

STATE OF DIGITAL RIGHTS IN PAKISTAN REPORT 2020



Closing Spaces: Coercive Cyber Regulations Impede Online Journalism and Free Speech

International Internet Day - October 29, 2020



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EXECUTIVE SUMMARY

This report looks at the context of the state of digital rights in Pakistan in 2020 within the broader freedom of expression and journalistic frameworks through the lens of developments related to digital rights in Pakistan and studies and research conducted by national and international research groups, advocacy organizations and think tanks over the 2018-20 period. Around the International Internet Day, observed globally on October 29 each year, in 2020 the following key digital rights related trends stand out and are seen as contributing to a general closing of online spaces in Pakistan with online free speech and online journalism in particular being impeded through coercive cyber regulations:

Pakistan's internet policies and regulations

The media legal context of Pakistan during 2020 was characterized by an aggressive federal government seeking to extend and expand its authority to overregulate the media sector and to redefine the boundaries of free speech not just of media and information practitioners, including journalists and online citizens, but also of opposition political parties and civil society movements – and their leaders – aimed at constructing their struggle for human rights.

The Prevention of Electronic Crimes Act (PECA) of 2016 has given the executive-controlled internet regulator Pakistan Telecommunication Authority (PTA) unchecked powers to censor material on the internet. The broad and poorly defined censorship mandate of the PTA includes preventing the maligning of the “state, judiciary or armed forces,” and it claims to have blocked over a million websites on these grounds alone. The cybercrime law, i.e., PECA, is being repeatedly invoked against journalists and opinion makers for exercising freedom of expression and social media activism. Extra-legal violence and fears of being accused of blasphemy is also deterring even genuine speech.

The federal cabinet in the fall of 2020 approved new rules to regulate online content. The rules were suspended in the spring earlier in the year before implementation could begin, after protests from the local civil society and international Internet companies. The Citizens Protection (Against Online Harm) Rules, 2020 provided two distinct structures and procedures: 1) the office of the National Coordinator; and 2) complaint mechanism for blocking or removal of such ‘unlawful’ content online.

In 2020 Pakistan performed poorly on global internet freedom rankings – it was ranked ‘Partly Free’ by Freedom House as it secured only 38 out of a maximum 100 points according to its Freedom of the World Report 2020.

The private broadcast regulator, Pakistan Electronic Media regulatory Authority (PEMRA) opened a consultation for a licensing and regulation regime for Web TV and Over the Top (OTT) content services in January. The scheme was struck down by a Senate committee on human rights that insisted the broadcast regulator did not have the mandate to supervise Internet services.

The PTA, in summer 2020, unleashed another controversy by requiring registration of Virtual Private Networks (VPNs) in Pakistan. It had earlier launched the Device Identification Registration and Blocking System (DIRBS) in 2018 with the professed aim of stopping grey market, illegal/counterfeit devices, snatching/theft of devices and increase in revenue to the government.

National and global digital rights groups have been urging Pakistan to develop its Artificial Intelligence (AI) strategy and guidelines with a human rights framework at the core of its policy. To ensure privacy of the data with the government, the state of Pakistan has been urged to look at the framework provided by the European Union's General Data Protection Regulation (GDPR) and other similar policy frameworks to prevent the unaccountable use of AI and the use of personal data for training these systems.

Freedom of expression and censorship online

Internet freedom declined during this report's coverage period due to authorities' increased blocking of political, social, and cultural websites. The general election environment in 2018 saw connectivity restrictions and increased disinformation. During 2019, journalists also became target of cybercrime law including PECA. In 2019 and 2020 several journalists and rights activists faced inquiries, abductions, investigations, arrests and criminal related to their online / social media activities and posts.

Pakistani media operates in a difficult environment as a routine but the Covid-19 pandemic in 2020 made the situation worse. With businesses closed, even small-scale advertisements, including lifelines from the government, dried up, adversely affecting routine operations of the media industry that employs about 250,000 people. However, a new media future is shaping up as the news that matters is shifting online as audiences and relative freedom of expression become digital because mainstream media has stopped being the guardian of public interest and resorted to being a spokesperson for government priorities.

In terms of online proactive information accessibility, every single one of the 33 federal government ministries have failed to provide over half of the minimum 39 categories of information on their website required under the proactive disclosure clause of the federal right to information law.

Hate speech prevalence online

Pakistani media, including online current affairs platforms, is deeply stereotypical about its portrayal of the country's 7.5 million citizens of non-Muslim religious minority backgrounds who largely remain unheard, unseen and mostly marginalized in the national discourse. Hate speech against religious minorities on social media and their online harassment are also growing threats to freedom of expression. Religious minorities, security agencies, human rights, gender, politics and development are identified as the main discussion themes online that elicit the most hostile reactions from detractors online.

A recent study showed that online news media platforms reported facing hate speech, hostility and organized targeting for their content related to religion, religious minorities and human rights and face threats, abuse, trolling, hacking, blocking and charges of treason

from various threat actors including individuals, political parties, religious groups, unknown organized groups and even official sources.

