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STUPID LOSER
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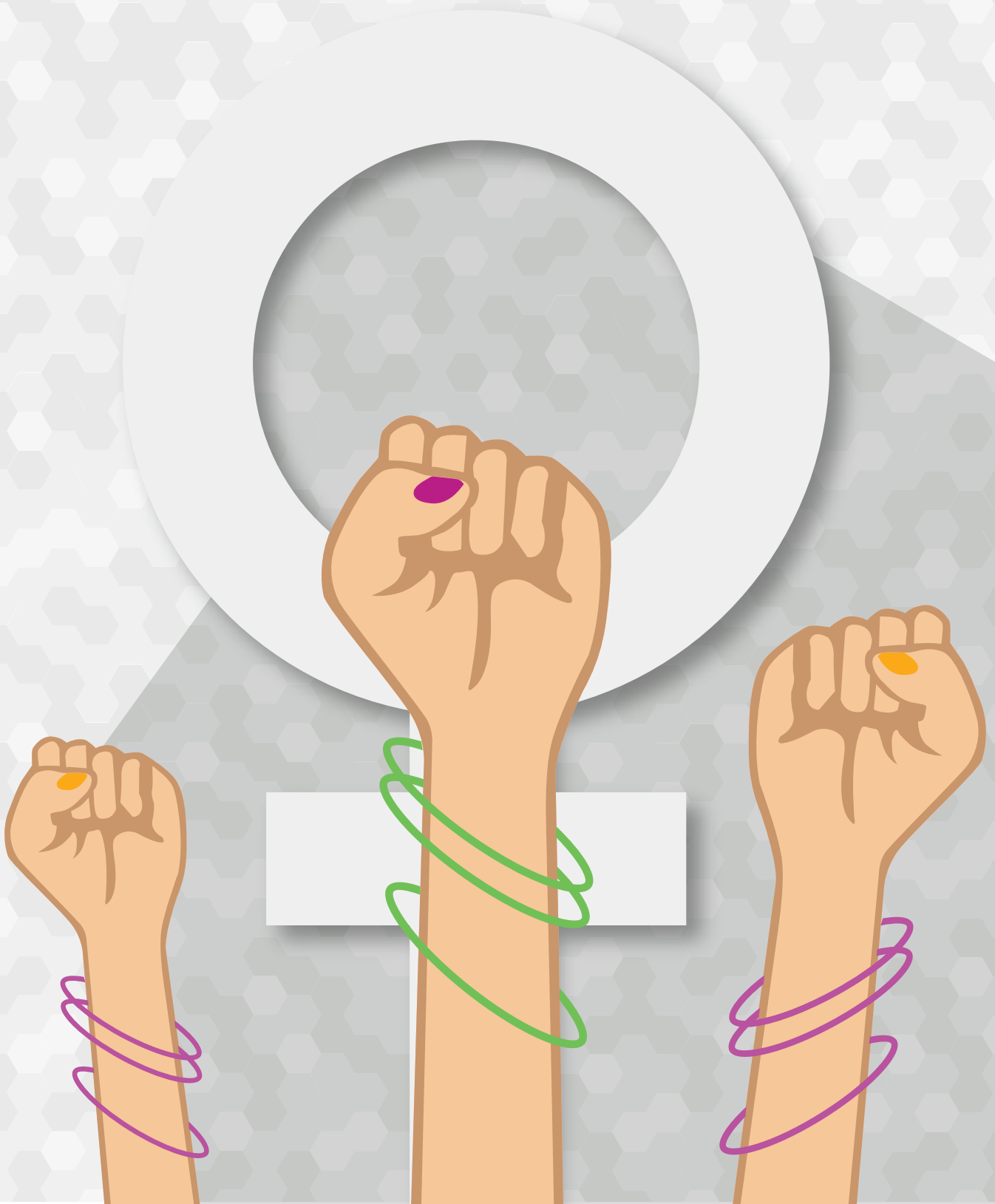
“Violence” Online In India: Cybercrimes Against Women & Minorities on Social Media

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This research is part of **Freedom House's Hyperlinkers project**, which seeks to amplify the voices of marginalized communities in global digital rights discussions.

