SPECIAL EDITION

GLOBAL INFORMATION SOCIETY WATCH 2011 UPDATE I

INTERNET RIGHTS AND DEMOCRATISATION

Focus on freedom of expression and association online

Association for Progressive Communications (APC)
and Humanist Institute for Cooperation with Developing Countries (Hivos)

Global Information Society Watch

2011 UPDATE I

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Global Information Society Watch 2011 UPDATE I
Published by the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos)

South Africa
2012

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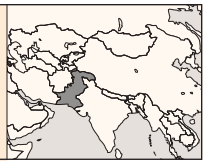
APC-201209-CIPP-R-EN-DIGITAL-164
ISBN: 978-92-95096-73-8

APC and Hivos would like to thank the Swedish International Cooperation Agency (Sida) for its support for Global Information Society Watch 2011 UPDATE I.

THE CHALLENGE OF INTERNET RIGHTS IN PAKISTAN



Shahzad Ahmad and Faheem Zafar
Bytes for All

Background

Pakistan has been lurching from one crisis to another thanks to its geo-political importance, political instability, economic problems, cultural conservatism and religious extremism. Added to that are frequent natural disasters, a seemingly unsolvable energy crisis, rising unemployment and rampant inflation. The country became a playground for external powers after 9/11 when the US launched a war in Afghanistan against Al-Qaeda and its Taliban hosts, resulting in widespread unrest within neighbouring Pakistan. Social, political and economic development has also been slowed by the seemingly intractable tensions with India on the Eastern border.

Pakistan lags behind much of the world on almost all socio-development indicators (health, education, income, gender equality) on the Human Development Index.[1] A large percentage of the national budget is devoted to defense expenditures with comparatively little spent on health, education and public development projects.[2] Regular military coups have hampered political development in the country and left vital institutions like political parties, the judiciary, the media and civil society inordinately weak.

The prevalence of dictatorial regimes has also taken a toll on the basic human rights and freedoms guaranteed in the constitution. Human rights have often been sacrificed to nebulous concepts like "national security", "religious morality" and "the war on terror". The strong influence of religious groups has often made discussion of issues like women's rights, minority rights, sexual rights, ethnic diversity and other types of discrimination taboo. Such is the power of conservative forces in the country that even self-proclaimed progressive and liberal political parties have to follow the agenda set by them.

Freedom of expression, choice and opinion have always been threatened by the government and intelligence agencies. Many clauses in the Constitution are vague and open to interpretation and, unfortunately, the most discriminatory interpretations are used by the government to restrict the free flow of information.

Sixty-three percent of Pakistan's population is under the age of 25.[3] This partly explains the explosion of citizens using internet-based technologies and modern forms of communication.[4] These, too, have come under government scrutiny and, especially since 2005, are often strictly controlled, with the government citing reasons such as national security, religion and morality.

The internet emerged in Pakistan in the early 1990s with the introduction of text-based internet and email communications.[5] With the help of the United Nations Development Programme (UNDP), Pakistan established the Sustainable Development Networking Programme (SDNP)[6] in December 1992. The SDNP was successful in enhancing computer literacy and providing dial-up internet and offline email services to urban centres across the country through five nodes in Islamabad, Karachi, Lahore, Quetta and Peshawar.

Pakistan is also lagging behind in e-government development infrastructure. According to the United Nations E-Government Survey of 2010, Pakistan was ranked 131 in 2008 in the world e-government development index and fell even further to 146 in 2010.[7]

Mobile phone penetration in Pakistan is around 65.2%,[8] while internet penetration is comparatively

1. UNDP, International Human Development Indicators, "Pakistan, Country Profile", hdrstats.undp.org/en/countries/profiles/PAK.html
2. Shahbaz Rana, "Proposed Budget Share: 2% for Higher Education, 20% for Military", *The Express Tribune*, 15 April 2012, tribune.com.pk/story/364865/proposed-budget-share-2-for-higher-education-20-for-military
3. Board of Investment (BOI), "About Pakistan – Youth in Pakistan", www.pakboi.gov.pk/index.php?option=com_content&view=article&id=128&Itemid=55
4. Muhammad Yasir, "Internet Users in Pakistan Cross 20 Million Mark", *The Express Tribune*, 28 October 2011, tribune.com.pk/story/283253/internet-users-in-pakistan-cross-20-million-mark
5. "Brief History of .PK ccTLD, IMRAN.PK, Internet Email in Pakistan", *imran.pk*, www.imran.com/imran.pk.html
6. Sustainable Networking Development Programme (SDNP), "Project Document for Sustainable Development Networking: Pakistan", www.sdnp.undp.org/countries/as/pk/pkpdoc.html
7. United Nations, *E-Government Survey 2010* (New York: UN-DESA, 2010), 69, unpan1.un.org/intradoc/groups/public/documents/un/unpan038851.pdf
8. PTA Telecom Indicators, www.pta.gov.pk/index.php?option=com_content&view=article&id=269:telecom-indicators&catid=124:industry-report&Itemid=599

low at 11%.[9] There are many factors responsible for this disparity, including poor infrastructure, lack of reliable services, high costs, a low literacy rate and low average incomes.[10]

