen Identity

36%

Hacked Account

23%

Sexual Exploitation

9%

Blackmailing of nudes

5%

FIG: 13

The data from this responses are drawn among the 312 from the total 394 who had admitted to having incurred bullying or harassment of any kind online. From the list only 15 out of the 312 admitted to have been blackmailed in regards to nudes or images of this nature from the perpetrators. Those who had admitted to being hacked, rises from the majority having no idea on security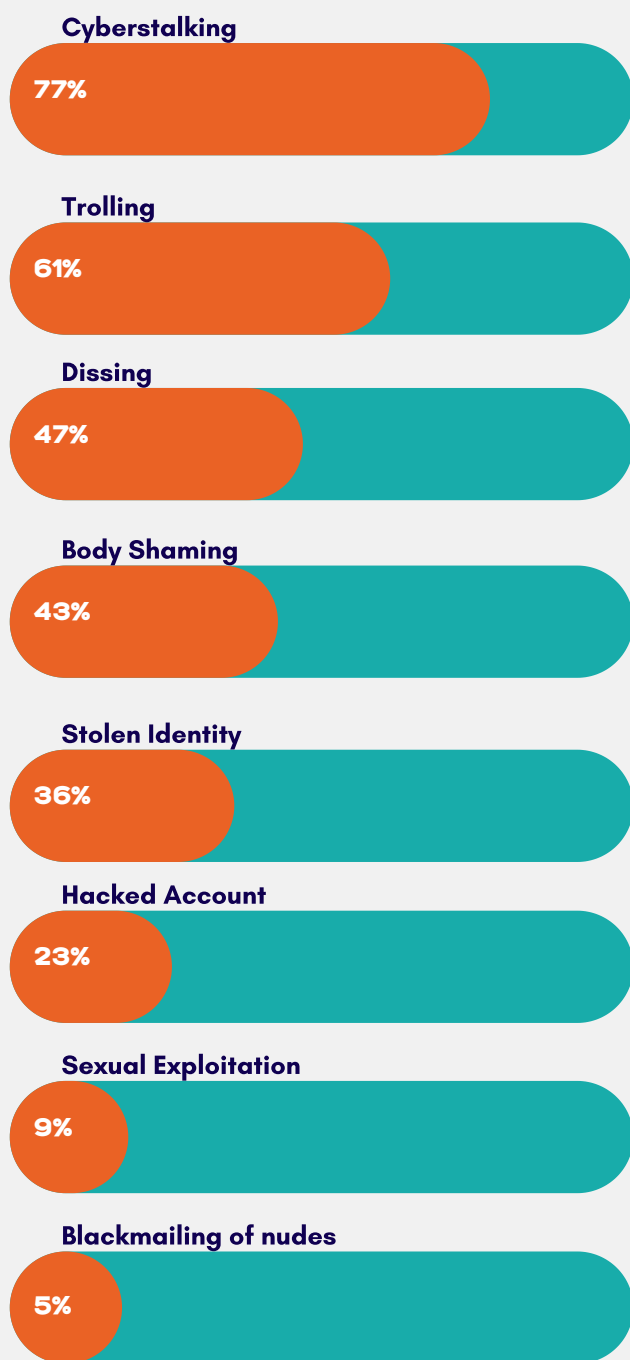 protocols of a social media account such as the use of second factor authentication (2FA)[13], for protection and thus are easily hacked. With stolen identity, it especially done to WIP who are popular and sometimes choose not to have social media presence on some specific platforms; in which anyone can start an account using their real names. It is popular to have a WIP who is active on one account but choose not to use other platforms. Instagram being the most popular of all. One of challenging facts of this question was the understanding of the terms to most of the respondents. The majority had to be explained each terms meaning to get responses to the questionnaire.

"Online gender-based violence is on the rise and especially for women in politics. In the times when we want to increase the number of women in politics and to make sure that women effectively use technology and engage on social media, we all as the nation and government are liable in making sure that we advocate against OGBV and to make sure that we create an enabling environment of safety for women online. Let's present our arguments online with logic and not personalised arguments in a manner which abusive"

HON. DR. FAUSTINE NDUGULILE
Member of Parliament - Kigamboni | November 2021

[13] Two-factor authentication (2FA) is a specific type of multi-factor authentication (MFA) that strengthens access security by requiring two methods (also referred to as authentication factors) to verify your identity.

