



CENTRE for AEROSPACE & SECURITY STUDIES

# Framework for Social Media Regulation in Pakistan

**Maheen Shafeeq**

Researcher, Warfare & Aerospace

*Working Paper*

## © Centre for Aerospace & Security Studies

October 2022

All rights reserved. No part of this Publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of the Editor/Publisher.

Opinions expressed are those of the author/s and do not necessarily reflect the views of the Centre. Complete responsibility for factual accuracy of the data presented and bibliographic citations lie entirely with the author/s. CASS has a strict zero tolerance plagiarism policy.

President

**AIR MARSHAL FARHAT HUSSAIN KHAN (RETD)**

Edited by:

**SARAH SIDDIQ ANEEL**

Layout

**HIRA MUMTAZ**

All correspondence pertaining to this publication should be addressed to CASS, through post or email at the following address:

### Centre for Aerospace & Security Studies

✉	cass.editor@gmail.com/ cass.thinkers@gmail.com	in	Centre for Aerospace & Security Studies
☎	+92 051 5405011	@	cassthinkers
f	cass.thinkers	🐦	@CassThinkers

Old Airport Road, Islamabad, Pakistan  
www.casstt.com



CENTRE for AEROSPACE & SECURITY STUDIES

**Framework for  
Social Media Regulation in Pakistan**

*Working Paper*

**Maheen Shafeeq**

Researcher, Warfare & Aerospace

## TABLE OF CONTENTS

<b>Abstract .....</b>	<b>5</b>
<b>Introduction .....</b>	<b>6</b>
<b>Social Media Regulatory Frameworks .....</b>	<b>9</b>
Self-Regulation .....	9
Limited Government Regulations .....	10
Comprehensive Government Regulations .....	10
<b>Pakistan’s Social Media Regulatory Environment.....</b>	<b>12</b>
Overview .....	12
Lacunas .....	13
Challenges of Self-Regulation .....	15
<b>Policy Review .....</b>	<b>17</b>
<b>Proposed Policy Framework.....</b>	<b>21</b>
<b>Conclusion .....</b>	<b>24</b>

## Abstract

*Social media has emerged as an instrument of online discourse which enables people to create and share content at a prodigious rate. This media is rapidly changing the public engagement environment and setting trends and agendas on matters that range from the environment and politics to technology, entertainment and even warfare. However, social media has also given unregulated power to state and non-state actors to spread misinformation, false news, and disinformation. As this unregulated power continues to grow, governments are demanding the social media networks to regulate their content to minor impact. Due to this reason, states have initiated the process of developing their own social media regulations to address their unique issues. This Working Paper presents three options for social media regulation frameworks: first, self-regulation by social media companies; second, limited government regulations that suggest targeted social media rules to address their shortcomings; third, comprehensive government regulatory mechanisms that use a broad-based approach to social media rules. It is concluded that limited government regulations would be the most suitable solution for a country like Pakistan. Guidelines on how Pakistan can form and adopt this type of framework are suggested.*

**Keywords:** Social Media Regulation, Misinformation, Disinformation, Fake News, Government Regulations, Pakistan.

## Introduction

Social media networks<sup>1</sup> such as Facebook, Instagram, Snapchat, YouTube, Twitter and so on, are user platforms that allow virtual engagement and socialisation with others. On the one hand, social media has provided means for decent exchange, while on the other, it has given unregulated power to state and non-state actors. These actors, often use social media networks as a tool to manipulate the masses and disseminate misinformation and disinformation. Non-state actors are also using social media tools as an essential means to network, raise funds, train, recruit and influence the populace.<sup>2</sup> According to a report by the United States (US)' National Institute of Justice, social media played a prominent role in inspiring recruitment for al-Qaeda and Hezbollah.<sup>3</sup> RAND disclosed that social media was a resourceful tool for the Islamic State of Iraq and Syria (ISIS), which was neither new nor unique.<sup>4</sup>

Furthermore, it is not only non-state actors who are using social media to acquire their desired ends, states are using social media networks to pursue their national interests. According to a University of Oxford report, 81 countries were employing strategies to manipulate public opinion around the globe in 2020.<sup>5</sup> This is not a novel activity rather states are evolving their capacities to manipulate social media for designed targets. For instance, the Cambridge Analytica scandal revealed that people's data from social media networks was misused by former US President Trump's digital operators to create voter profiles.<sup>6</sup> Similarly, the DisinfoLab report on 'Indian Chronicles' revealed

---

<sup>1</sup> The terms 'social media networks', 'social networking sites', 'social media platforms' and 'social media companies' have been used interchangeably in this *Working Paper*.

<sup>2</sup> Gabriel Weimann, "The Emerging Role of Social Media in the Recruitment of Foreign Fighters," In *Foreign Fighters under International Law and Beyond*, ed. Andrea de Guttry, Francesca Capone and Christophe Paulussen (The Hague: TMC Asser Press, 2016), 77, [https://link.springer.com/chapter/10.1007/978-94-6265-099-2\\_6#citeas](https://link.springer.com/chapter/10.1007/978-94-6265-099-2_6#citeas).

<sup>3</sup> National Institute of Justice, *The Role of Social Media in the Evolution of Al-Qaeda Inspired Terrorism*, report (Washington, D.C.: US Department of Justice, 2017), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/role-social-media-evolution-al-qaeda-inspired-terrorism>.

<sup>4</sup> Antonia Ward, *ISIS's Use of Social Media Still Poses a Threat to Stability in the Middle East and Africa*, report (Santa Monica: RAND, 2018), <https://www.rand.org/blog/2018/12/isiss-use-of-social-media-still-poses-a-threat-to-stability.html>.

