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SOCIAL MEDIA RULES IN PAKISTAN: BALANCING FREEDOM OF EXPRESSION WITH RESPONSIBILITY

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Social Media Rules in Pakistan:

Freedom of Expression with Responsibility

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Acronyms

AI	Artificial Intelligence
ANI	Asian News International
CERT	Computer Emergency Response Team
DFA	Digital Forensics Analysis
FIA	Federal Investigation Agency
GoP	Government of Pakistan
ICT	Information and Communication Technology
NSP	National Security Policy
PCFP	Pakistan Cloud First Policy
PDCA	Personal Data Protection Bill
PECA	Prevention of Electronic Crimes Act
PTA	Pakistan Telecommunication Authority
UNDP	United Nations Development Programme
X	Refers to the social media platform formerly known as Twitter

Executive Summary

The rise of social media in Pakistan, fuelled by over one hundred and twenty-six (126) million internet users, presents both opportunities and challenges. The digital space has become vital for political activism, highlighting the need for balanced regulation that supports free expression while promoting responsible use. However, with a large portion of the population still offline, Pakistan struggles with issues related to digital infrastructure, education, and consistent policy, all essential for a thriving digital economy.

Countries worldwide use different approaches to social media governance based on their unique socio-political contexts. Pakistan's National Security Policy (NSP) 2022-2026 addresses the risks of hybrid warfare, including disinformation and cyber threats. It is supported by the Prevention of Electronic Crimes Act (PECA) 2016 and the "Removal and Blocking of Unlawful Online Content" rules of 2021, which regulate social media. While these laws aim to combat unlawful online activities, they have faced criticism for potentially infringing on free speech.

This paper reviews the current regulatory framework, compares it with global practices, and suggests strategies for improvement. It utilises qualitative research, incorporating stakeholder interviews and secondary data from academic sources. It contributes to the discussion on social media governance by proposing a strategy to improve regulatory capacity, boost digital literacy, and create clear online content guidelines.

The recommendations include strengthening regulatory bodies, conducting public education campaigns on digital literacy, and performing regular audits of online content moderation practices. Balancing freedom of expression with responsible social media use is emphasised to promote societal harmony and democratic engagement in Pakistan. The importance of ongoing dialogue among policymakers, stakeholders, and the public to adopt regulations that align with national security, individual rights, and international best practices is also highlighted.

The study is useful for policymakers, scholars, and industry leaders in creating policies that promote a robust digital ecosystem while ensuring societal well-being. It provides a detailed analysis and strategic framework, addressing the specific challenges that emerging economies encounter in digital governance and emphasising the necessity for flexible, context-specific strategies. The paper recommends that Pakistan adopt a dynamic regulatory framework to address current and future challenges posed by social media platforms. This framework should involve continuous engagement with technology and collaborative policymaking, ensuring that regulations promote the growth of the digital landscape while considering stakeholder feedback.

Introduction

In the digital age, social media has emerged as a powerful tool for influencing opinions, disseminating information, and connecting individuals globally. Pakistan, like many other countries, has witnessed a rapid increase in the use of social media platforms. The internet penetration rate in Pakistan has reached over 50%, with over 126 million internet users.[1] With this growth, social media platforms have become a hub for political activism, free expression, and social change. However, the increased use of social media has also raised concerns about responsible use and the need for regulations covering procedures, oversight, and safeguards regarding removing and blocking unlawful online content to balance free expression and responsible use of social media.

Pakistan's National Security Policy (NSP) 2022-2026 indicates that "hybrid warfare has found salience in the contemporary era due to technological and information evolution. Apart from information and cyber warfare, disinformation, influence operations, lawfare, and economic coercion, among other hybrid warfare tools, are increasingly being applied."[2]

While identifying the threat, the policy states that "hybrid threats against Pakistan originate from states and their proxies as well as from non-state actors. Pakistan will adopt a holistic, interconnected whole-of-nation approach to neutralise attempts to undermine Pakistan's security and stability through hybrid warfare."[3] To counter these threats, the NSP objectifies, combat disinformation and influence operations while enhancing information and cybersecurity, data security, and surveillance capacity to ensure the security and privacy of government and citizen data while engaging effectively with the international technology ecosystem to secure national interests.[4]

Feeling the need, the Government of Pakistan (GoP) introduced various regulations in recent years to regulate the use of social media in the country. The Prevention of Electronic Crimes Act (PECA) 2016 has been the primary legislation for investigating and prosecuting cybercrime in Pakistan. The act criminalises various online activities such as cyberstalking, cyber terrorism, unauthorised access, online fraud, and hate speech, among others.

In 2021, the GoP introduced rules termed "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2021" under PECA, aimed at addressing the issue of disinformation, misinformation, and unlawful content on social media platforms. However, the effectiveness of these rules in countering disinformation is an ongoing debate. These regulations have been criticised by civil society groups and human rights organisations for being vague, overbroad, and potentially restrictive of free expression.

Thus, while social media offers an unprecedented platform for freedom of expression, it also presents a host of challenges, from misinformation to hate speech and incitement to violence. The key to navigating these complexities lies in striking a delicate balance between freedom of expression and the responsible use of social media. This balance is crucial for maintaining social harmony and ensuring the well-being of society.

Governments worldwide have adopted different strategies and enacted laws and regulations to address the challenges emerging from the use of social media. Pakistan was not the first country to introduce such regulations. Many countries, including but not limited to the United States (US), China, Russia, Saudi Arabia, Türkiye, the United Kingdom (UK), and India have also introduced such regulations. These are important, as with any right, freedom of expression is not absolute and must be balanced with the responsibilities that come with it.

