Freedom House

Pakistan

	2014	2015
Internet Freedom Status	Not Free	Not Free
Obstacles to Access (0-25)	20	20
Limits on Content (0-35)	20	20
Violations of User Rights (0-40)	29	29
TOTAL* (0-100)	**69**	**69**

* 0=most free, 100=least free

Population:	**194 million**
Internet Penetration 2014:	**14 percent**
Social Media/ICT Apps Blocked:	**Yes**
Political/Social Content Blocked:	**Yes**
Bloggers/ICT Users Arrested:	**Yes**
Press Freedom 2015 Status:	**Not Free**

Key Developments: June 2014 – May 2015

- In March 2015, Prime Minister Nawaz Sharif disbanded an inter-ministerial committee responsible for censorship and authorized the government regulator to undertake content management (see **Blocking and Filtering**).
- In November 2014, police in Lahore arrested a man who had evaded blasphemy charges related to his blog for three years (see **Prosecutions and Detentions for Online Activities**)
- In January 2015, the National Assembly introduced the draft Prevention of Electronic Crimes Bill, including overbroad definitions of criminal activity online (see **Legal Environment**).
- In August 2014, two journalists and an accountant were shot dead by unidentified gunmen in their offices of the Online International News Network in Balochistan (see **Intimidation and Violence**).

Introduction

Pakistan saw a democratic change of power in May 2013, when citizens voted the social democratic Pakistan People's Party (PPP) out of office, in favor of the conservative Pakistan Muslim League–Nawaz (PML-N) party under Prime Minister Nawaz Sharif. The government became the latest in a line of military and civilian authorities to restrict information and communication technologies (ICTs). Human rights monitors accused them of bolstering military and police powers, instead of addressing past abuses.

Though framed as necessary to combat terrorism and preserve Islam, censorship in Pakistan continues to reflect political motives, the influence of religious extremists, or a combination of the two. The video-sharing platform YouTube has been completely blocked in Pakistan since September 2012, when an anti-Islamic video sparked unrest around the Muslim world. Before the election, opposition politician Anusha Rehman criticized the ban, but has yet to lift it since her appointment as IT minister. Challenged in two high courts and the subject of persistent protests, this far-reaching ban continues to affect ordinary internet users, small businesses, and students, though many used digital tools to circumvent it or migrated to other online video services.

Other efforts could cement government control of Pakistan's internet. Civil society groups said a pending cybercrime bill drafted with inadequate civil society consultation would disproportionately criminalize some online activities. In 2015, the government regulator was authorized to undertake censorship decisions previously handled by a nontransparent inter-ministerial committee, a change which lacks a legal foundation.

Obstacles to Access

Internet penetration is limited in Pakistan by a lack of resources, but mobile internet access is increasing with the recent launch of faster 3G and 4G service. However, Pakistani authorities frequently disable mobile internet access during times of perceived political or religious sensitivity.

Availability and Ease of Access

Internet penetration in Pakistan stood at 14 percent by early 2014, according to the International Telecommunication Union.[1] A mobile survey company calculated the figure at 16 percent, half of which was through mobile phones.[2] Pakistan's telecommunications regulator reported mobile penetration at 73 percent.[3] Internet penetration is expected to increase with the recent launch of 3G and 4G technology (see ICT Market).

Low literacy, difficult economic conditions, and cultural resistance have limited the proliferation of

1 Internet World Stats, "Pakistan," *Asia Marketing Research, Internet Usage, Population Statistics and Facebook Information,* http://bit.ly/1LDUj5m.

2 "30m internet users in Pakistan, half on mobile: Report," *Express Tribune*, June 24, 2013, http://bit.ly/1dydnKH.

3 Shoaib Saleem, "Cellular subscribers reach 132.33m with 73.5pc record penetration," *Pakistan Today*, February 10, 2014, http://bit.ly/1Nvtn8n.

ICTs in Pakistan.[4] While the cost of internet use has fallen considerably in the last few years,[5] with prices around US$12 a month for a broadband package in 2015, access remains out of reach for the majority of people in Pakistan.

Though ICT usage by girls and women in Pakistan is gradually increasing, online harassment unfortunately discourages greater utilization of ICTs by women, especially those under 30.

Most remote areas lack broadband, and a large number of users depend on slow dial-up connections or EDGE, an early mobile internet technology. In such areas, meaningful online activity like multimedia training can be challenging.

Restrictions on Connectivity

The PTCL owns 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.[6]

PTCL also controls access to the three international undersea fiber-optic cables: SEA-ME-WE 3 and SEA-ME-WE 4 connects Southeast Asia, the Middle East, and Western Europe; and I-ME-WE links India, the Middle East and Western Europe.[7] The company signed an agreement to build the fourth one, considered to be one of the world's largest, in 2014. The AAE-1 cable, projected to be completed by 2016, will connect countries in Asia, Africa, and Europe.[8]

Damage to these cables did not cause access disruptions during the coverage period, as it had done in past years,[9] but connectivity was still subject to physical interruption. In early 2015, villages in the northern Drosh Valley faced internet and telephone disconnection because of damage to the open main cable.[10]

Several parts of western areas of Pakistan lack internet access, partly because of underdevelopment and party because of ongoing conflicts. More than 75 percent of tribal areas and 60 percent of Balochistan province didn't have fiber optic cables as of 2013.[11]

As in previous years, Pakistan overall faced electricity shortages in 2014, especially when demand peaks during the summer months. Besides the usual load shedding and rolling blackouts, in 2014 and 2015, much of the country was also plunged into darkness at least four times when the national electricity grid collapsed due to rise in demand or explosion at one of the sites.[12]

4 Arzak Khan, "Gender Dimensions of the Information Communication Technologies for Development," (Karlstad: University of Karlstad Press, 2011) doi: http://dx.doi.org/10.2139/ssrn.1829989.