<sup>5</sup> Samantha Bradshaw, Hannah Bailey and Philip N. Howard, *Industrialized Disinformation: 2020 Global Inventory of Organized Social Media Manipulation*, report (Oxford: Programme on Democracy & Technology, 2021), <https://demtech.oii.ox.ac.uk/research/posts/industrialized-disinformation/>.

<sup>6</sup> Julia Carrie Wong, "The Cambridge Analytica Scandal Changed the World – but it Didn't Change Facebook," *Guardian*, March 17, 2019, <https://www.theguardian.com/technology/2019/mar/17/the-cambridge-analytica-scandal-changed-the-world-but-it-didnt-change-facebook>.

India's 15-year-long disinformation operation against Pakistan at the European Union (EU) and the United Nations (UN).<sup>7</sup> In fact, more conflicts, whether originating in the US, South Asia, Africa, Middle East or Europe, have found their way to social media platforms.<sup>8</sup>

Such networks/platforms have become the go-to-tools of all kinds of voices (good and bad) as this medium is easily accessible with vast reach and limited oversight that allows the spread of false agendas, misinformation, fake news, and disinformation at the cost of user privacy. Due to this, manipulation through social media networks, has become an uncontrolled feature of social media. Such platforms not only exploit the socioeconomic and political weaknesses of states, but also place national security at risk. The risks to national security by social media are often labelled as 'Militarisation of Social Media'.<sup>9</sup> States are exploited, under the guise of Fifth-Generation Warfare by conducting Information Operations (IOs), including Psychological Operations (PsyOps), digital warfare and media warfare. Such operations degrade the will and morale of nation-states, in addition to creating adverse social, cultural, religious and political consequences.

To counter these adverse impacts, social media networks have taken measures to hold their services and products accountable, however, their efforts continue to remain ineffective and half-hearted.<sup>10</sup> Therefore, it is important that states take calculated and targeted measures to regulate social media within their own territories.

---

<sup>7</sup> Gary Machado, Alexandre Alaphilippe, Roman Adamczyk and Antoine Grégoire, *Indian Chronicles: Subsequent Investigation: Deep Dive into a 15-year Operation targeting the EU and UN to Serve Indian Interests*, report (Brussels: EU Disinfo Lab, 2020), <https://www.disinfo.eu/publications/indian-chronicles-deep-dive-into-a-15-year-operation-targeting-the-eu-and-un-to-serve-indian-interests/>.

<sup>8</sup> Daniel L. Byman, "How Middle Eastern Conflicts are Playing out on Social Media," *Brookings*, January 20, 2022, <https://www.brookings.edu/blog/order-from-chaos/2022/01/20/how-middle-eastern-conflicts-are-playing-out-on-social-media/>.

<sup>9</sup> Maheen Shafeeq, "Militarisation of Social Media: A New Threat to National Security?," *Centre for Aerospace & Security Studies (CASS)*, June 24, 2021, <https://casstt.com/post/militarisation-of-social-media-a-new-threat-to-national-security/383>.

<sup>10</sup> Tanner Stening, "How Should Facebook Be Regulated? Why Political Solutions will be Hard to Achieve," *Northeastern University*, 2021, <https://news.northeastern.edu/2021/10/05/how-should-facebook-be-regulated/>.

Unfortunately, most literature on social media examines its behavioural or organisational aspects.<sup>11</sup> The regulatory aspect of social media still remains a weak area and research about frameworks on social media regulations are insufficient. In order to bridge this literature gap, this *Working Paper* attempts to analyse frameworks for the regulation of social media from three angles:

1. Self-Regulation,
2. Limited Government Regulations, and,
3. Comprehensive Government Regulations.

In the end, the paper suggests a framework for regulating social media in Pakistan.

---

<sup>11</sup> Kawaljeet Kaur Kapoor, Kuttimani Tamilmani, Nripendra P. Rana, Pushp Patil, Yogesh K. Dwivedi, and Sridhar Nerur, "Advances in Social Media Research: Past, Present and Future," *Information Systems Frontiers* 20, no. 3 (2018): 531-558, <https://link.springer.com/article/10.1007/s10796-017-9810-y>.



## Social Media Regulatory Frameworks

The following discussion analyses regulatory frameworks for social media that governments can look into and adopt as per their requirements.

### Self-Regulation

Under self-regulation, social media networks regulate their content by taking measures that address their internal system shortcomings. For this purpose, networks develop 'Community Guidelines' and 'Terms of Service' that aim to curtail adverse impacts on society.

*Self-regulation includes 'steps companies or industry associations take to preempt or supplement governmental rules and guidelines.' These could range from self-monitoring to proactive Corporate Social Responsibility (CSR) initiatives.<sup>12</sup>*

Due to their increasing influence, demands and expectations of governments to regulate social media content are increasing. For this purpose, social networking sites have developed monitoring bodies that remove undesired content. YouTube, for self-regulation, removed 6.23 million videos in 2021.<sup>13</sup> Similarly, Twitter removed more than 70,000 accounts affiliated with US 'Capital Riots'.<sup>14</sup> Facebook assembled an independent board to oversee the site's regulations.<sup>15</sup> The Board is meant to address the most pressing issues such as protecting people's privacy, controlling hate speech and eradicating online harassment. However, many remain skeptical if such a body would be able to achieve the desired task.<sup>16</sup>

<sup>12</sup> Michael A. Cusumano, Annabelle Gawer, and David B. Yoffie, "Social Media Companies should Self-regulate. Now," *Harvard Business Review* 15 (2021), [https://www.hbs.edu/ris/Publication%20Files/Social%20Media%20Companies%20Should%20Self-Regulate.%20Now\\_\\_974cecbe-b7bf-4382-bb12-41b8c1512850.pdf](https://www.hbs.edu/ris/Publication%20Files/Social%20Media%20Companies%20Should%20Self-Regulate.%20Now__974cecbe-b7bf-4382-bb12-41b8c1512850.pdf).

