PAKISTAN

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* 0=most free, 100=least free

INTRODUCTION

Pakistan has experienced rapid growth in information and communication technologies (ICTs) in recent years. The proliferation of ICTs has also triggered an increase in citizen journalism and online activism, despite numerous social and political obstacles. In response, over the past decade, under both military rule and a civilian government, the authorities have adopted various measures to exert control over the Pakistani cyberspace and frequently frame such restrictions as necessary for “national security,” the “war on terror,” and the preservation of the “glory of Islam.” However, the underlying pretext for censorship is often steeped with political motives.

While internet accessibility and penetration statistics have improved in 2011, the state of Pakistan’s internet freedom has become precarious as a result of growing instances of political censorship and the moral policing of ICTs. Alarming events over the past year include a block on all mobile phone networks in Balochistan during the Pakistan Day celebrations in March 2012; a number of arrests and the death sentence issued for the transmission of blasphemous text messages on mobile phones; the bombing of internet cafes by Islamic militant groups; and a ban on encryption and virtual private networks (VPNs).

Furthermore, 2011 saw increased efforts by the Pakistani authorities to exert greater control over ICTs, including through the proposed Punjab Cyber & Gaming Cafe Regulation Act 2012 that aims to increase regulations on cybercafes and restrict user anonymity; an order by the Pakistan Telecommunications Authority to filter a list of “offensive” and “indecent” English and Urdu words sent via mobile phone text messages; and the request for proposals

POPULATION: 180 million
INTERNET PENETRATION 2011: 9 percent
WEB 2.0 APPLICATIONS BLOCKED: No
NOTABLE POLITICAL CENSORSHIP: Yes
BLOGGERS/ICT USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Not Free
by the National ICT Research and Development Fund for the development of a national firewall to filter and block “undesirable” content. The latter two initiatives were shelved shortly after widespread uproar from netizens and activists, demonstrating successful examples of pushback from civil society against infringements on internet freedom in Pakistan. Nevertheless, the increasing aggressiveness of the authorities to control the internet is a worrisome trend that could have significant consequences on the country’s socioeconomic development in the long run.

### OBSTACLES TO ACCESS

According to the International Telecommunications Union (ITU), internet penetration in Pakistan stood at close to 9 percent in 2011, up from 6.5 percent in 2006,\(^1\) while mobile phone penetration reached nearly 62 percent.\(^2\) Factors such as poor infrastructure, high costs, low literacy, difficult economic conditions, age, and culture are some of the constraints that have particularly limited the development and proliferation of the ICTs in Pakistan.\(^3\) Poor copper wire infrastructure and inadequate monitoring of service quality by the Pakistan Telecommunication Authority (PTA) have further stymied the expansion of broadband internet penetration.\(^4\) While the cost of internet use has fallen considerably in the last few years,\(^5\) access remains out of reach for the majority of people in Pakistan. Most users go online either at their workplace or as students at universities and colleges. Cybercafes are largely limited to major cities.

Better quality broadband services remain concentrated in urban areas like Karachi, Lahore, Peshawar, Faisalabad, and Islamabad. Wireless service providers using WiMAX and EVDO along with mobile operators Mobilink, Ufone, Telenor, Warid, and Zong have also been struggling to attract consumers due to high prices and poor access quality and coverage. Pakistan does not yet have a 3G or 4G network, which is another hindrance to the spread of

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\(^1\) ITU internet penetration statistics for Pakistan were re-estimated in 2011 due to a discrepancy in past data in which the percentage of internet users in Pakistan was found to be an overestimation compared to countries with similar characteristics, according to an email communication with an ITU representative. In 2010, the ITU indicated an internet penetration rate of 17 percent based on estimates by the PTA; this figure has now been revised to 8 percent for 2010. By contrast, data from Internet World Stats, which sources its statistics from the PTA, indicated an internet penetration rate of 15.5 percent for 2011 [http://www.internetworldstats.com/stats3.htm#asia]. Source: ITU, “Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions,” 2006 & 2011, accessed July 13, 2012, [http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#].


broadband internet and other wireless services; however, a new 3G policy for Pakistan was approved by the prime minister in November 2011. Unfortunately, most remote areas of the country have no access to broadband and are left with only slow, intermittent, poor quality connections, rendering any meaningful online activities very difficult. This situation is particularly challenging for students in rural areas, who seek to study via distance learning but are deprived of multimedia lectures and tutorials. In addition, most of the areas in the conflict-stricken Khyber Pakhtunkhwa (formerly North West Frontier Province) and the Federally Administered Tribal Areas (FATA) are largely without internet access.