Internet freedom in Pakistan

The rise in internet usage in Pakistan is being accompanied by a corresponding increase in the government's attempts to control and regulate the internet. Under the guise of national security, religious sentiments and morality, there have been massive infringements on the fundamental rights of citizens. The government has been trying to censor the internet since 2003. Recent attempts by the Pakistan Telecommunication Authority (PTA) to ban the use of certain words in SMSes,[11] set up an Internet Filtering System along the lines of the Great Firewall in China and to employ a kill switch on digital communication in Balochistan[12] and Gilgit-Baltistan are just some examples of how the government is eroding the communication rights of its citizens.

The courts, whose role is to uphold the rule of law, have been disappointing in their defense of freedom of expression in general, and internet freedom in particular. There are still many petitions pending in different high courts demanding certain websites be banned on the grounds of "religious morality", "national interest" and other constitutional loopholes. Unfortunately, the courts have often entertained and even ruled in favour of such petitions.

These anti-free speech practices have a chilling effect. There is constant pressure on human rights organisations and activists, who are using the internet to spread awareness through blogging and networking, to not say anything that might be construed as being "objectionable" or "offensive".

Frank La Rue, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, issued an excellent report which explores the issues, global trends and challenges regarding the freedom of internet communication. The report also presents important suggestions and recommendations to ensure the freedom of internet communications for citizens all over the world.[13]

In light of La Rue's work, this report will focus on violations of internet freedom in Pakistan, unclear laws, and legislation and constitutional provisions used by the government to limit freedom of expression, choice and access to the internet in the country. This report will also give an overview of different cases and incidents where government authorities used constitutional loopholes to restrict freedom of expression. It will then explain how these violations negatively impact other human rights issues in the country.

Access to internet and the right to information

Internet communications in Pakistan started surging during the 2000s[14] when many internet service providers (ISPs) emerged and began offering low-cost packages.

In his report to the UN General Assembly in 2011, La Rue said:

> In particular, States take proactive measures to ensure that Internet connectivity is available on an individual or communal level in all inhabited localities of the State, by working on initiatives with the private sector, including in remote or rural areas. Such measures involve the adoption and implementation of policies that facilitate access to Internet connection and to low-cost hardware, remote and rural areas, including the subsidization of service, if necessary.[15]

Around 64% of Pakistan's total population lives in rural areas[16] where internet connectivity is limited due to a lack of infrastructure. The government's role in promoting internet access in these areas has not been satisfactory and very few projects have been started for this purpose. One example of this failure has been the establishment of 365 Rabta Ghar[17] (connectivity centres) in rural areas to provide internet and telephone services. After the pilot phase of this project in 2007, there has been very little information available about its impact on the ground.

Another initiative was the establishment of a Universal Service Fund (USF) to promote access to

9. Internet World Stats, www.internetworldstats.com/stats3.htm#asia
10. Arzak Khan, *Gender Dimensions of the Information Communication Technologies for Development* (Karlstad: University of Karlstad Press, 2009).
11. Shaheryar Popalzai and Jahanzaib Haque, "Filtering SMS: PTA May Ban over 1,500 English, Urdu Words", *The Express Tribune*, 16 November 2011, tribune.com.pk/story/292774/filtering-sms-pta-may-ban-over-1500-english-urdu-words/
12. Bytes for All, "Communication Siege in Balochistan to Mark Pakistan Day 2012", 25 March 2012, content.bytesforall.pk/node/45
13. Frank La Rue, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/66/290* (Geneva: United Nations General Assembly, 2011), www.ohchr.org/Documents/Issues/Opinion/A.66.290.pdf
14. *Broadband Penetration in Pakistan*, a study undertaken by the Ministry of IT, n.d., www.ispak.pk/Downloads/MoITStudyonBroadbandPenetration.pdf
15. La Rue, *Report of the Special Rapporteur*, para. 89
16. "Rural Population in Pakistan", *Trading Economics*, 2012, www.tradingeconomics.com/pakistan/rural-population-wb-data.html
17. "RabtaGhar Updates – PTA Press Release", Telecom, 7 January 2009, telecompk.net/2009/01/07/rabta-ghar-updates

ICT services across Pakistan by establishing Multipurpose Community Telecentres (MCTs)[18] in rural areas. However, the project has fallen victim to organisational corruption and mismanagement and has been unable to deliver satisfactory results.[19]

Further, the Special Rapporteur suggests that "[a]s mobile technology is increasingly being used, and is more accessible in developing States... States [should] support policies and programmes to facilitate connection to the Internet through the use of mobile phones".[20]

As many countries start developing fourth-generation (4G) networks, which will allow speedy internet access on mobile phones, Pakistan, due to a lack of planning and awareness, has not even developed third-generation (3G) networks.[21] This shows a lack of vision and the absence of a policy to adopt these new technologies that would benefit citizens who use mobile phones for internet access.

