

REMOVAL AND BLOCKING OF UNLAWFUL ONLINE CONTENT (PROCEDURES, OVERSIGHT AND SAFEGUARD) RULES, 2020

The Cabinet in January 2020 notified the second version of the Rules under S.37 of Prevention of Electronic Crimes Act (PECA), 2016. Following several petitions filed against the heavily criticized Rules, the Islamabad High Court directed the Attorney General of Pakistan to submit a report on the Rules after holding multi-stakeholder consultations, with an update scheduled at the next hearing on April 2, 2021. This timeline outlines the developments.

FEB. 11, 2020

MMfD acquired a copy of the notified Rules, then-titled "Citizen Protection (Against Online Harm) Rules, 2020". The Rules were notified on January 21 by the Cabinet.

FEB. 12, 2020

Civil society bodies release a joint statement declaring the Rules a political move to control the internet and to silence opposing voices.

FEB. 13, 2020

A coalition of global technology companies, Asia Internet Coalition (AIC), expressed concerns over the Rules, calling them broad reaching.

FEB. 17, 2020

AIC, in a detailed statement addressed to PM Imran Khan, said that the Rules would make it "extremely difficult" for AIC members to provide services to users within Pakistan.

FEB. 19, 2020

Owing to the criticism of civil society and private sector, a source close to the PM Imran Khan told DRM that the Rules will not be implemented in their current form, as directed by the PM in a closed-door meeting he chaired.

FEB. 20, 2020

Journalists union, lawyers and civil society launched a nationwide campaign to demand revocation of the Rules.

FEB. 21, 2020

Journalists unions, lawyers, and civil society held press conference in Quetta, rejecting the Rules, and demanded immediate de-notification.

FEB. 27, 2020

MMfD submitted its key concerns, objections and recommendations on the Rules to parliamentarians.

FEB. 28, 2020

The government announced the beginning of the consultative process on the Rules. The Consultative Committee was formed under the guidance of the PM, and under the convening of Chairman PTA Amir Azeem Bajwa.

FEB. 29, 2020

Over 100 rights groups and individuals, through a statement, boycotted the consultative process initiated by the government, unless the Cabinet approval on the Rules is withdrawn.

MARCH 2, 2020

PTA held the first consultative meeting on the Rules.

MARCH 10, 2020

PTA held the second consultative meeting on the Rules attended by various stakeholders, where the committee discussed "setting the clear objectives to be achieved from the Rules and Consultation process be focused on the attainment of desired objectives."

MARCH 19, 2020

The then-UNSR for the Right to Freedom of Expression and Opinion, David Kaye, and UNSR on the Situation of Human Rights Defenders, Michel Forst raised serious concerns on the Rules in regards to the international human rights law obligations of the government of Pakistan to promote and protect freedom of expression.

MAY 18, 2020

PTA shared a referendum-style survey on its website for comments on the Rules, as part of its consultation process. MMfD rejected this survey and maintained that the concerns previously highlighted by the civil society through various statements should first be addressed.

JUNE 3, 2020

Authorities officially began consultation process on the Rules despite the boycott. MMfD co founder wrote an open letter to PTA highlighting concerns about the process.

JUNE 4, 2020

The first consultation meeting was held with digital rights and media groups. Only one representative of civil society attended the meeting, while majority continued their boycott.

JUNE 5, 2020

AIC submitted its response to the Rules in response to the call for feedback by PTA. It highlighted that the Rules should first be denotified, and mentions that the first version of the Rules would significantly alter the landscape for digital platforms, and would make it "extremely difficult" for them to operate in Pakistan.

OCT. 2, 2020

Islamabad High Court (IHC) issued notices to PTA, Ministry of IT and Federal Government under a petition filed by Asad Baig challenging the Rules, and requesting the Court to declare them ultra vires.

News reports claiming that the MoITT had requested the Cabinet to approve updated version of the Rules, now titled, "Removal and Blocking of Unlawful Content (Procedure, Oversight and Safeguards) Rules, 2020" are published. PTA fails to share the updated Rules despite requests.

OCT. 7, 2020

AIC, in a letter to the PM Imran Khan, expresses concerns over lack of consultation on the Rules, and over not making the new version public before seeking Cabinet's approval.

