

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

PROTECTING WOMEN FROM TECHNOLOGY-FACILITATED SEXUAL VIOLENCE IN BANGLADESH: LEGAL CHALLENGES AND POLICY RECOMMENDATIONS

AUTHORED BY - PRASOON RANJAN & MUSKAN TIWARI
IIMT College of Law, Greater Noida Affiliated With Ccs Meerut

The legal rights of Bangladeshi women are examined in this study in light of technology-facilitated sexual violence (TFSV), a developing issue in the digital era. Cyber-harassment, sextortion, sharing intimate photos without consent, and other imagebased sexual abuse are all considered examples of TFSV. Because of ingrained social stigma, victim-blaming mindsets, and a general lack of faith in the legal and judicial systems, the majority of occurrences go unreported despite the quick development and accessibility of information and communication technology (ICT). Victims frequently worry about unproductive legal outcomes, more harassment, or social repercussions. The current legislative framework in Bangladesh that addresses TFSV is critically examined in this paper, with an emphasis on systemic flaws, gaps in implementation, and obstacles to justice. It uses a qualitative research methodology to evaluate the efficacy of existing legislation by examining relevant case studies, policy papers, and laws. The results will highlight significant legal anomalies and suggest practical changes meant to improve legal recourse, victim protection, and preventative measures. The study's ultimate goal is to aid in the creation of a stronger, gendersensitive legal framework that will help Bangladesh fight TFSV.

Keywords: *technology-facilitated sexual violence, legal reforms, youth protection, cybersecurity, gender-based violence.*

INTRODUCTION

Technology-facilitated sexual violence (TFSV) refers to a wide range of activities in which digital technologies are used to perpetrate sexually motivated damage through online or other means of technology. It is also known as technology-facilitated gender-based violence or technology-facilitated violence against women.¹ Bangladesh has seen tremendous expansion

in information and communication technology (ICT) over the last decade, which has contributed to an increase in technology-facilitated sexual violence (TFSV), particularly among young women.

Unfortunately, the majority of these crimes go unreported due to concerns about social shame and distrust in the legal system. By 2022, research done by ActionAid Bangladesh indicated that 63.51% of female respondents had experienced online violence, a 13% increase from the previous year. As a result, more than 73% of victims of online crime do not seek legal help.² Perpetrators employ online anonymity to harass others, including hate speech, cyberstalking, sextortion, and image-based sexual abuse. The lack of strong legal frameworks and victim support services exacerbates the situation, with many women hesitating to report events for fear of receiving insufficient justice.

The prevalence of TFSV suggests long-held gender inequalities and the need for better preventive measures. Despite rising awareness, there remains a huge gap in successfully addressing and mitigating these abuses.³ This study explores how Bangladesh's legislative system can be strengthened to better protect young women from technology-facilitated sexual violence and improve prevention measures.

RESEARCH METHODOLOGY

This study investigates the legal protections and challenges related to technology-facilitated sexual violence against women in Bangladesh using a qualitative approach. The research will

1 Nicola Henry and Anastasia Powell, 'Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research' (2016) 19(2) *Trauma, Violence, & Abuse* <<https://doi.org/10.1177/1524838016650189>> accessed 12 December 2024

2 'Case Study: Technology-facilitated Gender Based Violence in Bangladesh' (*International Center for Research on Women*, 2022) <<https://www.icrw.org/wp-content/uploads/2021/09/USAID-TFGBV-Report-Bang>> accessed 12 December 2024

3 Touhida Tasnima et al., 'Women, Technology and Gender-Based Violence in Bangladesh' (2023) 39(4) *Jurnal Komunikasi: Malaysian Journal of Communication* <<https://doi.org/10.17576/JKMJC-2023-3904-09>> accessed 12 December 2024

include a comprehensive review of primary and secondary sources, such as Bangladeshi laws and international agreements. This critical assessment will highlight discrepancies between national legislation and international legal standards, aiming to clearly understand the legal protections available and the obstacles victims face in accessing effective legal recourse.

REVIEW OF EXISTING LITERATURE

A comprehensive analysis of pertinent literature has been done in order to create a critical and thorough summary of the research. Numerous national and international resources, including books, journals, official papers, and reports, have been carefully examined to create an established understanding of the research issue in order to assure the study's applicability, relevance, and dependability.

Kristine Baekgaard (2024) examines the rising danger of TFSV. Here she shows, in addition to facilitating women's access to social movements, work opportunities, and education, that technology has also been used to increase technology-facilitated violence. To protect women, Baekgaard advocates incorporating TFSV into frameworks for gender-based violence, encouraging global collaboration for definitions, prevention, and funding, and tackling digital gender-based violence.

Suzie Dunn (2020):⁴ In her paper, among the TFSV activities that she highlights are voyeurism, image-based abuse, harassment, doxing, stalking, threats, defamation, sextortion, privacy violations, and broadcasting sexual assault. These behaviours disproportionately affect women. She highlights the economic, emotional, and psychological harms, particularly in lower- and middle-income countries.

Bansal and Others (2022):¹ Undertook a landscape analysis of TFSV in Asia. The study examines Bangladesh, India, and Indonesia, emphasising improved support systems, survivor-centred policies, and legislative changes. It calls for improved data collection, law enforcement training, public education, and more robust protections for the IT sector.

4 Suzie Dunn, 'Technology-Facilitated Gender-Based Violence: An Overview' (*Center for International Governance Innovation*, 07 December 2020) <<https://www.cigionline.org/publications/technologyfacilitated-gender-based-violence-overview>> accessed 01 December 2024

Manuel Gámez-Guadix, Miguel A. Sorrel and Jone Martínez-Bacaicoa (2022)⁶ show that while boys are more likely to commit TFSV, girls are more likely to be victims. Victimization of internet sexual harassment is significantly influenced by gender. Because TFSV is gendered, prevention initiatives should be designed to effectively address its different manifestations.

