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An Analysis of Crimes Related to Femicide and Technology with Reference to India and Other Countries

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ABSTRACT

A famous phrase by Mahakavi Bharati, Tamil writer and poet, explains as “To be born as a woman, one must have performed tempestuous penance”. He envisioned woman to be a leader, saviour, law maker and independent person. Even being such celebrated humans, women are intentionally killed just because they are women, which is termed as femicide in the contemporary world.

Femicide, a grave revelation of gender-related violence, is the deliberate death of women for no other reason than that they are women. The ever-developing technology facilitates in amplifying this, using digital instruments and techniques. It can have severe detrimental effects on women’s psychological, physical and social aspects in their day-to-day life, as that of traditional crimes. Technological femicide is a wider concept consisting of various cyber-crimes committed against women around the world.

This research paper focuses on Cyber-bullying, Voyeurism and Sextortion particularly in India. It deals with the intricacies of each crime, their causes, related provisions and case laws along with an overall comparative study of such crimes within India and globally with a comparative analysis. Even though, steps are taken to prevent these crimes worldwide, for instance, the UNFPA actively fights technology-based gender related crimes by giving survivors access to response services as they require, it is still insufficient in India. Therefore, primarily for the prevention and further to completely curb such brutal acts, this paper is

concluded by providing appropriate suggestions.

KEYWORDS

Femicide, Technological femicide, Cyber-bullying, Voyeurism, Sextortion, Gender-related violence, Comparative Analysis.

LIST OF ABBREVIATIONS

S.No.	Abbreviations	Full Form
1.	UN	United Nations
2.	UNFPA	United Nations Population Fund
3.	NCRB	National Crime Records Bureau
4.	BNS	Bharatiya Nyaya Sanhitha
5.	BNSS	Bharatiya Nagrik Suraksha Sanhitha
6.	IT	Information Technology
7.	ICRW	International Centre for Research on Women
8.	NCW	National Commission for Women
9.	UNICEF	United Nations International Children Emergency Fund
10.	UGC	University Grants Commission

INTRODUCTION

The Vedas glorify women as mothers, meaning that they are capable of creating and nurturing life. However, in the patriarchal society, they have been always repressed and subjugated by men. Women have been viewed as objects of pleasure in the Indian society making them victims of humiliation and exploitation from the beginning of social structure and family life. From then, while attitudes and surrounding have changed significantly, violence against women has not changed even slightly. One of such crimes in the contemporary world is termed as femicide. The advent of digitalization has expanded the field of issues pertaining to women.

Thus, technology-based violence causes immeasurably sufferings to women resulting in the gravest crime, femicide. This study aims to unleash the vulnerability of technology based femicide with the aid of current trends, cases and statistics. Further, it also emphasizes the supporting laws in force for such crimes and concludes with appropriate suggestions for the utmost development and prevention of technological femicide.

REVIEW OF LITERATURE

- i. Bradford and Russell (1992), emphasize Femicide as the misogynistic killing of women by men, that is, the killing of a woman because she is a woman.¹
- ii. Curtis and Oxburgh (2022), state that Cybercrime and cybersecurity issues victimize individuals and organization at all levels and are detrimental to privacy, personal safety, financial health and national security.²

OBJECTIVES

- i. To enhance femicide as a globally significant crime.
- ii. To analyze and establish the relationship between technology and femicide.
- iii. To identify major technology-based gender-related crimes in India.
- iv. To interpret the statistics and legal frameworks of such crimes in India and globally.
- v. To provide appropriate suggestions to prevent such technological femicide.

SIGNIFICANCE

- i. This research paper lays emphasis on the relationship between technology and femicide in India.
- ii. The paper gives an elaborative view of technology-based gender-related crimes by using statistical data from India and globally.
- iii. This paper discusses the legal frameworks in force in India with cases for such crimes.
- iv. This paper provides possible solutions for the betterment of legal frameworks and prevention of such crimes.

¹ Jill Radford and Diana E.H.Russell, The politics of woman killing 3 (Twayne publishers, New York, 1992).

² Joanna Curtis and Gavin Oxburgh, "Understanding cybercrime in real world policing and law enforcement", Vol 96 Issue 4 (2022).

LIMITATIONS

Though being an internationally acclaimed crime, there is insufficient information or even no definition on technological femicide. There was difficulty in identifying cases on technology-based gender-related crimes since many are not reported.

METHODOLOGY

This is a doctrinal research paper where we have relied on books and other officially recognized reports, sources and articles from the government.

