

# Pakistan

	2016	2017		
<b>Internet Freedom Status</b>	<b>Not Free</b>	<b>Not Free</b>	<b>Population:</b>	<b>193.2 million</b>
Obstacles to Access (0-25)	18	19	<b>Internet Penetration 2016 (ITU):</b>	<b>15.5 percent</b>
Limits on Content (0-35)	20	20	<b>Social Media/ICT Apps Blocked:</b>	<b>No</b>
Violations of User Rights (0-40)	31	32	<b>Political/Social Content Blocked:</b>	<b>Yes</b>
<b>TOTAL* (0-100)</b>	<b>69</b>	<b>71</b>	<b>Bloggers/ICT Users Arrested:</b>	<b>Yes</b>
			<b>Press Freedom 2017 Status:</b>	<b>Not Free</b>

\* 0=most free, 100=least free

## Key Developments: June 2016 – May 2017

- Mobile internet service was shut down for more than a year in the Federally Administered Tribal Areas, starting in June 2016 (see **Restrictions on Connectivity**).
- The Prevention of Electronic Crimes Act enacted in August 2016 introduced stronger censorship and surveillance powers with inadequate oversight (see **Legal Environment**).
- A teenager was arrested for allegedly “liking” a blasphemous post on Facebook in September 2016; a court awarded the death penalty in a separate Facebook blasphemy case in June 2017 (see **Prosecutions and Detentions for Online Activities**).
- Five bloggers known for criticizing authorities and religious militancy were abducted in January 2017; one later said a government institution had detained and tortured him. The fifth was still missing in late 2017 (see **Intimidation and Violence**).
- Social media personality Qandeel Baloch was murdered by her brother in July 2016 for videos she shared on Facebook; separately in April 2017, journalism student Mashal Khan was killed by a mob who accused him of online blasphemy (see **Intimidation and Violence**).
- Hackers stepped up attempts to target government critics, attacking a major media website (see **Technical Attacks**).

## Introduction

Internet freedom declined following some dramatic incidents of intimidation and violence related to online activities. Internet shutdowns, a problematic cybercrime law, and cyberattacks against government critics contributed to the ongoing deterioration. Political speech online is vulnerable to restriction as Pakistan enters an election year in 2018.

During the reporting period, internet freedom was undermined on national security grounds, which justified a number of network shutdowns; one has remained in place for more than a year. And websites operated by a political party in Sindh province were blocked when officials accuse members of violence and “anti-Pakistan” positions.

The National Assembly and Senate passed Pakistan’s first comprehensive cybercrime act in 2016, including provisions that allow censorship and surveillance, and could be used to punish online speech. The Prevention of Electronic Crimes Act has come under intense criticism in Pakistan as well as from international rights organizations and the United Nations special rapporteur on freedom of opinion and expression. Rules governing its implementation were still pending during the coverage period, but the legislative developments may have already emboldened others to crack down on online speech, especially blasphemous content. Violence worsened significantly in the past year, often driven by speech perceived to break religious or moral taboos. Some of these interventions took on a political element, particularly when accusations of blasphemy were levied against five bloggers who disappeared in January 2017 in circumstances that remain unclear. The bloggers were known to speak out on various social and political issues, and one has since accused a government institution of abducting him.

## Obstacles to Access

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

## Availability and Ease of Access

Key Access Indicators		
Internet penetration (ITU) <sup>a</sup>	2016	15.5%
	2015	18.0%
	2011	9.0%
Mobile penetration (ITU) <sup>b</sup>	2016	71%
	2015	67%
	2011	62%
Average connection speeds (Akamai) <sup>c</sup>	2017(Q1)	2.3 Mbps
	2016(Q1)	2.5 Mbps

<sup>a</sup> International Telecommunication Union, “Percentage of Individuals Using the Internet, 2000-2016,” <http://bit.ly/1cblxxY>.

<sup>b</sup> International Telecommunication Union, “Mobile-Cellular Telephone Subscriptions, 2000-2016,” <http://bit.ly/1cblxxY>.

<sup>c</sup> Akamai, “State of the Internet - Connectivity Report, Q1 2017,” <https://goo.gl/TQH7L7>.

Internet penetration registered only marginal increases during the reporting period (see Key Access Indicators).

While the cost of internet use has fallen considerably in the last few years,<sup>1</sup> access remains out of reach for the majority of the population. High taxes on internet service push prices higher, including 14 percent at the federal level plus additional sales tax in all provinces except the most populous province of Punjab, where the Punjab Revenue Authority issued a tax exemption to internet service providers in November 2015.<sup>2</sup>

In March 2017, the Peshawar High Court struck down a challenge by the telecommunications provider Pakistan Telecommunication Company Limited (PTCL) against a 19.5 percent tax rate levied on internet, email, and data services by the government in the northwestern province of Khyber Pakhtunkhwa. The court rejected the petitioner's arguments that the high cost restricted internet usage among students, small businesses, and others.<sup>3</sup>

Broadband subscriptions, based on DSL—which uses existing telephone networks—or wireless WiMax technology, are concentrated in urban areas. Most remote areas lack broadband, and a large number of users depend on slow dial-up connections or EDGE, an early mobile internet technology. In such areas, meaningful online activity like multimedia training can be challenging, though faster 3G and 4G networks are making inroads, albeit at a slow pace. Twenty-eight percent of cellular subscribers used 3G/4G connections in 2017.<sup>4</sup>

Several parts of western Pakistan lack internet access, partly because of underdevelopment or ongoing conflict. According to one study, more than 75 percent of tribal areas and 60 percent of the impoverished southwestern province of Baluchistan lacked fiber-optic connections in 2013.<sup>5</sup>

Government initiatives to promote access made progress in 2017. The Punjab government installed 192 free internet hotspots in three big cities, Lahore, Rawalpindi and Multan,<sup>6</sup> though Pakistan's poor record of protecting user privacy may make some users reluctant to use them (see Surveillance, Privacy, and Anonymity).

Yet efforts to improve internet access were undercut by other policies that restricted it. Even while the government pledged to expand broadband and mobile internet services in Baluchistan in late 2016 and early 2017,<sup>7</sup> mobile internet was suspended in the province for undefined security reasons (see Restrictions on Connectivity).<sup>8</sup>

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

2 "Punjab govt withdraws 19.5pc tax on mobile internet", *Dunya News*, November 2015, <http://dunyanews.tv/en/Technology/310432-Punjab-govt-withdraws-195pc-tax-on-mobile-interne>. The notification can be accessed here: [https://prajpunjab.gov.pk/NewsDirectory/Notifications/SALES\\_AX\\_NOTIFICATION\\_ACT\\_2012.pdf](https://prajpunjab.gov.pk/NewsDirectory/Notifications/SALES_AX_NOTIFICATION_ACT_2012.pdf).

3 "PHC declares provincial sales tax on internet services legal", *Dawn*, March 10, 2017, <https://www.dawn.com/news/1319595>.

4 Telecom Indicators, Pakistan Telecommunication Authority (PTA), <http://www.pta.gov.pk/index.php?Itemid=599>, accessed April 21, 2017

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

6 Rameez Khan, "Three Punjab cities get free WiFi hotspots", *The Express Tribune*, February 1, 2017, <https://tribune.com.pk/story/1313247/keeping-people-connected-three-punjab-cities-get-free-wifi-hotspots/>

7 "New broadband plan to cover 12.8% of Balochistan", *The Express Tribune*, November 22, 2016, <https://tribune.com.pk/story/1238800/connecting-unconnected-new-broadband-plan-cover-12-8-balochistan/>; "3G services promised for remote areas of Balochistan", *Dawn*, January 2, 2017, <https://www.dawn.com/news/1305968>.

8 "Security concerns result in suspension of 3G, 4G services in parts of Balochistan", *Daily Times*, February 22, 2017, <http://dailytimes.com.pk/pakistan/22-Feb-17/security-concerns-result-in-suspension-of-3g-4g-services-in-parts-of-balochistan>.

Low literacy, difficult economic conditions, and cultural resistance have also limited the proliferation of ICTs.<sup>9</sup> The digital divide between men and women in Pakistan is among the highest in the world as a result of religious, social, and cultural restrictions on women owning devices.<sup>10</sup> Even women who have access are likely to have their digital activities heavily monitored by family members and other social connections. Women who are active online report high levels of online harassment that discourages greater utilization of ICTs. Reports of harassment are frequent, and at least one woman was killed during the reporting period in reprisal for sharing images of herself on social media (see Intimidation and Violence).