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Introduction

On May 18, 2016, Indian Minister for Women and Child Development Maneka Gandhi stated that the online abuse and trolling of women in India should be treated the same way as violence in the real world.¹ The next day, the Home Ministry announced that they plan to launch a portal named “Cyber Crime Prevention against Women and Children” (CCPWC) that will allow Indian women to post complaints about online harassment.²

Online violence against women and marginalized individuals should be taken as seriously as offline abuse. It has adverse effects on the victim’s emotional wellbeing, and can also translate into physical danger. Because of the public nature of online abuse, the reactions of friends, colleagues, and the media can exacerbate the trauma. Authorities frequently respond by advising women not to use their real names or post pictures of themselves, silencing the victims rather than their abusers.

Yet this study found that women themselves have trouble thinking of the attacks they experience on social media platforms as “violent,” and are more likely to block or ignore their assailants than report them, while participating less in the online space themselves. Many lack awareness of their legal rights as victims of cyberstalking and other crimes. In addition to expanding options for women to complain about abuse, education is needed for law enforcement agencies, and even for the victims and their communities, about the importance of prosecuting individuals who use social media as a tool to perpetuate violence against women and minorities.

Methodology

The report uses both qualitative and quantitative research, including analysis of media reports involving online harassment of high profile women; a survey of 500 social media users; and interviews with ten of the respondents. The majority of survey respondents were women under 35, living in major cities, and educated to college level or above.

Key Findings

- Online abuse is a serious issue in India, affecting more than half of survey respondents, yet women and other targets lack support and understanding to respond effectively.
- Thirty-six percent of respondents who had experienced harassment online took no action at all. Twenty-eight percent reported that they had intentionally reduced their online presence after suffering online abuse.

- Some respondents found it hard to think of online harassment on par with violence, even though 30 percent of those who had experienced it found it “extremely upsetting” and 15 percent reported that it lead to mental health issues like depression, stress, and insomnia.
- Though avid users of social media, respondents lose trust in popular platforms because of harassment against them or someone they know. Over half want stricter community standards for content, and the ability to escalate reports of abuse.
- Mechanisms to report abuse on social media platforms fall short. Victims are more likely to block abuse than to report it, yet blocking is ineffective against organized, sustained campaigns using multiple accounts.
- Assailants readily exploit mechanisms to report abuse, alleging their victims have violated platform guidelines to disable their accounts.
- Thirty percent of survey respondents said they were not aware of laws to protect them from online harassment.
- Only a third of respondents had reported harassment to law enforcement; among them, 38 percent characterized the response as “not at all helpful.”

Media Cases

The rise of the Bharatiya Janata Party, which came to power in the 2014 general election and espouses Hindu nationalism, has been accompanied by an increase in online abuse against a range of targets, from “liberal and secular” journalists to activists and women from historically marginalized caste groups.



1. Sunetra Choudhury, “Online Attacks On Women To Be Treated As Violence: Maneka Gandhi to NDTV,” NDTV, May 18, 2016, <http://bit.ly/1YAtrGR4>. 2. Sneha Johari, “Updated: On Maneka Gandhi saying that online trolling of women will be treated as violence,” Medianama, May 19, 2016, <http://bit.ly/2aXbr5y>.

Since 2012, news reports have documented at least eight high profile Indian women harassed for expressing their views on Twitter or Facebook, some on multiple occasions.

