



RAJSHAHI UNIVERSITY LAW JOURNAL

Vol. X

June 2022

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Reforming the Prosecution Service in the Subordinate Courts of Bangladesh

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Cyber Violence Against Women in Bangladesh: Laws and Realities

ইসলামী আইনে রোমান আইনের প্রভাব : একটি তুলনামূলক পর্যালোচনা



FACULTY OF LAW
UNIVERSITY OF RAJSHAHI

Rajshahi University Law Journal, 2022

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ISSN 1991-8976

Rajshahi University Law Journal

Faculty of Law
University of Rajshahi

Volume X, 2022



Published by

Dean
Faculty of Law
University of Rajshahi
Rajshahi-6205
Bangladesh

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Printed at

Uttoran Offset Printing Press, Rajshahi
Mobile: 01712-101249

Subscription Rates

For Individuals: TK 250.00 USD 30 (without postage)
For Organization: TK 300.00 USD 50 (without postage)

[Published in June 2023]

Rajshahi University Law Journal (RULJ), 2022
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Rajshahi University Law Journal

ISSN 1991-8976

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Cyber Violence Against Women in Bangladesh : Laws and Realities

Shahin Zohora*

Abstract: *The vehement rate of cyber-crime is more vulnerable against women in the society of Bangladesh now a days. Cyber-crime is causing serious harm to the life of a woman. Though there is mostly no physical injury caused, women become mentally exhausted by this crime. Young aged women are more victimized person through this crime. This paper examines the reasons, types, and extent of cyber-crime against women in Bangladesh. This paper also analyzes how this crime is different from traditional crime along with what kinds of challenges have been facing by the victims to take any legal step in this regard. This study uplifts how the covid-19 pandemic has escalated the cyber harassment particularly against women and teenage girls. This study focuses on the understanding of terrific effect of cyber-crime and an intuitive ability of laws and regulations enacted in Bangladesh to fight against it. This study makes a criticism over the current laws and regulations in ensuring the security of women at the cyber space. At the end this paper suggests several remedies available to the cyber victims, women and the amendment required in legal system to fruitfully suppress the rising spirit of cyber-crime tremendously affected the women in Bangladesh.*

Keywords: Cyber-crime, vulnerable, victimize, harassment, pandemic, cyberspace.

1. Introduction

Women in Bangladesh are victimized by online and technology-based violence and harassment. The expansion of information and communication technology and using different electronic media through internet are considered as positive indicators of development in the country.¹ The use of internet is not without its demerits. Inadequate legal protection to use this media have led to certain violence where women are main victims of this violence. Cyber violence against women includes cyber stalking, fake ids, nude pictures/videos/images cyber bullying and trolling.² The photos and information that women share through the internet are often misused and they

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¹ Farhana Akter, 'Cyber violence against women. The case study of Bangladesh', Gender IT Organization 17th June 2018 available at <https://genderit.org/articles/cyber-violence-against-women-case-bangladesh>, accessed on 27 September 2021.

² Debarati Halder and K. Jaishankar, *Cyber-crime and Victimization of Women, Straight Laws, Rights and Regulations*. IGT, Global publisher of Timely knowledge. July 2018 p.10.

are victimized by this medium. Besides this, women are often receipting defamatory message, false and altered unclothed pictures of women along with sex-act videos, rape threats and indecent proposal through social media. Access to internet through mobile is very easy now a days. The total number of internet subscribers in Bangladesh has reached 123.82 million at the end of April 2021. At least one third of the subscribers of mobile phones and internet are women.³ The women in Bangladesh facing severe online abuse which is sexualized and violent remain in curtain due to weak institutional protection.⁴ Women once and again find themselves uncomfortable to reveal the issue of abovementioned violence. They consider that they will be defamed and blamed by this issue. They are ignorant of laws and regulations along with remedies provide by the existing laws prevail in Bangladesh in this regard. In addition, women fear that it will become harder for them to find Justice rather they will become victim of harassment in social structure in the country. Many women do not understand where to go and whether they will get Justice. Young women, teenagers and women must be more aware about the using of internet Facebook and other social media along with this social-legal institutional service should be available so that victim women can easily take any recourse to legal and institutional assistance without feeling insecure.

2. General Notion of Cyber-Crime

Technology facilitated sexual harassment against women in different age group have been exaggerated in an alarming way. Women and girl child become soft targets of trolling, online grooming, privacy infringement, bullying, pornography, sexual defamation, morphing, spoofing and so on.⁵ This crime is affecting our society internally. It is the silent killer for women and source of depression and moral degradation. It is a need of time to make a constructive study on cyber violence or crime. Most of the crime related to virtual world against women is done by the known person within the known environment. Hacking, photo morphing, capturing obscene video,

³ '80% of Cyberbullying Victims are Women, Report of cybercrime Division', The Daily Star Monday, February 21, 2022.

⁴ Report of Expert consultation "Responding to Violence against Women and Girls in the Cyber Age" by Bangladesh Legal Aid and Services Trust, 18 February 2016

⁵ Debarati Halder and K. Jaishankar, *Cyber-crimes Against Women in India*, Isted. SAGE Publications, New Delhi, 19 March 2018, p.2

blackmailing, misuse of personal identity etc. are some of the common forms of cybercrime against women can also pass out the national jurisdiction. For example, pornography which often includes extreme violence against women and such type of porn videos spread through internet very rapidly and reach various persons worldwide.⁶ Whatever form or nature it takes, cybercrime always remains a silent killer.