5 "Average monthly Internet cost in Pakistan low," *Daily Times*, October 3, 2015, http://bit.ly/1N4iCa3.

6 OpenNet Initiative, "Country Profile—Pakistan," August 6, 2012, http://bit.ly/1LDXNEX.

7 "PTCL Expects 20pc Growth with Launch of IMEWE Cable: Official," *The News*, December 22, 2010, http://bit.ly/1huHRXs.

8 "PTCL to build largest int'l submarine cable consortium system," *Daily Times*, January 30, 2014, http://bit.ly/1L4dxO6.

9 Farooq Baloch, "Undersea Cable Cut Affects 50% of Pakistan's Internet Traffic," *Express Tribune*, March 27, 2013, http://bit.ly/1FWOnSV.

10 Gul Hamaad Farooqi, "Chitral villages lack phone, internet facilities," *The Nation*, February 10, 2015, http://bit.ly/1GAOiPi.

11 Zakir Syed, "Overcoming the Digital Divide: The Need for Modern Telecommunication Infrastructure in the Federally Administered Tribal Areas (FATA) of Pakistan," *Tigah Journal* (2013) http://bit.ly/1LulYiV.

12 "Massive power outage hits Lahore, Islamabad," *Dunya News*, May 24, 2013, http://bit.ly/1QeyIhT; Shehzad Baloch and Irfan Ghauri, "Attack on Power lines in Balochistan causes nationwide blackout," *The Express Tribune*, January 25, 2015, http://bit.ly/1BYLLQW.

Security considerations continued to intrude on telecommunication services. In 2014 and 2015, as in previous years, the government suspended cellular services on some religious holidays in what the government termed "sensitive places."[13] The services, it is said, can be misused to undertake terrorist acts, but shutting them down limits access for the wider population.

ICT Market

The internet service providers (ISPs) association listed 50 operational ISPs in Pakistan in 2014, 10 of which provide DSL services.[14] The government regulator, the Pakistan Telecommunication Authority (PTA), exerts significant control over internet and mobile providers through a bureaucratic process that includes hefty licensing fees.[15]

Broadband subscriptions, based on DSL—which uses existing telephone networks—or wireless WiMax technology, are concentrated in urban areas. The predominantly-state-owned Pakistan Telecommunication Company Limited (PTCL) controls 60 percent of the broadband market.[16] An inquiry report found that other DSL operators cannot compete with PTCL, due to which some were forced to quit. PTCL denies these charges.[17]

After several years delay, Pakistan finally introduced internet-capable 3G mobile network and 4G spectrum, in April 2014. The 3G bid was won by four foreign-owned companies namely Mobilink, Zong, Telenor, and Ufone, whereas the 4G spectrum was won by Zong. In this bidding exercise, Pakistan secured US$903 million from 3G mobile network and US$210 million from 4G spectrum auctions, respectively. These networks will provide faster internet services to consumers in Pakistan.[18] Although these services are so far limited to urban centres, mobile companies claim to be rapidly expanding the networks, with one company claiming to launch the 3G network in 32 cities.[19] Since the launch of these services, their subscriber bases have been increasing, with over 9million subscribers by the end of January 2015.[20]

Mobile operators such as Mobilink, Ufone, Telenor, Warid, and Zong still struggle to attract customers due to high prices and poor coverage. Wireless service providers using the high-capacity data network WiMAX or high-speed broadband technology EVDO are also considered expensive.

Internet cafes do not require a license to operate, and opening one is relatively easy.[21] Some child rights groups argue that cafes should be regulated to prevent inappropriate access to pornography and gambling sites.[22]

13 Iftikhar A. Khan, "Mobile phones to go silent in 'sensitive places'," *Dawn*, November 2, 2014, http://www.dawn.com/news/1141947.

14 Internet Service Providers Association of Pakistan, http://www.ispak.pk/.

15 Pakistan Telecommunications Authority, "Functions and Responsibilities," December 24, 2004, http://bit.ly/1OpRm9c.

16 Adam Senft, et al., *O Pakistan, We Stand on Guard for Thee: An Analysis of Canada-based Net sweeper's Role in Pakistan's Censorship Regime,* Citizen Lab, June 20, 2013, https://citizenlab.org/2013/06/o-pakistan/.

17 Iftikhar A. Khan, "PTCL forces half of DSL operators to quit," *Dawn*, June 20, 2012, http://bit.ly/1VJTOLT.

18 Sohail Iqbal Bhatti, "$1.1 billion raised from 3G, 4G auction," *Dawn*, April 24, 2014, http://www.dawn.com/news/1101760.

19 "In demand: 3G user base expanding, market surges forward," *The Express Tribune*, September 16, 2014, http://bit.ly/1L4ebv8.