TECHNOLOGY AND FEMICIDE

In 1801, John Corry,³ a writer, coined the term “femicide” to refer to “the killing of a woman” in England. The current usage of the term started in 1970’s with the feminist movements sought to increase female class consciousness and fight against gender oppression. Femicide refers to the killing of women, often known as female homicide or murder of an individual solely because of her gender. Otherwise, women are looked down as less significant or replaceable, but not as important as men. This includes both traditional and digital crimes.

Any act that is carried out or made more severe through digital tools that harm women physically, psychologically, and socially on account of their gender, is considered technology-facilitated gender- based violence. The anonymity provided by the internet often gives offenders more confidence and protects them from responsibility and repercussions. Technological femicide takes many forms, from revenge porn to cyberstalking, and leaves a path of destruction and trauma in its wake.

When technological femicide is looked in a global perspective, many international organizations have discussed about it. Information gathered from several regions make it look like a part of international crimes. According to UN’s statistics, spouses or former male partners are responsible for 95% of the hostile conduct, harassment, abusive language, and derogatory pictures directed towards women in online areas.⁴

³ John Corry, A satirical view of London at the commencement of the nineteenth century, (Kearsley, 1801).

⁴ United Nations, *available at* daccessdds.un.org/TMP/7121883.html (last visited on February 26, 2024).

60% of female internet users in the Arab States reported having encountered online aggression, according to UN women research. A survey conducted across five sub-Saharan African nations, states that, 28% of women reported having encountered online violence. According to a 2017 survey, 23% of women in Denmark, Italy, New Zealand, Poland, Spain, the UK, and the USA who were between the ages of 18 and 55 have experienced online abuse or harassment at least once.⁵ India has ratified several international human rights conventions related to this issue. The important ones among them are Convention on the Elimination of All Forms of Discrimination Against Women, 1979 and Convention on the Rights of the Child, 1989.

MAJOR CRIMES IDENTIFIED

• ***Sextortion***

The University of Cambridge defines Sextortion as “The practice of forcing someone to do something, particularly to perform sexual acts, by threatening to publish naked pictures of them or sexual information about them”.⁶ On the basis of gender, technology and online environments are being misused against women frequently. This kind of crime breaks into their private spaces which makes this crime more broader leading to femicide.

In India, Sextortion is frequently driven by the desire for power, money and control. Threats of legal action or public exposure are sometimes used by criminals to coerce sexual favours or materials out of the victims.⁷ The anonymity and better accessibility of technology makes it more common. It is simpler for criminals to trick their victims into delivering sexually explicit content when they utilise false profiles for manipulation.

a. Current trends

The first case of Sextortion in India was recorded in

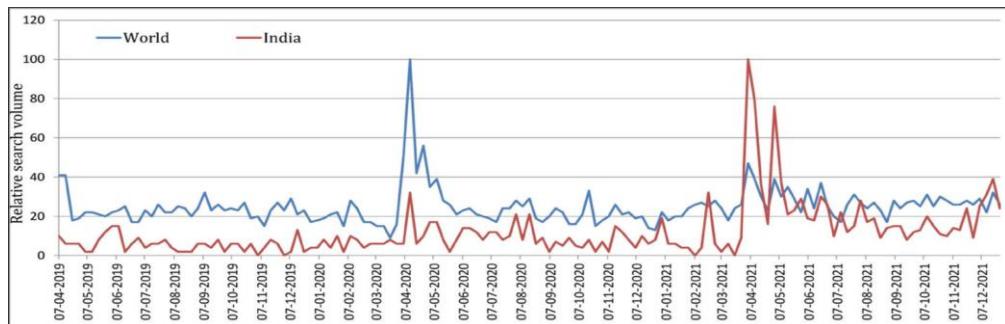
⁵ UN Women, available at <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faq/tech-facilitated-gender-based-violence> (last visited on February 27, 2024).

⁶ Cambridge University, available at <https://dictionary.cambridge.org/dictionary/english/sextortion> (last visited on February 25, 2024).

⁷ A growing threat: the increase of sextortion in india, available at <https://www.parthapratimdash.in/2023/01/a-growing-threat-increasw-of-sextortion.html> (last visited on February 25, 2024)

2006. With the popularisation of cellphones, low-cost internet access, etc., women are more exposed to this crime. According to a report from the cyber police in Thane, Maharashtra, over 42% of incidents reported to them have to do with internet sextortion. The number of cases during COVID-19 epidemic has nearly doubled, compared to the number recorded before shut down.⁸ According to NCRB report in 2016, there were 686 and 569 cybercrime cases related to sexual exploitation and outraging the modesty of women respectively. Out of 829 persons who were detained for transmitting sexually explicit material, chargesheets were filed against only 484.⁹ A famous case in Netherlands of Amanda Todd, a student, victim of sextortion, attempted suicide multiple times due to threats and finally killed herself after the offender posted her nude picture online. This is a classic example of cyber sextortion leading to femicide.

