



*This body
got rights*



ONLINE VIOLENCES AGAINST WOMEN:

A CONTINUUM OF OFFLINE DISCRIMINATION

Study Report

**Online Violence Against Women:
A continuum of offline discrimination**

LOOM, 2018

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Acknowledgement

We would like to thank all the participants of focus group discussion and key informant interviews who generously provided their time for this supplementary research.

Special Thanks to LOOM team members, Gyanu Gurung, Pushpa Joshi, Gita Thapa and Ursula Utsaha Singh for supporting us from the beginning of the study in designing FGD questions to collection of data and transcribing recordings.

Thank you to the research team members Valentina Hvale Pellizer and Katerina Flaviola of Association for Progressive Communications and EROTICS regional network who have provided crucial feedback on the research.

About

The study attempts to examine understandings of online violence against women and girls as a continuum of offline discrimination.

The common forms of violations, and the mapping of harm (violence against women) related to technology was adopted from "*End Violence: Women's rights and safety online*", Rima Athar and Women's legal and Human Rights Bureau, Inc commissioned by Association of Progressive Communication 2013.

The result of this research is expected to prompt discussions on online violence as a continuum of offline discrimination and violence, and inform activists about emerging trends in the ever changing political context of Nepal.

This small-scale study was conducted to compliment the recent larger research on "usage of internet and sexual freedom". Building on this, national- level research will be carried out in 2018.

The objectives of the research are:

- To understand if internet is a gendered space where freedom of expression of sexual rights activists is compromised
- To shed light on online violence against women and girls as a continuum of offline discrimination and violence

Methodology

The research follows a deductive approach with qualitative research design.

Primary Data was collected through three focus group discussions with 26 women's rights, Lesbian, Bisexual Trans women, Trans men and young women activists. Among them 7 were young women activists, 9 were LGBT rights activists and 10 were women rights activists. Two interviews with key informants were followed by a survey with 3 young women activists in the form of a questionnaire. Secondary data included articles, reports, journals, blogs, and research papers.

EXECUTIVE SUMMARY

The constitution of Nepal 2015 guarantees limited rights to Nepali women. Its antiquated, patriarchal stance on women's citizenship and discriminatory provisions stems from a lack of reluctance to effect cultural and social change in favour of women in the Country.

Globally, patriarchal nation-building ideologies subject women and young girls to levels of discrimination and inequality that compromise their freedom. Violence against women and girls sees no boundaries; it permeates across race, culture, gender, disability, geography amongst others harming and destroying individuals, families and society.

In 2016, WOREC, a women's rights organisation documented 1775 cases of violence against women out of which 1300 admitted having suffered from some form of domestic violence. 75% of these women were physically abused by their husbands while 35 per cent were sexually abused by either their partners or persons they know¹.

The growing reach of the internet, the rapid spread of mobile communications and the wide diffusion of social media have presented new opportunities and enabled various efforts to address violence against women and girls². On the flip side, it also regulates women's freedom of expression by shrinking democratic spaces, and by diminishing the agency of women.

Today, technology- related violence against women is a distinct phenomenon because of the medium, mode and place of its commission. The distinct characteristics of Information, Communication and Technology is that its borderless in nature, the fluidity of digital personhood, absence of physicality, and the anonymity and intractability it offers – has changed not only the manner by which violence against women is being committed and perpetrated, but also its effects and consequences³.

¹ <http://kathmandupost.ekantipur.com/printedition/news/2016-11-26/women-suffered-more-violence-at-home-than-outside-last-year-worec-report.html>

² Cyber violence against women and girls, A world- wake up call; Report by the UN BroadBand Commission for Digital Development and Working Group on Broadband and Gender; page 1

³ Rima Athar and Women's legal and human rights bureau, INC (November 2014). End Violence, women's rights and safety online. Association for Progressive Communication

INTRODUCTION

Internet and Freedom of expression in Nepal

The internet is a pivotal “public domain” within the ICT sphere that has penetrated our “personal” lives. It has carved layers of digital spaces that connect friendship, activism, love and relationships, recreation, commerce, among others. Recognised as a basic human right by the United Nations Human Rights Council in June 2016, the resolution affirmed that the same rights that are offline must also be protected online in particular freedom of expression online and its security, accountability for human rights violations, and access and expand internet services for those not available.