20 "Pakistan passes 9mln 3G/4G subscribers milestone," *Telecompaper*, February 20, 2015, http://bit.ly/1FWQaar.

21 Sehrish Wasif, "Dens of sleaze," *Express Tribune*, July 22, 2010, http://tribune.com.pk/story/29455/dens-of-sleaze/.

22 Qaiser Butt, "Dirty business in sequestered cubicles," The Express Tribune, February 16, 2015, http://bit.ly/1L4ekif.

Regulatory Bodies

The PTA is the regulatory body for the internet and mobile industry, and international free expression groups and experts have serious reservations about its openness and independence.[23] The prime minister appoints the chair and members of the three-person authority, which reports to the Ministry of Information Technology and Telecommunication.[24] The repeated failure to make these appointments in the past year further undermined the PTA's reputation. In March 2015, the PTA formally took responsibility for internet content management (see Blocking and Filtering).

Limits on Content

In March 2015, Prime Minister Sharif disbanded the committee responsible for censorship decisions and authorized the PTA to undertake content management. Though the step was taken in part due to a petition questioning the committee's authority, the regulator also lacks the necessary legal backing to undertake censorship. YouTube remains blocked, but other platforms, media, and communication tools are popular and contribute to a vibrant online space.

Blocking and Filtering

"Internet content management" lacks an adequate legislative framework. A range of overbroad provisions in the 1996 Pakistan Telecommunications Act supports censorship for the protection of national security or religious reasons.[25] Authorities also cite Section 99 of the penal code, which allows the government to restrict information that might be prejudicial to the national interest, to justify filtering antimilitary, blasphemous, or anti-state content.[26] Critics believe these issues can serve as cover for politically motivated censorship of dissenting voices. Information perceived as damaging to the image of the military or top politicians, for example, is also targeted.

In past years, the task of ordering blocks was undertaken by the Inter-Ministerial Committee for the Evaluation of Web Sites (IMCEW), comprised of representatives from PTA and the government, along with "men from the Ministry of Religious Affairs, the Inter-Services Intelligence, and Military Intelligence."[27] In December 2014, however, the Islamabad High Court restrained the Committee from blocking websites until any conclusion on its role is reached, following a petition challenging IMCEW's authority.[28]

In February 2015, the Ministry of Information asked the government to empower a new cell within the government regulator, the Pakistani Telecommunication Authority (PTA), to censor online content.[29] Because the PTA is not legally authorized to block content, either the PTA Act would have

23 Article 19, "Pakistan: Telecommunications (Re-organization) Act," legal analysis, February 2, 2012, http://bit.ly/1Pl5OOR.

24 Pakistan Telecommunications Authority, "Pakistan Telecommunication (Re-organization) Act 1996," *The Gazette of Pakistan,* October 17, 1996, http://bit.ly/16sASJI.

25 Article 19, "Pakistan: Telecommunications (Re-organization) Act."

26 "Pakistan: Code of Criminal Procedure," available at the Organization for Economic Co-operation and Development, accessed August 2013, http://bit.ly/1R2Kyfg.

27 Ali Sethi, "Banistan: Why Is YouTube Still Blocked In Pakistan?" *New Yorker*, August 7, 2013, http://nyr.kr/1WS2dtH.

28 Malik Asad, "Inter-ministerial body restrained from blocking websites," *Dawn*, January 11, 2015, http://bit.ly/1GAQiqP.

29 Mehtab Haider, "PTA may be empowered to undertake Internet content management," *The News*, February 22, 2015, http://bit.ly/1R2KLyZ.

to be amended or executive directives would have to be issued to authorize the new function.[30] In March 2015, Prime Minister Sharif complied, disbanding the Inter-Ministerial Committee and authorizing the PTA to undertake content management.[31]

Historically, blocking orders have directed ISPs and backbone providers to implement manual blocks on individual URLs or IP addresses, their compliance ensured by licensing conditions.[32] Since 2012, successive administrations have sought to introduce technical filtering.[33] The National ICT Research and Development Fund initially requested that companies develop nationwide blocking technology to "handle a block list of up to 50 million URLs,"[34] though the status of that project was left in doubt after widespread civil society protests.[35] News reports in 2013 and 2014 said PTA and government officials were still pursuing filtering solutions.[36]

However, in 2013, the University of Toronto-based research group Citizen Lab reported that technology developed by the Canadian company Netsweeper was already filtering political and social content at the national level on the PTCL network.[37]"In addition to using Netsweeper technology to block websites, ISPs also use other less-transparent methods, such as DNS tampering," Citizen Lab noted.[38] The report highlighted the lack of transparency and accountability surrounding censorship in Pakistan, as tactics become more advanced.

The same lack of transparency extends to the content affected by censorship, which is often inconsistent based on location or across ISPs.[39] There are no published guidelines outlining why content is blocked or how to appeal. Individuals and groups can also initiate censorship by petitioning courts to enact moral bans on online or traditional media content.[40]

Censorship targeting pornography can affect access to legitimate content like Scarleteen, a U.S.-based sex education website for teenagers.[41] Some users found Google Scholar search results for terms like breast anatomy or breast cancer also appeared to be blocked on the PTCL network in 2014.

30 Haider, "PTA may be empowered."

31 Mehtab Haider, "PTA given powers for content management on internet," *The News*, March 21, 2015, http://bit.ly/1ED2NjN.

