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## PAKISTAN

BY SHAHZAD AHMAD AND HAROON BALOCH  
BYTES FOR ALL, PAKISTAN

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*Pakistan has been a strong proponent of the WSIS and accords the highest priority to development - particularly focusing on the establishment of ICT infrastructure and applications for provision of quality services, equal access, education, employment opportunities and the empowerment of women. Pakistan was a key partner in energising the WSIS process from its beginning and for the establishment of the IGF during 2005-2006. However, in the following years, Pakistani authorities could not keep the momentum and tap into the potential that the WSIS framework provided, with limited progress towards WSIS action lines being reported at the national level. In the Review, Pakistan is expected to follow the G77 line. Moreover, with the prevailing situation of insecurity, lack of law and order and energy crisis, WSIS is not likely to be high on the government's agenda, nationally or internationally. In light of this, it is unlikely that Pakistan will hold national consultations or include civil society in its national delegation.*

### POSITION ON KEY ISSUES

#### Development

The Minister for Information and Technology stated at the WSIS Forum this year that the Pakistan government accords the highest priority to development – particularly focusing on the establishment of ICT infrastructure and applications for provision of quality services, equal access, education, employment opportunities and the empowerment of women.<sup>1</sup> In addition, Pakistan called upon the Geneva Principles and the Tunis Agenda while pursuing ongoing and forthcoming work regarding WSIS.<sup>2</sup> Indeed, on the access side, pursuant to accelerated digitisation and WSIS action line C2, 3G/4G services were launched in Pakistan in April 2014 with the expectation of achieving relatively faster deployment of mobile broadband infrastructure, which is seen as critical to ICT development.

However, despite Pakistan's initial progress, the situation on the ground largely has not shown these commitments translated into concrete actions. For example, although the proposed Telecommunication Policy<sup>3</sup> pays significant attention to initiatives started under the Universal Service Fund (USF),<sup>4</sup> which was exclusively established for development of ICTs in Pakistan, particularly connecting underserved rural areas, in reality, these funds were instead used by the current government to pay off the circular debt of the energy sector.<sup>5</sup> Misuse of USF money can be interpreted as the government's lack of commitment towards development of ICTs in the rural and remote areas of Pakistan, and mainstreaming access to underserved communities.

#### Human Rights

Pakistan is not likely to take any strong stances on human rights issues in the

1. [http://www.itu.int/net4/wsis/forum/2015/Content/doc/outcomes/Policy\\_Statements\\_Booklet\\_WSIS2015.pdf](http://www.itu.int/net4/wsis/forum/2015/Content/doc/outcomes/Policy_Statements_Booklet_WSIS2015.pdf) [http://www.itu.int/net4/wsis/forum/2015/Content/doc/outcomes/Policy\\_Statements\\_Booklet\\_WSIS2015.pdf](http://www.itu.int/net4/wsis/forum/2015/Content/doc/outcomes/Policy_Statements_Booklet_WSIS2015.pdf)
2. [http://www.itu.int/wsis/implementation/2014/forum/inc/doc/outcome/wsis10.hle.policy\\_statements.pdf](http://www.itu.int/wsis/implementation/2014/forum/inc/doc/outcome/wsis10.hle.policy_statements.pdf)
3. <http://www.moitt.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTM2L21v aXQvdXNlcmZpbGVzMS9maWxlL1> <http://www.moitt.gov.pk/gop/index>
4. <http://www.usf.org.pk/FCKeditor/editor/filemanager/connectors/asp/UserFiles/USF-Policy.pdf>
5. <http://www.thenews.com.pk/Todays-News-2-187372-Telecom-funds-diverted-to-circular-debt> <http://www.thenews.com.pk/Todays-News-2-187372-Telecom-funds-diverted-to-circular-debt>

WSIS Review. At face value, the government of Pakistan appears to broadly support human rights within the WSIS framework. At the WSIS Forum 2015, the Minister for Information and Technology stated that “every state has its own legal framework and socio-economic dynamics, and it is the responsibility of the state to accordingly protect the rights of citizens, both online and offline”. She went on to add that “the safety and privacy of internet users is of utmost importance and without over regulating internet, there is a need to keep a balance to be determined by the respective states in accordance with their legal framework and socio-cultural norms”.<sup>6</sup> This position, however, should be contextualised within the government’s overarching concern with national security.

