

# Regulating Disinformation Campaigns under Pakistan's Domestic Legal Framework

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**CLAS**  
CENTRE FOR LAW  
AND SECURITY

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## 1. Overview

- a. Using disinformation campaigns to undermine countries is an increasingly effective instrument that is used by hostile state actors, as outright military conflict becomes both politically and economically expensive. The current contemporary information environment has created a favourable space for the spread of hostile disinformation campaigns. State actors use military and diplomatic means in conjunction with information space activities to achieve desired effects. The international community recently has seen a rise in state's attempting to change the perceptions of the other state's target audiences through manipulative disinformation campaigns aimed at changing the behaviors of these groups by deliberate strategy.<sup>1</sup> Disinformation campaigns are complex operations that pose a severe challenge to the national security of a state as it primarily targets the democracy and sovereignty of a state to transform the opinion of the international community against a particular state.
- b. Disinformation campaigns are employed by a number of state actors to advance their own interests. They can be broadly divided into three groups. The first group use it for financial gain, where disinformation campaigns are designed to get a reaction from an audience and clicks which can be converted into financial gain using a variety of methods. The second group seek to achieve political advantage and are ready to step into the grey zone of disinformation to advance their idea, attack political opponents or promote a specific cause. The third group are state actors that use disinformation as part of influence campaigns, to affect targeted society, typically through consistent, coordinated disinformation campaigns. In some of the cases, one can observe an interplay between these groups which is driven by mutual interests.<sup>2</sup> The most dangerous and resourceful is this third group, as it can bring to bear all instruments of national power and communicate across that spectrum.
- c. Pakistan is the latest casualty of such a disinformation campaign. In 2020, a Brussels-based non-governmental organization, EU DisInfo Lab, uncovered a 15-year operation by India aimed at discrediting countries that were in conflict with India, in particular Pakistan. The operation consisted of reviving defunct yet UN-accredited NGOs in order to influence the EU and the UN Human Rights Council and creation of 750 fake media outlets and 550 domains across 119

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<sup>1</sup> Thomas Nissen, *Social Media as a Tool of Hybrid Warfare*, Riga: NATO Strategic Communications Centre of Excellence (2016).

<sup>2</sup> US Department of Justice, *Internet Research Agency Indictment* (2018). <https://www.justice.gov/file/1035477/download>

countries to spread disinformation across the globe to damage Pakistan's reputation before the international community and to further India's foreign policy objectives.<sup>3</sup>

- d. There are limited regulations concerning disinformation campaigns under international law. Therefore, it is imperative that individual states plan countermeasures and develop rules and directives within their domestic legal framework for the regulation of disinformation.
- e. This report explains the distinction between disinformation, misinformation and fake news. It further focuses on the regulation of such campaigns under international law and the problem arising thereunder, and also sets out the range of countermeasures undertaken by the international community. Based on the above, the report will also provide specific policy options for Pakistan in regulating disinformation campaigns spearheaded against it by international and local actors.

## 2. Defining Disinformation, Misinformation and Fake News

The terms, 'disinformation', 'misinformation' and 'fake news' are often used interchangeably. However, it is important to distinguish between the terms.

- a. Misinformation: information that is false, but not created with the intention of causing harm.<sup>4</sup>
- b. Disinformation: information that is false and deliberately created to harm a person, social group, organization or a country.<sup>5</sup> Disinformation can be:
  - i. falsehoods and rumors knowingly distributed, which can be propagated as part of a political agenda by a domestic group based on ideological bias, or as part of state-sponsored disinformation campaigns, which can undermine national security and resilience; or
  - ii. falsehoods and rumors propagated without a broad political aim – these go by various terms including 'fake news' and 'misinformation'; or

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<sup>3</sup> EU DisInfo Lab, *Indian Chronicles* (2020). [https://www.disinfo.eu/wp-content/uploads/2020/12/Indian-chronicles\\_FULLREPORT.pdf](https://www.disinfo.eu/wp-content/uploads/2020/12/Indian-chronicles_FULLREPORT.pdf)

<sup>4</sup> Norman Vasu, Benjamin Ang, and Shashi Jayakumar, *Introduction: The Seemingly Unrelenting Beat of DRUMS*, vii–xxii.