Digital surveillance

Pakistan has acquired the services of an international company to help build a nationwide “web monitoring system” that employs Deep Packet Inspection to monitor communications and record traffic and call data on behalf of PTA.

While women are frequently targeted in honour killings and social sanctions in the physical world, this violence seeps into the online sphere as well when threats of the said violence are enabled through digital devices. A 2020 study revealed that a significant majority of women journalists not only face online violence, but it that also has a direct impact on their personal and professional life, adding that women journalists who are vocal online remain more vulnerable and that technology related violence against women in Pakistan is burgeoning.

Misinformation, disinformation and fake news

In 2019 and 2020 concerns in Pakistan grew about internet accessibility, its use, and its effects on individuals. There are issues such as data privacy, misinformation, and polarisation when they reflected on the negative aspects of the web. Different people, especially of the opposite gender, experience the Internet differently in Pakistan. Misinformation complaints relate to its spread principally through social media platforms such as Twitter, Facebook, WhatsApp, and TikTok.

CHAPTER 1

Pakistan's internet policies and regulations

Global Information Society Watch (GISW) Report 2019

This GISW report looks at “the human rights legal framework for artificial intelligence (AI) in Pakistan and proposes a theoretical framing for thinking about the obligations of government and responsibilities of private companies in the country, intersecting human rights with the expanding technological capabilities of AI systems.”

The Report states that:

- The field of AI in Pakistan is evolving rapidly and poised to grow significantly over the coming decade.
- The advancements in data collection, processing, increased computing power and low costs of storage have resulted in numerous AI start-ups: offering insights into the control of new diseases; identifying patterns of human interactions setting up smart electrical systems; [developing] intelligent irrigation systems, powering smart cities; analysing shopping data and using AI in identifying tax evaders and policing.
- Most of the development is happening in the private sector, where little consideration or thought is given to human rights principles when designing computer code carrying instructions to translate data into conclusions, information or outputs.

Things to do: Suggestions and Recommendations:

- Pakistan should develop its AI strategy and guidelines with a human rights framework at the core of its policy.
- The government should not focus only on public sector regulation of the use of AI, but also regulate its use in the private sector.
- To ensure privacy of the data with the government, Pakistan should look at the framework provided by the European Union's General Data Protection Regulation (GDPR) and other similar policy frameworks to prevent the unaccountable use of AI and the use of personal data for training these systems.
- Efforts should be made to provide guidelines on ethical coding, design and application, and attention paid to the need for public oversight of AI machine-learning systems.

Freedom House - Freedom in the World Report 2020 - Freedom of Expression and Belief

According to this report, Pakistan is 'Partly Free' as it secured 38 out of 10 points. The report highlights that:

- The Prevention of Electronic Crimes Act (PECA) of 2016 has given the executive-controlled Pakistan Telecommunication Authority (PTA) unchecked powers to censor material on the internet.

- The level of investment in tracking and blocking of sites is typically justified by a professed intention to prevent dissemination of blasphemous and pornographic content.
- The broad and poorly defined censorship mandate of the PTA includes preventing the maligning of the “state, judiciary or armed forces,” and it claims to have blocked 900,000 sites on those grounds as of September 2019.
- In practice, the agency censors content arbitrarily. The Islamabad High Court (IHC) found, for example, that the PTA closed down the website of a leftist party during the 2018 election campaign without justification.
- Extra-legal violence and allegations of blasphemy also deter unfettered speech.

US State Department - Pakistan 2019 Human Rights Report

This Report underscores that:

- The Pakistan government has implemented a systematic, nationwide content-monitoring and filtering system to restrict or block “unacceptable” content, including material that it deems un-Islamic, pornographic, or critical of the state or military forces.
- The restrictive 2016 Prevention of Electronic Crimes Act (PECA) gives the government sweeping powers to censor content on the internet, which authorities used as a tool for the continued clampdown on civil society.

IRADA’s Annual Media Legal Report 2019

The Institute for Research, Advocacy and Development (IRADA) report notes that:

- The media legal context of Pakistan during 2019 was characterized by an aggressive federal government seeking to extend and expand its authority to overregulate the media sector and to redefine the boundaries of free speech not just of media and information practitioners, including journalists and online citizens, but also of opposition political parties and civil society movements – and their leaders – aimed at constructing their struggle for human rights.
- The government onslaught on civil liberties employed a combination of conservative policy proposals and liberal administrative overreaches. These included a major policy attempt to merge all media regulators into a single centralized entity, which was thwarted by public, media and civil society outrage.
- The cybercrime law (i.e., the Prevention of Electronic Crimes Act, PECA, 2016), was repeatedly invoked against journalists and opinion makers for exercising freedom of expression and social media activism.