ARE THERE ANY LAWS, POLICIES OR REGULATIONS THAT ADDRESS ONLINE GENDER-BASED VIOLENCE IN TANZANIA?

55% I don't know

36% Yes

9% No
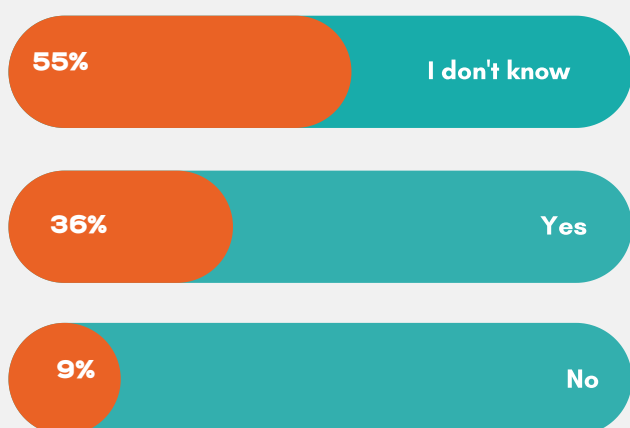
Aside from the fact that most of the WIP respondents where the Members of Parliaments who are part of the decision making and policy review, 55% admitted to not knowing if there are laws in place or not. The 36% that admitted to there being laws were referring to the Cybercrime law and the EPOCA – online content regulations for 2020.

FIG: 14

WHO/WHAT DO YOU THINK IS TO BLAME FOR THE INEFFECTIVENESS IN DEALING WITH OGBV CASES?

Digital illiteracy
93%

Laws and Policies
89%

The Internet Users
71%

The Media Sector
61%

Respective Authorities
46%

Internet Access
29%

Women in Politics (WIP)
28%
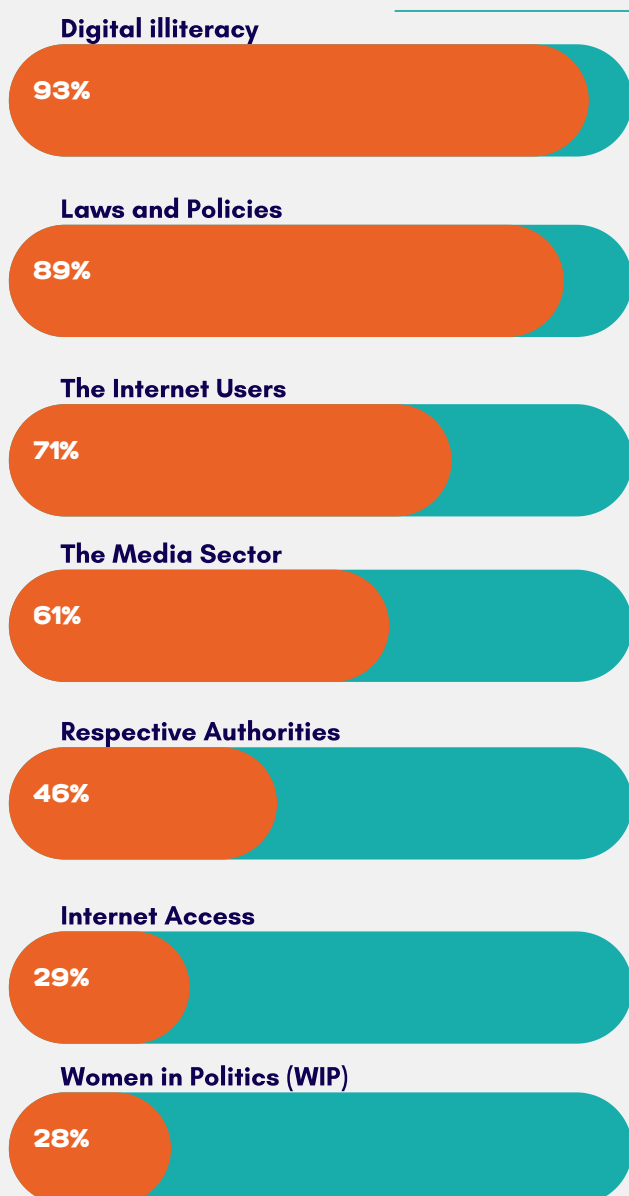
It was interesting that 110 respondents shared blame to the WIP, and with follow up some admissions was shared in regards to the type of content of these leaders. The findings was interesting that almost all of the WIP admitted to the lack of Digital Literacy being part of the bigger problems. It was also revealed that the media sector especially through their social media pages where blamed for leaving abusive content of news/information and especially images of WIP that they share to their online community.

