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Freedom on the Net 2020 - Pakistan

NOT FREE

26

/ 100

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LAST YEAR'S SCORE & STATUS

26 / 100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

The online environment in Pakistan is tightly controlled by the government. Internet shutdowns, blocked websites, and arrests for activity online remain authorities' preferred tactics in their effort to suppress unwanted speech. Controversial draft Citizens Protection (Against Online Harm) Rules 2020 were introduced during the coverage period and if passed, would undermine encryption, give authorities more access to personal data, and enhance the government's ability to block or remove online content. Separately COVID-19 exacerbated the digital divide for many users in the country, as people with limited internet access were less able to get information about the virus or obtain other services online. The pandemic was also used to justify the rollout of intrusive surveillance programs.

Pakistan holds regular elections under a competitive multiparty political system. However, the military exerts enormous influence over security and other policy issues, intimidates the media, and enjoys impunity for indiscriminate or extralegal use of force. The authorities impose selective restrictions on civil liberties, and some Islamist militant groups carry out attacks on Hindu, Christian, and other religious minority communities and perceived opponents.

Editor's Note: Pakistani Kashmir is not covered in this report. Certain territories that are assessed separately in Freedom House's Freedom in the World report are excluded from the relevant country reports in Freedom on the Net, as conditions in such territories differ significantly from those in the rest of the country.

- **Freedom on the Net 2020: Pakistan Country Narrative - [Urdu Translation \(Download Here\)](#).**

Key Developments, June 1, 2019 - May 31, 2020

- Authorities continued shutting off internet connectivity during the coverage period in major cities and other areas. Long-term restrictions in the former Federally Administered Tribal Areas (FATA) continued unabated, undermining residents' ability to use the internet for virtual learning and to access other services amid the COVID-19 pandemic (see A3).
- Government figures showed that 900,000 websites have been blocked, including those hosting political, religious, and social content. For example, users discovered that the international news website Slate.com was inaccessible in November 2019 (see B1).
- Following a petition by the Awami Workers Party over the blocking of their website, the Islamabad High Court ruled in September 2019 that the Pakistan Telecommunication Authority (PTA) violated due process and was not empowered to block any website without providing a written notice and an opportunity to hear the other party's point of view (see B1, B3, and C1).
- The controversial Citizens Protection (Against Online Harm) Rules 2020, introduced in February 2020, would provide authorities broader power to censor online content and undermine encryption, and would impose data-localization requirements (see B3, B6, C4 and C6).
- People continued to be arrested and charged for online activity. In December 2019, academic and former Fulbright scholar Junaid Hafeez was sentenced to death for allegedly committing blasphemy verbally and on Facebook. The case is under appeal (see C3).

- Amid COVID-19, the government has begun using a secretive track-and-trace system, originally developed by the Inter-Services Intelligence for tackling terrorism, that allegedly combines personal call-monitoring mechanisms and geofence tracking to monitor residents (see C5).

A Obstacles to Access

Underdeveloped infrastructure limits internet penetration rates in Pakistan, particularly in rural areas. However, mobile internet access is increasing. Pakistani authorities frequently disable internet access during times of perceived unrest; meanwhile, already long-term denial of service in marginalized areas persisted during the coverage period.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 1 / 6

Internet penetration registered only marginal increases during the reporting period. At the end of 2019, there were 78 million broadband connections in Pakistan, an increase of 9 million since the last report and one comparable to the rate the previous year.¹ While access to mobile internet is growing, out of 165 million cellular subscribers, only 76 million—less than half—have third- or fourth-generation (3G or 4G) technology for mobile networks.²

The Inclusive Internet Index 2020, a project of the *Economist* that scores countries' online environments by availability, affordability, relevance, and readiness criteria, ranked Pakistan 76th out of 100 countries surveyed; this marked an improvement from 2019, when it was ranked 84th. Nevertheless, "Pakistan falls into the last quartile of index countries overall," ranked 24th out of 26 Asian countries, and posted particularly low performances on the affordability and relevance indicators.³ In 2020, the social media management platform Hootsuite report put internet penetration at 35 percent, amounting to 76.38 million users.⁴

The speed-testing company Ookla ranked Pakistan's mobile-internet download speed, 17 Mbps in July 2020, at 112 of 138 countries surveyed, and its fixed-broadband speed of 9.4 Mbps at 159 out of 174 countries surveyed.⁵ Infrastructural limitations are acute in rural localities, limiting broadband access. Lack of high-speed internet is a perennial problem in Azad Kashmir and Gilgit-Baltistan, regions that have special status due to border disputes with India and are not covered in this report.⁶

Damaged or inadequate infrastructure also periodically disrupts access. In October 2019, internet services were disrupted nationwide due to irregularities in international submarine cables,⁷ though service was restored within 24 hours.⁸ In December 2019, the Pakistan Telecommunication Company Limited (PTCL) reported that there was a disruption in internet speeds due to similar problems.⁹

Power outages are a serious problem in Pakistan, and also limit connectivity.¹⁰

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? 0 / 3

There are serious inequalities in access to information and communications technology (ICTs) based on geographic location, gender, and socioeconomic status.

While the cost of internet has fallen considerably in the last few years,¹¹ access remains out of reach for the majority of the population, and high taxes on internet service push prices higher. Pakistan has fallen to 57 out of 100 (ranked at 47 last year) countries surveyed in the Inclusive Internet Index 2020 report's affordability index, which examines cost of access relative to income and the level of competition in the internet marketplace.¹² The country ranked at 78 for price alone (down from 67 last year).

The price of smartphones increased, and sales declined in turn, due to a hike in registration taxes imposed in the 2019–20 federal budget.¹³ Exemptions for mobile phones selling for less than \$100 (16,600 rupees) were eventually implemented,¹⁴ and in January 2020, import duties were reduced by 86 percent.¹⁵ The import duty on "luxury phones," however, is still intact.

The affordability and taxation of telecommunications remains contentious, with the Supreme Court striking down and reinstating taxes collected by telecommunications companies from their customers in June 2018 and April 2019, respectively.¹⁶ In July 2019, the Supreme Court ruled that administrative and service taxes could not be collected from users, but a 12.5 percent withholding tax could still be applied,¹⁷ a tax defined as "an act of deduction or collection of tax at source" either as income or sales tax.¹⁸

In March 2020, as internet usage in Pakistan increased amid COVID-19,¹⁹ existing inequalities in access became even more evident (see A3).²⁰ The PTA directed that fixed-line operators provide student and work-from-home packages of 2Mbps (40GB data limit) for less than Rs600 (inclusive of tax) per month, invoking its powers under sections 4(1)(C) and section 6(F) of the Pakistan Telecommunication (Reorganisation) Act 1996.²¹

Parts of western Pakistan lack internet access, in many cases due to underdevelopment or ongoing conflict. Areas in the former Federally Administered Tribal Areas (FATA)²² and Balochistan, for example, have difficult terrain, and a lack of both political will and resources prevent infrastructural improvements.²³

There have been some government initiatives to provide access to remote areas, including through new mobile hotspots and expanded broadband access.²⁴ However, Pakistan's poor record of protecting user privacy makes some users reluctant to use the hotspots (see C5), and development projects are sometimes abandoned due to a lack of funding.²⁵ Private investment is also helping to expand access in less connected areas.²⁶ While these projects have boosted access for marginalized and economically neglected parts of the country, connectivity restrictions and controlled access continue to reinforce digital divides (see A3).

