

Factsheet: Disinformation and Online Harassment against Women Journalists in sub-Saharan Africa

The rise of digital platforms, online news reporting and social media has fuelled disinformation and online harassment, often targeting women journalists.

Disinformation refers to information that is "*falsely and deliberately created to harm a person, social group, organisation or country.*"¹ Often, this takes the form of spreading lies about a journalist's character or work and is used as a means of undermining credibility, causing humiliation and seeking to reduce the journalist's reporting. Disinformation has resulted in threats of violence such as rape, murder and mass attacks, both online and in real life.² Other forms of online harassment include stalking, bullying, non-consensual photography and defamation.³

Research has highlighted high incidences of disinformation and online harassment against women journalists. For instance, 75.4% of women journalists in Kenya have experienced online harassment because of the news content they cover, their ethnicity and their gender.⁴ Likewise, a UNESCO survey conducted in 15 countries, including Ghana and Nigeria, found that 73% of women journalists have encountered online violence during their work.⁵

At the same time, the importance of online platforms for journalists as newsgathering and information disseminating tools cannot be overstated. Studies have found that 80% of journalists use social media in their daily work.⁶ Disinformation and online harassment therefore result in a disproportionate and considerable restriction on a journalist's reporting. The fact that fake news often spreads faster than real news⁷ further reinforces this effect.

A Normalised State of Affairs

In today's climate, a majority of women journalists have reported that they consider harassment as a part of their job.⁸ The publicity given to extremist views on the internet has magnified polarizing opinions and given voice to misogynistic actors, who use intimidation, threats and harassment to spread hateful views under the guise of freedom of expression. This has created a harmful environment for women journalists, with hateful comments pushing untruthful information that is deliberately intended to harm.⁹

¹ UNESCO, 'Journalism, Fake News and Disinformation: Handbook for Journalism Education and Training' (United Nations Educational, Scientific and Cultural Organisation, 2018) < [Journalism, fake news & disinformation: handbook for journalism education and training: UNESCO series on journalism education: 2018 - 265552eng.pdf](#)> Accessed 19 September 2023.

² UNESCO, 'Journalism, Fake News and Disinformation: Handbook for Journalism Education and Training' (n1).

³ Women's Media Centre, 'Online Abuse 101' (WMC) < [Online Abuse 101 - Women's Media Center \(womensmediacenter.com\)](#)> Accessed 19 September 2023

⁴ The Association of Media Women in Kenya 'Women Journalist's Digital Security' <[Women-Journalists-Digital-Security.pdf \(amwik.org\)](#)> Accessed 19 September 2023.

⁵ G Sarpong, 'Countering Online Abuse and Harassment of Journalists: Guidelines for Newsrooms in West Africa' < [Guidelines- for-Newsrooms-in-West-Africa_web-150ppi.pdf \(openinternet.global\)](#)> Accessed 19 September 2023.

⁶ L Willnat and D.H Weaver, 'Social Media and U.S. Journalists (2018, Digital Journalism) 6(7) p889 – 909.

⁷ G Agboro, 'Disinformation and its Impact on Society: a Case Study from South Africa' (Open Internet for Democracy, 16 April 2020) <[DISINFORMATION AND ITS IMPACT ON SOCIETY: A CASE STUDY FROM SOUTH AFRICA | Open Internet for Democracy](#)> Accessed 19 September 2023.

⁸ K Miller and M Ferrier, 'Online Abuse and Journalism' (the Digital Public Interest Collective Podcast) <[EP1 Online abuse and journalism: Dr. Kaitlin Miller and Dr. Michelle Ferrier - The Digital Public Interest Collective Podcast | Podcast on Spotify](#)> Accessed 19 September 2023.

⁹ A Hess, 'Why Women Aren't Welcome on the Internet' (Pacific Standard, 14 June 2017) < [Why Women Aren't Welcome on the Internet - Pacific Standard \(psmag.com\)](#)> Accessed 19 September 2023.

Some of the detrimental impacts of disinformation and online harassment on women journalists include psychological and emotional distress, feeling physically unsafe, missing work due to distress or fear of physical violence and damage to professional reputation.¹⁰ In addition, disinformation and online harassment interfere with the journalists' freedom of expression and the public's right to receive information, chills public interest journalism and deprives society of important voices, perspectives and stories. It also jeopardises community trust in journalism.¹¹

International and Regional Framework

Various provisions of international law protect women journalists. For example, Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) provides for the freedom to impart information of any kind through any choice of media, including online.¹² While this freedom also extends to perpetrators of online harassment, it is not an absolute right. Article 19(3) of the ICCPR provides that freedom of expression can be limited where there is a measure in place that is (i) established by law, (ii) adopted in pursuit of a legitimate aim and (iii) necessary and proportionate. Therefore, when developing responses to online harassment and abuse, states must comply with the requirements of Article 19(3) ICCPR to restrict disinformation tactics.¹³

Additionally, on 10 June 2022, the ILO added 'safety and health' as a fundamental principle and right at work. Thus, ILO member states are required to promote and respect safe working environments "regardless of whether they have ratified the relevant conventions"¹⁴, including in the online environment that women journalist operate in.

