

# Pakistan Media Legal Review 2020

## GROWING FEAR AND HATE IN PAKISTANI ONLINE CIVIC SPACES



Annual Review of Legislative, Legal and Judicial Developments on  
Freedom of Expression, Right to Information and Digital Rights in Pakistan

Muhammad Aftab Alam and Adnan Rehmat

**IRADA**

Institute for Research, Advocacy and Development



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Dedication: IRADA has been producing the Pakistan Media Legal Review report every year since 2017. IRADA dedicates the Pakistan Media Legal Review 2020 to late I. A. Rehman – the iconic human rights defender, an uncompromised voice for freedom of expression and rule of law – the principal inspiration behind and one of the biggest supporters of this annual report.

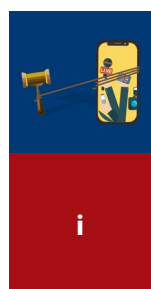
## Pakistan Media Legal Review 2020

This report is voluntarily produced by the Institute for Research, Advocacy and Development (IRADA), an Islamabad-based independent research and advocacy organization focusing on social development and civil liberties. IRADA acknowledges valuable contribution of Mr **Amir Mustafa**, Ms **Faiza Hassan** and Ms **Varsha Arora** in media monitoring and data compilation for this report. IRADA also acknowledges contributions of Mr **Muhammad Aftab Alam** and Mr **Adnan Rehmat** who led the research and analysis for the report.

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# ACRONYM

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<b>AIC</b>	Asia Internet Coalition
<b>APNS</b>	All Pakistan Newspaper Society
<b>CCTV</b>	Closed-Circuit Television
<b>COC</b>	Council of Complaints
<b>CPJ</b>	Committee to Protect Journalists
<b>CSJ</b>	Centre for Social Justice
<b>CTW</b>	Counter Terrorism Wing
<b>DRF</b>	Digital Rights Foundation
<b>FATA</b>	Federally Administered Tribal Areas
<b>FIA</b>	Federal Investigation Authority
<b>FIR</b>	First Investigation Report
<b>FN</b>	Freedom Network
<b>GNI</b>	Global Network Initiative
<b>HRCP</b>	Human Rights Commission of Pakistan
<b>ICT</b>	Information and Communications Technology
<b>IHC</b>	Islamabad High Court
<b>ISPs</b>	Internet Service Providers
<b>IT</b>	Information Technology
<b>JDC</b>	Journalist Defence Committee
<b>OTT</b>	Over the Top TV
<b>OTTA</b>	Over the Top Application
<b>PBC</b>	Pakistan Bar Council
<b>PECA</b>	Prevention of Electronic Crimes Act, 2016
<b>PEMRA</b>	Pakistan Electronic Media Regulatory Authority
<b>PFUJ</b>	Pakistan Federal Union of Journalists
<b>PID</b>	Press Information Department
<b>PM</b>	Prime Minister
<b>PTA</b>	Pakistan Telecommunication Authority
<b>SCBA</b>	Supreme Court Bar Association
<b>USF</b>	Universal Service Fund
<b>VPN</b>	Virtual Private Network



## EXECUTIVE SUMMARY

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In 2020 the already unfriendly legal framework governing freedom of expression, right to information and digital rights in Pakistan worsened considerably. The country experienced major setbacks in enforcement of digital rights, freedom of expression and right to information – especially in online spaces – through regression in the areas of internet policies and regulations. This resulted in a rise in censorship, hate speech, digital surveillance and breach of privacy and disinformation and misinformation online.

The following were key characteristics that ended up constricting the free speech and access to information environments during 2020:

1. Accelerating internet controls: The government in 2020 accelerated its efforts to beef up internet controls with the intended consequence of expanding its policy of reduced tolerance for dissent. It notified the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2020 under the controversial Prevention of Electronic Crimes Act (PECA) law. The proposed regulations will govern online free speech and internet content for media producers, citizens and social media platforms that distribute content. The rules aim to strengthen the shackles on free speech and digital rights.

2. Worsening media legal context: The media legal context of Pakistan in 2020 was characterized by an aggressive government seeking to extend and expand its authority to overregulate the media sector and to redefine the boundaries of free speech not just of media and information practitioners, including journalists and online citizens, but also of opposition political parties and civil society movements and their leaders.

3. Expanding censorship online: Internet freedom in Pakistan declined during 2020 due to authorities' increased blocking of political, social, and cultural websites and undeclared policy of connectivity restrictions and increased disinformation. There was an increased reliance on the PECA law to encourage censorship. The cybercrime law was repeatedly invoked against journalists and opinion makers for exercising freedom of expression and social media activism. Several journalists and rights activists faced inquiries, abductions, investigations, arrests and criminal related to their online / social media activities and posts.

4. Hate speech prevalence online: Hate speech against citizens, journalists and



religious minorities on social media and their online harassment were prevalent in 2020. Discussions on the themes of religious minorities, security agencies, human rights, gender, politics and development elicited the most hostile reactions. Citizens, journalists, politicians and activists faced hate speech, hostility and organized targeting for their opinions as well as threats, abuse, trolling, hacking, blocking and charges of treason from various threat actors including individuals, political parties, religious groups, unknown organized groups and even official sources.

5. Growing misinformation, disinformation and fake news: In 2020 concerns in Pakistan grew about misinformation, disinformation and fake news as political polarization grew encouraged by the ruling party and its highest-ranking leaders. Misinformation, in particular, targeted women activists participating in the annual Aurat March on International Women’s Day wherein disinformation led to threats against several activists forcing them to go underground for safety.



# CHAPTER ONE: INTERNET REGULATIONS

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## 1.1 Internet Television Regulation

On January 08, 2020, Pakistan Electronic Media Regulatory Authority (PEMRA) uploaded a consultation paper on proposed regulation of Web TV & Over the Top TV (OTT) Content Services. In the introductory part of the proposed regulations, PEMRA claimed that:

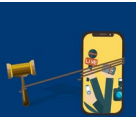
*“The extensive growth of the web TV & OTT market and the excessive disruption of these services to traditional broadcast services have made regulators vigilant all over the world. Moreover, the broadcasters /TV operators and other traditional service providers are losing their market share to online web TV and content providers. There are other regulatory issues also which necessitate it to regulate & hence license the Web TV & OTT services.”*

The proposed regulations seemed to be a draconian attempt to control the proliferation of YouTube / website channels – being run by dozens of Pakistani journalists forced out from mainstream media over the past year to curtail their objective and professional work. The civil society stakeholders considered the proposal as an attempt to materialize otherwise rejected idea of Pakistan Media Regulatory Authority (PMRA) – a proposed single controlling authority for print, broadcast and online media – model through these regulations. It was also feared that, through these regulations, PEMRA intended to assume/acquire PECA [Prevention of Electronic Crimes Act, 2016]-type powers for itself, which have already proved controversial and a thinly disguised framework to hinder freedom of expression [FOE] online.

Civil society stakeholders strongly reacted to the proposal. IRADA along with Digital Rights Foundation (DRF), Bolo Bhi and Freedom Network (FN) – independent civil society Pakistani organizations championing civil liberties and digital rights - organized a consultative meeting on 23 January 2020 in Islamabad. The meeting was attended by dozens of journalists and media practitioners, digital rights activists, IT industry representatives, internet service providers, human rights groups, women’s rights advocates, lawyers, social media practitioners, and media rights groups. The Consultation produced a statement<sup>1</sup>, signed by a large number of civil society groups and prominent individuals, rejecting the PEMRA proposal outrightly.

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<sup>1</sup> <https://www.dawn.com/news/1531136>



On this hue and cry of the civil society activists and groups, Senate's Functional Committee on Human Rights took notice<sup>2</sup> of the proposed regulations and asked PEMRA to brief the Committee thereon during its meeting on February 10, 2020. The Committee also invited civil society stakeholders to share their views on the proposed regulations. Nevertheless, after hearing the PEMRA and civil society representatives, the Committee rejected the proposed move stating that the PEMRA lacks authority to regulate web TV and over-the-top (OTT) media service in the country<sup>3</sup>.

## 1.2 The Citizens Protection (against Online Harm) Rules, 2020

While the dust of PEMRA's proposed regulation of Web TV & OTT Content Services was yet to settle down, reports of another set of rules to regulate social media in Pakistan emerged in the media. This time, it was the Pakistan Telecommunication Authority (PTA) and Minister In-charge of the [Information Technology and Telecommunication] Division who were empowered to exercise their control over the social media in Pakistan. In fact, a few of the participants of the consultation on PEMRA's proposed Web TV Regulations hinted that the PTA is also embarking upon having rules with the aim to establish some guidelines to apparently 'protect citizens against online harm' on the internet.

These Citizens Protection (Against Online Harm) Rules, 2020 were reportedly approved by the Federal Government on 21st of January 2020. The PTA officials later informally claimed that these Rules were made in compliance with the direction of the Islamabad High Court (IHC) in *Awami Workers Party vs PTA* (W.P. No 634/2019) to the PTA to prescribe rules under Section 37(2) of the PECA 2016<sup>4</sup>.

As mentioned in the Rules, the Federal Government made these 'Rules' while exercising powers conferred to it under following provisions of the Pakistan Telecommunication (Re-organization) Act, 1996 (the PTA Act) and the PECA 2016<sup>5</sup>. (Nevertheless, the legality of the Rules under these clauses is still a question)

- Clause (c) of sub-section (2A) of section 8 of the PTA Act: Powers of the Federal Government to issue policy directives
  - (c) *requirements of national security and of relationships between Pakistan and Government of any other country or territory outside Pakistan and other States or territories outside Pakistan.*

<sup>2</sup> <https://www.dawn.com/news/1531993>

<sup>3</sup> <https://www.brecorder.com/news/569744>

<sup>4</sup> <https://cyrilla.org/en/document/yx3mn3vq0o?page=5>

<sup>5</sup> Text of Rules initially available on official website of Federal Ministry of IT and Telecommunication. However, it was removed from the website later.

- Sub-section (1) of section 54 of the PTA Act: National Security  
*(1) Notwithstanding anything contained in any law for the time being in force, in the interest of national security or in the apprehension of any offence, the Federal Government may authorise any person or persons to intercept calls and messages or to trace calls through any telecommunication system.*
- Clause (ag) of sub-section (2) of section 57 of the PTA Act: Power to make rules  
*(ag) enforcing national security measures in the telecommunication sector.*
- Sections 35 of the PECA Act: Powers of an authorized officer
- Section 37 of the PECA Act: Unlawful Content
- Section 48 of the PECA Act: Prevention of Electronic Crimes
- Section 51 of the PECA Act: Power to make rules

Rules provide two distinct structures and procedures: 1) office of National Coordinator (Rules 3 to 7); and 2) complaint mechanism for blocking or removal of such ‘unlawful’ content online (Rules 8 to 12). While second procedure, i.e., complaints mechanism under section 37 of PECA 2016, appears to be result of the directions of IHC in Awami Workers Party Case, first structure seems to be a completely novel idea in context of PECA 2016.

### **1.2.1 National Coordinator and its Mandate**

The Rules empower the Minister In-charge of the [IT and Telecommunication] Division to designate a national coordinator. The National Coordinator (Rule 3) is mandated to perform following functions:

- (a) coordinate efforts of stakeholders for performance of functions related to regulation of Online Systems;*
- (b) advise the Federal or Provincial Governments, and issue instructions to departments, authorities and agencies, in accordance with requirements of National Security in relation to management or regulation or functioning of social media companies. The departments, authorities or agencies shall act in compliance of the said instructions. Such instructions may include actions related to blocking of unlawful online content, acquisition of data or information from social media companies, and other such matters;*
- (c) engage with the social media companies on behalf of the Federal Government; and*
- (d) direct concerned official representatives of any Social Media Company to appear before it in person to discuss any aspect related to operation of Online System.*

The Rules also require social media companies – an entity that owns or runs or manages online systems such as Social Media Applications, Over The Top Application (OTTA) and cloud based content distribution services – to:

- register with PTA, establish a permanent registered office in Islamabad, appoint a focal person, and establish one or more database servers;

- remove, suspend or disable access to such online content, which according to PTA is in contravention of any law, rule, regulation or instructions of the National Coordinator for the time being in force; and
- remove, suspend or disable access to such account, online content of citizens of Pakistan residing outside its territorial boundaries and posts on online content that are involved in spreading of fake news or defamation and violates or affects the religious, cultural, ethnic, or national security sensitivities of Pakistan.

### 1.2.2 Response of Civil Society and Media Stakeholders

Civil society and media strongly reacted to this development. Pakistan Federal Union of Journalists, (PFUJ), out rightly rejected these rules<sup>6</sup>. Human Rights Commission of Pakistan (HRCP) and former Chairman Senate Mr. Raza Rabbani supported the PFUJ over its criticism of the Government and called for withdrawal of the Rule<sup>7</sup>.

Similarly, Pakistan Bar Council's (PBC) and the Supreme Court Bar Association's (SCBA) expressed their concerns about the Rules and termed them as curbs on online free speech, invasion of privacy of citizens and restriction on access to information<sup>8</sup>. Several other lawmakers from the opposition parties in the Senate<sup>9</sup> – upper house of the Parliament – criticized the government of having bypassed the parliament in drafting the rules<sup>10</sup>. Among the political parties, Pakistan People's Party (PPP) was vocal in condemning the approval of these laws and considered it to be digital dictatorship which the Government aims to impose. PPP termed the Rules unconstitutional, regressive and violating Article 19 and 19 A of the constitution of Pakistan<sup>11</sup>.