Freedom Network Digital Rights Monitor 2020

The Monitor states that:

- In January 2019, the federal cabinet approved the idea of a converged media regulator, which would govern broadcast, print, and online media.
- The private broadcast regulator opened a consultation for a licensing and regulation regime for Web TV and Over The Top content services in January. The scheme was struck down by a Senate committee on human rights that insisted the broadcast regulator did not have the mandate to supervise Internet services.
- The federal cabinet approved new rules to regulate online content. The rules were suspended before implementation could begin, after protests from the local civil society and international Internet companies.

IRADA's Biannual Media Legal Report 2020 (Jan-June)

The Report:

- Discusses the emergence of regulatory issues for online freedom of expression and privacy due to the Citizens Protection (Against Online Harm) Rules, 2020.
- States that the Rules provide two distinct structures and procedures: 1) the office of the National Coordinator (Rules 3 to 7); and 2) complaint mechanism for blocking or removal of such 'unlawful' content online (Rules 8 to 12). While second procedure, i.e., complaints mechanism under section 37 of the PECA 2016, appears to be the result of the directions of Islamabad High Court (IHC) in Awami Workers Party Case, first structure seems to be a completely novel idea in the context of PECA 2016.
- Further provides that the Pakistan Telecommunication Authority (PTA), in June 2020, unleashed another controversy by requiring registration of Virtual Private Networks (VPNs) in Pakistan. The PTA further stated that "[a]ction will be taken only against unauthorized VPNs for terminating illegal traffic which causes loss to the national exchequer."

Pakistan's Online Censorship Regime – Bolo Bhi Policy Brief

This policy brief:

- Explains the history of censorship and blocking in Pakistan and illustrates why the Citizens Rules 2020 must immediately be withdrawn and de-notified by the Federal Cabinet, and Section 37 of PECA be repealed by Parliament.
- Discusses ways in which harm to citizens under the scope of already existing offences under PECA, platform policies, user self-help tools and services, and public-private partnerships to facilitate citizens' grievances, is the more important discussion to have, and can actually ensure protection of citizens given these are encouraged by state and society alike.
- Provides that the Citizens Protection (Against Online Harm) Rules, 2020 (CP Rules 2020) surfaced suddenly in February 2020 and became the subject of much debate and criticism. After opposition to them locally and internationally, an announcement was made by the Prime Minister "suspending" the Rules. He also set up a committee tasked with holding consultations on the Rules.

Pakistan Electronic Media Regulatory Authority (PEMRA)'s Annual Report 2015-18

Pakistan Electronic Media Regulatory Authority (PEMRA)'s latest [annual] report covering the period between 2015-18 claims that:

- Television is still the dominant media platform in Pakistan with more than three-fourths of adult (76.2%) watching TV weekly.
- Cable is the most common form of TV service in urban areas however in the most of rural areas of Pakistan satellite services or use of terrestrial antenna is more common.
- On average a television viewer in Pakistan spends 2 hours daily watching television (117 minutes), which means an average Pakistani spends 12% of their active time watching television.

Pakistan Telecom Authority (PTA)'s Annual Report 2019

This Report mentions:

- Broadband has taken Pakistan by storm and growth in both subscription and usage has been the rapid. In 2019, Pakistan had] a broadband subscriber base of 76.3 million. This translates into a broadband penetration of over 36.18% calculated on a single subscription basis.
- Data usage over broadband networks was 2,545 PB for fiscal year 2018-19 from 1,207 PB in fiscal year 2017-18 showing a year-on-year growth of 113%. In order to account for Pakistan's ever-growing data usage, the capacity of networks has been increased, and in 2019 the total international bandwidth had crosses 1.7 TB.
- Rapid growth in mobile data traffic and consumer demand for an enhanced mobile broadband experience have led PTA to the introduction of the fifth generation of mobile technology (5G).
- PTA launched Device Identification Registration and Blocking System (DIRBS) in 2018 with the claims to stop grey market, illegal/counterfeit devices, snatching/theft of devices and increase in revenue to the government.
- PTA identified and blocked more than 824,000 websites/URLs containing pornographic content, including child pornography.
- To curb the menace of child pornography, PTA acquired a list of 2,384 websites from Interpol and blocked their access in the country.

CHAPTER 2

Freedom of expression and censorship online in Pakistan

Freedom House Report - Freedom on the Net (FoTN) 2019 – Pakistan

This report gives Pakistan 26 out of maximum 100 points and terms the country as ‘Not Free.’ As per the report:

- Internet freedom [has] declined during this report’s coverage period due to authorities’ increased blocking of political, social, and cultural websites.
- The general election environment in July 2018 saw connectivity restrictions and increased disinformation.
- Authorities upped their efforts to silence critical journalists and activists using a range of techniques.
- The authorities [have] impose[d] selective restrictions on civil liberties, and some Islamist militant groups carry out attacks on religious minorities and other perceived opponents.

State Department - Pakistan 2019 Human Rights Report

The Report mentions that:

- The FIA, in March 2019, registered a case against senior journalist Shahzeb Jillani in Karachi under the PECA law, accusing him of “defamatory remarks against the respected institutions of Pakistan” and cyberterrorism.
- The government blocked websites because of allegedly anti-Islamic, pornographic, blasphemous, or extremist content.
- There were also reports the government attempted to control or block websites that advocated Baloch independence.

