

Online Freedom of Expression, Right to Privacy, Online Gender-Based Violence

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# Previous Cycle

- Out of 302 recommendations only 2 were specifically referred to digital rights and spaces.
- Made by Australia and Canada respectively, pertained to “protect[ing] freedom of expression, including online freedoms” and ensuring justice for violations against human rights defenders and journalists, including bloggers and were officially “Noted” by Pakistan.

# Freedom of Expression

- Pakistan ranked as “not free” in 2018, 2019, and 2021 on the Freedom on the Net Report.
- Prevention of Electronic Crimes Act, 2016 (PECA) has been used to silence journalists, victims and survivors of gender based violence, activists and opposition parties.
- Section 20 of PECA criminalises defamation.
- Section 37 gives wide powers to block and remove content from the internet.
- Apps like PubG, TikTok, BigoLive and Tinder have been banned periodically. Blocked more than 25,000 URLs for allegedly “anti-state material”, including 25,000 Facebook accounts, 307 Twitter posts, and 224 YouTube videos.
- Total URLs blocked from 2016-2020 was 418,139, doubled by June 2021 (1,091,095).
- 903,074 URLs blocked on the basis of “decency and morality”.

# Recommendations

1. Decriminalize defamation by repealing Section 20 of the 'Prevention of Electronic Crimes Act 2016' and Section 499/500 of the Pakistan Penal Code.
2. Repeal Section 37 of the 'Prevention of Electronic Crimes Act 2016' and 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2021' should be denotified, and all laws concerning freedom of expression should be amended to remove vague/overbroad criteria.
3. Implement safeguards for protected speech by journalists and human rights defenders in online and offline spaces.

# Privacy

- The draft Personal Data Protection Bill was not passed.
- The government acquired a national “web-monitoring system” for USD18.5 million from Canada-headquartered firm Sandvine with Deep Packet Inspection (DPI) capabilities.

# Recommendations

1. Pass Personal data protection legislation through inclusive consultations with all relevant stakeholders, in compliance with international human rights laws.
2. Laws and mechanisms should be developed to ensure non-discrimination, transparency, accountability, and safeguard against the misuse of emerging and automated technologies.

# Online Gender-based Violence

- Number of cases reported to law enforcement rising from 8,500 in 2018 to over 19,000 cases in 2021.
- Transgender individuals faced targeted disinformation campaigns and threats online.
- Survivors of GBV faced counter-defamation cases.

# Recommendations

1. Allocate more material to investigate and prosecute online gender-based violence in a timely and gender-sensitive manner.
2. Close the digital divide through increased digital literacy programs incorporated into school curriculums.
3. The Cyber Crime Wing, FIA should make its bi-annual progress report public, including gender disaggregated data, as per Section 53 of the 'Prevention of Electronic Crimes Act 2016'.