In 2006, the government of Pakistan initiated the Universal Service Fund (USF) to promote access to ICT services and broadband across the country. As one of its special projects, the USF is piloting “Universal Telecenters” (UTCs) to be deployed in rural areas with populations above 5,000. The core purpose of such telecenters is to provide the local population with equal access to health, education, and employment opportunities. These centers are still in the procurement stage at the time of writing.

Power shortages in Pakistan have become an alarming issue in recent years, and throughout 2011, Pakistan faced frequent electricity shortfalls, resulting in hours-long electricity load-shedding across the country. The situation was particularly grim in rural areas where the rolling blackouts extended to as many as 20 hours a day. Urban centers also suffered from hectic load-shedding, and access to the internet was directly affected.

According to the latest data from 2012, there are 50 operational internet service providers (ISPs) throughout Pakistan, along with ten broadband service providers and five hybrid fiber-coaxial (HFC) operators providing broadband internet. All ISPs are under complete control of the government through the PTA. For its backbone, the country is connected via the government-controlled Pakistan Internet Exchange (PIE) with the SEA-ME-WE 3 and 4 cables, along with backup bandwidth provided by TransWorld Associates (TWA). The current internet bandwidth in Pakistan is approximately 130,000 Mbits.
The PTA is responsible for issuing licenses to telecom service, internet service, and mobile phone providers through a process that is routinely bureaucratic and involves the payment of hefty licensing fees. By contrast, internet cafes do not require a license to operate, and opening an internet cafe is relatively easy. However, in 2011 the Government of Punjab began preparing legislation for regulating internet cafes across the province, and on January 14, 2012, the Provincial Cabinet in Punjab gave formal approval to the proposal of Net Cafe Regulations Act (Punjab Cyber & Gaming Cafe Regulation Act 2012). While the document has not yet been made public as of mid-2012, it is said that proposed bill focuses heavily on the work procedures of internet cafes and will oblige cafe owners to register their businesses, among other requirements that will aim to restrict user anonymity (see “Violations of User Rights”). As per usual practice by the government, this policy was developed in isolation and without multi-stakeholder consultations.

In recent years, the Pakistani authorities, through either government orders or court decisions, have on several occasions blocked access to various Web 2.0 applications such as YouTube, Flickr, Facebook, and different blogs and websites containing pornography. Such blocks are often carried out under the rubric of restricting access to “blasphemous” content, pornography, or religious morality; however, further research into individual incidents found that the restrictions consistently corresponded to potentially politically motivated censorship (see “Limits on Content”). The blanket shut downs have affected a large number of users. According to the latest statistics from early 2012, there are over six million Facebook users, amounting to approximately 33 percent of all online users in the country. While social-networking and blog-hosting platforms were mostly available throughout 2011 and early 2012 with several temporary disruptions of Facebook and

Twitter services, different religious groups persistently exerted pressure on the Pakistani courts to ban Facebook completely.24

The southern province of Balochistan, where a conflict between Baloch nationals and the Government of Pakistan has persisted since 1948, has been subject to increasing efforts by the Pakistani authorities to obstruct the ability of Balochi residents to access ICTs. In a worrisome incident during the national celebration of Pakistan Day on March 25, 2012, the entire province was cut off from cellular services for a day based on “an order to implement national security policy,” according to the chairman of the PTA.25 The stated aim of the mobile phone block was to thwart militant activity during the national holiday, though some saw the incident as part of the government’s continual campaign of oppression against the Baloch people and nationalist movement.26

The PTA is the primary regulatory body overseeing internet and mobile phone services. The prime minister appoints the body’s chairman and members of the PTA, and the body reports to the Ministry of Information Technology and Telecommunication.27 Given the PTA’s connections to the government, international human rights organizations, free expression groups, and independent experts have serious reservations about the PTA’s governance structures, openness, and independence as a regulatory body.28

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.29 The authorities rely primarily on a blacklist of URLs that are blocked at both the internet exchange point (IXP) through the PIE and by individual ISPs. These efforts are pursued under the pretext of national security, the “war on terror,” or the desire to preserve the “glory of Islam.”
The first incident of internet blocking occurred at the end of February 2006 when the PTA issued instructions to all ISPs in the country to block any website displaying the controversial cartoon images of the prophet Mohammed that had been published in a Danish newspaper. The block focused particularly on Google and its blog-hosting platform Blogger and lasted for approximately two months. In May 2010, the PTA ordered ISPs to block Facebook, YouTube, and a few Flickr and Wikipedia pages 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.” Over 10,500 websites were blocked in total, while mobile phone providers also halted Blackberry services, at first completely, but later only web-browsing functions. The blocking was widely criticized by civil society circles, particularly given the collateral damage inflicted on the thousands of users of these particular applications. The blanket blocks were generally temporary as a result of heavy public protests. Most of these services were available as of mid-2012, though the authorities seem to have shifted their efforts to blocking individual YouTube videos or Facebook pages instead. The exception was access to applications such as Facebook and Twitter on BlackBerry devices, which remained restricted throughout 2011; nevertheless, a range of tips for circumventing the blockage circulated online.