- In 2012, multiple Twitter users threatened Indian writer, poet and activist Meena Kandasamy after she discussed a beef-eating festival in the southern city of Hyderabad using her personal Twitter account.³ (The Hindu community consider cows sacred) Kandasamy was threatened with acid attacks and televised gang rape. Kandasamy is Dalit, a lower-status group according to the Hindu caste system, and the festival was organized by a marginalized caste group.
- In 2013, Indian journalist Sagarika Ghose was threatened with rape by Twitter users who discovered and published her daughter's name and school.⁴ Ghose said the tweets came from right-wing nationalists targeting "liberal and secular women." Ghose subsequently stopped sharing her personal views on Twitter.
- Kavita Krishnan, a prominent Delhi-based women's rights activist, was harassed during a 2013 online chat about violence against women on news website Rediff by a person using the handle @RAPIST, until she exited the discussion.⁵ Separately, in 2015, Krishnan and Indian actress Shruti Seth both criticised the prime minister's social media initiative #SelfieWithDaughter, in which he called on fathers to share photos of themselves with their daughters to promote education for girls. Both were sent abusive language and violent threats on Twitter.⁶
- Rega Jha, BuzzFeed's India editor, was subject to rape threats after she praised Pakistani players on Twitter during a 2015 India-Pakistan cricket match.⁷ Many Indian men sent participated in the abusive comments, including writers Chetan Bhagat and Suhel Seth. India and Pakistan have had a tense relationship since the partition of India in 1947.
- Journalist Barkha Dutt has been called India's most trolled woman. Abuse of Dutt, who is routinely harassed for her online comments, escalated on Twitter and Facebook in December 2015 after she described being sexually abused as a child in her book *This Unquiet Land*.⁸ Among other abusive terms, critics called her "antinational," a right-wing slur.⁹
- In 2015, Media One Group journalist V.P. Rajeena from the southern state of Kerala, published a personal account of child sexual abuse at a Sunni religious school in the southern city of Kozhikode on Facebook. Over 1,700 Facebook users shared her account, but it also attracted abuse from members of the Muslim community, many of whom reported her Facebook account for violating community guidelines, with the result that it was temporarily blocked.¹⁰
- In a series of incidents in 2015, Facebook users attacked Indian social activist Preetha G. Nair, first for

criticising G. Sudhakaran, a leader of the Communist Party of India, and then the India's late President APJ Abdul Kalam.¹¹ Trolls attempted to hack her account, created a fake Facebook profile depicting her as a sex worker, and directed sexualized abuse at her children. Facebook temporarily suspended her profile after one of her abusers reported her for violating their real name guidelines, since Preetha had withheld her last name, which indicates her caste.

Survey Results

"Forty-eight hours of non-stop abuse."

A survey of 500 Indian internet users revealed the extent to which online violence affects everyday women and marginalized individuals. Of those 500, 97 percent identified themselves as women, and 3 percent as other, a category that encompasses transgendered people. Nearly half of respondents were between ages 18 and 25, with another third between 25 and 35. Most respondents were from the major Indian cities of Delhi, Mumbai, Bangalore, Chennai, Hyderabad, and Kolkata. Fifty percent of respondents said they were educated to post-graduate level, and 32 percent to college level. Forty-eight percent were professionals and thirty-five percent were students. Nearly 100 percent said they regularly use technological devices like mobile phones, computers, laptops, or tablets.

When asked which social media platforms they use frequently, 95 percent of respondents said Facebook, followed by Instagram (52 percent), Twitter (50 percent), SnapChat (18 percent), and Tumblr (14 percent). Eighty percent of respondents reported that social media applications, besides providing a platform for personal activities like sharing pictures, are their primary source of news, a trend also observed in the United States and other countries.¹² Among messaging services, WhatsApp was used by 93 percent of respondents compared to Telegram, which was used by 8 percent.

"I was trolled by more than 40 people."

Among the 500 people surveyed, 58 percent reported having faced some kind of online aggression in the form of trolling, bullying, abuse or harassment. "If I write feminist views, men start calling me names and making offensive remarks," said one. "When I took up the issue of sexual abuse by a priest in a church, his followers attacked me and my work," said another respondent conducting research into gender issues online.

However, an equal number (58 percent) said they had not encountered much "violence" online, and some

3. Aarti Sethi, "NWMJ Condemns The Violent Abuse Of Meena Kandasamy," *Katila*, April 22, 2012, <http://bit.ly/2bC8Fbt>. 4. Divya Arya, "Why are Indian women being attacked on social media?," *BBC*, May 8, 2013, <http://bbc.in/2bk99kH>. 5. Divya Arya, "Why are Indian women being attacked on social media?," *BBC*, May 8, 2013, <http://bbc.in/2bk99kH>. 6. Sarakshi Rai, "You maybe next to get abused like Kavita Krishnan, Shruti Seth, and Twitter will do nothing," *Firstpost*, June 30, 2015, <http://bit.ly/2bCcZYm>. 7. Richa Kaul Padte, "Sexist remarks, stalking and rape threats: how women are punished for speaking online," *Scroll*, February 19, 2015, <http://bit.ly/2bnv5sw>. 8. Priya Ramani, "Why everybody loves to hate Barkha Dutt," *Live Mint*, April 23, 2016, <http://bit.ly/1MKdTOW>. 9. ANI, "All 'anti-nationals' can go and

more than 40 people, many of whom said I should be abused too, as that might be the only “action” I will get.”

