



# CYBER VIOLENCE: SPECIAL CONCERN FOR WOMEN AND GIRLS WITH IT'S REMEDIAL MEASURES BANGLADESH CONTEXT

Abdullah Mohammad Erfan<sup>1</sup> ( author)

(Under Graduate Student, Department of Law,

International Islamic University Chittagong).

E-mail: erfanabdullah66@gmail.com

## Abstract

*The Internet has become an integral component of modern life. With the increased usage of the internet, cyber violence is on the rise. This violence is a major concern for women and girls. The purpose of this paper is to give an idea about cyber violence and its social and psychological impact on women. This paper also explores what remedies are available in our statute and how many cases the Cyber Tribunal is dealing with. It also focuses on the instant step that has been taken by "BTRC" to bring the culprit into accountability. Finally, it suggests some strategies to reduce cyber violence in society.*

**Key words:** Cyber violence, Women, Internet.

## I. Introduction

The global growth of the internet and mobile technology has aided in the empowerment and liberation of individuals. Creating a route toward a world that is more compassionate, inclusive, and egalitarian. However, while the internet has provided ground-breaking freedoms and ways to make life easier, safer, and more sociable, it has also created new areas for harassment and abuse in a world that is already unfriendly to women and other groups. In today's world, cyber violence is one of the most commonly used terms. We are becoming

<sup>1</sup>**Abdullah Mohammad Erfan** is a Under Graduate Student of Law of International Islamic University Chittagong, Bangladesh. His research interest includes Information and Communication Technology Law, Privacy and regulation of technology.

acquainted with new technologies as well as new terminology in today's world of information technology. Cyber violence is a crime in which a group or an individual purposefully harasses another person over the internet. Because of current technology devices and easy access to social media, cyber violence has expanded significantly. We can connect with everyone in the virtual world with ease and speed thanks to social media. We are now a developing country that is working hard to become developed. There is no alternative to safe technical growth in order to digitalize Bangladesh, with tenable internet usage taking precedence. This advancement demands the use of ICT skills, which is currently in short supply. With important national projects, the state should take steps to create such competence.

## II. Statement of the Problem

Though Bangladesh is a poor country, thanks to mobile phone internet connection, the internet is now available in practically all of our country's districts. People began to understand what the internet and the cyber world were. Our country now has a large number of cyber cafés. The internet and computers have become heavily ingrained in the minds of the younger generations. They enjoy spending a lot of time on the computer. For our country, this is a critical time. According to a study published by the Financial Express on January 10, 2008, Bangladesh has become a safe haven for anyone committing a computer crime due to an inactive cyber law and a serious lack of the competence needed to detect Cyber Violence. According to Net Craft, a UK company that conducts research and analysis on internet applications, Bangladesh is one of the top ten hosts for ghost sites for hosting counterfeit websites or sending bogus emails to steal personal information. The internet has evolved into a critical component of our daily life. The information technology sector in Bangladesh is expanding. Bangladesh, like every other nation, is trying to keep up with the increasing speed of modern technology, which is why particular regulations to prevent cyber violence are needed. In addition, a Cyber Violence Act is urgently needed to protect Bangladesh's cyber security.<sup>2</sup>

## III. Methodology

Any research monograph's methodology is critical. It is tough to contribute without using any means. As a requirement for the most effective means of creating anything the best outcome of a research monograph is largely determined by the use of appropriate approaches for the topics. This research monograph is based on secondary sources like Books, statutory laws, Newspaper, Journals and different websites from Internet.

## IV. Brief History of using Internet in Bangladesh

In late 1995, the government of Bangladesh invited applications to subscribe to VSAT (Very Small Aperture Terminal) data circuits, and on June 4, 1996, the VSAT connection was commissioned, and the internet was launched for the first time in Bangladesh, with the publication of the National Polls Results in 1995 being the first use of the internet.<sup>3</sup> However, from the outset, this launch was unable to establish a viable market. There

<sup>2</sup>Bellah, J. (2001). Training: Identity theft. *Law & Order*, 49(10), 222–226

<sup>3</sup>Hamidur Rashid, *Internet History of Bangladesh*, <http://ezinearticles.com/?Internet-History-of-Bangladesh&id=2327010>

were just two Internet Service Providers (ISPs) and roughly 1,000 customers in the country after 1996. However, the year 1997 marks a watershed moment in this subject, since it saw a massive increase in internet usage. There are now twelve ISPs and ten thousand users.

