

Rights of Women in The Digital Platforms: Reflections on Trolling Against Women

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Abstract

Two recent incidents – trolling of Safoora Zargar and boys locker room are enough to disturb any prudent person. The list is long, women have always been seen inferior to their counter-parts. They have been facing violence, harassment and eve-teasing. The digital platforms with its multifarious advantages have put their lives also at more scrutiny. Corona Virus which emerged from China in the late 2019 and in 2020 in rest of the world definitely changed the lives of everyone. Amidst the news of deaths due to COVID 19, few other matters also came to highlight regarding how women are treated online. It is true that even before the lockdown, same things have been taking place for many years, but the lockdown has given the opportunity to ponder about them more extensively. Just because, they are born as women, do the society gets the right to abuse them in multiple ways. Sometimes the religion adds to more concerns. Woman and too Muslim is an added disadvantage in the democratic egalitarian society. This paper highlights few of the instances where women have been subjected to violations of their human rights over the past few years on online platforms. They have been questioned for their dressing, their acting choices, their expression of views, relationships etc. It is hoped that a positive change in the minds of people takes place so that equality may be enjoyed by everyone in the society, irrespective of the biological, social, economic and other differences.

Keywords: Constitution; Digital; Women; Human Rights; Hope; India

Introduction

Many social media platforms in these days are overflowed with messages and contents targeting the Jamia Milia Islamia (JMI) scholar and activist Safoora Zargar who was arrested by the Delhi Police's special cell on April 10, 2020 for her alleged participation in the Delhi riots for her marital status and pregnancy. Trollers targeted her that she is unmarried¹. Information and communication technologies (ICTs) on one side being a powerful device to enhance gender equality and empower women, on the other side are becoming danger to women's physical and

emotional integrity when used to perpetrate violence². Over the years, the social media platform has advanced as a device for political appointment, campaigning and activism. Almost on daily basis, women across these platforms face a barrage of abuse for exercising their fundamental human right of Freedom of Speech and Expression³, as well as right to dignity. Girls and women around the world are subjected to violence on account of their gender. Violence towards women and girls (VAWG) knows no boundaries, cutting across borders, race, culture and income groups, deeply harming sufferers, persons around them, and society in general⁵.

¹Available at <http://www.quint.com> (Visited on June 16,2020)

²The Inter-Parliamentary Union (IPU) report on the occasion of 59th Session on the Commission on the Status of Women, on March 9, 2015, Available at <http://www.ipu.org> (Visited on June 17th 2020).

³Constitution of India,1950, Article 19(1) (a).

⁴Id Article 21.

⁵Available at <http://www.who.int/mediacentre/factsheets/fs239/en/>, <http://www.un.org/en/women/endviolence/index.html> and <http://www.un.org/en/women/endviolence/factsheets.shtml>

The increasing reach of the Internet, the quick spread of mobile information and communications technologies (ICTs) and the extensive growth in the social media users have offered new occasions of getting and disseminating the flow of information across globe. Though, they are also being used as equipment to cause harm to women and girls through various modes such as online trolling, online hate speech, doxing, cyber stalking, online harassment. The online Violence towards Women is rising as an international problem with serious consequences for societies and economies everywhere in the world. The statistics pose risks to the peace and prosperity for all enshrined in the Charter of the United Nations, and, in particular, to the goals of inclusive, sustainable development that puts sex equality and the empowerment of women as key to its achievement⁶.

The incidences of cyber VAWG have major social and economic consequences upon the victims. Fears of rape, death, and stalking put a top on emotional bandwidth and put a stress on monetary assets (in terms of legal fees, online protection services, and missed wages, among others). The direct and indirect expenses to societies and economies are also important, as requirements for health care, legal and social facilities rise and output goes down with the sense of harmony and safety required for business to flourish. Cyber VAWG can likewise have unfavourable effect on the activity of and support for free speech and other human rights⁷.

Similar to offline spaces, the discrimination faced by women online is intersectional and influenced by many other factors, for example, race, ethnicity, caste, sexual orientation, sex identity and expression, capacities, age, class, revenue, culture, religion, and urban or rural setting⁸. The expanding spread of the Internet outlines the urgency for effective legal and social controls on temper and criminal conduct online.

Literature Review

Amnesty International India Report, 2019

Amnesty International India as a part of the Amnesty International global human rights movement, published its report on Revealing Online Exploitation Faced by Women Politicians in

India in the year 2019. The study focused on the nature of online exploitation faced by women politicians in India during the 2019 General Elections of India. The study found that exploitation face by the Indian women politicians was high. The study supports the view that for many women, the social media platform has turned into a 'battlefield'⁹.