NORC at the University of Chicago and the International Centre for Research on Women (2022).⁷ According to the case study, the rapid growth of ICT in Bangladesh has led to an increase in sexual violence, which severely affects women. Important types include

¹ *Ibid*

imagebased abuse, cyberstalking, and cyber-harassment. It also shows that TFSV frequently escalates into offline assault. There are still gaps in implementation, survivor care, and legal protections, as there is no definite legal framework. Among the suggestions are enhancing the clarity of the law, expanding resources focused on survivors, encouraging cooperation between the public and commercial sectors, and promoting awareness through digital security education initiatives.

Touhida Tasnima Md Azalan Shah, Md Syed, Ruhana Padzil and Siti Hajar Abu Bakar (2023):⁸ The study looks at how social media and technology have led to a rise in abuse of women in Bangladesh, which has seriously harmed their psychological well-being. Inadequate legal frameworks continue to result in low rates of conviction and reporting. Justice is further hindered by societal stigma and victim-blaming, which expose how inadequate current legislation is at safeguarding victims and maintaining accountability.

Amena Mohsin and Nahian Reza Sabriet (2022)⁹ examined using original data from the Centre for Genocide Studies, the Bangladesh Peace Observatory maps gender-based violence and sexual assault, highlighting how social media sites like Facebook, Viber, and YouTube encourage hypermasculinity and enable online harassment of women. The report

6 Manuel Gámez-Guadix et al., 'Technology-Facilitated Sexual Violence Perpetration and Victimization Among Adolescents: A Network Analysis' (2023) 20 *Sexuality Research and Social Policy* <<https://doi.org/10.1007/s13178-022-00775-y>> accessed 12 December 2024

7 Case Study: Technology-facilitated Gender Based Violence in Bangladesh (n 2) ⁸ Tasnima (n 3)

9 Kailee Hilt, 'Technology-Facilitated Gender-Based Violence: Annotated Case Studies' (*Centre for International Governance Innovation*) <https://www.cigionline.org/static/documents/OGBV_AnnotatedBibliography_FINAL.pdf> accessed 12 December 2024

emphasises the value of education and inclusive tactics in the fight against extremism and gender-based violence and advocates for a more knowledgeable, demasculinized society.

Md. Abu Shahan (2021)¹⁰- The essay explores how women's exposure to sexual violence and abuse has increased in Bangladesh due to the country's widespread use of smartphones and social media. In addition to causing psychological and social suffering, this trend limits women's online mobility and freedom of speech. Women's safety and privacy are still seriously threatened, even if the government is focusing on technical growth for women's empowerment and development.

This review of the literature provides useful insights into technology-facilitated sexual violence

(TFSV) in Bangladesh; however, certain critical areas remain unexplored. A more thorough review of the legislative system in Bangladesh is required to understand how laws protect women against TFSV. While the existence of legal provisions is acknowledged, the assessment fails to adequately address implementation and enforcement problems, which are critical for assessing the success of these laws. Additionally, there is little consideration of survivor-centred initiatives, such as policies and support networks that could improve victim protection and healing.

The role of technology businesses in preventing TFSV through improved privacy settings, reporting systems, and coordination with law enforcement is briefly discussed, but further investigation is required to suggest actual answers. Cultural variables, such as stigma and victim-blaming, are mentioned but not thoroughly investigated, even though they play an important role in determining the effectiveness of legal protections in Bangladesh. Furthermore, the literature lacks clear recommendations for developing dependable systems that can inform policymaking and resource allocation.

Addressing these gaps will improve the research by providing a thorough grasp of the legal and societal issues in Bangladesh, and emphasising the need for holistic and survivor-centred approaches to combating TFSV effectively. The literature research identifies how Bangladesh's approach to technology-facilitated sexual violence (TFSV) lacks a comparative analysis of legislative frameworks, implementation issues, and survivor-centred efforts. For

10 Md. Abu Shahan, 'Gender-Based Violence in Bangladesh: A Critical Analysis' (2021) 1(2) International Journal of Qualitative Research <<https://doi.org/10.47540/ijqr.v1i2.306>> accessed 12 December 2024 better legal safeguards and victim assistance, more research is required on cultural aspects, technology-related business roles, and data collection methods.

CONCEPTUAL AND THEORETICAL FRAMEWORK OF THE STUDY

TFSV refers to a wide spectrum of sexually motivated behaviours in which digital technologies are utilised to cause harm through online and other technological means. This chapter is divided into two parts; the first part, i.e. the conceptual framework, explores the basic concepts about TFSV. The second part will illustrate the relevant theories, which will develop the shape of the study.

BASIC CONCEPTS

Terms including technology-facilitated sexual violence, image-based sexual abuse, sextortion, cyber-harassment, voyeurism/creepshots, and documenting or broadcasting sexual assault were used to reframe the study and highlight its findings.

Technology-Facilitated Sexual Violence: Technology-facilitated sexual violence includes any act that is committed, assisted, aggravated, or amplified through digital tools, resulting in or likely leading to physical, sexual, psychological, social, political, or economic harm, or infringing on rights and freedoms¹¹. This includes image-based sexual abuse, sextortion, cyber-harassment, voyeurism/creepshots, and documenting or broadcasting sexual assault². Online-based sexual violence is a subtype of TFSV that focuses on sexual violence that only occurs in digital settings, such as cyberstalking, sexual exploitation, or coercive sexting.

