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LEGAL AND SOCIAL IMPACT OF SOCIAL MEDIA ON RAPE VICTIMS

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Abstract

Social media marking an era of change in society communicating and engaging about issues like rape. These platforms which have undoubtedly multiplied voices and called attention to the harm experienced by myriad victims — however create daunting legal and social problems. In this article I discuss the double impact of social media on rape victims, taking into account both positive and negative aspects. Victims are turning to social media for resolution, to change policy and attitudes about assault by tweeting their stories, letting others know they are not alone. But as these platforms end up being unregulated, they come with the caveat that without regulation they have the possibility to perpetuate new forms of abuse through more public shaming, trolling and sharing confidential information. Legally, the article goes into the conundrum of privacy, cyber defamation and judiciary. It is this which poses challenges to egregious violations of the laws meant to protect their dignity particularly rape victims due to the fact that personal data on people whose activities in social media archives are often accessed online. The article also looks into the impact of social media on public opinion and ongoing judiciary events that can prejudice jurors or improperly influence the result of a lawsuit. This article will use case studies, legal precedents and social trends to analyse both of these statements in an attempt to determine how empowering or endangering rape victims on social media actually is. It ultimately offers recommendations for regulatory reform and digital literacy programs that could potentially help reduce the harm existing in social media while preserving it as a platform for justice and mutual aid.

Introduction.

Rape is a heinous crime and one that has to do with traumatic physical, emotional, and psychological effects. Usually encircled with deep social stigmas, legal definitions of rape may vary across jurisdictions but in substance involve non-consensual sexual acts, conducted mostly at the point of some coercion, threat of harm, or actual violence. Statistics on rape throughout the world have contributed to an abounding awareness of this crime, affecting

women and men alike. Most of them go unreported due to fear, shame, or faith that the law enforcement agencies are incapable of addressing such grievances. The impacts for victims include long-term trauma: PTSD, depression, anxiety, and social isolation.¹ Social media has created a very powerful platform to share personal stories of issues that need activism and relate the larger public's opinion about these aspects. However, for rape victims, this digital space has mainly been double-edged, symbolizing reinforcement of support and condemnation. Legally speaking, the term 'rape victim' refers to someone who has been sexually assaulted without their consent. In addition to the violence to her body and mind during the attack, she may also have suffered unwarranted and unnecessary public criticism and victim-blaming from people on various social media platforms. The perpetrator, on the other hand, is the actor or group committing such an act, who, while subjected to law implementation, might be subjected to degrees of public shame by society's reactions.²

Statistics about rape in India portray a profoundly disturbing reality. According to the National Crime Records Bureau, though the majority of cases of rape go unreported, of those reported, it indicates that the country has more than 32,000 cases of rape annually. Age groups most affected by rape-the disparate nature of the age categories can be easily seen, though the number of young girls and women accounted for is a significant percentage-between 18 to 30 years, with a disturbing increase also among minors. The statistics point toward the prevalence of such crimes but also underscore an imperative need for more empathetic legal and social response.

Essentially, rape is a tabooed issue where more often than not, the blame is shifted to the victim. The patriarchal mechanisms and cultural biases further worsen these. Lack of public debates in public domains and lack of mainstream media interest further strengthened this silence over the crime; thus, victims were rendered helpless and speechless.

social media constitutes a significant element of modern society in generating the crowd's opinion and in facilitating global communication. Such in itself has created new avenues for protest and campaigning, especially on issues of social justice. Still, social media can be

¹ Candace Kruttschnitt et al., *Legal Definitions and Context*, in ESTIMATING THE INCIDENCE OF RAPE AND SEXUAL ASSAULT (2014), <https://www.ncbi.nlm.nih.gov/books/NBK202259/> (last visited Oct 12, 2024).