32 PTA Act 1996, art. 23.

33 Danny O'Brien, "Pakistan's Excessive Internet Censorship Plans," Committee to Protect Journalists (blog), March 1, 2012, https://cpj.org/x/4995.

34 National ICT Research and Development Fund, "Request for Proposal: National URL Filtering and Blocking System," accessed August 2012, http://bit.ly/1QeBBiD; "PTA determined to block websites with 'objectionable' content," *The Express Tribune*, March 9, 2012, http://bit.ly/xEND9P.

35 Shahbaz Rana, "IT Ministry Shelves Plan to Install Massive URL Blocking System," *The Express Tribune*, March 19, 2012, http://bit.ly/1MiIIIQ.

36 Anwer Abbas, "PTA, IT Ministry at Odds Over Internet Censorship System," *Pakistan Today*, January 3, 2013, http://bit.ly/1N47IkG; ApurvaChaudhary, "Pakistan To Unblock YouTube After Building Filtering Mechanism," *Medianama*, January 10, 2013, http://bit.ly/TMmcvh; Abdul Quayyum Khan Kundi, "The Saga of YouTube Ban," Pakistan Press Foundation, January 2, 2013, http://bit.ly/1bhpMEP; "Ministry Wants Treaty, Law to Block Blasphemous Content," *The News*, March 28, 2013, http://bit.ly/16JP6yo. Associated Press of Pakistan, "IT Minister plans to ban 'objectionable content' across entire internet," *The Express Tribune*, http://bit.ly/1VJApFx.

37 Senft, et al., *O Pakistan, We Stand on Guard for Thee: An Analysis of Canada-based Net sweeper's Role in Pakistan's Censorship Regime.*

38 DNS tampering intercepts the user's request to visit a functioning website and returns an error message.

39 OpenNet Initiative, "Country Profile—Pakistan," 2012.

40 "Internet censorship: Court asked to ban inappropriate content," *The Express Tribune*, June 14, 2011, http://bit.ly/jOCZFP.

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

Blocking frequently targets social media and communication apps. Since 2012, the government has blocked YouTube in response to the anti-Islamic video "The Innocence of Muslims."[42] The site was briefly unblocked in December 2012 until a broadcast journalist demonstrated that the offensive clip was still available.[43]

Civil society groups protested against the ban, and in 2013, petitioners challenged it in the high courts in Lahore and Peshawar.[44] Hearings in both cases are ongoing. Government officials encouraged Google to establish a version of YouTube in Pakistan's jurisdiction, where it would be subject to government content management. News reports said Google, which owns the platform, declined to establish a local office because of the lack of intermediary liability protection for content providers under Pakistani law.[45] In 2015, the Minister of Information told the Senate that the government is in the process of "providing Intermediary Liability Protection for internet content providers through Prevention of Electronic Crime Bill 2014".[46] However, details of the protection and its ultimate impact on the availability of YouTube remain unclear.

Political dissent and secessionist movements in areas including Baluchistan and Sindh province, where a Sindhi nationalist movement advocates for political divisions along ethnic lines, is among the nation's most systematically censored content.[47] In November 2013, the PTA requested that ISPs block the international website IMDb (Internet Movie Database), an order they reversed after two days.[48] Analysts said the apparent ban—which attracted widespread criticism on social media—was related to the upcoming release of a British short film, "The Line of Freedom," a fictional depiction of Pakistani security agencies abducting Baloch separatists.[49] In 2014, IMDb was largely accessible again, yet the page documenting "The Line of Freedom" was still blocked. Pages relating to the movie are also inaccessible on other sites.[50]

Authorities also target users seeking to access blocked content. In 2011, the PTA sent a legal notice to all ISPs in the country urging them to report customers using encryption and virtual private networks (VPNs)[51]—technology that allows internet users to interact online undetected and access blocked websites—to curb communication between terrorists.[52] International and civil society organizations in Pakistan protested,[53] and the tools remain widely used to access YouTube.[54] Two of the

42 Jon Boone, "Dissenting voices silenced in Pakistan's war of the web," *The Guardian*, February 18, 2015, http://gu.com/p/45yba/stw.

43 Umar Farooq, "Pakistan Courts YouTube Comeback," *Wall Street Journal,* August 14, 2013, http://on.wsj.com/1jiCfkv.

44 "YouTube ban challenged in PHC," *Dawn*, May 14, 2013, http://bit.ly/1jTR2CQ; Sumaira Jajja, "YouTube Ban: Google to appear before Lahore High Court," *Dawn,* May 15, 2013, http://bit.ly/1LE22Ax.

45 Jajja, "YouTube Ban: Google to appear before Lahore High Court."

46 "Impossible to block all objectionable content on YouTube, admits minister," *Pakistan Today*, February 6, 2015, http://bit.ly/1OqJum6.

47 "PTA letter blocking websites April 25, 06," *Pakistan 451* (blog), April 27, 2006, http://bit.ly/1Lmn18M.

48 "Climbdown: PTA restores IMDb access after public outcry," *The Express Tribune*, November 23, 2013, http://bit.ly/1R2MVyv;Nighat Dad, "Why was IMDb blocked?" *The Express Tribune*, November 23, 2013, http://bit.ly/1QeE3Wz.

