PAKISTAN

	2012	2013
INTERNET FREEDOM STATUS	**NOT FREE**	**NOT FREE**
Obstacles to Access (0-25)	19	20
Limits on Content (0-35)	18	20
Violations of User Rights (0-40)	26	27
Total (0-100)	**63**	**67**

* 0=most free, 100=least free

POPULATION: 180 million
INTERNET PENETRATION 2012: 10 percent
SOCIAL MEDIA/ICT APPS BLOCKED: Yes
POLITICAL/SOCIAL CONTENT BLOCKED: Yes
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Not Free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- In 2013, officials sought to systematize nationwide online content filtering, an effort that was supposedly quashed in March 2012 (see **LIMITS ON CONTENT**).
- Information authorities blocked YouTube and 20,000 other websites for anti-Islamic content in 2012 (see **LIMITS ON CONTENT**).
- The Pakistani Taliban claimed responsibility for critically wounding 15-year-old blogger and activist Malala Yousufzai in October 2012 (see **VIOLATIONS OF USER RIGHTS**).
- Islamist activists bombed at least three cybercafés or mobile phone stores on moral grounds in 2013 (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

Pakistan has seen an increase in citizen journalism and online activism in recent years, despite numerous social and political obstacles to internet access. Successive military and civilian governments have adopted various measures to control the internet in Pakistan, which they frame as necessary for combatting terrorism and the preservation of Islam. However, censorship decisions often reflect political motives—as coverage of political independence movements are consistently censored—or the influence of religious extremists who believe information and communications technologies (ICTs) spread obscenity. While internet penetration continued to improve in 2012 and early 2013, internet freedom in Pakistan looks increasingly precarious, a trend that could have significant consequences for the country's socioeconomic development.

Long-awaited general elections to the country's national assembly took place just outside the coverage period of this report on May 11, 2013, unseating the coalition led by the Pakistan People's Party and its co-chair, President Zardari, who will remain in office until his term expires in September 2013.[1] The Pakistan Muslim League under Nawaz Sharif, a former prime minister, formed the next government in June.

In the run-up to the polls, information restrictions were focused on maintaining security. An anti-Islamic video on YouTube that sparked unrest around the Muslim world caused the government to block access to the entire site in September 2012, followed by an additional 20,000 websites deemed to contain offensive content. Authorities also blocked mobile phone networks throughout major urban centers during many religious or national holidays. These supposed security measures, while restricting ICT usage for hundreds of thousands of users, failed to curb the rate of violent, often fatal attacks on journalists and internet users. Islamic militant groups targeted internet cafés and mobile phone stores with explosive devices, and the Pakistani Taliban claimed responsibility for the shooting of 15-year-old blogger and rights activist Malala Yousufzai in Swat, launching a worldwide social media campaign of support for the teenager, who survived skull surgery and now lives in the United Kingdom.

Legal measures also threatened digital rights, particularly over sensitive religious issues. At least two of the 23 criminal investigations launched in 2012 under Pakistan's strict blasphemy laws—which carry the death penalty—involved content sent by mobile phone. A Twitter spat escalated into a defamation suit after a political website accused a religious leader of inciting hatred. And in January 2013, the regulatory authority chairman Farooq Ahmed Khan announced that a blocking mechanism to filter un-Islamic, pornographic, and blasphemous material from websites would be activated in Pakistan within 60 days. Whether such technology is now in place, however, and how closely it relates to a 2012 proposal by the National ICT Research and Development Fund for a national internet firewall which was ostensibly scrapped due to public opposition, is unclear—as are the surveillance implications of the mechanism for private communications sent via ICTs. In

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[1] Moeen Cheema, "Pakistan Elections and the Challenges Facing the New Government," Al Jazeera, May 13, 2013, http://www.aljazeera.com/indepth/opinion/2013/05/201351355212336147.html.

February 2013, the upper house of parliament passed the counter-terrorist Fair Trial Act 2012, which allows security agencies to monitor electronic communications; though the surveillance requires a judicial warrant, some fear the Act's broad wording leaves it open to abuse.

Despite a proactive defense of internet freedom by engaged civil society groups and their embrace of online tools to promote electoral transparency,[2] recent developments indicate a worrisome movement from ad hoc censorship towards systematized filtering and monitoring that the authorities preferred not to acknowledge before the international community. Subsequent to a Universal Periodic Review of its human rights practices in late 2012, Pakistan was elected a member of the United Nations Human Rights Council for 2013-2015.[3] While its pledge to the council supporting its candidacy referenced Pakistan's "free media" and "vibrant civil society," the country's UN mission made no mention of the internet at all, or its recent moves to curtail citizens' digital rights.[4]

OBSTACLES TO ACCESS

Internet penetration in Pakistan stood at 10 percent in 2012, according to the International Telecommunications Union.[5] A local report put the figure at 16 percent in mid-2013.[6] Mobile penetration was at 67 percent.[7] Low literacy, difficult economic conditions, and cultural resistance have limited the proliferation of ICTs in Pakistan.[8] Poor copper wire infrastructure and inadequate monitoring of service quality by the Pakistan Telecommunication Authority (PTA) have historically stymied the expansion of broadband internet.[9] While the cost of internet use has fallen considerably in the last few years,[10] access remains out of reach for the majority of people in Pakistan, and most users go online at their workplace or school. Cybercafes are largely limited to major cities, and recent news reports about employees stealing data to harass female clients online have contributed to public perceptions that they are unsafe.