² Busra Yalcinoz-Ucan & Hande Eslen-Ziya, *Disclosing Gender-Based Violence Online: Strengthening Feminist Collective Agency or Creating Further Vulnerabilities?*, 24 FEMINIST MEDIA STUDIES 1186 (2024), <https://www.tandfonline.com/doi/full/10.1080/14680777.2023.2229060> (last visited Oct 12, 2024).

especially deadly in issues such as sexual violence. Social media and rape victims: A closer look at the legal and social dimensions.

1. Social media as a medium of empowerment.

1.1 Empowerment and advocacy for victims.

The #MeToo in social media, particularly on Twitter, Instagram, and Facebook, has broadened this discourse among the survivors of sexual violence around the globe. Platforms enabled rape victims to narrate their experiences, feel, and connect with others who have experienced traumatic conditions. Online communities that crop up around these locations often create a feeling of power among victims because they know their voices are being heard and their testimonies valued. Social media has powerfully shifted the discussion on sexual violence, giving the rape victim space to reclaim her story. The #MeToo movement was begun in 2006 but was brought worldwide into prominence through social media in 2017. The movement started with testimonies of sexual violence survivors on the platforms like Twitter, Instagram, and Facebook, all under the hashtag, symbolizing unity. From individual testimony, it morphed into a worldwide phenomenon, where victims from various walks of life started speaking against the tormentors.³

The power and versatility it brought along, not just global but also inclusive, took the world by storm. Probably, one of the most prominent characteristics of social media as a platform is that it has a global reach. Survivors from different countries, backgrounds, and social status use such media to express their experience and break the silence usually prevailing around sexual violence.⁴ Social media has, for many victims-included those in conservative or patriarchal societies, an outlet to speak where such a thing is taboo. Their feelings and emotions come out for the very first time. This sense of community helps produce a fuller range of knowledge about the issues and challenges that rape victims face across cultures.

Social media allows survivors to look for, as well as connect with others who have experienced similar atrocities; thus, social spaces are created. It is here where victims will receive validation since it is not their personal space where they will most certainly be shunned and/or mocked or

³ Pavel, *#MeToo: A Political Issue in India's Digital Presence*, RESEARCH OUTREACH (Aug. 25, 2023), <https://researchoutreach.org/articles/metoo-political-issue-indias-digital-presence/> (last visited Oct 12, 2024).

⁴ Nicole Henry & Anastasia Powell, *Sexual Violence in the Digital Age: The Scope and Limits of Criminal Law*, 25 Soc. & Legal Stud. 397 (2016).

blamed for being the victim. The ability to share one's story, read others' testimonies, as well as the willingness to give or receive support creates an emotional healing climate and empowerment.⁵

Deriving one's sense of agency to have found that systems of justice or social frameworks haven't amplified their voices, it is very important for rape victims to feel empowered and supported through collective sharing of stories so they don't feel isolated in pain. Many survivors of rape have the ability to discover their voices and be able to make their voices heard when they find that other people have taken the strength to share their stories, move forward, and create waves that add up to the destigmatization of rape.

Movements like #MeToo, which have spread like wildfire, have made sexual violence a subject for mainstream debate. Massive visibility for such narratives forces society to confront the ubiquity of rape and sexual harassment, often leading to change in attitudes and behaviours. Social media attention and awareness have brought more sophisticated conversations around consent, gender violence, and the psychological impact sexual violence has on survivors. It has also forced the institutions to address such system issues, primarily in the workplace, educational environment, and legal settings.⁶

In addition to testifying, social media has been the avenue for broader advocacy. Survivors have used the social media websites to coordinate campaigns, initiate legislative reform, and bring perpetrators accountable. An example in this case is how the survivors would come together and call for reforms in the handling of sexual violence cases by institutes, advocate for improved workplace harassment policies or increased enforcement of already existing rape laws. It has also been with social media that several fundraisers, campaigns for legal aid, therapy, or other resources a victim might need in the healing process have been launched.

Another role social media advocacy plays is especially in cases of high-profile individual or organizational institutional cover-ups. Stories like these may never see the light of day, or at best be diluted, through traditional media outlets, yet social media gives power to survivors

⁵ Michael Salter, *Justice and Revenge in Online Counter-Publics: Emerging Responses to Sexual Violence in the Age of Social Media*, 9 *Crime, Media & Culture* 225 (2013).

