



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1, ISLAMABAD

Subject: Complaints under rule 5 read with rule 4 of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules, 2020 and section 37 of the Prevention of Electronic Crimes Act, 2016

File No. PTA/IP&WA/WAD/63/2019/415/505

Venue of Hearing:
Date of Hearing:

PTA HQs, Islamabad
5th July, 2021

Panel of Hearing:

Maj. Gen. Amir Azeem Bajwa (R):	Chairman
Dr. Khawar Siddique Khokhar:	Member (Compliance & Enforcement)
Muhammad Naveed:	Member (Finance)

Decision of the Authority

“Complaints regarding suspension / blocking of TikTok in Pakistan”

1. Brief facts of the case:

1.1 Considering the similar nature of issue(s), this consolidating order will dispose of complaints filed by i) Mr. Muhammad Kamran Mujeeb son of Mujeeb-ur-Rehman (“complainant No.1”) and ii) Syed Abdul Rehman Ali son of Syed Chand Ali (“complainant No.2”) (both collectively will refer as “complainants”), being aggrieved from availability of immoral and un-Islamic contents over TikTok social media, under rule 5 of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020, (the “Rules”). For the purpose of record, crux of complaints is as under:

1.2 Complaint of Mr. Muhammad Kamran Mujeeb dated 14th June, 2021

1.2.1 Being aggrieved from the campaign undertaken by social media “TikTok” for celebrating LGBT (Lesbianism, Gayism, Bisexuality, and Transgender). The complainant contended that he has no concern or reservation with the promotion of the Transgender Community, however, the promotion of Lesbianism, Gayism and / or Bisexuality i.e., Homosexuality is strictly against the injunction of Islam and by promoting the same which has been viewed by millions, it is a great cause of concern.

1.2.2 The complainant No.1 is also of the view that now a days younger generations grow up having good contact with different types of social networks, easily acquire digital culture and live in a digital world where only adults are naturalized citizens. Therefore, it is more important that our youth of protected of such trends, campaigns and / or any support groups the end result of which is to promote acts which bear corporeal punishment and which are strictly prohibited under the law and capable of disrupting our society. Thus all such activities which seek to promote, disseminate information about homosexuality and / or endorse the same should be unequivocally condemned and are liable to be blocked and removed immediately.

1.2.3 To substantiate contentions, the complainant further asserted that promotion of Homosexuality is a deliberate and a malicious act to outrage religious feelings, which shall incite violence amongst the religious circles. Such an act tantamount to an offence under chapter XV of the Pakistan Penal Code, 1860, whereas rule 4(1) of the Rules provides that removal and blocking of access to an online content would be necessary if it is against the Glory of Islam. It is pertinent to mention that the said platform has been previously banned twice in Pakistan over the promotion of immoral content, however, it appears that the said platform has no fear of accountability and has been operating in blatant violation of the applicable Laws, Rules and Regulations. Hence TikTok is liable to be banned across Pakistan. The complainant No.1 has attached 17 screen shorts of some allegedly objectionable contents.

1.2.4 Complainant No.1 further stated that in case of no immediate attention on the same would cause serious prejudice to the society at large in specific younger generation shall be influenced by immoral concepts which are against the principles of Islam, inciting of religious beliefs which shall be in turn cause violence amongst the religious circles, amongst others.

1.2.5 Soon after receipt of the complaint No.2, PTA immediately processed the content (Screenshots of videos, and hashtags) mentioned in the complaint for blocking/ removal. A total of 19 videos of identified accounts and 17 hashtags were reported along with other content identified proactively. In this regard, the complainant was intimated vide PTA letter dated June 22, 2021, however, the letter was returned with the note by Leopard Courier Service i.e., "*Katchi Abadi, provide phone number*" and no phone number was mentioned in the complaint.

1.3 Complaint of Mr. Syed Abdul Rehman Ali dated 10th June, 2021

1.3.1 The complainant No.2 seeks redressal of grievances against the un-Islamic, un-constitutional and patently illegal content uploaded on the social media application TikTok which has subsequently been broadcasted to millions of users and viewers of TikTok in Pakistan. It is pertinent to mention here that viewers of TikTok in Pakistan range from adults to children and a large portion of society is at risk of being exposed to and corrupted by the said illegal contents.