Better quality broadband services remain concentrated in urban areas like Karachi, Lahore, Peshawar, Hyderabad, Faisalabad, and Islamabad. According to 2012 data, there are 50 operational internet service providers (ISPs) throughout Pakistan, along with ten broadband service providers

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[2] Faisal Kapadia, "Watchdog Social Media Monitor Pakistan's Historic Elections," *Global Voices,* May 9, 2013, http://globalvoicesonline.org/2013/05/09/watchdog-social-media-monitor-pakistans-historic-elections/.
[3] "UN HRC Membership Elections: Clean Slates Permitted Empty Pledges by Asian State," Forum-Asia, November 13, 2012, http://www.forum-asia.org/?p=15587.
[4] United Nations General Assembly, "Note Verbale Dated 28 September 2012 from the Permanent Mission of Pakistan to the United Nations addressed to the Secretariat," October 2, 2012, http://www.un.org/ga/search/view_doc.asp?symbol=A/67/486.
[5] International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2012," http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx. In 2010, the ITU indicated an internet penetration rate of 17 percent based on estimates by the PTA; they subsequently revised it to 8 percent.
[6] "30m Internet Users in Pakistan, Half on Mobile: Report," *Express Tribune,* June 24, 2013, http://bit.ly/1cdIifE.
[7] International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2012."
[8] A. Khan, *Gender Dimensions of the Information Communication Technologies for Development* (Karlstad: University of Karlstad Press, 2011). Available at SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1829989.
[9] Muhammad Jamil Bhatti, "Broadband Faces Obstacles in Pakistan," *Oh My News*, December 20, 2006, http://english.ohmynews.com/articleview/article_view.asp?at_code=381272.
[10] "Incentive Package," Knowledge Management, accessed August 2012, http://bit.ly/19Ke7fX.

and five hybrid fiber-coaxial operators providing broadband internet.[11] All ISPs are controlled by the government through the PTA. For its backbone, the country is connected via the government-controlled Pakistan Internet Exchange with the SEA-ME-WE 3 and 4 cables,[12] along with backup bandwidth provided by TransWorld Associates.[13] Local media reported under-sea fiber optic cables sustaining damage in two separate incidents in March 2013, disrupting to up to 50 percent of the country's connections.[14]

Most remote areas lack broadband, while slow, intermittent connections render any meaningful online activities—such as multimedia training for students and entrepreneurs—challenging. Conflict-stricken areas like Khyber Pakhtunkhwa (formerly North West Frontier Province) and the Federally Administered Tribal Areas (FATA) have significantly reduced internet access.[15] Pakistan faced frequent electricity shortfalls throughout 2012,[16] resulting in outages lasting several hours across the country. The situation was particularly grim in rural areas where rolling blackouts extended to as many as 20 hours a day.

In 2006, the government of Pakistan initiated the Universal Service Fund to promote access to ICT services and broadband across the country.[17] One of its core projects is the establishment of universal telecenters in rural areas with populations above 5,000 that offer access to health, education, and employment opportunities. However, contracts for building the centers were cancelled without public explanation in 2012 and now are being re-auctioned, a sign that bureaucracy is further slowing the rate of development.[18]

Bureaucratic hurdles have also slowed the development of 3G or 4G networks,[19] and wireless service providers using the high-capacity data network WiMax or high-speed broadband technology EVDO, along with mobile operators Mobilink, Ufone, Telenor, Warid, and Zong have struggled to attract consumers due to high prices and poor coverage. In late 2012, a National Assembly standing committee declared the PTA had violated rules in auctioning 3G licenses.[20] The prime minister approved a new 3G policy for Pakistan and began auctioning contracts to service providers in January 2013.[21]

The PTA is responsible for issuing licenses to telecommunications companies and internet and mobile service providers through a bureaucratic process that includes hefty licensing fees.[22] By

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[11] "Internet Facts," Internet Service Providers Association of Pakistan, last updated April 26, 2012, www.ispak.pk.
[12] SEA-ME-WE is the "South-East Asia – Middle East – Western Europe" fiber-optic submarine telecommunications cable connects those regions. SEA-WE-ME 4 was completed in 2005; SEA-WE-ME 3 in 2000.
[13] "Cable and Wireless Worldwide Wins New Contract from Transworld Associates for International Data Services," Cable and Wireless Worldwide, press release, July 21, 2010, http://bit.ly/14TbEjq.
[14] Farooq Baloch, "Undersea Cable Cut Affects 50% of Pakistan's Internet Traffic," March 27, 2013, http://bit.ly/14nTQ0q.
[15] Tayyeb Afridi, "Radio in FATA: A Foreign Voice for Local Problems," *Express Tribune* (blog), June 3, 2012, http://bit.ly/L9N3wy.
[16] "Khawaja Asif Urges People to Bear Load Shedding with Patience," *Pakistan Today*, June 30, 2013, http://bit.ly/17MtdoR.
[17] Ministry of Information Technology, "Universal Service Fund," accessed July 2013, http://www.usf.org.pk/.
[18] Ministry of Information Technology, "Universal Telecentres—Pilot Project," accessed July 2013, http://bit.ly/19Ke4k8.
[19] Dr. Basit Riaz Sheikh, "Bringing 3G to a City Near You," *Express Tribune*, November 22, 2012, http://bit.ly/R1NKgX.
[20] "3G Licenses Auction: NA Committee Holds PTA Responsible for Rules' Violation," *Dawn News*, December 31, 2012, http://dawn.com/2012/12/31/3g-licenses-auction-na-committee-holds-pta-responsible-for-rules-violation/.
[21] Fawad Khan, "3G in Pakistan to be Launched in January," Aaj TV, November 16, 2012, http://bit.ly/WdjXmS.
[22] Pakistan Telecommunications Authority, "Functions and Responsibilities," December 24, 2004, http://bit.ly/1bRmTNN.

contrast, internet cafes do not require a license to operate, and opening an internet cafe is relatively easy.[23] However, in January 2012, the provincial cabinet in Punjab approved a Net Cafe Regulations Act (Punjab Cyber & Gaming Cafe Regulation Act 2012),[24] which some analysts noted would oblige cafe owners to register their businesses, among other requirements that could potentially restrict user anonymity.[25] The document was never made public, and after provincial elections in May 2013 reshuffled the local administration, it was unclear when the regulations would be implemented, or if other provinces would follow suit.

