



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/South/TN/07/09/2020

September 15, 2020

To,
Mr. C S Mawri,
Focal Point - Human Rights Defenders & Assistant Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action- Tamil Nadu: Online abuse and police inaction in the case of journalist Ms. Kavin Malar.

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding the sexual harassment and targeting of journalist Ms. Kavin Malar for her Facebook post on August 09, 2020. We are also deeply concerned with the police inaction in filing her complaint under appropriate sections of the Indian Penal Code (IPC).

Source of Information:

- Communication with the WHRD
- Communication with the HRDs in the region
- Communication with our Regional Consultant in the South
- Information from social media

Date of Incident:

- August 09, 2020

Place of Incident:

- Chennai, Tamil Nadu

The Perpetrators:

- Mr. Sasi kumar
- Facebook India
- Chennai Cyber Crime Cell

About the Human Rights Defender:

Ms. Kavin Malar is an independent Tamil journalist and a woman human rights defender based in Chennai. She reports on caste discrimination, communal violence and gender rights.

Details of the Incident:

On August 9, 2020, Ms. Kavin Malar had commented on her Facebook regarding photographs of BJP workers worshipping Lord Murugan, without mentioning any names. Following the post, she was subject to trolling, online abuse and harassment. A Facebook user named Mr. Sasi Kumar posted two photographs of Ms. Malar with the quote “My rate is 1000 rupees”. Soon afterwards, she began to get obscene calls and messages on Facebook from other users.

However, when Ms. Malar and others reported this issue to the Facebook (misusing her picture, character assassination and sexual harassment), it refused to take any action, stating that Mr. Kumar’s post ‘was not against their community standards’. The reply from Facebook said “*we reviewed the comment that you reported and found that this doesn’t go against any of our community standards, for this reason we didn’t take the comment down. We keep our review process as fair as possible by using the same.*” It was only after 10 days that the Facebook removed one comment made by Mr. Kumar, while other comments remain and his profile is still active.

On August 17, 2020, Ms. Malar filed a complaint with the police and the Chennai Cyber Crime Cell registered a case under IPC Section 354D (stalking.) and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The All India Democratic Women’s Association (AIDWA), also filed a complaint in Coimbatore with the Coimbatore District Superintendent of Police, against Mr. Kumar, the Facebook user who had indulged in character assassination and sexual harassment, and urged that he be booked under Sections 66 (c) and 67 of the Information Technology Act 2000 and Section 292 of the Indian Penal Code.

Ms. Malar has faced similar online abuse in 2013 while covering an incident of caste violence. While a FIR was filed against her harasser at the time, no action was taken and the case was eventually closed on March 2020 with the police claiming they couldn't find his comments on Facebook.

Such targeted harassment of women journalists is not new India. Women journalists and HRDs face threats and abuse on social networks, in an obvious attempt to silence their freedom of speech. Abusive and targeted content in non-English languages is a distressing reality for Indian journalists and such comments are often ignored by social media moderators.

It is further distressing to note that the police often do not take the online harassment of women HRDs seriously. While a complaint was lodged on basis on Ms. Malar's complaint, the police prima facie didn't apply all relevant sections. No further action has also been taken to arrest the accused. Such acts, emboldened by inactions of social media platform like Facebook and police, deter and restrict free speech and expression by women journalists and lead to self-censorship, often having deep psychological effects.

Appeal:

We therefore urge you to immediately take necessary steps to:

- Direct the Director General of Police of Tamil Nadu to order the Chennai Cyber Crime Cell to apply all relevant sections in the FIR by Ms. Kavin Malar and take immediate action to arrest the accused Mr. Sasi Kumar.
- Direct the Director General of Police of Tamil Nadu to report to the NHRC development in this FIR urgently within 48 hours.

Direct the Ministry of Communications and Information Technology to report on this issue and take appropriate action against Facebook for failing to restrict an act of sexual harassment, character assassination and outraging a WHRD's modesty.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary