

# LOCATING PRIVACY IN THE RIGHT TO PROTEST IN PAKISTAN



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## Executive Summary

This report seeks to map the on-ground experiences of local activists in Pakistan, hailing from a myriad of social justice causes. The experiences they have shared with the interviewers along with the real-time developments in the country's law and order situation shed light on the situation as it stands in terms of citizens exercising their right to peaceful protest.

The following are the key findings of the study:

### **Key findings:**

- Elements such as online misinformation and disinformation have had a disproportionate impact on groups and individuals campaigning for gender-based rights
- Threats faced by protestors range from defamation, doxxing, legal action, incarceration, calls for incitement to violence to rape and death threats
- Social media platforms majorly emerged as a positive avenue for furthering the causes that our respondents worked towards promoting
- A range of self-censorship mechanisms were employed by the respondents to protect themselves and their data in both online and offline spaces
- The surveillance methods employed by the government were largely done through in-person monitoring for transgender communities and those based in Gilgit Baltistan.

### **Main Objective**

The primary goal of this report is to document and analyze collective and personal privacy issues faced by civic protestors and organizers in order to provide best practices, guidance and tools to safely practice the right to freedom of assembly and association.

## Introduction

The right to protest is granted to citizens of Pakistan under the provisions of Article 16 of the Constitution as a basic fundamental right. Free assembly is the cornerstone of a democratic people and in a state with strong, balanced and separate organs of government, the catalyst for quantifiable change that mirrors the will of its people.

The curtailment of this right through various hurdles, conditions and overriding contingencies in the country is what has prompted this inquiry into how freely the freedom of assembly is available to the population at large.

The overall observation is that the more “controversial” the agenda of a movement is considered to be, either against the military establishment or societal norms regarding gender and sexuality, the more online hate is generated against them. This includes targeted campaigns, falsified data and false conjecture as to the intent behind pushing for their rights.

## Methodology

The methodology employed for this report consists primarily of in-depth interviews held with grassroots political workers and representatives of collectives. The researchers interviewed 14 individuals from various social justice causes such as womens’ rights, climate change, transgender rights, students’ rights and the right to universal internet access in Pakistan.

The interviews were conducted online via the Zoom video conferencing application and the average duration of an interview was 55 minutes.

Additionally, the recommendations shared by the interviewees have been fed into the adaptation of the Free to Protest Guide (Pakistan) that seeks to address the specific challenges faced by local activists.

## Limitations

The study’s limitations include geographical diversity, time constraints and sensitivity of subject matter. As the researchers are based in Lahore, Pakistan, which is a metropolis located in a densely populated urban area, the data collection, though not fully influenced by this, does indicate a certain degree of lack of access, especially to rural areas and their grassroots movements.

Secondly, the time frame for data collection was limited to 8-9 weeks owing to the project cycle under which this report has been commissioned and prepared. However, it is to be noted that the intended number of participants were duly interviewed for the report and their views have been fully showcased here, under the relevant sub-themes in the Findings section.

## Literature Review

### State of Freedom to Protest & Privacy in Pakistan

Digital technologies are increasingly playing a role in enabling and facilitating protest movements across the globe such by helping coordinate conversations, raising awareness, encouraging participation and generating support.<sup>1</sup> However, the same technologies are also increasingly being used by state actors to surveil and crackdown on protest movements and the individuals involved in them. As people go out to march, protest, host demonstrations, their personal information—in the form of tweets, profiles, pictures, location—are amassed without adequate justification.<sup>2</sup> This situation is particularly harrowing in a country like Pakistan where there is presently an absence of a data privacy law. In 2020, the report issued by the United Nations (UN) High Commissioner for Human Rights takes cognizance of the relationship between surveillance and interference with internet communications and freedom of assembly has been highlighted, specifically, the ‘impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests’.<sup>3</sup> It has been reported that state authorities have utilized numerous tools and technologies to mine the personal information of protesters from both public and private online spaces. In addition to this, use of facial recognition software, fake mobile towers, and even deployment of drones to collect footage are deployed to ensure that protestors cannot enjoy the security of anonymity.<sup>4</sup> This is to say nothing of the use of force and other violent tactics to dispel protests.

According to the country analysis conducted by Laws on the Right to Freedom of Assembly Worldwide, the right to assembly in Pakistan is ‘restricted’ and that ‘police may forcibly disperse protests’.<sup>5</sup> On its scale ranging from green for good and red for bad, Pakistan ranks a dismal ‘red’. However, the right to protest, especially in the internet age, is not merely limited to in-person gatherings or solely based on the freedom of assembly. The right to protest is derived from the freedom of assembly, association, speech and expression and right to privacy. Pakistan’s constitution guarantees these rights and freedoms through Articles 16, 17, 19 and 14(1) respectively. In addition to having these constitutional provisions, Pakistan is also a signatory to the International Covenant on Civil and Political Rights, Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights all of which emphasize the importance of freedom of expression, assembly, association and right to privacy. Legal and digital

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<sup>1</sup> Siatitsa I, “Freedom of Assembly under Attack: General and Indiscriminate Surveillance and Interference with Internet Communications” (*International Review of the Red Cross*, March 1, 2021) [https://international-review.icrc.org/articles/freedom-assembly-under-attack-surveillance-interference-internet-communications-913#footnote7\\_knsgpxe](https://international-review.icrc.org/articles/freedom-assembly-under-attack-surveillance-interference-internet-communications-913#footnote7_knsgpxe)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> “The Right of Peaceful Assembly in Pakistan” (*The Right of Peaceful Assembly Worldwide*, January 1, 2022) <https://www.rightofassembly.info/country/pakistan>

rights activists in Pakistan have also highlighted that in part because of accessibility of information on the internet 'privacy is linked with the rights to security, speech and safe spaces'.<sup>6</sup>

Insofar as Pakistan's technical surveillance capabilities are concerned, according to a report published by Privacy International that analyzed the 400 gigabytes of data originally revealed in the 2015 WikiLeaks and acquired from Hacking Team, an Italian firm that specializes in Remote Control System, a spying software, Pakistan's law enforcement authorities including the ISI, FIA, Ministry of Defence have worked closely with this Remote Control System software.<sup>7</sup> According to a news article published in Dawn in July 2015 by Jahanzaib Haque and Atika Rehman, this spying software allowed Pakistani law enforcement, intelligence and military agencies: 'access to photos, emails, chat conversations, social media accounts and passwords [...] tap phone and Skype calls, take photographs using the infected device's camera and switch on a device's microphone — all without the user's knowledge, and without affecting a device's battery life.'<sup>8</sup>

Pakistani state, intelligence and law enforcement agencies have been increasing their surveillance capabilities since 2015 as a means of countering terrorism in the country. However, this blanket excuse of countering terrorism and anti-state activities has been used to digitally surveil journalists, human rights activists, women and ordinary citizens.<sup>9</sup>

In the past, Pakistan's Supreme Court had ruled in the *Mohtarma Benazir Bhutto vs. President of Pakistan* case, that not only was the right to privacy as enshrined in Article 14(1) of the Constitution not limited merely to 'privacy of the home' but extended beyond to electronic means of communication as well.<sup>10</sup> According to the apex court, 'such privacy of home a person is entitled to enjoy wherever he lives or works, inside the premises or in open land. Even the privacy of a person cannot be intruded in public places.'<sup>11</sup> As per this judgment, wire-tapping and eavesdropping or otherwise interfering in a private phone call not only violates a citizen's right to privacy but also their freedom of speech and expression.<sup>12</sup>

Today, more so than wire-tapping and eavesdropping, harvesting online information and collecting the digital footprint of citizens is the primary surveillance tactic. To that end, instead of upholding the spirit of the Mohtarma Benazir Bhutto case, the Prevention of Electronic Crimes Act

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<sup>6</sup> Bukhari A, "Surveillance, Accountability and Data Breach: How to Navigate Privacy in Digital Realm?" (*The Express Tribune*, August 22, 2020) <https://tribune.com.pk/story/2260750/surveillance-accountability-and-data-breach-how-to-navigate-privacy-in-digital-realm>

<sup>7</sup> Khan SA, "The State Bytes Back: Internet Surveillance in Pakistan" (*Herald Magazine*, May 23, 2017) <https://herald.dawn.com/news/1153312>

<sup>8</sup> Ibid.

<sup>9</sup> Digital Rights Foundation, "The Right to Privacy in Pakistan's Digital Spaces: April 2018 Human Rights Council Report" (*OHCHR*) <https://www.ohchr.org/sites/default/files/Documents/Issues/DigitalAge/ReportPrivacyinDigitalAge/DigitalRightsFoundation.pdf>

<sup>10</sup> Chaudhry NE, "Big Brother: Mapping State Surveillance of Citizens Online and Offline" (*Digital Rights Monitor*, February 8, 2021) <https://digitalrightsmonitor.pk/pakistan-as-big-brother-mapping-state-surveillance-of-citizens-online-and-offline/>

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

2016 (PECA) inadvertently vests tremendous power in the state apparatus to surveil and have access to citizen data.<sup>13</sup> For instance, Section 32 of the Act requires service providers to retain user data, and the Pakistan Telecommunication Authority (PTA) can order service providers to provide access to this data. Section 37 of the Act governing unlawful online content authorizes the PTA to remove or block access to any such content it considers '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 offense under this Act.'<sup>14</sup> However, this sets vague criteria that vests overbroad powers with the PTA to arbitrarily determine what content can be considered violating or unlawful.