Pakistani authorities often deliberately obstruct ICT access in the southern province of Balochistan, where a conflict between Baloch nationalists and state security forces or anti-separatist militias has persisted since 1948. During the national March 25 Pakistan Day celebrations in 2012, mobile service was cut in the entire province based on Interior Minister Rehman Malik's "order to implement national security policy," according to the chairman of the PTA.[26] At least one local official denied security concerns and characterized the shutdown as routine maintenance,[27] but many Baloch people saw the move as discriminatory.[28]

The same tactic was used throughout the year in cities facing possible security threats. PTA and security officials partially suspended mobile networks in urban areas around the country for a religious holiday in November 2012,[29] during a religious procession in January 2013,[30] to thwart attacks on a political march on Pakistan's capital city led by a reformist cleric, [31]and on New Year's Eve and Eid-ul-Fitr.[32] Civil society groups consider these actions an attack on citizens' freedom of expression, and an international service provider is seeking damages from the PTA and the information ministry for loss of revenue.[33]

The prime minister appoints the chair and members of the PTA, which reports to the ministry of information technology and telecommunication.[34] International free expression groups and experts have serious reservations about the PTA's openness and independence as a regulatory body.[35]

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[23] Sehrish Wasif, "Dens of Sleaze," *Express Tribune*, July 22, 2010, http://tribune.com.pk/story/29455/dens-of-sleaze/.
[24] Office of the Chief Minister of Punjab, "Provincial Cabinet Sanctions Net Café Regulations Act," January 14, 2012, http://chiefminister.punjab.gov.pk/index.php?q=node/1228.
[25] Mehwish Shan, "Punjab to Regulate Internet Cafes," *Pro Pakistani*, December 21, 2011, http://bit.ly/HbLsGf.
[26] Zahid Gishkori, "Security: Cell Phone Services in Balochistan Suspended on Pakistan Day," *Express Tribune*, March 23, 2012, http://tribune.com.pk/story/354095/security-cellphone-services-in-balochistan-suspended-on-pakistan-day/.
[27] "Security concerns': On Pakistan Day, Balochistan blacked out," *Express Tribune*, March 24, 2012, http://bit.ly/GKtgnQ.
[28] "Baluchistan: Access Should Not Be A Victim To National Security," *Bolo Bhi*, August 14, 2012, http://bit.ly/1fyLidq.
[29] "Mobile Phone Services to be Partially Suspended During Ashura Holiday," *Dawn,* November 23, 2012, http://bit.ly/10nP53k.
[30] "Mobile Phone Services to Remain Suspended on Thursday," *Dawn*, January 2, 2013, http://bit.ly/UbcrJx.
[31] Asad Kharal and Zahid Gishkori, "Long March: In the Name of Security, Mobile Services Suspended," January 13, 2013, http://tribune.com.pk/story/493420/long-march-in-the-name-of-security-mobile-services-suspended/.
[32] "Cell Phone Service Ban on New Year Eve Sought," *Dawn*, December 30, 2012, http://dawn.com/2012/12/30/cellphone-service-ban-on-new-year-eve-sought/."Eid-ul-Fitr Security: Cellphone Services Blocked in Major Cities," *Express Tribune*, August 20, 2012, http://tribune.com.pk/story/424463/eidul-fitr-security-cellphone-services-blocked-in-major-cities/.
[33] "Mobile Suspension Case: SHC Issues Notices to PTA, Interior Ministry," *Express Tribune*, November 22, 2013, http://tribune.com.pk/story/469691/mobile-suspension-case-shc-issues-notices-to-pta-interior-ministry/.
[34] Pakistan Telecommunications Authority, "Pakistan Telecommunication (Re-organization) Act 1996," October 17, 1996, http://www.pta.gov.pk/media/telecom_act_170510.pdf.
[35] Article 19, "Legal Analysis – Pakistan: Telecommunications (Re-organization) Act," February 2, 2012, http://bit.ly/xQC5ra.

LIMITS ON CONTENT

The government's efforts to systematize website blocking by creating and installing new equipment for nationwide content filtering were among the most concerning developments of 2012 and 2013. While the first attempt was supposedly quashed in March 2012, PTA officials were still voicing their intent to implement new blocking technology in 2013. They received an unexpected boost by the battle over YouTube, which was unilaterally blocked in Pakistan in the wake of an offensive, anti-Islamic upload. Since Google declined to remove the video, the government refused to restore access to its video-sharing platform until it could block the unwanted content directly. In May 2013, the status of the new firewall remained unclear.

Since January 2003, the government of Pakistan has taken steps to censor some online content, and the system for doing so has become increasingly sophisticated.[36] A wide variety of government agencies are involved in the censorship of online content, but the PTA is the main one. Authorities can block URLs at the internet exchange point through the PIE, and individual ISPs are required to carry out content-related directives issued by the PTA or have their license suspended. Individuals or groups also play a role, petitioning courts to order the ministry to enact moral bans on online or traditional media content.[37] Presumably, the PTA maintains the list of sites to filter, but the details are not known. There are no published guidelines outlining how or why content is blocked or what mechanisms are available to challenge it. Error messages seen by users trying to access blocked websites usually refer to the censored content as "blasphemous" or state that the "site is restricted."

Censorship targets some content, such as pornography, on moral grounds and can be inconsistent across ISPs, according to an August 2012 OpenNet Initiative report.[38] A range of provisions in the 1996 Pakistan Telecommunications Act support censorship for the protection of national security and Islam.[39] Authorities also cite Section 99 of the penal code, which allows the government to restrict information that might be prejudicial to the national interest, to justify filtering anti-military, blasphemous, or anti-state content.[40] Critics believe these issues can serve as a cover for politically motivated censorship of dissenting voices. Information disseminated by Balochi and Sindhi political dissidents, for example, is among the nation's most systematically censored content.[41] In 2010, authorities blocked the region's first English-language news website *The Baloch Hal* a year after its launch.[42]

Information perceived as damaging to the image of the military or top politicians is also targeted, such as a satirical music video about military generals, which was replaced on video-sharing site

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[36] OpenNet Initiative, "Country Profile—Pakistan," December 26, 2010, http://opennet.net/research/profiles/pakistan.

[37] "Internet censorship: Court Asked to Ban Inappropriate Content," *Express Tribune*, June 14, 2011, http://bit.ly/jOCZFP.

[38] OpenNet Initiative, "Country Profile—Pakistan," August 6, 2012, http://opennet.net/research/profiles/pakistan.

[39] Article 19, "Legal Analysis – Pakistan."

[40] "Pakistan: Code of Criminal Procedure," available at the Organization for Economic Co-operation and Development website, accessed August 2013, http://www.oecd.org/site/adboecdanti-corruptioninitiative/39849781.pdf.

[41] Pakistan Telecommunication Authority, "Blocking of Websites Access," letter, April 25, 2006, http://bit.ly/17d2EXs.

