



Challenges Faced by Women Human Rights Defenders in Pakistan

Introduction:

Those who defend others also need to be defended. They shine a light on the plight of oppressed by bringing public and state's attention to the issues facing these people which states may not otherwise examine. Without these rights defenders, the poor, vulnerable and oppressed can never prosper hence diminishing their role through weak protection policies and mechanisms may increase the risks of violations of their rights and the rights of the oppressed. According to Special Rapporteur on the situation of human rights defenders (HRDs), "anyone, regardless of the gender identity, who individually or with others, acts to promote or protect women rights, is recognized as Women Human Rights Defender (WHRDs).

The Special Rapporteur raised his concerns on persistent violations of the rights of these HRDs/WHRDs along with inadequate attention to HRDs' protection and significant non-compliance with the Universal Declaration on Human Rights Defenders all across the world. (World report on situation of human rights defenders 2018).

Pakistan has a history of persistent human rights violations despite the provision of several fundamental rights given in the constitution. The report also highlights the fact that Pakistan lacks specific protection mechanisms for HRDs and the situation of the rights of these HRDs/WHRDs has gotten worse over the past two decades. Also there was little to no attention paid to the in-depth study of challenges faced by HRDs/WHRDs in Pakistan, thus this research is filling an important gap in the evidence.

The purpose of research study

To explore three-dimensional challenges faced by WHRDs and generate concrete strategies for the protection of WHRDs, this research have:

following three objectives:

1. Explore types of challenges faced by WHRDs and generate qualitative evidence
2. Examine the online hate speech pattern against WHRDs
3. Identify laws that prove to be hurdles for WHRDs

Being an action research, this study is a step towards the overall efforts to increase the protection of HRDs/WHRDs in Pakistan. It will contribute towards formulation and implementation of protection laws for HRDs/WHRDs in the long run. National Commission of Human Rights (NCHR) and Human Rights Defenders Network (HRDN) have already formulated "Guidelines for protection of HRDs", in this regard. The findings of this research will facilitate participants of the research launch to formulate strategies for protection of WHRDs. These strategies will be adapted by NCHR for catalyzing the formulation of a new law or proposing an amendment in the current law.

Methodology of the Study

It is an in-depth qualitative study that focused primarily on three areas, as identified in the research objectives. A separate data collection and analysis methodology was utilized for each area;

1. All inclusive challenges of WHRDs

Primary data: 45 Key Informant Interviews (KII) with 03 Focus Group Discussions (FGDs) and 02 Case Studies were conducted.

Secondary data: Desk review of existing literature, using scoping-study method was employed.

2. Tracking Hate Speech Pattern on Social Media against WHRDs

An online desk review was conducted for a period of 30 days. Being commonly used mediums, Facebook and Twitter were primarily focused to track hate speech against WHRDs. Context-specific and representative tweets, posts and comments were gathered and then classified into specific trends of hate speech.

3. Legal Review

The purpose of this review was to identify laws that prove to be hurdles for WHRDs.

Primary sources: Interviews of Advocates and Legal Aid Providers. Etc.

Secondary sources: Desk review of the existing laws and cases on the topic .

Key Findings

Respondents of the study included WHRDs from diverse professions, regardless of their gender and age i.e. Individual Activists, Lawyers, Journalists, Members of Civil Society and Social Media Activists.

A. All-Inclusive

Overall challenges faced by WHRDs were studied and following specific patterns are identified through in-depth analysis;

1. Major Challenges

- 1.1 Being a WHRD in Pakistan is dangerous rather than difficult. Resistance from common people, power groups and state and non-state actors is rampant.
- 1.2 Female WHRDs more at risk of serious violations, i.e. harassment, rape & murder threats and physical & mental harm, while male WHRDs usually face verbal abuse.
- 1.3 Negative connotations attached to WHRDs' work, such as western agenda, anti-culture & religion is the main hurdle.
- 1.4 Patriarchal culture is the basis of all resistance; it is used as a tool to retain power.

2. Response Mechanism Gaps

- 2.1 Response is the prerogative of the privileged. Powerful / WHRDs with more followers and resources get response faster. Most avoid going to Law Enforcement Agencies (LEAs) due to lengthy procedures.
- 2.2 Gender insensitivity and gender biases among LEAs and slow response mechanism impede female WHRDs from seeking justice. Many complained of harassment.
- 2.3 Lack of proper implementation of Laws; lack of sufficient and direct legal provisions for HRDs/WHRDs,

insufficient resources and lack of willingness are among many factors behind plight of HRDs/WHRDs.