In this context, this paper evaluates the existing social media rules and regulations in Pakistan and global practices. It proposes strategies to balance free expression and responsible use of social media in the country.

For this study, "social media" refers to online platforms and applications that enable users to create, share, and engage with content, including text, images, videos, and audio, while facilitating communication and interaction with others. Examples include Facebook, X, TikTok, Instagram, LinkedIn etc. These platforms allow individuals and organisations to connect, collaborate, and exchange information in real-time, often fostering communities and networks around shared interests.

The central questions for this strategy paper are:

a. Should there be rules to regulate social media?
b. How are other countries dealing with the challenges/issues arising from social media?
c. How can Pakistan's social media rules and regulations balance free expression and responsible use?

Research Methodology

The study is based on primary and secondary data and qualitative research methodologies. An extensive analysis of the social media situation in Pakistan was done using secondary data sources, including scholarly publications, reports from civil society organisations, and official government papers. Semi-structured interviews of pertinent stakeholders, such as policymakers, social media platform providers, academics, and civil society groups, were conducted to acquire primary data. The qualitative information from the literature review and interviews is examined using thematic analysis to draw findings for the strategy paper to maximise social media's beneficial effects and mitigate its drawbacks.

Before discussing Pakistan's social media environment and regulations, an overview of international social media regulations seems necessary. This examination aims to understand the varied legislative frameworks that govern online platforms across different countries. By comparing these diverse approaches, we can gain a clearer perspective on how these regulations impact the functionality and governance of social media globally. This comparative analysis delineates the scope of each country's laws and highlights the broader implications for digital communication and privacy.

International Perspectives on Social Media Regulation: Case Studies

This overview of social media regulation highlights countries' diverse approaches to managing online content and user data privacy. From the reported US emphasis on freedom of expression and limited liability for platforms to allegedly China's stringent content controls under the so-called "Great Firewall," each nation tailors its laws to balance public safety, privacy, and free speech according to its cultural and political nuances. Russia, the UK, Saudi Arabia, Türkiye, and India also implement various measures, reflecting their unique legal and societal contexts. This analysis provides insight into how different legal frameworks influence the operation and management of social media platforms globally, revealing the complexities and challenges in regulating the digital landscape.

1.   United States

The First Amendment of the US Constitution, a cornerstone of their legal framework, guarantees the fundamental right of freedom of expression. Another significant legal aspect is Section 230 of the Communications Decency Act, which has played a role in regulating online content and defining liability since its enactment in 1996. It exempts websites from liability for user-posted data if they act lawfully to delete or restrict access to obscene or otherwise objectionable content.[5]

No comprehensive federal data privacy regulation in the US addresses every aspect of data collection and usage by social media companies. Some lawmakers, however, have proposed legislation to create such a law, such as the Safe Social Media Act of 2021, which would necessitate the Federal Trade Commission to conduct a study on social media use by teenagers[6] or the Social Media Privacy Protection and Consumer Rights Act of 2021, which would require social media platforms to provide users with clear and prominent notice of their terms of service and obtain voluntary consent for gathering sensitive information.[7]

Social media platforms in the US largely operate without government-imposed restrictions on content.[8] However, platforms are subject to certain regulations related to user data privacy and antitrust concerns. The focus is more on self-regulation, with platforms having the authority to develop and enforce their content policies. However, debates have arisen in recent times regarding the balance between moderating harmful content on the internet and preserving free speech.[9]

2.   China

The Chinese approach involves a combination of regulations and technologies collectively known as the "Great Firewall."[10] Additionally, the Cybersecurity Law of the People's Republic of China, implemented in 2017, regulates online activities, including content control and data protection. Popular global platforms like Facebook and X are blocked, and domestic alternatives such as WeChat and Weibo are heavily monitored. The Intermediary Guidelines for Information Technology and Digital Media Ethics Code Rules 2021 require social media platforms to comply with Chinese regulations and laws, nominate a local representative, report compliance with blocked content and removal orders,

and enable encrypted message tracing.[11] It merits mentioning here that with domestic alternatives for social media platforms, China is not dependent on the West for these platforms and can afford and enforce regulations.

3.   Russia

The Federal Law No. 149-FZ, commonly referred to as the "Law on Information," outlines Russia's online content regulations.[12] Another crucial legal aspect is the Personal Data Law, which governs the protection and handling of user data.[13] The "Law on Information" requires platforms to store user data on servers within the country and provide access to that data to Russian authorities. Social media platforms are also required to remove illegal content within specified timeframes. Critics view these regulations as tools for government surveillance and control over online speech.

4.   United Kingdom

The UK's Online Safety Act 2023 aims to address online harms and protect users from harmful materials.[14] Additionally, the Communications Act 2003 applies to online content regulation.[15] This act is the primary legal instrument in the UK governing communications and covers a wide range of issues, including broadcasting, telecommunications, and online services.

5.   India

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules were introduced in India in 2021.[16] These rules provide a framework for regulating online content and addressing concerns about misinformation, hate speech, and other digital media ethics. These rules require social media platforms to appoint local grievance officers, comply with content removal orders, establish mechanisms for addressing user complaints, and comply with content takedown requests from government authorities.[17] It has been argued that these rules could potentially stifle freedom of expression and enable government overreach.[18]

6.   Saudi Arabia

The Anti-Cyber Crime Law has been enforced in Saudi Arabia to regulate various online activities, including those on social media platforms. [19] Additionally, the Press and Publications Law, a broader legislation that extends to online content, contributes to the regulatory framework in the country.