<sup>5</sup> Claire Wardle and Hossein Derakhshan, *Information Disorder: Towards an Inter-disciplinary Framework for Research and Policymaking*. Council of Europe (2017), p. 20. <https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-ork-for-research/168076277c>

- iii. falsehoods distributed for financial gain, which often times can have a direct consequence on national resilience, security, the body politic or all three of a state.<sup>6</sup>
  - c. Fake News: fabricated information that mimics news media content in form but not in organizational process or intent. Fake-news outlets, in turn, lack the news media's editorial norms and processes for ensuring the accuracy and credibility of information. Fake news exists within a larger ecosystem of mis- and disinformation.<sup>7</sup>
3. International Law Perspective on Disinformation
- a. Disinformation at international level is a conflict between nations, which makes it necessary to consider the unlawfulness of disinformation in the context of international law, and international law should regulate disinformation.
  - b. Since disinformation campaigns utilize cyberspace, Tallinn Manual 2.0, which was facilitated and led by the NATO Cooperative Cyber Defence Centre of Excellence and which summarizes the concept of international law applied to cyber operations, needs to be considered. This document does not create new international laws or regulations related to cyberspace and cyber operations. Still, on the assumption that customary international law applicable to cyber operations exists, it confirms and describes 154 international rules and their contents of international law.
  - c. Under international law, the primary issues regarding hostile disinformation campaigns are whether it constitutes a violation of sovereignty (Rule 4 of Tallinn Manual 2.0); and whether it constitutes intervention by the state (Rule 66 of Tallinn Manual 2.0). Rule 66 of Tallinn Manual 2.0 provides that a state may not intervene, including by cyber means, in the internal or external affairs of another state. This rule prohibits coercive intervention, including cyber means, by one state into the internal or external affairs of another. It is based on the international law principle of sovereignty, precisely that aspect of the principle that provides for the sovereign equality of states.
  - d. In this rule, intervention is clearly distinguished from interference with no coerciveness. For the purpose of this rule, interference refers to acts by states that intrude into affairs reserved for the sovereign prerogative of another country, but lack the requisite coerciveness to rise to the level of

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<sup>6</sup> Norman Vasu, Benjamin Ang, Terri-Anne-Teo, Shashi Jayakumar, Muhammad Faizal, and Juhi Ahuja, *Fake News, Influence Operations and National Security in the Post-Truth Era*, RSIS Policy Report (2018). [https://www.rsis.edu.sg/wp-content/uploads/2018/01/PR180313\\_Fake-News\\_WEB.pdf](https://www.rsis.edu.sg/wp-content/uploads/2018/01/PR180313_Fake-News_WEB.pdf).

<sup>7</sup> David M. J. Lazer, et al., *The Science of Fake News*, *Science* (2018) Vol. 359, Issue 6380, pp. 1094-1096. <https://science.sciencemag.org/content/359/6380/1094.full>

intervention. The term of intervention, the subject of this rule, is limited to acts of interference in a sovereign prerogative of another state that have a coercive effect. The key is that the coercive act must have the potential to compel the target state to engage in an action that it would otherwise not take.

- e. The G7 “Declaration on Responsible States Behavior in Cyberspace” of 2017 expresses the following opinion: *“We note that, in the interest of conflict prevention and peaceful settlement of disputes, international law also provides a framework for States’ responses to wrongful acts that do not amount to an armed attack—these may include malicious cyber activities. Among other lawful responses, a State that is the victim of an internationally wrongful act may, in certain circumstances, resort to proportionate countermeasures, including measures conducted via ICTs, against the State responsible for the wrongful act in order to cause the responsible State to comply with its international obligations.”*
- f. It is crucial that they explicitly point out that international wrongful acts include malicious cyber activities. This statement can be recognized as an advanced endeavor to deal with malicious cyber operations that are beyond the scope of existing customary international laws in the framework of new international norms. Such a new movement will have possibilities to create a new framework of international regulations to deter disinformation.
- g. However, as mentioned previously, there is a limit to identifying the wrongfulness of disinformation under current international laws. Therefore, it will be a challenge of future international initiatives to consider what kind of regulation should be taken under international laws from now on, and what type of legislation is useful in the national laws of individual countries.
- h. Fake News and Freedom of Expression
  - i. News in recent times has become a weapon which is be used by the powerful to further their power even if it means to misinform the people and this has led to the concept of ‘fake news’. Furthermore, regulations to combat this phenomenon do not exist primarily due to the right to freedom of expression expressed under Articles 19, of the Universal Declaration of Human Rights (UDHR), and 11.1 of the Charter of Fundamental Rights of the European Union (CFREU) due to the right being interpreted in an absolute manner. For there to be effective regulations on the spread of fake news, this freedom should be interpreted as a qualified freedom.