3. Social Media and WHRDs

- 3.1 Online activism increases their outreach to the masses but it also increases the volume and frequency of abuse and threats that they receive.
- 3.2 Online threats have a higher chance of being translated into online assaults, it is now easy to get traced and followed.
- 3.3 Due to slow and ineffective cyber protection mechanisms and increased number of complaints, vulnerability of WHRDs has also increased.

Case Study of Mrs. Khursheed Bano

Khurshid Bano is founder of "DA HAWA LUR", she is also a founding member of KP Working Women Union In 2011, when she was working for Legal Aid Centre ASHA in Peshawar Pakistan, she took up the case of a nurse who was harassed by a well-known doctor of the city. While struggling for justice on behalf of the victim, she faced threats to the extent that the harassers chased her daughters and family member that she had to stop her daughter for three months from going to school and eventually had to change their schools. Later, she was attacked by unknown gunmen while traveling in her car.



B. Hate Speech Patterns

Review of more than 100,000 context specific comments around contemporary women's issues in Pakistan was analyzed to track volume and specific patterns of hate speech.

1. Trends

- 1.1 Approximately 15% of the comments were based on hate speech, including verbal abuse and threats. Activists' religion was questioned and strict action was demanded against feminists/WHRDs.
- 1.2 51% out of the total 15% hate speech, contained religious narratives, in most cases religion was interpreted with gender bias and without an



authentic source.

- 1.3 Those that utilized cultural practices and had misogynistic views; accounted for 49%. Majority of backlash came from men and boys.

2. Case Study of Ms. Huda Bhurghri:

- 2.1 Huda is a 26 years old social media activist. She uploaded a video raising her voice over Mrs. Khan's misogynistic interview. She, however, faced such an immense backlash and threats on Facebook that her mother went into trauma by seeing the level of risk she was at after uploading her video. Seeing her mother in depression she stopped online activism for a while.

C. Legal Review

Despite the fact that Pakistan has ratified multiple International Conventions there is little reflection in the local law and protection mechanisms. The purpose of this review is to identify laws that prove to be hurdles for WHRDs.

1. Freedom of Assembly

- 1.1 Constitution of Pakistan and UDHR provide fundamental rights to peacefully assemble.



- 1.2 The Code of Criminal Procedure (CrPC) - section 144 gives police unlimited powers. Moreover, section 141 of the Pakistan Penal Code (Act XLV of 1860) states the law for unlawful assembly.
- 1.3 It is very easy to term any assembly as an unlawful assembly making ground for using undue force.

2 Freedom of Expression

- 2.1 Constitution of Pakistan and UDHR provide fundamental rights to expression.



- 2.2 Pakistan Telecommunications Act is basis for online censorship. Problem lies with lack of proper warning and inquiry mechanism.
- 2.3 Defamation Ordinance 2002 and Prevention of Electronic Crimes Act, 2016 are misused by accusers.
- 2.4 The NCHR Act 2012, empowers the commission and provides it with a mechanism and procedure for taking up complaints and investigations on matters related to safety of HRDs
- 2.5 Due to unavailability of legal provisions for HRDs, NCHR guidelines are not sufficient as they are not legally binding on judiciary. It needs additional backing in the form of a law.

4. Recent Developments

Members of the Khyber Pakhtunkhwa Provincial Assembly; Ms. Asia Saleh Khattak and Dr. Asia Asad, have moved to pass legislature to protect the legitimate rights and fundamental freedoms of Human Rights Defenders (HRDs).



D. Recommendations:

1. Bridging the gap between WHRDs and common masses

- Grant special recognition should be given to women and WHRDs in curriculum and trainings of kids, adults, and professionals in order to eliminate the notion that women are inferior to men.
- Organize massive media awareness campaigns to recognize the efforts of WHRDs in order to eliminate negative connotations attached to them and to promote positive image of WHRDs.

2. To legally protect WHRDs

- Develop and implement laws and protection mechanisms for WHRDs to address the severe vulnerabilities.
- Taking input of WHRDs in shaping the fresh protection mechanisms would be an added advantage.
- Police and other LEAs should be sensitized and to ensure urgent action for WHRDs seeking protection.
- Gender sensitization sessions should be organized for LEA officials and government should make it a mandatory part of LEAs basic training.
- More female representation in the Police system.
- Implement Sexual harassment laws at Protection Mechanism offices.

3. To make cyber space safer for WHRDs.

- Federal Investigation Agency (FIA) cybercrime wing should be enhanced in terms of resources, man power and efficiency to deal with huge influx of complaints calling for immediate action.
- Awareness campaigns should be implemented online to aware people on specific laws and protection mechanisms in place for cyber threats, abuse and harassment, especially the laws on hate speech.





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