<sup>13</sup> L. Ceci, "Number of Videos removed from YouTube Worldwide as of Q4 2021," Statista, 2022, <https://www.statista.com/statistics/1132890/number-removed-youtube-videos-worldwide/>.

<sup>14</sup> Tony Romm and Elizabeth Dwoskin, "Twitter Purged more than 70,000 Accounts affiliated with QAnon following Capitol Riot," *Washington Post*, 2021, <https://www.washingtonpost.com/technology/2021/01/11/trump-twitter-ban/>.

<sup>15</sup> C. Botero-Marino, J. Greene, M.W. McConnell and H. Thorning-Schmidt, "We Are a New Board Overseeing Facebook. Here's What We'll Decide," *New York Times*, May 6, 2020, <https://www.nytimes.com/2020/05/06/opinion/facebook-oversight-board.html?smid=tw-nytopinion&smtyp=cur>.

<sup>16</sup> Chinmayi Arun, "The Facebook Oversight Board: An Experiment in Self-Regulation," *Just Security*, 2020, <https://www.justsecurity.org/70021/the-facebook-oversight-board-an-experiment-in-self-regulation/>; Emma Thomasson, "Germany Insists Self-Regulation Not Enough for Facebook," *Reuters*, July 8, 2020, <https://www.reuters.com/article/us-facebook-ads-boycott-germany-idUSKBN24911O>.

## Limited Government Regulations

*Limited government regulations refer to the creation of targeted and issue-focused social media regulations by public/state authorities or entities.*

Within limited government regulations fall those government rules that are developed with a targeted focus to address a specific issue. This approach would not require the social media networks to alter their business nor implement structural alterations. It would only require them to comply with each government's unique issues. For instance, after the alleged Russian intervention in the 2016 US Presidential Elections, the US introduced the 'Honest Ads Act' in 2019 with an issue focused target on banning foreign nationals from buying political ads online.<sup>17</sup> Similarly, in 2018, the US state of California introduced the 'California Consumer Privacy Act' (CCPA) with a limited and focused target for the protection of data of users residing in the state. These acts did not require changes in social media business algorithms, and only required the social media networks to give their consumers specific notices.

## Comprehensive Government Regulations

*Comprehensive government regulations are proposed by the public authorities with a broad framework of aims, goals and vision. These have a vast scope and require greater oversight of social media companies by the government.*

This type of intervention by the government would require reorganising and restructuring of social media networks in a manner that the regulations present a remedy to the cause of dysfunction instead of mitigating its symptoms. For instance, in 2016, the European Union (EU) adopted comprehensive 'General Data Protection Regulations' (GDPR) intending to restructure social media networks on how they use, store and transfer data.<sup>18</sup> For compliance under the GDPR, the social media companies require wide-scale privacy alternations.<sup>19</sup> Additionally, for comprehensive government regulations, the US government is negotiating on breaking up big social media networks. In 2021, five new bills were passed in the House of Representatives

---

<sup>17</sup> Tim Lau, *The Honest Ads Act Explained*, report (Washington, D.C.: Brenna Center for Justice, 2020) <https://www.brennancenter.org/our-work/research-reports/honest-ads-act-explained>.

<sup>18</sup> Ben Woford, "What is GDPR, the EU's New Data Protection Law," *GDPR EU*, 2020, <https://gdpr.eu/what-is-gdpr/>.

<sup>19</sup> PwC, "General Data Protection Regulations," 2020, <https://www.pwc.com/mu/en/services/advisory/consulting/cybersecurity/general-data-protection-regulations.html>.

that aimed at ushering a complete overhaul of the social media networks to reduce their monopoly.<sup>20</sup> Such bills require comprehensive alterations in social media networks.

---

<sup>20</sup> Tim De Chant, "Five New Bills aim to Break Up Big Tech Platforms, Force Them to Play Nice," *Ars Technica*, 2021, <https://arstechnica.com/tech-policy/2021/06/five-new-bills-aim-to-break-up-big-tech-platforms-force-them-to-play-nice/>.

## Pakistan's Social Media Regulatory Environment

### Overview

Over the past few years, Pakistan has taken several steps towards developing social media rules. In this regard, under its 'Prevention of Electronic Crimes Act, 2016', Government of Pakistan (GoP) brought forward the following:

1. 'Citizens Protection (Against Online Harm) Rules, 2020',<sup>21</sup>
2. 'Removal and Blocking of Unlawful Online Content Rules (Procedure, Oversight and Safeguards), 2020',<sup>22</sup>
3. 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021'.<sup>23</sup>

The Ministry of Information Technology and Telecommunication (MoITT) published the first set of rules on 21 January 2020 under the title 'Citizens Protection (Against Online Harm) Rules, 2020'.<sup>24</sup> These rules received enormous criticism and were labelled a disaster for freedom of expression in the country.<sup>25</sup> Due to the critique,<sup>26</sup> they were abolished,<sup>27</sup> and another set of rules was enacted on 6 October 2020 by the MoITT, prescribed by the Pakistan Telecommunication Authority (PTA), under the title 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and

---

<sup>21</sup> "Citizens Protection (Against Online Harm) Rules, 2020," Ministry of Information Technology and Telecommunication, Government of Pakistan, 2020, [https://moitt.gov.pk/SiteImage/Misc/files/CP%20\(Against%20Online%20Harm\)%20Rules%2C%202020.pdf](https://moitt.gov.pk/SiteImage/Misc/files/CP%20(Against%20Online%20Harm)%20Rules%2C%202020.pdf).

<sup>22</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020," Ministry of Information Technology and Telecommunication, Government of Pakistan, 2020, [https://www.pta.gov.pk/assets/media/notification\\_sro\\_18112020.pdf](https://www.pta.gov.pk/assets/media/notification_sro_18112020.pdf).

