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# **GENDER JUSTICE IN DIGITAL AGE; NEW PERSPECTIVE [EXAMINING THE LEGAL STRUCTURE FOR SAFEGUARDING WOMEN'S RIGHTS IN THE ONLINE SPACE]**

AUTHORED BY - SHEEFALI SHARMA

## **ABSTRACT -**

The digital era has profoundly altered social structures, providing unparalleled opportunities for connection, self-expression, and empowerment<sup>1</sup>. Nonetheless, issues such as algorithmic bias, cyberbullying, and unequal access to information have intensified pre-existing gender disparities<sup>2</sup>. Conventional notions of gender justice, rooted in physical spaces and legal frameworks, find it challenging to tackle the fluidity and lack of boundaries associated with online threats like deepfake pornography, AI-fueled harassment, and data-driven discrimination<sup>3</sup>. This paper suggests a fresh viewpoint: reconceptualising gender justice as 'algorithmic fairness.' In this context, justice transforms from a passive notion to an active component embedded in the design, governance, and ethical considerations of the digital landscape, prioritizing restorative and preventive strategies over punitive actions. Historically, the progression of gender justice has reflected various feminist movements—from the struggle for voting rights to the quest for workplace equality—yet the digital age has introduced new forms of inequality. Women and gender minorities continue to be underrepresented in STEM disciplines, with global representation expected to reach merely 28% by 2025. This lack of representation has perpetuated a male-dominated perspective on technological<sup>4</sup> advancements and intensifies biases in facial recognition systems, where women with darker skin tones face a 35% higher error rate, as well as in recruitment algorithms. The anonymity provided by online platforms worsens this issue: 73% of women worldwide report experiencing online gender-based violence, which includes doxing, revenge pornography, and coordinated cyberattacks, often challenging to regulate due to cross-border data flows. For instance, in India, cases addressed under the Information

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<sup>1</sup> Castells, M. (2010). *The rise of the network society* (2nd ed.). Wiley-Blackwell

<sup>2</sup> UN Women. (2022). *Gender equality and the digital divide*.

<sup>3</sup> Citron, D. K. (2014). *Hate crimes in cyberspace*. Harvard University Press.

<sup>4</sup> Noble, S. U. (2018). *Algorithms of oppression: How search engines reinforce racism*. New York University Press

Technology Act of 2000 and the amendments to the Child Sexual Offences Protection Act (POCSO) reveal enforcement gaps, with victim stigma remaining prevalent despite existing laws like Section 66E (which addresses privacy violations) and Section 67A (which pertains to the distribution of sexually explicit content).

**Keywords** - Gender justice, digital rights, online harassment, cyberbullying, women's rights.

## **INTRODUCTION** -

Digital gender justice examines the dual role of technology in both promoting equal opportunities and intensifying new types of discrimination<sup>5</sup> faced by women and marginalized gender groups. As we look towards 2026, new viewpoints highlight that technology-facilitated gender violence (TFGBV) and biases stemming from AI are critical areas that need immediate reform. Digital platforms have empowered movements such as MeToo, enhancing women's voices worldwide and motivating them to advocate for themselves and form communities. Moreover, these platforms have expanded women's access to education and economic opportunities through online resources, effectively reducing traditional gender disparities in connectivity and skills.

The digital era has profoundly changed the way individuals interact, communicate, and obtain information. These technological advancements have not only fostered unparalleled global connectivity but have also introduced new challenges, especially in safeguarding women's rights. The emergence of social media platforms, online discussion boards, and digital communication tools has opened up both opportunities for empowerment and new pathways for the misuse of power and discrimination<sup>6</sup>.

## **DIGITAL TRANSFORMATION AND GENDER JUSTICE** -

Digital transformation equips us with the means to advance gender equality, allowing women and girls greater access to education, finance, and markets<sup>7</sup>. Nevertheless, ongoing digital inequalities and biases, if not tackled through inclusive policies, may worsen inequality. Digital technologies empower women by facilitating remote work, fostering online entrepreneurship, and providing platforms for reporting gender-based violence. By 2030,

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<sup>5</sup> Merry, S. E. (2016). Human rights and gender violence

<sup>6</sup> Munro, V. (2018). Feminism and digital activism. *Feminist Media Studies*, 32

<sup>7</sup> World development report 2016: Digital dividends.

closing the gender digital gap is projected to boost global GDP by \$1.5 trillion and assist 30 million women in escaping poverty. At present, women represent only 29% of the workforce in STEM (science, technology, engineering, and mathematics) fields, which restricts their impact on technology design and intensifies gender stereotypes in artificial intelligence and algorithms<sup>8</sup>.