FIG: 15

PART FOUR

THE AFTERMATH OF OGBV INCIDENCES

The consequences
of OGBV
on Women in Politics

Tanzania Context

The CEO of Media Convergency, with the Members of Parliament after the second Focus Group Discussion (FGD) early this year in Dodoma

~ Picture: Media Convergency

Tanzania women political figures are seen as role models for young girls and women who aspire to pursue career in politics. When these political figures are defenselessly abused and harassed online, those young girls wishing to become politicians in the future are highly discouraged from pursuing the same path. This study aims at creating awareness among women and the society at large that Online Gender based violence affects the whole gender regardless of their social or political status. This study also reflects the status of OGBV in other aspects of life like women in workplaces, in entertainment industry, education institutions etc. where women are subjected to the same trauma.

A number of interviewees and participants in the focused group discussion confessed to have faced OGBV at one point in their lives. One of female politician shared that, she was once subjected to OGBV after her picture circulated in the internet showing her wig wore off, explaining

it was a really bad experience for her. She further stated that, the picture received a lot of hate comments which aimed at attacking her as a female politician, the act which not only affected her but her whole family.

Another Member of Parliament shared that she wants to encourage young women to get involved in politics, but she is afraid of subjecting them to online gender abuse she is going through in day to day life as a public figure. She further added that, women are not safe online simply because they are women, but for women politicians, being in the public eye comes with an added vulnerability that makes them even greater targets of online gender based violence.

Throughout these focus group discussions, these women politicians talked about different troubling experiences of being targeted strategically across multiple platforms; many suffer from being trolled or having their images manipulated for purpose of humiliating and sexualizing them. One member of the discussion shared her story as one of the victims of OGBV, that her picture was manipulated by a perpetrator who created a new Instagram

account which bear resemblance to her account then create a fake photograph of her with obscene content so as to shame her and lower her reputation.

4.1 Roots and Causes of Online Gender-based violence on WIP

Participants in the focused group discussion shared some valuable information on the roots and origins of the online gender based violence to them. Most participants pointed out that some perpetrators are politically influenced with the aim and purpose of tarnishing their reputation in political arena. The participants pointed out some common causes and patterns of events that occur to them in day to day basis concerning online gender based violence as follows;

- .Women are deemed unsuitable for politics in most part of the country which is immersed in patriarchy system. In Tanzania history, women started to engage in politics way back since pre-independence era and they served greater purpose in the movement and fight for independence. Even in post-independence era, women political figures played a big role in shaping the country and bring the unity Tanzania enjoys today. However, women politicians are not fully trusted in the community, as the job is deemed to suit men better than women.Some people in the country, portray women as devious and deceitful who may change sides at any time when the opportunity lands and women politicians are suspected to always have a hidden agendas because they can be easily lured or bought.

- Women are criticized for being incapable, ineffective and unintelligent. Some participants pointed out that these beliefs are also subscribed by fellow women who feel themselves incapable and ineffective, thus have the same reflections to the few political leaders who have made it on top. One of the participants stated that, number of hate comments they receive from women can range up to 40% of all hate comments and abuse. She concluded that women themselves are source of the online gender based violence for staying silent, participate in abuse and for not standing out for each other.

- Women are slanted as desperately sexual beings who will use their sexuality to top the ladder in political careers. This was said by most participants in the discussion, that they often receive comments and remarks that they are only successful in politics because they were used sexually by "men" in power who open doors for them.