⁶ Kaitlynn Mendes, Jessica Ringrose & Jessalyn Keller, *#MeToo and the Promise and Pitfalls of Challenging Rape Culture through Digital Feminist Activism*, 26 *Eur. J. Women's Stud.* 419 (2019).

who can break their silence and shed lights on injustices that otherwise might never have come to light. While social media brings much empowerment opportunity, public advocacy across these avenues is certainly fraught with risk. Victims who share their stories often face harassment and trolling on social media and victimization through accusations of faking or an attempt to tarnish their experiences. However, for most victims, the empowerment and support that they receive from these online communities far outweigh the risks and, hence, the usefulness of social media as a tool in their journey toward healing and justice.⁷

Social media has really changed the way victims of rape engage with society, thus campaigning for their rights. Social media becomes the place where victims have a platform to be heard, validated, and supported—an element most victims lack in their personal lives or through other traditional means of justice. Yet, it is also a channel that has not overcome all the obstacles, and the mobilizing, awareness-raising, and effecting capability of social media has actually made it a critical space for advocacy and empowerment in the fight against sexual violence.⁸

1.2. Group Action toward Change.

The rise of social media as a platform of collective action has mobilized tremendous energy in the fight against rape and sexual violence. Social media connects every part of the world, making it an important tool to organize and amplify the voices of survivors and advocates toward both cultural and legal change. What used to be a private issue covered in shame and stigma is now center stage in public discourse, largely due to the power of social media in mobilizing large-scale movements.

1.3 Public Opinion Mobilization for Legislative Reforms

The most notable influence of social media activism is its contribution toward the mobilization of public opinion, bringing out impacts on policymaking. The emergent movements such as #MeToo, #JusticeForNirbhaya, and many others that highlighted systemic failures while treating sexual assaults became something for governments to reconsider and build from. In India, the social media went up in arms after the Nirbhaya gang-rape case in 2012 and led to the passage of the Criminal Law (Amendment) Act, 2013, which expanded the definition of

⁷ Kaaren Lumsden & Heather Morgan, *Media, Victimisation, and Social Harm*, 12 *Victims & Offenders* 302 (2017).

⁸ Samuel Adams & Teresa Brunton, *Social Media, Privacy, and the Courts: Navigating Legal and Ethical Boundaries*, 15 *J. Soc. Media L.* 201 (2020).

rape and had harsher punishment. This is one level of online activism at which it is perfectly possible to see digital platforms translate outrage into tangible legislative reforms, and hold governments accountable for their mistakes before the people.

What makes social media so powerful is the speed and scope with which it disseminates information. It globalizes a trending hashtag, brings out viral news, and makes visible in real-time to policymakers the public outcry for justice to act expeditiously. Without platforms like Twitter and Facebook reaching out worldwide, most of these legal reforms may not have been brought forward with such speed.

1.4 Creating Wide Public Conversation on Consent and Victim Blaming

An outstanding impact of social media is the open and honest conversation over issues of consent, victim-blaming, and culture of silence in sexual violence. A conversation that was avoided entirely in mainstream media or reduced to headlines sometimes even with vacuous sensationalizing. Social media allows for such a nuanced conversation in which the survivor can tell her story and challenge long-held cultural attitudes.⁹

These conversations also have helped to survive and explain the personal and social barriers that have kept them quiet, dispelling the common misperception that delayed reporting diminishes credibility. Such conversations help to dismantle victim-blaming narratives, reinforce the fact that responsibility for rape always lies in the perpetrator's camp, and never at the victims. The shared experiences have also educated the general public regarding the complexities of consent and the psyche of after-trauma; this has further fuelled a broader change in culture in how rape is perceived.

