



Cyber Violence against Women: An Indian Perspective

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Now a days, technology is playing a vital role in all kinds of violence held against women like sexual harassment, sexual violence or abuse, stalking, VAW against intimate partner. Social media, computers, telephones, and mobile phones, internet can be used to harass women. The more use of technology inhibits and extends the reach of the perpetrator and creates a new form of unacceptable behavior. The changing patterns of Violence against Women have endorsed violating their human rights in society. In which cyber related Violence is one of a new trend to violate their rights and freedom. A complex relationship among female violence and information technologies is a critical area of involvement for women's right activists. Information technology may be sometimes used as tool of stopping violence against women. But sometimes it becomes the cause of VAW. However few activists have been actively working on this issue. As a result, a political and legal framing of the erosion between these issues are not recognized in most countries. Violence against women is a global occurrence and involves a variety of physical, sexual, emotional, psychological and economical act of control, threat, aggression, abuse and assault. VAW can occur in many ways such as female feticide, child abuse (girl), incest, rape, sexual harassment, intimate partner violence, abusive behavior and mistreatment with women.

Studies have continually revealed that women and girls worldwide become familiar with various forms of violence by closed and extended family members, neighbors, associates, and by men in positions of power and authority such as police and politicians etc.

Keywords: Violence, VAW, Cyber related Violence, etc.

Introduction: Violence done through Technology affects a vital part of the population specially children and adults. It can be perpetrated by both male and females. Male and Female both can be victims. All types of technology generated violence is unacceptable in any form.

As per the web dictionary the term 'Technology' has been derived from two Greek words: 'techne' (which means art/ skill/ craft or the way/ a mean or a manner by which thing is gained) and 'logos' (which means word or the utterance).

Women Place in Society

The status of women in Vedic Period was revered in Indian society. In Hinduism, men and women represent the equally split divine body (Ardhnarishwar). There is no question of superiority or inferiority between them. Gargi, Maitreyi, and Sulubha are witnesses to super women in Hindu history whose ability of reasoning was extremely higher to that of ordinary humans. Saraswati, Durga, Kali, Laxmi etc. are worshiped across the country.

On the gloomier side, the patriarchal system has continued since the time of Rigveda. Customs, rituals, and values were made by men to favor of women who endure agony this discrimination in silence.

The Indian women have been made to adopt at variance roles. The power of women is induced to ensure that women effectively play their traditional role such as nurturance as a daughter, mothers, wives and daughter in law etc. On the other hand, the stereotype of "a weak and helpless woman" is encouraged to ensure complete dependence on the men.

Defining the Technology related Violence against Women

In the present scenario, there has been a change in the form of violence along with women. Currently the view of the need of the technology, we use the technology in everything and everywhere. Easy accessibility of technology has both pros and cons.

Technology can be very helpful to persons, governments and institutions as an effective alternative information, sharing and communication option. It takes various forms, some to mention being telephones, mobile, computer, tablet, television, radio and other relations. Using these devices one can easily take advantage of accompanying packages, emails, social media platforms, instant and online massaging. They reach more and further. Today's technology has become a part of everyone's life – from the moment we wake up to when we fall asleep. Everyone should have the right to use technology without harm or harassment.

Digital technology has elaborated informational and communicative capabilities of women. By making borderline between the private and public more diffluent, they have allowed greater chance for women's self-expression and engagement of public & political. Paradoxically, the characteristics that make