Increasing security measures mean that users must register fingerprints along with other identifying information when applying for broadband internet packages and mobile service.<sup>11</sup> This has worrying implications for human rights activists and others who rely on anonymous internet access, and may discourage some from seeking home service. Unregistered phones have been subject to disconnection (see Surveillance, Privacy, and Anonymity).

## Restrictions on Connectivity

The government briefly suspended mobile internet in different parts of the country in 2016 and 2017 on grounds that terrorists could use the networks to coordinate violent acts. Much longer shutdowns were implemented in restive border regions, including one lasting more than a year in Federally Administrated Tribal Areas (FATA). The state also controls most of the backbone infrastructure.

Security considerations continued to intrude on telecommunication services during religious and national holidays:

- On October 12, 2016, mobile services were suspended for several hours in more than a dozen cities and towns due to security fears surrounding processions scheduled during the Ashura holiday. The Ashura holiday is observed most visibly by the Shiite sect, which is a minority in Pakistan and often the target of sectarian terrorist groups.<sup>12</sup>
- In November 2016, the interior ministry directed cellular service operators to temporarily block service in Sindh province, the territory of Gilgit-Baltistan, and some districts of Khyber Pakhtunkhwa as part of Chehlum, a day observed particularly by Shiite Muslims.<sup>13</sup>
- Cellular services were suspended intermittently both before,<sup>14</sup> and during Pakistan Day

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

10 Ismail Sheikh, "Pakistan has world's highest gender gap in mobile phone usage", *The Express Tribune*, November 23, 2016, <https://tribune.com.pk/story/1239596/pakistan-worlds-highest-gender-gap-mobile-phone-usage/>.

11 "SIM to be issued after biometric verification", *Dawn*, July 29, 2014, <https://www.dawn.com/news/1122290>.

12 "Ashura security: Mobile phone services suspended in various cities", *Samaa TV*, October 12, 2016, <https://www.samaa.tv/pakistan/2016/10/ashura-security-mobile-phone-services-suspended-across-sindh/>; "Ashura security: Mobile phone services suspended", *The News*, October 12, 2016, <https://www.thenews.com.pk/latest/156818-Ashura-security-Mobile-phone-services-to-be-suspended>.

13 "Mobile phones to go silent in Sindh, GB from 12pm today", *The News*, November 21, 2016, <https://www.thenews.com.pk/latest/166572-Mobile-phones-to-go-silent-on-Chehlum-today>.

14 "Cellular phone service partially suspended in Pindi, Islamabad", *Samaa TV*, March 19, 2017, <https://www.samaa.tv/pakistan/2017/03/cellular-phone-service-partially-suspended-in-pindi-islamabad/>.

parades in the federal capital and surrounding territories on March 23.<sup>15</sup> Officials said that the shutdown was restricted to an area within a 10 kilometer radius of the parade venue in Islamabad.<sup>16</sup>

During the coverage period, 3G, 4G, and LTE mobile internet services were shut down in areas that receive little media attention, such as the conflict-ridden regions of Baluchistan.<sup>17</sup> The most significant shutdown, affecting 3G mobile internet in FATA began on June 12, 2016, following an exchange of fire between local and Afghan forces during the construction of a gate on the Pakistan-Afghanistan border. No official reason was given for the disruption, and service had yet to be restored more than a year later.<sup>18</sup> Mobile devices are the primary source of internet in the region, since the only operational fixed line connection, offered by PTL, is expensive to install.<sup>19</sup> The impact is difficult to quantify, but estimates put the population of FATA at 4.8 million,<sup>20</sup> and the shutdown undoubtedly hindered local citizens' ability to participate in mainstream discourse at a time when important debates about reforming the area's colonial-era governance structure were taking place nationally.

The damage done by service disruptions in general is severe. According to an October 2016 report by the Center for Technology Innovation at the Washington D.C.-based Brookings Institution, internet shutdowns cost Pakistan's economy US\$69.7 million between July 1, 2015 and June 30, 2016.<sup>21</sup> A separate 2015 report highlighted that shutting down cellular services places citizens at risk, rather than protecting them.<sup>22</sup>

Section 54 of the 1996 Pakistan Telecommunications Act grants authorities the power to suspend services, but only during a state of emergency. The use of the law to support the routine shutdowns described in this report is being challenged in the courts. In 2017, the Sindh High Court had yet to issue a decision in cases brought in 2012 by Telenor Pakistan and a doctor who reported being unable to communicate with patients during a shutdown, among others.<sup>23</sup> Hearing a separate petition challenging telecommunications shutdowns during Pakistan Day celebrations, the Islamabad High Court noted in late 2016 that unless the government could prove otherwise, "the suspension of mobile phone services by the government was illegal as powers conferred upon the government under Section 54 (3) of the PTA Act can only be applied in clearly defined

15 "5,000 security officials to be deployed on March 23 for parade" *Pakistan Today*, March 15, 2017, <https://www.pakistantoday.com.pk/2017/03/15/5000-security-officials-to-be-deployed-on-march-23-for-parade/>.

16 "Pakistan Day Parade: Full dress rehearsal to take place in Islamabad today", GEO TV, March 21, 2017, <https://www.geo.tv/latest/135012-Pakistan-Day-Parade-Full-dress-rehearsal-to-take-place-in-Islamabad-today>.

17 "Mobile internet service suspended in parts of Balochistan," *Pakistan Today*, February 22, 2017, <https://www.pakistantoday.com.pk/2017/02/22/mobile-internet-service-suspended-in-parts-of-balochistan/>. "Security concerns result in suspension of 3G, 4G services in parts of Balochistan", *Daily Times*, February 22, 2017, <http://dailytimes.com.pk/pakistan/22-Feb-17/security-concerns-result-in-suspension-of-3g-4g-services-in-parts-of-balochistan>.

18 "Suspension of 3G service perturbs Fata people", *Dawn*, June 12, 2016, <https://www.dawn.com/news/1266225>.

19 "Internet on the Periphery", Digital Rights Foundation, January 31, 2017, <http://digitalrightsfoundation.pk/internet-on-the-periphery/>.

20 "Report of the Committee on FATA Reforms", 2016, Government of Pakistan, <http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>.

21 "Pakistan's economy from internet shutdowns", *Dawn*, October 7, 2016, <https://www.dawn.com/news/1288608>; Darrell M. West, "Internet shutdowns cost countries \$2.4 billion last year", *Centre for Technology Innovation, Brookings Institution*, 2016, <https://www.brookings.edu/wp-content/uploads/2016/10/internet-shutdowns-v-3.pdf>.

22 "Mobile service suspension: A cause of panic and massive socio-economic loss". *Dawn*, October 23, 2015 <http://www.dawn.com/news/1214782>; Institute for Human Rights and Business, "Security v Access: The Impact of Mobile Network Shutdowns, Case Study Telenor Pakistan," September 2015, <http://www.global.asc.upenn.edu/publications/security-v-access-the-impact-of-mobile-network-shutdowns-case-study-telenor-pakistan/>.

23 "Security v Access: The Impact of Mobile Network Shutdowns, Case Study Telenor Pakistan."

circumstances.”<sup>24</sup> The court had yet to issue a judgement in that case in mid-2017.

