
Analysis of Gender Based Harassment and Cyber Laws in Pakistan

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ABSTRACT:

Harassment of women in cyber spaces has become a widespread phenomenon all over the world. Similarly, victimization of women on the internet has also become a common and often repeated occurrence. This article aims to understand the reality and experiences of women who undergo cyber harassment. Moreover, it further sheds light on the nature and efficacy of cyber laws in Pakistan in tackling the pandemic of gender based cyber harassment.

Keyword:

Social Media, Cyber Space, Gender Based Harassment, Cyber Bullying, Cyber Stalking, Cyber Laws, Legal Framework

Introduction

Harassment of women on the internet i.e. the cyber space takes variety of shapes which include, but are not limited to, demeaning remarks on posted photos, derogatory name calling, shaming individual for their looks, work, personality, clothes the victim is wearing and constant threats to undermine their position (Idris, 2022). The effects of this type of abuse extend beyond the virtual realm and seep into the victim's mind, body and overall life's well-being. Despite the lack of availability of complex data in Pakistan, anecdotal evidence suggests that online threats rapidly materialize in the real world. In the two years between 2014 and 2015, the FIA received reports of 3000 cybercrime incidents, of which 45% included women being targeted through social media (Prameswari, 2017). Access to the Internet and social media, according to experts, has exacerbated the problem of violence against women in Pakistan (Musharraf & Anis-ul-Haque, 2018). Correspondingly, The Digital Rights Foundation (2016)

explains that an individual may become more susceptible to online harassment or stalking due to the proliferation of technological devices (computers, laptops, smartphones, electronic notebooks, etc.) and online communication mediums (Internet, email, blogging sites, social networking sites like Facebook, Twitter, etc.). Moreover, many internet users make their personally identifiable information widely available online. Search engines and social networking sites make it easy to find people's names, addresses, phone numbers, birthdays, and other publicly available information online, including articles, blogs, Twitter tweets, Facebook profiles, and their enrollment or employment status. Studies have shown that social media has been a major contributor to youth radicalization and creating an environment that encourages violent behaviour in recent years (Munir & Gondal, 2017).

According to Bhatti & Ali, (2022) research on the effects of cyberbullying on young people in Pakistan, over 36% of respondents have experienced cyberbullying at some point in their life, with a much more significant proportion of female victims (61%) than male users (39%). Studies show that young people disproportionately send sexually explicit, threatening, or bullying messages on social media (Shahid et al., 2018; U.N., 2015; Williams, 2006). Therefore, women predominate as victims of cyberstalking and cyber harassment, and few of these women know the identities of their harassers, who are often male and driven by a desire to exert power and control over the victims (Mirza et al., 2020).

In Pakistan, digital infrastructure and resource development has been lightning fast. However, safeguards, sufficient legislation, and responsible ownership practices around these digital tools and venues have not advanced at a rate that would ensure the safety of their users (Sharma & Afshar, 2016). According to a poll conducted in 2013 by the Express Tribune, an English-language Pakistani news daily, over 70% of Facebook users in Pakistan were males. During a panel on combating online sexism in 2015, the report's author emphasized that 75% to 80% of internet users were males, making women a minority and creating a disenfranchised group online (Anjum, 2020).

According to Rasool, (2015) the absence of official government data addressing the online victimization of women in South Asian nations like Pakistan, India, and Bangladesh indicates the lack of concern given to

such a critical situation. Due to their numerical disadvantage, women in Pakistan are often not given credit for creating or even having authority over online communities. They face an immediate response in the form of sexist harassment if they attempt to claim ownership of these areas. Since males make up between 75% and 80% of internet users, the same oppressive structures in the real world are also present and pose a threat to women when they enter cyberspace (Haque & Popalzai, 2013). The abuse experienced by women differs from that experienced by men, as detailed in research by the Digital Rights Foundation titled "Gendered Surveillance of Female Journalists in Pakistan." The investigation revealed that sex-based harassment and assault against women are more psychological (Mushtaque et al., 2014).