### 1.2.3 Online Harm Rules and International Response

Asia Internet Coalition (AIC) – an industry association that comprises leading internet and technology companies, namely Facebook, Twitter, Google, Amazon, Airbnb, Apple, Booking.com, Expedia Group, Grab, LinkedIn, LINE, Rakuten, and Yahoo (Oath) issued a statement on February 13, 2020 mentioning that the Coalition is “deeply concerned to see the Pakistan Government release a set of broad reaching online rules without any consultation with stakeholders, including industry<sup>12</sup>.” The AIC further mentioned that “[t]hese rules jeopardise the personal safety and privacy of citizens, and undermine free expression.” The Coalition urged the government to

<sup>6</sup> <https://www.thenews.com.pk/print/613779-pfuj-rejects-attempt-to-regulate-social-media-platforms>

<sup>7</sup> <https://www.dawn.com/news/1534766>

<sup>8</sup> <https://www.dawn.com/news/1534581>

<sup>9</sup> <https://dailytimes.com.pk/558338/law-of-the-jungle-govts-new-social-media-policy-comes-under-criticism-in-senate/>

<sup>10</sup> <https://www.dawn.com/news/1537268>

<sup>11</sup> <https://www.thenews.com.pk/print/754010-ppp-condemns-digital-dictatorship>

<sup>12</sup> <https://aicasia.org/wp-content/uploads/2020/02/AIC-statement-on-Pakistans-Citizens-Protection-Rules-Against-Online-Harm-13-Feb-2020.pdf>



reconsider these rules. AIC warned in a letter to the Prime Minister of Pakistan that these Rules would make it extremely difficult for AIC Members to make their services available to Pakistani users and businesses<sup>13</sup>.

Global Network Initiative (GNI) – a unique multi-stakeholder platform having representatives of information and communications technology (ICT) companies, human rights and press freedom organizations, academics, and investors – also expressed concern about lack of public consultation and the broad scope of the Rules and potential significant risks to privacy and freedom of expression<sup>14</sup>.

Committee to Protect Journalists (CPJ) – an independent, nonprofit organization that promotes press freedom worldwide and defends the right of journalists to report the news safely and without fear of reprisal – said that these “stringent but vague rules approved by Pakistan’s federal cabinet threaten the ability of journalists to report the news and communicate with their sources<sup>15</sup>. The cabinet should immediately reverse course and seek broad consultations with legislators and civil society, including the media, on how to proceed with any such regulations.”

The US chief diplomat for South Asian affairs Alice Wells in a tweet termed the Rules “a setback for freedom of expression and development of digital economy<sup>16</sup>.”

#### 1.2.4 Judiciary on Social Media Rules

During the protest against these Rules in February 2020, a lawyer in Lahore (Punjab) filed a petition in the Lahore High Court for ‘implementation of the Rules in letter and spirit.’ The Court sought a report from the federal Government on these Rules<sup>17</sup>. However, another group of activists and lawyers filed a petition in the Lahore High Court arguing that the Rules were prima facie illegal and contravening and exceeding the scope of the PTA Act, PECA 2016 as well as [in] violation of fundamental constitutional rights. Both of these petitions are still pending before the Court for further adjudication<sup>18</sup>.

Similarly, another lawyer in Islamabad filed a petition in the IHC alleging that the rules approved to control the social media are against the basic and fundamental rights to information and these rules are inconsistent with the constitutional guarantee

<sup>13</sup> <https://aicasia.org/wp-content/uploads/2020/02/AICs-Representation-on-Pakistan’s-Citizens-Protection-Rules-Against-Online-Harm.pdf>

<sup>14</sup> <https://globalnetworkinitiative.org/gni-expresses-serious-concern-regarding-pakistans-rules-against-online-harm/>

<sup>15</sup> <https://cpj.org/2020/02/pakistan-government-secretly-passes-strict-social/>

<sup>16</sup> [https://twitter.com/State\\_SCA/status/1232313693687484417](https://twitter.com/State_SCA/status/1232313693687484417)

<sup>17</sup> <https://www.dawn.com/news/1535100/court-seeks-report-from-centre-on-social-media-regulations>

<sup>18</sup> <https://www.dawn.com/news/1536138/lhc-takes-up-social-media-rules-case-tomorrow>

in form of fundamental rights of citizen<sup>19</sup>. The petition also argued that the rules are ultra vires the constitution of Pakistan, the PECA 2016 and PTA Act of 1996. The court rejected the petitioner's request to immediately suspend the Rules; however, it issued notices to the federation, information technology and law ministries for their responses<sup>20</sup>.

On March 15, 2020, the IHC directed PTA to submit the Rules proposed to regulate social media and warned that constitutional courts never allowed the Government to ban media as is happening in a neighbouring country<sup>21</sup>. In the meanwhile, on March 13, 2020 in another petition filed by Awami Workers Party, the IHC issued notice to the chairman and members of PTA for not framing rules as provided in the PECA 2016<sup>22</sup>.

### **1.2.5 Government's Reaction on Civil Society Demands and Judicial Directions**

Reacting to growing local and international and local civil society and media/ internet stakeholders' pressure and directions of the courts, on February 18, 2020, the Prime Minister Imran Khan directed the authorities to take all stakeholders on board before implementing the new rules<sup>23</sup>.

Acting under these directions, the Federal Ministry of IT and Telecommunication formed a committee to review the Rules<sup>24</sup>. As per the reports, the Committee was headed by the Chairman PTA. Other members of the Committee include additional secretary of Ministry of IT and Communication; Ms. Tania Aidrus, member of the Strategic Reforms Implementation Unit, Prime Minister Office; Dr Arslan Khalid, focal person on digital media at the PM Office; Federal Minister for Human Rights Dr Shireen Mazari and Barrister Ali Zafar.

On June 03, 2020, it was reported that the above Committee has formally initiated the process of consultation<sup>25</sup>. This process was started despite continuous demand of the civil society and human rights groups to take back the Rules before initiating the consultation process. The Committee scheduled a meeting with the stakeholders on June 04, 2020<sup>26</sup>.

<sup>19</sup> <https://www.dawn.com/news/1535850>

<sup>20</sup> <https://www.thenews.com.pk/print/619564-ihc-rejects-plea-to-suspend-citizens-protection-rules-2020>

<sup>21</sup> <https://www.dawn.com/news/1540995/courts-wont-allow-govt-to-ban-media-ihc>

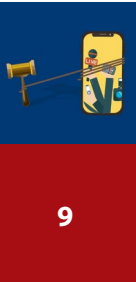
<sup>22</sup> <https://www.dawn.com/news/1540429/pta-issued-notice-for-not-framing-rules-to-block-websites>

<sup>23</sup> <https://www.dawn.com/news/1535362>

<sup>24</sup> <https://www.dawn.com/news/1537319>

<sup>25</sup> <https://www.dawn.com/news/1560952>

<sup>26</sup> <https://www.dawn.com/news/1537755>



Earlier in May, the PTA uploaded a survey questionnaire on its website to seek input from the public and relevant stakeholders for “refining the suspended Rules”. However, human rights groups refused to participate in the review process. Rights groups regretted that the consultative process ignores the key demand of civil society, which is the formal denotification of the rules. The rights groups reiterated their position, which they took in March 2020, to boycott government consultation on the Rules unless the cabinet withdraws the rules which it reportedly approved on Feb 11, 2020.

In the meanwhile, on June 05, 2020, the Asia Internet Coalition (AIC) welcomed government’s decision to open up consultation the Rule and sent its submissions thereon to the Chairman PTA<sup>27</sup>. However, in its letter to the Chairman of PTA, the AIC “strongly recommended that PTA and the Government of Pakistan put in place a comprehensive framework for the consultation, including a paper or exposure draft that outlines details on the government’s proposed regulatory approach.” AIC also demanded that a “consultation paper should seek extensive public policy input, which will inform the development of a holistic public policy approach to deal with the issues at hand, and if needed, ask about and inform the contours of any future additional regulatory or legislative framework.” Nevertheless, it was reported that Chairman PTA has held a meeting with AIC via video link on June 19, 2020<sup>28</sup>.

### **1.3 The Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020**

In October 2020, the Asia Internet Coalition (AIC) showed its resentment to the press reports indicating that the Pakistan government is approving new rules to remove or block unlawful social media content without consultation and feedback from the industry<sup>29</sup>. The AIC urged the government to reconsider its approach in working with the industry and to adopt policy approaches that will support the growth of Pakistan’s digital economy on October 23, 2020<sup>30</sup>.

Nevertheless, the government did not acknowledge the concerns raised by AIC and notified the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020 in October 2020<sup>31</sup>. However, these Rules remain a top secret until November 18, 2020 when the government made the Rules public<sup>32</sup>. In the meanwhile, civil society groups and concerned individuals urged the government

<sup>27</sup> [https://aicasia.org/wp-content/uploads/2020/06/Industry-Submission-on-Pakistan-Citizens-Protection-Against-Online-Harm-Rules-2020-Consultation\\_05062020.pdf](https://aicasia.org/wp-content/uploads/2020/06/Industry-Submission-on-Pakistan-Citizens-Protection-Against-Online-Harm-Rules-2020-Consultation_05062020.pdf)

<sup>28</sup> <https://www.thenews.com.pk/print/675256-pta-chairman-holds-video-conference-with-aic-rep>

<sup>29</sup> <https://aicasia.org/2020/10/06/aic-expresses-concerns-to-pm-khan-re-pakistan-citizens-protection-against-online-harm-rules-2020-oct-2020/>

<sup>30</sup> <https://aicasia.org/2020/10/23/pakistan-the-asia-internet-coalition-aic-publishes-statement-on-removal-and-blocking-of-unlawful-content-procedure-oversight-and-safeguards-rules-23-oct-2020/>

<sup>31</sup> <https://propakistani.pk/2020/10/20/rules-for-the-removal-and-blocking-of-unlawful-online-content-notified/>

<sup>32</sup> <https://www.dawn.com/news/1591187/stakeholders-up-in-arms-as-social-media-rules-notified>



to initiate a credible consultative process in the drafting of social media rules. They argued that the non-consultative measures could have a detrimental impact on country's digital ecosystem, economy and online expression<sup>33</sup>.

AIC expressed its alarm over the scope of the new law targeting internet companies and warned that the Rules would make it extremely difficult for [its] members to make their services available to Pakistani users and businesses. Digital rights activists and groups considered that the Rules are nothing but an attempt to control the narratives and silence citizens that is unconstitutional, impractical and detrimental to Pakistan's development<sup>34</sup>. They also termed this step of the government to be the tunnel vision, designed to ensure that nobody has the power to effectively challenge the dominant narratives<sup>35</sup>.

The IHC, while hearing a petition against the ban in TikTok on November 02, 2020, asked the PTA to present a notified copy of the Rules before the Court<sup>36</sup>. However, on December 03, 2020, the Court reprimanded the government over the controversial Rules and criticized the PTA for its failure to share the draft law with the relevant stakeholders including the PBC<sup>37</sup>.

On December 05, 2020, AIC wrote a letter to Prime Minister of Pakistan and showed their concerns over the Rules. The AIC sought Prime Minister's assistance to ensure that the Pakistan government makes critical changes to the rules through a credible consultation process<sup>38</sup>.

Nevertheless, on December 18, 2020, the IHC admitted a writ petition filed by the Pakistan Federal Union of Journalists (PFUJ) challenging vires of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020<sup>39</sup>. The Journalists Defence Committee of Pakistan Bar Council (PBCJDC) - a committee of volunteer lawyers constituted by the PBC to defend journalists in the court of law – filed this petition on behalf of the PFUJ.

<sup>33</sup> <https://ifex.org/pakistan-civil-society-groups-demand-transparency-and-consultation-in-the-drafting-of-social-media-rules/>

<sup>34</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=22\\_11\\_2020\\_006\\_004](https://epaper.dawn.com/DetailNews.php?StoryText=22_11_2020_006_004)

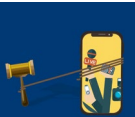
<sup>35</sup> <https://www.thenews.com.pk/print/750711-tunnel-vision>

<sup>36</sup> <https://www.digitalrightsmonitor.pk/drm-exclusive-pta-asked-to-present-published-rules-under-s-37-to-court-under-a-tiktok-ban-petition/>

<sup>37</sup> <https://nayadaur.tv/2020/12/criticism-is-vital-for-democracy-justice-minallah-reprimands-pta-over-controversial-social-media-rules/>

<sup>38</sup> <https://aicasia.org/wp-content/uploads/2020/12/Industry-letter-to-the-Prime-Minister-Removal-and-Blocking-of-Unlawful-Content-Procedure-Oversight-and-Safeguards-Rules-2020.-1.pdf>

<sup>39</sup> <https://www.dawn.com/news/1596533>



## CHAPTER TWO: BANNING SOCIAL MEDIA AND ONLINE PLATFORMS

The year saw reemergence of banning social media applications and platforms in the country. Several social media applications including BIGO Live, PUBG, TikTok, Tinder, Grindr, Say Hi, Tagged and Skout were banned by the authorities in Pakistan. Ironically, two federal ministers publicly denounced such bans. Federal Minister for the Ministry of Science and Technology, Mr. Fawad Chaudhry said that these bans [will] “destroy Pakistan’s tech industry and development of technology will be permanently hampered<sup>40</sup>. Federal Minister for IT and Telecommunication Syed Amin-ul-Haq said that he would never support closure of any social media platform. However, he made ‘national security’ as a ‘justified exception’ for banning such platforms<sup>41</sup>.

### 2.1 Ban on YouTube and PUBG

On July 01, 2020, PTA temporarily banned Players Unknown Battleground (PUBG) - an online game after receiving complaints from different people – claiming to have “received numerous complaints against PUBG alleging that the game is addictive, wastage of time and poses serious negative impact on physical and psychological health of the children.”<sup>42</sup>

On July 24, 2020, IHC declared PTA’s move to temporarily suspend PUBG) void and directed the authority to “immediately” remove the ban<sup>43</sup>. However, on July 27, 2020, the PTA tweeted that the “PUBG game shall remain blocked in Pakistan.”<sup>44</sup> The PTA claimed that decision was taken in accordance with IHC’s orders. However, on July 30, 2020, PTA lifted the ban on PUBG in Pakistan reportedly after a meeting of PUBG representative with the Authority<sup>45</sup>.

<sup>40</sup> <https://twitter.com/fawadchaudhry/status/1285815851178962944>

<sup>41</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=06\\_11\\_2020\\_003\\_004](https://epaper.dawn.com/DetailNews.php?StoryText=06_11_2020_003_004)

<sup>42</sup> <https://tribune.com.pk/story/2252815/pakistan-temporarily-bans-popular-online-game-pubg>

<sup>43</sup> [https://www.dawn.com/news/1570877#:~:text=The%20Islamabad%20High%20Court%20\(IHC,issued%20by%20Justice%20Amir%20Farooq.](https://www.dawn.com/news/1570877#:~:text=The%20Islamabad%20High%20Court%20(IHC,issued%20by%20Justice%20Amir%20Farooq.)

