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Balancing Free Speech and Counterterrorism: A Legal Analysis of Online Glorification Laws in Pakistan

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Abstract

National security concerns in Pakistan along with global challenges lead legal systems to handle the free speech counterterrorism measures as a difficult legal puzzle particularly through their criminalization of digital terrorist act praise. This research analyzes the equilibrium between state terror prevention responsibilities and freedom of speech rights by studying Pakistan's legal structure through the Prevention of Electronic Crimes Act (PECA) 2016. The study analyzes how such laws affect both free speech provisions in the constitution and numerous human rights standards. The research uses doctrinal research methods that examine statutes and legal cases and engage in comparative law to examine Pakistan's online glorification laws against national and international human rights laws and constitutional rights. PECA 2016 promotes extremist ideology prevention but creates tensions with speech freedom rights which provokes concerns about improper law application. This study enhances existing research about security measures and civil liberties by proposing recommendations which aim to find better compromises between these two conflicting interests. Anti-terrorism laws must receive better judicial supervision through specific guidelines to protect citizens' fundamental freedoms.

Keywords: Freedom of Speech, Counterterrorism, Online Glorification, Prevention of Electronic Crimes Act (PECA) 2016, National Security

Introduction

Nationals have the right to shield their free speech according to two global human rights instruments which both stress that protective freedom of expression remains essential but undergo constraints because of national security concerns (United Nations, 1948; United Nations, 1966). Pakistan



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experiences rising conflict regarding free speech limitation boundaries when implementing national security counterterrorism policies. Online terrorist glorification faces criminal penalties through Pakistan's Prevention of Electronic Crimes Act (PECA) 2016 thus serving as the main governmental effort to stop digital extremism (Baloch, 2016; E, Arshad Khan, 2018).

The various security concerns of Pakistan throughout its political and legal development have led to the establishment of legal measures to fight terrorism. PECA 2016 together with other laws demonstrate how the state addresses internal as well as external security threats. The use of counterterrorism legislation remains in question because it stands in relation to both international human rights and Pakistani constitutional rights of free expression. The expanding scope of cybercrime laws in Pakistan helps create difficulties for discussions about free speech and security balance within the international community (Ahmad & Ansari, 2018).

Research focusing on the provisions of PECA 2016 regarding terrorism glorification remains scarce within the extensive legal discussions about counterterrorism laws in Pakistan. The existing research primarily discusses national security issues and counterterrorism strategy while omitting detailed studies about the precise connection between counterterrorism measures and freedom of speech protection (Baker & Zhao, 2013). The way Pakistani authorities implement international legal concepts regarding terrorism and incitement specifically for online spaces remains a topic that needs further examination.

A detailed examination of PECA 2016's provisions related to terrorism glorification needs to explain their relationship with the Anti-Terrorism Act of 1997 and Pakistan's constitutional freedom of expression standards. The legal uncertainty surrounding these provisions in PECA 2016 remains uninvestigated by present studies particularly when these provisions clash with other legislative mechanisms for regulating expression (E Arshad Khan -, 2018). The existing research shortage justifies examining PECA 2016 more closely as it affects freedom protections regarding web content.

The paper conducts an in-depth evaluation of Pakistan's PECA 2016 by investigating how the law treats terrorist content promotion on the internet. Through an analysis of both Pakistani legal system framework and obligations from national and international human rights law this study determines the level of fairness that PECA 2016 maintains between security requirements and protected free expression rights. This paper assesses how well Pakistan's laws support international counterterrorism regulations and freedom of speech mandates adopted by United Nations entities and regional human rights organizations (Baker, 2013).

Using doctrinal research methods this paper examines PECA 2016 legal text and supporting case law and international agreements and comparative legal systems including the United Kingdom and United States while studying their counterterrorism approaches. This paper focuses on analyzing PECA Section 9 and Section 37 concerning terrorism glorification prohibitions and blocking authorization of potentially dangerous online content for national security reasons. The paper evaluates these provisions by reviewing their consistency against international standards and Pakistani constitutional protections for free speech.



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This research contributes to counterterrorism law scholarship through legal assessments of PECA 2016 which emphasize both its beneficial aspects as well as its shortcomings and recommend new reforms for more powerful protection of human rights during online counterterrorism management. This research initiative serves as a first exploration about how Pakistan's terror promotion legislation conforms with worldwide standards of free expression protection.

The work follows this introduction with Section 2 for literature review to establish theoretical foundations and legal context of the research. The research approach together with the data collection methods will be explained in Section 3. This section examines the legal structure of PECA 2016 together with its provisions that pertain to terrorism glorification. The paper concludes its examination with implications from the analysis in Section 5 and makes future research suggestions and recommendations for legal reforms in Section 6.

