



Pandemic within a Pandemic: Impact of COVID-19 on Gender based Digital Violence

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ABSTRACT

Within the past few years, we have witnessed a rapid increase in the number of users of digital technologies and the Internet. Globally, the number of internet users has increased from only 304 million in 2000 to over 5.2 billion in 2021¹. This increase in online activity has led to an unfortunate surge in the cases of violence and oppression. This paper outlines the different types and forms of digital violence. It also examines how different gender groups are more susceptible to digital violence than others. In addition to this, it focuses on the impact of COVID-19 by analyzing specific case studies and conducting a survey specific to India. The research also explores different laws implemented in India pertaining to digital violence and formed our recommendation based on the gaps and limitations in them.

1 INTRODUCTION

1.1 What is Digital Violence?

Digital abuse is the use of technology and the Internet to bully, harass, stalk, intimidate, or control someone. This behaviour is often a form of verbal or emotional abuse conducted online. These online behaviours include: offensive comments and name-calling, targeted harassment, verbal abuse and threats, as well as sexual, sexuality and gender based harassment and abuse. People may have many misconceptions in mind when they think of *violence*. There may be little consensus on what constitutes *aggressive and violent behaviour*. Most associate digital violence with visual portrayals of acts of physical aggression by one human or human-like character against another. To them violent behaviours entails direct threats, sexual harassment, non-consensual sexting, bullying or doxing. In reality, this covers just a small section of the wide spectrum of violence.

1.2 Types of Digital Violence:

There are five main subtypes of digital harassment and abuse: *digital harassment* (offensive comments and name-calling), *digital sexual harassment* (unwanted sexual comments and/or sexual requests), *image-based sexual abuse* (creating, distributing or threatening to distribute a nude or sexual image), *sexual aggression and/or coercion* (sexual threats, and forced sex acts), and *gender/sexuality based harassment* (offensive comments, threats, or other harassment directed at an individual's gender or sexuality identity).²

Some major examples of digital violence are-

- Trolling, bullying, doxing, Stalking
- Grooming, solicitation
- Sexual abuse, non consensual intimate imagery, videos, hate speech, cyber bullying
- Trafficking is often facilitated by online platforms using technologies.
- Workplace harassment are often carried online because of the privilege of anonymity

1.3 Correlation between online and offline violence:

Increasing evidence indicates that face-to-face (offline) violence and online harassment are closely interlinked. Technology-facilitated abuse is a form of domestic violence that provides abusers new and more extensive ways to control, coerce, stalk, and harass their victims. Technology, such as computers, smartphones, and tracking devices, allows abusers to overcome geographic and spatial boundaries that would have otherwise prevented them from contacting their victims. Online gender-based violence exists within a context similar to what happens in real life. Just because it is virtual, does not make it any less destructive.

¹ Internet world stats : <https://www.internetworldstats.com/emarketing.htm>

² Digital harassment and abuse: Experiences of sexuality and gender minority adults : <https://journals.sagepub.com/doi/full/10.1177/1477370818788006>

Online and offline identity are closely related and cannot be totally decoupled. As a result of the ‘protection’ of the screen, studies such as Owens (2016) show that users’ inhibitions are lowered online due to the lower risks of discovery and consequences. This is explored best in Brown (2017), an observational qualitative research piece comparing online and offline hate speech.³ It provides five key affordances of the internet for online abuse. In addition to anonymity, there is the invisibility of perpetrators from targets and the attendant sense of distance, and the instantaneity of messages compared to face-to-face or other offline bullying. Whilst the online and offline identities of the trolls have not changed, their harassment can be augmented through technology.

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1.4 Surge in Digital Violence due to COVID-19

COVID-19 is being described as the first major pandemic of the social media age. It has led to an inevitable surge in the use of digital technologies due to the social distancing norms and nationwide lockdowns. This resulted in most people taking to the internet and internet-based services to communicate, interact, and continue with their responsibilities from home. Internet services have seen rises in usage from 40 % to 70 %, compared to pre-lockdown levels. Video-conferencing services like Zoom have seen a ten times increase in usage, social media platforms like WhatsApp have seen a 40% rise in number of users, new apps like Clubhouse, Tiktok, Twitch gained increasing popularity in this period.³ Increased exposure to the digital environment may in turn increase vulnerability to risks inherent in ICTs, such as cyberbullying or sexual violence through digital media, of which children and adolescents may be victims. Emerging data and reports from those on the front lines, have shown that all types of violence against women and girls has intensified. More women and young girls are now subject to digital violence such as physical threats, sexual harassment, stalking, zoombombing and sex trolling.

History is proof of the weakening of states in the face of pandemics and outbreaks. Due to necessity, quarantine is adopted during pandemics. This leads to families being stuck together 24/7 which might trigger negative reactions. A surge in intimate partner violence was observed during other disasters such as Earthquake in Haiti in 2007, Hurricane Katrina in 2005, and Eruption of Mount Saint Helens in the 1980s due to unemployment, family, and other stressors. Even during the South Asian Tsunami of 2004, a surge in gender-based violence was observed. During the Ebola virus outbreak, women and girls were especially vulnerable to violence because of the inability to escape their abuser. Moreover, the victims of violence were not recognized and were often left unattended.⁵

Evidently, the Covid-19 pandemic has upended life for billions — but the strain and hardship is particularly felt by those who already face the greatest challenges i.e. minority groups like women and the LGBTQIA+ community. It’s almost always the most vulnerable who suffer most in any crisis, and Covid-19 is no exception.⁶

2. GENDER DIMENSIONS AND DEMOGRAPHICS

2.1 The Gender Dimension to the problem:

Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender⁷. It is used to capture violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power distribution in relationships between genders. Online forms of sexual violence and harassment similarly stem from the socially constructed beliefs and attitudes about gender and sexuality (including victim blaming and victim shame and stigma) as well as perpetrator motivations for power and control.

