


Chapter 7

A Victimological and Legal Analysis of Gendered Cybervictimization and Protection of Women's Rights in Digital Space

Arpan Verma

 <https://orcid.org/0009-0001-2870-3432>

Manipal University Jaipur, India

Parul Asthana

 <https://orcid.org/0009-0003-1696-0380>

Jagran Lakecity University, Bhopal, India

ABSTRACT

This chapter provides an account of Online Gender-Based Violence (OGBV) and Technology-Facilitated Gender-Based Violence (TFGBV) as overlapping phenomena that indicate the changing patterns of gender-based violence in cyberspaces. It posits a human-rights framework by investigating structures of global legal formations and victim-centered barriers presented at a territorial level. Moreover, it also points out the comorbidities that typically affect marginalized groups and criticises the drawbacks of the existing punitive-based interventions. Under the feminist and technofeminist approach, it attempts to suggest trauma-informed care, inclusive

DOI: 10.4018/979-8-3373-8510-5.ch007

Copyright © 2026, IGI Global Scientific Publishing. Copying or distributing in print or electronic forms without written permission of IGI Global Scientific Publishing is prohibited. Use of this chapter to train generative artificial intelligence (AI) technologies is expressly prohibited. The publisher reserves all rights to license its use for generative AI training and machine learning model development.

digital governance, and structural changes. The text concludes by emphasizing that addressing these two forms of violence requires the implementation of integrated, inclusive, and gender-sensitive legal, policy, and platform reforms.

1. INTRODUCTION

1.1 Background and Rationale

Digitalization in contemporary society has furthered mediation of interactions, identities, and expressions through online platforms. Consequently, this has led to an abject transformation of the notion of justice as well (Yeasmin, 2024). The realities of gendered violence in cyberspace have started to transform what counts as harm, who qualifies as victims, and the ambit of the responsibility of states. In order to understand such metamorphosis, it is imperative to revisit rudimentary jurisprudential theories often present at the core of legal frameworks of the said subject matter. The notion of justice has an implied aim of safeguarding the vulnerable, the marginalized, and the silenced. In “A Theory of Justice,” John Rawls viewed justice as fairness while contending that the legitimacy of a social institution can be assessed based on how it is benefiting the least advantaged. By laying down the “Difference Principle,” Rawls has obligated socio-legal setups to mitigate inequalities in a way that is beneficial for those who are adversely placed in the societal matrix (Rawls, 1971). Even though Rawls’ theory dates to the pre-digital era, its applicability is pivotal in analyzing how legal systems should deal with evolving and emerging vulnerabilities in the digital domain. Cybervictimization is a seminal issue in this regard that tends to target the vulnerabilities of the victims, posing a major threat to human rights in digital space. Ergo, based on the Rawlsian approach, it can be stated that the idea of justice in the digital era should not only further due process and proscribe questionable acts but also safeguard the dignity and security of those prone to cyber harm. Hence, domestic and legal frameworks need to recalibrate themselves by creating a conducive and safe environment that promotes equitable participation in the digital domain. Moreover, furthering the Aristotelian notion and excogitating Rawls’ theory, Martha Nussbaum propounded the capability approach. From the perspective of social justice, she conceptualizes that there are certain capabilities like life, bodily health, integrity, emotions, affiliation, etc. According to her, for society to be just, these capabilities should be duly ensured and secured by the state, as these form the core of human dignity (Nussbaum, 2011). In the context of digital space, contraventions of these capabilities are frequent. Women experience tangible degradation of both physical integrity and emotional state when personal details are accessed and shared unauthorizedly, consequent to which they

40 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage: www.igi-global.com/chapter/a-victimological-and-legal-analysis-of-gendered-cybervictimization-and-protection-of-womens-rights-in-digital-space/397485

Related Content

Inclusive Education in the Artificial Intelligence Era: Opportunities and Challenges

Reham Ahmed Salhab (2025). *Fostering Inclusive Education With AI and Emerging Technologies* (pp. 1-24).

www.irma-international.org/chapter/inclusive-education-in-the-artificial-intelligence-era/360510

Deep Self-Organizing Map Neural Networks for Plantar Pressure Image Segmentation Employing Marr-Hildreth Features

Jianlin Han, Dan Wang, *Zairan Liand Fuqian Shi (2021). *International Journal of Ambient Computing and Intelligence* (pp. 1-21).

www.irma-international.org/article/deep-self-organizing-map-neural-networks-for-plantar-pressure-image-segmentation-employing-marr-hildreth-features/289623

Emerging Technologies to Increase Energy Efficiency and Decrease Indoor Pollution in University Campuses

María A. Pérez-Juárez, Javier M. Aguiar-Pérez, Miguel Alonso-Felipe, Javier Del-Pozo-Velázquez, Saúl Rozada-Raneros and Mikel Barrio-Conde (2022). *Strategy, Policy, Practice, and Governance for AI in Higher Education Institutions* (pp. 181-205).

www.irma-international.org/chapter/emerging-technologies-to-increase-energy-efficiency-and-decrease-indoor-pollution-in-university-campuses/304106

Unveiling the Potential of AI in Volatile and Less Liquid Markets

Silvio Andrae (2026). *Artificial Intelligence Applications in Financial Markets* (pp. 165-196).

www.irma-international.org/chapter/unveiling-the-potential-of-ai-in-volatile-and-less-liquid-markets/409564

From Logic Specification to λ -calculus: A Method for Designing Multiagent Systems

Hong Lin (2007). *International Journal of Intelligent Information Technologies* (pp. 21-40).

www.irma-international.org/article/logic-specification-calculus/2421