Facebook's free-basics program is available on several telecommunications networks in the country, including Zong and Telenor.²⁷ These programs run contrary to the principles of net neutrality and create differential access to content based on income levels. Currently, there are no policies or laws regulating net neutrality in the country.

Low literacy, difficult economic conditions, and cultural resistance have also limited the proliferation of ICTs.²⁸ The digital divide between men and women in Pakistan is among the highest in the world as a result of religious, social, and cultural restrictions on women owning devices.²⁹ As per one study, Pakistani women are 43 percent less likely to use the internet than men.³⁰ Even women who have access are likely to have their digital activities heavily monitored by family members and others. Women who are active online report high levels of online harassment that discourages greater utilization of ICTs (see C7).

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for 1 / the purposes of restricting connectivity? 6

Authorities frequently disrupt telecommunication services during protests,³¹ elections,³² and religious and national holidays, often citing security concerns.

Frequent shutdowns continued throughout this report's coverage period. In late October 2019, the government ordered mobile providers to partially suspended mobile internet access in Islamabad and Lahore to regulate the Azadi March,³³ a sit-in organized by the right-wing Jamiat Ulema-i-Islam-Fazal (JUI-F) party. The sit-in lasted a little over two weeks and internet access was reported to be intermittent throughout.³⁴ In September 2019, mobile phone services were suspended on the 9th and 10th of Muharram from in the morning until 6pm, with authorities citing security concerns,³⁵ in specified areas in cities across the country. In August and September 2019, internet access in certain parts of Pakistan administered Azad Kashmir, which is not covered by this report, was suspended several times, according to NetBlocks.³⁶ The suspensions came amid protests, including against the Indian central government's repressive actions in Indian-controlled Kashmir.

During the coverage period, 3G, 4G, and LTE mobile internet services were also shut down in areas that receive comparatively little media attention, such as the less developed regions of Balochistan,³⁷ where several districts have had no mobile internet service since February 2017. In 2019, a citizen challenged a shutdown in the Kech District of Balochistan at the Turbat bench of the High Court but withdrew the case, reportedly after security officials pressured their lawyer to drop the matter.³⁸ Long-term shutdowns have also been implemented in restive border regions, including one lasting more than three years in ex-FATA.³⁹ Periodically, mobile services were completely suspended in parts of former-FATA,⁴⁰ with only vague explanations based on national security grounds offered⁴¹ and no timeline for restoration,⁴² despite resolutions by the provincial assembly requiring restoration of access.⁴³ During the coverage period, a student filed a petition at the Islamabad High Court for the resumption of mobile internet services in the ex-FATA region. The chief justice of the High Court ordered the PTA in April 2020 to restore 3G and 4G access in the region, although as of May 2020 the court was trying to determine whether it had jurisdiction to issue a directive to tribal governments.⁴⁴

Section 54 of the 1996 Pakistan Telecommunications Act grants authorities the power to suspend services. While the law as written may only be invoked during a state of emergency, in practice it has been used to justify routine shutdowns, prompting a number of court cases.⁴⁵

In February 2018, the Islamabad High Court (IHC) held in a landmark ruling that mobile-network shutdowns on the pretext of public safety under Section 54(3) of the PTA, including mobile-based internet suspension, infringed upon the fundamental rights of citizens and were thus

illegal.⁴⁶ However, in March 2018, the IHC suspended the judgment, and the matter is still pending before the court.⁴⁷ The IHC was originally hearing a separate petition challenging telecommunications shutdowns during Pakistan Day celebrations.

The state exerts considerable influence over the internet backbone. The predominantly state-owned Pakistan Telecommunication Company Limited (PTCL) controls the country's largest internet exchange point, Pakistan Internet Exchange (PIE), which has three main nodes—in Karachi, Islamabad, and Lahore—and 42 smaller nodes nationwide. PIE operated the nation's sole internet backbone until 2009, when additional bandwidth was offered by TransWorld Associates on its private fiber-optic cable, TW1.⁴⁸

PTCL also controls access to three international undersea fiber-optic cables: SEA-ME-WE 3 (Southeast Asia-Middle East-Western Europe 3) and SEA-ME-WE 4 connect Southeast Asia, the Middle East, and Western Europe; and I-ME-WE (India-Middle East-Western Europe) links India, the Middle East, and Western Europe.⁴⁹ In July 2017, PTCL joined the AAE-1 (Asia-Africa-Europe-1) cable system. The cable, which is 25,000 km (15,500 miles) long, was built as part of China's One Belt, One Road initiative and provides the lowest latency route to several countries across three continents.⁵⁰ In February 2019, the Pak-China fiber optic, running from Rawalpindi to Khunjerab, became active;⁵¹ plans are underway extend the project to other parts of the country.⁵² The project is owned by the military-run Special Communications Organization (SCO) and the contractor is Huawei. Internet rights groups have raised concerns regarding the dangers of a proposed terrestrial cable between Pakistan and China, given China's highly restrictive internet model.⁵³

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? **3 / 6**

Pakistan has a combination of private and publicly run service providers. The PTA, the government regulator, exerts significant control over internet and mobile providers through hefty licensing fees and various bureaucratic processes.⁵⁴ Licensing power of service providers comes under section 5(2)(a) of the Pakistan Telecommunication (Re-organization) Act, 1996. ⁵⁵

In 2019, abrupt changes to the telecom renewal policy threatened the ability of the two major telecom companies to operate.⁵⁶ The licenses of Jazz and Telenor were set to expire on May 25, 2019. On May 9, the PTA released its Policy Directive for Renewal of Cellular Mobile Licenses 2019,⁵⁷ which set the renewal fee at \$450 million—nearly double the amount the operators paid in 2004 for licenses acquired at auction, to be paid by a new August 21 deadline.⁵⁸ The telecoms in response brought a court challenge against the PTA. As of September 2020, the PTA accepted a payment of \$224.6 million from each telecom for license renewal.⁵⁹

According to licensing information published by the PTA, in 2020, there were 11 licensed wireless local loop (WLL) operators,⁶⁰ 16 long-distance and international (LDI) operators,⁶¹ and 21 operational fixed local loop (FLL) operators.⁶² Several dozen licenses had also been issued for companies, providing value-added services in the telecommunications sector.⁶³

The predominantly state-owned PTCL has long dominated the broadband market.⁶⁴ A Telecom Policy established in 2015 aimed to instill competitive practices in the telecom sector, though it led to overlapping regulatory powers for the Ministry of Information Technology and Telecom (MoITT) and the Competition Commission of Pakistan (CCP).