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Observations, surveys and studies have shown that the gender one identifies with plays a significant role in the frequency and type of digital violence faced. GBV can be physical, sexual, emotional, financial or structural, and can be perpetrated by intimate partners, acquaintances, strangers and institutions.⁸ More commonly, acts of interpersonal gender-based violence are committed by men against women, and the perpetrator is often someone known by the victim such as a family member, or a close acquaintance.

³ Rapid Evidence Assessment: The Prevalence and Impact of Online Trolling :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973971/DCMS_REA_Online_trolling_V2.pdf

⁴ Rapid Evidence Assessment: The Prevalence and Impact of Online Trolling

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⁵ Gender-Based Violence During COVID-19 Pandemic: A Mini-Review;

<https://www.frontiersin.org/articles/10.3389/fgwh.2020.00004/full>

⁶ There’s a pandemic of online violence against women and girls:

<https://webfoundation.org/2020/07/theres-a-pandemic-of-online-violence-against-women-and-girls/>

⁷ Gender-based violence <https://www.unhcr.org/gender-based-violence.html>

⁸ Forms of gender based violence : <http://www.gardenroute.gov.za/2019/11/25/forms-of-gender-based-violence/>

- **Violence against women and girls (VAWG)**

GBV (and Intimate Partner Violence in particular) is more prevalent in societies where there is a culture of violence, and where male superiority exists.⁶ A belief in male superiority can make men feel as if they are entitled to sex with women. Associating masculinity with control of women causes women to have low social value and power. Women were suffering from gender discrimination long before COVID -19. They were suffering from extreme magnitudes of domestic violence. Globally, an estimated 736 million women—almost one in three—have been subjected to intimate partner violence, non-partner sexual violence, or both at least once in their life (30 per cent of women aged 15 and older).⁹ They are at greater risk of facing domestic abuse now that they are confined to the space of their homes. They are also at higher risks of online abuse due to increased time on different social platforms where pre-existing images/ videos can be manipulated.

Female journalists, influencers, activists, politicians are overall targets for mob attacks. They hence, prefer to not use social media or withdraw from discussions. A Member of the European Parliament (MEP) explains that she “receive(s) emails, sometimes accompanied by pornographic images, and the message ‘get out of politics; get married instead.’” Another Parliamentarian explains that she once received in four days more than 500 rape threats on Twitter. In the UK, ‘vile’ twitter attacks are broadly perceived as pushing women out of politics¹⁰.

An OECD report describes the feelings experienced by female journalists experienced when receiving threats: “journalists and editors were asked about the first time they experienced being harassed. Some recalled clear death and rape threats; others described milder forms of harassment aimed at their appearance, age or profession. But common to all these stories was the description of the harassment as a shock.”¹¹

According to a survey conducted by the Sheroes¹²- a women only social network, women felt more comfortable on a women only platform. Nine out of 10 (92%) women uploaded their own pictures as profiles on women only platforms which was likely due to the reason that they felt safe on these platforms. This could be because of the psychic development of a fear of being harassed online based on the experiences of their own or others who were a victim of online abuse. About 77% of posts on women only platforms were acknowledged and appreciated and one out of three women not only responded to posts but created content of their own.

- **Violence against LGBTQIA+ community¹³**

A group that is often vulnerable to violence and is subject to violence and abuse are the LGBTQIA+ community. LGBTQ+ respondents are more likely to suffer severe forms of harassment, such as electronic distribution of humiliating photos, dissemination of false or private information, stalking, and physical threats.

After a survey conducted in 2019 by the Gay Lesbian and Straight education Network (GLEN)¹⁴, it was found that 59.1% of LGBTQIA+ Students across United States felt unsafe to go to school because of harassment and they were three times more likely to be harassed online than a heterosexual student. While many researches on digital violence focus on cisgender and heterosexual individuals, in light of the situation the world is in due to the global pandemic, and because the majority of our daily activities are now based online it is very likely that the gender minority community has become more vulnerable to abuse on digital platforms. A study by the Anti Defamation League confirms the unfortunate statistics that 64% of LGBTQIA+ respondents have been harassed online.

Online victimization has lowered the self-esteem of the youth subjected to it and online harassment has increased the rates of depression among youth. The community is more susceptible to digital violence because of a multitude of reasons such as homophobia, transphobia, biphobia, the notion of not fitting into the preexisting heteronormative culture of the society etc. While there are various youth organizations, support groups and allies, online portals to report digital violence, the LGBTQIA+ victims have other challenges that lie ahead of them such as fear of being outed, victim blaming because of prevailing anti- LGBTQIA+ phobias etc.

2.2 Narrative of Privacy and consent-

Disinformation, using manipulative images and videos, body shaming, trolling, bullying etc. are some forms of violence that take place online and are often justified as “freedom of expression”. However, the underlying principle of freedom of speech and expression is that it is not absolute if it is at the expense of the human rights of others.¹⁵ In the

digitized world, what data are private and public is blurred, especially when our personal data is continuously being handled and commoditized. Therefore consent for its dissemination is required to determine if a person's privacy is violated when a piece of personal data is shared on a digital platform.

Cloudflare¹⁶, a website security company that provides content delivery network services was recently questioned by Anti Child Abuse Campaign which claims that it had first made the company aware of indecent and explicit images including images which showed child sexual abuse on three of its client servers. Calling into question the legitimacy of the company and the difficulties that these services create to bring down illegal content is undoubtedly an issue that deserves to be examined. But what we can certainly say is that the control of privacy through digital services and platforms is a serious and insidious problem.

⁹ Facts and figures: Ending violence against women : <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

¹⁰ Cyber violence and hate speech online against women
[https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU\(2018\)604979_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604979_EN.pdf)

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¹² SHEROES #WomensInternet Series: who are we when men are not looking”, IAMAI, May 2019

¹³ While some reports and briefs tend to use different abbreviations based on their sample groups, we are referring to the umbrella term “LGBTQIA+”

¹⁴ Parent, Educator and youth guide to lgbtqia cyberbullying; <https://www.connectsafely.org/lgbtq/>

¹⁵ Eliminating online violence against women and endangering digital equality
<https://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigital/DueDiligenceProject.pdf>

¹⁶ “Cloudflare embroiled in child abuse row”; <https://www.bbc.com/news/technology-50138970>

3. METHODOLOGY

The methodology used to evaluate the questions for the research was multi-faceted. Considering the complexity of this issue, a mixed research approach was employed. It included the analysis of several studies on the topic to formulate the guidelines for the present research; comparative analysis conducted by examining the statistical data and existing case studies; and a survey which was undertaken to determine the distinct demographics of age, gender, profession most prone to face digital violence, and to gauge the awareness of individuals relating to forms of digital violence, ways to report and the impact of COVID-19 on gender based digital violence. In addition to this, in-depth stakeholder interviews were conducted with three key demographic groups- social science researchers, civil society organisations, and HR professionals.

