

Gender-based Violence and Harassment Against Women Journalists in Pakistan

Civil Society Submission by Media Matters for Democracy, Pakistan

Submitted to United Nations Special Rapporteur on Violence against Women

1. This submission from Media Matters for Democracy aims to broadly cover the experiences and struggles of female journalists in Pakistan, particularly in regards to gender-based violence and the institutional responses that set them back. It also briefly mentions the framework governing harassment against female journalists, as well as existing support networks and forms of recourse.

A. About Media Matters for Democracy

2. Media Matters for Democracy (MMfD) is a Pakistani non-profit organisation that works on media policy research and advocacy. MMfD's focus areas are freedom of expression, internet governance, and media literacy, and our work includes research, advocacy, capacity building, and provision of legal support for journalists. MMfD works closely with journalists, especially women journalists, on issues related to press freedom, journalists' safety, and professional development. We have previously conducted safety training workshops for women journalists and produced research studies on the impact of online abuse and digital hate campaigns on the expression of women journalists in Pakistan. MMfD also supports the Women in Media Alliance, a coalition of women professionals working in news and entertainment in the country.

B. Introduction

3. According to an estimate, women journalists make up less than five percent of Pakistan's news professionals.¹ Newsrooms in Pakistan are male-dominated spaces, with few women journalists and little or no female representation in senior editorial positions. Men outnumbered women 5:1 in Pakistani newsrooms surveyed for a 2011 International Women's Media Foundation (IWMF) report.

¹ "Beijing - 25 Years On 2014-2019 Parallel Report Pakistan". *Shirkat Gah*. Accessed online at <https://www.ngocsw.org/wp-content/uploads/2019/09/Pakistans-parallel-report.pdf>

4. Even though anecdotal evidence suggests that the number of women journalists is on the rise, women journalists remain limited to junior and mid-level positions in news companies, especially the Urdu print and broadcast news organisations. In TV news, most bureau chiefs and news directors are men. Women reporters are also often systematically relegated to “soft news beats”, such as entertainment. An ‘old boys’ club’ attitude in some news organisations excludes women journalists from important assignments, decision-making roles, and career advancement opportunities.
5. Moreover, these newsrooms are constructed as per masculinist norms, in which women are not only unfairly compared to men, but also have to survive gendered power relations .Outside the newsrooms, women journalists have struggled for representation in the press clubs and unions of journalists. A third of women journalists did not have press club membership and 40 percent were not members of their local union of journalists, according to a survey.²
6. Pakistan is one of the most dangerous countries for independent journalists. Since 2002, around 120 journalists have been killed in the country. Journalists are regularly attacked, threatened, abducted, and harassed for their work. More recently these incidents have shifted to cyberspace, with journalists being targeted with coordinated digital hate campaigns, online harassment, and incidents of doxxing. Women journalists have been equally affected by these traditional and emerging threats against the press in Pakistan.
7. For a time, it was considered that women journalists were safe from fatal attacks in the line of duty. But a woman journalist in Lahore, Pakistan, was killed in 2019 by her husband for not quitting her job.³ This incident illustrates that women journalists have to contend with social and cultural barriers, reputational harm, and sexual harassment in and outside the workplace. Digital violence against women journalists is also pervasive in Pakistan⁴. Many women journalists have resorted to self-censorship to protect themselves against online harm and physical threats.⁵
8. A law to protect women against workplace harassment passed in 2010 extends to news organisations, but many news companies still do not have a sexual harassment policy. Often the anti-harassment committees set up by media organisations are composed of a majority of male journalists. As a result, women journalists feel discouraged to report

² “Working Conditions of Women Journalists in Pakistan”. *Solidarity Centre/Civic Action Resources*. Accessed online at

<https://www.solidaritycenter.org/wp-content/uploads/2016/03/Pakistan.Women-Journalist-Survey-Report.12.15.SC-and-CAR.pdf>

³ “Woman Journalist Shot Dead”. *Dawn*. Accessed online at <https://www.dawn.com/news/1518815>

⁴ Kamran, H. (2019). Hostile Bytes: A Study of Online Violence against Women Journalists. *Media Matters for Democracy*. Accessed online at <http://digitalrightsmonitor.pk/wp-content/uploads/2019/11/Hostile-Bytes.pdf>

⁵ Lodhi, A. (2018). Women Journalists & the Double Bind. *Media Matters for Democracy*. Accessed online at <https://drive.google.com/file/d/1bQPPHgJPtMTHdgE5yWRvxKPfxU1-wmGa/view>

instances of harassment, fearing marginalisation and adverse consequences within their organisations. Sexual harassment of women journalists at newsrooms therefore remains under-reported. News reporting of gender-based violence in the vernacular press itself suffers from hypermasculine narratives of victim blaming and unethical editorial decisions such as publishing the names of women survivors.