1.3.2 As per complaint, the complainant No.2 has listed the following:

- a. *Promotion of Homosexuality;*
- b. *Promotion of homosexual ideology among society;*
- c. *Videos of people behaving in an objectionable and homosexual manner;*
- d. *Encouraging individuals to behave in homosexual manner and engage in homosexual activities and to upload the same onto TikTok through the use of "challenge";*
- e. *Promotion of homosexual behavior, generally, and specifically, encouraging users to participate in homosexual activities during the month of June, terming June as "Gay Pride Month";*
- f. *Uploading of videos involving one or more men cross-dressing, engaging in objectionable activities and behaving in a perverse and homosexual manner; and*
- g. *Videos of TikTokers speaking out and encouraging all segments of society to accept, encourage and indulge in homosexual activities.*

1.3.2 The complainant No. 2 further submitted that presently TikTok is used by millions of Pakistani Citizens, including children and families and is easily accessible for anyone

who has basic access to a cellular device with internet capabilities, including phones, laptops, tablets and other such device. Therefore, it can safely be assumed that any video uploaded onto TikTok is seen by a large segment of the public and can be said to be uploaded to a public place. Moreover, the interface of the TikTok application itself allows for videos to be played sequentially and seamlessly and these videos are selected for viewers at random i.e., users are more often than not compelled to watch videos which they did not intend to play in the first place. As a result, users are exposed to the content specially mentioned in above, even if they do not voluntarily choose to watch it. As a direct consequence, children and families are exposed to such content and the fabric and moral fiber of an Islamic society is tarnished and corrupted and children and families are exposed to perverse and obscene act of seduction in public places and are forced to hear obscene songs and words in public places which is a direct contravention of the provision of chapter XIV of the Penal Code.

- 1.3.3 In light of above referred, the complainant No.2 prayed that for the sake of our youth, our future and in order to safeguard an Islamic way of life, action may be taken in respect of removing and / or blocking the content uploaded on TikTok, mentioned above or in alternative, block access to TikTok in Pakistan, until it aligns and regulates contents and platform in accordance with law of Pakistan and by extension, Islamic principles and teachings as provided in the Holy Quran and Sunnah.
- 1.3.4 After receipt of the complaint No.2, PTA immediately processed the content provided in the USB containing 4 videos for blocking. The complainant in this regard was informed vide PTA's letter dated June 22, 2021.

2. Hearing before the Authority:

2.1 In order to proceed further, the matter was fixed for hearing on 5th July, 2021 at 1130hrs before the Authority. Mr. M. Asad Ashfaq Advocate on behalf of complainant No.1 and Mr. Qazi Umar Advocate on behalf of complainant No.2 attended the hearing and reiterated the same as contented in the complaints.

3. Findings of the Authority

3.1 Matter heard. Record perused. Having gone through record and material available as referred above, followings are the finding of the Authority:

3.2 Jurisdiction of the Authority

a. By virtue of section 37 of the Prevention of Electronic Crimes Act, 2016, (PECA) the Authority is empowered to remove or block or issue directions for removal or blocking of access to an information through any information system if it considers it necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or communication of or incitement to an offence under this Act. For taking action with regard to removal or blocking of information, the Rules have been promulgated and complaints are processed as per procedure laid down in the said Rules.

b. For filing of complaint under Rules, rule 5 of the Rules provides that the Authority shall entertain complaints with regard to the unlawful online Content. A complaint for blocking or removal of Online Content may be filed by:

- i. any person, or his/ her guardian, where such person is a minor aggrieved by the Online Content or

- ii. a Ministry, Division, attached department, sub-ordinate office, provincial or local department or office, a law enforcement agency or intelligence agency of the Government, or a company owned or controlled by the Government.