There have been several instances where journalists and human rights activists have been wrongfully targeted under PECA. For example, in June 2017, Zafarullah Achakzai, a reporter for *Daily Quadrat*, was arrested in Quetta, under PECA. Since then, according to a 2021 report by Freedom Network, 23 journalists have been targeted by the cybercrime law.<sup>15</sup>

Another instance cited by the Civicus Monitor:

*'In July 2019, Mohammed Ismail, [an activist, professor and member of the civil society organization PNF] was accused of charges under the Anti-Terrorism Act in connection with the legitimate human rights work of his daughter, Gulalai Ismail. On 24th October 2019, he was accosted outside Peshawar Court by men dressed in black militia uniforms, who forced him into a black vehicle. His whereabouts remained unknown until the morning of 25th October, when he appeared in the custody of Pakistan's Federal Investigations Agency before a judicial magistrate and charged with further offenses under the Pakistan Electronic Crimes Act. He was detained for more than a month and granted conditional bail on 5th December 2019 and released.'*<sup>16</sup>

Another example from the Civicus Monitor:

'On 11th February 2020, the Federal Investigation Agency (FIA) of Pakistan threatened to register a case against exiled journalist Gul Bukhari under the Prevention of Electronic Crimes Act-2016 (PECA) and Anti-Terrorism Act-1997 if she failed to appear before an inquiry probing online propaganda against the government, national security organizations, and the judiciary. The FIA has also threatened to seek the extradition of Gul Bukhari through Interpol from the United Kingdom where she is based and seize any property that the journalist has in Pakistan. Bukhari is a prominent critic of Pakistan's powerful military and has used her large following on social media to raise concerns about human rights violations against journalists, activists and the crackdown against the Pashtun Tahafuz Movement civil rights movement.'<sup>17</sup>

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Civicus, "Pashtun Activists Targeted Amid Pandemic While Press Increasingly Muzzled in Pakistan" (*Civicus Monitor Tracking Civic Spaces*) <https://monitor.civicus.org/updates/2020/05/12/pashtun-activists-targeted-amid-pandemic-while-press-increasingly-muzzled-pakistan>

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

Online behavior, and expression of freedom of speech has also been something that has triggered the forced disappearances of journalists, activists and civil society workers.<sup>18</sup>

Pakistan's Aurat March, the country's most prominent women's rights demonstration, and its members have also been targeted under PECA, particularly under its defamation clause<sup>19</sup>, to regulate the content of the March,<sup>20</sup> and more recently becoming a target of false allegations of blasphemy.<sup>21</sup>

In April 2021, the government of Pakistan mandated a mass-scale blocking of all popular social media apps (including WhatsApp, Youtube, Facebook, TikTok etc.) ahead of a protest being staged by Tehreek-e-Labbaik Pakistan (TLP), a right-wing fundamentalist group in Pakistan.<sup>22</sup> In doing so under a vaguely defined criteria regarding the interest of 'public order', the government undermined its citizen's freedom to protest, right to assembly and freedom of speech. In his article, noted digital rights activist, Usama Khilji argues that such a measure is disproportionate and imposes a burden on the rest of the population, given that there are facilities that would allow signal blocking in only the area of the protest. Such an action also does not align with any legislation governing either public order, nor coincides with the conditions for banning stipulated under Section 37 of PECA, the primary legislation that governs online regulation.<sup>23</sup>

In response to the increased threat of forced disappearances, punitive measures such as false arrests and censorship, President Arif Alvi signed the Protection of Journalists and Media Professionals Bill to law in 2021.<sup>24</sup> However, the law also contained vague provisions such as Section 6 which imposes punishments on journalists for spreading 'false information' and producing material that 'advocates hatred' or constitutes 'incitement to discrimination, hostility or violence' without providing a clear criteria for that entails.<sup>25</sup>

Pakistan's legal and policy infrastructure, while on the surface appears to champion the preservation of privacy, freedom of expression, assembly and association, in practice consists of loopholes and ambiguities, or overbroad criteria in the law and overarching restrictive regulations that ultimately impedes the right to protest and chills free-speech.

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<sup>18</sup> Ibid.

<sup>19</sup> Siddiqui Z, "Pakistani Women Said #Metoo - Now They're Getting Sued" (*The Juggernaut*, October 8, 2020) <https://www.thejuggernaut.com/pakistan-cyber-laws-peca>

<sup>20</sup> "Women move LHC to get Aurat March 'regulated'", *Dawn*, March 3, 2020, <https://www.dawn.com/news/1537922>.

<sup>21</sup> Hoodbhoy N, "Pakistan's Feminists Fight Blasphemy Cases" (*VOA* May 12, 2021) <https://www.voanews.com/a/extremism-watch-pakistans-feminists-fight-blasphemy-cases/6205721.html>

<sup>22</sup> Khilji U,, "Pakistan Government's Decision to Block Social Media across the Nation Defies the Logic of Security" (*Scroll.in*, April 22, 2021) <https://scroll.in/article/992675/pakistan-governments-decision-to-block-social-media-across-the-nation-defies-the-logic-of-security>

<sup>23</sup> Ibid.

<sup>24</sup> The Newspaper's Staff Reporter, "President Alvi Signs Journalists Protection Bill into Act" (*DAWN.COM*, December 2, 2021) <https://www.dawn.com/news/1661379>

<sup>25</sup> Ibid.



## Findings

A myriad of themes were identified that expanded on the challenges faced by activists and protestors in Pakistan, once the data from the interviews had been extracted. To analyze the data, it was collated and divided into relevant sub-categories or themes that were then separately read through and expounded upon, based on the individual responses.

10 distinct themes emerged from the qualitative interviews with the respondents that have been unpacked below.

### Misinformation/Disinformation

The theme of misinformation and disinformation prominently impacted what are considered controversial elements of the protesting civil society such as the women's rights movement, student union rights movement and transgender rights' movement. This observation is connected to the stronger activity seen by detractors of these movements who vocally opposed the work and ethos of these collectives. When asked if online misinformation had impacted their movement, one participant responded:

*'Yes, that has happened quite a bit. Even for instance, people talking about sexual autonomy have always been misinterpreted as calling us out as prostitutes and making our entire cause about that instead.'* And the whole blasphemy thing that has happened, the backlash was to an insane level.'

This insight was shared by a member of a women's rights group, which has been receiving heavy backlash from right-wing and even centrist factions in the country, since they have begun speaking out against the rampant sexism faced by women and gender minorities on various levels.

66.6% of the respondents shared that misinformation-driven campaigns became a problem for their causes with wide-ranging impact such as the labeling of transgender activism as a cover-up for pushing the agenda of 'LGBTQ' and pride in Pakistan. This, in the context of the spate of hyper-religious sentiment running amok, equals very likely risking the lives of visible transgender individuals.

This is not, unfortunately, conjecture as Nayyab Ali (executive director, Transgender Rights Consultants) is reported lamenting that in the recently occurring spate of violence the pivotal role was played by transphobia, in an April 2022 interview.<sup>26</sup>

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<sup>26</sup><https://www.theguardian.com/global-development/2022/apr/01/pakistan-transgender-women-protest-against-rising-tide-of-violence>

An interviewee who is a part of the Aurat March collective said *'Yes for sure, disinformation has happened through the media when I previously reported how they target immature women to be interviewed for covering our march'* when asked if their cause had been impacted by misinformation.

The Aurat March is considered widely as a controversial initiative and has been tagged with dismissive labels such as 'an event for elite ladies' with no grounding in the realities that the female population of the country live with. This is a tactic to shift their narrative of equity, equality and justice to one of frivolity. The March sees a slew of 'journalists' descend at the venue on the day of the event, with YouTube bloggers and digital channel representatives making the bulk of the reporters who employ regressive and incendiary vocabulary to question supporters and attendees of the March. The manipulated content they create is then edited into click-bait material that they push out as supportive evidence for the negative imagery of the March and its organizers.

Similarly, sharing their experience with the March, a volunteer for the cause stated:

*'Yes, there have been, particularly about the movement and about the cause. We have seen online content creators engaged in this quite a lot, it was actually about very practical things, from like where the march is taking place, what time. Rumors about the march being attacked, convincing people that a banned outfit has given a call to attack the march, even though they would not have. This was very specifically done to generate fear among the people so that they don't join the march in person. Then it was about the cause we stand for, women rights in general. People have twisted our narrative, it also happened last time, they recorded some of our content, changed the voice of that content and made it blasphemous. It was viral and it said that we are standing for an anti-religious stance which was complete disinformation from religious parties and even media people who spread that. Then there have been messages manipulated, mocking and photoshopping posters and telling people that they stand for xyz even when we do not.'*

Use of religion as a shield to promote regressive societal limitations on women and gender minorities has always been a factor in these spaces however Aurat March since 2018 and transgender activism since late 2022 have been specifically targeted by the religious right.

