



YouTube
 Broadcast Yourself™
 (But Don't Broadcast Your Protest)



This content is not available in your country due to a government removal request. [Learn more.](#)
 Sorry about that.

In this Issue

There are no guidelines on how censorship decisions may be challenged – once a website is blocked, access to it is restricted indefinitely.

By Annum Sadiq

MONITORING HATE SPEECH ON THE INTERNET

Background

The internet is the world's largest ungoverned space, where users access information, exchange views and undertake collective action. At least 20 million Pakistanis are online, following a boom in the country's telecommunications and information technology sector. Broadband access grew by 150 percent between June 2008 to June 2010.¹ However, as the number of internet users increases, the challenges that come with an expanding digital world also rise.

Internet freedom in Pakistan has been graded as partly free, because of political censorship, the blocking of YouTube, the intimidation of bloggers and internet users.² Both military and civilian governments have imposed restrictions on the internet, citing national security, the War on Terror, and the preservation of religious values as stated in Article 19 of Pakistan's constitution. However, on the pretext of these 'reasonable restrictions', content perceived as anti-military or anti-state has often been censored.

Individuals and groups have misused the internet to incite violence, prejudice and hatred. Efforts need to be made to curb the advocacy of national, racial, ethnic or religious hatred, or the vilification of people and communities because of gender or sexual orientation.

However, regulating the internet is not an easy task as it is in conflict with the concept of freedom of speech. According to Article 19 of the Universal Declaration of Human Rights, "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."³

Freedom of expression, unlike freedom of thought, is not an absolute right. It carries with it responsibilities and restrictions to ensure respect for all individuals and communities and protect

PTA is responsible for the regulation of “the establishment, operation and maintenance of telecommunication systems and provision of telecommunication services in Pakistan.”

them from any act which may incite violence or prejudicial action. This is the principle on which monitoring and restricting access to the media is most commonly justified. On the other hand, there is no universal definition of ‘hate speech’, blurring the line between freedom of speech and hate speech.

Internet access in Pakistan is regulated by the Pakistan Telecommunication Authority (PTA) and the Federal Investigation Agency (FIA) under the direction of the Supreme Court of Pakistan and the Ministry of Information Technology (MoIT).⁴ PTA is responsible for the regulation of “the establishment, operation and maintenance of telecommunication systems and provision of telecommunication services in Pakistan.”⁵ However, the rules, regulations, policies and guidelines published by the body do not elucidate exactly how — in the case of the internet — content will be filtered. The principles underlying PTA’s censorship efforts and the mechanisms in place to achieve its aims are also not clear. There are no guidelines on how censorship decisions may be challenged – once a website is blocked, access to it is restricted for an indefinite period of time.

The Pakistan Electronic Media Regulatory Authority (PEMRA) Act, in its amended 2007 version, states that it can “regulate electronic media to improve the standards of information, education and entertainment.”⁶ The Supreme Court instructed PEMRA to come up with a comprehensive framework by October 2012 according to which media products can be categorized. However, PEMRA is still struggling to define ‘obscenity’, ‘vulgarity’ and ‘hate speech’, terms at the heart of the internet regulation debate. Further, after such a framework is finalised, the method through which censorship is to be carried out also needs to be formulated.

Instances of the government monitoring the internet in Pakistan

With the rise in the number of internet users in Pakistan, the impact of hate speech online has also increased. The 2006 controversy over cartoons depicting Prophet Muhammad (PBUH) is one instance where perceived hate speech on the internet led to a violent reaction. The cartoons sparked international outrage with riots breaking out across the Muslim world, as well as in countries with significant Muslim populations. While Pakistan’s Senate adopted a unanimous resolution condemning the publication of the cartoons, people continued to protest across the country; the burning of a KFC restaurant and the offices of a Norwegian mobile services company were two prominent examples among many violent incidents.

In 2009, President Asif Ali Zardari signed into law a bill prohibiting the spread of “ill motivated and concocted stories through emails and text messages against the civilian leadership” after his government faced strong criticism from civil society for malperformance. In February 2010, YouTube was blocked by PTA after videos of a senior government official were posted on the website. In October 2010, the Pakistan military reportedly ordered the removal of videos showing violence in the Swat Valley.⁷

In May 2010, a Facebook user set up an event called “Everybody Draw Mohammed Day”, again provoking angry demonstrations in Pakistan. In response, the Government of Pakistan blocked YouTube and Facebook after a group of Muslim lawyers went to court, demanding action against what they called hate speech.⁸

The current state of internet freedom in Pakistan is a precarious one, with increasing censorship and moral policing of the media in the country.