3.1 Gaps and Limitations

While conducting surveys and reviewing literature we came across a few limitations to our research. There is a requirement for more data pertaining to the ratio of men and women who use online space to analyse who is more susceptible to gender based digital violence. Our survey could only reach out to the privileged age groups who have access to social media or online space in general, that is the youth (13-19 years) and adults of age 33 and above. Addressing the wide demographic of digital violence was hence difficult using pre existing resources and the survey that was conducted.

While researching for sustainable models that aim at countering digital violence we could conclude that even though there are various normative actions that have been taken to curb the exploitation of online space as a platform for abuse, there is a need for a redressive and a preventative justice system. Because the presiding laws are limited by what a society thinks or accepts as digital violence and is not sensitive towards any and every victim.

4. COMPARATIVE ANALYSIS OF THE SITUATION PRE AND POST COVID LOCKDOWNS

In Canada, 1 in 5 women experienced online harassment in 2018. In Pakistan 40% of female college students faced harassment on the internet in 2016. 20% of young women in the European Union have experienced cyber sexual harassment, and 14% of women have experienced cyber stalking since the age of 15. All of this being pre Covid-19.¹⁷

In a survey conducted by World Wide Web organisation¹⁸ 52% of young women and girls have experienced online abuse including threats, sexual harassment, sharing of non consensual pictures online. 64% of respondents know someone who has experienced abuse and 51% of those who have experienced online abuse have been physically, mentally or emotionally impacted. From the survey 51% people were identified as women and 60% of the people who participated in the survey were from the age group of 15-24.

A study shows that girls are more likely than boys to be both victims and perpetrators of cyberbullying and digital violence. Research indicated that males are more involved in traditional forms of bullying than girls. Previous studies have also shown that girls tend to participate in more non conventional forms of bullying such as psychological, and emotional harassment and violence (eg. gossiping, body shaming).¹⁹ This has remained relatively constant in pre and during COVID times.

Key findings from the analysis of existing literature:

- With the start of the pandemic, cyberbullying of Indian women and teenagers rose by 36% meanwhile conviction rates fell from 40% to 25%.²⁰
- Reports of digital abuse increased by 101% from 2019 to 2020²¹
- During the pandemic, the size of conversations around online violence on Twitter nearly tripled from 24% to 74%.²²

4.1 Case Study

a. Bois Locker Room Case

In May 2020, leaked chats from an Instagram group of affluent teenage boys called "Bois Locker Room" emerged online. They objectified women and unabashedly discussed their fantasies of having sex with them, in their chats- where they exchanged photos, naked images and private conversations of underage girls without consent. When they found out that the chats had been leaked online, these 'Bois' began to use sexual threats to silence women's indignation on social media. This incident caused widespread anger, leading the Delhi Police and Delhi Commission of Women to intervene²³

The question that arises is the legitimacy of the 'shock' that families, netizens and the police faced. We are brought up in a society that has also so consistently nurtured gender-discriminatory attitudes and behaviours in children. The issue with this anger over specific events is that it makes boys fall behind: exceptional and terrifying creatures, who are not good people like "all of us". This allows us to wash away everything we do to keep up with the irregularities in India's culture, and evades the responsibilities that we as a society bear- in continuing to raise millions of boys and men, who regardless of age, caste, class or education are sexist, violent, and authoritarian towards women.

¹⁷ UN Women- Online and ICT-facilitated violence against women and girls during COVID-19

[Brief: Online and ICT-facilitated violence against women and girls during COVID-19 | Digital library: Publications](#)

¹⁸ There's a pandemic of online violence against women and girls

<https://webfoundation.org/2020/07/theres-a-pandemic-of-online-violence-against-women-and-girls/>

¹⁹ Marcum, Catherine D; "Battle of the Sexes: An Examination of Male and Female Cyberbullying"; P. 905-906;

<http://www.cybercrimejournal.com/marcumetal2012janijcc.pdf>

²⁰ "In one year alone, cyberbullying of Indian women and Teenagers rose by 36%"; <https://scroll.in/article/956085/in-one-year-alone-cyberbullying-of-indian-women-and-teenagers-rose-by-36%>

²¹ Teen Dating Violence and Digital Abuse During the COVID-19 Pandemic <https://injury.research.chop.edu/blog/posts/teen-dating-violence-and-digital-abuse-during-covid-19-pandemic>

²² COVID-19 AND online violence in India; P.7;

<https://www.icrw.org/wp-content/uploads/2021/04/Ex-Summary-Online-Violence-during-Covid-in-India.pdf>

²³ "Bois Locker Room' Outrage and Othering"; <https://www.epw.in/journal/2020/20/postscript/'bois-locker-room'.html>

b. Sulli Deals Case: The sadistic targeting of assertive Indian Muslim women

This case lies at the heart of the discrimination that happens at the intersection of gender and religion. 'Sulli Deals' deals with one of the many disturbing displays of institutionalised misogyny, where pictures of Muslim women particularly students, activists, journalists, artists, researchers, etc. were posted by an unidentified extremist group on the application created using GitHub in July 2021, with the express goal of "auctioning the Muslim women". The application was discovered when men started sharing their 'deal of the day' on Twitter, and has since been deleted by GitHub.²⁴

- Muslim women across India were traumatised after finding their names and photos on the mobile app, so much so that a majority of these women went off of social media.
- Even before the pandemic, social media was used to promote sexualised political campaigns against women who speak and lead the collective fight for secularism, peace and citizenship, which is now fast becoming mainstream political culture. Female journalists, activists are often victims of such forms of violence. This tendency can be seen across nations.
- For instance, In **Pakistan**, in 2015- the address of an outspoken Human Rights Activist was included in a blog post encouraging readers to kill her and a month later, the activist and her husband were targeted in a drive-by shooting.
- Simply put, this is a targeted hate campaign against Muslim women in India and overseas and amounts to sexual harassment, criminal intimidation, and cyber stalking. As the prevalence of such online hate violence grows, it is not abstract, this is real life for women- a violation of their human rights, an attack on their freedom of speech, dignity, autonomy, and bodily integrity.
- This attempt to de-humanise and sexualise women is a systemic act of intimidation and harm.