<sup>23</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021," Ministry of Information Technology and Telecommunication, Government of Pakistan, 2021, <https://moitt.gov.pk/SiteImage/Misc/files/Removal%20Blocking%20of%20Unlawful%20Online%20Content%20Rules%202021.PDF>.

<sup>24</sup> "Citizens Protection (Against Online Harm) Rules 2020."

<sup>25</sup> Michael Karanicolas, "Newly Published Citizens Protection (Against Online Harm) Rules are a Disaster for Freedom of Expression in Pakistan," *Society Project Yale Law School*, 2020, <https://law.yale.edu/isp/initiatives/wikimedia-initiative-intermediaries-and-information/wiii-blog/newly-published-citizens-protection-against-online-harm-rules-are-disaster-freedom-expression>.

<sup>26</sup> Usama Khilji, "Draconian Internet Rules," *Dawn*, November 22, 2020, <https://www.dawn.com/news/1591732>

<sup>27</sup> "Critics Cry Foul over Govt's Sweeping Rules to Control Social Media," *Geo News*, November 20, 2020, <https://www.geo.tv/latest/319520-rbuoc>.

Safeguards) Rules, 2020'.<sup>28</sup> These too, were not welcomed by local digital rights activists and relevant international bodies.<sup>29</sup> For instance, the Asia Internet Coalition (AIC) criticised their broad nature stating that the privacy and freedom of expression would be violated.<sup>30</sup> On 12 October 2021, the MoITT issued a third set of revised rules with the title 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021'<sup>31</sup> repealing 'Citizens Protection (Against Online Harm) Rules, 2020' and 'Removal and Blocking of Unlawful Online Content Rules, 2020.'<sup>32</sup> The revised rules have not received as much criticism from national and international bodies as the previous two drafts did. However, AIC highlighted that the rules still included problematic areas that need to be reconsidered.<sup>33</sup> According to Reporters Without Borders (RSF), the new rules were 'another attempt by Pakistan's government to censor social media' and also highlighted the need for transparency and responsibility.<sup>34</sup>

## Lacunae

Despite the criticism, it is Pakistan's right to regulate online content to avoid public disorder and chaos within its boundaries. It is high time that timely steps are taken to regulate social media, given the power such media has in unleashing chaos within the country's border, and even beyond, that has at times put state security in jeopardy. For instance, in April 2021, a false trend, 'Civil War in Pakistan' was initiated to spread

<sup>28</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020,"

<sup>29</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020: Legal Analysis," *Digital Rights Foundation*, [https://digitalrightsfoundation.pk/wp-content/uploads/2020/12/Removal-and-Blocking-of-Unlawful-Online-Content-Procedure-Oversight-and-Safeguards-Rules-2020\\_-Legal-Analysis.pdf](https://digitalrightsfoundation.pk/wp-content/uploads/2020/12/Removal-and-Blocking-of-Unlawful-Online-Content-Procedure-Oversight-and-Safeguards-Rules-2020_-Legal-Analysis.pdf); "Citizens Protection (Against Online Harm) Rules, 2020"; Karthik Nachiappan, "Regulating Cyberspace: Pakistan's New Social Media Rules," *Institute of South Asian Studies*, 2020, <https://www.isas.nus.edu.sg/papers/regulating-cyberspace-pakistans-new-social-media-rules/>; Mehdi Hasan, "Social Media Regulation will Curb Political Dissent," *Human Rights Commission of Pakistan*, 2021, <http://hrcp-web.org/hrcpweb/social-media-regulation-will-curb-political-dissent/>.

<sup>30</sup> "[Pakistan] AIC Issues Media Statement on New Internet Rules," *Asia Internet Coalition*, November 20, 2020, <https://aicasia.org/2020/11/20/pakistan-aic-issues-media-statement-on-new-internet-rules-20-nov-2020/>.

<sup>31</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021."

<sup>32</sup> "Govt issues Rules for Removal, Blocking of Unlawful Online Content," *News International*, October 15, 2021, <https://www.thenews.com.pk/print/900332-govt-issues-rules-for-removal-blocking-of-unlawful-online-content>."

<sup>33</sup> Ali Qasim, "Pakistan's New Social Media rules Explained," *News Update Times*, October 15, 2021, <https://newsupdatetimes.com/pakistans-new-social-media-rules-explained/>.

<sup>34</sup> "Another Attempt by Pakistan's Government to Censor Social Media," *Reporters Without Borders*, November 2, 2021, <https://rsf.org/en/news/another-attempt-pakistans-government-censor-social-media>.

misinformation about Pakistan. An analysis of the trend by Digital Rights Monitor revealed that about 61% of those tweets were generated from India.<sup>35</sup> Likewise, Twitter was used by a prominent Indian media channel, ANI, to disseminate fake news that 'Pakistan Air Force issued warning to Afghan Army and Air Force that any move to dislodge the Taliban will be repelled by Pakistan Air Force.'<sup>36</sup> This shows external forces are using social media poking to smear Pakistan's reputation. It was also stressed by the Deputy Director of South Asia at the Wilson Center that 'fake News has become a new front in India-Pakistan rivalry.'<sup>37</sup> However, before taking on the responsibility to regulate social media, it is important to look into the possibilities of social media networks regulating themselves.