7.   Türkiye

Recognising the need for online content regulation, Türkiye established Law No. 5651 on Regulation of Publications on the Internet and Suppression of Crimes Committed by Means of Such Publications.[20] This law, introduced in 2007, outlines regulations for online content and it has been subject to amendments over the years. The 2020 amendments to Türkiye's social media regulations

introduced further measures to increase platform accountability and compliance. It requires platforms with over a million daily users to appoint local representatives who can address government requests within Türkiye.[21]

The above global overview sets the stage for a more focused examination of social media policies in Pakistan. The subsequent sections offer a brief overview of Pakistan's digital ecosystem, specific laws and guidelines that govern online platforms in Pakistan, and a strategy proposal to balance freedom of expression with responsibility in the country.

Pakistan's Digital Ecosystem: An Overview

Pakistan's social media regulation ought to be seen in the broader context of its overall digital ecosystem. Significant milestones have marked the advent of digital technologies in Pakistan. According to the Pakistan Telecommunication Authority (PTA), as of 2023, there are over 183 million mobile phone subscribers, approximately 82% of the population. Internet penetration has similarly seen an impressive increase, with around 100 million internet users, indicating a deepening digital footprint in the country. Similarly, there are over 195 million social media users, with YouTube, Facebook and TikTok being the top three with 72 million, 57 million and 48 million users, respectively.

Figure 1: Social Media Users in Pakistan (July 2024)
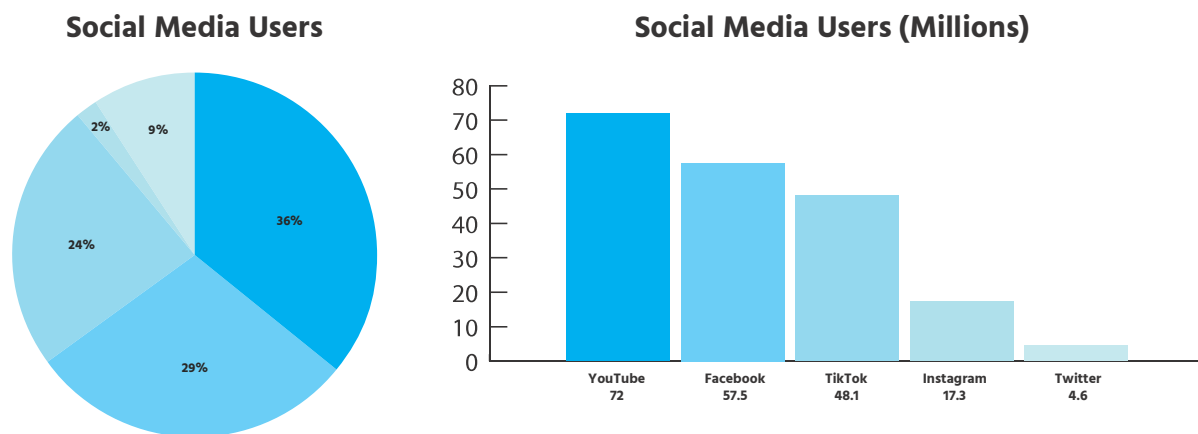
Source: Prepared by the Authors

This widespread adoption of digital technologies has been bolstered by government initiatives to enhance digital literacy and accessibility. Programmes like Digital Pakistan aim to improve infrastructure, increase internet access, and promote digital skills among the populace. These initiatives are crucial in a country where a large portion of the population resides in rural areas with limited access to traditional forms of communication.[22] The Pakistan Economic Survey 2024 shows that the country's telecom services (mobile and fixed) experienced healthy growth rates.[23]

Figure 2: Pakistan's Key Growth Indicators

Key Indicators

	IT and ITeS Companies	20,000** (Regd. with PSEB)
	IT Exports	2,283* (US$ million)
	Trade Surplus of IT and ITeS	1,996* (US$ million)
	Freelancers' Remittances	350.2* (US$ million)
	Broadband Subscribers	135** (US$ million)
	Total Telecom Subscribers (Mobile & Fixed)	194.6** (million)

* : July-March FY 2024
**: End March 2024

Source: Pakistan Economic Survey 2024

Nonetheless, the recent Human Development Report by UNDP indicates that more than 50 percent of Pakistan's population remains disconnected from the internet.[24] Pakistan, with its large and youthful population, possesses significant potential to grow its digital economy. This growth is not just about increasing numbers but involves creating a robust ecosystem that supports digital transactions and innovations, attracting global tech giants, including social media companies, to Pakistan.[25]

Expanding the digital economy in Pakistan presents several challenges that need to be addressed to leverage its potential fully. Some key obstacles include:

a. Digital Infrastructure: Insufficient digital infrastructure is a significant hurdle. Rural and some urban areas still lack reliable internet connectivity and electricity, which are fundamental for a thriving digital economy.
b. Education and Skills Gap: The significant gap in necessary digital skills among Pakistan's workforce underscores the urgent need for educational institutions to update curricula and focus more on digital literacy and advanced technological skills to prepare students for future jobs.
c. Regulatory and Policy Framework: Pakistan's regulatory environment is constantly evolving, with new policies and regulation being introduced. This can sometimes result in a lack of clarity that can deter foreign investment and the growth of digital businesses.
d. Cybersecurity Concerns: With increasing digitalisation, cybersecurity has become a critical

concern. Pakistan needs stronger cybersecurity measures and mechanisms to protect data and build trust among users and international players.

e. Financial Inclusion: A large segment of Pakistan's population does not have access to essential banking services, which limits their participation in the digital economy. Expanding digital financial services and ensuring their security is crucial.

f. Economic Stability: Unstable economic trends and indicators can affect investment in digital infrastructure and innovation. Inconsistent economic policies and an unstable economic environment discourage local and international investors.