9. Research on violence against women journalists has picked up in recent years. Such studies, mostly conducted by media development non-profit organisations, have indicated that women journalists face cultural and institutional constraints, are subjected to digital violence and surveillance with impunity, and have little recourse to safely and securely practice their journalism. Women journalists continue to perform their duties and rise in the profession despite these pressures. However, urgent attention is needed to understand the threats to women journalists in Pakistan and to protect them against physical and digital violence.

C. Journalists and Gender-Based Violence in Pakistan

a) #MeToo in Newsrooms

10. There is no central documentation of cases of gender-based violence against journalists, however in engagements with women journalists, it is common to hear anecdotes of both sexual and professional harassment. In most cases, journalists prefer to ignore the matter and do not have trust in the internal and external systems set up to investigate cases of harassment. The following paragraphs present an overview of the situation in the newsroom, drawn from the author's own experiences and observations as a woman journalist in mainstream news channels in Pakistan.
11. Objectification of women journalists is common and sexual innuendos are often used as a tool to intimidate and harass women in the newsroom. A number of senior male journalists, who have decades long reputation of harassing women, continue to occupy senior positions and enjoy impunity from the law or any other kind of consequences. As a result, the overall environment within the news industry remains largely unwelcoming towards women.
12. The common forms of sexual harassment include unsolicited remarks over body, appearance and attire, demands to spend time chatting and generally accompanying the bossess, unsolicited compliments, touching without consent, character assassination using sexualised slurs and innendous. Calling and messaging female colleagues late at night and attempting to initiate unwelcome, unprofessional banter often with direct and indirect sexual references is also common. There have been some cases of more extreme physical advances, however, reporting, even in these cases remains low.

13. Legal instruments make it mandatory on news organizations to constitute sexual harassment investigation committees. However, in most cases these committees investigate and comment on the women's character and actions rather than the accused. An investigative report by the investigation committee of one of the largest media houses in Pakistan, that was shared online made a mention of the fact that the victim wore 'jeans and shirts' to work, which might have encouraged inappropriate behaviour by men in the newsroom. In this case, the victim went on to take the complaint to the Federal Ombudsperson, who found the accused guilty of harassment. However, the news channel itself still didn't take any action against the reporter, even after the ombudsman's report and later promoted him. Such incidents are common and discourage women from reporting harassment as reporting often makes the situation much worse for them.

14. The tone in which investigations are carried out are often intimidating towards the victims. In a case, in which the author appeared as a witness, the investigative committee spent an hour posing questions about the victim's professional competence, salary package, perks and privileges and overall performance at work. Towards the end of the witness interview, a few questions were posed about the actual incident, largely focused on the timing of reporting of the incident and speculations about the delay in reporting. Not a single question was posed about the conduct and reputation of the accused. Representative of a network of women journalists recently formed in Khyber Pakhtunkhwa stated that "women often face harassment at workplace and when she raised voice against harassment, instead of helping her, people blamed her for being problematic"⁶. The network has been formed to raise voice for the rights of women journalists.

b) Professional Misconduct

15. In addition to sexual harassment, women also face harassment and challenges on professional fronts. Women journalists are often denied beats⁷ that are deemed important and are assigned generally to beats that do not get much space. Significant stories even within their own beats are assigned to male reporters. For reporters associated with TV, 'screen presence' remains a crucial element of judgement and women are expected to tolerate commentary on how they look on screen.

16. The gender pay gap also affects women in media in Pakistan and women are routinely paid a lesser wage than the men working on similar positions. It is also common to see men being promoted at a faster pace than women and there are various examples of women spending many years at the same position without increasing or promotions.