3. Types of Cyber-crimes targeting Women

Additional Deputy commissioner of police (Counter Terrorism and Transnational Crime) Mahfuza Liza, made an analysis of the number of cybercrime related cases in April 2021 and observed that on cyber space 65 percent of the victims are women.⁷ Perpetrators incrementally target women and girl child on cyber space taking the opportunity of online anonymity.⁸ In most cases male perpetrators attack the victim for sexual purposes like morphing, cyber revengeporn, cyber stalking etc. and non-sexual purposes such as harassment and bullying.⁹ Based on the typology and pattern of victimization, offences against the female victim are as follows–

3.1 Cyber Mobattack

It is an extensive serious online crime where cyber verbal abuse is caused by groups of perpetrators expressing hatred and a female member may be attacked both in community wall and also message boards of social networking sites.¹⁰ Cyber mobbing is defined as a group of people ganging up on someone using tactics of rumor, innuendo, discording, isolating, intimidating and above all making it look as if the targeted person is

⁶ Sangida Rashid, *Impact of Covid-19 on Selected Criminal Activities in Dhaka*, Bangladesh Asian Journal of Criminology 16, p-17, [link.springer.com>article/10.1007/s12187-021-00123-1](https://link.springer.com/article/10.1007/s12187-021-00123-1), 12 March 2021, PMID:33727987

⁷ Kazi Farhana Islam, *Cyber Bullying must be prevented*, News opinion, *The Independent*, Friday March 2022 available at <https://m.theindependentbd.com> accessed date 12 November 2021

⁸ *Legal Action on Cyber Violence Against Women*, Report published by Legal Aid and Services Trust (BLAST) And BRAC James Grant school of Public Health (BARC JGSPH), available at www.blastorg.bd and www.brac.jgspgph.org first published December 2017

⁹ S. Deepthy, *Women as a victim and survivor in Cybercrimes*, Journal of Legal Studies and Research, Criminal Law Review, Volume 3 Issue 4, open access Journal available at jlsr.thelawbrigade.com P-101 August 2017

¹⁰ *Cyber Mobbing: A New form of Cyber Bullying Affects Teens*, available at <https://www.urbandictionary.com/define.php?term=cyber+mobbing> Annual report 2019

responsible.¹¹ In case of mob attack it is difficult to identify who is instigating the attack, where it is caused against women and girl child particularly, it can directly oblige the victims to feel themselves that everyone is against them and there is nowhere to turn.

3.2 Cyber Bullying

Cyber bullying is one of the most widely used words in cyber world in the modern age. It is an aggressive and serious online crime. It is carried out intentionally by a group or individuals to distort or harass someone publicly on the cyber space by using their personal and private information.¹² Cyber bullying includes sending, posting, or sharing negative harmful false message of intimidating and threatening in nature in order to bully a person using electronic devices that takes place cell phones, computers and tablets.¹³ Where people can view, participate in or share content. Children and adolescent are being attacked by cyber bullying most often now a days.¹⁴

Howard S. Becker in his New York based study of USA entitled “Studies in the sociology of deviance” shows a statistic that violence and harassment against women have increased in an overwhelming way and females are more likely to be cyber bullied than boys.¹⁵ In Bangladesh young women are also disproportionately targeted by cyber bullying through opportunity seekers and cyber criminals in cyber space. Most of the victims being between the age of 14 and 22.¹⁶ Years of age the aggrieved women most often are discouraged to

¹¹ *Supra note 9, P.103*

¹² Kazi Farhana Islam, *Cyber bullying must be prevented*, opinion of a student at Jagannath University, *The Independent*, 18 March 2022.

¹³ www.stopbullying.gov/cyberbullying

¹⁴ Saifa Tazrin Rati & Ishraque Labib, *The Impact of covid-19 on the Increase of Cyber Harassment towards Women: Bangladesh Perspective*, A Research Project of Cyber Harassment, p-3, available at www.researchgate.net/publication/354703737/the-impact-of-covid-19-on-the-increase-of-cyber-harassment-towards-women-bangladesh, August 2021.

¹⁵ Howard S. Becker, *Studies in the Sociology of Deviance*, The free press Glencoe, Social forces, Volume 42 Issue-3, 27 August 2021, New Your, USA, P.389.

¹⁶ Natasha Akter, 'Girls more vulnerable to cyber bullying & Harassment', *The Daily Prothom Alo*, P-1, 27 August 2021.

report and file cases of cyber bullying due to the existing social disgrace and barriers.¹⁷

3.3 Cyber Stalking

In Cyber space women are also subjected to harassment via cyber stalking in the new world. According to the legal dictionary cyber stalking involves using electronic means including the internet, to stalk or harass a person or group of people. It can include many things such as threats, solicitation for sex, false accusations, defamation, slander, libel, identity theft and vandalism.¹⁸ It is an online harassment through repeatedly sending offensive or threatening e-mails, text messages or instant messages.¹⁹ The intention behind cyber stalking as regards females are being done mainly for sexual harassment, for obsession for love, for revenge and hate and for arrogance and power trips.²⁰ A cyber stalker may be any person, the victim is familiar or a stranger. Most of the cyber victims are between the age of 18 and 29 years.²¹ In Bangladesh incidents of cyber stalking are increasing in an alarming way. As discussed above majority of the victims are women and young girl. The ironical fact that our women folk are still not interested to report this crime immediately and unfortunately most of such cases do not reach police station.²²

3.4 Cyber Defamation

Cyber tort including both libel and defamation²³ which are another common crime against women publishing defamatory information on a website. It is an easy method to ruin a women's reputation by causing her grievous mental

¹⁷ Mohammad Jamil Khan & Mustakim Saad, *Cybercrime against Women rampant*, Front page, Friday March 18, 2022, The Daily Star, available at www.thedailystar.net/front-page/cyber-crime-against-women-rampant-2113093, Last update on Friday 18 June 2021

¹⁸ legal.dictionary.net/cyber-stalking

¹⁹ *Supra* note 8, P. 1

²⁰ *Supra* note 9, P. 83

²¹ *Ibid*, P. 82

²² *CyberStalking Editorial*, *The Daily Independent*, available at theindependentbd.com/details, Saturday 23 April 2022