Cybercrime, on the other hand, is a larger phrase that refers to all unlawful behaviours carried out using digital methods, including but not limited to sexual violence, hacking, fraud, and identity theft. While TFSV and online-based sexual violence are focused on sexual harm, cybercrime encompasses a broader variety of criminal activity in the digital arena¹³. It is also known as technology-facilitated gender-based violence or technology-facilitated 11 United Nations Entity for Gender Equality and the Empowerment of Women, *Expert Group Meeting Report: Technology-Facilitated Violence Against Women* (2023) violence against women¹⁴. Sexual violence is more serious than sexual harassment because it involves direct injury and a clear violation of permission, frequently resulting in long-term physical and emotional suffering¹⁵.

Image-Based Sexual Abuse: The concept of image-based sexual abuse means private sexual images that have been created or distributed without the consent of the person featured in them, as well as the threats to create and distribute these images.¹⁶ Deepfakes have become a new type of image-based sexual abuse, which can create misleading images and videos by superimposing a person's face onto other visuals without the subject's consent¹⁷.

Sextortion: It involves threatening to make public someone's private photos or videos unless they agree with demands (such as money or other favours) to blackmail them. The use of the threat of disclosure for coercion and manipulation is the main focus³.

Cyber Harassment: Cyber harassment is when someone is continuously threatened, intimidated, or degraded online. Fake profiles, untrue rumours, and abusive texts are a few

² Henry (n 1)

¹³Anastasia Powell and Nicola Henry, *Sexual Violence in a Digital Age* (Palgrave Macmillan 2017)

³ Dunn (n 4)

examples. It doesn't always include sexual content, in contrast to sextortion or image-based sexual abuse. However, when it includes sexualized content, gender-based abuse, or sexual coercion, such as sending a woman unwanted photographs or explicit messages, it turns into TFSV⁴.

Voyeurism: Voyeurism involves secretly photographing or recording someone for sexual purposes without their consent. Victims are often unaware and may be filmed in private or public spaces, using hidden cameras or long lenses²⁰.

¹⁴ United Nations Entity for Gender Equality and the Empowerment of Women, *Expert Group Meeting Report: Technology-Facilitated Violence Against Women* (2023)

¹⁵ World Health Organisation, *Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence* (2013)

¹⁶ Clare McGlynn and Erika Rackley, 'Image-Based Sexual Abuse' (2017) 37(3) *Oxford Journal of Legal Studies*

<<https://www.jstor.org/stable/10.2307/48561003>> accessed 22 January 2025

¹⁷ Asher Flynn, 'Image-based abuse: The disturbing phenomenon of the 'deepfake' (*Monash University*, 12 March 2019) <<https://lens.monash.edu/@politics-society/2019/03/12/1373665/image-based-abuse-deepfake>> accessed 22 January 2025

Documenting or Broadcasting Sexual Assault: When sexual assault is recorded, the images can be shared, causing more harm to the victim. These videos might be sold online or shared on social media, leading to bullying and teasing from others²¹.

THEORIES RELATED TO THE STUDY

Feminist Theory: To attain social justice and gender equality, feminist theory looks at how gender affects experiences, power dynamics, and social institutions. It opposes oppressive structures that harm marginalised genders and women²².

Technology-facilitated sexual violence (TFSV), according to feminist theory, is a continuation of the larger problems of patriarchal power dynamics and gender inequality. By opening up new channels for abuse, digital platforms have the potential to both sustain and even intensify gender-based violence that already exists. These disparities in power frequently make women and other marginalised groups more vulnerable. Cyberstalking, Image-based sexual abuse, and online harassment are a few instances of TFSV that mirror and perpetuate gender inequality in

⁴ *Ibid*

²⁰ Danielle Keats Citron, *Hate Crimes in Cyberspace* (Harvard University Press 2016)

society. Additionally, it presents the idea of intersectionality, which studies how various facets of an individual's social and political identities interact to produce distinct forms of privilege for men and discrimination for women. It clarifies how young women from underrepresented groups might be more affected and have a different experience with technology-facilitated violence⁵.

Socio-Cultural Theory: Sociocultural theory places a strong emphasis on how social interactions, cultural practices, and societal standards affect people's attitudes and behaviours. Society-wide standards, cultural attitudes, and power imbalances all contribute to technology-facilitated sexual violence (TFSV). Gender stereotypes, victim blaming, and the rapid adoption of technology without sufficient legal or societal frameworks worsen the problem. Marginalised groups confront additional challenges as a result of their combined vulnerability. TFSV causes psychological anguish, societal humiliation, and limited access to justice for victims, particularly in communities where discussing sexual violence is taboo. It 21 Tanya Palmer, 'Rape pornography, cultural harm and criminalization' (2018) 69(1) Northern Ireland Legal Quarterly <<https://doi.org/10.53386/nllq.v69i1.77>> accessed 22 January 2025 ²² Henry (n 1)

also exacerbates power disparities and poses systemic issues in protecting persons, especially in countries without strong privacy and consent standards⁶.

Psychological Theory: The psychological and emotional fallout from sexual violence is extensively examined by psychosocial theory, which takes into account not only the impacts on victims but also on perpetrators. It explores the wide range of effects harassment can have on people's mental health, including emotions like depression, anxiety, shame, and fear. Additionally, this theory carefully examines the different elements that affect how people cope with and bounce back from these experiences. Social support availability, cultural perspectives on gender and harassment, individual resiliency, and the efficiency of institutional responses are a few examples of these variables. Psychosocial Theory provides important insights into improving support for women who have experienced sexual harassment and easing their path to recovery by examining these intricate factors²⁵.