At a regional level, the African Commission adopted a resolution to protect women against digital violence in Africa. This resolution requires member states to, *inter alia*:

- review and adopt legislation that will counteract all forms of violence by including digital violence in the definition of gender-based violence;
- facilitate the cooperation between law enforcement and service providers to identify perpetrators and gather evidence for online harms; and
- undertake measures to safeguard women journalists from digital violence, including gender-sensitive media literacy and digital security training.¹⁵

National Frameworks

Various countries in Sub-Saharan Africa have established national frameworks to address disinformation tactics and prevent online harassment of journalists. Besides constitutional provisions that protect against discrimination on the grounds of a person's sex and provide for dignity and freedom of expression

¹⁰ J Posetti et al, 'Online Violence Against Women Journalists: A Global Snapshot of Incidence and Impacts' <<https://unesdoc.unesco.org/ark:/48223/pf0000375136/PDF/375136eng.pdf.multi>> Accessed 19 September 2023.

¹¹ PEN America and FDR Group, 'The Impact of Disinformation on Journalism: Online Survey of Journalists' < [Complete Survey Results - to link on report page.docx \(pen.org\)](#)> Accessed 19 September 2023.

¹² United Nations Human Rights Committee, General Comment No. 34, Article 19, Freedoms of Opinion and Expression, UN Doc. CCPR /C/GC/34, par. 12.

¹³ J McCully, Legal Responses to Online Harassment and Abuse of Journalists: Perspectives from Finland, France and Ireland, (OSCE) <<https://www.osce.org/files/f/documents/1/6/413552.pdf>> Accessed 19 September 2023.

¹⁴ International Federation of Journalists, 'ILO Adds Safety and Health as a Fundamental Principle and Right at Work' (IFJ, 13 June 2022) < [ILO adds safety and health as a fundamental principle and right at work - IFJ](#)> Accessed 19 September 2023.

¹⁵ African Commission on Human and Peoples' Rights, 522 Resolution on the Protection of Women Against Digital Violence in Africa - ACHPR/Res. 522 (LXXII) 2022 (ACHPR, August 2022)

within the limits of the rights and reputation of others, relevant legislation includes the following:

Kenya

In Kenya, the **Computer Misuse and Cybercrimes Act** (No. 5 of 2018)¹⁶ makes it an offence to "*knowingly publish information that is false in print, broadcast, data or over a computer system, that is calculated or results in panic, chaos, or violence among citizens of the Republic, or which is likely to discredit the reputation of a person*"¹⁷ (emphasis added). The constitutionality of this act was confirmed by the Kenyan High Court in 2020, reasoning that the limitation to the freedom of expression is justified.¹⁸

The Kenyan **Penal Code** (CAP 63)¹⁹ provides for the offence of defamation. It is defined as any matter that is "*likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation*"²⁰.

Lastly, the **Employment Act** (2007)²¹ prohibits harassment in the workplace. According to the **Occupational Safety and Health Act** (2007),²² workplaces include "*any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment*"²³. Under this broad definition, wherever women journalists undertake work, whether physically or online, can be considered and employer are required to prohibit online harassment that occurs during a journalist's work. This obligation was further detailed in the *Ooko & another v SRM* case, where the Nairobi Court of Appeal held that an employer had a positive obligation towards an employee who makes a harassment complaint to follow through with it and ensure the harassment is eradicated, redressed and not repeated.²⁴

Nigeria

In Nigeria, the **Cybercrimes (Prohibition, Prevention, Etc) Act** (2015)²⁵ makes it a criminal offence to "*knowingly or intentionally transmit or cause the transmission of any communication through a computer system or network to bully, threaten or harass another person.*"²⁶ It further provides that it is an offence to knowingly send a message or other matter using a computer system or network that is "*known to be false for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another.*"²⁷

A journalist is protected by the above provisions, given that perpetrators of disinformation and online abuse knowingly spread information often with the intention of harassing, bullying, threatening, inconveniencing and injuring a woman journalist. Although this act provides a source of protection for

¹⁶ Computer Misuse and Cybercrimes Act (No. 5 of 2018).

¹⁷ Ibid, Section 23.

¹⁸ Bloggers Association of Kenya (BAKE) v Attorney General & 3 others; Article 19 East Africa & another (Interested Parties) [2020] Eklr.

¹⁹ The Penal Code [CAP 63 of the Laws of Kenya] Section 194.

²⁰ Ibid, Section 195.

²¹ Employment Act, 2007.

²² Occupational Safety and Health Act, 2007.

²³ Ibid, section 2.