After 3 years of the invention of World Wide Web (WWW) in 1989, by a British Scientist Tim Berners Lee, Nepal received the first email in 1992 AD⁴. Although Nepal had its first exposure to computer and computer systems as early as 1971⁵, it was only in 1995 that internet first penetrated in our society when Mercantile Communications became the first internet service provider (ISP) in Nepal⁶.

The internet over the recent years has developed as a powerful tool for self-expression. However, despite the existence of international and national instruments which safeguard fundamental freedoms, the state and other mechanisms have increasingly curtailed our freedom of expression.

The political change and opening of democratic spaces in 1990 has been a landmark in the history of Freedom of Expression in Nepal. The state for the first time recognized freedom of expression as a fundamental rights of all citizens⁷. The ratification of

⁴ LOOM, Guff Gaff report on Gender and Internet (March, 2017)

⁵ SAP international and Bellanet Asia, Cyber Cafes of Nepal; Passage to cybercrime? (Lailtpur, 2006), Page 1

⁶ <http://www.ktm2day.com/2015/02/20/internet-access-reaches-to-one-third-population-in-nepal/>

⁷ http://www.nepaldemocracy.org/documents/national_laws/constitution1990.htm#3

International Covenant on Civil and Political Rights (ICCPR) in 1991 and Universal Declaration of Human Rights (UDHR) by the government of Nepal further ensured the right to freedom of expression in the country⁸. Following the people's movement of 2006 and the vibrant role of media encompassing the people's voices across the country, the Interim Constitution of Nepal (2007) guaranteed the right to freedom of expression and opinion through Article 12(3) to every citizen⁹. These legal instruments talk about freedom of expression; however, they do not address freedom of expression explicitly in relation to the internet¹⁰. This right was reassured by the Constitution of Nepal in 2015 which has attempted to extend Freedom of Expression up to the scope of internet by explicitly mentioning the phrase 'online'¹¹.

Freedom of expression, despite of being a fundamental right becomes a fallacy when it is violated by actions of the state and other parties. Online FoE is controlled and regulated legally, restrictions on online content, online violence and surveillance among others. Article 17, section 2a(1) of the Constitution of Nepal, 2015 poses reasonable restrictions on freedom of expression online under the name of defamation of character or an act which may be contrary to public decency and morality¹².

The Local election 2017's code of conduct issued by the government had specific clauses which put restrictions on citizen's FoE. For instance, the Code of conduct restricted users of social media and mobile phones not only from posting any kind of news, status or comments against or in support of any election candidate or political party but also to disseminate any such contents through Viber or SMS. Those who do not adhere to the code of conduct were to be charged a fine of up to 1 lakh rupees¹³.

⁸ <http://www.ijch.net/vol3/078-SD0021.pdf>

⁹ Article 19, Freedom Forum and Federation of Nepali Journalists, The right to freedom of expression in Nepal (2008), Page 19

¹⁰ Taranath Dahal and Narayan Prasad Ghimire, Freedom of expression on internet in Nepal (Freedom Forum, 2016), Page 8

¹¹ Taranath Dahal and Narayan Prasad Ghimire, Freedom of expression on internet in Nepal (Freedom Forum, 2016), Page 15

¹² <http://extwprlegs1.fao.org/docs/pdf/nep155698.pdf>

In the recent past, Nepal Telecommunication Authority (NTA) ordered to block over 100 websites in Nepal¹⁴. On March 2017, a young LBT activist who is vocal about the issues of LGBTI both online and offline got blocked from commenting, liking and posting anything on Facebook after being reported by a group of people. She was repeatedly harassed with abusive photos and messages for being 'too expressive' online.

Gender and Access

In 2013, for the first time, the government of Nepal commemorated international girls in Information and Communications Technology (ICT) with the aim to encourage and build ICT skills of young girls and women. There are no binding clauses to validate the efforts, as the ICT policy 2000 is not explicit about gender, equality, women among others, but several attempts have been made to encourage and empower participation and roles of women of all ages in ICT.

According to Nepal Telecom Authority statistics, almost 70% of the Nepali population has access to mobile phones with 3G, GPRS and CDMA facilities¹⁵, while 40% population is connected to the internet¹⁶. The internet is accessed primarily through the use of mobile phone internet facilities. However, gender- disaggregated data on internet and mobile phone use in Nepal is not available.