UN Broadband Commission for digital development¹⁰ working group on broadband and gender Report, 2010

The report focusses on the sex equality and the empowerment of women in the digital age. The report highlighted the fast spread of mobile data and communications technologies (ICTs) as device to cause injury to women and girls. As per the report the Cyber Violence against women and girls is having severe consequences for societies and economies round the globe. The report also focusses on the mode of committing violence such as online trolling, online hate speech, doxing, cyber stalking, online harassment etc¹¹.

Freedom House's Hyper linkers project Report, 2016

The report is based on the survey and interview of some of the social media users across major cities in India. The report highlighted the Online abuse as a major issue in the Country. The report additionally gives the findings of the survey in which it stated that the most of the women are ignorant about their legal rights and mostly ignores the harassment and uses the means such as blocking the account rather than reporting it. The report provided some measures for dealing with online harassment such as education for law enforcement agencies, for victims and their communities, and also about the importance of prosecuting individuals who commits violence against women in social media platforms¹².

State Sponsored Trolling Report, 2018

The Report focusses on the new type of online harassment i.e., State Sponsored Trolling use by states, to target the individual critical of the state by using online hate and harassment campaigns. The report provides for the responsibility of the state for using the mechanism for trolling resulted into the harassment. The report also provides the instances of state-sponsored trolling in various

⁶The United Nation SDG Goal 5.

⁷Available at <http://www.broadbandcommission.org> (Visited on June 14, 2020)

⁸TROLL PATROL INDIA Exposing Online Abuse Faced by Women Politicians in India, Report of Amnesty International India available at <http://amnesty.org.in> (Visited on June 14, 2020)

⁹Amnesty International India- Troll Patrol India – Exposing online abuse faced by women politicians in India, 2 (Indians for Amnesty International Trust, Karnataka) 2020.

¹⁰The Broadband Commission for Digital Development was launched by the International Telecommunication Union (ITU) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in response to UN Secretary-General Ban Ki-moon's call to step up efforts to meet the Millennium Development Goals.

¹¹UN Broadband Commission for Digital Development- Cyber Violence against Women and Girls available at <http://www.broadbandcommission.org> (Visited on June 16, 2020).

¹²Available at <http://www.feminisminindia.com> (Visited on June 16, 2020)

countries like Azerbaijan, Bahrain, Ecuador, the Philippines, Turkey, Venezuela, and the United States. It also suggested some policies to be followed by the states and IT Companies to deal with the abuse of state sponsored trolling¹³.

Violation of the Rights of Women on Digital Platform

International human rights standards classify violence against women as a form of discrimination that requires comprehensive responses¹⁴. Online violence as a category of violence against

Table 1: Incidents of Women subject to trolling in past years¹⁵.

S.No.	Field	Woman trolled/targeted	Month and Year of Incident	Subject-matter
1.	Actresses	Parvathy	December, 2017	Trolled for criticizing the misogynistic and sexist dialogues used in 2016 Malayalam film Kasaba ¹⁶
		Swara Bhaskar	January, 2018	Accused Sanjay Leela Bhansali for glorifying Jauhar and Sati Pratha ¹⁷
		Swara Bhaskar	April, 2019	A scene for the Movie Veere Di Wedding ¹⁸
		Hina Khan	May, 2019	For appearing in Cannes, 2019 ¹⁹
		Ananya Pandey	June, 2019	Trolled for Nepotism ²⁰
		Malaika Arora	June, 2019	Often faces trolls because of her gym posts and her relationship with the actor younger than her ²¹
2.	Sports Personality	Mithali Raj ²²	September, 2017	Trolled for inappropriate dressing
		Sania Mirza ²³	November, 2018	Trolled for dressing and marrying a Pakistani Cricketer
		Tayla Harris ²⁴	March, 2019	Trolled after photo of her kicking goes viral. Trolled with Sexual abuse
		Jwala Gutta ²⁵	April, 2020	For Racism
3.	Politician	ShaziaIImi	April, 2017	Trolled for being a Politician from Muslim community
		Sushma Swaraj ²⁶	Jun-18	Trolled for issuing the passport to an inter-faith couple
		Hasiba Amin	January,2020	Trolled for being a Muslim Politician

¹³Institute for Future, State Sponsored Trolling, 2018 Available at <http://www.iftf.org>

¹⁴United Nations Convention on Elimination of All Forms of Discrimination against Women, 1979.

¹⁵Compiled by the Researchers.