There are four mobile operators in Pakistan.⁶⁵ Pakistan Mobile Communications Limited (PMCL) is operated by its parent company VEON, which is headquartered in Amsterdam, and had a market share of 36.58 percent in 2020. It has begun merging the Mobilink and Warid brand names under the name Jazz to control the country's largest mobile subscriber base.⁶⁶ Jazz's main competitors are Pak Telecom Mobile Limited (PTML), which is a PTCL subsidiary operating as Ufone (market share of 14.2 percent); Telenor Pakistan (market share of 27.6 percent), which is part of a Norwegian multinational company; and China Mobile Pakistan (CMPak), with a market share of 21.6 percent.⁶⁷

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner? **0 / 4**

The PTA is the regulatory body for the internet and mobile industry, and internet freedom advocates and human rights groups have expressed concerns about its lack of transparency and independence,⁶⁸ as well as its broad powers over online content and licensing of service providers. The prime minister appoints the chair and members of the three-person authority, which reports to the MoITT.⁶⁹

The PTA plays an active role in implementing the various policies that undermine internet freedom. In March 2015, the PTA formally took responsibility for internet content management, this power was also consolidated in the Prevention of Electronic Crimes Act 2016 (PECA). However, there has been a lack of transparency and oversight of the PTA in terms of its decisions under section 37 of the PECA (see B3).

B Limits on Content

Social media platforms, communication tools, and other online tools are popular and contribute to a vibrant online space. However, online content is restricted by the Prevention of Electronic Crimes Act, which authorizes the PTA to undertake content management. During the coverage period, authorities ordered social media platforms to remove content deemed illegal, and blocked some political content without justification. Draft Citizens Protection (Against Online Harm) Rules 2020 were introduced that would provide the government with broader power over online content.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 1 / 6

Authorities frequently block content critical of Islam or the military, sites that host pornography or nudity, and sites related to or offering circumvention and privacy tools, among other political and social content.⁷⁰ PTA figures reported in September 2019 showed that 900,000 URLs were blocked, including for blasphemy, pornography, and content viewed as antagonistic to the state, judiciary, or armed forces.⁷¹ The National Counter Terrorism Authority (Nacta) reported to have blocked 2,273 websites over "hate material," another 1,943 sites over "hate speeches," and 68 sites over links to terrorism.⁷²

Since there is no publicly available list of blocked websites published by the PTA, information about blockages is often on a case-by-case basis and is anecdotal. In January 2020, an online news website, Naya Daur, was briefly inaccessible to users in Pakistan. In late May 2019, there were also reports that the PTA blocked alibaba.com, bloomberg.com, buzzfeed.com, and gsmarena.com for allegedly unethical practices. Reports from early June 2019 claimed the PTA ordered the websites to be unblocked and that they were erroneously included in a list of websites hosting objectionable content.⁷³ The international news website Slate.com was also reported to be blocked for Pakistani users from November 2019 up until the end of the coverage period.⁷⁴

In June 2018, in the lead-up to the following month's general elections, the website of the leftist Awami Workers Party (AWP) was blocked.⁷⁵ It was restored after the party lodged objections with the Election Commission of Pakistan (ECP), but the PTA provided no explanation for the block. After the party petitioned, the Islamabad High Court (IHC) ruled against the PTA in September 2019, saying it may only block websites if affected parties are permitted to lodge objections and if other principles of due process are respected (see B3).⁷⁶

On May 17, 2020, access to Twitter and Periscope was blocked to Pakistani users for just over three hours.⁷⁷ It is unclear how the outage took place and the reason behind it, though Twitter has confirmed that there was no disruption on its end, and meanwhile, the platforms remained accessible through use of virtual private networks (VPNs).⁷⁸ The PTA had not commented on the issue as of August 2020.

In July 2020, after the coverage period, the Bigo Live app was temporarily blocked until it agreed to moderate "immoral and indecent content" (see B2).⁷⁹ On September 1, 2020, the PTA announced that it blocked dating apps Grindr, Tinder, Tagged, Skout, and SayHi, after the platforms allegedly did not respond to requests to moderate content deemed immoral and indecent in accordance with local laws within a stipulated time period.⁸⁰

Previously, in November 2017, social media applications and the websites of most news channels were blocked briefly throughout the country, due to what the government claimed were security concerns.

Political dissent and secessionist movements in areas including Balochistan and Sindh Provinces have been subject to systematic censorship for years.⁸¹ In August 2016, the government banned websites operated by the Muttahida Qaumi Movement (MQM), a political party based in Sindh Province, and said it would take steps to remove affiliated social media accounts after the party's exiled leader delivered what officials and news reports characterized as an "anti-Pakistan" speech.⁸² The party's official website remained blocked as of July 2020.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force 2 / publishers, content hosts, or digital platforms to delete content? 4

State and other actors are known to exert extralegal pressure on publishers and content producers to remove content, and these instances frequently go unreported. The PTA also directs social media platforms and content hosts to remove content it deems in violation with law.

In July 2020, after the end of the coverage period, the PTA issued a "final warning" to TikTok to institute a moderation mechanism to filter out "obscenity, vulgarity, and immorality" from its platform for domestic users. Similar orders were issued to Bigo, which was temporarily blocked until the platform agreed to moderate "immoral and indecent content" (see B1).⁸³ On August 28, the PTA ordered TikTok to block "vulgar, indecent, and immoral content" for users based in Pakistan.⁸⁴ On August 27 and again on September 2, the PTA announced that it had ordered YouTube to

"immediately block vulgar, indecent, immoral, nude, and hate speech content" for domestic users and to institute a moderation mechanism that can quickly filter such content domestically.⁸⁵ Separately, the PTA announced in September that it blocked five dating apps after they failed to remove alleged immoral and indecent content (see B1).

From July to December 2019, Facebook reported removing 2,300 items of content after receiving demands from the PTA to remove postings that allegedly violating local laws around blasphemy, anti-judiciary content, defamation, and organizations supporting separatism; as well as posts advocated against polio vaccination, among other things.⁸⁶ During the same time period, authorities reported 1,476 profiles to Twitter and requested that the platform remove 219 pieces of content, slightly down from 273 in the previously six months.⁸⁷ Twitter reported a 35.1 percent compliance rate with the requests.⁸⁸

In January 2019, Twitter sent a number of journalists,⁸⁹ activists, and lawyers⁹⁰ notices that published content violated Pakistani law. The notices were allegedly based on "official correspondence," seemingly from the government or security forces. However, Information Minister Fawad Chaudhry denied that the government reported the tweets.⁹¹ In August 2019, the president of Pakistan, Arif Alvi, also received such a notice from Twitter, though it was a response to user reports rather than violations of any local law.⁹²

The government sent 189 requests to Google to remove 1,686 pieces of content between July to December 2019, down from 201 requests from the previous six months.⁹³ Nearly half of the removal requests related to religious offenses (49 percent), while defamation requests amounted to 16 percent and national security related content requests 11 percent. In an example with which Google did not comply, the government requested the removal of 6 apps on Google Play containing content related to the Pashtun Tahafuz Movement (PTM), which campaigns against violence by the state, military, and Islamist militants in areas with large populations of ethnic Pashtuns.

