

Experiences of Online Harassment in Pakistan: Case Studies from the Cyber Harassment Helpline



ABOUT

Digital Rights Foundation (DRF) envisions a place where all people, and especially women, are able to exercise their right to freedom of expression without being threatened. DRF believes that a free internet with access to information and impeccable privacy policies can encourage a healthy and productive environment that would eventually help not only women, but the world at large.

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We would like to thank the brave individuals who allowed us to interview them and publish their stories. Their courage, and that of all those who call the Cyber Harassment Helpline, sustains and inspires us.

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INTRODUCTION

CYBER HARASSMENT AND ONLINE VIOLENCE AGAINST WOMEN

There has been a proliferation of Information and Communications Technologies (ICTs) in Pakistan. According to the Information Technology University's ICT Facts and Figures report, Pakistan's internet penetration stands at 18%.¹ This figure is bound to increase with the rise of 3G and 4G mobile internet. In 2017, the total number of Pakistani social media accounts crossed the 44 million mark.² However access to ICTs is not uniform, the digital gender divide means that women and gendered minorities are less likely to access ICTs as a result of their gender. There exists a stark gender gap in mobile usership and ownership in Pakistan. The digital gender gap can be illustrated by the fact that "men are twice as likely as women to own a mobile phone in Pakistan" as only 64% of women owned mobile phones, while 81% Pakistani males owned cellular devices in 2015.³

Even when women do gain access to digital technologies, they are subjected to a disproportionate amount of violence. Online harassment, online violence against women or technology-facilitated sexual violence are all referring to the same phenomenon "where mobile and online technologies are used as tools to blackmail, control, coerce, harass, humiliate, objectify or violate another person".⁴ This encompasses a wide range of behaviour, such as and not limited to, blackmailing, non-consensual access and distribution of personal information, impersonation, defamation, trolling, threats and gender-based bullying.

¹.International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," <http://bit.ly/1cblxxY>.

². "Over 44 million social media accounts in Pakistan", GEO TV, February 15, 2017, <https://www.geo.tv/latest/131187-Over-44-million-social-media-accounts-in-Pakistan>.

³. Measuring the Information Society Report 2016, International Telecommunications Union, <http://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2016/MISR2016-w4.pdf>.

⁴. Nicola Henry and Anastasia Powell, "Sexual Violence in the Digital Age: The Scope and Limits of Criminal Law", *Social & Legal Studies*, 2016, 1-22, DOI: 10.1177/0964663915624273.

⁵. 63% women self-reported harassment, whereas 107 of the 153 men were calling on behalf of women; "Cyber Harassment Helpline: Six Month Report", Digital Rights Foundation, July 2017.

Online harassment is primarily experienced by women. According to statistics collected by the DRF's cyber harassment helpline, an overwhelming majority of victims are women.⁵ Gender disaggregated data is not provided by the Pakistani government, however out of the 3027 cybercrime cases reported to the Federal Investigation Agency (FIA) during August 2014 to August 2015, 45% involved electronic violence against women.⁶

THE CYBER HARASSMENT HELPLINE

DRF Cyber Harassment Helpline was launched after the successful completion of the Hamara Internet (translates as "Our Internet") project,⁷ and its findings in the "Measuring Pakistani Women's Experience of Online Violence" report.⁸ It was found that there is a serious gap when it comes to addressing online harassment in individual cases and many women were not comfortable taking their complaints to the law enforcement agencies (LEAs).

DRF's Cyber Harassment Helpline is the region's first dedicated helpline for cases of online harassment and violence. The Support Team includes a qualified psychologist, digital security experts, and trained lawyer, all of whom provide specialised assistance when needed. The Helpline strives to help women, children, human rights defenders, minority communities and anyone who might feel unsafe in digital spaces. In the first six months of its operations, the Helpline has received 763 complaints.⁹

The soft launch of the Helpline was on November 28, 2016 and it officially began taking calls on December 1, 2016. The Helpline is operational every-day from 9 a.m. to 5 p.m. The Helpline team can be contacted outside of office timings through email at helpdesk@digitalrightsfoundation.pk.

<https://digitalrightsfoundation.pk/wp-content/uploads/2017/07/Cyber-Harassment-Helpline-Six-Month-Report.pdf>.

⁵Rafia Zakaria, "The web and women's harassment", Dawn, October 12, 2016, <https://www.dawn.com/news/1289530>.

⁷The Hamara Internet project was a nation-wide campaign that provided training sessions for female university students regarding cyber harassment and digital security. The campaign reached 1800 young women and operated in Punjab, Khyber Pakhtunkhwa, Sindh, Balochistan and Gilgit-Baltistan.

⁸"Measuring Pakistani Women's Experience of Online Violence: A Quantitative Research Study on Online Gender-based Harassment in Pakistan," Digital Rights Foundation, <http://digitalrightsfoundation.pk/wp-content/uploads/2017/05/Hamara-Internet-Online-Harassment-Report.pdf>.

⁹"Cyber Harassment Helpline: Six Month Report", Digital Rights Foundation, July 2017, <https://digitalrightsfoundation.pk/wp-content/uploads/2017/07/Cyber-Harassment-Helpline-Six-Month-Report.pdf>.

PURPOSE OF RESEARCH

While the Digital Rights Foundation does provide individualized assistance to victims of online harassment, it also aims to engage in advocacy around online harassment and violence against women in Pakistan. The Helpline collects non-personally identifiable information from its callers and employs that data to publish bi-annual reports with the aim of providing quantitative data on online harassment.¹⁰

This research study is an extension of the larger aim to engage in meaningful advocacy. We have identified the gap in qualitative research around online harassment in Pakistan and sought to fill it. Furthermore, our experience with advocacy has made it clear that it is important to publish human stories in order to provide a lived experience and context behind the numbers. Thus, this research was conducted with the explicit aim of highlighting the experiences of harassment from a qualitative perspective.

This study will in turn be used to advocate for institutional change and reform that responds to the needs of those who experience harassment. This victim-led reform is important since the voice of those most impacted by policy-making and legislation is excluded from these conversations. We hope to place women and those marginalized in online spaces at the center of discourse around online harassment and online spaces in Pakistan.

Each case in this research study has been carefully chosen to ensure that a wide variety of experiences of online harassment are represented. These issues range from institutional failures of law enforcement in tackling online harassment, to role of social media companies, international jurisdictional issues and lack of gender sensitivity.

¹⁰.Ibid.

METHODOLOGY

These particular case studies were selected after a review of the cases received by the Cyber Harassment Helpline at Digital Rights Foundation. Those shortlisted were contacted through details provided by the callers by informed consent.

These cases were chosen to reflect the different challenges that are faced by victims of online harassment in Pakistan. Each case study highlights a different institutional problem.

The interviews for the case studies were conducted through telephonic conversations. Informed consent was taken from each interviewee and they were informed of the purpose of research study. These interviews were conducted in both English and Urdu, depending on the comfort level of the interviewee. Thus, some of the direct quotes are translations.

