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Women's rights, gender and ICTs

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Publication production
Mallory Knodel

Proofreading
Valerie Dee
Lori Nordstrom

Graphic design
Monocromo
info@monocromo.com.uy
Phone: +598 2400 1685

Cover illustration
Matías Bervejillo

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BANGLADESH

Women's rights, gender and ICTs in Bangladesh

Bytes for All Bangladesh
Partha Sarker, Munir Hasan, Razina Akhter
and Sanzida Sakir
www.bytesforall.org

Introduction

Bangladesh has witnessed a tremendous growth in mobile and internet connectivity in the last few years. Today it has more than 100 million mobile phone subscribers and more than 33 million internet users.[1] An estimated 95% of users connect to the internet through mobile phones and the rest use broadband internet from different internet service providers.[2] However, the total number of desktop users is likely bigger, as a single connection is used by many people.

These data do not classify usage information, for instance, according to nature of usage or gender-based participation in online activities. But it is clear that the growth of internet penetration has expanded social media access and usage in the country. There are about 3.8 million Facebook users from Bangladesh, out of which close to one million are female users.[3] There is no way of knowing how many of these Facebook accounts have been set up using fake IDs. Dutch Bangla Bank Limited reported that at least 15% of their mobile banking users are female, while according to data from oDesk on freelance IT professionals, as of the fourth quarter of 2012, 1,200 of 30,000 registered users were female.

G&R Ad Network[4] conducted an interesting research study into how users within the country and abroad browse the web. Users tend to access the web on three separate occasions throughout the day, with usage peaking during the morning hours. Usage of social networks and email services account for a considerable portion of web activity, followed by web browsing.

1 Bangladesh Telecom Regulatory Commission (BTRC) www.btrc.gov.bd

2 www.theindependentbd.com/index.php?option=com_content&view=article&id=171715:33-million-internet-users-in-bangladesh&catid=132:backpage&Itemid=122

3 www.internetworldstats.com/asia.htm and www.btrc.gov.bd

4 foursquare.com/v/gr-ad-network/4d3e932ffb4c548167f9e614

Policy and political background

Violence, harassment and infringement of privacy were ongoing problems in society, but the advent of technologies has made them more penetrating and difficult to stop. Even though Article 43 of the Bangladesh constitution states, "Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health, to be secured in his home against entry, search and seizure; and to the privacy of his correspondence and other means of communication," there is no comprehensive policy to protect privacy in Bangladesh.

In 2009, a revision of the ICT Policy, designed primarily to support ICT development in the country, focused on gender as a cross-cutting theme for a number of areas. In order to create social equity, it promotes "mainstreaming social advancement opportunities for disadvantaged groups as an immediate priority to minimize economic disparity and bridge the digital divide for (a) lower income groups, (b) ethnic minorities, (c) women, and (d) persons with disabilities and special needs." It also refers to establishing women's e-commerce centres to expand market access in order to promote women-led micro-enterprises. Action items 174 and 175 of the revised ICT policy suggest that the government should work to increase enrolment of female students in ICT courses and foster a gradual increase of the female workforce in the ICT industry.

The ICT Act of 2006 is probably the first comprehensive legislation to deal with online harassment, cyber stalking, etc. and provides a framework to define and penalise these crimes. Article 54 of the act defines a range of cyber crime offences, including the downloading, copying or extraction, without the permission of the owner, of any data, computer database or information from a computer, computer system or computer network, including information or data held or stored in any removable storage medium; and generating or causing the generation of spam or sending unwanted email without the permission of the sender or receiver for the purpose of advertising goods or services.

Article 57 of the act refers to the penalty for publishing false, obscene or defamatory information in electronic form:

(1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity will be regarded as an offence.

(2) Whoever commits offence under sub-section (1) of this section shall be punishable with imprisonment for a term which may extend to ten years and with a fine which may extend to Taka one crore (USD 1.3 million approximately).

Section 68 of the ICT Act 2006 also states that the government must establish one or more cyber tribunals to ensure the speedy and effective disposal of cases under the act, that the tribunal should try only the offences under the act, and that the government can determine the local jurisdiction of the tribunal.[5]

The Pornography Control Act of 2012[6] bans the production, transportation and marketing of any kind of pornographic material. It establishes that if a person produces pornography using a child, and prints, distributes and publishes such material, or sells, supplies or exhibits child pornography, he/she will be punished with up to 10 years of rigorous imprisonment and a fine of up to BDT 500,000 (USD 6,500). The law also provides for seven years of rigorous imprisonment and a fine of up to BDT 200,000 (USD 3,000) for producing any pornography or forcing or luring any man, woman or child into joining pornography and taking pictures, video or film with or without their knowledge.[7]

The cabinet has recently approved a draft amendment to the Information and Communication Technology Ordinance which increases the punishment for any violation of the law to 14 years of imprisonment. This proposed amendment will now consider destroying information with malicious intent, transfer of data without proper authority, hacking, and the release of vulgar and defaming information in the electronic media as offences under this law.

Analysis

There are numerous stories and incidents of online harassment and privacy and security breaches where women are primarily the main victims. Many of these stories are documented in Bangladesh news media but many remain unreported, mostly due to social stigma, exclusion and other forms of social harassment. In February 2013, when the government of Bangladesh established a fast-track court to deal with cyber crimes, Rahman Khan, an assistant director of the Bangladesh Telecom Regulatory Commission (BTRC), told AFP, "We are receiving a growing number of complaints about abuse and harassment using fake Facebook IDs, doctoring photos, filming porno footage with mobile phones and posting them on websites, and hacking of websites." The BTRC set up a taskforce to deal with cyber crimes last year and it was "overwhelmed with thousands of complaints," he added.[8]

Here we present some sample stories of gender based online violence and harassments. Although the names of the victims have been changed to protect their identity, these stories are true, collected from several sources.[9]

Shumona Sharmin was forced to close a Facebook account that she had been using after she found a number of indecent messages personally addressed to her on her wall. She had no other option but to close the account.

