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Overview of Internet Content Regulations in Norway and Pakistan

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Foreword

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Abstract

Using Norway and Pakistan its case, this dissertation discusses various online content regulations and their impacts on free speech. Theoretically, internet regulations were introduced to control hate speech, blasphemous and abusive content in Norway and Pakistan. However, authorities, especially from Pakistan, are criticized for misusing these regulations. This thesis looks at various content regulations and further examines how the authorities have misused them to suppress freedom of speech, specifically in Pakistan. This qualitative research brings forth several examples from Pakistan where dissent voices, journalists, activists, and political opponents suffered harassment under internet regulatory laws. Considerably situation remains completely different in Norway, where free speech is guaranteed in the presence of internet rules and laws. In Pakistan's case, where the internet regulatory laws are exploited, independent rights watchdog observe that it is both due to lack of a solid political structure and strong presence of radical Islamist in legislative assemblies. The dissertation applies a historical analysis discussing how media in Pakistan and Norway developed. Later authorities established regulatory bodies to control online and print media and gave extensive powers to these bodies to censor any content characterized as blasphemous, hateful, derogatory, and abusive. The current research project applies Freedom of Speech theory through the case of Norway and Pakistan, two politically and culturally different states. Norway has an active media policy where state regulations are introduced to improve free speech; on the contrary, Pakistan's laws are designed to control free speech. The study further employs a qualitative content analysis approach, emphasizing document analysis of a vast data set. The document comprises the provision of the constitution of the Kingdom of Norway and the Islamic Republic of Pakistan dealing with online content and reports from well-reputed independent internet rights watchdogs. The research reveals that the state firmly controls the internet in Pakistan through aggressive and internet unfriendly laws that encourage self-censorship and fear among journalists, activists, and opposition members. It is not the case in Norway. Thus, I proposed that internet rules are not always repressive and do not necessarily undermine speech. I argue that internet rules should be in place to make the internet safer. Norway is an example. The research concludes that internet regulations are important that can help circumvent hateful speech, glorification of terror acts, and abusive contents online.

Acronyms

EU	European Union
PTA	Pakistan Telecommunication Authority
UDHR	Universal Declaration of Human Rights
EJC	European Journalism Centre
HRCP	Human Rights Commission of Pakistan
INGOs	International non-governmental organizations
OSCE	Organization for Security and Co-operation in Europe
PECA	The Prevention of Electronic Crime Act
NESH	National Committee for Research Ethics in the Social Science and the Humanities
PEMRA	Pakistan Electronic Media Regulatory Authority
NMA	the Norwegian Media Authority
EIU	The Economist Intelligence Unit
CPJ	Committee to Protect Journalist
ISI	Inter-Service Intelligence
PTI	Pakistan-Tehreek-e-Insaf
ODIHR	Office of Democratic Institution and Human Rights
SIAN	Stop Islamization of Norway
NRK	Norwegian Broadcasting Corporation
VAT	Value Added Tax
ICCPR	United Nations International Convention on Civil and Political Rights
ECHR	European Convention on Human Rights
EEA	European Economic Area

NCIS	National Criminal Investigation Services
CSAADF	Child Sexual Abuse Anti Distribution Filter
ISPs	Internet Service Providers
ECRI	European Commission against Racism and Intolerance
MOITT	Ministry of Information Technology and Telecommunication
ICT	Information and Communication Technology
NAP	National Action Plan
APS	Army Public School
FIA	Federal Investigation Agency
UN	United Nation
URL	Uniform Resource Locator
HTTP	Hypertext Transfer Protocol
HTTPS	Hypertext Transfer Protocol Secure
IT	Information Technology
IMCEW	Inter-Ministerial Committee for the Evaluation of Websites
PPP	Pakistan People’s Party
LHC	Lahore High Court
PML-N	Pakistan Muslims League – Nawaz
AWP	Awami Workers Party
VPN	Virtual Private Network
VOA	Voice of America
PTM	Pashtun Tahafuz Movement
TLP	Tehreek-i-Labbaik Pakistan
MQM	Muttahida Qaumi Movement
OTTs	Over-the-top media services
LDO	The Gender Equality and Anti-Discrimination Ombud

LGBT

Lesbian, Gay, Bisexual, and Transgender

Chapter 1: Introduction

With its inception in the early 1990s, Internet has been considered as a mean of democratic communication. It facilitates the two-way flow of information simultaneously among various users. Moreover, the Internet helps create virtual space, allowing communities to interact globally, shedding the hurdle of boundaries, which makes the Internet a new tool in designing local and global social movements. It is participatory, and its networking nature makes it an ideal tool for free and democratic communication (Rønning & Kierulf, 2009, p. 12).

Meanwhile, the Internet also allows humankind to express themselves freely, which has been the most significant contribution of the Internet, mainly due to social media. The Internet has revolutionized the mechanism of expressing oneself in a free and liberated fashion, and more recently, with the birth of social media, people across the globe have been provided with an opportunity to express themselves freely, and this is only applicable in the cases of people who enjoy Internet access. However, history has witnessed that introduction of modern technologies has brought significant benefits, and at the same time, it has also introduced certain risks (Livingstone & Haddon, 2009).

A similar case has been with the modern phenomena of the Internet, where equipping humankind with modern freedom of expression has also been a tool of hatred, extremism, terrorism, and suppression. In the wake of these challenges, on May 15th, 2019, Emmanuel Macron, the French President and New Zealand Prime Minister, Jacinda Ardern, led the Heads of states and tech leaders from across the world in Paris to discuss regulatory issues and have made commitments to develop online content regulations (Christchurch Call: To Eliminate Terrorist and Violent Extremist Content Online, 2019). Pakistan is not an exception, and the country's ministry of information has introduced several cyber laws in recent years to control the spread of hatred, blasphemy, and extremism on online platforms (Guramani, 2019).

Likewise, Norway is doing the same: regulating the Internet to prevent hate and extremism. Although both these countries are poles apart. From geographical differences to political differences, Pakistan and Norway differ in the cultural, social, and economic outlook and structure. Similarly, both countries have different media and freedom of speech standards, illustrated in the Freedom of Net report 2018 ranking, where Norway tops the list. Pakistan, it is ranked among the worst (Freedom on the net, 2018). The ranking suggests differences

between Pakistan and Norway's online content regulation, which remains the objective of this paper. To understand how the online regulations can guarantee the principles of free speech, I apply freedom of speech theory and theory of freedom of expression for the information society followed by a document analysis approach. I believe restricting online content from digital platforms will not impact freedom of expression, but it will strengthen it and makes internet more secure until it does not violate fundamental human rights. Thus, I will analyze the differences in online content regulation standards between Pakistan and Norway in this research to see how such measures impact the freedom of speech in both countries.

1.1 Research questions

To investigate how the online regulations can protect free speech, I have formulated the following research question.

- 1- How are Norway and Pakistan working to regulate online content in their respective countries? Additionally, do these online regulations have any impact on freedom of speech?

In order to answer the following research question, I aim to study how online content is regulated in Norway and Pakistan and how such regulatory measures in these countries have impacted or protected freedom of speech.

1.2 Aim and Scope of the Research

The study explores how internet content regulation can be in place while also protecting principles of freedom of expression. This study applies a qualitative approach to investigate the internet regulations in Norway and Pakistan that are assumed to impact information's online circulation. The study takes a content analysis approach by analyzing internet laws, introduced to control hate speech, counter-violence, extremism, and online contents, deemed threatening to public life and security. Exploring online regulations' impacts in managing hate speech on online platforms and its potential effects on freedom of speech in both countries does not fully capture all the cybersecurity laws introduced in Norway and Pakistan.

However, it is pertinent to mention here that the cybersecurity laws introduced to control online harm can be misused to silence critics and dissent voices, which has been observed in Pakistan. This study brings forth several examples from Pakistan where journalists and activists who dissent to government narratives have faced persecution and legal charges under

Pakistan's cybercrime law. Hence, it is easy to assume that how cybersecurity laws introduced to control harmful content are widely misused to circumvent dissent voices in Pakistan. As a result of such tactics, [using cybersecurity laws to silence dissent voices online] internet freedom has drastically declined in Pakistan, according to a 2019 report by Freedom House (2019).

In contrast, measures adopted by the Norwegian government over time to regulate the Internet seem to have helped strengthen the fundamental principles of free speech. Freedom House classes Norway among the world's freest countries with a total score of 100 out of 100 (Freedom in The World 2020: Norway, 2020). In its annual report in 2020, Freedom House noted that civil liberties are protected in Norway with a free press and vibrant civil society actors that can hold the government accountable. Such measures for online content regulations are further explained in detail in chapter 5.

The researchers, academicians, and human rights bodies from and outside of Pakistan have widely criticized the state's online regulatory laws. But there is not much discussion on how the government should use these laws to protect the principles of free speech and control online content. In this thesis, I describe how are Norway and Pakistan working to regulate online content. The study analyses how Pakistan has misused these laws to suppress freedom of speech based on reports of international democracy watchdogs like Freedom House and Human Rights Watch. In contrast, the situation remains very much different in Norway despite the presence of online laws. It is easy to make sense of how and why hybrid regimes misuse cybersecurity laws, which are meant to defend individual freedom. This study takes into account various literature and documents. Discussing online contents of two different states, which are different in terms of democracy and culture, is for the Pakistani civil society's benefit, who can learn from democratic nations like Norway. If less freed countries like Pakistan follow the small nations like Norway, and their democratic norms, it will potentially be a productive step toward safeguarding the basic principles of freedom of speech.

1.3 Debate about regulating internet content

With the introduction of the Internet in the 1990s, the modes and means of communication excelled. The use of this innovative communication without respecting boundaries essentially started influencing societies across the world. Moreover, a variety of content, including sexually explicit and harmful to children, were accessed easily. Such large availability of

content with a possible negative impact on society initiated a 'Moral Panic.' Such panic was shared mainly by Governments, States, civil institutions, and concerned citizens in different parts of the world. (Akdeniz, 2010; Koltay, 2019).

Before the 1990s revolution of the Internet, the content was restricted in a closed boundary and was under the control of States. Moreover, the transmission, although through audio-visuals or the medium of paper-based publications, the scope was limited to a specific geographical area or within community debates and rallies. Thus, the published content was available areas, and the public discussions and disputes following the content also remained limited to distinct geographical regions. (Akdeniz, 2010).

Nonetheless, the contemporary era of the Internet and information has surpassed the limitation of contents within a defined geographical territory. With the advancement of digital transmission, the Internet and content availability do not mainly respect the national rules and geographical boundaries. Content sovereignty and globalization come with an increased rate of multilingualism observed and practiced in various countries. The massive popularity of applications like; Twitter, YouTube, and Facebook have successfully eradicated the virtually recognized international borders. In addition to Web 2.0 applications, these services have originated a public sphere of a global stature (Akdeniz, 2010).

The developing role of the Internet and the freedom of content have made things more complicated. The states now face multifaceted issues while creating an appropriate balance between the universally recognized freedom of expression and opinion and prevention of such contents, categorized as illegal by the intergovernmental organizations and nation-states. As the Internet has dramatically expanded throughout the world, users have also increased, making it more important for governments and other international bodies to focus more on content regulation (2010). The states around the globe share a feeling that they need to develop a mechanism that can react to the Internet, which now has transformed into a gigantic communication and media stage. As per the governments, the developed infrastructure of the Internet needs protective measures and widespread content via the availability of the Internet, which also needs equal attention, thus justifying content regulation. The recent years have demonstrated that Internet usage has dramatically increased, which directly increases the content making the state obliged to regulate online content and the Internet (Akdeniz, 2010).

Following the increment and dissemination of unwanted and illegal content, several nation-states across the globe have introduced legal means to curb unlawful content. More importantly, these legal provisions have been introduced against Child pornography, hate

speech, terrorist propaganda, racism, and such content that directly propagates hate and violence. Furthermore, states have also introduced lawful means to restrict contents that are critical of government and business practices, including content against state secrets (Akdeniz, 2010).

Nevertheless, the criteria for categorizing any content as illegal and harmful vary from State to State. The states define any content as dangerous or unlawful, keeping its historical background, societal values, morality, cultural norms, and constitutional standards. Many firms believe that any content that is termed illegal and harmful on an offline platform must be treated in the same manner if found on online venues (Akdeniz, 2010).

Nonetheless, multiple features of the Internet affect the approaches of its governance. Even though the boundaries and rules are present, the implementation of law, practices and online content regulation develops to be problematic and complex. Although the laws against the dissemination and publication of some content are present, the problem arises from extraterritoriality. Because the host is not in the domain of their rule. Thus, jurisdiction remains the main hurdle in government efforts of the regulation (Akdeniz, 2010).

It is certain that with the advancement of the Internet, various problems and challenges have been generated for governments across the world, and these challenges become more evident when the regulation of online content is analyzed. For instance, states adopt blocking access when respective governments do not reach the perpetrators, which do not fall under their legal domain. Moreover, conditions also apply the same design when its request for obstruction of such content is either rejected or ignored by the content providers or host and, even in some cases, the law enforcement bodies of foreign territories (Akdeniz, 2010).

The Internet is a double-edged tool that can be beneficial and risky at the same time. For example, it can be an excellent medium for the promotion of democracy and democratic values. Still, at the same end, it has the potential to create risks and act as a controlling tool utilized to control democracy. Similarly, the same technology used to disseminate discourses can be equally used for information censorship, surveillance of online activities, and manipulating and managing certain behaviors. Even though the Internet architectures do not determine its utility, it's clear that the Internet remains a neutral force before the humans who can control it (Laidlaw, 2015). Kofi Annan, the former Secretary-General of United Nations, remarked in 2003, "While technology shapes the future, it is people who shape technology and decide to what uses it can and should be put" (Laidlaw, 2015). Apart from this, terrorism remains the primary justification for restricting online speech throughout different societies (Palfrey, 2010).

Although the motivation of states behind the restrictions on the online content is aimed to curb illegal and harmful content is out of genuine concern to protect their citizens. Still, there has been a significant number of cases where such policies have negatively impacted the free flow of information and the right of freedom of speech.

The debate about regulating internet content has been around the corner for a very long time. From state representatives to representatives of social media platforms, leaders have debated concerns about internet content regulation. The Founder and the Chief Executive of Facebook, Mark Zuckerberg, in his opinion article published in the Washington Post on March 30th, 2019. Zuckerberg wrote that the Internet needs new rules and further notes that: "I believe we need a more active role for governments and regulators. By updating the rules for the Internet, we can preserve what's best about it — the freedom for people to express themselves and for entrepreneurs to build new things — while also protecting society from broader harms" (Zuckerberg, 2019). In this article, Mark Zuckerberg recommends that governments play more active roles in regulating the Internet, which will help protect societies from harm while preserving the right to express themselves freely (Zuckerberg, 2019).

Other than this, European Union (EU) President Ursula Von der Leyen (2021) called for safer social media while addressing at World Economic Forum. She said that social media must not be allowed to destroy democracy and further states that "what is illegal offline should be illegal online too. We want the platforms to be transparent about how their algorithms work because we cannot accept the decisions that have a far-reaching impact on our democracy are taken by computer programs alone" (Leyen, 2021). She added that internet companies should take responsibility for disseminating, promoting, and removing content (2021).

Ursula also informed that the EU proposes a new law requiring tech companies to explain their algorithms that takedown contents and be transparent about advertising and data sharing with rivals and regulators. She explained why we need to regulate digital companies, as she said, "we need to contain this immense power of the big digital companies because we want the values, we cherish in the offline world also to be respected online" (Leyen, 2021).

Additionally, the debate about internet content regulation in Pakistan has been a frequent phenomenon. In a recent briefing to Senate- Pakistan Upper House- Special Committee, Maj General Azeem Bajwa (R), Chairman Pakistan Telecommunication Authority, (PTA), remarked, "Dealing with blasphemous content on social media is a huge problem. Most of the websites are being operated by other countries. Therefore, the government should either

formulate a policy and block social media websites in the country like China and the United Arab Emirates — which would mean developing social media platforms locally like China — or it should increase the technical capabilities of the PTA" (Guramani, 2019). He further suggested blocking blasphemous content on various international social media platforms; mutual legal assistance treaties should be signed with other countries. Moreover, social media platforms operating outside Pakistan should recruit their representatives in Pakistan (Guramani, 2019). However, PTA, in a press release issued in the same evening, that the reports of PTA's comments regarding social media and blasphemous content "are being misquoted and taken out of context" (Guramani, 2019).

Similarly, Erna Solberg, Norwegian Prime Minister, in her speech after the Christchurch call Action-meeting, remarked: "Unfortunately, Norway has once again experienced the violence and hatred that online radicalization breeds. The young terrorist who attacked a mosque in August claims to have been inspired by the Christchurch attack. He also intended to stream the attack live on social media. One person was killed. The intention was to kill many more. So, where does this leave us? The recent attack in Norway has shown that we need efforts that specifically address the unfounded hatred towards Muslims" (Solberg, 2019). Prime Minister Erna Solberg further said that "Terrorism researchers tell us there seems to be a clear connection between atrocities and the media coverage they get. We have to recognize: Terrorism is, fundamentally, a violent communication strategy. The challenge that remains is the unorganized media - that rejects the self-governing, ethical system - and that is both sensationalist and often conveyors of fake news" (Solberg, 2019).

Norway has shown that having a controlled media system without limiting freedom of speech is possible as they have given complete editorial independence. In the meanwhile, Pakistan is among the worst in the category of freedom of speech as the ruling governments have widely misused the laws to control the press over the years. However, regulating the Internet is different from traditional media and every country have their own rules and regulations. Moreover, in the contemporary arena, specific legal provisions are under development, generating controversies in the recent past (Akdeniz, 2010). Therefore, this study focuses on content regulation and legal requirements introduced or followed in Pakistan and Norway.

1.4 Structure of the Thesis

This research consists of six chapters. The main theme I attempted to study in this thesis is internet regulations in Norway and Pakistan and their impacts on freedom of speech. Content

regulations or internet regulations refer to various cyber laws introduced by the respective states to control content categorized as child pornography, hatred, derogatory, violent extremist, and blasphemous.

Chapter 2 discusses the theoretical framework of the research and explains the Freedom of Speech theory from the perspectives of this study, the internet regulations, and its possible impacts on free speech. Several paradigms of analyzing internet regulations in the context of human rights are also discussed.

Chapter 3 presents the research design for this study, starting with an introduction to the qualitative research method used for this study. The primary research technique for this dissertation is qualitative content analysis, which establishes the backbone of the method section. The researcher also discusses ethical issues pertaining to this research, for example, the language barrier. The limitations, reliability, and validity of the findings and ethical considerations are also discussed in this chapter.

Chapter 4 provides a historical overview and the current media landscape of Norway and Pakistan. The mechanism used for media regulations is discussed. The chapter also examines the threats to media practitioners and internet users from state and non-state actors in Pakistan. Moreover, it analyses the subsidies the Norwegian government provides to media and illustrates editorial independence.

Chapter 5 provides a detailed analysis of the impact of internet regulations on free speech in Norway and Pakistan, especially after introducing two strict laws in 2016 and 2020 in Pakistan. To understand the implications of internet regulations in Norway and Pakistan, the researcher studies and analyses many regulations and documents studied and analyzed in this chapter. To better understand media history and regulations in Norway and Pakistan, one may refer to Chapter 4. However, to understand the internet regulations and their impact on free speech, chapter 5 presents some internet regulations comparing it with reports from independent right bodies working to promote free speech on online platforms.

Chapter 5 attempts to draft an account of the internet regulations in Norway and Pakistan their impacts on free expression. Meanwhile, Chapter 6 deals with the conclusion of this study, where a summary of the research is presented.

Chapter 2: Conceptual framework

This research will use critical fundamental theories, such as freedom of speech theory and its limits, along with the theory of freedom of expression for the information society. Initially, I study the theoretical framework and after that I review it within the context of Internet censorship.