La Rue also stresses the need to loosen regulation on the internet to ensure a "free flow of ideas and information and the right to seek and receive as well as to impart information and ideas over the Internet".[22]

Article 19 of the Constitution of Pakistan states:

> Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, commission or incitement to an offence.[23]

Article 19 highlights the complexity of laws regarding freedom of speech and the right to information in Pakistan. Historically, Pakistan was among the few countries to introduce a law on freedom of information, called the Freedom of Information Ordinance (1997), which was aimed to ensure the right of citizens to demand information from the government. Unfortunately, this ordinance was allowed to lapse and was never brought before Parliament. In October 2002, the President of Pakistan promulgated the Freedom of Information Ordinance 2002. This ordinance was an improvement of the 1997 ordinance and ensured transparency by allowing citizens access to official records held by any public body of the federal government, including ministries, departments, boards, councils, courts and tribunals. However, the ordinance does not apply to government-owned corporations or to provincial governments.

Meanwhile, Article 19-A, newly-inserted under the 18th Amendment, states:

> Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law. [24]

Both Article 19 and 19-A qualify the fundamental rights of citizens by setting "reasonable restrictions" on grounds relating to the glory of Islam, security or defense of Pakistan, friendly relations with foreign states, public order, decency or morality. The language of these articles is very vague and unclear. In practice, government authorities use these laws to restrict information and curb freedom of speech by taking advantage of their vague language.

In 2011, a lawmaker from the ruling Pakistan People's Party, Sherry Rehman, introduced the Right to Information Bill in the National Assembly, intended to prevent all public bodies from blocking access to public records.[25] The bill was entrusted to a Standing Committee of the National Assembly for further discussion and is progressing towards becoming law.

This bill proposed a number of changes and additions to the Freedom of Information Bill of 2004. A few of the important changes and additions include an expansion of whistleblower protection, an expansion in the definitions of complaints, public records, and public bodies, and protection against premature disclosure. The refusal to disclose records would need to be accompanied by a comprehensive written response by a public official. Additional recourse to the courts emphasised, along with the imposition of a mandatory requirement on the government to maintain and index comprehensive public records, the encouragement of partial disclosure of information if full disclosure is not possible.[26] All these proposed amendments are intended to make the bill clearer, more result-oriented and productive.

18. Absar Kazmi, "USF Connects Pakistani Villages to the World of Infinite Possibilities", *Pakistan Insider*, 6 June 2009, insider.pk/technology/usf-connects-pakistan
19. Abrar Mustafa, "Move to Use Rs45 bn of Telecom Companies for BISP", *The News*, 25 July 2011, www.thenews.com.pk/TodaysPrintDetail.aspx?ID=7644&Cat=13&dt=7/25/2011
20. La Rue, *Report of the Special Rapporteur*, para. 91
21. "PTA Delays 3G Licensing Auction Indefinitely", *dawn.com*, 26 April 2012, dawn.com/2012/04/26/pta-delays-3g-licensing-auction-indefinitely
22. La Rue, *Report of the Special Rapporteur*, para. 81
23. *The Constitution of Pakistan and Fundamental Rights* www.sdpi.org/know_your_rights/know%20you%20rights/The%20Constitution%20of%20Pakistan.htm
24. Ibid
25. Javaid-ur-Rahman, "Right to Info Bill Lands in NA", *The Nation*, 12 October 2011, www.nation.com.pk/pakistan-news-newspaper-daily-english-online/politics/12-Oct-2011/Right-to-Info-Bill-lands-in-NA
26. Jinnah Institute, "The Right to Information Program", 11 October 2011, jinnah-institute.org/programs/open-democracy-initiative/right-to-information

All the proposed amendments and additions presented in the Right to Information Bill 2011 can transform the functionality of the Right of Information Law in Pakistan if approved by the Standing Committee and subsequently adopted by the National Assembly and Senate.

Content blocking

La Rue also said,

> With regard to technical measures taken to regulate types of prohibited expression, such as the blocking of content, the Special Rapporteur reiterates that States should provide full details regarding the necessity and justification for blocking a particular website and that the determination of what content should be blocked must be undertaken by a competent judicial authority or a body that is independent of any political, commercial or other unwarranted influences in order to ensure that blocking is not used as a means of censorship.[27]

The mechanism used by the government to censor the internet, usually done on vague constitutional grounds, is very opaque. This inadequate protection for fundamental rights and freedoms is especially concerning when combined with the government's track record and its plans to filter and block internet content throughout the country.

