



UNDERSTANDING THE CONCEPT OF CYBER FEMINISM IN INDIA: A CRITICAL ANALYSIS

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ABSTRACT

It is apparent that in a patriarchal society, a woman has always struggled for her existence and identity. Feminism can be defined as the advocacy of the rights of women in social, political and economic spheres. Women have been struggling to achieve equality of status in the society mainly dominated by the men. This struggle has led to various waves of feminism all over the world. Cyber feminism can easily be understood as a methodology to build a relationship between women and the Internet. Even though women have always played major role in the development of the society, they have received the least recognition. Thus, cyber feminism is a way of empowering the women by expanding their knowledge of the cyber world. There is a need to change the image of technology so as to incorporate female view. Cyber feminism would lead to women's liberalization in the Cyberspace. However, it can be seen that women are often exploited even in the cyberworld. Women fall preys of gender violence on social media. Cases of sexual violence in virtual world has become cumulative.

This paper explores cyber feminism and its impact on the life of women. The paper also focuses on how women are harmed by online harassment, virtual rape and even prostitution on cyberspace, thereby covering various aspects of cyber violence. The use of internet for anti-social purposes such as stalking, harassing, bullying, and so on, should be prevented and the abuse of cyberspace should be discouraged.

Keywords: Cyber feminism, Cyberspace, Liberalization, Cyber Violence, Cyber Obscenity.

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INTRODUCTION

Cyber feminism serves as a methodology to foster a connection between women and the Internet, offering a platform for empowerment and skill development. By increasing women's knowledge of cyberspace, it can positively impact their daily lives. Through cyber feminism, women can leverage the Internet to enhance their skills and capabilities. Additionally, it broadens the range of tools available to women for promoting social awareness and advocating against injustices. Cyber feminism facilitates global interaction, enabling women to engage with individuals from diverse backgrounds and exchange experiences and accomplishments.

The term "**Cyber Feminism**" was coined in 1994 by **Sadie Plant**, who directed the Cybernetic Culture Research Unit at the University of Warwick in Britain. It refers to the feminist work undertaken in internet, cyberspace, and other digital media platforms. Women have effectively utilized these digital spaces to empower and mobilize other women for their development. Cyber feminism can be viewed as a platform for instigating a feminist revolution, akin to movements throughout history.

In challenging societal suppression of women, cyber feminism serves as a tool for women activists to spearhead various movements aimed at encouraging women to collectively advocate for social reforms. As technology increasingly intersects with the physical world, there is a growing imperative to disseminate knowledge about digital spaces and their utilization. This would facilitate women from all segments of society in accessing and navigating cyberspace more effectively. However, it is evident that the utilization and effectiveness of digital platforms for empowering women vary significantly between rural and urban areas. This unequal and inconsistent access to digital platforms hampers the potential for development by limiting the participation of women.

The limited access of women to digital platforms due to their gender is a pressing concern. Additionally, the prevalence of violence against women in digital spaces serves as a deterrent for their active participation and progress through these platforms. Female activists are often subjected to severe harassment, including threats of rape or murder, and even extreme acts such as acid attacks aimed at devastating them and undermining their resilience.³

³Sujatha Subramanian, "From the Streets to the Web: Looking at Feminist Activism on Social Media" 50 EPW 71-78 (2015)

JURISPRUDENTIAL THEORY RELATED TO CYBER FEMINISM

“Feminist jurisprudence is a philosophy of law based on the political, economic and social equality of the sexes.”⁴ Feminism in India emerged as a response to the pressing need to address the harassment and exploitation faced by women without just cause in modern society. However, it's important to recognize that in historical periods, women were revered as deities, and every girl in society received similar reverence. Women did not have to contend with struggles for their existence or strive for a societal status equivalent to that of men. In fact, there was a clear distinction in the status of both men and women, with no conflict between their statuses. Women often enjoyed a status that exceeded that of men.

As society evolved, changes in lifestyle also influenced and impacted the status of women. The escalation of immoral activities and crimes, particularly against women, led to their confinement within the confines of their homes in an attempt to protect them from such barbaric treatment. However, as these activities persisted and advanced, the situation of women became increasingly dire.

