

**Mapping and comparing actions and gaps in violence against women in the online spaces
from the global to the local level: an analysis of the United Nations, Council of Europe and
Pakistan**

by Myra Ahsan

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SUPERVISOR: Mathias Möschel

Central European University

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Introduction

There has been an exponential growth in the use of Information and Communications Technologies (ICTs). With more people gaining access to the tools of the digital age, internet has played a positive role in relationships, the economy and the education. Undoubtedly, the internet has opened the world to people, where they can share information to anyone, with no geographical barriers to consider. However, where people use the internet to reap the benefits out of it, many misuse it as well. Due to technical applications and the increasing use of social media platforms, ICT-facilitated forms of violence have grown over the years.¹ Among many other things, one major challenge is the various ways how people are bullied and harassed online. While anyone can fall victim to online harassment, women are more prone to falling prey to this kind of violence.² Women all over the world face this challenge and have increasingly voiced their concern in receiving violent and sexist messages. While there is lack of research and data in this field from world over, according to Broadband Commission's 2019 report, "in the US alone, 75% of victims of cyberstalking are women, and women are far more likely to be sexually harassed online than men".³

This essay would highlight what the international human rights framework has done so far to curb violence against women in the online sphere. At the global level, I will be analyzing United Nation's (UN) work on this issue by mapping and analyzing the policy documents, reports and/or resolutions by a number of its bodies and, in particular, from the Special Rapporteur, the CEDAW Committee, the Broadband Commission etc. At the regional level, I will be looking at the Council of Europe's (hereinafter CoE) work in the domain, given that with the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter Istanbul Convention), this organization has introduced one of the most progressive

¹ In this essay, cyber violence, cyber harassment, online violence and online harassment will be used interchangeably.

² Jamie Barlett, Richard Norrie, Sofia Patel, Rebekka Rumpel, Simon Wimberly, "Misogyny on twitter," Page 3, May 2014, https://www.demos.co.uk/files/MISOGYNY_ON_TWITTER.pdf.

³ "The State of Broadband 2019 Broadband as a Foundation for Sustainable Development," Page 148, September 2019.

instruments to combat violence against women. I will thus look at how the issue of online violence is dealt with either by the institutions of this organization and in particular the GREVIO Committee. At the local level, I shall be looking at Pakistan in detail. The choice of this jurisdiction is because it is a reality I know best but also because some of its humanitarian organizations are known for having adopted some excellent practices to address issues related to online violence. I will examine the current state of affairs of women in Pakistan with respect to online violence and what the State has been doing to solve this problem. Moreover, I will be remarking on their cybercrime law and comment on the different initiatives being taken by the civil society to help victims of online harassment. In conclusion, I would like to highlight what issues have not been addressed either by the international human rights agencies or at the local level.

Context

Violence against women is a form of discrimination or violence taking place against a woman because of her gender and/or that puts her at a disadvantage because she is a woman. For the purpose of this essay, the definition of “violence against women” will be used from the Declaration on the Elimination of Violence against Women. According to Article 1 of the Declaration, it is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”⁴.

While there is no direct mention of cyber violence, it is obvious that due to more usage of digital spaces, the definition will and has evolved accordingly to include those who are victims of cyber violence. There are many forms of cyber violence such as online hate speech, sexual assault or rape threats, hacking, abusive comments, repeated harassment, blackmail, graphic threats of violence etc. The form of harassment has evolved due to the growing usage of ICTs and naturally, the most vulnerable are the marginalized groups such as religious and ethnic minorities, children, women etc.

⁴ “OHCHR | Declaration on the Elimination of Violence against Women,” accessed June 6, 2020, <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstownen.aspx>.

Through internet and technology, the women are constantly subjected to diverse forms of online harassment. Even the type of harassment they face is gendered which is a way to reassert men's dominance over women and to show them their place. The type of texts they receive online "commonly include charges of unintelligence, hysteria, and ugliness in combination with threats and/or fantasies of violent sex act"⁵.

In a study conducted in Nepal with 48 female journalists, it was examined that online freedom of expression of women journalists is being threatened due to increasing number of threats and trolls online.⁶ The study mentioned that they face gendered harassment like rape threats, comments on their body or looks etc. Moreover, due to the patriarchal society, many of the incidents go unreported due to poor legislation. This further leads to women journalists self-censoring, avoiding social media altogether or even leaving the profession altogether.

There is lack of awareness around the world about how serious online harassment of women is. People tend to think that since online space is a virtual world, it cannot have any detrimental effects and cannot influence a person. Online violence can have psychological repercussions on a woman and sometimes can lead to suicide.⁷ This will be discussed in detail in the later part of the essay when cases in Pakistan will be discussed.

United Nations on online harassment of women

Comprehensive measures and an international legal framework for the empowerment of women is provided in relevant conventions and treaties like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

⁵ Marjan Nadim and Audun Fladmoe, "Silencing Women? Gender and Online Harassment," *Social Science Computer Review*, July 30, 2019, 0894439319865518, <https://doi.org/10.1177/0894439319865518>.