49 IMDb, "The Line of Freedom," http://www.imdb.com/title/tt2616400/.

50 Digital Rights Foundation, "First Case of Selective / Targeted Online Censorship: Pakistani Government Successfully Blocks Specific Links," press release, November 25, 2013, http://bit.ly/1Lmnjg7.

51 Josh Halliday and Saeed Shah, "Pakistan to ban encryption software," *The Guardian*, August 30, 2011, http://bit.ly/outDAD.

52 Nighat Dad, "Pakistan Needs Comms Security Not Restrictions," Privacy International (blog), September 12, 2011, http://bit.ly/1QeEvEi.

53 Barbora Bukovska, "Pakistan: Ban on internet encryption a violation of freedom of expression," Article 19, September 2, 2011, http://bit.ly/1Mlv3ja.

54 The VPN blocking is authorized under section 5(2)(b) of the PTA Act 1996 and the "Monitoring and Reconciliation of Telephony Traffic Regulation. See, "Part II, S.R.O. Pakistan Telecommunication Authority Notification," *The Gazette of Pakistan*, March 15, 2010, http://bit.ly/1Lby01z.

best-known services, Spotflux and HotSpot VPN, became inaccessible in January 2014, and Spotflux said the government had actively blocked its services.[55] Both were later restored.

Content Removal

Extralegal pressure on publishers and content producers by the state or other actors to remove content is not unknown in Pakistan, but frequently goes unreported. Takedowns by international companies are more high profile. Facebook and Twitter are among the companies publicly criticized for limiting access to content at the government's request, "under local laws prohibiting blasphemy and criticism of the state."[56] Both reversed some such decisions and republished content they had previously restricted in mid-2014.[57]

Official requests to remove content also lack transparency. Following a major terrorist attack in December, the government ordered material published by banned terrorist outfits to be removed from the internet, though published reports did not elaborate on the process involved.[58]

Media, Diversity, and Content Manipulation

Despite existing limitations on online content—and looming new ones—Pakistanis have relatively open access to international news organizations and other independent media, as well as a range of websites representing Pakistani political parties, local civil society groups, and international human rights organizations.[59] ICTs, particularly mobile phones, promote social mobilization. Most of social networking, blogging, and VoIP applications were available and widely used during the coverage period. Nevertheless, most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, separatist movements, and women's and LGBTI rights.

Digital Activism

Human rights activists have also been able to galvanize public support against militancy through new technology. One such incident occurred in December 2014, when an influential cleric in Islamabad refused to categorically condemn a terrorist attack on a school. Human rights activists gathered outside the cleric's mosque, demanding an apology for the previous statement.[60] The call to protest originated through social media and text messages using the #ReclaimYourMosque hashtag.[61] Meanwhile, a Taliban spokesman called the protest organizer, threatening him to back off or "be ready for consequences."[62]

55 "Creeping censorship: Spotflux claims its service is being 'actively blocked' in Pakistan," *The Express Tribune,* January 28, 2014, http://bit.ly/1dK9W3U.

56 Facebook, "Pakistan," *Government Requests Report*, January 2014 - June 2014, http://bit.ly/1VJEB8c .

57 AFP, "Twitter restores access to blocked content in Pakistan," *The Express Tribune,* http://bit.ly/1qclshz; AFP, "Facebook blocks page of Laal music band at govt request," *The Express Tribune,* June 6, 2014, http://bit.ly/1ojVt7Z.

58 "Govt directs PTA to remove banned outfits' hate-material from internet, "*Dunya News*, 16 January 2015, http://bit.ly/1huNqoR

59 OpenNet Initiative, "Country Profile—Pakistan," 2012.

60 Ikram Junadi, "Islamabad stands firm on Lal Masjid," *Dawn,* December 20, 2014, http://www.dawn.com/news/1151985.

61 Ikram Junadi, "Citizens arrive at Lal Masjid to 'reclaim their mosque'," *Dawn*, December 19, 2014, http://bit.ly/1v7dPtz.

62 "Lal Masjid protest activist receives threatening phone call," *Dawn*, December 22, 2014, http://www.dawn.com/news/1152467.

Violations of User Rights

Violations of user rights continued at high levels during the coverage period, including fatal attacks on an online newsroom and at least one arrest in relation to allegations of blasphemy online. Problematic laws were also under debate, including a law to combat cybercrime, which civil society groups say could criminalize online activity—though their involvement in the drafting process has been hampered by officials. Researchers uncovered compelling information about Pakistani agencies' surveillance ambitions and capabilities during the coverage period.

Legal Environment

Article 19 of the Pakistani constitution establishes freedom of speech as a fundamental right, although it is subject to several restrictions.[63] Pakistan became a signatory to the International Covenant on Civil and Political Rights in 2010.[64]

Existing laws also have the potential to restrict internet users. The 2004 Defamation Act allows for imprisonment of up to five years, and observers fear a chilling effect if it is used to launch court cases for online expression. Section 124 of the penal code on sedition "by words" or "visible representation" is broadly worded, though it has yet to be applied in an online context.[65]

Section 295(c) of the penal code, which covers blasphemy, is frequently invoked to limit freedom of expression. Any citizen can file a blasphemy complaint against any other, and human rights groups say charges have been abused in the past to settle personal vendettas. The imputation of blasphemy leaves the accused vulnerable to reprisals, regardless of whether it has foundation. Some cases of reprisals have involved electronic media.