Social media platforms have also removed content on their own accord.⁹⁴ In April 2019, Facebook removed 103 Pakistan-based pages, groups, and accounts from Facebook and Instagram for "inauthentic behavior" and spamming (see B5).⁹⁵ Previously, in August 2018, Twitter removed accounts of Baloch nationalist leaders and political parties, such as the Balochistan Liberation Front (BLF).⁹⁶ Human rights activists speculated that the accounts were removed in anticipation of the twelfth anniversary of Baloch nationalist leader Nawab Akbar Bugti's death.

In August 2019, amid the Indian government's abrogation of Article 370 in its constitution and unrest in Indian-controlled Kashmir, Twitter users in Pakistan reported having their accounts suspended after posting about the situation in Kashmir; some 200 accounts were reportedly suspended.⁹⁷ There were also reports of Facebook removing related content, including the live streaming of Pakistan Broadcasting Corporation's (PBC) page.⁹⁸

Section 38 of PECA limits civil or criminal liability for service providers for content posted by users, unless it is proven that the service provider had "specific actual knowledge and willful intent to proactively and positively participate" in cybercrimes committed under the act. The controversial Citizens Protection (Against Online Harm) Rules 2020 also include financial liability for social media platforms not complying with takedown requests (see B3).

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process? **1 / 4**

During the coverage period, the government made several policy and legal overtures to exercise more control over content on the internet. The PTA, the regulatory authority for online censorship, routinely restricts content in a nontransparent and arbitrary fashion. While PECA legally mandates that the PTA issue notices when restricting content, in practice the agency rarely does. This lack of written notices impedes the ability of those impacted to appeal the orders or undertake judicial review. Furthermore, new proposals during the coverage period would further grant the government power to regulate social media and communications platforms.⁹⁹

PECA, passed in August 2016, gives the government broad blocking powers. Section 37 grants the PTA expansive powers to block or remove any online content that it deems unlawful, "if it considers it necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offense under this Act." Critics contend that such a wide mandate to restrict online speech violates Pakistan's commitments under the International Covenant on Civil and Political Rights (ICCPR).¹⁰⁰

Following a petition by the Awami Workers Party over the blocking of their website, the IHC ruled in September 2019 that the PTA was not empowered to block any website without providing a written notice and an opportunity to hear the other party's point of view (see B1).¹⁰¹ The court ruled that the PTA violated due process provisions granted by Article 10-A of the constitution and section 37 of PECA.¹⁰² PTA was ordered to formulate rules for the blocking of content, but had not done so by March 2020.¹⁰³

Apart from PECA, other regulatory provisions have long enabled politically motivated censorship of dissenting voices and information perceived as damaging to the military or political elites. Broad provisions in the 1996 Pakistan Telecommunications Act support censorship for the protection of national security or religious reasons.¹⁰⁴ A Telecommunications Policy approved in 2015 utilized similar language. Section 9.8.3 enabled the PTA to "monitor and manage content including any blasphemous and pornographic material in conflict with the principles of Islamic way of life as reflected in the Objectives Resolution and Article 31 of the Constitution," as well as material that is considered to be "detrimental to national security, or any other category stipulated in any other law."¹⁰⁵ Section 99 of the penal code separately allows the government to restrict information that might be prejudicial to the national interest.¹⁰⁵

In February 2020, the government introduced the controversial Citizens Protection (Against Online Harm) Rules 2020 that provides broader power over content on social media and communication platforms, invoking the power to make rules under section 37 (see B6, C4, and C6). These rules propose the position of national coordinator, appointed by the information minister, which can order companies to block or remove "unlawful" content within 24 hours. In "emergency" situations, as defined by the national coordinator, platforms have six hours to comply. "Unlawful content" is defined as "[in] contravention of any provision of the Act, or any other law, rule, regulation for the time being in force or instruction of the National Coordinator" (Rule 4(1)).¹⁰⁶ Platforms must also "take due cognizance of the religious, cultural, ethnic and national security sensitivities" of the country, and must institute "proactive mechanisms" to ensure that content live streamed is not unlawful, such as by being "related to terrorism, extremism, hate speech, defamation, fake news, incitement to violence and national security." If notified by the PTA about "false" content, platforms must include a notice in the content. Companies would also be required to remove or suspend content of Pakistan citizens based outside of the country if they are spreading "fake news or defamation and violates or affects the religious, cultural, ethnic, or national security sensitivities" of the country. Noncompliance could result in fines up to 500 million rupees (\$3 million) and a platform-wide block.

While the government is not required to secure approval from legislative assemblies for these rules, they have been criticized for being introduced without consultation¹⁰⁷ and challenged in courts.¹⁰⁸ The rules have also been condemned by tech companies.¹⁰⁹ In June 2020, the PTA started a round of consultations with stakeholders including journalists and social media companies. A new draft of the Rules is expected to be presented.¹¹⁰

As a condition of their licenses, ISPs and backbone providers must restrict access to individual URLs or internet protocol (IP) addresses upon receipt of a blocking order.¹¹¹ Since 2012, successive administrations have sought to move from less sophisticated manual blocking toward technical filtering,¹¹² despite widespread civil society protests.¹¹³ In 2013, the University of Toronto based research group Citizen Lab reported that technology developed by the Canadian company Netsweeper, as well as DNS tampering,¹¹⁴ was filtering political and social content at the national level on the PTCL network.¹¹⁵

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 1 / 4

Most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, civil-military relations, separatist movements, women's rights, and the rights of certain communities.¹¹⁶ In a 2018 survey of Pakistani journalists, 46 percent of those surveyed reported self-censoring due to fears for their safety; 18 percent of respondents reported restricting their reporting to noncontroversial subjects.¹¹⁷ A number of journalists, activists, and other content creators have reported a "climate of extreme fear and self-censorship" in Pakistan.¹¹⁸

November 2019 research by Media Matters for Democracy revealed that 8 out of 10 of the Pakistani women journalists surveyed said they self-censor as a way to counter online violence.¹¹⁹

Self-censorship is also exacerbated by government surveillance and legal repercussions for online speech.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 2 / 4

Increasingly, coordinated and inauthentic accounts are manipulating online content and spreading disinformation. Online journalists and activists, especially those scrutinizing the military or intelligence agencies, have also testified to the existence of state-sponsored "troll armies" being employed to silence dissent.¹²⁰ For example, in July 2019, #ArrestAntiPakJournalists trended across Twitter; accompanying tweets containing manipulated information about prominent journalists critical of the ruling party. Many accounts and tweets participating with the hashtag exhibited signs of being automated.¹²¹

Bots supporting certain political parties also surfaced online ahead of the July 2018 general elections.¹²² According to a May 2018 report, 52 percent of accounts tweeting #PMLN—associated with the popular incumbent Pakistan Muslim League–Nawaz—were bots, while another 46 percent of accounts using #PTI—Imran Khan’s Pakistan Tehreek-e-Insaf—another political party, were as well.¹²³

A report from the Oxford Internet Institute released in September 2019 identified Pakistan as having coordinated cyber troop teams with full-time staff members employed to manipulate the information space.¹²⁴ The report identifies that such teams work to support preferred messaging of their clients, attack the opposition, and suppress critical content. Pakistan is alleged to have fake accounts run by both bots and human accounts, and most often manipulates content on Facebook, Instagram, and Twitter.