In response to these challenges, efforts were made to address the plight of women, spurred by feminist movements known as waves of feminism, which swept across the globe. In recent years, significant strides have been made in improving the status of women. However, the standard that needs to be achieved remains high, and there is still considerable ground to cover. It is imperative that we collectively work towards bridging this gap and continuing to uplift and empower women in society.

When examining the jurisprudential aspect of feminism, it's crucial to delve into various feminist theories, as they offer diverse perspectives on gender equality and women's rights. Several feminist theories exist, each based on different ideologies.

Here are four main theories of feminism:

a) **Liberal Feminism:** Supporters of liberal feminism attribute the inferior position of women in society to cultural and psychological factors. This theory advocates for the equal status of women with men, viewing women as human beings rather than solely as sexual beings.

b) **Marxist Feminism:** Marxist feminism, influenced by the works of Marx and Engels, posits that women are oppressed in society due to their commodification in the production and reproduction process. Women's labor is often relegated to household chores, leading to their subjugation described as "domestic slavery." This theory emphasizes women's autonomy and their right to control their own lives, rejecting the notion of women as commodities for others to control.

c) **Radical Feminism:** Radical feminism challenges the division of labor based on gender and aims for gender equality by advocating for the elimination of sexual discrimination across all sectors of society. Radical

⁴Dr Kalpana Devi & Prof. Dr S.N. Sharma, “Feminist Jurisprudence and Women Rights in India” BLR 47-56 (2018)

feminists seek to empower women to transcend traditional gender roles and improve their lives by fostering self-awareness and agency.

d) **Socialist Feminism:** Socialist feminism argues that gender discrimination alone does not solely account for women's inferior position in society; sociological factors also play a significant role. This theory contends that a woman's social class and status contribute to her suppression. When women engage in work outside the home, they often face challenges from men seeking to maintain their dominance. Socialist feminists strive to address both gender and class inequalities to achieve true gender liberation.

These feminist theories offer valuable insights into understanding and addressing the complexities of gender inequality and women's rights within legal frameworks and societal structures.

DIFFERENT WAVES OF FEMINISM

The **First Wave of feminism**, which commenced in the late 19th and early 20th centuries in the Western world, aimed primarily at securing voting rights for women. In the 1960s, the **Second Wave of feminism** emerged, focusing on the empowerment of minority groups, civil rights, and anti-war sentiments.

By the early 1990s, the **Third Wave of feminism** began, incorporating new feminist theories such as intersectionality, sex positivity, ecofeminism, transfeminism, and postmodern feminism. This wave expanded the scope of feminist discourse to encompass a broader range of social issues and identities.

While the origins of the **Fourth Wave of feminism** can also be traced back to the West, its impact has been felt globally due to the widespread use of social media platforms. In countries like India, the Fourth Wave of feminism has gained momentum as cyber feminists utilize cyberspace to create communities and disseminate feminist ideologies. Social media platforms have provided a powerful tool for activism, allowing feminists to connect, organize, and advocate for gender equality on a global scale. The feminists have made use of these digital tools in a creative manner, to make it a mode of communication.⁵

For many women, particularly those in rural areas, the digital space represents a platform where they experience a sense of absolute autonomy. It provides them with an opportunity to explore a world that would otherwise be inaccessible to them. This empowerment stems from their ability to engage with the latest trends in society and break free from the confines of their traditional roles.

Various forms of feminism have played a significant role in the development of women beyond their private spheres, extending into the wider world. Additionally, youth feminists have become an integral part of feminist activities, contributing their energy, ideas, and perspectives to further the cause of gender equality and

⁵ Shruti Jain, "The Rising Fourth Wave: Feminist Activism on Digital Platforms in India" ORF (2020)

women's empowerment. The Chipko Movement in the Himalayas in India is one of the results of such activism by the women of the locality.⁶

CYBER FEMINISM IN INDIA

All feminist movements worldwide have had a significant impact on feminism in India, shaping its trajectory over time. The feminist movement in India can be broadly divided into two phases: the pre-independence era and the post-independence era.

a) **The Pre-Independence Era:** During the pre-independence era, India experienced the influence of Western ideologies, which had a noticeable impact on the cultural and social fabric of society. However, this period also witnessed several social reforms aimed at addressing various societal injustices. Visionaries like Raja Ram Mohan Roy took a stand against the atrocities faced by women and spearheaded movements for social change. Key reforms included the abolition of Sati Pratha (the practice of widow burning), child marriage, and other societal malpractices.