Digital platforms are essential in influencing social interactions and public discussions. They create avenues for advocacy, community growth, and political participation. For instance, movements like MeToo have leveraged digital platforms to enhance voices opposing gender-based violence and harassment (Munro, 2018). On the other hand, this digital landscape has also given rise to new types of gender-based violence, including online harassment and stalking.

### **LEGAL FRAMEWORK AND GENDER JUSTICE -**

Worldwide, many treaties and agreements focus on eradicating gender inequality and violence. The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted in 1979, created a thorough framework for fighting gender discrimination. In 2017, CEDAW General Recommendation No. 35 broadened its focus to encompass gender-based violence and acknowledged the necessity to update legal responses to tackle the challenges presented by the online environment (UN Convention on the Elimination of Discrimination against Women, 2021).

National laws are continually being revised to tackle gender-based violence in the online environment. For instance, EU Directive 2012/29/EU mandates that member countries must provide sufficient support and protection for crime victims, which includes those affected by cyberbullying (European Commission, 2012). In a similar vein, the US Violence Against Women Act (VAWA) contains measures against online stalking and harassment; however, the implementation of these provisions differs from one state to another (Bates, 2021). Despite these initiatives, the current legal framework has numerous deficiencies. The concept of digital violence is still poorly defined, which poses challenges for both prosecution and assistance to victims.

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<sup>8</sup> UNESCO science report 2021

Due to the worldwide reach of the internet, criminals can function across various jurisdictions, which creates jurisdictional issues and complicates law enforcement in different nations (Walters, 2023). Additionally, the swift pace of technological progress frequently surpasses the ability of legal systems to adapt, leading to significant challenges in revising and maintaining the efficacy of legal safeguards.

### **THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN [CEDAW]-**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the United Nations in 1979, serves as a significant international treaty focused on the eradication of gender discrimination (UN Convention on the Elimination of Discrimination against Women, 2021). CEDAW articulates a strong commitment to gender equality and lays out a detailed framework for tackling all types of discrimination against women. Articles 1 and 2 of the Convention mandate that States Parties must eliminate all forms of discrimination, whether online or offline.

In 2017, General Recommendation 35 of CEDAW broadened the Convention's focus to encompass gender-based violence occurring in digital environments. This recommendation underscores the necessity for Member States to confront issues such as cyberbullying, online harassment, stalking, and the unauthorized sharing of private images (UN Convention on the Elimination of Discrimination against Women, 2021). Despite this broadened focus, the application of General Recommendation 35 differs significantly across various countries.

Although the recommendation offers a normative framework, numerous countries continue to encounter difficulties in effectively integrating these guiding principles into their national legal systems, primarily due to the absence of binding enforcement mechanisms and the requirement for modifications at the national level.

### **THE COUNCIL OF EUROPE'S ISTANBUL CONVENTION -**

The Istanbul Convention, formally known as the Convention on the Prevention and Combating of Violence against Women and Domestic Violence, represents a crucial international effort to tackle gender-based violence. Established by the Council of Europe in 2011, it stands as Europe's inaugural legally binding framework designed to prevent

violence, safeguard victims, and ensure that offenders are held accountable (Council of Europe, 2011). This Convention encompasses various forms of violence, including physical, sexual, and psychological abuse, and delineates an extensive array of measures for prevention, protection, and prosecution.

Nevertheless, the Convention does not comprehensively address all forms of online gender-based violence. Although it mandates that member states implement measures to protect and support victims, there are notable deficiencies in addressing the specific challenges that arise from digital platforms and technologies.