An occupational representation and participation of women in the decision making positions in ICT and media sector is very essential for ensuring the rights of women on the internet especially to control the online gender based discrimination and violence. Technology has always been considered as men's forte and thus, only 5% -10% of

14Taranath Dahal and Narayan Prasad Ghimire, Freedom of expression on internet in Nepal (Freedom Forum, 2016), Page 35

15 www.nta.gov.np

16 <http://kathmandupost.ekantipur.com/printedition/news/2015-06-18/40pc-of-nepalis-connected-to-internet.html>

workforce in Information Technology in Nepal is represented by women¹⁷. According to a report, Nepal Telecom Corporation (NTC) had only 12% women employees in 2013 with very few women in the decision making positions¹⁸.

Online Violence Against women and girls

Online forms of violence against women and girls stem from the reluctance to accept their agency, and the fear of dishonor to the family and society attached to the mobility and sexuality of a woman.

In 2014/2015, the Metro Police Crime Division, Kathmandu registered 309 cases of online offenders of which 12 offenders were booked under Cyber Crime and Public Offence. Similarly, 830 cases were registered in 2015/2016 out of which 17 offenders were booked followed with 657 cases of “dishonor” in 2016/2017 amongst which nine offenders were booked respectively.¹⁹ The systemic cases filed ranged from cases of dishonor, extortion through email and SMS, use of fake social account, abusive SMS, website hacking, anti- social websites and copyrights. The division has developed a monitoring system that monitors triannual cybercrimes but lacks a gender disaggregated data system.

¹⁷ <https://blog.apnic.net/2017/04/27/women-ict-future-looks-bright-nepalese-women-ict-field/>

¹⁸ Global Information Society Watch 2013; women rights, gender and ICTs (APC and Hivos, 2013), Page 172

¹⁹ <http://www.myrepublica.com/news/19376/>

FINDINGS

“Online violence must be perceived as a continuum of violence against women, and understand the demarcation between freedom of expression and cyber harassment, Respondent”.

Internet is a strategic medium to promote human rights and exercise right to information, and freedom of expression

The activists access the internet for information on global politics, national news, e-commerce, entertainment, networking, research, online courses, data collection (credible and non-credible) and communication. Information that is not easily available offline is accessed online. The most used applications are Facebook, twitter, viber, Skype, Whatsapp and Emo. On an individual level, the internet is used for networking, contacting friends and families and marketing and on an organisational level, research, knowledge and advocacy are the core reasons for accessing internet.

They stressed that online presence allowed them to remain anonymous and private. It gave them a sense of power, and freedom to scroll for information on sexual rights that they would not try to locate offline. But, some added that the internet is also a gendered space in terms of access to technology, control of online content, owners of internet service providers, among others. The coping mechanisms included creating a private group, and selecting viewers and readers as per preference. At times, they also feel like a small celebrity in applications like Facebook where their happiness is determined by the number of likes and dislikes.

Lesbian, Bisexual women and Trans women activists access the internet to date and find partners. Viber, Google, EMO, Whatsapp, grinder and YouTube are the most used programmes. They spent around 1500-5000 Rupees per month on their data.

Online advocacy and activism

“Freedom of expression online comes with a tag.” - Respondent

The respondents stated that 70% of the information shared is for activism and advocacy. Opinions, thoughts, and free speech is expressed by sharing posts, writing online stories, and blogs. Sometimes discussions are prompted to questions stereotypes on sex, gender and politics. The information opens opportunities to update ourselves with ideas and creativity to further fuel our advocacy and activism.

Freedom of expression online though comes with a tag. Young women activists expressed that their personal opinions receive backlash as being “too” vocal or a big activism whilst sharing and updating information composed by others receives zero responses. Others also use this pretext as a way to harass young women activists for their inability of finding a partner or sexually harass them. A young LBT blogger was frequently harassed with disturbing pictures and messages for being ‘too voca’l online. Another LBT activist faces similar situation every now and then when she regularly updates about the events and information regarding LGBTI on her organisation’s social media pages.

The coping mechanisms included creating a private group, and selecting viewers and readers as per preference.

On the organizational level, online advocacy is done through sharing a common agenda; advocacy events created, and more viewers’ attention generated. Few LBT rights activists used the internet for advocacy for the rights of women and SOGI people while others refused to post and were scared of being harassed.

A respondent shared that online advocacy has ripple effects; for e.g. last year an online news fabricated stories of women’s rights activists slandering their work, reputation and their work. As a response, numbers of women’s organisations came together, and hosted press conferences followed by series of activism both online and offline. As a result, the first draft of Press Council's Code of Conduct regarding women's news dissemination for both printed and online news came out on 15th December, 2016 in the 47 years of history in Nepal. Likewise, another participant shared about an online campaign that she had launched with a hashtag #kathmanduwithmadhesh²⁰ to prompt

²⁰²⁰²⁰ <https://www.facebook.com/kathmanduwithmadhes/>

debates among people of Kathmandu who remained nonchalant with the movement for identity in Madhesh²¹.

