

CENTERING PAKISTANI DIGITAL CONTENT AND CREATORS:

A Policy Brief



Introduction

This policy brief maps the various challenges faced by digital content creators – media organizations, bloggers/vloggers, journalists, filmmakers, artists, musicians, and influencers – in Pakistan. The findings disclosed reflect the first-hand experiences of Pakistani content creators, derived from the four policy consultations held in the form of focus group discussions conducted in the summer of 2022 by Digital Rights Foundation (DRF) with support from UNESCO.

This brief expounds upon these challenges and proposes policy recommendations targeted towards major stakeholders such as state institutions and social media companies; these recommendations cover not only measures to foster development but, more importantly, safeguard the safety and digital freedom of expression and access to information in Pakistan. It is important to foreground that digital creators and media platforms, whether working on informational content, the news, or more entertainment-oriented posts are important stakeholders in digital spaces and are often the individuals or institutions whose labor forms the backbone of the internet and social media. By making digital media organizations and content creators the center of our recommendations, we hope to shed much needed light on their concerns, which are often subsumed under the umbrella of larger media freedoms but rarely addressed in their own right.

Mapping Challenges

1. The Algorithm

Given that social media platforms are increasingly governed by algorithms and automated systems, staying up-to-date with platform algorithmic requirements was one of the biggest challenges faced by content creators and digital media organizations. The algorithm can impact outreach and engagement—a process that is one-sided and often out of the digital creators’ control. The algorithm has the power to render content irrelevant based on non-transparent determinations. Ultimately, the algorithm becomes a law unto itself¹ and has consequences for these digital creators, such as the impact on livelihoods and determining what form and subject matter their content takes. For instance, digital news organizations posit that they are often forced to reduce content on societal and political issues to short videos because the algorithms of social media platforms boost the reach of short videos compared to text-based content. While visuals make the content more accessible, especially for communities with low literacy rates, content and form being determined by the algorithm and not the creator is a persistent issue.

Changes and upgrades to the algorithm are often arbitrary and never transparent. Digital creators and media platforms are forced to adapt in a situation where the goalposts are rapidly changing.

Since promotion and optimization of content through the algorithm is an important factor contributing to content engagement, some content creators, particularly those operating in the digital news media space, claimed they resorted to self-censorship when discussing certain topics. It was noted that content on some political and social issues led to reduced engagement across social media platforms. For instance, algorithms on platforms such as Facebook and Instagram have been found to exhibit a bias (albeit unintentional) against pro-Palestinian content, which often has noticeably reduced views and engagement.² Some digital creators also stated that algorithmic bias manifested in gendered ways.³

Lastly, smaller digital creators faced more challenges with algorithmically-determined engagement and promotion as opposed to bigger content machines; the latter possessing resources

¹ Lawrence Lessig, “Code Is Law,” https://cartorios.org/wp-content/uploads/2020/11/LESSIG_Lawrence_Code_is_law.pdf.

² “Human Rights Due Diligence of Meta’s Impacts in Israel and Palestine in May 2021,” September 22, 2022, <https://www.bsr.org/en/our-insights/blog-view/human-rights-due-diligence-of-meta-impacts-in-israel-and-palestine-may-2021>.

³ There is a larger issue of social media algorithms being programmed to replicate societal bias by repressing content by some people and boosting content by others. For instance in 2019, TikTok admitted to reducing the reach of content made by fat persons, queer persons and persons with disabilities under the justification that they were “more vulnerable to cyberbullying”. See: Chris Köver and others, 'Discrimination: Tiktok Curbed Reach For People With Disabilities' (*netzpolitik.org*, 2022) <https://netzpolitik.org/2019/discrimination-tiktok-curbed-reach-for-people-with-disabilities/>

to constantly churn out content that caters to the algorithm, decreasing smaller content creators' visibility on the platform.

2. Geo-restrictions and location-based discrimination

There is a discernible disparity in payment and monetary incentives for digital creators based in Pakistan compared to their Western counterparts. This is particularly disincentivizing given that while the same content regulation rules apply globally, creators based in bigger economies are, on average, compensated considerably more for producing the same kind of content. Furthermore, revenue-sharing arrangements between content producers and platforms can often be unequal and exploitative, with little bargaining power for the content producer.⁴

Lack of payment services such as PayPal in Pakistan, coupled with various restrictions on international money transfers, have exasperated this issue. Digital creators find receiving payments and paying international fees extremely onerous. This is to say nothing of content creators who lack the means for online payments in the first place due to lacking access to identity documents, credit cards, or formal banking systems. The absence of pay-to-view content platforms such as Patreon was also cited as a disadvantage since it deprives Pakistani digital creators of a means of earning and forces them to rely exclusively on the payment rate set by social media companies.