- Men are portrayed as strong leaders and framed as saviors and heroes of the country while women political leaders are undermined, and any attempt to air their opinions are bashed and quashed. For instance, in Tanzania since the untimely death of the Late President J.P. Magufuli and Her Excellency, Samia Suluhu Hassan to assume power and sworn in as new President of the United Republic of Tanzania, there is a spike of online gender based violence targeted towards her in her capacity as a President just because she is a woman in power.

- The role of the media is also discussed to have adverse impacts on the issue of online gender based violence. Participants agreed that, the media plays a huge role in infesting the community with poison of hate and abuse as well as diminishing the credibility of political women. One of the participants who is also a Member of Parliament expressed her anger towards the media which conducted a famous interview of Her Excellency President of Tanzania, Samia Suluhu Hassan for asking her irrelevant questions targeting her gender instead of asking questions which closely related to her work as a President and Head of the State. References was posed to questions like "how do you manage (your time) as a mother and a president?" or frequently asked questions to women politicians like "(being a woman) how have you managed to top the ladder? As bona fide as they are, these types of questions are regarded as offensive to women because they are relied upon notions that women are incapable of assuming powers/ offices because of their gender, or they are only meant for domestic chores. Surprisingly, these types of questions are not frequently asked to men political leaders like "(being dads) how do they manage the office duties and parenting?"

- Women victimizing themselves. Some women unfairly use the gender ticket to seek sympathy and mercy from the general public, in public transportation, public services, education institutions and the like. These women deem themselves as inferior so they seek help or mercy from men to consider their feminine outlook

4.2. Impacts of Online Gender-based violence on WIP

Online Gender-based violence impacts women's right to self-determination and freedom of choice, freedom of free movement for fear of surveillance and being hunted, and freedom of expressions for fear of being shamed, harassed, bullied and demeaned based on their gender. Following incidents of OGBV all over the world, most victims and or survivors have been succumbed to emotional distress even without being physically abused. Moreover, women do not even have to be internet users to suffer online violence e.g. the distribution of rape videos online unbeknownst to the victims or survivors [14].

According to case summaries based on in-depth case studies mapping women's experiences of technology-related violence against women (VAW) and their attempts to access justice either through domestic legal remedy or corporate grievance mechanisms conducted in 7 countries[15] which are Bosnia and Herzegovina, Kenya, Columbia, Mexico, Pakistan, Philippines and Democratic Republic of Congo (DRC), the study identified some types of harm experienced as a result of OGBV.

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[14] Online gender-based violence: A submission from the Association for Progressive Communications (APC) to the United Nations Special Rapporteur on violence against women, its causes and consequences, November 2017

[15] see https://www.genderit.org/node/4253

Among the impacts are;

- Psychological harm through which victims/survivors experience depression, anxiety and fear. There was also a certain point where some victims/survivors expressed suicidal thoughts as a result of the harm they faced. One woman recounts, "I considered committing suicide, because I figured that this would send the message that this wasn't a game" [16].
- Social isolation through which victims and or survivors withdrew from public life, including with family and friends. This was particularly true for women whose photos and videos were distributed without their consent who felt publicly humiliated and ridiculed. As shared in a case study: "I felt like I lost something, perhaps my confidence. For one year, I did not talk to people. I felt there was nothing for me to say so I did not talk"[17].
- Self-censorship for fear of further victimization and due to loss of trust in the safety of using digital technologies, which was the case of Alejandra, who completely withdrew from the internet for a long period of time. Removing oneself from the internet has further implications beyond self-censorship, such as access to information, e-services, and social or professional communication.
- Apart from the impacts noted from the case study which involve victims and survivors from around the world, online gender-based violence (OGBV) also has consequence of creating a society where women no longer feel safe online or offline.

4.3. Impacts of Online Gender-based violence on offline life

Online gender based violence impacts women political leaders same as it affects other non-political women but in varying degrees. These women political leaders hold several hats at once, as most of them are important figures in their respective political parties, so they have a reputation to maintain. Apart from that, they have other duties and functions in their respective families and communities which are also affected and there is a need to be protected.