Addressing these challenges requires concerted, collaborative efforts from the government, private sector, and civil society to create an enabling environment for Pakistan's digital economy to flourish. The following section describes Pakistan's efforts to regulate social media.

Social Media Regulation in Pakistan

Social media in Pakistan has democratised information dissemination, enabling users to share news and opinions freely. It has become a vital tool for social campaigns and grassroots activism. However, the social media boom in Pakistan is not without its challenges. Issues such as misinformation, cyberbullying, defamation, and fake news, among others, are prevalent, raising concerns about digital safety and the quality of information.

Recognising the need to address challenges posed by social media, Pakistan has taken steps to formulate regulations governing social media use, as follows:

a. The dual emphasis on freedom and responsibility in the Constitution of Pakistan, under Article 19, forms the cornerstone of Pakistan's regulatory framework concerning online expression and content governance.[26] The Constitution of Pakistan guarantees the right to freedom of speech and expression, as well as the freedom of the press subject to certain reasonable restrictions. These restrictions include considerations of the glory of Islam, the integrity, security, and defence of Pakistan, as well as public order, decency, and morality.[27] While this constitutional provision seeks to protect individual expression, it also emphasises the need to balance this freedom with social responsibility, ensuring that speech does not harm public order or national security.

b. The Prevention of Electronic Crimes Act (PECA) 2016 criminalises various online offences, including cyberbullying, harassment, hate speech, unauthorised access to an information system, incitement to violence, and others.[28] While the intent is to curb misuse, concerns have been raised about its potential use to stifle dissent and legitimate criticism.

c. Under PECA, the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021 has been established.[29] These rules require social media companies to remove or block access to unlawful content, defined broadly to include anything against the glory of Islam, the integrity, security, and defence of Pakistan, public order, and decency and morality. These rules also require social media platforms to establish offices within Pakistan, respond to content removal requests within a stipulated time, and assist law enforcement agencies in

identifying users involved in criminal activities. While these rules aim to promote accountability, concerns have been raised about data privacy and potential overreach.

d. Digital Forensics Analysis (DFA) is an important element for effective investigation and prosecution of cybercrime. Under Section 29(3) of PECA, the investigation agency shall establish its own capacity for forensic analysis of data or information systems. The forensic analysis report generated by the investigation agency shall not be inadmissible in evidence before the court. Similarly, Section 40 of PECA calls for establishing an independent forensics laboratory.

e. Pakistan Cloud First Policy (PCFP) 2022[30] focuses on optimising resource utilisation, reducing Information Communication Technology (ICT) expenditure, and enhancing coordination among public sector entities for their ICT-related initiatives. It is a significant step towards efficiency and cost-effectiveness. The policy also plays a crucial role in Pakistan's cybersecurity and data governance ecosystem. For example, it sets different levels of security requirements for cloud service providers hosting public sector data, thereby setting an accreditation criterion for these cloud service providers.[31]

f. The Computer Emergency Response Team (CERT) Rules 2023[32] were approved in July 2023. These rules provide the guidelines and procedures for handling and coordinating IT security incidents, forensic analysis, and analysis of other vulnerabilities and security artefacts. The rules also cover incident response, threat intelligence, vulnerability and discovery management, and cooperation and coordination with service providers.

g. The Personal Data Protection Bill (PDPB) 2023 aims to protect personal data and prevent the illegal use of information systems. It would protect and prevent the unauthorised use of consumers' data on all types of online services, e.g. online shopping and data provided to various companies and social networking websites in Pakistan.

h. The E-Safety Bill 2023 aims to prevent crimes such as online harassment, cyberbullying, and blackmail. It envisions the creation of a proposed new regulatory authority known as the E-Safety Authority, which is responsible for registering and monitoring websites, web channels, YouTube channels, and the existing websites of media houses.

These regulations introduced by Pakistan to manage the complexities of social media and broader digital interactions reflect a robust attempt to curtail online crimes and protect personal data. Currently, the PTA can block unlawful content and check the back-end enforcement of relevant laws online at websites, whereas the Federal Investigation Agency (FIA) enforces cybercrime laws. The proposed E-Safety Authority will monitor the front end of all websites, noting violations and imposing penalties.

As these two agencies, PTA and FIA, work to monitor, enforce, and regulate online content and cyber activities to ensure safety, security, and compliance with Pakistani laws, it is necessary to discuss their approach as to how they work to implement these regulations:

1. Pakistan Telecommunication Authority

The PTA holds primary responsibility for regulating and controlling online content in Pakistan, particularly under PECA 2016 and the Social Media Rules 2021. Its mandate includes content regulation, ensuring compliance by online platforms, protecting national interests, and promoting a safe digital environment.