²³ According to Black Law dictionary, "Defamation is the act of harming the reputation of another by making a false statement to a third person." In Oxford Dictionary "defamation as the offence of bringing a person into undeserved had disrepute by making false statement.

agony and pain.²⁴ Emotional break up may lead the male member to spread rumors about a female member through posting messages and malignant information with the help of the net or social media.²⁵

Even though Bangladesh claims itself a digitally progressive country, now a days, the cyber harassment particularly against women are gradually rising. Defamation and victims blaming are the most common because the general people of the country have a misconception that they are allowed to say whatever in the social media without thinking consequences.²⁶

3.5 Cyber Morphing

It means editing and changing the original photograph and video to another, using computer animation techniques.²⁷ Usually women are more victimized by this type of morphing. Perpetrators download girls' picture from their social website and then morph them and start blackmailing the girls and their families by threatening to misuse it in the cyber world, exploiting their images publishing it to the pornographic content. This crime is committed either by individual or mostly by organized gangs of young teenagers to earn money, to promote online sexchats and to destroy women's personal reputation along with their family reputation.²⁸ Regretfully, in case of morphing, the morphed image/video does not fall within the meaning of pornography, that's why it is difficult to prosecute these acts.²⁹

3.6 Cyber Sextortion

'Sextortion' is a new form of cybercrime. Kazi Mustafiz, founder, and President of Cyber Crime Awareness Foundation, said, that this crime is caused by blackmailing women through posting offensive pictures in the

²⁴ Sanjeev Kumar, 'Cyber-crime against Women: Right to Privacy and other Issues, Journal of Legal studies and Research, Volume 5 Issue 5, P-158 available at www.jlsrthe-law-brigade.com, October 2019

²⁵ Shobhna Jeet, *Cyber-crime Against Women*, available at www.cyberlawcrimes.com/article/html, February 26, 2019

²⁶ Rezwana Rashid & Tanha Tanjia, Laws protecting Victims from Cyber Harassment, Law & Our Rights, *The Daily Star*, October 12, 2021, P.1

²⁷ *Morphing-Cyber-crime Chamber*, available at www.cybercrimechamber.com/blog-morphing

²⁸ Ouazi MH, Supan, Cyber-crimes, are women the main target? Law Watch, available at www.thedailystar.net>law-our-right>cybercrime, April 26, 2022

²⁹ *Ibid.*

online platform.³⁰ It is one kind of sexual harassment with offensive pictures of a women. In this way extortion is done by trapping the female through 'Sextortion'. The criminal demands money and continuously threatens to release the offensive pictures on the net if the demanded money is not paid. In most cases schoolgirls, young women and housewives fall into the trap. The victims cannot understand from this trap, victims suffer fear and mental depression year after year.³¹

3.7 Hacking and Cloning

Hacking is unauthorized and illegal access of others profile and having control of Facebook account as well as changing all the credential. Hackers use it with a evil purpose and destroy the victim's privacy.³² Cloning is a technique. Scientists use this technique to make exact genetic copies of living things.³³ Now a days cyber-criminals clone and create fake profile by stealing the personal information of female social media users. Then the cloned profile exhibits the actual profile in such a manner that the people are deceived.³⁴ It is a matter of regret that, these female persons who are subjected to victim of the above-mentioned offence, most of the cases do not get adequate support from family or society so they are not interested to take legal action against these.

3.8 Cyber Voyeurism

This is also known as 'cyber peeping' Concealed video cameras and smart phones are used as trap to commit this crime.³⁵ Mostly females are being cheated through these technologies, offensive pictures, and videos of women of her private moments are captured without her consent and then transmitted it to viral online, including popular social media Facebook in this way violating victim women's privacy.³⁶ Sometimes, this crime has been committed in public places, Lady's washroom or waiting room, some beauty

³⁰ Md Kawsar Ahmed, 'Personal moments on Intranet, main target women,' The Daily Bangladesh, available at <https://m.daily-bangladesh.com>, 18 March 2022

³¹ *Ibid*, P.6

³² *Supra note-24*, P.101

³³ www.nationalgeographic.org/clone

³⁴ *Supra note 8*

³⁵ Ayush Kumar, *Sneaking into the concept of CyberVoyeurism*, Jus Corpus Law Journal ISSN(o); 2582- 7820, September 26,2021. www.juscorpus.com/sneaking-into-the-concept-of-cyber-voyeurism

³⁶ *Supra note 30*

salon where one can reasonably expect his/her privacy. Perpetrators try to blackmail, rape the victim day after day by threatening that he would transmit it to the cyber space for destroying victim women's personal life and reputation. Being cheated this way, many women choose to commit suicide due to fear of socially despised.³⁷ In the case of cyber voyeurism, the offender has no direct connection with the victim that's why difficult to identify them. Once and again victimized female remain silent due to shame, fear of damaging reputation, social insecurity, these reduce reported case.³⁸

3.9 Cyber Pornography

This offence is relating to sexual materials which mainly target women to sexually exploit and harass them. Crime of cyber pornography is caused using cyber space which includes porno graphic website, pornographic magazine in using computer and internet in order to create, display, distribute, import or published pornography or obscene materials.³⁹ Women and girl child are the worst sufferer. They are victims by this crime not only through strangers also the ex-partner, husband who post their personal pictures or video recording for taking revenge or once in a while it's a business moreover.⁴⁰ Victims of this offence become mentally asthenic, physically ill and fragile, utmost horrible facts in this case, commit suicide action.⁴¹ Although 78% victim is found to be women with pornographic materials only 14% come to the cyber tribunal in Bangladesh.⁴² Albeit Bangladesh claims to be digitally progressive country, the offences of cyber space have been growing continuously as well as female are main target in the digital platform. Recently women of young ages in Bangladesh are more attacked by online and technology facilitated violence and harassment than traditional violence and harassment.⁴³ Some common forms of crime are discussed earlier in this study. Among these social media profile hacking is the most organized crime that assail to destroy the privacy