1.5 Holding Institutions Accountable

Apart from making powerful people's awareness, social media plays a huge role in making powerful institutions accountable for their complicity or inaction in cases of sexual violence. From schools to corporations to law enforcement agencies, many have been called out via viral campaigns for failure to protect victims or for covering up incidents of abuse. Online actions are usually channelled to formal investigations, resignations, and even to litigations against the perpetrators.

⁹ Rachel Gillingham, *Public Shaming in the Digital Age: Legal Protections for Rape Victims*, 40 *Law & Soc. Inquiry* 299 (2015).

One of the most enlightening examples of institutional accountability developed by social media is sexual harassment within Hollywood. There was a fall of the powerful figures, such as Harvey Weinstein, and it also led to the reckoning with some sort of entertainment world. This kind of movement propelled other industries to go inside and probe their own cultures of abuse and take even stronger measures to protect students and employees against sexual violence. Without the platform offered by social media, many of these injustices would have gone unnoticed before public opinion.¹⁰

1.6 Cross Border Advocacy and International Solidarity

This is one of the strengths that social media possesses in a distinct way from other media, whereby it crosses borders and allows global advocacy. Sexual violence and rape cut across cultures; social media enables the survivors who speak different languages, belong to different cultures, and come from different countries to share strategies of how to gain mutual support for each other. In some countries, sexual violence cannot be discussed; in such areas, it offers a safe space for people who have been raped or sexually violated to speak out and find solidarity.

For example, #JusticeForNirbhaya is another very active example. Here the crime was done in India but social media allowed an international voice across the globe where activists and other sympathizers addressed the cause and pressured the Indian Government into taking timely action. Again, cross-border solidarity has proven invaluable, as it pushes governments and institutions to deal with the issues as broadly belonging to a global movement of resistance against sexual violence, not just a national concern.¹¹

1.7 Institutional and Social Pressure

Social media movements are unique from any other forms of social mobilization in that they can positively utilize collective action in order to challenge institutions. Thousands or even millions of people rallying on behalf of a cause do not go ignored by institutions, and what relates to changes overhauling universities' sexual misconduct policy or corporations going zero-tolerance on harassment issues, the public pressure from media campaigns makes

¹⁰ Tanya King, *When #MeToo Becomes #NotYou: Analyzing the Negative Social Impacts of Social Media on Sexual Assault Survivors*, 115 *Feminist Rev.* 149 (2017).

¹¹ Robin Kowalski, Susan Limber & Patricia Agatston, *Cyberbullying: Bullying in the Digital Age* (Wiley-Blackwell 2012).

institutions accountable.

Social media advocacy goes beyond simply doing case-specific work-it prompts structural shifts too. For example, social media-driven movements have advanced efforts to influence legislation on better workplace harassment definitions, clearer consents, and reporting mechanisms for sexual violence. Such online movements have shown that they can be engines for complex, long-term institutional change that continues far beyond the immediate response to viral moments.¹²

2.Limitation and Challenges of Collective Action Through Social Media End

With all these achievements notwithstanding, there are setbacks on how to continue meaningful group action through social media. Movements which gain ground very fast begin to lose it at the same speed in case public attention focuses elsewhere. For this reason, further efforts must focus on developing methods to combine continuous mobilization of support with a sustained concentration of public and media attention on each given cause. In addition, the anonymity and easy access to social media mean that it can be used not only to popularize movements but also to intimidate, insult, or wrongfully silence survivors and activists.¹³

Additional issues are that although social media may raise awareness, it is seldom for that online activism to really translate into long-term sustained change. Successful lasting reform often requires efforts outside the online platform—lobbying, policy work, and community engagement—to complement the efforts in the campaigns on social media. The impact of these movements is also watered down by "hashtag activism" or performative gestures where people talk a good game of "I'm with that" or "I support that," but never get done anything.

Social media can mobilize group action and has caused a seismic shift in addressing rape and sexual violence in society. Through galvanizing public opinion, open dialogue, and holding institutions accountable, social media has been key in advocating cultural and legal change. However, through challenges, power resides in its ability to bring survivors closer, amplify their voices, and cause lasting change. These days, social media has become a common place

¹² Rebecca Williams, *Sexual Violence and the Internet: Legal Challenges and Solutions*, 15 Int'l J. Cyber L. 207 (2018).