## **THE UNITED NATION'S SUSTAINABLE DEVELOPMENT GOALS**

### **[SDGs]**

The Sustainable Development Goals (SDGs), which were adopted by the United Nations in 2015, are shaping global commitments towards gender equality and the eradication of violence against women. In particular, SDG 5 is dedicated to "achieving gender equality and empowering all women and girls," whereas specific target 5.2 seeks to "eliminate all forms of violence against women and girls in both public and private spheres" (UN, 2015).

Although the SDGs offer a thorough framework for promoting gender equality, including in the digital space, they often emphasize broad objectives rather than detailing specific legal measures.

## **GAPS AND IMPLEMENTATIONS CHALLENGES**

While the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Istanbul Convention provide strong international frameworks, their application in the digital sphere remains significantly lacking. These instruments are broad in scope and establish important normative standards; however, they are deficient in providing specific guidance on various forms of cyberbullying.

General Recommendation No. 35 and the provisions of the Istanbul Convention on cyber violence frequently encounter the following obstacles in implementation: while these frameworks outline principles for addressing gender-based violence, they do not include detailed provisions specifically addressing cyberbullying. This lack of specificity can lead to

inconsistencies in application and enforcement across different jurisdictions (Walters, 2023). The extent to which international norms are incorporated into domestic law varies considerably. Some countries have enacted comprehensive national laws to combat gender-based cyberbullying, while others have not effectively integrated such measures into their domestic laws.

This disparity in national responses undermines the overall effectiveness of international frameworks (Smith, 2022). International treaties often lack a globally binding enforcement mechanism, instead relying on member states to formulate and implement relevant measures at the national level. This reliance on national enforcement can lead to inconsistencies in the effectiveness of treaty provisions.

### **JURISDICTIONAL ISSUES -**

The global nature of the internet presents significant jurisdictional challenges to the enforcement of laws combating gender-based cyberbullying. These challenges include the fact that cyberbullies often reside in different jurisdictions from their victims, making effective national law enforcement difficult. For example, an individual in one country may cyberbully a victim in another, complicating legal procedures and enforcement actions (Kwan, 2020). This transnational nature of cyberbullying necessitates a coordinated international response, which is often lacking. National legal differences regarding cyberbullying further complicate jurisdictional issues.

Some countries may have robust legal frameworks to address cyberbullying, while others may lack specific provisions. These differences create legal loopholes and challenge the accountability of perpetrators, especially when they operate across multiple jurisdictions (Bates, 2021). Enforcing national laws in a global digital environment often faces numerous limitations. Countries may struggle to exercise jurisdiction when dealing with crimes that occur entirely online and span multiple jurisdictions. This can lead to perpetrators escaping legal punishment and victims being unable to access legal remedies.

### **TECHNOLOGICAL ADVANCEMENTS OUTPACING LEGAL FRAMEWORKS -**

Technological innovation is advancing rapidly, often outpacing the capacity of legal systems to adapt to and address new forms of cyberbullying. New technologies and platforms are

constantly emerging, creating new gender-based cyberbullying cases that existing laws may find inadequate to address. For example, innovative technologies such as deepfakes and synthetic media have become new tools for the unauthorized dissemination of images and defamation, and many legal frameworks remain unprepared to address these issues. This technological lag hinders the updating and effectiveness of legal protections.

Legal systems often struggle to keep pace with technological advancements, resulting in outdated or inadequate responses to new forms of cyberbullying. This situation creates protectional loopholes and increases the difficulty of effectively prosecuting and responding to emerging threats. Therefore, legal reforms must incorporate provisions that can rapidly adapt to technological advancements to maintain their relevance and effectiveness.

### **ENFORCEMENT AND IMPLEMENTATION CHALLENGES**

Despite a sound legal framework, effective enforcement and implementation of the law may still face numerous obstacles, including a lack of resources and expertise among law enforcement agencies and the judicial system to handle complex cases of cyberbullying. This includes insufficient training for law enforcement personnel in handling digital evidence and conducting online investigations, as well as inadequate technological tools for monitoring and prosecuting cyberbullying (Bates, 2021).

Victim support is often inadequate, with many victims of cyberbullying finding it difficult to access legal remedies and support services. This may stem from a lack of awareness of available resources, inadequate victim protection mechanisms, and insufficient funding for support services (Kwan, 2020). Strengthening victim support systems is crucial for effective law enforcement and the pursuit of justice.