⁶ KP women journalists form Network to raise voice for their rights | TNN. (2020). Retrieved 10 March 2020, from <https://www.tnn.com.pk/kp-women-journalists-form-network-to-raise-voice-for-their-rights/>

⁷ **Beat reporting** refers to thematic specialization in journalism.

17. There have been incidents of CCTV cameras placed within newsrooms being used as tools to monitor women's bodies and attire. A private TV channel that is funded largely through a right wing investor, mandates female employees to cover their heads and the management uses CCTV cameras within newsrooms to monitor and call your employees who are found in violation of this dress code. This is both a privacy concern and an invasion into women's integrity and personal space.

c) Online Harassment and Abuse

18. In a 2019 research study by Media Matters for Democracy titled 'Hostile Bytes',⁸ nine out of 10 women journalist respondents said online violence affects their professional choices and mental well-being. A majority of the women respondents said they were targeted with personal, sexualised abuse online and admitted that fear of digital violence pushes them to self-censor their posts because they felt being vocal online increases vulnerability.

19. Pakistani women journalists identified harassment, blackmailing, social media account impersonation, trolling, and hate speech as dominant forms of digital violence, according to the study. A majority of the respondents said they reported online violence targeted at them to social media platforms but only 47 percent of these were satisfied by the platform response. In comparison, only a third of the respondents reported online abuse to law-enforcement and half of these respondents were not satisfied with the response. The study recommended improvements in the implementation of the anti-cybercrimes law, gender sensitivity training, and support networks for women journalists.

20. There is no law in place that specifically focuses the issue of online and ICT facilitated violence against women as a crime. A journalist safety law has been in the drafting stage for almost 9 years, however, the drafts do not make a specific mention of online violence, However, women journalists who face online harassment and abuse can use Prevention of Electronic Crimes Act (PECA) 2016, to initiate legal proceedings against harassers who operate largely online.

d) Other Factors Affecting Professional Work

21. It is important to mention other factors that often play a direct role in pushing women journalists out of the industry:

I. Women reporters often face sexual harassment by sources they try to cultivate for news stories. While male reporters are able to network, connect and cultivate sources in a professional manner, women often risk their safety and reputation simply by trying to network with current or potential sources. In the absence of an effective anti sexual

⁸ <http://digitalrightsmonitor.pk/wp-content/uploads/2019/11/Hostile-Bytes.pdf>

harassment legal regime, women are often forced to see this as a necessary 'professional hazard' and are expected to 'deal with it'.

li. Another factor that often pushes women out of newsrooms is motherhood. Plans for marriage and pregnancy are often posed as key questions at the interview stage. Within newsrooms policies to facilitate new and expectant mothers do not exist. There is a general consensus in the (largely male) industry that maternity leaves are an unjustified privilege given to women and it is more common for news organisations to let go of expectant employees rather than giving them the legally prescribed maternity leave.

D. Institutional Responses

a) Existing Legislative Framework on Gender-Based Violence and Harassment

22. So far, the government does not seem to have any system to separately document the gender-based violence and harassment against women journalists. The Prevention of Electronic Crimes Act (PECA) 2016 recognises online harassment of women as a crime, but its flawed implementation has deterred women journalists from reporting instances of online abuse to Law Enforcement Authorities (LEAs). The law has unfortunately also been used to curb the online speech of journalists. There is no separate official complaints mechanism for offline and online violence against women journalists. The general process for requesting and removal of harmful online content is, however, slow and opaque.
23. Sexual harassment laws were enacted a little over a decade ago in Pakistan, to reflect the myriad everyday gendered struggles that go largely ignored. These laws were a culmination of the efforts made by AASHA (Alliance Against Sexual Harassment) — a collective of civil society feminists and women's rights activists affiliated with different organizations. These efforts were led by Dr. Fouzia Saeed Khan, who developed and drafted the harassment laws in accordance with the international human rights framework.⁹
24. The Protection against Harassment of Women at the Workplace Act, 2010 was the most important piece of legislation resulting from AASHA's efforts. Cases of sexual harassment in the formal labor sector of Pakistan are primarily being dealt with under this Act. The Act outlines civil remedies for "harassment" claims by "an employee" at a "workplace" setting. However, the restrictive interpretation of an "employee" under this Act has rendered many complainants incapable of seeking redress. There are many other situations that the law does not cover, primarily harassment experienced by the

⁹ Sadaf Ahmed, 'AASHA's Approach to Instituting Sexual Harassment Legislation in Pakistan' In: Roy S, *New South Asian Feminisms: Paradoxes and Possibilities* (London; New York: Zed Books, 2013)

domestic workforce, or individuals who work in unregistered entities or without formal contracts.

