

## **Statement for UPR**

### **1. Introduction**

This statement is delivered on behalf of an organization that has made a submission to the UPR however could not be here to read the statement. This submission was made after coordination with civil society organisations in the country and participation in national-level consultations, aiming to complement and fill gaps of submissions from the country. The statement will address issues of online freedom of expression (FOE), online gender-based violence (GBV), privacy, and digital freedom of assembly in Pakistan.

### **2. Statement**

In the previous cycle, 302 recommendations were made by member states to Pakistan but only two were specifically referred to digital rights and spaces, both of which were neither accepted nor noted by the country. The recommendations, 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. With regard to GBV and issues of gender equity, none of the recommendations focused on online gender-based violence.

It is worth pointing out that since the last cycle, Pakistan’s digital freedoms have been backsliding, while there has been pushback and challenge from civil society. According to ‘Freedom House’, Pakistan consistently ranks as “not free” with its ranking steadily declining in 2018, 2019, and 2021.

### **3. Freedom of Expression**

Since the last cycle Pakistan has expanded its powers under the ‘Prevention of Electronic Crimes Act, 2016 (PECA)’. The law been used to persecute journalists, human rights defenders, members of opposition parties and survivors of GBV speaking out in the #MeToo Movement, particularly through the online criminal defamation clause. Furthermore, Section 10 of PECA which covers hate speech has been unjustly weaponized to arrest and prosecute members of grassroots civil rights movements. Coordinated disinformation campaigns are increasingly being used to manipulate narratives, spread fake news, silence critics, and target women journalists through gendered disinformation attacks.

Under section 37 of the Act the government also passed the ‘Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2021’ which expanded the ambit the government’s powers to require removal of content within 48 hours, with failure in compliance resulting in complete bans on platforms, over the last three years the government has banned apps like PUBG, TikTok, BigoLive and dating applications such as Tinder. The government has blocked more than 25,000 URLs for allegedly “anti-state material”, including 25,000 Facebook accounts, 307 Twitter posts, and 224 YouTube videos. Worryingly, there has been a steep rise in the volume of blocked content: the total URLs blocked from 2016-2020 was 418,139, whereas it more than

doubled by June 2021 (1,091,095). An overwhelming majority of this content (903,074 URLs) was blocked on the basis of “decency and morality” which disproportionately impacts content related to women and gender minorities.

#### Recommendations:

Given the pervasiveness of digital spaces and their connection to fundamental human rights it is important to specifically develop policies and legislative measures that safeguard digital rights. Therefore, we recommend that the Government of Pakistan:

- Decriminalize defamation by repealing Section 20 of the ‘Prevention of Electronic Crimes Act 2016’ and Section 499/500 of the Pakistan Penal Code in compliance with General Comment No. 34, Human Rights Committee.
- 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, including definitions of “decency and morality”, “security of Pakistan”, “glory of Islam”, and “integrity or defense of Pakistan” for online content moderation.
- Implement safeguards for protected speech by journalists and human rights defenders in online and offline spaces, particularly their right to speak critically of public figures and institutions.

#### **4. Privacy**

During the period the draft Personal Data Protection Bill was not passed but on the other hand surveillance capacities of the state were enhanced. The government acquired a national “web-monitoring system” for USD18.5 million from Canada-headquartered firm Sandvine with Deep Packet Inspection (DPI) capabilities which allows monitoring of the contents of internet traffic, not just metadata.

#### Recommendations:

In light of acquisition of privacy invasive technologies, we recommend that the Government of Pakistan:

- Pass Personal data protection legislation through open and inclusive consultations with all relevant stakeholders, in compliance with global standards for data privacy and international human rights laws.
- Laws and mechanisms should be developed to ensure non-discrimination and safeguard against the misuse of emerging technologies (such as Artificial Intelligence, Facial Recognition Technologies, etc.) for profiling of citizens and establish effective transparency and accountability measures through mandatory human rights audits of state agencies and bodies regarding the acquisition of technologies used to regulate digital content, communications and data.

## **5. Online gender-based violence**

Online gender-based violence has grown exponentially in the last few years with the number of cases reported to law enforcement rising from 8,500 in 2018 to over 19,000 cases in 2021. Transgender individuals were particularly vulnerable in digital spaces, facing targeted disinformation campaigns and threats online. Worryingly, survivors of online faced counter-defamation cases, and saw their perpetrators receive relief and release from custody.

### Recommendations:

Given the rise of online gender-based violence and harassment, the government should:

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 and developed with the help of civil society organisations.
3. The Cyber Crime Wing, FIA should make its practices more transparent by submitting and making public its bi-annual progress report, including gender disaggregated data regarding online gender-based violence, as per Section 53 of the 'Prevention of Electronic Crimes Act 2016'.

Thank you for your attention.