The participants discussed some impacts of online gender based violence to women politicians as follows;

- Psychological torment through constant abuse and harassment. These politicians are deemed to be strong and resistant, but they are human beings like others. They have feelings and they can be hurt both physically and mentally. One of the Member of Parliament in the discussion confessed to have gone through depression caused by Online Gender Based Violence to the extent of seeking help from a psychologist to keep herself from being lost.
- Tarnishing their hard earned reputations. Online gender based violence and all of its forms have the effect of tarnishing names and lowering self-esteem of the victims in offline world. As the saying goes, "bad news travel fast", some women politicians who receive online abuse encounter hardships to cleanse their names and eventually affect their political positions.

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[16] Si Jeunesse Savait. (2014).Case Study Number 1, DRC. Unpublished; case study summary available at: https://www.genderit.org/node/4253

[17] Foundation for Media Alternatives. (2014). Case study number 2, the Philippines. Unpublished; case study summary available at: https://www.genderit.org/node/4240

- Social life is also at risk. Perpetrators target politicians, but their actions extend to haunt even family members who feel bad for their beloved. For instance, some of the politicians are married and have children, when they are abused, their families are also affected as "collateral damage". Children and other family members who are innocent are often trolled for the positions their political mothers or fathers hold. For instance, one of the participants remind the group when the daughter of the Late President was trolled online because of her father. Another member stated that her cousins were furious when her pictures circulated online but she calmed them.

- Self-censorship for fear of safety. When abuse and harassment becomes constant and persistent, some women give in and decide to withdraw themselves from public life so as to protect themselves and their beloved ones. One of the participants, who is also a Member of Parliament stated that she decided to withdraw herself from social networks so as to protect her child from being victimized.

4.4. Challenges in enacting and enforcing laws relating to OGBV

Participants in the focused group discussion pointed out some challenges in enacting the law specifically for OGBV and enforcing the current laws. Some of the challenges discussed are as follows;

- Lack of awareness among lawmakers, policymakers and law enforcers in the country is a big hurdle towards safe online space. It was said that education and trainings on OGBV is immediately needed to the community as the big number of internet users are not aware on how OGBV operates and ways to prevent them. In the current situation, it is hard to even convince an average person on the existence of OGBV. Laws are essentially enacted to solve the existing problem or addressing the issue which is not yet addressed by the existing laws. Lack of enough knowledge on OGBV and how it operates, make lawmakers undermining the effects Online Gender-based violence brings to the society and to women.

- Cultural norms and customs in the country neglect the sufferings of women, thus their problems are not given weight they deserve.Participants shared that, when women are victimized, some members of the public shift blame to them as they have contributed to the alleged abuse. In the patriarchy world, women are expected to conduct themselves in a manner convenient to men, when they refuse to submit themselves to men, they are labelled as rebels and immodest.

- The concept of OGBV lacks enough support from men. Women are most victims of OGBV but the concept involve both gender, men and women. Since women are the only gender in front line to battle OGBV, the movement become weak for lack of support from all people concerned.

4.5. The Role of the State in combating Online Gender based Violence

The state is obliged to promote and protect Human Rights at all costs and is obliged to ensure all people are benefiting from the codified and uncodified Human Rights provisions. The state also has an obligation of preventing violations, protecting the victims or survivors, prosecute the offenders, punish perpetrators and provide accessible mechanisms for redress and reparation for victims or survivors. State obligation also extends to remove impunity and provide for certainty of punishment of perpetrators of violence against women. States are obligated to conduct due diligence which will enable state organs to take reasonable steps towards identifying and preventing Online Gender-Based violence before they occur[18].

This includes adopting policies which will set foundations for strict laws that will condemn any form of violence against women or any discrimination or harassment based on the gender. Failure to exercise due diligence in taking these measures would render a state accountable. However, despite of states obligations to ensure that violence against women come to an end, the sad reality is that many states fall short in measures taken to combat OGBV against women, from reporting to prosecution. For instance, in Tanzania state organs do not put much emphasis on combating online gender-based violence despite having number of incidents which render the online space unsafe for some people.