On 23 February 2012, for example, the National ICT R&D Fund placed an advertisement in the press, calling relevant national and international service providers and companies to submit proposals "for the development, deployment and operation of a national level URL Filtering and Blocking System".[28]

To understand the magnitude of this move, we can look at just one requirement of the proposal, which was posted on the National ICT R&D Fund website: "Each box should be able to handle a block list of up to 50 million URLs (concurrent unidirectional filtering capacity) with processing delay of not more than 1 milliseconds".

Filtering on this massive scale will continue to be governed by unclear concepts like "undesirable content". Once again, the government did not explain what it meant by "undesirable", what kind of websites or material will fall under the term or even why such drastic action was necessary.

Last August, the government launched yet another unprecedented attack on internet freedom. This time it was by issuing a legal notice to all ISPs ordering them to inform government authorities if they found that any of their customers were using virtual private networks (VPNs) to browse the web. VPNs allow internet users to browse the internet anonymously so they can access banned websites and exchange emails without fear of detection. The notice urged ISPs to report customers who are using "all such mechanisms including encrypted virtual private networks (EVPNs) which conceal communication to the extent that prohibits monitoring". The reason they provided for this ban was that it would hinder communication between terrorists.[29]

Article 19,[30] a UK-based human rights organisation, presented a report[31] on the Pakistan Telecommunication Act 1996 and examined its compatibility with international standards relating to the rights to freedom of expression, information and privacy. The report concluded that there are many provisions in the act which are incompatible with Pakistan's obligations under international laws and violate citizens' rights of freedom of expression, access to information and protection of privacy.

The Article 19 report pointed to Article 31 of the Pakistan Telecommunication Act which contains a number of broadly-drafted provisions that criminalise certain categories of speech. Article 31(d) of the act also restricts the transmission of any kind of material which is "indecent or obscene". Without defining the term "mischief" Article 31(h) also creates a penalty for anyone who "commits mischief".

Article 19's report strongly condemned the

> strong power given to the Federal Government in the name of national security to set limitations on free expression and the privacy of communications: Article 8(2)(c) allows the Federal Government to issue decrees on "requirements of national security"; Article 54 overrides all other laws and gives the Government the power to intercept communications and shut down telecommunications systems (see below for detailed analysis of sections) without need for any other legal authorisation or court approval; and Article 57(a)(g) authorises the Government to set rules on "enforcing national security measures.[32]

Article 54(1) of the Pakistan Telecommunication Act also provides government authorities with the

27. La Rue, *Report of the Special Rapporteur*, para. 82
28. Bytes for All, "Locking up the Cyberspace in Pakistan", 24 February 2012, content.bytesforall.pk/node/39
29. Josh Halliday and Saeed Shah, "Pakistan to Ban Encryption Software", *The Guardian*, 30 August 2011, www.guardian.co.uk/world/2011/aug/30/pakistan-bans-encryption-software
30. Article 19, www.article19.org
31. Article 19, *Pakistan: Telecommunications (Re-organization) Act - Legal Analysis* (London: Article 19, 2012), www.article19.org/data/files/medialibrary/2949/12-02-02-pakistan.pdf
32. Ibid

power to intercept communications "in the interest of national security or in the apprehension of any offence". The broad nature of these laws and provisions, and their inappropriate and unfair application by authorities, show how the government is violating the spirit of the law on freedom of expression, opinion and choice when it comes to the internet. This is clearly illustrated by the categories of online content which authorities are focused on restricting and blocking.

The content which is most targeted by the Pakistani authorities falls mostly into three categories:

Blasphemous material

Religion plays a very important role in Pakistani society. When internet communication was reshaping itself as an important part in the lives of young Pakistanis, the government used Islam to justify instructing all ISPs to block any website displaying any kind of blasphemous content. The government has been attempting to censor the internet on these grounds since 2003.[33] In March 2006, the Supreme Court of Pakistan issued orders to regularly monitor the internet for blasphemous material and ban anything which hurts the religious sensitivities of Pakistanis.[34] In Pakistan, due to the high influence of religion in society, the ethical codes of Islam take precedence over certain human rights, such as freedom of speech and expression and the government uses this religiosity to start the process of censorship in Pakistan. That's why blasphemy is an ideal tool for the government to initiate censorship in Pakistan.

In February 2008, the government, in another move to restrict freedom of the internet in Pakistan, ordered all ISPs to ban access to the popular video-sharing website YouTube because it carried "blasphemous" content and material considered offensive to Islam.[35] This attempt at censorship briefly affected worldwide access to YouTube for a few hours as it rerouted many users across the globe when they tried to access the site.[36]

The first attempt at wide-scale censorship was after controversy over a caricature published in Denmark satirising the Prophet Mohammed. In response, the PTA issued instructions to all ISPs in Pakistan to block any website displaying the controversial cartoon images.[37] Since then, the PTA has often restricted access to different websites and online material that it deems blasphemous. Besides YouTube, websites that have been banned at one time or another for the alleged presence of blasphemous material include Flickr, and the user-generated online encyclopedia Wikipedia.[38]

In May 2010, a page on Facebook announced a competition called "Draw Muhammad Day". The government reacted to this by taking the extraordinary step of blocking Facebook, using the same excuse of blasphemy.[39] Instead of respecting the right of citizens to choose what they wish to see on the internet, the government chose censorship.