The state also exerts considerable influence over the internet backbone. The predominantly state owned PTCL controls the country’s largest internet exchange point, Pakistan Internet Exchange (PIE), which has three main nodes—in Karachi, Islamabad, and Lahore—and 42 smaller nodes nationwide. PIE operated the nation’s sole internet backbone until 2009, when additional bandwidth was offered by TransWorld Associates on its private fiber-optic cable, W1.<sup>25</sup>

PTCL also controls access to three international undersea fiber-optic cables: SEA-ME-WE 3 and SEA-ME-WE 4 connect Southeast Asia, the Middle East, and Western Europe; and I-ME-WE links India, the Middle East and Western Europe.<sup>26</sup> In July 2017, PTCL joined the AAE-1 (Asia-Africa-Europe-1) cable system, which connects countries in Asia, Africa, and Europe. The 25,000 km long cable was built as part of China’s One Belt, One Road (OBOR) initiative and provides the lowest latency route to several countries across three continents.<sup>27</sup> Internet rights groups also raised concerns regarding the dangers of a proposed terrestrial cable between Pakistan and China given “China’s model of internet regulation.”<sup>28</sup>

Damaged or inadequate infrastructure periodically disrupts access.<sup>29</sup> In early December 2016, internet services were suspended in parts of Sindh, Punjab, and Baluchistan due to a fault in PTCL fiber-optic cables.<sup>30</sup> Lack of electricity also limited connectivity in 2016 and 2017, as a result of power outages characterized as among the worst in Asia.<sup>31</sup>

## ICT Market

The Internet Service Providers Association of Pakistan reported 50 ISPs operational in Pakistan as of October 2014, the latest available data; 10 provided DSL services.<sup>32</sup> According to licensing information published by the PTA in 2017, there were 16 licensed Wireless Local Loop (WLL) operators,<sup>33</sup> 16 Long Distance and International (LDI) operators,<sup>34</sup> and 15 operational Fixed Local

24 Rizwan Shehzad, “Connection interrupted: Cellular services can only be suspended in ‘emergency’”, *The Express Tribune*, January 18, 2017, <https://tribune.com.pk/story/1298744/connection-interrupted-cellular-services-can-suspended-emergency/>.

25 OpenNet Initiative, “Country Profile—akistan,” August 6, 2012, <http://bit.ly/1LDXNEX>.

26 “PTCL Expects 20pc Growth with Launch of IMEWE Cable: Official,” *The News*, December 22, 2010, <http://bit.ly/1huHRXs>.

27 “PTCL to build largest int’l submarine cable consortium system,” *Daily Times*, January 30, 2014, <http://bit.ly/1L4dxO6>; “AAE-1 subsea cable lands at Crete”, *Capacity Media*, April 19, 2016, <http://bit.ly/1qXbCFs>

28 “Bolo Bhi Statement on the Recent Internet Disruption in Pakistan”, *BoloBhi*, August 7, 2017, <http://bolobhi.org/bolo-bhi-statement-on-the-recent-internet-disruption-in-pakistan/>.

29 Farooq Baloch, “Undersea Cable Cut Affects 50% ofakistan’s Internet Traffic”, *Express Tribune*, March 27, 2013, <http://bit.ly/1FWOnSV>.

30 “PTCL phone, internet services down in parts of Pakistan”, *The Express Tribune*, December 26, 2016, <https://tribune.com.pk/story/1275480/ptcl-phone-internet-services-parts-pakistan/>.

31 Tariq Ahmed Saeedi, “Pakistan’s monthly power outages among highest in Asia: ADB”, *The News*, March 1, 2017, <https://www.thenews.com.pk/print/189340-Pakistans-monthly-power-outages-among-highest-in-Asia-ADB>.

32 Internet Service Providers Association of Pakistan, <http://www.ispak.pk/>.

33 Wireless Local Loop (“WLL”) licenses are issued for the provision of fixed line telecommunication services within a Telecom Region using mediums including wireless, with limited mobility. See, Pakistan Telecommunication Authority, “Local Loop,” <http://www.pta.gov.pk/index.php?Itemid=404>; Pakistan Telecommunication Authority, “Master List of WLL Licensees for Pakistan”, [http://www.pta.gov.pk/media/master\\_list\\_wll\\_290616.pdf](http://www.pta.gov.pk/media/master_list_wll_290616.pdf).

34 Long Distance and International (LDI) licenses are issued for the provision of end to end communication between points that are located in Pakistan with points that are located outside of Pakistan. See, Pakistan Telecommunication Authority, “Long Distance and International,” <http://pta.gov.pk/index.php?Itemid=402>; Pakistan Telecommunication Authority, “LDI Operators for Pakistan”, [http://www.pta.gov.pk/media/ldi\\_list\\_060916.pdf](http://www.pta.gov.pk/media/ldi_list_060916.pdf).



Loop (FLL) operators.<sup>35</sup> Several dozen licenses had also been issued for companies providing value added services in the telecommunications sector.<sup>36</sup> The government regulator, the Pakistan Telecommunication Authority (PTA), exerts significant control over internet and mobile providers through a bureaucratic process that includes hefty licensing fees.<sup>37</sup>

The predominantly-state-owned PTCL has long dominated the broadband market.<sup>38</sup> The Telecom Policy established in 2015 aimed to instill competitive practices in the telecom sector, though it led to overlapping regulatory powers for the Ministry of Information Technology and Telecom (MoITT) and the Competition Commission Pakistan (CCP). However, since the introduction of high-speed mobile internet, mobile internet accounts for approximately 88 percent of the broadband market, which has changed the dynamics of the industry.<sup>39</sup> PTCL still dominates the fixed local loop market (95 percent).<sup>40</sup> FLL penetration was reported at 1.46 percent in late 2016.<sup>41</sup> PTCL controls less of the wireless local loop market (37 percent),<sup>42</sup> just ahead of its main competitor, Wi-Tribe, a private company owned by the HB group (32 percent).<sup>43</sup> WLL penetration was less than one percent in November 2016.<sup>44</sup>

There are four cellular mobile operators in Pakistan. Pakistan Mobile Communication Limited is operated by the parent company VEON, which is headquartered in Amsterdam. It began phasing out the Mobilink and Warid brand names during the reporting period, merging them under the name Jazz to control the country's largest mobile subscriber base.<sup>45</sup> Jazz's main competitors are PTML, which is a PTCL subsidiary operating as Ufone, Telenor Pakistan, which is part of the Norwegian multinational, and China Mobile Pakistan (CMPak).

A Special Communication Organization, a public sector organization under the MoITT that is managed by the army, provides service in the territories of Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB) due to security concerns and difficult terrain.<sup>46</sup> Seven operational LDI licenses<sup>47</sup>

35 Fixed Local Loop ("FLL") licenses are issued for the provision of fixed line telecommunication services within a telecom Region using medium excluding wireless. See, Pakistan Telecommunication Authority, "Local Loop," <http://www.pta.gov.pk/index.php?Itemid=404>; Pakistan Telecom Authority, "List of FLL Operators," [http://www.pta.gov.pk/media/fll\\_030317.pdf](http://www.pta.gov.pk/media/fll_030317.pdf).

36 Pakistan Telecommunication Authority, "List of New/Converted CVAS Licensees," [http://www.pta.gov.pk/media/new\\_cvas\\_100217.pdf](http://www.pta.gov.pk/media/new_cvas_100217.pdf).

37 Pakistan Telecommunication Authority, "Functions and Responsibilities," December 24, 2004, <http://bit.ly/1OpRm9c>.

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

39 Farooq Baloch, "Mobile broadband demand growing at rapid pace", *The Express Tribune*, February 23, 2016, <https://tribune.com.pk/story/1052274/shift-in-trend-mobile-broadband-demand-growing-at-rapid-pace/>.

40 Fixed Local Loop ("FLL"): "License issue for the provision of fixed line telecommunication services within a telecom Region using medium excluding wireless." ("Local Loop (LL)", PTA, [http://www.pta.gov.pk/index.php?option=com\\_content&view=article&id=420:local-loop-ll&catid=136:fixed-line-telephone](http://www.pta.gov.pk/index.php?option=com_content&view=article&id=420:local-loop-ll&catid=136:fixed-line-telephone)"

41 Pakistan Telecommunication Authority, "Telecom Indicators", <http://www.pta.gov.pk/index.php?Itemid=599>.

42 Wireless Local Loop ("WLL"): License issue for the provision of fixed line telecommunication services within a telecom Region using mediums including wireless, with limited mobility ("Local Loop (LL)", PTA, [http://www.pta.gov.pk/index.php?option=com\\_content&view=article&id=420:local-loop-ll&catid=136:fixed-line-telephone](http://www.pta.gov.pk/index.php?option=com_content&view=article&id=420:local-loop-ll&catid=136:fixed-line-telephone))

43 Pakistan Telecommunication Authority, "Telecom Indicators", <http://www.pta.gov.pk/index.php?Itemid=599>.

44 Pakistan Telecommunication Authority, "Telecom Indicators", <http://www.pta.gov.pk/index.php?Itemid=599>.

45 "Mobilink and Warid are now one happy family — but what's in it for customers?,"

46 Section 40 of the Pakistan Telecommunications (Re-organization) Act, 1996 states that "the telecommunication services, within the Northern Areas and Azad Jammu & Kashmir shall be operated by the Special Communication Organization [SCO] and the Authority shall issue a licence to the Organization accordingly." See also, Pakistan Telecommunication Authority, "Cellular Mobile," [http://www.pta.gov.pk/index.php?option=com\\_content&view=article&id=265&Itemid=135](http://www.pta.gov.pk/index.php?option=com_content&view=article&id=265&Itemid=135).