<sup>44</sup> <https://twitter.com/PTAofficialpk/status/1287734383009574915>

<sup>45</sup> <https://www.dawn.com/news/1571972/pta-lifts-ban-on-pubg-after-meeting-company-representatives>



## 2.2 Amazon Web Server Disruption in Pakistan

While the issue of PUBG ban was yet to be resolved, Amazon's web server reportedly faced disruption in the country. It was reported on social media that software houses and business outfits across Pakistan observed "extremely slow performance or outright unavailability of a plethora of Internet sites, apps and services since midnight."<sup>46</sup> It was reported that the tech experts have "speculated that [this disruption] must be the doing of the country's telecom regulator i.e., PTA."<sup>47</sup> It was alleged that since PTA was "promoting the mandatory registration of VPN tunnels, this might be a 'dry-run' before the actual action." However, PTA through its official twitter handle announced that it has not taken any action to block VPNs or other services related to Amazon Web Server<sup>48</sup>.

## 2.3 Ban on Five Dating Apps

On September 01, 2020, it was reported that PTA has "blocked five dating and live streaming applications including the popular Tinder in Pakistan. These apps include, namely: Tinder, Grindr, Say Hi, Tagged and Skout. It was reportedly alleged that these apps were streaming immoral and indecent content resulting in negative effects on the society. As per the news report, the PTA demanded from the management of these platforms to remove dating services and moderate live streaming content in accordance with the local laws of Pakistan<sup>49</sup>.

## 2.4 Ban on TikTok and Bigo Live

TikTok, a video sharing social networking service, owned by a Chinese company, is used to make short form of videos in different genres like dance, comedy, and education. Bigo Live is a live streaming platform where users share live moments with their followers. On July 20, 2020, PTA blocked TikTok and Bigo due to their allegedly "immoral, obscene and vulgar content" and "their extremely negative effect on the society in general and youth in particular. PTA asked the management of the apps to "moderate the socialization and content within legal and moral limits in accordance with the laws of the country."<sup>50</sup>

However, on July 30, 2020, PTA announce through its official twitter account that, after negotiations with the management of the Bigo, the ban on the app is being

<sup>46</sup> <https://twitter.com/tariqmustafa/status/1286596547954782208>

<sup>47</sup> <https://www.digitalrightsmonitor.pk/op-ed-what-happened-to-the-internet-in-pakistan-on-24th-july-2020/>

<sup>48</sup> <https://twitter.com/PTAofficialpk/status/1286618485053849600>

<sup>49</sup> <https://www.dawn.com/news/1577392/pta-bans-five-dating-apps-including-tinder-citing-immoral-content>

<sup>50</sup> <https://twitter.com/PTAofficialpk/status/1285287980370931712>

lifted<sup>51</sup>. On August 07, 2020, it was reported that the TikTok, after negotiations with PTA, has upgraded its 'Community Guidelines' and released its Urdu language version for the first time<sup>52</sup>. Bloomberg reported that the app was installed 43 million times in the country including 14.7 million installs in year 2020 alone, which made Pakistan twelfth largest market of TikTok<sup>53</sup>. Nevertheless, the PTA again banned the app in Pakistan on October 09, 2020 allegedly upon receipt of complains from different segments of the society against immoral/indecent content on the app<sup>54</sup>. According to a report the ban on the app affected around 20 million users<sup>55</sup>.

The Senate Committee on Delegated Legislation, reportedly, criticized the regulatory authority for banning the app<sup>56</sup>. The Committee noted that Pakistan needs to pace up with global development and take corrective measures instead of adopting isolationist approach. On October 15, 2020, in a petition filed by Muhammad Shafiq Jutt, an athlete and winner of world championship of kickboxing against the ban on TikTok, the IHC issued the notices to PTA, federal government and Ministry of IT and Telecommunication over the ban on social media app<sup>57</sup>. The Court also appointed President of Pakistan Federal Union of Journalists (PFUJ) and Vice Chairman of PBC as amici to assist the court on banning of online platforms and implications for freedom of expression and speech and right to access information under Article 19 and 19A of the Constitution and alleged misuse of PECA. However, on October 10, 2020, it was reported that TikTok has been restored in Pakistan<sup>58</sup>.

## 2.5 Notice Issued to Google, Wikipedia

On December 21, 2020, the Lahore High Court expressed its concern over the presence of alleged 'blasphemous material on internet.'<sup>59</sup> The PTA, on December 26, 2020, issued notice to the internet giants – Google and Wikipedia – under the Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguard) Rules 2020 over dissemination of irreligious content<sup>60</sup>.

<sup>51</sup> <https://twitter.com/ptaofficialpk/status/1288854103418961921?s=12>

<sup>52</sup> <https://www.dawn.com/news/1573060>

<sup>53</sup> <https://www.bloomberg.com/news/articles/2020-10-09/tiktok-banned-in-pakistan-after-racking-up-43-million-downloads>

<sup>54</sup> <https://twitter.com/PTAofficialpk/status/1314536530325762048>

<sup>55</sup> <https://www.thenews.com.pk/print/727275-immoral-indecent-content-pta-blocks-tiktok>

<sup>56</sup> <https://www.dawn.com/news/1584740>

<sup>57</sup> <https://tribune.com.pk/story/2268448/ihc-issues-notices-to-pta-federal-government-over-ban-on-tik-tok>

<sup>58</sup> <https://www.dawn.com/news/1585986>

<sup>59</sup> <https://www.thenews.com.pk/print/762483-pta-chairman-summoned-lhc-cj-voices-concern-over-blasphemous-material-on-internet>

<sup>60</sup> <https://www.dawn.com/news/1597761/pta-issues-notices-to-google-wikipedia-for-disseminating-sacrilegious-content>



## 2.6 Virtual Private Network (VPN) Registration in Pakistan

In June, PTA unleashed a controversy by requiring registration of Virtual Private Networks (VPNs) in Pakistan. Through advertisement<sup>61</sup> on June 08, 2020 and press release<sup>62</sup> on June 10, 2020, PTA announced that it is “continuing with the process of registration of VPNs. The exercise is being undertaken to promote legal ICT services/business in Pakistan and safety of telecom users.” The PTA stated that “appropriate registration is required from PTA for any mode of communication in which communication becomes hidden or encrypted.” The regulator set 30th June 2020 as the deadline for the registration of VPNs. The press release also claimed that the “process for registration of VPN is not new and has been in vogue since 2010.” The press release further stated that “[a]ction will be taken only against unauthorized VPNs for terminating illegal traffic which causes loss to the national exchequer.”

### 2.6.1 What is Virtual Private Network (VPN) and why its registration is a problem?

VPN is a facility that “allows an internet user to create a ‘virtual’, private channel between their device and an internet server<sup>63</sup>. This channel bypasses the internet’s physical infrastructure usually run and/or regulated by a state and/or by commercial internet service providers (ISPs). VPN allows the internet users to hide their Internet Protocol Address (IP Address) and, if their VPN is encrypted, to conceal the contents of their online activities from their service provider.” Furthermore, “VPNs can be helpful for the average internet user when they want to access content such as TV shows that aren’t otherwise available in Pakistan<sup>64</sup>. But they serve a much more important purpose in promoting freedoms of opinion and expression by protecting the privacy of users.”

Rights-based organizations fear that once the VPNs will be registered, “the risk of private information being accessed by those with malicious intent will increase dramatically.”<sup>65</sup> This will put users in “greater danger if they use the internet to communicate discontent with the government and seek help anonymously.” It is also “argued that the restrictions on VPNs are meant to stave off the ‘crime’ of political dissent since it will be almost impossible to use a government-approved VPN for anything other than business and commerce<sup>66</sup>. Since a large part of the “blocked

<sup>61</sup> <https://www.pta.gov.pk/en/media-center/single-media/public-notice---get-your-vpn-registered-080620>

<sup>62</sup> <https://www.pta.gov.pk/en/media-center/single-media/-100620>

<sup>63</sup> <https://sujag.org/nuktanazar/1709>

<sup>64</sup> <https://digitalrightsfoundation.pk/virtual-private-networks-no-longer-private-as-pta-requires-registration/>

<sup>65</sup> <https://digitalrightsfoundation.pk/virtual-private-networks-no-longer-private-as-pta-requires-registration/>

<sup>66</sup> <https://sujag.org/nuktanazar/1747?fbclid=IwAR3Vhk8ozA1GyJWXXUWTlvAOyopatEX15hnOPA9YWhY2tyNQqa7bjAnXvAo>

social media platforms or communication applications” carry political contents, it is highly unlikely that human rights defenders, activists promoting freedom of expression and right to information and campaigners for civil liberties will be allowed to use VPNs to access such content.” So far, PTA has extended the deadline till July 31, 2020 for registration of VPNs<sup>67</sup>.

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<sup>67</sup> <https://www.pta.gov.pk/en/media-center/single-media/vpn-registration-deadline-extended-by-pta-010720>

## CHAPTER THREE: COVID -19 AND INTERNET ACCESS IN TRIBAL AREAS AND GILGIT BALTISTAN

### 3.1 Internet in Erstwhile Federally Administered Tribal Areas

In May 2018, erstwhile Federally Administered Tribal Areas (FATA) merged into the province of Khyber Pakhtunkhwa through 25th Constitutional Amendment. Resultantly, people of erstwhile FATA got entitlement to the fundamental rights, enshrined in the Constitution of Pakistan for citizens of Pakistan. Prior to the merger, due to ongoing security operations, most of the internet services providers were not allowed to operate in these areas. However, in April 2018, the Ministry of IT and Telecom announced that an agreement has been signed between service providers and authorities to provide broadband internet facility in far-flung areas to boost socio-economic development of the area<sup>68</sup>. Nevertheless, people of FATA have had a very limited / patchy access to internet. The authorities have been blocking / restricting access to Internet in the name of security situation in these areas<sup>69</sup>.

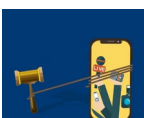
However, outbreak of COVID-19 forced governments to imposed lockdowns to restrict the spread of disease and everyone had to go into self-quarantine. Initially, offices and academic institutions were closed but, at later stage, most of them started operating 'online.' Other than those who do the manual work, most of the office workers were asked to 'work from home.' All academic institutions were also closed. However, many of them started 'online classes' for their students. This required access to fast-speed internet for these 'online' workers, teachers and students. Nevertheless, most parts of erstwhile FATA have either no access to internet or a very feeble service in the area.

On 14 April 2020, IHC, while admitting a petition filed by a student – Syed Mohammad from the area – directed the Ministry of IT to reconnect the erstwhile FATA to the cyberworld<sup>70</sup>. The Court directed the concerned government authorities to submit a reply by April 20, 2020. Earlier, on 4th of April 2020, students of different universities hailing from South Waziristan tribal district staged a protest demonstration outside the Wana Press Club over unavailability of 3G and 4G internet in merged tribal districts

<sup>68</sup> <https://www.globalvillagespace.com/fata-to-get-internet-access-for-the-first-time/>

<sup>69</sup> <https://www.thenews.com.pk/print/639470-fata-and-the-internet>

<sup>70</sup> <https://www.dawn.com/news/1549288>



due to which their studies are being impacted badly<sup>71</sup>. On June 03, 2020, students unions staged a protest demonstration outside Landikotal and North Waziristan and demanded the restoration of cellular internet service in the merged tribal districts<sup>72</sup>.

On April 22, 2020, daily Dawn reported that the government has awarded PKR 92 million contract under Universal Service Fund (USF) to Jazz – a private cellular company – for developing broadband in Kurram district, previous known as Kurram Agency - one of the agencies of erstwhile FATA<sup>73</sup>. However, on April 28, 2020, the Federal Interior Ministry told IHC that the Government was willing to restore 3G/4G broadband service in the erstwhile FATA but sought time to reconnect the tribal districts with the internet<sup>74</sup>.

However, on 11th of May 2020, IHC Chief Justice observed that “through a constitutional amendment, the tribal agencies, previously under the administrative control of the federal government, had been merged with Khyber Pakhtunkhwa<sup>75</sup>.” Therefore, the Court asked the counsel to assist the court in determine whether it could issue a directive to the provincial Government under the constitutional jurisdiction of Article 199 of the Constitution to enforce the fundamental rights in the province. The Court also “reminded the counsel that the Supreme Court had recently set aside the IHC judgement that revoked powers of the federal government to suspend mobile phone services on special occasions in some areas of the country. As per the IHC observation, this SC decision has “enabled the federal government to suspend mobile phone and internet services in any area and companies providing these services had been asked to approach the federal government for redressal of their grievances.”

On June 03, 2020, students unions staged a protest demonstration outside Landikotal Press Club and demanded the restoration of cellular internet service in the merged tribal districts<sup>76</sup>. Similarly, students of merged tribal districts held another protest on June 20, 2020 in North Waziristan<sup>77</sup>. Dozens of youth participated in the protest and demanded the government to restore internet and other cellular services in the area. As reported, the protest in Miranshah came two days after the student of Khyber tribal district staged protest in Bara against lack of internet service in the area.

<sup>71</sup> <https://menafn.com/1099967596/Pakistan-Students-seek-3G-and-4G-internet-in-merged-districts-after-coronavirus-lockdown>

<sup>72</sup> <https://www.thenews.com.pk/print/667585-students-demand-restoration-of-cellular-internet-service-in-merged-districts>

<sup>73</sup> <https://www.dawn.com/news/1551207>

<sup>74</sup> <https://www.dawn.com/news/1553046>

<sup>75</sup> <https://www.dawn.com/news/1556489/ihc-seeks-help-in-plea-demanding-3g4g-services-in-tribal-areas>

<sup>76</sup> <https://www.thenews.com.pk/print/667585-students-demand-restoration-of-cellular-internet-service-in-merged-districts>

<sup>77</sup> <https://www.tnn.com.pk/north-waziristan-students-protest-against-lack-of-internet-facility/>



On July 28, 2020, it was reported that the Kurram police has arrested a student and a rights activist - Sayed Muhammad - who had moved the IHC for the restoration of the internet in the tribal districts, reportedly without any provocation<sup>78</sup>

### 3.2 Internet Connectivity Issues in Gilgit Baltistan – Covid Corner

Following the Covid outbreak and universities closure across the country, a large number of students in Gilgit Baltistan (GB) – another area having problems of internet connectivity in Pakistan – studying in various educational institutions across the country staged a protest demonstration outside the Hunza Press Club on June 29, 2020 against the online classes and poor internet connectivity in the region<sup>79</sup>. In July 17, 2020, it was reported that the Senate Standing Committee on Information Technology, while discussing the issue of poor or lack of internet connectivity in various parts of the country called for a comprehensive strategy and planning to ensure education facilities to all students with limited resources and technological facilities<sup>80</sup>.