Rule 5 (2) of the rule further provides that the Complainant mentioned under clause (i) of sub-rule (1) above, may lodge a complaint against any unlawful Online Content to the Authority through the Form specified in the Schedule, which may be amended from time to time by the Authority.

Provided that where a Complainant is unable to lodge a complaint through the Form specified in the Schedule, the Complainant may use any other appropriate means in writing to lodge the complaint to the Authority while making full disclosures of available information regarding the complaint and the Complainant.

c. Rule 6 of the Rules provides that subject to provisions of these rules, a complaint filed under rule 5 above, shall be decided by the Authority within thirty days. The proviso of the said rule provides that the Authority subject to the provision of Act and these rules, prior to passing any order shall issue notice or provide an opportunity of hearing as the case may be, to the Complainant and any other Person who in the opinion of the Authority, is likely to be adversely affected by such order. Rule 6 (4) of the Rules provides that the blocking or removal of any unlawful online content hosted on website/web servers offering Https or similar protocols shall be undertaken by the Authority on best efforts basis.

e. Rule 8 of the Rules further provides that in case a Service Provider, Social Media Company, owner of Information System, owner of internet website or web server and User fails to abide by the provision of these Rules, the Authority may issue directions for blocking of the entire Online System, or any services provided by such Services Providers owned or managed by the said Service Providers or Social Media Company.

f. Without any iota of doubt, any information which falls within the criteria as laid down in section 37 of the PECA does not justify its accessibility through an information system in Pakistan. Accordingly, actions are initiated for removal or blocking of objectionable online content. Considering the nature of hosting information over secured and un-secured URLs links, matters are processed in two dimension i.e., i) in case of un-secured link, information can be blocked through state of the art system already deployed by the Authority; ii) if information is available on secured URLs, then the same is escalated to social media administration for blocking or removal of information (objectionable contents). In this case, the same action was initiated by sharing URLs with Tiktok being a secured platform. Upon receipt of complaint, list of links provided by the complainant were referred to the Tik Tok administration for removal. In addition to the URLs mentioned in the complaints, PTA proactively identified 224 URLs and processed the same for blocking by approaching the Tiktok platform.

3.3 PTA's actions and level of coordination / compliance on the part of TiKToK

3.3.1 The Authority has observed significant improvement in overall response of the platform towards Authority's instructions. Following steps have been initiated by the platform to improve in the area of content moderation:

- a) Appointment of Pakistani origin focal person who is in a better position to understand the context of reported content and make the platform realize sensitivity of the objectionable content.
- b) Raised a moderation team who can understand local language and societal norms. The platform has increased the number of local content moderators to 478 since Oct 2020.

- c) The turn-around time by the platform is exceptionally well compared to other SM platforms as most of the content reported by the Authority is removed within 24 hours of its reporting.
- d) The platform on its own has blocked more than 700k user accounts in Pakistan for illegal behavior and removed more than 9 Million videos for displaying objectionable content since Oct 2020.
- e) Apart from focusing on content moderation, the platform is also working on awareness of TikTok user by running extensive awareness campaigns w.r.t user safety in print, electronic and official social media accounts/pages.

f. Community Guidelines Enforcement- Content Removal

As part of TIKTOK 's commitment to protect the safety of users in a manner respectful of local laws and cultural norms, TIKTOK has taken swift action to remove content that is in violation of the Community Guidelines or Terms of Service, and banned accounts for repeat or severe violations of the same. Since October, TIKTOK removed 9,812,290 videos and 728,843 accounts in Pakistan for violating our Community Guidelines or Terms of Service.

g. PTA Collaboration and Support

TIKTOK has also worked very closely with the PTA to identify and restrict access to content that is not appropriate in the local context. Since October 2020, TIKTOK removed or restricted access to 31,208 videos and 49 accounts in line with its Community Guidelines, Terms of Service, and applicable law, in response to government requests.

h. Prompt and Responsive Follow-up

For such cases detailed above, TIKTOK has taken prompt action in responding to the PTA requests. In the vast majority of cases, appropriate measures were taken within twenty-four (24) hours from receiving said request. The only exception, will be a small number of instances where further clarification was required to enable TIKTOK to make the correct decision.

