

(I) INTRODUCTION

1. **Digital Rights Foundation (DRF)** is a registered research-based advocacy non-governmental organization in Pakistan. DRF focuses on ICTs to support human rights, inclusiveness, democratic processes, and digital governance. DRF works on issues of online free speech, privacy, data protection, surveillance, and online violence against women.
2. Digital Rights Foundation has participated in local consultations processes for the UPR and has led discussions on the right to free speech in particular.

(II) EXECUTIVE SUMMARY

3. The aim of this submission is to advocate for the inclusion of digital-specific recommendations in the UPR cycle of 2017. We wish to incorporate issues of gendered digital violence and digital rights into recommendations dealing with freedom of expression (FOE), privacy, violence against women and surveillance.
4. The submission will highlight the state of digital rights and freedom online with regards to women and sexual minorities, including the right to free speech in online spaces, right to privacy, freedom from digital surveillance, electronic violence against women (eVAW) and access to digital technologies and spaces, building on Pakistan's previous UPR commitments, its international obligations and developments on the ground.
5. It has been recognised that civil and political rights are equally applicable online as they are offline. The UN Human Rights Council (HRC) has categorically stated that “the same rights that people have offline must also be protected online, in particular FOE, which is applicable regardless of frontiers and through any media of one's choice”.¹ Thus reference to international conventions such as the ICCPR and CEDAW with reference to digital rights has grounding in international law.
6. Furthermore, there is an urgent need to apply a gendered perspective to digital rights, and recommendations need to be injected into the UPR process that specifically address eVAW and the digital gender divide.²

¹ UN Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet : resolution adopted by the Human Rights Council, 14 July 2014, A/HRC/RES/26/13, available at: <http://www.refworld.org/docid/5583dfe64.html> [accessed 30 March 2017]

² “To facilitate equal participation in, access to and use of information and communications technology, such as the Internet, applying a gender perspective, and to encourage international cooperation aimed at the development of media and information and communication facilities in all countries”.

UN Human Rights Council, The role of freedom of opinion and expression in women's empowerment : resolution / adopted by the Human Rights Council, 24 June 2013, A/HRC/RES/23/2, available at: <http://www.refworld.org/docid/53bd1c254.html> [accessed 30 March 2017]

(II) ACCESS TO DIGITAL

7. According to the ITU's ICT Facts and Figures, Pakistan's internet penetration was only 18% by mid-2016.³ This is among the lowest in the world and markedly behind developed countries. Access to ICTs is increasingly being seen as an important right in international law. The 2030 Agenda for Sustainable Development calls for "universal and affordable access to the internet" as a tool for promoting access to information and development.⁴
8. The government often suspends cellular services on religious and national holidays due to security reasons.⁵ Several western parts of Pakistan lack internet access, due to underdevelopment and ongoing conflicts. Mobile internet services have been suspended in FATA since June 2016 due to undefined security concerns.⁶
9. Pakistan's previous UPR recommendations have not included access to ICTs. Recommendations referring to development in rural areas and promotion of rights there should incorporate access to digital technologies.
10. The **Digital Gender Divide (DGD)** means women and gendered minorities are less likely to access ICTs. The UN has recognized that "advances in information and communications technologies have enabled women to initiate or enhance their participation in political, economic, cultural and social life"⁷. The Government of Pakistan (GOP) has an obligation to work towards bridging the DGD by way of ensuring women's civil, political and economic rights.
11. There exists a stark gender gap in mobile usership and ownership in Pakistan. Pakistan's DGD can be illustrated by the fact that "men are twice as likely as women to own a mobile phone in Pakistan." Only 64% of women owned mobile phones, while 81% Pakistani males owned cellular devices in 2015.⁸
12. Internet shutdowns in high security areas like FATA and Balochistan, are ostensibly gender-neutral obstacles, however women are impacted more severely given cultural obstacles, i.e. they cannot travel to internet cafes or engage in those spaces because of their gender.

(III) RIGHT TO FREEDOM OF EXPRESSION AND INFORMATION

³ International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," <http://bit.ly/1cblxxY>.

⁴ 70/1. Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the General Assembly on 25 September 2015, Seventieth session, A/RES/70/1, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation, item 9.c

⁵ "Mobile phones services to be suspended in parts of country: Malik" Dawn, October 23, 2015, <http://bit.ly/28IfI6>

⁶ "Suspension of 3G service perturbs Fata people", Dawn, June 21, 2016, <https://www.dawn.com/news/1266225/suspension-of-3g-service-perturbs-fata-people>; "Internet on the Periphery", Digital Rights Foundation, January 31, 2016, <http://digitalrightsfoundation.pk/internet-on-the-periphery/>.