OGBV of women in politics is evidently there and everyone on the online space can see it. This kind of such harassment is not new, it is done and we see it being done everyday, this harassment not only happens online but offline as well, its only that the online space enhances the visibility of such violence which is gender based. It is important for every online user not only WIP to advocate against such violence for it is a very bad thing, and sadly it is a reflection of what happens in our homes, schools, offices and communities.

ZITTO ZUBERI KABWE
Party Leader - ACT Wazalendo | November 2021

[18] Abdul Aziz, Z., & Moussa, J. (2013). Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women. International Human Rights Initiative. https://duediligenceproject.org/ewExternalFiles/Due %20Diligence%20Framework%20Report%20Z.pdf

The nineteen (19) members of parliament after being sworn in, seated in the front row is the Parliamentary Speaker hon. Job Ndugai and Parliamentary Speaker hon. Stephen Kagaigai seated on the left

~ Picture: Courtesy

SPECIAL CASE: THE COVID19 OGBV POLITICAL SYNDROME

Discussing with three members of parliament from the group of nineteen, that where sworn in as special seats Members of parliament, they shared the agony, pain and psychological torture which was a result of the cyber abuse, bullying and harassment in all platforms (especially social media) in the country. They expressed how some had to lock themselves for days in their homes, some were not allowed by their families to access any social media or dare to engage anything, and there was one who almost lost her marriage for the attack had moved to the offline world not only to the nineteen members of parliaments but to their close and loved ones as well.

It was apparent that the abuse was because they were women, the comments online were merciless, personalised and degrading – nothing to do with their capabilities as leaders in politics.

This might be the biggest WIP based abuse that was strongly and severely extended to the women leaders in politics at par in the history of the country. Those who were always active on social media faced the most severe blows and backlashes to the extent all of them stopped using social media. Others have left forever (at least until when this study is being published), while others were able to go back to the online space.

The most notable public figures from the group was the MP Halima Mdee, a once exemplary very active WIP online but since being sworn in almost one year later, she has deserted her social media accounts with a Twitter verified account of around 1 million followers.

The comments still available online, were so harsh and (*we have chosen not to share extracts for it will be validating the abusive words that were being said*). During one of the focus group discussions one of the members of parliament from the group introduced herself as "I am one of the COVID19 member", to which a confused lead researcher requested why do they identify themselves by that, to which she simply responded

that "it used to be painful when they were called the name but later on they all agreed and said, that the name suited them well... they are here to stay and will mutate in all forms just to survive".

"COVID19" was a name given to the group by the online perpetrators to the 19 special seats members of parliament because of the internal and cross party (ruling and opposition) political power dynamics after the 2020 general elections. While the opposition party Chama cha Demokrasia na Maendeleo (CHADEMA) have declared non-acceptance of the 19 special seats representing the party in the parliament, the Speaker of the Parliament, hon. Job Ndugai, had closed the debate on the legitimacy of 19 Members of Parliament (MPs) of Chadema under special seats and urged them to continue working as they are in safe hands [19]. CHADEMA was entitled to 19 Special Seats MPs who are picked basing on the total number of votes garnered by the party's Presidential candidate during the October 28, 2020 General Election. However there was internal opposition party arguments on the representation of the 19 MPs who were sworn in.

Lessons learned from the abuse to the CHADEMA members of parliament

1. The family and loved ones have a strong influence on the women in politics presence and active engagement online. Especially the spouses.
2. Online gender-based violence on politicians in general and women in politics in particular has lead-perpetrators (mostly people who know the target very well), and by using influence of those with a strong presence (social media influencers); tend to promote deliberate emotional and psychological torture.
3. The above leads to the fact that most online abusers are influenced or pulled into the wave of abusing others just because they believe whatever ideology their lead influencer believes at that particular moment.
4. In similar incidences where a man were sources of disagreements internally the attaches and abuses tend to focus on the work ethics while for the women it was personalised.
5. There is an urgent need of our nation to understand and acknowledge a need of experts on psychological and mental health for all levels of people in the society. In most cases, the community regards the political leaders as resistant to any sort of challenges, pain or emotional torture at individual level.
6. Abuse for women in politics does not require for them to be active to face abuse. Of the nineteen members not all were very active social media users, but the abuse was still incurred through other user accounts whether at individual level or media houses.
7. There is a gap on digital knowledge. Most women in politics who are not active on social media do not know that there are ways to learn to be a better digital citizen in terms of emotional stregnth, security and literacy in general.

