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Technology-facilitated gender-based violence: Policy recommendations for accelerating domestication and implementation of the SADC Model Law

Factsheet

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Equality Now

A just world for all women and girls

SADC Parliamentary Forum
Forum Parlementaire
Fórum Parlamentar

Overview

Technology-facilitated gender-based violence (TFGBV) and trafficking for sexual exploitation is one of the fastest-growing forms of violence against women and girls across the Southern African Development Community (SADC).

Women and girls with public-facing roles such as parliamentarians, politicians, journalists and activists are particularly at risk from this form of exploitation.

What is TFGBV?

TFGBV is any act of gender based violence that is committed, assisted or made worse through the use of technology such as mobile phones, social media, messaging apps, online platforms and artificial intelligence (AI).

Forms of TFGBV include:

- Online threats and harassment
- Cyberstalking
- Sharing intimate images without consent
- Sexual extortion and coercion
- Online grooming
- Digital impersonation and doxxing
- Online trafficking and sexual exploitation

What is the impact of TFGBV?

TFGBV and tech-enabled trafficking are serious human rights violations that undermine democratic participation, freedom of expression, and gender equality. They can silence women and girls, restrict their participation in public life, and cause significant psychological, social, economic, and physical harm.

Definitions of what constitutes TFGBV can vary significantly across countries, leading to inconsistent protection for survivors.

Tackling TFGBV requires a coordinated, multi-sectoral response. Currently, coordination across the SADC region is patchy, with TFGBV not always being recognised as a crime, and digital evidence often being poorly preserved. Resultantly, effective responses to survivors continue to be hindered.

What is being done?

Promoting digital safety and justice for women and girls is integral to gender equality and regional development. Currently, legislation varies across the region, but some notable successes are:

- 11 countries have cybercrime laws; five of which include TFGBV offences.
- All member states have trafficking laws; several of which mention online recruitment.
- Online grooming is included in domestic-violence laws in Botswana, Lesotho, and Zimbabwe.
- Eleven countries have data-protection frameworks in place
- Non-consensual image sharing is recognised as a crime in South Africa and Zimbabwe.
- National GBV policies are increasingly recognising digital harms.

While this progress is promising, digital access is rapidly increasing across the SADC region, expanding the potential reach of perpetrators.

To advance progress on TFGBV, policy and legislation responses have to keep pace with the advancement of technology and the criminals ready to exploit it.

Recognised gaps in implementation

- Police, prosecutors, and courts have limited capacity to investigate TFGBV.
- Procedures for preserving digital evidence are inconsistent and poor.
- Mechanisms to get TFGBV content removed are insufficient.
- Limited cross-border cooperation allows perpetrators to operate across jurisdictions.
- Technology is often not recognised as a tool for trafficking and exploitation.

What can be done?

The SADC Model Law on Gender-Based Violence provides a roadmap for comprehensive, harmonised, and survivor-centred legislation that can be leveraged to strengthen national legal, institutional, and regulatory frameworks for responding to TFGBV.

The core principles of the Model Law are:

- Recognising online gender-based cybercrimes and bullying.
- Promoting survivor-centred human rights-based responses.
- Supporting access to justice and effective interventions.
- Encouraging coordinated action across justice, Information Communication and Technology, law enforcement, education, and social welfare sectors.
- Calling for data collection, monitoring, and accountability.

For the Model Law to optimise its effectiveness, it needs to be domesticated, implemented, and monitored consistently across the region. Current adoption is patchy, reducing its efficacy.

Key recommendations

Addressing TFGBV requires a coordinated and multi-level response that bridges the gap between existing gender-based violence frameworks and the realities of harm in digital spaces.

Recommendations for the regional level (SADC Parliamentary Forum and SADC Gender Unit):

- Develop guidance to strengthen the response to TFGBV under the SADC Protocol on Gender and Development, SADC Regional Strategy and Framework of Action for Addressing Gender-Based Violence (2018–2030), and SADC Model Law on GBV.
- Strengthen the coordination for implementation of the SADC Gender Statistics Strategy, the SADC Protocol on Gender and Development Monitoring, Evaluation, and Reporting Framework, and the Regional GBV Indicator Set & Scorecard to ensure harmonised tracking of TFGBV data trends and policy progress.
- Strengthen domestication and implementation of regional agreements for digital evidence sharing in line with the SADC Gender Statistics Strategy (SGSS) 2023- 2030, a regional framework designed to guide the production, dissemination, and harmonisation of high-quality, gender-disaggregated data across Southern Africa, which aims to eliminate data gaps and empower member states to track gender equality data, including TFGBV data, accurately.
- Review and update the SADC Model Law on Cybercrime to ensure it explicitly provides for technology-facilitated gender-based violence and cross-border evidence sharing, investigations, and TFGBV content take-down.
- Facilitate parliamentary engagement and peer learning on TFGBV and technology-enabled trafficking of persons.

Recommendations for national governments (Parliaments and Ministries of Justice)

- Update national cybercrime, GBV, and data protection laws to cover TFGBV offences

- Amend anti-trafficking and GBV laws to recognise information and computer technology (ICT) as tools used for exploitation and recruitment.
- Introduce effective protection mechanisms, including electronic protection orders and clear digital evidence procedures.
- Build judicial and prosecutorial capacity through specialised training on TFGBV investigations and case management.

Legislative priorities

Cybercrime and GBV laws urgently need reviewing and strengthening. Specific laws need to be in place to criminalise:

- Non-consensual sharing of intimate images
- Sexual extortion and coercion
- Cyberstalking
- Online grooming
- Livestreamed abuse
- AI-generated image abuse and deepfake exploitation

Legislation should also recognise the use of social media and digital platforms in trafficking networks, online recruitment, digital coercion, and technology-enabled exploitation.

In order to support survivors effectively, legal reforms must provide:

- Effective and immediate electronic protection orders.
- Clear procedures for collecting and preserving digital evidence.
- Court processes that are survivor-centred.
- Effective measures and compensation.
- Awareness through public campaigns on online abuse and digital safety.
- Training on TFGBV for judges, courts and police.

As legal frameworks develop, they need to ensure they can respond to emerging technologies, including Artificial Intelligence (AI) and synthetic intimate imagery such as deepfakes.

Conclusion

TFGBV is a real and current threat to women and girls across the SADC region. Progress can only be made by all member states consistently adopting the SADC Model Law on TFGBV as well as reviewing and updating legislation to include all forms of TFGBV, and implementing more effective, survivor-centred reporting and support mechanisms.

Alongside this, continued advocacy of TFGBV as a real and serious crime is needed to ensure the narrative can be challenged, harmful practices disrupted and steps taken to move towards making digital spaces safe and inclusive for women and girls.

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