In conclusion, tackling TFSV necessitates a holistic approach that takes into account both the legal and societal aspects of the problem. By combining theoretical insights and conceptual

⁵ *Ibid*

⁶ *Ibid*

²⁵ Shawn Meghan Burn, 'The Psychology of Sexual Harassment' (2018) 46(1) Teaching of Psychology <<https://doi.org/10.1177/0098628318816183>> accessed 11 July 2025 ²⁶ The Penal Code 1860, s 354

clarity, the above discussion lays the groundwork for establishing effective legislative frameworks and measures to safeguard women in Bangladesh from such abuse.

EXISTING LEGAL FRAMEWORK IN BANGLADESH

Only legislation about online and offline sexual harassment is currently in effect in Bangladesh. To protect women in the digital era, this chapter examines Bangladesh's legal developments on TFSV, emphasising the need for stricter legislation and enhanced enforcement.

The Penal Code 1860: According to Section 354 of the Penal Code, anyone who assaults or uses unlawful force against a woman with the intent to violate her modesty or knowing that doing so is likely to do so will face consequences. This punishment could consist of a fine, imprisonment for up to two years, or both. Acts of violence or illegal force against women with the intention of violating their modesty are particularly covered by the law²⁶. Section 509 concerns actions meant to offend women's modesty. It punishes anyone who intentionally violates a woman's modesty by performing gestures, making noises, displaying objects that the woman is supposed to see, or invading her privacy. It is punishable by a fine or simple imprisonment for a maximum of one year, or both. The section particularly addresses conduct that degrades a woman's dignity by means of invasive, verbal, or nonverbal behaviours⁷.

The Prevention of Women & Children Repression Act 2000: Section 10 of the The Prevention of Women & Children Repression Act 2000²⁸ includes the following prohibitions regarding sexual oppression –

1. Any person who, to unlawfully satisfy their sexual desire, touches the sexual or any other bodily part of a woman or a child with any part of their body or an object is considered to have committed an act of sexual oppression. Such an offence is penalised by imprisonment of either kind for a duration ranging from two to 10 years of rigorous imprisonment, with a fine.
2. Any person who, to unlawfully satisfy their sexual desire, sexually assaults a lady or makes any inappropriate or indecent gesture toward her is also judged to have committed sexual oppression. This offence entails a penalty of imprisonment of either description for a duration ranging from two to seven years, with a fine. Defines sexual oppression and imposes severe penalties for certain behaviours, such as unlawful

⁷ The Penal Code 1860, s 509

²⁸ The Prevention of Women & Children Repression Act 2000, s 10

²⁹ Bangladesh Labour Rules, 2015, s 361 KA

contact and lewd gestures for sex. However, this section does not include TFSV, but it does modernise harassment laws.

Bangladesh Labour Rules 2015: With an emphasis on TFSV, the Bangladesh Labour Rules, 2015, Rule 361 KA²⁹, lists the following actions as sexual harassment in the workplace:

- Harassment or insults sent via phone, email, social media, or SMS.
- Disseminating or showcasing pornographic or other sexually explicit content.
- Digitally using still or video photos to assassinate someone's character or use them as a form of blackmail.

Sexually suggestive harassment via written correspondence, including notifications, letters, and drawings.

These clauses draw attention to the growing prevalence of sexual harassment committed through technology and stress the necessity of strong procedures to deal with such violations⁸. The rule makes substantial progress by providing a comprehensive definition of sexual harassment, addressing evolving problems such as digital harassment, power imbalances, and non-physical manifestations, so as to adjust to modern workplace dynamics and ensure improved protection for individuals.

Pornography Control Act 2012: It prohibits the creation and dissemination of pornography involving men, women, or children to shield people from exploitation and unconsented participation. The perpetrator faces penalties under Section 8(i) of the Pornography Control Act, 2012. For the act of taking such pictures or recordings, the punishment consists of a maximum sentence of seven years in prison and/or a fine of no more than 200,000 Taka³¹.

Section 8(ii) of the said act states that anyone who uses pornography to harm another person's social or personal reputation, or who harasses someone by distributing or using their captured pornography without their consent, faces up to five years in prison and/or a fine of not more than 200,000 Taka³².

These enhance women's safety by tackling all forms of sexual exploitation, including the harms of non-consensual pornography. It enforces strict penalties for using such material to damage reputations or facilitate harassment, thereby strengthening the legal framework against these abuses³³.

Cyber Security Act 2023: Unauthorised access to computers, digital devices, computer

⁸ *Ibid*

³¹ Pornography Control Act 2012, s 8(i)

³² Pornography Control Act

2012, s 8(ii) ³³ *Ibid*

systems, and networks is illegal under Section 18 of the Cyber Security Act (CSA), as is aiding or permitting unauthorised entrance with the intent to commit a crime. Those who illegally access or assist in accessing such systems may be imprisoned for up to six months, fined up to Taka 2 lakh, or both. Those who assist in entry with criminal intent may be fined up to Taka 10 lakh, imprisoned for up to three years, or both. Additionally, a fine of up to Taka 10 lakh and/or three years in prison may be imposed if the offence involves systems that are protected by critical information infrastructure⁹.

The law penalises unauthorised access to computers and digital networks, particularly when done with the aim of conducting additional offenses, while also increasing security measures and limiting tolerance for illicit access to important digital institutions. It modernises and strengthens digital security regulations to protect key infrastructure, decreases cybercrime, and eliminates the double penalty for repeat violations.