The interviews themselves were unstructured and sought to gather qualitative information.

The names of the participants of the study have been changed to ensure confidentiality.

CASE
STUDY
1

IMAGE-BASED SEXUAL EXPLOITATION ON THE INTERNET

Abeera's case covers themes of non-consensual use of pictures which are being disseminated by certain individuals for the past eight years. Her suffering has been exacerbated by the inaction of tech giants and law enforcement agencies and to this day she is constantly being blackmailed and bullied based on something that happened when she was 14. Her story covers the psychological trauma she has had to face along with how the system, her own loved ones and everyone else around her failed to support her.

THE STORY

Abeera contacted DRF's Cyber Harassment Helpline on the 14th of October, 2017. She was in a state of shock and panic when she first talked to us. Abeera's nude pictures had been uploaded on a Dropbox link, along with pictures and videos of 100 other girls from Karachi, Lahore and Islamabad. This is when Abeera decided to seek help; and she posted about the Dropbox link on a Facebook group and one of the admins helped by getting in touch with Dropbox through community support. She managed to get the link down in a couple of hours. However the link became active a few days later. Abeera stated she was receiving messages from people she didn't know inquiring about her pictures and whether it was really her. In her first call to us she detailed her eight year long ordeal.

In 2012, at the age of 14, Abeera's relationship with Ahmed ended. They had been seeing each other for a year and the relationship did not end on a good note. In June 2013, Abeera's friend sent her a picture on the popular messaging app BBM asking if it was her. Abeera was shocked and at a loss for words. She saw a picture of herself, one that she had sent her ex-boyfriend. In the picture Abeera was naked. Her friend told her that the picture was being shared on BBM and other social networking sites.

"SHARING OR DISTRIBUTION OF "NON-CONSENSUAL SEXUALLY EXPLICIT IMAGES" IS COVERED UNDER SECTION 21 OF PECA"

Abeera still gets messages from random boys telling her that her pictures are out on the internet. From the age of 14 till the age of 22, she has been a victim of cyber harassment and abuse.

DROPBOX

Dropbox is a file hosting service which was launched in 2007. The service makes sharing files easier by uploading them on one account. It also provides individuals with a basic storage capacity of 2GB which can be increased according to the data plan that one chooses. Dropbox is not only seen as a service which makes sharing files easier but also helps in storing them and keeping backups.

Over the past couple of years, Dropbox has had a string of cases related to pornographic content being disseminated online. Images and videos have been shared by uploading them on dropbox and sharing the link of the dropbox file. There have been numerous cases in the United States regarding nude pictures being circulated in high schools of underage girls through Dropbox. Most of the times, the girls weren't even aware that their pictures were going viral on the internet.

The timeline below shows multiple instances of when Dropbox was used to share pornographic images and videos in high schools in USA.

INSERT TIMELINE

BETWEEN
DECEMBER 2014 TO
FEBRUARY 2015

75 NUDES WERE LEAKED ON DROPTBOX IN HOUGH HIGH SCHOOL, CHARLOTTE, NORTH CAROLINA¹¹

650 NUDES WERE FOUND ON DROPTBOX IN MIRAMONTE HIGH SCHOOL OF DRINA, CALIFORNIA^{*12}

JANUARY 2015

MARCH 2015

300 NUDE PICTURES OF GIRLS FOUND ON DROPTBOX IN NORTH PENN HIGH SCHOOL^{*13}

600 NUDES ON DROPTBOX IN JOPLIN HIGH SCHOOL IN JOPLIN, MISSOURI^{*14}

APRIL 2015

AUGUST 2016

MULTIPLE SILICON VALLEY HIGH SCHOOLS AFFECTED WITH PICTURES LEAKED OF BOYS AND GIRLS^{*15}

PICTURES OF 35 STUDENTS FROM DAVISON HIGH SCHOOL LEAKED. SUSPECT CAUGHT AND ARRESTED. TRIAL IN PROGRESS.^{*16}

JANUARY 2017

JULY 2017

PHOTOS AND VIDEOS OF FEMALE STUDENTS UNDER 18 SHARED ON DROPTBOX IN BURIVILLE HIGH SCHOOL^{*17}

Dropbox has an Acceptable Use Policy by which the company would terminate an account if it will “publish or share materials that are unlawfully pornographic or indecent, or that contain extreme acts of violence.”¹⁶ In order to report any abusive content on Dropbox, an individual needs to reach them at abuse@dropbox.com and a complaint number is given to the complainant. These guidelines, however, are vague and Dropbox does not provide any indicator on how they will be interpreted.

DROPBOX POLICY ON LAW AND ORDER STATES THAT, "WE MAY DISCLOSE YOUR INFORMATION TO THIRD PARTIES IF WE DETERMINE THAT SUCH DISCLOSURE IS REASONABLY NECESSARY TO (A) COMPLY WITH THE LAW; (B) PROTECT ANY PERSON FROM DEATH OR SERIOUS BODILY INJURY; (C) PREVENT FRAUD OR ABUSE OF DROPBOX OR OUR USERS; OR (D) PROTECT DROPBOX'S PROPERTY RIGHTS."¹⁹

^{11, 12, 13, 14, 20} Mandy Velez, 'A Friend Called And Said "I Just Saw Pictures Of You Naked" ', Refinery 29, July 1, 2015, <http://www.refinery29.com/2015/07/89757/north-penn-nudes-dropbox-scandal>

¹⁵ Veronica Rocha, 'Silicon Valley high school students used a Dropbox account to share sexually explicit photos, police says' , Los Angeles Times, December 13, 2016, <http://www.latimes.com/local/lanow/la-me-in-mountain-view-students-explicit-photos-dropbox-20161213-story.html>

¹⁶ Jessica Dupnack, 'Plea Deal offered in Davison High School sexting Scandal' abc12, March 21, 2017, <http://www.abc12.com/content/news/MSP-launch-investigation-after-sexting-scandal-in-Davison-Township-411659025.html>¹⁷Nancy Krause, 'After Dropbox scandal, Burrillville supt. says students need to respect themselves, others' WPRI, July 13, 2017, <http://wpri.com/2017/07/13/after-dropbox-scandal-burrillville-supt-says-students-need-to-respect-themselves-others/>

¹⁸ Dropbox, Acceptable Use Policy, Dropbox, 26 October, 2017, https://www.dropbox.com/terms#acceptable_use¹⁹ Dropbox, Privacy Policy- Law and Order, 26 October, 2017, <https://www.dropbox.com/terms#privacy>^{21, 22} Dropbox, 'Transparency Reports- Government Removal Requests', Dropbox, July 2016- Dec 2016, <https://www.dropbox.com/transparency/reports>

Abeera contacted the Cyber Harassment Helpline after the link was taken down for the first time sensing that it might become active again. So when the link became active again, for the second time, the DRF team was shocked to see pictures of girls, some of whom were under 18. The pictures were being circulated on Whatsapp groups and Facebook pages. The harassment was targeted and dangerous as the files on the Dropbox account were labelled with the exact names of the girls. These girls belonged to different cities in Pakistan, and the folders contained pornographic material of them. This identification allowed a lot of people to track down the girls on social media and harass, threaten and blackmail them.