i. Moderation Investment

TIKTOK has also continued to invest in the moderation teams responsible for Pakistan content moderation. TIKTOK now has hundreds of highly trained content moderators who understand the local context and language, and enable it to quickly identify and take action on any inappropriate content in Pakistan. Since October 2020, had significantly expanded its content moderation team focused on Pakistan to further improve the detection and removal of inappropriate content, with over +300% growth in the TIKTOK moderation workforce dedicated to Pakistan.

j. Enhanced review processes

TIKTOK has enhanced its safety processes to ensure content which is widely circulated in Pakistan receives timely and thorough review through multiple rounds of human moderation and where technically possible, machine moderation upon receipt of complaints. Together with the significant expansion of the moderation team, this has enabled TIKTOK to review most content before it has the opportunity to go viral.

k. Improving TikTok Content Standards

TIKTOK has launched TIKTOK Asia Pacific Safety Advisory Council as part of which key industry leaders in their respective fields and regions advise and contribute towards

strengthening the content moderation policies and practices. Jehan Ara, Founder of the Pakistan Software Houses Association and the Founder of The Nest I/O, from Pakistan is a highly regarded expert in the IT industry and has been an active member of the council to date. This has helped to strengthen the standards TIKTOK judges' content by, and keep them appropriate to the Pakistan context. In addition, TIKTOK has published its Community Guidelines in Urdu, to provide users and creators in Pakistan with a clearer understanding of what is considered an appropriate set of norms and code of conduct for TIKTOK. This will help provide broader guidance on what is and is not allowed in making TIKTOK a welcoming space for everyone in Pakistan. TIKTOK's community guidelines are accessible at the following URL: <https://www.tiktok.com/community-guidelines?lang=ur>

I. The overall compliance on part of Tiktok w.r.t multiple categories is given below:

Overall TikTok Summary till date			
Category	Total URLs Processed	Blocked	% age
Against Defence Of Pakistan	306	294	96.07%
Against Glory of Islam	96	92	95.83%
Defamatory / Impersonation	23	19	82.60%
Misc.	10	9	90.00%
Indecent/Immoral	38824	38403	98.91%
Sectarian/ Hate Speech	88	81	92.04%
Grand Total	39347	38898	98.85%

3.3.2 TikTok administration is in coordination with the Authority and taking all possible efforts/ steps to take action for blocking or removal of the objectionable content. Out of the 262 links including the ones reported by the complainant, the current status shows that the platform as per instructions of the Authority has removed 90 % of the content and the remaining is being pursued. However, in case a blocked link for some reason pops up again, the complainant, being account holder of the Tiktok, may share the same with relevant social medial platform or the Authority through email i.e., content-complaint@pta.gov.pk. In such circumstances, blocking / banning of TikTok application/ social media platform in Pakistan is not warranted. However, PTA will keep a close watch over the service of platform and if at any point of time it was observed that the platform willfully violates local laws of Pakistan then PTA will certainly initiate legal proceedings.

3.3.3 PTA will once again approach the Platform with the instructions to sensitize its moderation teams and ensure that the unlawful content is instantly removed and that the repeated violators are permanently blocked from the platform. In addition, the platform will be instructed to devise a mechanism so that such repeated violators are not able to create another account.

3.3.4 The complainant vide letter dated 22nd June, 2021 has already been advised to share URLs containing objectionable material through email: content-complaint@pta.gov.pk, thus it is expected that the same will be provided by the complainant, if so required.

3.3.5 These are the reasons for PTA's order dated 5th July, 2021 which is reproduced below:

Since, over all compliance on the part of TikTok's administration is more than 98% (including the instant matter) therefore, in such circumstances, the

Authority is not inclined to entirely block the accessibility of this application in Pakistan. However, PTA will continue to pursue TikTok administration for monitoring so as to ensure that the objectionable contents shall be removed/ blocked proactively.