¹³ Kathleen Richardson, *Digital Justice: Social Media and the Legal Framework for Rape Survivors*, 26 Women & Crim. Just. 312 (2016).

where the struggle for justice and equality through collective power continues to pick up steam.¹⁴

3.The social media of Re-victimization.

While it offers a space of empowerment, advocacy, and collective action to rape victims, it also becomes a dangerous space where re-victimization occurs. Social media, at the same time, is the same space which lets survivors tell their stories and find solace in the midst of others, but also exposes them to different forms of trauma. It targets numerous victims in the fight against rape, where online harassment and other even worse things like doxing and cyberbullying inflict significant psychological, social, and even physical harm on them.

3.1 Online Harassment and Trolling

Online harassment is perhaps the most insidious form of re-victimization that takes place through social media, mostly in the form of trolling, verbal attacks, and other cyber forms of bullying. Survivors of rape may use social media to share their stories and seek support; however, very often this is met with harsh scepticism, personal attacks, and victim-blaming. Trolls utilize this anonymity that social media sites, including platforms like Twitter, Instagram, and Facebook, can provide to humiliate their victims, labelling them as liars, attention-grabbing, or justifying their plight as the reason for their victimization.

For instance, on the #MeToo movement, several highly placed survivors were exposed to merciless trolling. Ashley Judd is one of the first women to step out in public to accuse Harvey Weinstein of sexual harassment wherein she faced online sexism with threats and abuse and she revealed later that she had ended up feeling deeply re-traumatized when facing such issues. This leaves a culture of silence where other survivors are discouraged to come forward with their own stories. Psychological trauma among the survivors goes worse when different forms of victims-blaming and scrutiny come along them through online avenues. The trolling forces them to reproduce the traumatic experience under a lens of doubt and hostility. Many victims then retreat into silence, too fearful of the potential online backlash to speak out again.¹⁵

¹⁴ Anastasia Powell & Nicole Henry, *The Digital Abuse of Sexual Violence Survivors*, 1 J. Gender, Tech. & Violence 5 (2016).

¹⁵ Lauren Marshall, *Social Media and Sexual Assault: The Legal Fallout*, 104 Cornell L. Rev. 233 (2019).

3.2 Doxing and Loss of Privacy

Another very worrying issue of re-victimization on social media is doxing, referring to the public disclosure without one's consent of information about a person, especially one's home address. Among rape victims, the probability of such an occurrence is more catastrophic; not only will it expose them to harassment over the internet but also to their real lives. The moment private information regarding a victim, such as his home address, phone numbers, or even his work details is leaked online, those victims will be exposed to stalking, threats, blackmail or even violence.

One good example is Italian model and actress Ambra Battilana Gutierrez, who accused Harvey Weinstein of sexual assault. After lodging a complaint and speaking publicly about the case, the accused went viral, showcasing very intimate aspects of her life on the web. She was harassed both on and off the internet with some even going to her place to terrorise her. Exposure of private life enhanced the trauma, and she became a victim for further humiliation. Private information spreads extremely fast on the internet, so containment of it is nearly impossible. Once there, it could be forwarded, re-posted, and used maliciously by other people who want to re-victimize survivors. This has a chilling effect because victims come to realize that when posting on social media, they would lose control over their stories, literally making them objects of unwanted attention. Unlike other forms of media, where the stories are rather culled and, at times, edited for effect to appeal better, social media allows information to disseminate in all its unfiltered and sometimes harmful aspects to exist forever.¹⁶

3.3 The Tangible Consequences of Doxing

Doxing leads to consequences that are more than online harassment. The victims of doxing may get tangible threats in their everyday lives, which may include stalking, violence, and reputational damage. For example, doxing has led to harassment from survivors at the workplaces, at home, or in public spaces. Others have been compelled to shift residences or change places of work and Internet presence in order to avoid the risk of harm.