¹⁶Available at <http://www.newindianexpress.com> _ (Visited on June 12, 2020)

¹⁷Available at <http://www.aninews.in> _ (Visited on June 12,2020)

¹⁸Available at <http://www.newindianexpress.com> _ (Visited on June12,2020)

¹⁹Available at <http://www.india.com> _ (Visited on June 9,2020)

²⁰Available at <http://www.newindianexpress.com> _ (Visited on June 13,2020)

²¹Available at <http://www.indiatoday.in> _ (Visited on June 13,2020)

²²The captain of Indian Women Cricket Team trolled for inappropriate dressing when she posted a selfie in twitter for which she received sexist remarks by trolls, available at <http://www.hindustantimes.com> _ (Visited on May 28, 2020)

²³The Indian Tennis Player trolled about her nationality after being married to Pakistani cricketer Shoaib Malik. In 2018 troll questioned her Nationality and wished her a Happy Independence Day on August, 14, available at <http://www.dnaindia.com> _ (Visited on May 28, 2020)

²⁴The Australian Football player trolled with sexual abuse after her photo of kicking the football in the match organised by Australian Football League went viral, available at <http://www.irishtimes.com> _ (Visited on May 28,2020)

²⁵Indian Shuttler often trolled for being the child of a Chinese mother and has recently trolled and abused with racist taunts like 'Half Corona', available at: <http://www.india.com> _ (Visited on June 12, 2020)

²⁶Vikas Mishra, an officer in the regional passport office in Uttar Pradesh's Lucknow was transferred after he allegedly humiliated an inter-faith couple, asking the woman to change her last name and the man to convert to Hinduism, available at: <http://www.thehindu.com> _ (Visited on May 30,2020)

4.	Journalist	Shami Haque ²⁷	May, 2017	Trolled and received death and rape threats for working as a woman Journalist ²⁹
		Rana Ayyub ²⁸	April, 2018	Trolled for a fake twit in her name defending child rapist.
		BarkhaDutt ²⁹	February,2019	For supporting the people of Kashmir
		Nidhi Razdan ³⁰	November, 2019	For attending a talk at London's Chatham House

International Law on the Protection of Rights of Women

The right to have protection against violence has been treated as fundamental human right of Women under International Law Standards. She is entitled to have this right as a human being. The United Nations and other Human Right organizations recognizes the

duty of the national government to safeguard and encourage such rights. Various treaties, conventions, resolutions, declarations have been passed by various International Organizations to Prohibit the violence against women. These treaties are formally adopted by the member states in form of their national laws. Every state ratifying these treaties and conventions are under obligation to follow the recommendations without violating the rights of citizens.

Table 2: Conventions vis-à-vis Rights of Women³¹.

Sr. No.	Convention	Year	Relevant Provisions
1.	The Convention on the Elimination of all forms of Discrimination	1981	a. The Convention requires State parties to combat sex based discrimination through legislation, education. b. It too requires the state parties to send periodic reports, revised by the Committee on the elimination of discrimination against women.
2.	The General Recommendation 19	1992	a. Explains that the prohibition of gender based discrimination includes violence b. Requires the state parties to take all essential actions to eradicate violence such as legal sanctions, civil remedies, preventive and protective measures.
3.	United Nations Declaration of the Elimination of Violence against Women	1993	a. Makes the responsibility of the member state to ensure prevention, inquiry and sentence of all culprits, irrespective of public and private actors.
4.	Beijing Declaration and Platform for Action	1995	a. Obliges the Government to take action against the violence against women. b. Defines the Violence against women in wide sense to cover sexual, physical or psychological harm to women, including threat, force or arbitrary denial of liberty ,occurring in public or private life.

National Laws/ Legal Background

The Preamble of the Indian Constitution mandates social justice to all the citizens, irrespective of their gender and other differences. Social justice includes the protection of rights of women against Violence in any form either physical, psychological by any means including the digital form. The Indian Information Technology

(IT) Act enacted in the year 2000 is based on the United Nations Model Law on Electronic Commerce, 1997. The Act focused on communications infrastructure and e-commerce initiatives. The IT Act included some penalties for economic crime committed online, but failed to address cybercrime against individuals³². Amendments to the law passed in 2008 regulated more illegal cyber activities, including distribution of images depicting child sexual abuse.