A transgender rights activist shared:

*'On online platforms, they take our pictures and make profiles where they put our home addresses and pose us as sex workers. I have particularly been called a sex worker and an Israeli agent a lot. I am scared that someone will post something blasphemous about me and it can seriously endanger my life. I ignore talking about religion as a whole now. These misinformation drives have actually cost me a lot; during a meeting with the UN, I was told that I drink and party a lot, assuming from those profiles and the pictures they have shared of me wearing 'bold clothes.'*

This is another example of the narrative-building that is widely seen around the struggle of transgender individuals who have been sidelined and maligned for decades. The primary professions available to the transgender community in Pakistan unfortunately are those of sex work and performing at private events. Neither of these are safe options or those protective of their basic rights. The community at large suffers from hate mongering and a societal lack of understanding of their gender dynamics. The ignorance has bred stereotypes which of late have been used to directly target the progressive legislation, Pakistan's Transgender Persons (Protection of Rights) Act, 2018. This law upholds 'self-perceived gender identity' as the defining factor in categorizing who a transgender individual is, legally. Pushback<sup>27</sup> against the law has been steadily increasing since a Jamaat Islami (the largest right-wing political party in Pakistan) member Senator Mushtaq introduced a regressive Bill to amend the Act and spearheaded a dedicated disinformation campaign against the already heavily vulnerable community.

Expanding on the kind of roadblocks they also face, an organizer for Aurat March shared:

*'Another hurdle is the backlash we receive from the marches. We are marching because we feel marginalized. But there are men who are in higher positions who can choose to control the march as it deems them. They are not supporting our cause. There is a lot of misinformation and disinformation is spread about the march. Many women are told not to join the march because they will get attacked there. The religious parties have threatened to use acid and other tools to frighten our marchers in Karachi. Manipulating our message also falls under miniformation, we have seen photoshopping of our banners, manipulating the message of our banners, and even changes in our audios to get the wrong message across to the audience. Last year, we had to go underground because we received a lot of backlash from the religious parties and FIRs were launched. Once the legal battles start, keeping our identities anonymous is impossible for us. We get scared for our lives and the backlash we will receive. We never identify with the movement publicly because of the hate that has been gutted in the society. These become the challenges, not just in holding the protests, but because the biggest issue we face is the safety for our marchers which even if granted, is not implemented or followed by the police.'*

The use of social media platforms to generate and sustain campaigns of hatred is appearing as a common thread with these collectives. The clever use of hashtags and trends to avoid being reported through Twitter's mechanisms ensures the longevity of the negative responses and content targeting the individuals and communities who support fundamental rights.

Another respondent, who works on social causes impacting the Baloch people, especially missing persons in the region, said:

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<sup>27</sup><https://www.voanews.com/a/pakistan-s-progressive-transgender-law-faces-opposition-4-years-later-/6768168.html>

*'Yes, there are a lot of threats on social media claiming that we are agents of RAW. There are hashtags that target us as well. It works on an agenda against us and usually misspell words in order to keep the tweets there.'*

Perpetuating stereotypes and fanning the flame of unsubstantiated rumors appears to be another stratagem to discount the work and demands of those following the socialist school of thought, such as this student rights' proponent shared:

*'Yes, just because we are leftists, we are thought to be involved in drugs, sex, and other stereotypes. We are associated with being nonreligious and the opposing force uses religion as the card to gain followers and defame us as disbelievers.'*

Overall, misinformation and disinformation were found to be potent tools to dismantle the work and reputation of multiple causes. The use and impact of these clever techniques are amplified greatly in online spaces, especially when targeting activists and causes who speak about gender discrimination and the rights of minorities.

## **Threats faced**

Any experienced protestor can claim that the threats leveled against them while protesting are not always empty. This helps ground the upcoming examples in the reality of the situation in Pakistan. The two types of threats we have received feedback on are digital and real-time. A pertinent online threat is that of doxxing. This is the action of publicly disclosing an individual's personally identifiable data such as address, phone number, office or other personal details, thus putting them at risk of harm.

Other examples of the same include online attacks, spam, threats communicated via inboxes such as the one quoted here by an Aurat March volunteer:

*'Also just before the march was about to take place, we would get [sic] added into a messenger chat group called 'Gashti (Whore) Raid Group' where men would give us rape threats in order to discourage us from going to the march. It was really jarring to see that. They would then kick you out and add someone else that they thought supported the march.'*

This highlights the plight of the supporters of Aurat March, the women's rights movement in Pakistan that has been burgeoning since 2018 and is celebrated every 8th March, coinciding with International Women's Day. The March has gained traction and notoriety since the first year and the placards the marchers held up began to gain national attention. The slogan of '*Mera Jism Meri Marzi*' (My Body, My Choice) catapulted to infamy almost instantly, received wide rebuke after religious and conservative elements purposely twisted the narrative to claim that the slogan was anti-religion.

Two of our respondents were outliers in terms of threats received. Our interviewee who represented the climate change marchers responded that no threats were received, remarking that 'tree-planters' which is how he felt their cohort was seen as, did not attract any hate in particular from any factions given that they were regarded generally as a harmless group. Furthermore, a collective protesting the lack of access to internet in Gilgit-Baltistan also shared getting relatively less pointed backlash:

*'The influential people [of Gilgit Baltistan] there already had fiber (internet) connections they had no issue accessing good connectivity. They were giving good connections to those who had good references in SCO, so if those protesting had tried to name any people like this, tried to defame them, then maybe we would have had issues with the campaign. But people shared constructive solutions on what the government could do, what the other organizations could do in this scenario.*

*We were apprehensive that if something like that were to happen, it would come down to the mainstream activists involved in this. A lot of those people live abroad but we were concerned about those who lived here but thankfully nothing like that happened.'*

A Quetta-based feminist and activist shared:

*'We receive a lot of criticism in terms of AM [Aurat March] being a part of a socialist and feminist movement. In these circumstances, we convert[ed] the march into a conference, it feels safer then.'*

Contingency plans like these have been employed by protestors in other cities and chapters of the movement as well, to curtail the risks attached to taking part in an actual march where the probability of harm is heightened due to the movement of the protestors and the lack of security provided by the State.

The concerns are elevated in the context of Quetta, particularly, as it is the provincial capital of Balochistan which is not only considered to be a more conservative society on its own but is also a heavily surveilled community in general. One Baloch woman activist stated:

*'Yes, I receive them in my inbox. Sometimes, they are using abusive language and other times they are telling me how I am ruining the next generation of women.'*

When asked if they had felt their private information was unsafe due to their work as a protestor, one transgender rights activist shared how they were directly targeted:

*'Yes, when [my] mentee was raped after climate march, she was told that they would 'burn her mentor alive'. Another time, I was leaving to attend a training by DRF, I kept getting calls from [the intelligence agencies] to meet them. They did meet me and asked threatening questions.'*<sup>28</sup>

Threats of rape and death are a very tangible reality for the transgender community, especially those who are vocal and visible members. The incidence of rape and sexual assault is sadly very high<sup>29</sup> amongst this widely misunderstood and shunned section of society.

In Pakistan, blasphemy allegations pose a very real threat to those accused of it. Chapter XV of the Pakistan Penal Code (PPC)<sup>30</sup> covers 'Offenses Relating to Religion' which includes s.295C which is used, now, almost routinely, to curtail speech or target individuals harshly. The section prohibits the 'Use of derogatory remarks etc. in respect of the Holy Prophet':

*'Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.'*

Since the country's inception in 1947, 86 individuals have been killed<sup>31</sup> over such accusations. The following quote from an article surmises the attitude of the country quite well:

*'In the collective imagination of mainstream Pakistan, blasphemy is not a pardonable offense and anyone who believes otherwise is also committing blasphemy, and must similarly pay with their life.'*<sup>32</sup>

One feminist respondent, when asked if she has been made to think twice before professing her religious beliefs, shared:

*'Yes, once during a protest, I raised the 'alam' (religious symbol of the Shia sect of Islam) while I was wearing a sleeveless dress. I was threatened that an FIR of blasphemy will be launched against me. Another time, I was invited on a talk show with a Maulvi where I asked him why they never question the pedophilia conducted in the mosques by their own. When I shared that interview, I received a lot of hate and threats.'*

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<sup>28</sup> The quotation refers to the sexual assault and rape of a transgender organiser of the climate march in Karachi in 2021: Imtiaz Ali, "Transgender activist who helped organise Karachi climate march allegedly abducted and raped," Dawn, December 14, 2021, <https://www.dawn.com/news/1663762>.

<sup>29</sup> <https://www.civicus.org/index.php/media-resources/news/blog/4674-violence-against-transgender-people-in-pakistan>

<sup>30</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

<sup>31</sup> <https://www.dawn.com/news/1671491>

<sup>32</sup> <https://www.dawn.com/news/1149558>

Also speaking on branding causes or individuals, a member of an internet access movement shared:

*'And then yes ultimately the threat comes in many forms from declaring you a traitor or a desi liberal or other things that are 'normal' in this context.'*

The branding of individuals with labels such as the ones mentioned in the quote above is a common tactic to dismiss them and their narrative by relying on labels used to shame and demonize them in the public eye.