Domestically, security concerns have been detrimental to the efforts of ICT authorities to progress towards achieving the WSIS targets. For instance, information and knowledge are strongly subject to state censorship. YouTube has been inaccessible in Pakistan since September 2012, and there have been many examples of government-imposed bans on platforms and services such as Wikipedia, Facebook, Flickr, Wordpress, etc. (see cases like Innocence of Muslims,<sup>7</sup> Draw Muhammad Day<sup>8</sup> [hyperlink itself is blocked in Pakistan]). These measures are at odds with WSIS action line C3, which focuses on access to information and knowledge.

Discrepancies between Pakistan’s official statements and its commitment to human rights on the ground are also evident when looking at implementation of WSIS action line C10. C10 urges states to promote the common good, protect privacy and personal data, and discourage abusive use of ICTs such as illegal activities and other acts including those motivated by racism, racial discrimination, xenophobia and related intolerance, hatred and violence. However, the abusive use of ICTs and human rights violations online in Pakistan has been on the increase. Furthermore, through the proposed Pakistan Electronic Crime Bill (PECB) 2015, the government appears to be working against the WSIS human rights framework, compromising users’ privacy<sup>9</sup> and failing to protect consumer’s data.<sup>10</sup>

### Internet Governance

During WSIS in 2005, Pakistan, via its former permanent representative in Geneva, Ambassador Masood Khan,<sup>11</sup> in his capacity as the Chairman of one of the WSIS sub-committees, helped develop consensus<sup>12</sup> in defining the shared role of governments, businesses, civil society, and international organisations in decisions regarding internet governance. In 2006, on behalf of the G77 and China, Pakistan emphasised at the consultation on the establishment of the IGF, that effective and adequate participation by governments, civil society, NGOs, and businesses from developing countries is essential to realise development aspirations.<sup>13</sup>

In international fora such as the ITU and the Human Rights Council, Pakistan has stated that it has a clear-cut policy for provision of e-services to people while ensuring transparency and accountability in the public sector and facilitating good governance both at grassroots and inter-agency levels. However, on the ground, only the policy-making institutions are involved in decision-making while keeping the public in the dark, rarely taking other stakeholders on board. Indeed, the drafting of the PECB 2015 was done in isolation – reflecting the government’s reluctance to engage in multistakeholder initiatives.

Pakistan’s position on internet governance in the upcoming Review will probably reflect the joint position of the G77 and China,<sup>14</sup> reinforcing the role of governments and the need to address lack of progress towards enhanced cooperation. This assumption is supported by Pakistan’s intervention in recent WSIS-related fora. In 2014, during the ITU-led WSIS High Level Event, Pakistan emphasised that “governments [...] have a role and responsibility for internet governance on an equal footing.”<sup>15</sup> At this year’s WSIS Forum, Pakistan’s Minister of State for Information Technology noted how “internet governance needs to be

6. [http://www.itu.int/net4/wsis/forum/2015/Content/doc/outcomes/Policy\\_Statements\\_Booklet\\_WSIS2015.pdf](http://www.itu.int/net4/wsis/forum/2015/Content/doc/outcomes/Policy_Statements_Booklet_WSIS2015.pdf)

7. <http://www.dawn.com/news/750069/pm-orders-immediate-shutdown-of-youtube-services>

8. <http://www.drawmuhammad.tumblr.com/>

9. <https://www.facebook.com/voaurdu/videos/884218154957247/>

10. <http://www.netfreedom.pk/wp-content/uploads/2015/01/PEC-Bill-PDF.pdf>

11. [http://www.theregister.co.uk/2005/11/14/masood\\_khan\\_wsis/](http://www.theregister.co.uk/2005/11/14/masood_khan_wsis/)

12. [http://www.wipo.int/edocs/mdocs/govbody/en/wo\\_cc\\_58/wo\\_cc\\_58\\_2874\\_pk.pdf](http://www.wipo.int/edocs/mdocs/govbody/en/wo_cc_58/wo_cc_58_2874_pk.pdf)

