

His Excellency Mr. Imran Khan  
Prime Minister of Pakistan  
Prime Minister's Office, Islamabad, Islamabad Capital Territory

6 October 2020

Dear Prime Minister Khan,

**Subject: Pakistan Citizens Protection (Against Online Harm) Rules 2020**

I hope this email finds you well. On behalf of the Asia Internet Coalition (AIC) and its members, I would like to follow up regarding the Citizens Protection (Against Online Harm) Rules 2020 or the Removal and Blocking of Unlawful Content (Procedure, Oversight and Safeguards) Rules, 2020 (“Rules”).

The AIC is an industry association of leading Internet and technology companies and seeks to promote the understanding and resolution of Internet and ICT policy issues in the Asia Pacific region. Our members are Airbnb, Amazon, Apple, Cloudflare, Expedia Group, Facebook, Google, SAP, Grab, LinkedIn, LINE, Rakuten, Twitter and Yahoo (Verizon Media), and Booking.com.

Firstly, we wish to thank you for your personal intervention in suspending the previous version of the Citizen Protection Against Online Harm Rules that had failed to uphold internationally recognized rights to individual expression and privacy as guaranteed by the Constitution of Pakistan. We also appreciate your role in directing your Government towards initiating a proper multi-stakeholder consultation on the revised set of rules.

However, the AIC is deeply concerned by the lack of consultation and would like to bring to your attention that despite multiple requests, no draft of the revised Rules has been shared with industry stakeholders for input or feedback. As in any international best practice consultation process, it was a legitimate expectation of stakeholders that after initial input leading to a revised draft, policy makers would undertake an in depth consultation with industry. Instead, recent press reports (dated 2 October 2020 - [here](#)) indicate that the Pakistani government has already outlined new Rules that are ready to be approved. These developments – in particular the lack of transparency on the consultation, an abbreviated consultation process, and strict local office requirements for online platforms – are very concerning. The consultation process therefore appears to have lost credibility.

We would like to reiterate the importance of a credible, wide-ranging and transparent consultation. We are of the view that any industry consultation by definition must involve sharing updated policy drafts with stakeholders so there is common understanding on feedback solicited and the resulting revisions.

We also note that PTA had committed during bilateral meetings with AIC and its member companies to share a draft copy of the Rules for further consultation and feedback. To that end, we once again respectfully request that the Government of Pakistan make available a copy of the revised draft rules to seek additional input and feedback from relevant stakeholders, who have been actively involved in the policy making process, and allow them

a reasonable amount of time to provide feedback and be meaningfully consulted before the Rules are finalised.

As an industry association, AIC strongly believes in the potential for multi-stakeholder dialogue to shape sensible policies and legislation that foster innovation and technological advancement. However, as stated in our previous letter (**see Appendix I**), the Rules, if improperly formulated, would actively harm the business environment in Pakistan and its attractiveness as an investment destination for technology companies. We are not against regulation of social media, and we acknowledge that Pakistan already has an extensive legislative framework governing online content. However, regulations need to be reasonable, based upon realistic expectations, capable of being implemented and consistent with best practice.

Holding a transparent consultation where stakeholder feedback is acknowledged and reflected in draft revisions will instil trust in the policymaking process and allow AIC and its members to further develop effective solutions to support Pakistan's continued digital growth and transformation. This can only be made possible if both Government and industry equally provide transparency and meaningful best practice consultation to the rule making processes.

We hope to continue engaging constructively to help fulfil the joint ambition of a Digital Pakistan, and we look forward to hearing from you. Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jeff Paine".

Jeff Paine  
Managing Director  
Asia Internet Coalition (AIC)

CC:

- Barrister Dr. Muhammad Farogh Naseem, Federal Minister for Law and Justice
- Mr. Syed Amin Ul Haque, Minister of Information Technology and Telecommunication
- Mr. Shoaib Ahmad Siddiqui, Federal Secretary, Ministry of Information Technology and Telecommunication
- Major General (Ret.) Amir Azeem Bajwa, Chairman, Pakistan Telecommunication Authority (PTA)
- Dr. Shireen M Mazari, Federal Minister for Human Rights
- Chaudhry Fawad Hussain, Federal Minister for Science and Technology
- Barrister Maleeka Ali Bukhari, Parliamentary Secretary for Law and Justice
- Sardar Ahmad Nawaz Sukhera, Cabinet Secretary

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## APPENDIX I

**15 February 2020**

His Excellency Mr. Imran Khan  
Prime Minister of Pakistan  
Prime Minister's Office, Islamabad, Islamabad Capital Territory

Dear Prime Minister Khan,

The Asia Internet Coalition (“AIC”) is an industry association that promotes the understanding and resolution of internet policy issues in the Asia Pacific region. We seek to participate and promote stakeholder dialogue between the public and private sectors, sharing best practices and ideas on communications technology and the digital economy. In keeping with our objective of supporting public policy and regulatory frameworks that facilitate the development of the national digital industry, we would like to share our initial views on Pakistan’s Citizens Protection Rules (Against Online Harm) (“Rules”).