[42] "The Baloch Hal Banned," *Baloch Hal,* November 9, 2010, http://www.thebalochhal.com/2010/11/the-baloch-hal-banned/.

Vimeo by a page telling viewers it was "prohibited" within Pakistan in mid-2013.[43] The website of the Lal-Masjid mosque in Islamabad has been blocked since 2007 when it became the center of a government stand-off with conservative clerics.[44] In July 2011, the website of the popular American music magazine *Rolling Stone* was blocked by at least 13 ISPs after the site published a blog post discussing Pakistan's "insane military spending."[45] Rollingstone.com remains blocked as of February 2013 along with the website of the *Toronto Sun* newspaper, supposedly because it published articles by Canada-based secularist and journalist Tarek Fateh criticizing the Pakistani military.[46]

Since website blocking was first observed in Pakistan, much of it has targeted social media and communication apps. In 2006, the PTA—responding to widespread public pressure—instructed ISPs to block websites displaying controversial cartoon images of the prophet Mohammed, many on Google's blog hosting platform Blogger.[47] In 2010, over 10,500 websites were blocked,[48] including many on Facebook, YouTube, Flickr and Wikipedia, after the Lahore High Court ruled in favor of a legal appeal made by the Islamic Lawyers Movement over the Facebook page, "Everybody Draw Mohammed Day."[49] Mobile phone providers also completely halted Blackberry services; functionality was only gradually restored, though web-browsing functions remained restricted for longer.[50] While most social-networking and blog-hosting platforms were available and widely used throughout 2012 and early 2013, there were several temporary disruptions of Facebook and Twitter services, and different religious groups persistently exerted pressure on the Pakistani courts to ban Facebook completely.[51] Groups and individuals affiliated with political and religious parties have also filed court petitions against YouTube.[52]

The most wide-reaching ban in 2012 was imposed after a Californian internet user uploaded a 14-minute video to YouTube ostensibly promoting a movie he had created to denounce Islam titled "The Innocence of Muslims."[53] In September, the clip was dubbed into other languages, garnering hundreds of thousands of views and sparking violent anti-American protests in several Muslim

[43] "Song Critical of Pakistani Generals is Blocked Online, With No Official Explanation," *New York Times,* May 4, 2013, http://www.nytimes.com/2013/05/05/world/asia/satirical-song-blocked-in-pakistan-but-no-reason-is-given.html?_r=0.
[44] "Lal Masjid Issue and its Blocked Website," *Teeth Maestro*, April 12, 2007, http://bit.ly/5ayFuP.
[45] Jillian York, "Pakistan Escalates its Internet Censorship," Al Jazeera, July 26, 2011, http://aje.me/nuirDk; "Pakistan Blocks Sex, Drugs AND Rock and Roll," Association for Progressive Communications (blog), http://bit.ly/o2WMUw.
[46] "Toronto Sun Website Blocked in Pakistan: Report," *Express Tribune*, February 8, 2013, http://bit.ly/11UCR4P.
[47] Jefferson Morley, "Pakistan's Blog Blockade," *Washington Post* (blog), March 8, 2006, http://bit.ly/14TdwIY; PTA Unblocks Blogspot," *Teeth Maestro*, May 3, 2006, http://teeth.com.pk/blog/2006/05/03/pta-unblocks-blogspot.
[48] "The Shameful Saga of the Internet Ban in Pakistan," Association for Progressive Communication, July 22, 2010, http://www.apc.org/en/node/10786/.
[49] Islamic tradition forbids the depiction of Allah or Mohamed. "Pakistan Court Orders Facebook Ban," Al Jazeera, May 20, 2010, http://www.aljazeera.com/news/2010/05/201051994155758717.html.
[50] Aamir Attaa, "Blackberry Services Go Offline in Pakistan," *Pro Pakistani*, May 20, 2010, http://bit.ly/b5Dzth; Aamir Attaa, "Blackberry Services Yet to be Fully Restored," *Pro Pakistani*, June 4, 2010, http://propakistani.pk/2010/06/04/blackberry-services-yet-to-be-fully-restored/. Full Blackberry services were accessible in 2013.
[51] "Permanently Banning Facebook: Court Seeks Record of Previous Petitions," *Express Tribune*, May 6, 2011, http://tribune.com.pk/story/162801/permanently-banning-facebook-court-seeks-record-of-previous-petitions/.
[52] "Access Denied: As YouTube Remains Blocked, SHC Dismisses Plea for Ban," *Express Tribune*, March 29, 2013, http://tribune.com.pk/story/527923/access-denied-as-youtube-remains-blocked-shc-dismisses-plea-for-ban/.
[53] Ian Lovett, "Man Linked to Film in Protests Is Questioned," *New York Times*, September 15, 2012, http://nyti.ms/16JNAfz; Michael Joseph Gross, "Disaster Movie," *Vanity Fair*, December 27, 2012, http://vnty.fr/W3sPpO.

countries. In Pakistan, they resulted in at least 19 deaths.[54] Google, which owns YouTube, temporarily blocked versions of the video in some countries but declined to remove it altogether, and it remained accessible in Pakistan, despite Prime Minister Raja Pervez Ashraf's request that it be taken down.[55] News reports in Pakistan attributed this to the lack of a Mutual Legal Assistance Treaty with the U.S.—a legal agreement through with countries can negotiate over companies' compliance with local laws[56]—but how far this affected Google's decision is unclear. In response, the information ministry instituted a site-wide block on YouTube on September 17, 2012.[57] By October 9, another 20,000 websites were blocked, not just for featuring the anti-Islamic movie, but also for hosting material that the PTA characterized as "objectionable."[58]

Prior to this incident, many blocks were implemented on a temporary basis to calm protests against online content. In 2012, however, civil society groups protested against the ban—which affected more than seven million users of the service in Pakistan[59]—to no avail, and it continued almost uninterrupted through May 2013. The civil society organization Bytes for All filed a petition against the block in the Lahore High Court in January; hearings are ongoing.[60] Students who frequently refer to YouTube online lectures were particularly affected, and one institution, Pakistan's Virtual University, moved all educational material formerly hosted on YouTube to its own servers. In early 2013, Pakistani officials stated that the ban would stay in place until Google removed the content or until a nationwide filtering mechanism was in place, allowing them to control what YouTube content is available for themselves.[61]