- ii. With fake news being a sort of ‘information’, there are no general prohibitions concerning the regulation of information on the grounds of falsity in international law. A primary reason why is because such regulations will be averse to the freedom of expression incorporated in International law. Both the UDHR and the CFREU provide this freedom, along with Article 19 of the International Covenant on Civil and Political Rights (ICCPR).
- iii. Although, the latter article does provide limited grounds on which information can be restricted under its para 3, but these grounds provide insufficient aid in the controlling and elimination of false news, as they are only concerned with defamation and national security. To add, the freedom of expression is explained as not being limited to correct information, as it extends to information and ideas that can possibly shock and offend others. Therefore, in the case of *Paraga v Croatia*, the Human Rights Committee observed that restricting false information can, ‘in certain circumstances, lead to restrictions that go beyond those permissible under Article 19, paragraph 3’. Unless it is necessary to restrict freedom of expression, on the grounds stated in para 3, can there be regulations which restrict fake news, as freedom of expression in certain countries, is treasured as the ‘marketplace of ideas.’
- iv. Formerly, regulation of information took the form of interlocutory injunctions and restraint orders against publications. However, with an increased use of the internet, the focus of regulating information has shifted from the sources of the information to the platforms where the information is found. In many jurisdictions around the world, criminal sanctions have now been placed on the publication of such information.
- v. Nations have also legislated laws concerning restriction to the internet, such as the India’s Information Technology Act 2000, which allows the central Indian government to block internet access if the sovereignty of India or its integrity or its international friendly relations with other countries is in danger.<sup>8</sup> In Indonesia there is the Information and Electronic Transactions Law which restricts online content<sup>9</sup> and in Egypt, the Media and Press Law was recently amended to provide the country’s Supreme Court with the power to suspend any online website, blog or social media account which posts fake news.<sup>10</sup> Also, in Pakistan, there

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<sup>8</sup> Information Technology Act 2000. <https://www.indiacode.nic.in/bitstream/123456789/1999/3/A2000-21.pdf>.

<sup>9</sup> Information and Electronic Transactions Act 2008. [https://www.zaico.nl/files/RUU-ITE\\_english.pdf](https://www.zaico.nl/files/RUU-ITE_english.pdf).

<sup>10</sup> Regulating the Press, Media, and the Supreme Council for Media Regulation (SCMR), Law No. 180 of 2018.

are the Pakistan Telecommunication (Re-organization) Act 1996 and the Prevention of Electronic Crimes Act 2016, which provide greater control over digital content.

- vi. However, the right to freedom of expression again restricts governments from legislating laws that can effectively prevent the misinformation on the pandemic from spreading. There is no doubt that there have been health issues after vaccinations were given, such as the clotting of blood and as is the norm, people have taken to social media to express their anger.
- vii. Furthermore, it seems that the right to freedom of expression is a restriction for the existence of effective regulations against fake news due to the freedom being interpreted in an absolute or literal sense. As stated before, this freedom is not limited to ‘correct’ information and thereby is found to be an absolute freedom which individuals can enjoy.
- viii. But this should not be an acceptable explanation because even the tort of defamation, which restricts this freedom, is limited to the truthfulness of the statement published. If the statement is true, then regardless of the loss the individual suffers, the one having published the statement has not committed the said tort. Thus, if the spread of fake news is to be effectively regulated, the manner in which the right to freedom of expression is interpreted needs to be changed, from being an absolute freedom to a qualified one.