Another disturbing case was that of one coming from India, wherein a young woman who narrated her story publicly after sexual assault had her personal information leaked in a popular social networking site. It did not take long before she started to face online harassment that

¹⁶ Alyssa Burrows, *Privacy and Public Shaming: The Legal Consequences for Rape Survivors*, 9 J. Soc. Media Ethics 99 (2018).

developed into threats of rape and violence. The harassers even ventured out to send messages claiming that they knew where she lived and would come for her. This often plays psychological havoc on the victims who end up feeling unsafe in their homes and neighbourhoods.

Severe ones have even led to physical harm. Last year, an American woman who claimed a powerful politician in the United States sexually assaulted her was attacked online by trolls; shortly after, she began receiving death threats. It is not only that she was harassed online, but menacing letters were also sent to her house that escalated the trauma caused to her.

3.4 Public Opinion, Internet Activism, and Policy Change

Despite these risks, social media has worked well in mobilizing public opinion and awareness on sexual violence. The widespread online activism platforms like Twitter and Facebook have led to many policy changes across countries where governments are forced to make strict rape laws tighter.¹⁷

For example, the #MyLifeIsNotYourPorn movement that started online in South Korea was able to focus the attention of the nation on the well-known issue with spy-camera footage, taken and used illegally to harass women. Women who had been surreptitiously filmed in public bathrooms or changing rooms and even in their own homes spoke out through social media and called for stronger laws and more rigorous enforcement. In response to public outcry, the South Korean government increased penalties on perpetrators of spy camera crimes and stepped-up efforts in investigating and prosecuting the cases.

For instance, in India, the Nirbhaya case in 2012 sparked a large-scale online campaign for justice towards the victim and demanding harsher laws against sexual assault. Social media was flooded with posts, comments, and shares calling for change. Pressure resulted in the Criminal Law (Amendment) Act, 2013, which introduced harsher penalties for rape and the legal definitions surrounding the crime of sexual violence.

3.5 Balancing Advocacy with Protection of Survivors

Social media has proven priceless in advocacy for rape victims and policy change. The

¹⁷ Heather Hlavka, *Normalizing Sexual Violence: Young Women Account for Harassment and Abuse*, 28 *Gender & Soc'y* 337 (2014).

platforms must, however show much better about protections for those who risk being re-victimized. Survivors should feel free to share their stories without fear of humiliation, trolling, or opening up to personal information exposure. The social media companies must strengthen steps taken towards countering online harassment through stricter anti-abuse policies, deletion of hostile content on time and by providing tools for the aid of survivors for safeguarding their privacy.

There is even legislation to be put in place against the problem of doxing and cyberbullying. In many countries, laws about online harassment and exposure of people's private information remain underdeveloped, leaving scant legal recourse to the victims. Strengthening those laws and holding the perpetrators accountable would give the rights needed by survivors to freely use social media sites without the fear of re-traumatization.

4. Legal Consequences of Social Media Re-victimization

This has changed the manner in which rape cases are discussed, reported, and perceived. It has helped quite much to advocate for rights as well as urge legislators to enact reforms in law. In doing this, it exposes survivors to strict litigations of legal and privacy terms. The major concerns are privacy law infringement, cyber defamation, and harassment. These factors make it pretty hard because of the speed at which the digital world is growing. The present law cannot keep pace with this fast rate.

4.1. Victim Privacy and Identity: The Law

Perhaps the most important legal issue in rape and social media cases is that of identities of the victim. Section 228A of the Indian Penal Code strictly prohibits any disclosure of information which may reflect the identity of the victim of rape. This includes printing or circulating any details that would establish who the survivor is. In fact, the very rationale for this law is to protect victims from social stigma and harassment as well as against re-traumatization.¹⁸

Moreover, with the advent of social media, it is becoming increasingly difficult to apply Section 228A. What is private once it goes onto Twitter or Facebook or Instagram? Leaks of personal data are virtually impossible to contain. Even though news agencies or official channels may

¹⁸ Pavel, *#MeToo: A Political Issue in India's Digital Presence*, RESEARCH OUTREACH (Aug. 25, 2023), <https://researchoutreach.org/articles/metoo-political-issue-indias-digital-presence/> (last visited Oct 12, 2024).

comply strictly with the law, users may easily distribute and publish private information, which otherwise legally had been submitted, either due to ignorance of the legal consequences one might face or due to malice. Once information becomes viral, it cannot be retrieved for the victim's privacy.