³⁷ *Ibid*

³⁸ *Supra note 9*, P 130

³⁹ *Ibid*

⁴⁰ *Supra note 24*, P 158

⁴¹ UmmayTahmina, *Cyber-crime committed against women in Bangladesh*, December 2021, P 4 available-at <https://www.researchgatenet/publication/356812742-cyber-crime-committed-against-women-in-bangladesh>, August 2021

⁴² *Ibid*

⁴³ *Supra note 1*, P.4

of the victim. Here often the FacebookID of women is hacked, and the perpetrator posts absurd things. Sometimes nude and sexually stimulating photos of these women are posted in order to harass them. Because editing any picture is so easy now.⁴⁴

In this regard some practical experience can be given, which is mostly cyber-related harassment and violence. One of such incidents is discussed below.⁴⁵

Adnan (Not real name) is a student of Law Department in University of Rajshahi. Mou (Not real name) is a friend of him who studies in the same department. One day Mou receives a photo of her in messenger from a fake ID. The photo was morphed and full of nudity. She became a victim of blackmailing through that photo. This also happened to Mita (Not real name). They were unaware of the fact that it was their classmate who is doing this to them and several other girls. Later it was revealed that Adnan was the person who was blackmailing them. Strict measures were taken by the university administration. He was rusticated from the university. No further legal action was taken against him. He was punished only under the purview of university administration. The victims were unwilling to take further legal action in fear of getting involved in a scandal.

Major offences such as blackmailing, threatening, bullying, or cheating via messenger messages and e-mail are committed by perpetrators through fake IDs created on face book, blog, Twitter, etc. causing serious engrave to women.⁴⁶ In Bangladesh society, while considering general privacy issues, it is observed that women remain more vulnerable victims. Video voyeurism, adult extortion is the glaring ingredient of online privacy invaded activities.⁴⁷ Video voyeurism is in fact a very invasive and intimidating crime particularly

⁴⁴ *Supra note.8*, P.166

⁴⁵ Information have been collected from personal case study of the author and see-Report, S.O, 2018 RU student expelled for harassing girls through Facebook, available at <https://online.thedailysta.net/conty/bangladesh-ru-rajshahi-university-student-expelled-hara-sing-girls-through-facebook-1584364>, Access-d 22nd February 2022

⁴⁶ *Supra note.8*, P.157

⁴⁷ Natasha Kabir, *Cyber-crime a new form of violence against Women: A case study of Bangladesh*, 2018, P.4, available at www.academia.edu/36451431/cyber-crime-a-new-form-of-violence-against-women-bangladesh

against women or even minor girls who become the object of this violence and whose privacy has been unknowingly, attacked using the hidden cameras and video recorder of smart phones as a trap and secretly or discreetly photographing private parts of the body of female mostly unclothed, without their consent.⁴⁸

Present day situation, it is noticed that perpetrators at first gain the trust of victim. Then they convince them to have the physical relation in a supposedly safe place (in a hotel room, friend's house) where camera's are hidden with a view to record their private moment to blackmail the victims to fill the will of the perpetrator. In the usual manner these recordings are released on the internet to destroy victim's reputation.⁴⁹ Most often heinous crime of rape of abducted women are recorded. Some of cyber voyeurism cases in the country against women caused in the last few years not only by unknown criminals but also their nearest ones, such as husband and boyfriend.⁵⁰ 'Drishyam' Hindi movie of India, portrayed ill effect of cyber voyeurism comprehensively. This movie uplifts the total picture and evil treatment of video voyeurism. Another mentionable incident of net voyeurism is related to a TV actress in Bangladesh.⁵¹

TV actress Protiva (anonym) became a victim of cybercrime. A video of her private moment with her boyfriend was leaked. It was her boyfriend who posted the video online to get revenge from Protiva who was then already married to another man. Her boyfriend posted that video to satisfy his anger and to humiliate her. Because of this video clip, Protiva got divorced from her husband and her acting career also began to tremble. It was a great trauma for her. She was not seen on TV for approximately 4/5 years. Eventually she recovered and got married to another person and now started her acting career from a new point. The information whether any legal action was taken against her boyfriend could not be found. It was a great shock for her, and she went through a very rough time during this. 'Revenge pornography' is a serious form of cyber violence that has been noticed in recent days. Ex-partners transmit their female partner's personal pictures, videos on porn site for taking

⁴⁸ *Supra* note 14, P.130

⁴⁹ *Supra* note 30

⁵⁰ *Supra* note 1

⁵¹ Information have been collected from internet.

revenge while their relationship is broken up or deteriorated.⁵² According to the report of the cyber–Help Desk of the Government’s Information and Communication Technology Division, in December 2017 they received 17,000 complaints, 70 percent complainants were women in addition to this 78 percent of these cases relate with digitally manipulated images with pornographic materials.⁵³

4. Scenario of Cyber–Crime Targeting Women in Bangladesh during Pandemic Period and Afterwards

It has been discussed earlier that women are the primary recipient of cybercrime in social media in Bangladesh as well as the most vulnerable victims. Current scenario and various recent studies shed light on the increasing nature of cyber-crime in social media. It reveals that pandemic situation of Covid-19 has escalated this crime globally and reduced to the most demolishing crime against the state, individual, mass and particularly when the victims are women. Geneva based UN agency in Switzerland, International Telecommunication Union (ITU) reported in May 2021⁵⁴ that-

“The risk of cyber bullying or harassment was multiplied by the increase in children’s internet use in covid-19 pandemics”.