⁶ Samiksha Koirala, "Female Journalists' Experience of Online Harassment: A Case Study of Nepal," *Media and Communication* 8, no. 1 (February 25, 2020): 47, <https://doi.org/10.17645/mac.v8i1.2541>.

⁷ "Italian Woman Commits Suicide after Her Leaked Sex Tape Became a Meme," Global News, accessed June 7, 2020, <https://globalnews.ca/news/2944325/italian-woman-commits-suicide-after-her-leaked-sex-tape-became-a-meme/>.

While the core human rights instruments were made before the initiation of the ICT, the set of rights cover all fundamental human rights including women's rights and their right to free speech, privacy, safety etc. In Special Rapporteur's (SR) report regarding violence against women, which was submitted before the Human Rights Council (HRC) resolution 32/19, it was acknowledged that literature revolving around online violence of women is still being developed and there is not much data available. The report also mentions the soft law developments that have taken place to promote and highlight online violence of women in the international framework. Over the years, the HRC has acknowledged that cyberbullying and cyber stalking can be included in domestic violence, therefore promoting and understanding the complexity of the issue of online violence against women. Moreover, in the 71/199 resolution of the General Assembly, they highlighted that women can be affected by violations of privacy and urged the States to come up with remedies to prevent this issue.

In July 2018, the UN HRC General Assembly in their 38th session voted for some resolutions about safeguarding human rights on the internet. In this session, the issue of online harassment against women was brought up many times. In the session, concern was raised regarding cyber violence of women, particularly against whoever takes part in public debates or media workers, journalists and female public officials. The States were urged to come up with policies and reform laws to protect human rights violations from occurring on the internet.⁸

According to the CEDAW General Recommendations 35, gender-based violence can occur in the private or public sphere and this also includes the digital spaces and the internet.⁹ The report not only talks about these contemporary forms of violence but also urges the States to prioritize their work in implementing laws and policies to promote gender equality, in particular with Goal 5 of Sustainable Development Goals (SDGs). The report also mentions that regular data should be collected, analyzed and published showing gender-based violations, including those that are technology mediated violations. Communication technologies and the media are also urged to

⁸ "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development" (Koninklijke Brill NV), accessed June 8, 2020, https://doi.org/10.1163/2210-7975_HRD-9970-2016149.

⁹ "CEDAW General Recommendation," July 2017, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf.

come up with self-regulatory mechanisms to address online violence against women that takes place through their platforms.

Even the UN Committee against Torture has made a lot of progress in making sure they integrate a gendered perspective in addressing what defines as torture. While they have raised the issue of ill-treatment of women¹⁰, cybercrime against women is still not a very common problem that is discussed in the reports. Rape and other sexual violence, women trafficking, honor-based crimes etc. are covered under the Convention. Since some of these violations can be a result of the product of activities online¹¹, cybercrime is indirectly linked. However, there is not much literature to be found in the Committee reports that directly talk about this issue.

While there is very literature on cyber violence, the UN is doing a lot to highlight this problem through its reports and initiatives.

Broadband Commission for Digital Development

The UN General Secretary, Ban Ki-Moon urged the UN to increase their efforts to meet the Millennium Development Goals (MDGs) after which the International Telecommunication Union (ITU)¹² in collaboration with UNESCO setup the Broadband Commission for Digital Development (hereafter the Commission) in May 2010. The aim of this Commission was to “boost the importance of broadband on the international policy agenda, and expand broadband access in every country as key to accelerating progress towards national and international development targets”.¹³

The Commission does advocacy to promote broadband especially in developing countries. They advocate to develop infrastructure and provide services and urge the governments to work with other industries in ensuring the access of broadband in every area. In 2018, however, they re-evaluated and came up with different goals for their target until 2025 for SDGs, which succeeded

¹⁰ “New Briefing Report: Protecting Women from Violence through the UN Convention against Torture (CAT) / June 7, 2019 / Reports and Publications / OMCT,” accessed June 8, 2020, <https://omct.org/reports-and-publications/2019/06/d25377/>.

¹¹ Examples - online women trafficking or leaked videos of women that lead to honor killings.

¹² The ITU is an agency of the UN, which aims to coordinate telecommunication operations throughout the world.

¹³ “Broadband Commission : About,” accessed June 5, 2020, <https://www.broadbandcommission.org/about/Pages/default.aspx>.

MDGs in 2015. Their 2025 targets include that there should be entry-level broadband services in the developing countries, which should be affordable for all people. They also target that all the countries should have a plan and a strategy to make sure they have broadband in every part of their country. While there are many targets that the Broadband aims to fulfill within 2025, it also included addressing the issue of gender equality in terms of broadband accessibility, which includes internet usage, digital skills etc.

Working to make broadband accessible in every corner of the world would mean that there will also be a rise in the level of violence against women in the online spheres. It is understood that with the growing usage of ICTs, the harassment in the online world has increased too. The Commission released a report in 2015 acknowledging that there are growing number of cases of online violence against women. They also mentioned that their research shows that nearly 73% of the women do experience some sort of cyber violence and this violence can cause chilling effect in women, thus causing a hindrance in one of their targets for 2025, which is that women should have equal accessibility of the broadband.¹⁴ The Commission highlights that the with the increase in female users, there needs to be an urgent action in law and also to raise awareness about what constitutes as online violence.