In April 2019, Facebook said it had discovered inauthentic behavior on its platform that “was linked to employees of the ISPR (Inter-Service Public Relations) of the Pakistani military.” It removed a number of pages, groups, and accounts that had posted content on or operated promilitary pages, pages related to Kashmir, and more general informational and community pages.¹²⁵

Some individuals have been the targets of apparently coordinated campaigns seeking to discredit them with accusations of blasphemy—a criminal offense which carries a death penalty (see C2). In the past, hashtags about missing bloggers have been “poisoned” and used to accuse the bloggers of blasphemy (see B8).

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to 2 / publish content online? 3

While some digital media outlets struggle to stay financially viable, the online landscape is generally free of major economic or regulatory constraints intended to prevent users from publishing independent political news and opinions.

The government advertisement revenue is disbursed selectively based on outlets’ editorial positions. ¹²⁶ In January 2019, the central government and the provincial governments of Khyber Pakhtunkhwa and Punjab suspended advertisement with the independent Dawn and Jang media groups, both of which have been critical of the government. The suspension led to layoffs and downsizing, and the Dawn Media Group filed a petition challenging the ban with the Sindh High Court.

A number of proposed regulatory changes would give authorities greater control over digital media and the ability to publish content. In January 2020, the Pakistan Electronic Media Regulatory Authority (PEMRA) announced plans to regulate website television (Web TV) and over-the-top (OTT) content services through an expensive licensing and fee system.¹²⁷ The proposal has been criticized for placing onerous barriers on content creation.¹²⁸ The draft was quickly taken back by PEMRA,¹²⁹ and the Senate Standing Committee on Human Rights claimed that PEMRA lacks jurisdiction to implement these rules.¹³⁰

Additionally, the Citizens Protection (Against Online Harm) Rules 2020 that were announced in February 2020 would impose new requirements on social media and communications platforms operating within the country (see B3, C4, and C6). Within three months of the rules being implemented, companies would need to register with the PTA, establish offices in Islamabad, and designate an in-country point of contact for the National Coordinator.¹³¹

B7 0-4 pts

Does the online information landscape lack diversity? 2 / 4

Despite content restrictions, most Pakistanis have access to international news outlets and other independent media, as well as a range of websites representing political parties, local civil society groups, and international human rights organizations.¹³²

Content online is dominated by users with the greatest access—generally those in urban areas with the means to afford service. While there are several outlets producing content in regional languages, there is still a disproportionate amount of Urdu- and English-language content. Further, social taboos and the criminalization of same-sex relationships means that local content addressing the interests of LGBT+ people is limited.

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, 3 / particularly on political and social issues? 6

Social networking, blogging, and voice-over-IP (VoIP) applications are available and widely used. However, the Securities and Exchange Commission of Pakistan said in March 2017 that “crowdfunding is not allowed in Pakistan,” narrowing one potential avenue for digital

activism.¹³³ The decision was issued in response to activity by a single fraudulent website, but stated that "no company can raise funds" through crowdfunding. Further, internet and mobile connectivity are often restricted to limit mobilization and protests (see A3).

The internet has nevertheless provided a space for issues censored on mainstream media. For example, despite facing a complete blackout in print and electronic media, and its activists arrested, the PTM has been able to mobilize rallies across the country through its presence online.¹³⁴ However, engaging in controversial or prohibited activism online has grown increasingly dangerous. Criminal reports filed against activists for their online activity have limited the PTM's reach.¹³⁵

Online conversations around police brutality and unlawful detentions became more prevalent in Pakistan during the coverage period. The colonial-era sedition law was used to arrest a number of activists, including activists in Lahore who took part in the Student Solidarity March held on November 29, 2019. The link between right to assembly and online spaces was made clear when petitions were filed at the Lahore and Islamabad High Courts separately to ban the Aurat March (Women's March) held across the country on International Women's Day, March 8. The petitions cited "immoral" and "obscene" content on social media as a reason to either stop or regulate the march.¹³⁶

Feminists and women's rights activists have also used the global #MeToo movement to expose the sexual misconduct of powerful men in Pakistan. However, online accusations have also resulted in defamation lawsuits and online attacks, including those who organized the Aurat March (see C7).¹³⁷

C Violations of User Rights

PECA and other laws restrict users' rights online. One person was given the death penalty on charges of posting blasphemous content, although the conviction remains under appeal. Amid COVID-19, the government enhanced its surveillance over people's personal data, eschewing transparency and democratic oversight. Draft Citizens Protection (Against Online Harm) Rules 2020 would undermine encryption and require data localization if implemented. Meanwhile, users continue to face intimidation, blackmail, and at times violence, in response to online activity.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? 2 / 6

Article 19 of Pakistan's constitution establishes freedom of speech and freedom of the press as fundamental rights, although they are subject to several broad restrictions, including for "the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence."¹³⁸ Pakistani courts have not clearly interpreted terms such as "national interest," "decency," and "morality," and parameters of the article are largely seen as inapplicable to the most powerful institutions in the country. For example, the military may generally interpret "national interest" as it sees fit.

In a positive development, the Supreme Court reaffirmed the constitutional right to free expression and press freedom in its ruling on the 2017 Faizabad sit-in, by the right-wing religious party Tehreek-e-Labaik (TLP) to demand the resignation of then-Minister for Law and Justice Zahid Hamid. Justice Qazi Faez Isa stated in the February 2019 ruling that the government could not restrict the fundamental rights of freedom of speech, expression, and press beyond the limitations defined in Article 19.¹³⁹ Although the judgment did not mention these rights in cases of online expression specifically, the sit-in had prompted the blocking of major social media platforms, including Twitter, Facebook, YouTube, and Instagram.¹⁴⁰ In another positive example, the IHC ruled in September 2019 that the PTA violated constitutional due process protections when blocking a political website (see B1 and B3).

