



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## Developing Digital Consent Technologies to Address Technology-Facilitated Gender-Based Violence: A Strategic Approach

Afreen Azad<sup>a</sup>

<sup>a</sup>Calcutta University of Calcutta, Kolkata, India

Received 12 July 2024; Accepted 13 August 2024; Published 17 August 2024

---

*This paper examines the brilliance of Technology-Facilitated Gender-Based Violence (TFGBV) and suggests an anti-technology methodology to reduce it by enhancing computerized assent instruments. TFGBV refers to more developed savagery perpetrated and instigated using data and communication technologies to target people because of their sexual orientation or sexual characterization. The paper talks about the significance of consent in recognizing sexual action from a sexual attack and analyses two major occurrences of computer-mediated sexual experiences: The paper talks about the importance of consent in recognizing sexual action from a sexual attack and analyses two major occurrences of computer-mediated sexual experiences: pornographic dance and touch telecommunication through virtual reality. It likewise evaluates the feasibilities and relevance of present lawful systems in addressing TFGBV, threaded on the Indian laws. The paper calls for the incorporation of innovation as a preventive measure to protect victims of TFGBV and the implementation of recurrent and authentic components. Last, it stresses the importance of multi-sectoral approaches in developing integrated strategies for addressing TFGBV.*

**Keywords:** *digital consent mechanisms, sexual assault, image-based abuse, virtual reality haptic communication.*

---

## INTRODUCTION

The widely recognized analysis of creative transformation was based on global human connectivity. Considerations have demonstrated that a computerized interpersonal network has been beneficial to a person's psycho-social enhancement since it engages people to communicate and reduces separation regardless of the geographical gap existing. While advanced platforms and systems are used to promote gender equality and prevent sexual violence against women and other sexual minorities, these efforts often face challenges and are not given enough attention. 'Technology-facilitated gender-based violence' or 'TFGBV' is a subset of 'digital barbarity' that can happen in the real world while mostly taking place online. In the real world, harm based on individuals' sexual or gendered identities can occur and is often exacerbated by the use of data and communication technologies. These technologies can facilitate sexual offenses through activities such as the non-consensual sharing of intimate images, cyber stalking, and the exploitation of personal data for targeted harassment. For example, perpetrators may use social media platforms to distribute private images without consent, causing emotional distress and social harm to the victims. Furthermore, the collection and misuse of personal information can enable coercion and manipulation, increasing the severity of the offense.

Stakeholders should continuously monitor technological advancements and adjust consent processes in response to the evolving landscape of technology. This vigilance is crucial to prevent the misuse of emerging technologies and to protect individuals from being harmed through digital means.

Sexual savagery is a declaration of one person's power and dominance over another by destructive, unjustified, and non-consensual sexual behaviour.<sup>1</sup> Consent is commonly defined as 'behaviour demonstrative of an inside readiness to lock in a specific act' and is the crucial distinguishing characteristic that separates sexual action from sexual attack. In any event, women's activist grants discuss this interpretation of consent. According to the unusual

---

<sup>1</sup> Tanishq Gupta, 'Designing Digital Consent Technology to Curb Technology-Facilitated Gender-Based Violence: Leveraging the Counter-Technology Approach' (*Cell for Law and Technology*) <<https://clt.nliu.ac.in/?p=1026>> accessed 17 June 2024

viewpoint, sexual consent is independent of one's true desire for sex. This includes instances of permission given when intoxicated<sup>2</sup>, control difficulties or pressure, marriage, and the attachment to a false promise<sup>3</sup>. The term 'inebriated consent,' for example, refers to situations in which a person offers permission while under the influence of drugs or alcohol, which may impair their ability to make informed decisions<sup>4</sup>. If consent is acquired by deceit, such as when a long-term relationship is promised without any expectation of fulfilment, it is considered a 'false promise'. This study's focus is on figuring out how to define a sophisticated assent demonstration to prevent TFGBV episodes. It discusses the legal and technological approaches to designing digital consent mechanisms for two common scenarios of computer-mediated sexual encounters: behaviour sexualized through visuals and virtual reality haptic communication.