The term 'Sextortion' search trends in the 5 year period (April 2019-December 2021) in India and worldwide is given below.



Source: <https://trends.google.com/trends>

b. Legal Framework

Some of the legal provisions under different statutes provide remedies for Sextortion, which is one of the

⁸ Gharat A, Mengle GS. Cases of sextortion – extortion through sexual methods – on the rise in Thane. *Hindustan Times*. Available at <https://www.hindustantimes.com/cities/mumbai-news/cases-of-sextortion-extortion-through-sexual-methods-on-the-rise-in-thane-101636724264387.html> (last visited on February 25, 2024)

⁹ Sextortion, a new reality in India, available at www.thehindu.com/news/national/many-cybercrime-cases-not-investigated/article21235628.ece/amp/ (last visited on February 25, 2024)

ultimate basis for Femicide are:

(i) Section 78 of BNS, 2023 - a clause for stalking, including cyber stalking. The act of a guy following a woman despite her signs of disinterest, or monitors her online activities or electronic communication is stalking. The offender is liable upto 3 years imprisonment, fine or additional penalties for subsequent conviction.

After this section was introduced, a clause was inserted by the Jammu and Kashmir Reorganisation (Adaption of Central Laws) Order,2020 stating, any individual found guilty for sextortion will be sentenced to 3 to 5 years imprisonment and fine.

(ii) Section 356 of BNS, 2023 - Defamation through publication of visual representation which are derogatory, when intentionally done to damage the women's reputation, carries a 2 years imprisonment, fine, or both.

(iii)BNSS, 2023 - authority to victim to notify her local magistrate about the person she believes has the potential to circulate any pornographic material. The magistrate can arrest such person(s) and compel them to sign a bond to prevent them from disseminating the information. The victim is not required to provide direct evidence.

(iv) Section 67A of IT Act, 2000 - transmitting or publishing sexually explicit content is illegal which carries up to 5 years imprisonment with fine on first conviction and 7 years with fine on the second. This technology-based Sextortion is largely used as a weapon in intimate relationships, in which the perpetrators use personal vendettas to cause femicide.

• ***Voyeurism***

A fundamental human right that is deeply rooted in international law and upheld by the Indian Constitution is

the right to privacy.¹⁰ Such right is being taken away when a person observes others involving in private activities without their permission in order to get sexual pleasure, which is termed as Voyeurism. Technological advancements have increased the threat of video surveillance, particularly regarding women. Webcams, smartphones, CCTV, and other High-tech instruments have made significant contributions to the dissemination of Voyeuristic Culture among people. Such gender-biased electronic voyeurism have adverse effects on women both mentally and physically which ultimately leads them into the net of femicide. Society views on women's sexuality is one of the reasons Voyeurism is widespread in India. Indian society is extremely tradition, and women's sexual liberation is still frowned upon.

a. Current trends

According to a research by the ICRW, 80% of Indian women had encountered some kind of sexual harassment, including voyeuristic acts.¹¹ Voyeuristic behaviour have been reported against college students among which 42% do not have any prior criminal records. NCRB provides that there were 2,419 cases of Voyeurism in 2019. Following Delhi, Maharashtra had the highest cases reported. However, NCW received just 144 complaints.¹²

b. Legal Provisions

As a measure to curb femicide due to Voyeurism, the legislature has taken steps to safeguard people's privacy in the electronic ecosystem. The important provisions are:

- (i) Section 77 of BNS, 2023 - Voyeurism is when a man sees or takes photographs of a woman 'engaged in a private act', and she feels that she is acting in a way that allows her to reasonably assume that no one is looking. The perpetrator disseminating the images could be the offender, or another individual

¹⁰ United Nations, *available at* <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited on February 25, 2024).

¹¹ ICRW, <https://www.icrw.org/>

¹² Voyeurism in the Indian law, *available at* <https://lawbhoomi.com/voyeurism-in-the-indian-law/> last visited on February 25, 2024).

acting on behalf of him. The offender is punished with 1 to 3 years imprisonment. In addition he may be fined. For subsequent convictions, he will face 3 to 7 years imprisonment with fine.

In *Ramkumar v State of Tamil Nadu*,¹³ the accused set up a covert camera in a women's dormitory and recorded them. He was found guilty of voyeurism under Section 354C of IPC (now Section 77 of BNS) by the Madras High Court.