This issue is compounded by the fact that digital content creation in Pakistan is still an unregulated space. There is a lack of formalized contracts and standardized work practices when it comes to digital creators and media, who are often part of the gig economy. Thus, digital creators in Pakistan are vulnerable to issues such as non-payment, extortion, harassment, and obstacles in filing taxes. The lack of safeguards is partly a product of an absence of legislation in the country protecting the gig economy, freelance workers and digital creators/media.

Additionally, Pakistani content creators are deprived of early-stage access to tools on platforms because of the inconsistent and delayed roll-out of features and updates. For example, the feature 'Instagram Reels' was launched in Pakistan nearly a year after it was already being used in other parts of the world, including other regional counterparts like India. Digital creators reported that this delayed launch resulted in lost traction, and they were forced to play catch up, being at a technical disadvantage and learning how to navigate a new feature in which other digital creators have already developed proficiency in.

⁴ Hannah Gelbart, Mamdouh Akbiak and Ziad Al-Qattan, "TikTok profits from livestreams of families begging," *BBC News*, October 12, 2022, <https://www.bbc.com/news/world-63213567>.

3. Hate speech, bullying and harassment

Hate speech and online bullying is one of the most prevalent challenges faced by content creators in Pakistan. Participants in the consultations felt that there was an increasing culture of intolerance and violence online, which limited their ability to engage in civil discourse. Digital spaces are highly volatile and polarized, making those belonging to marginalized identities particularly vulnerable. Women digital creators and other minority groups felt more susceptible to personal attacks such as stalking, tracking, doxxing, threats of kidnapping, blackmailing, rape threats and abusive backlash that could spill over outside online spaces.

Online harassment and hate speech also had the effect of silencing digital creators, leading to self-censorship and avoiding topics that would lead to abuse. Furthermore, there were limited avenues for support and reporting as most of those impacted by online harassment – particularly women, and gender and religious minorities – did not trust law enforcement agencies to take necessary action.

4. Flawed content moderation by social media platforms

There was consensus that social media companies lacked insight and allocated inadequate resources to cater to Pakistan’s unique cultural context, resulting in frequent lapses in content moderation, i.e. the prevalence of harmful content as well as over-regulation.

Participants in the consultations pointed out that abusive content in Urdu (both using the Arabic or romanized script) is harder to report than English-language content. This is an even bigger problem for regional languages such as Pashto, Sindhi, Balochi, etc., which are widely spoken in Pakistan but less known internationally. Romanized Urdu is not standardized, so even when certain slurs or words are flagged by the platform, variations in spellings slip through. Lastly, digital creators stated that visual content, particularly in the form of videos, was not effectively regulated against Community Guidelines regarding harassment and hate speech.

Apart from the language issue, digital creators felt that some content considered dangerous or harmful in the Pakistani context was not deemed to violate Community Guidelines and/or Terms and Conditions of platforms. For instance, a persistent issue is the posting of pictures or videos of women and girls without their consent. When this content is not sexually explicit, social media platforms often fail to understand that it will be harmful for the women depicted due to strict cultural norms around *pardah/modesty* and ‘honor’.

On the flip side, digital media and content creators have also experienced the issue of “false positives,” where content that does not violate the guidelines of platforms is removed or leads to suspensions. For instance, Meta’s ban on Taliban-related content resulted in the suspension of

several digital media outlets' and journalists' accounts.⁵ Similar issues were experienced when reporting on the Tehreek-e-Labbaik Pakistan (TLP). Digital media outlets do not fall under the 'newsworthiness' exception when reporting on issues of extremism and violence, and are thus vulnerable to suspensions despite the fact that their content is neither condoning nor promoting extremist views.

There is also a rise in coordinated hate and disinformation campaigns, often by troll groups and social media cells, targeting content criticizing state institutions or powerful actors, and individuals such as journalists, activists, gender, ethnic and religious minorities. Given the lack of fact-checking institutions and resources available to individual digital media creators, journalists and organizations, there remains a power imbalance resulting in a reduced ability to counter disinformation.

5. Lack of Enforcement for Digital Intellectual Property

There is a lack of safeguards as well as awareness with regard to intellectual property in digital spaces. Challenges relating to copyright manifested in two main ways in Pakistan. Firstly, digital creators often experience their original work being stolen, copied and/or reuploaded without credit or permission by third parties. This had the effect of depriving them of benefits and earnings from their intellectual labor.

Secondly, digital creators also ran afoul of copyright regulations resulting in copyright strikes on their accounts. In some cases, copyright strikes were erroneous as they were issued against content that was within the purview of acceptable copyright limitations such as fair use (i.e used for the purposes of comment, criticism, education or reporting).