This is far from the first time that Muslim women had to speak out against persistent harassment and rape threats. In **May 2021, a YouTube account named 'Liberal Doge Live'** whose real identity is reportedly Ritesh Jha, live-streamed the images of Muslim women during Eid celebrations with a noxious description in Hindi that read: "Today, we will stalk women with our eyes filled with lust." The photographs he shared, sexualized, and made filthy remarks and bids on belonged not just to Indian Muslim women but also Pakistani women. Later, supporting groups created a Twitter trend in support of the Youtuber, further aggravating the ladies.

When **Article 370**, which granted the erstwhile state of Jammu and Kashmir unique semi-autonomous status, **was repealed**, there were similar reports nasty comments and derogatory songs for **Kashmiri women**. This hatred against women has been deep rooted in the ideology that men have superior power than women. It has been normalised to the extent that now women not only have to call out these heinous actions, they are further systematically blamed and are subjected to hateful slurs on social media platforms.

These are just a few instances of the various forms of online harassment that women encounter, from everywhere around the world. Women are frequently subjected to online rape threats, online harassment, cyberstalking, blackmail, and more. With our increasing dependence on the internet, it has also become a platform where the marginalised population can make their voice, and opinions heard. However, for women it still remains synonymous as a platform that can cause or facilitate psychological, sexual or economic suffering. Even then, this issue of online violence and harassment often flies past our collective radar during talks of violence against women.

4.2 Trends and Issues:

a. Women and Cybercrime in India:

According to data from the Indian National Commission for Women, 54 cyber-crime complaints were received online in April of 2020 in comparison to 37 complaints received online in April 2019. The NCW received 100 cybercrime complaints in June, up from 54.²⁵ Incidents like the glorification of acid attacks on a Tiktok video being put forward as "content" prompted the government to take concentrated effort to reduce cases of online violence like the Indian police officials were requesting the social media companies like Twitter, Instagram, Tik Tok to block accounts putting forward "objectionable content". About 278 accounts in 2020 were blocked with the most number of accounts (140) being blocked on Twitter.

Immediately after the lockdown, there was an increase in the cases of misinformation, fake news and women getting duped online when they click on malware links²⁶ which gets all their information on the phone, turns on the camera and microphone, and captures their intimate moments. These are then used for blackmailing. Experts believe this is merely the frustration and anger bubbling to the surface as there is no other release right now. This is the type of frustration displayed by the cyber criminals who are currently caged in the four walls of their houses.

b. LGBTQ+ community and Cybercrime in India:

Perhaps the group affected the most by cyberbullying are youth who identify as lesbian, gay, bisexual, transgender, or questioning their sexual identity. In 2010, 18-year-old Tyler Clementi²⁷ jumped to his death off the George Washington Bridge after his college roommate and a hall mate posted on Twitter a secretly made video of Tyler and another man kissing, then urged friends and Twitter followers to check back later for a second, never-made video.

In the wake of this tragedy, Tyler's death shined a spotlight on cyberbullying and its impact on LGBTQ youth. A study conducted in 2019 shows that almost twice as many LGBTQ students reported being cyberbullied compared to heterosexual students (36.1% compared to 20.1%). LGBTQ students were also significantly more likely to report that they had bullied and/or cyberbullied others during their lifetimes. During the pandemic, in 2021, LGBTQ youth have been subjected to harassment both online and offline. More than 12% of LGBT teens reported being cyberbullied, with 58% dealing with hate speech and 35% receiving online threats.²⁸

²⁴ Sulli Deals: Indian Muslim women offered for sale in an 'auction'; Al Jazeera; <https://www.aljazeera.com/news/2021/7/12/sulli-deals-a-virtual-auction-of-indian-muslim-women>

²⁵ "Significant" increase in cybercrime against women during lockdown: Experts"; Hindustan Times <https://www.hindustantimes.com/india-news/significant-increase-in-cybercrime-against-women-during-lockdown-experts/story-QNPwq5JrIiAkAXzacLnc5K.html>

²⁶ "Nature-Wise Report of the Complaints Received by NCW in the Year : 2020"; <http://ncwapps.nic.in/frmReportNature.aspx?Year=2020>

²⁷ "Suicide of Tyler Clementi"; https://en.wikipedia.org/wiki/Suicide_of_Tyler_Clementi

²⁸ "Cyberbullying statistics, facts and trends (2021) with charts"; <https://firstsiteguide.com/cyberbullying-stats/>

5. LEGAL FRAMEWORKS:

The digital gender divide is not a new phenomenon. The different forms of harassment and double standards set for women with an online presence has been around since the normalized usage of the internet by the public due to the beliefs of a largely patriarchal society which we live in. Because of this, there have been a number of laws set forth from as long ago as 2000 in order to protect vulnerable minorities online. Several legal frameworks such as the Indian Penal Code or IT Act, 2000 have had clauses dedicated towards the protection of women online. In order to achieve the online safety of women from all socioeconomic classes, the first step that must be taken is the recognition of the different mediums through which abuse towards women can occur. Then there must be the ratification of laws which address the different types of violence women are susceptible to through all mediums that they can face it through. The final step is the bridge between the ratification and enforcement of these laws. Creating laws to protect women but then failing to enforce them makes them almost entirely redundant as people can continue to get away with their acts of violence and the issue fails to be addressed. The following section will delve into the legal frameworks present in India, the gaps in these laws, as well as what approaches can be adopted in order to enhance the protection for women online.