Since the start of the century, social media has slowly annexed human lives. Given the increasing dependence of digital lives on social media networks, content regulation should be a network's primary social responsibility. This position was taken by the US Supreme Court that social media networks should be required to regulate their content.<sup>38</sup> Similarly, Pakistan's 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021'<sup>39</sup> also emphasises under Article 8 that social media networks should self-regulate their content. For this purpose, they should make their 'Community Guidelines' more accessible and user-friendly and not transmit content that is in violation of the local laws. In this regard, social media networks have revised their guidelines. For instance, from 2012 and 2013 onwards, Facebook started to improve its 'thin self-regulation' to 'enhanced self-regulation.'<sup>40</sup>

---

<sup>35</sup> Asad Baig, "Misinformation Warfare – #CivilWarinPakistan Trends with 61% Tweets coming from India; New Delhi contributes the Highest Number," *Digital Rights Monitor*, April 18, 2021, <https://digitalrightsmonitor.pk/misinformation-warfare-civilwarinpakistan-trends-with-61-tweets-coming-from-india-new-delhi-contributes-the-highest-number/>.

<sup>36</sup> ANI, Twitter Thread, July 15, 2021, 10:18 PM, <https://twitter.com/ani/status/1415722408703447040>.

<sup>37</sup> Hammad Sarfraz, "How India Unleashed Targeted Social Media Campaigns against Pakistan," *Tribune*, December 26, 2021, <https://tribune.com.pk/story/2335695/how-india-unleashed-targeted-social-media-campaigns-against-pakistan>.

<sup>38</sup> Michael A. Cusumano, David B. Yoffie, and Annabelle Gawer, "Pushing Social Media Platforms to Self-Regulate," *Regulatory Review*, January 3, 2022, <https://www.theregreview.org/2022/01/03/cusumano-yoffie-gawer-pushing-social-media-self-regulate/>.

<sup>39</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021."

<sup>40</sup> Rotem Medzini, "Enhanced Self-Regulation: The Case of Facebook's Content Governance," *New Media & Society* 24, no. 10 (2021): 2227-2251, <https://journals.sagepub.com/doi/abs/10.1177/1461444821989352>.

### Challenges of Self-Regulation

Despite such efforts, content regulation (whether by a private entity or public one) remains a daunting challenge.<sup>41</sup> These endeavours are often weak due to the following reasons:

1. **Businesses:** Social media networks/platforms are inherently businesses aiming at increasing their profit margins.<sup>42</sup> They view content regulation from a profit-loss perspective.
2. **Community Guidelines:** Such networks are only digital platforms and not experts of regulations. Their so-called 'Community Guidelines' are only codes of conduct or decisions regarding the approximate online content.<sup>43</sup>
3. **Digital Divide:** There is a significant digital divide that exists between the North and the South.<sup>44</sup> Since social media networks are businesses in the North, their own states have more authority to take actions against them.
4. **Digitalisation:** Due to the surge of digitalisation and lack of binding regulations, social media networks have been overwhelmed. During the COVID-19 pandemic, for instance, greater use of social media saw a proliferation of misinformation regarding the illness or what was called 'infodemic' by the World Health Organization.<sup>45</sup>
5. **Biases:** There is an evident bias exhibited by specific social media companies that favour one community, faith or cause over the other. For example, during kinetic phases of the Israel-Palestine conflict, Facebook and Twitter algorithms often

---

<sup>41</sup> Natalie Alkiviadou, "Hate Speech on Social Media Networks: Towards a Regulatory Framework?" *Information & Communications Technology Law* 28, no. 1 (2019): 19-35, [https://www.tandfonline.com/doi/full/10.1080/13600834.2018.1494417?casa\\_token=DiFurv5YT6oAAAAA%3AjuRNv4UHss2GCsu-bB9\\_3iOnbz5betIPqsR2d-OnYaYZAIOgzETKgAfC2MnhWACL7eIB\\_pxNUbH7H8](https://www.tandfonline.com/doi/full/10.1080/13600834.2018.1494417?casa_token=DiFurv5YT6oAAAAA%3AjuRNv4UHss2GCsu-bB9_3iOnbz5betIPqsR2d-OnYaYZAIOgzETKgAfC2MnhWACL7eIB_pxNUbH7H8).

<sup>42</sup> Kalev Leetaru, "What Does It Mean for Social Media Platforms to 'Sell' Our Data?," *Forbes*, December 15, 2018, <https://www.forbes.com/sites/kalevleetaru/2018/12/15/what-does-it-mean-for-social-media-platforms-to-sell-our-data/?sh=2b3389852d6c>.

<sup>43</sup> Marko Milosavljević and Sally Broughton Micova, "Banning, Blocking and Boosting: Twitter's Solo-Regulation of Expression," *Media Studies* 7, no. 13 (2016), <https://hrcak.srce.hr/ojs/index.php/medijske-studije/article/view/6170>.

<sup>44</sup> Amir Hatem Ali, "The Power of Social Media in Developing Nations: New Tools for Closing the Global Digital Divide and Beyond," *Harvard Human Rights Journal* 24 (2011): 185, <https://harvardhrj.com/wp-content/uploads/sites/14/2009/09/185-220.pdf>.

<sup>45</sup> "Infodemic," *World Health Organization*, 2020, [https://www.who.int/health-topics/infodemic#tab=tab\\_1](https://www.who.int/health-topics/infodemic#tab=tab_1).

remove pro-Palestinian posts, while the Israel Defense Forces remain active on social media.<sup>46</sup>

Due to the above-mentioned reasons, there could be an inherent lack of (and desire for) a self-regulatory mechanism within social media firms that would be able to address issues unique to Pakistan. Although demands by the GoP for social media networks to plug their accountability deficiencies are likely to continue, Pakistan cannot overlook regulating social media within its boundaries at this time and age.

However, it could be challenging for Pakistan to develop and implement a comprehensive 'Social Media Policy.' If such a path is to be adopted by the government and PTA, then the above-mentioned aspects would need to be addressed. Keeping in mind Pakistan's limited influence over social media networks, it is uncertain how the proposed legislation would be able to alter the business models of social media companies. Furthermore, due to systemic biases and the digital divide, it is unclear how e.g., issues of sensitive nature, may be tackled.