Considering the nature of unlawful content, the PTA immediately raises the matter with the concerned social media platforms and continues to follow to ensure timely compliance with issued directions and local laws. In this regard, social media platforms have given reporting channels to ensure unlawful content is timely reported and removed.[33] However, it is important to note that all major social media companies are located outside of Pakistan. It is a continuous challenge for PTA to sensitise the platforms to comply with the law of the land.[34] In this regard, regular consultation sessions/meetings are held with social media platforms to sensitise them about sensitivities associated with unlawful content, especially anti-state, blasphemy, and hate content.

PTA has developed a mechanism with significant social media platforms for reporting unlawful online content related to various categories such as disinformation, anti-state activities, blasphemy, etc. Controlling unlawful content in line with local laws is a global issue. However, the PTA keeps pushing social media platforms to respect local laws through official correspondence and during meetings conducted from time to time and on a need basis. Considering the huge volume of data being transmitted through social media platforms every second, the Authority believes that content moderation alone would not be able to serve the purpose. Hence, the Authority is actively engaged in raising digital awareness for the general public.[35] During the past two years, the PTA launched several initiatives in collaboration with some tech companies and international organisation to promote safe and responsible use of digital space.[36]

Concurrently, PTA has developed government liaison channels with all major social media platforms such as Google, Meta, X, TikTok, Snack Video, Bigo, etc. Apart from designated government channels for unlawful content reporting, PTA is engaged with social media platforms to enhance user awareness and digital literacy. Regular engagement with significant social media platforms is also carried out to discuss issues regarding compliance and enhancing cooperation.

Notwithstanding the above, ensuring platform compliance is challenging for PTA. This challenge is faced due to multiple reasons.

a. Social media platforms consider themselves bound to comply with the laws of the country they are registered in, and not the country in which they are offering services.
b. Platforms take action with respect to the removal of unlawful content as per their community guidelines, and some of the community guidelines do not align with the laws of Pakistan.
c. All major social media platforms are located outside Pakistan and there is no physical presence or local teams in Pakistan.

d. International platforms are also seemingly insensitive because they are not fully aware of issues associated with uploading blasphemous and sectarian content, running targeted campaigns, and misinformation that lead to inter alia public rage issues.

2.   FIA Cyber Crime Wing

The FIA Cyber Crime Wing (CCW) is the primary law enforcement body responsible for investigating, prosecuting, and taking action against cybercrimes under PECA of 2016. PECA enforces penalties for cyber offenses, conducting investigations, and collaborating with PTA on cases requiring regulatory and enforcement actions.

PECA empowers FIA to prosecute individuals or entities involved in cybercrimes. This includes filing cases in court, presenting evidence, and working to secure penalties for violators, which may include fines, imprisonment, or both. FIA's role extends to ensuring that cybercriminals face legal consequences for their actions, which also acts as a deterrent to potential offenders.

However, the FIA Cyber Crime Wing faces considerable challenges in investigating and prosecuting offenses under PECA, largely because the cybercriminals are technically sophisticated and outpace the law. Encryption, proxy servers, and the dark web are some of the tools used to hide identities and raises evasive barriers against FIA's tracking and collection of evidence to prosecute criminals. Since FIA is not ahead of cyber criminals' technological curve, the challenges of real-time monitoring and investigation endure. Cyber-crimes that are perpetrated outside Pakistani legal jurisdiction further complicate the legal and operational processes of dispensing justice. International cooperation is possible if Pakistan enters formal agreements with other countries restricts, an area that involves long-winded inter-ministerial processes that place an additional overload of FIA's ability to pursue international cases.

In spite of the above-mentioned indomitable challenges, FIA's Cyber Crime Wing has been able to dispose off a staggering 13068 cyber-crimes cases out of 28170 in 2022, as shown in Figure 3.

Figure 3: Performance of Cyber Crime Wing

Circles	B/F on 01.01.22	Added	Total	Converted into Cases	Disposed Off	Pending on 31.12.22
Lahore	5297	4618	9915	246	4826	4843
Karachi	1267	863	2130	85	804	1241
Rawalpindi	802	1214	2016	145	817	1054
Peshawar	2185	993	3178	47	1515	1616
Quetta	296	201	497	40	248	209
Islamabad	821	954	1775	204	686	885
Abbottabad	130	333	463	30	234	199
D.I Khan	176	178	354	26	181	147
Gujranwala	747	1403	2150	93	920	1137
Faisalabad	690	1430	2120	202	1124	794
Multan	989	1800	2789	126	1326	1337
Hyderabad	196	155	351	28	159	164
Sukkur	115	139	254	36	130	88
Gwadar	0	6	6	0	5	1
Gilgit	79	93	172	14	93	65
Total	**113790**	**14380**	**28170**	**1322**	**13068**	**13780**

Source: Federal Investigation Agency of Pakistan[37]

While cyber threats are mounting in volume and complexity, FIA's Cyber Crime Wing operates under staffing and resource constraints. The requirement for trained professionals and advanced digital forensics tools is all-time high. FIA often operates with a small team, limited budget, and inadequate technological support. In 2023, FIA's Punjab wing was so understaffed that each investigation officer had to deal with 6,000 to 8,000 applications annually.[38]

Navigating complex cyber laws and balancing enforcement with user privacy rights requires specialised training and expertise that the agency is still building. Public expectations for swift action often pale in comparison to the operational limitations, frustrating the victims of cybercrime, who at times feel underserved or neglected in their quest for justice. Moreover, the absence of streamlined legal definitions and clarity within PECA can lead to inconsistent enforcement and confusion, further complicating the task of balancing law enforcement with user rights to privacy and freedom of expression.

