

Pakistan: New cyber-crimes law must not censor online freedoms

(Bangkok/Kathmandu, 17 August 2016) –The Asian Forum for Human Rights and Development (FORUM-ASIA) is deeply concerned over the approval of the Prevention of Electronic Crimes Bill 2016¹ by the Parliament of Pakistan on 11 August 2016. The approval comes despite protests from organisations working on fundamental human rights, including the right to privacy and freedom of expression. The Bill is now awaiting formal assent of the President for the Bill to become law of the land.

Pakistan's cyber demography consists of around 30 million netizens,² and online users are increasing day-by-day. For many users, cyber space is the only place to express their opinion or dissent.

The Bill prescribes various punishments, ranging from imprisonment to fines, or both, for 21 different offences, including legitimate dissent and political opinion expressed online. The Bill codifies cyber-crime in relation to terrorism, hate speech, cheating, fraud, tempering with information and online pornography as punishable offences. It, for example, prescribes 14 years imprisonment for cyber-terrorism and seven years imprisonment for hate speech.

The Bill has been criticised by human rights activists and the political opposition on grounds of it consolidating the State's discretionary control over online space, limiting freedom of expression and legitimising digital surveillance and censorship without accountability and transparency. Political opponents have also condemned some provisions of the Bill and expressed concerns over their potential use, which may infringe on their right to freedom of expression and privacy online. They allege that the provisions, most of which are loosely worded, may lead to misinterpretation and censorship especially when critiquing the Government. Some of the provisions even seem to lack understanding of technical aspects of digital communications.

FORUM-ASIA member, Bytes or All, Pakistan, has raised concern over the Bill. "Vulnerable and marginalised sections of the society – religious, ethnic and sexual minorities, political dissidents and journalists – who have had to resort to the Internet as the only space where they can share ideas freely, will now be at risk whenever they express themselves online", Bytes for All, Pakistan has said.³ In December 2015, David Kaye, UN Special Rapporteur on freedom of opinion and expression, expressed concern over the Bill underlining that it violates international human rights treaties ratified by Pakistan.⁴

FORUM-ASIA is concerned that the Bill, once in force, will provide wide-ranging discretionary powers to the Government and law enforcement agencies to carry out real-time surveillance, and to remove or block contents at their discretion. The authorities will have powers to indiscriminately track activities of online users. This adds badly to Pakistan's already poor record of harassment of religious, ethnic and sexual minorities for expressing their opinions.⁵

FORUM-ASIA is aware that in 2012, the Government of Pakistan curtailed, upon the order of the Lahore High Court, online freedoms and blocked social media websites, like Facebook and Youtube, alleging dissemination of 'blasphemous' content. This Bill will further institutionalise such curtailment of the freedom of expression.

¹http://na.gov.pk/uploads/documents/1470910659_707.pdf

²https://content.bytesforall.pk/sites/default/files/Pakistan_Internet_Landscape_2016_Web.pdf

³<https://content.bytesforall.pk/node/196>

⁴<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16879&LangID=E>

⁵<https://freedomhouse.org/report/freedom-net/2015/pakistan>

It is unbecoming for Pakistan to draft the Bill in the first place. As a party to the International Covenant on Civil and Political Rights, 1977, Pakistan has an obligation to refrain from any action that violates fundamental human rights such as the freedom of expression and freedom of association. FORUM-ASIA strongly urges the Government of Pakistan to immediately withdraw the draconian provisions in the Bill and make sure it does not contradict international human rights laws and practices.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

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