Following the First World War, significant organizations such as the Women's India Association (WIA), the National Council of Women in India (NCWI), and the All-India Women's Conference (AIWC) were established. These organizations played pivotal roles in advocating for women's rights, social justice, and gender equality during the pre-independence era. This was also a phase where women in large numbers were becoming part of political organizations and serving political purposes by joining the struggle for freedom.⁷

b) **Post-Independence Era:** This era began with India's independence and continues to the present day. Recognizing the significant contributions of women to the freedom struggle, efforts were made to incorporate women's rights into the political framework, including the right to vote and other civil rights. However, it was after 1975 that a noticeable increase in the number of programs related to the welfare of women in India was observed. This period has seen ongoing efforts to address gender inequality, empower women, and promote their rights across various sectors of society.⁸

⁶ Colleen Mack-Canty, "Third-Wave Feminism and the Need to Reweave the Nature/Culture Duality" 16 NWSA 154-179 (2004)

⁷ Rekha Pande, "The History of Feminism and Doing Gender in India" 26 IEGUFSC 1-17 (2018)

⁸ Ibid.

CRIMES AGAINST WOMEN IN CYBER SPACE

The women are often subjected to various cybercrimes in the digital platform like sextortion, phishing, pornography, cyber stalking, cyber hacking, cyberbullying, cyber-sex-trafficking, cyber defamation and cyber grooming. Some of them are discussed below-

1) **CYBER STALKING:** Cyberstalking refers to the use of electronic communication, social media, or other forms of technology to commit crimes against an individual. It encompasses various actions aimed at harassing, intimidating, or threatening someone with physical harm using digital means. These actions may include sending harassing emails, direct messages, or other electronic communications.

Acts such as false accusations, monitoring someone's online activities, identity theft, making threats, engaging in vandalism, soliciting for sexual activities, doxing (sharing private or sensitive information about someone online), or blackmailing can all be considered forms of cyberstalking. These behaviors are typically carried out with the intent to instill fear, harm, or control over the victim, often causing significant emotional distress and psychological harm.

- **Manish Kathuria vs Ritu Kohli (Ritu Kohli case)**⁹: In the year 2001, India witnessed its first case of cyberstalking when a woman named Ritu Kohli lodged a complaint with the Delhi police. She reported that someone had been impersonating her online, using her identity to engage in chats on a website and sharing her telephone number with other users, leading to unwanted calls at odd hours. This disturbing incident prompted the Delhi police to register a case under Section 509 of the Indian Penal Code, 1860.

At the time, there were no existing laws specifically addressing such offenses in cyberspace, highlighting a gap in legal provisions to address cyberstalking and protect victims from such activities. Ritu Kohli's case served as a wake-up call to the government, urging them to enact laws to combat cybercrimes and safeguard individuals who unknowingly become victims of online harassment and identity theft.

2) **CYBER HACKING:** Cyber hacking is a technique employed to gain unauthorized access to computer systems, networks, and databases. The primary objective of such hacking activities may include stealing, altering, or destroying data stored within these databases. This unauthorized access can pose significant risks, as hackers may exploit vulnerabilities within the system to carry out malicious activities.

Cyber hacking has emerged as a growing concern, with potentially severe consequences that are often difficult to anticipate. The unauthorized manipulation or theft of sensitive data can lead to financial losses, breaches of privacy, and damage to the reputation of individuals or organizations. Additionally,

⁹ Manish Kathuria vs Ritu Kohli, C.C. No. 14616/2014

cyber hacking can disrupt essential services, compromise security measures, and undermine trust in digital systems. As technology continues to advance, combating cyber hacking remains a critical challenge for cybersecurity professionals and policymakers alike.

- 3) **CYBER BULLYING:** When the Internet technology is used to harass, threaten embarrass or target a particular person or a group, it can be termed as cyberbullying. Cyber bullying can be done by means of rude texts, posts, messages, pictures or videos that would hurt or embarrass another person. This malpractice has evidently increased among the teenagers and the adolescents due to their indulgent use of the technology.