Section 25 of the said Act concerns the transmission, publication, or dissemination of offensive, fraudulent, or threatening information across digital networks. It makes it illegal to intentionally or knowingly disseminate content intended to irritate, degrade, humiliate, or slander another person, regardless of whether the information is true. It also penalises the publication or dissemination of information that distorts the facts, whether it harms the state's reputation or spreads misinformation, including defamatory or misleading content. Offenders might face a two-year prison sentence, a fine of up to 300,000 Bangladeshi Taka, or both¹⁰. This modernises the legal approach to reflect contemporary digital realities by highlighting the state's intolerance for false information and objectionable digital content.

Section 29 of the said Act governs the publication or communication of derogatory information. It states that if an individual disseminates defamatory content, as defined in Section 499 of the Penal Code (Act XLV of 1860), via a website or any other electronic medium, such actions constitute an infraction¹¹.

HIGH COURT DIVISIONS GUIDELINES

In 2009, the Bangladesh National Women Lawyers' Association (BNWLA) v Bangladesh case addressed sexual harassment at workplaces and educational institutions. The Court emphasised Bangladesh's obligation under the CEDAW to create specific laws against sexual harassment.

⁹ Cyber Security Act 2023, s18

¹⁰ Cyber Security Act 2023, s 25

¹¹ Cyber Security Act 2023, s 29

37 *Bangladesh National Women Lawyers' Association BNWLA v Government of Bangladesh* [2009] WP No 5916/2008

It also issued guidelines for the government and relevant institutions to follow until such a law is enacted³⁷.

Subsequently, in another writ petition by the same petitioner (2011), the Court recognised the need to address sexual harassment outside workplaces and educational institutions. It supported the 2009 judgment and issued supplementary guidelines, stating that the term eve-teasing should not replace sexual harassment. It also defined stalking, which includes following a woman, making unwanted contact through cyberspace and other media, as well as other acts which may reasonably be expected to cause a female to fear or apprehend for her safety.³⁸ In Bangladesh, the absence of comprehensive regulations addressing technology-facilitated sexual violence exposes women to abuse. This chapter emphasised the importance of legal reforms aimed specifically at online gender-based violence, ensuring victims' protection and access to justice. Strengthening legal frameworks is critical for ensuring women's rights in both physical and digital areas.

KEY CHALLENGES TO COMBAT TECHNOLOGY-FACILITATED SEXUAL VIOLENCE IN BANGLADESH

TFSV disproportionately targets women in Bangladesh, thriving due to inadequate legal protections and harmful societal norms³⁹. This chapter examines the challenges and limitations of Bangladesh's sociological and legal system in addressing TFSV, focusing on its role in deterring such crimes and ensuring victim safety and justice.

LOOPHOLES AND LIMITATIONS IN THE EXISTING FRAMEWORK

Even though, as of the writing of this paper in 2025, TFSV is not a recognised offence in Bangladesh.⁴⁰ It is indirectly covered in part under a multitude of laws, international instruments and conventions. As such, theoretically, victims of sexualized cyber harassment in Bangladesh can seek legal recourse through several laws as mentioned in the previous chapter. If we look at Penal Code 1860, the provision uses the term modesty, a subjective and narrowly defined concept, primarily addressing physical assault.⁴¹ As per the Prevention of Oppression against Women and Children Act of 2000, the definition of sexual oppression fails to include TFSV, as it focuses solely on physical touch and gestures, excluding digital abuses like

³⁸ *Bangladesh National Women Lawyers' Association BNWLA v Government of Bangladesh* [2011] BLD (HCD)

³⁹ Farhana Akter, 'Cyber Violence Against Women: The Case of Bangladesh' (*Gender IT*, 17 June 2018)

<<https://genderit.org/articles/cyber-violence-against-women-case-bangladesh>> accessed 24 July 20225

⁴⁰ Case Study: Technology-facilitated Gender Based Violence in Bangladesh (n 2) ⁴¹ The Penal Code 1860

sextortion, cyber-harassment, and non-consensual image sharing.⁴² Rule 361 KA of the Bangladesh Labour Rules, 2015, addresses technology-facilitated workplace sexual harassment, including online harassment, explicit content dissemination, and digital blackmail. However, it excludes harassment in private, public, or informal settings, as well as non-professional internet activities and personal social media.⁴³

The Pornography Control Act 2012 addresses non-consensual sexual image creation. Its focus on production and intent over victim harm limits recognition of survivors' experiences and legal protection⁴⁴. While it addresses explicit content and image-based sexual abuse, it overlooks other forms of TFSV. To effectively protect individuals, comprehensive legal frameworks are needed, ensuring victim-centred strategies and addressing the challenges posed by digital platforms and evolving technology. Technology-facilitated sexual abuse involves sexual violence, such as image-based abuse, sextortion, and cyber harassment, committed through digital platforms, often targeting women and vulnerable groups. It specifically aims to manipulate or control the victim's sexuality.