The "Cyber Harassment Helpline: One-Year Report" was recently published by the Digital Rights Foundation (DRF). The Helpline compiled data into a study that sheds light on the pervasiveness and seriousness of the issue of online harassment in Pakistan. From its inception on December 1, 2016, to its first anniversary on November 30, 2017, the Helpline received 1,551 complaints through phone calls, emails, and Facebook messages. All in all, 1476 people have dialed the Helpline's free hotline. About two-thirds of the Helpline's callers were female, while the remaining male callers made up the remaining third. With 45% of callers having experienced harassment on Facebook, it is still the most often reported site. The most often mentioned forms of harassment were false accounts, the inappropriate use of personal information without permission, blackmail, and an onslaught of humiliating remarks and messages that were both unwanted and uncalled (Sherwani, 2018). Helpline callers were from the state of Punjab (50%). Sindh (18%), Khyber Pakhtunkhwa (5%), Balochistan (2%), Azad Kashmir and FATA (1%), and the Federal Capital, Islamabad (5%) (DRF Yearly Report, 2017).

Victimization of Women in Cyber Space in Pakistan

According to Agha et al., (2017), cyber harassment of women is the act of causing another person emotional distress through repeated and hostile online interactions. The purpose of this type of harassment is to embarrass, intimidate, or discredit the victim, and it can take many forms, such as

threats, instigation to physical violence, vandalism, blackmail, sexual remarks, and false allegations.

Furthermore, there is generally a quantifiable correlation between online and real harassment, but for individuals who experience it, the two worlds are inextricably entwined. The cultural Context of Pakistan, with its pervasive ideas and practices of gender imbalance and discrimination, fuels online gender-based violence, as was previously documented. Many women simply do not know what constitutes internet abuse or what they may do to protect themselves from it or report it.

Rafi (2019) researched students' awareness of cyber victimization in Sindh, Jamshoro, and found that 77% of respondents did not need to share personal information with cyber friends, and 82% of students believed that women were more vulnerable to cyber-attacks. For fear of social stigma, 45 percent of victims did not tell their relatives about their experiences. In light of this, Bhatti & Ali (2022) interpret that young women sometimes choose to keep quiet about their struggles, inhibiting females from utilizing the Internet freely and disrupting their academic lives and career progression. Those who have been assaulted often describe a wide range of emotions, including anger, sadness, sorrow, embarrassment, anxiety, fear, sobbing, and self-blame. They have trouble staying focused, have low academic and career success, and often miss class. Thus, harassment not only leads victims to feel down and depressed in their personal, academic, and professional lives, but it also causes them to acquire anxieties and have bad connections with others, making it hard for them to be emotionally and socially adept (Williams, 2006). Although it has a significant effect on the female victims' socio-emotional wellbeing, cyber harassment of women in Pakistan is a relatively new phenomenon that is seldom documented. Because of cultural traditions and the concept of "honour," victims may be reluctant to seek aid or report harassment (Jamil, 2020).

Cyber Laws in Pakistan

Pakistan has a National Response Center for Cyber Crimes (NR3C) inside the Federal Investigation Agency to deal with cybercrime (FIA). NR3C is tasked with a broad variety of duties because of its active involvement in preventing and resolving online crimes including fraud, monetary embezzlement, and malpractice. Legislation in Pakistan pertaining to cybercrime includes more than simply hacking and other forms of cybercrime. All parts of computing and networking are included in the scope of these rules. The Federal Investigation Agency is in charge of the National Response Center for Cyber Crime, which was set up by the government of Pakistan to combat cybercrime and its associated problems

like tracking down criminals' online and investigating incidents as well as limiting the spread of harmful content. Few organizations can match NR3C's expertise in digital forensics, system security audits, technical research, exams, and training. Since its inception, the unit has contributed to the capacity building of government agencies' law enforcement, security, judicial, and prosecutorial personnel (Rehman, 2020) Also, it's for the purpose of educating and training commercial and public sector enterprises on matters of security. Since fighting cybercrime requires a holistic strategy engaging all communities, NR3C keeps in contact with a wide range of international organizations to cooperate and make collaborative efforts in this area. Cyber defamation is just like traditional defamation in that it is done to hurt the reputation of another person or organization. In contrast, this kind of crime makes use of the Internet to violate someone's privacy.