According to the latest tests conducted by the OpenNet Initiative, censorship efforts focused symbolically on pornography and websites related to religious conversion, with some restrictions being inconsistent across different ISPs. More comprehensively blocked is content perceived as anti-military, blasphemous, or anti-state, while information disseminated by Balochi and Sindhi political dissidents is the most systematically censored. These blocking trends have persisted through early 2012. For example, the website of the Washington-based World Sindhi Institute and the website of Lal-Masjid have been blocked in Pakistan.

blocked since 2007. In November 2010, the authorities blocked The Baloch Hal, the first English language news website focused on Baluchistan, approximately one year after its launch.40 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.”41 Rollingstone.com remains blocked as of May 2012.

To justify the website blockings, the authorities typically cite Section 99 of the penal code, which allows the government to restrict information that might be prejudicial to the national interest.42 Furthermore, ISPs are required to carry out the blocking directives issued by the PTA, facing license suspensions for failure to respond.

In June 2011, a petition was brought to the Lahore High Court that sought to enable the Ministry of Telecommunications to ban obscene content such as pornography on the internet on the basis of religious morality. The petitioner was of the view that under the constitution, the state needs to prevent prostitution, gambling, and the use of illegal drugs by restricting the print, publication, circulation, and display of obscene literature and advertisements.43 The petition is still pending as of mid-2012; however, the government has already started proactively blocking pornography websites in Pakistan on moral grounds.44 For example, in October 2011 the PTA announced that a list of 150,000 pornographic websites had been sent to ISPs, mobile phone service providers, and international bandwidth providers to be filtered and blocked.45 By November 2011, over 1,000 pornography websites were in the process of being blocked by ISPs.46 Civil society organizations and the media have been actively campaigning against the block but to no avail as of yet.47


Although the professed goal of government control over the internet is to limit access to pornographic materials, extremist groups, and anti-state activists, targeted content also includes information perceived as damaging to the image of the military or top politicians. For example, the government has blocked access to specific URLs such as a video of an armed forces member’s involvement in a land grab and the video of the president telling members of the audience to “shut up” in the middle of a public speech. 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.” By contrast, Facebook and Twitter postings by militant Islamic groups such as Hizbut al-Tahrir or banned outfits that post comments inciting violence against sexual and religious minorities have been allowed to circulate with few restrictions.

A wide variety of government agencies are involved in the censorship of online content, but the PTA is the main body overseeing such restrictions. A broad range of provisions exist in the 1996 Pakistan Telecommunications Act that support online censorship and restrict freedom of expression for the protection of national security and the glory of Islam. There are no published or known guidelines as to how or why some content is blocked, or what mechanisms may be available for challenging censorship decisions.

The proposal to filter SMS text messages was another strategy attempted by the Pakistani authorities to govern moral issues in the country. In November 2011, the PTA sent two extensive lists of certain English and Urdu words to telecommunication companies with an order to filter the listed words from any SMS message exchanged in Pakistan. There were over 1,000 English words listed while the Urdu list contained over 550 words. Many of the listed words were not generally offensive or indecent, including words such as foot, taxi, idiot, killing, damn, and Jesus Christ. The SMS filtering initiative was justified by the

53 List of English words to be blocked on SMS in Pakistan, http://content.bytesforall.pk/sites/default/files/content%20filtering%20ENGLISH_0.PDF.
54 List of Urdu words to be blocked on SMS in Pakistan, http://content.bytesforall.pk/sites/default/files/content%20filtering%20URDU_0.PDF.
“Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009” under the 1996 Pakistan Telecommunications Act.56 After strong reaction from civil society and rights groups against the attempts at moral policing,57 the decision was temporarily shelved and not in effect as of mid-2012.