2.1 Freedom of speech

Addressing a project covering the online content regulations in two politically and culturally different states requires a theoretical framework. The framework should cover various aspects that must fit the past scenario and the current situation of free speech in both countries. The conceptual framework for this project analyses the actions taken by Norway and Pakistan to regulate the Internet and control online abuses. One argument is that internet rules may be misused to suppress part of the truth. The conceptual framework for this project is comprehensive, as the main agenda of this research is also comprehensive; thus, an analysis of online regulations in Norway and Pakistan from Thomas Scanlon's (1972) "Theory of Freedom of Expression" is chosen. Scanlon's main argument is that the fundamental principle of expression is not concerned with what actions are or are not protected. Still, Scanlon rather questions the legitimacy of justifications for restricting free speech. Some internet rights groups have raised serious concerns about Pakistan's Prevention of Electronic Crimes Act, 2016, a law that criminalizes any speech characterized as "blasphemous" and against the state's sovereignty. The conceptual framework of freedom of speech can be traced from the more general and broader term of "Freedom of Expression." Thomas Scanlon's (1972) argument of limiting free speech and justifying the act has a generic nature beyond the traditional limitation of publication and speech. Thus, such a broad definition can also include refraining and displaying exhibited symbols, art performances, blogging, drawing, tweeting, sit-ins, demonstrations, strikes assembling, and any such act or illustration to convey a particular message (Scanlon, 1972).

One of the vital documents which act as a pillar of the modern-day freedom of speech right is the Declaration of the Rights of Man, during the French Revolution of 1789.

Article 4 states that, liberty consists of the freedom to do everything which injures no one else (Al-Saqaf, 2014). Thus, each man can exercise natural rights without any limitation until and unless it also assures the other members of society to enjoy similar privileges. However, such restrictions can only be determined legally (Al-Saqaf, 2014).

Another equally important declaration is the Universal Declaration of Human Rights, which was declared after the Second World War by the United Nations General Assembly meeting on December 10th, 1948, in Paris (1948). The declaration is commonly known as UDHR. The declaration directly refers to the freedom of expression in article 19. Everyone has the right to freedom of opinion and expression. This right includes the freedom to hold opinions without interference and seek, receive, and impart information and ideas through any media and regardless of frontiers (Universal Declaration of Human Rights, 1948).

2.2 Freedom of speech theory

John Milton, the famous English author, was one of the 17th-century forerunners who called for the practice of the right of free speech and the elimination of censorship (1873). In his world-famous 1644 "Areopagitica," speech called for the protection of free speech from all forms of censorship as freedom of speech helps to highlight societal issues which need to be brought up (Milton, 1873).

Nevertheless, the significant contribution in promoting freedom of speech had taken place in the United States, where the freedom speech theory developed. People like James Madison (1962) initiated debates revolving around the right of freedom of speech. They highlighted the need for the political independence of speech, which would help in exposing the faults within the government and creates a mechanism through which a check and balance can be maintained on the government and its policies (Madison, 1962).

One of the new freedoms of speech theoreticians, Thomas Emerson (1963), precise the freedom of speech functionality into four fundamentals. The first function is to assure self-fulfilment of the individual, which recognizes the right of all individuals to be a member of society and is a social animal that enjoys the right to express or form opinions and views (1963, pp. 879-880). The second element of freedom of speech functionality is that the best possible way for the advancement of knowledge and discovery of truth is ensuring freedom of speech as a rational judgment could be reached out by considering all arguments despite being unusual as no opinion could be infallible (1963, pp. 881-882). Thirdly, the practice of free speech ensures political participation in decision-making, where every individual feels free to express his/her opinion. For instance, in elections, such freedom is practised through

democratic participation. (Emerson, 1963, pp. 883-884). Lastly, freedom of speech acts as an equilibrium between steadiness and change by permitting individuals to have the liberty of discussing social issues; proposing solutions; being flexible to the changing environment, creating environment political unity and solidarity; stopping matters related to social control as groups cannot triumph over other groups (Al-Saqaf, 2014). Conclusively, Emerson's theory covers many values of freedom of speech which have been advocated by the prominent proponents of freedom of speech. Thus, his theory plays a vital role in this research through which the need for freedom of speech could be justified for both Pakistani and Norwegian society. All the four-fundamental functionality of freedom of speech outlined by Thomas Emerson has led governments in third world countries, including Pakistan, to enforce coercive controls on free speech, especially online, to an unparalleled scale. Be it the right to be a member of society or online dissent group, discover the truth, political participation, or discuss social issues on the Internet considered taboos such as asking questions about religion and sex. Compared to Pakistan, the Norwegian society has the right to these four functionalities of freedom of speech, as summarized by Thomas Emerson. However, in some places, the members of the Roma community are discriminated against, and they do not have equal access to education and employment. The same goes for asylum seekers, where the number has declined, according to Freedom House (Freedom in The World 2020: Norway, 2020).

2.3 Limits on freedom of speech

Despite the vital role the practice of freedom of speech plays for a society's well-being or an individual, the same can be abused in different periods. In the case of this research and significant proponents of freedom of speech have a general understanding that the generation, production, distribution, dissemination of hate full content, Blasphemous content, and such content which invokes violent behaviours could result in harm to an individual or society and thus should be restricted. Therefore, such arguments call for specific restrictions and limitations on speech (Warburton, 2009, p. 8).

There are several historical shreds of evidence, which advocated that unrestricted freedom of speech results in harmful reaction and thus a limit on the freedom has been agreed upon on the rationale of harm but without defining and settling the boundaries of harmfulness resulted in response to a freedom of speech (Al-Saqaf, 2014).

Absolutism can be generated from absolute freedom. For instance, Adolf Hitler, the German Chancellor, used the right of freedom of speech to end it and likewise used the process of

democracy to end democracy itself. In contemporary Europe, the major Fascist parties within Europe are again using the same strategy. One cannot utilize the freedom of speech to promote religious, ethnic, and racial hate (Sivanandan, 2006).

One classic example of historical prosecution based on censorship was the trial in 399 BC of famous Socrates. He was believed to be disseminating such ideas, which have contaminated and corrupted the youth of that ancient society. His trial and then his death on the charges of disseminating harm in society set the limitations of the freedom of speech. The jury in his trial found his ideas to be harmful, and thus his ideas should be censored, which called for his death, but Socrates preferred death to give up his teachings (Al-Saqaf, 2014).

Similarly, various writers have tried to sketch the limitation of freedom of speech. For instance, the Famous writer of 19 century John Stuart Mill in his outstanding essay "On Liberty" (1946), tried to draw the limitations on free speech by advocating the "Harm Principle." According to him, the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to Others (Mill, 1946).

Another prominent scholar who, following the work of Mill, Thomas Scanlon (A Theory of Freedom of Expression, 1972), introduced the term "Millian Principle." He used the Millian Principle to set the limitation in cases where the principle of harm could be measured in his career. According to him, these harms include: (a) harms to specific individuals, which consist of their coming to have false beliefs resulting from those acts of expression. (b) harmful consequences of actions performed as a result of those acts of expression, where the connection between the actions of expression and the subsequent dangerous act consists merely in the fact that the act of expression led the agents to believe (or increased their tendency to think) these acts to be worth performing (Al-Saqaf, 2014, p. 77).

Scanlon further argued that the censorship of freedom of expression should not be based on the difference of opinion or such opinion, which are against the government's opinion. Thus, censorship based on such grounds would be biased. Moreover, he argues that cases of censoring freedom of speech must come under the domain of invoking harm. For example, when a father asked his child or a military general to kill civilians (Al-Saqaf, 2014).

The Millian mentioned above principle is among the various other proposed limitations of freedom of speech developed over the years. It is common sense that no universally one-size-fits-all principle could be used to draw limitations to the freedom of expression and speech. However, the most important aspect in the context plays a crucial role in setting the constraints and restrictions of freedom of speech. Similarly, the justification used to set the

limitation of free speech could debate when it comes in conflict with another universally accepted right, which in a specific context is examined to be more valuable than the celebrated right of freedom of expression (Al-Saqaf, 2014; Scanlon, 1972).

Absolute freedom does not ensure security, and complete protection does not give liberation. Nonetheless, it is also not the case that with less security, we can have more freedom. Moreover, if repressive control and security measures are imposed, then an environment of resistance and aggression is created, which will help recruit extremist groups. In such a situation, security will be undermined. Therefore, the best possible strategy is to create something which is between freedom and security. Both cases: one in which every type of control is combated, or imposition of any form of control is not beneficial for the society. Thus, a balance between extremism, terrorism, and hate must be explored to establish a community that guarantees its citizen's integrity and the rule of law (Bjørge & Gjelsvik, 2015).

2.4 Freedom of expression theory in information society

While the Internet has transformed the world and provided almost 50% of the total world population a platform to exchange views and express themselves without any restriction, in the meantime, it has also enabled terrorists and extremists to glorify terrorist acts, incite the youngsters to commit crimes, launder money, share hatred and abusive content, and provide access to children to material considered inappropriate.

As the medium of communication changed, the fundamental principles of Freedom of Speech outlined no internet. The New Zealand Mosque attacker, thousands of miles away from Norway inspired by a Norwegian right-wing extremist, and online communication between terror outfits and potential recruits have widely exploited the same technology that has brought countless benefits to this world. Given the current circumstances, one may argue that regulating the Internet to counterterrorism and control the use of the Internet as a tool for spreading hatred might be the need for hours. However, like Lessig (2013) said, regulations must not protect an incumbent against competitors. Instead of suppressing the truth, the internet regulations must safeguard the internet world and make it a safer place. The information society can present a new and fresh theory of free speech given the innovation transformation brought by the changing social condition of speech. Such modifications have changed the focus of free speech (Balkin, 2004, p. 1). Such a theory would neither be competing with traditional free speech nor against it; it will strengthen the weak points and fill the gaps. The theory of freedom of expression for the information society was introduced

by Jack Balkin, with the realization with the transformations brought by the Internet, socially impact the practice of freedom of speech as the right becomes more and more relevant with creative innovation, interactivity, mass participation and nonexclusive appropriation (2004, p. 55). He further criticized and disapproved of the traditional free speech theory because he understands that the standard free speech theory was formulated for that time where the citizens were restricted to be passive recipients, spectators, and consumers. Nonetheless, through the Internet, citizens are now communicative and create content and are innovators to "route around and glom on" to the global media (Balkin, 2004, p. 43).

Balkin remarks that the Internet has allowed the citizen to encourage innovation in democratic culture by using old measures through new ways and even breaking the traditions, developing an innovative way of expression, and dissenting (2004, pp. 35,47). He further notes that one of the significant contributions of the Internet is mass participation, mainly in culture. However, at the same time, it is a substantial challenge. It paves the way for accumulating wealth and thus results in the conflict of capital (2004, p. 3). Highlighting the Internet's capacity to promote free speech, Balkin supports the need for confronting such efforts, which use intellectual property and other meaningful justification for restricting content by the influential players. He further promotes the need to counter efforts by the networks of telecommunication that abuse their power and threaten free online speech by controlling cultural innovations and participation, which are against their interests. He professes two ways to safeguard online freedom of speech: technological regulation through administrative and legal means. Secondly, designing certain technologies that would defuse such attempts to restrict online freedom of speech (Balkin, 2004, p. 54).

However, Joseph Sommer states that the majority of legal problems generated by digital technology and the world are not something new, and these issues can be solved with existing present laws; he further argues that cyber laws are unnecessary and such regulations have the nature to be dangerous (Sommer, 2000, p. 1145).

Sommer uses the free speech principle while mentioning the First Amendment and indicate that the civil rights of free speech from public regulation could be violated via the cyber laws by formulating exploitive measures. At the same time, the freedom of free speech could be safeguarded by applying the First Amendment to the cases online (2000, p. 1198). Frank Easterbrook is against the introduction of new cyber laws. Instead, he argues that the same traditional rules can address internet regulation as they are used in offline issues (Easterbrook, 1996). Lawrence Lessig, an advocate of open access, holds a different view; according to him, with Internet expansion, there would be regulation of the Internet by all means either through

law, market, architecture, or social norms in such a way that may against the online freedom. Thus, the need is to understand the evolution of the Internet and the legal means to be introduced to safeguard the innovation and creativity made possible by the Internet (Lessig, 1999). Lessig further indicates that the Internet should be regulated to protect the freedom of the Internet. He states: "I'm not against regulation. I'm against stupid regulation, where stupid means regulation designed to protect an incumbent against competitors" (Lessig, 2013). The Internet provides citizens with new mediums of free speech. Thus, in such a situation, the restriction of online media could be seen as a normal consequence, mainly it has been seen in hybrid democracies or in authoritative regimes where interest groups control everything and regulate Copywrite and censor contents. However, calls for regulating the Internet in liberal democracies have also raised concerns among the internet rights bodies. Speaking about the sceptical nature of the Internet, Evgeny Morozov argues that the Internet can be both an empowering and disempowering tool when the Internet and freedom of speech are discussed within the democratization process (Morozov, 2011).

Chapter 3: Methodology

3.1 Introduction

This chapter emphasizes the research methodology used for answering the main research question of this dissertation. Moreover, the chapter elaborates on the various sources used in the thesis. Finally, I will assess the reliability and validity of the study. This thesis follows a qualitative research method, in which I used a document analysis approach to analyze various documents and reports. The main focus of this research is online content regulations which are being practiced in Norway and Pakistan, and these regulations are published on different platforms and available on the official websites in these respective countries. Other than these, earlier research conducted on this topic by various scholars proved helpful for answering the main research questions of this thesis.

Answering the first part of the research question, '*how are Norway and Pakistan working to regulate online content in their respective countries?*' requires document analysis of online content regulations in these countries. To better understand the content regulations introduced by these states over the years, it requires us to understand the media landscapes of Pakistan and Norway, which are discussed in Chapter 4. The Norwegian and the Pakistani media landscapes are analyzed and explained based on research conducted by the European Journalism Centre (EJC) with the Dutch Ministry of Education, Culture, and Science partnership. I retrieved them from their official website named *medialandscapes.org*, in which experienced and professional authors have contributed. In comparison, I analyze the content regulations in Norway and Pakistan through a document analysis approach. I retrieved the documents from the official websites of the concerned department and INGOs. The key documents included internet rules introduced over the years in Norway and Pakistan as explained in detail in 3.3, for example, the Prevention of Electronic Crimes Act, 2016, Article 19 ICCPR, and various legal provisions within the Norwegian constitution.

As for Norwegian media landscapes, renowned author Professor Helge Østbye's analysis is vital to understand and analyze Norwegian media, whereas, for the Pakistani media landscape, the research was conducted by Najam U din, who worked as a journalist, lawyer and now heading Human Rights Commission of Pakistan (HRCPP), an independent right body well regarded across the world as an organization dedicated to defending human rights in Pakistan. Answering the second part of the research question, which is to determine if these regulations impact the freedom of speech, requires analysis of the actions made based on

these regulations. It needed to analyze case studies where individuals' fundamental right of free speech has been violated. The primary source was the Freedom of Net Report 2020 by Freedom House, as they rank countries by analyzing internet freedom status.

3.2 Document analysis approach

The central part of the research's design is to undertake a content analysis of the official and non-official documents produced between 2010 and 2020. The study's first purpose is to study the online regulatory laws introduced in Norway and Pakistan during this period. However, in the last 10-years, internet use has increased, and the Internet has become a more insecure platform where hate, violence, and extremist content have become rapid. To control this, various states, including Pakistan and Norway, have adopted various legal measures. Some of which are now being misused in Pakistan for broader political interests by the ruling elites. Second, I attempted to uncover the impacts of online content regulations. That is why the researcher opted to analyze documents created by governmental and non-governmental organizations working for internet safety worldwide. The project thoroughly uses a qualitative content analysis approach. To analyze the documents accessed from various official and unofficial sources, I only chose a qualitative approach using the purposive sampling method. Therefore, I primarily rely on my judgment in this project while analyzing restrictions around the Internet in Norway and Pakistan. While studying the internet rules, I treated every document in the same way; however, the treatment goes in-depth while analyzing the Prevention of Electronic Crimes Act 2016 (PECA) and various provisions of the Norwegian constitution that deal with freedom of speech. I made an in-depth analysis of PECA and some provisions within it as it has widely been criticized for its controversial nature. At the same time, I reduced in-depth analysis of reports from local NGOs and internet watchdogs into some examples in Chapters 4 and 5. I made this decision after considering a large set of data I have gathered for my dissertation. I realized my limited capacity to analyze each document systematically and deeply. I only deeply researched some recently introduced internet rules such as PECA 2016 and some provisions of Norwegian constitutions and their impacts on free speech based on my personal choices as a researcher dealing with a vast set of complex data. Document analysis comes under the category of qualitative research method and is an essential skill in interpreting history. The main theme of document analysis is to adopt a systematic strategy to evaluate and review various documents. These documents include both electronic and print material (Bowen, 2009). Document analysis is not much different from

analytical tools used in qualitative research methods to collect, interpret, and examine data to understand and produce empirical knowledge (Javaid, 2014). Bowen (2009) argues that there are wide ranges of documents used in qualitative research. This may include newspapers, news articles, research articles, books, and official government documents, and for this research, I would discuss documents used for analysis in detail in the following chapters. To minimize any personal bias due to an extensive collection of data I have analyzed in this study, documents relating to online content regulation only come from official websites of relevant ministries, departments, and well-reputed watchdogs dedicated to defending free speech online. As I mentioned in section 3.3, I collected data from the official websites of INGOs, relevant authorities from Pakistan and Norway. I avoided reports, documents, and data that have been posted on other websites. The purposive sampling technique helped me classifying the documents into two groups: officials and non-officials.

As said earlier, non-official data only comes from independent and well-reputed rights bodies. I then applied Maxwell's (1992) aspect of 'descriptive validity' that refers to the 'factual accuracy of accounts' (Maxwell, 1992, p. 285), meaning that the researcher has reported the data to his best, avoiding any potential mistakes. In qualitative research, descriptive validity is an essential component that helps the researcher prevent misquoting and misrepresentation in gathering data. Cross-checking of the data during this process is vital, as suggested by Maxwell (1992). That is why the researcher avoided any report relating to internet rules in Norway and Pakistan posted on unofficial websites. Employing only the document analysis approach in the current study cannot escape criticism, the way I have described and applied it in the research literature. The said technique might be regarded as a deficiency, but it does not affect the whole method.

The document analysis procedure includes appraising findings, synthesizing, and selecting data from the document's content. Through the application of document analysis, various data is initially organized and divided into multiple major themes, cases and are categorized with the help of content analysis (Bowen, 2009).

Document analysis is mainly applied in qualitative research, in which detailed studies and research generate rich content about a single program, phenomena, or organization (Bowen, 2009). All types of documents in research concerned with the problem help the study dig deep into the literature and develop and discover an understanding or insight about the concerned research. The Document analysis should not be misunderstood as a summary of any happening. Instead, it's a complex phenomenon where research, with the help of analytical

tools, studies the motivation, objective, and intent of a particular document within a specific historical framework (Javaid, 2014).

The authenticity or credibility of a document needs to be identified by applying the method of source criticism. It's a method in which the quality of content provided in the document is critically evaluated based on the research's need and its independence of any medium (Javaid, 2014). During source criticism, I analyze various factors. For instance, identifying the author and looking at the sources, and seeing whether the sources used in the research are primary or secondary.

Primary sources look upon the factors that either the researcher has completed the research or has done the fieldwork themselves. In this thesis, primary sources are significant as it relies upon various legal documents to look and study the legal side of internet content regulation. Moreover, in the study of Pakistan, primary sources also play a vital role as people around the country have firm opinions or mindsets regarding both freedoms of speech and internet regulation. Another critical aspect of Pakistani digital is the current flow of fake news and lack of transparency which further complex the authenticity of the information. Moreover, a researcher needs to investigate the author's qualification, his/her relevance in the field in which the research is being conducted. Additionally, one needs to look at the publication process and examine either the publisher is recognized and acknowledged in the relevant field. Finally, as this research also has a chronological overview of internet regulations in Norway and Pakistan, it also needs to be up to date (Javaid, 2014).

3.3 Using document analysis technique for this research

The document analysis technique is a widely used technique for collecting data in qualitative studies. This approach mainly depends on existing materials. Alan Bryman's *Social Research Methods* (2014) provides a detailed description of documents. Alan Bryman (2014) noted that a document could be in written form and visual forms. The given research primarily relies on written materials that include official documents derived from the state official websites and reports derived from private but independent organizations dedicated to defending free speech. The researcher used a qualitative content analysis approach to study and analyze these documents to understand the impacts of online content regulations taking Norway and Pakistan as case studies.