The second time around, Dropbox did not reach out to Abeera on time. When she reported the account to them, she was given a complaint number and told that the matter was being looked into. Given the time-sensitive nature of the case and the mass scale at which the content was being shared, a delayed response made matters worse. Given that Abeera is a Pakistani citizen, her access to a tech giant such as Dropbox is extremely difficult. Dropbox made a statement after the North Penn High School case (2015), "We act quickly in response to reported violations of our Acceptable Use Policy, and are constantly improving how we detect and prevent Dropbox users from sharing content that violates our terms."²⁰ However, the internet poses several jurisdictional challenges for victims of online harassment, and given that Pakistan does not have a Mutual Legal Assistance Treaty (MLAT) with the US (where Dropbox is registered), data sharing and take-down notices are extremely difficult to implement.

According to Dropbox's transparency report, they specified the government requests they receive from US and non-US countries about removing content. According to Dropbox

"GOVERNMENT REMOVAL REQUESTS OVERALL INCLUDE COURT ORDERS AND REQUESTS GIVEN BY LAW ENFORCEMENT AGENCIES AND GOVERNMENT AGENCIES IN WRITTEN FORM WHICH SEEK THEM REMOVAL OF CONTENT BASED ON THE LOCAL LAWS OF THEIR RESPECTIVE JURISDICTIONS." ²¹

UK sent the highest number of removal requests to Dropbox in which out of 25, 23 accounts have been removed on the basis of violating the Acceptable Use Policy. From South East Asia, Dropbox has only received one request by the Indian government, which they rejected.²²

PSYCHOLOGICAL AND SOCIAL TRAUMA

Ever since Abeera's pictures were shared online, things have not been the same. She was shunned by her friends and was victim-blamed. None of her friends questioned her ex-boyfriend's actions and ended up blaming her instead, often referring to her in derogatory and gendered terms such as "slut". Abeera was contacted by a barrage of people on a regular basis regarding her pictures and has been blackmailed for the past eight years. She had to change her number three times. She has also withdrawn from the internet, deactivating her social media accounts, multiple times. There are times when she has been scared for her personal safety, fearing that one of her tormentors might end up coming to her house. She has also lived in constant fear of someone reaching out to her father and him finding out.

Her fears have not been unfounded. On one occasion, Abeera was bullied to the extent that boys from her school came to her house and egged it. Their demand was that she talk to them. Some boys even sent her pictures to her father on Facebook. She managed to delete the messages by gaining access to her father's phone in order to keep him from finding out. Abeera was in a constant state of fear and distress. This is when she decided to leave school. No support or counselling was provided to her at school.

She saw the school's reaction when one of her friends tried to approach them regarding her own pictures. Abeera's friend's pictures were being circulated in school and her friend trusting and hoping to get help from the school went to them with the case. However, instead of taking positive action to remedy the situation, the school administration ended up calling her father and showed him her nude pictures. The school's response added to the already long list of problems.

Abeera considers herself lucky given the familial support she has received from her mother and sister. However, despite her mother being on her side, her problems are still far from over. The bullying at school impacted her academics and Abeera left school when she saw she couldn't handle the stress anymore.

The bullying and abuse directed at Abeera was particularly gendered. Even when she was dating Bilal, he constantly told her how no one will ever settle down with her. Her father's censure was constantly used as a threat. Bilal repeatedly threatened to go to her father. During their relationship, while Bilal was in Indonesia, he made a fake account with Abeera's name and uploaded her pictures when she had tried to end their relationship. She stopped talking to him, changed her number, disconnected herself from the internet and completely disappeared. Even then, Bilal got in touch with her friends. In order to avoid him, Abeera had to isolate herself completely and to the point that nobody could reach out to her. Abeera confessed that she was once suicidal and thought about ending her life but she forced herself to get out of the situation and face whatever comes her way.

These days Abeera is trying to get past the trauma she went through for eight years and is focusing on her studies. She has accepted that this will always be a part of her life and at any point she might be getting messages from some stranger regarding her pictures. Abeera is determined though that she will fight this and not let herself be defined by this. She plans on helping girls who have been through a similar situation by counseling them.

ISSUES IDENTIFIED IN CASE STUDY 1

1# TIME (IN)SENSITIVITY:

There is a dearth of mechanisms within social media companies and law enforcement agencies to deal with cases on an emergency basis. The long response time in this case proved to be too slow given the reputational harm that was at stake.

2# LACK OF RESPONSE BY DROPBOX:

Dropbox is a source of major exploitation, as sexually exploitative imagery is readily shared on its cloud. Their reporting mechanism is too slow to respond to a case such as this.

3# NEGLIGENCE OF SCHOOL ADMINISTRATION:

In this case, the school where the victim was studying, failed to provide her with the requisite psychological and emotional support to deal with her situation. The negligent way the school treated Abeera's friend's case confirmed how most schools are not a reliable source of support for its students. The school actively disclosed information that contributed to distress of the students and ultimately led to them discontinuing their academics.

4# VICTIM BLAMING:

Abeera was blamed by her friends and closed ones regarding what had happened. She was bullied by her partners based on the fact that she had pictures online. She was constantly given names and shunned by everyone which ultimately led her to social isolation and suicidal ideation.

CASE
STUDY
2

RESPONSE TO ABUSE REPORTED TO SOCIAL MEDIA COMPANIES

As the internet has grown, tech companies have come to dominate the spaces where we communicate and create content. Social media websites are the most frequent sites of abuse and harassment. Often times, when online harassment is reported to law enforcement agencies, they are dependent on these social media companies for data sharing that can make the investigation possible. This places an inordinate amount of power at the hands of these tech giants. Sana's story is one of how this complicated jurisdictional landscape is not simply a legal question--it has real impact on the lives of women all over the world.

THE STORY

Sana started working in 2009 and was providing for her family at the young age of 25. It was during that time, in 2010, that she met Ali at a wedding. They starting dating immediately afterwards. Ali was her cousin's friend and at the start of their relationship everything was well and Ali was extremely supportive of Sana's career choices and encouraged her to be strong and independent. In the last two years of their relationship, however, Sana experienced a stark change in Ali's attitude. Ali began suspecting her and frequently questioning her commitment to him. In 2015, Ali started badgering Sana about her whereabouts while she was at work. He told Sana to quit working and staying at home. He would accuse her of having multiple affairs with her colleagues. He also tried to contact her colleagues numerous times to defame her at work which created a lot of problems for Sana.

Then things took a turn for the worst. Ali got hold of pictures of Sana's senior colleague and photoshopped them with Sana's pictures. He made a fake profile with those pictures accompanied by abusive captions stating "Sana will be lying under him tonight". He added her cousins to the account and told them that Sana was sleeping around and having affairs. Sana reported the account to Facebook and the account was shut down right away. Ali persisted and he made fake accounts claiming to be Sana twice in 2016.

