

A
CASE STUDY
FROM
DEMOCRATIC
REPUBLIC
OF CONGO

“MY EX TARNISHED
MY IMAGE”

Keywords: accessing private data; intimate partner violence; blog; abusive comments; data theft; stealing identity; faking personal data; harassment; abuser is known; email; loss of identity; emotional harm; dialogue with aggressor; reported to law enforcement; reported to platform; mailing list; defamation; harm to reputation; survivor’s age is 18-30

THE STORY AND THE VIOLENCE

Séraphine is a 24-year-old single mother living in Kinshasa, in the Democratic Republic of Congo. In 2004, Séraphine dated Gérard, who worked with her at a local radio station as a computer specialist. In addition to his work here, Gérard launched a blogging and social networking platform, where he distributed accounts to his friends before the official launch. It was here that Séraphine began blogging and became well known in the Congolese diaspora.

Later Gérard moved to France and Séraphine began dating another man. Gérard found out about her new relationship when he received a photo of Séraphine and her new boyfriend from an anonymous commenter on his website stating, “This is what your so-called wife does when you’re not in Kinshasa.”

After receiving the message, Gérard published photos of Séraphine getting ready for a party with a comment that read, “Here is the whore, ready for another evening when she will cheat on her husband.” Gérard then changed the password to her blog, and began posting personal photos on her page, encouraging readers to post insulting – and sometimes racist – comments. He deleted supportive comments and Séraphine’s own explanations. A few days later, he linked Séraphine’s blog to his own, so that whatever he published appeared on both sites simultaneously. In this manner, he continued to post personal information about Séraphine, including her telephone number.

“Other internet users also started to take photos of me wherever I was and sent them to Gérard, who posted them on his site,” said Séraphine. “He also posted about 10 photos showing himself getting tested, clearly writing that he was afraid he had caught AIDS from a girlfriend like me.”

The harms experienced by Séraphine were exacerbated by the fact that she has a large family in Europe and numerous acquaintances who were following her blog. She also maintained an electronic mailing list with her family’s contacts, including Gérard’s. “When I told them what was really happening with my blog, Gérard also used this mailing list to send them ‘his version’ of the story,” she recalls. “I also had to tell the story to my mother and the rest of my family who were not connected to the internet.”

The violence continued even after Séraphine stopped responding to the comments on her blog. Her colleagues began receiving copies of her personal emails in which she was chatting with her girlfriends about her job and shared details about her sex life. Because Gérard was a computer specialist, Séraphine felt powerless against the violence.

For Séraphine, the most significant harms she experienced were psychological. Growing increasingly despondent, she threatened to commit suicide. “I believed it would be a good way of sending a message and making everybody understand that it was not a game,” she said. “Some fans from Gérard’s site

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suggested it, [whereas] others recommended that I leave town or hide for some time.”

Depressed, Séraphine consulted with a psychologist. She recalls, “It is difficult to accept that strangers can judge you and run you down. I am not that type of girl [but] people have created an image of me based on what was posted on the blog site. And I could not react.” Moreover, Séraphine felt that she did not have the support of those around her, and her friends encouraged her to apologise to put an end to the violence.

SEEKING JUSTICE

Séraphine *first sought justice through the internet intermediary involved*, which in this case was Gérard's blogging platform. By contacting Gérard directly, Séraphine contacted the abuser and platform owner at the same time. Séraphine tried to reason with Gérard, but was unsuccessful. Gérard's company was based in France, and because the site had still not been launched to the public, *according to French law the content of beta sites belonged to the owner of the website*.

Séraphine then tried to contact a department of the Congolese Ministry of Foreign Affairs which, according to her relatives, handled disputes between people living in different countries. However, this too was unsuccessful because *the relevant duty bearer was not available*. The French Consulate in Kinshasa advised her to travel to France to lodge a complaint; however, *this was too expensive*. Séraphine also tried to contact the office of a French legal firm that specialised in data protection that accepted cases on a pro bono basis; however, *since she was not in*

France to give her consent in writing, the firm was unable to help. Even if Séraphine had been able to go to France, Gérard was well aware of France's data protection laws in relation to beta sites (which worked to his benefit), and Séraphine's chances of success would have been limited.

Although Séraphine did not pursue legal proceedings in the Democratic Republic of Congo and Gérard did not face a criminal case in the DRC or in France, Séraphine *sent a letter to the French data protection authority* – the Commission nationale de l'informatique et des libertés (CNIL) – by post, containing all the evidence against Gérard. Her application fell under French Law no. 78-17 of 1978 which pertains to personal data protection. The office never responded to the letter, but the site was deactivated four months later.

FINDING AGENCY

Séraphine was not as interested in arresting the perpetrator as she was in *wanting to put an end to the violation*. She recounts, “All I wanted was for the blog to be closed down and the whole affair to stop.” She initially considered involving her employer to demonstrate that the service equipment was being misused, but decided against it for fear “that it would only make matters worse.” For Séraphine, the most significant form of agency was *seeing the department psychologist* at her place of work, which greatly helped her come to terms with the situation. Today, Séraphine says that she continues to live a regular life, and has *registered for Google's search engine notifications so she can track what is said about her online*.



Ministry of Foreign Affairs