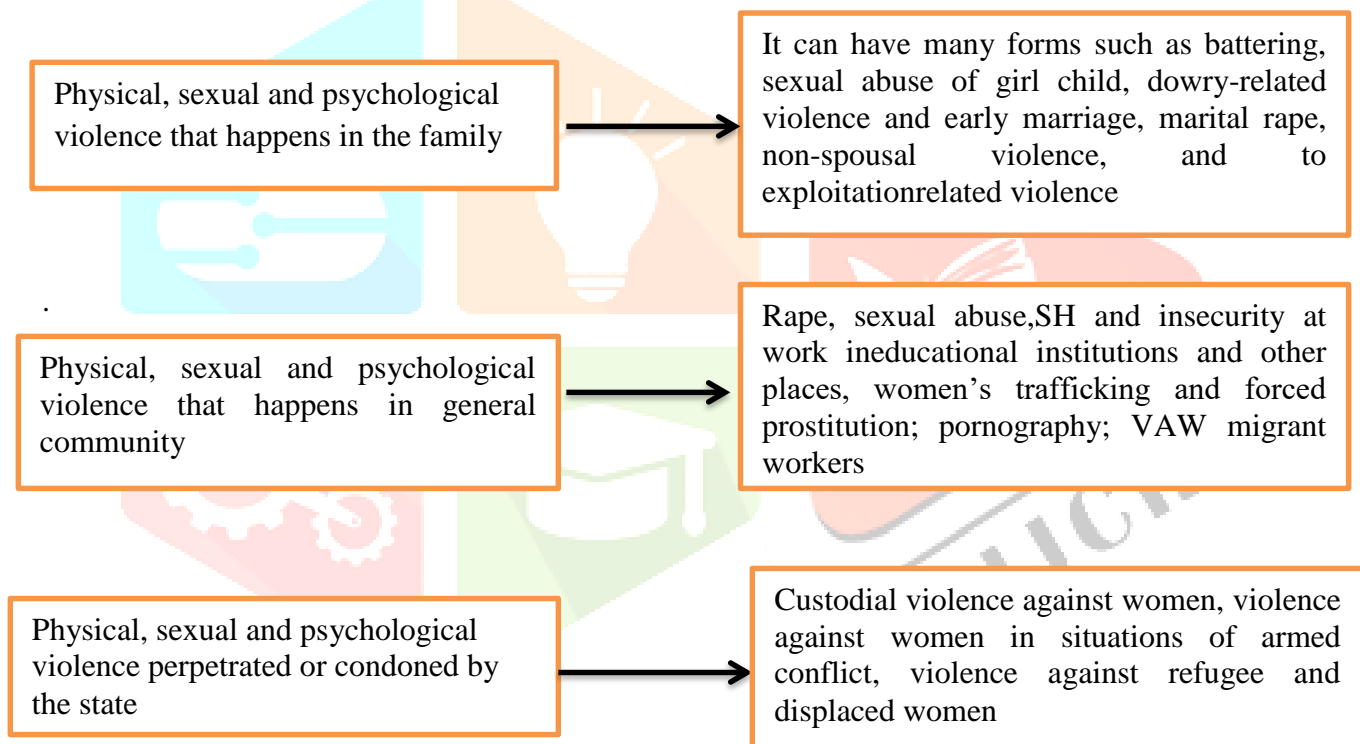
information and communication technologies a planned tool for empowerment of women has also led to their harassment. The Macintosh of online invisibility boosts patriarchal attitudes of prerogative over women, bullying out those women who are seen as threatening prevalent gender norms.

Working Definitions: Violence against Women and Human Rights

In this paper we discuss VAW according to general recommendation 19 of the Convention on Elimination of all forms of Discrimination against Women (CEDAW) which defines violence directed against women because she is a women or which affects women disproportionality. It contains physical, mental or sexual harm or suffering threats of such acts of coercion and other deprivations of freedom.

(Sources: www.apcwomen.org/gemkit/en/understanding_gem/icts.htm)

- **According to CEDAW Declaration further defines in Article 2 VAW where and how it takes place:**



Who are Victims or survivors?

When we work with VAW the terms “victim” or “survivor” is a burning topic of many debates. Some abstain from using the term “victim” argue that it implies tolerance and vulnerability and it shows failure to recognize women’s resilience and agency. On the other hand the term “survivor” is problematic because it refuses the victimization experienced by women who have been the target of violent crime. As explained by Kate Ravenscroft one experience does not come without the other:

Generally a question arise among those who are working in the field of sexual violence as: "Which terminology is more justify victim or survivor?" The term "victim" usually refers to someone who has recently been sexually assaulted, furthermore, this word is generally used when talk about a crime, or context of criminal justice system. The term "survivor" is often used to refer to a person who is, or has been through the process of recovery; it is also used when discussing the short-and long-term consequences of sexual harassment/violence. Some people are feel themselves as victims, while others identify as a survivor. The finest way to be respectful is to ask for their feelings. With this resource, there is the National Sexual Assault Kit Initiative Training and Technical Assistance (SAKI TTA), it examines the use of the "victim" and "survivor" in the criminal justice system, from viewpoint of the practitioners who work with survivors of the victims.

Information and communication technologies

Information communication technology (ICT), that is refers to a wide range of technologies where people can share, distribute and get information, and communicate. ICTs can be grouped into three categories:

- Information technology denotes to computers which have become essential in modern societies
- Telecommunication technologies comprising telephones (with fax) and the radio and television broadcasting, often through satellites
- In networking technologies which are usually known as the internet, mobile phone technology, voice over IP telephony (VoIP), satellite communications etc.