Pakistan became a signatory to the ICCPR, which protects freedom of expression, among other fundamental rights, in 2010, but does not consistently uphold it in practice.¹⁴¹ The applicability of international law in local courts is a contentious issue. Pakistan is a dualist country, making international treaties only legally binding once they are specifically incorporated into local law.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 0 / 4

Several laws restrict the rights of internet users. In August 2016, PECA became law, despite concerns from civil society organizations regarding the lack of transparency involved in the drafting process. Though it contains some procedural safeguards for cybercrime investigations by law enforcement agencies, including through the Prevention of Electronic Crimes Investigation Rules, 2018,¹⁴² international and local human rights groups have condemned the law's broad language and disproportionate penalties, including a 14-year prison term for acts of cyberterrorism that it fails to adequately define.¹⁴³

The law also punishes preparing or disseminating electronic communication to glorify terrorism; and preparing or disseminating information that is likely to advance religious, ethnic or sectarian hatred; both crimes are punishable with up to seven years in prison. Section 20 criminalizes online defamation with a maximum three-year prison term or a fine of 1 million rupees (\$9,500), or both.¹⁴⁴ The criminal defamation section has been criticized by human rights groups, particularly women's rights activists who have pointed out an increase in defamation cases filed against people who report harassment and sexual abuse.¹⁴⁵ The law also grants the PTA broad censorship powers (see B3) and other agencies the ability to conduct wide-ranging surveillance (see C5).

The law's harsh penalties were cause for particular concern in light of recent sentences passed by antiterrorism courts for online speech. Furthermore, secret military courts were established in 2015 through the 21st Amendment to the constitution.¹⁴⁶ The courts' jurisdiction lapsed in March 2019 after extensions in 2017; the government is working to grant another two-year extension.¹⁴⁷

In the past, the IHC has issued directions to add offences of pornography and blasphemy to PECA.¹⁴⁸ In January 2018 the Federal Investigation Agency (FIA) requested that parliament make offenses including electronic forgery and fraud, cyberstalking, and tampering with information systems or data cognizable and nonbailable.¹⁴⁹ The resulting draft amendment proposed in October 2018 was met with opposition in the National Assembly, and the bill has been returned to the Senate.¹⁵⁰

Sections of the penal code that cover blasphemy—including 295(c), which imposes a mandatory death sentence—are frequently invoked to limit freedom of expression online (see C3). In March 2017, the IHC ruled that those accused of posting blasphemous content on social media should be barred from leaving the country until their name is cleared.¹⁵¹ Any citizen can file a blasphemy complaint against any other, leaving the accused vulnerable to violent reprisals regardless of whether the complaint has foundation. Human rights groups report that the law lacks safeguards to prevent abuse to settle personal vendettas.¹⁵²

The 2002 Defamation Ordinance can impose prison sentences of up to five years. PECA effectively replaced the ordinances, but they were still invoked during the reporting period, and some older cases were also ongoing. Section 124 of the penal code on sedition is broadly worded, and covers acts of sedition "by words" or "visible representation," which could include digital speech, though it has not yet been applied to an online context.¹⁵³ The Surveying and Mapping Act 2014 limits digital mapping activity to organizations registered with Survey of Pakistan, a government authority, with federal permission required for collaborating with foreign companies.¹⁵⁴

C3 0-6 pts

Are individuals penalized for online activities? 1 / 6

People are frequently prosecuted for their online activities, often receiving harsh sentences. The death penalty was imposed in two cases of online blasphemy during this report's coverage period, although both cases are under appeal.

There have been a number of blasphemy cases against users for allegedly criticizing Islam online.¹⁵⁵ In December 2019, academic and former Fulbright scholar Junaid Hafeez was sentenced to death by a court in Multan for allegedly committing blasphemy verbally and on Facebook.¹⁵⁶ Junaid's case is currently under appeal and he has been held in solitary confinement since 2014; his previous lawyer Rashid Rehman was shot dead in 2014 for taking the case on. In September 2020, after the coverage period, another man, Asif Parvaiz, was sentenced to death on blasphemy charges after being convicted of sending derogatory remarks about the prophet Muhammad to his work supervisor.¹⁵⁷ Parvaiz's lawyer reported that they will appeal the sentence.

In addition, death penalty convictions from the previous coverage period are still on appeal. In December 2018, two Christian brothers were sentenced to death for blasphemy for allegedly sharing "disrespectful material" about the prophet Mohammad on their website in 2011.¹⁵⁸ In June 2017, a man was sentenced to death for blasphemy on the basis of Facebook comments,¹⁵⁹ as well as another man in September 2017 for sending a poem on WhatsApp to a Muslim friend that was allegedly critical of Islam.¹⁶⁰ In another blasphemy case, Patras Masih was arrested in February 2018 for allegedly posting blasphemous content on social media.¹⁶¹ The FIA detained the accused and his cousin, Sajid Masih, and reportedly tortured them (see C7).

In October 2019, a special cybercrime court in Lahore sentenced a man to five years' rigorous imprisonment, which includes hard labor, for allegedly posting "sacrilegious, blasphemous and derogatory material against Hazrat Umar (R.A)" on Facebook in 2017 under section 11 of PECA and 298-A of the Pakistan Penal Code.¹⁶² Separately, a lawyer in Sahiwal was arrested and held in detention for social media posts deemed "blasphemous and hate content."¹⁶³

Political speech, such as criticism of the government, judiciary, or the armed forces, has been subject to legal action in the past as well as the coverage period.¹⁶⁴ In June 2019, the youth wing leader of the opposition Pakistani Muslim League-Nawaz (PML-N) party was arrested for posting content deemed defamatory against Prime Minister Khan, army officials, and the judiciary.¹⁶⁵

In early 2020, a journalist in Lahore was remanded under Sections 11 and 20 of PECA, read with Section 505 of the Pakistan Penal Code, for allegedly sharing "anti-state" material to Facebook.¹⁶⁶ He was granted bail in March 2020, but the case is pending.¹⁶⁷ In August 2019, a man was charged under sections 123A of the Pakistan Penal Code and the Maintenance of Public Order (MPO) for allegedly sharing content "against state institutions" on social media.¹⁶⁸

In October 2019, Professor Muhammad Ismail, the father of exiled human rights activist Gulalai Ismail, was arrested and charged with Sections 10 and 11 of PECA.¹⁶⁹ He was acquitted in July 2020, after the coverage period.¹⁷⁰ Similarly in August 2019, a man in Kot Addu was arrested under section 25-D Telegraph Act 1885, and section 16 MPO for allegedly antistate social media posts; it was reported that some of his posts also supported the PTM.¹⁷¹

Several users were arrested and charged for sharing unverified information on social media amid COVID-19.¹⁷² For example, one man was reportedly arrested in Lahore after he stated on social media that someone in his family had contracted the virus.¹⁷³

In April 2019, journalist Shahzeb Ali Shah Jillani was charged under sections 500 (punishment for defamation), 109 (abatement), and 34 (common intention) of the Pakistan Penal Code read with the Sections 10(a) (cyberterrorism), 11 (hate speech) and 20 (offences against dignity of a natural person) of PECA, for allegedly making defamatory remarks against state institutions.¹⁷⁴ However, in May 2019 the police's first-information report filed against the journalist was cancelled as nonmaintainable.¹⁷⁵ In light of this case, the National Assembly's Standing Committee on Human Rights requested the National Commission on Human Rights (NCHR) to look into amending PECA to preempt any misuse of the law.¹⁷⁶ While civil society has continued to work on the issue, there has been little headway on part of the government.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 1 / 4