In Working Group's Digital Gender Divide progress report 2018, they shared the progress that the Commission made for broadband accessibility. The members of the Council Working Group of Child Online Protection in the their meeting decided to work with different stakeholders to exchange ideas, share experiences and come up with strategies regarding online child violence, with specific focus on online violence of young women and girls, and had already planned national workshops for this aim. They also planned to compile a data of country efforts that they would publish online.¹⁵

On the Commission on the Status of Women's 62nd session that happened in March 2018, the theme was the challenges faced and opportunities for women of rural areas. Among many other issues that were highlighted, they acknowledged that there is a need to come up with strategies in legal and policy framework to prevent cyberbullying. In addition, while they want to address the

¹⁴ "Combatting Online Violence against Women and Girls - UN Broadband Commission.Pdf," n.d.

¹⁵ "Digital Gender Divide Progress Report 2018," Page 16, Broadband Commission for Sustainable Development.

digital divide, they also want the governments to take measures to prevent online harassment of women, which will increase due to more usage of the internet in rural areas.

There are many projects being taken around the globe with organizations in collaboration with the efforts of the Broadband Commission and the UN to tackle the problem of digital gender divide. An example of this is the Digital Gender Divide online course, a project funded by USAID, which was designed for development practitioners so that they consider the gender aspect when designing projects with digital components.¹⁶ While the course highlights why the gap exists and what can be done to minimize the gap, it does not talk about the potential threat women will face by using these platforms. However, the Commission understands the need to address this problem and even in their 2019 report, they emphasize the need for the government, social media companies and telecommunication service providers to come up with policies to ensure women's safety.

The Spotlight Initiative

The Spotlight Initiative is an initiative started in collaboration with European Union and the UN in September 2017, with an aim to address violence against women.¹⁷ Almost 13 countries have joined this movement and the projects have started all around the globe. The initial seed funding of 500 million euros was provided by the EU and they have invited more organizations and donors to join this movement, to broaden the scope. This initiative is the world's largest targeted initiative to end gender-based violence. Especially during the times of COVID-19, the violence against women has risen all around the globe¹⁸, and that also includes online violence. Due to the lockdown all over the world, the work has shifted online. More internet users means that more women will be victims of online abuse. The projects funded by the Spotlight Initiative have prioritized funding for issues that have risen due to the pandemic to assist women. They have also suggested that more needs to be done by the national governments and have recommended that psychological

¹⁶ "Gender Digital Divide Course," Panoply Digital, accessed May 28, 2020, <https://www.panplydigital.com/gender-and-ict-online-course>.

¹⁷ "EU-UN Spotlight Initiative," Text, European Commission - European Commission, accessed June 1, 2020, https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5873.

¹⁸ In France the calls at helpline regarding gender-based violence has increased by 32%. In Malaysia the complaints have doubled.

counselling and online legal help should be made available to those women who have been victims of abuse.

Council of Europe

Convention on Cybercrime

Convention on Cybercrime or the Budapest Convention, which was adopted in 2001, is the first such convention which deals with internet and cybercrimes. The main objective of this convention is safeguarding the people against cyber violence by having cooperation globally and by adopting relevant legislation.

Under Article 46 of the Budapest Convention, Cybercrime Convention Committee (T-CY) was formed, with the aim of helping to effectively implement the Convention and make any required amendments in the future. In 2016, it was decided that they will establish a Working Group for cyber violence, especially for online harassment of women and children. They would analyze and research about the good practices and compare the legislation regarding cyber violence, which would then be presented at the next Plenary.¹⁹ In their study, which the Working Group released in July 2018, they have done a very thorough study of the problem of cyber violence, where they have defined various types of crimes that happen online and have given statistics country wise and violations wise as well. Furthermore, they have talked about the potential issues the victims face while coming forward with their complaint.

In the struggle against cybercrime, the Budapest Convention is the best-known frameworks for countries to follow. Sixty-five countries have ratified the convention, along with some non-European countries like Australia and Canada, while three countries have so far signed it.²⁰ By becoming a Party to the Budapest Convention, the States benefit by a being provided by a legal framework on cybercrime and if they request accession, they can be among the priority countries for capacity building programs, which then helps in implementing the Convention.

¹⁹ “Mapping study on cyberviolence,” page 4, July 2018.

²⁰ “Full List,” Treaty Office, accessed May 24, 2020, <https://www.coe.int/en/web/conventions/full-list>.

Council of Europe Convention on preventing and combating violence against women and domestic violence

Council of Europe on preventing and combating violence against women and domestic violence, better known as the Istanbul Convention, is CoE's human rights treaty aimed to prevent violence against women and intimate partner violence. While none of the articles talk directly about cyber violence of women, there are many articles in the convention that can be applied to this, as written in the Explanatory Report, which considers any modes of communication as a source of violence against women. Article 3a of the Convention says as follows:

“Violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.²¹

Other types of violence can also be extended to online violence such as stalking (Article 34), sexual harassment (Article 40) and intimate partner violence (Article 3b).