13. <http://www.intgovforum.org/contributions/IGF%20Statement%20by%20PR.pdf>

14. <http://workspace.unpan.org/sites/Internet/Documents/UNPAN95036.pdf>

15. [http://www.itu.int/wsis/implementation/2014/forum/inc/doc/outcome/wsis10.hle.policy\\_statements.pdf](http://www.itu.int/wsis/implementation/2014/forum/inc/doc/outcome/wsis10.hle.policy_statements.pdf)

taken up in a conclusive manner on a relevant platform, such as the ITU whereby member states may consider agreeing upon minimum common denominators”.<sup>16</sup>

### Review Modalities

While recognising a role for civil society and private sector, Pakistan sees governments, under the umbrella of the UN General Assembly, as key players in the Review and has welcomed appointment of the two co-facilitators by the UNGA President to open intergovernmental consultations.<sup>17</sup> Pakistan has openly opposed participation of non-governmental stakeholders in the past when it demanded that civil society observers vacate a session of an early prepcom for WSIS I, arguing that governments need an opportunity to talk among themselves.<sup>18</sup>

### ACTORS

According to Ministry of Foreign Affairs sources, the Ministry of Information Technology and Telecommunication is responsible for Pakistan’s overall position on the WSIS Review process. However, before formulating any policy, it also seeks inputs from different government institutions and authorities, including the powerful Pakistani military establishment, security agencies, the Ministry of Foreign Affairs, the Ministry of the Interior, the Finance Ministry, and the Pakistan Telecommunication Authority (PTA). The role of the regulator (PTA) however, is limited to giving inputs, and it is not in a position to influence policy making. Additionally, Pakistan’s permanent missions in Geneva and New York are on the forefront to bargain and debate on ICT issues on the negotiation table, however, policy making on ICTs is the domain of the Ministry of Information, Technology and Telecommunication. The missions are bound to consult with the relevant quarters through the headquarters in Islamabad.

### MOTIVATIONS

Pakistan’s foreign policy is strongly influenced by its security-related concerns at the national level. Pakistan has been confronting numerous internal as well as external security challenges since the 1980s, and every issue of Pakistani policy-making is channelled through the prism of national security. This approach has damaged the development of ICTs in Pakistan on a large scale, and the ICT industry and internet freedoms have been curbed through legislation, such as the recently proposed PECB in 2015. The ‘War on Terror’ and ongoing counter-terrorism operations in different parts of the country are among the main drivers that affect policy-making in Pakistan.

In terms of external factors, Pakistan is an influential member of the Muslim world and part of the second largest intergovernmental organisation in the world, the Organisation of Islamic Cooperation (OIC). The OIC coordinates a group of 57 Muslim countries. Pakistan and the OIC have a history of working in close coordination to project the collective agenda of the Muslim world. Hence, Pakistan refrains from taking any initiative which can harm the OIC agenda or go against the interests of individual Muslim countries. Moreover, in the regional context, Pakistan has strong bilateral ties with and is a close ally of Russia, China and Sri Lanka on human rights and humanitarian issues. China is Pakistan’s strategic partner with large investments in Pakistan, while ties with Russia have been steadily increasing over the past five years.<sup>19</sup> Within the context of the UN General Assembly, Pakistan tends to align its position with that of these actors and the lines taken by the G77, and is not expected to break ranks during the WSIS Review.

### OPPORTUNITIES FOR CIVIL SOCIETY ENGAGEMENT

The current government has been adopting a clear policy of disengagement with civil society and relevant stakeholders. The government’s parliamentary consultations for the Pakistan Electronic Crimes Bill (PECB) 2015 are the best

example of this, as they tried to promulgate legislation without consulting civil society and other relevant stakeholders. This move was ultimately barred by civil society, the IT industry, and the opposition parties' coalition. Currently, the government's stance towards civil society is extremely confrontational after banning the operations of Save the Children, an international non-governmental organisation in Pakistan, with new bills on the cards meant to further limit the activities of civil society organisations and monitor funding of NGOs in Pakistan. These circumstances do not signal at any relationship between the government and civil society instrumental for the WSIS Review, and indicate that it is unlikely that Pakistan will hold national consultations with civil society. Bytes for All, a human rights organisation in Pakistan, along with other CSOs, has been using numerous advocacy tactics to engage a range of stakeholders, including the government, to establish stable grounds for the initiation of a dialogue in this direction.