Several laws to try terrorism can also been exploited against internet users. The Pakistan Protection Act, supposedly a reformulation of a problematic Pakistan Protection Ordinance in effect during the previous coverage period, passed in July 2014. Though it included some amendments, critics said it failed to address concerns expressed by lawyers and civil society groups, who said language criminalizing unspecified cybercrimes as acts of terror was vague and open to abuse.[66]

Taking note of the absence of law to deal with cybercrime, the relevant authorities have pushed for passing an anti-cybercrime law. A draft Prevention of Electronics Crimes Act 2015, though it contains some procedural safeguards for cybercrime investigation by law enforcement agencies, could grant intelligence agencies unrestricted mass surveillance powers.[67] Critics said it lacked clear definitions, while criminalizing some specific activity like "defamation of women."[68] Civil society groups recommended its amendment in accordance with international standards.[69]

63 The Constitution of Pakistan, accessed September 2012, http://bit.ly/pQqk0.

64 "President signs convention on civil, political rights," *Daily Times*, June 4, 2010, http://bit.ly/1fyK9Tl.

65 "Pakistan Penal Code," accessed August 2013, http://bit.ly/98T1L8.

66 Bolo Bhi, "Human Rights Experts: Pakistan Could Become a "Police State" Under Protection Ordinance," *Global Voices Advocacy*, August 13, 2014, http://bit.ly/1OqLFGd.

67 This data includes the "communication's origin, destination, route, time, data, size, duration or type of underlying service."

68 Article 19, "Pakistan: Draft Computer Crimes Law endangers freedom of expression," http://bit.ly/1JXRzbE; Nighat Dad, "Pakistan: Draft computer crimes law violates human rights," Index, April 17, 2014, http://bit.ly/1FWUwhU.

69 Sohail Abid, "Call for comments: Prevention of Electronic Crimes Act 2015", Digital Rights Foundation (blog), February 4, 2015, http://bit.ly/1R2P4KK.

On May 25, 2015, the National Standing Committee on Information Technology and Telecommunication held a hearing to discuss the bill. Though it was characterized as a public hearing, only seven civil society stakeholders were invited, and two of those were uninvited at the last minute. Despite this miscommunication, the standing committee listened to critics and asked its members to hold consultations with experts to revise the bill, which was approved by the IT standing committee in September, though some committee members said they had not read the approved draft, and no major changes were incorporated as a result of the consultation. The national assembly must approve the bill before it becomes law.[70]

The Surveying and Mapping Act, 2014, first introduced in 2012, limits digital mapping activity to organizations registered with the governmental authority Survey of Pakistan, with federal permission required for mapping collaboration with foreign companies. The Senate approved the Act in June 2014.[71]

Prosecutions and Detentions for Online Activities

New blasphemy accusations declined from the previous coverage period, but cases from the past continued to haunt the accused. In November 2014, in Chakwal, a Christian accused of blaspheming online, was arrested in Lahore. The man, who used to write on his personal blog, went into hiding three years ago when he was first accused.[72]

Even high profile individuals came under increased scrutiny on the internet. In January 2015, a pop-star turned Islamic evangelist faced blasphemy accusations when his video making controversial remarks went viral online. The evangelist later filmed an apology, but mounting pressure forced him to leave for the United Kingdom.[73] Separately, a private TV channel owner, host, and guests were charged with blasphemy in relation to a video from a morning show, which went viral online after its allegedly offensive content was publicized by a rival channel.[74]

Surveillance, Privacy, and Anonymity

Government surveillance is a concern for activists, bloggers, and media representatives, as well as ordinary internet users. Pakistani authorities, particularly intelligence agencies, appear to have been expanding their monitoring activities in recent years, while provincial officials have been exerting pressure on the central government to grant local police forces greater surveillance powers and location tracking abilities, ostensibly to curb terrorism and violent crimes.[75]

70 Fazal Sher, "Absence of comprehensive law against cybercrimes: NR3C of FIA unable to take action against criminals," *Business Recorder*, February 10, 2015, http://bit.ly/1PlaioF; Digital Rights Foundation, "Standing Comm. Passes Draft of PECB, Unseen by Comm. Members," September 21, 2015, http://bit.ly/1QeGTuA.

71 Nighat Dad, "Pakistan Considering Bill that Would Ban Independent Mapping Projects," Tech President, November 28, 2012, http://bit.ly/1OpVqpK; Pakistan National Assembly, Bill to provide for constitution and regulation of Survey of Pakistan, No. 225/25/2012, November 14, 2012, http://bit.ly/1OpVwOc.

72 Nabeel Anwar Dhakku, "Man held over blasphemy allegation," *Dawn*, November 15, 2014, http://bit.ly/1jiISmN.

73 Arafat Mazhar, "The untold story of Pakistan's blasphemy law," *Dawn*, January 15, 2015, http://bit.ly/1OqMlvp.

74 Catherine Shoard, "Bollywood star Veena Malik handed 26 year sentence for 'blasphemous' wedding scene, "*The Guardian*, November 27, 2014, http://bit.ly/124xGBd.