Due to the closure of educational institutions, many parents are being obliged to hand over digital devices to children and adolescents who are wasting more time on mobile games through various social media than reading. Under these circumstances, a group of opportunity seekers turned the virtual platform into a criminal world. At the end of December according to the data of Bangladesh Telecommunication and Regulating Commission (BTRC), the number of internet and mobile users in the country in 2021 is 11 crore 81 lakh 40 thousand. Among those at least one third of the subscribers of mobile phone

⁵² N. Shupto Alam, *The Pornography Act, 2012*, *New Age* (The Most popular Outspoken English Daily in Bangladesh) <https://www.newages.net/article>, 27 August 2021

⁵³ Business support systems (BSS) are the components that a telecommunications service provider uses to run its business operations towards customs. They are used to support various end to end telecommunications service. [en.m.wikipedia.org>w.k>Business-support-system](https://en.m.wikipedia.org/wiki/Business-support-system).

⁵⁴ Kazi Farhana Islam, *Cyber bullying must be prevented*, opinion, 12 November, 2021 available at <https://m.theindependentartbd.com/post/270166>

and internet are women.⁵⁵ Common cyber violence causing against women, already has been discussed, most vulnerable offences of cyber bullying and sexual harassment have become the new norm of social media in last two years. According to the information of the Dhaka-Tribune and the statistics of Dhaka Reporters Unit 68 to 70 percent women were victimized by cyber violence before pandemic in 2019.⁵⁶ While a survey report of UNICEF in 2019 reveals that 61 percent women among them are being victim of cyber bullying in the country, who are the age between 13 to 25 years.⁵⁷ According to the survey carried on “Cyber bullying against girls and women over social media” on behalf of ICT Division during the timeline of 2020 to 2021, the Covid-19 period cyber bullying to women has boosted to a great extent to 80%.⁵⁸

It is a matter of regret that most of the aggrieved women are less interested to express and expose their repression of online bullying. Moreover, the pandemic situation of covid-19 has kept an intensive stress in every sphere of life. Due to less attention and focus on tackling these issues of cybercrime including bullying is booming catastrophically during this period.

4.1 New Pattern of Women Trafficking through Social Media Apps

Transnational Sex trafficking is not new in Bangladesh. This is likely the new pattern of women trafficking using popular social media networking platform Like, Tik Tok. According to the Dhaka Metropolitan Police Report on May 29, 2021, and RAB officials’ information, it is found that since 2019 when Tik Tok become popular in Bangladesh, a transnational racket comprised at least 50 Bangladeshi members targeted in trafficking Bangladeshi girls to India via Tik Tok.⁵⁹ The members firstly made a Facebook group where young people

⁵⁵ *Number of mobile internet subscribers increased by 10 million in 2021*-Online Report, The Financial Express, Published February 2022. start.computer.com>social media-starts>all.

⁵⁶ *70% of women facing cyber harassment Are 15- 25 years in Age*; published in Dhaka Tribune, 24 July 2021 available at <https://www.dhakatribune.com/bangladesh/Dhaka>

⁵⁷ *Supra* Note-60

⁵⁸ S. Shahnewaz , *Stop Cyber bullying Day 2021. Our celebrities Deserve Better*, Published in the Daily Star, 27 August 2021 available at <https://www.the daily star.net/arts entertainment/news>.

⁵⁹ *How Tik Tok was used to Traffic Bangladeshi girls India*, Last update on Friday July 2021, Published. The Daily star, Wednesday, May 25, 2022, available at, <https://www the daily star.net/star-live/traffic-bangladesh-girl-India-2105 417>.

met on TikTok. Then they target the young girls. Many of whom belonged to poor families. After being friendly to them, the ring members allured the girl promising to make them stars, as well as offered well paid jobs in India and eventually trafficked them to India. Later obliged the girls to become sex workers in different hotel forcefully.⁶⁰ Tik Tok content need very minimal setup, only a smart phone with an internet connection would do, contrary to the professional level equipment used by many popular YouTuber's. Thus, allowing access to the economically marginalized people to take part in cyber entertainment world specifically by using Tik Tok and similar platform a lot of young girls have prompted to upload video content and lastly become victims of sex trafficking.⁶¹

Rapid Action Battalion (RAB), Bangladesh submitted a proposal for banning the app on 30 December 2021. A lawyer of Supreme Court in Bangladesh filed a writ petition at the High Court Division, seeking its direction on the authorities concerned to stop operation of mobile phone applications-Tik Tok, Likee and Bigo live to protect youth from social degradation.⁶² India has already banned this app on 29 June 2020 along with in several countries including Indonesia, Pakistan for varying period. Bangladesh could not ban these app yet. Because only Bangladesh Telecommunication Regulatory Commission (BTRC) has the authorization to ban these app based on formal proposal. However, according to the information of BTRC no such proposal has received by this commission yet.⁶³ Even though blanket ban of these platform will not work now due to people's easy access with the help of VPN (VirtualPrivate Network).⁶⁴ That's why Bangladesh Government should find a better way to monitor these platforms so that terrifying crimes such as, sex

⁶⁰ Faisal Mahmud, *Tik Tok and a sex Racket: Bangladesh Mulls over banning the app*, published 15 June 2021, TRT world, Magazine available at, <https://www.trtworld.com/magazine/tik-tok-and-a-sex-racket-bangladesh-mull/over-banning-the-app-47554>

⁶¹ *Ibid*

⁶² Star online Report, *Writ Petition seeks High Court Division's Direction to stop use of Tik Tok, Bigo live*, published on Sunday, May 29, 2022, available at <https://www.thedailystar.net/star-online-report>

⁶³ *Supra note -66*

⁶⁴ *Ibid*

trafficking, sex contents video uploading, easy access of evil racket cannot take place using these platforms rather banning these.⁶⁵