The fake accounts were part of a psychological tactic to pressurize Sana. In fact, after making a new account, Ali was often the one sharing links with her which she then reported to Facebook. This cycle of abuse meant that it was very difficult for Sana to terminate the abusive relationship. Sana's friends warned her about trusting Ali, but it took quite some time for Sana to face her demons and one day she decided she couldn't take it any more and so, she decided to leave him.

For six months after their breakup, Ali did not contact Sana. Then in 2017, he started blackmailing her. Ali manipulated her into staying in contact despite clear disinterest on Sana's part. He would demand to know her whereabouts and if she wouldn't answer, he would start blackmailing her. He would threaten to upload her pictures and make fake accounts. Ali blackmailed Sana from his personal Facebook account, Whatsapp and text messages. Extremely worried and not knowing what to do, Sana decided to confide in her mother. The maternal side of her family were already aware that she had been in a relationship with Ali and her mother said she would try contacting Ali and reason with him. However, Ali and his family were unreachable when she tried to contact them.

Sana called the Cyber Harassment Helpline in August, 2017 and indicated that she wanted to pursue a case. However, she didn't feel comfortable approaching the law enforcement agencies, entering offices full of men made her nervous given the sexual nature of her case. Nevertheless, Sana submitted her application and her statement was recorded by an officer. Sana told the officer how Ali had blackmailed her for the past two years and made fake accounts. She mentioned how Ali was still threatening her and forced her to talk to him. She was told, however, that if the fake accounts had been shut down no investigation could take place without active links. Sana tried explaining how Ali was threatening her through his Facebook account and also sending her voice notes on Whatsapp in which he was blackmailing her. The officer filed Sana's complaint and told her he would be in touch regarding the status of her case. For the next two weeks, Ali kept blackmailing Sana asking her to talk to him. He threatened to get in touch with her brothers and come to her house. Law enforcement told her that their hands were tied--they were waiting on a data request sent to Facebook. Ali kept threatening to upload Sana's pictures and due to the delay in processing her case, she tried to handle the situation on her own by talking to him.

"I HAD TO KEEP HIM CALM AND RESOLVE THE SITUATION BECAUSE THE LAW ENFORCEMENT OFFICIAL WASN'T GETTING IN TOUCH WITH ME, I HAD TO STAY IN CONTACT WITH HIM."

Sana called DRF's Helpline religiously for the next month and a half. In late September 2017, when the Cyber Harassment Helpline finally managed to get in touch with Sana's investigative officer on the case, we were told that Sana's case had been rejected by Facebook. It was revealed to us that a data request had been sent to Facebook, however, given that there is no Mutual Legal Assistance Treaty (MLAT) with the United States, where Facebook is situated, Facebook was not obliged to entertain their requests. The FIA informed us that while there was the option to appeal rejections by Facebook, in their experience it was highly unlikely that they would change their decision on appeal and the case would be dropped. Sana felt extremely disappointed and depressed.

Sana continued to be threatened via text messages, Whatsapp and Facebook. The Cyber Harassment Helpline advised her to take the case to the police. Since part of the harassment was taking place on mobile text messages and calls, the case also fell within the jurisdiction of the local police and she was entitled to file a direct complaint with them. Sana considered this option but did not pursue it. She was discouraged by her friends who told her that the police might end up coming to her house which could make matters worse. Sana needed the assurance that her complaint would not be made known to her family.

Not knowing what to do, Sana was advised by her friends to completely stop using the internet and deactivate all her accounts. Sana has left the internet completely. Currently, she uses her sister's Facebook account and Whatsapp if she needs it for work. To this day, Sana is still blackmailed by

ISSUES IDENTIFIED IN CASE STUDY 2

1# LACK OF COOPERATION BY SOCIAL MEDIA COMPANIES:

Facebook has wide discretion in accepting and rejecting requests of cooperation and data-sharing from law enforcement agencies. Furthermore, no reasons are furnished for why data requests are rejected. There is a lack of transparency and element of arbitrariness in the process.

2# ABSENCE OF DATA SHARING MECHANISMS AT STATE LEVEL:

Currently, the lack of mechanisms to ensure data transfer between the government of Pakistan, other governments and social media companies, means that victims of online harassment have to suffer from inaction of law enforcement when that data is pivotal to a case.

CASE STUDY 3

A CROSS-BORDER CASE OF BLACKMAIL AND HONOUR

SECTION 1(3) OF PECA: "IT SHALL APPLY TO EVERY CITIZEN OF PAKISTAN WHEREVER HE MAY BE AND ALSO TO EVERY OTHER PERSON FOR THE TIME BEING IN PAKISTAN.

"SECTION 1(4) OF PECA: "IT SHALL ALSO APPLY TO ANY ACT COMMITTED OUTSIDE PAKISTAN BY ANY PERSON IF THE ACT CONSTITUTES AN OFFENCE UNDER THIS ACT AND AFFECTS A PERSON, PROPERTY, INFORMATION SYSTEM OR DATA LOCATED IN PAKISTAN."

THE STORY

Fatima's case gives insight into the grave consequences that women in Pakistan face for something that may be perceived as simple or insignificant without the regional context. It also allowed for the exploration of a particular weakness in the Prevention of Electronic Crimes Act (PECA) and its implementation at the hands of the designated law enforcement authority.

THE CRIME

Fatima's story begins approximately seven years ago in 2010, when at the naive age of 20, she entered into a long-distance relationship with a man based in Saudi Arabia. Her emotional vulnerability during this time, caused by her mother's death and her relocation away from her family to a hostel, led to a strong attachment developing on her side. The man, Asad, however, constantly maintained that he was interested in another girl and would not marry Fatima. In the hope that he would change his mind, she continued with the relationship.

In the seven year relationship that followed, they only met once and otherwise maintained contact over the phone. While Asad was on a trip to Pakistan, he met Fatima and they took pictures together. At this point, while talking to a Helpline support staff member, Fatima stressed that she was wearing her burka, and only her face was uncovered and visible in the pictures. After the completion of her medical studies, Fatima's family began searching for suitable marriage proposals for her. As a consequence, Fatima asked Asad whether or not he intended on marrying her. This time, he agreed and sent his mother over to meet her family. After the passage of some time and because of the involvement of another girl in Asad's life, their families stopped discussing about their marriage. Within a few days, Fatima was legally married to someone else and had blocked Asad's phone number and social media accounts. Incensed at being blocked, he then took to sending messages to Fatima's sister on Facebook in an attempt to coerce Fatima into maintaining contact with him, despite her having made it clear to him that she did not want to do so anymore. Anticipating the damage that Asad intended on causing, she took her husband into confidence, and fortunately for Fatima, he stood by her.