⁷ UN Human Rights Council, The role of freedom of opinion and expression in women's empowerment : resolution / adopted by the Human Rights Council, 24 June 2013, A/HRC/RES/23/2, available at: <http://www.refworld.org/docid/53bd1c254.html> [accessed 30 March 2017].

⁸ Measuring the Information Society Report 2016, International Telecommunications Union, <http://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2016/MISR2016-w4.pdf>.

13. FOE is a fundamental right guaranteed under major international conventions.⁹ It supplements other rights such as freedom of religion and belief, association, press, information and privacy. Pakistan is a signatory to ICCPR, ratified in 2010. HRC and General Assembly have affirmed that the same rights that people have offline must also be protected online, with particular reference to FOE.¹⁰ HRC has urged its members to “promote, respect and ensure women’s exercise of freedom of opinion and expression, both online and offline, including as members of non-governmental organizations and other associations.”¹¹
14. Women, especially journalists and human rights defenders (HRDs), experience online spaces differently from men. They are denied access to spaces due to gender disparity, stereotypical and cultural expectations on how women should behave online, cyber harassment, sexualised threats and violence stemming from online activities-impeding women’s right to free speech online, political participation, information and association.
15. FOE is an enshrined fundamental under the **Constitution of Pakistan, 1973**, Article 19 along with the Article 19A (right to information).¹² The wording of this Article gives the GOP broad and unspecified powers to limit expression. Limitations on FOE must serve a legitimate aim, be proportionate and serve a strict necessity.¹³
16. In the previous UPR cycle, there was only one digital-specific recommendation made to Pakistan related to the removal of restrictions on access to internet.¹⁴ The recommendation was not accepted by Pakistan.

(A) Legislative Restrictions on FOE

17. Since the last UPR, Pakistan has gone backwards in terms of free speech, both online and

⁹ Article 19 of the International Covenant on Civil and Political Rights (CCPR); Article 19 of the Universal Declaration of Human Rights.

¹⁰ UN Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet : resolution adopted by the Human Rights Council, 14 July 2014, A/HRC/RES/26/13, available at: <http://www.refworld.org/docid/5583dfe64.html> [accessed 30 March 2017]; UN Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet : resolution / adopted by the Human Rights Council, 18 July 2016, A/HRC/RES/32/13, available at: <http://www.refworld.org/docid/57e916464.html> [accessed 30 March 2017]; UN Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, 16 July 2012, A/HRC/RES/20/8, available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/153/25/PDF/G1215325.pdf?OpenElement> [accessed 30 March 2017].

¹¹ UN Human Rights Council, The role of freedom of opinion and expression in women's empowerment : resolution / adopted by the Human Rights Council, 24 June 2013, A/HRC/RES/23/2, available at: <http://www.refworld.org/docid/53bd1c254.html> [accessed 30 March 2017]

¹² Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence.

¹³ Martin Scheinin, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 2009, A/HRC/17/34.

¹⁴ “Remove restrictions on accessing internet in the country, which runs counter to the criteria of the ICCPR and the principle of proportionality”

offline due to a concerted effort on part of the GOP to regulate online spaces.

18. In August 2016, **Prevention of Electronic Crimes Act 2016 (PECA)** became law despite concerns from civil society organizations regarding broad powers it grants the government and vague language of its speech-restrictive provisions. The offences carry harsh and disproportionate punishments.¹⁵ Broad powers granted to PTA will affect political speech of women HRDs, activists critiquing laws relating to gender and sexual minorities reclaiming spaces online. Legislative process of PECA was rushed, non-transparent and devoid of proper public consultation.¹⁶
19. The **Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance 2002** has been used to regulate speech and programming on electronic media. PEMRA's powers to issue broadcast licenses allows it to regulate content on the basis of broad terms and conditions under section 20 which gives it sweeping powers.¹⁷ PEMRA Ordinance has in the past used its power to censor content around gendered issues.