4.2 Hurdles in Implementation: Section 228A

A major hurdle in the implementation of laws similar to Section 228A is that most social media networks are globalized. Though law prevails throughout India, the social networking does not have any borders. The contents published from one country can be accessed anywhere in the world. Even if legal action is taken against one individual within India for exposing the identity of a victim, there is almost no possibility of enforcing these legal restrictions abroad. This flaw ensures that the sufferings of victims in terms of privacy breach continue unabated, notwithstanding the legal protection provided by the IPC.

Social media anonymity also throws another challenge at the door. Here, many users cloak themselves in one fake profile, or pseudonym identities to cover up their nefarious activities from accountability. If the reporting authorities remove a post that carries the identity of a victim, then there would be no possibility of tracking and bringing into accountability the individual who shared the information. There would be little hope for victims in the digital world.

4.3 Case Example: Breach of Section 228A

One of the most publicized breaches under Section 228A was made at the time of reporting the Nirbhaya rape case in 2012. The identity of the rape victim had been clearly prohibited from being disclosed under law, yet several media sources unknowingly revealed riveting information regarding her identity that were further reproduced over social networks. This made the case global, and once the information was leaked out, it was impossible to put the genie back into the bottle, and widespread privacy violations became rampant. It also threw up difficult questions on how privacy law is enforced in the digital world, raising interesting questions on the kind of evolution legal frameworks must make to the realities of social media.

4.5 Closing Legal Loopholes in Privacy Protection

Furthermore, social media must also have tighter laws and rules to cover sensitive information related to victims of rape. The different governments, including the legal authority should work

together with the tech companies to outline mechanisms that would restrict the further spreading of sensitive information. In this regard, it may be found in outlining algorithms automatically flagging postings indicating rape victims or increasing penalties against users and their platforms who are above the law of privacy. In addition, cross-border cooperation would help close the enforcement gap to ensure that social media firms become accountable for content posted from any jurisdiction.¹⁹

4.6 Cyber Defamation and Online Harassment

Privacy violations aside, rape survivors are targeted with cyber defamation and online harassment. Social media has birthed new ways of defamation, particularly in sexual violence cases. Survivors who speak out are particularly blamed of lying, seeking attention or even imagining their accounts for their pecuniary benefits. This manner of cyber defamation not only harms the victim's name but also keeps on transmitting stereotypical ideas that silence other victims from speaking.

5. Legal Framework of Cyber Defamation

The act of degrading a person's reputation over the internet is an offense under both civil and criminal law in many countries, including India. According to Section 499 of the IPC, it would mean any spoken or written words, which tend to injure somebody's reputation. Hence, if it is done over the internet, then technically speaking it falls under cyber law and is hence governed by the Information Technology Act of 2000. In this regard, the section 66A of the IT Act had afforded punishment for sending offensive messages over the internet but when the Supreme Court struck it down in 2015, there existed a vital legal lacuna.

Still, victims of cyber defamation can bring complaints under Section 500 of the IPC that deals with punishment in cases of defamation. They can also seek civil remedies by filing damage claims for loss of reputation through an action.

These legal remedies are often complicated, time-consuming, and financially burdensome, which makes it hard for survivors of rape to pursue their struggle for justice.

¹⁹ Pavel, *#MeToo: A Political Issue in India's Digital Presence*, RESEARCH OUTREACH (Aug. 25, 2023), <https://researchoutreach.org/articles/metoo-political-issue-indias-digital-presence/> (last visited Oct 12, 2024).