- 4) **CYBER DEFAMATION:** Cyber defamation refers to the act of publishing false or wrongful statements about an individual in the cyber world, with the intent to damage their reputation. In India, defamation can take both civil and criminal forms. Civil defamation involves the publication of defamatory material that results in harm to a person's reputation, leading to potential legal action seeking compensation for damages. On the other hand, criminal defamation entails the publication of defamatory material with malicious intent, which is punishable under criminal law. Cyber defamation has become a significant concern in the digital age, as false statements spread rapidly online, causing reputational harm to individuals and organizations. It is essential for internet users to exercise caution and responsibility when sharing information online to avoid inadvertently engaging in cyber defamation.
 - **Kalandi Charan Lenka v. State of Odisha**¹⁰: In this case, the Odisha High Court held that publication of fake obscene images on social media will be covered under cyber defamation and the accused will be punished. The dignity of a woman must be protected and stalking or opening a fake Facebook account or obscene representation, including morphed naked photographs are an attack on the right and dignity of women.

- 5) **CYBER GROOMING:** Cyber grooming refers to the process wherein an individual, often an adult, establishes friendly or emotional connections with a minor through online platforms, with the ultimate intention of engaging in sexual abuse, exploitation, or trafficking of the child. The primary objective of such behavior is to gain the trust of the child, thereby obtaining personal data, often of a sexual nature, for inappropriate purposes. This insidious technique is particularly dangerous, predominantly targeting girls, and can lead to their sexual exploitation as well as involvement in trafficking activities. Cyber grooming poses a significant threat to the safety and well-being of children in the online

¹⁰ BLAPL No. 7596 of 2016 [decided on 16.01.2017]

environment, highlighting the urgent need for preventive measures and awareness campaigns to protect minors from such predatory behavior¹¹.

REGULATORY MECHANISM FOR CYBER FEMINISM IN INDIA

The following acts constitute the regulatory mechanism for cybercrime against women in India-

- THE INFORMATION TECHNOLOGY ACT, 2000

The Information Technology Act, 2000 is an act enacted by the Parliament and commenced on **17th October 2000**. The long title of the act provides that it is an act which would provide legal recognition to transactions carried out by means of electronic commerce. In India, the IT Act is the fundamental law dealing with matters of cybercrime and commerce through electronic means.

The act has given recognition to electronic records and digital signatures. To incorporate the act, various amendments have been made in other statutes, like the Indian Penal Code 1860, the Indian Evidence Act 1872, The Reserve Bank of India Act 1934, etc., which have included electronic records and digital signatures in necessary provisions. In the year 2008, major amendments were made in the Act.¹²

- **List of offences-**

- a) **Section 66:** “If any person does any act to harm the computer or the computer system, which includes hacking the computer system, as defined under section 43 of this Act, the person will be liable for imprisonment for a term which may extend up to three years or with fine up to five lakh rupees or with both”.

A. Shankar vs. State Rep.¹³: In this case, the petitioner had secured access unauthorizedly to the protected system of the Legal Advisor without his permission and in his absence. He was charged under Sections 66, 70 and 72 of the IT Act, 2000.

- b) **Section 66C:** This section prescribes the punishment for theft of identity. The section also contains that if any person fraudulently or dishonestly uses the password of another person or electronic signature or any other unique identification feature, he shall be liable for the punishment of imprisonment up to three years or with fine of up to one lakh rupees or with both.
- c) **Section 66E:** This section penalizes the capturing, publishing and transmission of any image of a person that is of private nature, without the person’s consent. The punishment prescribed for such an act is imprisonment up to three years or with fine up to two lakh rupees or with both. Therefore, if

¹¹ Avinash Pandey, “Cyber Grooming: A Malediction of Virtual World” 1(2) LLR 54-59 (2021)

¹² Devashish Bharuka, “Indian Information Technology Act, 2000 Criminal Prosecution Made Easy for Cyber Psychos” 44 ILI 354-369 (2002)

¹³ 2010

any person captures, by means of image or by means of photography or videography, any private area, that is, the naked or undergarment clad genitals, pubic area, buttocks of female breasts, he shall be liable to the punishment under this section.

d) **Section 67:** this section relates to publishing or transmission or abetment to publish or transmit information which is of obscene nature in electronic form. The punishment prescribed for such an act is:

- On First Conviction- with imprisonment of either description for a term which may extend into three years, and with fine, which may extend to five lakh rupees.
- On Second or Subsequent Conviction- with imprisonment up to five years and with fine up to ten lakh rupees.