5.1 Existing Laws²⁹:

In the year 2000 the 'Information Technology Act, 2000'³⁰ was passed in the interests of preserving ethical and safe online communities for everyone while addressing the dangers faced by the most susceptible minorities. Another major legal document which acknowledges the risk faced by women with an online presence is the "Indian Penal Code."³¹ They both contain several laws which have proven effective in combating digital violence against women by addressing the many different types of online violence which there is. Table 1 below streamlines these specific legal provisions from the aforementioned legal documents and the issues tackled by them. This is followed by gaps present in these current legislations as well as how they could potentially be adjusted to most effectively handle the current status quo.

Table 1. Legal Frameworks present in current legal documents

Act	Clause	Issues addressed
IT ACT, 2000	67. Publishing information which is obscene in electronic form	<ul style="list-style-type: none"> - The verbal sexual harassment and circulation of obscene media via email, direct messages - Sexual harassment and abuse on public social media platforms - Publishing media portraying any forms of sexual harassment
IT ACT, 2000	67A. Punishment for publishing or transmitting material containing sexually explicit acts, etc., in electronic form.	<ul style="list-style-type: none"> - The verbal sexual harassment and circulation of obscene media via email, direct messages - Sexual harassment and abuse on public social media platforms - Publishing media portraying any forms of sexual harassment - Sending media portraying any form of obscene material to woman against her will
IT ACT, 2000	67B. Punishment for publishing or transmitting material depicting children in sexually explicit acts, etc., in electronic form.	<ul style="list-style-type: none"> - Sexual harassment and abuse on public social media platforms - Publishing media portraying any forms of sexual harassment - Sending media portraying any form of obscene material to woman against her will - Child pornography
IT ACT, 2000	72. Penalty for breach of confidentiality and privacy	<ul style="list-style-type: none"> - Non-consensually obtaining and distributing any form of media against a persons will - Spreading any form of information which was legally not meant to be disclosed, or causes misinformation about the other person.
Indian Penal Code	294. Obscene acts and songs.	<ul style="list-style-type: none"> - Sexual harassment on public social media platforms - Sending media portraying any form of obscene material to woman against her will
Indian Penal Code	Section 354 A. Sexual harassment and punishment for sexual harassment	<ul style="list-style-type: none"> - Sexual harassment and abuse on public social media platforms - Sending media portraying any form of obscene material to a woman against her will
Indian Penal Code	Section 354C. Voyeurism	<ul style="list-style-type: none"> - Non-consensually obtaining and distributing any form of sexually explicit media against a persons will - Sexual harassment and abuse on public social media platforms
Indian Penal Code	Section 354D. Stalking.	<ul style="list-style-type: none"> - Cyber stalking of women online by monitoring her activity online, attempting to contact those in her personal life - Repeatedly using different forms of media to get in contact with a woman despite her disinterest

²⁹ "The Protection of Women From Domestic Violence Act, 2005;"

https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

³⁰ "The Information Technology Act, 2000"; https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf

³¹ "Indian Penal Code"; https://www.iitk.ac.in/wc/data/IPC_186045.pdf

Indian Penal Code	Section 507. Criminal intimidation by anonymous communication	<ul style="list-style-type: none"> - The ease through which an individual can remain unpunished for committing an act of gender based violence due to anonymity provided on an online platform - Violent and rude harassment and violence faced by women online off the basis of their gender (thought gender neutral)
Indian Penal Code	Section 509. Word, gesture, act or exhibition of an object intended to insult the modesty of a woman.	<ul style="list-style-type: none"> - The verbal sexual harassment and circulation of obscene media via email, direct messages - Sexual harassment and abuse on public social media platforms - General harassment and disadvantages faced by women online solely due to their gender

5.2 Gaps in legal frameworks

Despite the numerous cybercrime laws and regulations that have been established, there are still gaps present in the current legal frameworks, allowing many criminal offences online to go unnoticed

- The inability to recognize forms of harassment and trolling when not sexually explicit in nature; In sections 499 and 507 in the Indian Penal code, criminal defamation is only discussed in the context of online personal threats.³² There is a failure to recognize the online violence against women which is motivated by generalized forms of misogyny. A major reason behind laws failing to acknowledge patriarchal behaviours is because the incidents themselves are seen as “isolated and individualised crime,”³³ meaning that they take place due to personal grievances. But this is largely ignorant of the larger issue at hand which is that the gender based violence that takes place today is systemic in nature.
- The act of doxxing an individual is not a criminal offense in itself in India³⁴. Until the information that has been leaked becomes sexually explicit in nature, or happens through a means of hacking, there is not much legal action that can be taken on the victim’s side. But when we look at women in India who have been doxxed, a large portion of it happens by someone who currently is, or has been in their life before. So the information that was leaked was not obtained through hacking, allowing the perpetrators to get away with it without being held accountable.
- Another major issue posed by the legal frameworks of today is their inability to acknowledge the psychological damage done to women.³⁵ If information on an individual is non-consensually distributed, but remains non-sexual in nature, then it is not defined as a criminal offense towards women. This persisting idea that a woman has not been violated until the issue becomes sexual, stems from the normalized idea in Indian culture that we need to repress the idea of sexuality for women, rather than protect their sexual integrity and respect bodily autonomy.
- When looking at the Indian Penal Code and IT Act of 2000, we see there are many laws set forth to protect minors specifically from certain forms of sexual violence (IPC Section 366A, IPC Section 370A, Etc.)³⁶. However, minor safety with regards to online violence is not elaborated upon as a victim. In section 67B of the IT Act of 2000³⁷ distributing minors sexual content is directly criminalized, however when these minors are subject to more private forms of violence such as grooming and exposure to violent media, there are no legislations made to protect them from these. Especially with recent developments such as the covid-19 pandemic, minors being online is not uncommon and we need to take steps in order to ensure that they can still use online mediums for school and entertainment activities, without them being victim to sexual exploitation whilst not knowing the moral implications of those actions towards them.