<sup>78</sup> <https://nayadaur.tv/2020/07/kurram-student-arrested-for-requesting-court-to-restore-internet/>

<sup>79</sup> <https://www.dawn.com/news/1566104>

<sup>80</sup> <https://www.dawn.com/news/1569387>

# CHAPTER FOUR: CYBERCRIME LAW AND FREEDOM OF EXPRESSION IN PAKISTAN

## 4.1 Judiciary and Cybercrimes

In November 2019, the Lahore High Court (LHC) was petitioned “to order action against persons involved in an [alleged] organised scandalous campaign on social media against the judges of the superior courts<sup>81</sup>.” As reported, “the petitioner alleged that judicial organ of the state was subjected to derogatory remarks on social media through an organised campaign run from social media cells of different political parties and other groups. The Chief Justice of the LHC sought reports from concerned ministries to ascertain the status of the country with regard to international conventions on cybercrime i.e., Budapest Convention on Cybercrimes<sup>82</sup>.”

However, reportedly, on January 31, 2020, the Ministry of Interior informed the Court that “Pakistan had not signed so far the Budapest Convention on cybercrime due to reservations shown by intelligence agencies.<sup>83</sup>” However, the ministry informed the Court that “a committee had been constituted comprising all stakeholders, including law enforcement agencies and the Ministry of Foreign Affairs, to go clause by clause of all sections of the convention.” As reported in the media, the Ministry of Foreign Affairs also told the court that the Budapest Convention was highly intrusive and would compromise our data sovereignty.

Similarly, on February 15, 2020, while speaking at a seminar in Lahore, Chief Justice of Pakistan Justice Gulzar Ahmed said the government needed to work seriously on cyber laws and enhance capacity of law-enforcement agencies to deal with the cybercrimes<sup>84</sup>. However, Chief Justice of the Lahore High Court said that the cyber laws in the country were effective but the law enforcement agencies lacked capacity to implement them.

<sup>81</sup> <https://www.thenews.com.pk/print/576574-plea-against-social-media-drive-against-judiciary>

<sup>82</sup> “The [Budapest] Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception. Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation.” <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>

<sup>83</sup> <https://www.dawn.com/news/1531734>

<sup>84</sup> <https://www.dawn.com/news/1534691>



#### **4.1.1. Prime Ministerial Directive against Alleged Social Media Campaign Against Judiciary**

On April 15, 2020, media reported about a directive issued by Prime Minister Office against alleged social media campaign against the judiciary of Pakistan<sup>85</sup>. According to the directive, the “Prime Minister has taken a very serious view of the recent campaign on social media in which uncalled, immoderate and intemperate language has been used against judiciary of Pakistan and Chief Justice of Pakistan.” The Prime Minister also directed the Director General of Federal Investigation Agency (FIA) “to look into this malicious campaign and depute a team of suitable officers to track down the [alleged] culprits involved therein..”

#### **4.2. Cybercrime Law and Freedom of Journalists / Human Rights Activists**

In year 2020, a large number of journalists and social media activists became target of the draconian PECA 2016. Thirteen (13) incidents of actions under the PECA against journalists or human rights activists have been reported. The Federal Investigation Agency either initiated inquires or issued notices to journalists and online information practitioners or cases were registered against them under the cybercrime law. At least two of them were arrested as well for their allegedly unlawful online activities. Following are the details of the cases:

##### **4.2.1 Azhar ul Haq Case**

On January 17, 2020, Azhar ul Haq - a Lahore based journalists working as a reporter for Channel 5 and the Khabrain newspaper - was arrested by FIA Cybercrime wing from courtroom when he appeared to record his statement in a case registered against him on allegedly criticizing the government policies and state institutes through his social media account<sup>86</sup>. The judicial magistrate remanded him in three-day custody of the Federal Investigation Agency (FIA) for his alleged involvement in uploading hate material against state institutions.

The FIA lodged First Information Report (FIR) under section 505 of Pakistan Penal Code i.e. PPC (Statements conducing to public mischief) and section 11 (Hate Speech) and section 20 (Offences against dignity of a natural person) of the PECA 2016 against him for allegedly displaying objectionable material against the judiciary and Pakistan army on his Facebook account and mocking the national anthem<sup>87</sup>. Upon expiry of his three-day physical remand, he was sent to jail on judicial remand by a

<sup>85</sup> <https://dailytimes.com.pk/596134/pm-takes-strong-notice-of-campaign-on-social-media-against-superior-judiciary-cjp/>

<sup>86</sup> <https://www.dawn.com/news/1529067>

<sup>87</sup> <https://www.brecorder.com/news/584300/>

judicial magistrate. Later, he applied for the post arrest bail to the Sessions Court in Lahore but, on January 29, 2020, the Court dismissed the bail petition<sup>88</sup>. However, after more than two months, the Lahore High Court (LHC) granted post-arrest bail to him as as FIA failed to conduct the forensic analysis of his computer and cell phone in the said time period<sup>89</sup>.

#### 4.2.2 Notice to Social Media Activist Gul Bukhari

On February 12, 2020, it was reported that the Counter Terrorism Wing (CTW) of FIA has summoned Ms. Gul Bukhari, a social media activist currently based in the United Kingdom (the UK), for her alleged defamatory remarks against national security institutions, judiciary and government of Pakistan Tehreek-e-Insaf<sup>90</sup>. In its official statement, as reported, FIA asked her to clear her position within 30 days in connection with charges of cyber terrorism against her. Otherwise, a case would be registered against her under the Anti -Terrorism Act of 1997 and the PECA of 2016 and process of extradition of the accused would be initiated after getting court orders. However, on the next day of issuance of the statement by the FIA, Ms. Bukhari denied the receipt of any notice from the FIA<sup>91</sup>.

#### 4.2.3 Application to FIA Against Satirists – Murtaza Chaudhry and Mustafa Chaudhry

On February 24, 2020, it was reported that a member of National Assembly from Pakistan Tehreek-e-Insaf (PTI) has submitted an application against Murtaza Chaudhry and Mustafa Chaudhry, who hosts a political satire show on Neo TV, for insulting PM Imran Khan to the FIA's cybercrime cell<sup>92</sup>. The FIA's official confirmed that the agency is looking into the complaint and will decide on it in the light of the relevant laws<sup>93</sup>.

#### 4.2.4 Contempt Proceedings against Matiullah Jan

On July 10, 2020, Matiullah Jan – a senior journalist – tweeted about a presidential reference against Justice Qazi Faez Isa<sup>94</sup>. A lawyer – Mr. Adnan Iqbal – filed an application before IHC alleging that Matiullah Jan's 'tweet,' has attempted to use the social media platform to scandalize the apex Court. Mr. Iqbal prayed for the initiation of proceedings against the Respondent under the Contempt of Court Ordinance,

<sup>88</sup> <https://www.dawn.com/news/1531303/journalist-denied-bail-in-hate-material-case>

<sup>89</sup> <https://www.samaa.tv/news/pakistan/2020/03/court-grants-journalist-azharul-haq-bail-in-anti-state-remarks-case/>

<sup>90</sup> <https://nation.com.pk/12-Feb-2020/fia-summons-social-media-activist>

<sup>91</sup> <https://www.dawn.com/news/1534030>

<sup>92</sup> <https://www.samaa.tv/news/pakistan/2020/02/pti-lawmaker-seeks-action-against-tv-hosts-for-insulting-pm/>

<sup>93</sup> <https://nation.com.pk/E-Paper/islamabad/2020-02-26/page-5/detail-4>

<sup>94</sup> <https://twitter.com/Matiullahjan919/status/1281459213429084161>, <https://twitter.com/Matiullahjan919/status/1282690217963589634>

2003. However, the IHC dismissed the plea for contempt proceedings stating that the dignity of judges is not “so frail and vulnerable so as to be harmed by a tweet on the social media”<sup>95</sup>.

The Supreme Court of Pakistan, on July 15, 2020, issued a contempt of court notice to Matiullah Jan over his alleged tweets against the judges and the judiciary<sup>96</sup>. The Pakistan Federal Union of Journalists in their press statement demanded the Supreme Court of Pakistan to withdraw the notice issued against the journalist<sup>97</sup>.

#### 4.2.5 Bilal Farooqi Case

On September 11, 2020, Bilal Farooqi, a Karachi-based senior journalist associated with Express Tribune, was abducted from front of his residence in Karachi<sup>98</sup>. Later, an FIR was registered against him under section 500 (Punishment for defamation) and 505 (Statements conducing to public mischief) of PPC as well as under section 11 (Hate Speech) and section 20 (Offences against dignity of a natural person) of the PECA 2016 due to his allegedly anti-military and sectarian social media posts on twitter and facebook pages<sup>99</sup>. International community reacted to his abduction, followed by registration of a criminal case against him. UN High Commissioner for Human Rights Michelle Bachelet Jeria issued a statement saying: “We have raised our concerns directly with the government and we have urged immediate, concrete steps to ensure the protection of journalists and human rights defenders who have been subjected to threats,”<sup>100</sup>. Mr. Farooqi was released on execution of personal bond. On September 12, 2020, concerned investigation officer admitted before the court that registration of criminal charges against him under Pakistan Penal Code was a mistake<sup>101</sup>. The Court also acknowledged that the charges under the PECA law fell under the jurisdiction of the Federal Investigation Agency (FIA) and not ordinary police. The case was later adjourned for 14 days for further hearing.

#### 4.2.6 Absar Alam Case

On September 11, 2020, Jhelum police registered a sedition case against Mr. Absar Alam – a veteran journalist and former chairman of the Pakistan Electronic Media Regulatory Authority (PEMRA). According to the reports, an FIR was registered against him<sup>102</sup> under sections 124A (Sedition), 131 (Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty), 499 (Defamation – criminal) and 505

<sup>95</sup> <https://www.dawn.com/news/1569265>

<sup>96</sup> <https://www.samaa.tv/news/pakistan/2020/07/supreme-court-issues-contempt-notice-to-journalist-over-derogatory-tweet/>

<sup>97</sup> <https://www.dawn.com/news/1569465/pfuj-seeks-withdrawal-of-contempt-notice-against-journalist>

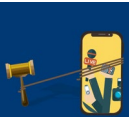
<sup>98</sup> <https://twitter.com/xadeejournalist/status/1304436682264121344?s=12>

<sup>99</sup> <https://twitter.com/Xadeejournalist/status/1304440223196237826/photo/1>

<sup>100</sup> <https://www.dw.com/en/pakistan-journalist-bilal-farooqi-arrested-over-posts-criticizing-army/a-54902421>

<sup>101</sup> <https://www.dawn.com/news/1579319>

<sup>102</sup> <https://twitter.com/AbsarAlamHaider/status/1304467803072847873/photo/1>



(Statements conducing to public mischief) of PPC and section 20 ((Offences against dignity of a natural person) of PECA after approval of prosecution department. On September 14, 2020 Senate Human Rights Committee took notice of the FIR. Human Rights Commission of Pakistan<sup>105</sup> also condemned the filing of sedition case against Mr. Alam and termed it as “another attempt by the government to silence many voices of dissent and curb freedom of expression.”

#### 4.2.7 Asad Ali Toor Case

On September 14, 2020, Mr. Asad Ali Toor – an Islamabad based journalist – tweeted that Rawalpindi police has registered an FIR against him allegedly “anti-Pakistan and anti-army negative propaganda on social media<sup>106</sup>.” According to the reports, the FIR was registered under section 499 (defamation – criminal), 500 (punishment for defamation) and 505 (statements conducing to public mischief) of Pakistan Penal Code along with section 11 (Hate Speech) and section 20 (Offences against dignity of a natural person) and 37 (unlawful online content) of PECA<sup>107</sup>. The IHC, on September 16, 2020 granted protective bail to Asad Ali Toor and directed him to file bail application in the Rawalpindi Court<sup>108</sup>.

On October 26, 2020, Mr. Toor tweeted that the Federal Investigation Agency (FIA) has summon him via WhatsApp to appear before the Agency on the same day<sup>109</sup>. The summons was issued by FIA for inquiry under the above case. However, on November 17, 2020, Rawalpindi Bench of the Lahore High Court termed the FIR registered against him to be infructuous<sup>110</sup>.

#### 4.2.8 Reports of Registration of Cases against 49 Social media Activists and Journalist

On September 24, 2020, voicepk.net reported that FIA “has [booked] prominent journalists Aizaz Syed, Umar Cheema, Ammar Masood, Asad Ali Toor, Ihtisham Afghan, Murtaza Solangi among 49 social media activists” under the cybercrime law<sup>111</sup>. Allegedly, their online activities were “found detrimental against the state institutions, especially against the security forces of Pakistan.”

<sup>103</sup> <https://nayadaur.tv/amp/2020/09/high-treason-case-filed-against-journalist-absar-alam/>

<sup>104</sup> [https://twitter.com/Mustafa\\_PPP/status/1305416520986767361/photo/1](https://twitter.com/Mustafa_PPP/status/1305416520986767361/photo/1)

<sup>105</sup> <https://twitter.com/HRC87/status/1304510463858876419>

<sup>106</sup> <https://twitter.com/AsadAToor/status/1305450088102277122>

<sup>107</sup> <https://www.dawn.com/news/1579879>

<sup>108</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=17\\_09\\_2020\\_004\\_004](https://epaper.dawn.com/DetailImage.php?StoryImage=17_09_2020_004_004)

<sup>109</sup> <https://twitter.com/AsadAToor/status/1320587317153681413>

<sup>110</sup> <https://www.dawn.com/news/1590944/lhc-terms-fir-against-journalist-unnecessary>

<sup>111</sup> <https://voicepk.net/2020/09/24/fia-charges-49-journalists-activists-with-anti-state-acts/>

#### 4.2.9 Arshad Sulahri Case

Mr. Arshad Sulahri - a columnist at IBC Urdu - received a phone call from FIA to appear before its Cyber Crime Wing. The notice, which reached to him on 1st of October 2020, asked him to appear before the agency on September 30, 2020<sup>112</sup>.