Another controversy involving freedom of expression on the internet occurred on February 23, 2012 when the National ICT Research and Development Fund placed an advertisement in the press calling relevant ICT providers and companies to submit proposals “for the development, deployment and operation of a national level URL Filtering and Blocking System” in Pakistan.58 The request for proposals expressed the desire for a sophisticated filtering system that “should be able to handle a block list of up to 50 million URLs with a processing delay of not more than 1 millisecond”59 in order to block websites with “blasphemous, un-Islamic, offensive, objectionable, unethical, and immoral material.”60 After widespread protest from civil society and NGOs, the request for proposals was shelved less than a month after it was advertised.61

Despite numerous limitations on content, 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.62 Nevertheless, most online commentators exercise a degree of self-censorship when writing on topics such as religion, blasphemy, separatist movements, or human rights protection for women and homosexuals, given the sensitivity of both the government and non-state actors to these subjects. In 2011, there were a few reports of authorities contacting bloggers to remove specific content or requiring moderators on discussion forums to delete certain messages.

The relationship between citizen journalism and traditional media in Pakistan is mutually reinforcing, particularly with respect to a number of daring, investigative bloggers and the circulation of online videos. For example, when Pakistani security forces killed five people

57 “Moral Policing gets an Upgrade in Pakistan!” Bytes for All, Pakistan (blog).
59 Ibid.
in Kharotabad near Quetta in May 2011, law enforcement agencies initially justified the killing by calling the victims “terrorists” and claiming they had acted in self-defense. Upon examination of post-mortem reports and video footage of the incident uploaded on YouTube by activists, an inquiry by a judicial panel determined that the victims were actually unarmed, poor travelers. In the absence of an active campaign by online activists, this crime by the security forces would have likely gone unnoticed.

Similarly, in June 2011 personnel from the Pakistan Rangers—a law enforcement agency in Karachi—killed Sarfaraz Shah upon accusations that the young man was a “dacoit” (bandit) or terrorist. The incident was caught on camera and uploaded on YouTube, and the Supreme Court of Pakistan took notice of the killing, ultimately leading to the conviction of the Ranger personnel for the murder.

Although many civil society groups have been able to use the internet to advance their cause, mobile phones still remain the predominant medium for mobilization around political and social issues. The 2008-2010 movement by lawyers and others calling for the reinstatement of Supreme Court Chief Justice Iftikhar Chaudhry and for greater protection of judicial independence is perhaps the most prominent example of how citizens have used text-messaging, social-networking websites, and other new media tools to successfully challenge state repression. The 2010 floods in Pakistan also inspired many Pakistani citizens and members of the diaspora to mobilize and raise funds online on websites such as Facebook and Twitter.

**VIOLATIONS OF USER RIGHTS**

Article 19 of the Constitution of Islamic Republic of Pakistan grants the fundamental right of freedom of speech, although it is subject to several restrictions. Pakistan also became a

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signatory to the International Covenant on Civil and Political Rights (ICCPR)\(^\text{71}\) in June 2010. In October 2011, Pakistan People’s Party lawmaker, Sherry Rehman, 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.\(^\text{72}\) As of May 2012, the bill has been submitted to a Standing Committee of the National Assembly for further discussion and is progressing towards becoming a law.

Section 124 of the Pakistan Penal Code (PPC) on sedition is extremely broadly worded, and the 2004 Defamation Act allows for imprisonment of up to five years, though they have been used infrequently to punish journalists and have yet to be used to punish online speech.\(^\text{73}\) Rather, Section 295(c) of the penal code addressing blasphemy is more often invoked to limit freedom of expression, and most the cases concerning internet censorship in recent years have been registered under articles dealing with blasphemy. This was the case in May 2010 when the police initiated legal proceedings against Facebook founder Mark Zuckerberg following the “Everyone Draw Mohammad Day” incident.\(^\text{74}\) The maximum punishment for blasphemy under the law is life imprisonment or the death penalty.

Amid the country’s harsh legal environment limiting free expression, there were a number of arrests in 2011 and early 2012 for the transmission of blasphemous text messages on mobile phones. In one case, a Pakistani Christian man named Sajjad Masih was arrested in December 2011 on charges of sending blasphemous SMS messages to Muslim clerics using a SIM card registered in his fiancé’s name. Masih admitted to sending the text messages to punish his fiancé for breaking their engagement and has been in detention since his arrest. His case is still ongoing as of mid-2012.\(^\text{75}\) In a particularly alarming case on June 21, 2011, a


\(^{72}\) According to the Right to Information bill: “This Act shall be interpreted so as to (i) promote the right to information as a constitutional right; (ii) facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information; and (iii) All public bodies falling within the ambit of this Act shall publish, in simple terms, a yearly report on documents and activities of relevance to the public including information on organizational structure, norm and functioning, budget and finance, content of decisions and activities affecting the public and efforts to include public consultation in decision making.” See, Maha Mussadaq, “Sherry Rehman’s bill: Public may eventually access organisations’ official records,” The Express Tribune, October 17, 2011, http://tribune.com.pk/story/275663/sherry-rehman-bill-public-may-eventually-access-organisations-official-records/.