---

<sup>46</sup> Antonia Noori Farzan, "As Violence in Israel and Gaza plays out on Social Media, Activists Raise Concerns about Tech Companies' Interference," *Washington Post*, May 12, 2021, <https://www.washingtonpost.com/world/2021/05/12/israeli-palestinian-conflict-social-media/>.



## Policy Review

Keeping the above discussion in sight, it is recommended that Pakistan should adopt social media legislation that is based on targeted issues to address the vulnerabilities social media exposes the state and its citizens to. Such a model would fall under the category of 'limited government regulations.' The current regulations 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021,' do not fall under this category as they have a broad ambit and demand system-wide structural changes by companies.<sup>47</sup>

**First**, the title is generic rather than specific and beyond the scope of Pakistan's influence. For example, it is unclear how 'removal' and 'blocking' of specific content from an entire website (let alone posts) would even be possible. Pakistan does not have enough influence to issue a statement of removal or blocking of content from social media networks worldwide. On a number of occasions, PTA probed Facebook to remove posts that violated the 'Prevention of Electronic Crimes Act, 2016', however, the company responded that since that data did not violate its 'Community Guidelines', it would not remove the posts. Following an assessment of these incidents, in accordance with the local laws by Facebook, the posts were only restricted in Pakistan but accessible around the world.<sup>48</sup> Therefore, the very title of this legislation is misleading since technically, 'unlawful content' (seen as such by the GoP), may still be available and accessible worldwide for manipulation. Furthermore, within the title, it is unclear what constitutes 'unlawful.' This becomes tricky to assess which unlawful aspects are being targeted under these rules.

**Second**, Chapter 2 of these Rules is titled 'Safeguarding the Freedom of Speech and Expression.'<sup>49</sup> This is in contradiction to the title of the legislation. If social media rules were developed for the purpose of 'blocking' certain content, how can 'freedom of speech and expression' be safeguarded?

---

<sup>47</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021."

<sup>48</sup> Ramsha Jahangir, "Pakistan among Countries with Most Content Removal Requests: Facebook," *Dawn*, May 13, 2020, <https://www.dawn.com/news/1556715>.

<sup>49</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021."

The first set of social media rules, 'Citizens Protection (Against Online Harm) Rules, 2020',<sup>50</sup> did not mention freedom of speech and expression. It was only in the subsequent legislation 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020',<sup>51</sup> that this chapter was introduced as part of the rules after receiving criticism. The criticism stated that the first social media rules violated Article 19 of Pakistan's Constitution that grants freedom of speech and expression to its citizens.<sup>52</sup> However, placing freedom of speech and expression as a chapter was not a guarantee. Even after the second and third legislation, 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020',<sup>53</sup> and 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021',<sup>54</sup> respectively, when the chapter of freedom of expression was added, Pakistan was still criticised and the 2022 World Press Freedom ranked the country 157 out of 180.<sup>55</sup> Often under the notion of freedom of expression, hybrid warfare and mischievous attempts have been made by Pakistan's adversary - India - to spread misinformation and disinformation to instigate chaos and violence.<sup>56</sup> Such attempts need attention not only by the Pakistan Telecommunication Authority but also by international bodies as witnessed in the case of 'Indian Chronicles' by EU DisinfoLab.<sup>57</sup>

**Third**, the now repealed and even current social media legislation has vague definitions and targets. For instance, 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020' discussed aspects that needed separate attention such as privacy, data protection, extremism, defence, security, hate speech and so on. The matter of, for instance, privacy and data protection has been a rising concern at national and international level and states and international bodies have published their regulations on this matter. As discussed

---

<sup>50</sup> "Citizens Protection (Against Online Harm) Rules 2020."

<sup>51</sup> "Removal and Blocking of Unlawful Online Content Rules, 2020."

<sup>52</sup> "Pakistan: Online Harms Rules violate Freedom of Expression," *Article 19.org*, August 13, 2020, <https://www.article19.org/resources/pakistan-online-harms-rules/>.

<sup>53</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020."

<sup>54</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021."

<sup>55</sup> "2022 World Press Freedom Index," Reporters Without Borders, 2022, <https://rsf.org/en/index>.

<sup>56</sup> Amna Tauhidi, Maheen Shafeeq, Faheem Ullah Malik and Sohail Malik, "Militarisation of Social Media," (paper, Centre for Aerospace & Security Studies, Islamabad, Pakistan), September 2022.

<sup>57</sup> Machado, Alaphilippe, Adamczyk and Grégoire, *Indian Chronicles*.

earlier in the paper, in 2018, the EU implemented GDPR<sup>58</sup> with the aim to target protection and data privacy and harmonise data privacy laws across Europe. Although this policy faced loopholes in the implementation phase, it increased awareness regarding the specific subject of 'data protection.' States and companies have taken measures to adopt GDPR.<sup>59</sup>

Pakistan, in the past, has taken targeted measures to counter ills. For instance, after the Army Public School attack of 2014, the GoP adopted a targeted approach to counterterrorism in Pakistan. Under this approach, the 'Prevention of Electronic Crimes Act, 2016' was enacted by the National Assembly to eliminate terrorism and militancy in Pakistan.<sup>60</sup> Although many pointed out that PECA had curbed speech and not the crime,<sup>61</sup> it had an issue-targeted aim and objective. Therefore, the current legislation in Pakistan needs to have a limited, targeted and focused aim that it would address rather than enforcing rules with a broad scope.