In *Doe v. MySpace, Inc.*, the Fifth Circuit Court of Appeals heard issues concerning cyber harassment and the liability of social media companies. At the heart of the case was a minor who suffered severe psychological trauma after being harassed by an adult user on the MySpace platform (*Doe v. MySpace, Inc.*, 2008). The court ruled that MySpace is not liable for the actions of its users under the Communications Decency Act (CDA) because the act provides exemptions for content generated by users on online platforms.

This case reveals inadequacies in existing laws protecting victims of online harassment, particularly regarding the accountability of digital platforms. The ruling reaffirms the broad immunity granted to internet service providers under the Communications Decency Act (CDA), which has been criticized for hindering accountability in cases of condoning or failing to prevent online violence (Smith, 2022). The decision underscores the urgent need for legal reform to clarify the obligations of digital platforms in addressing and preventing online violence.

The case of "Cybercivics v. Doe" involved the unconsented sharing of private photos, a form of online abuse often referred to as "revenge pornography" (Cybercivics v. Doe, 2020). Represented by the Cybercivics v. Advocacy Group, the plaintiff sought to hold individuals accountable for distributing their private photos without consent.

This case highlights the complexities of handling cases involving the unconsented sharing of photos, including issues of privacy, consent, and jurisdiction. The court's handling of this case reveals the difficulties in applying existing laws to the specific context of digital abuse, particularly when dealing with transnational issues and the anonymity of online abusers (Kwan, 2020). This case demonstrates the need for clearer legal definitions and more effective mechanisms to address the issue of unconsented image sharing.

### **RECOMMENDATIONS FOR ADDRESSING GAPS -**

To tackle these gaps and challenges, the following strategies should be taken into account: Create clear definitions for all forms of digital violence within a legal context. This will aid in ensuring the consistent application and enforcement of pertinent laws across various jurisdictions and foster a better understanding and response to online gender-based violence.

Enhance international collaboration to tackle jurisdictional issues. This could involve formulating international treaties or agreements concerning online gender-based violence, improving cross-border legal cooperation, and setting up standardized procedures for managing digital abuse. Implement mechanisms to frequently update the legal framework to keep up with technological progress. This may involve regularly assessing existing laws, consulting with technology specialists, and introducing new legal measures to counter emerging threats.

Allocate resources to bolster law enforcement capabilities and victim support services. This encompasses providing training for law enforcement officials, improving access to investigative technology tools, and increasing funding for victim support initiatives.

### **PLATFORM LIABILITY -**

Legal precedents indicate that the debate over the liability of digital platforms in combating online violence continues. The immunity granted to these platforms by laws such as the Communications Decency Act has been highly controversial, with critics arguing that it allows platforms to evade responsibility for failing to manage harmful content (Smith, 2022). Courts are attempting to strike a balance between the necessity of platform immunity and the urgent need to protect victims, while ensuring that platforms take appropriate measures to prevent and respond to online violence.

### **CROSS- BORDER JURISDICTIONAL ISSUES -**

Case studies involving cross-border cyber violence highlight the difficulties of enforcing national laws in a globalized digital environment. Jurisdiction challenges often arise when perpetrators and victims are located in different countries, complicating legal proceedings and enforcement (Bates, 2021). Judicial interpretations in these cases reveal the inadequacies of existing legal frameworks and the urgent need to strengthen international cooperation and legal harmonization to effectively address cross-border cyber violence.

### **THE NEED FOR CLEARER DEFINITIONS AND STANDARDS -**

The case study underscores the need for clearer legal definitions and standards for online gender- based violence. Vague wording and differing interpretations create loopholes in protection and hinder prosecution. Legal reform should prioritize clear definitions and guidelines for all types of online abuse to enable more effective enforcement and better judicial outcomes.

### **REEVALUATING PLATFORM LIABILITY -**

The way judicial authorities handle platform liability cases highlights the need to reassess the balance between platform immunity and accountability. Reforms could include establishing clearer legal responsibilities for digital platforms to prevent and address online abuse, and creating clearer standards for determining platform liability in cases of harmful user-

generated content.