\(^{73}\) “PPC Section 124-Sedition: Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Federal or Provincial Government established by law shall be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.” http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html; Karin Deutsch Karlekar, ed., “Pakistan,” in Freedom of the Press 2011 (New York: Freedom House, 2011), http://www.freedomhouse.org/report/freedom-press/2011/pakistan.


judge in the Talagang district of Pakistan issued the death sentence to 29-year old Abdul Sattar for committing blasphemy through a text message.76

In August 2011, the PTA sent a legal notice to all ISPs in the country ordering a ban on encryption and the usage of virtual private networks (VPNs),77 the technology that allows internet users to go online undetected, access blocked websites, and conceal communications from government monitoring. The notice urged ISPs to report customers who used encrypted VPNs, reasoning that the ban was intended to curb communication between terrorists.78 International and civil society organizations in Pakistan raised effective voice against this repressive development;79 however, the orders still stand as of early 2012.

Fear of government surveillance is not a significant concern among most bloggers and online activists in Pakistan, with the exception of activists, bloggers, and media representatives in Balochistan. Nevertheless, the Pakistani authorities, particularly intelligence agencies, have been expanding their monitoring activities in recent years. For example, ISPs, telecom 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.80 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 many other ICT regulations81—ISPs and telecom companies were obliged to keep logs of customer communications and convey them to security agencies as needed when directed by the PTA. While the bill officially expired in 2009, the practice is reportedly still active as of mid-2012.

If passed, the proposed Punjab Cyber & Gaming Cafe Regulation Act 2012 (discussed above) will place severe restrictions on anonymous communication in internet cafes in Punjab, the most populous province in Pakistan. Among the proposed regulations, users will have to register with a national identification card to log on at a cafe, while cafe owners will be

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required to maintain records of user information and activity for at least one year and submit monthly reports of computer usage to a national registrar. Owners will also be obliged to report any suspicious activity immediately to the police, or be held liable for user violations. Furthermore, cubicles that partition computer stations will be banned to make user activity clearly visible.\textsuperscript{82} As of April 2012, the Act was still being deliberated in the Punjab Assembly.\textsuperscript{83}

Provincial authorities have been exerting pressure on the central government to grant local police forces with greater surveillance powers and location tracking abilities, ostensibly to curb terrorism and violent crimes.\textsuperscript{84} According to unofficial reports, the PIE positioned at the international internet gateway has the technical capability to monitor all incoming and outgoing traffic, as well as store all emails. In addition, Pakistan is reported to be a long-time customer of Narus, a U.S.-based firm known for designing technology that allows for monitoring of traffic flows and deep-packet inspection of internet communications.\textsuperscript{85}

Although Pakistan is one of the most dangerous environments for traditional journalists, with 16 journalists killed and 47 injured in 2011,\textsuperscript{86} no bloggers or online activists have been harmed to date. However, several free expression activists and bloggers have received anonymous death threats. Most of such threats were sent via text message from untraceable, unregistered mobile phone connections, usually originating from the tribal areas of the country, and several had very specific details related to the individuals’ profiles or recent activities. Similarly, some militant Islamic groups consider cybercafes to be sites of moral degradation and have initiated attacks and bombings of such access points, most of which have occurred in the Khyber Pakhtunkhwa Province and FATA region. Recently in January 2012, an explosion outside of an internet cafe in Peshawar killed two people and injured 24 others.\textsuperscript{87}

\textsuperscript{86} “PAKISTAN: 16 journalists killed and 47 were injured in different incidents during the eleven months of 2011,” Asian Human Rights Commission, November 30, 2011, \url{http://www.humanrights.asia/news/ahrc-news/AHRC-STM-184-2011}
\textsuperscript{87} “Bomb blasts in Pakistan kill six, wound 29,” UPI, January 3, 2012, \url{http://www.upi.com/Top_News/World-News/2012/01/03/Bomb-blasts-in-Pakistan-kill-six-wound-29/UPI-89341325603299/}
Technical attacks against the websites of NGO’s, opposition groups, and activists are rampant in Pakistan but typically go unreported due to self-censorship. A recent cyberattack involved the popular Pak Tea House blog, which was taken down by unknown hackers. Similarly, minority organizations such as the NCJP have also been subject to technical attacks, while online political discourse coming from Balochistan is frequently taken down without notice. The websites of government agencies are also commonly attacked, often by ideological hackers attempting to make a political statement. For example, in September 2011, the website of the Supreme Court of Pakistan was defaced by a hacker who left a message demanding the court to ban pornographic content on the internet. The PTA website was attacked in October 2011 by the same hacker with the same demands.

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