Due to public outcries, the blanket blocks were only temporary and by the end of May 2012, most of these services were available, although the authorities appeared to shift their strategy by blocking individual webpage links instead.

The latest battle over internet censorship took place on 20 May 2012 when the newly-appointed Minister of Information Technology Raja Pervez Asharaf tried to exploit the religious sentiments of the people by ordering a ban on the micro-blogging website Twitter. He said "it [Twitter] failed to respond and take action regarding the publishing of blasphemous content".[40] After protests by civil society and NGOs[41] working for internet freedom, the blockade was lifted following an intervention from Prime Minister Yousuf Raza Gilani.[42] However, the eight-hour long blanket ban showed that the government of Pakistan is not sincere in providing free and fair internet access to its citizens and has tools and systems in place to ban any website whenever they choose.

In another recent development, on 21 May 2012, the police in the capital city of Islamabad, on the orders of a city court, registered a case against

33. Bahzad Alam Khan, "PTCL Begins Blocking Proxy Servers: Proscribed Sites", *dawn.com*, 27 July 2003, archives.dawn.com/2003/07/28/local7.htm
34. "Blasphemous Websites to be Blocked, Orders SC", *Asia Pacific Arts*, 2 March 2006, www.asiaarts.ucla.edu/071102/article.asp?parentid=40226
35. "Pakistan Blocks YouTube for 'Blasphemous' Content", *Google*, 24 February 2008, afp.google.com/article/ALeqM5io-SE_bmENEzM46rwdVuDt9iK5zg
36. "Pakistan's YouTube Ban Briefly Affected Worldwide Access", *The Economic Times*, 26 February 2008, articles.economictimes.indiatimes.com/2008-02-26/news/27721225_1_danish-newspapers-internet-service-pakistani-cleric
37. Jefferson Morley, "Pakistan's Blog Blockade", *The Washington Post*, 8 March 2006, blog.washingtonpost.com/worldopinionroundup/2006/03/pakistans_blog_blockade.html
38. Association for Progressive Communication (APC), "The Shameful Saga of the Internet Ban in Pakistan", 22 July 2010, www.apc.org/en/node/10786
39. Rob Crilly, "Facebook Blocked in Pakistan over Prophet Mohammed Cartoon Row", *The Telegraph*, 19 May 2010, www.telegraph.co.uk/news/worldnews/asia/pakistan/7740295/Facebook-blocked-in-Pakistan-over-Prophet-Mohammed-cartoon-row.html
40. "Twitter Blocked in Pakistan", *The News*, 20 May 2012, www.thenews.com.pk/article-50052-Twitter-blocked-in-Pakistan-
41. Bytes for All, "Federal Minister for IT Slaps Nationwide Twitter Ban on Pakistani Citizens", 20 May 2012, content.bytesforall.pk/node/51
42. Chris Smith, "Twitter Blocked, Then Restored in Pakistan Over 'Draw Muhammad' Row", *techradar.com*, 20 May 2012, www.techradar.com/news/internet/twitter-blocked-then-restored-in-pakistan-over-draw-muhammad-row-1081214

Facebook.[43] The petitioner, Advocate Rao Abdur Rahim, was quoted as saying, "We will approach the High Court for registration of an FIR [First Information Report] against the US embassy". This anger against the US was (according to the petitioner) due to the fact that Twitter is an American company.

In July 2012 the Pakistan Telecommunication Authority banned the official website of a religious minority group, Ahmadiyya.[44] Once again, the excuse offered was blasphemous content on the website. This attempt was an indication that authorities are willing to restrict the rights of religious minorities by censoring their websites.

A week after the incident, another ban was imposed on a watchdog website in Pakistan.[45] This website had been documenting the ruthless killings of Shia people in Pakistan. A protest by the Shia community in Karachi after the banning of the website was dealt with very harshly by the police who blocked the protesters on a road and fired into the air.

Decency or morality

Once the door of internet censorship was opened in the name of blasphemy, the government expanded its efforts. Other excuses for censorship, such as morality, offensive content and unethical material, were added to the list of reasons for content to be filtered in cyberspace. It is important to note that such terms remain undefined and hence unjustifiable.

The most popular target under these new excuses is internet pornography. In October 2011, the PTA announced that a list of 150,000 pornographic websites had been sent to different ISPs, mobile phone service providers and international bandwidth providers to be blocked. In the first stage, over 13,000 pornographic websites were banned.[46] The PTA has further plans to add more websites in a crackdown which plainly violates the freedom of choice granted to individuals under the Constitution.