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[19] Tanzania: Chadema Special Seat MPs Legit, Insists Ndugai - https://allafrica.com/stories/202105040250.html

PART FIVE

**RECOMMENDATIONS
AND
CONCLUSION**

The State of
Online Gender-Based Violence
in Tanzania

Recommendations

Following the study and challenges discussed, there is still a persistent online gender-based violence problem in the digital spaces which endanger safety of the women and other marginalized groups in participation and integration of online spaces. There are several ways to bridge the gender digital divide from Human Rights perspective with enough efforts of the states and other pioneers and activists coming together for one aim of eradicating all forms of online gender-based violence and making online spaces a safe place for all.

Legal frame-work

Any measures to eliminate online gender-based violence against women must comply with international human rights law, including the criteria for permissible restrictions to freedom of expression provided under Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). There has to be specific laws and regulations to protect women online.

National Segregated data

There is a need of gender-segregated Data across sectors for informed decisions to understand the level of women participation, engagement and gaps in ICT related information such as Tanzania Communication's Regulatory Authority data on the number of internet users in the country. The same is a challenge in Cybercrime recorded offences, where only OGBV related case is recorded under an umbrella of cybercrime offences.

Technological Capacity for respective Authorities

Technological advancement in investigations must be taken into consideration. Most of the incidents of OGBV are done by the people who maintain anonymity in digital spaces. This make the situation hard as these people fear not the government agencies because they know it is hard to be identified and apprehended. Even if they are successfully apprehended, it is much harder to prove the case against them. When it comes to technology facilitated violence, more focus is directed to commercial and technical frauds while OGBV is left unattended.

Even most of judicial officers lack enough understanding on the topic and how online violence is conducted. As a result, online gender-based violence incidents are considered trivial.

Preventive Measures

Preventive measures must be taken to ensure that all forms of online violence are prevented including but not limited to providing education on how online violence affects women in their participations and interaction in online spaces, violates their basic rights like right of freedom of conscience, right to personal privacy and injure their integrity.States must make sure that it provides enough repetitive education on the importance of safe online spaces for all and the need of having equal opportunities that digital spaces bring. General public must be taught to take care of each other in online spaces the same way that they are taking care of each other in offline environments, including duty to report those perpetrators and identifying them when they are called to assist in investigations.

Digital Literacy across groups and sectors

Capacity building WIP and young women is important so as to know how they can circumvent the online space in a way they can minimise being subjected to online gender violence. Also digital literacy for purpose of creating awareness to lawmakers, law enforcers and consumers on how OGBV operates and its impacts on digital ecosystem.

Reactive Measures by Respective Authorities

i.Reactive measures should also be applied by the states through their organs and agencies responsible in regulating and monitoring online contents. Although, this should be done with all necessary precautions not to encroach other people's rights like right to privacy. The state through its agencies may take reactive measures of condemning the acts of online gender violence through issuing warnings and reprimands, swiftly take down unlawful content which amount to online gender based violence and conducting thorough investigations through the use of advanced technologies to identify and apprehend culprits. For instance, one of the members suggested that TCRA have the data of all subscribers in the country since it uses KYC (Know Your Customer) methods by registering all sim cards through biometric means. Through the details collected, TCRA can track the IMEI number of the culprit's phone and know the exact location of the offender. It was agreed that, through this measure, other people will be deterred from committing the same mistakes. Also recording data of reported cases specifically identifying online abuse might be also effective

Punitive measures to Perpertraitors

The state organs through judicial bodies must ensure that proper redress is awarded to victims and or survivors that may encourage other victims to come out and seek redress in proper and formal ways. Judicial bodies must impose heavy penalties to offenders so as to deter other people from committing same offences. The current situation is not satisfactory where offenders are cut loose while victims continue to suffer mentally and or physically. This make victims and survivors lose faith with the state organs in curbing the problem whilst the offenders running free and committing same offences to others or previous victims.