Internet rights

ICTs influence the people's ability to fully enjoy the rights and basic freedoms for which all humans are entitled. These rights are vested in the United Nations Universal Declaration on Human Rights and consequent treaties on international human rights, regional human rights instruments and national constitutions. Human rights are both rights and obligations, and are: universal, equal, inalienable and interdependent and indivisible.

The internet rights movement pursues to spread traditional human rights to information society. They argue that in a world increasingly getting more and more mediated by technology, the right to access information technology and use it for communication, is essential to guarantee other human rights.

The APC Internet Rights Charter contends that the internet can only be a tool to empower people if key rights are recognised, protected and respected. This includes the rights to:

- Affordable, fast and easy access to the internet
- Freedom of expression and freedom from censorship
- Data protection and freedom from surveillance
- Awareness and education, among others.

(Sources: www.apcwomen.org/gemkit/en/understanding_gem/icts.htm.)

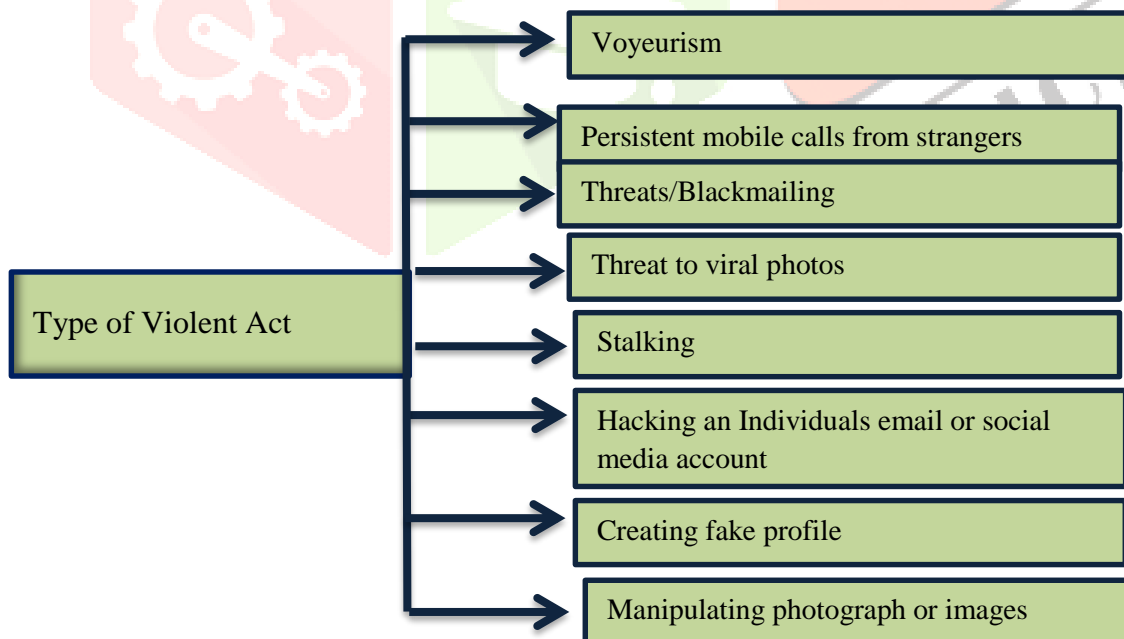
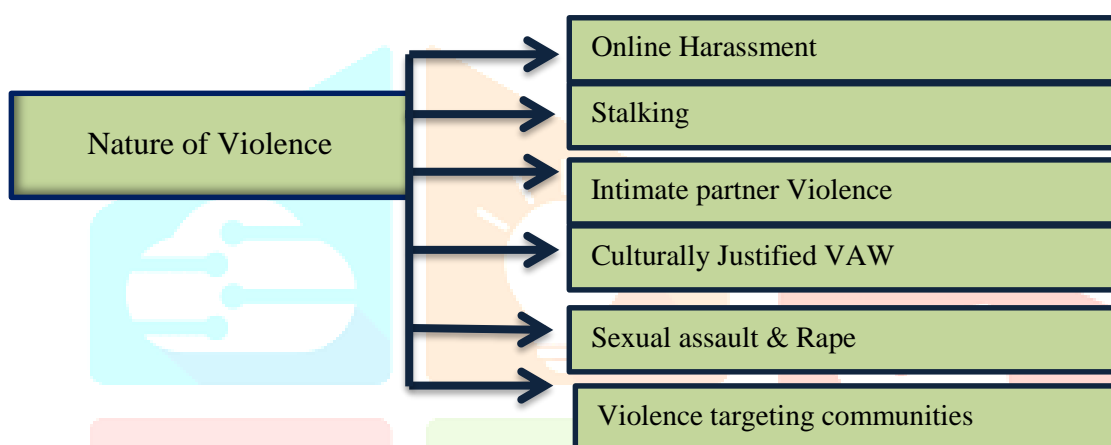
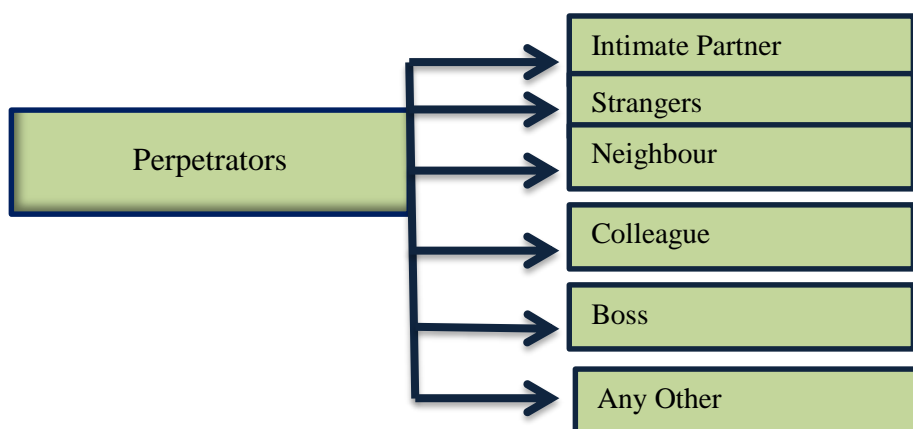
How do ICTs connect to VAW?