#### 4. Disinformation Campaign against Pakistan

##### a. International Disinformation Campaign

- i. On 09 December 2020 an extensive report was published by EU DisInfoLab, a Brussels-based non-governmental organization. The findings of the damning report show how 10 defunct yet UN-accredited NGOs were revived in order to influence the EU and the UN Human Rights Council. It also uncovered over 750 fake local media outlets and 550 domains across 119 countries used to spread disinformation.<sup>11</sup>
- ii. According to the Report, the anti-Pakistan media operation was launched by the Srivastava Group in 2005 and has been amplified by ANI (Asian News International) in recent years— that debilitated Pakistan’s image and internal issues internationally — such as minority rights

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<sup>11</sup> EU DisInfo Lab, *Indian Chronicles* (2020). [https://www.disinfo.eu/wp-content/uploads/2020/12/Indian-chronicles\\_FULLREPORT.pdf](https://www.disinfo.eu/wp-content/uploads/2020/12/Indian-chronicles_FULLREPORT.pdf)



and security and may have served as extensions and promoters of the Indian government's foreign policy objectives.<sup>12</sup>

- iii. This network apparently served interests in India in two ways. First, it amplified New Delhi's foreign policy ambitions and influenced decision-making at the UN Human Rights Council (UNHRC) and the European Parliament. Second, it cast Pakistan — and China to a lesser extent — in a negative light.<sup>13</sup>
- iv. CSOP was only one of dozens of organizations that were resurrected from dormancy for deployment as a proxy information tool against Pakistan. Entities apparently used to bring Pakistan into disrepute included NGOs such as Baluchistan House, Gilgit Baltistan Forum, Baluchistan Forum, European Organization for Pakistani Minorities, and the South Asia Democratic Forum. These UN-accredited NGOs worked in coordination with non-accredited think tanks and minority-rights NGOs in Brussels and Geneva, claimed the Report. Several of them were directly but opaquely created by the Srivastava group.<sup>14</sup>
- v. According to the report *“the Srivastava Family also created the EU Chronicle, a fake media outlet with counterfeit journalists. The EU Chronicle primarily claimed to cover European affairs. It also invited MEPs in individual capacities to write about developing world trends. However, the personal views expressed by the MEPs were distorted by the Indian Media that presented the ideas as the official narrative of the entire EU.”*<sup>15</sup>
- vi. Several NGOs were officially provided floor at the UN on behalf of the Human Rights Council. All these NGOs were tasked to lobby against Pakistan by highlighting fabricated incidents of human rights violations. This was done while sweeping the real happenings of human rights violations in Indian occupied Kashmir under the carpet.<sup>16</sup>
- vii. Indian networks — ANI, Zee News and New Delhi Times, as well as hundreds of their partners abroad specifically focused on Baluchistan, the Financial Action Task Force (FATF)

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

and religious minorities when reporting on Pakistan, serving as primary sources of information for their partners in Europe and the United States.<sup>17</sup>

- viii. According to the Report, SADF organized at least ten events such as demonstrations in front of the UN Broken Chair monument in Geneva, outside the UN headquarters in New York, events on Capitol Hill in Washington DC, or in front of Pakistan Embassy in Ottawa. Baluchistan House also organized conferences and events hosted in the European Parliament in Brussels and Strasbourg, with the help of parliamentarians such as Richard Czarnecki and Fulvio Martusciello.<sup>18</sup>
- ix. It was revealed that “*the Srivastava Group was already running reports of fake international media outlets and NGOs against Pakistan to sow seeds of hatred against the country when the Asian News International (ANI), the Indian press agency, joined in. The Srivastava Family created 550 fake online media outlets, from which ANI copy-pasted content.*”<sup>19</sup>
- x. India’s Republic TV and ZeeHindustan aired footage from a video game called Arma-3 and claimed that the visuals showed the PAF jet flying over Panjshar Valley on September 07, 2021.
- xi. Furthermore, on September 20, 2021, Indian television anchor Arnab Goswami alleged that Pakistan army was present at the fifth floor of the Serena Hotel in Kabul. This was later debunked when it was discovered that the Serena Hotel in Kabul only has two floors.<sup>20</sup>
- xii. On 13 September 2021, Ex Indian army officer shared pictures from a movie set and falsely claiming Pakistan’s presence in Afghanistan. The picture was of four Pakistani actors portraying Army officers.<sup>21</sup>