First and foremost, we wish to express our sincere concern that unless revoked, these rules will severely cripple the growth of Pakistan's digital economy. AIC Members recognize Pakistan’s strong potential, but the sudden announcement of these rules belies the Government of Pakistan’s claims that it is open for business and investment. In fact, the rules as currently written would make it extremely difficult for AIC Members to make their services available to Pakistani users and businesses. As no other country has announced such a sweeping set of rules, Pakistan risks becoming a global outlier, needlessly isolating and depriving Pakistani users and businesses from the growth potential of the internet economy.

AIC notes that the Government of Pakistan released the Rules without any form of consultation or input from stakeholders outside the government. The way in which these Rules were passed is causing international companies to re-evaluate their view of the regulatory environment in Pakistan, and their willingness to operate in the country.

The Rules are vague and arbitrary in nature, which is a result of the absence of public consultation. The lack of such discussion is problematic given that the Rules demand that social media companies deviate from established human rights practices concerning user

privacy and freedom of expression. Therefore, we strongly urge the Government of Pakistan to initiate a proper public consultation to ensure wider participation to develop a new set of rules. AIC Members wish to better understand the motivations and concerns underlying this proposal, so that we can work collaboratively with the Government of Pakistan on solutions.

We recognize that governments around the world are considering how best to deal with illegal and problematic online content. There's shared agreement among governments about letting people create, communicate, and find information online, while preventing people from misusing content-sharing platforms like social media, messaging, voice or video calling applications. Therefore, AIC members have been working in consultation with governments on this challenge for years, using both computer science tools and human reviewers to identify and stop a range of online abuse.

Looking around the world, there is much interest in ensuring a safe online environment. It is important to note in this regard that many of the ambitious conversations in this area are the subject of in-depth, evidence-based, and lengthy policy research and exchanges, where a panoply of policy solutions are being explored rather than a single, blunt legislative route.

In the UK, for example, the *Online Harms White Paper* was released over a year ago, following months of early exploration by civil servants and the stakeholder community. The UK government released on 12 February 2020 its [response to the consultation on the White Paper](#), which clarified a number of points, starting with an emphasis on the respect of fundamental human rights such as freedom of expression, the importance of transparency, and clarity and certainty for business. Rather than rushing to legislate at this stage, the UK Government is recommending a series of further studies, to ascertain the methods to tackle online harms most effectively in practice. It is also important to note that the UK's efforts on Online Harms are focussed on specific areas of child abuse and hate speech, rather than a very wide interpretation of online harms, which would have risked confusion and ineffectiveness through lack of prioritisation.

We also understand that some within the Government of Pakistan have drawn parallels between the Rules and Vietnam's Law on Cybersecurity. It's important to note, however, that while Vietnam's Parliament approved the Law on Cybersecurity in June 2018, it has not yet been implemented. What's more, a broad range of governments, industry and civil society groups have expressed grave concerns with the law and Vietnam's proposed implementing regulations (which, again, have not been finalized or approved).

We are not against regulation of social media, and we acknowledge that Pakistan already has an extensive legislative framework governing online content. However, these Rules fail to address crucial issues such as internationally recognized rights to individual expression and privacy. They also contravene the legislative enactments under which the Government of Pakistan has framed them. Neither the Pakistan Telecommunication (Re-Organization) Act,

nor the Prevention of Electronic Crimes Act, 2016 (PECA) envision the broad powers granted through these Rules. On the contrary, PECA grants safe harbour protection to intermediaries or social media platforms.

We urge the Government of Pakistan to consider the potential consequences of the Rules in order to prevent unexpected negative impacts on Pakistan's economy. We hope to have the opportunity to share more detailed feedback with the Government of Pakistan in the near future.

Our Secretariat, Mr. Sarthak Luthra, would be happy to answer any questions your office may have. He can be reached at mobile +65 8739 1490 or via email at [Secretariat@aicasia.org](mailto:Secretariat@aicasia.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Paine".

**Jeff Paine**  
**Managing Director**  
**Asia Internet Coalition (AIC)**

CC:

Barrister Dr. Muhammad Farogh Naseem, Federal Minister for Law and Justice  
Mr. Khalid Maqbool Siddiqui, Minister of Information Technology & Telecommunication  
Major General (Ret.) Amir Azeem Bajwa, Chairman, Pakistan Telecommunication Authority (PTA)