47 Pakistan Telecommunication Authority, "List of LDI Licensees for Azad Jammu & Kashmir and Gilgit-Baltistan (AJK & GB)", [http://www.pta.gov.pk/media/ldi\\_list\\_ajkgb\\_220316.pdf](http://www.pta.gov.pk/media/ldi_list_ajkgb_220316.pdf).

and one operational FLL license<sup>48</sup> have been issued for AJK and GB, which lack provincial status due to a long-running border dispute with India.

Internet cafes on the whole do not require a license to operate, and opening one is relatively easy.<sup>49</sup> Child rights groups have argued that cafes should be regulated to prevent inappropriate access to pornography and gambling sites.<sup>50</sup> In February 2017, the provincial Sindh government issued a ban on all internet cafes “without a proper video surveillance and recording system.”<sup>51</sup> Local owners are now “required to keep copies of all users’ Computerized National Identity Cards, along with recording their cabin numbers and usage time.”<sup>52</sup> In mid-2017, it wasn’t clear if any venues had closed down as a result of the measures.

## Regulatory Bodies

The PTA is the regulatory body for the internet and mobile industry, and international free expression groups and experts have serious reservations about its lack of transparency and independence.<sup>53</sup> The prime minister appoints the chair and members of the three-person authority, which reports to the Ministry of Information Technology and Telecommunication.<sup>54</sup>

The PTA plays an active role in implementing policies that undermine internet freedom. In March 2015, the PTA formally took responsibility for internet content management (see Blocking and Filtering). The Prevention of Electronic Crimes Act 2016 (PECA) codified those powers, and also authorized the PTA to develop “rules of business” regarding the investigations of cybercrimes. However, in early 2017 the PTA had yet to draft any, or show any transparency in the drafting process. Rules are needed to regulate the mode and quality of investigations, a major issue affecting the law’s implementation.

## Limits on Content

*The Prevention of Electronic Crimes Act authorizes the PTA to undertake content management, and political content continued to be blocked without transparency during the reporting period. Other platforms, media, and communication tools are popular and contribute to a vibrant online space, but activism campaigns in support of missing bloggers were hijacked to accuse them of blasphemy.*

## Blocking and Filtering

Authorities in Pakistan issue orders to service providers and also employ technical filtering technologies to limit access to political, religious, and social content online. In June 2017, the U.S.-

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48 Pakistan Telecommunication Authority, “List of FLL Licensees for Azad Jammu & Kashmir and Gilgit-Baltistan (AJK & GB)”, [http://www.pta.gov.pk/media/fll\\_ajk\\_gb\\_23122015.pdf](http://www.pta.gov.pk/media/fll_ajk_gb_23122015.pdf)

49 Sehrish Wasif, “Dens of sleaze,” *Express Tribune*, July 22, 2010, <http://tribune.com.pk/story/29455/dens-of-sleaze/>.

50 Qaiser Butt, “Dirty business in sequestered cubicles,” *The Express Tribune*, February 16, 2015, <http://bit.ly/1L4ekif>.

51 “Internet cafes sans video & recording system banned”, *The News*, February 7, 2017, <https://www.thenews.com.pk/print/184445-Internet-cafes-sans-video-recording-system-banned>.

52 “Internet cafés to install video surveillance”, *The Express Tribune*, February 7, 2017, <https://tribune.com.pk/story/1318859/record-report-internet-cafes-install-video-surveillance/>.

53 Article 19, “Pakistan: Telecommunications (Re-organization) Act,” legal analysis, February 2, 2012, <http://bit.ly/1PI5OOR>.

54 Pakistan Telecommunication Authority, “Pakistan Telecommunication (Re-organization) Act 1996,” *The Gazette of Pakistan*, October 17, 1996, <http://bit.ly/16sASJI>.



based Internet Monitor research project reported that Pakistan “blocks news and human rights websites and content critical of the faith of Islam,” as well as sex and nudity, and tools used to circumvent censorship or protect privacy.<sup>55</sup>

New legal grounds for censorship passed during the coverage period of this report. In August 2016, the Prevention of Electronic Crimes Act (PECA) was approved by the Senate (see Legal Environment). Section 37 grants the PTA wide powers to block or remove any online content that it deems unlawful, “if it considers it necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offense under this Act.” Such a wide mandate to restrict online speech violates Pakistan’s international commitments under the International Covenant on Civil and Political Rights (ICCPR).<sup>56</sup>

This criminal legislation complimented existing regulatory provisions that have long enabled politically motivated censorship of dissenting voices and information perceived as damaging to the military or top politicians. Broad provisions in the 1996 Pakistan Telecommunications Act support censorship for the protection of national security or religious reasons.<sup>57</sup> A Telecommunications Policy approved in 2015 utilized similar language. Section 9.8.3 enabled the PTA to “monitor and manage content including any blasphemous and pornographic material in conflict with the principles of Islamic way of life as reflected in the Objectives Resolution and Article 31 of the Constitution” as well as material that is considered to be “detrimental to national security, or any other category stipulated in any other law.”<sup>58</sup> Section 99 of the penal code separately allows the government to restrict information that might be prejudicial to the national interest.<sup>58</sup>

Political content continued to be blocked without transparency during the reporting period. In August 2016, the government banned websites operated by the Muttahida Qaumi Movement (MQM), a political party based in Sindh province, and said it would take steps to remove affiliate social media accounts after the party’s exiled leader delivered what officials and news report characterized as an “anti-Pakistan” speech.<sup>59</sup> The authorities accused MQM activists of launching a violent attack on a TV station in Karachi, but the party denied responsibility and said the army was using the attack to justify a crackdown on its membership.<sup>60</sup> The party’s official website remained blocked in mid-2017. Political dissent and secessionist movements in areas including Baluchistan and Sindh province have been subject to systematic censorship for years.<sup>61</sup>

The PTA also blocked access to the website of the Indian magazine *India Today* in September 2016. No official reason was given, but the order was implemented immediately after the Lahore High Court dismissed a petition seeking a directive to block the website for publishing “a derogatory

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55 Berkman Klein Center for Internet & Society, Harvard University <https://thenetmonitor.org/research/2017-global-internet-censorship/pak>

56 “Pak Telecom policy 2015 – another step forward for censorship” Digital Rights Foundation, February 10, 2016 <http://bit.ly/1QIQAg9>; <http://digitalrightsfoundation.pk/wp-content/uploads/2016/08/PECB2016.pdf>

57 Article 19, “Pakistan: Telecommunications (Re-organization) Act.”

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

59 Atif Khan, “Govt decides to block all MQM social media sites”, *The Nation*, August 24, 2016, <http://nation.com.pk/newspaper-picks/24-Aug-2016/govt-decides-to-block-all-mqm-social-media-sites>.

60 Deutsche Welle, “Why Pakistan’s army is targeting the MQM party,” August 23, 2016, <http://www.dw.com/en/why-pakistans-army-is-targeting-the-mqm-party/a-18708521>.

61 “PTA letter blocking websites April 25, 06,” *Pakistan 451* (blog), April 27, 2006, <http://bit.ly/1Lmn18M>.

photo of Army Chief General Raheel Sharif.”<sup>62</sup> In January 2017, the satirical website *Khabaristan Times* reported on its Facebook page that it was inaccessible throughout Pakistan, though it had received no “official notification from any regulatory authority.” An unidentified source in the *Pakistan Dawn* newspaper told *Dawn* newspaper that the website had been banned subsequent to a complaint that it hosted “objectionable content.” Civil society groups criticized the lack of transparency behind the decision. *Khabaristan Times* is widely read locally and was even erroneously picked up by international news outlets at times.<sup>63</sup> The website was still blocked in mid-2017.