Expanding on the threats that translate from online spaces to the offline world, one feminist activist related:

*'Yes, as a collective we have faced many threats when it comes to a lot of things actually, like the religious parties were trying to find us or reveal our identities or track us down. That was a very specific threat for the organizers. Then there were protests happening which were condemning us and you know it was such a sensitive issue, blasphemy, that it was a direct threat to our wellbeing. Then, there are threats to individuals, any of us, who as part of their job goes to an online or TV platform so the threats that they encounter are not just threats from religious people but also trolling and that sort of backlash. So it is not just directed at the broader collective or they wouldn't just call feminists that they are messing up, they would directly attack that you are the problem. As a movement we have been told that we won't be able to hold our protest, that there will be attacks on the march and every successive year we are told that it will be more difficult, there are security threats of bomb blast, acid attack which is why it is heavily guarded. We have received threats from Taliban as well last year, we have letters circulated by them as well, so yeah there have been online threats from the general society, there have been threats of legal action and we also had a petition that the march should be stopped and it happens every year.'*

This detailed account sheds light on the density of concerns that have to be mitigated, avoided and overcome or accepted when raising your voice on an issue as contentious, in Pakistan, as that of gender rights imbalance.

A hair-raising concern is that emanating from the communication received by Taliban.<sup>33</sup> The fight against misogyny and more importantly, the one that aims to liberate women and gender minorities from the shackles of a deeply patriarchal system, is such an offense that it elicits a response from extreme quarters such as this.

Another set of responses we received to the query around threats supports the above speculation about women-led movements, and Aurat March in particular:

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<sup>33</sup> "Fix your ways': Taliban threaten organisers of Aurat March," The Express Tribune, March 13, 2021, <https://tribune.com.pk/story/2289084/fix-your-ways-taliban-threaten-organisers-of-aurat-march>.

*'Physical threats do take place sometimes during our meetings, we have been threatened by people around but that is one thing and people actually standing outside the march on the day but since most of the year we are communicating online, the backlash is also online.*

*'This is why it is necessary; we have been receiving threats from religious leaders and it initially existed online only, but now it has seeped into a physical space as well. On the last march, we had a counter march. Most of the protests are against something and we are asking for our rights which is why we are marching. This is not appreciated by religious parties and it threatens our safety.'*

A missing persons' activist shared:

*'From the justice system, and the missing people and the kind of role the agencies play, that becomes the major security threat under which we operate when we protest. I can't really think and I can't really say things that I want to as part of my protest. So, being part of the country and society and the risks it imposes on us, that is the major unsafety [sic]. Then second and third levels of unsafety, if someone looks at your protest through a religious lens or their own perspective, these things can make you insecure. There is generally speaking no safe space for dissent but when it comes to GB [Gilgit Baltistan] we are more marginalized than for example someone from Pakistan.'*

Activists from the heavily marginalized region of Gilgit-Baltistan, with the exception of those who worked on restoring internet connectivity to the area, are also heavily under threat of surveillance<sup>34</sup>, no matter where they may be residing. The last line of this quote refers to the semi-constitutional status of Gilgit Baltistan, with respect to Pakistan's territories.

Some other examples of threats received by interviewees are:

- *'Yes, I have been, multiple times. I was on a TV show. One of the panelists, who was a religious rights representative, threatened me on live television. He said weird things, like she should be beaten along with all of the women involved in this.'*
- *'We receive a lot of physical threats. It's common in PU [Punjab University] that if a student is affiliated with us, they will rough them up a little and ransack his dorm to make him rethink his association.'*
- *'Yes, it [doxxing] is pretty casual at this point.'*
- *'When my friends were kidnapped, I was raising my voice for them a lot. Some stranger had been following me for a couple of days and one day, he just showed up and told me to hand over my phone to him. I told him that he is harassing me and I will take a picture of him and post it on social media. He took out his gun to threaten me and I ran to my cousin's house for safety. I had an idea that he wouldn't shoot. Another time, I saw*

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<sup>34</sup> <https://www.csmonitor.com/World/Asia-South-Central/2011/1128/In-Pakistan-controlled-Kashmir-residents-see-experiment-with-autonomy-as-illusion>



*that someone was recording our conversations so I told him that if he is going through this entire hassle, he should just actively listen to what we are talking about here. He said that someone had ordered him to record our conversations and they will understand perfectly what we are trying to say.'*

- *'As a collective, Fazal ur Rehman (President JUI, a far-right political party) said 'inko dundo se roko'(stop them with sticks and batons if you must). On Twitter and Instagram, there are a lot of random people threatening us on inbox and posts.'*
- *'One of the biggest threats is hacking and breaching of our data. Malware or some practice like this that can compromise our digital security so we do practice some precautions there.'*

These quotes showcase that the types of threats faced are almost as real in the online world as they are in the real world. The element of physical danger or assault is floated around while activists speak on issues of gender, equity and political and democratic representation of their will. Side by side, digital threats risk the breach of data that can be used to locate or identify participants and their personal information which can then be employed to cause any amount of damage.

Some threats are employed just as intimidation tactics, as this participant who is a student rights activist, shares:

*'I have never really taken them seriously. They're never really that serious in nature, it's just to intimidate us. Once Jamiat also targeted a chant against us 'Surkhon ki mayat, jamiat'[ death of Communists, Jamiat].'*

The context here is that the disbanding of student unions in Pakistan by military dictator Zia-ul-Haq in 1984<sup>35</sup> has been contested heavily by student collectives and most of these collectives have had left-leaning policies and leadership. In response, to curtail their activities, many higher education institutions but particularly the administration at Lahore's Punjab University have given a free hand to religious groups' youth wings such as Islami Jamiat-e-Taliba to openly harass<sup>36</sup> and oppose the student rights' groups on campus.

## **Online Abuse/Censorship**

The digitisation of spaces and collectives means an automatic carry-forward of inherent bias and an added layer of vitriol sponsored by the anonymity the internet provides. Prominent comments

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<sup>35</sup> <https://www.aa.com.tr/en/asia-pacific/ban-on-students-unions-causes-political-drought-in-pakistan/2496882>

<sup>36</sup> <https://dailytimes.com.pk/367796/islami-jamiat-e-talaba-attacked-us-punjab-university-students/>

came from gender-based collective members, when asked if they had ever faced a threat on the basis of that data:

*'People in our team who were openly trans received a lot of hate on their accounts. We make sure that we don't post locations of our meetings but once someone did, and they were being traced that day. They posted it online too. It felt very unsafe.'*

Commenting on a statement given by the then-premier of the country, in which he blamed women wearing 'very few clothes'<sup>37</sup> as the reason behind the country's 'rape epidemic' in 2021, an Aurat March proponent said:

*'Yes definitely. It started off with placards and individuals holding those placards, targeting and harassing them. Also, when Imran Khan was our Prime Minister, his claims against us caused a lot of backlash by PTI followers.'*

In another instance, ironically at an event commemorating International Women's Day in 2022, Khan attributed<sup>38</sup> Indian traditions to be the cause for women's rights being curtailed in the country. These and other similarly motivated comments, which were widely covered in local and international media, caused a further backlash towards supporters of women's rights who spoke out against the prime minister's attitude towards half of the country's population.

A popular demand from organizers of Aurat March was for the curtailment of ill-intended campaigns and content, surrounding feminist movements:

*'The disinformation that starts on online spaces needs to end. These videos of Aurat March, fake IDs and defamation needs to stop. Action needs to be taken against them. Our Islamabad protest has been stopped strictly due to the disinformation.'*

An activist who worked on the campaign to restore internet access to Gilgit Baltistan shared:

*'For example when we started this internet hashtag, #internet4GB this started getting intense so we suddenly found out that SCO (the internet service provider in Gilgit Baltistan) had tweeted it themselves from their official account, declaring us to be traitors and whatnot, later they deleted their tweet. At the same time, there emerged bots on Twitter who started supporting SCom and all and they started harassing people who were taking part in the online campaign.'*

This highlights the deeper issue of fascist control exerted over the tribal areas of Pakistan. The reins are kept so taut that even the demand for something as basic and innocuous as access to the internet is enough to make one eligible to be labeled as a traitor, a tag that is not taken lightly in a society as nationalist as Pakistan.

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<sup>37</sup> <https://www.theguardian.com/world/2021/jun/25/outrage-after-pakistan-pm-imran-khan-blames-crisis-on-women>

<sup>38</sup> <https://www.shethepeople.tv/top-stories/opinion/imran-khan-sexist-remarks-women/>

The response below depicts the experience of another activist also hailing from Gilgit who shares his experience of being othered whilst being a citizen of the same country, due to the ethical bias that carries through 'mainland' Pakistan:

*'Yes this also happens while I am living in Karachi and yes there has been a lot of response to my tweets about GB (Gilgit Baltistan). I have also been questioned that when you're in Karachi and working here then why are you saying things about GB. Generally, whenever you raise a point, you have to hear things like you are being paid for this. Certain times I have to self-censor myself.'*

Activists working on social justice avenues for student bodies in colleges and universities in the country shared:

*'I receive a lot of backlash. Recently, a video of mine at the South Asian conference went viral and I received a lot of backlash for it. Twitter is filled with hate. I used to block those contacts before, now the trolls are outnumbered. You can only ignore them. It is extremely limited for us to use social media.'*

*'Yes, we receive a lot of backlash. We have been associated with antinationalists, RAW agents, seditious or antistate [activities].'*

The construction of narratives against the movements we observed and spoke with appears to be curated to incite nationalist sentiments, whether the conversation they are hoping to spark is regarding gender, representation, justice or access. This is a common thread that binds all malicious actors working to undermine causes such as these.