(B) Content censorship

20. GOP has continued to block content online, without due process or transparency, and through direct requests by the government to social media companies or by directing ISPs to block websites. The PTA has the legal authority to block content.¹⁸
21. Censorship targeting particular content is never narrowly implemented and casts a wide net on otherwise legal content. Blocking pornographic content affects access to health information and legitimate content.¹⁹ In 2013, Queer Pakistan, Pakistan's first website for sexual minorities, was blocked by PTA.²⁰

¹⁵ The provisions restricting the freedom of expression are as follows:

- Section 9: Glorification of an offense [relating to terrorism]
- Section 10: Cyber terrorism
- Section 11: Hate speech
- Section 20: Offences against dignity of a natural person [criminal defamation]
- Section 24: Cyberstalking
- Section 37: Unlawful online content, which grants the Pakistan Telecommunications Authority to remove or block content if it is in "interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence under [PECA]"
- Section 42: "Foreign cooperation" without any judicial authorization or oversight

¹⁶ Fazal Sher, "Absence of comprehensive law against cybercrimes: NR3C of FIA unable to take action against criminals," Business Recorder, February 10, 2015, <http://bit.ly/1PlaioF>; "The Peculiar timing of NA's decision to release Cyber Crime Law's final draft", Digital Rights Foundation, May 7, 2016, <http://bit.ly/28BaVna>.

¹⁷ PEMRA mandated to preserve the "sovereignty, security and integrity" of Pakistan, "national, cultural, social and religious values and the principles of public policy" and "ensure that all programmes and advertisements do not contain or encourage violence, terrorism, racial, ethnic or religious discrimination, sectarianism, extremism, militancy, hatred, pornography, obscenity, vulgarity or other material offensive to commonly accepted standards of decency".

¹⁸ Section 37 of PECA: "The Authority shall have the power to remove or block or issue directions for removal or blocking of access to an information through any information system if it considers it necessary in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence under this Act"

¹⁹ "Pakistan blocks access to teen sex-ed site," The Express Tribune, March 20, 2012, <http://bit.ly/1QeD0pE>.

²⁰ "Pakistan Blocks First [Queer] Website Queer.pk, Deeming It 'Un-Islamic'", September 26, 2013,

22. There is also a trend of “creeping” censorship in which content is blocked without any explanation before or after the fact. In 2014, Google Scholar search results for terms like “breast anatomy” or “breast cancer” were blocked on the PTCL network. These blocks were never explained.
23. Loosely defined terms used in regulatory laws have made it possible for organizations such as PEMRA to arbitrarily censor gendered content. In 2016, PEMRA issued a notice to a TV drama which involved an educational portrayal of sexual abuse,²¹ citing the content to be ‘inappropriate and immoral’.²² In 2017, PEMRA issued notice to HUM TV for airing an episode depicting a relationship between sexual minorities. It was stated that “the topic [...] is against our social, ethical and societal norms and values.”²³
24. PEMRA has curtailed reproductive rights of women in Pakistan by enforcing taboos around the right to use contraceptives and banning programs creating awareness around them. They directed radio and TV channels to stop airing advertisements which market family planning products.²⁴

(IV) GENDERED DIGITAL VIOLENCE

25. Digital rights for women is an important and urgent area within Pakistan due to online harassment, eVAW and the DGD. Pakistan’s commitment under the CEDAW²⁵ urges it to increase women participation in all spaces, including digital, and make these opportunities accessible through affirmative policy actions.

(A) Laws protecting women in digital spaces

26. Before PECA 2016, online harassment was dealt under section 36 of the Electronic Transactions Ordinance, 2002 which covered violation of privacy of information. Since PECA, offences have been created ostensibly for protection of women online.²⁶
27. The LEA designated to investigate cybercrimes is the FIA’s²⁷ **Cyber Crime Wing**

http://www.huffingtonpost.com/2013/09/26/pakistan-gay-website-block-_n_3994516.html.

²¹ Rule 6(5) of Electronic Media (Programmes and Advertisements) Code of Conduct, 2015: “[e]xtreme caution shall be exercised in handling themes, plots or scenes that depict sex offence and violence, including rape and other sexual assaults.”

²² “PEMRA vs Udaari: Of course the one realistic Pakistani drama in years had to be served a notice...”, May 14, 2016, <http://nation.com.pk/blogs/14-May-2016/pemra-vs-udaari-of-course-the-one-realistic-pakistani-drama-in-years-had-to-be-served-a-notice>

²³ “PEMRA issues notice to HUM TV drama ‘Kitni Girhain Baki Hai’”, Images Dawn News, February 20, 2017, <https://images.dawn.com/news/1177137>

²⁴ “Condom ads banned by PEMRA”, Dawn News, May 28, 2016, <https://www.dawn.com/news/1261217>

²⁵ Article 3: measures for the full development and advancement of women Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

²⁶ The following sections of PECA deal with online harassment:

- Section 21: Offences against modesty of a natural person and minor
- Section 24: Cyber stalking; a) follow or contact despite clear indication of disinterest; b) monitor someone’s electronic activities; c) watch or spy someone; d) non-consensual distribution of personal videos or pictures.