Maj. Gen. Amir Azeem Bajwa (R)
Chairman

Muhammad Naveed
Member (Finance)

Dr. Khawar Siddique Khokhar
Member (Compliance & Enforcement)

Signed on 7th day of JULY, 2021 and comprises of (7) pages only.



PAKISTAN TELECOMMUNICATION AUTHORITY
HEADQUARTERS, F-5/1, ISLAMABAD

File No. PTA/IP&WA/WAD/63/2019/415/505

7th July, 2021

Subject: Complaints under rule 5 read with rule 4 of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules, 2020 and section 37 of the Prevention of Electronic Crimes Act, 2016

Reference is made to complaints filed by Mr. Kamran Mujeeb dated 14th June, 2021 and Syed Abdul Rehman dated 10th June, 2021 and PTA's order dated 5th July, 2021 on the captioned matter.

2. Please find attached herewith detail order passed by the Pakistan Telecommunication Authority for information and record.
3. This issues with approval of the Authority.


(Sajjad Latif Awan) 7/7/21
Director General (Law & Regulations)

1. **Mr. Muhammad Kamran Mujeeb**
through Barrister Muhammad Asad Ashfaq
Haq Nawaz Talpur & Associates
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Ph: 021-35643618-19
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2. **Mr. Syed Abdul Rehman**
through Barrister Qazi Umair All
7-A, First Sunset Street
DHA — Phase -II
Karachi
Email: hplakhi@gmail.com

Copy:

- i. Assistant Registrar, High Court of Sindh – Karachi (*with reference to court order dated 2nd July, 2021 passed in Civil Suit No.1457 of 2021*)
- ii. Director General (WAD), PTA
- iii. Director General (Law & Regulations), PTA
- iv. Director General (Coordination), PTA
- v. Director to Chairman, PTA
- vi. Zonal Director Karachi- PTA
- vii. SO to Member (Compliance & Enforcement), PTA
- viii. PA to Member (Finance), PTA



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1. Brief facts of the case:

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3. Findings of the Authority

3.1 Matter heard. Record perused. Having gone through record and material available as referred above, followings are the finding of the Authority:

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a. By virtue of section 37 of the Prevention of Electronic Crimes Act, 2016, (PECA) the Authority is empowered to remove or block or issue directions for removal or blocking of access to an information through any information system if it considers it necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or communication of or incitement to an offence under this Act. For taking action with regard to removal or blocking of information, the Rules have been promulgated and complaints are processed as per procedure laid down in the said Rules.

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f. Without any iota of doubt, any information which falls within the criteria as laid down in section 37 of the PECA does not justify its accessibility through an information system in Pakistan. Accordingly, actions are initiated for removal or blocking of objectionable online content. Considering the nature of hosting information over secured and un-secured URLs links, matters are processed in two dimension i.e., i) in case of un-secured link, information can be blocked through state of the art system already deployed by the Authority; ii) if information is available on secured URLs, then the same is escalated to social media administration for blocking or removal of information (objectionable contents). In this case, the same action was initiated by sharing URLs with Tiktok being a secured platform. Upon receipt of complaint, list of links provided by the complainant were referred to the Tik Tok administration for removal. In addition to the URLs mentioned in the complaints, PTA proactively identified 224 URLs and processed the same for blocking by approaching the Tiktok platform.

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TIKTOK has also worked very closely with the PTA to identify and restrict access to content that is not appropriate in the local context. Since October 2020, TIKTOK removed or restricted access to 31,208 videos and 49 accounts in line with its Community Guidelines, Terms of Service, and applicable law, in response to government requests.

h. Prompt and Responsive Follow-up

For such cases detailed above, TIKTOK has taken prompt action in responding to the PTA requests. In the vast majority of cases, appropriate measures were taken within twenty-four (24) hours from receiving said request. The only exception, will be a small number of instances where further clarification was required to enable TIKTOK to make the correct decision.