### **ENHANCING INTERNATIONAL COLLABORATION -**

The issues exposed by transnational cases underscore the necessity of enhancing international collaboration to tackle cyberbullying. Legal reforms ought to prioritize the enhancement of transnational cooperation frameworks, including international treaties or agreements concerning cyberbullying, to facilitate more efficient law enforcement and assistance for victims.

### **SUGGESTIONS FOR FORTIFYING THE LEGAL FRAMEWORK -**

Considering the identified gaps and challenges, this section provides actionable recommendations to reinforce the legal framework that protects women's rights in the digital era. These suggestions are designed to tackle deficiencies in current legislation, improve enforcement strategies, and guarantee that legal safeguards evolve alongside technological progress.

### **DEVELOPING A SPECIFIC DEFINITIONS OF DIGITAL ABUSE -**

A crucial recommendation is to create a clear and thorough definition of online gender violence that includes all its forms. Existing legal frameworks frequently employ broad or ambiguous language, which does not adequately address the full extent of online abuse. A solid definition should encompass: a clear outline of the components of online harassment, such as repeated, unwanted online interactions or communications aimed at causing distress or fear (Walters, 2023).

Establish a comprehensive legal definition for the non-consensual distribution of private images, commonly known as "revenge porn," to guarantee clarity, specificity, and ease of enforcement (Kwan, 2020). Additionally, offer a precise definition of online stalking that includes ongoing, intrusive actions carried out via digital platforms, ensuring that all types of digital surveillance and intrusion are covered (Smith, 2022).

### **ALIGNING GLOBAL DEFINITIONS -**

To address jurisdictional issues and strengthen international cooperation, it is crucial to unify the global definition of online gender violence. This can be achieved through: developing international treaties or agreements that establish standardized definitions and regulations for

all types of online abuse. This will improve consistency and facilitate more effective cross-border enforcement (Bates, 2021). Collaborating with international organizations to develop guidelines and frameworks that member states can implement will ensure that the definition of online violence conforms to global standards (UN Convention on the Elimination of All Forms of Discrimination against Women, 2021).

To address the shortcomings of existing legal frameworks regarding platform responsibility, it is recommended to introduce specific standards for digital platforms, including: requiring platforms to implement robust content moderation systems to identify and manage harmful content related to online gender violence. This includes developing clear guidelines for reporting and removing abusive material (Smith, 2022). Requiring platforms to disclose their moderation processes and submit reports on their actions to combat online abuse. This level of transparency will help ensure that platforms are accountable for their role in contributing to or preventing online violence (Walters, 2023).

### **ENHANCING ENFORCEMENT MECHANISMS –**

Strengthen enforcement mechanisms to ensure effective and timely legal action against perpetrators of cyberbullying: Establish dedicated departments within law enforcement agencies to handle cases of cyber gender-based violence. These departments should possess expertise in digital forensics, online investigations, and the complexities of cyberbullying (Bates, 2021). Ensure adequate resources and funding are allocated to support the enforcement of laws combating cyber gender-based violence, including technological tools for investigations and services for victims (Kwan, 2020).

### **FOSTERING INTERNATIONAL COLLABORATION -**

Strengthening international cooperation to address transnational jurisdiction challenges: Encourage countries to establish bilateral agreements to promote cooperation in the investigation and prosecution of online gender-based violence cases across different jurisdictions (Bates, 2021).

Initiate a process to launch a global framework aimed at addressing transnational issues of digital abuse and providing mutual legal assistance and enforcement mechanisms (Smith, 2022).

### **FORMULATE EXTRADITION AGREEMENTS -**

Establish clear extradition agreements for cases of online gender-based violence to ensure that perpetrators of transnational crimes are prosecuted in the correct jurisdictions (Walters, 2023).

### **FREQUENTLY REVISE LAWS -**

Ensure the legal framework is up-to-date and revised promptly: Continuously review existing laws and assess their relevance and effectiveness in addressing new forms of digital abuse. This includes consulting with technology experts and stakeholders to identify emerging threats and necessary legal changes (Kwan, 2020). Establish flexible legislative processes to rapidly amend laws in response to rapid technological advancements. This may include establishing expedited amendment procedures or developing supplementary regulations to address emerging digital threats (Smith, 2022).