Social Media Strategy for Pakistan

The proposed E-Safety and Data Protection Bills, prospectively contain desired legislation and policies on social media. However, Pakistani institutions lack the resources, capacity, and the will to implement these policies. Therefore, the proposed strategy lays more emphasis on these issues than suggesting new policies. Pakistan must address the issues raised by social media in a comprehensive manner.

This entails enhancing regulatory bodies' capacity, working with social media platforms, investing in technology solutions, encouraging the development of supportive and productive online communities, carrying out routine audits to assess the efficacy of content moderation tactics and, most importantly, running nationwide capacity building and awareness programmes.

1.   Capacity Building in Digital Literacy

Digital literacy extends beyond the mere ability to use technological tools; it encompasses understanding how to navigate the digital space safely and responsibly. To bolster the effectiveness of regulations and enhance the digital engagement of the populace, Pakistan needs a comprehensive strategy for capacity building in digital literacy and a focus on cyber security and safety. This involves equipping regulatory bodies with necessary resources, developing educational content in local languages, and establishing dedicated centres of excellence. In this context, the following is recommended:

a. Provide the regulatory bodies such as PTA and FIA with financial resources, training for capacity building, and technology resources, including data analytics and software tools. This will make it easier for them to monitor and evaluate social media information.
b. Partner with national schools, colleges, universities, libraries, and other community organisations to deliver digital literacy training. The training should include, but not be limited to, training on safe internet use, identification of fake news, online security and privacy, etc. This will help ensure that all Pakistanis have access to digital literacy education.
c. Develop and distribute digital literacy resources in local languages. This will make education about digital technologies and their challenges more accessible to all Pakistanis, regardless of their language skills. Language experts and educationists must produce linguistically correct and culturally appropriate content.
d. Launch public awareness campaigns to promote digital literacy. As society is diverse, the campaigns must also be tailored to the target audience, such as students, parents, businesses, and farmers, to provide targeted information. These campaigns can be disseminated through traditional and social media, as well as through community events.
e. Establishing a Centre of Excellence for social media analysis under the Ministry of Information would address many challenges. The Centre would serve as the hub of expertise, provide training and resources to regulatory bodies and other relevant stakeholders to research on social media trends and develop informed policy recommendations. This may include, for example, a coordinated effort towards addressing this challenge to avoid duplication of efforts and to avoid parallel jurisdictions among the relevant authorities. The Centre should also maintain a digital literacy resource database to facilitate users and give them access to digital literacy resources, such as online tutorials, articles, and videos to enhance their digital skills. Evidence-based research on social media trends, such as user behaviour, content analysis, and emerging platforms, will help policymakers formulate effective policies and regulators to implement them.

Developing capacity in digital technologies is a continuous process that requires sustainable measures. Policymakers and regulatory bodies must keep up with the latest developments in technology and trends, which can increase their influence. The capacity building initiatives should be inclusive and participative. Engaging all stakeholders, including academic institutions, civil society organisations, and social media platforms is crucial for developing comprehensive and equitable policies.

2. Establishing Clear Content Guidelines

The establishment of clear content guidelines for social media in Pakistan is not just about regulations but building an e-culture of respect and responsibility. Pakistan can foster a healthier digital environment by defining what is acceptable and what is not, providing the means for effective enforcement and educating the public. As the digital landscape continues to evolve, these guidelines will play a pivotal role in shaping how Pakistanis communicate and interact online, ensuring that social media remains a space for positive engagement and not a battleground for divisiveness and hate. The following steps can help achieve this goal:

a. The ambiguity surrounding terms like "hate speech" and "incitement" can lead to inconsistent enforcement and user confusion. Therefore, guidelines should clearly define categories of prohibited content. Since there is no internationally accepted definition of these expressions, the GoP can take guidance from social media platforms such as X (formerly Twitter) "Hateful Conduct Policy," which offers acceptable and unacceptable words, images, names, behaviour, etc.[39] Clear content guidelines will help to define the boundaries between acceptable and unacceptable content. They will provide social media platforms with a framework for moderating content effectively.
b. After establishing the content guidelines, it is critical to implement them effectively. This includes distributing the guidelines to all social media users and providing proper training to moderators responsible for enforcement.
c. Well-defined procedures for users to report violations and a transparent system for managing these reports should exist.
d. A solid legal framework must support the enforcement of these guidelines, ensuring accountability for both individuals and platforms without compromising freedom of expression.

3.   Promoting Counter-Narratives

Fostering the creation of positive and constructive online communities that counter hate speech and misinformation is another important step in addressing the challenges of social media in Pakistan.