“All the evidence of his harassment against me was hacked into and destroyed.”

Others reported threats of violence against themselves and members of their family; doxing, meaning the publication of private information without consent, trolling by dozens of accounts at a time; and hacking. “My husband is a men’s rights activist who threw me out of the house. He, his family, and his lawyer threatened to file false cases against me. Police threatened me. Later I received call from men’s rights people who wanted me to beg him to compromise. When I refused, my mobile containing all the evidence of his harassment against me was hacked into and destroyed,” reported one respondent.

“I received rape and death threats.”

This activity appeared to be perpetuated by men or under accounts associated with male names, according to 85 percent of respondents. “My daughter and I posted online about how women (including us) had been beaten and detained illegally by Delhi Police in December 2012 for protesting peacefully against a gang-rape. [Another time,] I questioned Yakub Memon’s hanging by calling it judicial murder,” one said. Yakub Memon was convicted of carrying out bomb attacks in Mumbai in 1993 and executed in 2015. “On both occasions, I received rape and death threats, mostly from men...the abusers also got hold of my phone number and address!”

“The abusers got hold of my phone number and address!”

Thirty percent of respondents called the experience of being subject to abuse online extremely upsetting. Asked if it affected their personal lives, 15 percent said that online harassment had resulted in mental health issues like depression, stress, and insomnia. Twenty-eight percent reported that they had intentionally reduced their online presence after suffering online abuse.

Troublingly, 36 percent of respondents who had experienced harassment online took no action. Countermeasures others reported using included blocking abusive accounts using features offered by various social media websites (77 percent) and reporting the behaviour to the relevant platform (58 percent). Yet many also reported distrust of those platforms. “I didn’t report [the harassment] to Facebook because their policies hardly find any [abusive behaviour] wrong. Right now, Facebook objects only to women’s nipples,” one said.



expressed discomfort with the term put forward by Maneka Gandhi in her May 2016 comments. “Violent is a heavy word. Sexist or inappropriate is the right word,” said one. “Violence is a noun: the exertion of physical force so as to injure or abuse. As far as I know, no one is able to kick my ass through my computer,” said another.

Victims reported similar patterns of abuse in response to specific topics. People who wrote about LGBT issues said they experienced harassment from men’s rights activists and traditional groups who believe homosexuality undermines their values and Indian culture. Criticism of the current government, ruling party, or prime minister often resulted in mass trolling, messages from multiple accounts that can continue for several days. “Forty-eight hours of non-stop abuse and threats on Twitter by Hindutvavadis,” or the Hindu right wing, reported one respondent. The abuse came in response to her criticism of the new Juvenile Justice Act 2015, which requires juveniles between 16 and 18 to be tried as adults for serious offences.

Sixty-one percent of those who reported abuse said it took the form of hateful speech, while fifty-six percent experienced derogatory comments about their gender or appearance. “I made a statement in defense of journalist Barkha Dutt on a friend’s post on Facebook,” one respondent said. “Several people reacted to her disclosure of having faced child sexual abuse with dismissal, derision, and victim-shaming. I was trolled by

live in Pakistan: O P Sharma, “Business Standard, February 16, 2016, <http://bit.ly/2aWpxDN>. 10. IndiaToday.in, “What sparked the madarsa controversy? What did VP Rajeena write?,” India Today, November 26, 2015, <http://bit.ly/2bk9GEC>. 11. Aarefa Johari, “Facebook policies allow trolls to target women, says group fighting sexist online abuse,” Scroll, August 24, 2015, <http://bit.ly/2aWqv30>. 12. Michael Barthel, Elisa Shearer, Jeffrey Gottfried and Amy Mitchell, “The Evolving Role of News on Twitter and Facebook,” Pew Research Center, July 14, 2015, <http://pewrsr.ch/1gzCtmj>; Sarah Frier, “Facebook Wants You to Post More About Yourself,” Bloomberg, April 8, 2016, <http://bloom.bg/1Miq2dq>.