Public interest journalism is one of Pakistan’s biggest coronavirus victims – IMS Report

The Report mentions that:

- Pakistani media operates in a difficult environment as a routine but Covid-19 has made the situation worse. With businesses closed, even small-scale advertisements, including lifelines from the government, have dried up, adversely affecting routine operations of the media industry that employs about 250,000 people.
- Production pressures and health issues are putting the lives of Pakistan’s 20,000 journalists and other media workers at risk.
- However, a new media future is shaping up as the news that matters is shifting online as audiences and relative freedom of expression become digital because mainstream media has stopped being the guardian of public interest and resorted to being a spokesperson for government priorities.

- Critical, public-interest Covid-19 coverage is now natively found on both online-only media platforms such as Sujag, Humsub, NayaDaur and The Current as well as the digital operations of mainstream media groups like Dawn and Jang that offer better content than their offline print and TV operations. Traffic for these digital media platforms has increased manifold.
- Without staying focused on its principal mandate of public interest journalism, media in Pakistan will simply die out as Covid-19 has made clear for conventional media. Public interest digital media can be the phoenix that resurrects professional journalism in Pakistan.

IRADA's Annual Media Legal Report 2019

The Report highlights that:

- During 2019, journalists also became target of cybercrime law including the Prevention of Electronic Crimes Act (PECA) 2016.
- A number of journalists faced inquiries, abductions, investigations, arrests and criminal cases due to their online / social media activities and posts.
- The arrest of Lahore-based journalist Rizwan ur Rehman Razi, a criminal case against Karachi-based journalists Shahzeb Jilani and inquiries by the Federal Investigation Agency (FIA) against five other well-known journalists were victims of PECA law.

IRADA's Biannual Media Legal Report 2020 (Jan-June)

The Report noted that:

- The Lahore High Court (LHC) was petitioned to order action against persons involved in an [alleged] organised scandalous campaign on social media against the judges of the superior courts.
- The Prime Minister Office issued a directive to the FIA against alleged social media campaign against the judiciary of Pakistan.
- A judicial magistrate in Lahore remanded Mr. Izhar ul Haq, a local journalist, in three-day custody of the Federal Investigation Agency (FIA) for his alleged involvement in uploading hate material against state institutions.
- The Counter Terrorism Wing (CTW) of FIA summoned Ms. Gul Bukhari, a social media activist currently based in the United Kingdom (the UK), for her alleged defamatory remarks against national security institutions, judiciary and government of Pakistan Tehreek-e-Insaf.
- A member of National Assembly from Pakistan Tehreek-e-Insaf (PTI) submitted an application against Murtaza Chaudhry and Mustafa Chaudhry, who hosts a political satire show on Neo TV, for insulting PM Imran Khan to the FIA's cybercrime cell.

Full Open Law, Half-Closed Government – PDI 2019 Report by IRADA

This is IRADA's second annual report on the state of proactive disclosure of information online by the federal ministries under the Federal Right of Access to Information Act, 2017. The research results throw up the following key findings:

- Every single one of the 33 federal ministries have **failed to provide over half of the minimum 39 categories of information** on their website required under the proactive disclosure clause of the federal RTI law.
- In accumulation, the 33 federal ministries of the Government of Pakistan in 2019 could

score only 419 (32.56%) out of a maximum of 1,287 performance points.

- The **best performing ministry** in terms of complying with proactive disclosure clause of the federal RTI law in 2019 was Ministry of Finance with 19 points (out of a maximum possible score of 39) but still fell below 50% of expected performance at 48.72%.
- The **worst performing ministry** in terms of complying with proactive disclosure clause of the federal RTI law in 2019 was Ministry of Overseas Pakistanis with the lowest score of 6, i.e., 15.38%.
- **Best performed indicators** were indicator #06 – contact details of officers (available on websites of 31 of 33 federal ministries); indicator #10 – contact details of employees (27 ministries); indicators #01, #02 and #03 – organogram, mission statement and charter / function (26 ministries); and indicator #25 (26 ministries).
- **Worst performed indicators** (zero compliance by all 33 ministries) were indicator #11 – duties/functions; indicator #12 – remuneration; indicator #13 – perks and privileges of employees; indicator #23 – criteria standards or guidelines upon which discretionary powers are exercised; indicator #29 – the prescribed fee required for information request; indicator #32 – audit; indicator #37 – inquiry/investigation reports; and indicator #38 – prescribed information and camera footage having bearing on crime. In short, nine out of 39 categories of information mandated by the federal right to information law have not been proactively provided by any of the 33 federal ministries on their official websites.

Freedom Network Report on Impunity of Crimes against Journalists – 2020

The Report covered analysis of legal cases, including for their official and personal activity and postings online, against 17 journalists in Pakistan during 2018-19 and updated until end-October 2020 – include the following:

Journalists targeted by medium in Pakistan: Journalists working for print media are the most risk to legal cases against them; print media practitioners are twice as likely to be the target of legal action than television media.