Avnish Bajaj v. State (NCT) of Delhi¹⁴: In the given case, Avnish Bajaj, the CEO of Baze.com, was arrested on charges related to the broadcasting of cyber pornography under Section 67 of the IT Act. However, the Court noted that there was no evidence implicating the accused in the broadcasting of the pornographic material. Instead, the evidence collected suggested that the offensive cyber pornography could not be attributed to Baze.com but rather to another individual or entity. As a result, the Court recognized that Avnish Bajaj and Baze.com were not involved in the dissemination of the pornographic material in question. This case underscores the importance of ensuring thorough investigations and proper evidence before attributing liability in cases involving cyber-related offenses.

State of Tamil Nadu vs Suhas Katti¹⁵: In the instant case, the victim refused to marry the accused and got married to another man, but later she got divorced. The accused persuaded her again to marry him and, on her refusal, he decided to harass her through the Internet. The accused opened a false email account on the name of the victim and posted defamatory, obscene and annoying information about the victim. The accused was held guilty under Sections 469 and 509 of the Indian Penal Code, 1860 and under Section 67 of the IT Act.

e) **Section 67A:** The section prescribes punishment for publishing or transmitting material containing sexually explicit act, etc., in electronic form. The punishment prescribed under the Act is:

- On First Conviction- with imprisonment of either description for a term which may extend to 5 years and with fine which may extend to ten lakh rupees.
- On Second or Subsequent Conviction- with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

¹⁴ (2008) 150 DLT 769

¹⁵ CC No. 4680 of 2004

- THE INDECENT REPRESENTATION OF WOMEN PROHIBITION ACT, 1986

It is an act enacted by the Parliament to prohibit the indecent representation of women through films, web series, advertisements or in publications, writings, paintings, figures, or any other manner. Some of the important sections of the act which provide protection to the women from immoral acts intended towards harming their dignity are discussed below-

- i. **Section 3:** This section of the act deals with the prohibition of advertisements showcasing the women indecently. The section states that no person has a right to publish or intend to publish in future, or make arrangements to take part in the publication or exhibition of any advertisement which may tend to lower down the reputation and dignity of women in the society, or which is indecent according to the social standards.
- ii. **Section 4:** This section is similar to Section 292 of the Indian Penal Code, 1860. This section imposes restriction on the production, distribution, hiring, selling, circulation of any books, pamphlets, paper, slide, films, writing, drawing, painting, photograph or figures which contain material that represent or tend to represent women indecently or in an obscene manner.

However, there are certain exceptions to this section:

- a) This section does not apply to the publication of items that serve the public interest or are deemed justified.
 - b) Publication of items for religious purposes with bona fide intentions, such as books and drawings, is not restricted under this section.
 - c) Sculptures, paintings, or engravings on ancient monuments protected under the Ancient Monuments and Archaeological Sites and Remains Act of 1958 are not considered indecent representations.
 - d) Publications, drawings, or prints found in temples, cars used for idol transportation, or for religious purposes are exempt from this section.
 - e) The production of films subject to the provisions of Part II of the Cinematograph Act of 1952 does not constitute indecent representation of women.
- iii. **Section 6:** This section provides penalty in case of breach of Sections 3 and 4 of the Act. The person shall be punishable as follows-
 - a) On first conviction: with imprisonment for a term which may extend to two years and with a fine which may extend to 2000 rupees.
 - b) On second conviction: with imprisonment for a term not less than six months, but which may extend to five years and also with a fine of not less than 10,000 rupees which may extend to 1 lakh rupees.

In **Chandra Raja Kumari vs Police Commissioner, Hyderabad**¹⁶, it was held that right to live includes right to live with human dignity and decency, and therefore, holding of beauty contests is repugnant to dignity and decency of women.

In **Ajay Goswami v. Union of India**¹⁷, the petitioner filed a Writ petition requesting the Court to pass an order that no sexually exploitive content should be published in the newspaper as the same is harmful for children. The court observed that the newspaper agencies are already prohibited from printing obscene material in accordance with the Press Council Act, 1978 and Section 292 of IPC. Answering the question of banning sexually exploitive content in newspapers, the Court replied that in such a scenario, the newspaper shall only consist of things which would cater to the children and not adults.