75 Masroor Afzal Pasha, "Sindh Police to Get Mobile Tracking Technology," *Daily Times*, October 29, 2010, http://bit.ly/16TKfLY; "Punjab Police Lack Facility of 'Phone Locator', PA Told," *The News*, January 12, 2011, http://bit.ly/1bRl6bx.

Details of these activities were documented by researchers in the past two years. In 2015, an investigation by U.K.-based Privacy International revealed that the practical surveillance capability of the Pakistani government, particularly the Inter-Services Intelligence Agency, now outstrips domestic and international law regulating that surveillance.[76] "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.

In 2013, a report by Citizen Lab indicated that Pakistani citizens may be vulnerable to oversight through a software tool present in the country. FinFisher's "Governmental IT Intrusion and Remote Monitoring Solutions" package includes the FinSpy tool, which attacks the victim's machine with malware to collect data including Skype audio, key logs, and screenshots.[77] The analysis found FinFisher's command and control servers in 36 countries globally, including on the PTCL network in Pakistan. This did not confirm that actors in Pakistan are knowingly taking advantage of its capabilities. In 2014, however, hackers released internal FinFisher documents indicating that a client identified as "Customer 32" licensed software from FinFisher to infect Microsoft office documents with malware to steal files from target computers in Pakistan.[78]

In 2015, in a separate hacking attack, internal documents were stolen from the Italy-based surveillance software company Hacking Team, and released online. Analysis of the company's interactions with individuals in Pakistan revealed they had been in touch with private sector representatives "for years," and that police sought equipment that would work on older models of cellphone common in Pakistan, among other details.[79]

The Fair Trial Act, passed in 2013,[80] 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. Critics say that the act's wording leaves it open to abuse, though none has been publicly reported. Under the law, service providers face a one-year jail term or a fine of up to PKR 10 million (US$103,000) for failing to cooperate with warrants. While the requirement for a warrant is positive, one can be issued if a law enforcement official has "reason to believe" in a terrorism risk; it can also be temporarily waived by intelligence agencies. Digital Rights Group issued a white paper, analyzing the provisions of the Fair Trial Act contradictory to the Constitution and contrary to the International Treaties Pakistan has signed in the past. [81]

ISPs, telecommunications companies, and SIM card vendors are required to authenticate the Computerized National Identity Card details of prospective customers with the National Database Regis-

76 Matthew Rice, "Tipping the Scales: Security and surveillance in Pakistan," Privacy International, July 21, 2015, https://www.privacyinternational.org/node/624.

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

78 Sohail Abid, "Massive Leak Opens New Investigation of FinFisher Surveillance Tools in Pakistan," Digital Rights Foundation, via Global Voices Advocacy, August 22, 2014, https://advox.globalvoices.org/2014/08/22/massive-leak-opens-new-investigation-of-finfisher-surveillance-tools-in-pakistan/.

79 Bolo Bhi, "Hacking Team in Pakistan," http://bolobhi.org/hacking-team-in-pakistan/.

80 "Investigation for Fair Trial Act 2013," *The Gazette of Pakistan,* February 22, 2013, http://bit.ly/18esYjq.

81 "Privacy rights: Whitepaper on surveillance in Pakistan presented," *The Express Tribune*, November 16, 2014, http://bit.ly/1L4h8Mc; Waqqas Mir, et al. "Digital Surveillance Laws in Pakistan," eds. Carly Nyst and Nighat Dad, (a white paper by Digital Rights Foundation, November 2011) http://bit.ly/1jg2IzH.

tration Authority before providing service.[82] A registration drive was launched following a December 2014 attack on a school that killed more than 150 students. Investigators tracked three unregistered SIM cards used by the terrorists for communication during the attack.[83] Following the attack, the government began a crackdown on "unregistered" SIM cards; asked citizens to verify numbers registered against their names; and finally, mandated all mobile customers to register their mobile numbers against their biometric thumb impression.[84] In early 2015, the government launched a fresh SIM card registration drive, making biometric verification mandatory. Those SIM cards that did not register biometric identification protocols were warned of automatic disconnection, though the PTA chairman admitted the system was not foolproof.[85]

A 2007 Prevention of Electronic Crimes Ordinance requiring telecommunications companies to retain user traffic data for a minimum of 90 days, and share logs of customer communications with security agencies when directed by the PTA, expired in 2009, though the practices reportedly continued.[86]

Intimidation and Violence

Pakistan is one of the world's most dangerous countries for traditional journalists.[87] Violence has yet to affect online journalists in the same way, though they can also be vulnerable. In August 2014, two journalists and a network accountant were shot dead by unidentified gunmen in their offices of the Online International News Network in Balochistan.[88]

Violence against women thought to have brought shame on their communities—including honor killings—has begun to involve ICT usage. In one high-profile case from 2012, the Pakistani Taliban claimed responsibility for shooting 15-year-old Malala Yousufzai in the head while she was traveling in a school van in the Swat region, partly in retaliation for blogging.[89] She survived and was awarded the Nobel Peace Prize in 2014.

Leaking explicit photos, threats of blackmail, and other incidences of online harassment are increasing in Pakistan. More than three thousand cybercrimes were reported to the Federal Investigation Agency from August 2014 to August 2015.[90] Of those cases, 45 percent targeted women on social media. The figures only represent reported cases—many victims do not come forward for fear of losing access to ICTs. No data has been provided for other provinces.