In February 2012, PTA announced that it intended to block 150,000 websites hosting 'objectionable' material. To achieve this, the National Information and Communication Technology Research and Development Fund (ICTRDF) placed an advertisement in the national press asking local and international service providers to submit proposals for "the development, deployment and operation of a national level URL Filtering and Blocking system."⁹ However, members of the press, digital media organizations and civil society activists protested against the move, calling it an arbitrary act of censorship which would infringe their freedom on the internet and raise privacy issues.¹⁰ Top international civil rights groups – including the Electronic Frontier Foundation, Article 19 and Reporters Without Borders – as well as local advocacy firms pressured the government to withdraw the plan for a national URL filtering and blocking system.¹¹ The plan was shelved as a result. However, the government may attempt to revive the project purportedly to counter pornography and blasphemy on the internet at any point in time.

Recently, Pakistan was in the headlines because of violent protests against the film "Innocence of Muslims". After a day of protests, the federal government announced a public holiday – the Yaum-e-Ishq-e-Rasool (Day of Love the Prophet (PBUH)) – on September 21, 2012. The Ministry of Foreign Affairs stated that the film incited hatred and discord and the PTA was instructed to block the movie wherever it appeared on the internet.¹² Further, the Chief Justice of Pakistan directed PTA to take down all material that disrespects Islam or Prophet Muhammad (PBUH) in any way. Since the federal government has not installed a filtration system and does not have an agreement with Google to handle objectionable content, access to YouTube was blocked in Pakistan.

The latest instance of media regulation in Pakistan is a directive issued by the government on October 19, 2012 to internet and phone operators. It instructs operators to monitor emails, telephone calls and other communications with the rest of the world within 90 days at a cost of millions of dollars.¹³ The current state of internet freedom in Pakistan is a precarious one, with increasing censorship and moral policing of the media in the country. In addition, Pakistan has been voted by UNESCO as the second most dangerous country in the world for journalists. In 2011, 16 journalists were killed and 47 were injured, intimidated or threatened while on duty or because of their work.¹⁴

Laws and regulations in place for monitoring hate speech

Article 153-A of the Pakistan Penal Code

Offences against public tranquillity: promoting enmity between different groups shall be punished with imprisonment for a term which may extend to five years and with fine.

Article 295-C of the Pakistan Penal Code

Use of derogatory remarks, etc., in respect of the Holy Prophet (PBUH): Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

While the government is trying to acquire the requisite technology to filter the internet, currently the authorities do not have sufficient means to control cyber space.

Article 298 of the Pakistan Penal Code

Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs: Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Article 499 of the Pakistan Penal Code

Defamation: Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said except in the cases hereinafter excepted, to defame that.

Article 500 of the Pakistan Penal Code

Punishment for defamation: Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Article 19 of the Constitution

Freedom of speech etc.

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence.

Article 31 of the Constitution

The state shall endeavour, as respects the Muslims of Pakistan:

- (a) to make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;
- (b) to promote unity and the observance of the Islamic moral standards; and
- (c) to secure the proper organisation of zakat, ushr, auqaf and mosque.

Legislations adopted by other countries and methods used to block the internet

While the government is trying to acquire the requisite technology to filter the internet, currently the authorities do not have sufficient means to control cyber space. Consequently, access to entire domains like Facebook or YouTube is blocked instead of filtering specific content on these websites that is considered offensive.

In the United Kingdom, the Crime and Disorder Act 1998 and Sections 45 and 46 of Criminal Justice Act 2003 make hateful behaviour — towards a victim based on the victim's membership (or presumed membership) in a racial group or a religious group — liable to aggravated prison sentences in British law.¹⁵ The European Convention Cybercrime requires member states to criminalise hate speech on the internet.

China and Tunisia, among other countries, use Digital Packet Inspection (DPI) to monitor the internet and are known to be on the frontline of online censorship efforts by operating some of the world's most sophisticated internet monitoring and filtering systems.¹⁶ DPI technology enables the filtering of data packets sent across the Internet based on keywords (i.e. the content of a website or email). This process is much more clandestine in its regulation as it takes place without any perceivable delay and both the sender and the recipient are unlikely to notice any difference.

A more basic way of censoring the internet is through IP-address blocking. Many countries including Pakistan maintain a blacklist of IP addresses, most of which are websites or other services they do not want users to access.¹⁷ The blacklist is manually updated based on demand of their blocking need.

DNS hijacking is another method commonly used to implement internet censorship. This mechanism can redirect a user to a totally different website from what he or she intended to view, by changing the user's domain name resolution (DNS) request and supplying the user with a false reply instead.