Group of Experts on Action against violence against women and domestic violence (GREVIO) is an independent body of experts which was formed to monitor the proper implementation of the Istanbul Convention.

One of the responsibilities of GREVIO has been to evaluate legislations of Parties to see if they are up to the standards of the convention. In 2017, the committee published a baseline report for Albania to evaluate the legislations and see the level of compliance with the Istanbul Convention.²² While Albania has a growing number of cases of online violence²³, the GREVIO in their baseline report did not mention cyberattacks that women face. The report in the start did highlight that the scope of the violence against women extends to all sorts of violence but it failed to mention online harassment of women in the report.

²¹ Council of Europe (2011), Council of Europe Convention on preventing and combating violence against women and intimate partner violence, available at: <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

²² “GREVIO Baseline Evaluation Report Albania.Pdf,” November 2017.

²³ Desara Dushi, “Law Enforcement and Investigation of Cybercrime in Albania,” 2017, 18.

Cyber violence of women is still a problem which is often taken too lightly but the efforts that CoE have taken are commendable to spread awareness and tackle the problem through research, advocacy and policy decisions.

In a recent case of Buturuga versus Romania, the Court ruled in favor of Ms. Buturuga and declared that the state of Romania failed to fulfil their positive obligations under Article 3, prohibition of torture, and Article 8, right to respect for private and family life, of the European Convention on Human Rights.²⁴ It is commendable that the Court linked the issue of domestic abuse with cyber violence. In paragraph 74 of the judgement, the Court highlighted that domestic abuse is not only restricted to physical violence but it can also include other things like harassment, cyberbullying, emotional abuse, sharing personal information etc. They therefore, acknowledged the multifaceted nature of the violation, which also contained cyber violence. However, one thing to be noted is that the Court addressed the issue of cyber violence separately under Article 8, rather than in Article 3. This is not a welcome precedent because it undermines the struggle of the victim – the suffering and the pain she must have gone through, which should not be framed as a privacy concern but rather as one of ill-treatment.

While much more needs to be done to spread awareness about cyber violence and how they are linked with other violations, the CoE is working hard to ensure this problem is addressed.

Online violence of women in Pakistan

Just like in the rest of the world, there have been growing number of cases of online violence in Pakistan due to increasing use of ICTs and because of the society's culture of inherent misogyny. Just like the internet has unimaginable capabilities, it has a dark side too, which has been witnessed more over the years, as access to the internet is fast spreading across the country. Increasing accessibility of the internet means more people, including women, using this service thus leading to more cases of online harassment. Moreover, research shows that around 75 to 80% percent of

²⁴ “BUTURUGĂ c. ROMANIA,” accessed June 2, 2020, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-200842%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-200842%22]}).

the internet users in Pakistan are men.²⁵ The stark disparity between the usage of the internet means that these online platforms are inherently male dominated, where women often become the victim of online abuse and harassment.

Especially in a country like Pakistan, which is plagued by a lot of other human rights issue, online violence is not taken seriously. It is trivialized just because it happens virtually. People are not aware about the effects it has on the victim, especially the marginalized community like women. Moreover, there is a serious dearth of data available of women that have been harassed online. Even the official figures are not accurate. Under section 53 of the Prevention of Electronic Crimes Act (PECA) 2016, the Federal Investigation Agency (FIA) of the cybercrime wing is supposed to submit a half-yearly report to the Parliament²⁶, in respect of their activities, which they have continuously failed to do so.²⁷

While it is not clear how many women have experienced some sort of harassment online, according to Digital Rights Foundation's (DRF) research, nearly 40% of the women claimed to have been harassed or stalked through messaging applications. While the sample size for this research was 1400 women, this might not be a very accurate representation of the women's experiences online.²⁸ The research happened in the urban cities of the country such as Lahore, Karachi etc. so it might not be representative of the female population in the country. Moreover, they are often unaware of what constitutes as online harassment. Women are so used to facing harassment every day, especially in the online platform, where they are harassed ever since the day they start using the internet. Therefore, they sometimes tend to take this type of abuse lightly. For example, if a stranger starts messaging them on Facebook, they would either ignore him/her or block the profile, without realizing that this constitutes as harassment as well that is why these statistics might not be very accurate.²⁹ Moreover, according to Seerat Khan, who compiled the data for DRF's research, many women are ashamed of coming forward with their experiences of not just offline

²⁵ "Tackling Online Misogyny," *The Friday Times* (blog), September 25, 2015, <https://www.thefridaytimes.com/tackling-online-misogyny/>.

²⁶ "PECA 2016.Pdf," n.d.

²⁷ "UNSR-Submission-by-DRF.Pdf," accessed May 31, 2020, <https://digitalrightsfoundation.pk/wp-content/uploads/2017/12/UNSR-Submission-by-DRF.pdf>.

²⁸ "Hamara-Internet-Online-Harassment-Report.Pdf," accessed June 1, 2020, <https://digitalrightsfoundation.pk/wp-content/uploads/2017/05/Hamara-Internet-Online-Harassment-Report.pdf>.