Literature Review

The country of Pakistan continues to experience major security risks from internal and external sources which generated multiple laws and policies to combat terrorism. Pakistan started its counterterrorism involvement during the 1980s when the Soviet Union invaded Afghanistan and expanded dramatically after the events of September 11 (Kronstadt, 2003). Several laws emerged in Pakistan during different periods to confront expanding dangers created by native and international terrorist groups (Ahmed, 2016). The nation first approached counterterrorism through military solutions until multiple legal and policy structures developed to combat terrorism both in prevention and punishment (Baig et al., 2024).

The government passed the Anti-Terrorism Act of 1997 as the first wide-ranging legal framework that aimed to combat terrorist activities (Soofi, 2019). Terrorist operations became more complex after the rise of digital technologies which created an evident necessity for specialized online terrorism laws (Mahmood et al., 2018).

The Legal Framework of PECA 2016

PECA 2016 represents a comprehensive cybercrime legislation in Pakistan that forbids online content material which promotes terrorism through its provisions (Saleem et al., 2022). The mentioned provisions have sparked debates about how they might violate basic liberties especially the freedom of speech (Khan et al., 2019).

PECA creates constitutional tension regarding free speech protections because it might limit Article 19 freedoms of Pakistan's Constitution that grant "free speech subject to reasonable restrictions" (Daudpota, 2016a). The fundamental problem emerges from determining boundaries for acceptable restrictions when protecting national security (Daudpota, 2016b).

International Perspectives on Online Glorification of Terrorism

Terrorism-related content regulation on the online sphere continues to grow as an immediate global concern. A growing number of nations have begun to regulate the praise of terrorism through legislation that generates similar complaints about freedom of expression constraints (Khan & Tehrani, 2018). The Directive 2017/541 on combating terrorism within the European Union makes it



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illegal to publicly prompt acts of terrorism through online channels for promoting terrorist behavior [(Ciaola, 2017)].

These international laws demonstrate growing worldwide efforts to control internet communication for national defense purposes. A key challenge emerges from striking an appropriate equilibrium between national security interests and upholding the freedom of speech rights. The laws contained in PECA 2016 struggle to achieve the necessary distinction between activities that support terrorism and lawful political discourse according to Pakistan's scenario (Khan, 2021).

Theoretical Framework: Freedom of Speech vs. National Security

Freelance investigators examine online glorification legal debates using principally two theoretical standards that study the conflict between expression rights versus national security principles. According to John Stuart Mill's "harm principle" liberal democracies base their belief that government speech restrictions should only occur when speech directly harms others (Mill, 1859). This forms a cornerstone of individual liberty.

The harm principle exists without absolute boundaries although some debates occur regarding its interpretation when handling terrorism along with national security issues (Wolf, 2016). The challenge arises regarding determining how much harmfulness exists in online content before governments should intervene. According to Schneier (2015) security measures must be compact and focused to protect political speech yet other experts maintain that the protection of national security takes priority for arresting online terrorism (Schneier, 2015); (Rafique, 2019).

The Pakistani government needs to evaluate PECA 2016 against international human rights laws and especially the International Covenant on Civil and Political Rights that outlines appropriate restrictions for free speech (UN, 1966); (International Journal, 2019).

Research on the Pakistani legal framework to control online terrorism glorification remains scarce in the existing scholarly literature which primarily analyzes counterterrorism laws from a perspective of civil liberties enforcement (Shah, 2016). The research investigating PECA 2016's broad effects fails to demonstrate complete understanding about the law's relationship with Pakistan's constitutionally protected free speech together with operational constraints in its enforcement (Lovelace, 2009). Insufficient study exists about how Pakistani online political expression modifies following PECA implementation and this creates limitations for understanding democratic engagement in the country.

A deficiency exists within PECA 2016 research concerning its effects on free speech freedom particularly when it relates to internet-based terrorist glamour which demands additional focused legal scrutiny. The main role of digital platforms in political communication makes it vital to establish proper levels of counterterrorism protection while upholding free speech rights (Niaz, 2017).

Methodology

The study examines the counterterrorism framework of Pakistan through an examination of the Prevention of Electronic Crimes Act (PECA) 2016 with its provisions that address online terrorism promotion. Research under doctrinal



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methodology demands examination of both primary and secondary legal materials consisting of statutes and case law for a complete understanding of regulatory principles in the targeted field of law. This research investigates Pakistan's online terrorism glorification legal framework to evaluate their effectiveness in national security preservation along with constitutional and internationally protected freedom of speech rights.