Cyber Laws against Harassment for Women

Varieties of regulations are used to address similar concerns in the digital realm. Recognizing these laws is essential to progressing toward a resolution. Several sections of Pakistan's criminal law deal specifically with cybercrime. Consider some of the sections as examples: 509, 499, and 25 D (Digital Rights Foundation, 2018). These parts explain the laws about defamation, causing trouble, insulting modesty, sexual Harassment, cyber-harassment, and other types of harassment, and give examples of how they are applied.

Digital Rights Foundation (2018) reports that when it comes to cybercrime, women in Pakistan are particularly vulnerable. Cybercrimes such as blackmail and harassment of women accounted for 65% of all reported incidents in 2018. Some of the difficulties that women and other victims of online abuse face have been identified in the literature, and some of these problems have been attributed to the present legislation, its implementation, and the organizations tasked with its implementation. The PECA gives the Federal Bureau of Investigation's National Response Center for Cyber Crime (NR3C) the authority to conduct internal investigations. However, the NR3C lacks the personnel and funding to adequately address the present problem.

Quetta, Peshawar, Lahore, Karachi, Rawalpindi, and Islamabad are among the 38 locations where the NR3C may be found in Pakistan. As stated by Shahid, Kauser, and Zulqarnain (2018), the lack of geographical association of these workplaces is a real worry because it requires women living outside of these selected urban communities to travel outside of their normal area of residence in order to file a complaint, which is

especially disadvantageous for women living in more remote areas. Aslam also brought attention to the grossly inadequate staffing of NR3C offices in 2017, citing as an example that the Lahore office had just 13 specialists (field officials), including two associate heads, four investigators, and five sub-inspectors. The Lahore branch's deputy director stated that 13 workers were responsible for 32 regions' worth of wards without an accessible authority vehicle.

Adding insult to injury, most women in Pakistan are unaware of their fundamental human and cyber rights as people in an era when the two are inextricably linked. That implies they are less likely to take the initiative to stand out for themselves and their rights in public and social settings on the internet. They are defenseless and open to internet abuse since no one is ready to acknowledge their rights as equals (Al-Jazeera, 2016). This implies that women are more vulnerable to online prejudice and more likely to experience social exclusion due to gender. The change will not happen until they have the resources to stand up for themselves as equal, participating members of today's social and digital communities (Sharma & Afshar, 2016). Attitude shifts on the part of victims play an equally vital role in inspiring and promoting societal shifts in perspective. An ongoing social conversation in cyberspace, in which women play a competent, proactive, and contributing role, may be built with the aid of relevant laws (Sherwani, 2018).

The following cyber laws have been implemented so far in Pakistan.

Harassment of Women in the Workplace Bill, 2010

Before 2016, no national legislation specifically addressed internet bullying and violence, which only exacerbated the situation. Gender-based online harassment is neither defined nor addressed under the Protection for Harassment of Women in the Workplace Bill, 2010, which has been in effect since 2010. Although it had been amended and withdrawn twice, most recently in November 2012, a new version of the Prevention of Cyber Crime Ordinance, 2007 was also expected over the next several years. While the PECO addressed financial, piracy-related, and fraudulent concerns, it did not address rights abuses such as online bullying, online gender discrimination, and cyber stalking via technology (APC Report, 2013).