## NAVIGATING CONSENT AND HARASSMENT IN DIGITAL AND VIRTUAL SPACES

Primarily, sharing sexually unequivocal pictures with consent may be an exhibit of one shape of computerized sexual action. The risks of sharing such images include the possibility that they can be stored indefinitely, even if only shared once. This can lead to images being spread quickly and uncontrollably, increasing the potential for harm. Once consent is given for sharing images, it cannot be revoked after the photos are taken and distributed. If the individuals involved do not maintain a secure and respectful relationship, there is always a risk that the images could be used inappropriately or shared without consent. When consent is granted and then exposed to digital permanence, it creates a situation known as digital sexual harassment. This can occur in various ways, such as through the non-consensual sharing of explicit images, revenge porn, or persistent unwanted sexual advances via digital platforms. These forms of harassment can lead to significant emotional distress for the victim, highlighting the critical need for effective prevention measures and support systems

---

<sup>2</sup> *Anand P. Chanar v State of Maharashtra* (2017) SCC Online Bom 187

<sup>3</sup> *Ajeet Singh v State of Uttar Pradesh and Ors.* (2024) SCC Online SC 11

<sup>4</sup> 'Alcohol and Consent' (University of Tulsa) <<https://utulsa.edu/student-life/sexual-violence-prevention-education/alcohol-consent/>> accessed 27 June 2024

Presently, developments in Immersive Virtual Reality (VR) enable client engagement via avatar representations in a futuristic setting. Virtual haptic communications involve using technology to create physical sensations, like vibrations or movements, to interact with users. This can include using devices to simulate touch or movement in a virtual environment. Such advances promote cautious sexual badgering, such as grasping someone in a virtual computerized world or touching their virtual representation with a joystick<sup>5</sup>. Because this invention can mimic real-life interactions, sexual ambush in these stages has worsened effects on the victim. In contrast to previous case studies examining non-physical harassment in virtual environments, such as those involving inappropriate comments and virtual gestures on platforms like Meta's Horizon Workrooms, developments in Immersive Virtual Reality (VR) enable client engagement via avatar representations in a futuristic setting. Virtual haptic communications, which apply restrictions, vibrations, or user movements to exploit users' tactile senses, promote cautious sexual badgering, such as grasping someone in a virtual world or touching their virtual representation with a joystick. Because this technology can mimic real-life interactions, sexual assault in these stages has worsened effects on the victim. Unlike the non-physical harassment seen in platforms like Meta's Horizon Workrooms, sexual harassment in these VR stages can be both non-physical and physical.

The act of the perpetrator self-touching their claimed body and experiencing sexual pleasure in front of others qualifies as coercive physical harassment<sup>6</sup>. The mental effect of TFGBV on casualties can be significant, driving uneasiness, sadness, and post-traumatic impact on the societal level, victims of online sexual savagery may confront confinement, disgrace, and hurt in their individual and professional connections. These impacts highlight the critical requirement for viable anticipation measures and bolster frameworks for these victims.

---

<sup>5</sup> Soumen Mukherjee and Leslie Ramos Salazar, *Scrutinizing Sexual Persecution in Digital Communication Through the Field of Haptics* (1st edn, Routledge 2022)