However, on October 07, 2020, Mr. Sabookh Syed – a journalists and editor of IBCURDU – tweeted that FIA has raided Mr. Sulehri’s house in Rawalpindi<sup>113</sup>. The Journalists Defence (JDC) of Pakistan Bar Council (PBC) filed a petition in IHC challenging FIA’s proceedings. IHC, on October 08, 2020, restrained FIA from arresting the journalist<sup>114</sup>. The Court, later in its detailed judgement, directed the FIA to formulate guidelines for the investigating officers, keeping in view principle of constitutional guarantees of freedom of expression and right to information<sup>115</sup>.

#### 4.2.10 Ammar Ali Jan Case

On November 27, 2020, it was reported that Deputy Commissioner of Lahore has issued arrest orders of Mr. Ammar Ali Jan – a renowned students’ rights activist and academician<sup>116</sup>. The arrest orders were reportedly issued under Section 3 (power to arrest and detain suspected persons) of the Maintenance of Public Order Ordinance, 1960. However, on December 01, 2020, Chief Justice of Lahore High Court suspended the operation of the arrest orders<sup>117</sup>.

#### 4.2.10 Umair Solangi Case

On October 28, 2020, Mr. Umair Solangi – Executive Editor of Awamikhabarnama.com – tweeted that he was ‘illegally’ picked up by the Cyber Crime Wing of FIA on October 21, 2020 and was being threatened to be implicated in a fake case<sup>118</sup>.

#### 4.2.11 FIA Notice to Mian Dawood

Freedom Network – a Pakistani media freedom watchdog – reported that Mr. Mian Dawood, Deputy Bureau Chief of BOL News, has received a back-dated notice issued by the FIA’s Cybercrime Wing on 12 October 2020<sup>119</sup>. According to the report, reason for the inquiry has not been mentioned in the notice.

<sup>112</sup> <http://ibcurdu.com/news/115482/>

<sup>113</sup> <https://twitter.com/SaboohSyed/status/1313884039682686976>

<sup>114</sup> <https://www.dawn.com/news/1584059>

<sup>115</sup> <http://mis.ihc.gov.pk/attachments/judgements/>

W.P-2939-2020\_637406912282280654.pdf

<sup>116</sup> <https://nation.com.pk/27-Nov-2020/ammar-ali-jan-s-arrest-order-issued-by-lahore-deputy-commissioner>

<sup>117</sup> <https://www.dawn.com/news/1593460>

<sup>118</sup> <https://twitter.com/UmairSolangiPK/status/1321331517075968001>

<sup>119</sup> <http://www.fnpk.org/six-journalists-escape-assassination-bids-during-october-2020/>

#### 4.2.12 FIR against Ahmad Waqas Goraya

On December 12, 2020, Nayadaur, an online media platform, reported that an FIR under section 131 (Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty) of PPC was registered against Mr. Ahmad Waqas Goraya – a Pakistani social media activist, exiled in Netherlands<sup>120</sup>. As per the FIR, as reported, Mr. Goraya “was spreading disinformation about Pakistan on social media.”

#### 4.2.13 FIA Notice to Salman Durrani

On December 19, 2020, Salman Durrani a journalist associated with IBC Urdu, received notice from FIA to appear before the authority<sup>121</sup>. However, as reported, the notice did not mention any reason assigned for summoning.

### 4.3 PECA and Political Parties

During the 2020, along with the journalists, several workers of political parties were also targeted through cybercrime law. Many were charged with the sedition and treason charges as well. Following are the details of the cases:

- On January 28, 2020, Manzoor Pashteen, a leader of Pashtun Tahaffuz Movement (PTM) was arrested on charges of sedition<sup>122</sup>. However, he was released on bail on the order of session court in Tank district on February 16, 2020<sup>123</sup>
- On August 26, 2020, Tahir Mughal and Azma Bukhari of Pakistan Muslim League (N) were summoned by FIA Cyber Crime wing for allegedly making objectionable tweets<sup>124</sup>.
- On October 05, 2020, a case on charges of treason and sedition were registered against Ex-Prime Minister Mian Nawaz Sharif along with 44 leaders of the parties after he addressed in the central executive committee meeting of the party workers<sup>125</sup>.
- On October 05, 2020, police registered a sedition case against Captain (Retired) Safdar Awan of PMLN on allegedly making speeches against army and the government<sup>126</sup>.

<sup>120</sup> <https://nayadaur.tv/2020/12/blogger-waqas-goraya-booked-on-charges-of-maligning-state-institutions/>

<sup>121</sup> <https://twitter.com/SaboohSyed/status/1340244541383839745>

<sup>122</sup> <https://www.dawn.com/news/1530973/ptm-leader-manzoor-arrested-in-sedition-case>

<sup>123</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=16\\_02\\_2020\\_005\\_001](https://epaper.dawn.com/DetailNews.php?StoryText=16_02_2020_005_001)

<sup>124</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=26\\_08\\_2020\\_177\\_001](https://epaper.dawn.com/DetailNews.php?StoryText=26_08_2020_177_001)

<sup>125</sup> <https://www.pakistan24.tv/2020/10/05/34662>

<sup>126</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=05\\_10\\_2020\\_002\\_002](https://epaper.dawn.com/DetailNews.php?StoryText=05_10_2020_002_002)



# CHAPTER FIVE: MEDIA / JOURNALISTS SAFETY

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## 5.1. Journalists Safety / Protection Law

In February 2020, the federal cabinet stopped short of giving its formal approval to a comprehensive draft bill for journalists' protection<sup>127</sup>. The Bill was prepared by the Federal Ministry of Human Rights with the aims to "promote and effectively ensure the independence, impartiality, safety and freedom of expression of journalists and media professionals." As reported, the cabinet, instead of approving the Bill for further process, clubbed it with an earlier prepared bill by the information ministry and sent both drafts to the law ministry for necessary adjustments and turned them into a single bill.

## 5.2. Journalists Defence Committee (JDC) of Pakistan Bar Council (PBC)

On September 29, 2020, amidst perception of a fast-shrinking space for dissent and right to express, the PBC — a mother institution regulating the affairs of the legal fraternity — constituted a Journalistic Defence Committee (JDC) to protect the rights of journalists. As reported, the committee was formed in view of alleged policies of the government undermining the freedom of expression through a draconian cybercrime law, particularly making it increasingly difficult for journalists to discharge and perform their duties independently in accordance with the demand of their professional obligations and journalistic practices<sup>128</sup>.

## 5.3 Journalists Killings

Like previous years, the year 2020 also remained challenging for media workers. Eight journalists / media workers were murdered / killed due to their journalistic work during this year. Following are the details of incidents journalists' killing in 2020.

### 5.3.1 Aziz Memon Case

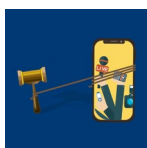
On February 17, 2020, it was reported that body of a local journalist, Aziz Memon, was found in a water channel in Mehrabpur, district Naushero Feroze of Sindh province<sup>129</sup>. As per media reports, Mr Memon – who was associated with TV channel KTN and Sindhi daily Kawish – often received threats of dire consequences during his

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<sup>127</sup> <https://www.dawn.com/news/1536689>

<sup>128</sup> <https://www.dawn.com/news/1582417/psc-forms-body-to-defend-journalists>

<sup>129</sup> <https://www.dawn.com/news/1534965>



30-year-long career. On March 06, 2020, reportedly, Sindh government announced constitution of a nine-member joint investigation team (JIT) to probe the alleged murder of the journalist<sup>130</sup>.

On May 29, 2020, JIT announced that the mysterious death of the journalist was a well-planned murder. According to media report, one of the arrested culprits confessed his crime in the court<sup>131</sup>. On June 04, 2020, it was reported that two more suspects were booked under the charges of journalist's murder. Both accused persons were sent on judicial remand<sup>132</sup>.

### 5.3.2 Javed Ullah Khan

On February 26, 2020, it was reported that Mr. Javed Ullah Khan – bureau chief of Urdu-language daily Ausaf as well as local leader of the Pakistan Muslim League-Nawaz and member of the peace committee – was shot dead in the Shakardara area of tehsil Matta, Swat<sup>133</sup>.

### 5.3.3 Zulfiqar Ali Mandrani

On May 27, 2020, it was reported that Mr. Zulfiqar Ali Mandrani – a reporter of Sindhi Newspaper – was shot dead apparently on name of honour in district Jacobabad Sindh<sup>134</sup>. The police, claimed to have arrested two accused persons, Nazeer Ahmed Dayo and Riaz Ahmed Dayo, for their alleged involvement in the murder. However, his father alleged that "his son was killed in a conspiracy hatched by some influential persons of the area who were annoyed his reporting<sup>135</sup>.

### 5.3.4 Anwar Jan Khetran

On July 23, 2020, Mr. Anwar Jan Khetran – a Balochistan-based citizen journalist / social media activist, was reportedly gunned down by unknown men in Barkhan district of Balochistan province<sup>136</sup>. An FIR was registered by slain journalist's brother against provincial Minister for Food and Welfare Abdul Rehman Khetran<sup>137</sup>. On November 08, 2020, it was reported that police have arrested Adam Khan as key accused in the murder of Mr. Khetran<sup>138</sup>.

<sup>130</sup> <https://www.dawn.com/news/1538910>

<sup>131</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=30\\_05\\_2020\\_115\\_001](https://epaper.dawn.com/DetailNews.php?StoryText=30_05_2020_115_001)

<sup>132</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=04\\_06\\_2020\\_115\\_001](https://epaper.dawn.com/DetailNews.php?StoryText=04_06_2020_115_001)

<sup>133</sup> <https://www.dawn.com/news/1536687>

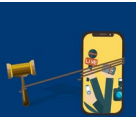
<sup>134</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=27\\_05\\_2020\\_005\\_001](https://epaper.dawn.com/DetailImage.php?StoryImage=27_05_2020_005_001)

<sup>135</sup> <https://www.thenews.com.pk/print/663803-journalist-gunned-down>

<sup>136</sup> <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-journalist-shot-dead-after-reporting-on-local-corruption.html>

<sup>137</sup> <https://www.samaa.tv/news/pakistan/2020/07/balochistan-minister-booked-for-social-media-activists-murder-in-barkhan/>

<sup>138</sup> <https://www.quettavoices.com/2020/11/09/police-arrest-key-accused-in-murder-of-a-journalist-in-balochistans-barkhan/>



### 5.3.5 Shaheena Shaheen

On September 05, 2020, it was reported that a female journalist was shot dead at her home in Turbat area of Balochistan's Kech district. Ms. Shaheena Shaheen, aged around 25 years, was associated with Pakistan Television (PTV) Bolan, a state-run TV channel, as a local anchorperson. The police alleged that the "killing was a killing was the result of domestic violence."

### 5.3.6 Abid Hussain

On September 26, 2020, it was reported that Mr. Abid Hussain, a journalist associated with local newspaper Jurmo Saza, was shot dead by unidentified men allegedly over his reporting in district Mandi Bahauddin of Punjab<sup>140</sup>.

### 5.3.7 Qais Javed

On December 08, 2020, it was reported that Mr. Qais Javed – who was associated with a local newspaper Ehadnama, was shot dead by unidentified persons inside his house in Dera Ismail Khan district of Khyber Pakhtunkhwa province. Mr. Javed belonged to Christian community and, as per his family, he did not have personal enmity with anyone. As per media report, his killers managed to escape from the crime scene<sup>141</sup>.

### 5.3.8 Malik Nizam Tani

On December 24, 2020, it was reported that unidentified persons have killed Mr. Malik Nizam Tani – a correspondent of a local Urdu daily – in Qasba Gujrat of Muzaffar Garh district of Punjab province. As per the report, he was receiving threatening calls for unidentified persons due to his journalistic work<sup>142</sup>.

## 5.4. Incidents of Harassment, Abduction, Intimidation and Arrests

Here is an overview of the incidents of harassment, abduction and intimidation of journalists that took place in 2020.

### 5.4.1 Kidnapping, Abduction of Matiullah Jan

A day before appearance of Matiullah Jan in a contempt case on July 21, 2020, Azaz Syed broke the news on the social media about Matiullah Jan's abduction<sup>143</sup>. Later, his wife and son confirmed his disappearance from a highly sensitive area of Islamabad with well-coordinated efforts of the people in uniform and in plain clothes<sup>144</sup>.

<sup>139</sup> <https://www.dawn.com/news/1578087>

<sup>140</sup> <https://www.samaa.tv/news/2020/09/mandi-bahauddin-journalist/>

<sup>141</sup> <https://www.dawn.com/news/1594698>

<sup>142</sup> <https://www.dawn.com/news/1597488/journalist-shot-dead>

<sup>143</sup> <https://twitter.com/AzazSyed/status/1285499107281428481>

<sup>144</sup> <https://twitter.com/indyurdu/status/1285576811993341954>

Human Rights Commission of Pakistan (HRCP) demanded from the government for his safe recovery<sup>145</sup>. Amnesty International stated “Journalism is not a crime but abducting journalist is”<sup>146</sup>. Reporters without Borders asked the state authorities to investigate the abduction and to ensure his safety<sup>147</sup>. Committee to Protect Journalists demanded that “Pakistan authorities should conduct thorough and transparent investigation into the disappearance and ensure his safety”<sup>148</sup>.

German Ambassador to Pakistan Bernhard Schlagheck showed his concerns over situation of journalists in Pakistan and Matiullah Jan’s disappearance<sup>149</sup>. While Canada’s High Commissioner to Pakistan Wendy Gilmour expressed that “role of media in a democracy is crucial and must be protected” and hoped for his safe returns<sup>150</sup>.

Similarly, Pakistan’s political parties showed their concerns on social media about abduction of Matiullah Jan. Siraj ul Haq from Jamat e Islami demanded immediate release of the journalist<sup>151</sup>. Shahbaz Sharif, leader of the opposition and President of PML-N, said that any harm to Matiullah Jan will make the government responsible<sup>152</sup>. PPP’s Chairperson Bilawal Bhutto Zardari demanded his safe return<sup>153</sup>. Minister for Human Rights Shireen Mazari informed that the Ministry has taken notice of abduction of senior journalist<sup>154</sup>.