In June 2014, a local judge in Lahore asked the Federal Investigation Agency to probe whether a

82 Bilal Sarwari, "SIM Activation New Procedure," *Pak Telecom*, September 3, 2010, http://bit.ly/pqCKJ9.

83 Akhtar Amin, "PTA fails to block unregistered SIMs despite court orders," *The News*, December 26, 2014, http://bit.ly/1P4zSyZ.

84 Ahmad Fuad, "Biometric SIM verification: a threat or opportunity for cellular firms?" *The Express Tribune*, February 1, 2015, http://bit.ly/1LbAtJe.

85 Aamir Attaa, "Biometric Verification of SIMs is not Fool Proof: Chairman PTA," ProPakistani, March 16, 2015, http://bit.ly/1QeImAZ.

86 Kelly O'Connell, "INTERNET LAW – Pakistan's Prevention of Electronic Crimes Ordinance, 2007," *Internet Business Law Services*, http://bit.ly/1NvN1kw.

87 Committee to Protect Journalists, "56 Journalists Killed in Pakistan since 1992/Motive Confirmed," accessed January 2014, http://bit.ly/1LE6kYI.

88 Committee to Protect Journalists, "Three shot dead at Pakistan's Online International News Network," August 28, 2014, http://cpj.org/x/5cb8.

89 "Diary of a Pakistani School Girl," *BBC*, February 9, 2009, http://bbc.in/1NvOl78; Marie Brenner, "The Target," *Vanity Fair*, April 2013, http://vnty.fr/1R2RMQq.

90 Noorwali Shah, "In the cyberspace: Technology illiteracy leads to online harassment," *The Express Tribune*, August 12, 2015, http://bit.ly/1N4gWgJ.

Facebook page had been posting blasphemous content online.[91] A month later, in Gujranwala, a mob burned five houses of Ahmadis, killing three Ahmedi women and injuring eight others who were accused of sharing blasphemous post on Facebook.[92]

Militant Islamic groups have launched attacks on cybercafes and mobile phone stores in the past for allegedly encouraging moral degradation.[93] No attacks were documented during the coverage period of this report.[94]

Free expression activists and bloggers have also reported receiving death threats. Many publicize the threats—and sometimes attract more—on Twitter. Most are sent via text message from untraceable, unregistered mobile phone connections, often originating from the tribal areas of the country, and several include specific details from the recipient's social media profiles or other online activity.

Technical Attacks

Technical attacks against the websites of nongovernmental organizations, opposition groups, and activists are common in Pakistan but typically go unreported due to self-censorship. The websites of government agencies are also commonly attacked, often by ideological hackers attempting to make a political statement.[95] In 2015, the website of the religious political party Jamaat-e-Islami was hacked for its alleged support of terrorists.[96]

Officials allege that most cyberattacks originate in India; on the other hand, many Pakistanis also hack Indian websites.[97]

A center in the FIA known as the National Response Centre for Cyber Crimes (NR3C) is supposed to deal with cyber criminals involved in electronic theft, forgery, and other crimes. According to sources in NR3C, there has been 30 percent rise in complaints related to cybercrime.[98] Yet, critics say the FIA's actions are not uniform, and that attacks affecting regular internet users are frequently ignored. The FIA has responded that due to the absence of a law defining cybercrime, the body is unable to ensure that all criminals will be brought to justice.[99]

91 "Cyber crime: FIA director asked to investigate alleged blasphemy," *The Express Tribune*, June 11, 2014, http://bit.ly/1JXTtZT.

92 Iqbal Mirza, "Mob attack over alleged blasphemy: Three Ahmadis killed in Gujranwala," *Dawn,* July 28, 2014, http://bit.ly/1o7tggo.

93 "Blast in Nowshera destroys internet cafe, music store," *Dawn*, February 2, 2013, http://bit.ly/1jiOhdA; "Fresh Bomb Attacks Kill 2 Shias, wound 20 in Pakistan," *Press TV,* January 13, 2013, http://bit.ly/Ssoth2; Associated Press, "Police: Bomb Blast at Mall in Northwestern Pakistan Kills 1 Person, Wounds 12," *Fox News*, February 21, 2013, http://fxn.ws/YI5QCq.

94 Two men died in a shooting attack on an internet café in Karachi which was later reported to be targeting a specific customer, not the venue. "Two killed in attack on internet café," *Dawn*, November 1, 2013, http://bit.ly/1NvPdZq.

95 Hisham Almiraat, "Cyber Attack on Pakistan's Electoral Commission Website," *Global Voices Advocacy*, April 1, 2013, http://bit.ly/1WSbWQL.

96 Usman Khan, "Jamaat-e-Islami website hacked over 'alleged support for terrorism," *The News Tribe,* January 20, 2015, http://bit.ly/1P4CvB5.

97 "Cybercrimes: Pakistan lacks facilities to trace hackers," *The Express Tribune*, February 1, 2015, http://bit.ly/1FWXTW7.

98 Sher, "Absence of comprehensive law against cybercrimes: NR3C of FIA unable to take action against criminals."

99 Saqib Nasir, "Citizens complain Viber calls appear blocked across Pakistan," *The Express Tribune*, October 11, 2013, http://bit.ly/1R2SXPD.