The real problem with such moral policing is that morality is subjective and open to different interpretations by different individuals. For example, a ban on porn may start with blocking pictures and videos which contain nudity or the depiction of a sexual act, but could well end up making sure all medical documentations of the human body are also blocked. The definitions of concepts like modest or decent attire also differ from person to person. Some may object to women wearing jeans or skirts because it is against their religious values, but it would be difficult to cater to everyone's norms. In addition, such bans directly affect the already dire state of women's rights in the country.

Political dissent

The third kind of justification used by the government to filter the internet – and possibly the most dangerous of all – has been the eradication of anti-government material.

Content on the internet which is not favourable towards the government and, most importantly, towards the all-powerful security establishment (armed forces and intelligence agencies) is already being blocked. The most systematically censored is information disseminated by Baloch and Sindhi political dissidents. Many Baloch websites, forums and online newspapers, including Baloch Warna, Crisis Balochistan, Baloch Hal, Baloch Johd and others, have been blocked all over Pakistan.[47]

In February 2010, the PTA blocked access to some videos on YouTube showing President Asif Ali Zardari telling an unruly audience member to "shut up".[48] In May 2011, Pakistan also banned the popular American music magazine *Rolling Stone*. This ban coincides with the magazine publishing a short article highlighting Pakistan's "insane military spending"[49]. Even after a year, the PTA still hasn't explained why the website was first banned or why it continues to be blocked to this day.

The government justifies this internet censorship spree by citing Section 99 of the Penal Code, which allows the government to restrict access to information that might be prejudicial to the national interest.[50]

Cyber laws

The Electronic Crimes Ordinance (PECO) 2007 is the most recent attempt at instituting cyber law legislation in Pakistan. However, critics decried the bill as being politically motivated and designed to curb

43. Qaiser Zulfiqar, "'Blasphemous Content': Police Register FIR Against Facebook", *The Express Tribune*, 22 May 2012, tribune.com.pk/story/382334/blasphemous-content-police-register-fir-against-facebook

44. "PTA Bans Official Ahmadi Website: Report", *The Express Tribune*, 6 July 2012, tribune.com.pk/story/404509/pta-bans-official-ahmadi-website-report

45. "Ban on Shia Website: Police Disperse Protest Rally in Karachi", *The Express Tribune*, 17 July 2012, tribune.com.pk/story/409505/ban-on-shia-website-police-disperse-protest-rally-in-karachi

46. Aamir Attaa, "PTA Decides to Ban Explicit Websites", *Pro Pakistani*, 20 October 2011, propakistani.pk/2011/10/20/breaking-pta-decides-to-ban-explicit-websites

47. "Baloch Websites Banned", *Daily Times*, 28 April 2006, www.dailytimes.com.pk/default.asp?page=2006\04\28\story_28-4-2006_pg7_5

48. Tasadduq Bashir, "PTA Restricts President Zardari's Famous 'Shut Up' Youtube Video", *TechReaders.com*, 9 February 2010, www.techreaders.com/2010/02/pta-restricts-zardari-shut-up-youtube-video

49. Jillian York, "Pakistan Escalates its Internet Censorship", *Al-Jazeera*, 26 July 2011, www.aljazeera.com/indepth/opinion/2011/07/201172511131058991 2.html

50. "Internet Censorship is in 'National Interest'", *BBCUrdu.com*, 29 July 2006, www.bbc.co.uk/urdu/pakistan/story/2006/07/060729_ptc_website.shtml

dissent. This draconian law was introduced via a presidential ordinance from the dictator Pervez Musharraf but, thanks to effective advocacy by civil society and other stakeholders, it was finally discarded in November 2009.

There are several cases[51] which show that the absence of a cyber crime law is hurting not only internet freedom but directly affecting women and young girls. The government uses the excuse of security to stifle voices of dissent on the internet, but whenever real crimes take place online law-enforcement agencies claim they are helpless to act due to an absence of legislation.

Awareness

In the last decade, Pakistan has witnessed a huge boom in internet communication. The use of social media, internet portals, resources and blogs has surged, but this has also been accompanied by increased attempts at government control. To counter this, the combined efforts of the media, political parties and civil society will be crucial. However, the former two have not yet shown strong support for internet freedom.

Civil society organisations, on the other hand, are working to raise their voice against unjust internet censorship. Recently, when the government tried to initiate a countrywide internet filtering project, civil society organisations dedicated to internet freedom initiated a major campaign protesting this unconstitutional decision.[52] The protest was supported and amplified by the national and international media, human rights organisations and concerned citizens, who demanded the restoration of unconditional internet freedom in the country.