Integrated OGBV Conversations

The need of integrating men in the movement to combat OGBV. All participants agreed that, men need to be involved in the movement as the issue need both gender for effective results. Leaving the matter in the hands of women alone, can widen gender divide contrary to the tenets of safe online space for all.

OGBV is one of the reasons of the Gender-digital divide, especially to Women leaders who are active on social media platforms. There should be an open space for equal participation, engagement and everybody should feel free to air out their opinions and the work that they do without being in fear of any sort of harassment or bullying. When the space is welcoming, when the space is acceptive, it will lead to engagement of women leaders in different sectors and in politics. My advice for women leaders in politics is that we need to engage and use social media more and highlight the work we do so that the public is aware of all the things that we do for them.

VICTORIA MWANZIVA
Secretary for Publicity, Mobilisation and Pionners - CCM Youth League | November 2021

Collaboration is very Key

Tackling OGBV does not require operating in silos, it is important for stakeholders to collaborate and work towards one goal of creating safe spaces online by developing and implementing a framework with a bigger goal. There is a need for the respective authorities, the civil society communities, the decision makers, development partners and all other stakeholders to join forces with the deliberate efforts of having more WIP in the online space. OGBV is a barrier to full political participation and durability of WIP.

Promoting mental wellness

Psychological and mental breakdown of online abuse should be taken seriously. The pain inflicted from online is similar and sometimes ever more repercussions that physical harassment. The current state tend to undermine the the emotional and psychological side of effects on victims of OGBV. A lot of victims admitted to have been depressed, their work being affected for that particular time of episode and also admittance that it created a low self esteem within themselves.

My perspective of OGBV on WIP is because of the many unfortunate misconceptions of women in leadership positions. Women leaders in politics have been blamed and said that they have no capabilities and that most hold those positions because of giving themselves to men in leadership positions, it is said that they are liars and ineffective with so many other bad things, just so that they discredit them. They forget that a woman has the ability and will to work and be part of the national development, women have powerful roles in the society, and when a woman is empowered she has the capability to do so much more and touch many people who surround her.

JESSICA JULIUS MSHANA
EAC Youth Ambassador | November 2021

Strategic Advocacy Campaigns

For awareness creation and impact, creative strategic campaigns both online and offline on OGBV on women in politics is important. At the moment there is an ongoing social media campaign with hashtag #OGBV_WIP as well as offline advocacy with respective authorities, Members of parliament, Media Practitioners, respective authorities and development partner. These campaigned are an effort to the implementation framework which is in the developing stage to be adapted for the next four years focused on enhancing WIP participation online.

Conversations at Root level

Technology facilitated communication is a part of everyday life. The level of digital literacy differs from one to another, and instead of waiting on formal ways of capacity building on digital access, digital challenges, digital opportunities as well as it's risks; the time has come for root levels such as peer groups, families, workplaces and other favourable places to talk and discuss and make social media engagement part of the conversations. This could minimise the challenges that one can incur in regards to OGBV.

CONCLUSION

Violence of any form is a barrier to full political participation of women. WIP face more challenges outside their ability of will from their families, communities, environment and gatherings (whether formal or informal). With a promising number of women overcoming those obstacles and becoming leaders in politics, this is possible as well for them to establish a thick skin and overcome the harassment and abuse online. Every WIP we have interviewed during the study was on one time very conscious and self-censored themselves to engaging in any way online. But with time they overcame the challenge and are now active engagers. Missing out on engaging on the online space does not only deprive of the WIP to have the freedom to express themselves, but rather it also deprives the citizens they serve an ability to engage on the online space. With technology changing the ways of communication and making it so easy for a leader and their citizen to engage, more than ever we need them active online. We have targeted through this study to have at least more than half the women members of parliament to be evidently active online by the next general election 2025.

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CONTACT INFORMATION

Women at Web Tanzania

Powered by Media Convergency

6th Floor – Al-dua Tower, Morocco Square,

Opposite Vodacom H/Q - Bagamoyo Rd

P.O. Box 33598 - Dar es Salaam Tanzania

E: womenatwebtz@mediaconvergency.co.tz

M: +255 764 477 927

Social Media: **https://linktr.ee/WomenAtWebTZ**