²⁷A Dhaka Blogger received death and rape threats and an email from an Islamic extremist group that claimed the working of women outside their homes without 'Purdah' as a punishable offence under Islamic Sharia Law, available at: <http://www.thewire.in> _ (Visited on June 6,2020)

²⁸The writer and Journalist trolled for having fake twitter account with her name in which she was supporting child rapists, calling them 'human' and apparently said Muslims were not safe in India. She was traumatised and threatened with gang rape for this fake twit, available at: <http://pen-international.org> _ (Visited on June 10,2020)

²⁹Trolled and received the threats of being murdered and raped and also received obscene messages from the troller for offering her home to Kashmiris feeling unsafe after the Pulwama attack, available at: <http://www.idiva.com> _ (Visited on June 12,2020)

³⁰The NDTV Journalist trolled for attending the talk session based on discussion on India's move on scrapping Article 370 which was said to be sponsored by the Pakistan Army, available at: <http://www.thelogicalIndian.com> _ (Visited on June 12,2020)

³¹Compiled by the Researchers.

³²Halder, D., & Jaishankar K, "Cyber Crimes against women in India: Problems, Perspectives and Solutions," 48-62 (TMC Academy Journal, Singapore) 2008

Table 3: Various laws in India vis-à-vis Rights of Women Online³³.

Sr. No.	Legislation	Relevant Section
1.	Indian Penal Code,1860	Section 72(a) ³⁴
		Section 354D ³⁵
2.	The Indecent Representation of Women (Prohibition) Act, 1986	Section 4 ³⁶
3.	Information Technology Act,2000	Section 66E ³⁷
		Section 67 ³⁸
		Section 67A ³⁹
		Section 67B ⁴⁰
		Section 72 ⁴¹

Conclusions

As the Internet evolves and social media and networking tools increasingly become an intrinsic part of people's lives around the globe, attitudes and norms that contribute to cyber VAWG must be addressed with exigency. A combined worldwide exertion, led by the United Nations system, has put in place the pillars for a 21st century supportable development paradigm. The Sustainable Development Goals (SDGs), establishing the global development priorities for the next 15 years, include a goal on gender equality, which places women's access to technology for their empowerment as one of the core indicators for progress. For this to be realized, all shareholders must take faster actions to ensure a safer, more secure Internet for present and future generations – one without endemic VAWG.

Suggestions

- (i) Sensitization, Safety and Sanctions are required to deal with the abuse against Women. Sensitization includes educating the ICT users through various modes such as Parents, teachers as well as police and judicial authorities. Safety measures includes women's shelters, crisis centres, help lines and education. Sanctions includes and addresses the legal system to provide speedy justice to the victims of online harassment.
- (ii) The Social Media Platforms ought to advance their reporting devices to guarantee that there must be better

reaction to complaints of violence and abuse.

- (iii) The Social Media Platforms ought to give greater clearness about how it interprets and recognises violence and exploitation on the platform and how it handles reports of such abuse.
- (iv) Organising the safety and awareness campaigns for all users about the harmful impact of online abuse on the platform.
- (v) Employment of the local person as grievance officers, to ensure that workers can adequately evaluate complaints about posts made in local languages based on local cultural context.
- (vi) Execute the law against persons answerable for instigating and carrying out online violence against women and marginalized communities, irrespective of their political or religious plan.
- (vii) Inform officers about the laws that apply to online harassment, and how to direct complainants to appropriate legal recourse.
- (viii) The Intermediary or ISP should be made liable for the display of the content violating the rights of the Women on the Internet. It should have the responsibility to adopt the device automatically removing such unlawful content posted by the user in social media platform violating the rights of the other users including Women and girls.

³³Compiled by the Researchers.

³⁴It establishes penalties for individuals that disclose personal information without the target's consent.

³⁵An individual convicted of cyberstalking faces up to three years in prison for a first offense, and up to five years' imprisonment for subsequent offenses.

³⁶The Section prohibits the publication or sending by post of books, pamphlets etc., containing indecent representation of women.

³⁷Inserted vide Information Technology Amendment Act,2008. The Act provides punishment with Imprisonment up to 3 years and fine up to two lakh rupees, or both for violation of privacy of women.

³⁸Inserted vide Information Technology Amendment Act,2008. The Act provides Punishment with Imprisonment up to 3 years for and fine up to 5 lakh rupees for publishing or transmitting obscene material in electronic form.

³⁹Inserted vide Information Technology Amendment Act,2008. The Act provides Punishment with Imprisonment up to 5 years and fine up to 10 lakh rupees for publishing or transmitting of material containing sexually exploited act in electronic form.

⁴⁰The Act provides the punishment up to 5 years and fine up to 10 lakh rupees for publishing or transmitting of material depicting children in sexually exploited act in electronic form.

⁴¹Criminalizes the unauthorized access of someone's digital content as a breach of privacy.



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