The riskiest regions for journalists facing legal cases: Sindh is the most dangerous region for journalists when it comes to registration of legal cases against them. It is three times as risky for journalists as compared to other provinces and federal capital.

Laws being used to target journalists: Most journalists (over one-third) are being charged under various provisions of the Pakistan Penal Code; nearly one-third of the journalists who face legal cases are at risk for being charged under the anti-terrorism law, while they are also at risk of being charged under the electronic crimes law and defamation law.

Criminal allegations being used against journalists: The most frequent allegations (nearly 65%) under which legal cases are registered against journalists include “acting against state institutions” or “defaming state institutions”. In over one-third (35%) of the legal cases against journalists apparently outlandish and frivolous allegations – but which carry serious consequences – are slapped against them, including “illegal possession or arms and explosives,” “drug running,” “keeping banned literature” and even “harassing citizens.”

The most dangerous actors targeting journalists: The state and its functionaries have emerged as the biggest legal threat to journalists in Pakistan with 15 of 17 cases (88.2%)

registered by them while law enforcement agencies such as Police and FIA are the single largest (41.1%) type of actor registering legal cases against journalists.

Instruments of legal entanglement: Over two-thirds of all journalists that face legal cases, FIRs are registered against them; the rest receive either formal legal notices or court summons.

Initiators of legal cases against journalists: In nearly 80% of the legal cases filed against journalists, the initiators were affiliated with various government ministries and departments while individual government officials – often senior ranking bureaucrats – are initiators of the cases against journalists.

How journalists defend themselves against legal cases: Over 80% journalists hire services of a lawyer to defend themselves against legal cases while very few either attempt mediation or counter-departmental action against their accusers.

FIRs against journalists facing legal cases: Most journalists against whom legal cases are filed, find an FIR registered against them.

Variety of allegations and multiple charges against journalists: There is no distinct pattern of specific allegations against journalists facing legal cases; most journalists against whom FIRs are filed face multiple charges.

Actions demanded from complainants: Often more than one action is demanded from journalists from those registering legal cases against them. The most frequent demand (nearly 60%) is proof of allegations printed / posted by journalists in a court of law and the second most frequent (in over one-third of cases) demand is for an apology from journalists.

Adopting offense as the best defense: Most journalists (over two-thirds) ask their lawyers they hire to file counter legal cases against their complainants while one in three journalists facing a legal case focuses on merely defense, not offense.

Legal cases leading to court cases: In only two-thirds of the cases the investigation process by the police was completed and allowed to proceed to court for trial while in one-third cases the challan was not even completed.

Cases declared fit for trial by courts: In the two-third cases in which investigation was completed and landed in court, only about half the cases were declared fit for trial while barely one-third of overall cases were declared fit for trial.

Conclusion of trial in courts: Trials in an overall majority of cases (nearly 60%) never reached conclusion – leaving most journalists without a chance to prove themselves innocent although nearly 80% of cases declared fit for trial reached conclusion.

Outcome of concluded trials – guilty or innocent: In majority of instances (over 80%) where the trial was concluded, the accused journalists were declared innocent and acquitted. However, in overall terms most cases (10 out of 7 – or over 60%) never reached a court or conclusion of trial and, therefore, most of the journalists facing legal cases never got justice.

Freedom Network Report on Impunity of Crimes against Journalists – 2019

The Report covering the period 2013 to 2019 finds that:

- Newspaper journalists (23 killed) are three times most vulnerable than TV journalists (9 killed).
- Khyber Pakhtunkhwa (KP) is the most dangerous province in Pakistan to practice journalism (11 killed) followed by Punjab (9 killed).
- Print journalists are at most risk of being murdered if they are based in KP (8 killed) and Punjab (7 killed) and TV journalists if they are based in Sindh (4 killed) and Punjab (3 killed).
- Most murderers of journalists remain faceless and unidentified but suspects include state actors, political parties and religious groups.
- In 60% of the cases the police fail to complete the investigations into the murder of a journalist to generate a final challan – or a full investigation report – to submit before a court for trial.
- Barely a third of the cases of murdered journalists in Pakistan declared fit for trial in a court of law and completes prosecution in the court.
- The level of impunity enjoyed by killers of journalists in Pakistan is near-complete. The killer of only one of the 33 journalists murdered in the period 2013-18 was convicted (3%).

The report suggests following measures to effectively combat impunity of crimes against journalists in Pakistan:

- Urgent enactment of special federal and provincial laws for safety of journalists
- Appointment of the federal and provincial public prosecutors on safety of journalists
- Implementation of the safety policies, protocols and audits by the journalism organizations in Pakistan, including newspapers, TV channels, radio stations and internet-based media.
- Decriminalize dissent in PECA law: Section 11 (dealing with hate speech) and Section 20 (dealing with defamation) and Clause 37 (dealing with prerogative of Pakistan Telecommunications Authority to arbitrarily block websites) should be abolished. Vagueness around the phrases included in Section 9 (dealing with glorification of an offense) and Section 10 (dealing with cybercrimes) should also be removed to prevent journalists from being targeted for journalism.