Social content is also routinely affected by blocking and filtering. Censorship targeting pornography can restrict access to health information and other legitimate content like *Scarleteen*, a U.S.-based sex education website for teenagers.<sup>64</sup> In early 2016, the PTA ordered ISPs to block 429,343 supposedly pornographic websites, but the list and how it was vetted was not publicized.<sup>65</sup>

As a condition of their licenses, ISPs and backbone providers must restrict access to individual URLs or IP addresses upon receipt of a blocking order.<sup>66</sup> Since 2012, successive administrations have sought to move from less sophisticated manual blocking towards technical filtering<sup>67</sup> despite widespread civil society protests.<sup>68</sup> In 2013, the University of Toronto-based research group Citizen Lab reported that technology developed by the Canadian company Netsweeper was filtering political and social content at the national level on the PTCL network.<sup>69</sup> “In addition to using Netsweeper technology to block websites, ISPs also use other less transparent methods, such as DNS tampering,” Citizen Lab noted, highlighting the lack of transparency and accountability surrounding censorship.<sup>70</sup>

Despite its flaws, the PECA introduced some stronger requirements for transparency and accountability. Section 37(2) requires rules to be drafted to ensure a transparent and effective oversight mechanism for blocking or removing online content, but these had yet to be issued during the coverage period. As long as aggrieved parties are not formally notified of blocking orders, they will remain very difficult to appeal, regardless of any oversight provisions under the law.

The same lack of transparency extends to the content affected by censorship, which is often

62 “Noted Indian magazine’s website blocked in Pakistan”, *The Express Tribune*, September 14, 2016, <https://tribune.com.pk/story/1181799/noted-indian-magazines-website-blocked-pakistan/>.

63 Links to news articles from FoxNews and NYTimes: <http://nytlive.nytimes.com/womenintheworld/2015/06/01/women-in-jeans-cause-earthquakes-says-pakistani-politician/> and <http://www.foxnews.com/world/2015/06/02/pakistani-politician-blames-women-wearing-jeans-for-earthquakes.html>.

64 “Pakistan blocks access to teen sex-ed site,” *The Express Tribune*, March 20, 2012, <http://bit.ly/1QeD0pE>.

65 “Pakistan to block over 400,000 porn websites”, *The Express Tribune*, January 26, 2016 <http://bit.ly/1TtIsGk>.

66 PTA Act 1996, art. 23.

67 Danny O’Brien, “Pakistan’s Excessive Internet Censorship Plans,” Committee to Protect Journalists (blog), March 1, 2012, <https://cpj.org/x/4995>; National ICT Research and Development Fund, “Request for Proposal: National URL Filtering and Blocking System,” accessed August 2012, <http://bit.ly/1QeBBiD>; “PTA determined to block websites with ‘objectionable’ content,” *The Express Tribune*, March 9, 2012, <http://bit.ly/xEND9P>; Anwer Abbas, “PTA, IT Ministry at Odds Over Internet Censorship System,” *Pakistan Today*, January 3, 2013, <http://bit.ly/1N471kG>; Apurva Chaudhary, “Pakistan To Unblock YouTube After Building Filtering Mechanism,” *Medianama*, January 10, 2013, <http://bit.ly/TMmcvH>; Abdul Quayyum Khan Kundi, “The Saga of YouTube Ban,” Pakistan Press Foundation, January 2, 2013, <http://bit.ly/1bhpMEP>; “Ministry Wants Treaty, Law to Block Blasphemous Content,” *The News*, March 28, 2013, <http://bit.ly/16JP6yo>. Associated Press of Pakistan, “IT Minister plans to ban ‘objectionable content’ across entire internet,” *The Express Tribune*, <http://bit.ly/1VJApFx>.

68 Shahbaz Rana, “IT Ministry Shelves Plan to Install Massive URL Blocking System,” *The Express Tribune*, March 19, 2012, <http://bit.ly/1MillIQ>.

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

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

inconsistent based on location or across ISPs.<sup>71</sup> Individuals and groups can also initiate censorship by petitioning courts to enact bans on “immoral” online or traditional media content.<sup>72</sup>

No social media and communication apps were blocked during the coverage period, although some were threatened with blocking in a dispute over content (see Content Removal). Platforms have been blocked in the past, notably when the government blocked YouTube from December 2012 until January 2016 in response to the anti-Islamic video “The Innocence of Muslims.”<sup>73</sup>

## Content Removal

State and other actors are known to exert extralegal pressure on publishers and content producers to remove content, but it frequently goes unreported, and the processes involved are not clear. In January 2017, for example, after five bloggers known for criticizing the military and religious extremism were reported missing, the government denied any role in their abduction, but shut down websites and blogs associated with the victims (see Intimidation and Violence).<sup>74</sup>

Takedowns by international companies are more high profile. In February 2017, a private citizen filed a petition at the Islamabad High Court against blasphemous content on Facebook, allegedly published by the same bloggers who went missing in January. The court summoned top officials including the interior minister, the PTA chairman, and the director of the Federal Investigative Agency (FIA), and told them to take any measures necessary to restrict such content, including banning entire platforms.<sup>75</sup> The government said they were meeting with Facebook to discuss the issue, somewhat assuaging public fears of widespread blocking.<sup>76</sup> During a court hearing in March, a government official said Facebook was permanently removing 85 percent of all blasphemous content.<sup>77</sup> Facebook statistics for that period were not available in mid-year, though the company reported restricting six items “alleged to violate local laws prohibiting blasphemy and condemnation of the country’s independence” between July and December 2016.<sup>78</sup>

Section 38 of PECA limits civil or criminal liability for service providers for content posted by users, unless it is proven that the service provider had “specific actual knowledge and willful intent to proactively and positively participate” in cybercrimes committed under the Act. Pakistan previously lacked explicit intermediary liability protections, though experts expressed concern about making intermediary liability contingent on the vague standards implied by terms like “willful.”<sup>79</sup>

71 OpenNet Initiative, “Country Profile— Pakistan,” 2012.

72 “Internet censorship: Court asked to ban inappropriate content,” *The Express Tribune*, June 14, 2011, <http://bit.ly/jOCZFP>.

73 Jon Boone, “Dissenting voices silenced in Pakistan’s war of the web,” *The Guardian*, February 18, 2015, <http://gu.com/p/45yba/stw>. Requests to access Youtube.com redirect users within Pakistan to youtube.com/?hl=ur&gl=PK.

74 “Pakistan: Bloggers Feared Abducted”, *Human Rights Watch*, January 10, 2017, <https://www.hrw.org/news/2017/01/10/pakistan-bloggers-feared-abducted>.

75 Rizwan Shehzad, “Blasphemy: IHC directs authorities to block all social media if necessary”, *The Express Tribune*, March 7, 2017, <https://tribune.com.pk/story/1348784/ihc-directs-authorities-block-social-media-necessary/>.

76 Shakeel Qarar, “Facebook to send delegation for investigating blasphemous content: Interior ministry”, *Dawn*, March 16, 2017, <https://www.dawn.com/news/1320872>.

77 Malik Asad, “Facebook purging blasphemous content, IHC told”, *Dawn*, March 28, 2017, <https://www.dawn.com/news/1323182/facebook-purging-blasphemous-content-ihc-told>.

78 “Government Requests Report for Pakistan”, Facebook, <https://govtrequests.facebook.com/country/Pakistan/2016-H2/>.

79 Mehtab Khan, “The Unwilling Gatekeepers Of The Internet – Internet Service Providers And The Prevention Of Electronic Crimes Act 2016”, *Courting the Law*, <http://courtingthelaw.com/2016/10/10/commentary/the-unwilling-gatekeepers-of-the-internet-internet-service-providers-and-the-prevention-of-electronic-crimes-act-2016/>.

## Media, Diversity, and Content Manipulation

Despite content restrictions, most Pakistanis have access to international news organizations and other independent media, as well as a range of websites representing Pakistani political parties, local civil society groups, and international human rights organizations.<sup>80</sup> There are no major economic constraints on digital media outlets intended to prevent them from publishing independent political news and opinion, though some struggle to stay financially viable

ICTs, particularly mobile phones, promote social mobilization. Since YouTube was unblocked, social networking, blogging, and Voice-over-IP (VoIP) applications have been available and widely used. In September 2016, opportunities were extended to Pakistani content creators as the localized version of YouTube, YouTube.com.pk, announced that it would allow them to benefit from monetized partner videos.<sup>81</sup>

Nevertheless, most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, civil-military relations, separatist movements, and women's and LGBTI (lesbian, gay, bisexual, transgender, and intersex) rights.<sup>82</sup>

There have been no documented examples of cybertroopers paid to distort the online landscape, but some individuals have sought to discredit others online, often by accusing them of blasphemy, a criminal offense which carries a death penalty (see Legal Environment). The blasphemy campaigns often appear coordinated. In one example from the reporting period, social media users poisoned hashtags being used to rally support for missing bloggers, accusing them of blasphemy (see Digital Activism). Separately, a student was murdered in reprisal for alleged blasphemy, shortly after he reported that someone was impersonating him with a fake account on social media (see Intimidation and Violence).