Furthermore, I tried to explore how government can use internet content regulations to counter online hatred and violent content, using Norway as an example where online laws, civil liberties, and press freedom are guaranteed. This chapter elaborates a set of documents, such as official and non-official reports from various International non-governmental organizations (INGOs) and governments used for analyzing their impacts on the free flow of information on the Internet. As stated earlier, the researcher employed a qualitative content analysis technique to analyze the official and non-official documents. One can refer to the word document used in this study to the following:

- Bolo Bhi [Speak Up], a non-governmental organization involved in advocacy, policy, and research on the Internet, censorship, privacy, and gender in Pakistan,
- Cyber Crime bill 2016,
- Report by Norwegian Media Authority,
- Citizens Protection (Against Online Harm) Rules, 2020,
- Human Rights Council 2018 Report,
- Council of Europe 2021 report,
- Facebook Transparency Report, 2019
- Freedom House 2018, 2019, 2020, and 2021 report,
- Google Transparency Report 2009,
- The Prevention of Electronic Crimes Act 2016,
- Electronic Frontier Foundation 2016,
- Official documents by Ministry of Information Technology and Telecommunication in Pakistan,
- Article 19 ICCPR,
- Human Rights Law and Regulating Freedom of Expression in New Media,
- Report by Bytes for All, Pakistan 2020,
- The constitution of the Islamic Republic of Pakistan
- Twitter Transparency report Pakistan 2019
- Universal Declaration of Human Rights 2019
- Report by Organization for Security and Co-operation in Europe, 2010
- The constitution of the Kingdom of Norway

The content analysis technique used for this study was cheap, less time-consuming. It did not require any travel when the world was going through an extraordinary and challenging time

due to the increase in coronavirus cases worldwide. However, I understand that some official documents analyzed for this study may be subject to a hidden bias. Moreover, some informative documents, especially in Norway, were limited in the Norwegian language, which the researcher could not analyze due to the language barrier. One may consider it an ethical dilemma and makes this research imbalance. Still, I tried my best to explore all those official documents available in English from Norway and Europe that deal with online content regulations in the kingdom of Norway. For this study, I collected and analyzed a large chunk of documents created between 2009 and 2020, some of which are mentioned above. There was no specific reason for choosing this period; however, I believe the Internet witnessed a significant growth spurt in the last decade. The official documents used for this study included constitutional amendments, acts, and legislations made between 2016 and 2020 for internet regulations in Norway and Pakistan. I also studied and analyzed some articles of the Kingdom of Norway, the European Council, and Pakistan to understand better the measures adopted by these states or European Union to protect free speech. Although Norway is not a European Union member, it shares the EU's support on various issues and aligns itself with the EU's foreign and security policies. The Prevention of Electronic Crime Act, 2016, introduced in Pakistan to circumvent online hate and profane content, remains an essential document that the researcher analyzed to understand better its exploitation and its impacts on internet freedom in Pakistan. Most of the constitutional amendments made over time aim to control hate speech and violent content online but states as Pakistan have widely misused them to suppress criticism and opposition.

While analyzing some official documents from Pakistan, such as the Prevention of Electronic Crime Act 2016 or Citizen Protect act 2020, the researcher opted to adopt a more comparative approach to avoid bias and not rely on an official version. Thus, I also studied and analyzed annual reports of independent rights bodies such as Freedom House and INGOs. The researcher tempts to accept official documents as fact but understands that be it a document or government act created by the government for a specific reason which can be misused for broader political interests. So, analyzing their impacts from an independent lens was essential. Following this, I then compiled a list of cases in which the researcher noticed how the authorities in Pakistan had exploited online content regulatory measures by silencing voices critical to the government. The report by Freedom House provided significant help in determining the misuse of online content regulations in Pakistan. In contrast, this does not remain the case in Norway, as observed by Freedom House in its latest report in 2020.

3.4 Qualitative research

The central theme of my research design while studying online content regulations in Norway and Pakistan and their impacts on free speech was a content analysis of the rules made in the countries as mentioned above to control content deemed blasphemous, hateful, and abusive. This had several purposes. First, I categorized the laws or internet rules adopted by Norway and Pakistan to regulate the Internet. Second, I examined their impacts on free speech. Third, I attempted to document the exploitation of internet laws for broader political purposes applying Freedom of Speech theory and Lawrence Lessig (2013), an advocate of open access's concepts of 'protecting the freedom of the Internet.

The methodology of qualitative research is utilized to answer the questions of why's and how's of human opinion, experiences, and behaviors (Guest, Namey, & Mitchell, 2013, p. 1). However, a collection of data and obtaining such information is difficult through quantitative methods.

Furthermore, Guest, Namey, and Mitchell, in their work (2013), define that there are right and wrong employment of qualitative methods in research projects. In some cases, the qualitative approach is recognized as more authentic in collecting and analyzing data and results in the production of validated data.

However, the significant difference is between applied and pure research, where pure aims to facilitate a comprehensive understanding of rudimentary concepts and ideas and applied research endeavors to help in understanding the problem and aims to draw out strategies in reaching solutions of the situation (Bickman & Rog, 2009).

This thesis comes under the category of applied research. As per Guest, Namey, and Mitchell (2013, p. 1), the primary aim of applied research is to collect data and produce data that helps in understanding the actual problem. Similarly, as per Guest, Namey, and Mitchell (2013), within the context of applied research, a fundamental and essential definition of qualitative research is given by qualitative approach remaining in the context of applied research is presented by Nkwi, Nyamongo, and Ryan (2001, p. 1), which is, "Qualitative research involves any research that uses data that do not indicate ordinal values." Thus, as per the given definition qualitative research method can sometimes be flexible (Nkwi, Nyamongo, & Ryan, 2001).

3.5 Other Documents

There are hundreds of studies that deal with the internet content regulations, of which the maximum numbers have been published during the last decade. However, among this literature, many of them are more technical, and those types of research are not part of this paper. The reviewed studies are part of social science disciplines, such as Media and Communication, law, and Political Science.

The study's primary aim is to explore how internet content regulations can be in place while also protecting the principle of free speech in Norway and Pakistan. To find out this requires understanding the Media system of Norway and Pakistan. For understanding the media systems of these countries, data available at media landscape's official website are convenient. Media landscapes were created in 1997 by the European Journalism centre (EJC) with the partnership of the Dutch Ministry of Education, Culture, and science. It involves more than seventy renowned authors who have covered media landscapes of more than fifty countries (Media Landscapes, 2021). It covers the detailed historical evolution of media systems of different countries and their major players, along with relevant associations, unions, and professional bodies. It also covers the vital socio-political context of regulation, legislation, and press freedom (Media Landscapes, 2021). As for Norwegian media landscapes, renowned Author and Professor Helge Østbye's analysis (Østbye, 2021) is vital for understanding and explaining Norwegian media, whereas, for Pakistani media landscapes, the research was conducted by Najam U din (Din, 2021), who worked as a journalist, lawyer and now heading human rights commission of Pakistan (HRCF) which has been well regarded across the world as an organization dedicated to defending human rights in Pakistan. These analyses cover the complete media structure of both countries, which is essential for this study.

The doctoral dissertation of Walid Al-Saqaf, *Breaking Digital Firewalls; Internet censorship and circumvention in the Arab world* (2014), plays a crucial part in understanding internet censorship. The study tries to understand the role of internet censorship and restrictions in the Arab world and the general view on restricting freedom of speech on the online platforms of the Internet. The dissertation includes the study of media and communication studies and the discipline of computer science.

However, for this study, its theoretical framework is essential, where Walid Al-Saqaf discussed theories of freedom of expression and its limitation extensively. It focuses on the

Arab region; however, it also gave insight into the different areas and explains why and how the Internet is being censored (Al-Saqaf, 2014).

In addition to this, the Book Human Rights Law and Regulating Freedom of Expression in New Media has been edited by Mart Susu, Jukka Viljanen, Eirikur Jonsson, and Arturs Kucs gave a better understanding of the complex relationship between human rights law and the Internet. Furthermore, it also adds up in the contemporary debate related to safeguarding the freedom of expression on the Internet in the framework of multiple doctrines on constitutional law (2018). Finally, the chapter written by Ellen Lexerod Hovlid deals with the regulation of online media in Norway has been used for this study as it gives a detailed overview of online regulations in the country (2018, p. 137).

The article, Weight of words: The Freedom of Expression Debate in Norway, by author and researcher Sindre Bangstad (2014) gives insight about freedom of expression debate in Norway, especially after the Rushdie affair 1988-1994, Prophet Mohammad cartoon Crisis 2005-2006, and 22/7 massacre of Anders Breivik. The articles describe the political and philosophical grounds of the freedom of expression debate in Norwegian society and caution about the threat to liberal democracy and equal citizenship from mainstreaming and sanitizing virulent far-right extremism and racism (Bangstad, 2014). The author additionally argues that freedom of speech is very sacred in Norway. Since the 'Mohammed Cartoon Crisis and the 'Rushdie Affair' have made such conditions, in which the minority protection rights against discriminatory and racist speech which have been safeguarded by the legal obligation practiced by Norway under International Law and Norwegian law have been reduced to ineffectiveness particularly under the banner of widening right of freedom of expression (Bangstad, 2014).

This research plays a significant part to understand freedom of expression and hate speech in Norway, where it covers the freedom of expression commission's reports of 1993 and 1996 extensively and discusses freedom of speech in the Internet era. Other than these, the list of literature goes on, which includes the latest reports from concerned and well-known international organizations, which cover media systems of the countries, like reports by Freedom House, Reporters without Borders, Global index, etc. In addition to these reports, the official documents, and descriptions of the state, published on official websites and gazette books, are also handy for this study.

3.6 Limitations of the study

One of many methodological challenges that the researcher believes could have been addressed if he had access to enough resources included the language barrier. The researcher considers himself an outsider who cannot read and understand the Norwegian language. From an economic point of view, hiring a professional Norwegian translator costs an extensive amount of money which was not feasible for the researcher. But to overcome this leap, the researcher analyzed all the resources dealing with online content regulations in Norway available in English. There is also a significant cultural and political leap between Norway and Pakistan. Freedom Houses classes Norway one of the world's freest countries that score 100 out of 100, whereas Pakistan scores only 26 out of 100 in its 2019 report. Moreover, Norway ranks first for press freedom, while press freedom has drastically declined in Pakistan, ranked 145 in 2021 (2021 World Press Freedom Index, 2021). There is an immense difference between the two countries, from governing structures to free speech and social codes. This difference reflects the limitations of this study. Although, this research calls for various research techniques. As mentioned in chapter 1, this study explores the internet regulations in Norway and Pakistan through a document analysis approach; this indicates that I could have applied several other potential research techniques to draw solid results and better results.

The second part of the leading research question:

Do these online regulations have any impact on freedom of speech?

Calls for a qualitative study of these regulations. Thus, the researcher could have combined the document analysis approach with qualitative-in-depth interviews of those working in Pakistan and Norway for promoting freedom on the Internet. The interviews of Pakistan's cybersecurity law victims, such as the Prevention of Electronic Crimes Act, 2016 and Citizen Protection (against the online harm) rules 2020, could have provided significant and valuable insight into Pakistan's misuse of cyberlaw. But accessing such people who are tried under this law is almost impossible. Moreover, many interviewees do not like to speak openly out of fear. Besides that, Norway has no such records of misusing online content regulations; thus, interviews in one country and leaving the other could have imbalanced this study. Proficiency in the Norwegian language would have been an advantage in filling this gap as I would better understand the online regulatory laws and their impacts. But I persistently engaged my local Norwegian friends, including my supervisor, to review draft chapters and sections of the

dissertation so that if there is a potential gap that I would fill. This makes me confident enough that the techniques and data I chose in this study represent both countries equally and are not off the mark.

3.7 Research Ethics

During the conduction of this research, the ethical rules by The National Committee for Research Ethics in the Social Science and the Humanities (NESH) have been followed with utmost care. Every care has been taken to avoid intentional and unintentional violations of research ethics during the completion of this paper. Similarly, every effort has been made to cite the research works of other authors, and due credits have been given, and all forms of plagiarism have been avoided. Additionally, an effort has also been made to maintain the originality of the literature content.

The research was done without any personal interview; thus, it was not required to seek permission for data storing. All of the content and information collected during this research were publicly available. The paper is based on personal analysis, and the care has been done not to manipulate or change the context of the literature. The analyses have been done while maintaining the value of honesty, and the main objective and motive of this paper are to contribute to the society of research.

3.8 Summary

The chapter of this dissertation discusses the methodological approach, consisting of the document analysis technique. This section addressed the primary method, analyzing more than 50 official and non-official documents dealing with online content regulations in Norway and Pakistan. These documents were created in 10 years from 2010 to 2020 by the governments and non-governmental organizations. I retrieved the records from the official websites of the Kingdom of Norway and Pakistan and from the websites of INGOs dedicated to defending online speech. The official documents were from the Ministry of Information, Pakistan Electronic Media Regulatory Authority (PEMRA), the constitution of the countries as mentioned earlier, and the Norwegian Media Authority (NMA). At the same time, the non-official documents included reports of Freedom House, Council of Europe, Facebook transparency report, Google transparency report, and Report by Organization for Security and Co-operation in Europe, among others. Reports by some local NGOs dedicated to

cybersecurity, mainly from Pakistan, Bolo Bhi, and Bytes 4 All, are less dominant in this study. However, these reports still represent an essential component of this dissertation to assess Pakistan's measures to control online content characterized as hated, violent and blasphemous. The qualitative document analysis approach has been used to analyze these documents. The researcher spent more than two weeks reading and exploring each form. The chapter also discusses the language barrier that may be considered a cultural challenge while analyzing some essential documents from Norway. To fill this gap, the researcher analyzed papers available in English and documents created by the Council of Europe. For example, the researcher used various measures, for example, continuously getting feedback from the supervisor and other Norwegian classmates and friends, to make this research as ideal as possible in a complicated research setting with several blind spots.

Chapter 4: Media Landscapes

4.1 The Landscape of Pakistani Media

4.1.1 Introduction

Pakistan, one of the most populous States in South Asia, is socially diverse, culturally amalgamated, and politically vibrant, is home to more than 220 million people. Incepted on 14th August 1947, Pakistan is a dominant Muslim state where Islam is declared the State religion. Thus, Islam plays a vital role in the social and cultural construct of Pakistan. However, with a limited population of religious minorities of Christians and Hindus, the country is also divided into sectarian and ethnic grounds. Geographically, Pakistan is three times bigger than Norway and is divided into four provinces: Punjab, Sindh, Khyber-Pakhtunkhwa, and Balochistan. Punjab remains the largest province as per the population with more than 110m people, and geographically Balochistan is the largest province with 347,190 square kilometres of land. Each province has its own ethnic culture, but Islam is considered glue joining these cultural and ethnic diversities (Yusuf, 2013; Javaid, 2014). Being a very diverse nation, modern-day Pakistani nationalism is derived from the glorious past of Muslims in South Asia and the Islamic teaching of Arabs. Islam and its principles are a part of Pakistanis and its State institutions. The contemporary Constitution adopted on 14th August 1973 is an amalgamation of Islamic and Western Laws. Thus, culturally Pakistan is a diverse construct of Islamic teachings and modern-day values. The ethnic divisions within Pakistan also further divide the country into various ethnic groups where every ethnic group is closely associated with its historical and cultural roots.

Categorized as a Developing Country, Pakistan is rattled by lousy governance, financial corruption, political instability, and transparency. Witnessing multiple military coups, democracy in Pakistan has not fully evolved. Despite having a democratic Government in Pakistan, the latest Democracy Index published by The Economist Intelligence Unit (EIU) has placed Pakistan under the category of "Hybrid Democracy," ranked 105th. In contrast, Norway was ranked first (Democracy Index 2020: In sickness and health? 2020).

4.1.2 The Pakistani Media

The media landscape in Pakistan is also diverse in the contemporary arena. However, until the revolution of media in the 21st century, Pakistan had only print media. The only medium of electronic media was state-owned Pakistan Radio and Pakistan Television Network (Din, 2021).

Following the early days of independence to the early 20th century, media in Pakistan had been under the state's direct influence and institutions. However, in early 2002, in the regime of military dictator General Pervez Musharraf, Pakistan witnessed a boom in the media industry, where media liberation led to opening several private media platforms. Moreover, with the bang of News Channels and various radio channels, electronic media touched new heights in Pakistan. Thus, electronic media platforms became the prime source of information for masses across the country. However, this boom also had its harmful effects. Many of such platforms were established by those journalists with a nationalistic or a purely political agenda. Moreover, criticism had around the corner as the commercial interest surpassed journalistic values, and sensationalism gave way to media professionalism. The majority of those working in the journalism industry had no prior journalistic experience or formal education and experience in journalism. Thus, such practices gave way to depreciating pure journalistic values and paving for unprofessional and unethical journalism. Moreover, many cases, lack of proper training has resulted in safety issues and made the journalistic community vulnerable to various threats (Din, 2021; Javaid, 2014).

Being a multi-lingual society, the Pakistani media landscape is divided on linguistic differences. Urdu is the national language, is widely spoken and read. Thus, the Urdu publications have a great wide range and reach compared to other languages, including English (Din, 2021). However, despite having a limited outreach, the English print publications have an impactful influence on Pakistani society's opinion-makers. English print media limited in numbers is primarily centered in Urban areas that have a progressive outlook. The English news channels and radio channels very limited, do not enjoy unusual traffic thus have a restricted audience (Din, 2021).

Another prominent source is the regional language newspapers or news channels, but their influence is restricted mainly in rural or countryside areas. Political reporting is the core of coverages in both electronic and print media. The day's election and Court reporting of Judicial decisions are believed to be the favorite slot of journalistic and audiences. Live and

detailed coverage of political happening is a permanent practice within Pakistani media. Similarly, Political parallelism has a long tradition in the political culture of Pakistan. Political parties across Pakistan have their newspaper with an object to disseminate their political ideas. For instance, famously known newspapers like the daily *Masawat* are owned by Jamaat-e-Islami, and Pakistan People's party is held daily *Jisarat* (Din, 2021). Even with no apparent political linkages or connection, the content disseminated by various media houses demonstrates that it supports one or another political party based on some commercial or ideological interests or has been guided so by the powerful institutions within the State (Din, 2021).

In some cases, the host of TV talk shows have been major political parties who have openly used such platforms to advocate and promote their party decisions and policies and have criticized those against them without giving the forum to present their viewpoint (Din, 2021). Even the introduction of the Internet in Pakistan has not led to free media. For example, according to the Freedom House- a Washington DC-based research firm- Pakistan is one the worst countries when it comes to Internet freedom (Freedom on the net 2018, 2018).

With continued political instability and competition between its military and political parties for the right of rule, Pakistani media has received its due share of media uncertainty. Every government had tried to control media in one form or another. However, the worst suppression of media and journalists was reported during military dictator General Zia ul Haq (1978-1988). His era is considered the darkest period for media and its practitioners in the history of Pakistan (Din, 2021).

In contemporary Pakistan, the state's role is limited only to Radio Pakistan and Pakistan Television. However, the government has established regulating laws and plays a vital role in distributing government advertisements, which are a significant source of financial income for media houses. Any print or electronic media to start its operations requires official permission from the government and should apply for official licenses and broadcasting rights. The State regulators are equipped with such legal tools, through which they penalize any media organization for airing or printing any 'objectionable' vague term used to define those content which are rise objections- content. The regulator also has the power to call for suspension and blocking websites or social media forums. Government advertisements are considered to be the chief revenue source of most media houses. However, certain governments also use it as a bargaining chip for twisting the arms of those media organizations that are critical of government or powerful state institutions such as the army and law enforcement agencies (Din, 2021).

Another critical but worrisome aspect of the Pakistani media landscape is the work-related violence or threats that media personnel receive from across Pakistan. From regional to local and mainstream media practitioners, most media personnel have witnessed violence in one form or another. According to Committee to Protect Journalists (CJP), a global media safety watchdog has Pakistan ranked as one of the ten most dangerous countries for media practitioners and journalists across the world first five years of 2000 (Din, 2021).

Reportedly, more than 105 journalists have been killed in Pakistan due to their journalistic work between 2000 to 2016. This illustrates that Pakistan is one of the top countries where journalists are murdered for their journalistic work. Out of these killings, one-two cases have been successfully prosecuted. In the last 15 years, Pakistan has featured among those ten countries where journalists face the highest crimes (Din, 2021).

Such crimes reported killing and violent threats have gravely affected the journalistic values and have forced media practitioners to adopt self-censorship. Sensitive issues such as blasphemy cases and persecution of religious minorities receive little or no media coverage due to the threat associated with these cases. Cases have been reported where journalists have been physically or mentally torched for covering such topics have further created a fearful environment in the Pakistani media landscape (Din, 2021). In the contemporary arena, press freedom is continuously in decline in Pakistan. According to the recently published 2020 report of the World Press Freedom Index, Pakistan further declined to 145 rankings from the 142 positions in 2019 (Freedom on the net 2020, Pakistan, 2020).