### **Non-Governmental Barriers to Freedom of Assembly/Association**

Non-governmental barriers to protest included a variety of elements from religious extremists, incels, misogynists to celebrities and popular screenwriters who depict either subjugated or villainous women in their art to build towards a specific narrative, often times one that aims to deter the important work being done by those active in the protest spaces.

As we have consistently seen through this report, the vitriol aimed at collectives working on gendered issues is particularly charged. Three quotes from the same respondent are shared below which sketch some of the barriers faced by their feminist collective:

*'I think some issues like the interjection of Ahl-e-Hadis protest, circulation of some whatsapp messages that there are threats to the march; these caused a lot of panic and fear. This restricts the mobility of the marcher itself and the feeling of safety.'*

*'Moreover, these youtube TVs [channels] like Baaghi TV, have really tried to use Aurat March for their views. They would make baseless accusations like the CIA has funded Aurat March and they still show up even if we restrict their entry.'*

*'There are also issues with blasphemy allegations. They have organized campaigns where they would misrepresent our movement's flag as representing, let's say, France. Aurat March Islamabad was extremely unsafe for activists. They had to go underground because their identities were revealed. There were FIRs filed against them.'*

Employing tactics of misinformation, negative narrative building and threatening the specter of blasphemy, are active hurdles, erected to dissuade protesters and organizers who band together to demand their rights.

Speaking in terms of societal attitudes towards the Aurat March, one respondent shared:

*'A recurring issue that we face is that people question our work "What difference does your march make?" It is extremely hurtful since we take the minimal time we have from our work lives to cater to these protests.'*

The lack of support in general, which is just an extension of the existing structural inequalities faced by women in Pakistan, adds to the existing deterrents of a patriarchal society.

Aurat March, in particular, covers a comprehensive set of demands in its manifesto which makes demands against the structure that negatively impacts not only women and gender minorities but all those affected by the deep-rooted social attitude of discrimination. As one respondent from the collective shares:

*'Marches are extremely challenging because of gender discrimination against women. Other than those issues, if we are raising our voice against violation of minority rights, then there are other issues we face, in terms of supporting them.'*

In addition to the general apathy, familial resistance and social discouragement are also an active part in the lives of the protestors we interviewed. The following table of quotes came as responses to the question: 'Have you ever felt societal or family pressure to abandon your work as a protestor/activist?'

<p><i>Of course, on a daily basis. Even the strongest of us face the same thing. We have decided that there are a few things we will avoid in our discussions.</i></p>	<p>Women's rights activist</p>
<p><i>My mother is extremely against my line of work. My guru is also against it, she says that we are her support and if something happens to me it will be a big loss. They are scared for my life since I have been beaten brutally in the past, enough to cause an A line fracture by a mob. My community told me that it's time to stop; I am not the same person anymore, I have a different body after my surgery, it cannot sustain fights since it has grown weaker.</i></p>	<p>Transgender rights activist</p>
<p><i>Yes, my family has clear concerns about what I say and speak out even on my social media. And then there is an added layer, because of my community which is Ismaili (sect of Islam), so there is within the community a sense that we shouldn't be protesting and this community is more depoliticized than other communities.</i></p>	<p>Transgender rights activist</p>
<p><i>In a Baloch society, it is a must to feel that family and societal pressure. In 2018, my family was unaware of my activism. Some of our team members were picked up and only I was left behind; my family got to know about it then. They couldn't believe that I was a part of this. They confiscated my phone and sent me to a village, assuming that I wouldn't do anything there. But I actually led a protest there as well. I can say that it is a little better now. However, a lot of times, my mother intervenes during the protest and asks me to come home.</i></p>	<p>Baloch student activist</p>
<p><i>My family discourages my work and thinks that my work doesn't matter. It will only bring me harm in the long run, which may be true.</i></p>	<p>Student activist</p>

One Baloch activist who now resides in the metropolitan of Karachi and takes an active part in student politics shared:

*'So the kind of marginalization that I experienced whenever there were discussions on CPEC [China Pakistan Economic Corridor], Pakistan's federation and I never heard anyone talking about GB [Gilgit-Baltistan]. And that made me personally question quite a lot and many protests that I have been to or organized came out of this.'*

*'The political history of GB shows that till [19]74 we were governed through the FCR. After that, we were given some basic structure. We are a quasi province and then the discussion on the status of a province is another challenge. All of this is relevant to the basic rights of the people, whether health, education, internet, or any other rights that citizens are entitled to. There is also a lack of accountability in this region. So it is quite a messy situation.'*

Gilgit-Baltistan has historically been a marginalized region given the ambiguity of its constitutional status. As mentioned above, the area which was previously known as the Federally Administered Tribal Areas (FATA) was governed by the Frontier Crimes Regulation (FCR) a relic of the British rule over the subcontinent which limited the rights of the residents of FATA. This law was abolished<sup>39</sup> in 2018 through the 25th Amendment to the Constitution of Pakistan.

While the legal status may have changed, the distances and differences between 'mainland' Pakistan and territories such as Gilgit-Baltistan and ex-FATA have not been bridged. Indifference from the government, weak infrastructure, a militant image and more separate the citizens of the northern administered region.<sup>40</sup>

Internal factors such as contention in the ranks or lack of unity on policy points amongst groups and collectives working towards the same goals were cited as an additional barrier to effectively practicing the right to protest, as the following quote from a Baloch student activist states:

*'The biggest challenge is that we have to form a consensus of opinion with other collectives. All of us do not agree with each other's demands and point of views. For example, there is a big problem of insurgency in Balochistan. If I oppose it, it would not be appreciated because people have their sentiments attached to it, people are dying for it and making huge sacrifices.'*

The element popularly known as 'Jamiat' (Islami Jamiat-e-Talaba) is a thuggish faction present in the larger public universities in Pakistan and one which is known to resort to harassment, intimidation and violence to keep the rest of the student body in check, especially with regards to discouraging freedom of speech and assembly. One student activist shares:

*'We aren't even granted the right to assembly at our own university, like I mentioned how the guards stopped us from sitting on the ground. As you might know the history of PU [Punjab University] and how Jamiat-e-Talaba has attacked them for years through their weapons.'*

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<sup>39</sup> <https://www.dawn.com/news/1411870>

<sup>40</sup> <https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/CR%20Unheard%20voices%20from%20Himalayas.pdf>

## Perception of Freedom of Association and Assembly

This section seeks to build on how activists perceive their ability to exercise the right to protest, given that it is legally sanctioned but subject to a myriad of bureaucratic hoops to jump, resistance faced from local law enforcement, the threat of harassment and harm at the hands of far-right elements and other factors serve to limit the 'freedom' promised by the Constitution of the country.

Commenting on how the detailed and arduous planning before an annual Aurat March can be reduced to a negative soundbite based on just the one 'controversial' message, one respondent shared that:

*'I don't think so [that we have the freedom of assembly]. Freedom of assembly should be in the sense that it takes months to organize. It also happens through social capital, connections; that too to a certain extent you can make sure that that happens. Also in terms of making the manifesto, it is extremely detailed. However, they will find one placard and they make a big deal out of it.'*

Citing societal attitudes as a reason, one feminist respondent expanded on the challenges faced by protestors in the country's largest province:

*'Last year, we protested against the murder of Noor Mukaddam in Quetta. We have done this for several women in Quetta as well. Whenever we protest, we are not taken seriously. They think that these are the women who have time, liberty and privilege at hand. However, the mindset is gradually changing in Quetta. A lot of young people have joined us in our protests. Yet, we face a lot of criticism.'*

The following are responses from our respondents on whether they felt they were freely able to practice their right to assembly and protest:

- *'This right should be taught in the school curriculum. We are granted rights that the culture dismisses but the law permits.'*
- *'I know that I have been granted it but can I practice it? No. I don't feel empowered enough to use this right and bear the consequences. The consequences of using this right are so drastic and I have apprehensions for my safety.'*
- *'Absolutely no. We aren't even granted the right to assembly at our own university, like I mentioned how the guards stopped us from sitting on the ground. As you might know the history of PU and how Jamiat-e-Talaba has attacked them for years through their weapons. Once they actually stormed into the VC office and broke the windows and doors. Infact, the administration itself protects Jamiat and students under Jamiat are protected by the administration and the guards. It also depends on the ethnic identity and how much you are associated with a leftist movement. It is known that if you are a, let's say, Balochi,*

*they will randomly conduct a check on you and abduct you. This will never happen to a follower of Jamiat.'*

The perspectives listed above share the same thread of sentiments: the law may afford the right to assemble and protest, but social conventions, perceptions and vested interests are employed to promote a culture of fear and dependence, in antithesis to the spirit of democracy.

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#### Privacy Perception

The right to privacy, in general, when protesting in public spaces cannot be fully protected. However, this cannot become grounds for specifically violating the privacy of a group or individual.

*'When I was working with feminist organizations, we would have picture days. It seemed unthreatening until someone got a hold of a picture of me and a few of my friends holding a placard of 'love is love' and it was transformed into a meme. We reported that to DRF [Digital Rights Foundation] and it was eventually taken down but that felt very threatening since I was really young.'* recounted one feminist activist.

They also said:

*'There are issues that always arise, specifically, with the concept of marchers' privacy. Pictures have gone viral that have defamed women on social media. Moreover, journalists try their best to get answers from you which would try to stir up trouble. So we always try to intervene. However, they don't take no for an answer either.'*

The ethically dubious tabloid journalism practiced by self-proclaimed journalists poses a real threat to honest causes. Twisting the narrative to get the most clicks becomes the lens through which they cover most of the events and current affairs, including protests and the motivation behind them.