i. Moderation Investment

TIKTOK has also continued to invest in the moderation teams responsible for Pakistan content moderation. TIKTOK now has hundreds of highly trained content moderators who understand the local context and language, and enable it to quickly identify and take action on any inappropriate content in Pakistan. Since October 2020, had significantly expanded its content moderation team focused on Pakistan to further improve the detection and removal of inappropriate content, with over +300% growth in the TIKTOK moderation workforce dedicated to Pakistan.

j. Enhanced review processes

TIKTOK has enhanced its safety processes to ensure content which is widely circulated in Pakistan receives timely and thorough review through multiple rounds of human moderation and where technically possible, machine moderation upon receipt of complaints. Together with the significant expansion of the moderation team, this has enabled TIKTOK to review most content before it has the opportunity to go viral.

k. Improving TikTok Content Standards

TIKTOK has launched TIKTOK Asia Pacific Safety Advisory Council as part of which key industry leaders in their respective fields and regions advise and contribute towards

strengthening the content moderation policies and practices. Jehan Ara, Founder of the Pakistan Software Houses Association and the Founder of The Nest I/O, from Pakistan is a highly regarded expert in the IT industry and has been an active member of the council to date. This has helped to strengthen the standards TIKTOK judges' content by, and keep them appropriate to the Pakistan context. In addition, TIKTOK has published its Community Guidelines in Urdu, to provide users and creators in Pakistan with a clearer understanding of what is considered an appropriate set of norms and code of conduct for TIKTOK. This will help provide broader guidance on what is and is not allowed in making TIKTOK a welcoming space for everyone in Pakistan. TIKTOK's community guidelines are accessible at the following URL: <https://www.tiktok.com/community-guidelines?lang=ur>

1. The overall compliance on part of Tiktok w.r.t multiple categories is given below:

Overall TikTok Summary till date			
Category	Total URLs Processed	Blocked	% age
Against Defence Of Pakistan	306	294	96.07%
Against Glory of Islam	96	92	95.83%
Defamatory / Impersonation	23	19	82.60%
Misc.	10	9	90.00%
Indecent/Immoral	38824	38403	98.91%
Sectarian/ Hate Speech	88	81	92.04%
Grand Total	39347	38898	98.85%

3.3.2 TikTok administration is in coordination with the Authority and taking all possible efforts/ steps to take action for blocking or removal of the objectionable content. Out of the 262 links including the ones reported by the complainant, the current status shows that the platform as per instructions of the Authority has removed 90 % of the content and the remaining is being pursued. However, in case a blocked link for some reason pops up again, the complainant, being account holder of the Tiktok, may share the same with relevant social medial platform or the Authority through email i.e., content-complaint@pta.gov.pk. In such circumstances, blocking / banning of TikTok application/ social media platform in Pakistan is not warranted. However, PTA will keep a close watch over the service of platform and if at any point of time it was observed that the platform willfully violates local laws of Pakistan then PTA will certainly initiate legal proceedings.

3.3.3 PTA will once again approach the Platform with the instructions to sensitize its moderation teams and ensure that the unlawful content is instantly removed and that the repeated violators are permanently blocked from the platform. In addition, the platform will be instructed to devise a mechanism so that such repeated violators are not able to create another account.

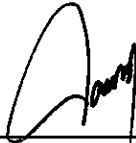
3.3.4 The complainant vide letter dated 22nd June, 2021 has already been advised to share URLs containing objectionable material through email: content-complaint@pta.gov.pk, thus it is expected that the same will be provided by the complainant, if so required.


3.3.5 These are the reasons for PTA's order dated 5th July, 2021 which is reproduced below:

Since, over all compliance on the part of TikTok's administration is more than 98% (including the instant matter) therefore, in such circumstances, the

Authority is not inclined to entirely block the accessibility of this application in Pakistan. However, PTA will continue to pursue TikTok administration for monitoring so as to ensure that the objectionable contents shall be removed/ blocked proactively.


Maj. Gen. Amir Azeem Bajwa (R)
Chairman


Muhammad Naveed
Member (Finance)


Dr. Khawar Siddique Khokhar
Member (Compliance & Enforcement)

Signed on 7th day of JULY, 2021 and comprises of (7) pages only.