²⁷ Federal Investigation Authority (FIA).

(NR3C). FIA only has 6 offices in urban centers of Pakistan²⁸, making it impossible for many to travel long distances to lodge a complaint. Furthermore, offices are severely understaffed; the Lahore office, tasked with handling cases from 36 districts of Punjab, currently has only 5 Investigation Officers. The staff hasn't received training to deal with gender-related issues, often resulting in victim-blaming or trivializing a complaint of digital harassment.

(B) Online violence against women

28. eVAW is on the rise in Pakistan with the proliferation of digital communications. Online violence includes harassment in digital spaces as well as offline violence as a result of online activity. This violence is an impediment to women's right to the internet and forces them out of online spaces. Between 2014 and 2015, 45% of total 3000 cybercrime cases reported to FIA involved women being targeted on social media.
29. eVAW can range from blackmailing, impersonation, leaking explicit images, unwanted and persistent contact, hacking, doxxing, gender-based threats/abuse and honour killings. There are several cases of women being killed for their online presence or simply owning a phone. In 2016, a 16-year old girl was killed by her brother for using a mobile phone.²⁹ In 2013, a mother of two was stoned to death after a tribal court in DG Khan "convicted" her of possessing a mobile phone.³⁰ Also in 2016, a group of men shot a mother and two daughters in Gilgit-Baltistan for sharing a video of them playing in the rain.³¹ In 2017, a female student in Sindh committed suicide after experiencing blackmailing and harassment through her mobile phone.³² One woman was reportedly expelled from her home by her husband as a result of a fake Facebook profile.³³
30. A long standing case regarding honour-killings and digital technology is the Kohistan video case, where a video of a private gathering was leaked showing four women dancing in the presence of three men in 2012. All individuals were killed by their families in the name of honor. The Supreme Court took Suo-Moto notice and a fact-finding team visited

²⁸ Islamabad, Rawalpindi, Karachi, Lahore, Quetta and Peshawar.

²⁹ Chris Summers, "Man stabs his 16-year-old sister to death in Pakistan 'honour killing' - because she was using a mobilephone," Daily Mail, April 28, 2016, <http://www.dailymail.co.uk/news/article-3563679/Pakistan-police-arrest-man-honour-killingsister.html>.

³⁰ "Woman Stoned to Death on Panchayat's Orders," Pakistan Today, July 10, 2013, <http://www.pakistantoday.com.pk/2013/07/10/woman-stoned-to-death-on-panchayats-orders/>; Emma Batha, "Special Report: The Punishment was Death by Stoning. The Crime? Having a Mobile Phone," The Independent, September 29, 2013, <http://www.independent.co.uk/news/world/politics/special-report-the-punishment-was-death-by-stoning-the-crime-having-a-mobile-phone-8846585.html>.

³¹ "Two Girls, Mother Killed Over Family Video," Dawn, June 25, 2014, <http://www.dawn.com/news/1020576/two-girls-mother-killed-over-family-video>; "Pakistani Women Shot in 'Honour Killings,'" BBC, <http://www.bbc.co.uk/news/world-asia-23084689>.

³² Ali Hasan, "Suspect arrested in 'suicide' case of Sindh University student a 'repeat offender': police," Dawn, January 6, 2017, <https://www.dawn.com/news/1306787/suspect-arrested-in-suicide-case-of-sindh-university-student-a-repeat-offender-police>.

³³ "Husband 'kicks out' wife from house over 'fake' Facebook ID", The Express Tribune, March 27, 2017, <https://tribune.com.pk/story/1367115/husband-kicks-wife-house-fake-facebook-id/>.

the area where they were misled and shown four different women. However, the case was reopened in 2016 following doubts by some members of the commission.³⁴ The inability to investigate and provide timely justice in the case is an indictment of Pakistan's failure to protect women from eVAW.