Current legislations must be resolved so that they recognize the following issues of today:

1. It is solely because the person behind these posts online is a woman and openly identifies as such that she will continue to face these aggressions against her, regardless of laws put forth to protect her, and until the patriarchal systemic reason behind it is addressed, she will continue to face these.
2. We choose to maintain public decency over the well-being of oppressed women in today’s society when we set forth laws built on the basis of preserving a woman’s modesty to shield them from dangers set forth by common beliefs in men.
3. The exponential usage of the internet by minors makes them to be much easier targets to forms of digital violence such as grooming, and exposure to violent media, but at their age the moral violations of these acts are not as thoroughly understood and so specific legislations must be established

5.3 Policies adopted by social media companies to ensure community safety

Social media platforms have created a set rule of guidelines in order to create a safe space for all their users. This is in order to ensure discrimination on the basis of race or gender cannot take place and malicious acts such as hate speech or doxxing can be countered by limiting the users experiences online. The following is the analysis of some of the platforms and their policies. These platforms were chosen on the basis of their popularity as analysed from the responses of our survey, which was concentrated in India and had over 200 respondents.

Instagram: In our own survey, 88% of those respondents said the app they used the most since the start of the pandemic is Instagram. The app itself has grown by 66% since quarantine³⁸ of last year and is expected to continue to increase as rapidly with no foreseeable end to the pandemic being near. Due to this Instagram has implemented policies, including as recently as June 2021 regarding sensitive content control and their policies on hate speech. This allows users to not see specific types of content which although does not violate their community guidelines³⁹, is something they would

³² Anita Gurumurthy; “Technology- mediated Violence Against Women in india”; P.4 <https://itforchange.net/e-vaw/wp-content/uploads/2017/12/DISCUSSIONPAPER.pdf>

³³ Padte, R.K, Keeping Women: <https://internetdemocracy.in/wp-content/uploads/2013/04/Internet-Democracy-Project-GenderOnline-Harassment-and-Indian-Law.pdf>

³⁴ Sreemoyee Mukherjee; “Doxxing in India: Prevention As We Search For A Cure”; <https://thebastion.co.in/covid-19/doxxing-in-india-prevention-as-we-search-for-a-cure/>

³⁵ Malhotra, Namita; Good questions on Technology-mediated Violence; http://www.genderit.org/sites/default/upload/end_violence_malhotra_dig.pdf

³⁶ “Indian Penal Code”; Page 83; https://www.iitk.ac.in/wc/data/IPC_186045.pdf

³⁷ “The Information Technology Act, 2000”; page 25; https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf

³⁸ Surajeet Das Gupta; “A picture perfect growth story: Instagram has grown by 66% in India”; https://www.business-standard.com/article/companies/a-picture-perfect-growth-story-instagram-has-grown-by-66-in-india-120121601490_1.html

³⁹ “Introducing Sensitive Content Control”; <https://about.instagram.com/blog/announcements/introducing-sensitive-content-control>

prefer not to have exposure to. They also have a zero tolerance policy for dehumanizing hate speech, and any form of cyberbullying done off the basis of one's identity, including their gender.⁴⁰ Instagram also has features like block, report and restrict which can be used against the perpetrator. To make the platform more secure for young users, Instagram launched new security features which makes new accounts private by default for kids under 16, blocking some adults from interacting with teens on its platform, and restricting how advertisers can target teenagers.

Whatsapp: According to our own survey, the platform is used by over 81% of the respondents and has over 390.1 million Indian Whatsapp users access the app on a monthly basis, making India its biggest user base.⁴¹ Whatsapp has an extremely specific Terms and Conditions policy which restricts activities, which include sharing content (in the status, profile photos, or messages) and any other form of illegal activity. Any individual who violates their Terms of Service will be banned from the platform. Along with that, there are basic controls that an individual can adjust to their preference- like who can view your status, profile picture, or last seen. Since Whatsapp is a more private platform and the online violence can be facilitate through direct messages, away from the public eye; the platforms has taken measure to provide all its users with the appropriate resources where they can report cases of digital violence

Facebook: Like Instagram, facebook has similar policies against hate crimes, and other forms of digital violence. Features like report, block, restrict can be used against hurtful comments and derogatory posts. About two years ago, a new program by Facebook "Not without my consent" was launched to combat the sharing of non consensual intimate images on social media which had become a major problem across all social media platforms. The government of India launched a cyber crime reporting portal to facilitate the victims to lodge their complaints online. It focuses on cyber crime majorly on women and children. The complaints registered are dealt by law enforcement agencies/ police. IT laws enforcements are also promoting cyber crime units in every state, opening up forensic investigations and more importantly teaching the youth the importance of digital hygiene.

Twitter: Twitter is a platform which has grown exponentially in use since the pandemic. It acts as a medium for all people to voice their opinions and engage in discourse on a range of topics. Some of twitter's best policies to maintain safety is their hateful conduct policy which states that you cannot discriminate against a user based on their gender. They recognize women as a group which faces disproportionate online abuse and have a zero tolerance policy for obscene threats, minor sexual exploitation, and obscene threats which can "dehumanize"⁴² or "reinforce negative stereotypes" This is enforced through ai technology⁴³, which allows them to rapidly scan over every tweet and take them down if they believe they can be harmful towards a person or interfere with a safe community. Twitter also has a feature where you can report a tweet if you find its content harmful, and their staff will look over it and determine how to take action accordingly.

6. KEY FINDINGS FROM OUR SURVEY:

Due to the dearth of information around COVID-19 and its impact on gender-based digital violence, we found survey conduction to be extremely beneficial. Survey helped define the characteristics of a varied population and gather targeted results. The anonymity of the survey provided respondents an avenue for more honest and unambiguous responses, which was of assistance in drafting the case studies.