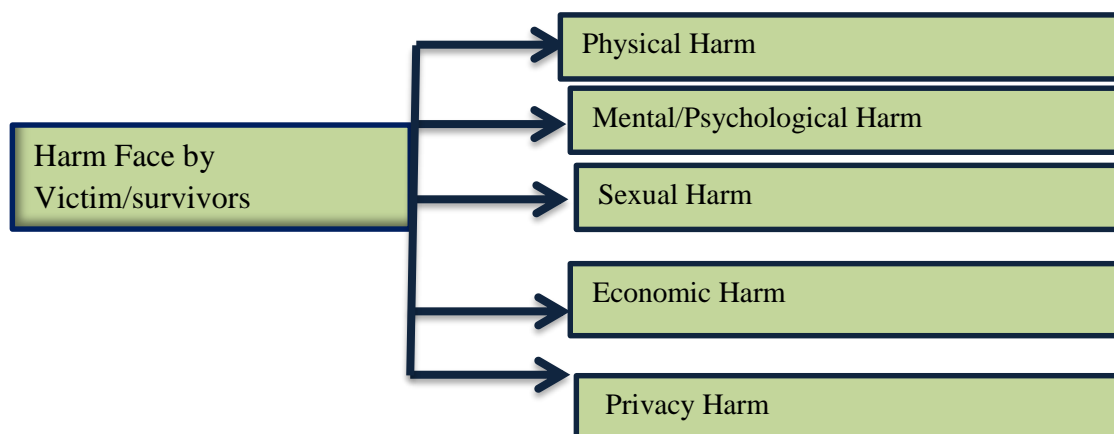
It is frequently said that technologies such as internet or mobile phones are the sword's double-edged. On the one side, they can be used to commit VAW. The report of U. N. Special Rapporteur in the situation of human rights defenders (2010) noted that threats and death threats are often delivered to rights defenders through mobile phones, text message or emails. At the same time, ICTs are tool that women can easily use to demand their rights to a life free from violence.

A global opportunity report says that 93% of women felt safe and 85% women felt more independent because of their mobile phone. It is not a twist of fate then that women's mobile phones are the first personal item destroyed in attacks by violent intimate partners in Argentina. The internet and mobile phones are play a vital role to high-lighted any concerning issue related violence against women.