(V) RIGHT TO PRIVACY: GENDERED DIMENSION

31. Privacy is a fundamental right enshrined in most international human rights instruments.³⁵ Privacy is understood as the right not to be “subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference”.³⁶ The right to privacy is intricately connected to FOE, RTI, association, protection from intrusive surveillance and women's rights.
32. It is now recognized that RTI and data protection are crucial to protect the dignity, lives, and FOE of women HRDs and journalists, activists from sexual minorities and women who are vulnerable in digital settings due to intrusive technologies, lacking digital security, and absence of privacy laws.

(A) Legal privacy framework

33. The Constitution of Pakistan acknowledges privacy as a fundamental right under **Article 14** titled “Inviolability of dignity of man”.³⁷ The right has been interpreted to go beyond the physical confines to the digital realm as well.³⁸ However, the legal precedent remains outdated and with the rapid expansion and innovation around ICTs, there is an obligation on the GOP to provide an adequate and comprehensive legal framework to guard against misuse of citizen data and surveillance.
34. In the period under consideration, there have been no efforts by GOP to enact or debate legislation around protection of privacy and data. Several laws have been passed which erode the existing privacy protections. PECA contains problematic provisions regarding **data retention** under section 32, which requires services providers to retain traffic data for a period of one year or as specified by PTA from time to time. PECA does contain legal protections for confidentiality under section 41. While this inclusion is an otherwise

³⁴ Naveed Siddiqui, “Kohistan video case: Girls declared alive by SC had actually been killed, says Bari”, Dawn, October 21, 2016, <https://www.dawn.com/news/1291398>.

³⁵ Universal Declaration of Human Rights (Article 12); International Covenant on Civil and Political Rights (Article 17); United Nations Convention on Migrant Workers (Article 14), UN Convention of the Protection of the Child (Article 16), Johannesburg Principles on National Security, Free Expression and Access to Information, Camden Principles on Freedom of Expression and Equality.

³⁶ 28/16. The right to privacy in the digital age, Human Rights Council, Twenty-eighth session, 1 April 2015, A/HRC/RES/28/16, accessed at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/068/78/PDF/G1506878.pdf?OpenElement>.

³⁷ The Article states that “[t]he dignity of man and, subject to law, the privacy of home, shall be inviolable.”

³⁸ Wiretapping was declared to be illegal in the seminal case *Benazir Bhutto v Federation of Pakistan and Others*, PLD 1998 SC 388.

restrictive Act it is encouraging, the section provides “good faith” as a defence to such disclosure and violation of privacy.

35. **Fair Trial Act**, 2013, allows for unparalleled levels of surveillance and monitoring by LEAs at the expense of the privacy of citizens. Section 9³⁹ permits “secret warrants” to be issued for the purpose of surveillance or interception,⁴⁰ so there is no notice to the person whose communications are being monitored.
36. In the absence of data protection legislation, telecom and tech companies are not compelled or required to have comprehensive privacy and data protection policies regarding the collection, use and storage of user information.⁴¹ Government’s inaction is resulting in unregulated use of citizen’s information by private companies. Data breaches from these companies result in digital harassment of women as information such as call logs and numbers are used for blackmailing, doxxing and impersonation.

(B) Government Databases and State Surveillance

37. The **National Database & Registration Authority (NADRA)** maintains one of the world’s largest centralised citizen databases. This databases is susceptible to surveillance in the absence of legal safeguards.
38. Following a deadly attack on Army Public School in 2014, ISPs, telecom companies, and SIM card vendors were required to authenticate the Computerized National Identity Card details of prospective customers with NADRA before providing service.⁴² Lack of transparency and accountability in maintenance and usage of this data raises concerns for digital and physical safety of women HRDs, activists from sexual minorities and female journalists who are critical of state policies and societal norms. Increased tracking technology is being decentralised and given to local police.⁴³ Initiatives such as Safe Cities Projects have enhanced surveillance powers of LEAs.
39. The Pakistani state is amassing surveillance technologies and capacities without a congruent development in regulatory mechanisms. Pakistani citizens might be vulnerable

³⁹ Section 9. Judge to issue warrant in Chambers: (1) The warrant of surveillance or interception shall be issued by the Judge in chamber. (2) The authorized officer shall personally present the application in chambers of the concerned Judge who after considering the same shall pass appropriate orders under Section 11. The file on which the orders shall be passed, shall be returned to the authorized officer for safe-custody who shall be duty bound to bring the same on any subsequent related hearings. The Judge shall cause to be maintained a register as provided for in Section 3(j).