Examples of Cyber Defamation Against Rape Survivors

Another prominent case is that of the cyber defamation of American actress Leslie Jones who faced racist and sexist harassment on Twitter after she expressed support for victims of sexual harassment in the #MeToo movement. Trolls abused her with malicious remarks, questioning her integrity, and accusing her of exploiting the movement as an attention-seeking move. The relentless online harassment forced Jones to temporarily leave social media, and the record of pain and damage that cyber defamation can cause survivors provides ample evidence of the emotional and psychological toll that this might bring about.²⁰

For example, Indian journalist Priya Ramani was sued for defamation by politician M.J. Akbar after she publicly accused the latter of having sexually harassed her. Although Ramani won her case, it draws attention to the way that survivors may be subject to retaliatory legal action, much in the design of a common way to further torment them.

5.1 Cyber Libel and Harassment

Survivors of sexual assault can file suits under various sections of the Indian Penal Code and the Information Technology Act to combat cyber defamation and online harassment. Most the social media platforms have, moreover, developed mechanisms for reporting offensive material to allow users flagging defamatory posts so that they could be removed from the platform. However such measures often remain inadequate since removal may take long time, and even after complaints, the post continues doing the rounds.

Calls for further legal reforms to give stronger protection to victims of cyber defamation are moving at high intensity. Faster resolution mechanisms would be in the form of cases of cybercrime; greater accountability of social media companies, or developing special courts or a process for dealing with online harassment. Widening existing laws to include modern forms of defamation, such as a meme or video, would also bridge the gap between ever-evolving cyber defamation.

Can social media companies that are in charge of these popular social media platforms be held legally liable for either failing to protect the privacy and dignity of rape survivors? Social media companies tell visitors to the website that "we're serious about enforcing their privacy

²⁰ Pavel, #MeToo: A Political Issue in India's Digital Presence, Research Outreach (Aug. 25, 2023), <https://researchoutreach.org/articles/metoo-political-issue-indias-digital-presence/> (last visited Oct 12, 2024).

protections" and "take all complaints about harassment seriously." How seriously they take those complaints can seem rather haphazard. Really, the crux of the question then is: Can companies that have made or created these platforms be held legally liable when they lack controls and mechanisms to prevent and especially curtail the distribution of defamatory, damaging, and harassing content? It might take a few more regulations and policies to do so. How can the survivor effectively proceed with legal action without further traumatization? As victims of sexual violence, the process can already be harmful enough. Thus, the process of dealing with the legal system is complicated, making it more detrimental than helpful for survivors. Most instances of defamation, privacy violations, and online harassment make the process very painful for the victim and tend to re-traumatize them as they are made to relive their experiences. What reforms or support systems can be established to make the process less painful for survivors?

Does the current legal framework address the complex nuances of social media defamation? The IPC and IT Act offer definitional categories of defamation and online harassment, but are they sufficient? The mentioned Act and Code offer provisions to address defamation and online harassment. However, they may not specifically address all the various nuances and dimensions brought by social media. Fast-paced and viral qualities of online defamation and harassment: Can the law keep abreast and compete with it?

Conclusion

Social media has been a double-edged sword in the life of a rape survivor in the digital age. On the one hand, it gives a silent cause a voice by providing e-platforms in which victims could seek justice and find support networks; on the other hand, it is where cyberbullying, public shaming, and violation of privacy breed. At the legal level, social media poses new issues in identity protection for rape victims while acting as a highly potent tool for gathering evidence and conducting awareness campaigns.

The system of law needs to evolve, stepping in and enunciating a precise dynamic balance between free speech and the dignity of the survivor. Stronger privacy laws and better measures against harassment online ensure that justice is not victimized by the larger virtual mob. Social reform is equally as important -- change societal attitudes to meet best practices that do not condone blame placed on the victims but thrive on these networks.

Finally, social media can either perpetuate or break the trauma around rape. That is left to how we choose to employ it as the society: to continue stigmatizing or to rise together and support and uphold the dignity of survivors in pursuit of justice.