On an application filed by the brother of Mr Jan, IHC ordered the state authorities to produce abducted journalist in court on July 22, 2020<sup>155</sup>. Association of reporters as the Supreme Court of Pakistan submitted an application to the Chief Justice of Pakistan for release of Mr. Jan<sup>156</sup>. Nevertheless, as a result of this widespread outcry<sup>157</sup>, Matiullah Jan was released after twelve hours of his disappearance in Fateh Jang area of Rawalpindi district<sup>158</sup>.

<sup>145</sup> <https://twitter.com/HRCP87/status/1285507097027923970>

<sup>146</sup> <https://twitter.com/amnestysasia/status/1285590654756716544>

<sup>147</sup> [https://twitter.com/RSF\\_inter/status/1285568695486513153](https://twitter.com/RSF_inter/status/1285568695486513153)

<sup>148</sup> <https://cpj.org/2020/07/journalist-matiullah-jan-abducted-in-pakistan-1-day-before-supreme-court-hearing/>

<sup>149</sup> <https://twitter.com/GermanyinPAK/status/1285624645979459591>

<sup>150</sup> [https://twitter.com/gilmour\\_wendy/status/1285582683783991297](https://twitter.com/gilmour_wendy/status/1285582683783991297)

<sup>151</sup> <https://twitter.com/SirajOfficial/status/1285583648419450880>

<sup>152</sup> [https://twitter.com/president\\_pmln/status/1285574927429644288](https://twitter.com/president_pmln/status/1285574927429644288)

<sup>153</sup> <https://twitter.com/BBhuttoZardari/status/1285560327833358339>

<sup>154</sup> <https://twitter.com/ShireenMazari1/status/1285552098600460288>

<sup>155</sup> <https://nayadaur.tv/2020/07/islamabad-high-court-orders-govt-to-produce-matiullah-jan-in-court-tomorrow/>

<sup>156</sup> <https://twitter.com/SabihUlHussnain/status/1285545629222043648>

<sup>157</sup> <https://www.dawn.com/news/1570416>

<sup>158</sup> <https://www.dawn.com/news/1570325>



### 5.4.2 Ahmed Noorani Case

On August 30, 2020 Noorani in his tweet stated that he has started receiving life threats from unknown people and accounts on social media<sup>159</sup>. He alleged that these threats were linked with his report published on a website named FactFocus about the undeclared assets of CPEC chairman<sup>160</sup>.

### 5.4.3 Ali Imran Syed

On October 24, 2020 Sabookh Syed a broadcast journalist on his Facebook account posted that senior journalist correspondent of Geo News Ali Imran Syed has gone missing in Karachi<sup>161</sup>. Amnesty International South Asia considered it to be an enforced disappearance for his reporting and demanded the state authorities for his immediate release<sup>162</sup>. Minister for Information Shibli Faraz, however, in his tweet said that all the concerned federal departments have been directed to cooperate with the Sindh Government for the recovery of the Geo News reporter and asked the Sindh government and Sindh Police to utilize all their resources to recover the reporter<sup>163</sup>. Nevertheless, after remaining missing for 22 hours, Ali Imran Syed returned back to his home on the eve of October 24, 2020<sup>164</sup>.

### 5.4.4. Arrest of Mir Shakil-ur-Rehman – Editor in Chief of Jang and Geo

Arrest of Mir Shakeel-ur-Rehman in March 2020 was a major development for media sector. It started in February 2020 when the National Accountability Bureau (NAB) summoned him to appear in person before its Lahore branch on March 05, 2020<sup>165</sup>. As reported, he was asked to appear before the Bureau to record his plea pertaining to “illegal Exemption of plots in Block H of Johar Town Lahore” allotted to him in 1986 by the then chief minister of Punjab, Mian Nawaz Sharif<sup>166</sup>.

However, the NAB arrested Mr. Rehman when he appeared second time before a joint investigation team of NAB on March 12, 2020<sup>167</sup>. On March 13, 2020, the NAB presented Mr. Rehman before an accountability court in Lahore. The Court granted a 12-day granted physical remand of him to the NAB<sup>168</sup>. While Mr. Rehman was in NAB custody, two post arrest bail petitions – one by Mr. Rehman himself and other by his wife – were filed in the Lahore High Court. However, on April 07, 2020 the

<sup>159</sup> [https://twitter.com/Ahmad\\_Noorani/status/1299957765104951297](https://twitter.com/Ahmad_Noorani/status/1299957765104951297)

<sup>160</sup> <https://factfocus.com/politics/1756/>

<sup>161</sup> <https://www.facebook.com/1640366946/posts/10220954310121061/?extid=0&d=n>

<sup>162</sup> <https://twitter.com/amnestysasia/status/1319862495125917696>

<sup>163</sup> <https://twitter.com/shiblifaraz/status/1319922948011102208>

<sup>164</sup> <https://92newshd.tv/journalist-ali-imran-syed-reaches-home-after-22-hours->

<sup>165</sup> <https://www.bolnews.com/pakistan/2020/02/nab-lahore-summons-mir-shakeel-ur-rahman-on-march-5/>

<sup>166</sup> <https://nayadaur.tv/2020/02/mir-shakilur-rehman-summoned-by-nab-over-illegal-allotment-of-plots-in-lahore/>

<sup>167</sup> <https://www.dawn.com/news/1540500>

<sup>168</sup> <https://www.dawn.com/news/1540596>

Court dismissed the petitions<sup>169</sup>. On July 8, 2020, the LHC rejected his another bail application and denied him post arrest bail. Nevertheless, on September 11, 2020, Mir Shakil ur Rehman plead to the Supreme Court for the bail<sup>170</sup>. The Supreme Court, on November 10, 2020, granted him bail and directed him to furnish bond of Rs. 10 million. The Court also directed him to surrender his passport to the authorities<sup>171</sup>.

### 5.5 Women Journalist under Attack

In August 2020, a series of hashtag campaign emerged on twitter that intended offensive trolling, abusive and derogatory remarks targeting some of the women journalist after they criticized the government and its handling of the COVID 19 pandemic. The personal details of few women journalists were made public and they were referred as peddler of “fake news” and were accused of taking bribes, many of the accounts targeting these journalists mentioned their affiliation with the ruling party.

As a result of this organized online offensive campaign, female journalists belonging to different media outlets issued a joint statement stating that the attacks are making it difficult to carry out their professional duties<sup>172</sup>. The statement said that there have been attempts to hack into social media accounts of reporters and analysts.

In response to the statement by women journalists Minister for Human Rights Shireen Mazari in her tweet termed this abuse of women journalists as ‘absolutely unacceptable and disgusting’<sup>173</sup>. Bilawal Bhutto Zardari, who is chairperson of National Assembly Standing Committee on Human Rights, took the notice of the threats and invited the women journalist and sought briefing on the issue<sup>174</sup>. On August 18, 2020 a parliamentary body chaired by Bilawal Bhutto Zardari heard the case of women journalists harassed of social media<sup>175</sup>.

On September 09, 2020 the United Nations Human Rights Office showed concern over growing instances of threats of violence against journalists and human rights activists in Pakistan and demanded from the government to take concrete steps<sup>176</sup>. On September 18, 2020 the committee to protect journalists condemned these social media attacks on women journalist<sup>177</sup>.

<sup>169</sup> <https://www.thenews.com.pk/print/641201-personal-property-case-lhc-rejects-bail-pleas-jang-geo-editor-in-chief-given-right-to-reengage-court>

<sup>170</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=11\\_09\\_2020\\_003\\_004](https://epaper.dawn.com/DetailNews.php?StoryText=11_09_2020_003_004)

<sup>171</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=11\\_11\\_2020\\_003\\_007](https://epaper.dawn.com/DetailNews.php?StoryText=11_11_2020_003_007)

<sup>172</sup> <https://www.dawn.com/news/1574031>

<sup>173</sup> <https://twitter.com/ShireenMazari1/status/1293526707652030465>

<sup>174</sup> <https://twitter.com/BBhuttoZardari/status/1293506216120000513>

<sup>175</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=19\\_08\\_2020\\_004\\_002](https://epaper.dawn.com/DetailImage.php?StoryImage=19_08_2020_004_002)

<sup>176</sup> <https://www.dawn.com/news/1578583/un-expresses-concern-over-attacks-on-journalists-rights-activists-in-pakistan>

<sup>177</sup> <https://www.independent.co.uk/wires/us/vile-social-media-attacks-target-pakistani-women-journalists-b484739.html>

# CHAPTER SIX: ELECTRONIC MEDIA REGULATOR AND CURBS ON FREE SPEECH

During 2020, PEMRA issued 10 show cause notices to different channels. The Authority also issued four advisories and three directives. The electronic media regulator imposed fine on six channels for their non-compliance with the authority's directives. This year, PEMRA also suspended license of seven television channels over airing the irrelevant contents. Here is the detail of PEMRA's actions during 2020.

## 6.1 PEMRA Advisories

- PEMRA issued an advice to all TV channels over airing of content about world women's day, and urged them to realize their "obligation to uphold moral values" on March 07, 2020<sup>178</sup>.
- After the rise of corona cases, PEMRA issued an advisory on March 21, 2020 to all the channels to take precautionary measures to control spread of Covid 19<sup>179</sup>.
- On July 22, 2020, PEMRA barred private channels from using the word "mafia" for private schools<sup>180</sup>
- In November 2020, PEMRA issued an advice to all the TV channels on discussing pending cases in the courts in the shows<sup>181</sup>.

## 6.2 PEMRA Directives

- April 15, 2020: PEMRA directed all television channels to avoid the live transmission for their Ramadan transmission as aired in the previous year, due to pandemic<sup>182</sup>
- April 30, 2020: PEMRA directed Neo TV to stop illegal transmission of News and Current Affairs content and revert to its licenced activity original programming of entertainment<sup>183</sup>.
- October 01, 2020: PEMRA directed all TV channels to stop airing PMLN's Nawaz Shareef speech<sup>184</sup>.

<sup>178</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=07\\_03\\_2020\\_003\\_005](https://epaper.dawn.com/DetailNews.php?StoryText=07_03_2020_003_005)

<sup>179</sup> <https://twitter.com/reportpemra/status/1241292907614744576/photo/1>

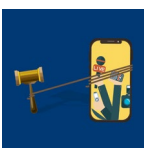
<sup>180</sup> <https://twitter.com/arshadyousafzay/status/1289219686261956608?s=12>  
<https://twitter.com/arshadyousafzay/status/1289219686261956608?s=12>

<sup>181</sup> <https://twitter.com/reportpemra/status/1331466870860390401/photo/1>

<sup>182</sup> <https://twitter.com/reportpemra/status/1250331177610698757>

<sup>183</sup> <https://twitter.com/reportpemra/status/1255758576720764929>

<sup>184</sup> <https://www.pakistan24.tv/2020/10/01/34636?fbclid=IwAR28Mtb4hLyp7kEPY1o5ZwFsnU24i6g0kLqDOaSmwH5xQ-AYrok4POeGZ2s>



- October 03, 2020: PEMRA directed all TV channels to restrain from airing news about motorway gang rape incident in the light of an order passed by the trial court<sup>185</sup>.

### 6.3 PEMRA Show-cause Notices

- October 30, 2020: PEMRA issued a show cause notice to AbbTakk News for airing imprudent content in the program News Café<sup>186</sup>
- March 03, 2020: PEMRA served a show cause notice to Neo News over controversial segment and use of vulgar language in the show 'Ayesha Ahtesham kay saath'<sup>187</sup>.
- March 14, 2020: PEMRA issued show cause notice to Geo News for discussing under investigation matters which were allegedly barred under PEMRA laws<sup>188</sup>.
- April 08, 2020: PEMRA issued a show cause notice to Dawn news on airing fake news of demise of British Prime Minister Boris Johnson<sup>189</sup>.
- June 02, 2020: PEMRA served a show cause notice to 14 channels (Geo News, Dawn News TV, Dunya News, ARY News, Channel 24, 92 News, Express News, Aaj News, AbbTakk News, GNN, Samaa TV, Sach News, Neo TV, and Koh I Noor TV) for violating PEMRA advisory on not holding any discussion about the reference filed against two senior judges with the supreme court<sup>190</sup>.
- June 29, 2020: PEMRA served a show cause notice to ARY News, Dunya TV, 24 News, Public TV and GTV for airing false news regarding suspension of Pakistani pilots from Kuwait Airways<sup>191</sup>.
- June 29, 2020: PEMRA issued a show cause notice to several news channels for irresponsible coverage by showing footage of firing and dead bodies of an unfortunate incident occurred at Pakistan Stock Exchange Karachi<sup>192</sup>.
- September 27, 2020: PEMRA served a show cause notice to Channel 92 on airing news about meeting of Government officials and military authorities<sup>193</sup>.
- November 25, 2020: PEMRA issued a show cause notice to ARY News for interview of Nadeem Nusrat, former convener of MQM<sup>194</sup>.
- December 03, 2020: PEMRA served a show cause notice to TV channels on rebroadcasting of interview of former finance minister Mr. Ishaq Dar<sup>195</sup>.

<sup>185</sup> <https://www.dawn.com/news/1582930>

<sup>186</sup> <https://twitter.com/reportpemra/status/1222812933568311297/photo/1>

<sup>187</sup> <https://tribune.com.pk/story/2169349/4-pemra-issues-show-cause-private-tv-channel-controversial-interview>

<sup>188</sup> <https://www.thenews.com.pk/latest/628663-pemra-issues-show-cause-notice-to-geo-news-for-discussing-under-investigation-matters-airing-unipolarity-of-views>

<sup>189</sup> <https://twitter.com/reportpemra/status/1247802163687862273>

<sup>190</sup> <https://www.dawn.com/news/1486068>

<sup>191</sup> <https://twitter.com/reportpemra/status/1277461947521384449>

<sup>192</sup> <https://twitter.com/reportpemra/status/1277584061888892929/photo/1>

<sup>193</sup> <https://twitter.com/reportpemra/status/1310240170088607744>

<sup>194</sup> <https://twitter.com/reportpemra/status/1331466870860390401/photo/1>

<sup>195</sup> <https://twitter.com/reportpemra/status/1334504856925712384/photo/1>



## 6.4 Fines and Penalties by PEMRA

- February 01, 2020: PEMRA imposed fine of PKR One Million on Rs. Channel 92 News for airing defamatory content against Zulfi Bukhari, Special Assistant to PM (SAPM) on Overseas Pakistanis and Human Resource Development.
- February 08, 2020: PEMRA imposed fine of PKR One Million on Neo TV Channel for airing fake news about the enhancement of the prime minister's salary<sup>196</sup>.
- August 06, 2020: PEMRA imposed fine of PKR One Million on Geo TV for airing Shahzeb Khanzada show for airing a "highly seditious and scandalous programme against National Accountability Bureau Chairman<sup>197</sup>."
- April 21, 2020: PEMRA imposed fine of PKR One Million on Dawn News for airing fake news pertaining to demise of British Prime Minister Boris Johnson<sup>198</sup>.
- November 26, 2020: PEMRA imposed fine of PKR One Million on BOL TV for airing censored words during National Assembly session transmission<sup>199</sup>.