The government set out to acquire such a mechanism in February 2012 on grounds that ISPs and backbone providers were unable to manage the volume of blacklisted sites manually.[62] The National ICT Research and Development Fund invited ICT companies to submit proposals to develop and operate a "national level URL Filtering and Blocking System,"[63] preferably one able to "handle a block list of up to 50 million URLs with a processing delay of not more than 1 millisecond."[64] Websites with "blasphemous, un-Islamic, offensive, objectionable, unethical, and immoral material" would be targeted, according to the notice.[65] After widespread protest from civil society,

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[54] "'Innocence of Muslims' Protests: Death Toll Rising In Pakistan", *International Business Times*, September 21, 2012, http://www.ibtimes.com/%E2%80%98innocence-muslims%E2%80%99-protests-death-toll-rising-pakistan-794296.
[55] Lawrence Latif, "Pakistan and Bangladesh Block YouTube Over Innocence of Muslims Trailer," *The Inquirer*, September 19, 2012, http://bit.ly/164gJGP.
[56] Huma Imtiaz, "Pakistan Renewed its Ban on YouTube this Week. Could the Entire Internet be Far Behind?," February 15, 2013, http://qz.com/54618/pakistan-renewed-its-ban-on-youtube-this-week-could-the-entire-internet-be-far-behind/.
[57] "YouTube blocked in Pakistan," *The News International,* September 17, 2012, http://bit.ly/OxLpn5.
[58] "In Massive Censorship Move, Pakistan Blocks 20,000 "Objectionable" Sites," *The Daily Dot*, October 9, 2012, http://www.dailydot.com/news/pakistan-twenty-thousand-sites-blocked/.
[59] "Excessive Internet Bans Worrisome for Pakistan," *Dawn,* November 5, 2012, http://bit.ly/YHXwVp.
[60] Bytes for All, "Bytes for All vs. Federation of Pakistan – Updates on our Net Freedom Petition," April 14, 2013, http://content.bytesforall.pk/node/96.
[61] Andrew Webster, "Pakistan Will Lift Ban on YouTube After Building Filter for 'Blasphemous Material,'" *The Verge,* January 9, 2013, http://www.theverge.com/2013/1/9/3854816/pakistan-lift-youtube-ban-content-filter.
[62] Danny O'Brien, "Pakistan's Excessive Internet Censorship Plans," *CPJ Internet Channel*, March 1, 2012, http://bit.ly/yW8kb9.
[63] National ICT Research and Development Fund, "Request for Proposal: National URL Filtering and Blocking System," accessed August 2012, http://ictrdf.org.pk/RFP-%20URL%20Filtering%20%26%20Blocking.pdf.
[64] National ICT Research and Development Fund, "Request for Proposal."
[65] "PTA Determined to Block Websites with 'Objectionable' Content," *Express Tribune*, March 9, 2012, http://bit.ly/xEND9P.

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the request for proposals was apparently shelved,[66] although that change was announced in the media rather than an official press release. In January 2013, PTA Chairman Farooq Ahmed Khan announced that an apparently unrelated "new mechanism" for blocking un-Islamic, pornographic, and blasphemous material from websites would be activated in Pakistan within 60 days, according to the *Pakistan Today* newspaper.[67] Other news reports were less clear about the timing for implementing new filtering devices,[68] possibly reflecting internal disputes between the PTA and the information ministry over costs and responsibility for the project.[69]

Authorities also target users seeking to access blocked content. In August 2011, the PTA sent a legal notice to all ISPs in the country urging them to report customers using encryption and virtual private networks (VPNs)[70]—technology that allows internet users to go online undetected, access blocked websites, and conceal communications from government monitoring—on grounds of curbing communication between terrorists.[71] International and civil society organizations in Pakistan raised effective voice against this repressive development;[72] however, the order still stands as of early 2013.

Despite existing limitations on online content—and looming new ones—Pakistanis have relatively open access to international news organizations and other independent media, as well as a range of websites representing Pakistani political parties, local civil society groups, and international human rights organizations.[73] ICTs, particularly mobile phones, promote social mobilization, including on free expression issues. The 2010 floods in Pakistan, for example, inspired many Pakistani citizens and members of the diaspora to mobilize and raise funds online.[74] Nevertheless, most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, separatist movements, and women's and LGBT rights.

The relationship between citizen journalism and traditional media in Pakistan is mutually reinforcing. In 2013, reports of election rigging spread via Facebook and Twitter, prompting traditional media coverage.[75] Social media advocacy also advanced a police investigation into the shooting murder of 20-year old uptown Karachi resident Shahzeb Khan in December 2012.[76] The mainstream media and police initially responded with apathy to news of the attack, perhaps because

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[66] Shahbaz Rana, "IT Ministry Shelves Plan to Install Massive URL Blocking System," *Express Tribune*, March 19, 2012, http://tribune.com.pk/story/352172/it-ministry-shelves-plan-to-install-massive-url-blocking-system/.

[67] Anwer Abbas, "PTA, IT Ministry at Odds Over Internet Censorship System," January 3, 2013, http://bit.ly/12Znc2Q.

[68] Apurva Chaudhary, "Pakistan To Unblock YouTube After Building Filtering Mechanism," *Medianama,* January 10, 2013, http://bit.ly/TMmcvh; Pakistan Press Foundation, "The Saga of YouTube Ban," January 2, 2013, http://bit.ly/1bhpMEP.

[69] "Ministry Wants Treaty, Law to Block Blasphemous Content," *The News International*, March 28, 2013, http://bit.ly/16JP6yo.

[70] Josh Halliday and Saeed Shah, "Pakistan to Ban Encryption Software," *Guardian*, August 30, 2011, http://bit.ly/outDAD.

[71] Nighat Dad, "Pakistan Needs Comms Security Not Restrictions," Privacy International (blog), September 12, 2011, https://www.privacyinternational.org/blog/pakistan-needs-comms-security-not-restrictions.

[72] Barbora Bukovska, "Pakistan: Ban on Internet Encryption a Violation of Freedom of Expression," Article 19, September 2, 2011, http://www.article19.org/resources.php/resource/2719/en/index.php?lang=en.