Despite known for its boldness and courageousness, Pakistani media has been under the target of the commonly known 'Deep State'. The term deep state is used for the military lead Inter-Service Intelligence (ISI), Pakistan's premium secret intelligence service. The influence of the deep state and 'Establishment' has been the chief source in curtailing the liberty of media in Pakistan. However, the situation has further aggravated since Pakistan-Tehreek-e-Insaf, (PTI) has assumed office under the leadership of Imran Khan since July 2018 (Freedom on the net 2020, Pakistan, 2020; Nazish, 2018).

Recently, there have been grave episodes of censorship, where the military has directly been involved in exercising pressure on media practitioners for favorable coverage. As a result, progressive newspapers being critical of the military and its institutions have witnessed limited circulation. For instance, Pakistan's premium English newspaper, daily 'Dawn,' has been banned in most cantonment areas across Pakistan (Freedom on the net 2020, Pakistan, 2020).

Another prominent tool of exercising their power on media houses is to withdraw advertisements. Similarly, the signals of those TV channels, which air opposition narratives or give coverage to opposition political activities, have been jammed, moreover, in many such cases where journalist are courageous enough to be critical of the army, and their involvement in Politics have been harassed via ISI and other secret agencies. Thus, receiving a threatening call in Pakistan for a journalist is a routine call. Journalists from Balochistan and Khyber-Pakhtunkhwa have been at the receiving ends of both security forces and militants. However, despite the grave threats the field journalists face, there are no reports of strict actions against the criminals (Din, 2021).

The influence of establishment is not restricted only to traditional print or electronic media; it has also developed its impact on the internet-led social media platforms. For example, recently government in Pakistan has been trying to establish an online 'Regulation Mechanism,' which, as the past experiences suggest, would nothing more but a tool to further Internet censorship.

Ending the State monopoly on electronic media across Pakistan, in 2002, an independent body of Pakistan Electronic Media Regulatory Authority (PEMRA) was formulated and established to regulate electronic media in Pakistan. It was also empowered to issue a license for FM radio, TV cable distribution, and TV channels. However, soon after it started operations, it acted more like a government sub-ordinate than an independent regulator regulating TV channels. It has begun punishing TV channels with the temporal blockade, fines, and banning TV anchors and hosts of political talk shows for various reasons. However, despite being the prime institution to regulate electronic media in Pakistan, it has been more of a 'Moral Brigade' controlling media content. One of the darkest episodes of state-led censorship in Pakistan was reported in November 2017, when the transmissions of private channels were blocked for more than 28 hours. It was the instructions of PEMRA that were followed accordingly by the TV cable distributions. Later it was identified that the PEMRA acted on the government and establishment order as it was busy in a security operation against the participant of a demonstration held in the garrison city of Rawalpindi (Din, 2021).

Another equally important regulator is Pakistan Telecommunication Authority (PTA) which regulates and controls all communication means and technologies, including the Internet in Pakistan. As far as the freedom of the internet is concerned in Pakistan, it has been categorized as 'Not Free' by the Freedom House in its 2019 report. PTA has been busy blocking various social media forums ranging from Facebook to YouTube, Twitter, TikTok, and others, citing pornographic, blasphemous, and defaming National Security Institution's

reasons. In the most famous episode, PTA blocked YouTube in the country in 2012 on the charges of showing profane content on its platform. It took four years to lift that ban when YouTube access was restored in 2016. Furthermore, the shutdown of cellular networks across the country is a standard feature mainly considered a part of the security plan. Such shutdowns also restrict the usage of the internet as many people access the internet via cell phones (Din, 2021; Pakistan Press Freedom Report, 2017)

Apart from regulating electronic and digital media, efforts were made in 2017 to regulate print media through a proposed Pakistan Print Media Regulatory Authority Ordinance but were only abandoned after a strong reaction from civil societies across Pakistan. Similarly, apart from regulating bodies, Pakistan Judicial Courts have also been involved in censorship. For instance, the Islamabad High Court, in its decision of February 2017, decision banned the Celebration of Valentine's Day across public places in Pakistan and directed electronic and print media to stop its promotion via their platforms. Additionally, the TV channel distributors are also involved in media conflicts. There have been cases where the numerical position of specific channels has been changed to punish those channels which been critical to the establishment of government (Freedom on the Net, Pakistan 2019, 2019; Pakistan Press Freedom Report, 2017)

4.2 Norwegian Media Landscape

4.2.1 Introduction

Considered as one of the robust democracies of the world, Norway is famous for political, social, and civil liberties. With the democratic political framework, elections in Norway are free and fair, and power is rotated between political parties. Media is independent marked editorial and civil freedom. The media and civil societies act as a watchdog and make the government accountable for its policies. It has an impressive tradition of peaceful power transfers after the elections. The major political parties in Norway are the Centre-Left Labor Party, Centre-Right coalitions under Christian Democrats, and the conservatives' leadership. Similarly, various small parties also exercise their political influence in local and national elections (Freedom in The World 2020: Norway, 2020).

Citizens enjoy political freedom and are not under the influence of any political or military group and have the liberty to choose their political choices and vote according to them on preferences. Moreover, the Constitution guarantees media freedom and respects religious

differences, and protects the freedom of religious rights, even though constitution protection cases of religious hate have been reported. According to the Office of Democratic Institution and Human Rights (ODIHR) 2018, 624 cases of Hate crime were reported in 112 were believed to be religiously motivated, and 15 were cases of anti-Semitism (Freedom in The World 2020: Norway, 2020).

Moreover, the right of assembly is generally respected and protected by the Constitution. However, tension has been reported where concerns have been raised to ban demonstration of the Far right and extremist groups. For instance, in a recent case in November 2019, Lars Thorson, the Chief of Stop Islamization of Norway (SIAN), was attacked physically by a counter-protester in a rally at Kristiansand when he burned a copy of the Holy Quran (The Religious Book of Muslims). However, after the incident, the local police detained the attacker and Thorson (Freedom in The World 2020: Norway, 2020).

4.2.2 Norwegian media

The Norwegians started adopting the habit of the newspaper during the political struggle against Sweden from the late nineteenth century to the early twentieth century and then during the class conflict from 1905 to 1935. The radio became available to Norwegians in the late 1920s and reached its peak in the 1950s. The Norwegians welcomed television, and in 1960, it became a prominent feature in Norwegian households (Susi, Viljanen, Jonsson, & Kucs, 2018). After the initial days, media successfully integrated into the Norwegian society, and reportedly in 1987, on an average day, 87 percent of the Norwegian population were found to be reading a newspaper; more than 82 percent watched TV non a daily basis, and 75 percent were reported to have listened to a radio show daily (Østbye, 2021).

The distinguishing factor between users and non-users of media in Norway was the age factor. The youth below the age bracket of 25 years, however, once they surpassed the youth and started their practical family life, also started reading newspapers. Additionally, with the introduction of television, the radio users significantly shrunk, but it was still used as a medium for the dissemination of news and information across Norwegian society. However, Initially, it was the TV that became the prime source of news for the people in Norway, and later it was the internet that revolutionized the media in Norway, and today it remains the first choice for getting information and particularly news (Østbye, 2021).

In the period after the 1990s, the internet challenged printed newspapers. In 1998 it was for the first time reported that people watching television had surpassed the number of people reading a newspaper. Since then, the newspaper industry has witnessed a decline in the average circulation ratio and people who have been reading the newspaper daily. The decline affected most newspapers in Norway, ranging from the most popular to the one having lower circulation. However, newspapers with national stature and newspapers that cover local or minor news updates performed well in this overall decline. However, the leading cause of this progress was that these newspapers covered such news and issues which could not get equal coverage on the Internet (Østbye, 2021).

In 1995 the internet also started influencing the newspaper industry, when the first newspaper started its digital edition. However, after a decade, almost all influential newspapers started to have a presence on the internet without any subscription or online payment. Initially, access to the majority of the newspaper was free on the internet without any payment, and however, now the majority need an online subscription for getting access. In the 1980s, there was no significant difference between print or electronic readership of newspapers in Norway. However, now a significant portion of the Norwegian population reads electronic newspapers (Østbye, 2021).

Thus, this discussion manifests that newspaper either electronic or printed remains an essential source of information and news in the society of Norway. Most of the news covered on electronic media comes from the journalists associated with newspapers. Apart from surpassing the newspaper industry, the internet is also replacing television and radio. The internet has opened new platforms like Netflix or YouTube, which are attracting many audiences, and people are switching to digital platforms from the traditional tv and radio. Recently, it has been reported that in Norway, nearly 96 percent of its people have Internet access in homes, approximately 75 percent access the internet via a tablet, and 85 percent connect to the internet through their smartphones. Thus, it can be conclusively argued that Norwegian society has access to the digital world of the internet. This process has been equally adopted by the press, radio, and TV, and most of these industries have a digital presence in the world of the internet (Susi, Viljanen, Jonsson, & Kucs, 2018; Ostbye, 2021) The figures give an impressive site of the progress of digital newspapers regarding the newspaper's income after going digital. In 2013, it was reported that one-fifth of the revenue generated by advertisement was from digital editions, and a mere percent of revenue was generated through sales. In the year between 2014 to 2015, the number of electronic subscribers increased greatly and witnessed almost 50%. However, despite the increase, the

number of electronic subscribers is still far behind the paper subscriber number (Østbye, 2021).

National Television channels and radio also use the internet for the dissemination of information. All such platforms use the internet to endorse programs and the channel. Similarly, the radio playlists can be accessed online, and P4 and NRK additionally have news services. After the progress of the internet, all major tv channels and newspaper also diverted their resources to use the internet platform. Now tv channels and radio channels can be reached out digitally. For instance, P4 and NRK now also have a section for news (Østbye, 2021).

The news services of NRK on the internet cover most of the news from regional, local to National and International news and that without any charge and thus can be accessed for free of cost. Major newspaper organization in Norway have registered their complaint against the news service of NRK, citing why it has made it difficult for them to compete at the same level. However, the supporters of NRK responded that the news service of NRK is essential for the promotion of democracy and dissemination of information for the general masses of Norway (Østbye, 2021).

Television channels have also transformed their broadcasting mechanism. Now a program can be download and watched later, even if it had already been transmitted via the channel. NRK has done this service for its audience, and it remains free of cost, while in other commercial channels, this feature needs a financial subscription (Østbye, 2021).

Another essential feature of the modern-day internet is the ease of personal communication. Nowadays, one can easily communicate with each other via emails and social networks like Facebook. As per the 2016 IPSOS survey, 87 percent of the Norwegian population above 18 use YouTube. The use of other social media platforms is 87 percent Facebook, 52 percent use Instagram, 43 percent use Google+, 28 percent of the population use LinkedIn, 26 percent use Twitter and 25 percent are Pinterest users. However, it is not easy to define users for these social media platforms. For example, most YouTube users are passive users, and the actual user of Facebook who is categorized as active text creator is less than the total who have a presence on Facebook. Apart from being a modern search engine and a source of personal communication and entertainment, these social media platforms are a major contributor to advertisement revenue. However, it is difficult to explain its growth in figures. For example, Google and Facebook are believed to have affected the advertising revenue of traditional media. Nowadays, media practitioners, television channels, and radio disseminate information

on social media, and Facebook remains the primary platform for such activities (Østbye, 2021).

4.2.3 Regulatory institutions

In Norway, the right of freedom of expression is guaranteed by the written Constitution of 1814 and the European Convention to protect Human Rights and Fundamental Freedoms. In another move of 2004, the parliament of Norway further modernized the Constitution by extending the clause which deals with freedom of expression. The important feature of this addition is that now the government is obliged to promote and practice diversity in public and media discussions (Susi, Viljanen, Jonsson, & Kucs, 2018).

In the Norwegian state, legal policies and regulations related to media are passed in the Norwegian parliament or designed by the Ministry of Culture or formulated by the Norwegian Media Authority and in cases related to individuals by the Media Authority or the Ministry. Pre-censorship is the only accepted form in the cases of Children's movies, and all other forms of pre-censorship are banned in Norway (Østbye, 2021). *Kringkastingsloven* (the Broadcasting Act) are laws that intend to regulate television and radio broadcasting. Similarly, *Film- og videogramlova* (The Film and Video Act) is a set of laws regulating cinema and films. Likewise, the penal code (*Straffeloven*) includes sections that relate to media. For example, State secrets, protection of privacy, pornography, and libel are discussed. The blasphemy section was omitted under the 2005 penal code, which was put into effect in 2015. As per the penal code, every magazine, newspaper, and broadcast should have an editor responsible for the content (Østbye, 2021).

The government and the parliament decide matters of technology, new services in general, and administration. However, the Broadcasting Act prohibits any influence or interference from authorities in the case of individual programs. The power of stopping or demanding changes in a program only lies with the *Kringkastingsjef* (Head of Broadcasting). However, the license fees are decided by the government and parliament, and this gives some amount of influence on political authorities, especially in the case of NRK (Østbye, 2021).

Before the digitalization of radio and television, the Norwegian Media Authority for local purposes and the Ministry of Cultural for national services were responsible for issuing licenses for the terrestrial distribution of television and radio. In digital networks, the owner of a network gives access to a channel its network. Norges Television operates the digital television network, and Norkring AS owns the digital radio network. However, those local

radio stations that operate via the FM platform are given a license by the Norwegian Media Authority (Østbye, 2021).

However, companies involved in private broadcasting have to follow regulations related to the advertisement. These include commercial breaks in programs, hours, percentages, etc.). However, over the times' such conditions have been liberalized (Østbye, 2021). Continuing the principle of diversity and making ground for free media, value-added tax (VAT) has been exempted from Newspaper and Books. Likewise, discussions are being held to place such exemptions for journals and magazines. In another move, the Ministry of Finance in 2016 also exempted VAT on electronic news services. Under the Norwegian Media System, the state-owned public service broadcasting company has played a vital role in promoting media diversity in the country (Østbye, 2021).

The issue of media ownership had been a concern for media policymakers since the early 1990s. The issue related to media ownership lies with the problem of robust concentration of ownership. In the wake of growing concentration issues, legislation titled "The Media Ownership Bill" was passed by the Norwegian parliament in 1998. Consequently, Eierskapsstilsynet (Media Ownership Authority) was established in 1999 to put the law into effect. Furthermore, it was also integrated into the Norwegian Media Authority. However, Medieeierskapsloven (Media Ownership Bill) was replaced by Konkurransetilsynet (Competition Authority) to monitor the concentration of media ownership (Østbye, 2021).

4.2.4 Culture of Self-Regulation

Several measures and policies that support the press's freedom have been initiated in the Nordic region (Norway, Sweden, Denmark, Finland, and Iceland), which includes Self-Regulation, media ombudsman, the editor ensuring editorial independence, and media councils. The media of the Nordic region practices the doctrine of self-regulation with a motto of 'Let the press correct the press.' The idea is making the journalists agree on such rules, which makes their profession accountable. These are detailed codes of conduct with a concern with the problems of correctness and privacy. For instance, the Norwegian press code of ethics includes avoiding the guilt presumption in the court reporting related to criminal cases. In the Nordic region countries, the code of conduct related to media is managed by the councils of independent media, which deal with public complainants about the unfair coverage of the press. Following to which the media council decides either the complaint is

on justified grounds or not with a self-imposed sanction for the publication against which the complaint has been reported, and the publisher has to publish the statement of the media council (Syvertsen, Enli, J.Mjos, & Moe, 2014).

4.3 Summary

This chapter was an endeavor to showcase the media and its differences in Pakistan and Norway. Pakistan and Norway are two very different countries. Both are different, given their history, society, culture, political structure, and media landscape. Given its underdeveloped status, Pakistan is a nascent democracy struggling to adopt a truly modern democratic model to promote its global image. In contrast, Norway has a robust democratic model with a dynamic media landscape among the developed nations. These differences mark these countries to be unique when looked upon through an analytical lens. The differences illustrate how media is associated with the political, social, cultural, and economic structures. For instance, a robust democratic political structure, strong economic base, democratic institutions, inclusive Constitution, vibrant culture, and higher standards of education has resulted in media that is vibrant, free, and plays a role in accountability of the government, thus playing a progressive role in the promotion of the country. However, on the other hand, Pakistan, with its unstable political structure, weak economy, exclusive culture, divided society, weak legal foundations marked by a deteriorating law and order situation, has also affected the media in the country. Vigorous regulations mark media in Pakistan, threats from the government and non-government groups, financial instability, and is considered one of the most dangerous countries for the working journalist. Legally, the media in both countries also have different approaches towards their working mechanism. For instance, the Norwegian Constitution supports the freedom of speech and expression, but the Pakistani Constitution, although it has a provision endorsing freedom of expression and speech but with a string of restrictions attached with it.

Similarly, the media in Norway enjoys freedom, whereas media in Pakistan is under continuous subjugation. For example, according to the World Press Freedom Index 2021 published by the Reporters without Borders, Norway tops the index with the first position while Pakistan is ranked 145 (2021 World Press Freedom Index, 2021). This clearly illustrates the difference between the press in Norway and Pakistan.

Likewise, the media in Norway works based on self-regulation, whereas an institution like PEMRA regulates Pakistani media and is illegally regulated by non-government institutions,

which can influence media according to their interest. In Norway, the government funds the media houses, but these media houses enjoy complete editorial freedom, and the state only regulates the ownership of media houses to eliminate the culture of manipulation within the media in the country. However, in Pakistan, media and its editorial policies influence the government and its associated agencies and are marked by commercialization and privatization. Therefore, it can be clearly understood that with privatization and commercialization, media in Pakistan is manipulated according to the government's interests, political parties, and even industrialists.

Another notable difference between these two countries is the geographical neighbourhood. Norway is surrounded by democratic countries like Sweden, Denmark, and Finland. As per the World Press Freedom Index, Finland is second on the index, after Norway and Sweden and Denmark are third and fourth, respectively. At the same time, the neighbourhood in Pakistan, including Afghanistan, Iran, China, and India, are lower in the ranking. Afghanistan is ranked 122, Iran is 174, China 177, and India is 144 out of 180 countries (2021 World Press Freedom Index, 2021). Thus, Norway lies in such a region that gives media complete freedom, whereas Pakistan, along with its regional neighbours, is known for subjugating media in their countries. By looking and analyzing the working mechanisms of media in both these countries, it is vividly clear that media in these countries are poles apart, where the media in Norway enjoy the freedom and is a modern pillar of the state, while Pakistani media is under continuous tyranny is being used to disseminate a particular narrative which supports state and its interest groups. However, credit must be given to determined and honest journalist in Pakistan, whom, despite witnessing suppression and even in extreme cases death, still holds the flag of free media and is struggling for a media that is free, accountable, and according to the principles of democracy.

Chapter 5: Finding and Analysis: Content regulations in Norway and Pakistan, and their impact on free speech

In recent years, the issue of regulating the internet has received widespread criticism globally. The rights bodies dedicated to internet freedom are alarmed by various states' misuse of internet regulatory laws. After gathering data through qualitative content analysis, this chapter presents the findings of this research. The chapter studies various regulations introduced in Norway and Pakistan to regulate the internet. I use a content analysis approach to deeply analyze these regulations and their impacts (CHS. 3) and, primarily, through the document analysis approach. This chapter presents the findings of this research, seeking to connect the results with a broader conceptual framework. The chapter begins with some insightful description of the laws and constitutional provisions that guarantees fundamental principles of freedom of speech in Norway and Pakistan, arguing that both countries have a proper legal framework that guarantees freedom of speech. On this basis, the chapter continues to examine the latest regulations made in recent years to regulate the internet. Further, the chapter discusses how authorities misuse and abuse these regulations to suppress freedom of speech. Lastly, I bring forth several examples from Pakistan where concerned officials misused internet regulations to undermine' free flow of information on online forums

5.1 NORWAY

In Norway, freedom of expression is protected and guaranteed by article 100 of the Norwegian Kingdom Constitution, article 19 of the United Nations International Convention on Civil and Political Rights (ICCPR). In addition to this, children's freedom of expression is protected under article 13 of the United Nations Convention on the Child's Rights. Furthermore, the right covers the right to "seek, receive and impart information and ideas of all kinds" (Mandate for the Freedom of Expression Commission, 2020).