## 6.5 Suspension / cancellation of License

- May 07, 2020: PEMRA suspended NEO TV channel license after the expiry of its show cause notice period. The transmission of the channel deemed illegal<sup>200</sup>.
- June 29, 2020: PEMRA cancelled license of Sohni Dharti (TV channel for agriculture) due to its inability to produce specialized content<sup>201</sup>.
- June 29, 2020: PEMRA suspended license of Value TV for illegally using name of 24 News during its News and current affairs content<sup>202</sup>
- July 04, 2020: PEMRA suspended licence of 24 News HD for illegal transmission of news and current affairs contents<sup>203</sup>.
- August 31, 2020: PEMRA suspended licence of 24 News for airing hate inciting content during special transmission on 10th of Muharram<sup>204</sup>.
- October 01, 2020: PEMRA suspended licence of 7 News as the channel was issued license on regional language category but the channel was airing programmes in Urdu language<sup>205</sup>.
- December 04, 2020: PEMRA suspended BOL News was on continuous failure to submit the fines worth Rs. 4.7 million<sup>206</sup>. However, the channel was restored on December 11, 2020 on orders of Sindh High Court<sup>207</sup>.

<sup>196</sup> <https://www.dawn.com/news/1533166/neo-tv-fined-for-airing-fake-news-about-pms-pay-raise>

<sup>197</sup> <https://www.dawn.com/news/1498430>

<sup>198</sup> <https://twitter.com/reportpemra/status/1252580803604865025>

<sup>199</sup> <https://twitter.com/reportpemra/status/1331931226861670400>

<sup>200</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=07\\_05\\_2020\\_005\\_008](https://epaper.dawn.com/DetailNews.php?StoryText=07_05_2020_005_008)

<sup>201</sup> <https://twitter.com/reportpemra/status/1277537558101209089/photo/1>

<sup>202</sup> <https://twitter.com/reportpemra/status/1279047558535528449/photo/1>

<sup>203</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=05\\_07\\_2020\\_003\\_005](https://epaper.dawn.com/DetailNews.php?StoryText=05_07_2020_003_005)

<sup>204</sup> <https://twitter.com/reportpemra/status/1300157952314179584?s=12>

<sup>205</sup> <https://twitter.com/reportpemra/status/1311669489642082304>

## 6.6 PEMRA, Judiciary and National Assembly

- January 20, 2020: National Assembly's standing committee on Information and Broadcasting slammed PEMRA over Faisal Vawda controversy and expressed their concern over the performance of the authority<sup>208</sup>.
- January 20, 2020: National Assembly's standing committee on Information and Broadcasting asked PEMRA to devise a mechanism to ensure that no defamatory and fake news were telecast on electronic media against any member of society including legislators for the sake of ratings<sup>209</sup>.
- March 19, 2020: IHC issued notice to the Ministry of Information and Broadcasting and PEMRA in petitions filed against a move by cable operators to either remove Geo TV from their lists of channels or to relegate it<sup>210</sup>.
- April 13, 2020: IHC dismissed an appeal filed by BOL TV channel against the ban on one of its entertainment programmes and its host Waqar Zaka for allegedly airing objectionable content<sup>211</sup>.
- May 11, 2020: Supreme Court restrained PEMRA from taking any coercive measures against Neo TV for a period of 15 days until the channel challenges the vires of PEMRA's Television Broadcast Station Operations Regulations 2012. PEMRA had rejected its application for changing its category of license<sup>212</sup>.
- July 08, 2020: Lahore High Court suspended operation of PEMRA order to suspend license of TV Channel 24 News<sup>213</sup>.
- December 14, 2020: Sindh High court directed the management of BOL TV to be professional and respect the orders of PEMRA. The Court removed the ban on one of its programme and directed the channel to submit the fine amount<sup>214</sup>.

## 6.7 Banning Indian Content

- July 29, 2020: PEMRA directed their staff for zero tolerance on Indian content on cable TV, non-compliance would result in cancellation of cable TV license<sup>215</sup>.

<sup>206</sup> <https://twitter.com/reportpemra/status/1334884571234623489>

<sup>207</sup> <https://twitter.com/reportpemra/status/1337357416002969602/photo/1>

<sup>208</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=21\\_01\\_2020\\_014\\_004](https://epaper.dawn.com/DetailNews.php?StoryText=21_01_2020_014_004)

<sup>209</sup> <https://www.thenews.com.pk/print/601959-pemra-asked-to-stop-telecast-of-fake-news-on-electronic-media>

<sup>210</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=19\\_03\\_2020\\_003\\_005](https://epaper.dawn.com/DetailImage.php?StoryImage=19_03_2020_003_005)

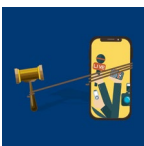
<sup>211</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=12\\_04\\_2020\\_003\\_006](https://epaper.dawn.com/DetailNews.php?StoryText=12_04_2020_003_006)

<sup>212</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=12\\_05\\_2020\\_003\\_003](https://epaper.dawn.com/DetailNews.php?StoryText=12_05_2020_003_003)

<sup>213</sup> [https://epaper.dawn.com/DetailNews.php?StoryText=08\\_07\\_2020\\_003\\_004](https://epaper.dawn.com/DetailNews.php?StoryText=08_07_2020_003_004)

<sup>214</sup> <https://twitter.com/HamidMirPAK/status/1340231077093380096>

<sup>215</sup> <https://www.thenews.com.pk/print/693753-pemra-head-for-zero-tolerance-against-indian-content-on-cable-tv>



## 6.8 Ban on Programmes/ Advertisements

- January 16, 2020: PEMRA banned “Off the record” – a programme of ARY News – for 60 days due to airing unethical act by one of the panelists<sup>216</sup>.
- April 09, 2020: PEMRA banned “Champion” – a programme of BOL TV for airing vulgar and indecent content. IHC upheld PEMRA’s order for suspension of “Champion” on BOL entertainment<sup>217</sup>.
- June 08, 2020: PEMRA banned a TV commercial “Powerful Energy Drink” due to indecent and vulgar content<sup>218</sup>.

## 6.9 PEMRA Received Threats from Anchorperson

On February 27, 2020, it was reported that an anchorperson stormed PEMRA regional office – in Lahore on February 13, 2020 and threatened the staffers. The anchorperson was fined by PEMRA’s Council of Complaints (CoC). The CoC took this action on the complaints of two provincial ministers in Punjab province. However, instead of challenging the imposition of fine in the court of law, he broke into PEMRA office and tried to take PEMRA his hostages. PEMRA’s regional GM reported the anchor’s highhandedness in his letter to the chairman<sup>219</sup>. However, on February 28, 2020 PEMRA clarified the situation and considered it to be an outcome of mere misunderstandings<sup>220</sup>.

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<sup>216</sup> <https://twitter.com/reportpemra/status/1217534335093477377/photo/1>

<sup>217</sup> <https://twitter.com/reportpemra/status/1248236218657189888>

<sup>218</sup> <https://twitter.com/reportpemra/status/1270035000457678849/photo/1>

<sup>219</sup> <https://www.thenews.com.pk/print/621045-pemra-s-regional-gm-reported-anchor-s-highhandedness-in-his-letter-to-chairman>

<sup>220</sup> <https://www.thenews.com.pk/print/621044-pemra-clarifies-news-item>

## CHAPTER SEVEN: GLOBAL REACTION ON STATE OF FREEDOM OF EXPRESSION IN PAKISTAN

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According to Reporters without Borders (RSF), a global watchdog for press freedom, Pakistani media has been facing unprecedented curbs over the last two years, Pakistan ranked at 145 out of 180 countries in its annual World Press Freedom Index 2020. In 2019 Pakistan ranked 142 and 139 in 2018<sup>221</sup>.

The Global Impunity Index of the Committee to Protect Journalists (CPJ) ranked Pakistan at the 9th position among countries where journalists are murdered and their killers go free<sup>222</sup>.

### 7.1 Facebook Transparency Report (January-June 2020)

According to Facebook transparency report, Government of Pakistan has submitted total 1,485 request<sup>223</sup> to Facebook during January-June 2020<sup>224</sup>. Facebook made 2,300 content restrictions within Pakistan. This is the second highest figure of any country restriction after Russia with 2900 restrictions.

In May 2020, Facebook appointed 20 people from around the world to serve on what will effectively be the social media network's "Supreme Court" for speech, issuing rulings on what kind of posts will be allowed and what should be taken down<sup>225</sup>. The Oversight Board is a global body that will make independent decisions on whether specific content should be allowed or removed from Facebook and Instagram<sup>226</sup>. Facebook can also refer cases for a decision about whether content should remain up or come down from either Facebook or Instagram.

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<sup>221</sup> <https://rsf.org/en/ranking>

<sup>222</sup> <https://www.thenews.com.pk/print/736446-pakistan-among-countries-where-killers-of-journalists-go-unpunished-says-cpj>

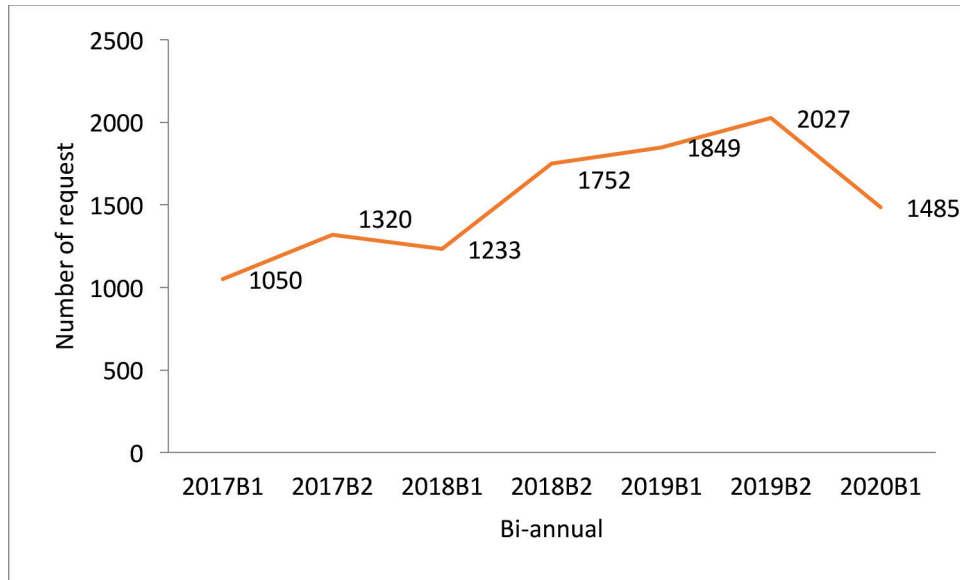
<sup>223</sup> <https://transparency.facebook.com/government-data-requests/country/PK/jan-jun-2020>

<sup>224</sup> <https://transparency.facebook.com/government-data-requests/country/PK/jan-jun-2018>

<sup>225</sup> <https://www.nbcnews.com/tech/tech-news/facebook-names-20-people-its-supreme-court-content-moderation-n1201181>

<sup>226</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=23\\_10\\_2020\\_003\\_011](https://epaper.dawn.com/DetailImage.php?StoryImage=23_10_2020_003_011)

**Figure: Number of Requests by Pakistan to Facebook**



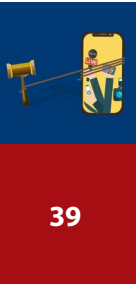
Data source: Facebook, 2021

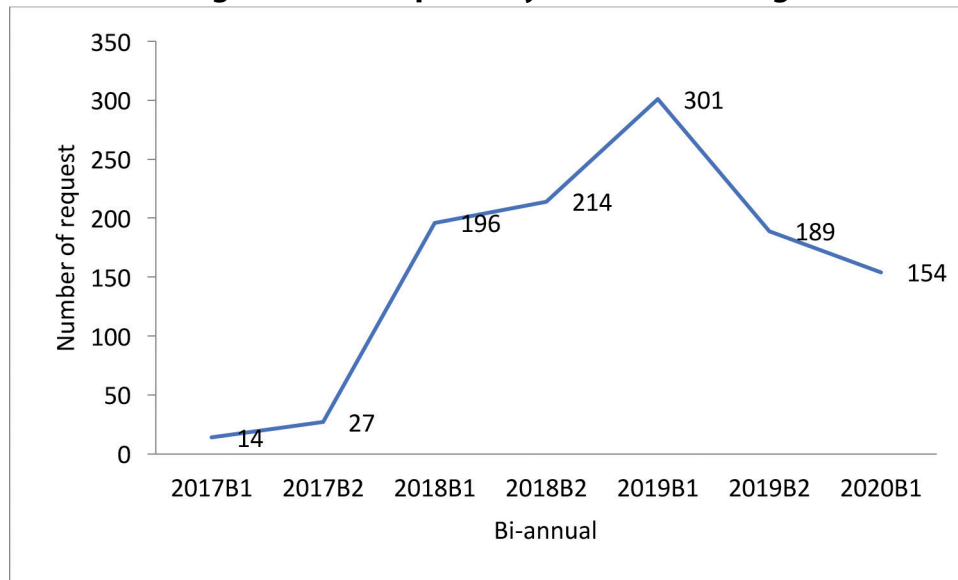
\*B1 = Jan – Jun      B2 = Jul – Dec

## 7.2 Google Transparency Report (January-June 2020)

According to Google transparency report, they received 154<sup>227</sup> requests from the Government of Pakistan during January-June 2020. The number of requests received in the preceding six months (Jul-Dec, 2019) was 189. Highest number of requests in this tenure was for the removal religious offences 42% followed by defamation 15% and hate speech 12% in Jan-June 2020.