²⁹ Seerat Khan, interview conducted by Myra Ahsan, May 18, 2020. She was interviewed as she has been working with DRF for more than three years and was initially part of the Helpline team.

but online harassment as well because they are slut-shamed, therefore, the statistics that they have written in their research might not be very accurate and representative of the entire female population of the country. Moreover, according to their helpline data, majority of the calls they get are from women and even the men who call at the helpline call to complain and seek help regarding issues that their female relative or friend has faced.³⁰

So, while there are no official statistics about how many women in the country face online harassment, there is enough evidence to suggest that marginalized communities face this problem the most in a country where the online platforms are dominated by men. In DRF's report regarding cases studies of online harassment of women, they have highlighted variety of experiences ranging from institutional failure of the law enforcement agencies, lack of gender sensitivity which is seen to be the most common problem and also the role of social media companies.

While the effects of online harassment cannot be undermined regardless of where such incidents takes place, the consequences the victims face in Pakistan can be more due to the socially conservative culture. For example, only recently, two teenagers aged 16 and 18 were allegedly killed in the name of honor by their cousin in Waziristan, after their video leaked on social media. The video in question was apparently shot a year ago in which the two girls were with a young man.³¹ While the girls being in a video with a person of the opposite sex might not be considered a big deal, in some areas of Pakistan, it is not only frowned upon but could be seen as a matter of bringing shame and dishonor to the family. In fact, the anti-honor killing law, came about in October 2016 after a lot of pressure from human rights activists and civil society organizations. The reason for this pressure was Qandeel Baloch's murder at the hands of her brother.³² Ms. Baloch was a social media celebrity who was widely known for her provocative social media posts. Although she had a huge fan following, she was also condemned by many for breaking the norms and the social taboos of the society. In July 2016, she was strangled by her own brother for bringing

³⁰ Seerat Khan's interview.

³¹ Sirajuddin, "Two Teenage Girls in Waziristan Village Killed for 'honour' over Leaked Mobile Video," DAWN.COM, May 17, 2020, <https://www.dawn.com/news/1557600>.

³² "Pakistan: Brother Sentenced to Life for Qandeel Baloch's Killing," accessed June 2, 2020, <https://www.aljazeera.com/news/2019/09/pakistan-brother-sentenced-life-qandeel-baloch-killing-190927084527229.html>.

shame to her family. This incident caused uproar among activists and civil society organizations, who then pushed for the anti-honor crime bill to be adopted in the parliament.

There are plenty of cases which do not reach the media therefore, the public at large has little idea about the consequences of facing online harassment, especially for the women, since Pakistan is a male-dominated and patriarchal society.³³

Although the government introduced PECA 2016, which was passed by the National Assembly in August 2016, they have not given the problem of online harassment enough priority and the implementation of this law is still difficult. While the government is slow to respond to such issues, some NGOs in Pakistan are focusing on protecting and advocating for digital rights of the people. Organizations such as the DRF³⁴, aim to promote and protect everyone's right to free expression online, especially women and other marginalized communities. They conduct digital security trainings with human rights defenders (HRDs), journalists, students of media studies and also women in general, to ensure that they are well aware about how they can protect their devices and themselves online.³⁵ They conduct their training sessions all around Pakistan to cover as many people as they can. While the participants they train in urban centres like Lahore, Karachi, Islamabad etc. are more technologically aware and understand the risks involved in working in the online space, many that come from more conservative areas not only have limited understanding of using devices safely but they also do not understand the importance of using online spaces safely. DRF is working on numerous projects simultaneously, to spread awareness about digital rights.

One of the best initiatives by DRF has been the Cyber Harassment Helpline, which is one of the first such helplines in the region. This project started in December 2016 by them. They provide technical, legal and psychological help for cyber harassment victims from 9 am to 5 pm, seven days a week and have a team of digital security experts, lawyers and psychologists, who provide assistance to the victims.³⁶ The aim of this Helpline is to “help women, children, human rights

³³ Seerat Khan's interview.

³⁴ While there are a few other NGOs working specifically to promote digital rights too, I chose DRF as I have worked with them for 1.5 years, so I have greater insight and in-depth knowledge about their work and projects.

³⁵ Shmyla Khan's interview, interview conducted by Myra Ahsan, May 9, 2020.

³⁶ “Cyber Harassment Helpline,” *Digital Rights Foundation* (blog), accessed June 2, 2020, <https://digitalrightsfoundation.pk/cyber-harassment-helpline/>.

defenders, minority communities and anyone who might feel unsafe in digital spaces”.³⁷ Due to the increasing demand and rising cases of cyber violence, they are planning to expand their helpline from eight hours a day to twenty-four hours a day.