Nonetheless, articles 100(2) of the Constitution of the Kingdom of Norway and, more importantly, article 10(2) of the European Convention on Human Rights (ECHR); maintains that the right of freedom of expression shall not be absolute and shall not be in conflict with other rights and interests. For example, article 8 of ECHR: the right of privacy, honor, and reputation maintains the same safeguards as are for the right of freedom of expression.

Likewise, article 17 of the ECHR forbids abuse of any right, including that the statements invoking hatred are not safeguarded by the ECHR article 10. Furthermore, article 98 of the Norwegian constitution maintains a general principle of non-discrimination and equality. In addition to this, the Kingdom of Norway is bounded legally by its commitments under the ECHR, ICCRP, and various other global conventions to safeguard multiple groups against persecution, discrimination, and hatred. Furthermore, similar legal assurances are part of the Norwegian society legislation. For example, section 185 of the Penal code and section 13 of the Equality and Anti-Discrimination Act (Mandate for the Freedom of Expression Commission, 2020).

5.1.1 Article 100 of the Constitution of the Kingdom of Norway

There shall be freedom of expression.

No one may be held liable in law for having imparted or received information, ideas or messages unless this can be justified concerning the grounds for freedom of expression, which are the seeking of truth, the promotion of democracy, and the individual's freedom to form opinions. Such legal liability shall be prescribed by law (The Constitution of the Kingdom of Norway, 2020).

Everyone shall be free to speak their mind frankly on the administration of the state and any other subject whatsoever. Clearly defined limitations to this right may only be imposed when particularly weighty considerations justify the grounds for freedom of expression (The Constitution of the Kingdom of Norway, 2020). Prior censorship and other preventive measures may not be applied unless required to protect children and young persons from the harmful influence of moving pictures. Censorship of letters may only be imposed in institutions (The Constitution of the Kingdom of Norway, 2020). Everyone has a right to access documents of the state and municipalities and a right to follow the proceedings of the courts and democratically elected bodies. Limitations to this right may be prescribed by law to protect the individual's privacy or for other weighty reasons (The Constitution of the Kingdom of Norway, 2020). The authorities of the state shall create conditions that facilitate open and enlightened public discourse. (The Constitution of the Kingdom of Norway, 2020). Moreover, to prevent the youth and children from being influenced by the harmful and illegal effects of the motion picture, preventive and pre-censorship can be applied. Similarly, everybody shall have the freedom of access to the documents of state and municipalities and should have the right to be part of the democratic processes of elections and freely follow the

court's proceedings. Thus, limitations and restrictions should be applied to protect privacy in individual cases or for any other appropriate reason (Susi, Viljanen, Jonsson, & Kucs, 2018).

Additionally, the state and the authorities are responsible for creating an open, accessible, and enlightened discussion. The modern-day constitution of the Kingdom of Norway was drafted in 1814. Although in the initial years, the constitution covered few human rights through article 100, the constitution of 1814 safeguarded the liberty and freedom of the press. Thus, it had been more than 200 years that the constitution of Norway has protected the freedom of the media in the Kingdom of Norway (Susi, Viljanen, Jonsson, & Kucs, 2018).

Nonetheless, in 2004, the changes and revision of Article 100 of the constitution of the Kingdom of Norway entered into force. The provision was considered a source of celebration and treated as a milestone in the struggle for freedom of expression in Norway. Under this provision, the limits applied within the ambit of freedom of expression have been described in subsection 2. Furthermore, it has recognized two scenarios where an individual could be made responsible for her/his statements. Additionally, such a responsibility must be prescribed by the law and be justified when related to the consideration on which the right of freedom of expression is founded (Susi, Viljanen, Jonsson, & Kucs, 2018).

This means that the infringement's purpose has to be weighed against the damage of disturbance that such an infringement may cause to the considerations underlying the freedom of expression principle. The fundamental considerations underlying the freedom of expression principle are formulated as "Seeking the truth, the promotion of Democracy and the individual's freedom to form opinions" (2018, pp. 139-140).

5.1.2 ECHR

The Norwegian Kingdom joined the European Convention on Human Rights (ECHR) in early 1952, and in 1999, the same was incorporated into the Norwegian national law and the Human Rights Acts. The law prioritizes the ECHR when there seems to be a conflict between the convention and the Norwegian legislation (Article 3) (Susi, Viljanen, Jonsson, & Kucs, 2018).

In the Norwegian Supreme court, the ECHR has a pivotal role, particularly in freedom of expression. Although it is a member of the European Economic Area (EEA), Norway is not a formal European Union member and yet remains linked with the union. Hence, the legislative acts in the European Union, which are in some sense related to EEA, are then merged into the

EEA agreements. Thus, through this way, then these are incorporated in the Norwegian law (Susi, Viljanen, Jonsson, & Kucs, 2018, p. 143).

Article 10 of ECHR

1. "Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises" (Susi, Viljanen, Jonsson, & Kucs, 2018).

2. The exercise of these freedoms, since it carries duties and responsibilities, may be subject to such formalities, conditions, restrictions, or penalties as are prescribed by law and necessary for a democratic society. For example, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary" (Susi, Viljanen, Jonsson, & Kucs, 2018).

The second part of article 10 illustrates that the law shall permit restrictions and limitations on the freedom of expression. Hence, to follow this vital prerequisite, interference should not be based on the local law. The law must agree to specific necessities of quality. Precisely, a norm is not considered to be a law unless it is designed with adequate accuracy to make the residents adjust his/her behavior (Akdeniz, 2010, p. 49).

The extent of accuracy depends on the instrument's content at issue, the field it is designed to cover, and the number and status of those to whom it is addressed. The notion of foreseeability applies not only to a course of conduct but also to "formalities, conditions, restrictions or penalties," which may be attached to such conduct is found to be in breach of the national laws (Akdeniz, 2010, p. 49)

The restriction can be legally acceptable if the interference is following the limitations provided in ECHR Article 10(2), including public security; economic advantages to the state; for upholding morals of health; for safeguarding the freedom and rights of others; following the national security interest and for preventing crime and other disorder (Akdeniz, 2010).

Hence, in a society that enjoys democratic freedom, the need for restriction is essential, and the state's interference should be based on 'pressing social need.' Moreover, the response of the state shall be "proportionate to the legitimate aim pursued." Therefore, the European Court

of Human Rights needs sufficient and relevant reasons by the authorities of a nation-state (Akdeniz, 2010, p. 49).

5.1.3 Regulation of freedom of Speech in Ordinary legislation

There are various legal provisions within the Norwegian society plan on regulating freedom of speech, for example, defamation provisions (the Compensatory Damages Act 3-6a), protection of the right to private life (the Criminal Code 267 and the Compensatory Damages Act 3-6), the right to own picture (the Copyright Act 45c, cf. 54 and 55), presentation of court cases (the Courts of justice act Chapter 7), discriminating and hateful utterances (the criminal code 185), threats (the criminal code 263 and 264), incitement to criminal acts (the criminal code 183), the circulation of descriptions of violent acts (the criminal code 236), and the distribution of pornographic material (the Criminal code 317) (Susi, Viljanen, Jonsson, & Kucs, 2018, p. 141).

5.1.4 Principle of Technological Neutrality

In 2004, the constitution of the Kingdom of Norway was revised based on the principle of technological neutrality. Hence, as a starting point, the constitution resists such regulations, which are technologically neutral. The need to have neutral technological law has been described in detail in the given fashion (Susi, Viljanen, Jonsson, & Kucs, 2018).

Several concerns constitute the basis of this principle. The most important one is that the freedom of expression applies to everyone, and the regulation of the activities of the media should be linked to content, not to form. An additional concern is that the laws should not favor specific technologies and thereby distort competition. At the same time, there is a risk that legislation that is not media neutral may create unforeseen effects (Susi, Viljanen, Jonsson, & Kucs, 2018, pp. 146-147).

Hence, whenever there is a case or question of regulating content, the Norwegian legislation's rule remains aligned with this principle. The essential yet general rule is the legal provisions that aim to regulate content shall be technologically neutral. This rule applies to all previously mentioned provisions under the header "Regulations of Freedom of speech in ordinary legislation" (Susi, Viljanen, Jonsson, & Kucs, 2018).

Thus, the provisions are related to the published content on all technology companies, and the factual circumstances of responsibility are equal for all technologies. The conditions that make traditional media responsible can make the digital media on the internet accountable. The legal provisions are neutral mainly to what type of publication activity the utterances are part of. There are possibilities that a large number of people in Norway do not know that these rules apply to journalists and to people who like to share their point of view on various internet platforms (2018, pp. 147-148). Therefore, laws are equally applied for both traditional and digital media when it comes to the regulation of content.

5.1.5 Cyber-violence and Action against it

In Norway, a significant number of populations use technology and have access to the internet. Most of its people are on social media, and about 86% daily sign into their Facebook accounts (Cybercrime in Norway, 2021). As per the data provided by the Norwegian Media Authority (NMA), almost all children of age ten and above in Norway have access to a modern smartphone. And they use it daily for video streaming, online games, social media, and the most popular platform remains Snapchat among the youth and children. Interestingly with such an increased number of users among children, the negative impacts have also increased. For instance, one child among the four within the age bracket of 9-18 has reported being bullied or harassed during their engagement at internet services, smartphones, or games. Similarly, 13% within the age bracket of 13-18 have reportedly sent nude images. Likewise, out of 10, 2 children and youth have received unwelcomed, unpleasant, inappropriate offensive, and in some cases comments of sexual threats. However, the primary reason for not reporting such incidents is the fear of being deprived of their mobile phones or feeling ashamed (Children and Media 2016, 2016; Cybercrime in Norway, 2021).

According to the Norwegian Police, the cases of online child abuse have been developing at an alarming level. With the advancement of technology and the introduction of 'High-Resolution Video and Picture' and more concerningly, the facility of online direct video calls has eased sexual contact with children and minors (Cybercrime in Norway, 2021).

By utilizing online platforms, a perpetrator can easily manipulate and reach many victims. According to the National Criminal Investigation Services (Kripos) observance, more than 3000 unique Internet Protocol IP addresses were used during 2016-2017 for sharing and

downloading child abuse content. Likewise, the local police have also noticed that increasing child abuse content is also accessible through the darknet (Cybercrime in Norway, 2021).

The Norwegian government introduced an Escalation plan to curb such activities and violence to deal with developing online child abuse cases. The program included an increased budget with an intense focus mainly on online child abuse cases. Additionally, it also developed knowledge related to online risks and vulnerabilities for children (Cybercrime in Norway, 2021).

According to central annual steering documents, online child abuse has been categorized as a prioritized area of concern. Moreover, funds have been allocated for the National Criminal Investigation Services (NCIS) to design a strategy against online child abuse and mishandling (Cybercrime in Norway, 2021). With the help of recently introduced reform, the Norwegian police would be more equipped and have an enhanced ability to address such comprehensive and complex challenges. Likewise, the National Police Directorate started the formation of the National Cybercrime Centre in 2018, which aims to coordinate in the enforcement of national and global cybercrime laws and, more importantly, act as a centre promoting technical proficiencies (Cybercrime in Norway, 2021)

In 2017, the NCIS introduced a policy called "Police2Peer". This policy was aimed to target perpetrators who were involved in sharing child abuse content through peer-to-peer networks. The procedure was an innovative tactic to the complex challenge of online child abuse. The main aims are enlisted to ensure and increase police presence on the platforms where child abused material is shared, increase the risk of apprehension of culprits, and decrease the availability and demand of online child abuse content. In May 2018, this project was presented at the 27th session of the Commission on Crime Prevention and Criminal Justice in Vienna (Cybercrime in Norway, 2021).

Since 2006, under the EU co-funded Safer Internet program and the Norwegian National Awareness centers, different ministries have supported the Norwegian Media Authority (NMA), aiming to curb harmful children content. NMA, as the National Awareness centre, has encouraged and formulated cooperation and discussion among government bodies, industries, NGOs, educators. In addition, and more importantly, with the partnership of the Norwegian Red Cross Helpline specifically on the developing role of safe Internet Services (Røde kors/Kors på halsen). In addition, NMA/The Safer Awareness centre Norway (Trygg bruk) with Norwegian NIC, and National Criminal Investigation Service (Kripes), on the

complex challenge of sexual manipulation and exploitation is of great significance. The NCIS is the hotline that is related to reporting child abuse content. The prime aim is to guarantee productive action against online child abuse content through cooperation among various sectors and build a solid knowledge base with adequate capacities and resources (Akdeniz, 2010; Children and Media 2016, 2016)

Generally, coordination is essential among all actors to agree upon priorities and share the responsibility to counter such challenges. More importantly, challenges like online child abuse go beyond the national framework. Hence it is essential to create a global arena to discuss and initiate practical action plans against such challenges through collaboration (Cybercrime in Norway, 2021). Incitement to terrorism is prohibited in Norway. Any individual involved in incitement to terrorism would face a penalty of six years of imprisonment. Furthermore, section 147 of the penal code is applied to disseminate terrorist propaganda through public websites (Akdeniz, 2010, p. 78).

Moreover, Section 147c (2) mentions those statements which are prone to reach an increased number of people. However, in Norway, there are no such legal provisions that directly address the possession and control of terrorist propaganda. Nonetheless, any type of help, aiding and abetting terrorists and terrorist activities would be punishable under section 147a (Akdeniz, 2010, p. 78).

In addition to this, the General Civil Penal Code of 1902 under its section 135a ban hateful expression and publicly uttered discrimination. This section applies to public dissemination of xenophobic, hateful statements and racist remarks and includes actions where such nature's content is posted on the internet. Any offender of this section could face three years of imprisonment. Additionally, the same could also be punished for compensation (Akdeniz, 2010, p. 61).

There are several legal ways to block access to online websites in Norway. Under the Electronic Communication Act, the Authorities are empowered to call upon service providers to restrict the utilization of electronic communications services and networks, keeping in view the national security interest and other equally critical social considerations (Akdeniz, 2010). The service providers shall take all necessary restrictive measures on the internet, mainly in emergencies that involve serious threats of health and life, public safety order, in such a situation where there is a danger of sabotage against services and networks. The service providers are bound to immediately discount terminal and radio equipment whenever it seems

necessary in the interest of communication security or the integrity of the network, given that the provider can suggest an alternate solution without any delay or suspension. The provider would also have to bear the cost of provided alternative solution. The authority has the power to issue a set of regulations on restriction on the use and on exceptions to the requirement for permission (Akdeniz, 2010, pp. 164-165).

With the Child Sexual Abuse Anti Distribution Filter (CSAADF) formulation, access to such online websites has been blocked, which depict child sex abuse at the level of ISP since 2004 (Akdeniz, 2010). NCIS, the law enforcement agency in Norway, examines and then verifies unlawful websites and then prepares a list of domains that are then ISPs based on a written agreement between ISPs and NCIS Norway. This contract has been designed and developed by the association of ISPs called the Internet Service Providers Association of Norway. There are variations in the number of websites that are subject to blocking. Almost 800 to 1200 websites on average are running and are subject to blocking (Akdeniz, 2010, pp. 164-165).

In a February 2010 case against the Telenor filed by the music and film industry related to Internet piracy, a Norwegian District Court judged no legal ground under which the Norwegian ISP Telenor could be ordered to block access website of famous Pirate Bay. Therefore, the court ruled that the Telenor has not illegally contributed to the infringement of copyright by giving access to the website of Pirate Bay (Akdeniz, 2010, pp. 164-165).

There is a growing fear that the acts of volunteer blocking in agreements and understandings do not respect or follow the principle of due process practiced in a country where they are being used. Hence, without the presence of legal grounds of online blocking of content, online websites, and internet platforms, the agreement with Article 19 of the Universal Declaration, Article 10 of the European Convention on Human Rights, OSCE commitments, and Article 19 of the International Covenant on Civil and Political Rights remains challenging (Akdeniz, 2010).

Though authorities' good intentions to address the challenge of online child pornography is logical and understandable, particularly in the absence of robust legal means to block access to such websites. However, the power and authority given to institutions and organizations to administrate, secure, and maintain blocklists remain problematic (Akdeniz, 2010).

5.1.6 Slettme.no

The service Slettme.no has been established to help people who witness the violation of their privacy rights on the internet. The service is based on public law and does not exercise legal authority. Therefore, it neither enjoys the mandate to delete nor demand the deletion of anything from the internet. However, the services of slettme.no help people formulate connections with those who have uploaded relevant information with the service to locate the information (Susi, Viljanen, Jonsson, & Kucs, 2018).

It provides technical assistance and advice on how can the information which is offending could be deleted. The service has been reported to enjoy excellent success. For instance, in the year 2015, 7826 cases have been handled, and 334,000 users have accessed the website of Slettme.no. There are a variety of issues that are registered on slettme.no. For example, there cases that call for the removal of profiles; questions related to the search engines; removal of registration, entries, video, pictures; removal of false and fake online profiles; inquiries related to the handling of online profile of dead people; self-published content and hacked profiles and loss of one's profile (Susi, Viljanen, Jonsson, & Kucs, 2018, pp. 142-143).

5.1.7 Freedom of Expression and content regulation

The law practiced in Norway offers legal protection against discriminatory and racist speech, which are aimed to protect individuals, and the law does not include the protection of groups. Like Norway, many countries in the West practice such restriction and limitation of freedom of expression. Despite these limitations, which are covered by legal protection, these do not provide any protection against blasphemy, insult, and religious defamation. This point is confused, especially among the specialist academicians (Bangstad, 2014).

It is considered that it is not the state's duty of the democratic and liberal state to provide protective measures to groups or individuals who feel offended. Such an offense may be the result of the flimsiest pretext. Such a distinction is present in Norwegian law and is practiced in the supreme court of Norway (Bangstad, 2014).

Under the Norwegian Penal Code §, 142 related to the blasphemy provision makes it an act of crime, by word or deed, publicly insult or show contempt for any creed whose practice in the realm [of Norway] is permitted (Bangstad, 2014). Furthermore, in terms of applying the

so-called 'racism' paragraph § 135 (a) of the Norwegian General Penal Code, The Supreme Court in Norway has adopted a distinction between racist speech and defamatory religious speech against individuals since 1981 (Bangstad, 2014).

The police in Norway started registering and publishing the data related to such cases in late 2006 after the Gay rights group made the phenomenon public. Although, since the publication of the police-reported hate crime cases in 2007, more cases of hate against individuals based on their religious and ethnic belonging than the hate crime which targets the individuals based on their non-heterosexual attitude nonetheless, such cases received more attention (Bangstad, 2014).

Additionally, in 2010, Oslo police admitted in the report of hate crimes that due to the absence of knowledge about this category of reporting, there might be chances that such cases are not registered in the type of hate crime by the police. Thus, such cases may be under-reported (Bangstad, 2014).

The liberal media editors and newspaper reporters might have witnessed their failure in the report by the Fritt Ord Foundation, failing to 'civilize' the masses in Norway in understanding the absolutist concept of freedom of expression as understood by themselves. Twenty-one percent of the Nationality sample reckon freedom of expression to be the main aim that the Kingdom of Norway should look for in the next ten years. However, 57% consider maintaining law and order to be the main aim of the country. Furthermore, 90% to 89% reckon that threat or incitement of violence against groups or individuals be punished as per the law; 73% accepted the surveillance of those individuals who hold extremist views and 36% and 32% assume that the right of racist and religious extremist to hold demonstrations and open public meeting and gathering. However, incidents and cases of discriminatory and racists speech directing Muslims and other minority groups have continued in Norway intensely after 22/7 (Bangstad, 2014).

In recent times, people from right wings and populists in both Norway and Europe have developed a common motivation with Islamists in going against the norms of social tolerance and promote concepts of unchecked freedom of expression. At the same time, many Islamists believe that such freedom of speech is prohibited, making Muslims offended by the law or resort to intimidation and violence (Bangstad, 2014).

It is a typical liberal cliché to cite Judge Brandies, the great Supreme Court Judge in the US, that effective countering tool against hate speech is more speech (Hessick, 2015). However,

this strategy is questioned as either those vilified or threatened targeted by such hate speech are expected to engage in the counter-speech despite the circumstances. For example, discriminatory and racist speech is not driven by any efforts to promote democratic deliberation. The speech contained racist discourse does not act as an open invitation to conversation or debate. It also does not present any argument or reason with which an audience could engage. The illogical hostility expresses foreclosure instead of opening any possibility for further discussion and deliberation (Bangstad, 2014).