Our survey shows that gender-based digital violence happens on most social media platforms- Instagram(51%), WhatsApp (14%), Snapchat (10%), Twitter (9%), Discord(9%). The survey also revealed that over one-fifth of the respondents who faced digital violence, have either quit or reduced their social media use of the platform on which it occurred. 39% of the respondents of our survey, who faced digital violence did not reach out for help because of potential judgement from society. From this we can infer that people are still afraid of sharing these experiences due to victim blaming and not receiving enough support. Digital violence is normalised to an extent where its considered 'friendly banter' and 'freedom of expression'. People choose not to speak up for these reasons too.

6 in 8 respondents said that covid-19 has significantly impacted their digital presence/activity in terms of screen time, social media engagement, etc. With 48% of our respondents having an average screen time of 8+ hours, they become more prone to experiencing digital violence in digital spaces like social media platforms. Moreover, 3 in 8 respondents said that a shift to an online space created new concerns for them as an individual or/and their digital identity. 61% of respondents have private social media accounts and they prefer to keep it that way because of privacy concerns. A few of the responses:

safety

I feel its not very safe to keep a public account these days due to cyber bullying and other things.

I don't think it's safe.

71.5% of respondents were not aware of the term "doxxing" which is a form of digital violence. More awareness is needed of these terms so people can correctly recognise and report cases.

⁴⁰ "Keeping Instagram Safe and Secure"; <https://about.instagram.com/blog/announcements/introducing-sensitive-content-control>

⁴¹ "WhatsApp 2021 User Statistics: How Many People Use WhatsApp?"; <https://backlinko.com/whatsapp-users>

⁴² "Hateful Conduct Policy"; <https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy>

⁴³ "How Twitter Uses Artificial Intelligence?"; <https://www.globaltechcouncil.org/artificial-intelligence/how-twitter-uses-artificial-intelligence/#:~:text=Artificial%20intelligence%20is%20a%20tool,according%20to%20every%20individual's%20preferences.>

7. RECOMMENDATIONS:

7.1 Recommendations to the government-

1. Digital hygiene modules added to existing education curriculum- The government should introduce digital hygiene modules in school curriculum to increase awareness among youth about secure and sanitize cyberspace.
2. Conduct an extensive gender based violence and COVID 19 assessment- Assessment of gender based violence and its correlation to COVID 19 should be done to make changes in pre existing policies that will better suit the behavioural change in online behaviour, specifically violent behaviour.
3. Structural change in existing policies- Changes in policies and laws that cater to the digital environment and not just the physical environment is necessary to overcome the challenges of unaccounted digital violence that takes place across online platforms. In order to achieve the online safety of women from all socioeconomic classes, the first step that must be taken is the recognition of the different mediums through which abuse towards women can occur. Then there must be the ratification of laws which address the different types of violence women are susceptible to through all mediums that they can face it through. The final step is the bridge between the ratification and enforcement of these laws.

For instance- The Indian penal code only briefly mentions cyber stalking as “an act of monitoring” through the internet, even when nine out of ten women in India are victims of cyber stalking. There is hence a subjectivity in both the **IPC and the IT act** and need to be amended to make them more **objective and extensive** so as to ensure there is no limit to what can or cannot be counted as digital violence.

7.2 Recommendations to Civil societies-

4. Creating awareness and messaging to influence social norms through media- Media continues to be an important methodology for spreading awareness about various issues. Civil societies can create safe online forums to help provide gender minority group access to basic resources needed for help and ways to seek help. A campaign similar to the “**24/7 without sexual harassment**” campaign launched in Cuenca, Ecuador with an aim to inform citizens⁴⁴ about what constitutes to sexual harassment in online and offline spaces can be implemented in India.
5. Locally relevant activism- Develop locally relevant content to spread awareness about digital violence and the means to report it.
6. Psychosocial support- Helping victims of digital violence to heal the psychological wounds of online harassment, provide access to legal aid, safe space and referral to health services in case of physical or mental impacts of digital violence. **The Active Online Listening circles** developed in the Bolivian city of El Alto, can be looked at for reference. It is developed as a communication platform to provide survivors of online sexual harassment care, support and guidance on different ways to report online violence.⁴⁵

7.3 Intersectional recommendations to government and civil societies-

7. Advocacy- Civil society organizations can aim at influencing legislators to improve the laws that would be inclusive to gender minority groups and the forms of digital violence they face.
8. Capacity building sessions for women advocates- Educate women advocates, educators and internet users on the types of digital violence and mentally strengthen them to report violence facilitated online and by other forms of ICTs.
9. Promoting the use of technology while protecting human rights- Technology can become a significant contributor in providing support to victims of digital violence. For instance, in Madrid, Spain, an **instant messaging service** with geo locations function offers online chat rooms that provide immediate support to survivors of violence.⁴⁶

7.4 Recommendations to individuals-

10. Adopt a peer to peer methodology- A peer to peer methodology can be adopted by individuals to “pass on” as much awareness they gain and form support groups to help provide aid to victims who themselves cannot seek help.
11. Use two factor verification options and if possible, always use VPN connections.
12. Sensitised use of social media- Understanding social media boundaries, what constitutes digital violence that can physically or psychologically affect an individual and become more sensitive towards what is an opinion viz a vis harassment.

7.5 Intersectional recommendations to civil societies and individuals-

1. Adopt an intersectional approach to spread awareness- Recognising the differentiated impacts of COVID 19 on groups that face multiple forms of discrimination and expand public campaigns to reach out these communities. For instance, UNDP Paraguay is working with local governments and UN partners to expand the reach of their public campaign to indigeneous groups.⁴⁷
2. Foster a culture of gender equality and zero tolerance- Engage men and boys in challenging gender stereotypes and unequal gender roles. Addressing the issues of violent masculinity and normalised misogyny that may potentially lead to tolerance of gender based digital violence.
3. Bystander action/intervention- Civil societies can promote bystander intervention approaches to report cases of digital violence. At an individual level, bystander intervention approaches include: reporting fake accounts, hate posts and/or comments targeted at an individual, providing support resources to victims. Individuals may also consider providing encouragement and support to victims who fear reporting an issue.