Another important role that is not properly played is that of effective content moderation by social media platforms. Many of the posts that could seriously harm or impact those that are being targeted in them are not taken down because, when reported, the complaint is dismissed as it does not violate community standards set by these companies. What is missing in large part is the cultural context of a far more conservative society which can deem something as trivial as a clearly doctored placard<sup>41</sup> to be corrupting the moral fiber of society.

One of the respondents who is a part of the Aurat March collective shared:

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<sup>41</sup> <https://www.sochfactcheck.com/7-doctored-aurat-march-posters/>



*And if we report something which makes us feel unsafe, social media doesn't take fast action. We have to contact DRF [Digital Rights Foundation] to get them taken down.*

That there is still a need for middlemen such as DRF to intervene in this situation also is a part of the problem. Not only can individual organizations not provide help to the vast majority, simply due to a limitation of resources but also, the responsibility cannot be shifted to private actors, exonerating the social media giants. Investment into the subcontinental context is an important step that should be taken up by the likes of Facebook, Twitter and Google, to understand and duly address the issues human rights defenders face here.

### **Safety of Identity/Personal Information**

Many protestors use tools such as self-censorship to mitigate the risks associated with practicing the right to protest to demand their constitutional rights. One woman activist shared:

*'On my personal account, I feel unsafe near the march so I make my twitter private or remove my profile picture.'*

This is a gendered response in particular as those women and their allies demanding women's basic rights to life and education and against violence often face vitriol in online spaces, especially in the months of February and March, near the date on which Aurat March is held annually in the country.

The Digital Rights Foundation itself experiences a heavy inflow of calls requesting defamatory, doctored or incendiary images and posts to be taken down from social media, using its content removal escalation channels with the larger platforms. The callers and complainants with the organization's Cyber Harassment Helpline primarily tend to be girls, women and sexual and gender minorities who have participated in the March or spoken about it using their social media accounts.

Below is a table depicting some of the varied responses received for this question in the interviews:

<p>Online security measures?</p>	<p><i>No, I don't practice these.</i></p>	<p>Women's rights activist</p>
<p>Have you ever been threatened with doxxing?</p>	<p><i>Personally no I haven't received it but I feel the insecurity is there at the back of what's recently happening in this country, if the PM of the country is not safe then how can I be as a citizen, and i'm not even fully a citizen i'm a second-class citizen, I guess my safety is nowhere, this adds another layer of insecurity to what I do or my engagement in online platforms but as such i've not received any blackmailing or such till date.</i></p>	<p>Internet access activist from Gilgit Baltistan</p>
<p>Do you feel your internal communication data is safe?</p>	<p><i>We never share the venue of our meetings online, we always ask volunteers to DM and when they do we verify and only then share the venue location. We keep changing the location where we hold our public meetings, these are still public places but we practice precaution in picking a safer place. We try switching to a safer communication platform like Signal instead of WhatsApp but at least according to our understanding we have tried. We try having most of the march related conversation on encrypted platforms. We never share passwords and always make sure that we practice some diligence. When choosing our volunteers, we have a three-tiered process. We open the applications. We check their social media platforms to check their leaning (political). We interview them and then we shortlist and select them. In our posts we don't mention time or location.</i></p>	<p>Aurat March volunteer</p>
<p>What challenges do you feel that you have faced during your work as a protestor?</p>	<p><i>We had to go underground, that meant a lot of things; such as disabling our social media accounts, while some of the posts where we had expressed or simply shared support for the march, were taken down. However, there were posts and audios where I was present during the march and I could not take those down. Thankfully I wasn't as prominent in those posts.</i></p>	<p>Aurat March organizer</p>

We see above a variation of responses to the queries around safety and challenges, with some not having to pay the same kind of attention to physical and communication safety as others. This of course helps measure the volume of controversy any particular cause is generating. Aurat March organizers, for instance, had to take serious digital safety measures including shifting to Signal as their main communication app, disabling social media accounts, not sharing the location of their meetings and events publicly and so on.

Another women's rights activist but one who is based in Quetta, Balochistan, shared that she did not indulge in taking any such measures, which came across as surprising given the added layer of conservativeness in her region but also helps indicate that not everyone sees preventative measures with the same lens.

An internet access activist however shared the inference they drew from the country's premier's data not being safe and questioned how they could ever consider their own data safe, by comparison.

Overall, through the responses we have received, we have observed little faith in informational and data safety in Pakistan's civil society at this point.

## **Privacy Measures Taken**

In a related query, the respondents were asked what privacy measures they opted for, in order to gauge the practices they employed to safely exercise their right to assembly and protest.

A common response was limiting publicly available personal data on their social media platforms, as one student activist shared:

*'I used my name on Facebook, I get less hate there. It is a private account. My twitter account is for the public, only my friends know it's me.'*

This appears to be a more prominent method amongst activists protesting for the rights of women in the country. Another example of self-preservation shared by a respondent who is associated with the Aurat March collective, is as follows:

*'Not a lot but during the march, being careful on phone conversations and trying to use end-to-end encrypted platforms for calls and then whoever is engaged with NOC do have a recorder for any call that we take and I do something similar and beefing up online safety checks like 2F authentication and regularly changing passwords. I remove some of my pics from social media where I am wearing certain types of clothes, so I archive them.'*

Using pseudonyms, altered spellings, intricate privacy measures and refraining from posting comments and content that could identify them as organizers are also techniques we discovered our respondents employed. A Baloch student activist shared:

*'I'd like to mention an example. I always write 'Saira' with a 'C' which is why a lot of people assume my name is Caira. I did this purposefully to not be associated with my name and keep my identity hidden.'*

Pre-emptive action has happily deterred one respondent from facing any harsh reactions in their struggle for basic civic liberties. When asked if they had ever been made to feel unsafe in terms of their personal information or identity in respect to the nature of their work, they stated:

*'I am very careful about sensitive information like this since I understand that it has consequences, so I don't think that has happened to me. Not yet, atleast.'*

Another student protest organizer shared the following measures they took to preserve their privacy:

*'Yes, I am very particular about keeping my residence private and I don't like getting a lot of my pictures taken. I try to be less recognizable in them. I don't engage in public meetings. I am vigilant to not share anything about myself.'*

Protections available in public spaces are limited in number, protestors have only a handful of options to preserve their physical and digital safety and even then, these are mitigative measures and not ones that can provide relief from the risks associated with participating in public spaces, as this respondent, belonging to a student rights movement, shares:

*'I try my best to be around people, never alone. Especially during protests. I keep one phone on me because it is very hard to manage otherwise.'*

## **Role of Social Media in Protests**

Given the rate of mobile broadband subscribers in Pakistan stands at 54.91%<sup>42</sup> as of January 2023, the usage of digital spaces is at an all-time high. Avenues for protest have shifted significantly to the online world. The role of social media in the context of organizing and spreading the word around the manifestos and demands of different collectives has been generally positive.

Sharing their experience of calling attention to the plight of the people of the Gilgit Baltistan territory, one respondent shared how highlighting their lack of internet access on Twitter during the COVID-19 pandemic helped their cause:

*'Then when this became a top trend, members of our community in foreign countries who are very well-educated and working at good companies, they really helped amplify our voices online and also they had links with civil society here in Pakistan and also civil society itself noticed our protest which was now happening at a big scale, they also got involved.'*

Using social media as a tool to organize was a uniform theme observed with all participants who shared their experiences for this report. The increase in digitization of spaces and communication methods opened up a plethora of opportunities to connect and organize movements:

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<sup>42</sup> <https://www.pta.gov.pk/en/telecom-indicators>

*'Yes, we do [use social media]. We use it to hold meetings, recruit volunteers and spread [the] word, even though we receive a lot of hate for it. Also, we are very aware to not post the location of the meetings, we just mention the date.'* shared one women's rights collective member.

*'We start organizing protests early on and gathering volunteers for our work. Once we are set to go, we post about it on social media.'* shared another women's rights organizer, from Quetta.

Commenting on the role of social media platforms, especially in the local context of Pakistan, a female respondent belonging to the Aurat March collective shared that:

*'A lot of the time, social media companies don't realize that our posts should not be taken down if the person reporting it lacks the contextual knowledge required to understand what we're trying to raise.'*

Lack of understanding by social media platforms of the issues particular to South Asia is a common complaint amongst users in the region. The language and cultural barriers have elicited a vocal call to address the concerns by engaging local area experts.

Sharing which social media platforms proved most beneficial for amplifying their cause, one interviewee protesting the lack of internet access said:

*'Because we wanted to make a trend on Twitter - therefore Twitter was used the most. People who didn't even know about twitter made twitter accounts to join in and support the trend. Then on Facebook, groups were made to create awareness amongst people to not share any offensive messages in the closed group. We shared mandates from time to time, headlines and offline protests' information (schedule, venue, timing, people). We communicated on Facebook and made a trend on twitter and there were also hashtags on Facebook.'*

The ability of digital platforms to notify and get the message across efficiently was reported as a big plus by multiple respondents. One feminist activist shares here that:

*'Yes, social media has made protesting much easier for us. Whenever something happens, it is instantly reported on social media. Before social media, the printing press was used to spread the word but it took its time.'*

A transgender rights activist stated:

*'We use WhatsApp groups. To involve cis people, we use Twitter and Instagram. The educated community used Instagram and Twitter to gather support. Through social media, we have received a lot of support and clout.'*

The transgender community is shunned in a myriad of ways in Pakistan, where access to literacy is a weak area, thus a significant percentage of the population is not very well educated and

struggles with the use of social media. In such instances, use of voice memos, especially via Whatsapp emerges as a popular choice for communication, as observed in the quote above.