[73] OpenNet Initiative, "Country Profile—Pakistan" (2012).

[74] Issam Ahmed, "Pakistan Floods: How New Networks of Pakistanis are Mobilizing to Help," *Christian Science Monitor,* August 19, 2010, http://bit.ly/95cXzo.

[75] Mehwish Khan, "15 Election Rigging Videos From Pakistan That Went Viral on Social Media!," *Pro Pakistani,* May 11, 2013, http://propakistani.pk/2013/05/11/election-rigging-videos-and-images-go-viral-on-social-media/.

[76] "Full coverage: Shahzeb Khan Case," Geo TV, accessed February 2013, http://www.geo.tv/Trending.aspx?ID=126

one of his alleged assailants was well-connected.[77] However, a cameraman uploaded footage of the incident to YouTube for users still accessing the banned service via proxy servers. Thousands subsequently expressed concern for Shahzeb on Twitter and Facebook until the chief justice of the Supreme Court directed Karachi police to expedite the investigation. A court sentenced two perpetrators to death and their accomplices to life imprisonment in June.[78]

VIOLATIONS OF USER RIGHTS

In February 2013, the upper house of parliament granted security agencies permission to monitor private e-mails and mobile phone communications collect evidence of terrorist activity when they passed a piece of 2012 legislation governing trials. Other legal challenges faced by ICT users included a defamation suit stemming from comments made via Twitter, and of the 23-odd blasphemy cases reported in 2012, at least two involved text messages, causing one family to flee their home and one arrest. Though attacks on journalists from traditional media far outstripped those on bloggers and internet users, both groups received threats. In a case which resounded around the world, insurgents shot and seriously injured Malala Yousufzai for creating online content for the BBC about her life as a school-girl in a Taliban-controlled region of Pakistan.

Article 19 of the Pakistani constitution establishes freedom of speech as a fundamental right, although it is subject to several restrictions.[79] Pakistan also became a signatory to the International Covenant on Civil and Political Rights in 2010.[80] In 2011, Pakistan People's Party lawmaker Sherry Rehman, now ambassador to the United States, introduced the Right to Information Bill in the National Assembly, a law that would prevent all public bodies from blocking a requester's access to public records.[81] A Senate sub-committee reviewed the draft in June 2013 in preparation for tabling it for parliament to pass.[82]

Section 124 of the Pakistan penal code on sedition "by words" or "visible representation" is broadly worded, though it has been used infrequently to punish journalists and online speech.[83] However, Section 295(c), which covers blasphemy, has been invoked to limit freedom of expression and has featured in most recent cases concerning internet speech. In 2010, police initiated legal proceedings against Facebook founder Mark Zuckerberg over the page titled, "Everyone Draw Mohammad Day."[84] The maximum punishment for blasphemy is life imprisonment or the death

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[77] Sana Jamal, "Shahzeb Khan – Symbol of Hope Against Pakistan's Powerful Feudals," *Global Voices*, December 31, 2012, http://globalvoicesonline.org/2012/12/31/shahzeb-khan-symbol-of-hope-against-pakistans-powerful-feudals/.

[78] "Shahzeb Khan's Murder: Shahrukh Jatoi, Siraj Talpur Get Death Penalty," *Express Tribune,* June 8, 2013, http://tribune.com.pk/story/560586/shahzeb-khans-murder-shahrukh-jatoi-siraj-talpur-get-death-penalty/.

[79] "The Constitution of Pakistan," available at *Pakistani,* accessed September 2012, http://bit.ly/pQqk0.

[80] "President Signs Convention on Civil, Political Rights," *Daily Times*, June 4, 2010, http://bit.ly/1fyK9Tl.

[81] Maha Mussadaq, "Sherry Rehman's Bill: Public May Eventually Access Organisations' Official Records," *Express Tribune*, October 17, 2011, http://bit.ly/qvS2G6.

[82] "Right to Information Act 2013 : Draft of law at final stage," *Daily Times,* June 14, 2013, http://bit.ly/16A1TKt.

[83] "Pakistan Penal Code," available at *Pakistani,* accessed August 2013, http://bit.ly/98T1L8; Karin Deutsch Karlekar, ed., "Pakistan," in *Freedom of the Press 2011* (New York: Freedom House, 2011), http://bit.ly/1biVaqb.

[84] Maija Palmer, "Facebook Founder Faces Pakistan Probe," *Financial Times*, June 17, 2010, http://on.ft.com/9583eo.

penalty, though the charges against Zuckerberg appear to have been quietly dropped after they were ridiculed in the press.

At least 23 blasphemy cases involving 27 defendants were reported in 2012, according to the Human Rights Commission of Pakistan.[85] Some of these involved electronic media. In October 2012, for example, neighbors filed a police complaint against a 16-year-old Christian boy in Karachi for allegedly sending them a blasphemous text message.[86] Reflecting the difficulty of proving intent in such cases, media reports published conflicting accounts of the message, some reporting that the unnamed boy acknowledged forwarding a message but denied creating it, and others saying the message was sent when his mobile phone was commandeered by friends. His family fled the area and neighbors ransacked their house. A second text message resulted in the arrest of the sender, even though he claimed to have circulated the blasphemous content to resolve a dispute with a customer.[87]

Accusing someone of blasphemy leaves them vulnerable to attack, regardless of whether it has foundation, while attempts to reform the punitive laws leave even politicians vulnerable. In January 2013, the Supreme Court ordered an investigation into Ambassador Sherry Rehman after a businessman accused her of blaspheming the Prophet during an October 2010 television talk show appearance to defend proposed changes to the blasphemy laws; police and lower courts had refused to consider the case.[88] Three months after that TV appearance, Salman Taseer, the governor of Punjab, was murdered by his own bodyguard for criticizing the same laws.

The 2004 Defamation Act allows for imprisonment of up to five years, and observers fear a chilling effect if it is used to launch court cases for online expression, particularly since internet users are already seeking to prosecute their rivals**.** In January 2013, a Twitter feud escalated into a defamation suit when Tahir Ashrafi, head of the Pakistan Ulema Council of Muslim clerics and scholars, announced that he would initiate civil proceedings against Let Us Build Pakistan, a political website, for allegedly inciting sectarian violence.[89] A writer on the site—which critics censure for spreading hate speech—had accused Ashrafi of forming alliances with banned extremist groups.