So far, these groups have been very successful in their efforts. First, citizens were educated about implications of this move by issuing public statements[53] and spreading their message through social media. A few parliamentarians who are vocal about freedom of speech and expression were contacted and briefed about the situation.[54] Open letters were sent to the Ministry of Information Technology to seek explanations for the proposed system and the objections of the rights organisations were conveyed to them. All of this work resulted in the government shelving the firewall proposal although, since the cancellation was not accompanied by an official statement, activists suspect that this may just have been a temporary measure to placate them.

The media, on the other hand, has been tardy to address threats to internet freedom. This has especially been the case with the Urdu media. The mainstream electronic media still lacks a strong focus on issues relating to internet freedom. The print media as a whole also ignores these issues, but at least a few individuals are able to get op-ed columns published on the matter.

Few can doubt, however, just how important the internet has become to various actors in Pakistan. For instance, over the past decade, individual activists and groups have made great use of the internet to advance their agenda and fight for their cause, revealing it as a vital tool in their efforts toward social justice.

Pakistan Tehreek-e-Insaaf[55] (an emerging political party in Pakistan led by former cricketer Imran Khan) has been a pioneer in harnessing the potential of the internet to build digital networks, spreading promotional content, mobilising the masses and obtaining real-time feedback. Key figures in the party have made active use of platforms like Twitter and Facebook. Following suit, other major political parties such as the Pakistan Peoples' Party (PPP),[56] Pakistan Muslim League-Nawaz (PML-N),[57] and Muttahida Qaumi Movement (MQM),[58] have also used the medium as a core tool for political activism.

Similarly, the lawyers' movement of 2007,[59] when a large number of protestors took to the streets against Musharraf's removal of judges, was a forerunner in the use of the internet for political purposes. Protests were scheduled on the internet and the movement was strengthened through online petitions, discussions and activism, such as blacking out online images to signal anger and disgust.

There have also been successful online protests against the PTA's SMS filtering campaign, moral policing by a popular TV show host, government plans to build a massive firewall and the Twitter ban.

The outcome of these online protests is cause for hope. The government was put on the defensive and had to accept the demands of civil society and rights organisations. The online protests also forced the mainstream electronic media to take notice and conduct programmes during primetime which debated these issues and raised awareness about citizens' rights.

51. Maham Javaid, "A World Without Law", *Herald Dawn.com*, 17 January 2012, herald.dawn.com/2012/01/17/a-world-without-law.html
52. Bytes for All, "Locking up the Cyberspace in Pakistan", 24 February 2012, content.bytesforall.pk/node/39
53. Ibid
54. Bytes for All, "Internet in Shackles: an Alarming Attack on Pakistan's Nascent Democracy!", 17 March 2012, content.bytesforall.pk/node/44
55. Pakistan TehreekInsaf, www.insaf.pk
56. Pakistan People's Party, www.ppp.org.pk
57. Pakistan Muslim League, pmln.org
58. MuttahidaQaumi Movement, www.mqm.org/default.aspx
59. Lawyers Movement Pakistan, www.movementforruleoflaw.com/lawyersmovementpakistan.php

Impact on other rights

The importance of internet rights is no longer limited to freedom of expression and opinion. Restricting internet freedom now adversely affects many other rights – in areas such as education, the economy, health, women's rights, participation in policy-making, freedom of association and peaceful assembly – and reduces the overall quality of life for citizens.

Education is a basic human right and the internet is a vital resource in accessing it. In the modern world, most educational institutions are using this medium to make the educational experience more efficient and effective. Blanket bans on popular websites like Wikipedia, YouTube and Facebook affect students who use these sites for educational purposes.

Students and young entrepreneurs set up Facebook pages to publicise their small businesses[60] and so when the government bans such websites it ends up significantly hurting them. Additionally, the information technology industry in Pakistan suffers setbacks due to these blanket bans as it cuts off their contact with worldwide business partners.

Websites like Facebook and Twitter also play an important role in creating awareness of important social issues among Pakistani youth. There are many campaigns running on Facebook to promote women rights,[61] sexuality, reproductive health, lesbian, gay, bisexual, and transgender (LGBT) rights,[62] and education.[63] Other campaigns against extremism, forced marriages, conservatism and lawlessness also employ social media. Banning these websites affects these campaigns and frustrates much of their work.

Access to the internet also makes it easier to raise issues about local problems. Social media plays an important role in this regard, mostly in urban centres, as engaged users can voice complaints about issues that are directly affecting them.

In health care, too, the use of social media is having a positive effect. Important health campaigns like polio vaccinations are treated with suspicion in conservative areas of the country[64] and social media plays an important role in breaking such taboos.[65]

The rapid increase in the popularity of internet communication led to the establishment of a specialised government department, the Electronic Government Directorate, to allow digital interaction between the government and its citizens. But the constant attacks on freedom of the internet have prevented this initiative from transforming into a workable solution that would ease digital communication between the government and citizens.