In contrast, cybercrime covers a broader range of online offences, such as fraud, identity theft, and hacking, which primarily cause financial or informational harm, not directly impacting sexual privacy. While both can overlap, their core intentions and impacts are different⁴⁵. The Cyber Security Act (CSA) penalises unauthorised access to digital systems, with harsher penalties for aiding crimes or targeting protected systems. It modernises cybercrime regulations, increases penalties for spreading offensive or defamatory content, and strengthens digital security¹². Yet after all these progresses, we can see this act comes to the closest of protecting women from TFSV, but the Cyber Security Act (CSA) fails to address TFSV adequately, as it focuses on cybercrime like hacking and fraud, not the specific violation of sexual privacy. It lacks clear provisions for image-based abuse, sextortion, and cyber harassment. While it penalises offensive content, it doesn't account for the severe, gendered nature of digital sexual exploitation. The act also overlooks the psychological and social harm

⁴² Case Study: Technology-facilitated Gender Based Violence in Bangladesh (n 2)

⁴³ The Bangladesh Labour Rules 2015, s 361 KA

¹² Tasnima (n 3)

⁴⁴ Antoinette Raffaella Huber, 'Image-based sexual abuse: Legislative and policing responses' (2023) 25(3) <<https://doi.org/10.1177/17488958221146141>> accessed 27 October 2024 ⁴⁵ Henry (n 1)

caused by online sexual violence. Overall, the CSA needs to incorporate protections and penalties that specifically address these forms of abuse¹³.

Combating TFSV in Bangladesh presents considerable problems, such as a lack of gendersensitive laws and victim protection systems. The existing legal framework frequently fails to address victims' specific requirements, leaving them without proper assistance and protection. Furthermore, insufficient fines and deterrents for offenders add to the perpetuation of this problem. Offenders usually encounter light sanctions, which do not serve as a significant deterrence to committing similar crimes⁴⁸. This problem is aggravated by underreporting of incidents, since victims frequently fear shame and lack trust in the court system. Comprehensive legal measures that put victim protection first and punish perpetrators harshly are essential to effectively combating technology-facilitated sexual abuse. Campaigns for public awareness and educational programs can also be extremely important in stopping this kind of violence and helping victims¹⁴.

BARRIERS FACED BY VICTIMS OF TECHNOLOGY-FACILITATED SEXUAL VIOLENCE IN BANGLADESH

However, in reality, the vast majority of these forms of violence tend to go unreported due to the impact or perceived impact on the victim or victim allies. Here are the key findings below of the sources found:

Bangladesh Legal Aid and Services Trust (2017)⁵⁰ –

- 73% of women internet users reported experiencing cyber violence and technologyfacilitated sexual violence.
- 70% of complainants to the government's Cyber Help Desk were women (over 17,000 complaints by December 2017).
- 90% of instances of online violence are not reported by victims.

¹³ *Ibid*

⁴⁸ Case Study: Technology-facilitated Gender Based Violence in Bangladesh (n 2)

¹⁴ *Ibid*

⁵⁰ 'Cyber Violence Against Women' (*Bangladesh Legal Aid and Services Trust*, 22 April 2018) <<https://www.blast.org.bd/content/publications/Cyber-violence.pdf>> accessed 14 February 2025

- Between March 2013 and February 2016, only 90 cases out of 520 filed with the Cybercrime Tribunal were by women.
- 520 cases were filed with the Cybercrime Tribunal (2013-2016), and 328 were dropped.

GenderIT 2018⁵¹ -

- 90% of instances of online violence are not reported by victims.
- Only 90 cases out of 520 were filed by women (March 2013 - February 2016).

Action Aid Bangladesh (2022)⁵² –

- 63.51% of women respondents faced online violence in 2022 (up from 50.19% in 2021).
- Survey covered 359 women (aged 15-35) across six districts.
- **Platforms where violence occurred:** Facebook (47.60%), Messenger (35.37%), Instagram (6.11%), IMO (3.06%), WhatsApp (1.75%), YouTube (1.31%), other (4.80%).
- **Types of Violence:** Hateful/offensive sexual comments (80.35%), sending sexually explicit images/requests (53.28%), discrimination (19.71%).
- -11.79% had private photos posted without consent, and 11.79% received threats of sexual assault.
- -3.06% were filmed during assault and videos posted online, 2.62% were blackmailed with intimate images, and 1.75% had edited photos posted on porn sites.
- **Complaint channels used:** Social media reporting (44.12%), Police Cyber Support for Women (20.59%), National Emergency Service 999 (11.76%), police stations (11.76%), Cyber Crime Investigation Division (5.88%).
- -64.71% of women found no action taken on complaints, and 28.87% didn't report due to distrust in the system.
- -75.77% of women wanted anonymous reporting due to fear of stigma.

NORC & ICRW (2022)⁵³ –

- 73% of technology-facilitated sexual violence (TFSV) victims do not seek legal help.

⁵¹ Akter (n 39)

⁵² 'Research Findings: Online Violence Against Women' (*Action Aid Bangladesh*, 29 November 2023) <https://www.actionaidbd.org/storage/app/media/Research%20Findings_Online%20Violence%20Against%20Women.pdf> accessed 28 October 2024

⁵³ Case Study: Technology-facilitated Gender Based Violence in Bangladesh (n 2)

The Daily Star (2023)⁵⁴ –

- 78.4% of online harassment occurs on Facebook; 28% on messaging apps like WhatsApp and IMO.
- 35% of women suffer mental health problems due to cyberbullying.
- Nearly 50% of women avoid online activities or hide their identity due to fear.

The Business Standard (2024)⁵⁵ –

- **Types of TFSV:** Stalking, hate speech, morphing, email hacking, intimate photo leaks, blackmail, threats, impersonation, and doxing.
- **Police Cyber Support for Women (2020-May 2024):** 60,808 women sought help.
- **Breakdown of cases:** 41% doxing, 18% Facebook hacking, 17% blackmail, 9% impersonation, 8% cyberbullying.
- Many victims hesitate to seek help due to social stigma.

The results show that technology-facilitated sexual violence against women is very common, and many victims decide not to come forward because they are afraid of social rejection and don't trust the legal system. The most prevalent venues for harassment are found to be social media sites, especially Facebook. Intimate image sharing without consent, hate speech, and blackmail are just a few of the abuses that women experience. Such aggression has significant emotional and psychological effects, which can result in a decline in self-esteem and a rise in mental health problems.