In **Aveek Sarkar vs State of West Bengal**¹⁸, the Apex Court held that a picture of a nude/semi-nude woman as such, cannot per se be called obscene unless it has a tendency to arouse sexual desire. Only those sex-related material which have a tendency of exciting lustful thoughts can be held to be obscene. But obscenity has to be judged from the point of view of an average person by applying contemporary community standards.

- **THE CYBER CRIME PREVENTION AGAINST WOMEN AND CHILDREN SCHEME**

The primary objective of the Cybercrime Prevention Scheme for Women and Children is to establish an efficient mechanism for addressing cybercrimes targeting women and children across the country. Key features of the scheme include:

i. **Centralized Reporting Platform:** The scheme introduced a Central Cybercrime Reporting Portal (www.cybercrime.gov.in) on September 20, 2018. This platform allows individuals to report complaints related to child pornography, child sexual abuse material, or sexually explicit content online.

ii. **National-Level Cyber Forensic Laboratory:** A national-level cyber forensic laboratory is established to address delays in investigating crimes against women, often caused by pending reports from forensic laboratories. This facility aids in the proper collection and preservation of evidence crucial for cybercrime investigations.

iii. **Cybercrime Awareness Initiatives:** The government conducts awareness programs to educate citizens about cybercrimes and empower them to deal with such issues effectively. These initiatives aim to raise awareness among the public about various cyber threats and promote proactive measures for prevention.

iv. **Research and Development:** Research and development activities are undertaken to create effective tools for detecting obscene and objectionable content in cyberspace. Such initiatives enhance

¹⁶1998 ALD (1) 810

¹⁷ Writ Petition (civil) 384 of 2005 (Supreme Court of India)

¹⁸ (2014) 4 SCC 257

technological capabilities in tackling cybercrimes and contribute to the overall readiness in addressing such issues.

CONCLUSION

Cyber feminism holds significant potential for advancing women's progress in the years to come. However, many women remain unaware of technology, and critical analyses have revealed a decline in internet usage among those who were previously active online. This decline can be attributed to various factors such as cyber bullying, harassment, and other crimes targeting women in cyberspace.

Another contributing factor to this decline is the lack of technical knowledge among women compared to men. When faced with distressing situations like cyber offences, women often feel overwhelmed and unsure of how to respond. It is essential for women to acquire knowledge about cyberspace and learn how to navigate and address cyber issues.

While cyber laws include provisions for punishing criminals, victims often do not receive adequate remedies. Victims have the right to have inappropriate material related to them, such as indecent photos, videos, or morphed data, completely removed from cyberspace. Establishing mechanisms for deleting such content from online platforms is crucial for restoring the interests of the victim.

Creating a safe environment for women on social media platforms is imperative for societal well-being. However, the hostile nature of law enforcement agencies often discourages victims from reporting offenses, denying them legal remedies when their rights are violated. There is a need for an effective legal system with provisions that ensure the redressal of such offenses and protect the rights of women in cyberspace.

SUGGESTIONS

In conclusion, it is imperative to empower women in cyberspace and for the government to protect the interests of cybercrime victims. Based on the findings of this paper, the following suggestions can be made:

- a) Educate women about cyber laws and the workings of the digital realm to enhance their awareness and ability to protect themselves online.
- b) Ensure that cyber laws are victim-friendly, providing effective mechanisms for seeking justice and redressal.
- c) Take proactive measures to remove objectionable material, such as private photos or videos, shared without consent in cyberspace.

d) Encourage individuals to reduce their screen time to mitigate the risks associated with excessive internet usage.

e) Implement safety measures for cyber hygiene, including:

- Vigilance against irrelevant or fraudulent messages and emails.
- Avoidance of responding to requests for personal information via email.
- Caution when accessing unfamiliar websites or apps that request personal data.
- Adoption of strong, regularly updated passwords for enhanced security.
- Refraining from downloading apps from unknown sources.
- Stay informed about cyber laws and policies to better navigate the digital landscape and protect oneself from cyber threats.

By implementing these recommendations, stakeholders can work towards creating a safer and more secure online environment, particularly for women, and mitigate the risks associated with cybercrime.