**Fourth**, all social media legislation demanded that social media networks register with authorities in Pakistan, establish offices with a physical address and appoint an authorised compliance officer based in the country. These demands, although genuine, had strict timelines. For example, the time allotted for registration was within three months of the regulations coming into force. The offices were to be opened within nine months according to the 'Removal and Blocking of Unlawful Online Content(Procedure, Oversight and Safeguards) Rules, 2020.'<sup>62</sup> Less than a day later, social media networks threatened to leave Pakistan.<sup>63</sup> However, after pushback on this, the latest legislation 'Removal and Blocking of Unlawful Online Content

---

<sup>58</sup> European Union, "General Data Protection Regulation GDPR," *Intersoft Consulting*, 2016, <https://gdpr-info.eu>.

<sup>59</sup> Estelle Massé, *Three Years under the EU GDPR: An Implementation Progress Report*, report (New York: Access Now, 2021), <https://www.accessnow.org/cms/assets/uploads/2021/05/Three-Years-Under-GDPR-report.pdf>.

<sup>60</sup> Eesha Arshad Khan, "The Prevention of Electronic Crimes Act 2016: An Analysis," *LUMS Law Journal* 5 (2018): 117-126, [https://sahsol.lums.edu.pk/sites/default/files/11.\\_the\\_prevention\\_of\\_electronic\\_crimes\\_act\\_2016-\\_an\\_analysis.pdf](https://sahsol.lums.edu.pk/sites/default/files/11._the_prevention_of_electronic_crimes_act_2016-_an_analysis.pdf).

<sup>61</sup> "Rights Activists Seek Reform in Cybercrime Law," *Dawn*, January 14, 2022, <https://www.dawn.com/news/1669283>.

<sup>62</sup> "Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020."

<sup>63</sup> Ramsha Jahangir, "Tech Giants Threaten to leave Pakistan if Social Media Rules Stay," *Dawn*, November 20, 2020, <https://www.dawn.com/news/1591357>.

(Procedure, Oversight and Safeguards) Rules, 2021<sup>64</sup> has allowed opening offices ‘as and when feasible’.

It must be kept in mind that social media companies need a conducive business environment to open offices in Pakistan. With so many other countries in the region offering a more enabling environment, companies need to be encouraged rather than cajoled. The government needs to highlight that Pakistan is open to private tech business given its growing number of internet users, entrepreneurship environment,<sup>65</sup> and unsaturated business opportunities. According to Digital 2021, there are about 61.34 million internet users in Pakistan<sup>66</sup> (more than France with 60 million users).<sup>67</sup>

The above-mentioned reasons could be a few due to which the social media rules were unsuccessful. As the process of finalising social media rules for Pakistan is ongoing, the following approach could be looked into. It is a revised approach towards developing ‘issue-targeted and focused social media rules.’ The following section proposes a policy framework of how ‘limited government regulations’ may be developed.

---

<sup>64</sup> “Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021.”

<sup>65</sup> Abdur-Rahim Syed and Asim Bokhari, *Starting up: Unlocking Entrepreneurship in Pakistan*, report (Dubai: McKinsey & Company, 2019), <https://www.mckinsey.com/~media/mckinsey/featured%20insights/middle%20east%20and%20af%20rica/pakistans%20start%20up%20landscape%20three%20ways%20to%20energize%20entrepreneurship/starting-up-unlocking-entrepreneurship-in-pakistan.ashx>.

<sup>66</sup> Simon Kemp, “Digital 2021: Pakistan,” Datareportal, February 11, 2021, <https://datareportal.com/reports/digital-2021-pakistan>.

<sup>67</sup> “Countries with the Highest Number of Internet Users 2021,” Statista, 2022, <https://www.statista.com/statistics/262966/number-of-internet-users-in-selected-countries/>.

## Proposed Policy Framework

The following policy framework may be considered to refine and revise the current social media regulations in Pakistan:

**Figure 1: Policy Framework for Developing Social Media Rules**



**Source:** Author's own.

### 1. Scan the Digital Threat Landscape

If the digital environment of Pakistan is examined, it is amassed with a number of issues that need attention. In order to identify targets, a thorough brainstorming scan of the digital threat landscape is needed. For instance, cases of religious discrimination, sectarianism, minority rights abuse, and so on.<sup>68</sup> Identify the issues that are most to least daunting for the digital environment of Pakistan.

### 2. Define a Targeted Issue

Hate speech is defined as 'abusive or threatening speech or writing that expresses prejudice against a particular group.' There is no international legal definition of hate speech and what constitutes hateful varies from individual to society. This is where the biases and digital divide factor discussed earlier, often allow instances of hate speech to remain unaddressed by social media networks. In order to develop rules to address hate speech online, in the context of Pakistan's society, the GoP can develop a definition of 'hate speech' that addresses issues specific to the national context. Guidance on the matter can be sought from self-regulatory policies of global social media companies and their internal policies on hate speech. For instance, Twitter published its hate speech policy under the title 'Hateful Conduct Policy', that discusses

<sup>68</sup> Jaffer Abbas Mirza, "COVID-19 Fans Religious Discrimination in Pakistan," *Diplomat*, April 28, 2020, <https://thediplomat.com/2020/04/covid-19-fans-religious-discrimination-in-pakistan/>.

the acceptable and unacceptable words, images, names, behaviour and so on.<sup>69</sup> Like other social media platforms such as Facebook, Snapchat, Instagram etc. have their own policies against hate speech. Within the social media hate speech policies, identify what those definitions include as hate speech, and what is missed out that can be added to make Pakistan's hate speech online rules.

### **3. Consult Relevant Stakeholders**

Once an issue (e.g., hate speech) has been targeted, for the purpose of developing a policy against online hate speech, various stakeholders such as victims of hate speech, initiators of hate speech, Internet Service Providers (ISPs), think tanks, social media companies, civil society, academia, influencers, legal fraternity and so on, would need to be involved. The purpose would not be to only draft regulation but also for the purpose of sharing problems and recommending attainable solutions. This would ensure transparency and responsibility. The stakeholders would need to remain involved in drafting the legislation as they would also be the advocates for its implementation and ambassadors who spread awareness about it.