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<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> Dawn News, *India’s Goswami lampooned after claiming ISI agents are staying on 5th floor of two-story Kabul hotel* <https://www.dawn.com/news/1647245>

<sup>21</sup> Dawn News, *Ex- Indian army officer shares picture from movie set as ‘truth’ about Pakistan Army’s presence in Panjshir* <https://www.dawn.com/news/1645991>

- xiii. The Government of Pakistan issued a brief on September 23, 2021, with regard to the fake threat scenario regarding New Zealand's abandonment of the cricket series in Pakistan citing a 'security alert' they received from unknown sources. As per the brief, on August 19, 2021, a Facebook post was created under the fake name of Ehsan Ullah Ehsan (ex TTP/JuA spokesman) asking the New Zealand Cricket Board to not send theta to Pakistan as the ISKP has planned to target the New Zealand team.<sup>22</sup>
- xiv. Two days later, Abhinandan Mishra, Bureau Chief of the Sunday Guardian published an article called 'New Zealand Cricket Team may face terrorist attack in Pakistan' which was based on the fake Facebook post. The brief published by Pakistan said that Mishra was found to be in contact with Amrullah Saleh, ex Afghan Vice President. The brief also said that emails were sent to the family members of the New Zealand team threatening to kill members. After an investigation by Pakistan, the emails were sent from an associated device in India.
- xv. In October 2021, French News Channel, *France 24*, shared a clip which exposed fake news by the Indian media regarding the Pakistan Air Force (PAF) striking fights opposing the Talibann in Panjshir, Afghanistan, after their takeover of the country.<sup>23</sup>
- b. Local Misinformation Campaign:
- i. The local actors of disinformation and fake news in Pakistan are potentially equally destructive, and the same were further exacerbated during the COVID-19 pandemic. In mid-February 2020, a District Court in Chitral ordered the arrest of a local leader of the ruling Pakistan Tehreek-e-Insaf (PTI) for spreading fake news and causing panic amongst the masses. A Chinese national was working in a power project in the Drash town of the Lower Chitral district was hospitalized after he complained of abdominal pain. The PTI office-bearer allegedly spread a rumor through his Facebook account and claimed that the ailing Chinese citizen was suffering from coronavirus which created fears among the people.<sup>24</sup>

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<sup>22</sup> Mashable, *Indian disinformation campaign based on false threat alert led to nz-tour cancellation*  
<https://pk.mashable.com/sports/12386/indian-disinformation-campaign-based-on-false-threat-alert-led-to-nz-tour-cancellation>

<sup>23</sup>Express Tribune, *French Media Report exposes Indian fake news against Pakistan*  
<https://tribune.com.pk/story/2322979/french-media-report-exposes-indian-fake-news-against-pakistan-fawad>

<sup>24</sup> The News International, *PTI Leader Arrested for Spreading Fake News about Coronavirus spread* (2020).  
<https://www.thenews.com.pk/print/612806-pti-leader-arrested-for-spreading-fake-news-about-coronavirus-spread>.

- ii. In March 2020 the Sindh Government sent a letter to the Ministry of Interior seeking intervention “from the Federal Investigation Agency (FIA) to trace those who are spreading ‘fake and unsubstantial news’ through social media about ‘scores’ of positive cases of the virus in Karachi, triggering panic and fear in the people.”<sup>25</sup>
- iii. In March 2020 the police arrested a man in the major city of Lahore “for allegedly spreading fake news through social media about the novel coronavirus and creating panic among the masses.” A news channel reported that “the suspect was peddling fake news through social media citing that a family of his area has contracted coronavirus.”<sup>26</sup>