⁴⁰ Section 11. Issuance of warrant of surveillance or interception: After considering the matters specified in Section 10, the Judge shall,

(a) pass an order allowing the issuance of warrant in the manner prescribed in schedule IV or as presented before him in a proposed draft form; (b) pass an order allowing the issuance of warrant with some modifications; (c) pass an order allowing the issuance of warrant, but may make any observations regarding the manner and method of its implementation; (d) restrict requested duration of any existing warrant; and (e) decline to issue the warrant, if the Judge has reasons to believe that warrant is being procured with mala fide intention and the process under the Act is being abused.

⁴¹ “Telecoms Privacy & Data Protection Policies in Pakistan”, Digital Rights Foundation, 2016, <http://digitalrightsfoundation.pk/wp-content/uploads/2017/02/Telecoms-Privacy-and-Data-Protection-Policies-in-Pakistan-1.pdf>.

⁴² Bilal Sarwari, “SIM Activation New Procedure,” Pak Telecom, September 3, 2010, <http://bit.ly/pqCKJ9>.

⁴³ Imran Ayub, “Over 4,000 police vehicles to be equipped with tracking devices”, Dawn, February 6, 2017, <https://www.dawn.com/news/1312928/over-4000-police-vehicles-to-be-equipped-with-tracking-devices>.

to oversight through FinFisher’s “Governmental IT Intrusion and Remote Monitoring Solutions” package according to a report by Citizen Lab⁴⁴, it provides hacking and monitoring capacities of the state putting activists and outspoken dissent at risk of digital surveillance. Privacy International in 2015 concluded that the government’s surveillance capability outstrips domestic and international law regulating that surveillance.⁴⁵

(C) **Privacy as protection for women**

40. Women are often denied privacy of their devices and communications not just from the state, but also from their families. Digital activities of many women are monitored either through obtaining passwords, hacking, tracking softwares or conditional access to devices. This **social surveillance** is not only exasperated by lack of privacy legislation, also by less importance given to gendered issues within privacy discourse and jurisprudence.
41. Qandeel Baloch’s case is an example of breach of privacy leading to offline violence, when her personal information was revealed online, putting her and her family under imminent threat. When her true identity was revealed, her brother murdered her in an honour-killing.⁴⁶

(VI) **RECOMMENDATIONS**

- a. Campaigns, targeted at women, in rural regions to enhance digital literacy and security, accessibility to ICTs, and dismantle taboos around internet and technology usage to bridge the DGD.
- b. Lift geographical bans on internet and mobile networks immediately; ensure affordable and unhindered access to the internet and electronic devices for all.
- c. Campaigns to provide cheaper and subsidized internet access, both rates and fixed costs, in rural areas. Special discounts for female-registered internet devices to encourage women to own and control internet connections.
- d. Amend or repeal legislation that violates Pakistan’s international obligations regarding FOE, to guarantee that speech and access to the Internet cannot be limited by arbitrary decisions of government and restrictions are based on a narrowly defined and transparent criteria.
- e. Effective measures to ensure the full realization of FOE, including on the Internet, of assembly and of association and ensure that women HRDs and advocates around gendered issues are able to carry out their legitimate activities without fear of threat or reprisal.

⁴⁴ Morgan Marquis-Boire et al, For Their Eyes Only: The Commercialization of Digital Spying, Citizen Lab, May 1, 2013, <http://bit.ly/ZVVnrb>.

⁴⁵ Matthew Rice, “Tipping the Scales: Security and surveillance in Pakistan,” Privacy International, July 21, 2015, <https://www.privacyinternational.org/node/624>

⁴⁶ Qadeer Tanoli, “Revealing Qandeel’s real identity put her life at risk” The Express Tribune, July 17, 2016, <https://tribune.com.pk/story/1143410/sharing-blame-revealing-qandeels-real-identity-put-life-risk/>

- f. Dedicated department for online violence against women within the NR3C with increased female staff and Investigation Officers, properly gender-sensitized officers and greater resources allocated by Ministry of Interior.
- g. Expand reach of NR3C throughout Pakistan or grant powers to local police stations to investigate and prosecute in cases of eVAW.
- h. Legislate data protection law in line with international human rights principles, with special provisions for privacy violations and data breaches that specifically affect women.
- i. Awareness campaigns, compatible with Pakistan's international FOE obligations, through electronic media as well as in educational institutes regarding online harassment, digital security, and the mechanisms in place to address it.