Furthermore, it was identified that there is little awareness of copyright among a majority of Pakistani influencers. For example, even though all online content is protected by the Digital Millennium Copyright Act (DMCA), few content creators in Pakistan knew about this redressal mechanism. Additionally, there was limited available information in social media user guidelines on copyright disputes and how to resolve them. Lastly, automated systems often fail to distinguish between legitimate copyright infringement and fair use allowance.

⁵ "Afghanistan: Facebook continues ban of Taliban-related content," *BBC News*, August 17, 2021, <https://www.bbc.com/news/business-58239786>.

6. Defamation Laws

Defamation in Pakistan is a civil and criminal offense. Online defamation has been criminalized under the *Prevention of Electronic Crimes Act, 2016 (PECA)*.⁶ This defamation provision has been weaponized and used particularly against journalists, public figures, and against survivors of sexual abuse/harassment who speak out against their abusers. The defamation clause has had a chilling effect on the free speech of content creators, given its potential to silence dissent and criticism of public figures and state institutions. The burden of proof is usually on the person making a claim and the penalty for defamation can include up to three years imprisonment and/or a fine of up to a million rupees.

7. Governmental Restrictions

Digital creators in Pakistan face a lack of institutional support from the government. The degree of online freedom enjoyed by digital creators and social media users, in general, is heavily contingent on laws that allow for arbitrary state decisions. This has been particularly true in the case of routine banning of popular platforms such as TikTok,⁷ Youtube,⁸ Facebook⁹ and many others¹⁰ over allegedly “indecent” and “immoral” content. Blanket bans are exercised by the Pakistan Telecommunications Authority (PTA) under section 37 of PECA, which gives wide powers to the PTA to block and remove content. Digital creators felt that arbitrary banning of social media platforms had massive repercussions on those who make a living off these platforms; digital journalists are particularly impacted by the lack of governmental support because they usually work freelance without any institutional support.

Even in cases where laws have been made to provide safeguards, particularly in penalizing hate speech and harassment, application is selective at best. Government mechanisms to report violations and seek relief are often subject to severe bureaucratic delays, serving as a disincentive for victims and survivors. Many lacked confidence in the requisite institutions, such as the cybercrime wing of the Federal Investigation Agency (FIA) and PTA to take meaningful action. Many saw these institutions as means to target them rather than protect them.

⁶ Parts of section 20 of PECA have been struck down by the Islamabad High Court in March 2022. However there is lack of clarity on the status of the section given the fact that there is a conflicting Lahore High Court upholding the constitutionality of the section a month earlier. The apparent conflict between two courts of equal status can be resolved by intervention from the Supreme Court or legislature, which has not happened as of yet.

⁷ The platform has been banned four times in 2020 and 2021, and has since been reinstated.

⁸ The platform was banned in 2012 and reinstated 4 years later in 2016 (“Pakistan lifts YouTube ban after three years,” CNBC, January 19, 2016, <https://www.cnbc.com/2016/01/18/pakistan-lifts-youtube-ban-after-three-years.html>). More recently its access was limited for a limited time during a political speech from ex-Prime Minister Imran Khan (“YouTube service disrupted in Pakistan, outage tracker confirms,” Dawn, September 6, 2022, <https://www.dawn.com/news/1708746>).

⁹ “Pakistani court removes Facebook ban,” *BBC News*, May 31, 2010, <https://www.bbc.com/news/10196141>.

¹⁰ “Pakistan blocks Tinder and Grindr for ‘immoral content,’” *BBC News*, September 2, 2020, <https://www.bbc.com/news/technology-53977780>.

8. Lack of awareness regarding social media regulation

Given that content creation is a sphere occupied by people across a breadth of socio-economic backgrounds with varying levels of literacy, class, and education, several participants felt that lack of awareness about various platforms' terms of use, community guidelines, laws and technical know-how posed a significant challenge. There were no networking opportunities for digital creators in Pakistan or skill-based training that could enhance the capacity of individuals working in social media. The absence of these resources was particularly felt by traditionally marginalized groups like women and gender minorities. Lack of knowledge about content moderation, copyright policies and procedure for appealing decisions by social media platforms (such as the decision to block content or alternatively not block content, comments etc.) was also a recurring element in the discussions.

Recommendations

1. Greater Accountability

1.1 *Policy and algorithmic transparency*: Social media companies should be subject to greater accountability, particularly with regard to transparency of data practices, content moderation policies, and appeals processes for users. Measures should be taken to ensure algorithmic transparency, particularly that impact content dissemination, reach and flagging.