However, the empirical studies suggest that it is unlikely to adopt the strategy of counter-speech as they fear that such a response may result in more violence. Furthermore, the cases related to discriminatory and racist speech in the Norwegian Supreme Court have reportedly been inconsistent in applying the law relevant: (§135 (a) of the Norwegian General Penal Code) (Bangstad, 2014).

However, Neo-Nazi Norwegian leader Terje Sjølie, leader of Boot Boys, in which he was acquitted in 2002 for anti-immigrant and anti-Semitic statements, is considered essential for setting a precedent. In Norway, the Supreme Court was divided in concluding that the right of freedom of expression overrides the protection against hate speech cases for minorities (Bangstad, 2014).

Tor-Aksel Busch, the then attorney-general involved in the case, warned that "the verdict would set precedents concerning Norwegian minorities' protection against racist and discriminatory speech; not so much in terms of the actual application of the law by the courts as in the number of subsequent reports to police and prosecutions under § 135 (a)" (Bangstad, 2014).

In Norway, the incidents of hate crimes are not reported, and even in some cases, the victim of such hate speech is reluctant to report the crime to the local police. European Commission criticized the verdict in the case of Sjølie against Racism and Intolerance (ECRI) and the UN CERD committee (Bangstad, 2014).

Under International Law, the Norwegian Kingdom's support for the protection of freedom of expression and speech is symbolic in the name of more robust safeguards for the right of freedom of speech and expression. It is not coincidental that among the defenders of absolute freedom of expression and its restriction in Norway, some are from the Islamophobic networks and circles. For example, in one of the prominent causes of the statement which led to Breivik's terrorism of 22/7, Ayaan Hirsi Ali, in May 2012, after being awarded Axel

Springer Award in Germany, alleged that Breivik had been part of terrorism as 'all outlets to express his views' had been 'censored' in Norway. However, the record suggests that Breivik's has not been censored before 22/7. Nonetheless, he had published many commentaries on the right-wing platform across the Nordic region and in Europe. Additionally, many counter-Jihadist blogs and online websites endorse his views expressed in various forums (Bangstad, 2014).

Bangstad quoted Karl R. Popper, the liberal philosopher, that unrestricted tolerance led tolerance to be disappeared. Suppose unlimited patience is extended to those who pretend to be intolerant and are not prepared to protect the society which is tolerant against the onslaught of the intolerant. In that case, the tolerance will be destroyed along with the tolerant (Bangstad, 2014).

On August 10, 2019, Philip Manshaus, armed with a pistol and two shotguns, entered an Islamic Center Baerum at the outskirts of Oslo. However, a retired Pakistani military man subdued him without any shots fired. Manshaus, before this act, had killed his stepsister (Norway Mosque Shooting probed as Terror Act, 2019). As per the police records, Manshaus, been active over online platforms endorsing white supremacy and has praised Vidkun Quisling, head of the Nazi collaborationist government in World War II. Additionally, he was inspired by the other mass shootings, such as the attack at a mosque in New Zealand in March and April at a synagogue in California. All major political parties, including the Prime Minister, Erna Solberg, condemned the attack of Manshaus. In the act of solidarity, members of religious and political parties jointly attended a ceremony with the members of the Islamic Centre, Al-Noor (2019 Report on International Religious Freedom: Norway, 2019).

5.2 Pakistan

The advancement of the digital world and its wide-scale use has made it necessary for the nation-states to develop robust Cyber-crime legislation. As a result, many nation-states are facing issues in drafting comprehensive laws for cybersecurity. However, the advancement of technology has outpaced the solutions planned by the institution of states, were aimed to counter cyber challenges, especially with the increased use of digital platforms. Moreover, states are also facing challenges to amend existing and current laws which aim to regulate cybersecurity (Khan E. A., 2019).

Similarly, in 2016, Pakistan introduced an act to address the growing challenges of the internet: Prevention of Electronic Crime Act 2016 (PECA) (Khan, Tehrani, & Iftikhar, 2019). However, if compared with the legislation of other democratic countries, the PECA act of Pakistan is harsh, and several portions of the act have criminalized activities, which are not found to be illegal under the laws of other democratic countries. For instance, several clauses in the PECA act curtail freedom of the internet, restricts freedom of speech, limits rights to privacy, and confine access to information. Therefore, the important aspect before legislating cybersecurity is maintaining a balance between freedom of speech and restriction of the public speech space (2019). The following section is a detailed study and analysis of the regulation of the internet in Pakistan. However, before that, a background study of the constitutional framework of internet regulation in Pakistan is necessary.

5.2.1 Article 19 and 19A of the constitution

19. Every citizen shall have the right to

freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign states, public order, decency, or morality, or concerning contempt of court, {commission of} or incitement to an offense (The constitution of the Islamic Republic of Pakistan, 2012).

19A. Every citizen shall have the right to access information in all matters of public importance subject to regulation and reasonable restrictions imposed by Law (The constitution of the Islamic Republic of Pakistan, 2012).

Despite the guarantee of freedom of speech and expression and the freedom of the press, the content and language of the article are vague and thus can be interpreted in many contexts. However, the piece's context remains broad and contrary and therefore makes the article more ambiguous. Moreover, the constitution and the penal code are silent when defining vague terms like decency, reason, and morality. Due to their ambiguous nature, words like these are open for multiple interpretations. Similarly, no such law can be traced in the Pakistani constitution, which directly addresses and discuss the right of online freedom of speech. Nonetheless, due to its vague nature, article 19 can theoretically be stretched to the inclusion of online context. However, in practical terms, the restriction, and contradictions in the structure of article 19 contradict the open nature of the internet.

5.2.2 Framework of internet regulation

The internet in Pakistan is governed by the Ministry of Information Technology and Telecommunication (MOITT). The ministry aims "to create an enabling environment through formulation and implementation of policies and legal framework, Providing Information and Communication Technology (ICT) infrastructure for enhancing productivity; facilitating good governance; improving the delivery of public services and contributing towards the overall socio-economic growth of the country" (Content Regulation in Pakistan's Digital Spaces: June 2018 Human Rights Council Report, 2018).

However, in Pakistan, MOITT practically remains the sole ministry to regulate the internet (Content Regulation in Pakistan's Digital Spaces: June 2018 Human Rights Council Report, 2018), considering to be one of the security states, the regulation of communication in Pakistan is also viewed through a security lens and thus considered to be a matter of security. Therefore, apart from the MOITT in Pakistan, internet regulation involves the Ministry of Interior, Ministry of Information and Broadcasting, and even security establishment. Moreover, Pakistan Telecommunication Authority is formed through the Reorganization Act 1996 (Pakistan Telecommunication Ordinance 1994). Therefore, it works under the MOITT, and it is also the primary institution which "regulates the establishment, operation and maintenance of telecommunication systems, and the provision of telecom service" (2018).

In addition to MOITT and PTA, the interior ministry is another important institution in accessing and blocking online content. Apart from this, the internet is also regulated by the National Response Centre for Cyber Crime, which comes under the Federal Investigation Agency, which then comes again under the Ministry of Interior (Content Regulation in Pakistan's Digital Spaces: June 2018 Human Rights Council Report, 2018).

5.2.3 The Prevention of Electronic Crimes Act 2016 (PECA)

This section will focus on and study the impact of specific PECA provisions on using the right of freedom of speech on the internet. More importantly, it will evaluate the legal framework under sections, 3,4,11, and 37 of PECA referring to the online release of speech and expression. Furthermore, it aims to critically analyze whether these provisions hinder or promote the online right of free speech and expression.

5.2.3.1 Background history of PECA

The PECA Act was formulated and drafted as a part of counter-terrorism strategy- National Action Plan (NAP)- which was designed after the gruesome attack of Army Public School in northwestern Pakistan in December 2014, in which more than 100 school going children were murdered. The government formulated this legislation as a part of the anti-terrorism agenda, aiming to eliminate the threat of terrorism (Khan E. A., 2019; Khan R., 2016). The government justified the act as a collaborative law aligned with the other 12-point of NAP which was decided after the terrorist attack on Army Public School (APS) in Peshawar. Reportedly, 141 people were killed in the said attack. The context of the need to check extremist content, curb online harassment of women, and prosecute hate speech was used to rally support for the PECA act (Aziz, 2018). The decision taken after the attack of APS in the shape of NAP was considered as an essential blueprint for eliminating terrorism. The government emphasized that they need "unfettered ability to monitor, locate and prosecute alleged militant activities on online forums." this desire by the government officials kept in view in most of the legislation drafted after the APS attack (Khan E. A., 2019). For instance, immediately after the finalization of NAP, the government of Pakistan lifted the moratorium on the death penalty, with a provision to only execute those who were convicted of terrorism (2019).

After the post-APS attack, the situation in Pakistan can be compared to the situation in the US after the post 9/11 attack. Congress in the US passed the Patriot Act 2001, after only one month of the 9/11 attack at the World Trade Centre. Similarly, another example is the UK where, the Anti-Terrorism, Crime and Security Act was passed in 2001, after two months of the 9/11 attack (Khan E. A., 2019). Both these laws in UK and USA were criticized for being a threat to the civil liberties of its inhabitant's nationals. Thus, the example demonstrates that a panic situation can provide the state with the justification to curtail the citizen's fundamental rights. In addition to this, the Humanitarian Policy Group, the Pakistani governments give more importance to national security than the constitutional guarantees and humanitarian issues, mainly in a crisis when an emergency is responded (Khan, Tehrani, & Iftikhar, 2019; Khan E. A., 2019; Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020; O'Brien, 2016).

5.2.3.2 Overview of the PECA

PECA being new cyber legislation, is an addition to Pakistan's penal laws covering both substantive and procedural aspects. Promulgated on August 16, 2016, and among many other concerns, PECA is believed to be controversial legislation concerning freedom of speech and expression (Baloch, 2016). International human rights organizations have severely criticized the act, civil societies opposition parties and termed it problematic, draconian, controversial, and defective (Aziz, 2018; Khan E. A., 2019; Khan, Tehrani, & Iftikhar, 2019; Shepherd, 2017).

Additionally, PECA remains a big question mark on the online freedom of speech in Pakistan. Despite the global condemnation, attempts to rally political support to patch its flaws, several kinds of research, and calls for demonstration by civil societies, PECA was passed to become law on August 16, 2016 (2019). It was given after 18 months of difference and fight between the technologist, civil society, and government, where the civil societies and technologist criticized it for being anti-speech, anti-privacy and for its anti-internet provisions, while the government supported the law citing agenda for anti-terrorism strategy (2019).

The ambit of PECA is not limited and applied to freedom of privacy and freedom of expression within the country but has a broader range with consequences for overseas Pakistani nationals and international criminal laws as it is applied to the internet (O'Brien, 2016).

There are several problems with the PECA-2016. Besides others, it adversely impacts freedom of speech protected by article 19 of Pakistan's constitution, ICCPR, and article 10 of ECHR. The vague context and language of the PECA-2016 make it an easy tool for arbitrarily and selective enforcement, impacting freedom of speech and other fundamental rights (Khan, Tehrani, & Iftikhar, 2019).

The PECA-2016 applies to every Pakistani national wherever he is and even to the individuals who are in Pakistan for a particular time. And to any action which is committed out the geography of Pakistan and if that act is considered to be an offense under the front of PECA-2106 or affecting an individual, information system, data system, or a property located in Pakistan (Prevention of Electronic Crimes Act, 2016, 2016).

It is spread over seven chapters, including 55 provisions that deal with various dynamics of cyberspace. Every chapter has its aims and objectives. It deals with different cybercrime,

including electronic forgery, electronic fraud, child pornography, hate speech, spoofing, spamming, and hacking, etc. (Prevention of Electronic Crimes Act, 2016, 2016).

5.2.3.3 SECTION 3 AND 4

According to section 3:

Whoever with dishonest intention gains unauthorized access to any information system or data shall be punished with imprisonment for a term which may extend to three months or with a fine which may extend to fifty thousand rupees or with both (Prevention of Electronic Crimes Act, 2016, 2016).

According to section 4:

Whoever with dishonest intention and without authorization copies or otherwise transmits or causes to be sent any data shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred thousand rupees or with both (Prevention of Electronic Crimes Act, 2016, 2016).

One of the significant issues with sections 3 and 4 of PECA is that certain vague words are embodied in these sections. For instance, words like unauthorized access, information system, the transmission of information, dishonesty are used in the sections mentioned above. Moreover, the ambit of such terms as information systems too broad, and similarly, no yardstick can help in measuring dishonesty (Khan, Tehrani, & Iftikhar, 2019).

Hence, the government authorities exploit such legal tools to gain personal benefits and address personal grudges. Apart from section 3, section 4 also does not follow recognized standards required for the right of due process (2019).

To understand the due process, one needs to look to the first constitution of the United States. According to the first constitution, due process requires a law that should be clear and should be easily understandable and be at the access of ordinary people. If the same is applied to the case of Pakistan, with an average literacy rate of 40%, the sections mentioned above would surely not qualify to be assuring due process. It has to be known that due process is an essential prerequisite for ensuring freedom of speech (Liaquat, Qaisrani, & Khokhar, 2016).

Section 3 and 4 are a clear threat to the principle of freedom of speech, which not only violates Pakistan's constitution but is also against the legal values of ICCPR (Khan, Tehrani,

& Iftikhar, 2019). Freedom of expression and assembly are under severe attack in contemporary Pakistan. Such attacks are further assisted by the vague and broad law, providing legal grounds for apprehension and even imprisonment (2019).

The enactment of PECA-2016 is a vivid illustration of such exploitative legal measures. Laws such as PECA-2016 is the law which keeps Pakistan backward on democratic and progressive front. The analysis of section 3 and 4 demonstrate that how through legal means, the Pakistani government enacting such laws which restrict fundamental human rights. The PECA law falls short of recognized global standards to protect the right to freedom of speech and expression (Khan, Tehrani, & Iftikhar, 2019).

With its vague and broad context, this section could be used for political victimization, harassment for targeting political opponents. Similarly, such sections also provide the government with tools to silence government critics (Khan, Tehrani, & Iftikhar, 2019; Khan R., 2016).

Despite the guarantee by the Pakistani constitution to "uphold civil liberties" and exhibit "regard for the fundamental rights of the people," however, after the enactment of PECA-2016, governments have used it against civil societies and critics (Khan, Tehrani, & Iftikhar, 2019). For instance, since its implementation, the Federal Investigation Agency has arrested more than 200 people in the cases of peaceful criticism of government authorities and judiciary and even in cases of exercising the freedom of peaceful assembly (Khan E. A., 2019; Khan, Tehrani, & Iftikhar, 2019; Pakistan's Online censorship Regime, 2020).

Additionally, sections such as Section 3 and 4 of PECA-2016 have been used against academics, journalists, civil societies and opposition parties, and even ordinary citizens active on social media platforms. The Federal Investigation Agency (FIA) has been used to block the access of such online websites, which have been actively reporting on military cases, elite corruption, decisions of the judiciary and high courts, higher political parties (Khan, Tehrani, & Iftikhar, 2019).

The United Nation (UN) Special Research related to the promotion and protection of the right of freedom of expression, speech, and freedom of opinion reported that the implementation of laws under which an individual faces continued threat of being arrested or apprehended, which may be considered pre-trial arrest in cases of criminal trails, fine and imprisonment in addition with the social stigma related to having a criminal history. Thus, such fear would lead to self-restriction and self-censorship, and self-censorship is affiliated to the stifling

political deliberation and discussion, which necessary for a society where democracy is prevailing (Khan, Tehrani, & Iftikhar, 2019).

5.2.3.4 Section 11 and 37

According to section 11:

Anyone who prepares and spreads information, by way of any information system or any device which shows or likely to show sectarian, interfaith, or hatred based on race, shall be imprisoned on the terms and conditions which may prolong to 7 years or may along with fine or with both (Khan, Tehrani, & Iftikhar, 2019).

According to section 37:

(1) The Authority shall be empowered to block or remove or issue notice for removing or blocking of access to the information by way of any information system or device is found to be essential and if it is necessary for the glory of Islam or for the security, integrity or defense of Pakistan or any of its part, public order, morality or decency, or is related to the contempt of court or commission or provocation to an offense under this Act (Khan, Tehrani, & Iftikhar, 2019)

(2) The Authority shall, after getting approval from the Federal Government, propose rules providing for, including other matters, transparency process, safeguards, and active oversight mechanism to exercise power under subsection (1) (Khan, Tehrani, & Iftikhar, 2019).

(3) Until and unless such rules are prescribed under sub-section (2), under this act or any other act, the authority shall exercise its power at the time being in force according to the directions that are issued by the Federal Government and must be consistent with the provisions of this Act (Khan, Tehrani, & Iftikhar, 2019).

(4) Any individual distressed by any order under sub-section (1), passed by the authority has a right to file the application with authority for the re-examination of the order within 30 days period after passing of the order (Khan, Tehrani, & Iftikhar, 2019).

(5) An individual may appeal against the authority's decision regarding re-examination or review Of the order, shall lie before the High Court within 30 days from the date of the application of review order (Khan, Tehrani, & Iftikhar, 2019).

Section 11 and 37 under the PECA-2016 provide the legal framework for removing online content and hate speech. Like sections 3 and 4, these sections are also marked by a lack of

clarity and vague nature. For example, terms like hatred, dissemination of information, and content blocking can be carried when considered by the authorities (Aziz, 2018).

Additionally, these terms lack clarity and are too open-ended, which can be twisted easily, significantly impacting fundamental rights. Thus, analyzing these sections through vagueness doctrine results in indicating a severe impact on the right of freedom of speech and expression. Thus, both these sections have been loaded with dubious and vague words which the regulators can easily use for various interests (Khan, Tehrani, & Iftikhar, 2019; Aziz, 2018; Khan R., 2016).

Section 37 of the PECA-2016, the Pakistan Telecommunication Authority (PTA), has been equipped with extreme powers without judicial lapse. The absence of judicial oversight is equal to the abrogation of human rights, including the right to freedom of speech. In addition to this, such sections are then replicated in other legislations within Pakistan. Thus, it is safe to argue that these are clauses specifying offenses that have duplicated nature with previous laws like the defamation act and Pakistan penal code (Khan, Tehrani, & Iftikhar, 2019).

Additionally, such a section harms the spirit of Pakistan's democratic constitution (Khilji, 2020). For instance, section 37 equips PTA with sweeping powers of blocking or removal of "any information if it considers it is necessary for the glory of Islam or the security, integrity as well as in the interest of the defense of Pakistan or on the grounds of public order, morality or decency or is related to the contempt of court or provocation to an offense" (Aziz, 2018; Baloch, 2016; Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020; Content Regulation in Pakistan's Digital Spaces: June 2018 Human Rights Council Report, 2018; Khan, Tehrani, & Iftikhar, 2019).

Hence, such sections give the government a free hand to block any information on the internet. Such a section limits the role of media houses and even opposition political parties in making the government accountable for its actions (Khan E. A., 2019). A trim level of criticism can invite the government's action applying the section of 37 to block such critical approaches (Khan, Tehrani, & Iftikhar, 2019).

Furthermore, it indicated that such sections are an endeavor to restrict the right of freedom of speech. However, there is no such established parameter that judged the act against the entire nation or the country's army. Thus sections 11 and 37 attempts to limit freedom specifically on the internet, restricting access to information, peaceful online assemblies and association, freedom of speech, and rights to privacy (Khan, Tehrani, & Iftikhar, 2019).

According to O' Brien (The Global Ambitions of Pakistan's New Cyber-Crime Act, 2016), Pakistan has ratified the ICCPR, which under its article 19 sets the standards for restriction and regulation of freedom of speech. However, he further argues that, through sections like 37 of the PECA-2016, Pakistan contradicts its commitments which it has done by ratifying the ICCPR. Section 37 is believed to be a tool for exploiting internet users in Pakistan (O'Brien, 2016).

The major dilemma for Pakistan is its international commitments through the ICCPR and the legal contradiction, such as in sections 11 and 37. In the contemporary arena of the digital age, the possibility of both violation and practice of recognized human rights have increased, given the advancement of the online environment. Thus, violations of human rights cannot be ignored in such a situation, especially with the presence of standards agreed under the ICCPR (Khan, Tehrani, & Iftikhar, 2019).

As per Amy Shepherd (Shepherd, 2017), domestic legislation requires three main requirements; Firstly, the restriction and overboard provisions should follow the legality principle; secondly, restriction of any condition must be based on legitimate justification, and lastly, the law which tends to restrict must be based on sheer necessity.