Similarly, online expression that challenge stereotypes against class, caste, gender, ethnicity, are often ignored by mainstream media. In such situations, authentic and factual information posted online assists to clear misunderstandings and prejudices. The big media houses did not cover the factual information of the incident of indiscriminate killing in Saptari district during the election campaign of Communist Party of Nepal- Unified Marxist Leninist (CPN-UML) . The newsfeed rather blamed the people of Saptari than the political party who also had roles in fuelling tensions..

Exploring sexual rights Online

“Sexual rights is our fundamental human right. Online access allows us to understand about sex, sexuality, orgasm and pleasure.”- Respondent

Young women activists were aware of the dating site Tinder, and at least four have used it. Some stressed that they have watched porn out of curiosity to understand sex. The interest remains the same but now the visuals are analysed to understand the politics of race, identity and sexuality. Another respondent shared that viewing porn was labeled bad, and there were numerous rumors floating around that the users are monitored by Nepal Telecommunication. It was complemented with another rumour that if users are found watching porn then the mobiles will become defunct, and the computers will cease to work. So most of young users refrained from watching porn in fear of being monitored and reprimanded.

“It is not possible to locate information on sex and sexuality offline and bookshops hardly sell them, and asking it to a shopkeeper is next to impossible”. Respondent

Reading erotic stories through websites such as literotica was another way to understand sex, sensuality, orgasm, love among others as such resources are not available online, and no one talks about it.

Family and societal presence in social media impedes young women’s freedom of expression on sexual rights and reproductive rights. While posts on similar issues are

²¹ <http://www.hulakinews.com/identity-struggle-of-madhesh/>

shared and updated, they filter contents on topics of sex, porns, as they do not want to be harassed by questions on maintaining family honour. A respondent shared her experience about a durex condom advertisement in India; she loved the promotion called “do the rex” and shared it on her facebook personal wall. In few days, she received a call from her uncle in the USA questioning her choice of newsfeed, and how she must “think” about her family, relatives and friends. Now she does not post unless her posts are “user friendly” and “acceptable”.

Young women activists reiterated that there is no point in expressing views when it will be attacked with misunderstandings. The coping strategy would be to adjust the viewers and customise the posts for relevant people. Most invest ample amount of time to post contentious issues considered taboo in the society. They also create private messages amongst friends to talk about it rather than posting it.

For the LGBT rights advocates internet has become an important platform for exploring their sexuality. One of the respondents stated that she didn't know about her sexuality in the beginning and that she used to visit gay porn sites to find pleasure as she thought she was gay. It was only later that she discovered she is a transgender when she read information about LGBTI later via internet.

Online Violence and consequences

“Online violence is another form of violence against women”-Respondent

Online violence is another form of violence against women; Offline violence against women is often ignored and outside the periphery of the justice mechanisms, and online violence follows similar trend. The cyber -crime unit is not gender sensitive, and the police on duty are more interested to know contents not relevant to registration. Their perceptions and attitudes usually put the blame and burden on the traits of the person rather than the perpetrators.

The process is disturbing, and the disempowering environment adequate to withdraw. At least one organisation received legal counseling on such incidences. Facebook also has reporting mechanisms and policy on its page. Some shared that they remove controversial comments from the threads, as it is not possible to respond to everyone. It is imperative that evidences are tracked, screenshot taken, comments printed, and stored.

Respondents added that our phones and laptops are interconnected to the internet, and the information we access gets linked and shared on social media without us realising it,

more like the machines have taken over our lives. The shared realities are a culmination of personal and professional experiences.

Most shared that random people sent friend request, and approval is done through checking mutual friends, and verified visits of profiles. Mutual friends at times tend to harass, and someone shared on how a mutual friend expressed his love, and requested sexual intercourse.

Another respondent shared her rendezvous with online crime and nexus of gangs that trick people by informing them how a parcel has been delivered in your name, and when you are notified about the arrival, you are made to further pay extra amount to access it. There is no parcel, and instead you end up paying for it.

Creation of fake profile with identify theft is account adds dimension to online forms of violence. At least three activists had experienced a fake account created in their names. The fake account blocked the users when they reported, so instead they alerted their friends about it. Another respondent share about an experience of her friend whose fake account was created and her photos cropped in a bikini. The incident was reported at a police unit who guided her on how to block the user instead of filing a complaint.