➤ Categories of Technology related Violence against Women





Halder and Jaishankar (2008) have reconnoitred **ten basic types of cybercrimes** that happen to Indian women in the cyber space. These are:

1. **Harassment via email**- Threatening or humiliating women by sending her abusive emails.
2. **Cyber Stalking** - This crime involves the use of the internet to harass someone especially women. It also includes false allegations, intimidations, cyber bullying etc.
3. **Cyber Pornography** - Women and children are victims of sexual exploitation through internet.
4. **Hacking**- A hacker is an unapproved user who tries to or gains access to any system. As hackers attack the privacy of data it is alleged to be a punishable offence.
5. **Cyber Defamation** - Cyber defamation is publishing/dissemination of defamatory material against another person with the help of computers or the internet.
6. **Morphing**- Using image processing tools to modify pictures of women to defame her.
7. **Email Spoofing** – Creation of email messages with a forged sender address.
8. **Cyber Flirting**- Using the internet to send stimulating messages to a woman.
9. **Cyber Bullying**- is the use of the internet to harm or harass women in an intended, repetitive and threatening manner.
10. **Cyber Sexual Defamation**- Publishing lewd material to insult someone on the internet.

Legal Provisions under IPC Government of India

The [2016 crimes data by India](#) recorded 868 cases under the (problematic and vague) motive of insulting the modesty of women, and 569 cases under the motive of sexual exploitation, in the chapter on ‘cyber crimes’. The sexual exploitation was of both minor and major and of both sexes. Under the chapter ‘crimes against women’, the only data available for a cybercrime is of the circulation of sexually explicit content (covered by Section 67A of the IT Act). Although Section 66E of the IT Act (a consent based provision which punishes the circulation of intimate images surreptitiously captured) is applied in the case of GBCV, there is no gender-disaggregated data (of the victims) provided under it. Cyber stalking which is a gendered offence under law yet no specific numbers are available. The details about such cases are mostly available from metropolitan cities and hardly from towns and rural areas as very little attention is paid in such areas. One such incident was from the Birbhum district in West Bengal in the year 2010 of a young Adivasi girl who was stripped and paraded by the men in her village, who also captured it on video and circulated it by MMS, may never be accounted for. Consequently, we will continue to suffer from data black-holes. We need to

have systematic recording of cases of GBCV, based on a taxonomy that reflects the multiple routes of the crime – with and without continuities to existing categories – if effective measures (legal and extra-legal) to tackle the phenomenon are to be put in place.

- Legal provision under Section 67 publishing or transmitting offensive material through electronic form. The earlier section in ITA was later extended as per ITAA 2008 in which child pornography and retention of records by intermediaries were all included.
- Section 66A: Sending invasive messages through communication service, causing bother etc., through an electronic communication or sending an email to mislead or betray the receiver about the origin of such messages (commonly known as IP or email spoofing) are all covered here. Punishment for these acts is imprisonment up to three years or fine.
- Section 66B: Fraudulently receiving stolen computer resource or communication device with penalty up to three years jail or one lakh rupees as fine or both.
- Section 66D: Dishonest by person on using computer source or a communication device shall be punished with custody of either description for a term which extends to three years and shall also be accountable to fine which may extend to one lakh rupee.
- Section 66E: Privacy violation – Dissemination or transmitting private area of any person without his or her permission etc. Punishment is three years imprisonment or two lakh rupees fine or both. Explanation - For the purposes of this section-
 - (a) "Transmit" means to electronically send a visual image with the intent that it be viewed by a person or persons;
 - (b) "Capture", with respect to an image, means to videotape, photograph, film or record by any means;
 - (c) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast;
 - (d) "Publishes" means reproduction in the printed or electronic form and making it available for public; e) "under circumstances violating privacy" means circumstances in which a person can have a reasonable expectation that;-
 - (i) He or she could disrobe in privacy, without being concerned that an image of his private area was being captured; or
 - (ii) Any part of his or her private area would not be visible to the public, regardless of whether that person is in a public or private place

Section 354A of the IPC says

- (1) "A man committing any of the following acts—
- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or,
 - (ii) A demand or request for sexual favors; or,
 - (iii) Showing pornography against the will of a woman; or

(iv) Making sexually colored remarks, racial comments, body shamed comments, etc. shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 354 B of the Indian Penal Code says that

“Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.”

Section 354D: This section deals with stalking. It defines stalker as a man who follows a woman and tries to contact such a woman, monitors every activity undertaken by the woman while using digital media.