Conclusion

This report examined different areas of internet freedom in Pakistan in light of La Rue's report on the promotion and protection of the right to freedom of opinion and expression on the internet. It also focused on violations of internet freedom in Pakistan, unclear laws, legislation and constitutional provisions used by government authorities to limit freedom of expression, choice and access to the internet in the country. An overview of different cases and incidents where government authorities used constitutional loopholes to restrict the freedom of expression and speech in Pakistan is also presented in the report. This report concludes that:

- Freedom on the net in Pakistan is under constant threat from government authorities. Different excuses have been made to violate the basic right of the citizens to express themselves or access any information they want.
- Civil society, human rights groups and NGOs play an important role in condemning government censorship, but there is a need to widen this role by raising more awareness about internet-related human rights in the country.
- Apart from organisations focused on technology, other civil society organisations working on diverse issues should also join the struggle for internet freedom in Pakistan.
- A new Right to Information Bill has been presented in Parliament and should be adopted immediately.
- Content blocking has been practiced by the government since 2003 and has been used on numerous occasions to block political speech and curb dissent.
- As Pakistan draws close to the next general election, the government is stepping up its censorship efforts. This report requests the international community to take urgent notice of violations of freedom of expression, association and speech in Pakistan and bind the Pakistani government to allow a free and fair flow of information on the internet during the general election.

60. Small Business Entrepreneurs in Pakistan, www.facebook.com/pak.entrepreneur
61. Women's Rights Association Pakistan, www.facebook.com/pages/Womens-Rights-Association-Pakistan/138988659551276
62. LGBT Rights in Pakistan, www.facebook.com/pages/Gay-rights-in-Pakistan/138477319510457?rf=138462952849403
63. Education Emergency, www.facebook.com/edemergencypk
64. Alex Rodriguez, "In Pakistan, Polio Vaccines Cause for Fear", *Los Angeles Times*, 17 October 2011, articles.latimes.com/2011/oct/17/world/la-fg-pakistan-polio-20111017
65. Make Pakistan Polio Free, www.facebook.com/groups/172917472784836

Recommendations for civil society and other stakeholders

This report suggests the following recommendations to improve the situation of internet freedom and human rights in Pakistan. Given the current environment, it is essential to think and plan proactively instead of being reactionary and waiting for the government to launch an attack on internet freedom in the country. It is therefore important to strengthen the role of civil society and build the capacity of the media on internet freedom issues. This can be done by employing the following measures:

- Raise awareness about the importance of freedom of the internet in the country by linking it with other basic human rights. This can be done by campaigning actively in the print and electronic media to educate citizens about their rights and how the government can violate the basic right of free expression and opinion by blocking content on the internet.
- Build the capacity of young activists and volunteers who are eager to spread the message of internet freedom. Such workshops can be organised in different parts of the country by engaging colleges and university students and teachers.
- Engage with progressive voices present in Parliament to streamline the agenda of internet freedom by using the existing system and educating parliamentarians about the importance of the essential right of free expression and opinion.
- Actively and unapologetically condemn every government action which goes against the basic right of free speech guaranteed to the citizens of Pakistan.
- Organise a joint strategy by uniting all groups, activists, NGOs and civil society organisations in Pakistan on the one-point agenda of protecting internet freedom in the country. This by working together and pressurising the government to abstain from any act that will damage internet freedom in the country.
- Participate in the on-going policy processes and work with other stakeholders like IT companies, software houses, ISPs and telecommunication companies to express the concerns NGOs and civil society have regarding the internet regulations in the country.
- Strengthen the consumer rights movement around internet service availability and quality of access.
- Maintain a more coordinated and effective relationship with the international community and human rights bodies to make the world aware of violations of internet freedom in Pakistan.

Recommendations for the government

- Acknowledge the critical importance of universal access to the internet as a facilitator of not only civil, political and economic progress but also in improving social and cultural human rights.
- Provide complete details in clear words regarding the reasons and justification for blocking any particular website and the process must be undertaken by a competent judicial authority or a body that is independent of any political, commercial or other unwarranted influences, in order to ensure that blocking is not used as a means of censorship.
- Ensure internet freedom in Pakistan by removing all restrictions on accessing the internet. Provide its citizens a basic right to express themselves in any way they choose on the internet and stop any kind of internet surveillance or banning of content, regardless of political, religious and social excuses.
- Take steps to ensure the flawless and corruption-free working of the Electronic Government Directorate (a specialised government department established to make digital interaction between citizens and government departments and ministries convenient and efficient).
- Enact pro-people cyber crime legislation to ensure citizens' safety and online privacy.
- Ensure access to the internet for all, including women, the aged, children and people with disabilities. This includes ensuring affordable public internet access, especially in rural areas where infrastructure, education and opportunities are scarce. The government should monitor previous projects aimed at providing internet access in rural areas to analyse weaknesses and develop better infrastructure and projects in these areas. ■