⁴⁴ Recommendations into action brief COVID-19: Safe cities and safe public spaces for women and girls;P.5

<https://www.unwomen.org/en/digital-library/publications/2020/12/brief-recommendations-covid-19-safe-cities-and-safe-public-spaces-for-women-and-girls>

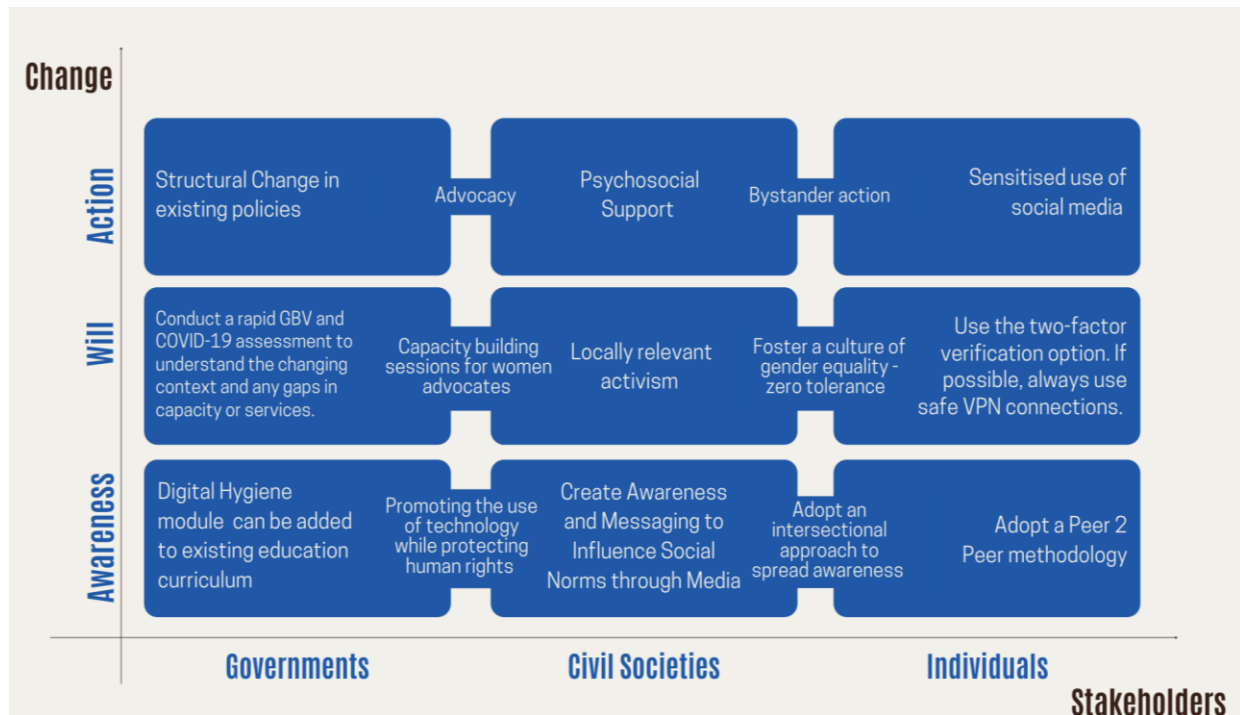
⁴⁵ Recommendations into action brief COVID-19: Safe cities and safe public spaces for women and girls;P.7

<https://www.unwomen.org/en/digital-library/publications/2020/12/brief-recommendations-covid-19-safe-cities-and-safe-public-spaces-for-women-and-girls>

⁴⁶ “Free to be online? Report by Plan International;” <https://plan-international.org/publications/freetobeonline>

⁴⁷ Gender based Violence and COVID-19; P.2; <https://www.undp.org/publications/gender-based-violence-and-covid-19>

Fig.1- Recommendation Model



8. Conclusion and way forward-

Due to COVID-19 and moving restrictions, the use of online platforms has increased in the past year. This has been used by some as an opportunity to exploit young people. After identification of the forms of abuse and the demographics, it is important to acknowledge and understand the roles of social media platforms due to their ability to amplify and impact the harmfulness of digital violence and the role of governments in tackling this existing issue and bringing victims to justice. As a step towards moving forward, our society should start to acknowledge the magnitude of the issue, and practice ethical use of social media and other online platforms. There is also a need for these platforms to represent the voices of the marginalised groups and make the social media landscape more inclusive and safe.

APPENDIX

1. [Survey Questionnaire](#)

2. [Survey Responses](#)

3. **Glossary:**

3.1 Doxxing: Search for and publish private or identifying information about (a particular individual) on the internet, typically with malicious intent.

3.2 Sextortion: Sextortion employs non-physical forms of coercion to extort sexual favors from the victim.

3.3 Cyber Bullying: the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

3.4 Cyber Stalking: Cyberstalking is the use of the Internet or other electronic means to stalk or harass an individual, group, or organization.

3.5 Sexual harassment: Sexual harassment is unwelcome sexual behaviour that's offensive, humiliating or intimidating. It can be written, verbal or physical, and can happen in person or online.

3.6 Body shaming: Body shaming is the act of deriding or mocking a person's physical appearance. ... Sometimes body shaming can extend to a perception that one does not sufficiently display masculinity or femininity.

3.7 Identity theft: Identity theft occurs when someone uses another person's personal identifying information, like their name, identifying number, or credit card number, without their permission, to commit fraud or other crimes.

3.8 Defamation: Defamation is the oral or written communication of a false statement about another that unjustly harms their reputation and usually constitutes a tort or crime.

3.9 Hate speech: Abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation

3.10 Hacking: The gaining of unauthorized access to data in a system or computer

4. **Advocacy Material:**

[Infographic](#)

[Don't judge a 'face-book' by it's cover: Cybersecurity 101](#)



Pandemic Within A Pandemic

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The authors are students of the Young Researchers for Social Impact (YRSI) Program conducted by Young Leaders for Active Citizenship (YLAC). YRSI identifies promising high schoolers and builds their capacity as critical thinkers and problem solvers to produce thought-provoking solutions to pressing issues that affect our societies today. This study was undertaken as part of the July 2021 edition of the program.

Disclaimer: The views expressed in this study are solely those of the authors, and do not represent the views of YLAC as an organization.