<sup>227</sup> [https://transparencyreport.google.com/government-removals/by-country/PK?country\\_breakdown=period:Y2009H2;country:PK&lu=country\\_breakdown&removal\\_compliance\\_rate=requestor;period:Y2018H2;authority:PK&country\\_request\\_explore=period;authority:PK;p:3](https://transparencyreport.google.com/government-removals/by-country/PK?country_breakdown=period:Y2009H2;country:PK&lu=country_breakdown&removal_compliance_rate=requestor;period:Y2018H2;authority:PK&country_request_explore=period;authority:PK;p:3)



**Figure: Total Requests by Pakistan to Google**

Data source: Google, 2021

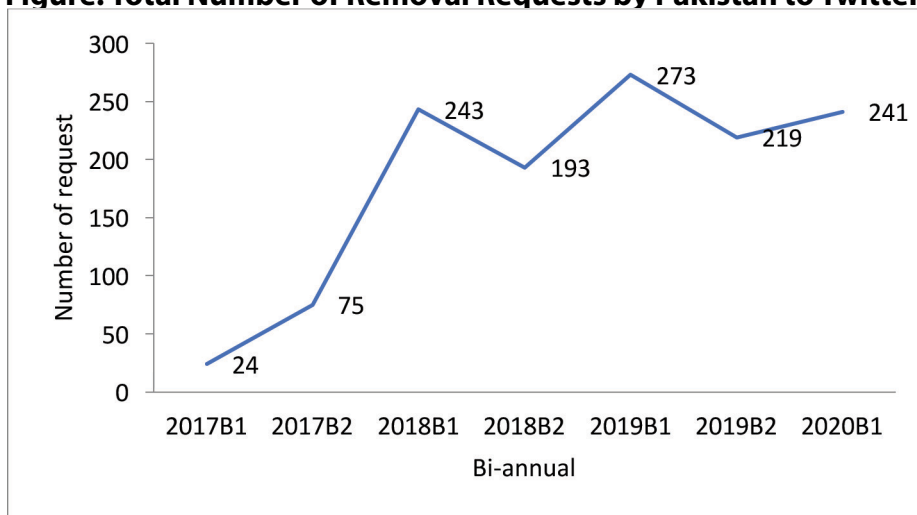
\*B1 = Jan – Jun      B2 = Jul – Dec

### 7.3. Twitter Transparency Report (January-June 2020)

During the period of January to June 2020,<sup>228</sup> according to the twitter transparency report, the platform received a total of 18 accounts information request from Pakistan specifying 38 Twitter accounts. In the last six months (Jul-Dec, 2019) of the preceding year the number of requests was 13, which specified 18 twitter accounts. Similarly, number of removal requests received during the year Jan-Jun 2020 was 241 from Pakistan. These requests identified 2,080 twitter accounts. During July to December 2019 the number of requests was 219.

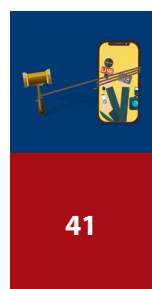
<sup>228</sup> <https://transparency.twitter.com/en/reports/countries/pk.html>

**Figure: Total Number of Removal Requests by Pakistan to Twitter**



Data source: Twitter, 2021

\*B1 = Jan – Jun      B2 = Jul – Dec



## CHAPTER EIGHT: FINANCIAL CURBS ON MEDIA

Since the arrival of government of Pakistan Tehreek -e- Insaf (PTI) in August 2018 (followed by Covid), the media in Pakistan had been facing serious financial challenges. Many media outlets have to shut down their operations, completely or partially. Hundreds of media workers have lost their jobs during past two years. These financial issues emerged mainly due to heavy cut in government and commercial sector spending on media in terms of official advertisements<sup>229</sup>.

Senior journalists and academicians stated the government is using “stoppage of ads to media as a weapon” to curb media freedom<sup>230</sup>. On 26th of November 2020, however, it was reported that PTI government is introducing a new policy for Newspaper, TV Channel and Digital advertisements<sup>231</sup>. On December 11, 2018, the Federal Information and Broadcasting Minister stated about agreement between media owners and the government for pending amount of the outstanding dues<sup>232</sup>. However, the Federal Ministry of Information, on December 23, 2020, reportedly, made drastic cut in the commercial rates being paid to the private television channels for all federal, provincial, autonomous bodies and public sector organisations<sup>233</sup>.

### Media Advertisement Policy

In December 2019, Ms. Firdous Ashiq Awan, Special Assistant to Prime Minister (SAPM) on Information and Broadcasting announced the draft advertisement policy<sup>234</sup>. She claimed to bring reforms in the Press Information Department (PID) of Federal Ministry of Information<sup>235</sup>.

In January 2020, Senate Standing Committee on Information and Broadcasting urged the Ministry of Information and Broadcasting to devise a comprehensive and implementable policy regarding just distribution of advertisements to the media<sup>236</sup>.

<sup>229</sup> <https://www.dawn.com/news/1446393>

<sup>230</sup> <https://www.dawn.com/news/1445599>

<sup>231</sup> <https://www.mediabites.com.pk/26-Nov-2018/pti-government-introduces-new-policy-for-newspaper-tv-channel-and-digital-advertisements>

<sup>232</sup> <https://archive.pakistantoday.com.pk/2018/12/11/govt-to-release-ad-payments-stop-media-layoffs-fawad/>

<sup>233</sup> <https://nation.com.pk/23-Dec-2018/info-ministry-slashes-ad-rates-for-tv-channels>

<sup>234</sup> <https://tribune.com.pk/story/1999370/new-media-advertisement-policy-works-awan>

<sup>235</sup> <https://www.dawn.com/news/1523293>

<sup>236</sup> [https://epaper.tribune.com.pk/DisplayDetails.aspx?ENI\\_ID=11202002040067&EN\\_ID=11202002040021&EMID=11202002040007](https://epaper.tribune.com.pk/DisplayDetails.aspx?ENI_ID=11202002040067&EN_ID=11202002040021&EMID=11202002040007)





While woes of the media houses continued, the Pakistan Herald Publications filed a petition in the Sindh High Court on February 27, 2020, challenging the withholding of advertisements by the federal government from daily Dawn newspaper<sup>237</sup>. The petition stated that the federal government has “suddenly stopped placing advertisements in Dawn since January 2020 and no reason was communicated to the publication for the same.”

On April 04, 2020, it was reported that the Federal Ministry of Information and Broadcast “has de-notified more than 6,000 publications after being identified as dummy papers<sup>238</sup>.” As per media report, the Office of Press Registrar, Ministry of Information, gave a deadline of April 15 to all presses printing newspapers to fulfil all regulatory requirements. The report also stated the “Registrar has written letters to all deputy commissioners across the country to forward information related to presses where newspapers were being printed, under the “Press, Newspaper, News Agencies and Books Registration Ordinance, 2002”.” However, the PFUJ expressed its concerns over the move to streamline printing press in the country.

The Federal Ministry also notified a new procedure for the payment of advertisement bills. As reported in media, “85 percent payment of the bills shall be made directly to media organization – newspaper, TV or a radio channel – while remaining 15 percent shall be made separately to the concerned advertising agency as commission in case of display advertisement<sup>239</sup>. ” Similarly, in case of classified advertisements, 100 percent payment of the bills shall be made directly to the media organization. However, APNS pressed its reservations on the notification issued by the Ministry on April 3 2020<sup>240</sup>. “The APNS reiterated that the unilateral issuance of the notification by the Ministry strongly suggests that the consultation process is meaningless for the ministry as it has already decided to implement the draft policy inimical to fundamental press freedom.”

However, on May 19, 2020, it was reported that the government has released PKR 63 million to advertising agencies – for further distribution among media houses – out of total outstanding amount of six billion rupees<sup>241</sup>.

<sup>237</sup> <https://www.dawn.com/news/1536992>

<sup>238</sup> <https://www.dawn.com/news/1546298#:~:text=ISLAMABAD%3A%20The%20federal%20information%20ministry,being%20identified%20as%20dummy%20papers.&text=The%20first%20one%20includes%20those,the%20printing%20of%20the%20paper.>

<sup>239</sup> <https://nation.com.pk/04-Apr-2020/new-procedure-for-payment-of-ad-bills-notified>

<sup>240</sup> <https://www.thenews.com.pk/print/640200-new-procedure-for-release-of-govt-ads-payment-apns-shows-concern-over-notification>

<sup>241</sup> <https://www.thenews.com.pk/print/660936-govt-releases-rs63m-payment-to-media-houses-out-of-rs6b>

## CHAPTER NINE: BLASPHEMY

Centre for Social Justice (CSJ) – a Pakistani research-based advocacy group working on human rights, democratic development and social justice – stated that “the abuse of blasphemy laws increased exponentially in Pakistan in 2020.” CJS reported that, in 2020, around 200 individuals were accused of committing blasphemy in Pakistan. This is the highest number of individuals being accused under the blasphemy law in a year since its addition in PPC. Here are a few of the cases reported in the media in 2020.

1. On April 06, 2020, it was reported that Phoolnagar city police arrested a man and registered a blasphemy case against him for allegedly uploading hate material on social media<sup>242</sup>.
2. On April 24, 2020, police in Pakpattan arrested a man for allegedly posting blasphemous content on social media. A case was registered under section 295-C of the Pakistan Penal Code against him<sup>243</sup>.
3. On June 10, 2020, Professor Sajid Soomro, a professor at Shah Abdul Latif University Khairpur, was arrested by local police under blasphemy charges<sup>244</sup>.
4. In July 2020, Punjab Curriculum and Textbook Board banned hundred books ten thousand books, being taught in private schools, for allegedly carrying blasphemous and anti-Pakistan content<sup>245</sup>.
5. In August 2020, a man was booked on charges of blasphemy in Mirpur city of Azad Jammu and Kashmir. A case was registered under section 295 c and 298 of the Pakistan Penal Code against him<sup>246</sup>.
6. In September 2020, Bashir Mastan of Charsadda district of Khyber Pakhtunkhwa province, was booked and arrested for posting of an allegedly blasphemous video message on social media<sup>247</sup>.
7. In July 2020, Tahir Ahmed Naseem, who belong to Ahmadi community, was shot dead by a teenage boy inside the courtroom in Peshawar Judicial Complex<sup>248</sup>.
8. On September 08, 2020, a sessions court in Lahore sentenced a Christian man Asif Pervaiz to death after convicting him of sending text messages containing “blasphemous content”<sup>249</sup>. Asif has been in custody since 2013 fighting blasphemy

<sup>242</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=06\\_04\\_2020\\_002\\_003](https://epaper.dawn.com/DetailImage.php?StoryImage=06_04_2020_002_003)

<sup>243</sup> [https://epaper.dawn.com/DetailImage.php?StoryImage=24\\_04\\_2020\\_002\\_007](https://epaper.dawn.com/DetailImage.php?StoryImage=24_04_2020_002_007)

<sup>244</sup> <https://tribune.com.pk/story/2239851/1-university-professor-arrested-blasphemy-charges>

<sup>245</sup> <https://www.thenews.com.pk/print/691186-100-books-banned-for-profane-anti-pakistan-content>

<sup>246</sup> <https://www.independenturdu.com/node/53771>

<sup>247</sup> <https://thewire.in/south-asia/pakistan-blasphemy-cases-hindu-community-apprehensive>

<sup>248</sup> <https://www.dw.com/en/pakistan-man-accused-of-blasphemy-shot-dead-at-court-trial/a-54365714>

<sup>249</sup> <https://www.dawn.com/news/1578596>

charges that were levelled against him by the supervisor of the garment factory he once worked at.

9. In July 2020, Qamar Riaz Sulehri – Pakistan Tehreek-e-Insaf (PTI)'s President in Zafarwal tehsil of Sialkot district of Punjab province – filed a blasphemy complaint against Pakistan Muslim League-Nawaz (PML-N) stalwart Khawaja Asif for saying that all religions are equal in the light of the constitution<sup>250</sup>.
10. On 3rd of November 2020, a man in Shahdadpur area of Sindh province was arrested for allegedly burning pages of the Quran<sup>251</sup>.
11. On 13 August 2020, police in Lahore registered an FIR under section 295 of PPC (Injuring or defiling place of worship, with Intent to insult the religion of any class) against actor Saba Qamar and singer Bilal Saeed for shooting a music video in a mosque<sup>252</sup>.
12. In August 2020, police filed a case against journalist and human rights defender Marvi Sirmed under the blasphemy laws for a tweet, which she posted on 22 August 2020, intended as a commentary on Pakistan's problem of political abductions<sup>253</sup>.
13. On September 18, 2020, Maruf Gul of Charsadda district of Khyber Pakhtukhwa province was accused of committing blasphemy for questioning the story of Prophet Abraham's offering to sacrifice his son Ismail<sup>254</sup>.
14. On 5 August 2020, Sohail Masih, a Christian from Nowshera Virkan area of District Gujranwala in Punjab province, was arrested after being charged with blasphemy over a discussion on the sacrificial meat at Eid al-Adha<sup>255</sup>.

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<sup>250</sup> <https://nayadaur.tv/2020/07/pti-leader-files-blasphemy-complaint-against-khawaja-asif-for-saying-all-religions-are-equal/>

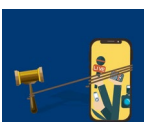
<sup>251</sup> <https://thewire.in/south-asia/pakistan-blasphemy-cases-hindu-community-apprehensive>

<sup>252</sup> <https://www.thenews.com.pk/latest/700536-lahore-police-register-case-against-saba-qamar-bilal-saeed-for-violating-sanctity-of-wazir-khan-mosque>

<sup>253</sup> <https://www.washingtonpost.com/opinions/2020/09/29/pakistan-tweet-can-bring-death-sentence/>

<sup>254</sup> <https://www.voanews.com/extremism-watch/blasphemy-cases-against-shiite-community-surge-pakistan>

<sup>255</sup> <https://www.ucanews.com/news/another-day-another-blasphemy-case-in-pakistan/89078>







# IRADA – THE INSTITUTE FOR RESEARCH, ADVOCACY AND DEVELOPMENT – PAKISTAN

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1. Promoting inclusivity and pluralisms through support for free speech, civil liberties, peace and rights of minorities and marginalized communities
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