Thus, began Asad's trajectory of harassing her: he started threatening her that he would send all her family members the pictures he had of her; messaging her father and brother about the nature of their relationship; sharing pictures with her family members; and setting up fake accounts, one of them pretending to be Fatima in an attempt to ruin her relations by sharing pictures of the women in Fatima's family. This is when she discovered that he had stolen pictures off her tablet device when she had handed it over to him to get it fixed. Hailing from a small village in Charsadda and originally from FATA, Fatima explained that it is considered very dishonorable for women to have their pictures accessible online. "I trusted him, I never imagined he would do something like this", she recalls. The fake profile that was sharing Fatima and her family's pictures was open to the public and befriended all of her family members online to ensure maximum damage. Meanwhile, Asad continued to issue threats and blackmail Fatima from these fake Facebook accounts, but would clearly state his identity in those messages.

This was a very stressful time for Fatima and her family. Having their pictures shared online, open for everyone to see, was humiliating for them to say the least. Despite maintaining that, her family was immensely supportive of her throughout the ordeal. She was scared of her family's wrath, and so she went to live with her husband in Peshawar.

"WHERE I'M FROM, GIRLS ARE MURDERED FOR VERY MINOR ISSUES WITHIN A COUPLE OF DAYS AND NO ONE EVEN BATS AN EYE. I AM LUCKY THAT MY FAMILY IS EDUCATED - THAT IS THE ONLY REASON I AM STILL ALIVE", SHE EXPLAINS.

PSYCHOLOGICAL TOLL

When the Helpline support staff first talked to Fatima about her case, the distress she was in was obvious. In fact, both Fatima and her sister were talking of committing suicide if no progress was made in their case soon. Talking about the time before her statement was recorded, when they were receiving mixed signals from the FIA, she describes her family as going through a crisis and mental torture everyday. While appreciative of the support she was receiving from her family and husband, Fatima was simultaneously worried about how long those around her would remain so patient. Looking back, Fatima feels that had it been any other girl from the same background as hers, she probably would not have been alive today. It is important to highlight how pivotal the support from her family has been in helping her approach the law enforcement authorities.

Though the 'crisis' that Fatima says her family was going through is now over, they are all still deeply concerned. Because of the limitations that the law enforcement faces, they are not able to retrieve the pictures of Fatima and her family that Asad stole and are in his possession without their consent. They fear that these pictures could be used at any time in the future to blackmail them once again, or could be abused in other ways. For now, Asad is not harassing them, but not because of any legal restrictions placed on him and this puts them in danger of being subjected to harassment yet again.

When asked whether she had any other concerns that arose from her entire experience with the law enforcement agencies, Fatima pointed out that there was no respect for the privacy needs of those who brought forward their complaints. She noted that her documents were often laying on the officer's desk, open for any and every passerby to see and go through. She suggests that to uphold the integrity of anyone who comes to the designated law enforcement agency for help, there should be proper confidentiality guidelines, and that the file for a particular case should only be accessible by the officer who is assigned the case.

ISSUES IDENTIFIED IN CASE STUDY 3

1# LACK OF COORDINATION WITH SOCIAL MEDIA SITES:

Given the high percentage of cyber crime cases that deal with social media, institutionalised mechanisms need to be developed with these companies to allow the designated law enforcement agency to carry out efficient investigations in cases of online harassment.

2# LACK OF MECHANISM TO IMPLEMENT GOVERNING LAW:

This case shows that there is a clear discrepancy between what PECA states and the powers that the designated law enforcement agency can currently exercise.

3# LACK OF GENDER SENSITIZATION:

Women who are the victims of cyber harassment are already under great emotional and psychological stress. It takes a great deal of courage to step up to report harassment and demand their rights, but that spirit can easily be broken when the agency that is supposed to help them, judges them and makes them feel unsafe instead.

4# NEED FOR PRIVACY AND CONFIDENTIALITY SOPS:

One of the main concerns that callers on DRF's Cyber Harassment Helpline raise is whether their case and their information will remain secure if they decide to pursue a criminal complaint against their harasser. The nature of online harassment is such that without complete protection of privacy, the purpose behind filing a complaint is defeated. There have been cases where data breaches on part of the law enforcement agencies has resulted in even more harassment for complainants.

CASE
STUDY
4

VULNERABILITY OF WOMEN IN MEDIA

Women working in the entertainment industry or the field of journalism engage with online space both in their personal or professional capacities. Often times the lines between professional and personal are blurred when women's privacy is breached and that results in both professional and personal harm. As per our research, female journalists are particularly vulnerable to harassment and monitoring in the course of their work.¹¹ The following case relates to a woman in the entertainment industry who experienced non-consensual leaking and distribution of sexual and personal videos. The impact of this harassment has resulted in reputational harm - she has lost work opportunities and has also faced online bullying which led to tremendous psychological distress. The case highlights the heightened vulnerability of women in media and the toll that harassment can take on their personal and professional lives. Women journalists are often subjected to workplace harassment and violence in Pakistan due to their gender. Most women are also discouraged to work as journalists and are often not taken seriously in the field.

THE CRIME:

This case covers the theme of non-consensual online distribution of explicit data of someone without their consent. Nina, the complainant who approached us, is a member of the Pakistani entertainment industry and her case highlights the heightened visibility of women whose work involves being in the public eye. Nina was in a relationship with a man and she consensually shared intimate and sexually explicit videos and pictures with him.

¹¹ "Surveillance of Female Journalist of Pakistan", Digital Rights Foundation, 2016, <http://digitalrightsfoundation.pk/wp-content/uploads/2017/02/Surveillance-of-Female-Journalists-in-Pakistan-1.pdf>.

Technologies have enabled new ways of sexual expression and pleasure, and Pakistan is no different. However, as with most cases of non-consensual distribution of sexually explicit content (also known as non-consensual pornography), after their relationship ended Nina found that her privacy was violated and videos of her being engaged in sexual acts were put up on different pornographic websites and platforms.

Not only were these videos distributed widely, screen grabs from the video were used by amateur gossip websites and pages to defame her. The availability of these videos resulted in immense online harassment being directed at Nina.

NINA WOULD FIND THAT MULTIPLE FAKE PROFILES WOULD BE MADE IN HER NAME CONTAINING SEXUALLY EXPLICIT PICTURES. SOME OF THESE PROFILES WOULD NEVER CONTACT HER AND SEND ABUSIVE MESSAGES HER WAY.

CHALLENGE:

When Nina contacted Digital Rights Foundation, she told the helpline team that she had been harassed for the past year and was not able to remove the content despite reporting multiple platforms several times. Given that these platforms were a mix of social media companies (Facebook and YouTube) as well as blogs and pornographic websites, the reporting process was extremely fragmented and cumbersome. This led to several videos being created, adding to the already impossible task of monitoring the pre-existing videos that had been uploaded and disseminated widely across various social media channels. The scale of the problem had left her feeling helpless as copies were being routinely made and distributed without any restrictions. Given that reporting mechanisms and community guidelines of different platforms can vary, the response was quite uneven.