Freedom Network's Pakistan Press Freedom Report 2019-2020

This report reveals that:

- The screws on media in Pakistan are being tightened through various means of censorship, including murders, threats, and harassment, resulting in increasing silence and resulting in erosion of public interest journalism.
- Top three categories of violations against the journalists in Pakistan in the period under review include 23 cases of verbal or written threats of murder or other dire consequences (25%), at least 13 cases of offline and online harassment (14%) and 11 cases of assassination attempts (12%) of which seven resulted in killing of journalists.
- Most targeted medium in Pakistan: Of the total of 91 attacks and violations against journalists recorded in Pakistan, TV medium emerged as the single largest victim of type of media with at least 63 cases (69%) of the cases against its practitioners compared to print, radio and internet. Print was the second targeted medium with 25 journalists working for it (28%) while three cases were recorded of online journalists targeted.

CHAPTER 3

Hate speech prevalence online in Pakistan

Religious minorities overlooked in Pakistan's mainstream media – IMS Report 2019

The report states that:

- Pakistani media is deeply stereotypical about its portrayal of the country's 7.5 million citizens of non-Muslim religious minority backgrounds who largely remain unheard, unseen and mostly marginalized in the national discourse.
- Hate speech against religious minorities on social media and their online harassment are also growing threats to freedom of expression in the country of 207 million people.

Narratives of Marginalization – IRADA Study - 2019

The study shows that:

- Overall media coverage of religious minorities (RMs) in quantum terms is generally low and the most widely available media – TV and radio – carry very little or no coverage of them at all.
- Hindus and Christian communities are the focus of almost all of what little coverage of RMs is available with other minorities such as Ahmadis, Sikhs, Buddhists, Kailash, etc., get almost no coverage.
- Overall media coverage of RMs in qualitative terms is generally stereotypical linked to sensitive themes such as blasphemy.
- The minorities are generally painted in a victimhood framework.
- Most coverage about them does not even include their views, opinions or perspectives, rendering them voiceless to their own cause.

To countenance the challenges to the quantitative and qualitative media coverage of religious minorities and to promote greater media professionalism on the subject, the following actions need to be taken, among others:

1. Raise public awareness about news diversity landscape of Pakistani media and its challenges.
2. Sensitize and train the media on religious pluralisms and more nuanced coverage of religious minorities.
3. Promote interface between representatives of religious minorities and media to improve mutual understanding and to curb their stereotyping.
4. Train journalists and online information practitioners with religious minorities backgrounds on professional approaches to a rights-based civic activism.

Hate speech versus free speech – shrinking spaces for minority voices online – IRADA Report

This research aimed to study online freedom of expression challenges, including hate speech, threats, threat actors, response mechanisms, technical shortcomings and resource constraints faced by religious minorities, online information practitioners, civic activists and online media platforms in Pakistan. Here are key findings of the research:

- The participants of the survey recognized hate speech and general hostility towards religious minorities in both a social context and in the online environment in Pakistan.
- The participants of the survey had strong positions on hate speech, recognized it as a clear and present hazard to civil liberties, and were committed to combating it with the help of stakeholders to safeguard fundamental rights of all citizens, especially religious minorities.
- The respondents identified religious minorities, security agencies, human rights, gender, politics and development as the main discussion themes online that elicit the most hostile reactions from detractors online.
- Online news media platforms, among the respondents, reported facing hate speech, hostility and organized targeting for their content related to religion, religious minorities and human rights and face threats, abuse, trolling, hacking, blocking and charges of treason from various threat actors including individuals, political parties, religious groups, unknown organized groups and even official sources.

CHAPTER 4

Digital surveillance in Pakistan

US State Department - Pakistan 2019 Human Rights Report

The Report points out that, according to Coda Story, Pakistan has acquired the services of a Canada-based company to help build a nationwide “web monitoring system” that employs Deep Packet Inspection to monitor communications and record traffic and call data on behalf of the PTA.

Digital Dangers and Capacities – Bytes for All 2019

This report:

- Maps out various trends surrounding the dangers and stigmas associated with the work of HRDs hailing from selected areas of Pakistan;
- Concludes with an analysis of various trends related to the range of work-related threats, external interferences with digital communications, cyber-bullying and online intimidation, etc.;
- Presents highlights on digital literacy of different regions;

Recommendations

- Advocates for more secure measures, safe accessibility and protection of sensitive information;
- suggests for:
 - Enhancing the digital literacy of human rights defenders and associated staff
 - Adoption of digital security protocols as their organizational policies for enabling secure environment for human rights defenders’ community in the country.