Moreover, DRF has also collaborated with social media companies like Facebook and Twitter, to help these companies in drafting their policies regarding content regulation and cyber-bullying. According to Shmyla Khan, who joined DRF in 2016 and was previously the Project Head of their Helpline, this collaboration helps many victims who need to get something removed from social media sites on an urgent basis. While the users do have the option of reporting posts on these sites, these companies often reject their plea and refuse to take down posts as it does not meet their community standards. However, there is a greater chance of the posts being removed when DRF requests them to do so. The aim of this collaboration is to help these social media companies in making sure their platforms are safe to use for everyone. Without the assistance of the NGOs, perhaps these companies would not be able to properly ensure the safety of the users as these NGOs help the companies to understand the context as to why certain posts need to be removed, keeping in mind the culture of that society. For example, a Pakistani model once contacted the DRF Helpline as there was a profile made on Instagram, specifically targeting her and alleging that she has done blasphemy. Although she reported it to Instagram herself, they did not do anything about it. DRF understood that it was a time-sensitive matter for her as Pakistan has very stringent anti-blasphemy laws which could have gotten her into trouble, if the news had spread about her alleged blasphemy. Therefore, the Helpline had to send Instagram an email requesting them to take down that profile and providing context as to why it needed to be done on an urgent basis.³⁸ The page was removed and the matter was solved before the news had spread. Therefore, their collaboration with the social media companies has proved to be fruitful.

While DRF’s request of removing a certain post definitely has more weightage, they have often times struggled to convince these companies to remove a post that was endangering someone’s wellbeing. After the *Aurat* March (*Aurat* is an Urdu word which means ‘woman’) that took place on 8th March 2020 in different cities of Pakistan on account of International Women’s Day, many

³⁷ “Experiences of online harassment in Pakistan,” Digital Rights Foundation, <https://digitalrightsfoundation.pk/wp-content/uploads/2019/01/Research-Work.pdf>.

³⁸ Shmyla Khan’s interview.

cases of online harassment surged.³⁹ The Helpline received many calls requesting for their assistance. One female caller requested the Helpline to report her picture to be taken down as her family did not know she had attended the *Aurat* March and her picture on social media could have put her in potential danger. Although the Helpline team did their best to explain the context to the Facebook authorities, they did not remove the picture because it did not meet their criteria for content removal.⁴⁰ Such challenges are regularly faced by the DRF team where they fail to convince the social media companies about the cultural context as to why they want to remove certain posts, which does not only put the victim's mental health in jeopardy but also their physical safety.

While many NGOs like DRF are doing as much as they can to advocate for the rights of the marginalized in the online sphere, much more needs to be done not just by the local organizations but also at the governmental level.

A history of legislation around online harassment in Pakistan

Despite the growing usage of ICTs and increasing number of incidents in the online spaces, Pakistan has been very slow in passing legislation regarding digital spaces. They are still using a few offline laws to regulate online spaces. However, after the pressure and criticism from the activists and the civil society PECA 2016 was passed in August 2016, which is the main law used for online harassment in Pakistan. This law is considered a draconian law and was slammed as “an incoherent mix of anti-speech, anti-privacy and anti-Internet provisions”⁴¹ by many digital rights activists.

Few sections of the law are used in cases of online harassment. For example, section 21 deals with the “offences against modesty of a natural person and minor” which deals with using sexually

³⁹ The organizers and the people who participate in the March get trolled online and receive a lot of backlash every year after the March. Many people take offense at the type of posters being used at the event, which are seen to be too explicit. An example of this is a poster which read, “keep your dicks pics to yourself”. This poster, which highlights the issue of unsolicited intimate photos, caused an uproar on social media and the women who were holding these posters were also constantly harassed online.

⁴⁰ Shmyla Khan's interview.

⁴¹ Danny O'Brien, “The Global Ambitions of Pakistan's New Cyber-Crime Act,” Electronic Frontier Foundation, August 18, 2016, <https://www EFF.org/deeplinks/2016/08/global-ambitions-pakistans-new-cyber-crime-act>.

explicit images of a person without their consent. While this provision covers offences like blackmailing someone using their sexually explicit photos or distributing such photos further, what it fails to cover are actions such as blackmailing someone without an explicit photo. This includes threatening a women based on her conversation with the perpetrator (this usually happens when the two have been in a relationship together). Moreover, this section fails to define “sexually explicit” and does not give any guidelines regarding it.

Moreover, section 20 and 24 also deal with cases of online harassment. Section 24 which talks about cyberstalking, is not clearly defined. In section 24(a) it is written, “...follow a person or contacts or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person”. This section puts the onus on a woman as it is not clear what “clear indication of disinterest” means. While section 20 does not directly deal with cases of online violence, it talks about criminal defamation and mentions that anyone who harms a person’s reputation through any means will be considered an offense against a person’s dignity.

While PECA 2016 is the prevailing law used for cases of online harassment, other laws are also used and have started to reflect cases of cybercrime. For example, in the Punjab Protection of Women Against Violence Act 2016⁴², in Section 2 (1r) violence is defined as “any offence committed against the human body of the aggrieved person including abetment of an offence, domestic violence, sexual violence, psychological abuse, economic abuse stalking or cybercrime”. Although the word cybercrime is used in the definition, it fails to give a detailed definition of what cybercrime entails, thus leaving the interpretation into the hands of the law enforcement agencies. This vaguely worded clause is still used in the cybercrime cases and fails to take into account the complexity of the problem of online violence.