TECHNOLOGY-FACILITATED SEXUAL VIOLENCE AND ITS IMPACT ON WOMEN'S CONSTITUTIONAL RIGHTS IN BANGLADESH AND INTERNATIONAL OBLIGATIONS

The Bangladeshi Constitution's Articles 28 and 29⁵⁶ provide equal rights for women, nondiscrimination, and equal opportunities in public work. But women are disproportionately

⁵⁴ 'Over 78% Women Face Tech-Based Violence in Bangladesh' *The Daily Star* (12 December 2024) <<https://www.thedailystar.net/news/bangladesh/news/over-78pc-women-face-tech-based-violencebangladesh-3774116>> accessed 28 January 2025

⁵⁵ 'Workshop Held on Combating Technology-Facilitated Gender-Based Violence' *The Business Standard* (15 May 2024) <<https://www.tbsnews.net/bangladesh/workshop-held-combating-technology-facilitated-gender-based-violence-1048006>> accessed 14 February 2025

⁵⁶ Constitution of Peoples' Republic of Bangladesh 1972

Affected by technology-facilitated sexual violence (TFSV), which results in stigma,

harassment, and limited access to the legal system. This violates equality and nondiscrimination principles by forcing victims to retreat from public and professional life and impeding their career advancement. Furthermore, by inflicting psychological discomfort, anxiety, sadness, and even suicide, TFSV seriously compromises the right to life and personal liberty, which are protected by Article 32⁵⁷. Stronger legal and policy remedies are required because such abuses jeopardise fundamental rights.

The implementation of safeguards against technology-facilitated sexual violence (TFSV) presents difficulties for Bangladesh, a signatory to important human rights treaties such as the UDHR, ICCPR, ICESCR, and CEDAW. Inadequate court procedures impede justice, and TFSV infringes fundamental rights under the UDHR, such as equality, dignity, and personal security⁵⁸. It violates the nondiscrimination, privacy, and security clauses of the ICCPR⁵⁹ and runs counter to the equal protection standards of the ICESCR⁶⁰. States are required by CEDAW to prohibit gender discrimination, yet TFSV restricts access to justice, reinforces stereotypes, and threatens women's rights.⁶¹ These infractions demonstrate how urgently legislative changes are required to guarantee victims' full protection in the digital age.

In conclusion, the lack of strong legal frameworks and harmful social norms leaves women in Bangladesh vulnerable to technology-facilitated sexual violence (TFSV). Challenges such as legal gaps, inadequate enforcement, and victimisation of survivors hinder justice. To address these issues, comprehensive legal reform, improved enforcement, and cultural change are needed to protect victims and create a safer online environment for women.

BEST PRACTISING COUNTRY IN COMBATING TECHNOLOGY-FACILITATED SEXUAL VIOLENCE IN BANGLADESH

Australia has developed a robust legal framework to combat technology-facilitated sexual violence (TFSV), incorporating various provisions, laws, and the proactive efforts of the e-Safety Commissioner to protect vulnerable individuals and ensure timely action against

⁵⁷ Constitution of Peoples' Republic of Bangladesh 1972, art 32

⁵⁸ Universal Declaration of Human Rights 1948

⁵⁹ International Convention of Civil and Political Rights 1966, art 2

⁶⁰ International Convention on Economic, Social and Cultural Rights 1976, art 2

⁶¹ Convention on Elimination of All Forms of Discrimination against Women 1979, art 2 offenders.

Bangladesh can take inspiration from these efforts to enhance its own legal framework for addressing TFSV.

Australia's Legal Framework: Australia has implemented several key provisions to combat Technology-Facilitated Sexual Violence (TFSV) against women, particularly through the Online Safety Act 2021 and other related frameworks like the e-safety commissioner. In Australia, the e-Safety Commissioner has a highly effective and user-friendly reporting system that tackles online harms, such as cyberbullying and image-based abuse, through a 24/7 online portal. The e-Safety conducts research on technology-facilitated abuse, including its impact on women and vulnerable groups. This research informs policy development and regulatory interventions¹⁵.

Regular surveys assess Australians' experiences with online harms, including gender-based violence, to identify trends and areas for improvement. Users can easily report harmful content with URLs, screenshots, or descriptions guided by clear instructions. Reports are assessed, and if they meet legal criteria, removal notices are issued to platforms, ensuring action is taken promptly, often within 24 hours for image-based abuse and 48 hours for cyberbullying. The system also provides victim support, including counselling, legal resources, and educational tools to foster resilience. These provisions aim to address the growing issue of online abuse, including image-based abuse, cyberstalking, and other forms of technology-facilitated sexual abuse. The Online Safety Act 2021¹⁶ includes specific provisions to address the non-consensual sharing of intimate images, commonly referred to as image-based abuse or revenge porn.

Victims or their representatives (e.g., parents, guardians, or authorised persons) can report the sharing of intimate images without consent to the e-Safety Commissioner⁶⁴. The Commissioner can issue removal notices to social media platforms, hosting services, or individuals to take down the offending material within 24 hours. Failure to comply can result in civil penalties of up to \$782,500 for corporations. In addition to civil penalties, the sharing of intimate images without consent is a criminal offence under Australian law, with penalties including imprisonment.

The Online Safety Act 2021 introduced a world-first adult cyber-abuse scheme to protect adults from severe online abuse, including threats, harassment, and menacing behaviour. The scheme applies to material that an ordinary, reasonable person would consider likely to cause serious harm to an Australian adult. This includes menacing, harassing, or offensive behaviour. The e-Safety Commissioner can issue removal notices to platforms or individuals to take down

¹⁵ *Ibid*

¹⁶ Online Safety Act 2021

⁶⁴ 'Safety by Design: Technology-Facilitated Gender-Based Violence Industry Guide' (Australian Government, 04 September 2024) <<https://www.esafety.gov.au/sites/default/files/2024-09/SafetyByDesign-technologyfacilitated-gender-based-violence-industry-guide.pdf>> accessed 06 February 2025

abusive content. Informal requests are often made first, with formal notices issued if the content is not removed¹⁷. Moreover, there exist funding initiatives; the Australian government has allocated \$10 million over three years to support initiatives aimed at preventing and addressing technology-facilitated abuse against women and children⁶⁶. The program funds projects that provide education, support, and resources to women experiencing tech-based abuse, as well as initiatives that promote online safety and digital literacy¹⁸.

The e-Safety Commissioner promotes the Safety by Design framework, which emphasises the need to address gender-based violence and harassment online, including features that protect women from abuse, such as robust reporting mechanisms and privacy controls⁶⁸. This program provides resources and training for women, frontline workers, and support services to identify and respond to technology-facilitated abuse. It also conducts workshops, webinars, and training sessions to raise awareness about online safety and empower women to protect themselves from digital abuse.

Furthermore, the Criminal Code Act 1995⁶⁹ includes provisions to address online abuse, including cyberstalking, threats, and the distribution of intimate images without consent. The Criminal Code also criminalises the sharing of material depicting abhorrent violent conduct, which can include sexual violence. The e-Safety Commissioner has the power to block access to such material.¹⁹

LESSONS FOR BANGLADESH

Bangladesh can adopt several measures from Australia's approach to combat Technology-Facilitated Sexual Violence (TFSV) against women. First, enacting specific legislation like Australia's Online Safety Act 2021 to criminalise the non-consensual sharing of intimate images, cyberstalking, and online harassment would provide a legal framework for addressing TFSV.⁷¹ Establishing a dedicated regulatory body, similar to Australia's e-Safety Commissioner, could empower victims to report abuse and ensure swift removal of harmful content through enforceable removal notices. Additionally, implementing a Safety by Design framework would encourage tech companies to integrate safety features, such as robust reporting mechanisms and privacy controls, into their platforms⁷².

¹⁷ *Ibid*

⁶⁶ Australian National Research Organisation for Women's Safety, *Technology-facilitated abuse: Extent, nature and responses in the Australian community* (2022)

¹⁸ *Ibid*

⁶⁸ Safety by Design: Technology-Facilitated Gender-Based Violence Industry Guide (n

64) ⁶⁹ Criminal Code Act 1995

¹⁹ *Ibid*

Last but not least, developing a coordinated community response approach akin to Australia's Sexual Assault Response Teams (SARTs) should be a component of measures for improved enforcement and victim care. To handle technology-facilitated sexual abuse holistically and victim-centeredly, this model would bring together several stakeholders, such as law enforcement, medical professionals, and victim support agencies²⁰. Bangladesh could also launch education and awareness programs to empower women with digital literacy and resources to combat online abuse, while funding initiatives like Australia's Preventing Tech-Based Abuse Grants Program could support grassroots organisations working to protect women from digital harms.

Finally, fostering international collaboration and conducting local research on TFSV trends would help tailor interventions to Bangladesh's unique context, ensuring a safer online environment for women. Overall, Australia's legislative framework, in conjunction with the efforts of technology companies and other stakeholders, has created a safer digital environment for victims of TFSV while holding perpetrators accountable. Bangladesh can draw valuable lessons from Australia's approach to strengthen its own measures against TFSV, ensuring better support and protection for its citizens.

71 Case Study: Technology-facilitated Gender Based Violence in Bangladesh (n 2)

72 Safety by Design: Technology-Facilitated Gender-Based Violence Industry Guide (n 64)

RECOMMENDATIONS

To effectively address Technology-Facilitated Sexual Violence (TFSV) in Bangladesh, a multipronged strategy is needed, beginning with a precise definition that covers all forms of digital sexual abuse, including voyeurism, sextortion, image-based abuse, cyber harassment, and broadcasting sexual assault. Enacting a specific law that criminalises all types of TFSV with clear definitions to remove ambiguity should be one of the legal reforms. Prioritising victim support requires the provision of safe spaces, psychiatric treatment, free legal help, and private reporting channels.

Promoting polite online conduct requires national campaigns, public awareness, and digital safety instruction in schools. Adopting Safety by Design guidelines, improving content control, and working with law enforcement are all recommendations for tech companies. Simplifying victim assistance and content removal can be achieved by establishing an independent e-Safety

²⁰ *Ibid*

Commissioner, based on Australia's approach. A national sex offender registry, stakeholder training, media campaigns, and ongoing monitoring will all help to improve TFSV prevention, guarantee accountability, and make the internet a safer place for everyone, especially women and vulnerable populations.

CONCLUSION

To sum up, combating technology-facilitated sexual violence in Bangladesh necessitates a multifaceted strategy that includes strong victim support services, specialised law enforcement units, public awareness campaigns, and legal reforms. By implementing these steps and taking inspiration from effective global practices, Bangladesh can guarantee that victims of TFSV receive the assistance and justice they are entitled to while also fostering a safer online environment for its people. Through combined efforts from the government, law enforcement, and many stakeholders, real progress can be made in minimising the impact of TFSV and establishing a more secure and supportive community.