The perpetrators made several fake accounts and put up pictures of Nina and even tried to contact her real profile to intimidate and harass her. Her videos were found on YouTube and various other pornographic websites. The videos took a toll on her professional and personal life and the fact that she was a well known individual in the media only made her case all the more complicated. YouTube was very slow in responding to reports of privacy violations as well.

Nina, would constantly look for links of the explicit videos and report them, which was an extremely exhausting task for her. She would spend all her waking hours searching for her pictures and videos and compile them to report. Despite her constant reporting, the platforms weren't as responsive as they should have been and her pleas fell on deaf ears.

DRF'S APPROACH:

Nina contacted DRF through it's toll-free number as a last resort. She had heard about our helpline from a friend, and having tried multiple avenues she decided to give us a call. After informing her about the take-down mechanisms, she agreed to send us some of the active links of the pornographic websites that contained her private videos.

DRF ADOPTS A TWO-PRONGED APPROACH TO TAKEDOWN REQUESTS:

- 1) ESCALATE COMPLAINTS THAT INVOLVE PRIVATE SEXUALLY EXPLICIT CONTENT.
- 2) REPORT OTHER VIOLATIONS THROUGH REPORTING MECHANISMS.

Links containing sexually explicit content were taken down within a matter of days as DRF was able to use its partnerships with various platforms to escalate the complaints. Regarding content that was not sexually explicit per se, DRF through its referral mechanisms has established relations with social media platforms and was able to remove over 60+ links. DRF also worked with the complainant to secure her social media profiles and is actively monitoring content containing references to her.

Nevertheless, the biggest challenge has been the different standards that platforms adopt depending on whether an image is sexually explicit or not. For instance, YouTube has been reluctant to remove screenshots from several videos simply because the images used are not sexually explicit per se, despite the privacy violation. This is further complicated by the fact that Nina is a public figure, so the videos are sometimes not removed on the pretext of being news.

Additionally, reporting mechanisms for privacy violations on websites containing pronographic content are extremely lacking. Given the fact that there is a vast amount of non-consensual content on these platforms and the sordid history of the pornography industry, special protocols need to be developed to deal with content on these websites.

Legal action for the privacy breach was not taken as the complainant did not wish to pursue a formal case given her visibility and the possibility of her case becoming a media spectacle.

PSYCHOLOGICAL TOLL:

The fact that Nina is a media personality doubled the amount of risk for her in terms of the impact this could have on her personal and professional life. For public figures visibility is a part of their profession, however, the importance of privacy is equally important for them as it is for the rest of us. For Nina, the privacy breach left her constantly wondering whether her co-workers had seen her video. She feels that her ability to land certain jobs was stymied as a result of the video.

The trauma of having her pictures leaked online and disseminated across every social media channel was quite overwhelming for Nina and had a significant impact on her mental health. Nina tried to balance her work life just like any other individual but whenever her pictures and videos surfaced online she found herself struggling with her day-to-day tasks. Nina would religiously check for images and videos of herself online and it soon became a vicious cycle, where she would report her pictures and videos only to find more of them resurfacing.

In her conversations with the helpline's support staff, Nina expressed fear that as long as the videos stayed online, she would not be able to move on with her life. Nina emphasized on how the ramifications of others finding out about the video and pictures were severe and she suffered from constant anxiety wondering if those around her had seen them.

Her mental health suffered further because of the defamation she had to face. Nina being a public figure, found it hard to face the public which badly affected her career. Despite the fact that most of Nina's pictures and videos were taken down, her mental health has been significantly impacted and it will take quite some time for her to heal. Pakistan is a patriarchal society in which women are treated more or less like second class citizens and their value in society rests on their izzat (reputation). Problematic notions of women's dignity and honor lead to serious repercussions once that honour is "harmed". Nina, to this day, lives in fear for her reputation not knowing what lies ahead for her and if she'll be able to get over this ordeal or not.

POSTSCRIPT:

Nina has resumed her work and is busy with other professional commitments. Her pictures and videos appear over the internet sporadically and the helpline staff tries their best to remove them as soon as they can. However, not all links can be removed, especially when they contain non-sexually explicit defamatory content.

ISSUES IDENTIFIED IN CASE STUDY 4

1# UNSATISFACTORY RESPONSES BY INTERNET PLATFORMS:

Given the urgency of the matter, social media websites failed to respond promptly to Nina, and it wasn't until DRF stepped in and reached out to them did they act on the complaint and remove the sexually explicit content.

2# MEDIA CHANNELS SPREADING FAKE NEWS:

Television channels were extremely irresponsible in reporting news regarding Nina which actually worsened her situation as fake news was promulgated to mislead people.

3# DIFFERENT STANDARDS FOR PUBLIC FIGURES:

Legal standards for public figures and reporting on their personal lives afford lower levels of protection to them than other citizens. This distinction becomes murky when it comes to women working in media fields where the chance of a privacy breach and its potential impact, both, are high.

CASE
STUDY
5

EXPLOITATION OF MINORS THROUGH SEXUALLY EXPLICIT IMAGES

This case deals with the vulnerability and susceptibility due to inadequate digital security practices. Lack of knowledge about digital security can result in instances of hacking and breach of digital privacy which can result in blackmailing. This case brings up issues of consent and the inadequacy of laws, as the complainant was under 18 years old girl and lacked support to pursue a legal case. This case also brings to the fore the responsibility of social media platforms to protect their younger users.

THE CRIME:

Amnah, a 17 year old girl, got in touch with DRF's cyber harassment helpline, frantic and disoriented about what had just happened to her. She described a common practice amongst young individuals which is, sharing passwords with friends and family. Amnah had shared her Snapchat ID and password with one of her friends, however, she later found out that she had shared her details with a compromised account. The friend that she had trusted with her password was not in ownership of her account as her account had been hacked. This meant that she was inadvertently speaking to someone else while thinking it was her friend. These types of hackings are becoming increasingly common which prey on the trust between individuals to procure private information.

After obtaining the password, the hacker used the details of Amnah's Snapchat ID to gain access to her personal explicit pictures saved in the memories section of the application. This gave the hacker an open door to non-consensually contact Amnah and asked her for more explicit pictures. In the case of refusal, he blackmailed her to leak the pictures he has on social forums and distribute them publicly.

Amnah couldn't confide in her family or a trusted adult, and ended up giving into the harasser's blackmailing and sent him more pictures in hopes that the harasser might go away, but she was only blackmailed more. This led to a vicious cycle of abuse.

CHALLENGE:

Given that Snapchat is an application targeted at a younger demographic, its reporting mechanisms and safety features need to account for that particular demographic. In several cases, including this one, users have found it difficult to recover their accounts once they have been hacked, especially if the recovery email address and number have been changed as well.

Furthermore, several Snapchat users do not anticipate the full impact of the “memories” feature that allows users to save “snaps”. Since Snapchat is known for its disappearing messages, users have less inhibitions in sending intimate photos of themselves over the application. However, the application had very little safeguards to protect these snaps.