Policy Recommendations

1. Make the process of determining censorship guidelines for online content inclusive and transparent by involving civil society, legislators, media persons and members of the bureaucracy and judiciary.
2. The process through which content is censored should be made publicly available and citizens should be able to contest censorship decisions in appropriate forums. The PTA should clarify how content on the internet is blocked and devise mechanisms through which the public can challenge censorship decisions. In October 2011, the Right to Information Bill was introduced in Pakistan's National Assembly, whereby civil society members could request access to documents issued by public bodies. Under this bill, public bodies could not block a user's request to information, ensuring transparency and accountability in various government departments. The bill is currently with a Standing Committee of the National Assembly for further discussion.
3. The Inter-Ministerial Committee on the Internet needs to meet more regularly and have a clear mandate with roles and responsibilities defined.
4. Develop a one-window operation for managing the regulation of the internet. Currently, it is divided among various agencies – PEMRA, PTA, Ministry of Information, Ministry of Information Technology, etc. There is a need for better coordination between various state bodies to ensure timely responses.
5. Lawmakers need to be sensitised about the nature of internet censorship as well as the digital challenges involved so that legislation is tailored according to new technical possibilities.
6. Develop appropriate legal arrangements with international internet content providers to be able to selectively censor content. Blanket bans on Web 2.0 applications such as the current ban on YouTube has regressive economic, political and social outcomes for the country. Pakistan should encourage Google to have data centres in the country and also sign a Mutual Legal Assistance Treaty to be able to negotiate on filtering content it considers hate speech.

Many countries including Pakistan maintain a blacklist of IP addresses, most of which are websites or other services they do not want users to access.

End Notes

1. Yasir, Muhammad, 'Internet Users Cross 20 Million Base in Pakistan.' *Daily Times* Oct.-Nov. 2011. Print.
2. Freedom House, 'Freedom on the Net 2012'. Rep. Web.
<<http://www.freedomhouse.org/sites/default/files/FOTN2012.pdf>>
3. UN News Center, 'The Universal Declaration of Human Rights.' Web. 19 Sept. 2012.
<http://www.un.org/en/documents/udhr/index.shtml>
4. Pakistan Telecommunication Authority, 'Functions and Responsibilities of PTA.' Web.
http://www.pta.gov.pk/index.php?option=com_content&view=article&id=359&Itemid=325
5. PEMRA, 'Pakistan Electronic Media Regulatory Authority (Amendment) ACT, 2007.' Web.
http://www.pemra.gov.pk/pemra/images/docs/legislation/Ordinance_2002.pdf
6. Open Net Initiative, 'Internet Access in Pakistan.' 6 Aug. 2012. Web.
<http://opennet.net/research/profiles/pakistan>
7. Orteni, T.J., 'Facebook Censors 'Everybody Draw Mohammad Day' Page, Pakistan Lifts Ban.' *The Huffington Post*, 31 May 2010. Web. http://www.huffingtonpost.com/2010/05/31/facebook-censors-everybod_n_595225.html
8. The Nation, 'Pakistan Builds Web Wall out in the Open.' 19 Nov 2012. Web.
<<http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/international/03-Mar-2012/pakistan-builds-web-wall-out-in-the-open>>
9. Foreign Policy, 'Fighting the Great Firewall of Pakistan' . 14 Oct. 2012. Web.
http://www.foreignpolicy.com/articles/2012/04/10/fighting_the_great_firewall_of_pakistan
10. Electronic Frontier Foundation, 'Groups Pressure Pakistan to Stop National Internet Monitoring Plan.' 14 Nov. 2012. Web.
<https://www.eff.org/mention/groups-pressure-pakistan-stop-national-internet-monitoring-plan>
11. DAWN, 'Pakistan Condemns Anti Islam Film.' 12 Sept. 2012. Web.
<http://dawn.com/2012/09/12/pakistan-condemns-anti-islam-film-killing-of-us-envoy/>
12. The News International, 'Monitoring of Emails, Calls to Start Within 90 Days' 25 Oct. 2012. Web.
<http://www.thenews.com.pk/Todays-News-13-18261-Monitoring-of-emails-calls-to-start-within-90-days>
13. DAWN, 'UNESCO Ranks Pakistan Second Most Dangerous for Journalist.' 3 May. 2012. Web.
<http://dawn.com/2012/05/03/unesco-ranks-pakistan-second-most-dangerous-for-journalists/>
14. Ibid.
15. The News International, 'Pakistan Yet to Legislate on the Menace of Hate Crime – II.' 9 Sept. 2012. Web.
<http://www.thenews.com.pk/Todays-News-13-17368-Pakistan-yet-to-legislate-on-the-menace-of-hate-crime-%E2%80%94-II>
16. Asghari, H., et al. 'Unravelling the Political and Economic Drivers of DPI' submitted to the Giga Net Annual Symposium. 5 Nov. 2012
17. Delta Consultants, 'Pakistan IP Addresses - Internet Usage Statistics Pakistan.' Web.
<http://myip.ms/view/countries/PAK/Internet_Usage_Statistics_Pakistan.html>

Blanket bans
on Web 2.0
applications
such as the
current ban
on YouTube
has regressive
economic,
political and
social
outcomes for
the country.