Another female Facebook user, Irene Akhter, married her classmate after a long affair. Soon after their marriage, they became estranged. Her husband, a vindictive man, posted indecent pictures of her on the internet in retaliation. After the incident, she suffered a mental collapse. Having being rejected by her own family, Irene now lives alone.

Nasrin Akhter is a garment worker. She had developed an affair with a young man who raped her one day, taking advantage of their relationship. She was not aware that the rape incident was taped. The rapist then distributed it among his friends and acquaintances, causing great humiliation to her and her family.

Mrs. Huq received a missed call from an unknown person. She called back to tell the caller that it was not the mobile phone of the person he was trying to reach. In spite of this, the caller continued to bother her with missed calls. Mrs. Huq's daughter blacklisted the number for her, but the unknown

5 www.icnl.org/research/library/files/Bangladesh/comm2006.pdf

6 phys.org/news/2013-02-bangladesh-tribunal-cyber-criminals.html#jCp

7 phys.org/news/2013-02-bangladesh-tribunal-cyber-criminals.html#jCp

8 www.bangkokpost.com/tech/computer/334858/bangladesh-forms-tribunal-to-try-cyber-criminals

9 www.newsnetwork-bd.org/cyber-crimes-up-against-women-in-bangladesh

caller kept on calling from different numbers, causing her emotional upset.

Aruny trusted her boyfriend enough to speak freely with him about romance, love and sex. As a result, Aruny paid a high price for her frankness. Her boyfriend recorded their intimate conversations on his phone and passed them on to her family through a friend when she refused to marry him.

Salma met Shafik while visiting a festival. They exchanged phone numbers and developed a relationship by mobile phone, which later turned into their marriage. Shafik took Salma to the house of his friend in a ploy to traffic her out of the country. She, however, managed to go to the police station with the help of the locals. Following the incident, Salma's family and society rejected her. She has taken shelter at the Center for Women and Children Studies at Dhaka University.

Conclusions

Civil society organisations need to organise advocacy and campaigns around two issues. One of these is the right to privacy, which needs to be bolstered with the formation of an independent commission on privacy rights, an amendment of the 2006 ICT Act, and awareness building on the right to information (RTI) and freedom of expression legislation in Bangladesh. On the other hand, we need to be vigilant so that government institutions cannot infringe on the rights to privacy or security of ordinary citizens and do not use legislative tools to silence dissident voices. This is a delicate balancing act, but civil society needs to be always alert.

Recently, the government of Bangladesh amended the 2006 ICT Act by broadening the definition of cyber crime, as well as establishing tougher punitive measures for cyber crime offences, allowing police to arrest suspects without a warrant, and making cyber crime a non-bailable offence. In a country like Bangladesh, where corruption is rampant, this can very easily become a tool for extortion by different authorities.

Some have pointed out that many cyber crimes or digital crimes do not fall under the purview of this law. For instance, it does not address any crimes committed through mobile phones, although many social scientists and rights activists have long been arguing that mobile phones are frequently used for preliminary introduction, to communicate threats, to take obscene pictures for blackmailing, and to provide false information for the purposes of fraud, among other offences. Moreover, this law considers emails as evidence, conflicting with the country's Evidence Act, which does not. As Mustafa Jabbar, president of Bangladesh Computer Samity, has stressed, "Even the amendments did not address these issues." The ICT capacity of the law enforcement agencies is also in question, as the country still lacks a well-equipped IT forensic lab.

Actions steps

In order to facilitate this research project, Bytesforall Bangladesh together with CNews Magazine,[10] Bangladesh Computer Samity[11] and the Bangladesh Open Source Network (BDOSN)[12] organised a roundtable on 12 June 2013 in Dhaka to collect feedback from online or gender rights activists, ICT professionals, social science researchers and journalists. That roundtable provided us with insight and a list of real-life experiences and action items.

Everyone agreed that there has been an increase in cyber crimes targeted towards women, but no centralised and organised database is available to estimate the trend or impact of these crimes. In an interview with the media, Salma Ali, executive director of the National Women Lawyers Association, recognised the lack of exact data on people who commit suicide after falling victim to cyber crimes.[13] Therefore there was a suggestion that an open, online database be created where such information could be entered on an ongoing basis, either by the victims directly (maintaining anonymity if necessary) or by the relevant stakeholders.

Many of these incidents of harassment occur at educational institutions, but female students are often unaware of their rights and the actions they can take. There was a suggestion that educational institutions provide such information on a mandatory basis through their websites and update it regularly.

There was also a recommendation that the 2006 ICT Act should be updated or separate legislation should be created from a gender perspective, taking into account issues such as privacy infringement, online harassment and security issues involving women, as they are the main victims or most vulnerable to such crimes and often they cannot come out publicly due to social stigma and other forms of social exclusion.

It is also important to develop the capacity of law enforcement agencies to ensure that they are aware of the necessary legal provisions to deal with such issues. There is a cyber crime desk in each police station of Dhaka city, but hardly any cases are filed as per the cyber crimes laws in Bangladesh. ■

10 www.cnewsvoice.com/pdfnews.php

11 www.bcs.org.bd

12 bdosn.org

13 thenewnationbd.com/newsdetails.aspx?newsid=40262