5. Impact of Cyber-Crime on Women

In the socio-economic context of Bangladesh, the impact of cyber-crime on women are more serious than one's imagination. Cyber-crime led to victim women to depress year after year, shyness, self-blame, stress self-inflicted harm, isolation, fear to become defame as well as losing family reputation.⁶⁶ Virtual crime causing against women in the social networking site can have even long-lasting outcome traditional crime, Cyber violence has the chain reaction of victims on their families and society.⁶⁷ The impact of victim's physical and mental health can go very far. The harassment they must endure during and after the victimization is very miserable. These may lead to disrupting the victim's career, education, social and family life. Sometimes depression oblige them to take drug while some choose to commit suicide not to find any other way to recover from such tragedy. As a result, 11 Suicide attempt in every year in the country by women victim of cyber violence are found from different report of Newspapers.⁶⁸ In addition to this when women and underaged girls become victim of pornography or revenge porn or video Voyeurism, blackmailed with nude photograph which turn put them frustration and abuse. In this way, these offence affects victim women's life, dignity, reputation and shake the moral conscience.⁶⁹

5.1 Dominance of Covid-19 Pandemics

Since the prevalence of Covid-19 emerging statistics and data show that all types of violence against women and teenage girls were awfully domestic and cyber violence have become more intensified.⁷⁰ During the covid-19, the

⁶⁵ *Supra note 8*

⁶⁶ *Ibid*, P, 2

⁶⁷ Aqib Raihans, *Cyber Harassment and women in Bangladesh*, P.4, available at <https://www.acadcmia.edu/15789734/cyber-harassment-and-women-in-bangladesh> 15 July 2021

⁶⁸ *Supra note 8*, P 3

⁶⁹ *Supra note 9*, P 113

⁷⁰ *The Shadow Pandemic: Violence Against Women during COVID-19*, a report of UN Women Organization, available at, <https://www.unwomen.org/en/news/in-form-gender-equality-in-covid-19-response>, May 2022

number of global internet users increased tremendously between the years of 2020 and 2021. By this time more than nine million users joined the social media network. With the increased usage of social media, according to UN women organization's report, 1 in every 10 women is experiencing cyber harassment. 80% women in Bangladesh are also being discrepantly victimized to the cyber space.⁷¹ Due to engage to tackle the situation of pandemic period as front fighter liners, law enforcing agencies, police got less focus on tackling these issues in areas of cyber space.⁷² As a result, new patterns of sex trafficking have been prevalent in the social media network through using the China based app Tik Tok.

6. An Analytical Evaluation of the current Laws to prevent harassment against Women at the Online Platform

This study analyses the laws to ensure right of women in cyber space into dipartite legal framework in Bangladesh which are in following below–

6.1 An Examination over General and special Laws for Legal Protection of Women against Cyber violence

Legal protection can be sought against cyber violence under the domestic laws of Bangladesh. There are provisions for penalties against cyber violence in the Penal Code 1860, Dhaka Metropolitan Police Ordinance 1976, the Pornography Control Act 2012, the Information and Communication Technology Act 2006 (ICT Act). The Information and Communication Technology Act, 2006 is an outcome of Model Law on electronic commerce known as the UNCITRAL.⁷³ This is the law which governs the cyber world in Bangladesh. The rules and regulations of using cyber space are prescribed here. This Act was amended in 2009 and 2013 and is now in operation against cybercrimes. The Bangladesh Penal Code makes it offence of using words, gestures or other actions which insult the modesty of a women, defaming any person, insulting another intending to provoke them into breaching public peace.⁷⁴

⁷¹ *Ibid*

⁷² *Ibid*

⁷³ United Nations Commission on International Trade Law (UNCITRAL). To read the UNCITRAL Model Law on Electronic Commerce, see chapter 22

⁷⁴ *The Penal Code, 1860*, section 509, 500 and 504.

The Digital Security Act 2018 is a recent one passed by the parliament. Under this Act certain activity is made punishable such as illegal entrance in computer, digital device, computer system, collecting any data or data storage, information, or part of it from any computer without permission, digital or electronic forgery, fraud, identity fraud, publishing or sending any fear inducing information, using identity information without permission, publishing defamatory information.⁷⁵

6.2 An Evaluation over Institutional Support for Women to obstruct Cyber-crime

With a view to providing quick disposal of cyber related cases Government of Bangladesh established first Cyber-crime Tribunal in Dhaka according to section 68 of the ICT (Amendment) Act 2013. In 2013 the Cyber-crime Tribunal initiated its procession with three cases, afterwards different reports and documents exhibit that the annual number of cases rose seriatim to 1,189 in 2019. During pandemic period people filed 1,128 cases in 2020 till 5th April 2021 cyber-Tribunal were overburdened with 2,450 cases.⁷⁶ Record shows that since 2013 to 2021 Cyber-Tribunal in Dhaka disposed only 260 cases along with the Tribunal delivered Judgment in 135 cases only.⁷⁷ But regretfully there are limited data found about the cases filing by the female victims. According to the report of BLAST it is known that since 2014 to 2016 out of 520 cases only 90 cases had been filed to the Tribunal by women victims.⁷⁸ In March 2020, government has set up seven Tribunals in the Divisional city in Bangladesh to reduce the backlog of cases to single Tribunal in the country along with providing wrangle free legal service to the people.⁷⁹ Since 2013 to till now cyber related total 4,675 cases are filed before the Cyber-Tribunal

⁷⁵ *The Digital Security Act*, 2018, sections 18, 19, 22, 23, 24, 25 and 26.