Similarly, sections 11 and 37 of the PECA-2016 have a restricted approach without having any safeguard for preventing freedom of speech. For instance, Article19.org, an international human rights organization, has been blocked on a given ISP under section 37 of PECA-2016. PTA has approved this using the context of section 37. Although PECA-2016 aimed to curtail digital crimes in Pakistan, especially related to ICT, however, most of the sections of PECA-2016 are aimed to restrict the freedom of opinion and freedom to exchange of expression on the internet (Khan, Tehrani, & Iftikhar, 2019).

In the first place, section 37 of PECA empowers the authority (Pakistan Telecommunication Authority) with arbitrary and unbridled power. Due to this section, Political dissent in Pakistan under threat, government censors' online content.

Section 37, in the first place, has equipped PTA with unbridled and arbitrary power. The section that has threatened political dissent has provided the government legal tools to censor online content (2019).

According to research conducted by the Digital rights forum, they have detected 210 cases in Pakistan where the URLs have been blocked under section 37. The ISPs in Pakistan are now trying to use "smart filters," which help certain block pages on the HTTP sites instead of

blocking the access of the entire domain. Thus, it is illustrated that the blocking of HTTP version of places by the Internet Service Providers is, in actual terms is permitting censorship circumvention over the HTTPS (Content Regulation in Pakistan's Digital Spaces: June 2018 Human Rights Council Report, 2018; Khan, Tehrani, & Iftikhar, 2019).

In addition to this, with the help of section 37 under PECA-2016, the culture of self-censorship has witnessed a rise. Self-censorship makes handicaps, electronic media, print media, and most importantly, freedom of speech on the internet. Given the situation, many journalists in Pakistan have either migrated to developed countries or have left their jobs or have (Khan, Tehrani, & Iftikhar, 2019).

Likewise, the application of section 37 has severely impacted the practice of free speech and expression on both offline and online platforms. The essence of a democratic society lies in the scope of freedom of speech practiced in that society, and censorship and legal provisions like section 37 are fatal for democracy in Pakistan. Without the true spirit of democracy, hoping for the practice of freedom of speech and other fundamental human rights is mere daydreaming (Khan, Tehrani, & Iftikhar, 2019).

However, according to the statistic shared by PTA to the Senate Standing Committee about Information Technology (IT) and Telecom (2019) in a period of two years, from January 2017 to January 2019, that the Pakistan Telecommunication Authority (PTA) has blocked more than 800,000 websites and webpages. Which, according to PTA, has contained inappropriate and unsuitable content. All this has been only possible by enacting PECA-2016 and its section like 37, which grant unlimited powers to government officials (Khan, Tehrani, & Iftikhar, 2019).

Holistically, it can be claimed that, on the one hand, PECA-2016 may be helping in serving some good purposes. Still, at the time, sections like 11 and 37 have limited the freedom of speech. It will not achieve its objectives in a true sense, even though it aims to curtail cybercrime in Pakistan, but in practice, it has developed to be a threat to fundamental human rights (Khan E. A., 2019; Khan, Tehrani, & Iftikhar, 2019).

Several civil societies and human rights organizations within Pakistan have condemned PECA and its associate section as a modern-day "Black Law." It has also been reported that critical army contents, political elites in the treasury benches are blocked after their publication. With section 37, scholars feel frightened in accessing databases and web pages

that host sensitive domains. For example, research on army and military-industrial complex finance and expenditure is a challenging and complex job (Khan, Tehrani, & Iftikhar, 2019). Thus, sections like 3,4,11,37 of PECA-2016 are exploitative tools legitimized and provided to the government for achieving their interests and address their dislikes (2019). For example, section 37 gives the government ample powers to block any content without looking it legal or illegal or for the benefit of people in the country. And the government has all the capabilities to block any online website or webpage if it finds it is against its interest. Conclusively, such a section has empowered the government by compromising fundamental human rights. These sections violate basic human rights to access, receive, deliver, and impart information, self-censorship, and censorship. Thus, a robust policy suggestion has to be made by the government policymaker to either repeal the current provision of PECA-2016 or improve it to a certain level where it can be aligned with fundamental human rights (Khan, Tehrani, & Iftikhar, 2019).

5.2.3.5 PECA and Free Speech

PECA-2016 has been the center of much criticism for violating fundamental human rights of speech safeguarded by article 19 of the Pakistan constitution. Freedom of the press and freedom of speech is the cornerstone of democracy. Nevertheless, such freedom could be restricted according to law. It is an understandable factor that such restriction, if necessary, could only be decided by the court, which will see either the restriction is legally justified or not (Khan E. A., 2019).

The central problem related to PECA-2016 is to look upon how the law has empowered some institutions, and such powers lie with these institutions. For example, section 37 of PECA-2016 has empowered the PTA to block or remove, which directly restricts the right of freedom of expression and speech. However, the history suggests that PTA has a notorious track record of censoring, blocking, and removing online content (Khan E. A., 2019; Khan, Tehrani, & Iftikhar, 2019; Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Such unbridled empowerment of PTA has two significant issues. Firstly, it is the sole authority of the PTA to decide either censoring or blocking any content that could fall within or outside the ambit of article 19 of the constitution. Thus, PTA has the legal authority to decide how it is interpreted and apply article 19. Similarly, the PTA has the sole power to

determine what content can be accessed on the internet and which content has to be blocked or removed (Khan, Tehrani, & Iftikhar, 2019; Baloch, 2016).

The officials of the PTA have the authority to exercise power to remove or block any content that, according to them, is politically unacceptable, immoral against the countries that Pakistan considered as allies and are anti-state. This vast empowerment indicates that the PTA has both judicial and legislative functions. Thus, instead of safeguarding citizen rights against cybercrime and guaranteeing the practice of fundamental human rights, PECA-2016 has been designed by the legislatures which prioritize national security (Khan, Tehrani, & Iftikhar, 2019; Pakistan's Online censorship Regime, 2020).

Furthermore, section 37 also allows petitioners to file a petition with PTA to block or remove any content. Following to which PTA can unilaterally act without even approaching the court for its order. Section 37 gives the unbridled state power to block r remove any content which it considers unpalatable. Other sections of PTA are also equally problematic and vague. For instance, section 9 deals with the glorification of an offense and specifies the violation and its types which can be criminalized. The structure of this section is comprehensive and remains vague, which breaches the values of international standards of freedom of expression and speech, even though it may not be contradicting Article 19 of the Pakistani constitution (Khan E. A., 2019).

5.2.4 THE ROAD TO SECTION 37: INTERNET CENSORSHIP IN PAKISTAN

Before section 37 of the Pakistan of Electronic Crimes Act (PECA), 2016, the Inter-Ministerial Committee for the Evaluation of Websites (IMCEW) was established by an executive notification by the then Prime minister year 2006. There is no public knowledge available on the decision-making procedure, records of its meeting, and its committee. Thus, through this committee, instructions were initially given to PTA. PTA would pass these instructions to ISPs, eventually blocking or removing the assigned content (Pakistan's Online censorship Regime, 2020).

Pornography and blasphemous content have usually been the primary justification of majority of the ban cases. In recent past, several online websites have been restricted; YouTube, Blogspot, Wikipedia, Twitter, Flickr, IMDB and WordPress. Similarly, efforts of content restriction and filtering have severely affected the accessibility cultural content, medical and

academic, and even in one extreme case an online local start-up of leather shoes which meant to support indigenous craftsperson (2020).

In a prominent case, YouTube was blocked in Pakistan in September 2012 by the then-Pakistan People's Party (PPP) government on inciting religious sentiments through one of its videos. It is essential to mention that the PPP always claims to be a progressive party working for social democracy in Pakistan (Pakistan's Online censorship Regime, 2020).

In another such case, the Lahore High Court (LHC) banned Facebook in 2010 responding to a petition and instructed the government to act against blasphemous pages depicting caricatures on social media platforms. The ban was lifted only after Facebook restricted pages in certain countries like Pakistan (2020). With the Innocence of Muslim video on YouTube, Google was expected to remove the offending video from being unblocked. It was argued that if Facebook restricts content, why do YouTube and google do not pursue it the same way, as they are headquartered in the same State (Freedom on the net 2018, 2018). It developed the conversation about policies of these companies, restrictions by the countries and their institution manner and how the local laws are applied. However, the State Minister of the Pakistan Muslims League - Nawaz (PML-N), for Information Technology and Telecom, threatened to ban Google if it did not follow the government instructions (2020).

5.2.5 THE UTILITY OF SECTION 37: POLITICAL CENSORSHIP

Since the enactment of PECA-2016, there have several cases in which the government has abused and misused section 37. Debates have been reported in the National Parliament to hold PTA accountable for rampant misuse of the section. The government has been advised to repeal the section (Pakistan's Online censorship Regime, 2020, p. 16).

5.2.5.1 Website blocking

- Blocking of Khabaristan Times: Khabaristan Times, a satirical website, was intercepted on January 25, 2017, under section 37 of PECA-2106 without any prior notice, and the reason cited for blocking was owing to the availability of "Objectionable Content" (Pakistan's Online censorship Regime, 2020).
- Blocking Awami Workers Party (AWP) online website: Weeks before the general elections of 2018, the official website of the Awami Workers Party was inaccessible after it was reported blocked by the PTA (2020, p. 16).

- The Proxy Servers: In a briefing to the Senate Standing Committee on Information Technology and Telecom on July 17, 2019, PTA disclosed that it had restricted more than 11,000 proxy servers and also indicated that the PTA is intended to make efforts for regulating Virtual Private Network (VPN) in Pakistan (2020, p. 16)
- Politico: Strom Fiber, a private ISP in Pakistan confirmed in a tweet that the Politico website was blocked on July 18, 2019, on the directives of PTA (2020, p. 16),
- The Facebook post of Dawn: The Facebook blocked the Facebook post of Dawn.com on May 11, 2018, because the post is "Violating local law." The post was about a statement of Javed Hashmi, a leader of PMLN, about the judiciary. However, the post was restored on the next day and Facebook also apologised for restricting the content incorrectly (Freedom on the net 2018, 2018; Pakistan's Online censorship Regime, 2020)
- Access to the Voice of America (VOA) regional languages websites of Urdu and Pashto were blocked in 2018 December. As per VOA: "Pashto website had been blocked a few months ago. However, the Urdu website became inaccessible last week after the coverage of a press conference held by Pashtun Tahafuz Movement (PTM), Mohsin Dawar. Initially, we received complaints that the website was not accessible at some places, but later it was completely blocked" (Pakistan's Online censorship Regime, 2020).

5.2.5.2 Requests to social media companies

The Transparency report of Facebook on content restriction is biannually released, and it also records requests of PTA for content restriction. For instance, upon the request of PTA and MOITT, Facebook have restricted content particularly of those "criticism of the state." Similarly, the government in Pakistan sent more than 2,027 requests to Facebook in the first half of 2019, the highest number of such requests at this time, accounting for 31%. Furthermore, in the report from July to December 2019, Facebook reported of restricting content access to posts "allegedly violating local laws" (Freedom on the net 2020, Pakistan, 2020). However, various other categories of content have been highlighted in the recent transparency report. These categories are advocacy against the polio vaccine, criticism of the state, being against the country's independence, blasphemous, separatism, and hate speech

(Facebook Transparency report, Pakistan, 2019; Pakistan's Online censorship Regime, 2020; Freedom on the net 2020, Pakistan, 2020).

Similarly, according to the biannual transparency report released by Google, since 2009, Pakistan had reported 11,775 objects for removal and in December 2019 more than 996 items were removed. The items reported were categorized as government criticism, defamation, national security, and religious offense (Google Transparency Report Pakistan, 2009). In another case, Google flagged a request of removal of an open letter by the PTA in the period between January to June 2018. The letter was a joint effort by the faculty members of universities from different parts of Pakistan. The letter called for "academic freedom and increased repression on university campuses." PTA cited Sections 11 "Hate speech" and 37 "Unlawful online content" of PECA-2016 citing legal justification for its removal. However, Google did not accommodate the request, and the letter was not removed (Freedom on the net 2020, Pakistan, 2020).

Citing the reason of hate speech and unlawful content, PTA requested Google to remove six applications at the Google Play which were associated with Pashtun Tahafiz Movement (PTM). However, here again Google did not remove these applications (Google Transparency Report Pakistan, 2009; Pakistan's Online censorship Regime, 2020; Freedom on the net 2020, Pakistan, 2020).

In addition to this, the transparency report of Twitter from January to June 2016 reports that the Pakistani government made 23 requests for account information and submission of 70 Twitter accounts specification. Likewise, the Pakistani government also requested 273 content removal from 1,798 (Twitter Transparency report Pakistan, 2019). However, Twitter did not comply with any such request and informed the Twitter users through emails about the government's request related to their Twitter accounts (Twitter Transparency report Pakistan, 2019; 2020; Freedom on the net 2020, Pakistan, 2020)

The famous Bigo Live app was blocked temporarily in Pakistan for "immoral and indecent content." However, the app was restored after it assured of moderating such content. Additionally, the PTA blocked major dating apps: SayHi, Tinder, Tagged, Grindr and Skout on September 1, 2020, after these apps failed to comply with the government's request to moderate indecent and immoral content (Freedom on the net 2020, Pakistan, 2020). TikTok, another favorite app, was issued a final warning by the PTA for moderating its content for sifting "immorality, vulgarity, and obscenity in July 2020. Following the notice, PTA blocked

TikTok on August 28, 2020. Similarly, such orders were also given to YouTube on September 2, 2020, to filter such content and introduce a moderating mechanism for Pakistani domestic users (2020).

Nonetheless, the majority of requests made by PTA do not fall within the ambit of section 37 of PECA-2016. As per the laws under the PECA-2016, PTA could only request concerning content categorized under section 37 or make requests based on sections 20, 21, 22, and 24 of PECA-2016. Similarly, the requests of PTA have also been reported under section 11 (Hate Speech). However, the jurisdiction to such a request requires a complaint submitted to the FIA and following which the FIA seeks the permission of the court before initiating an investigation. Unlike the section discussed above, section 11 does not have the legal provision used by the PTA to request content removal applying section 11 (Pakistan's Online censorship Regime, 2020). This clearly illustrates that how fundamental rights are misused and undermined by the higher authorities in Pakistan.

5.2.5.3 Other tweets and accounts reported against "violation of local law" through the government of Pakistan requests include

- Twitter account of an ethnic Pashtun civil right activist and political leader, Manzoor Pashteen was suspended for almost 24 hours due to his online activities related to Pashtun Tahafuz Movement or Pashtun Protection Movement on 24th April 2018 (Pakistan's Online censorship Regime, 2020).
- Taha Siddiqui, a Pakistan journalist living in self-exile in Europe, reported that in November 2018, Twitter had sent him a notice via email that the Pakistani government has written to the tech company that his tweets violate Pakistani law (2020).
- Another prominent female journalist also reported that she has also received a notice from Twitter that the government of Pakistan has reported her tweets for violating Pakistani national laws. Her tweets were critical of the Pakistani government for taking appropriate action against Khadim Hussain Rizvi, the chief of the rightwing Tehreek-i-Labbaik Pakistan (TLP) (2020) that campaigns for protecting Islam and prophet Mohammad's teachings.
- Mubashir Zaidi, another famous Journalist in Pakistan, received a similar notice for his tweets related to the murders of Muttahida Qaumi Movement's (MQM) former MNA, Ali Raza Abidi, and Khyber Pakhtunkhwa SP Tahir Dawar (2020).

- Reema Omer, a prominent Pakistani lawyer, also received a similar notice by Twitter on January 21, 2019, for her tweets in which she questioned the military court procedures. Her tweets were stated to violate Pakistani national law (2020).
- Nida Kirmani, an academician, based in Pakistan, also received a notice from Twitter on a tweet in which she shared her picture with Manzoor Pashteen, the PTM chief, to critique creating an ultra-nationalist death squad" and in defense of PTM (2020).
- Hassan Zaidi, a journalist, also received a similar Twitter notice for one of his tweets that violate laws in Pakistan (2020).
- Mariana Baabar, a Pakistani right activist also reported of receiving a similar notice from twitter owing to her two tweets (2020).

The above mentioned are only a few reported cases, who have disclosed receiving of such notices. It can safely be assumed that there can be multiple causes of such statements which remain out of this discourse. In addition to this, there is another trend of where accounts are silenced by manipulating platform Rules to lock or suspend accounts, and the victims are mostly those who are critical of government policies, however, this cannot be associated to the requests made by the government (Freedom on the net 2020, Pakistan, 2020).

According to the 2020 report of the 'Freedom on The Net,' Pakistan has scored 26 points out of 100, and the Internet in Pakistan is categorized as "Not Free." The report further explains that the decline of freedom of the Internet in Pakistan is due to the increasing rate of blocking of social, political, and cultural online websites. Accordingly, over 900,000 online websites in Pakistan with social, religious, and political content have been blocked. Furthermore, the report highlighted concerns over increasing absence of data protection laws, social media monitoring, surveillance by the government (Freedom on the net 2020, Pakistan, 2020).

5.2.6 Citizens Protection (Against Online Harm) Rules, 2020

The Citizens Protection (Against Online Harm) Rules, 2020' was notified under the section of the Prevention of Electronic Crimes Act (PECA) 2016 and the Pakistan Telecommunication (Re-organization) Act, 1996. The Pakistan Telecommunication Authority has been declared the designated Authority (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020; Citizens Protection (Against Online Harm) Rules, 2020, 2020). This section will highlight and analyze the substantive and jurisdictional issues related to the regulation, keeping in view the constitutional and more significant policymaking questions.

The following rules extend the ambit of PECA-2016 gravely violates the constitutional and fundamental rights. More specifically, articles 14 and 19 are derogation and also inconsistent with the PECA-2016 and even with the constitution of Pakistan (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

5.2.6.1 Rule 3: Establishment of the National Coordinator

To centralize the mechanism of controlling online regulation, the Office of National Coordinator was established under Rule 3. It directed the minister of Information Technology and Telecommunication to nominate the National Coordinator in fifteen days after its official notification (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

The primary responsibility of the National Coordinator is to be in the coordination of other stakeholders to regulate online systems- this term includes all the applications of social media. And the significant applications (apps for voice and video calls, messages such as WhatsApp, Skype, Viber, Facebook Messenger, etc.) and the apps with cloud-based content distribution services (2020).

The coordinator is also issuing set of instructions on the issues of blocking illegal online material and to accumulate information and data from majority of the social media firms. More importantly, the National Coordinator has all the powers to directly involved with the social media firms representing the federal government of Pakistan, and it can also call upon the representatives of social media firms to appear before the National Coordinator (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

The foremost priority is to protect online security. However, the loose definitions, ambiguous scope, lack of safeguards and vague languages have led to serious concerns raised by businesses and individuals. The rules are silent, and there are set standards for the appointment and selection of the National Coordinator proposed in the regulations, even though the National Coordinator has been empowered with legislation and quasi-judicial powers. It can decide what can or cannot within the ambit being harmful (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Moreover, such provision enables the National Coordinator to seize or search data without any legal oversight and any specific concern. Additionally, unbridled empowerment of the regime gives it extraordinary powers to surveillance the online traffic citing emergency or pre-emptive measures as the immediate cause. Such a situation would significantly

compromise on corporate and private data (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

However, it is contrary to the PECA-2016. Under PECA-2016, PTA is the only organ empowered to ask for the removal of illegal content online. Under section 29, authorized agencies have the legal powers to pursue the data of the users. Moreover, the Rules do not have designed guarantees which safeguards that the powers conferred to the National Coordinator are utilized in a transparent, fair, and the just way by the government agencies (Against Online Harm) Rules, 2020: Legal Analysis, 2020; Freedom on the net 2020, Pakistan, 2020; The Citizens Protection (Against Online Harm) Rules 2020, 2020).

5.2.6.2 Rule 4: Content removal by social media companies

Rule 4 obligates that a Social Media Company to remove, suspend or disable access to any Online Content within twenty-four hours, and in emergencies within six hours, after being intimated by the authority that any particular Online Content is in contravention of any provision of the act, or any other law, rule, regulation, or instruction of the National Coordinator (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020)

Rule 4 is a grave violation of the Article 19 of the Pakistani constitution (2020). The rule is way too vague and is not reasonable and clearly extends the limits of restrictions within the sense of article 19. The article 19 sets the limits as where a restriction on the speech can be placed, but the rules direct to block or remove online contents to all Social Media firms which are "in contravention of instructions of the National Coordinator." These measures are too vague and invite arbitrariness (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Furthermore, the rules do not have any mechanism to the requests made to social media companies which are in a just manner or not. It has to be mentioned here that infringing the National Coordinator's instruction is not the aim for a bar on the freedom of expression and speech that may be placed under Article 19 of the constitution. Furthermore, freedom of speech can only be restricted legally, and the National Coordinator's directives cannot be considered a law (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

On the issue of permissibility and interpretation of the online material and content, according to Rule 4 (2), the opinion of the National Coordinator is to take precedence over any

community standards and rules, or guidelines devised by the Social Media Company (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020; Freedom on the net 2020, Pakistan, 2020; The Citizens Protection (Against Online Harm) Rules 2020, 2020).