## Digital Activism

Human rights activists have galvanized public support using digital technology, including for internet freedom issues. Some have achieved limited success, and may well have discouraged official from adopting even more restrictive measures. Yet there is still significant resistance at the institutional level to grassroots campaigns, which limits the effectiveness of digital activism. Major efforts leading up to passage of the PECA in 2016, for example, were unable to prevent problematic provisions from being adopted (see Legal Environment).

The coverage period saw an online campaign to recover bloggers abducted in January 2017 through the hashtags #RecoverSalmanHaider and #RecoverAllActivists (see Intimidation and Violence).<sup>83</sup> However, the hashtags were also hijacked by opposing groups who used them to levy unsubstantiated accusations of blasphemy against the missing activists. These accusations were amplified when a court accepted a petition against Facebook for hosting the content (see Content Removal).

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80 OpenNet Initiative, "Country Profile—akistan," 2012.

81 Tooba Masood and Omer Bashir, "YouTube Pakistan officially launched", September 29, 2016, <https://www.dawn.com/news/1286842>.

82 "Surveillance of Female Journalists in Pakistan", *Digital Rights Foundation*, December 31, 2016, <http://digitalrightsfoundation.pk/wp-content/uploads/2017/02/Surveillance-of-Female-Journalists-in-Pakistan-1.pdf>.

83 "Pakistan's Missing Human Rights Activists", *The Diplomat*, January 12, 2017, <http://thediplomat.com/2017/01/pakistans-missing-human-rights-activists/>.

In a statement that appeared to narrow one potential avenue for digital activism, the Securities and Exchange Commission of Pakistan said in March 2017 that “crowd funding is not allowed in Pakistan.”<sup>84</sup> The statement was issued to highlight activity by a single, fraudulent website, but stated that “no company can raise funds” through crowd funding.

## Violations of User Rights

*Violations of user rights continued at high levels during the coverage period, including two unrelated murders by different actors responding to online speech, and five blogger abductions. Civil society groups say the Prevention of Electronics Crimes Act approved in 2016 criminalizes legitimate online activity, and more problematic prosecutions based on allegations of online blasphemy were reported.*

### Legal Environment

Article 19 of Pakistan’s constitution establishes freedom of speech as a fundamental right, although it is subject to several broad restrictions.<sup>85</sup> Pakistan became a signatory to the International Covenant on Civil and Political Rights in 2010.<sup>86</sup>

Several laws have the potential to restrict the rights of internet users, including one passed during the coverage period of this report. In August 2016, the Prevention of Electronic Crimes Act (PECA) became law, despite concerns from civil society organizations regarding the lack of transparency involved in the drafting process. Though it contains some procedural safeguards for cybercrime investigations by law enforcement agencies, international and local human rights groups condemned the law’s overly broad language and disproportionate penalties, including a 14 year prison term for acts of cyber-terrorism that the law failed to adequately define.<sup>87</sup> The law also punishes preparing or disseminating electronic communication to glorify terrorism; and preparing or disseminating information that is likely to advance religious, ethnic or sectarian hatred, both with up to seven years in prison. Section 20 criminalizes displaying or transmitting information that intimidates or harms the “reputation or privacy of a natural person” with a maximum three year prison term or a fine of PKR 1 million (US\$9,500) or both.<sup>88</sup> The law also granted the PTA broad censorship powers (see Blocking and Filtering), and raised privacy concerns (see Surveillance, Privacy, and Anonymity).

The law’s harsh penalties were cause for particular concern in light of recent sentences passed by antiterrorism courts for online speech. In November 2015 and March 2016, two individuals were each sentenced to 13 years in prison in separate cases for allegedly distributing “hateful” or “sectarian” material on Facebook.<sup>89</sup> The material was not reported to involve threats of violence. Those cases would have fallen under earlier counterterrorism legislation such as the Protection of Pakistan Act 2014, which expired in 2016,<sup>90</sup> rather than the new PECA. But closed military courts remain available for

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84 Press Release, “SECP warns public about crowd funding”, Securities and Exchange Commission of Pakistan, March 27, 2017, <https://www.secp.gov.pk/wp-content/uploads/2017/03/Press-Release-March-27-SECP-warns-public-about-crowd-funding.pdf>.

85 The Constitution of Pakistan, accessed September 2012, <http://bit.ly/pQqk0>.

86 “President signs convention on civil, political rights,” *Daily Times*, June 4, 2010, <http://bit.ly/1fyK9TI>.

87 Digital Rights Foundation, “The Prevention of Electronic Crimes Bill 2015 - An Analysis,” June 2016, <https://www.article19.org/data/files/medialibrary/38416/PECB-Analysis-June-2016.pdf>.

88 Prevention of Electronic Crimes Bill: <http://digitalrightsfoundation.pk/wp-content/uploads/2016/08/PECB2016.pdf>.

89 <https://freedomhouse.org/report/freedom-net/2016/pakistan>

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

trying terrorism-related offences. The secretive courts were established in 2015 through the 21st amendment to the constitution, which was set to lapse in January 2017 until the National Assembly and Senate approved a two-year extension.<sup>91</sup>

Other procedural concerns about the law's implementation have been raised. In October 2016, news reports said the government had "accepted a proposal by the Inter-Services Intelligence (ISI) to let its operatives take pre-emptive action against individuals and organizations breaching national security under the recently enacted cybercrime laws."<sup>92</sup> This would effectively authorize the intelligence agency to act unilaterally in cybercrime investigations considered to affect national security.

Sections of the penal code which cover blasphemy, including 295(c) which carries a mandatory death penalty, are frequently invoked to limit freedom of expression, and many cases involve electronic media (see Prosecutions and Detentions for Online Activities). In March 2017, the Islamabad High Court ruled that those accused of posting blasphemous content on social media should be barred from leaving the country until their name is cleared.<sup>93</sup> Any citizen can file a blasphemy complaint against any other, leaving the accused vulnerable to violent reprisals regardless of whether the complaint has foundation. Human rights groups report that the law lacks safeguards to prevent abuse to settle personal vendettas.<sup>94</sup>

Other laws threaten online speech. Sections 36 and 37 of the Electronic Transaction Ordinance of 2002 punish "violations of privacy of information" and "damage to information systems" respectively. The 2002 Defamation Ordinance allows for imprisonment of up to five years. The PECA effectively replaced the ordinances but they were still invoked during the reporting period, and some older cases were also ongoing. Section 124 of the penal code on sedition is broadly worded, and covers acts of sedition "by words" or "visible representation," which could include digital speech, though it has yet to be applied in an online context.<sup>95</sup> The Surveying and Mapping Act 2014 limits digital mapping activity to organizations registered with the governmental authority Survey of Pakistan, with federal permission required for collaborating with foreign companies.<sup>96</sup>

## Prosecutions and Detentions for Online Activities

The climate for prosecutions improved slightly in comparison to the previous reporting period, when two 13-year prison sentences were passed for Facebook comments that were not reported to include threats of violence (see Legal Environment). But arrests continued to be documented, and the brief respite with regard to sentencing was short lived. On June 10, 2017, just days after the end of the coverage period, a court awarded the death penalty in a blasphemy trial involving comments published on Facebook.<sup>97</sup>

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91 "Military courts given legal cover by Senate", Dawn, March 20, 2017, <https://www.dawn.com/news/1323356>.

92 Zahid Gishkori, "National security issues: Govt accepts ISI's role in checking cyber crimes", The News, October 20, 2016, <https://www.thenews.com.pk/print/158580-Govt-accepts-ISIs-role-in-checking-cyber-crimes>.