## 5. Countermeasures against disinformation taken by other Countries

- a. The countermeasures proposed by other nations can be classified into the following three types by examining what kind of legal regulation each country enforces: rules on content of media and platforms, subsequent sanctions against foreign state actors, and rules on anti-establishment speeches.
- b. Germany: the Network Enforcement Act (Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken, NetzDG), 2017, forces online platforms to remove posts that express obvious illegal contents based on German penal code, including mis-, dis-, and mal-information, within 24 hours or risk fines of €50 million. This act targets social networks with more than two million users such as Facebook, YouTube, and Twitter.<sup>27</sup>
- c. France: passed the law against the manipulation of information<sup>28</sup> in 2018 which gives authorities the power to remove fake content spread via social media and even block the sites that publish such content, as well as enforce more financial transparency for sponsored content in the three months before an election. It was created to enact strict rules on the media during electoral campaigns and, more specifically, in the three months preceding any election. As for television and radio, if the media for which the foreign country has the management rights is reporting fake news, the

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<sup>25</sup> Imran Ayub, *Sindh Seeks FIA Help to Stop Spread of ‘Fake’ News About Coronavirus*, Dawn News (2020). <https://www.dawn.com/news/1538411>.

<sup>26</sup> The News International, *Man Arrested For Sending Fake News About COVID-19* (2020). <https://www.thenews.com.pk/print/634614-man-arrested-for-sending-fake-news-about-covid-19>.

<sup>27</sup> The Network Enforcement Act (Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken, NetzDG), 2017. <https://germanlawarchive.iuscomp.org/?p=1245>.

<sup>28</sup> LOI organique n°2018-1201 du 22 décembre 2018 relative à la lutte contre la manipulation de l’information. <https://www.gouvernement.fr/en/against-information-manipulation>.

authorities may order the broadcast to stop. The legal regulation of the content of traditional media or SNS in terms of information disorder, including disinformation, is becoming increasingly common. However, due to its legal character, this type of regulation is sometimes criticized for violating freedom of expression.

- d. United States: The Executive Order 13,848 (Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election) allows US to impose sanctions on foreign individuals (i.e. frozen sanctioned persons' assets in the United States and barred them from doing business with American citizens) if it is established that they interfered with the vote or the alteration of the aggregate election results.<sup>29</sup>
- e. Russia: In 2019, Russia passed two laws i.e. Federal Law on Amending Article 153 of the Federal Law on Information, Information Technologies and Protection of Information, and Law on Amending the Code of Administrative Violations which bans the dissemination of wrongful information. Wrongful information refers to information that the government has deemed to be false; information that is judged to fuel feelings of hostility, hatred, or malice between groups due to the threat to national security or the threat of public welfare; and false information that may affect the outcome of an election or undermine public confidence in the government's ability to perform its duties. Platformers are obliged to post corrections and remove content that the government determines to be false, and the government has the authority to order the company to block accounts that spread false information. If the government finds that false information is shared maliciously, the spreader could face either fine of \$73,000 or 10 years in prison. Furthermore, any act of disseminating information that represents disrespect to Russian society, government, government symbols, constitutions, and ministries is considered illegal.
- f. Taiwan: the Anti-Infiltration Act 2020 prevents foreign hostile forces from interfering in Taiwan. The law prohibits political donations and campaigning for elections under the direction, commission, and financial support of foreign hostile forces, thereby spreading disinformation and obstructing legal demonstrations. This law imposes five-year imprisonment or a fine of five million Taiwanese dollars on any miscreant who violates the results. It does not regulate the distribution of

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<sup>29</sup> Executive Order 13848 of September 12, 2018. <https://www.federalregister.gov/documents/2018/09/14/2018-20203/imposing-certain-sanctions-in-the-event-of-foreign-interference-in-a-united-states-election>.

information since the authorities impose sanctions after the interference of foreign powers is found and upon investigation.<sup>30</sup>

- g. Singapore: the Protection from Online Falsehoods and Misinformation Act (POFMA) 2019 makes it an offence to intentionally communicate a false statement of fact, with the knowledge that it would cause the harms listed, to make or provide tools (bots) or services (trolls) for the same, provided for various Directions such as requiring people or Internet platforms to carry corrections alongside content deemed false.<sup>31</sup>