The legal challenges for minors (defined as being under the age of 18) to bring cases under the Prevention of Electronic Crimes Act are insurmountable at times, especially when parents are unwilling to bring forth cases or when minors are reluctant to approach their parents. In practice, law enforcement agencies have been unwilling to take cognizance in cases involving minors.

DRF'S APPROACH:

Owing to the fact that this involved blackmailing and sexual images of a minor, DRF referred Amnah to the Punjab Commission on the Status of Women (PCSW) so that the case could be dealt with in a gender sensitive manner. Our legal officer set an appointment to accompany the complainant to the PCSW office so that her application could be submitted.

PSYCHOLOGICAL TOLL:

Partly due to the fact that Amnah is a minor and the severity of the case, the entire ordeal has had severe impact on her mental health. Amnah suffered from extreme anxiety and would frequently panic as she feared that her family might find out.

AMNAH STATED THAT, "I WAS ON THE VERGE OF COMMITTING SUICIDE BECAUSE I HAD NOWHERE TO TURN TO AND HAD VERY LITTLE SUPPORT FROM MY FRIENDS AS WELL. I REMEMBER WHEN I ASKED MY FRIENDS TO BLOCK MY FAKE PROFILES THEY WOULD SAY WHY SHOULD WE AND THEN THEY WOULD RIDICULE AND TEASE ME. "

The blackmailer used a combination of shaming tactics and overt threats to make Amnah comply to his demands. This continuous psychological manipulation negatively affected her academic and social life. Amnah found herself isolated from her peers and realized she couldn't confide in anyone assuming that she would be blamed. Whenever the blackmailer would ask her for her images one last time she would give them to him out of the desire to simply "make it all stop", but unfortunately sharing more information with one's harasser often only makes the situation worse.

The fact that Amnah is a girl who was exposed to something so unfortunate at a young age means that even if she gains access to her account or the pictures are recovered from the perpetrator, she'll always remember this incident and will be in constant fear of it happening again. Amnah also has to live under this constant fear that the blackmailer might reach out to her family and that her pictures won't be shown to anyone else.

CONCLUSION:

Even though the helpline support staff offered to provide Amnah with institutional and legal support to pursue her case, the complainant decided against filing a case given the lack of familial support and the lack of age-sensitive channels for reporting cases specifically of minors.

POSTSCRIPT:

Amnah is dealing with the situation a lot better now, and she's back to her normal day-to-day activities. She still fears harassment and being targeted by her harasser, however, she has been reassured that if the harassment persists she has our support going forward.

ISSUES IDENTIFIED IN CASE STUDY 5

1# LACK OF SAFE CHANNELS FOR MINORS:

The relevant departments need to ensure that all personnel are sensitive towards minors reporting their cases and reporting avenues of minors are not over complicated.

2# LACK OF CONFIDENTIALITY REPORTING A CASE FOR MINORS:

One of the main reasons Amnah backed out from pursuing a case legally was that guardians had to be involved for cases of minors, which was not suitable for Amnah at that point. These avenues must be explored in detail since a lot of cases of a similar nature have been springing up.

3# LACK OF SUPPORT IN SCHOOLS:

For teenagers and adolescents who are unable to confide in their families, the school should be a safe space and mechanism of support. In Amnah's case, there were no avenues within her school to help her cope with the trauma of being harassed or provide her with guidance on how to handle the situation.

CASE
STUDY
6

HARASSMENT BY A FAMILY MEMBER

It is an often repeated truism that most instances of gender-based violence are perpetrated by someone close to the victim. This also rings true for cases of online harassment. In this case, Mariya tells a story of dealing with immense psychological stress caused by harassment from someone close to her. She was harassed online by an unidentified person, through a fake profile, for a long period of time. After the intervention of the law enforcement agency, the harasser was eventually identified as her own fiancé/cousin.

THE CASE:

When Mariya got in touch with us, she was determined to get at the bottom of the harassment she had been subjected to for months. For the last few months, Mariya and her friends were being contacted by an unidentified individual through a fake profile. The messages were extremely abusive and threatened Mariya directly. She was quite distressed that the harasser might contact her co-workers. Furthermore, Mariya was engaged to her cousin and was going to get married soon; she feared that unsolicited contact by a male harasser may be a hurdle in her married life.

Initially, Mariya informed the helpline support team that she wanted the fake accounts to be removed. We guided her through the reporting process and the profiles were removed. However, soon new profiles were made and the harassment continued unabated. Mariya told us that she wanted to find out who the harasser was so she could secure herself accordingly. The helpline team set up an appointment for her with a law enforcement officer so she could file her case immediately.

Once the investigation started Mariya started to feel increasingly distressed and hopeless as the messages continued. Even after deactivating her Facebook account, Mariya would find out that her friends were receiving messages from her harasser about her. Mariya was diagnosed with severe anxiety and she was having trouble coping up with her case.

While DRF was actively following up on her case, the data request sent to Facebook took up to four months to come through. The interim period was extremely difficult for Mariya, and at one point she felt so helpless that she expressed suicidal ideation.

The breakthrough in investigation did not yield much relief for Mariya because when the law enforcement agency got back to her with the identity of her harasser it was revealed that the person behind the fake accounts was her fiancé. Devastated, Mariya had to deal with the fallout from the revelation because her fiancé was also her cousin, which meant that there was resistance from her family to pursue the case. She broke off the engagement but was under immense pressure from her family to settle the case and to forgive her cousin.

THE CHALLENGE:

There is a lack of understanding regarding the nexus of mental health and the law. Law enforcement agencies, lawyers and rights organisations fail to take into account the debilitating toll that pursuing a case of gender-based harassment can have on mental health. Mariya would oftentimes be unable to talk about her experience or even provide evidence properly because of her anxiety. Institutions such as law enforcement agencies do not account for these challenges or prepare their officers to deal with mental health issues as seriously as they do with legal ones.

Despite the fact that statistically gender-based crime is perpetrated by a close one, there is a dearth of safeguards within institutions to protect victims from the subsequent fallout. In fact, given that most offences under the Prevention of Electronic Crimes Act 2016 are compoundable has meant that complainants are routinely pressured by family compromise. Furthermore, it has been seen that even for offences under section 21 (which deals with sexually explicit images distributed without consent), which is non-compoundable, compromises have been facilitated for the sake of preserving the family's reputation.

DRF'S APPROACH:

Due to the fact that Mariya wanted to investigate into the identity of her harasser, the helpline team had to refer her to the relevant law enforcement agency. However, regular updates were sought by the team and she was given legal advice at every stage.

As soon as Mariya expressed suicidal ideation, we made sure that she was regularly seeing a therapist. The helpline team would also routinely check up on her to ensure that she did not feel isolated. DRF's aim was to ensure that her mental health was top priority along with regular follow up calls with her and FIA.

PSYCHOLOGICAL TOLL:

This case was an extremely sensitive one as Mariya was extremely distraught and troubled by the series of events. Mariya was being blamed by her family members and in-laws for bringing third parties into a "family" dispute. It was encouraging that Mariya sought psychological help and when she was diagnosed with anxiety she could manage her mental health much more effectively.