CHAPTER 5

Online harassment in Pakistan

COVID 19 and Cyber Harassment - DRF Brief 2020 – Digital Rights Foundation

This policy brief makes recommendations to assist government and other stakeholders in designing COVID 19 response that can help to prevent and respond to cyber harassment against vulnerable and marginalized communities. According to this policy brief:

- 70% of the female population experience sexual or physical violence at least once in their lifetime
- This abuse is not just offline but is interlinked with online spaces as well.
- Technology related violence against women in Pakistan is burgeoning
- Cyber harassment is a gender issue affecting women and children disproportionately

The Policy Brief recommends the followings:

- Streamlining of online complaints system to ensure that complaints can be lodged and case updates can be obtained virtually, ensuring social distancing and minimizing physical contact
- Inclusion of cybercrime law, internet governance, digital forensics and digital rights into the curriculum of the judiciary and law enforcement
- Gender sensitization for law enforcement, prosecutors, court staff and judges and understanding of the gendered risks that women and gender minorities face online.
- Adoption of technology and video-based testimony to ensure timely hearing of cases by courts while ensuring public health and safety protocols during the pandemic. Greater technical expertise for digital forensic and investigation.
- Rapid Response Cell to respond to urgent cases where leaked information can harm personal safety or cause immediate reputational harm
- Case management system to track and receive updates periodically on the status of cases through an online system
- Clear, accessible and publicly available Standard Operating Procedures (SOPs) on privacy, confidentiality, and protection of evidentiary data and identity of the complainant at FIA
- Data protection legislation should be promulgated to protect the fundamental right to privacy of citizens
- More collaboration with civil society organizations through public-private partnership to ensure that public institutions work collaboratively with civil society and academia to complement each other's work
- Facilitation mechanisms to ensure uninterrupted remote operation of state and non-state telephonic Helpline and help the victims / survivors of the violence and harassment.

DRF Cyber Helpline Report – 2019

The Report states that:

- Physical violence is part of the lived experience of women and gender minorities in Pakistan, and online spaces are no exception.
- While women are frequently targeted in honour killings and social sanctions in the physical world, this violence seeps into the online sphere as well when threats of the said violence are enabled through digital devices.
- Harassment is gradually being normalized as an everyday experience for women using online spaces for social interaction.

The Report makes following recommendations for policy makers:

- Government should, in collaboration with civil society organizations, conduct gender sensitization workshop with teachers and community leaders.
- Policies should be introduced to address the gender digital gap by removing the financial, safety and social barriers that women face when accessing digital devices and internet spaces.
- Government should, in collaboration with civil society organizations, conduct gender sensitization workshops with the staff of law enforcement agencies to overcome patriarchal attitudes
- Government should enact meaningful legislation on digital privacy of data protection after consultation with civil society and the general public.
- Strict action must be taken against sexual harassment, surveillance, unauthorised use and dissemination of personal information, and manipulation of personal information including photos and videos.
- Online defamation section in PECA must be repealed
- Ensure that the six months report by the FIA, required under section 53 of the PECA, is submitted regularly and without delay
- Allocate more resources for National Response Centre for Cyber Crimes (NR3C) and increase the number of trained female staff to address online violence against women
- Conduct training for judges on cybercrime law, internet governance and online harassment

Hostile Bytes: A study of online violence against women journalists 2019 – Media Matters for Democracy

The research findings of this MMFD report indicate that:

- A significant majority of women journalists not only face online violence, but it also has a direct impact on their personal and professional life.
- There was a clear consensus among respondents that women journalists face harassment in a different and more personal way than their male counterparts
- Women journalists who are vocal online remain more vulnerable.

Recommendations

- For Law Enforcement Agencies & Federal Investigation Agency
 - Be trained and equipped to deal with the cases that are gender sensitive in nature and require a certain level of understanding around the issues that women, in general, face in Pakistan.
 - Have adequate number of women investigation officers to receive and file complaints of online violence against women.
 - Improve implementation of the Prevention of Electronic Crimes Act 2016 (PECA) to ensure that help is available for women journalists and perpetrators can be held accountable.
- For Media Organisation
 - Create support systems within newsrooms to help women journalists navigate the challenge of online violence. This could include digital safety sessions, legal and psycho-social support to help journalists understand possible courses of action.
 - Ensure that the newsroom staff has necessary gender sensitivity trainings and understanding to become allies who can provide some support if and when their female colleagues are subjected to online violence.
 - Ensure that there is a neutral and gender sensitive committee in place, that has the skill and authority to investigate cases on harassment against women and further ensure that the committee recognises online violence as a serious and punishable form of violence against women.
- For civil society and other stakeholders
 - Arrange skill building and awareness raising sessions for women journalists, enabling them to better respond to instances of online violence, and of the process of filing complaint in case they are targeted online or offline
 - Facilitate creation of a support network that can offer help and support to those who are dealing with or have dealt with online violence.
 - Document structured hate campaigns against women journalists to better understand the trends, which will enable them to devise responsive strategies to counter online violence against women journalists.