(Sources: <file:///C:/Users/hp/Desktop/doc/paper%20related%20tech%20related%20violence/CYBER%20CRIME%20AGAINST%20WOMEN%20IN%20INDIA%20AND%20THE%20LAWS.html>),

<file:///C:/Users/hp/Desktop/doc/paper%20related%20tech%20related%20violence/Cyber%20Crimes%20Against%20Women%20And%20Laws%20In%20India.html>)

➤ **Recommendations for States:**

Stimulate Access to justice, capacity building and awareness elevate within law implementation agents and the judiciary. In the judiciary system (Police officers, prosecutors, judges and all officials working) must be trained to be able to deal with cases, avoiding the feeling of freedom from liability and the general re-victimization of those who look for support. In other words, States should evade institutional violence that creates psychological, social, judicial or economic damages to those who were under attack by technology related attacks based on gender discrimination. In this logic, States should develop specialized, clear, efficient and transparent internal and external protocols and conducts from its agents to better enable them to receive condemnns, process, solve, documentation and reporting about these cases.

Acknowledge and promotion of encryption, secrecy and data security/minimization as important practices for protection against violence against women. A wide multiplicity of attacks that use technology as a means for continuing gender-based violence take advantage of the huge amount of data about ourselves that is collected and available in the digital environments. Data summarization is an important thought for maximising security and enforcing the right to privacy, and ensures rights to freedom of expression and self-determination. Therefore, States should promote the enforcement of strong data protection regulations, particularly emphasising the role of informed consensus, proportion to the amount of the service provided; in addition the need for security measures and data holder's accountability for data violation; as well as the agency of consumer to remove their data and extract consent. Encryption and secrecy is an important

instrument for the practicing of freedom of self-expression, especially in political perspectives that criminalize definite forms of expression of sexual and reproductive rights. States shall avoid upholding more surveillance powers, mainly without the establishing of adequate controls and safeguards, such as necessity of a warrant, independent omission and other measures that would assure the necessity and proportionality of such practices.

Provide the freedom of self-expression, while identifying that racism and discrimination are not protected by this right. Ensure the right to a remedy and revaluation.

Revaluation should be relational to the brutality of the violations and the harm suffered. And to have real transformative revaluation, it should be operating on three levels: individual, institutional and structural. It is necessary to ensure participation of women in reparations discussions to make sure that initiatives are more likely to give thought to their experience of violence and their concerns, primacies and needs regarding recompense.

States shall promote the severity of gender-based violence related to technology related grave breach that must be treated, acknowledged and encouraged to be screened. Recognizing the provisions that punish offense have mostly assisted to silence voices of opposition, while they also represent a patriarchal approach that sometimes re-victimizes the person attacked. States will encourage understanding that a public policy to deal with technology related violence against women goes beyond making new crimes or stringent punishments, and includes educational and preventive approaches. States should promote education campaigns that create awareness regarding gender equality, accept the loss of several manifestations of technology related gender-based violence, abolish the victims' stigma and strengthen knowledge on these matters within their own State institutions, especially related to ministries, judicial system and police.

States must publish incident reports from time to time at national level. This is a source for legislators and officials working on public policies, as well as for academia and civil society. In addition, this resource would help to create a more apt and real contextual regional picture. All statistical reports must be made in open data format and easily accessible for the whole public.

(Source: [file:///C:/Users/hp/Desktop/doc/paper%20related%20tech%20related%20violence/Recommendations%20on%20technologyrelated%20Violence%20Against%20Women%20\(VAW\)%20for%20the%20UN.html](file:///C:/Users/hp/Desktop/doc/paper%20related%20tech%20related%20violence/Recommendations%20on%20technologyrelated%20Violence%20Against%20Women%20(VAW)%20for%20the%20UN.html), <https://16days.thepixelproject.net/16-ideas-for-using-technology-to-prevent-and-stop-violence-against-women/>)

Suggestions:

1. Organization of a monitoring panel over various platforms available through internet/ Social Media for monitoring every abusive and unacceptable behavior.
2. Crowdsourcing Data and need of guidelines for any social media platform at national level.
3. Education and Training via Digital Libraries
4. Educating Through Gaming to Girls and Women
5. Empowering SMS Services
6. Social Media Awareness Drives
7. Staying Safe with Apps in a way to make people aware regarding hacking, online scams or frauds.

8. Need to aware children, youth, women, men and elderly regarding use and availability of Helplines and Hotlines.
9. Connecting Rural Women to Internet and aware them about online harassment and its various form in a way to make them aware regarding these kinds of abusing behaviours and techniques.
10. Holding Governments Accountable
11. Stripping the Social Acceptability of VAW
12. Challenging Stereotypes through social media and other means
13. Easing Access to Healthcare
14. A Mobile Education awareness drive
15. SOS awareness drives for each community or vulnerable sections etc.

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