

# Technology Mediated Violence Against Women in Bangladesh

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## Context: TMVAW in Bangladesh

- In Bangladesh one fifth of all women are reported to have experienced some form of physical abuse at home and at workplace;
- Total mobile user 135.9 million and estimated 73.3 million subscribers of the internet;
- At least one third of the subscribers of mobile phones and internet are women;
- Official claims indicate that the 73% of women users of online space in Bangladesh have faced some form of violence, And this number is on the rise
- Examples of TMVAW includes publication of obscene materials online, photo perversion, defamatory statements, hate-speech, revenge pornography, online impersonation, cyber pornography, obscene propaganda, distribution of rape and 'sex videos' etc.

## International Standards and TMVAW

- Human Rights Council (HRC): Resolution on the “The promotion, protection and enjoyment of human rights on the Internet” (September 2009) affirmed that the rights that people have offline must also be protected online and, most recently, in the HRC consensus resolution on “the right to privacy in the digital age”;
- At the end of 2013, the UN General Assembly adopted a consensus resolution on protecting women human rights defenders with language on tech-related human rights violations. The resolution acknowledged that:“... information-technology-related violations, abuses and violence against women..... are a growing concern and a manifestation of systematic gender-based discrimination, requiring effective responses compliant with human rights”;
- More recently, the UN Special Rapporteur on VAW, in her report to the 29th session of the Human Rights Council (2015) on her mission to the UK, expressed concern about “women aged between 18 and 29 being at greatest risk of threatening and offensive advances on the Internet”;

## Legal Framework and VAW/TMVAW in Bangladesh

The existing legal framework comprises of a number of laws that are related to VAW:

- Provisions in the Penal Code 1860 (sections 302-326, 375 and 509)
- Women and Children Violence Repression Act, 2000: (Sections 14, 9K and 10)
- Information Communications Technology Act 2006 (section 57)
- The Pornography Control Act 2012
- Bangladesh Telecommunication Control Act, 2001 (section 69)
- Children's Act 2013 (sections 28(1), 54(3) a,b, 81(1)
- National Broadcasting Policy 2014 (Section 4.4.6)
- Proposed Digital Security Act 2016
- Metropolitan Police Ordinances (Section 76 and 78 of Dhaka and Chittagong Ordinances)
- Two key judicial decisions on Sexual Harassment and Violence against Women include, "Guideline on Prevention of Sexual Harassment", (reported in 31 BLD 2011).

## Gaps and Inadequacies in existing legal regime

- Existing laws focus on off-line violations
- Variety of TMVAW not recognised as offences
- Addressing revenge porn
- New laws and missed opportunities
- Consent and Data protection
- Protection to women from TMVAW in social media
- Lack of clear operating procedures on cyber crime

## Recommendations

- ❖ Promote wide spread awareness among women and girls on Directive No 2 e, h and i of the Guidelines on Sexual Harassment that deal specifically with online sexual harassment
- ❖ Stronger implementation of the Sexual Harassment directives of HC in work places and academic institutions along with strong and clear directives on sexual harassment online;
- ❖ Amendment of the existing Evidence Act to accommodate the digital records as evidence
- ❖ Enact a specific law or include specific provisions in the Pornography Control Act to address the issue of 'revenge pornography'
- ❖ Formulate Rules for investigation under the ICT Act 2006 laying down the investigating procedures for cyber offences
- ❖ Address Issues on data protection in laws
- ❖ Deal with issues of consent in laws to prevent TMVAW
- ❖ Relevant existing laws such as section 509 of Penal Code, section 10 of WCVPR, etc should be amended to address sexual harassment online;
- ❖ Draft Digital Security Act should include address TMVAW with sufficient precision;
- ❖ Promotion of dialogue and research in this area for better understanding of TMVAW

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