<sup>6</sup> *Ibid*

## LEGITIMATE SYSTEM TO PUNISH ONLINE SEXUAL SAVAGERY: RELEVANCE OF INDIAN AND INTERNATIONAL LAWS

Recently, discussing the arrangements against advanced sexual harassment as outlined in the Indian legal system, it is imperative to provide a disclaimer on the applicability of the law; the focus is on its relevance, not just its sufficiency. The Data Innovation Act of 2000 (the IT Act<sup>7</sup> and the Indian Penal Code of 1860 (IPC)<sup>8</sup> have provisions that penalize specific acts of sexual barbarism. The IPC<sup>9</sup> includes sections such as 354A<sup>10</sup>, 354D<sup>11</sup>, and 509<sup>12</sup>, which address various forms of harassment. Additionally, the IT Act encompasses sections 67A<sup>13</sup>, 67B<sup>14</sup>, and 67C<sup>15</sup>, which cover offenses related to the electronic transmission of explicit content. Nevertheless, experimental data is required to suggest that they are sufficient in predicting TFGBV. Afterwards, the strategy used in this case would be to demonstrate an arrangement that, although not exactly foreseeing the event, also secures the casualty in the unlikely event that one of these events occurs unintentionally. A comparative analysis reveals that countries like Australia and the UK have introduced specific laws targeting TFGBV. For instance, Australia's Enhancing Online Safety Act 2015<sup>16</sup> includes provisions to protect individuals from image-based abuse. The UK has the Malicious Communications Act 1988<sup>17</sup>, which addresses online harassment. Recent developments in Indian law, such as proposed amendments to the IT Act<sup>18</sup>, aim to strengthen protections against digital harassment, but the implementation and enforcement of these laws remain critical challenges. In addition, worldwide collaboration and sharing of the best hones can improve the adequacy of lawful to absolve or at least reduce the presence of sexual offenders.

---

<sup>7</sup> Information Technology Act 2000

<sup>8</sup> Indian Penal Code 1860

<sup>9</sup> *Ibid*

<sup>10</sup> Indian Penal Code 1860, s 354A

<sup>11</sup> Indian Penal Code 1860, s 354D

<sup>12</sup> Indian Penal Code 1860, s 509

<sup>13</sup> Information Technology Act 2000, s 67A

<sup>14</sup> Information Technology Act 2000, s 67B

<sup>15</sup> Information Technology Act 2000, s 67C

<sup>16</sup> Enhancing Online Safety Act 2015

<sup>17</sup> Malicious Communications Act 1988

<sup>18</sup> Jan Vishwas (Amendment of Provisions) Act 2023

According to Section 354C of the Indian Penal Code<sup>19</sup>, taking and disclosing a woman's private photographs without her consent is illegal. This includes agreements about computerized picture exchange. Assent to the taking of the photo but not sharing it does not function as blanket consent, according to the arrangement's explanation, and dispersing the picture in this way may be considered an offense under this section. A very narrow definition of 'sexually expressed activity' emerges when one considers Section 66E of the IT Act<sup>20</sup>, which makes it illegal to take, share, and distribute images of someone's private areas. The two situations in which this definition can prevent acts of advanced voyeurism are a) increased reality, in which there is no way to confirm that consent was obtained recently to take the picture; and b) images or recordings in which a woman's private area isn't visible but some scenes have explicit sexual activity.

Section 354A of the IPC<sup>21</sup> penalizes physical contact and advances that include unwanted and explicit sexual recommendations, which are considered sexual badgering. This includes making preparations for virtual reality sexual badgering. A detailed explanation of the legal framework states that attacks in virtual reality settings are prohibited if they involve bodily contact. Under the aforementioned arrangements, entrapment and advancement are criminalized. This does not imply that ambush scenarios in virtual reality settings are entirely prohibited; rather, the lack of 'consent' is what classifies such action as 'Unwelcome'.

### **PLANNING AND FINDING ADVANCED ASSENT INSTRUMENT AS A PREVENTIVE INSTRUMENT: COORDINATION OF LAW PLUS INNOVATION APPROACH-**

The popular academic proposal is to update the legal framework to include provisions for making sexual harassment in virtual reality environments illegal and to integrate innovative safeguards against such incidents. Researchers in the field propose a novel technology to safeguard against such situations. This innovation involves creating a virtual reality environment where consent can be dynamically managed and continuously verified to prevent any form of harassment. The system is designed to create a safer digital space by allowing real-

---

<sup>19</sup> Indian Penal Code 1860, s 354C

<sup>20</sup> Information Technology Act 2000, s 66E

<sup>21</sup> Indian Penal Code 1860, s 354A

time consent management, thereby preventing any traumatic experiences for the users. The two jurisprudential hypotheses of assent that must be coordinated inside the framework to plan a practical sexual assent innovation are:

- Assent must be flexible, and
- Assent must be verifiable.