The time bar of only 24 is totally inadequate and with this short time the intermediaries would be able to analyse the request of the takedown or pursue judicial solutions. However, in case of an emergency such short span of time could be considered as reasonable but with the issues related to private disputes or defamation, such insufficient time for the intermediaries is highly unreasonable. In all the cases, the rules shall also the strategy of "Stop the Clock" by formulating a criterion in which the time will allow fair play and pave the way for due process in implementing such a request (2020).

Rule 4 (4) requires that Social Media Companies deploy proactive mechanisms to ensure the prevention of live streaming through online systems, particularly regarding Online Content related to terrorism, extremism, hate speech, defamation, fake news, incitement to violence, and national security (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Several flaws also mark this rule. The law has a wide scope; it is broad in context, vague in nature, and extremism has a subjective definition. Nonetheless, it also fails to define as what constitute fundamental values of Pakistani state (2020). In a situation where a large volume of online content is shared, the social media platforms prefer to take it down first, ask questions later (or never). Such an attitude would hinder genuine service operations and would incentivize the process of legitimate content removal. Owing to these reasons, various policies and laws have not required social media platform to actively filter or monitor all online content (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Due to the lack of clarity of terms used in the rule, an appropriate comment of fair criticism made against the policies of the federal government, or any other institution of the state can be categorized as 'Opposition.' Likewise, when the rule requires the social media firms to prevent 'Fake News,' the rule fails to set the term boundaries. Nonetheless, the laws regarding the issue of fake news have been criticized globally from the perspective of free speech and thus fact-checking institution is considered to be the best strategy to address the problems related to online right of free speech. Vague laws are prone to be exploitative, which allows discriminatory interpretation, prosecution, and selective decision-making. It must be noted that the provision which does not come within the domain of the Rules which are made

ostensibly. For instance, both Pakistan Telecommunication (Reorganization) Act, 1996 and the PECA do not contain a provision related the dissemination of fake news (2020).

5.2.6.3 Rule 5: Localization

Rule 5 obligates that, the Social Media Companies to register with the authority within three months of coming into force of these Rules. It requires a Social Media Company to establish a permanent registered office in Pakistan with a physical address located in Islamabad and to appoint a focal person based in Pakistan for coordination with the National Coordinator (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

This rule is a direct challenge to the various features of the Internet and calls for data localization. Furthermore, the Internet has an inherent borderless nature, and such a requirement further complicates the working of the mechanism of social media companies in Pakistan. Such a demand for creating a physical presence in the country is contrary to regular global practices. Through such rules, the government is discouraging social media companies to invest in Pakistan and eventually these companies would be compelled to leave Pakistan (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Furthermore, its irrational to demand that the social media companies must have infrastructural presence in the country whereas the Internet has vanished concept of physicality and helps remote administration. Keeping in view the cost of building such an infrastructure, many companies may tend to leave Pakistan and reconsider the service delivery. In such a situation, the local markets specially the private markets may be deprived of services of online trade/businesses, online transaction, and even daily communication.

Additionally, the anticipated rule would affect foreign direct investment, taxation, and negative repercussions on economic growth (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Moreover, rule 5 will negatively impact the consumer experiences on the Internet and would the service delivery cost would increase and in such a situation offering of services even become unfeasible financially (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Another alarming feature of rule 5 is its demand of establishing a local database within Pakistan in order to store and record online content. It's a problematic provision as it will significantly impact the privacy of local citizens. Furthermore, it has to be mentioned here Pakistan does not have Data protection laws. Thus, such a rule would make ground for misuse

and abuse of information/data (Citizens Protection (Against Online Harm) Rules, 2020, 2020).

Lastly, the rule 5 also make in necessary for the social media companies to put a note of falsehood to any online content which according to National Coordinator is false (2020). Such rules further add to the National Coordinator's widespread powers and give him the power of 'Policing truth.' Such a rule is a clear violation of Article 19, which gives the right to form a free opinion (a request read as part of Article 19). However, with such rules, the National Coordinator has the sole power to dictate or decide what is false and what remains a truth. It even surpasses the PTA (Reorganization) Act and PECA-2016. Both these acts do not have a section or provision which tends to determine and define falsehood (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

5.2.6.4 Rule 6: Provision of Information by Social Media Companies

Rule 6 requires, a Social Media Company to provide to the Investigation Agency any information, data, content, or sub-content contained in any information system owned, managed, or run by the respective Social Media Company. However, under the PECA-2016, a request for access to private data and information requires a legal process. However, this rule is contrary of the contemporary process (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Surprisingly, the agencies under this rule do not require any judicial or legal procedure before requesting any information. Moreover, the agencies would not be bound to submit a following report to any court, or it is required to share such an information. Such a rule gives unbridled power to the Investigation agencies to seek online public content shared on online platforms but would also give access to the content of private communication platforms. Hence, such a rule is entirely against the right of privacy enjoyed by citizens under the Pakistani constitution. This rule also fails to differentiate between content data and traffic casting a wide net in terms of information that can be procured. It is a standard practice to have higher protection for the data content as people believe and expect privacy that their communication and conversation would not be under the surveillance (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

Thus, the condition of providing content in "decrypted, readable and comprehensible format" is not historical precedence and therefore gravely violates the fundamental right of privacy of the citizens (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020)

5.2.6.5 Rule 7: Blocking of online system

Rule 7 grants power to the National Coordinator to block the entire Online System, Social Media Application or services owned or managed by a Social Media Company or to impose a penalty of five hundred million rupees in case a Company fails to abide by the provisions of these Rules (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

The authority of blocking an online platform is an actual violation of Article 19 of the Pakistani constitution, which empowers for tenable restriction on free speech and expression, is a disproportional step that denies people access to the whole online system (2020).

According to the rule, the international digital and online system are defined as "Social Media applications, Over-the-top media services (OTTs) and any cloud-based content distribution services, allows individuals to form, express and exchange ideas and are mediums through which people obtain their information on political matters." Thus, blocking an entirely online system is equivalent to blocking the right of speech. Furthermore, the power to completely block cannot be assumed to be the power enshrined in the constitution to restrict freedom of speech and expression. The companies that are to be blocked should be given an equal right and opportunity to appeal and express their position before any blocking. It has to be mentioned here that Article 19 provides some powers related to the authority to restrict power. Still, the power of the entire blockade under the rule crosses the permissible boundaries given in article 19 (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

The blocking of an entirely online system would lead to inadvertent repercussions and deprive people of Pakistan of benefiting through such online systems. Moreover, such blocking would also reinforce a digital division. Similarly, the absolute powers to block a digital strategy as a whole are not granted in the PECA-2016, which is only given the power of securing a piece of specific information from an online system (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020).

5.2.7 Removal and Blocking of Unlawful Online Content (Protection, Oversight, and Safeguards) Rules, 2020

Removal and blocking of Unlawful Online Content (Protection, Oversight, and Safeguards) Rules, 2020, was published on November 18, 2020, in the Extraordinary Gazette, and was later posted through the website of the Ministry of Information Technology and Telecom's (MOITT) website, the rules came into force on October 20, 2020 (Analysis: Removal And Blocking Of Unlawful Online Content (Protection, Oversight And Safeguards) Rules, 2020, 2020). These rules were introduced to substitute the 'Citizen Protection Against Online Harm Rules 2020' after the round of criticism from across the world. However, the government replaced the Citizen Protection Against Online Harm Rules 2020 but has never denotified these rules. Furthermore, there has been no clarification in this regard (2020).

On several occasions, the absence of consultation with various stakeholders related to online content has been highlighted repeatedly. Still, the state's intent becomes clear that it keeps on only changing the rule's name, but the same mala fide intent of the state keeps unchanged. The state undoubtedly intends to control discourses over the Internet and promote a narrative that supports the state and its interest. This act of silencing citizens by the state is impractical, unconstitutional, disproportionate, and damaging to Pakistan's progress and development (Khilji, 2020).

The significant change within the rule eliminates the National Coordinator body, but the powers associated with this body have been conferred now to the Pakistan Telecommunications Authority (PTA). Nonetheless, the scope for unlawful content removal has been widened beyond the domain of section 37 of PECA-2016. The sections of the Pakistan Penal Code (204, 292-298, 509) have been now included with a new criterion of false and fake information (Digital Rights Foundation is gravely concerned by the Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguards), Rules 2020, 2020).

The terms: defense, security and integrity of Pakistan has been defined and the scope of such these terms have been widened to include: "harms the reputation of Federal or Provincial Government or any person holding public office" (Rule 4(1)(ii)). However, it becomes difficult to understand how by harming the status of Provincial and Federal governments,

Pakistan's security can be compromised. These draconian laws were a repetition of the colonial era when legal provisions were introduced to control the masses (2020).

Under section 20 of PECA-2016, related to the defamation law, the protection of reputation and privacy is limited to 'natural person,' which means that individuals can only utilize the remedy under section 20. Thus, the provincial and federal governments cannot claim privacy and reputation protection under section 20.

Likewise, section of 37 of PECA-2016 is in violation of freedom of speech and expression and also against the right to information guaranteed in Constitution and International Commitment by the state of Pakistan. Furthermore, under Rule 4, the criteria expand the scope of powers conferred under section 37(2) of PECA-2016 (2020).

PTA has been granted immense discretion to block or remove content without any appropriate guarantees. However, under the Rule 11, review would be done by PTA and the last option would be appeal before the High court under the Rule 12. Nonetheless, the right of appeal and study is very narrow and limited under the rules. The appeal can only be made against the review order, not the order of the authority. This indicates that the High court can only hear appeals against the review cases. Thus, the right of citizens has been violated and that without the right of proper appeal (2020).

Rule 8, under which all of the social media apps and companies can be banned, is a tool to bully these platforms into complying with the demands of PTA. Such rules would compel some social media firms to leave the country, which will leave the local users with limited choices and those being localized, surveilled, and censored (2020).

The removal of online content particularly at the social media platforms specially using the 'Emergency' bar, will discourage foreign investment in small digital economy of Pakistan. The social media companies have stated: "re-evaluate their view of the regulatory environment in Pakistan, as well as their willingness to operate in the country." It has to be understood that these social media platforms are businesses that require a stable and encouraging environment to operate. Thus, such rules will also have a negative impact on local firms and start-ups, which are the need of the hour given the deteriorating economy in Pakistan (2020).

Finally, the rules are also contrary to the right of privacy, as, under the rules, the social media platform are legally obliged to hand over data in the decrypted form, if required by the Federal Investigation Agency (FIA), and even FIA can require data of private and secure

communication Rule 9(7) (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020). The rules also require the companies to establish one or more database servers in Pakistan within eighteen months of coming into force" (Rule 9(5)(d)) (Citizens Protection (Against Online Harm) Rules, 2020: Legal Analysis, 2020). Such moves will surely endanger the security of the online data of the citizens in Pakistan. They would require localization of data (Digital Rights Foundation is gravely concerned by the Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguards), Rules 2020, 2020).

5.2.8 Impact of these regulations

In the recent past, many cases with an allegation of blasphemy- critical of Islam and its Prophets- have been reported on online social media platforms. In one of the prominent cases, a former US Fulbright scholar and teacher, Junaid Hafeez, was sentenced to death by a local court in eastern city of Multan in Punjab province over online and verbal blasphemy charges. Junaid's case is under appeal, and since 2014, he remains in solidarity confinement. Furthermore, Rashid Rehman was also killed for representing Junaid in court (Freedom on the net 2020, Pakistan, 2020).

In another Blasphemy case, Asif Parvaiz, a Pakistani national was also sentenced to death for making a derogatory statement about Prophet Muhammad (May Peace Be Upon Him), the Islamic Prophet. His lawyer has also appealed for a review (2020). In Pakistan one can easily be in legal trouble, if he/she has spoken against the armed forces, government, or judiciary. For example, a young political leader of PML(N), was apprehended for being critical of judiciary, armed forces, and the incumbent government (2020).

Likewise, a Lahore-based working journalist was apprehended under sections 11 and 20 of PECA-2016 section 505 of the Pakistan penal code for sharing and positing 'anti-State content on Facebook. Despite he was released later, but his case is still pending (2020).

Furthermore, in August 2019, a man was booked for sharing online content 'against state Institution' under section 123A of Pakistan penal code and the Maintenance of Public Order. Hence, under the garb of regulating online content, the government in Pakistan is violating its people's fundamental individual and collective rights (2020).

5.3 Summary

The chapter provided a detailed overview of Pakistan and Norway's attitude towards internet content regulation. In Pakistan, the freedom of press and speech is a recognized fundamental

right, and this right is safeguarded by article 19 of the constitution. Nonetheless, through various vague restriction under the article are placed which range from decency or morality; security and defense of Pakistan; glory of Islam; friendly relations with foreign states or issue related with contempt of court (Javaid, 2014).

Such vague dimensions protect freedom of speech vulnerable to be exploited by various interest groups to protect their interests. For example, Army in Pakistan, considered a powerful institution, uses vague terms like "National Security" to materialize their interests (Freedom on the net 2020, Pakistan, 2020). Similarly, Pakistan has committed globally to safeguard the freedom of speech and expression; however, it has not successfully practiced what it has achieved. For instance, Pakistan is a part of ICCPR since 2010, but its practicality in the country had been a significant challenge for Pakistan (Freedom on the net 2020, Pakistan, 2020).

Likewise, the board powers given to Pakistan Telecommunication Authority to regulate content or Internet and licenses services is also a point of grave concerns by Human Rights groups in and outside Pakistan. Moreover, the role of PTA has further limited the freedom of the Internet in the country. Furthermore, with the introduction of laws like the Prevention of Electronic Crimes Act 2016 (PECA), the government has been equipped with broad powers of blocking and censorship. In addition to this, the new rules under Citizens Protect (Against Online Harm) Rules 2020 by the incumbent government have further widened the scope of the government's power over social media and communication platforms.

Through studying and analyzing the literature on internet content in Pakistan, it becomes clear that the intentions of the state and its institution are to maximize control over the Internet rather than regulation. The government seems to be more interested in restricting the freedom of speech and expression and control the internet content according to the interest of powerful interest groups. Being a sovereign state, Pakistan considers it not to be bound by its International Commitment, thus deliberately using the context of its sovereignty and do not follow the agreed international laws related to the protection of freedom of speech and expression.

On the other hand, constitution and laws in Norway guarantees the right of freedom of speech and expression and such commitments are respected by the state and its institution. The independence of the press is considered an essential part of democratic system and the press freedom is ensured by practicing the right of freedom of expression and speech. Thus, in

Norway, the government and its institution are indented to protect the right of freedom of speech and expression, and its regulation is directed to control hate speech. The regulation law calls for "threatening or insulting anyone, or inciting hatred or repression of or contempt for anyone because of his or her: a) skin color or national or ethnic origin; b) religion or life stance; c) sexual orientation or lifestyle, or d) disability." Additionally, hate speech in Norway is considered to be one of the major problems over the Internet. For example, according to the ombudsman for equality and discrimination (LDO), hate speech on the Internet against ethnic minorities, women, and LGBTI persons (Norway 2016 Human Rights Report, 2016).

Furthermore, the Norwegian Kingdom does not have specific laws related to restriction or control of the Internet as in Pakistan. Still, being a part of the European Economic Association, Norway is bound to follow European regulations, and these laws are considered more important than the national laws. Moreover, being a democratic country, Norway also practices its international commitments, which it has done globally, guaranteeing freedom of speech and expression. Thus, the country accepts and practices the globally recognized standards of freedom of expression and speech. The governments in Norway under the social responsibility context are serious about child abuse and child pornography.

Additionally, here the government does not restrict access to the Internet, nor it censors online content. Moreover, evidence can claim that the government is involved in monitoring private online communication (Norway 2016 Human Rights Report, 2016).

However, the cases of hate speech and blasphemy have increased in recent years in Norway. For instance, Norwegian Center against Racism, an NGO, reported an upsurge in hateful rhetoric over social media the other online commentaries platforms against minority politicians (Norway 2016 Human Rights Report, 2016). Similarly, cases of Islamophobia have also been reported. Thus, the Norwegian state has to formulate a mechanism through which hate speech and blasphemy cases must be contained without compromising the right of freedom of speech and expression.

To conclude, based on the discussion as mentioned above in the chapter, it can be argued that in Pakistan, the internet content regulation is regulated through such laws which restricts freedom of expression and speech Whereas, in Norway, legal means of internet content regulation are used to protect the right of freedom of speech and expression.

Chapter 6: Conclusion

This project analyzed the internet content regulation in Norway and Pakistan and their impacts on the public's rights to expression. When it comes to internet freedom in Pakistan, the country has strict internet laws regarding criticism of the judiciary, military, public office holders, Islam, and promoting or supporting homosexuality. In addition, the government uses these laws with impunity to muzzle online criticism. Internet shutdown and blocking of websites dramatically increased in recent years, under the Prevention of Electronic Crimes Act (PECA), a law introduced in 2016, which is used for regulating the use of the Internet in the country. This was echoed in the Freedom House 2019 annual report. The report noted that Pakistan had seen a dramatic decline in internet freedom where authorities were accused of blocking political, social, and cultural websites under the Prevention of Electronic Crimes Act 2016 (PECA). The independent watchdog noted that Pakistan saw internet connectivity restrictions in several areas.

On the other hand, authorities detained more than a dozen journalists and activists under internet laws critical to state policies. One internet user in the eastern city of Lahore was also sentenced to death on charges of sharing blasphemous texts online. Also, the independent watchdog accused the Pakistani military of intimidating the media by extra-legal use of force during the 2018 general elections. Freedom House (2019) blamed PTA, the telecommunication regulator of Pakistan, for excessive use of power. The regulator blocked 831,000 sites in 2018, deemed anti-state, anti-military, and judiciary, anti-Islam or blasphemous. The regulator also made thousands of requests to Facebook and Twitter for removing content which it said had violated domestic laws.

Likewise, Digital Rights Foundation and Bolo Bhi, two local civil society organizations advocating for digital rights, observed that authorities in Pakistan repeatedly invoked cybercrime law against journalists and dissent voices for social media activism (Bolo Bhi 2020; Digital Rights Foundation 2020). Both organizations categorized Pakistan as one of the most restricted countries for internet users in the world. Nevertheless, in Norway, the situation is completely opposite. Freedom House ranked Norway 100% free in its 2020 report. The international non-governmental watchdog noted that Norway has enormous respect for civil liberties where media and civil society enjoy utmost freedom. In Norway, freedom of

expression is considered a sacred human right, and internet laws have been used to protect and promote the freedom of expression and speech. However, both countries, despite the significant political, cultural, social, constitutional, and economic differences, have specific restrictions to the right of freedom of speech and expression when it comes to National Security.

The research reveals that various legal measures exist in Norway that can restrict websites under the Electronic Communication Act to safeguard the interests of national security and societal considerations. However, the research could not find any report where the authorities have used the Electronic Communication Act to block any websites for public interests or in the name of national security. Norway has also made voluntary arrangements for blocking access to child pornography. Since 2004, Norway actively uses the Child Sexual Abuse Anti Distribution Filter (CSAADF) to restrict access to websites that contain child pornography (Akdeniz, 2010). Nonetheless, the Norwegian constitution greatly supports the freedom of expression and speech. The Kingdom of Norway constitution includes such provisions that call the state to promote and create such an encouraging environment, where freedom of speech and expression is safeguarded legally. This research provided an insight into entirely different countries, Pakistan being a partial democracy and Norway being a full democracy. This research contributes to understanding the Global internet content regulation and can be helpful in futuristic endeavors for formulating a global regulation for internet content. Furthermore, it can also be beneficial for researchers in Pakistan to identify the loopholes within the legal structure. The comparison is also helpful to identify the factors that have made Norway the world's most free country in the world and the factors that restrict the freedom of speech when it comes to internet content in Pakistan.

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