(ii) Section 66E of IT Amendment Act, 2008 acknowledges each person's right to privacy and dignity. The person is protected from being videotaped in an inappropriate manner. It provides upto 3 years imprisonment, fine up to 2 lakh rupees, or both.

In the Peeping Tom Case (2016)¹⁴, Kolkata, a person named Debkumar Meitywas was detained for covertly videoing women in public areas. He recorded inappropriate videos with a hidden camera in his shoes. He was charged with Voyeurism.

(iii) The right to privacy and basic human dignity of women being affected by electronic Voyeurism, is directly proportional to that of femicide. Therefore, we can clearly say that once the fundamental right is affected there are increased chances of women being prey to femicide.

• ***Cyberbullying***

There is no definition of cyberbullying which is universally accepted, but majority describe as repetitive electronic activities intended to inflict psychological suffering. One such definition is, " It can be related to sending and posting cruel texts or images with the help of social media and other digital communication devices to harm a victim".¹⁵ Attacks utilising hate speech and negative comments that target women are a recurrent pattern in social media. Thus, cyberspace narrows the women's interaction space. Only few studies show the impact of cyberbullying on mental health from a gender view point. These socio-psychological factors experienced by women most likely end in femicide. In India, there is a sharp rise in cyberbullying incidents recently, whereas, the number of cases

¹³ AIR ONLINE 2020 MAD 2103

¹⁴ *Chance v. State*, 154 Ga. App. 543

¹⁵ Washington, E. T., An overview of cy.berbullying in higher education(*Adult Learning*, 26, 21– 27,2015)

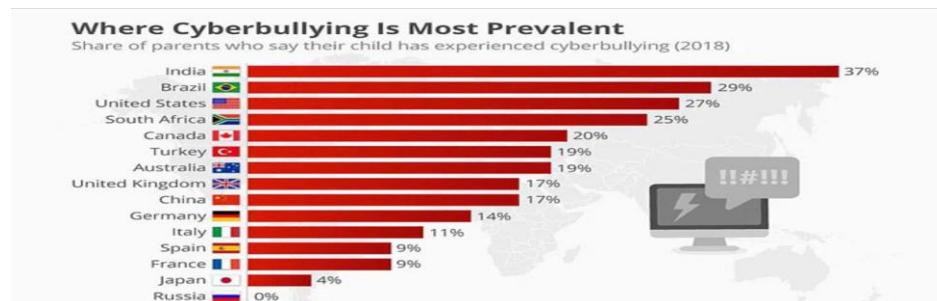
reported are not proportionate to the cases that exist.

a. Current trends

In 30 countries globally, a UNICEF survey found that over 33% of youngsters reported being victims of online bullying.¹⁶ The Microsoft Corporation survey conducted in 2012 over 25 countries, revealed that India ranked 3rd for the number of cyberbullying cases reported.¹⁷ According to NCRB's 2018 report, there were 739 cases of cyber stalking and bullying of women or children which was a 36% increase from 542 in 2017. Meanwhile, the conviction rate dropped from 40% in 2017 to 25% in 2018. However, data indicates that during the same time, the pendency percentage increased to 96%.¹⁸

Across India, numerous cases of cyberbullying have been documented. One such incident is, a 20-year-old Hindu woman committed suicide in 2018 because she was harassed on WhatsApp of her acquaintance with a Muslim man in Karnataka.

India topped the list of countries where parents in 28 countries were surveyed by Ipsos to find out how common cyberbullying was in 2018. The figure below shows the same.



Source: Ipsos

b. Legal Framework

India does not have any laws that specifically address

¹⁶ UNICEF, (2020), available at <https://www.unicef.org/>: <https://www.unicef.org/end-violence/how-to-stop-cyberbullying> (last visited on February 25, 2024).

¹⁷ Cyberbullying: laws and policies in India, available at <https://www.parentcircle.com/cyberbullying-laws-and-policies-in-india/article> (last visited on February 25, 2024).

¹⁸ NCRB cybercrime report 2018, available at <https://ncrb.gov.in> (last visited on February 25, 2024).

cyberbullying. Section 67 of the IT act, 2000 and a couple more provisions do, however, address cyberbullying to some degree, which are:

(i) Section 67 of IT act, 2000 - publishing or sending obscene material online results in 5 years imprisonment and a fine up to Rs. 10 Lac.

(ii) Section 351(4) of BNS, 2023 - if someone is subjected to criminal intimidation by anonymous communication, the individual making the threats faces up to 2 years imprisonment.