### **4. Follow Issue-Focused Target & Impact**

In order to address hate speech content online, the contents of the policy would need to focus on specific problems/issues under it. For example, what are the most commonly targeted groups of online hate speech in Pakistan? Does hate speech incite physical violence and chaos within society? Does the hate speech have a spill-over effect in other domains? Such a matrix can be drawn to identify vulnerable populations. The overall goal of the policy may be to reduce the impacts of online hate speech by a certain percentage in given a time period. Within such a plan, it would also be important to analyse effectiveness and progress periodically.

### **5. Adopt a Pragmatic Approach**

Once the definition of hate speech is identified, realistic and attainable rules can be drafted. For instance, the title of such a policy could be along the lines of "Policy of Hate Speech Online." Under this title, a realistic approach is highlighted which is within the scope of Pakistan's influence over social media networks. Furthermore, the

---

<sup>69</sup> "Hateful Conduct Policy," Twitter [Online], <https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy>.

demand to register and open offices, as discussed in social media rules, could be made with incentives such as ease of doing business and the business scope for the companies to open offices. These could constitute a realistic and attainable approach.

Lastly, for the purpose of achieving the objective of addressing hate speech online, it would be important that a two-tiered approach is adopted. Firstly, to counter hate speech on social media, social media itself should be used to spread positive and encouraging messages of tolerance and acceptance. Secondly, we would need to work towards creating a tolerant and accepting society through education, awareness campaigns, engaging electronic and press media.<sup>70</sup> Such measures can help regulate social media and its adverse effects in an effective manner.

---

<sup>70</sup> “United Nations Strategy and Plan of Action on Hate Speech,” United Nations, 2020, <https://www.un.org/en/genocideprevention/hate-speech-strategy.shtml>.

## **Conclusion**

Social media is a toolkit for socialisation, however, due to its misuse by state and non-state actors alike, it has become a toolkit for manipulation. As the influence of social media is growing, it is becoming important that measures are taken to regulate it. Social media companies have themselves taken the responsibility to regulate their platforms. In addition, a number of measures have been taken by states to address the adverse effects of social media. Such measures fall under three regulatory approaches: self-regulation, limited government regulations, and comprehensive government regulations.

Self-regulations are practices, guidelines and measures taken by social media companies to address their own shortcomings such as matters related to hate speech, privacy etc. Limited social media regulations follow a targeted approach with a limited need to structurally change the business and algorithmic models followed by social media networks. Comprehensive social media regulations follow a broad approach that introduces novel regulation and demand structural and algorithmic changes within social media models.

Ideally, social media companies should be well equipped and more capable to regulate social media content and be responsible towards their users. However, with the increase in digitalisation, these companies have been unable to regulate their platforms. This inability stems from the fact that these are essentially businesses and for this reason they follow their own community standards and guidelines keeping their shareholders and bottom-line in view. Additionally, there is a visible digital divide between the North and South and due to this, there are biases in terms of how content is filtered.

Due to these reasons, this study recommends that for a country like Pakistan, the government should adopt 'limited and issue targeted social media regulations.' Earlier, Pakistan followed this approach under PECA, 2016.<sup>71</sup> Presently, 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021' have been in force since October 2021. However, these rules are difficult to

---

<sup>71</sup> "The Prevention of Electronic Crimes Act, 2016," National Assembly Secretariat, Government of Pakistan, 2016, <https://nr3c.gov.pk/peca16.pdf>.



implement since the nomenclature and actual government influence/control over the concerned social media companies, remains a big question.

The *Working Paper*, therefore, outlines a policy framework which is focused, targeted, and aimed at achieving a specific objective once the country's digital threat landscape has been assessed, a target issue identified within a collaborative and consultative pragmatic vision. Such a tailored approach could be useful in eliminating targeted social media ills and mitigating its symptoms.

## ABOUT THE AUTHOR



***Maheen Shafeeq*** is a researcher at the Centre for Aerospace & Security Studies (CASS), Islamabad, Pakistan. She holds a Master's degree in International Relations from the University of Sheffield, United Kingdom. Her research interests include emerging technologies and international security.

## ABOUT CASS

The Centre for Aerospace & Security Studies (CASS), Islamabad, was established in 2018 to engage with policymakers and inform the public on issues related to aerospace and security from an independent, non-partisan and future-centric analytical lens. The Centre produces information through evidence-based research to exert national, regional and global impact on issues of airpower, defence and security.

## VISION

*To serve as a thought leader in the aerospace and security domains globally, providing thinkers and policymakers with independent, comprehensive and multifaceted insight on aerospace and security issues.*

## MISSION

*To provide independent insight and analysis on aerospace and international security issues, of both an immediate and long-term concern; and to inform the discourse of policymakers, academics, and practitioners through a diverse range of detailed research outputs disseminated through both direct and indirect engagement on a regular basis.*

## PROGRAMMES

Foreign Policy  
National Security  
Emerging Technologies  
Aviation Industry & Technology Studies  
Economic Affairs & National Development  
Warfare & Aerospace  
Strategic Defence, Security & Policy  
Peace & Conflict Studies

**CENTRE FOR  
AEROSPACE & SECURITY  
STUDIES, ISLAMABAD**

*Independence. Analytical Rigour. Foresight*

📍 Old Airport Road,  
Islamabad, Pakistan  
☎ +92 051 5405011  
🌐 [www.casstt.com](http://www.casstt.com)  
✉ [cass.editor@gmail.com](mailto:cass.editor@gmail.com)/  
[cass.thinkers@gmail.com](mailto:cass.thinkers@gmail.com)

**in** Centre for Aerospace  
& Security Studies  
@ cassthinkers  
@CassThinkers  
f cass.thinkers