

Understand, Report, Archive and Mitigate online gender and sexual abuse

01.

**Why online gender and
sexual abuse is ignored as a
crime in India?**

02.

**Understanding the Law : 13
Manifestations of oGBV**

03.

Recording evidence

04.

Reporting offences

05.

**Other community efforts to
fight oGBV**

This document collates all the scattered information available on the internet that helps understand and mitigate online gender and sexual violence in India.

This was developed as a resource to link with Uli, a Twitter plug-in that helps mitigate text-based instances of online gender-based violence targeting sexual and gender minorities in India in three languages: Hindi, English and Tamil.

You can download and find more on the tool here:
uli.tattle.co.in



01.

WHY ONLINE GENDER AND SEXUAL ABUSE IS IGNORED AS A CRIME IN INDIA?

5 SIMPLE REASONS

Hierarchy of offences i.e., brutality of an act is one way in which offences are arranged

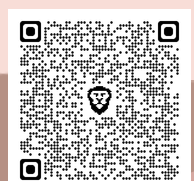
Lack of focussed laws

Lack of training of officials

Gendered stereotypes

Under-reporting of cases

'Seeking to optimise its limited resources, law enforcement agencies would rather expend their time and energy in what they perceive to be crimes with 'real' harm like rape and murder'



LEARN MORE AT:

<https://tinyurl.com/4x7vc447>

UNDERSTANDING THE LAW

"In India, cases of online gender and sexual abuse fall under two main laws: the Indian Penal Code and the Information Technology Act".

"Steeped in paternalism and moral censorship [...], the Indian Penal Code is not equipped to grasp the new manifestations of online gender-based violence".

"We end up having to rely on the catch-all, anti-obscenity provisions."

"Anti-obscenity provisions disregard women's sexual expression and empower the state to police women's bodies if it deems its representation to be 'indecent'."

"The Information Technology, 2000 does have other more progressive options like Section 66E; however, this section is hardly used."

Also, "as a business-oriented law, the Information Technology Act is gender neutral and marred by a piecemeal approach to gender-based violence".

LEARN MORE AT:

- <https://tinyurl.com/2p963jnc>
- https://www.apc.org/sites/default/files/Erotics_1_FIND.pdf

13 Manifestations of oGBV

Despite the aforementioned limitations vis-a-vis the law in India, there are some provisions that can be used to address instances of online gender and sexual violence in India.

Unauthorized access and controlling access

To gain access to a person's accounts or devices. These can imply unauthorized information gathering and blocking access to a person's account

1

Covered Under:

Section 65: Deals with the hacking of computer systems.

Section 67: deals with Access to the protected systems.

Covered Under:

Sections 65, 70, and 72 cover penalties imposed in case of data theft.

Control and Manipulation of information

Information gathering and theft can imply a loss of control over such information and any unauthorized attempt at modifying it

2

Covered Under:

Section 66C of the IT Act makes identity theft a punishable offence

Impersonation and identity theft

The use or forgery of someone's identity without their consent

3

Covered Under:

Section 354D of IPC covers cyber stalking. Section 72 covers breach of confidentiality or privacy')

Surveillance and stalking

The constant monitoring of a person's activities, everyday life or information [be it public or private]

4

Discriminatory Speech

Speech reflecting cultural models that assign women and gender non-conforming bodies a secondary, sexualised or strictly reproductive role. Such speech may or may not incite violence

5

Covered Under:

No law against gender or sexual-based hate speech. The Indecent Representation of Women (Prohibition) Amendment Bill, 2012 is broadened to cover audio visual media and content in electronic form.

13 Manifestations of oGBV

Despite the aforementioned limitations vis-a-vis the law in India, there are some provisions that can be used to address instances of online gender and sexual violence in India.

Covered Under:

Section 354A: Demanding sexual favours; showing pornography. Section 509: Criminal Intimidation. Section 509: outraging women's modesty (covers content shared over the internet)

6

Harassment

Repeated and unsolicited acts against a person that are perceived as intrusive, disturbing or threatening. These acts may or may not be sexualized.

Covered Under:

Section 503, 506, and 507: Criminal Intimidation, Threats to cause injury or death.

7

Threats

Speech and content (verbal or written, in images etc.) with a violent, sexually aggressive or threatening tone that express an intention to harm a person, their family or friends, or their belongings

Covered Under:

Section 66E of the IT Act: capture, publication, or dissemination of the images of the private areas without their consent. Article 21: Right to Privacy is a fundamental right in India.

8

Non-Consensual sharing of private information

The unauthorised sharing or publication of any kind of information, data, or private details regarding a person.

Covered Under:

Section 503: Also falls under criminal intimidation.

9

Extortion

Forcing a person to act according to another persons' will through threats and intimidation regarding something of value (e.g. personal information, intimate images, etc.)

10

Disparagement

Defamation, smearing, and/or undermining of the credibility, professional career, work or public image of a person, group or initiative through the spreading of false, manipulated or off-topic information

Covered Under:

Section 499: Any content published with an intention to harm the reputation of a person.

13 Manifestations of oGBV

Despite the aforementioned limitations vis-a-vis the law in India, there are some provisions that can be used to address instances of online gender and sexual violence in India.

