[**Rise in cybercrime**](https://www.dawn.com/news/1668802/rise-in-cybercrime)

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ACCORDING to latest reports, the Federal Investigating Agency (FIA) received a total of 102,356 complaints related to cybercrime in the year 2021. This marks a massive increase in reporting by citizens to the agency tasked for cybercrime under the Prevention of Electronic Crimes Act 2016. Whereas it is encouraging that a larger number of people are reporting cybercrimes, it is important to appraise the performance of the agency, the gaps that are there, and how its performance can be improved on a performance as well as policy level.

The figure of 102,356 is only that of complaints; of these, 80,641 complaints went into verification by the FIA, and according to the FIA, only 15,932 passed their criteria for initiating inquiry. Ultimately, a total of 1,202 cases were registered in 2021 under Peca, and a total of 1,300 suspects arrested by the FIA.

However, it is important to analyse what the FIA’s performance looks like for citizens beyond the numbers.

Firstly, the FIA is acutely under-equipped. As per Peca, cybercrime cases are to be registered with the FIA, not the Police, and the FIA is only present in the largest cities of Pakistan. This means that most people outside big cities have to travel hundreds of kilometers to be able to file a formal complaint. Same is the case with cybercrime courts, for which people have to travel regularly, in many cases every month for hearings after filing complaints for there to be progress on their complaint and then trial of their cases. According to the reports, the FIA plans to set up offices in every district, and setting these up in existing police stations will expedite this and save resources as well.

What are the gaps in FIA’s cybercrime investigations and how can they be addressed?

Second, the FIA staff often does not take complaints seriously. The sheer low number of cases registered as opposed to complaints made shows that citizens find the process of seeking justice through courts under Peca with FIA as the investigation agency very cumbersome. This is especially true for women and minorities, and especially for people who do not have powerful connections. Many women are reported to have been told by FIA officials that threats made to them and their non-consensual images being shared by, for example their ex-husbands for blackmailing are not serious enough crimes; others indulge in victim-blaming, further traumatising survivors.

Third, there is a general perception about FIA that it is a tool in the hands of the government to silence its critics, which the FIA must get rid of through actions. Sending summons to politicians, journalists, and activists for speech online is highly concerning, and the Islamabad High Court has repeatedly taken notice of this and summonsed high-ranking FIA officials in this regard. What is also worrying is often times summons are sent to individuals for their online speech with the words “you are well aware of what this is about” when in reality they are not. What ends up happening is that inquiries are quashed on orders of the court for FIA not having followed due process. The abuse of Section 20 of Peca which criminalises defamation is also increasingly used to silence those who speak out against oppression, be it personal or structural.

Fourth, there is a major issue with FIA investigating officers’ work and their cooperation with courts. In many cases, they do not show up in court; and evidence files of important cases have been lost, and only appeared when a case was filed in the high court. Such undue delays put a question mark over the FIA’s sincerity and competence, and need to be addressed. Same goes for the forensic laboratory of which only a couple exist in the entire country. More resources and discipline are required to deal with the influx of cases.

Fifth, the FIA is on record complaining that social media companies do not cooperate in investigations. Issues related to this are largely due to lack of policy level engagement by the Pakistani government on international fronts. The internet epitomises international cooperation, and hence addressing issues related to it also requires international participation. Pakistan does not have a Mutual Legal Assistance Treaty with the United States where most of these companies are based and whose laws they follow. If at a policy level, an MLAT was pursued by the government of Pakistan, a lot of legal issues with requests related to legal cases from Pakistan involving social media companies can be addressed.

Similarly, Pakistan is not a signatory to the Convention on Cybercrime which is also known as the Budapest Convention. Also, on matters related to taxing internet-based companies, Pakistan has not been involved in the OECD’s Model Reporting Rules for Digital Platforms which could enable it to tax internet companies. These are acute policy failures that need to be addressed if Pakistan is serious about its digital policies and accruing economic benefits as well as redressal of legal issues it faces related to cybercrime cases.

It is of utmost importance that fundamental rights be protected and due process be followed in all cybercrime cases. Social media companies are more likely to cooperate with governments if they are confident that data shared will not be abused by states to violate human rights of citizens, especially the right to freedom of speech and right to privacy that the current government seems happy to routinely violate.

The FIA, in which more women officers should be inducted, also needs to be given more resources and adequate training especially on gender sensitivity, and a sense of protecting fundamental rights and due process when investigating cases of cybercrime. With almost 100 million people using the internet in Pakistan, this should be a priority of the current government, without using Peca and FIA as a tool to silence political opposition to the regime.

Governments must remember that in a democracy, any party can be on the other side after losing power. Hence, strengthening institutions, laws, and policies, and setting the right precedents is for our collective benefit.

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