CHAPTER 6

Misinformation, Disinformation and Fake News in Pakistan

The Internet as We See: Gendered perceptions from Pakistan – APC and MMFD Report

This study aimed to understand the Internet perceptions of Pakistani users specifically from the lens of gender. The research findings show that:

- Male and female Internet users are in agreement over the benefits offered by the Internet as well as the existence of several major issues that men and women face online.
- They use the Internet as a source of information and entertainment and as a medium for expression and connectivity in personal and professional capacities.
- They expressed similar concerns about Internet accessibility, its use, and its effects on individuals.
- They thought about issues such as data privacy, misinformation, and polarisation when they reflected on the negative aspects of the web.
- The research participants realised that different people, especially of the opposite gender, experience the Internet differently in Pakistan.

Recommendations

- To tackle the issue of harassment, the report recommended that;
 - The government and law enforcement agencies should improve the implementation of relevant sections in the Prevention of Electronic Crimes Act (PECA), so that women facing harassment can feel confident about initiating legal actions against perpetrators of digital harassment.
 - Relevant government bodies and state institutions should initiate gender sensitivity training of law enforcement agencies including police departments and the Federal Investigation Agency (FIA), so they can engage with survivors of digital harassment in a more sensitive and efficient manner. Sensitive attitude by LEAs [law enforcement agencies] will also encourage more women to evoke the law when facing harassment online.
 - The government should enact relevant and effective laws for the protection of user data and privacy
 - Civil society organisations offer resources that can help deal with harassment, including resources for dealing with mental health issues related to harassment
- To tackle the issue of misinformation, the report recommended that:
 - Internet companies and technology platforms should enact mechanisms through which misinformation, specially misinformation that can trigger any kind of violence, can be reported and dealt with efficiently.

- Media and civil society organisations should work to raise awareness about digital disinformation and misinformation and help citizens build their skills in identification of misinformation.
- To counter misperceptions about women's internet use, the report recommended that:
 - The government and other public institutions should take necessary policy and practical measures, so that women users can experience the Internet in a safer way and women's use is not restricted due to the perceived need for protection from negative elements.
 - Both public and private actors should initiate awareness raising campaigns through which negative perceptions about Internet use can be challenged.

COVID-19 and social-politics of medical misinformation on social media in Pakistan – Media Asia 2020, Routledge.

[This paper] discusses the current situation of COVID-19 in Pakistan and health-related misinformation. It discusses misinformation spread through social media (Twitter, Facebook, WhatsApp, and TikTok) in which religious leaders, politicians, and general social media users are promoted as experts, thus, further complicating health literacy crisis.

The paper suggests the **following recommendations** to address misinformation regarding COVID-19 in Pakistan.

- Pakistan needs to put more resources into the Perception Management Initiative (PMI) to address misleading content from social media.
- Pakistan Electronic Media Regulatory Authority (PEMRA) should allocate funds and train media workers to fact-check information from online sources, particularly on WhatsApp, TikTok, Twitter, and Facebook, before broadcasting.
- Pakistan's media should promote only authentic sources for information regarding COVID-19 policies and announcements in news broadcasts, online news sites, and print media articles.
- The government of Pakistan needs to actively engage with Google, Facebook, Twitter, YouTube, and other social media companies to remove and restrict misleading and harmful content from their platforms.
- Pakistan should engage with social media influencers, celebrities, religious scholars, health experts, and cybercrime officials to improve the media literacy and health literacy of the general public through campaigns.

About Freedom Network

Freedom Network is a Pakistan-based media and development sector watchdog registered with the Securities and Exchange Commission of Pakistan (SECP). The organization's core value is to protect freedom of expression, including freedom of the press and Internet, and access to information and promote an informed society that sees media as a key partner in a democratic and pluralist Pakistan. It has the following mandate:

To serve as a watchdog on the right to freedom of expression, including freedom of the press and Internet and of civil society

1. Through 24/7 monitoring of the rights to freedom of expression, including freedom of the press and online
2. Through monitoring and documenting violations of freedom of expression, including freedom of the press and Internet
3. Through researching the causes, symptoms and case studies of the violations of freedom of expression in all forms of media
4. Through monitoring violation of the right to expression of non-media sections of society such as human rights groups, development practitioners, and the performing arts industry.

To promote an ethical and professional media

1. By promoting, supporting and conducting advocacy, research, analysis and training initiatives for media
2. By promoting, supporting and conducting initiatives to help civil society strengthen its stakeholding in a pluralistic, independent, open and professional media with emphasis on professional ethics and journalism best practices
3. By strengthening the interface between media and civil society by improving professional development communications within and for development sector organizations as well as for their supporters and donors
4. By promoting a culture of safety and security for journalists and media houses through advocacy, research and training on issues of safety and impunity against journalists

To serve as an advocate for freedom of expression and access to information as fundamental

1. Through a broad range of advocacy, research and analysis initiatives
2. By promoting and building synergies between and among media and civil society stakeholders
3. By promoting citizens' participation on issues relating to freedom of expression and access to information
4. By conducting assessment missions, studies, research, translations of resources in multiple languages on its own and for other organizations for wider national and international audiences