OCT. 23, 2020

AIC issued a statement objecting to the process through which the Rules were formulated. It said that this is "causing international companies to re-evaluate their view of the regulatory environment in Pakistan, as well as their willingness to operate in the country."

NOV. 2, 2020

IHC ordered PTA to submit published Rules within 90 days, while hearing a petition challenging the ban on the video-sharing app TikTok.

NOV. 18, 2020

MoITT shared the notified copy of the new Rules on its website. Initial analysis depicts that the Rules give broad powers to PTA over online content that go beyond the scope of s.37 of PECA.

NOV. 20, 2020

AIC said that the data localisation requirements in the Social Media Rules will "damage the internet and shut Pakistan's digital economy off from the rest of the world."

DEC. 1, 2020

A "corrected version" of Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020" was uploaded on the website of the MoITT. In the file, Section 4 (ii) of the Rules has been amended to discard text that termed content that could create hatred, contempt and disaffection for the government as unlawful.

DEC. 3, 2020

Pakistan's civil society and multiple rights bodies condemned the Rules, calling for the draconian laws to be denotified, and Section 37 of the cybercrime act repealed immediately.

DEC. 4, 2020

Chief Justice of the IHC held that the Social Media Rules notified under Section 37 of the PECA, 2016 are "prima facie in violation of Article 19 and 19-A of the Constitution" during the hearing of a petition filed against the banning of TikTok.

DEC. 17, 2020

Pakistan Federal Union of Journalists (PFUJ) filed a petition in the IHC to declare the Rules 'null and void'.

DEC. 17, 2020

A petition filed by journalist Amber Rahim Shamsi and TikToker Ashfaq Jutt in IHC asked the court to declare that "Section 37(1) of PECA 2016 is unconstitutional for being vague, imprecise, overboard, excessively delegated and non-delegation."

DEC. 18, 2020

The IHC issued notices to the Pakistan Telecommunication Authority (PTA) in the writ petition filed by the PFUJ against the Rules.

DEC. 21, 2020

The IHC issued notices to the PTA and the Amber Rahim Shamsi against the Rules.

JAN. 5, 2021

The IHC remarked that it would rather be better for social media companies, like Twitter, Facebook and YouTube, to open their offices in Pakistan to better deal with and request immediate comments on controversial matters.

JAN. 22, 2021

MMfD published a detailed legal analysis of the Rules.

JAN. 23, 2021

Journalist Tanzila Mazhar challenged the legality of the Rules in the IHC by arguing that they go beyond the remit prescribed in the parent act, i.e. PECA 2016.

JAN. 25, 2021

The Attorney General (AG) of Pakistan, Khalid Javed Khan, appeared before the IHC and said that the government has agreed to review the rules in light of all the criticism received.

JAN. 26, 2021

The IHC issued notices to the Ministry of Law and PTA in the latest case filed against the Rules.

FEB. 8, 2021

The AIC submitted a letter to the AG in response to his comment in the IHC on January 25, expressing agreement to review the Social Media Rules in light of all the criticism received.

FEB. 10, 2021

After agreeing to review the Social Media Rules on behalf of the Federal Government, the AG invited few selected stakeholders to a consultation meeting scheduled for February 19.

FEB. 19, 2021

The AG, in the multi-stakeholder meeting, said he will present his recommendations to the Federal Government for revising the Rules, after admitting that the Rules contained significant flaws.

FEB. 22, 2021

The IHC directed the Federal Government and the AG to consult more stakeholders on the amendment of the Social Media Rules and submit a report to the Court.

FEB. 26, 2021

The IHC asked the AG to submit a report on the Rules after holding multi-stakeholder consultations, and granted an extension of one month to update the Court in the next hearing fixed for April 2.

MARCH 25, 2021

The PTA sent a registration form to social media companies to appoint a local representative and provide a local address, as prescribed under Rule 9(5) of the Social Media Rules.

MARCH 30, 2021

The AG recommended to Prime Minister Imran Khan that further and broad-based consultations are required for the framing of comprehensive rules that govern the regulation of social media under the Rules.