⁷⁶ *Supra* note 8

⁷⁷ *6 New cyber-crime Tribunals to be setup to ease backlog*, 31st March 2021, Dhaka Tribune, archive.dhaka-tribunals.com>2021/03/31

⁷⁸ Report on file with Bangladesh Legal Aid Services Trust (BLAST) response from ICT Ministry to application under the Right to Information Act 2009 seeking information on the number and nature of cases filed to ICT Tribunal under section 57 of ICT Act 2006 dated 31 January 2016

⁷⁹ *Six years on, No separate Court Room for cyber-Tribunal yet*, TBS Report 20 August 2019. www.tbsnews.net>Bangladesh>Court

across the country.⁸⁰ No specific data has been received yet that how many victim women and girls have filed cases to the different Tribunals. Significant women related verdict relating to cyber-crime was- Sonagazi police station case in Feni district, where Cyber-Tribunal, Dhaka sentenced former oc Moazzem Hossain in November 2021, for circulating Madrasa student Nusrat Jahan Rafi's video statement on social media. The girl was burnt alive for accusing the principal of concerned madrasa for sexual harassment.⁸¹ Cyber Tribunal of Rajshahi has given a verdict on 29 May 2022-The Tribunal convicted three persons and sentenced them to six years imprisonment and fined eight lac takas to each. They all are residents in Bogura district found guilty of spreading obscene photos of college girl in social media. A FIR in this regard had been first lodged to Bogura sadre police station on October 4, 2019.⁸²

Bangladesh police have established a separate wing, Police Cyber Support for Women (PCSW) of police Headquarters, in Dhaka for monitoring cyber-crimes and tackling the criminals.⁸³ According to the report of this wing from November 16, 2020, to November 16, 2021, the total number of complaints were 12,641 then till to April 30, 2022, this wing has received almost 4,094 cyber-crime complaints.⁸⁴ Most of the complaints filed by women and girls are related to cyber bullying, stalking, sexually exploiting and blackmailing. Sometimes, victims do not receive positive support due to the complaint filed by them 83.98 percent female cyber victims were left unaddressed.⁸⁵ Police Cyber Support Unit and Cyber-crime Investigation Division investigate the cyber-crime related cases, but the situation has not been improved to the

⁸⁰ 70 Pc Cyber-Crime Victims Women, Police Survey Report, Crime and Justice, The Daily Star, June 18, 2022, www.thedailystar.bd.com

⁸¹ Prokas Biswas, *Cyber-Crime Cases rise in Bangladesh, but Suspects are mostly Acquitted*, published July 07, 2022, bdnews.24.com/es/default

⁸² Dulal Abdullah, *3 Jailed for 6 years over Cyber-Crimes in Bogra*, published on May 29, 2022, Dhaka Tribune, available at www.dhakatribune.com/nation/2022/05/29.

⁸³ *Supra* Note 24

⁸⁴ Mohammad Jamil Khan, *Evolution of Cyber-crime, Women, the worst suffers as usual*, The Daily Star, 16 June 2022, published 7 July 2022, available at www.thedailystar.net/news/bangladesh/crime-justice/news/3048576

⁸⁵ *Ibid*

extent.⁸⁶ The Bangladesh Telecommunication Regulatory Commission (BTRC) has established a unified platform for complaints. Complaints can be submitted by contacting +880-29611111 or by emailing btrc@btrc.gov.bd. Additionally, the government has established a cyber hotline. Victims may lodge complaints by calling +8801 766678888. A specialized police unit called the Cybercrime Investigation Center (CIC) recently started operation, equipped with software called Open-Source Intelligence (OSINT) to track down any defamatory statements or posts that violate the ICT Act. One can also file a complaint through the police's 'Hello city' apps from any part of the country. Moreover, victims can communicate for help and advice to the hot line number 10921 of the Ministry of Women and Children Affairs.⁸⁷ Women victim can also seek legal assistance from different Legal Aid organizations such as, Ain-o-Shahish Kendra (ASK), Bangladesh Legal Aid Services Trust (BLAST), Bangladesh National Women Lawyers Association (BNWLA) etc. These Associations made research and collected data regarding women victim in the cyber space. Ain-o-salish Kendra revealed at a virtual round table held on June 17, 2022, that it is known from police survey report of Bangladesh in 2021 that out of 522 cases related to cyber space 70 percent were women and Police Cyber Support for Women (PCSW) contacted, 17,770 victims for support in 2022 while only 8,331 victims could avail the necessary legal assistance.⁸⁸

7. Various Drawback and Ambiguity of Legal Framework in Bangladesh: Legal recourse against cyber crime may be searched under existing criminal laws in Bangladesh which include Penal Code 1860, Dhaka Metropolitan Police Ordinance 1976.⁸⁹ Women victim can seek legal recourse to the provision of Penal Code for defamation, insulting her modesty, unacceptable infusion of her privacy in the social network sites. The problem in this regard is admissibility of digital materials such as the images, screenshots, videos, and audios etc. are evidence under the Evidence Act 1872. In Bangladesh there is no specific regulation for the admission of digital evidence in Judicial

⁸⁶ *Supra* note 85

⁸⁷ *Supra* note 8

⁸⁸ *Supra* note 85

⁸⁹ See sections 500, 504, 509 of the Penal Code 1960.

Section 76 of the Dhaka Metropolitan Police Ordinance 1976

Sections 9A, 10, 14 of the *Nari-O-Shisha Nirjatan Daman Ain* (Amendment) 2003

proceedings. Although Information and Technology Act 2006 and the Digital Security Act 2018 have been promulgated, they only cover specific areas.⁹⁰ Evidence Act, 1872 do not contain any explicit provision for admission digital evidence although that can be accepted as corroborative evidence in Judicial proceedings.⁹¹ Under section 3 of Evidence Act “Documentary Evidence” includes letters, figures or marks which states that word printed, lithographed or photographed are documents, this can give us the essence of digital evidence.⁹² Original photograph can be admitted as secondary evidence under Evidence Act as well as digital and electronic evidence under section 72 if it is attested.⁹³ If we analyze section 29 of the Penal Code, 1860 it is found that letter, figures, marks within the meaning of this section can be glimpse of digital evidence under the term “matter” in this section.⁹⁴ In spite of absence of an express provision for the admissibility of digital evidence under the Evidence Act, 1872, The Bangladesh Supreme Court has adjudicated several cases accepting digital evidence in trial.