Government surveillance is a concern for activists, bloggers, and media representatives in Balochistan, as well as ordinary internet users wishing to comment openly on the state or religion, notably atheist groups. Pakistani authorities, particularly intelligence agencies, appear to have been expanding their monitoring activities in recent years, while provincial officials have been exerting pressure on the central government to grant local police forces greater surveillance powers and location tracking abilities, ostensibly to curb terrorism and violent crimes.[90] ISPs,

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[85] Human Rights Commission of Pakistan, *State of Human Rights in 2012*, (Lahore: HRCP, 2013), http://bit.ly/183cVXq.

[86] "Teenage Christian boy booked for blasphemy," *Dawn*, October 11, 2012, http://bit.ly/SRWNBs.

[87] Faraz Khan, "Printer Texts Blasphemy to Get Customer to Pay," *Express Tribune*, January 9, 2012, http://bit.ly/A68hQl.

[88] "SC Admits Petition Against Sherry Rehman," *The News International*, January 17, 2013, http://bit.ly/15BOhh6; Christopher Dickey, "Pakistan's Woman Warrior," *Daily Beast*, March 25, 2013, http://thebea.st/YuVXbL.

[89] "Legal First: Twitter Feud Turned Defamation Suit," *Express Tribune*, January 22, 2013, http://bit.ly/10BNUiE.

[90] 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 International,* January 12, 2011, http://bit.ly/1bRl6bx.

telecommunications companies, and SIM card vendors are required to authenticate the National Identity Card details of prospective customers with the National Database Registration Authority before providing service.[91] Furthermore, under the Prevention of Electronic Crimes Ordinance—a 2007 bill that required ISPs to retain traffic data for a minimum of 90 days, among other regulations[92]—telecommunications companies were required to keep logs of customer communications and pass them to security agencies when directed by the PTA. While the bill officially expired in 2009, the practice is reportedly still active.

In February 2013, the upper house of parliament passed the Fair Trial Act 2012, which had been approved by the National Assembly in December.[93] The legislation 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 offenses;" and covers information sent from or received in Pakistan or between Pakistani citizens whether they are resident in the country or not.[94] The bill was proposed by Law Minister Farooq Hamid Naek to thwart terrorism, but its critics counter that the act's wording leaves it open to abuse, and that it grants powers to a broad range of agencies.[95] Under the law, service providers face a one-year jail term or a fine of up to PKR 10 million ($103,000) for failing to cooperate with the warrant.

In 2013, a report by Citizen Lab indicated that Pakistani citizens may be vulnerable to oversight through a software tool present in the country. The "Governmental IT Intrusion and Remote Monitoring Solutions" known as FinFisher Suite described in the report includes the FinSpy tool, which attacks the victim's machine with malware to collect data including Skype audio, key logs, and screenshots.[96] The analysis found FinFisher's command and control servers in 36 countries globally, including Pakistan, on the PTCL network. This does not confirm that actors in Pakistan are knowingly taking advantage of its capabilities. Nevertheless, civil society organizations called on PTCL to investigate and disable FinFisher tools.[97]

Pakistan is also reported to be a long-time customer of Narus,[98] a U.S.-based firm known for designing technology that allows for monitoring of traffic flows and deep-packet inspection of internet communications, and some media reports say Pakistani authorities have also acquired

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[91] National Database Registration Authority, "Verification of CNICs: Nadra Signs Contract with Three Cell Phone Companies," July 29, 2009, http://bit.ly/gNdXsW; Bilal Sarwari, "SIM Activation New Procedure," Pak Telecom, September 3, 2010, http://bit.ly/pqCKJ9.
[92] Kelly O'Connell, "INTERNET LAW – Pakistan's Prevention of Electronic Crimes Ordinance, 2007," Internet Business Law Services, April 14, 2008, http://www.ibls.com/internet_law_news_portal_view.aspx?s=latestnews&id=2030.
[93] "Senate Passes 'Fair Trial Bill,'" *Dawn*, February 1, 2013, http://dawn.com/2013/02/01/senate-passes-fair-trial-bill/; The Gazette of Pakistan, "Investigation for Fair Trial Act 2013," February 22, 2013, http://bit.ly/18esYjq.
[94] Yasir Rehman, "Fair Trial Act Gives Pakistan Authorities Wiretapping Powers," *Central Asia Online,* December 28, 2012, http://centralasiaonline.com/en_GB/articles/caii/features/pakistan/main/2012/12/28/feature-01.
[95] The laws covers the Inter-Services Intelligence, the police, Intelligence Bureau and the three military intelligence agencies. See, Digital Rights Foundation, "Fair Trial Bill is an Official Intrusion on Privacy: Digital Rights Foundation," December 22, 2012, http://digitalrightsfoundation.pk/fair-trial-act-official-intrusion-on-privacy/
[96] Morgan Marquis-Boire et al, "For Their Eyes Only," Citizen Lab, May 1, 2013, http://bit.ly/ZVVnrb.
[97] Digital Rights Foundation, "Global Coalition Of NGOs Call To Investigate & Disable FinFisher's Espionage Equipment in Pakistan," May 3, 2013, http://bit.ly/18AvwGb.
[98] Timothy Carr, "One U.S. Corporation's Role in Egypt's Brutal Crackdown," *Huffington Post*, January 28, 2011, http://www.huffingtonpost.com/timothy-karr/one-us-corporations-role-_b_815281.html; "Narus: Security Through Surveillance," Berkman Center for Internet and Society at Harvard University, November 11, 2008, http://hvrd.me/ewSFSg.

surveillance technology from China. In 2013, when news reports described the possible introduction of new filtering software to address the YouTube crisis, some said the information ministry objected to its additional capacities for monitoring communications. PTA chief Farooq Ahmed Khan denied any intent to use it for surveillance.[99]