Furthermore, there are other laws that are clearly outdated and are not well-fitted for today’s digital era. The Telegraph Act 1885 talk about harassment through telephone⁴³ and the Pakistan Penal Code talks about intimidation or harassment through “written and verbal communication” which can be interpreted as including all online and digital forums available.

⁴² “The Punjab Protection of Women against Violence Act 2016,” accessed June 4, 2020, <http://punjablaws.gov.pk/laws/2634.html>.

⁴³ Section 25-D: Penalty for causing annoyance, “The Telegraph Act, 1885,” accessed June 4, 2020, <http://www.fia.gov.pk/en/law/Offences/26.pdf>.

The Pakistani laws, including PECA 2016, which is the main law used to register cases of cybercrime, is very incoherent and vaguely-worded, which enables misuse in cybercrime cases.

Comparing gaps

In the concluding observations of the CEDAW fifth periodic report of Pakistan⁴⁴, online harassment of women did not come up. While observations regarding issues Pakistani women face were mentioned, it did not highlight the problems associated with cyber violence. This is perhaps because they do not consider online harassment to be an important enough issue in the country.⁴⁵ While the CEDAW committee welcomes the newly established gender-based violence court in the Lahore High Court, there has been no mention of the gender-based online violence which should be addressed. Moreover, expressing their concern for women human rights defenders, the Committee urged the State to ensure that they provide sufficient protection to them from intimidation and violence. While this can also include violence incurred by female activists online, no recommendations were given to address this problem, even though women human rights defenders are very vulnerable in the online sphere.

Even in the UN HRC's Universal Periodic Review (UPR) Working Group meeting where Pakistan's human rights records were examined in 2017, there was no talk about cyber violence. Among the many issues raised, concerns of honor killings, protection of journalists and shrinking spaces for the civil society were highlighted. While cybercrime could be linked to any of these issues, the problem was not raised independently, thus suggesting that perhaps online violence is not given the importance that it should.

In Cybercrime Convention Committee (T-CY) Working Group's report, as mentioned in the Council of Europe section, detailed explanation is given as to what cyber violence is, its challenges and recommendations. The challenges the report talks about are very similar to what Pakistan faces.⁴⁶ The FIA's National Response Center for Cyber Crime (NR3C) is responsible for conducting investigations under PECA 2016. However, NR3C's offices are not only under staffed

⁴⁴ "CEDAW: Concluding observations on the fifth periodic report of Pakistan," March 2020.

⁴⁵ Shmyla Khan's interview.

⁴⁶ "UNSR-Submission-by-DRF.Pdf."

but they are also not given gender sensitization training, which effects their investigation process. Due to the lack of sensitization of the staff on how to handle victims of cyber violence, women are reluctant to come forward with their complaint out of fear of victim-blaming by the law enforcement agencies (LEAs). Often times female victims do not feel comfortable sharing information about their past relationships or details regarding the sexually explicit content. Many NR3C offices do not have women investigators which causes hindrance in female victims coming forward with their complaint. Moreover, there is generally not much understanding of cybercrime due to the unique nature of the violation. Lack of understanding of this crime effects the investigation process and the efficiency of the department. The same issues were discussed in the T-CY report regarding the lack of awareness of cybercrimes among those responsible to enforce the law.

The report also talked about how often times victims do not have information about how to seek help from LEAs which is also true for victims in Pakistan. There is not much awareness about this new form of violence therefore, cyber violence victims often struggle to understand the procedure and the office they have to go to, to lodge a complaint. While NGOs such as the DRF are spreading awareness about the FIA's procedure and how to lodge a complaint through sessions with the students, journalists, lawyers etc., there is no strategy by the government to spread information among people about the facilities and the procedure of registering a case at NR3C.⁴⁷

Pakistan's digital rights organizations are doing all they can to not only spread awareness about the types of online violations there exists but they also lobby with the government for better laws. However, their efforts are limited due to the already shrinking space for the civil society and for relying on external fundings. However, government's response to handling cybercrime cases has been disappointing and not up to the mark of international standards.

Conclusion

Through analyzing the different reports of Pakistan's submissions and laws, it is quite evident that establishing laws, policies and frameworks to address the problem of online harassment of women

⁴⁷ Shmyla Khan's interview.

is not a priority. The cybercrime law, PECA 2016, is vaguely-worded and does not do much to address the complexity of the issue. Moreover, the resources are not allocated for cybercrime wings or for training the staff members on how to handle victims and to enhance their knowledge about types of cybercrime. The civil society, however, are doing a commendable effort to improve the conditions of women in the online sphere. They are not only active in ensuring more awareness about this cause but they also raise their concerns in international meetings like the UPR.

The UN and the CoE, however, have done a great job in providing with a framework. For example, although the Broadband Commission's aim is to make broadband accessible everywhere, they also acknowledge the consequences it will have, especially on the marginalized like women and children, and urged the governments to come up with relevant laws and policies to address this issue. Furthermore, the Budapest Convention is the first international treaty addressing cybercrime. While its members who have ratified the convention are have still have a long way to go, their treaty covers all aspects of the cybercrime relevant for women.

While we have a long way to go in ensuring that cyber violence against women is tackled, we are in the right direction in ensuring the governments take appropriate measures to handle this problem.