Pakistan has long been a target of a hybrid war on social media. For example, a false social media trend in April 2021, "Civil War in Pakistan," was initiated to spread misinformation about Pakistan. An analysis of the trend by Digital Rights Monitor revealed that about 61% of the Tweets were generated from India.[40]   Likewise, X was used by a prominent Indian media channel, ANI, to disseminate fake news that "Pakistan Air Force (PAF) issued warning to Afghan Army and Air Force that any move to dislodge the Taliban will be repelled by PAF."[41] This shows external forces are using social media poking to smear Pakistan's reputation. This led some observers to even comment that "fake news has become a new front in India-Pakistan rivalry."[42] Counter-narratives can be promoted by:

a. Supporting and establishing organisations that are working to develop and promote counter-narratives. This could involve providing financial support, technical assistance, and other resources.
b. Raising awareness of counter-narratives and encouraging social media users to share them. This could be done through public awareness campaigns, social media outreach, and other initiatives.
c. Albeit challenges of influencing international social media platforms, counter-narratives can be promoted. Ways could be explored for encouraging platforms for amplifying counter-narratives in their algorithms or to develop new features that make it easier for users to find and share counter-narratives.
d. Invest in digital technologies and AI-powered content moderation tools to ensure a safe and responsible online environment in Pakistan. These tools can help identify and remove harmful content more effectively than traditional human-based methods. This would imply implementation of AI-based tools, human intervention to mitigate the flaws in AI, such as countering AI biases or protecting legitimate expression.

4. Regular Auditing and Impact Assessment

Conducting regular audits to evaluate the effectiveness of content moderation strategies is essential for ensuring that these strategies are achieving their objectives. Audits can identify areas where content moderation works well and areas where improvement is needed.

a. The framework for regular auditing should include elements such as clear criteria for evaluating the effectiveness of content moderation strategies, independent auditors, and regular reporting. The criteria should be based on the objectives of the content moderation strategies. For example, the criteria could include metrics such as the percentage of harmful content that is removed, the time it takes to remove harmful content, and the impact of content moderation on freedom of expression.
b. The auditors should produce regular reports on their findings, which are made public so that social media platforms, regulatory bodies, and users can be held accountable.

5. Strengthening Engagement with Social Media Platforms

The digital age has transformed how nations govern not just their physical territories but also their digital landscapes. In Pakistan, where social media use is extensive and continues to grow, managing this space effectively would ensure positive contribution to society.

a. Engaging major social media platforms, like Facebook, Google, and X to register locally and establish offices within the country would be the first major step. Local presence can significantly enhance the collaboration between these platforms and the Pakistani government, leading to more effective oversight and culturally nuanced digital content management. This will facilitate effective investigation, prosecution, and capacity building.

b. While Facebook and Google have shown a willingness to engage with the Pakistani government to some extent, X has been less cooperative. This can create a fragmented digital policy environment where only some platforms operate under government guidelines, potentially leading to inconsistent content management and user experience.

c. If X does not adhere to local requirements, the government must take a firm yet diplomatic approach. Like TikTok has been banned in the US and many other countries, so can be X. Public opinion against uncooperative social media platforms like X can be managed through awareness campaigns.

Figure 4: Content Removal Requests to Social Media Platforms (2022-2023)
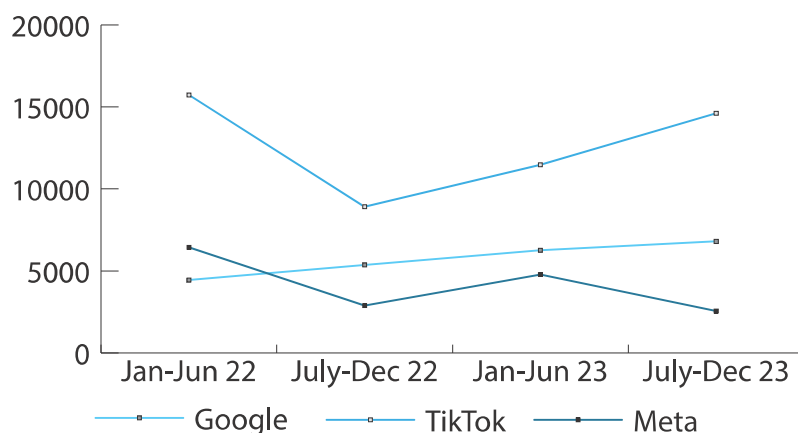
Source: Transparency reports of respective social media companies

Notwithstanding the above, encouraging social media platforms to register locally and establish offices in Pakistan is not just about increasing control over digital content; it's about creating a responsible and responsive digital environment that reflects local norms while respecting global principles of freedom and expression. By fostering a cooperative relationship with these platforms and implementing strategic measures to ensure compliance, Pakistan can better manage its digital landscape, benefiting its society and state governance.

It is worth mentioning here that a complete chapter (IV) in PECA encourages international cooperation in the context of cybercrime investigation and prosecution. As the digital frontier expands, the integration of global platforms into local jurisdictions will be vital in maintaining sovereignty and public trust in an increasingly connected world.

6.   Ease of Doing Business in Pakistan

Pakistan ranks 108 in terms of global ease of doing business indexes,[43] with challenges in areas such as regulatory complexities, tax policies, and bureaucratic inefficiency. These factors can deter foreign companies, including social media firms, from establishing a local presence. These barriers can be particularly restrictive for social media companies, which operate on fast-paced technological changes and global competitive pressures.

To attract social media companies, Pakistan must improve its business environment, making it easier and more appealing for foreign firms to operate in the country.

a.   Streamlining regulatory processes would be a step towards more predictable, transparent, and efficient business environment in Pakistan. Simplifying procedures for registrations, permits, and compliance can significantly reduce entry and operational barriers for multinational firms.
b.   Enhancing the local workforce's skills to meet the demands of the digital economy is essential. Initiatives to improve digital literacy and provide specialised training in IT and digital marketing can help meet the human resource needs of social media companies.