The main objective is to eliminate the use of a 'tick-box' method for signifying consent. Instead, consent should be an ongoing process, allowing individuals to withdraw it at any time according to their choice. Additionally, the approach should clarify that obtaining consent does not automatically imply permission for all related activities, especially in sensitive contexts. An innovative solution should involve designing applications to support ongoing and dynamic consent. For instance, similar to how users must hold down the record button on WhatsApp<sup>22</sup> while capturing audio until they are satisfied with the recording, a strategy can be used for online media sharing, allowing the person providing the data to be flexible in granting and withholding consent. Achieving the implementation of indefinite consent mechanisms requires a solid foundation and advanced creativity. Challenges include ensuring system reliability and securely managing large volumes of data. This involves safeguarding sensitive information, maintaining data integrity, and implementing robust security measures to handle and process extensive datasets effectively. Client protection is a critical concern; therefore, consent mechanisms must include strong data protection measures to prevent misuse and unauthorized access. In addition, instruction and mindfulness campaigns are imperative in educating clients about computerized assent and TFGBV. These activities empower individuals to make informed decisions and understand the importance of consent in digital interactions.

The current strategy should include the verified documentation of consent in all relevant practices. To reduce the likelihood of error, such as misunderstandings, miscommunications, or failures to properly document consent, and to minimize sexual coercion, the innovation should be designed to ensure that a clear exchange of consent is documented. , In this context, the law and innovation strategy would involve using Artificial Intelligence and Machine Learning

---

<sup>22</sup> Gupta (n 1)

<sup>23</sup>technologies within the code of digital consent trading platforms to immediately detect the sharing of sexual content. This would provide individuals with the option to opt out of such conversations or to continue with them, with a clear disclosure that the application supports authentic consent exchange. It would also reassure users that they can exit the conversation whenever necessary. For instance, in a Direct Message exchange on Instagram, whenever a user activates the silent mode, the other party to the conversation receives a notification that the other user may not be informed of the message due to the activation of this mode. Similar disclaimers can be made available on trading platforms.

Effective use of digital consent tools can benefit from partnerships between technology companies, legal authorities, non-profit organizations, and education. For example, Facebook's work with the UK's Justice Pornography Helpline led to the development of tools to prevent non-consensual image sharing. Similar partnerships could improve the effectiveness of consent technology and provide comprehensive feedback to victims<sup>24</sup>.

## CONCLUSION

To conclude, innovation can sometimes be seen as a recurring factor that exacerbates sexual violence. However, integrating the features of this exceptional technology can protect victims from experiencing the trauma that follows such negative encounters. While TFGV has been prevalent in India since the digital framework became widely accessible, there remains a need for involvement at the academic, policy, and authorization levels to ensure that technology is used to protect victims from the harm caused by the lack of positive consent exchange, sexual restraint, and ignorance.

Moving forward, partners need to embrace and back advanced assent components effectively. Future investigations ought to center on the viability of these innovations and the advancing

---

<sup>23</sup> *Ibid*

<sup>24</sup> David Wright, 'Continuing the Global Efforts to Prevent Non-Consensual Intimate Image Sharing' (SWGfL, 30 November 2023) <<https://swgfl.org.uk/magazine/continuing-the-global-efforts-to-prevent-non-consensual-intimate-image-sharing/>> accessed 15 June 2024



nature of TFGBV. By fostering academic, policy, and regulatory engagements, we can protect individuals from digital violence and create safe online environments for everyone.

Future investigations ought to investigate the mental impacts of ceaseless computerized assent components and their viability in different social settings. By doing so, partners can customize strategies that are sensitive to social nuances and broadly accepted. Empowering cross-disciplinary collaboration among technologists, clinicians, lawful specialists, and sociologists will cultivate a more all-encompassing approach to handling TFGBV.