1.2 *Transparency regarding government engagement and collaboration*: Any collaboration between social media companies and governments should be disclosed, the details of which should be publicly accessible and any such collaboration should be limited and “user-centric,” i.e. geared towards the rights of the user rather than “government-centric”.

1.3 *Greater connection with users and digital creators in the Global South*: Social media companies should establish formal channels of communication with digital content creators, engage them in dialogue and allow for input on policy and platform changes that could affect their livelihood.

1.4 *Improved and speedy appeals mechanisms for content moderation decisions*: Transparent, responsive, and speedy channels for appeals need to be established that are accessible to users. Clear reasons for decisions should be given with reference to specific community guidelines and the case at hand.

1.5 *Accountability for government regulators/institutions*: PTA, which is the regulatory body for online content, should be subject to greater accountability, including but not limited to disclosing on what grounds certain content has been removed and providing access to a fair and transparent appeals process. At present, the *Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021* fail to provide for this accountability. It is recommended that the PTA maintain a public repository that indexes content that was removed, its URLs, reasons for removal, and what legal processes were followed. Furthermore, the power to arbitrarily remove/ban content without explanation should be curbed by repealing Section 37 of PECA and making content moderation subject to international human rights standards.

1.6 *Data-driven research for the Pakistani context*: Social media companies should invest more resources in collecting and conducting data-driven research on the issues of online social harms such as hate campaigns, harassment, and disinformation in the context of Pakistan and share that information with relevant stakeholders (the government, civil society organizations, independent researchers) to help develop more precise and targeted recommendations.

2. Content Moderation grounded in local context¹¹

2.1 *Diversity in platform design*: Greater representation from different countries and communities should be involved in the designing, programming, and regulation of platform design (tools, algorithms, and content moderation processes), with content moderation being adapted to the specific contextual requirements of every region.

2.2 *Greater considerations for local languages*: Hate speech, harassment and safety guidelines should be made available in the local languages. Furthermore, greater resources should be allocated to ensure that content moderation processes, both human-driven and automated, accounts for non-English scripts such as Arabic as well as non-English words written in romanized Latin script. Guidelines should also be in accessible formats (written and verbal) to cater to the varying standards of literacy in Pakistan.

2.3 *More resources for content moderation in Pakistan*: More resources for content moderation should be allocated to countries such as Pakistan, which includes more resources at the policy design and implementation stage, particularly in employing human moderators (while ensuring safe and fair labor practices) and developing automated systems. Furthermore, greater resources should be allocated to ensure that AI systems used for content moderation are trained for local context, languages and nuances.

2.4 *Changes in policies regarding newsworthiness of digital media outlets and journalists*: Policies of social media platforms should reflect the fact that definitions of journalists and media practitioners now cover digital media, bloggers and online freelancers. Content produced by these legitimate outlets and journalists should be subject to newsworthiness exceptions.

3. Investment in Awareness & Education Campaigns

3.1 *Public education to include digital literacy*: The government should institute awareness and education campaigns to improve digital literacy in Pakistan. This should be done foremost through the introduction of digital literacy courses at the primary school level, with a curriculum on online harms, gender inclusion, social etiquette and tolerance.

3.2 *Develop accessible campaigns*: The government should work in collaboration with digital artists and civil society on visual-based campaigns targeting intolerance and social polarization, accessible to people with a low level of literacy.

3.3 *Ensure diverse digital spaces*: The government should allow for a digital and regulatory environment conducive to artists to thrive in. This should be done by repealing restrictive laws

¹¹ There was no uniformity in the kind of content moderation participants wanted to see, some were in favor of greater regulation but have not been included in recommendations due to human rights concerns. Furthermore, demands for context-specific moderation should not be misconstrued as a call for localization as suggested by the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021.

that curb their freedom of expression (i.e. laws based on vague criteria of morality, indecency, public order, etc.) and removing financial barriers/disincentives.

3.4 *Awareness campaigns by social media companies*: Social media companies should also invest in public education and awareness campaigns regarding safety features and community guidelines.

4. Fairer Remuneration and Monetization Practices

4.1 *End discriminatory monetization practices*: Social media companies should re-evaluate social media payouts/ad-revenue practices based on a country-specific standard of living, based on a living wage.

4.2 *Bring digital payment platforms and tools to Pakistan*: The government should take the necessary steps to make the transfer and receipt of payment easier for digital creators and media platforms with global sponsors and clients by bringing quick and easy payment platforms like PayPal to Pakistan. It should also take the necessary infrastructural and policy measures to bring pay-for-content platforms (Patreon, etc.) to the country. In lieu of bringing PayPal to Pakistan, local alternatives for transferring money should be made swift, easy and accessible.