Figure 5: E-Commerce Transactions in Pakistan (2023-24)
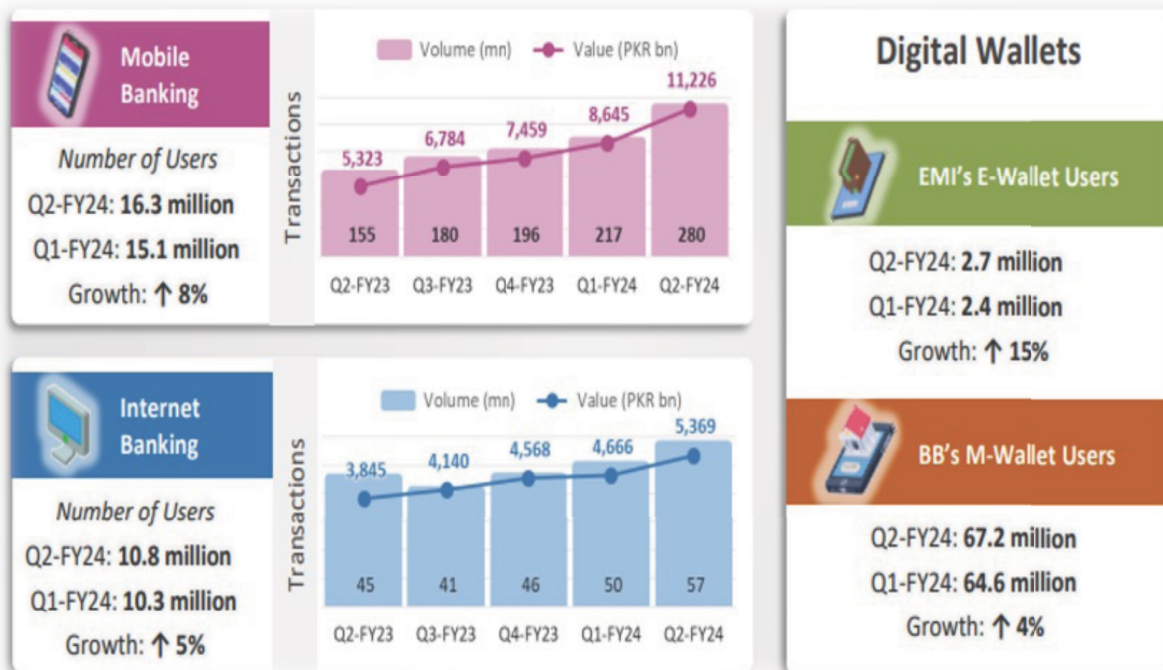
Source: State Bank of Pakistan

c.   Investing in high-quality digital infrastructure, including reliable internet services and data centres, can make Pakistan a more attractive destination for digital companies. This infrastructure is fundamental to the operations of social media platforms and can significantly influence their decision to establish local offices. The infographic shows an increase in digital payments in the country, which is still below Pakistan's potential.[44]

d. To harness the digital economy's power, Pakistan must also focus on improving financial inclusion. This can be achieved by encouraging mobile banking and digital payment solutions that are accessible to a broader population. Innovative fintech solutions tailored to the needs of those currently underserved by traditional banking systems can bridge this gap.

Conclusion

The government holds a fundamental duty to protect citizens' safety, whether in physical spaces or the digital realm. With the rapid spread and influence of social media, it has become essential for states to establish frameworks to regulate its use responsibly.

Pakistan is not the first country to establish social media rules. Many other countries, including the US, UK, China, Russia, Saudi Arabia, Türkiye, and India, have implemented social media regulations. The specific regulations vary from country to country, but the common trend is that governments are increasingly regulating social media platforms to ensure a safe and secure cyberspace for their citizens.

Regulation should not control or stifle freedom of expression. Effective social media regulation ensures security and accountability while respecting individual rights and promoting an open digital environment.

Pakistan has developed a comprehensive legislative framework for social media regulation through PECA 2016 and Social Media Rules 2021. Likewise, the proposed E-Safety and Data Protection Bills can plug other gaps. Limited resources, capacity constraints, and lack of political will are constraining PTA and FIA's ability to implement this legal framework. Addressing these issues can bolster PTA and FIA.

Building digital literacy across the population is vital for social media strategy's implementation that includes safe internet use, recognising misinformation, and understanding online security and privacy. Collaborative efforts with educational institutions and community organisations are recommended to make digital literacy accessible nationwide, while localised resources and targeted public awareness campaigns should cater to the diverse demographic needs.

The importance of clear and consistent content guidelines to prevent misuse of social media for hate speech and misinformation is necessary. Defining ambiguous terms and ensuring alignment with international standards would help users and platforms understand the boundaries of acceptable content, supported by a robust legal framework to balance enforcement with freedom of expression.

To counter misinformation and hybrid warfare threats, Pakistan should invest in promoting constructive online communities and supporting organisations that create counter-narratives. Encouraging collaboration with social media platforms to amplify these narratives can help foster a safer and more responsible online environment, supplemented by AI-powered moderation tools to manage harmful content effectively.

Engaging directly with social media giants to establish local offices in Pakistan can facilitate compliance and align content moderation with cultural sensitivities. This requires Pakistan to make the business environment more appealing by simplifying regulatory processes, providing skilled human resources, and ensuring reliable digital infrastructure.

Improving ease of doing business in Pakistan by addressing regulatory complexities, enhancing digital infrastructure, and promoting financial inclusion through digital payment solutions are crucial. These steps can lead to integrating Pakistan more effectively into the global digital economy and attract foreign investment in the tech sector.

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