



LIFTING THE BAN ON YOUTUBE

The video, Innocence of Muslims, uploaded to YouTube by a user, must be condemned in the strongest words possible. While there are no two views that this video has hurt and offended sentiments, there are better ways of registering a protest against this video than a blanket ban on YouTube. The continuing ban on YouTube in Pakistan, which has been in place for nearly a year-and-a-half now, is depriving the citizens of Pakistan access to a platform where they can not only counter such videos by uploading positive ones about Islam and its teachings, but also utilize this platform for the acquisition of knowledge.

Right to Information

- YouTube is a global video-sharing platform that hosts content uploaded by users from across the world
- Before the ban, YouTube was being used by Pakistanis to access various types of content: lectures on Islam to recitations of the Quran; academic lectures shared by Ivy League universities; news bulletins and political talk shows by local media outlets etc
- Musicians and artists in Pakistan were using it to promote their work across the world
- Small businesses, start-ups and entrepreneurs were using it to market their work and products
- YouTube was also a source of entertainment
- Based on a rudimentary analysis of only a limited number of YouTube channels and publicly available data, the following table summarizes categorized viewership of YouTube videos:

Category	Channel	Subscribers	Views
Islam and Quran Total	Popular YouTube Channels	103,772	29,289,315
Pakistani/Urdu Educational and Training Total	Popular YouTube Channels	82,222	22,361,099
Pakistan/Urdu News and Content Total	Popular YouTube Channels	417,581	113,915,673
General Educational and Training Total	Popular YouTube Channels	6,645,458	965,613,921
Repair and Technical Help Total	Popular YouTube Channels	139,371	68,188,556
Grand Total	Popular YouTube Channels	7,388,404	1,199,368,564
Total Worldwide Views of Selected Islamic & Educational Content		99.836%	1,199,368,564
Total Worldwide Views of Innocence of Muslims on YouTube		0.164%	1,965,186

- The ban on YouTube violates citizens' right to information

What other countries did in response to the objectionable video

- Upon the request of the following countries, the video was restricted by Google/YouTube in: Indonesia, India, Jordan, Malaysia, Russia, Saudi Arabia, Singapore and Turkey where there exist localized versions of YouTube or the company is registered
- Pakistan, Bangladesh and Afghanistan – where Google is not registered nor is there a localized version of YouTube – banned YouTube since the video was not restricted
- All three countries were offered interstitials – warning screens before the offending video marking it as objectionable content
- As noted by Justice Mansoor Ali Shah in his interim order (YouTube case, Lahore High Court):

“Google in its email to the MOIT dated 02.07.2013 has indicated that any offensive or controversial website carries a warning which states that “viewer discretion is advised”.

- While Bangladesh and Afghanistan accepted interstitials and proceeded to lift the ban on YouTube in 2013, Pakistan chose to keep the ban in place
- Pakistan is the only country where YouTube is still banned in reaction to the video



MOIT & Government Unwilling to Lift Ban

- In his interim order, Justice Mansoor Ali Shah observed:

“YouTube can be accessed in Pakistan by even a school going kid... Therefore, the statement made by the MOIT that YouTube has been banned, does not carry much weight and at best passes for a political statement to appease the uninformed segment of our society.”

- PTA has categorically stated before court and the Senate that links to the offending video cannot be blocked 100% – not even with multi-million dollar technology – a view vetted by IT experts
- As noted by Justice Mansoor Ali Shah (interim order in YouTube case, Lahore High Court)

“In essence the outcome of the submissions is that it is not possible to absolutely block every controversial website/URL/URI accessible in Pakistan. This inability is grounded in the absence of any technology available that can ensure complete blocking of controversial sites over the Internet.”

- MOIT was issued very specific instructions by the court:

“The ‘complaint driven’ strategy adopted by the MOIT needs to be seriously revisited. The public needs to be candidly informed that answer to the problem does not lie in generating false hope that controversial websites can be blocked but in taking up the issue head on and by evolving a code of self regulation for ourselves based on our cultural and religious sensitivities. It appears from the submissions made before the Court that we as a nation need to regulate ourselves rather than take up a defenceless battle against the digital age and the global information available on the world wide web. At the end of the day it is a policy issue and it is for the government of the day to take up a position on the Internet policy of the country keeping in view the constitutional cultural and social norms of the peoples of the Pakistan. The information over the web cannot be effectively blocked, therefore, any policy to be framed by the government must keep in mind this hard fact.”

- However, seven months on, MOIT has not come up with any such policy, nor attempted to clarify to the people of Pakistan that their pursuit of filters is an effort in futility
- Despite being summoned by the court repeatedly, the Minister for IT did not appear even once
- After eight months, a written response was submitted to court by the Minister without addressing the very clear question put to it by the court: what is the government’s stance on lifting the ban on YouTube
- MOIT and the government have displayed a clear lack of interest in addressing the issue of YouTube which is taking its toll on Pakistani citizens
- The decision to lift the ban on YouTube is a policy one that must be taken by the Government of Pakistan – and that is the expectation of the courts too
- Recommending an approach towards objectionable content on the Internet given the nature of this medium, Justice Mansoor Ali Shah (interim order YouTube case, Lahore High Court) remarked:

“It appears that a sustainable answer to the problem is self regulation at the individual and house-hold level. World Wide Web has all sorts of information ranging from ‘very useful’ to ‘out right offensive’. The choice is ours, we can either draw upon the useful information for our national development or fall prey to the negative content and immerse ourselves into moral and cultural chaos. The choice is ours.”