National Dialogue on Gender-based Cyber Violence

1-2 FEBRUARY, 2018 | TISS MUMBAI CAMPUS

Background Note

IT for Change, Bengaluru, and Advanced Centre for Women's Studies, Tata Institute of Social Sciences, Mumbai, are organising a National Dialogue on Gender-based Cyber Violence, with support from the Women's Rights Online programme of the Web Foundation. The issue calls for urgent dialogue and deliberation. Reports about technology-mediated violations against women and girls are now a regular feature in media. However, beyond the novelty and sensationalism that propel its routine appearance in public debate, a yawning gap in terms of a systematic stock-taking of the phenomenon from a gender equality perspective persists. The proposed event seeks to address this gap. It will explore the issue normatively, legally and empirically, bringing feminist conceptions of the digital and will attempt to articulate what freedom from violence means in relation to online spaces.

It is undeniable that the Internet holds immense potential as an instrument of emancipation for women and girls, cutting across socio-structural divides of caste, class, age, geography etc. For persons of non-normative gender and sexual identities as well, this may be the case. Unfortunately, much of this promise is thwarted by the normalisation of gender-based violence in digitally-mediated interactions. Harassment and abuse have become routine on social media and social networking platforms. The mobile phone is an instrument of surveillance and stalking; and the virality of content poses unprecedented risks to privacy. The non-consensual sharing of sexually explicit content – referred to by the misnomer 'revenge porn' – has become a distressingly commonplace experience for women and girls across social locations, borne out in news reports from across the country.

What is also evident is that tech-mediated gender-based violence, while being distinct in many ways in its manifestations, is equally material-corporeal for its consequences on individuals. Online trolling and doxing may or may not lead to physical harm, but inflict upon the victim very real emotional and psychological distress. These actions are just as 'real' as 'offline' acts of violence. Further, offline and online acts of abuse are part of a continuum of gender-based violence, with each reinforcing the other.

Small-scale research studies and the experience of legal rights and women's rights organisations indicates that technology-mediated violence is a problem that is widespread. But official statistics record only very low levels of incidence – indicating that most victims prefer not to seek legal recourse/ assistance. The law has also been playing catch-up with little proactive intervention to effectively provide redress. Evidence that can be generated in these cases may fall short of what is legally admissible. The Indian Evidence Act (1872) lays down cumbersome requirements for digital evidence to be admissible. Moreover, victims and law enforcement agencies are often unable to put together what may be one-off, 'innocuous' instances that in totality constitute an experience of violation, or piece together the theatricality of violence as often staged online, and the kind of evidence that will hold up in a court of law.

Legal reform has been the cornerstone of the feminist struggle in the country. However, it is also true that feminist movements have had a strong and valid critique of the law and its essential embedding in patriarchal social structures. There is hence a skepticism oftentimes about legal reform as a route to social transformation.

The Report of the Committee on the Status of Women in India [Towards Equality 1974] believed that legislation could accelerate social transformation to the eventuality of gender justice. The women's movement has often coalesced around the law – whether the protests after the judgment in the Mathura rape trial or what is called the Nirbhaya case. Legal amendments that followed these mass movements have however been hugely disappointing, leaving feminist scholars wondering whether token legal reform was a red herring that dampened revolutionary vigor and brought little relief to women. There is also the general discomfiture that feminist activists have felt when legal reform (of personal laws) that are seemingly progressive is championed by right wing fundamentalist groups.

Others have debated the value of vesting all hopes on a process that is built on the hegemonic ascription of identity and have cautioned against allowing states to define gendered realities through the law. This is particularly evident for sexual expression, where the law equates sexuality with obscenity, violence, and/ or an affront to the 'natural order', and thus denies women their dignity by stripping them of their agency.

Negating the law, however, is an equally problematic paradigm to adopt. Acts of technology-mediated violence such as circulation of videos of rape on Whatsapp, the pervasiveness of misogynist pornography fueled by the Internet, cases of women being forced to watch pornography as they are raped, has raised complex questions about agency, choice, desire, representation, consent, violation, responsibility/impunity.

Feminist movements must revisit the premises and theories that have informed notions of gender-based violation and exploitation.

The law may just be one pathway to change. However, anachronistic laws can also define and deny women's agency, when the social canvas has changed. Even though technologically mediated space is contiguous with the offline space, its ontological and relational axes are vastly different. Identity online is not merely a function of individual agency. It is co-constructed by the particular, patriarchal, neo-liberal interventions by actors dominating the Internet. As a social space, the Internet is co-extensive with situated, socio-cultural experience. A productive engagement for transformative change that promotes agency, equality and dignity of women must grapple afresh with social theories adequate to the time-space wrought by the Internet. A feminist understanding of emancipation must pin down how law can be imagined differently to tackle violence against women in and through technologically mediated contexts.

The proposed event will bring together different voices to address the core issue in relation to technology mediated GBV. It will explore, inter alia, the following questions:

a. How do digital technologies, particularly the Internet, define / re-frame agency and structures of patriarchal control?

b. How does the law relate to the material-discursive structures of technology-mediated GBV?

c. How can a contemporary feminist epistemic of exploitation and violence in the context of the informational state and informational capitalism inform legal thinking and legal reform?

d. How do judicial framings on privacy, autonomy and consent restrain/expand women's agency in relation to technology-mediated GBV?

The event hopes to contribute to policy and legal debates and address the socio-cultural dimensions of discrimination and violence. It will adopt an interdisciplinary approach to generate informed discussion amongst different actors – feminist scholars and researchers, women's rights and sexuality rights activists, digital rights groups, disability rights groups, lawyers, and students from a range of disciplines: women's studies, media and cultural studies, psychiatric social work, psychology, sociology, law, and so on.

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Programme Design

The event will be held at TISS (Mumbai) from 1-2 February 2018. It will explore various facets of the issue through a combination of plenary sessions as well as paper presentations selected through an open call for abstracts.

An indicative list of themes and sub-themes for papers are provided below:

Theme 1. Feminism and the Internet: A critical inquiry

- New patriarchies and sexisms – the syntax and sub-text of gender-based violence in virtual interaction
- Caste, class and gender identity – understanding technology-mediated gender based violence from an intersectionality perspective
- The Internet, organised crime and new issues for women's rights
- Everyday sexism and the Internet – digital assistants, online games and geek culture
- Feminist resistance and subversion on the Internet – how does it look and what does it mean for freedom?
- New masculinities in the digital network
- What is the data telling us about violence online – unpacking case histories from counselling centres, cybercrime cells, etc.

Theme 2. Re-casting the law: Framing legal responses to technology-mediated GBV from an equality and dignity standpoint

- Writing wrongs or righting violations? – an analysis of how judicial interventions have shaped the discourse of technology-mediated gender based violence
- Moving from a protectionist framework to an 'equality and dignity' framework with constitutional moorings
- Many a slip between the cup and the lip – gaps in the handling of technology-mediated GBV cases by law enforcement agencies
- Privacy, consent and sexual expression – the delicate balancing act between freedom from gender-based violence and freedom of expression for all.

Theme 3. New institutions for a new age: Rethinking crisis support mechanisms for GBV in a digital age

- Case work in technology-mediated gender-based violence – practitioner insights
- Beyond victimhood or heroic survival – designing effective psychological support interventions in instances of technology-mediated gender based violence

Theme 4. Digital rights in the online public sphere – building new norms for techno-material realities

- Enacting legislation for online content filtering – how can legal approaches and techno-material options be brought together?
- The elephant in the room – online intermediaries and platform responsibility for technology-mediated gender based violence
- Big Data, surveillance cultures and violations of privacy