## 6. Countermeasures against disinformation taken by Pakistan

- a. The Government of Pakistan recently passed a new set of regulations that aimed at giving the Government more control over how citizens can use social media. The Citizens Protection (Against Online Harm) Rules, 2020 oblige social media platforms like Facebook, Twitter and Google to block or remove posts that are considered objectionable by the Government. The Government can also acquire data and information from the companies.
- b. Officials maintain that the regulations will help them monitor and mitigate online content that has to do with "terrorism, extremism, hate speech, fake news, incitement to violence and national security."
- c. Social media companies will also be required to set up a physical presence in the country and appoint a contact person who will report to a "National Coordinator" at Pakistan's Ministry of Information and Telecommunications.
- d. Pakistan asked Twitter to take "immediate action" against accounts spreading false information against the country. The development comes amid absurd claims by prominent handles on social media as well as mainstream news media from India of a "civil war-like" situation in the southern metropolis of Karachi
- e. The Ministry of Information Technology recently passed the new social media rules which allow the telecom regulator to block any website or platform on the directives of court and federal government or under any law. The new rules which are called the Removal and Blocking of

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<sup>30</sup> The Anti-Infiltration Act 2020.  
[https://www.mac.gov.tw/en/News\\_Content.aspx?n=2BA0753CBE348412&s=88E5E1EF1343B1B8](https://www.mac.gov.tw/en/News_Content.aspx?n=2BA0753CBE348412&s=88E5E1EF1343B1B8).

<sup>31</sup> The Protection from Online Falsehoods and Misinformation Act (POFMA) 2019.  
<https://www.pofmaoffice.gov.sg/regulations/protection-from-online-falsehoods-and-manipulation-act/>.

Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2021 have been framed under the Prevention of Electronic Crimes Act (PECA) 2016.<sup>32</sup>

- f. Besides ensuring that content that contains hate speech, and anti-national security propaganda, the rules also relate to any fake or false information that threatens public order, public health, and public safety.<sup>33</sup>

## 7. Suggested Regulatory Mechanism

### a. General Principles and Objectives

- i. In order for the general public to assess the content they access online and to expose possible manipulation of information, it is important to improve the transparency of the origin of information and the manner it is produced, sponsored, disseminated and targeted.
- ii. It is critical to promote diversity of information by providing support to high quality journalism, media literacy, and recalibrating the equilibrium of the relationship between information creators and distributors. This allows the general public to make informed decision based on critical thinking,
- iii. There is a strong need to foster credibility of information. This can be done by providing an indication of the trustworthiness of information with the help of trusted flaggers, and by improving the traceability of information, and authentication of influential information providers.
- iv. Effective long-term solution relating to information involves developing inclusive solutions. This require raising awareness, improved media literacy, broad stakeholder involvement and the cooperation of public authorities, online platforms, advertisers, trusted flaggers, journalists and media groups.
- v. Another option that can be possibly explored is the establishment of a special task force to prevent disinformation campaigns. In 2018, A. Such a task force was established in Australia

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<sup>32</sup>The Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2021 [https://moitt.gov.pk/SiteImage/Misc/files/Final%20Draft%20Rules%20-%20RULES%20FOR%20REMOVAL%20AND%20BLOCKING%20OF%20UNLAWFUL%20ONLINE%20CONTENT%20\(PROCEDURE%2C%20OVERSIGHT%2C%20AND%20SAFEGUARDS\)%20RULES%2C%202020.p df](https://moitt.gov.pk/SiteImage/Misc/files/Final%20Draft%20Rules%20-%20RULES%20FOR%20REMOVAL%20AND%20BLOCKING%20OF%20UNLAWFUL%20ONLINE%20CONTENT%20(PROCEDURE%2C%20OVERSIGHT%2C%20AND%20SAFEGUARDS)%20RULES%2C%202020.p df)

<sup>33</sup> *ibid*

in 2018 called the Australian Electoral Integrity Assurance Task Force whose mission is to protect Australia's democracy against malicious cyber activity, electoral fraud, foreign interference and disinformation.

b. Transparency:

- i. Significantly improve the scrutiny of advertisement placements, notably in order to reduce revenues for purveyors of disinformation, and restrict targeting options for political advertising;
- ii. Ensure transparency about sponsored content, in particular political and issue-based advertising; this should be complemented by repositories where comprehensive information about sponsored content is provided, such as the actual sponsor identity, amounts spent and targeting criteria used. Similar mechanisms should be put in place so that users understand why they have been targeted by a given advertisement;
- iii. Intensify and demonstrate the effectiveness of efforts to close fake accounts;
- iv. Facilitate users' assessment of content through indicators of the trustworthiness of content sources, based on objective criteria and endorsed by news media associations, in line with journalistic principles and processes, transparency regarding media ownership and verified identity;
- v. Dilute the visibility of disinformation by improving the findability of trustworthy content;
- vi. Establish clear marking systems and rules for bots and ensure their activities cannot be confused with human interactions;
- vii. Empower users with tools enabling a customized and interactive online experience so as to facilitate content discovery and access to different news sources representing alternative viewpoints; provide them with easily-accessible tools to report disinformation;
- viii. Ensure that online services include, by design, safeguards against disinformation; this should, for example, include detailed information on the behaviour of algorithms that priorities the display of content as well as development of testing methodologies;



- ix. Provide trusted fact-checking organisations and academia with access to platform data (notably via application programming interfaces), while respecting user privacy, trade secrets, and intellectual property; this will enable them to better understand the functioning of related
  - x. Algorithms and better analyse and monitor disinformation dynamics and their impact on society.
- c. Fact Checkers and Expert Groups:
- i. Hire Fact checkers who continuously monitor the scale, techniques and tools, and the precise nature and potential impact of disinformation, identify and map disinformation mechanisms that contribute to digital amplification, contribute to the development of fair, objective, and reliable indicators for source transparency and share knowledge with news media, platforms and public authorities to enhance public awareness about disinformation.
  - ii. Creation of a high-level expert group on fake news, composed of representatives of civil society, social media platforms, news media organisations, journalists, and academia.
- d. Journalists and Media Literacy:
- i. Promote media and information literacy to counter disinformation and help users navigate the digital media environment and highlight best practices, in particular at regional and national level.
  - ii. Develop tools for empowering users and journalists to tackle disinformation and foster a positive engagement with fast-evolving information technologies;
  - iii. Safeguard the diversity and sustainability of the Pakistani news media ecosystem, and
  - iv. Promote continued research on the impact of disinformation in Europe to evaluate the measures taken by different actors and constantly adjust the necessary responses.
- e. Social Media:
- i. A high-level control over social media such as licensing and registration of real identities with service providers and varied levels of transparency requirements for social media platforms.

- ii. Identification of social media accounts of candidates and a preapproval of political campaigns which are to be transmitted through social media websites.
  - iii. Blockage or removal of posts that contain illegal content and which pose a threat towards a country's national security and promote rioting, hatred, racism, sectarianism.
  - iv. Digital educational programs including the issuance of handbooks and social media advertising campaigns to raise awareness of the responsible and critical use of online election information.
  - v. Raising awareness of disinformation through seminars, conferences and media briefings.
  - vi. Produce and distribute myth busting and awareness-raising materials, drawing on both academic and institutional expertise.
- f. Use of New Technology:
- i. Artificial intelligence, subject to appropriate human oversight, will be crucial for verifying, identifying and tagging disinformation.
  - ii. Technologies for media to enable customizable and interactive online experiences can help citizens discover content and identify disinformation.
  - iii. Innovative technologies, such as blockchain, can help preserve the integrity of content, validate the reliability of information and/or its sources, enable transparency and traceability, and promote trust in news displayed on the Internet. This could be combined with the use of trustworthy electronic identification, authentication and verified pseudonyms.
  - iv. Cognitive algorithms that handle contextually-relevant information, including the accuracy and the quality of data sources, will improve the relevance and reliability of search results.
- g. Other Initiatives:
- i. Criminal Sanctions and Penalties such as imprisonment or fines for spreading disinformation that may aid a foreign state actor to influence public opinion or disturb public order.

- ii. Additional government actions against the spread of disinformation include the adoption of a special digital charter and implementing strategies to inform candidates, organizations, and elections officials if they have been the known targets of an attack.
- iii. Protect the integrity of elections through improved coordination of election authorities, strengthen preparedness and resilience towards cyber threats and through boosting transparency.



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