In *Mrs. Khaleda Akhter Vs State* case,⁹⁵ Supreme Court decided that audio cassette video cassette, magnetic tape should come within the definition of document and shall be admitted as evidence.

In *Biswajit murder case*, the court adopted the video footage, still photograph and paper clippings as evidence even without the corroboration by the authors.⁹⁶ Therefore, the analyzation from the above-mentioned cases it is apparent that electronic and digital evidence can be admissible in Judicial proceedings in country within the scope of liberal Judicial interpretation. The absence of express provision and non-amendment of Evidence Act 1872, incorporating necessary provision regarding admissibility of digital evidence creating great hindrance to get Justice to victim women in the cyber world. Telecommunication Control Act, 2001 has no express provision for the assessment and evaluation of gender-based violence. As a result, authority

⁹⁰ Ainka Merdiah Chowdhury, *Admissibility of Digital Evidence in Bangladesh*, 10 March 2022, available at <https://Juralacuity.com/admissibility-of-digital-evidence-in-bangladesh>.

⁹¹ Sections 156, 157 of the *Evidence Act*, 1872.

⁹² Sections 29(1) (2) of the *Penal Code*, 1860

⁹³ Sections 63, 64, 72 of the *Evidence Act*, 1872

⁹⁴ See sections 29 (1) (2) of the *Penal Code*, 1860

⁹⁵ 37 DLR (1985) 275

⁹⁶ 70 DLR (2018) HCD 26

fails to redress genuine grievances and the very purpose of this Act has been let down momentarily.⁹⁷ Bangladesh legislated ICT Act, 2006 (amendment in 2013) to fight against cyber-crime. The provisions of this Act are quite drawback to take legal action as it does not address gender-based violence causing social media platform in a clear and legible manner.⁹⁸

The Pornography Control Act 2012 is not properly used to combat cyber-crime. Punishment also under this Act is not as sufficient as required.⁹⁹ Pornography Act prohibits to make pornography, but there is nothing about uploading it on the internet platform. There is no provision about the 'revenge porn' which is increasingly common in country.¹⁰⁰ Consequently, such form of violence makes a flaw in the legal remedy for victimize women of nonconsensual pornography in Bangladesh.¹⁰¹

Digital Security Act, 2018 is a resent one enacted with a view to obstructing cyber violence. This Act does not contain any specific provision to ensure Justice for women and girls. There is no definition of the term "offensive" and "threatening" which creates a lack to control the leakage of private photos and videos of underage, adolescent, and adult women. Sometimes the provision of this Act to prevent abuse of the right to freedom of expression to some extent victim women also. Despite the plethora of legal remedies in different general law and cyber related laws to protect women from cyber-crime. Various drawback and ambiguity of these laws there remain a very small proportion of cases relating to women victim in virtual world that come into criminal prosecutions.¹⁰² In addition to this internet service provider (ISP) has no unique rules and procedures for making complaint. Bangladesh Telecommunication authority (BTRC) though monitoring cyber-crime and cyber criminal's activities, it has not yet kept its promise to reduce cyber-crime against women. Majority of the young, aged girl child and illiterate people in Bangladesh are

⁹⁷ *Supra* note 14

⁹⁸ *Supra* note 1

⁹⁹ See section 4 of the Pornography Control Act 2012 and survey on *Psychological health of Women*, (2014) Dhaka, Bangladesh National Women Lawyers Association(BNWLA).

¹⁰⁰ *Supra* note 14

¹⁰¹ *ibid*

¹⁰² *Supra* note 8

not aware about the existing cyber laws, police cyber support unit as well as institutional legal aid services. Government and his Executive Department, our socio legal system has also failed to reach these supports to the mass people specifically female victims.

8. Suggestions

After analyzing the whole concept, some observations and suggestions are given in this study to cope with fast growing cyber techno dependent crime, so that, it may help women and authority to take proper action for securing women from cyber violence-

- a) Reformation of the existing legal system is necessary to complete the fast-growing rate of cyber-crime. In order to avail successful trial of a cyber-crime, express provision for the admissible of digital and electronic evidence should be incorporated urgently in the Evidence Act, of 1872, brought about an amendment as regards.
- b) Though there are laws to control cyber-crime in Bangladesh, they are not so effective to give Justice to women. As women need special attention in case of cyber-crime, there should be a special cyber law for women enacted by the parliament. We need complete code of law deal with all form of cyber-crime, against women if we really want to save women from this heinous deed.
- c) There may be established in High Court Division a special bench for dealing with cyber violence against women.
- d) There should be formulated unique rules and regulations to use of the internet for women and children as well a uniform guideline must be provided for internet service provider fixing their liability and accountability.
- e) Well equipped IT Training for police personnel should be provided. Along with they also be trained in handling with women victim psychologically.
- f) For examining electrical and digital evidence, IT bases Forensic Laboratory should be established.

9. Conclusion

From the discussion of this study, it is now clear that the case of cybercrime against women is delicate and special treatment and attention is required to solve this issue. There is a saying of Martin Luther King Jr., "Injustice anywhere is a threat to justice everywhere". The women should get justice and proper protection should be ensured. They should also be taught about the proper use of internet. All the barriers to give justice to woman should be

removed. It is also now clear from this study that women related cybercrime is different from any other general cybercrime and this matter should be treated differently that no woman has the fear of humiliation, nor they must give up their happiness and no woman has to give up her life for this dreadful act. Every woman has the right to live with dignity in society. It is the duty of the society to lend its helping hand to women with a view to saving them from this vulnerable situation. The government must ensure the proper environment and proper laws to protect women from cybercrime and ensure justice to them. To make Bangladesh a better place for women, the reprehensible deed of cybercrime should be controlled as soon as possible.