The most troubling discovery in her case was that the harasser was her fiancée, highlighting that gender-based harassment happens within close quarters and often the perpetrator is known to the victim. The fact that the harasser was a relative added to the challenge as people often hesitate to take legal action as they fear that this might cause dispute between the families. Mariya found herself at the center of her family's ire and was explicitly told that if she wished to continue the case, she would receive no support from them.

CONCLUSION:

After it was discovered during the course of investigation that the perpetrator was the Mariya's fiance, she was under immense pressure to drop the case. DRF connected her with a lawyer in her city and advised her to seek counsel before taking a decision. After speaking to both the helpline legal team and our referred lawyer, Mariya stated that her primary aim was to identify the harasser and decided that without support from her family she would not be able to pursue the case effectively. Thus, she opted to settle the matter through a "maafi namma" with acknowledgment from the harasser of the harm caused and the promise that she will not be contacted by him

POSTSCRIPT:

We spoke to Mariya frequently both after the incident and after the matter was settled. She tells us that she is feeling much better psychologically. Despite the toll that it took on her, she feels much more empowered knowing that she avoided entering a marriage with someone who was capable of causing her harm.

ISSUES IDENTIFIED IN CASE STUDY 6

1# LACK OF INSTITUTIONAL PSYCHOLOGICAL SUPPORT SERVICES:

Institutions dealing with cases of harassment need to provide psychological support to complainants who approach them. The aim of institutions should be to provide holistic support that ensures the overall well-being of complainants.

2# COMPROMISING IN CASES DUE TO FAMILIAL PRESSURE:

There are very few institutional safeguards to insulate complainants from the often insurmountable pressure of compromising in cases. Notions of family honour or victim blaming are often used to silence complainants, particularly women, and discourage them from pursuing cases. Mechanisms and protections should be in place to ensure that decisions to compromise, if taken, are taken independently and not because the complainant feels trapped.

CONCLUSION

The case studies aimed to highlight the institutional and societal failures of the organisations tasked with tackling online harassment and providing women who experience the harassment with the appropriate remedies. These cases deal with some overlapping themes and are emblematic of issues that several of our 2000+ callers have faced, to varying degrees.

Women's lived experiences should be the backbone of any legal or systemic reform. The aim of this study was to elevate these experiences and make them the basis of the policy recommendations we wish to posit.

Social media companies have repeatedly failed their users, primarily women and those belonging to the LGBTQ community. Delayed responses and failure to take local context into account has resulted in complainants without any recourse.

The Prevention of Electronic Crimes Act (PECA) has been passed with the stated aim of "protecting women and girls of this country", however, any law without gender-sensitive implementation is of no use to women. The expressive value of the law can only be realised within the context of mechanisms that respond to the needs of victims. While Pakistan's institutions cannot exercise legal power over web-based companies located in other countries, the law governing cybercrimes and the LEA designated with the power to investigate such crimes should have foreseen the need for a proper channel and agreement through which they can work together to overcome the geographical and legal boundaries. Now, more than two years after the passage of PECA, steps to overcome this shortcoming of the law are long due. Law enforcement bodies are not the only institutions that have failed victims of online harassment--our case studies show that educational institutes and family structures also have their role to play.

Furthermore, societal attitudes and structural barriers in place are by far the biggest impediment for complainants to pursue cases or expose their harassers.

RECOMMENDATIONS

Based on the cases described in detail above, and the issues highlighted, Digital Rights Foundations would like to put forward the following recommendations:

1# TRAINING, GENDER-SENSITIZATION AND COORDINATION WITH GENDER DEPARTMENTS:

There is an urgent need for better trained Investigation Officers and gender-sensitization in the processes of the NR3C. Furthermore, more female officers are required to handle cases around online harassment, especially in situations where women are not comfortable speaking to male officers about their experiences. We also recommend that kiosks be set up all over Punjab that could work in tandem with the women crisis centers that fall under the Social Welfare departments in Pakistan.

2# ACCOUNTABILITY OF INDIVIDUAL OFFICERS:

There should be direct oversight and feedback mechanisms to monitor the work of individual officers working within the law enforcement agency. Victims who wish to switch IOs if they are dissatisfied should be able to do so without a detrimental impact on their cases. Furthermore, in case of misconduct by an officer, an investigation should be launched immediately and taken seriously by the relevant government department.

3# COOPERATION WITH OTHER STATES:

The designated law enforcement agency needs to develop channels of communications and liaison with other governments to ensure that online harassment cases in multiple jurisdictions can be dealt with smoothly. Given that section 1(3) and 1(4) speak to this international jurisdiction, the implementing mechanisms of the Act need to catch up with the law. However, any such mechanism must include transparency, fixed criteria and oversight so as not to give way to abuse of power and human rights violations.

4# GREATER RESOURCE ALLOCATION TO LEAS:

Currently the offices of the NR3C are criminally understaffed and under-resourced. The Ministry of Interior must allocate more resources to the NR3C for the specific purpose of tackling online harassment.

5# CREATION OF A SEPARATE WING FOR ONLINE HARASSMENT WITHIN THE NR3C:

A dedicated wing for online harassment is necessary given the sheer volume of cases that exist. The officers working therein should be trained in the nuances of online harassment, its forms and gender-sensitivity.

6# A RAPID RESPONSE CELL:

Given the urgent nature of some cases of online harassment, where the information leaked can harm personal safety and irreparable reputational harm, a rapid response cell that is operational 24/7 needs to be established in addition to the regular operations of the NR3C.

7# PSYCHOLOGICAL ASSISTANCE AND MORE INVITING ENVIRONMENT:

Provision for psychological services at NR3C to help complainants deal with the psychological trauma and distress that they might experience due to online harassment and violence. The cyber crime wing should offer a safe space for victims and help them deal with their trauma. Measures need to be taken to ensure that victims feel comfortable recounting their stories in a confidential, judgment-free and gender-sensitive environment.

8# CASE MANAGEMENT AND TRACKING SYSTEM:

Given the lack of case management in some of the cases discussed above, a system needs to be developed to allow complainants to be able to track and receive regular updates on the progress of their case through an accessible and easy-to-use case management system.

9# PRIVACY AND CONFIDENTIALITY:

The designated law enforcement agency needs to develop clear and public Standard Operating Procedures (SOPs) for privacy, confidentiality and protection of evidentiary data and identity of the complaints. We have seen that women are often reluctant to provide evidence in cases of cyber harassment given the lack of SOPs around sensitive and personal information. Evidentiary procedures often require women to submit physical, hard copies of pictures and conversations containing highly personal information.

10# SUPPORT SYSTEMS WITHIN SCHOOLS:

A large proportion of the victims of online harassment are young women. Schools, colleges and universities need to consider online harassment as a form of harassment, and should take the necessary measures to address it. Each educational institute must have an online harassment and bullying policy, incorporate digital security education within their syllabi and provide support systems (especially psychological counselling) to help students cope with the abuse.




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