



## Webinar Report

### **Cyber Crime and PECA: Does it strike the Right Balance between Cyber Security and the Rights of Citizens**

The Executive Development Institute (EDI) of the National School of Public Policy (NSPP) held a Webinar on “Cyber Crime and PECA: Does it strike the right Balance between Cyber Security and the Rights of Citizens” on 21<sup>st</sup> December, 2022. The Institute is working for continuous professional development of the public and private sectors by organizing trainings, workshops topical topics through policy dialogues and Webinars.

The Webinar highlighted emerging concerns regarding cyber crime control and security which is essential for for dissemination of information whilst ensuring the rights of citizens. The Webinar was focused on discussing various aspects of cyber-crimes with reference to PECA.

Mr. Ahmad Nazir Warraich, Dean EDI was moderator of the Webinar and the Guest Speaker was Mr. Humayun Bashir Tarar who is currently serving as Director FIA. The Discussant of the Webinar was Barrister Muhammad Ahmad Pansota, Advocate Supreme Court of Pakistan. A wide range of audience joined Webinar belonging to various walks of life including officers of the 32<sup>nd</sup> Senior Management Course (SMC), Lahore.

Mr. Ahmad Nazir Warraich, Dean EDI inaugurated the session with a brief introduction of EDI and welcomed the distinguished Guest Speakers. The Dean highlighted the importance of PECA in controlling electronic crimes but at the same time stressed upon the security of human rights and the provision of freedom of expression. He also emphasized the need for the public and private sectors to work in tandem in controlling cyber-crimes as such crimes can be dealt better if the collective effort of all stakeholders is also solicited.

**Mr. Humayun Bashir Tarar** emphasized the importance of controlling digital space and mobile technology so that it may not be used to harm citizens or the State. He briefed about the role of PECA Act and FIA in protecting the fundamental rights of people. He stated that freedom of expression is a human right thus it is important for governments to protect the right of people to express themselves. He further stated that cyber space is so vast that in the presence of various mobile technologies and devices that information now spreads without boundaries and within seconds. The magnitude of risk has also increased therefore it is important to spread awareness among people to use web portals effectively. PECA provides citizens with provisions against cyber crime particularly with reference to defamation, financial loss or harassment. Notwithstanding this, people in Pakistan still lack awareness regarding laws related to protection against cyber crime and are also often unaware of the complaint process.

Mr. Hamayun said that any unlawful act committed by using cyber space through internet is a cyber crime. Such crime has a broad spectrum of activities which are harmful to a person or persons and can range from everyday financial transactions, online shopping, information sharing, socialization and education. Women and child harassment, bullying, blackmailing, pornographic material, and financial fraud have become a concern for the world through Social Media. Often the victim is blamed for the offence, due to which such incidents are not reported which further encourages cyber-crime. The virtual and real world are now a fuzzy mass of networks with varying complexities.

The Speaker observed that the internet offers layers of content. There is Surface, Deep and Dark. Web. Surface-Web is used for everyday searches such as Google whereas Deep-Web cannot be used with an ordinary search engine without having IP address and login information, while Dark Web is highly restricted and accessed through specific software or protocols. It is 'dark' as it is infested with criminal content.

Speaking on cyber rights, the Speaker stated that a robust campaign for creating awareness about the risks and hazards of using cyber space is extremely important. The the sheer size of the cyber space provides immense opportunities to potentially harm many people through social media platforms such as Facebook, Twitter, WhatsApp, Instagram, YouTube, and Tiktok etc. For instance, a single criminal act can reach thousands anonymously because the whole cyber space is invisible, fast, transnational, and evolving. This therefore presents a daunting challenge to law enforcement agencies, not only in Pakistan but all around the world.

In Pakistan, the responsibility to control cyber crime has been given to a special crime wing of FIA which functions under the legal umbrella of PECA to deal with complaints and cyber space monitoring. It may be mentioned that cyber-crime investigations are highly technical skills which require expertise in digital forensic, technical investigation, and information systems. Therefore cyber-crime needs to be controlled by specialized agencies besides FIA in order to effectively confront the rising challenges. In this regard the private sector should also play its role in curtailing cyber-crimes by assisting FIA and agencies with relevant information.

While explaining the complaint procedure the Speaker stated that people can visit the complaint centers or lodge complaints by calling on the Helpline or through email. Although, work is in process for building state-of-the-art facilities but at the same time there is a huge capacity gap which needs to be filled to address problems of people.

**Mr. Muhammad Ahmad Pansota** said that PECA is really helpful in controlling cybercrime and terrorism. However, to a certain extent the Act is liable to misuse in impacting freedom of expression. In this sense the Law can be manipulated especially in instances where it impinges on restricting human rights especially the implementation of Article 19 which provides for the rights of free expression.

He opined that PECA can also be misused, like other laws, by those who have political influence to do so. This has led to increase in litigation. Thirdly, PECA needs to be

implemented across the board without focusing on any particular person. He further said that laws like PECA follow principles envisaged in the Constitution of Pakistan 1973 but can be implemented in a discriminatory manner by vested interests.

Mr. Pansota stated that certainty of being caught holds more importance than severity of punishment therefore cyber crime needs a robust mechanism of being apprehended and dealt with appropriately so as to bring relief to the victims and deter the perpetrators. And while the matter is investigated or tried, protecting the reputation of individuals is of immense importance in the eye of law.

Mr. Pansota concluded his session by appreciating the efforts of FIA and said that officers are performing really well in the Agency. Each officer is at least looking after 100 plus inquiries which is a formidable challenge.

### **Salient discussions during the Question and Answer Session**

On responding to the conviction rate under PECA, it was stated that this percentage is 3-4%, as the Cyber Crime Wing came on ground two years ago. It will take two or more years to get an accurate idea of conviction rate as currently, most of the cases are still under trial. While replying to the query whether PECA had any standard framework for guiding investigation related to cybercrimes, it was stated that it was responded that PECA has its own unique procedures, though general investigation procedures also apply. PECA follow-up rules also govern the investigation process which is held under prevention of electronic crimes investigation rules.

Regarding multinational treaties and agreements, the Court can serve a notice to get information about cyber-crime subject to the physical presence of that particular social media platform in the State. In incidents of terrorism, FIA contacts fora such as Facebook, Twitter etc. for provision of data.

On protection of privacy rights, it was stated that Article-14 deals with the inviolable dignity of a person. The Right to Privacy is protected under Constitution of Pakistan, 1973. At the same time, every right is subject to reasonable restrictions imposed by law and subject to law. For instance, if any information is left on social media that can cause problems for another then the right to privacy will not be protected. Furthermore on the question of locating hackers, it was stated that FIA possesses highly technical skills and technologies and has made successful identifications and cases. Moreover, with regards to the lack of awareness about cyber-crime amongst people, it was suggested that there is a need to spread awareness about cyber-crimes in schools, seminars and through other mediums to protect them from being caught. In this regard, EDI was performing its national role of disseminating awareness about a topic which is crucial for one's knowledge and protection against cyber crime.

The Webinar concluded with a Vote of Thanks from the Dean, EDI.