### **ENHANCING PUBLIC AWARENESS AND EDUCATION -**

Improving public awareness and education to empower individuals and communities in identifying and addressing online gender violence: Launch public awareness campaigns to educate individuals about their rights, the resources at their disposal, and the procedures for reporting online abuse (Bates, 2021). Develop educational programs for schools, workplaces, and communities to enhance understanding of online gender violence and encourage a culture of respect and digital safety (Kwan, 2020).

### **OVERVIEW OF FINDINGS -**

#### **INSUFFICIENT AND DEFINITIONS AND SCOPE -**

A significant conclusion of this research is the lack of clear and specific definitions for the various forms of online gender-based violence. Vague terminology and inconsistent definitions across different areas hinder effective enforcement and prosecution. The legal framework must create precise definitions that cover the full spectrum of digital abuse, including online harassment, non- consensual image sharing, and online stalking.

#### **JURISDICTION AND ENFORCEMENT CHALLENGES -**

The global reach of the internet presents considerable jurisdictional challenges, complicating the enforcement of national laws and the pursuit of legal actions across borders. Current legal

frameworks often struggle to manage jurisdictional issues, conflicting national regulations, and the lack of efficient international cooperation mechanisms.

Addressing these challenges requires improved international collaboration and the establishment of a comprehensive global framework for mutual legal assistance.

### **TECHNOLOGICAL LAG AND LEGAL ADAPTATION** -

The rapid progress of technology often outpaces the capacity of legal systems to adjust. Emerging technologies and different types of online misconduct result in deficiencies in existing legal protections. Legal reforms must include mechanisms for ongoing updates and changes to ensure that the law remains relevant and efficient in addressing the evolving nature of digital risks.

### **PLATFORM LIABILITY AND VICTIM SUPPORT** -

The issues surrounding platform liability and the effectiveness of enforcement mechanisms have received significant attention. Digital platforms frequently enjoy broad exemptions under existing laws, which can limit their responsibility for user-generated content. Furthermore, there is an urgent requirement to improve support services and resources for victims, ensuring that those who have faced online gender-based violence can obtain suitable remedies and help.

### **RECOMMENDATIONS** -

To tackle the recognized gaps and challenges, the following suggestions are proposed: Create clear and precise definitions for various types of online gender-based violence to guarantee uniform application and effective law enforcement; enhance international collaboration through bilateral agreements and global frameworks to tackle cross-border jurisdiction issues and encourage mutual legal assistance;

Establish systems for the regular review and updating of the legal framework to keep pace with technological advancements and emerging forms of online violence; formulate specific standards for content moderation, transparency, and reporting mechanisms on digital platforms to improve their effectiveness in preventing and addressing online violence; and focus resources on specialized law enforcement agencies, bolster support services for victims,

and increase public awareness and education regarding online gender-based violence.

### **IMPLICATIONS FOR FUTURE RESEARCH AND POLICY-**

This research highlights the significance of continuous investigation and policy formulation in the realm of digital gender justice. Future studies should aim to evaluate the success of enacted reforms, investigate new legal pathways, and tackle the changing challenges brought about by new technologies.

It is essential for policymakers, legal professionals, and advocacy organizations to sustain communication and cooperation to guarantee that legal protections for women's rights online are robust, adaptable, and efficient.

### **CONCLUSION -**

The digital era has transformed the realm of gender justice, presenting both unique opportunities and significant challenges. This article explores the current legal framework designed to safeguard women's rights online, pinpointing critical gaps and areas that need reform. By analyzing international treaties, national legislation, case law, and expert opinions, we highlight several pressing issues and provide actionable recommendations to enhance legal protections against gender-based online violence. As the digital landscape continues to change, legal systems and protections must evolve to keep pace with technological advancements and tackle emerging threats. By addressing the identified gaps and issues in this article and enacting the suggested reforms, we can work towards establishing a more just and equitable digital environment for women. It is essential to ensure that legal protections are comprehensive, adaptable, and effectively enforced to protect women's rights and promote gender justice in the digital era.

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