Work cited

- Bartlett, Jamie. Norrie, Richard. Patel, Sofia. Rumpel, Rubekka. Wimberly, Simon. "Misogyny on twitter." May 2014. https://www.demos.co.uk/files/MISOGYNY_ON_TWITTER.pdf.
- "Broadband Commission for Sustainable Development." website, <https://www.broadbandcommission.org/about/Pages/default.aspx>.
- "BUTURUGĂ c. ROMANIA." Accessed June 2, 2020. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-200842%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-200842%22]}).
- "CEDAW: Concluding observations on the fifth periodic report of Pakistan," March 2020.
- "Combatting Online Violence against Women and Girls - UN Broadband Commission.Pdf," n.d.
- "General Recommendation no. 35 on gender based violence against women." CEDAW, July 2017. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf.
- Digital Rights Foundation. "Cyber Harassment Helpline." Accessed June 2, 2020. <https://digitalrightsfoundation.pk/cyber-harassment-helpline/>.
- "Digital Gender Divide - Progress Report 2018. September 2018, Broadband Commission for Sustainable Development.
- Dushi, Desara. "Law Enforcement and Investigation of Cybercrime in Albania," 2017, 18.
- European Commission - European Commission. "EU-UN Spotlight Initiative." Text. Accessed June 1, 2020. https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5873.
- "Experiences of online harassment in Pakistan: Case studies from the Cyber Harassment Helpline," Digital Rights foundation. <https://digitalrightsfoundation.pk/wp-content/uploads/2019/01/Research-Work.pdf>.
- Treaty Office. "Full List." Accessed May 24, 2020. <https://www.coe.int/en/web/conventions/full-list>.
- Panoply Digital. "Gender Digital Divide Course." Accessed May 28, 2020. <https://www.panoplydigital.com/gender-and-ict-online-course>.
- "GREVIO Baseline Evaluation Report, Albania.Pdf," Istanbul Convention, November 2017.

- “Hamara-Internet-Online-Harassment-Report.Pdf.” Digital Rights Foundation, Accessed June 1, 2020. <https://digitalrightsfoundation.pk/wp-content/uploads/2017/05/Hamara-Internet-Online-Harassment-Report.pdf>.
- Global News. “Italian Woman Commits Suicide after Her Leaked Sex Tape Became a Meme.” Accessed June 7, 2020. <https://globalnews.ca/news/2944325/italian-woman-commits-suicide-after-her-leaked-sex-tape-became-a-meme/>.
- Koirala, Samiksha. “Female Journalists’ Experience of Online Harassment: A Case Study of Nepal.” *Media and Communication* 8, no. 1 (February 25, 2020): 47. <https://doi.org/10.17645/mac.v8i1.2541>.
- “Mapping study on cyber violence,” Cybercrime Convention Committee, July 2018, Council of Europe.
- Nadim, Marjan, and Audun Fladmoe. “Silencing Women? Gender and Online Harassment.” *Social Science Computer Review*, July 30, 2019, 0894439319865518. <https://doi.org/10.1177/0894439319865518>.
- “New Briefing Report: Protecting Women from Violence through the UN Convention against Torture (CAT) / June 7, 2019 / Reports and Publications / OMCT.” Accessed June 8, 2020. <https://omct.org/reports-and-publications/2019/06/d25377/>.
- O'Brien, Danny. “The Global Ambitions of Pakistan’s New Cyber-Crime Act.” Electronic Frontier Foundation, August 18, 2016. <https://www.eff.org/deeplinks/2016/08/global-ambitions-pakistans-new-cyber-crime-act>.
- “OHCHR | Declaration on the Elimination of Violence against Women.” Accessed June 6, 2020. <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>.
- “Online violence against women in Pakistan: Submission to UNSR on violence against women.” Accessed May 31, 2020. <https://digitalrightsfoundation.pk/wp-content/uploads/2017/12/UNSR-Submission-by-DRF.pdf>.
- “Pakistan: Brother Sentenced to Life for Qandeel Baloch’s Killing.” Accessed June 2, 2020. <https://www.aljazeera.com/news/2019/09/pakistan-brother-sentenced-life-qandeel-baloch-killing-190927084527229.html>.
- “Prevention of Electronic Crimes Act 2016.Pdf,” n.d.

“Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development.” Koninklijke Brill NV. Accessed June 8, 2020. https://doi.org/10.1163/2210-7975_HRD-9970-2016149.

Sirajuddin. “Two Teenage Girls in Waziristan Village Killed for ‘honour’ over Leaked Mobile Video.” DAWN.COM, May 17, 2020. <https://www.dawn.com/news/1557600>.

The Friday Times. “Tackling Online Misogyny,” September 25, 2015. <https://www.thefridaytimes.com/tackling-online-misogyny/>.

“The Punjab Protection of Women against Violence Act 2016.” Accessed June 4, 2020. <http://punjablaws.gov.pk/laws/2634.html>.

“The State of Broadband 2019 Broadband as a Foundation for Sustainable Development,” n.d., 148.

"The Telegraph Act 1885." <http://www.fia.gov.pk/en/law/Offences/26.pdf>.