93 Aamir Jami, "IHC orders blasphemers' names be put on ECL", Dawn, March 9, 2017, <https://www.dawn.com/news/1319184>.

94 <https://www.amnesty.org/en/latest/news/2016/12/pakistan-how-the-blasphemy-laws-enable-abuse/>

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

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

97 BBC, "'Facebook blasphemer' given death penalty," June 12, 2017, <http://www.bbc.com/news/technology-40246754>.



Several new blasphemy prosecutions were initiated in 2016 and 2017. In September 2016, teenager Nabeel Masih was arrested for simply “liking” an allegedly blasphemous post on Facebook.<sup>98</sup> In mid-2017, he was still awaiting trial. More arrests were reported in early 2017, after the Islamabad High Court ordered the government to take swift action against blasphemous material online (see Content Removal). The FIA arrested three individuals for posting blasphemous material online and revealed that they will be tried in closed antiterrorism courts (see Legal Environment).<sup>99</sup> The FIA also claimed to have arrested a “gang” of 11 blasphemers in relation to content published on social media platforms.<sup>100</sup> No further details were available regarding these cases in mid-year.

Political speech was also subject to investigation during the coverage period of this report. In December 2016, the FIA detained three bloggers for allegedly sharing images of Prime Minister Nawaz Sharif with a politician incorrectly identified as a judge.<sup>101</sup> The image was perceived as an attempt to malign the judiciary. No formal charges were pressed, according to official statements

## Surveillance, Privacy, and Anonymity

The Prevention of Electronics Crimes Act passed during the coverage period of this report grants overly broad surveillance powers, both to agencies within Pakistan, and potentially beyond, since it includes provisions that permit the sharing of data with international agencies without adequate oversight.<sup>102</sup> Section 32 requires service providers to retain traffic data for a minimum of one year and allows for that period to be extended with a warrant issued by a court.

There is currently no data protection law in Pakistan. As a result of this lack of oversight, ISPs and mobile companies are not obliged to maintain or comply with data protection policies that protect consumers.<sup>103</sup> Data collected by the state’s National Database Registration Authority (NADRA), which maintains a centralized repository of information about citizens, is not subject to any transparent privacy rules.<sup>104</sup>

Government surveillance is a concern for activists, bloggers, and media representatives, as well as ordinary internet users. Pakistani law enforcement and intelligence agencies appear to have expanded their monitoring activities, including at the local level, ostensibly to curb terrorism and violent crime.<sup>105</sup> In 2015, U.K.-based Privacy International reported that the Pakistani government’s surveillance capabilities, particularly those of the Inter-Services Intelligence Agency, outstrips

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98 Lizzie Dearden, “Teenage Christian boy arrested for sharing ‘blasphemous’ Facebook post in Pakistan”, *The Independent*, September 21, 2016, <http://www.independent.co.uk/news/world/asia/teenage-boy-christian-arrested-sharing-blasphemous-facebook-post-in-pakistan-nabeel-chohan-kaaba-a7321156.html>.

99 Aamir Jami, “FIA arrests three in social media blasphemy case”, *Dawn*, March 24, 2017, <https://www.dawn.com/news/1322531>.

100 “FIA traces ‘11-member gang of blasphemers’”, *The Nation*, March 16, 2017, <http://nation.com.pk/national/16-Mar-2017/fia-traces-11-member-gang-of-blasphemer>.

101 Aamir Atta, “Bloggers Arrested in Pakistan for Posting Fake Images Online”, *ProPakistani*, <https://propakistani.pk/2017/01/01/bloggers-arrested-pakistan-posting-fake-images-online/>.

102 Data includes the “communication’s origin, destination, route, time, data, size, duration or type of underlying service.” See, Nighat Dad, Adnan Chaudhri, “The Sorry Tale of the PECB, Pakistan’s Terrible Electronic Crimes Bill” *Digital Rights Foundation*, November 26, 2015, <http://bit.ly/1WcxTwb>.

103 “Telecoms Privacy & Data Protection Policies in Pakistan”, *Digital Rights Foundation*, December 2016, <http://digitalrightsfoundation.pk/wp-content/uploads/2017/02/Telecoms-Privacy-and-Data-Protection-Policies-in-Pakistan-1.pdf/>.

104 Shaheera Jalil Albasit, “Is Nadra keeping your biometric data safe?”, *Dawn*, October 17, 2016, <https://www.dawn.com/news/1290534>.

105 Masroor Afzal Pasha, “Sindh Police to Get Mobile Tracking Technology,” *Daily Times*, October 29, 2010, <http://bit.ly/16TKfLY>; “Punjab Police Lack Facility of ‘Phone Locator’, PA Told,” *The News*, January 12, 2011, <http://bit.ly/1bRI6bx>.



domestic and international legal regulation.<sup>106</sup> “Mass network surveillance has been in place in Pakistan since at least 2005,” using technology obtained “from both domestic and foreign surveillance companies, including Alcatel, Ericsson, Huawei, SS8 and Utimaco,” according to the report.

A separate 2013 report by Citizen Lab indicated that Pakistani citizens may be vulnerable to FinFisher spyware, which collects data such as Skype audio, key logs, and screenshots.<sup>107</sup> The analysis found FinFisher’s command and control servers in 36 countries worldwide, including on the PTCL network in Pakistan, but did not confirm that actors in Pakistan are knowingly taking advantage of its capabilities. In 2014, however, hackers released internal FinFisher documents indicating that a client identified as “Customer 32” licensed software from FinFisher to infect Microsoft office documents with malware to steal files from target computers in Pakistan.<sup>108</sup>

The Fair Trial Act, passed in 2013,<sup>109</sup> allows security agencies to seek a judicial warrant to monitor private communications “to neutralize and prevent [a] threat or any attempt to carry out scheduled offences.” It covers information sent from or received in Pakistan, or between Pakistani citizens whether they are resident in the country or not. Under the law, service providers face a one-year jail term or a fine of up to PKR 10 million (US\$103,000) for failing to cooperate with warrants. Warrants can be issued if a law enforcement official has “reason to believe” there is a risk of terrorism; it can also be temporarily waived by intelligence agencies. A 2014 white paper issued by the Digital Rights Group said that provisions of the Fair Trial Act contravene the constitution and international treaties which Pakistan has signed.<sup>110</sup>

ISPs, telecommunications companies, and SIM card vendors are required to authenticate the Computerized National Identity Card details of prospective customers with the National Database and Registration Authority (NADRA) before providing service.<sup>111</sup> A reregistration drive was launched following a 2014 terrorist attack on a school that was reportedly facilitated by mobile phones with unregistered SIM cards,<sup>112</sup> and the government added a biometric thumb impression to the registration requirements for SIM cards.<sup>113</sup> In 2015, those who failed to meet the new requirement were warned of automatic disconnection, and 26 million SIM cards were subsequently blocked.<sup>114</sup>

Pakistanis are also vulnerable to surveillance from overseas intelligence agencies. In June 2015, *The Intercept* published revelations of hacking and infiltration of the Pakistan Internet Exchange

106 Matthew Rice, “Tipping the Scales: Security and surveillance in Pakistan,” Privacy International, July 21, 2015, <https://www.privacyinternational.org/node/624>.

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

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

109 “Investigation for Fair Trial Act 2013,” *The Gazette of Pakistan*, February 22, 2013, <http://bit.ly/18esYjq>.

110 “Privacy rights: Whitepaper on surveillance in Pakistan presented,” *The Express Tribune*, November 16, 2014, <http://bit.ly/1L4h8Mc>; Waqqas Mir, et al. “Digital Surveillance Laws in Pakistan,” eds. Carly Nyst and Nighat Dad, (a white paper by Digital Rights Foundation, November 2011) <http://bit.ly/1jg2lzH>.

111 Bilal Sarwari, “SIM Activation New Procedure,” *Pak Telecom*, September 3, 2010, <http://bit.ly/pqCKJ9>.

112 Akhtar Amin, “PTA fails to block unregistered SIMs despite court orders,” *The News*, December 26, 2014, <http://bit.ly/1P4zSyZ>.

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

114 Aamir Attaa, “Biometric Verification of SIMs is not Fool Proof: Chairman P A,” ProPakistani, March 16, 2015, <http://bit.ly/1QelmAZ>; “26 million SIMs Blocked As SIM Reverification Drive Ends, ProPakistani, April 13, 2015 <http://bit.ly/24Bm5VT>.