“If messages are in Hindi or slang, websites should be able to respond.”

Over half (52 percent) of respondents wanted social media platforms to adopt stricter standards for content posted on their site, and the ability to report and block abuse more quickly. “Social media sites should have fast and effective responses to complaints and should encourage women to immediately report messages that make them uncomfortable. They should also be culturally sensitive and empathetic,” one respondent said. “For example, if the messages are in Hindi or slang, websites should have employees able to read and respond to those messages. Additionally, complaints should be treated as valid even if the complainant has been connected to the abuser a long time...previous politeness or friendship does not make a woman complicit in her reception of abusive messages.”

“There is a tendency to blame the victim for ‘allowing’ or ‘provoking’ abuse.”

Nearly a third of survey respondents (30 percent) had reported online abuse to an Indian law enforcement agency. Of those, just 11 percent said they were helpful, compared to 51 percent who found them only somewhat helpful, and another 38 percent who said they were not at all helpful. Over half (52 percent) said that officials do not take complaints of online harassment seriously. “It is too much of an effort [to report],” according to one respondent. “Most law enforcement agencies, especially the Indian police, are not informed enough to adequately tackle the situation. Sexism is also a factor in agencies’ responses. There is a tendency to either blame the victim for ‘allowing’ or ‘provoking’ abuse, or to urge the victim to just ‘ignore’ or block the messages.” Thirty percent of survey respondents said they were not aware of laws to protect them online harassment, indicating a lack of information about their rights.

Legal Background

The Indian Information Technology (IT) Act of 2000 is based on the 1997 United Nations Model Law on Electronic Commerce and focused on communications infrastructure and e-commerce initiatives.¹³ The IT Act included some penalties for economic crime committed online, but failed to address cybercrime against individuals.¹⁴ Amendments to the law passed in 2008 regulated more illegal cyber activities, including distribution of images depicting child sexual abuse. Section 72 criminalizes the unauthorized access of someone’s digital content as a breach of privacy. Section 72(a) establishes penalties for individuals that disclose personal information without the target’s consent.

Section 66(a) penalized the sending of information of a “grossly offensive” or “menacing” nature through communication devices including computers with prison terms of up to three years.¹⁵ Authorities in several Indian states used this law to arrest people over their posts on social media, often for content that officials claimed was “seditious,” “communally sensitive,” or abusive. In 2012, police in Palghar, Maharashtra arrested Shaheen Dhada, who questioned on her Facebook page why the city was shut down for the funeral of a right-wing political leader, and Renu Srinivasan, who “liked” the post. Both women were also charged with “hurting religious sentiments” under Section 295(a) of the Indian Penal Code. The charges were later dismissed.¹⁶ In March 2015, India’s Supreme Court struck down Section 66(a).¹⁷ Freedom of expression, according to Justice Rohinton Fali Nariman’s ruling, is subject to reasonable restrictions under Article 19(2) of the Indian Constitution, but only when it involves incitement. Section 66(a) made no distinction about the impact of contested speech on public order, and the term “offensive” was too subjective, according to the judge.¹⁸

If cyberstalking does not result in more serious offline crimes like sexual crimes or identity theft, it has traditionally been treated as minor. However, after the gang rape and murder of a young woman in Delhi in December 2012 became infamous,¹⁹ a government committee recommended the adoption of several new laws designed to protect women, including new anti-