In addition, a respondent shared about a positive response of the cyber- crime police who expedited the justice process. Someone had cropped a picture of her friend, and pasted it to someone's naked body. Her phone number was also uploaded. The culprit was caught and imprisoned. But the trauma left her friend scarred and they did not access the facebook for a year.

Likewise, single mothers face cyber bullying and harassment; sending friend requests and inviting for sexual acts. Many individuals are unable to respond to incidences alone, and refer it to organisations for

One of the respondents stated "although women in general face these problems, it is the Lesbians and transgender women who have to face more of these challenges". A mere upload of a video of a LBT person dancing could drive in comments such as 'Chakka', Hijra and so on. Almost all the FGD participants received messages from random people sending them sex videos, pictures of their genital organs and vulgar text messages. Apparently, taking screenshots and posting it on their wall, threatening the perpetrator for using those screenshots to report a case, deactivating account or refraining oneself from the internet for a while and ignoring has been used as coping mechanisms to deal with such situations.

Blackmailing is another form of online violence found against LBT people. A lesbian couple in Hetauda was blackmailed for releasing their intimate video by a guy who had

stolen the video camera from their shop. Others complained that their personal pictures were used as baits by previous partners have sex.

LBT people are approached by men to engage in sexual favours once they reveal their identity. One of the respondents stated “People send us friend request thinking that we are women but later when they find out that we are transwomen, we are abused and harassed. As soon as we reveal them our sexual identity, they directly send us sex proposal.”

Many respondents were not comfortable before for sharing their real gender and sexual identity on their social media pages. They fear that as soon as they change their gender option to transwoman. others category they will get harassing messages from men sending them vulgar pictures and sex videos.

Online Violence has offline mental impact

“Online violence has offline mental impact” –Respondent

The gravity of violence, and culture of tolerance and normalisation of violence makes it difficult to open up about it. We cannot share it with our family members and friends. Online violence is not even recognised as violence against women.

When we resort to uploading our anger in a status, it is usually received with mixed reactions. It is frustrating and agonising but where do we vent? The question here is: what is a safe space? Safe space allows freedom of expression but then loaded with judgments and prejudices? Many respondents shared how organisations are labeled as “dollar and when they post comments and photos of their work. Young women activists who work on sexuality is labeled shameless, vulgar and sluts. When we choose or take an initiative to chat with someone or random people at any time we become whores for them, comments like who chats so late at night? Do you want to have sex? It affects us and questions our choices and decisions and if we need to decrease our freedom bar (is there a degree). We are unable to have productive days, the incidences linger, and we lose our confidence leading to emotional breakdown. Aren't women seen merely as entertainers for men?

The respondents shared that they are unable to distinguish between the intention of the behavior and harassment, and tend normalise it leaving us ashamed and low self-

esteem.. Perpetrators can be anyone in the family, relatives, close friends and it becomes difficult to face them online and offline.

A respondent went to the cyber-crime unit to report an incident with her friend. She found the unit to be disturbing in terms of lack of confidential space, and professionalism of the police. The officer who registered the report was not attentive, and the other officers around him were curious with questions that were not their concern.

Harassment of women online is at risk of becoming a established norm in our digital society. What starts off as a harmless intellectual debate soon develops into a string of personal attacks eventually turning obnoxious.²² Historically women have faced reprisals, slander, stigmatisation, excessive use of force, defamation for expressing their thoughts and beliefs that someone did not approve of or refused to permit. Online violence is an extension of offline patriarchal and misogynistic discrimination. Harassment, abuse, and bullying occur in cyber space because society does not approve of our freedom to express our opinions except in this instance the perpetrator is “invisible”, unchecked and fluid. The impact is the same, threats of physical violence, psycho-socio harassment often leading to self-censorship.

RECOMMENDATIONS

- Inform yourself and the others about digital security, and understand the boundaries between freedom of expression and harassment;
- Collect and store incidences of online violence for advocacy. Screenshot comments, evidences or hide and delete inappropriate comments. Create a small support group to vent out, and seek advises.
- Avoid posting personal stories of family and friends without their consent, and maintain confidentiality;
- Engage with women’s organisation to prompt discussions on online violence as violence and discuss it at a policy level
- Mental health is ignored within the realm of violence and must be recognised and addressed

²² <https://thehimalayantimes.com/opinion/settling-scores-online-harassment/>



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