Following that, a number of new Internet service providers (ISPs) began offering their services, fueling the sector's proportional growth. However, in order for this industry to flourish sustainably and quickly, the government enacted more open national rules, and by 2004, we had 180 ISPs. In 2006, Bangladesh became a part of the SEA-ME-WE 4 submarine cable system, allowing for greater capacity and lower costs than ever before. Following this, Bangladesh Telecommunications Company Ltd., BTCL (now BTRC, 'Bangladesh Telecommunication Regulatory Commission') reduced bandwidth charges on a regular basis, attracting an increasing number of internet users. BTRC now has 345 ISP license holders (ISP Nationwide-94, ISP Central Zone-79, ISP Zonal-53, ISP Category A-99, ISP Category B-16, ISP Category C-04) and 4.5 million clients (roughly 0.32 percent of our total population).

## V. What is Cyber violence against women and girls

Perpetrators increasingly target women and girls on the internet or by mobile phone, taking advantage of the opportunity for anonymity offered by the internet. Hate speech, public shaming, spamming, hacking and identity theft, cyber stalking (repeatedly sending offensive or threatening emails, text messages, or instant messages), surveillance tracking, malicious distribution of illegal materials such as rape recordings, 'revenge porn' (distributing intimate videos or photographs without consent), 'morphing' (the manipulation of a person's images often onto a different body), and making threats are just some of the forms of abuse (convincing or compelling a person to end her life).<sup>4</sup>

## VI. Sociological Impact

Bangladeshis do not have a high level of education. They can't rationalize many things because they aren't well informed, like "Everything published on Facebook, Twitter, YouTube or Blogs are not true. Many of them may be false. Many of them may be fake. Many of them have no authentic news source". But the general public has a tendency is people's believing everything posted on internet. This ignorance is the most dangerous thing. When, a fake profile is opened in the name of a girl or something bad, illicit is posted on online regarding a girl, most of the people take it as true. They simply do not search for the truth and they believe the rumor. In some cases they spread rumor. And then the rumor start reaching more and more within a short time the hoax become popularized. The victim become a culprit in his her society or family though she is not responsible for that. Sometimes women account become hacked and then the hacker uploads edited nude photograph of the victim..Sometimes , they message other friends of the victim and claim money from them.

Teenagers and young people are particularly vulnerable to cyber harassment. Because the majority of users of social networking sites, blogs, and other sites are from the younger generation, the majority of criminals and victims are teens. The majority of the time, ladies do not stand up to bullies and perverts. They don't even tell their close friends about it. They are overly concerned about the social repercussions.

In the majority of situations, society places the blame on the victim rather than the pervert. We are social being. Most thing published on internet is public and everyone can have access to these. When a fake account of a women is opened or a edited nude picture is published, the position of that women become vulnerable. Though

<sup>4</sup> UN Women (2015). "General action needed to combat online violence against women and girls, says new UN report ". Available at [ <http://www.unwomen.org/en/news/stories/2015/9/cyber-violence-report-press-release>].

she is not guilty, the society makes her guilty. This sort of things can lead to a women in mental instability as well as other problem too.<sup>5</sup>

## VII. Psychological Impact

When a phony account is created, a girl is confronted with a slew of issues. The biggest issue is from society and oneself, which has an impact on the girls' mental health.<sup>6</sup>

These effects can be divided into following points

- \* Frustration
- \* Guilt, embarrassment, self-blame
- \* Apprehension, fear, terror of being alone or that they, others or pets will be harmed.
- \* Feeling helpless and alienated in the face of harassment.
- \* Depression (all symptoms related to depression)
- \* Anxiety, panic attacks, inability to sleep, nightmares, ruminating.
- \* As a result of being more distrustful, introverted, or aggressive, one's personality changes.
- \* Suicide thoughts or attempts.
- \* Self-medication alcohol, drugs or using prescribed medications.

## VII. Legal Framework in Bangladesh

### 1. Constitutional Safeguards Regarding Cyber bullying

The Constitution of Bangladesh guarantees Every person the right to life, to personal liberty and to be treated fairly and in conformity with the law and prohibits discrimination on the grounds of among others sex, race, religion and caste.<sup>7</sup>It also guarantees the right to freedom of the press and the right of every citizen to freedom of expression.<sup>8</sup>These two rights may be restricted. However any restriction must be reasonable, in accordance with law and for certain specified interests : these protected interest include 'decency', 'morality', and 'defamation', 'contempt of court', and 'incitement to an offence' among others'.