4.3 *Enabling diverse revenue streams*: In the face of arbitrary bans on various social media apps in Pakistan, digital creators, particularly digital news agencies, should be facilitated to have dynamic revenue streams in the form of non-online gigs, commercial work, local sponsorships, etc. This will also help remove some pressure in the event of bureaucratic/employer issues in securing and releasing funding and payments for work.

4.4 *Extending rights to gig-economy workers*: The government should take the necessary steps to regulate the gig economy, so that gig workers are extended the same employment rights, financial and legal safeguards as traditional employees.

5. Increased Accessibility

5.1 *Uniform access to features by social media platforms*: Updates and new features introduced to social media applications (software/features) should be rolled out globally at the same time so that there is an equitable starting point for new technology.¹²

5.2 *Accessibility for persons with disabilities*: Social media and online spaces in general, are not the most accessible to persons with disabilities. There should be a concerted effort by social media companies and the government to promote more opportunities for digital creators with disabilities and to continue refining app features to accommodate disabilities such as text-to-speech and mandatory closed captioning in local languages.

¹² For example, in the case of Insta Reels, Pakistan got the update nearly 2 years after everyone else resulting in a loss of traction and a steeper learning curve for Pakistani content creators to catch up with peers who had two years to learn and adapt to the new format.

6. Improved Governance

6.1 *Legislating human-rights-compliant data protection law:* The government should, as a matter of priority, legislate a comprehensive data protection law with stringent standards of accountability in the case of data breaches and abuse of data access. This law should be geared towards the protection of citizens and users and not used as a tool to violate the privacy of its citizens or benefit corporations.¹³

6.2 *Ensuring right to anonymity:* The government should endeavor to strengthen the right to anonymity as a means to facilitate online artistic expression, freedom of expression, and rights to privacy, especially in light of current efforts to ban the use of “unregistered” VPNs in the country.

6.3 *Repeal speech-restrictive laws:* There must be an urgent push to reform/repeal punitive laws which penalize digital journalists, creators, and platforms and speech-based acts related to public institutions, such as Section 20 of PECA and Sections 499 and 500 of the Pakistan Penal Code (PPC).

6.4 *Regulating hate speech and disinformation by political parties and the state:* An amendment should be made to the Election Act, 2017 to bring online disinformation and hate speech by political parties and candidates within the purview of the Election Commission of Pakistan (ECP). This should also include disclosure of online media cells of political parties and state institutions, propaganda teams and methods of manufactured campaigns during all local, provincial and national level elections.

6.6 *Survivor-centric and human rights compliant implementation of laws:* The relevant government bodies should work collectively to better implement existing laws addressing harassment, abuse, hate speech, and child pornography through more resource allocation to the designated authorities such as the FIA, developing actionable SOPs, particularly relating to these crimes, and greater accountability for law enforcement agencies to ensure cases are completed and complaints addressed in a timely and survivor-centric manner.¹⁴

¹³ For in-depth recommendations on this law, see: Personal Data Protection Bill, 2021 - Civil Society Submission to the Ministry of Information Technology and Telecommunications (Digital Rights Foundation) <https://digitalrightsfoundation.pk/wp-content/uploads/2021/09/PDPB-2021-Submission-by-DRF.pdf>

¹⁴ For more recommendations regarding online harassment and hate speech, refer to DRF’s Cyber Harassment Helpline’s policy brief published in May 2022: <https://digitalrightsfoundation.pk/wp-content/uploads/2022/05/Policy-Brief-2.pdf>.

7. Stronger ties with NGOs, CSOs, and government

7.1 Stronger connections between digital creators and civil society: Digital content creators, particularly those advocating for their own rights or involved with other rights-based advocacy efforts, should foster strong ties with civil society organizations and NGOs in the interest of bolstering advocacy efforts and resources. On the flip side, civil society organizations and collectives should make a concerted effort to build alliances and connections with digital creators on issues of freedom of expression, access to information, and privacy.

7.2 Media and skill development for digital creators: Government agencies, civil society organizations, and social media companies interested in promoting freedom of expression in the country should invest in skills-based training programs, donate equipment, and even facilitate media centers where digital creators have access to the necessary tools and resources to make content without regard to socio-economic barriers. Investment by the public and private sector in quality and educational digital content is essential to ensure economic viability but should come without strings attached.¹⁵

¹⁵ “Finding the funds for journalism to thrive: Policy options to support media viability,” in series *World Trends in Freedom of Expression and Media Development* by UNESCO, 2022, <https://unesdoc.unesco.org/ark:/48223/pf0000381146>.