Hailing the instantaneous nature and widespread use of social media, other respondents shared that:

*'Yes for us social media and online platforms are more effective when it comes to organizing or even reaching people, apart from that in its impact since we can take more people as opposed to the physical protests happening somewhere in a small village in Gilgit-Baltistan. I imagine, people wouldn't even know about it as opposed to if you take it to social media then it can reach a much bigger audience so yeah, there has been a difference.'* (Internet access activist)

*'Yes, a lot. It has increased our reach tremendously, especially on Twitter.'* (Student rights' activist)

*'Yes we rely on twitter and facebook events to organize protests.'* (Student rights' activist)

An Aurat March organizer reported swelling of the ranks in terms of supporters, which not only helped the movement gain traction but also the use of social platforms helped streamline their organization of meetings and events:

*'Yes, definitely, the difference is there of course, specifically with regards to Aurat March for our content dissemination which is one of the reasons for our success and getting the coverage that I'd say we wanted and reaching out to people and the dissemination of our content because of social media was amplified, our platform gained many people. Most of the information that the women who join the protest get is from our social media platforms. We do also have on ground mobilization but when it comes to coordination, timings, route, guidelines, ideology, manifesto, it is all done through social media, in the absence of which I think we wouldn't have been able to thrive because the dissemination platforms are heavily policed by the governments so anything anti-structure and anti-government which is the nature of the protest, and most of the protests are anti-government and existing structures. So without social media the space would have been very limited otherwise.'*

*'People in GB rely a lot on social media to raise their voice and to also connect with their families who are settled outside. So during covid we raised an active voice to better the internet service and it became a top trend on Twitter in Pakistan, students and professionals inside and outside the GB participated in the campaign.'*

Stressing the crucial and at times life-saving role that these mass connectivity platforms can play, one student activist shared:

*'It is extremely helpful for our work. In 2011, when there was mass killing of students, there was no social media awareness to conduct a campaign for them. But now that we have access to an*

*online platform for these issues, we instantly post whenever an issue needs to be raised within our society. We also make trends and those have been very successful in our line of work. It helps us reach various populations. This has been extremely beneficial for students' issues specifically. Recently, a student went missing from the school, we made that information publicly available and the person was released within 24 hours. It has its bad days though. Our activism can also make us the target on social media platforms.'*

Speaking on the safety of these platforms, one student rights activist from Balochistan said:

*'We don't trust any social media platform in that sense, even WhatsApp. We use telegrams or iMessage for discussions.'*

### **Awareness of Surveillance Technologies/Practices**

Use of surveillance technology was a pertinent query in the process of building this report. When asked if they had noticed any surveillance technology being used during protests or any public activity conducted by their collective, one transgender activist responded:

*'Yes, people from the agency do come to them [the events]. They take our pictures and share them amongst each other. They are basically there just to fulfill their sexual needs. One of them religiously sends me my pictures because he likes me so much. He comes to every protest.'*

Listed below are some responses to the query on surveillance of protest activities:

- *'I don't think so.'*
- *'We have to be very careful in terms of what kind of banners are displayed, since we have a lot of youthful marchers in our protests.'*
- *'Yes generally, yes. In GB [Gilgit Baltistan] there is this perception, I don't know if it's factually true, that since the internet provider itself is a military organization so what else do you expect? It creates the doubt that any activity done through that internet is surveilled, so that makes it very clear I guess.'*
- *'I haven't observed it. We don't have a big strength of protestors so I guess it is not deemed as that important. But I am not sure, maybe I just haven't observed it.'*

The above quotes depict varying but lower levels of concern around monitoring, with the exception of the respondent who pointed out the lack of trust in the privacy afforded to residents of Gilgit Baltistan based on the fact that Special Communication Organization (SCO)<sup>43</sup> is the only mobile network operator in the region.

One internet activist shared that their experience with surveillance which, as per their account, stretches outside the borders of the country as well:

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<sup>43</sup> <https://sco.gov.pk/>

*'Yes, yes [I have experienced surveillance].*

*Firstly, I don't know if it's true or if we just feel this way but the general observation is that when you go to the kind of protests we do, you feel like someone is physically surveilling you, you can see some weird presence of individuals around that's there, other than that even in London when I was there, there was a clear surveillance, whether it was outside the Pakistani High Commission, even in universities when students used to do events, some weird people would show up from the High Commission and that was a clear instance of surveillance on the protests or the events happening even there, so in Pakistan it is even worst [sic].'*

Remarking on the role played by the local police, one Aurat March volunteer shared:

*'Yes, not just monitoring but also from the last two times they make a safety wall outside and in front of the march. They cordon off the venue and close all the roads. We have had reports of them misleading the marchers, guiding them in wrong directions at entry points, they mess up a lot. They are the most difficult actors to indulge with on the day. They even did not provide protection when there was a conflict between the two factions. Not sure what kind of surveillance they will want to do but yeah they don't play a very positive role. This year there was a confusion with the city administration. They had declined the NOC and then we went to the court and then the city admin said that they never did that and it was an error on behalf of the police.'*

Despite acquiring a Non-Objection Certificate (NOC) for holding a protest to commemorate International Women's Day, Aurat March organizers have faced multiple challenges emanating from local law enforcement in peacefully conducting their marches<sup>44</sup>. At times they have also been denied the right to protest by being refused an NOC only days before the carefully planned and announced marches, especially due to the threat<sup>45</sup> of counter protests by the religious right. Apart from these direct barriers, tactics like the ones detailed in the above quote are used to deter the movement of feminist marchers and their allies. When the marches do occur, they are heavily monitored and observed by state and law enforcement representatives.

Questioning around politically motivated protests is understood to be a norm for most veteran activists. A women's rights activist we interviewed was asked if being the public face for the movement she was involved with put her up for more scrutiny to which she responded::

*'Yes, but that is mostly on dissemination platforms. It is different from physical aspects like dealing with the police etc where the names are given so they face a different kind of surveillance, you get calls then from government officers, [asking questions like] who is organizing, where is [the] funding coming from etc.'*

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<sup>44</sup> <https://newlinesmag.com/reportage/pakistans-aurat-march-and-its-unrelenting-feminists/>

<sup>45</sup>

[https://pakistanreader.org/view\\_comments.php?url=While%20the%20Aurat%20March%20is%20gaining%20support,%20there%20are%20also%20challenges%20as%20it%20gets%20ready%20for%20the%205th%20annual%20on%208%20March%202022&recordNo=300](https://pakistanreader.org/view_comments.php?url=While%20the%20Aurat%20March%20is%20gaining%20support,%20there%20are%20also%20challenges%20as%20it%20gets%20ready%20for%20the%205th%20annual%20on%208%20March%202022&recordNo=300)



Speaking to the general sentiment shared by social activists in Quetta, Balochistan, a student organizer states what in this day and age of technology is a very real possibility:

*'We are surveilled 24/7 in my opinion.'*

Expanding on the almost regular nature of visits by intelligence agency officials at student and political protests and gatherings, one respondent shared:

*'There are always some very suspicious people who introduce themselves vaguely. During a book launch, Ammar Ali Jan (noted Pakistani activist) actually stated that we are so familiar with the likes of them now and we know that they are sitting here with us.'*

One activist commented on the tangential impact of monitoring their collective's digital activity:

*'Not directly. But sometimes we post content and it says that this content is not PTA approved and it gets taken down. Content regarding Hazara and Shia genocide used to heavily get censored. It was very shocking for us that this can happen as well.'*

## **Legal Framework**

The right to protest is granted under Article 16 of the Constitution of Pakistan<sup>46</sup> as follows:

*'Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.'*

The caveat of 'public order' in combination with the overarching principle of national interest is one that has been used repeatedly to restrict the rights afforded to citizens in terms of enjoying the freedom to assemble and protest peacefully.

Section 144 of the Code of Criminal Procedure (CrPC) allows for a curfew, which restricts more than four people from congregating in a public space, to be implemented in any area where a riot or unrest can be expected to occur. This section has been liberally applied in various political hubs of the country over the years.

Apart from the unabated use of section 144, we inquired if our respondents felt that there were any other laws that restricted their freedom of association.