25. The narrow scope of the terms set out in the Act limits the extent of the protection that the law offers, thereby rendering it incapable of reflecting the breadth of experiences of sexual harassment in Pakistan today. Moreover, the definition of harassment within the Act includes myriad forms of unsolicited sexual behaviour, but does not mention newer forms of sexual harassment, such as online bullying, cyberstalking and doxing, which are covered separately under PECA.
26. Furthermore, the law operates on a dual understanding of harassment: men harass women, and employers harass employees. Section 2(e) of the Act precludes non-binary or transgender citizens of Pakistan as possible complainants, despite the ruling of the Supreme Court of Pakistan,¹⁰ which was a result of the harassment transgender citizens experienced at the hands of the Rawalpindi police. It also does not consider men to be victims of sexual harassment or abuse. The definition of 'workplace' in Section 2(n) excludes a wide range of work-related experiences, such as fieldwork, travel accommodation provided by employers and educational institutions, formal or otherwise.
27. In the case of Meesha Shafi that emerged from the #MeToo movement online, Shafi's complaint was dismissed at the provincial level as she did not have an 'employment relationship' with the event management company she had a contract with at the time of her experiences of sexual harassment.¹¹ This case involved a narrow interpretation of the 2010 Act, as the arrangements of a contractual agreement were used to deny the existence of an employment relationship. Moreover, the Islamabad High Court separately held that an ex-employee is ineligible to file a sexual harassment complaint under the law.¹² Therefore, the interpretation by Pakistani courts regarding who is legally an "employee" under the Act renders many complainants, including female journalists on the job, ineligible to seek redress.
28. It must also be noted, especially in light of the kinds of critiques that have emerged from the country's #MeToo movement, that these laws do not adequately encapsulate the 'compensation' that complainants are owed as a result of the breadth of harms they experience, along with their losses at a personal and financial level. Female journalists, in particular, have to mull over the costs of pursuing cases of harassments in terms of what they 'gain' out of these cases, at the expense of losing their jobs and permanently maligning their career trajectories, in which case the law should perhaps construe sexual

¹⁰ *Dr. Muhammad Aslam Khaki & anr. V Senior Superintendent of Police (Operation) Rawalpindi & others* (Const. P. №43/2009, Supreme Court of Pakistan) 2013 SCMR 187.

¹¹ Sara Malkani, 'Why Meesha Shafi's sexual harassment complaint against Ali Zafar should not have been rejected' DAWN (2018) <<https://www.dawn.com/news/1425530>> accessed 11 March 2020.

¹² *Syed Mazhar Hussain V President of Pakistan* 2018 MLD 327.

harassment under tort law in Pakistan, and not prescribe a strict timeline for the filing of a complaint to push survivors to process their pain as per a legal limitation period.

29. Two journalists – Tanzela Mazhar and Yashfin Jamal – accused PTV Lahore’s Director News of sexual harassment; and spoke about their experiences on social media and TV talk shows to push for investigation after their complaints to PTV authorities yielded no results. Mazhar, who had been associated with PTV for 15 years, alleged that she had filed a complaint following the incident, only to be told by the inquiry committee that she should have left the job in such a situation.¹³ Such incidents are rife, despite the fact that the 2010 Act mandates a code of ethics for every organisation, including newsrooms.¹⁴ Harassment complaints are, more often than not, ignored or dismissed rather than being taken seriously. All of this takes its toll on women journalists in the field. Many suffer because they are not willing to pay the price being asked of them to get the more important assignment or the promotion.¹⁵
30. Now that a harassment case has made its way to the Supreme Court of Pakistan for the first time in the country’s history,¹⁶ another pertinent issue that has been highlighted is the confusion around legal jurisdiction between the provincial and federal ombudspersons, as the 18th Amendment transferred power to provincial courts and institutions to hear upon human rights cases. This leaves female journalists in a quandary, as cases are rarely successful at the High Court level due to procedural limitations.¹⁷
31. The law also needs to be reformed to address other problems, such as instituting diverse inquiry committees in all organizations, including newsrooms, across Pakistan, and the lack of legal or feminist training on part of the ombudspersons. Additionally, the argument of the infringement of one’s right to dignity that allows alleged harassers to file defamation suits against complainants to dodge legal accountability¹⁸ highlights a grave concern that hinders the success rate of harassment cases involving female journalists in Pakistan.