(PIE) by Britain's GCHQ intelligence agency prior to 2008. According to *The Intercept*, this gave GCHQ "access to almost any user of the internet inside Pakistan" and the ability to "re-route selected traffic across international links towards GCHQ's passive collection systems"<sup>115</sup>

## Intimidation and Violence

Intimidation and violence intensified significantly during the reporting period, when abduction and murders were documented in direct reprisal for digital activities, including an "honor" killing in which a social media personality was murdered by her brother.

In January 2017 five bloggers known to have criticized the establishment, the military, or religious militancy, separately went missing from different parts of the country in the space of a few days.<sup>116</sup> Four of them were recovered after they made contact with their families around the end of January.<sup>117</sup> The fifth, Samar Abbas, had yet to return in mid-2017. In June, police said that no progress had been made on the case.<sup>118</sup> The government denied any involvement in the abductions, but in March, one of the recovered activists told the BBC that he had been held by a "government institution" with links to the military" and subjected to torture while he was missing.<sup>119</sup> Online smear campaigns simultaneously accused the bloggers of blasphemy (see Digital Activism). The government shut down websites operated by the bloggers soon after their first disappearance, and a court accepted a petition accusing Facebook of circulating blasphemous content allegedly published by the missing men (see Content Removal).

In April 2017, Mashal Khan, a student of journalism in Abdul Wali Khan University in Mardan, was murdered by a mob for allegedly "publishing blasphemous content online."<sup>120</sup> No evidence of any such content was subsequently found,<sup>121</sup> and news reports said Khan had notified his contacts on Facebook the previous December that someone was operating a fake account in his name.<sup>122</sup> In late 2017, 57 individuals had been indicted by an antiterrorism court in relation to the case.<sup>123</sup>

Violence against women thought to have brought shame on their communities can involve ICT usage. Militant Islamic groups have launched attacks on cybercafes and mobile phone stores in the past

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115 "Spies Hacked Computers Thanks To Sweeping Secret Warrants, Aggressively Stretching UK Law", *The Intercept*, June 22, 2015, <http://bit.ly/1VMftZN>.

116 "Pakistan: Bloggers Feared Abducted", Human Rights Watch, January 10, 2017, <https://www.hrw.org/news/2017/01/10/pakistan-bloggers-feared-abducted>.

117 Hassan Raza Hashmi, "Three missing bloggers 'in contact with families'", *Daily Times*, <http://dailytimes.com.pk/islamabad/29-Jan-17/three-missing-bloggers-in-contact-with-families>.

118 Arsalan Altaf, "Six months on, Samar Abbas still missing", *The Express Tribune*, June 7, 2017, <https://tribune.com.pk/story/1429169/six-months-samar-abbas-still-missing/>.

119 "Pakistan activist Waqass Goraya: The state tortured me", BBC News, March 9, 2017, <http://www.bbc.com/news/world-asia-39219307>.

120 Ali Akbar and Hassan Farhan, "Mardan university student lynched by mob over alleged blasphemy: police", *Dawn*, April 15, 2017, <https://www.dawn.com/news/1326729>.

121 "No blasphemous material found in Mashal Khan case: K-P CM", *The Express Tribune*, April 14, 2017, <https://tribune.com.pk/story/1383480/law-judge-cannot-prevail-says-imran-lynching-mardan-student/>.

122 Umer Farooq, "Fake profile statuses go viral on Facebook in K-P after Mashal Khan murder", April 15, 2017, <https://tribune.com.pk/story/1384542/fake-profile-statuses-go-viral-facebook-k-p-mashal-khan-murder>; "Mashal had informed of a fake Facebook account being operated in his name", *GEO News*, April 15, 2017, <https://www.geo.tv/latest/138141-Mashal-Khan-had-informed-of-a-fake-account-being-operated-in-his-name>.

123 Sirajuddin, "ATC indicts 57 people in Mashal Khan lynching case", *Dawn*, September 19, 2017, <https://www.dawn.com/news/1358699>.

for allegedly encouraging moral degradation.<sup>124</sup> No attacks were documented during the coverage period of this report.

Women have also been murdered for digital activities in so-called “honor” killings. In July 2016, Qandeel Baloch, a social media celebrity known for openly expressing her sexuality, was killed by her brother.<sup>125</sup> Baloch had sought police protection following threats when her real identity was published on the internet.<sup>126</sup> Her brother acknowledged killing her because “she was doing videos on Facebook and dishonoring the family name.” He was arrested, along with three other family members accused of carrying out or facilitating the murder, and pleaded not guilty; the cases were ongoing in late 2017. The accused were required to serve trial under new laws; families were previously allowed to forgive the assailants in honor killings to avoid prosecution.<sup>127</sup>

Many people also report being intimidated on digital platforms. Leaking explicit photos, threats of blackmail, and other incidences of online harassment are increasing in Pakistan. In January 2017, Naila Rind, a student at the University of Sindh Jamshoro, committed suicide as a result of blackmail threats received on her mobile phone.<sup>128</sup> While the PECA criminalized blackmail using digital tools, the lack of support for victims means cases are seldom reported.<sup>129</sup> Free expression activists and bloggers have also reported receiving death threats online, and Pakistan is one of the world’s most dangerous countries for traditional journalists.<sup>130</sup>

## Technical Attacks

Technical attacks against the websites of nongovernmental organizations, opposition groups, and activists are common in Pakistan, though many go unreported. The activity increased during the coverage period. In January and April 2017, for example, *Dawn News*, a leading English-language newspaper, revealed that its website was subjected to sustained cyber-attacks.<sup>131</sup> *Dawn* had reported aggressively on the apparently enforced disappearances of bloggers and on civil-military relations.

The websites of government agencies are also commonly attacked, often by ideological hackers attempting to make a political statement.<sup>132</sup> In 2015, the website of the religious political party Jamaat-e-Islami was hacked for its alleged support of terrorists.<sup>133</sup>

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

125 Imran Gopal, “Qandeel Baloch murdered by brother in Multan: police,” *Dawn*, July 23, 2016, <https://www.dawn.com/news/1271213>.

126 Digital Rights Foundation, “Invasion of Privacy and the Murder of Qandeel Baloch,” *GenderIT*, July 21, 2016, <http://www.genderit.org/node/4756>.

127 Jon Boone, “‘She feared no one’: the life and death of Qandeel Baloch,” *The Guardian*, September 22, 2017, <https://www.theguardian.com/world/2017/sep/22/qandeel-baloch-feared-no-one-life-and-death>.

128 Ali Hasan, “Suspect arrested in ‘suicide’ case of Sindh University student a ‘repeat offender’: police,” *Dawn*, January 6, 2017, <https://www.dawn.com/news/1306787/suspect-arrested-for-suicide-of-sindh-university-student>.

129 Nighat Dad and Shmyla Khan, “Naila Rind killed herself because Pakistan’s cybercrime laws failed her,” *Dawn*, January 12, 2017, <https://www.dawn.com/news/1306976>.

130 Committee to Protect Journalists, “56 Journalists Killed in Pakistan since 1992/Motive Confirmed,” accessed January 2014, <http://bit.ly/1LE6kYI>.

131 “Dawn under cyber attack,” *Dawn*, January 22, 2017, <https://www.dawn.com/news/1309940>; Shaoor Munir, “Dawn Media group is under cyber attack,” April 24, 2017, <https://www.techjuice.pk/dawn-media-group-is-under-cyber-attack/>.

132 Hisham Almirat, “Cyber Attack on Pakistan’s Electoral Commission Website,” *Global Voices Advocacy*, April 1, 2013, <http://bit.ly/1WSbWQL>.

133 Usman Khan, “Jamaat-e-Islami website hacked over ‘alleged support for terrorism,’” *The News Tribe*, January 20, 2015, <http://bit.ly/1P4CvB5>.

Cross-border cyberattacks between Pakistan and India remain prevalent.<sup>134</sup> As tensions escalated between the two states in early 2017, hackers claimed to have compromised crucial state websites on both sides of the border. Among the most serious was a claim that Indian hackers had targeted Pakistani airports in Islamabad, Peshawar, Multan, and Karachi.<sup>135</sup>

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

135 "India, Pakistan cyber war intensifies", *The News*, January 4, 2017, <https://www.thenews.com.pk/print/176619-India-Pakistan-cyber-war-intensifie>.