Apart from this, Section 66E of the IT Amendment Act, 2008 plays a major role in combating cyberbullying in India. To curb bullying at the university level, including cyberbullying the UGC has formed anti-ragging committees and 'UGC Regulations on Curbing the Menace of Ragging in Higher Education Institutions, 2009' has been enacted.

In *Shibani Barik V. State of Odisha*¹⁹ case, the court noted that TikTok was becoming a popular venue for Cyberbullying. The IT act, 2000 must be significantly revised in order to keep with the latest trends and technological advancements.

The cases of Cyberbullying are rising day-to-day. Young persons growth is affected and are being bullied to an extent where they unknowingly become victims of femicide.

INTERNATIONAL COMPARATIVE ANALYSIS

In terms of femicide being recognized as a separate crime, Latin America has taken the lead. Certain countries, like Mexico and Costa Rica, have passed legislation designating femicide as a hate crime. In 2007, Costa Rica was the first nation to enact such legislation, allowing those who murder their spouses or partners for gender-based reasons to serve prison terms of 20 to 35 years. An unacceptably high number of gender-related deaths in the region has prompted this legislative trend; according to recent studies, 18 out of 33 Latin American countries now consider femicide a separate crime. The General Law on Women's Access to a Life Free of Violence in Mexico recognizes that these crimes are frequently

¹⁹ BLAPL NO. 912 of 2020

motivated by cultural norms that diminish the value of women's lives and defines femicide with harsh penalties.

A few of European countries have also made explicit legal recognition of femicide. Spain has put in place extensive policies to combat violence against women, both online and offline. Recognizing the role of technology in enabling femicide, Spanish legislation requires particular precautions to shield victims from cyberbullying. Another example of this tendency is the implementation of the "Red Code" in Italy, which addresses new charges like revenge porn and toughens penalties for crimes against women, such as domestic abuse and stalking.²⁰ Croatia has passed legislation specifically targeting femicide, declaring it a crime in and of itself that carries lengthy jail sentences.

Enhancing legal responses to femicide in all EU member states has been a priority for the European Institute for Gender Equality (EIGE).²¹ Their research shows that in order to effectively address this problem, standardized criteria and data gathering techniques are required. The Istanbul Convention, which attempts to prevent and eliminate domestic violence and violence against women, has also played a significant role in pressuring European countries to enact stronger anti-femicide legislation.

In certain jurisdictions, the relationship between technology and femicide is especially worrisome. Technology is recognized as a facilitator of gender-based violence in several nations where femicide is legal. For instance, acts carried out by public authorities or government institutions outside the home are considered femicide under Mexico's penal law. Accountability beyond intimate relationship violence is made possible by this expansive concept. On the other hand, many nations continue to have difficulty incorporating technology into their femicide laws. For example, in India, many victims are at risk of online harassment that can turn into physical violence because there is no special legislation addressing crimes enabled by technology. Comprehensive legislation that handles these new concerns are desperately needed, as social media platforms are increasingly being used as forums for harassment and stalking.

It is imperative that nations like India enact comprehensive

²⁰ <https://PMC7663452/>

²¹ https://eige.europa.eu/gender-based-violence/femicide?language_content_entity=en

laws that specifically acknowledge femicide and include measures for electronic abuse against women in order to successfully combat femicide and its technical aspects. In addition to improving victims' legal protection, this would bring countries into compliance with international norms intended to eradicate gender-based violence.

SUGGESTIONS

In light of the aforementioned facts, it is essential to take necessary steps to prevent technology- based gender-related crimes and provide proper aid.

The following are the suggestions that can be taken into consideration:

1. To introduce legislation for the sole purpose of technology mediated violence, especially femicide.
2. To fund local organizations at the basic level to provide awareness about such cybercrimes and necessities required.
3. To utilize internet as a resource and not as a tool to commit crimes, so that, it eradicates crimes happening at the root level.
4. To establish government helplines, support groups, counselling and shelters for the victims/ survivors of gender-based violence.
5. Educational curricula should provide lessons on benefits and positive outcomes of social media, adolescent characteristics and relations rather than antagonizing them.
6. To create a safer digital environment for women, to challenge and call out the violence.

CONCLUSION

The relationship between technology and femicide in India reflects the intricate connections between modernity, tradition, and gender dynamics in the digital age. Technology has facilitated for commission of new forms of crimes, namely cybercrimes. Furthermore, technological femicide is a heinous cybercrime and the prevention of it should be non-negotiable. The same technology can rather use for

resistance, empowerment, and systematic change. India can lead the way towards a future where all people, regardless of gender, can live free from the threat of violence and oppression, both online and offline, by addressing the root causes of femicide, promoting digital literacy and access, and amplifying survivor voices.

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