¹³ IFJ, ‘Pakistan TV anchors sexually harassed at workplace’ (2017)

<<https://www.ifj.org/fr/salle-de-presse/nouvelles/detail/category/press-releases/article/pakistan-tv-anchors-sexually-harassed-at-workplace.html>> accessed 11 March 2020.

¹⁴ Equal Rights Trust, ‘The “Small Incidents”: Sexual Harassment in the Media - Testimony from Pakistan’ <<https://www.equalrightstrust.org/story/%E2%80%9Csmall-incidents%E2%80%9D-sexual-harassment-media-testimony-pakistan>> accessed 11 March 2020.

¹⁵ *ibid.*

¹⁶ Staff Reporter, ‘Govt asked to explain law on harassment of women at workplace’ DAWN (2019) <<https://www.dawn.com/news/1469695>> accessed 11 March 2020.

¹⁷ Zoya Rehman, ‘At a Critical Juncture: Assessing the Utility of Governance Feminism in Light of Sexual Harassment Laws in Pakistan’ Medium (2019) <https://medium.com/@zoya_rehman/at-a-critical-juncture-assessing-the-utility-of-governance-feminism-in-light-of-sexual-harassment-e8d651fd2fd0> accessed 11 March 2020.

¹⁸ Rana Bilal, ‘“Ali Zafar harassed me on more than two occasions”: Meesha Shafi responds to defamation charges’ DAWN (2018) <<https://www.dawn.com/news/1439810>> accessed 11 March 2020.

32. Online harassment against female journalists is also manifestly gendered. While PECA contains a section mentioning harassment on 'cyberstalking', the definitions that it provides for 'sexual harassment' are ambiguous: it is construed as a criminal offense against the 'modesty' of a person. Following this, the criminalization of online harassment has led to many issues, particularly around the role of regulators of cybercrimes in Pakistan. The LEAs that are supposed to implement these laws do not have adequate feminist training and thereby showcase patriarchal views that stem from moralistic and religiously conservative understandings of harassment in Pakistan. The law also does not envision an understanding of online harassment leading to offline consequences; this problem becomes more severe when LEAs in Pakistan are not capable of dealing with cases of harassment in a sensitive manner. Hence, internet security is an issue that needs to be dealt with more robustly in regards to Pakistan's female journalists. Feminist understandings of online harassment laws should involve civil and constitutional remedies rather than keep an exclusive focus on criminal penalties.¹⁹

E. Conclusion

33. Women journalists in Pakistan face systematic, structural and cultural challenges that expose them to different kinds of abuse, harassment and exploitative trends. The number of women in the newsrooms remains dismally low and it becomes even lower at the managerial and directorial positions. Without an ample representation of women on the decision making tables, the organisational policies devised remain discriminatory and non responsible to gender based issues and gender based violence towards women journalists.

34. Despite the presence of some legal instruments, women who suffer from workplace harassment are often left without access to justice. In fact, initiating legal action against perpetrators of violence often double victimises the women by making them vulnerable to defamation suits and legal action. The challenge to acquire justice remains constant at organisational, investigative and judicial levels.

35. Some civil society led networks strive to create safe spaces and provide support for women journalists. Women in Media Alliance (WIMA) created by local non profit Media Matters for Democracy and multiple other networks, including a recently created network of women journalists from Khyber Pakhtunkhwa work within their spaces to provide different kinds of support to women journalists. WIMA also provides legal advice to women facing workplace harassment and other helplines created by local

¹⁹ Shmyla Khan, *Using Criminal Law to Tackle Cyber Harassment: Conceptual and Procedural Pitfalls from a Feminist Perspective* 8 PLR 1 (2017).

CSOs offer support in dealing with online violence. However, at the state level no effective interventions are present.