²⁴ Court of Appeal at Nairobi, *Ooko & another v SRM 7 3 others* (Civil Appeal 195 & 197 of 2019 (Consolidated)) [2022] KECA 44 (KLR) (Civ) (4 February 2022) (Judgement).

²⁵ Cybercrimes (Prohibition, Prevention, Etc) Act (2015).

²⁶ Ibid, Section 24 (2) (a).

²⁷ Ibid, Section 24 (1) (b).

journalists, its applicability is limited, as it can only be enforced against people who are governed by the laws of Nigeria and not against actors who are based abroad²⁸.

South Africa

In South Africa, the **Protection from Harassment Act** (2011)²⁹ includes special provisions requiring electronic communication platforms to assist with court orders to protect against harassment and further imposes penalties for not providing that information. Additionally, the **Cybercrimes Act** (2020)³⁰ makes it an offence for a person to "*disclose a data message by means of an electronic communications service which threatens a person with violence against that person.*"³¹ It also criminalises the disclosure of a data message with an intimate image of a person without that person's consent.³²

In the case of *Heroldt v Wills*,³³ the High Court of South Gauteng, Johannesburg, considered a claim for defamation based on a Facebook post and held that the "*law protect[s] every person's right to dignitas (inner tranquillity) and right to fama (reputation)*"³⁴. On this basis, the court ordered the respondent to remove all posts that damaged the reputation of the applicant from Facebook and any other social media sites where it was published.

Other African Jurisdictions

In other jurisdictions in sub-Saharan Africa, legislation against disinformation is often more indirect. For example, in Tanzania, Lesotho and Uganda, laws indirectly control the sharing of content online through fees imposed on social media users or online bloggers.³⁵ Such measures are presumably aimed at making the fake news industry less lucrative and as such, less popular.

Possible Solutions

There are various avenues that may be relied on in protecting a journalist's rights and reputation. As women journalists are facing several forms of tech-facilitated abuse, the law in Sub-Saharan Africa is expanding to address this problem. Types of judicial remedies range from fines to imprisonment.³⁶

Women journalists may rely on international, regional and national frameworks to take action against malicious behaviour stemming from disinformation tactics and can engage a legal practitioner to initiate a lawsuit on their behalf. An alternative route for recourse are reporting mechanisms, including:

- Making a formal complaint against the transmitter of the disinformation and harassment on the

²⁸ S Ojukwu and O Agu, 'Legality of the Cybercrimes (Prohibition, Prevention Etc) Act as an Instrument for Internet Crimes Control in Nigeria' (Journal of Commercial and Property Law, 2020) < [View of LEGALITY OF THE CYBERCRIMES \(PROHIBITION, PREVENTION, ETC\) ACT AS AN INSTRUMENT FOR INTERNET CRIMES CONTROL IN NIGERIA \(unizik.edu.ng\)](#)> Accessed 19 September 2023.

²⁹ The Protection from Harassment Act, 2011.

³⁰ The Cybercrimes Act No. 17 of 2020.

³¹ Ibid, Section 15.

³² Ibid, Section 16.

³³ *Heroldt v Wills*[2014] JOL 31479 (GSJ).

³⁴ Ibid, p28.

³⁵ L Garbe et al, 'How African Countries Respond to Fake News and Hate Speech' (LSE, 25 November 2021) < [How African countries respond to fake news and hate speech | Africa at LSE](#)> Accessed 19 September 2023.

³⁶ Provided for across the national statutes discussed in this factsheet, namely: The Constitution of Kenya (2010); the Computer Misuse and Cybercrimes Act (2018); the Penal Code (CAP 63); the Employment Act (2007); the Cybercrimes (Prohibition, Prevention, Etc) Act (2015); The Protection from Harassment Act (2011); the Cybercrimes Act (2020).

social media website. The more frequently a perpetrator is reported, the more likely the platform will flag this user as a threat and block or otherwise disable the user's account.

- Report the instance of harassment to an employer and require action to be taken in jurisdictions where the law requires employers to address any harassment the course of an employee's duty.
- Report the instance of harassment to a regional or local body – for example, the African Union digital platform for media safety³⁷; the Association of Media Women³⁸ (Kenya) or the Media Foundation for West Africa³⁹ (Nigeria).

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Authors

- Clarice Wambua is a Partner at Cliffe Dekker Hofmeyr (CDH) in the Environmental Law, and Pro Bono & Human Rights practice areas.
- Janette Nyaga is an Associate at CDH in the Corporate and Commercial and Banking and Finance practice areas.
- Tyler Hawi Ayah is an Associate at CDH in the Dispute Resolution and Employment Law practice areas.

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³⁷ African Union, 'Safety of Journalists in Africa – Digital Platform for Media Safety' <[African Union Launches Platform to Track Threats Against African Journalists \(voanews.com\)](#)> Accessed 19 September 2023.

³⁸ The Association of Media Women in Kenya (n6).

³⁹ Media Foundation for West Africa <https://www.mfwa.org/> Accessed 26 July 2022.

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