<sup>5</sup> [https://www.academia.edu/15789734/Cyber\\_harassment\\_and\\_women\\_in\\_Bangladesh](https://www.academia.edu/15789734/Cyber_harassment_and_women_in_Bangladesh)

<sup>6</sup> [https://www.academia.edu/15789734/Cyber\\_harassment\\_and\\_women\\_in\\_Bangladesh](https://www.academia.edu/15789734/Cyber_harassment_and_women_in_Bangladesh)

<sup>7</sup> Constitution of Bangladesh, 1972. Articles 31, 32 and 28 respectively

<sup>8</sup> Constitution of Bangladesh, 1972. Article 39

## Other Existing Laws:

### 2. Penal Code 1860

Section 509: Anyone who uses words, gestures, or other actions that disrespect women's modesty with the goal that they may be heard or seen by women or lead to an invasion of private is in violation of Section 509.<sup>9</sup> The maximum penalty is a year in prison, a fine, or both.

Section 500: Defamation of any individual is punishable under Section 500. Two years in prison or a fine, or both, is the maximum penalty.

Section 504: Insulting another person with the intent of provoking them to break the law or commit an offense is punishable under Section 504. Two years in prison, a fine, or both are the maximum penalties.

### 3. Digital Security Act 2018

Section 24 of the DS Act criminalizes and punishes identity fraud, whereas section 25 protects a person from receiving or publishing offensive, misleading, or threatening material about them via any digital medium. A victim is protected from defamation under Section 29 of the DS Act.

### 4. Information Communication & Technology Act (amended,2013) 2006

Section 57<sup>10</sup> states that if anyone intentionally publishes or transmits or causes to be published or transmitted in a website or any other electronic medium any material that is false and obscene, and if anyone sees, hears, or reads it, it has the effect of influencing the reader to become dishonest or corrupt, or causes or creates the possibility of causing law and order to deteriorate, prejudice the image of the State, or pessimism. The minimum penalty is imprisonment for seven years and the maximum imprisonment is fourteen years and a fine up to TK one crore<sup>11</sup>

### 5. Pornography Control Act, 2012

As per Section 8(i) manufacturing pornography, agreeing to supply participants for the purpose of making pornography, or compelling anyone to participate in such production are all punishable. The maximum punishment is seven years in jail and a fine of taka two lakhs. Section 8(ii) penalizes harming a person social status, blackmailing or inflicting emotional abuse on a person by means of pornography. The maximum punishment is five years in jail and a fine of taka two lakhs.

<sup>9</sup> Bangladesh's primary criminal code is the Penal Code of 1860.

<sup>10</sup> Bangladesh National Parliament (2006). " Act No 39 of 2006: Act prepared to provide legal recognition and security of Information and Communication Technology and rules of relevant subjects". Available at [http://www.icnl.org/research/library/flies/Bangladesh/comm2006.pdf]

<sup>11</sup> Information and Communication Technology( Amendment) Act,2013.

## **6. Nari O Shisu Nirjaton Daman Ain<sup>12</sup>(amended) 2003(Suppression of Violence against Women and Children Act)**

Section 10 penalizes 'sexual oppression' including among others, any "indecent gesture". Section 14 penalizes the publication of the identity in the media of a victim of any offence under this Act. The penalty is up to two years in jail or a fine of taka one lack or both. Section 9A penalizes causing or abetting suicide of a women. The penalty is a minimum five years and maximum ten years in jail and a fine.

## **7. Bangladesh Telecommunication Act, 2001<sup>13</sup>**

Section 69 penalizes sending any obscene or indecent message by a minimum of six months in jail or a maximum fine of 50,000 taka or both.

Section 70 penalizes any person cause annoyance or inconvenience to another through telephone calls. The maximum penalty is Taka 25,000 taka and in default of payment of the fine, jail for up to three months.

## **8. The Children Act, 2013<sup>14</sup>**

Clause 3.6.6 forbids the display of photographs of women and children who have been the victims of rape or adultery.

5.1.3 Bans the dissemination of information that is confidential or defamatory to a third party.

## **IX. Present Scenario of Cyber Violence and Government Steps**

The government set up a cyber crime suppression tribunal in 2013 to control cyber crime. According to a recent study, "From 2013 to March this year, a total of 3,324 cases have come to the cyber tribunal for trial from different police stations across the country." Of these, 622 cases were registered in 2020, 721 in 2019, 676 in 2018, 568 in 2017, 233 in 2016, 152 in 2015, 33 in 2014.<sup>15</sup>

In the meantime, the police station has received 316 instances since March of this year. Approximately 2,450 cases are currently pending before the tribunal. The majority of the cases were filed in police stations, with the remaining 390 in tribunals.

---

<sup>12</sup> Women and Child Repression Presentation Act 2000. Available at [[http://bdlaws.minlaw.gov.bd/bangla\\_all\\_sections.php?id=835](http://bdlaws.minlaw.gov.bd/bangla_all_sections.php?id=835)].