¹³. Ministry of Law, Justice and Company Affairs, “Information Technology Act 2000 - Department of Telecommunications, Government of India,” Government of India, June 9, 2000, <http://bit.ly/1L499fY>; UNCITRAL, “UNCITRAL Model Law on Electronic Commerce (1996),” United Nations Commission on International Trade Law, June 12, 1996, <http://bit.ly/1ALiYLI>. ¹⁴. Halder, D., & Jaishankar K, “Cyber Crimes against women in India: Problems, Perspectives and Solutions,” TMC Academy Journal, (Singapore: TMC Academy Journal, 2008) pp. 48-62. ¹⁵. IndianKanoon.org “Section 66A in The Information Technology Act, 2000,” IndianKanoon.org, <http://bit.ly/2b9mADo>. ¹⁶. Nikhil Pahwa, “A list of Section 66A arrests in India through the years,” Medianama, March 24, 2015, <http://bit.ly/2bCzYIK>.

stalking laws.²⁰ The ensuing Criminal Law Amendment Act of 2013 extended the definition of stalking in the penal code to include online behaviour.²¹ Stalking has since been defined as a man following or contacting a woman, despite her clear disinterest, or monitoring her internet usage or electronic communications.²² An individual convicted of cyberstalking faces up to three years in prison for a first offense, and up to five years' imprisonment for subsequent offenses.

The fact that both the 2008 IT Act and the 2013 criminal law amendment address different aspects of online violence may be contributing to confusion among both victims and law enforcement about recourse in cases of abuse. Training is needed to inform society about the charges that can be brought in response to criminal acts involving social media and digital communication. Future legislation must also be clearly defined to avoid criminalising political and religious opinion, like section 66A of the IT Act 2008.

Recommendations

For social media platforms:

- Create ways for women and representatives of minority groups to escalate reports of harassment, particularly incidents involving multiple accounts or lasting several days, indications that the activity is organized.
- Employ local staff, particularly grievance officers, to ensure that workers can adequately evaluate complaints about posts made in local languages based on local cultural context.
- Facebook should revisit its real-name policy and make it more flexible, especially for marginalized genders and sexualities, journalists, and whistle-blowers under threat. Right to privacy and anonymity are fundamental rights and Facebook must uphold them. Harassment continues despite the requirement, yet victims fear it can be used against them.

For the government:

- Encourage women to report when criminals violate their rights online.
- Ensure the Cyber Crime Prevention against Women and Children is accessible via mobile internet as an app that functions even where bandwidth is low. Ensure that users' privacy is protected and that it is they are not subject to monitoring.
- Implement the law against individuals responsible for inciting and carrying out online violence against women and marginalized communities, regardless of their political or religious agenda.



- Bharatiya Janata Party leaders should strongly condemn online harassment conducted in the name of Hindu nationalism. Party members and supporters responsible for harassment should be held accountable.

For law enforcement:

- Foster an environment in which individuals feel confident enough to report online abuse to authorities, even if this challenges cultural norms and takes time.
- Stop dismissing reports of sexualized or gender-based abuse because they take place on the internet.
- Educate officers that the response to online harassment is not to stop the victim using the internet.
- Inform officers about the laws that apply to online harassment, and how to direct complainants to appropriate legal recourse.

17. Nikhil Pahwa, "Supreme Court rules Section 66A unconstitutional; says govts come and go, the law persists," Medianama, March 24, 2015, <http://bit.ly/1FydWYD>.

18. Nikhil Pahwa, "Supreme Court rules Section 66A unconstitutional; says govts come and go, the law persists," Medianama, March 24, 2015, <http://bit.ly/1FydWYD>.

19. News18.com, "Delhi gangrape: What happened on December 16, 2012 and status of the case," News 18.com, December 8, 2014, <http://bit.ly/2aWDT7a>.

20. Justice Verma Committee, "Justice Verma Committee Report Summary," PRS Legislative Research, <http://bit.ly/1vBXp28>. 21. Kanooon, "IPC 354D: Section 354D of the Indian Penal Code," Kanooon: Legal Advice Online in India, <http://bit.ly/2aWESUX>; Ministry of Law and Justice, "Criminal Law Amendment Act, 2013," Government of India, April 2, 2013, <http://bit.ly/1GxoUuT>. 22. Divij Joshi, "The Criminal Law Amendment Bill 2013 — Penalising 'Peeping Toms' and Other Privacy Issues," The Centre for Internet and Society, March 31, 2013, <http://bit.ly/1dO46o5>.



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