Pakistan is one of the world's most dangerous countries for traditional journalists, with seven killed in 2012 alone, either on the job or in reprisal for published reports.[100] Violence has yet to affect online journalists in the same way, though they are equally vulnerable to some attacks, such as double-bombings that target first responders at the scene of one blast with a second, delayed detonation. In January 2013, twin blasts hit a Shia Muslim community in Quetta, the provincial capital of Balochistan, killing over 100 people, including three media professionals and Irfan Ali, a blogger and human rights activist who was helping survivors at the scene.[101]

In a particularly high-profile case, an unknown gunman shot 15-year-old Malala Yousufzai in the head while she was traveling in a school van in the Taliban-controlled Swat region of Pakistan in October 2012; she had received threats for writing an online diary for the BBC in 2009.[102] Though she used a pseudonym, the diary included personal details about her family; she also appeared in an online video series for *The New York Times,*[103] among other local media appearances, and became an informal spokesperson promoting education for women, which the Taliban had recently banned. The Pakistani Taliban claimed responsibility for the shooting, saying she had "divulged secrets of the mujahideen and Taliban through BBC [sic]."[104] Yousufzai survived the shooting and was flown to the United Kingdom where she was treated for a severe head wound.

Pakistan was shocked by the attack, and social media played a significant role in driving public debate over the case,[105] which criticized military and intelligence leaders for failing to check the Taliban,[106] and prompted a retaliatory online smear campaign accusing Yousufzai of being a U.S. spy.[107] Local journalists reported Taliban spokesmen contacting them by e-mail and text to defend the action and warn against negative coverage.[108]

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

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[99] "PTA and MoIT has No Set Plan of Action over the Internet Censorship," *Green and White* (blog), January 10, 2013, http://bit.ly/10nnhOt; Anwer Abbas, "PTA, IT Ministry at odds."
[100] Committee to Protect Journalists, "Journalists Killed in Pakistan," accessed February 2013, http://bit.ly/9YP7fx.
[101] Michael Ross, "Pakistani Activist Killed in Quetta Attacks," The World, PRI, January 11, 2013, http://bit.ly/ZDXGeY.
[102] "Diary of a Pakistani School Girl," BBC News, February 9, 2009, http://news.bbc.co.uk/2/hi/south_asia/7889120.stm.
[103] Adam B. Ellick, "Class Dismissed: Malala's Story," *New York Times*, October 9, 2012, http://nyti.ms/Tf3CaH.
[104] Marie Brenner, "The Target," *Vanity Fair*, April 2013, http://vnty.fr/109Ff7x.
[105] "Pakistan Media Condemn Attack on Malala Yousafzai," BBC News, October 9, 2012, http://bbc.in/VL9AGh.
[106] Talat Farooq, "Malala is a Mirror," *The News International*, October 17, 2012, http://bit.ly/Xlj3CE.
[107] Electron Libre, "Pakistan: Smear Campaign Against Malala on Social Media," France 24, October 18, 2012, http://www.france24.com/en/20121017-2012-10-17-2050-wb-en-webnews.
[108] Sumit Galhotra and Bob Dietz, "After Malala Shooting, Taliban Goes After Media Critics," *CPJ Blog*, October 17, 2012, http://www.cpj.org/blog/2012/10/after-malala-shooting-taliban-goes-after-media-cri.php.

online activity. In addition, some militant Islamic groups in Khyber Pakhtunkhwa and FATA attack cybercafés, which they consider sites of moral degradation. In January 2012, an explosion outside an internet cafe in Peshawar, provincial capital of Khyber Pakhtunkhwa, killed two people;[109] at least three more attacks on cybercafés or mobile phone stores were reported in different areas of the country in the first half of 2013.[110]

Technical attacks against the websites of NGO's, opposition groups, and activists are common in Pakistan but typically go unreported due to self-censorship. Minority organizations such as the Catholic-run human rights advocacy group National Commission for Justice and Peace have also been subject to technical attacks. The websites of government agencies are also commonly attacked, often by ideological hackers attempting to make a political statement. In March 2013, an unidentified hacker defaced the electoral commission's website in advance of elections.[111] Hackers defaced websites belonging to the Supreme Court and the PTA in October 2011 demanding stricter controls for online pornography.[112] Hackers have also infiltrated Pakistan's internet registry PKNIC, which manages the country's top level domains, including major news websites and Microsoft and Google regional homepages. The first attack came on November 24, 2012 and resulted in several sites being defaced, including Google's search engine, which was replaced with an image of penguins and a Turkish-language message reading "Pakistan Downed."[113] The PKNIC failed to adjust its security and was infiltrated again on February 4, 2013, apparently to highlight ongoing vulnerabilities.[114]

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[109] "Bomb Blasts in Pakistan Kill Six, Wound 29," UPI, January 3, 2012, http://bit.ly/vNBddl.
[110] "Blast in Nowshera Destroys Internet Cafe, Music Store," *Dawn*, February 2, 2013, http://bit.ly/X1XVk8; "Fresh Bomb Attacks Kill 2 Shias, Wound 20 in Pakistan," Press TV, January 13, 2013, http://bit.ly/Ssoth2; Police: Bomb Blast at Mall in Northwestern Pakistan Kills 1 Person, Wounds 12," The Associated Press via Fox News, February 21, 2013, http://fxn.ws/YI5QCq.
[111] Hisham Almiraat, "Cyber Attack on Pakistan's Electoral Commission Website," *Global Voices Advocacy*, April 1, 2013, http://advocacy.globalvoicesonline.org/2013/04/01/cyber-attack-on-pakistans-electoral-commission-website/.
[112] Shaheryar Popalzai, "Compromised: Official Website of the SC Hacked," *Express Tribune*, September 27, 2011, http://tribune.com.pk/story/261497/hacker-defaces-supreme-court-website/; Jahanzaib Haque, "Ban Porn or Else: Hacker Penetrates PTA Site," *Express Tribune*, October 10, 2011, http://bit.ly/pLS7cC.
[113] "Cyber Vandalism: Hackers Deface Google Pakistan," *Express Tribune*, November 25, 2012, http://bit.ly/SlFhlE.
[114] "Pakistani Hackers Expose PKNIC Vulnerabilities that Caused Defacements of .PK Domains," *Pro Pakistani*, November 26, 2012, http://propakistani.pk/2012/11/26/pakistani-hackers-expose-pknic-vulnerabilities-defacements-of-pk-domains/.

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