<sup>13</sup> The Bangladesh Telecommunication Act. 2001. Available at [[http://www.btrc.gov.bd/sites/default/files/telecommunication\\_act\\_english\\_2001.pdf](http://www.btrc.gov.bd/sites/default/files/telecommunication_act_english_2001.pdf)]

<sup>14</sup> Children Act 2013. Available at [[http://bdlaws.minlaw.gov.bd/bangla\\_part.php?id=1119](http://bdlaws.minlaw.gov.bd/bangla_part.php?id=1119)]

<sup>15</sup> <https://www.risingbd.com/english/campus/news/86092>

By dialing +880-29611111 or emailing [btrc@btrc.gov.bd](mailto:btrc@btrc.gov.bd), victims of cybercrime (including cyber assault) can file a complaint with the Bangladesh Telecommunication Regulatory Commission (BTRC). After the complaint is submitted, the BTRC is obliged to take the necessary actions within 24 hours, and the perpetrators are intended to be brought to justice within three days. A cyber-crime hotline has also been established by the government. Victims can file complaints by calling +8801766678888.

## X. STRATEGY TO FIGHT CYBERCRIME

- I) *Constitutional Safeguard*: Bangladesh is a country where the constitution reigns supreme. The Constitution is crucial in safeguarding and ensuring the rights and responsibilities of both the state and the general public. Constitutional measures against cyber bullying may escort cyber warfare to a national tone, resulting in a better form than any other organizational and legal response. The process for introducing such laws could be through constitutional modification.
  
- II) *Special Wing of Police*: To secure a peaceful cyber cloud in a digital Bangladesh, we must provide training and technology to our law enforcement institutions. Cyber criminals are not the adversaries of any one country or region; rather, they are the world's collective foes. Citizens in the twenty-first century must band together to combat their common foes. Because of the advent of cyber bullying, law enforcement officers must now function as global officers rather than just regional or national officers. To combat all crimes, including cyber bullying, the police force must be equipped to handle the difficulties of technology through global collaboration. To confront the cyber war, the United Kingdom, the United States, India, Malaysia, and a few other developed countries have established special police units. Bangladesh could establish special police wings as a new line of defense against high-tech dangers, in addition to traditional preventative measures.
  
- III) *Cyber bullying Agency by Government*: On July 23, 2009, North Korea formed the 'Korea Internet and Security Institution'<sup>16</sup>, a government agency that brought together three of the country's previous internet technology groups. Now, this organization will work to make North Korea a more powerful and secure advanced country when it comes to accessing the internet. Such agencies have also been established in India and a few other nations. Given the current state of internet use and the rise in cyber bullying in Bangladesh, the government may consider establishing such bodies. The value of such agencies is that they will be able to undertake multifaceted tasks such as improving internet infrastructure, maintaining ISPs, repairing internet costs, combating cyber attacks, and so on.

<sup>16</sup> Korea Internet and Security Agency, at [http://www.nida.or.kr/kisa/eng/english\\_ver.html](http://www.nida.or.kr/kisa/eng/english_ver.html),

IV) Watch Dog Group: These organizations, like security-oriented intelligence, are heavily reliant on the internet. These operations include, among others, capturing and receiving dangerous software, disassembling, sandboxing, and analyzing viruses and trojans, monitoring and reporting on malicious attackers, and sharing cyber threat information. This canine concept is not new. The 'Shadow Server Foundation,' which was founded in 2004, is an example of Watch Dog Groups. These can be personal or governmental in nature. There is currently no such organization in Bangladesh, but with the rising cyber threats, these doggy groups could be an important component in promoting Bangladesh as an advanced country, particularly in terms of internet technology.

V) *Public Awareness*: This course is just as vital as technology safeguards, because the majority of the time, ordinary people become victims of cyber attacks, and millions of machines are destroyed. So, if the general public is made aware of the nature, potential consequences, and antidote to the risks, it will be easier to beat cyber criminals and protect the virtual world, and the government may play a critical role here. The government, like other important topics, should use various media to raise awareness among the general public throughout the country. NGOs and other organizations can also start a campaign in this area.

## **X. Conclusion**

In the coming years, our reliance on networks will only increase. As technology advances, threats and vulnerabilities change, and our understanding of information security issues improves, it is necessary to review cyber strategy on a regular basis. It is not possible to completely remove cyber violence from the internet. They can be inspected. The only way to reduce crime is to educate people about their rights and obligations while also tightening up law enforcement. Finally, it may be argued that the government's and people's combined efforts are the only way to bring the people's dream of a Digital Bangladesh into reality.