Requirements that users link their internet and mobile connections to their national identity card limit anonymous use of the internet.¹⁷⁷ Increasingly stringent security measures mean that users must register fingerprints along with other identifying information when applying for broadband internet packages and mobile service.¹⁷⁸ This has worrying implications for human rights activists and others who rely on anonymous internet access, and may discourage some from seeking home service. Mobile phones must be linked to national identification card number, and unregistered phones have been subject to disconnection.¹⁷⁹

The government has previously moved to restrict encrypted communication. In 2011, the PTA mandated that ISPs inform them about customers using encrypted tools, including virtual private networks (VPNs).¹⁸⁰ However, the mandate was never properly implemented. After the coverage period in June, the PTA announced that it would instruct internet users to register their VPNs or face legal action.¹⁸¹ The deadline to do so was extended from the end of June to September.¹⁸²

The new Online Harms Rules contains a provision making it mandatory for social media companies to provide certain information to the designated investigation agency "in decrypted, readable and comprehensible format or plain version" (Rule 6) (see B3, B6, and C6). If implemented, the rules could mean an unprecedented clampdown on encrypted communications.¹⁸³

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy? 1 / 6

Government surveillance is a serious concern for activists, bloggers, and media representatives, as well as ordinary internet users. PECA grants broad surveillance powers both to agencies within Pakistan and potentially to foreign governments, since it includes provisions that permit the sharing of data with international agencies without adequate oversight.¹⁸⁴

The government has deployed several tech-related measures amid the COVID-19 pandemic that threaten the right to privacy and could exacerbate surveillance. The government is using a track-and-trace system originally developed by the Inter-Services Intelligence (ISI) for tackling terrorism. The program, which is largely nontransparent and lacks judicial oversight, is reported to combine personal call-monitoring mechanisms and geofence tracking that knows when a person leaves a given geographic location.¹⁸⁵ Information collected through these efforts is reportedly being shared with other government authorities such as the health department, local police, and provincial governments.

Separately, in March, the PTA confirmed that it is using mobile-tower tracking in order to identify phones of people who could have been exposed to the virus, and to send them a "CoronaAlert" text message.¹⁸⁶ Further, the government's contact-tracing application Covid-19 Gov PK, which employs geolocation technology, has prompted alarm from civil society groups that have voiced privacy and surveillance concerns.¹⁸⁷

In October 2019, the news outlet Coda Story reported on an \$18.5 million (2.5 billion rupee) government contract dated December 2018 with US-headquartered surveillance technologies firm Sandvine, for a national "web-monitoring system."¹⁸⁸ Greatly enhancing the PTA's ability to monitor online traffic, the system employs Deep Packet Inspection (DPI) to monitor communications and measure and record traffic and call data. Further details of the system are shrouded in secrecy and it is unclear when it will be or if it has been implemented.

Concerns around social media monitoring spiked in March 2019, after the Interior Ministry ordered an investigation into what it defined as a "targeted social media campaign" against Saudi Arabia while Crown Prince Mohammed bin Salman was visiting Pakistan.¹⁸⁹ The ministry's letter identified journalists and activists who allegedly shared messages that were "very disrespectful" to the crown prince because they included images of murdered journalist Jamal Khashoggi.

Pakistani law enforcement and intelligence agencies appear to have expanded their monitoring activities, including at the local level, ostensibly to curb terrorism and violent crime.¹⁹⁰ In 2015, the UK-based NGO Privacy International reported that the Pakistani government's surveillance capabilities, particularly those of the ISI, outstrip domestic and international legal regulation.¹⁹¹ "Mass network surveillance has been in place in Pakistan since at least 2005," using technology obtained "from both domestic and foreign surveillance companies, including Alcatel, Ericsson, Huawei, SS8 and Utimaco," according to the report. A 2013 report by Citizen Lab indicated that Pakistani citizens may be vulnerable to FinFisher spyware, which collects data such as Skype audio, key logs, and screenshots, but the extent of its use and who may be using it remains unclear.¹⁹²

The Fair Trial Act, passed in 2013,¹⁹³ allows security agencies to seek a judicial warrant to monitor private communications "to neutralize and prevent a threat or any attempt to carry out scheduled offences." It covers information sent from or received in Pakistan, or between Pakistani citizens, whether they are resident in the country or not. Warrants can be issued if a law enforcement official has "reason to believe" there is a risk of terrorism; warrants can also be temporarily waived by intelligence agencies. A 2014 white paper issued by the Digital Rights Group said that provisions of the Fair Trial Act contravene the constitution and international treaties that Pakistan has signed.¹⁹⁴

Data collected by the state's National Database Registration Authority (NADRA), which maintains a centralized repository of information about citizens, is not subject to any privacy rules.¹⁹⁵ Data from NADRA and telecom companies, as well as police records, are reportedly sold online, including on Facebook.¹⁹⁶ Given the centralized and interconnected nature of Pakistan's national database, data is vulnerable when it moves from one department to another.¹⁹⁷ The database has been used by the health department during the COVID-19 pandemic to look for family information of infected patients, without much transparency regarding how this information used and shared.¹⁹⁸

Pakistanis are also vulnerable to surveillance from overseas intelligence agencies. In June 2015, the online outlet the Intercept published revelations of hacking and infiltration of the PIE by the United Kingdom's Government Communications Headquarters (GCHQ) intelligence agency prior to 2008. According to the Intercept, this gave GCHQ "access to almost any user of the internet inside Pakistan" and the ability to "re-route selected traffic across international links towards GCHQ's passive collection systems."¹⁹⁹

International cooperation on surveillance has also increased since the establishment of the China-Pakistan Economic Corridor (CPEC). Technology such as surveillance cameras and facial-recognition technology has been shared as part of various "safe cities" initiatives.²⁰⁰ While these initiatives are framed by the government as measures to protect public safety, the increase in surveillance infrastructure without meaningful safeguards concerns human rights activists.