Covered Under:

Section 67A of the IT Act : Publication, transmission of sexually explicit material.
Section 67B: Covers explicit content depicting children

Technology-related sexual abuse and exploitation

The act of exercising power over someone based on the sexual exploitation of their pictures and/or body against their will where technology is a fundamental means

11

Covered Under:
No legal provision

Attacks on communication channels

12

Deliberate tactics and actions aimed at putting a person's or group's communication or information channels out of circulation

Omissions by regulatory actors

Contempt or lack of interest, acknowledgement or action by actors (authorities, internet intermediaries, institutions, communities) who have the possibility of regulating, resolving, and/or penalising technology-related assaults

13

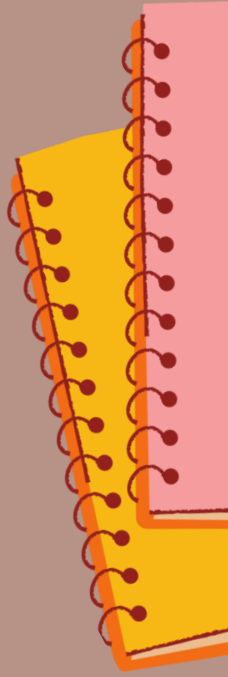
Covered Under:
No legal provision

Adapted from: 13 Manifestations of oGBV created by Luchadoras, SocialTic and APC



Recording Evidence: Why it is important?

'A difficulty that often crops up in the prosecution of perpetrators of online gender and sexual abuse is the production of digital evidence. Victims are often afraid to hand over personal devices for evidence collection, fearing uncontrolled exposure of personal information to law enforcement. Another hurdle in recovering evidence is that platforms like Facebook and WhatsApp do not always cooperate with law enforcement agencies, claiming that they lie outside the jurisdiction of the courts. If digital evidence is not collected carefully, it is disallowed from being produced in court'.



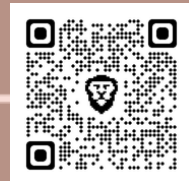
According to a Supreme Court ruling "pre-conditions stipulated by the Evidence Act for the production of digital evidence in court may be relaxed by the court in certain cases, in the interest of justice"

It's important to record online abuse, even if you choose not to report it.



Glitch, a UK based organization, suggests that "we take screenshots of the abuse and file them in a folder, logging the incident in a simple table with the date, time and site - and most importantly the impact it has had. It is important to document how it makes you feel to prove the incident caused anxiety, intimidation, or fear of greater harm".

You can use the following form and an accompanying resource created by folx at Glitch to document online gender abuse: [Documenting_Abuse_form_pdf](#)



ARCHIVE YOUR POSTS

You can use Uli to screenshot and record any offensive tweet using its archive feature. In future, we also hope to create an online repository of online abuse targetting sexual and gender minorities. This repository will help researchers and activists to advocate for responsible legislations to fight online abuse.

Reporting offences

Some very basic things to keep in mind

01

In case of cyber-crimes, a victim may contact the nearest cyber cell or police station.

02

A complaint may also be filed anonymously through National Cyber crime Reporting Portal (cyber crime.gov.in).

03

In case of hacking, the following information should be provided: Server logs.

- Soft copy as well as a hard copy of defaced web page in case your website is defaced.
- In case the data is compromised on your server or computer or any other network equipment, a soft copy of original data and compromised data is required.
- Access control mechanism details i.e. who had what kind of access to the compromised system.

04

All relevant information leading to the answers to the following questions:

- What has been compromised in the system?
- Who might have compromised the system?
- When the system was compromised?
- Why the system might have been compromised?
- Where is the impact of attack-identifying the target system from the network?
- How many systems have been compromised by the attack?

05

In case of online abuse like vulgar e-mails, posts, etc., the following information should be provided:

- Extract the extended headers of the offending e-mail, or URLs of the post and bring soft copy as well as hard copy of the offending e-mail/post message.
- Please do not delete the offending e-mail/post/message from your e-mail box.
- Please save the copy of the offending posts/e-mails/messages on your computer's hard drive.



Government helpline and other community efforts



MWCD email: mwcd@gov.in

"How this works is that once a complaint is made on the portal, the complainant is queried if she has lodged an FIR or filed a complaint before the social media company (SMC). If neither has been done, then the complainant is advised to file a complaint with the SMC and share the reference number with the Ministry who then checks back with the police or SMC within 7 to 10 days to see if any action has been taken. In the absence of any action, the Ministry steps-in and follows up on the complainant"

'Equating the powers of the police with that of the SMC here does appear to be confusing. By suggesting that a complaint be made to the SMC, the Ministry seems to prefer the SMC route rather than going to the police'

Know more at:



'Fore-fronting the SMC route suggests that redress may be limited to take-down of content and blocking or shutting down the profile of the abuser. This response is futile since alternate/ fake profiles can creep up just as another is killed off. If the government intends to tackle GBCV head on it must look to reforming law enforcement. Cultures of policing need to change to be able to recognise, acknowledge and respond to the grievous harm in cases of gender based cyber violence.'
(ibid.)

Other efforts to mitigate online and gender sexual abuse

For Hindi and English

- 1 @Team Saath: Twitter handle to amplify instances of abuse
- 2 Centre for Cyber Victims Counselling
- 3 Social Media Matters Cyber helpline
- 4 TechSakhi: a Hindi digital information helpline

For Tamil



Dhwani 24*7 toll free helpline by PCVC
044-43111143 /
Whatsapp chat support:
9840888882

Under construction -
கட்டப்பட்டு வருகிறது

Credits:

Uli was supported by Omidyar India Network. You can use Uli to archive, redact and hide problematic posts from your Twitter feed. Visit Uli and know more about Uli here: <http://uli.tattle.co.in/>
If you use Uli and need support, write to us at: uli_support@tattle.co.in

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