*'I think with regards to freedom of speech, it has limitations. The cases against Aurat March targeted how it was against morality by Lahore High Court. It was dismissed but however, if we didn't have senior lawyers, people were using this law's limitation. There's also the sedition law and multiple activists have been picked up because of them.'*

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<sup>46</sup> [https://na.gov.pk/uploads/documents/1333523681\\_951.pdf](https://na.gov.pk/uploads/documents/1333523681_951.pdf)

When asked if they felt they had the right to protest, an equal internet access activist from Gilgit Baltistan gave the following statements:

*'Other than that GB [Gilgit Baltistan] is not constitutionally a part of Pakistan so speaking on constitutional rights is another debate.'*

*'I think norms and values are used to stop freedom of expression and association instead.'*

One respondent shared what proved to be an anomalous experience among protestors:

*'Yes, I do. Security doesn't really try to take action against us. Sometimes, female constables help us around the march.'*

A transgender activist details their harrowing experience:

*'In 2011, I faced a few issues and there were no laws that offered protection to transgenders. I thought that I had had enough of this. I had been used as a sex slave, given that there was no other option to survive, during MQM's era in Karachi. In 2012-13, I decided to take civil action. I was gangraped by three men. I took a stand when the person called more of his friends to join. I went to the police station to report it but they did not even open the door to me. I stayed outside till the morning. Since I was there the whole day, people noticed that there was a transgender who was fighting for her rights. However, the police did not even file a report. Things proceeded and we started protesting for our rights at various spots.'*

They further shared that *'The law gave us some basic rights but it never stated the consequences of violating them'*, indicating that the lack of accountability for violence against the transgender community renders the existence of such laws virtually futile. The interviewer further probed if there was any talk of amendment for this law to which they shared:

*'There aren't any talks of amendment, in fact, there are talks of abandoning this law completely. They just can't accept it. Jamaat-e-Islami still hasn't made a wing for us. Every other political party has allotted one to us. Jamat-e-Islami outright denied us one.'*

Question: Has the law provided you with a source to report this?

Respondent: *'NCHR (National Commission for Human Rights), however, the feminists there are extremely transphobic. They don't support us at all.'*

Speaking on whether the police had ever used their power to silence the protests of the transgender community, using Section 144, the same respondent shared:

*'Not during our protests but definitely during our cultural practices. They will say that section 144 has been implemented here and you cannot gather here. One of our events was completely shut*

*down under this section, even though it was in a park and this section is strictly imposed on public properties only.'*

A respondent commented on the use of the legal framework in Gilgit to actively curtail a variety of human rights, oppressing a people already widely cut-off from mainstream society:

*'Then there are wide ranging issues of fundamental human rights violations in GB [Gilgit Baltistan], ranging from representation to marginalization to scheduled court type black laws and sectarian violence and digital rights like internet shutdowns, mental health issues and women rights.'*

Another interviewee, a student activist based in Karachi, stated that an initial layer of insecurity is always there and that *'then there are no legal or constitutional means that can provide you any safety,'* voicing the perspective and experience of the vast majority of Pakistanis. The general understanding amongst citizens unfortunately is that the law is not an avenue to safeguard rights but one that is unfairly used for abuse of power.

Listed below are a collection of responses to whether section 144 of the CrPC or any other laws were used against their protests or public activities by the local police:

- *'Yes, a lot. In Quetta, when protests are happening, we face this situation a lot. In Karachi, a Baloch activist was jailed for the same reason, under this section. But it is a lot more common in Balochistan.'*
- *'Yes, sedition charges.'*
- *'It happens on campus. Whenever a fight breaks out during the protest, the police use it to justify the arrests by stating that there was disorder on campus. They use it against us. Also, when a student takes admission, they are required to sign a document that ensures that they will not be associated with any collective here and that is used against us later. However, it is not implemented for right-wing parties.'*
- *'Any law can be used if the government wants to stop us from marching, it could be as simple as changing our venue. This time they brought two opposite factions and granted them the same venue; such tactics are definitely used to prevent the march from successfully taking place. Most of the times, it is around 2 hours but the police would ask us to disperse and took our electricity. They allow the protest but pull the strings when it comes on the day, so these tactics are used, like asking to disperse before the march has ended.'*

The use of this section appears to be a routine matter for our respondents. The application of sedition charges is also employed at some junctures for more 'serious' protests<sup>47</sup> such as the Pashtun Tahafuz Movement (PTM) which speaks out against active curtailment of basic rights against torture and violence faced by the Pashtun people during military operations to quash Pakistani Taliban.

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<sup>47</sup> <https://www.aljazeera.com/news/2020/2/3/pakistan-court-grants-bail-to-activists-drops-sedition-charges>

The PTM has faced heavy opposition from the state for its activism. Ali Wazir, a Member of the National Assembly (MNA) is seen as the face of the Movement and has been on the receiving end of harsh penalties by the state given his open and bold criticism of the treatment meted out to the Pashtuns of Pakistan. He was jailed in 2020 under sedition charges and was released<sup>48</sup> on bail only last month, in February of 2023. His lawyer is quoted as saying:

*'He said that whenever his client was acquitted or granted bail in one case, he was booked in another in either Sindh or Khyber Pakhtunkhwa.'*<sup>49</sup>

Similarly, Manzoor Pashteen, the chairman of the PTM has faced open discrimination in terms of practicing his right to protest and free speech. In December 2021, he was banned<sup>50</sup> from entering the province of Azad Jammu and Kashmir (AJK) in Pakistan where he planned on addressing a convention of students who were pro-independence of AJK. Pashteen has seen open retaliation from the government and state agencies, at times for something as innocuous as making a speech at a human rights convention. In October 2022, Pashteen addressed attendees of the Asma Jahangir Conference and was booked by the Punjab Police for terrorism and treason charges, reported a publication:

*'Speaking at the session titled 'Reluctance to Criminalise Enforced Disappearance and Arbitrary Detentions', Pashteen reportedly named national and military institutions while holding them responsible for the extrajudicial killings in the former Federally Administered Tribal Areas (FATA) region under a 'state of exception.' According to a report in national daily Dawn, the complaint against Pashteen states that he attempted to create resistance among the public toward the armed forces as he accused them of 'genocide against Pashtuns.'*<sup>51</sup>

This reaction from the government cements the fact that the space to exercise fundamental freedoms is perhaps only available to those whose demands of rights do not rub the State the wrong way.

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<sup>48</sup> <https://www.dawn.com/news/1737111>

<sup>49</sup> Ibid

<sup>50</sup> <https://www.thefridaytimes.com/2021/12/23/ptm-chief-manzoor-pashteen-banned-from-entering-azad-kashmir/>

<sup>51</sup> <https://peoplesdispatch.org/2022/10/26/pashtun-leader-manzoor-pashteen-faces-terrorism-and-treason-charges-for-speech/>

## Conclusion

The space to protest in Pakistan is one that is shrinking at an alarming pace. Draconian laws such as the now-overruled PECA Ordinance<sup>52</sup> prohibit both online and offline dissent in the country. Law enforcement agencies such as the FIA and authorities such as the PTA exert a disproportionate amount of influence over what can be said in the online realm.

In offline spaces, multiple tactics are employed to deter the right to assemble and protest, based on the nature of the rights being demanded.

A combination of political influence, law enforcement, monitoring and inaction towards threats to protest safety are used to create a substantial roadblock to this basic civil right.

The vast differences from cause to cause also highlight who is seen as a threat by the State and who is seen as a harmless practitioner of the demand for fundamental rights. Climate change activists as well as those advocating for restoration of the internet saw very mild responses whereas those talking about gender or autonomy faced potent reactions, not only from officials but from society itself.

There is an inherent need for the government to realize the writ of the Pakistan's Constitution lays down the basic law: peaceful protests are the right of every citizen of the country. To deny this right or infringe on it in any manner is a direct violation of basic democratic principles.

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<sup>52</sup><https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-peca-ordinance-overruled-by-islamabad-high-court.html>

## Recommendations

This section details the recommendations for both the government and the social media platforms, who play vital roles in providing access to the right to assemble and protest:

Recommendations for the Government:

- Militarized public spaces, with heavy army and police presence adds to the hurdles involved in conducting a peaceful protest instead of offering protection and support. Less police presence at protests, only proportionate to the threats faced and in consultation with organizers, should be deployed. The police deployed to protests should also be given training and protocols on the rights of protestors and how to manage crowds in a human rights-compliant manner.
- Implementation of the laws that have already been passed. The existing legal framework should be used beneficially by the law enforcement and judiciary to improve the status quo.
- Passing of a human rights-centric Personal Data Protection law to secure the personal information and basic rights of protestors in both online and offline spaces. This needs to be overseen by the Ministry of Information and Telecommunications (MoITT) which drafted the original version and further iterations of the country's data protection bill.
- There is a need for safer physical spaces that can facilitate the exchange of dialogue between the protestors and those they are making demands from, which in majority of cases is the government itself. Initiative should be taken by the local government to interact with the movements and hear them out, on neutral ground.
- Active online campaigns to raise awareness around the fundamental rights of Pakistani citizens, including the right to protest as well as the right to be protected from cyber bullying and harassment should be spearheaded by the Pakistan Telecommunication Authority (PTA)
- Increased representation of individuals from all backgrounds within the government structures can help reconcile the polarization between protesters and the authorities. The government should focus on widening its recruitment pool to include employees from all socioeconomic and ethnic backgrounds.

## Recommendations for Social Media companies:

- Investment in expanding the teams who overlook content moderation for South Asia, particularly Pakistan. The sheer volume of content generated hampers access to impartial and informed reviews of reports filed by social media users regarding violations with respect to their right to protest
- Clear policies on what type of content is violative and the existing standards set should be revised in light of the specific context of Pakistan, its ethnicities and cultures.
- Creation of specific categories for reporting, when being done by vulnerable communities or protestors, through escalation channels
- Calls for violence or incitement to violence especially against peaceful protestors should result in immediate removal from the platform and require a minimum suspension of one month