Electronic Crimes Bill (PECB) 2015

After being overwhelmingly endorsed by the Senate with 50 changes in July 2016, the contentious Prevention of Electronic Crimes Bill (PECB) 2015 was passed by the National Assembly (N.A.) on Thursday. The I.T. sector, civil society groups, and rights advocates have panned the "draconian" bill for infringing on people's freedoms and handing police

excessive authority. In addition, many who fight for cyber rights have voiced serious worries that women's cyber-harassment was overlooked throughout the legislative process (Khan, 2016). Worryingly, under Pakistan's current legal framework, there is neither a designated nor a centralized reporting authority to deal with the issues victims of internet harassment confront. The government does not provide the police with enough resources or technical knowledge to deal with incidents of this sort. Victims of cyber or gender-based harassment, whether online or in person, face an unwelcoming atmosphere within the country's policing and court institutions, neither favorable to reporting rights abuses (Bukhari, 2014).

Women modesty Laws under PECA (2016)

Anyone who knowingly displays or distributes anything that: uses a picture of a real person's face superimposed over a pornographic image or video in which a real person appears in a sexually graphic picture or video. Cultivates, entices, or induces a natural person to participate in a sexually explicit act, or threatens that person with any sexual act or any sexually explicit photograph or video of a natural person can now be prosecuted under this law. If you use a computer or other electronic device to harass, threaten, or otherwise abuse a natural person, you might face up to five years in jail, a fine of up to five million rupees, or both (PECA, 2016). A seven-year jail sentence and a five-million-rupee fine is possible under Pakistani law if the victim is a juvenile while the maximum sentence for committing a felony involving a juvenile more than once is ten years in jail and a fine of up to 500,000. Additionally, anyone who feels wronged or is in charge of a minor can ask the Authority to delete, destroy, or block the data in question.

Effectiveness of Cyber Harassment Laws for Women

Criminal regulations against cyber harassment are enacted to ensure that women may go about their professional lives free from the threat of intimidation, abuse, or harassment. They will be able to carry out their task with the respect they deserve because of this. In Pakistan, cybercrime is governed under the Prevention of Electronic Crime Act of 2016. This structure is more comprehensive than the previous legislation. However, it does not address all forms of cybercrime that are now employed in Pakistan, and it often seems to exist more on paper than in practice (Usman 2016). No kind of discrimination based on gender is permitted, as stated clearly in Article 25 (2) of the Constitution of Pakistan.

Technically, a number of laws and programs have been established by both the federal and provincial governments to guarantee respect for this fundamental human right. Promoting and maintaining women's rights in

Pakistan was formerly the exclusive purview of the central government until the 18th Amendment to the Constitution (Anjum, 2020). However, provincial strategies concerning women's progress were developed after this Amendment was ratified in 2010. It was legal for each state to establish a department dedicated to empowering women and preventing discrimination against them (Usman, 2017). As women account for half of Pakistan's population, this was a significant achievement, as they need to feel safe and respected to participate fully in the country's social and economic growth. One may say that this was a positive development. Even though several government officials have made grand claims to the contrary, women in Pakistan are still not afforded the same rights as men. Pakistan is one of the countries where women are denied their civil, political, and legal rights to the same extent as males (Prameswari, 2017). Provincial governments are responsible for empowering women, a responsibility entrusted to them by the federal government to address the concerns mentioned earlier. Through this initiative, the provincial government was aware of most women's social issues and was given the power to establish laws that favored women (Sherwani, 2018). The provinces now have more money to spend in their fight for women's equality and safety, thanks to the legislation. Complete protection of women's rights cannot be ensured only by following the law's text, which is inadequate because these laws operate within the framework of patriarchal social order and a weak rule of law (Mushtaque et al., 2014). However, legal norms and obligations must be established if the state is to achieve respect and contentment. The law requires establishing substantial institutional infrastructure, hiring and educating human resources, and creating detailed rules to manage the judicial and economic aspects of protecting women's reproductive systems. A "phased" rollout of the law's provisions is included, but officials have stated it would be some time before the first regional protection teams begin enforcing them (Munir & Gondal, 2017).

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