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users? 1 / 6

Companies are required to aid the government in monitoring users. There is currently no data-protection law in Pakistan, despite assurances from the government that it intends to pass one.²⁰¹ As a result of this lack of oversight, ISPs, mobile companies, and private enterprises are not obliged to maintain or comply with any data protection policies that are in place.²⁰²

Under the Fair Trial Act, service providers face a one-year jail term or a fine of up to 10 million rupees (\$103,000) for failing to cooperate with warrants (see C5). Section 32 of PECA requires service providers to retain traffic data for a minimum of one year, and allows for that period to be extended with a warrant issued by a court. Furthermore, regulations introduced in March 2018 require all Wi-Fi hotspot service providers to retain user data, including users' names, national identity or passport number, mobile phone number, time of login and log-off, IP address, MAC address, and internet access log.²⁰³

ISPs, telecommunications companies, and SIM card vendors are required to authenticate the Computerized National Identity Card details of prospective customers with NADRA before providing service.²⁰⁴ A reregistration drive was launched following a 2014 terrorist attack on a school that was reportedly facilitated by mobile phones with unregistered SIM cards,²⁰⁵ and the government added a biometric thumb impression to the registration requirements for SIM cards.²⁰⁶ In 2015, those who failed to meet the new requirement were warned of automatic disconnection, and 26 million SIM cards were subsequently blocked.²⁰⁷

The draft Online Harms Rules 2020 require social media companies to share data upon request, which may include subscriber information, traffic data, content, or "any other information or data" (see B3, B6, and C4). The rules also would impose data localization requirements on social media companies. They'd be required to "establish one or more database servers" in the country and "store data and online content within the territorial boundaries." Currently given that offices of most major social media companies are not situated in Pakistan and there are no Mutual Legal Assistance Treaties (MLAT) with countries where their offices are located, the powers of the state to obtain data from private companies is limited.²⁰⁸

There is no data-privacy law in Pakistan. The Ministry for Information Technology and Telecommunication (MOITT) released a draft data-privacy bill and solicited comments from the public.²⁰⁹ While the bill improves on a previous, highly criticized draft bill, the new bill contains vague language, requires onerous data localization, and gives the federal government wide powers to make exceptions. Several civil society organizations have come forward with criticism of the bill.²¹⁰

Between July and December 2019, Facebook complied with 52 percent of the government's 2,027 requests for user data.²¹¹

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state 1 / authorities or any other actor in retribution for their online activities? 5

Users continue to face intimidation, blackmail, and at times violence, in response to online activism, reporting, and debate, as well as apolitical activity online such as socializing. Over the coverage period, at least one online activist was murdered. In past years, online activists have been abducted and held for lengthy periods.

Free expression activists, bloggers, and online journalists have reported receiving attacks and death threats online, and Pakistan is one of the world's most dangerous countries for traditional journalists.²¹² For example, journalists who critique the ruling party or state institutions have been subject to smear campaigns, including the #ArrestAntiPakJournalists campaign in July 2019 that exhibited sights of automation (see B5).²¹³ In June 2018, *Daily Times* journalist and activist Marvi Sirmed's house was ransacked and her electronic devices and travel documents were taken.²¹⁴ Two days earlier, social media activist and Waqt TV journalist Gul Bukhari was abducted by unknown persons, and released a few hours later.²¹⁵

In June 2019, blogger and social media activist Muhammad Bilal Khan was killed in a knife attack; he had been an active presence on social media, where he promoted causes like interfaith harmony, and had called for investigations of enforced disappearances conducted by the military and intelligence agencies.²¹⁶ Prior to this, in January 2017, five bloggers critical of the establishment, military, or religious militancy, separately went missing from different parts of the country.²¹⁷ Four of them were released around the end of January 2017,²¹⁸ and the fifth returned home in March 2018.²¹⁹ The government denied any involvement in the abductions, but one of the recovered activists told the British Broadcasting Corporation (BBC) in March 2017 that he had been held by a "government institution" linked to the military, and was tortured while he was missing.²²⁰

Women are frequently harassed and blackmailed online. Organizers and participants of the 2020 Aurat March, which celebrated International Women's Day, were subjected to intense online attacks, including death and rape threats.²²¹ The Aurat March was also subject to online opposition campaigns, some of them reported to be inorganic and manufactured.²²²

Academic campuses have been sites of harassment and surveillance, mostly directed at women and taking on gendered forms. In early 2019, personal information of women students from the University of Punjab, such as phone numbers and images, was leaked and sold on the "dark web."²²³ Later in the year, the University of Balochistan came to the forefront of national attention as it came to light that illegally installed CCTV cameras were being used to not only record students, but the recordings were used to harass and blackmail them.²²⁴ The matter was under investigation and adjudication as of July 2020.²²⁵

Women's use of digital tools is heavily controlled by families (see A2), and some have been murdered for digital activities in so-called honor killings. In July 2018, a woman in Taxila was killed by her husband for exchanging text messages.²²⁶

In one of Pakistan's most high-profile cases, Qandeel Baloch, a social media celebrity known for openly expressing her sexuality, was killed by her brother in 2016.²²⁷ Baloch had sought police protection following threats she received after her real identity was published online.²²⁸ Her brother acknowledged killing her because "she was doing videos on Facebook and dishonoring the family name." In September 2019, her brother was sentenced to life in prison for her murder.²²⁹

Separately, in February 2018, Patras Masih and his cousin Sajid Masih were allegedly tortured and ordered to sexually assault each other while in detention in connection with Patras' social media posts (see C3). To avoid having to carry out the order, Sajid jumped from the fourth floor of the FIA building and was critically injured.²³⁰

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users 0 / subject to widespread hacking and other forms of cyberattack? 3

Technical attacks against the websites of nongovernmental organizations (NGOs), opposition groups, and activists are common in Pakistan, though many go unreported.

Women activists and journalists frequently reach out to Pakistan's Digital Rights Foundation after being targeted by sophisticated email-based phishing attacks aimed at obtaining private information.²³¹ In 2018, Amnesty International reported digital attacks on human rights defenders, such as hacked accounts and devices, and the installation of spyware. The attackers allegedly employed fake online identities and social media profiles to target activists.²³² The software used in these attacks, Crimson, has previously been used against Indian military and diplomatic figures.²³³

There were also reported breaches of data originally collected for government initiatives and hacks of state websites and databases. Private pictures of citizens from CCTV cameras, collected by the Punjab Safe Cities Authority (PSCA), were leaked, according to January 2019 news reports.²³⁴ In the absence of a data-protection law, those affected have limited opportunities for remedy (see C6). In July 2018, NADRA denied reports of a data breach the previous month, allegedly in which voter demographics were released.²³⁵ During the coverage period, the Punjab Information Technology Board (PITB) claimed to have combated over 321,500 serious cyber-attacks directed toward confidential user information.²³⁶

Cross-border cyberattacks between Pakistan and India continue.²³⁷ After tensions between the two nations escalated in early 2019 following a deadly suicide attack in Pulwama, a city in Indian-controlled Kashmir, a number of Pakistani sites were allegedly targeted by Indian hackers,²³⁸ including the website of Ministry of Foreign Affairs.²³⁹ In the past, hackers on both sides have claimed to target state websites. Among the most serious were reports in 2017 that Indian hackers had targeted Pakistani airports in Islamabad, Peshawar, Multan, and Karachi.²⁴⁰

State officials have also come under malware attacks through fake smartphone apps, according to a report by BlackBerry Researchers.²⁴¹ In December 2019, malware from the Israel-based NSO Group was reported to be used against at least two dozen Pakistani government officials via WhatsApp.²⁴² In a possible response to this attack, the Ministry of Information Technology issued a notification in which it advised government officials against using WhatsApp for official correspondence.²⁴³

Footnotes

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