Qualitative research approaches were chosen due to an essential need for detailed assessment of official documents consisting of legislative acts and judicial decisions above other conventional experimental information. The research investigates freedom of expression defense in the constitution through a qualitative analysis of counterterrorism law enforcement procedures in Pakistan's judicial system.

The investigation depends on data obtained from original and supplementary sources. The researcher uses legal primary sources to collect data by consulting Prevention of Electronic Crimes Act (PECA) 2016 together with Constitution of Pakistan and important court decisions that explain laws about online terrorism glorification interpretation. The judicial document review for this research includes PECA legal interpretations and court procedures about free expression conflicts with security needs.

The research combines findings from legal commentators and academic papers which were developed from government publications and the reports of ARTICLE 19 and other international human rights organizations (E Arshad Khan, 2018). Secondary analysis evaluates Pakistani legal processes and offers structural oversight of laws to prove national effects on worldwide judicial systems along with human rights standards.

The study performs textual analysis of PECA 2016 and conducts legal comparisons through counterterrorism laws from the United States and United Kingdom which target internet content. The research methodology delivers advanced knowledge about Pakistan's security protection methodology against global and internal civil rights protocols (Barendt, 2019).

Qualitative legal analysis acts as the data analysis methodology because it interprets legal documents and judicial decisions before conducting analysis. The assessment investigates the terrorism glorification terms specified in PECA 2016 through step-by-step evaluation. The criminal punishment for cyber terrorism activities is defined in Section 9 and Section 37 grants authorities the power to prevent any threats to national security through content restrictions. The evaluation spotlights the terms used in "glorification" and "incitement" to terrorism clauses because they determine free speech limitations.

This research investigates the extensive evaluation of freedom of speech decisions from Pakistani courts mentioned in Article 19 of the Constitution of Pakistan. Judicial handling of free expression versus national security and their application of international human rights principles is explained through case law reviews.

Research compares Pakistan's online glorification legal policies to identical laws in other nations to establish their agreement. Pakistan needs to assess its radicalism policy for its compliance with international human rights standards which include ECHR conventions and UN human rights guidelines from 1966.

The methodological choice emerged to address the research problem because it demanded assessment of legal written texts and their judicial interpretation and



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application. This analysis method works effectively to deliver crucial knowledge regarding statutory interpretation as well as constitutional law because these areas form the base of this specific research. The research uses authentic legal documentation made up of statutes and case law thereby presenting an accurate depiction of the Pakistani laws that address online glorification.

Scholarly examination of multiple legal systems helps researchers analyze international legal procedures which allows an examination of Pakistan's compliance with global norms. The evaluation method shows both existing weaknesses and required reform aspects within Pakistan's legal system.

The evaluation system represents an efficient way to check legal documents while existing with particular operational boundaries. The study presents no new data from stakeholder interviews or mathematical data from lawmakers or judicial courts or those directly affected by the laws. The research relies only on legal documents and secondary materials which might fail to demonstrate all actual legal impacts. The social and political circumstances in Pakistan stand apart from those in other countries thus these standards might not match Pakistani legal frameworks (Rehman, 2019).

The research method creates an organized structure to assess Pakistan's law about online glorification while ensuring its local and international standard compliance thus serving academic investigations about Pakistani counterterrorism and human rights legislation.

Analysis

The online promotion of terrorism exists as a dilemma between national security preservation and freedom of expression rights. Pakistan implemented the Prevention of Electronic Crimes Act (PECA) 2016 to combat the increased spread of terrorist content along with acts of terrorism promotion that appeared on the internet. The research evaluates the legal content of PECA 2016 regarding electronic terrorism while assessing Pakistan's legal free speech protections under its constitution alongside its international human rights commitments.

The Scope and Effectiveness of PECA 2016

The Pakistani government gains considerable authority to regulate online material related to terrorism through PECA 2016 Sections 9 and 37. Section 9 of the law makes cyber terrorism a criminal offense but Section 37 grants national security personnel the power to block online content thought to endanger the state. The state authorities obtained this sweeping power to defend Pakistan from dangerous extremist ideas spreading through digital media networks. PECA 2016 contains ambiguous language which weakens the law by creating ambiguity regarding the definitions of "glorification" and "incitement." Comprehensive definitions need to be established because the present terms in these provisions might let authorities target vast amounts of political discourse that includes criticism against government actions and political dissent (Ahmad, bibi, hang 2024).

Political speech on the internet faces censorship practices under PECA 2016 due to ambiguous language which hampers democratic freedoms and arbitrary enforcement of the law. The widespread use of social media for political expression and activism by opposition groups and civil society activists becomes problematic in Pakistan because of vague provisions in PECA 2016. PECA 2016



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could define criticisms targeting government policies or human rights abuses as "glorification" of terrorism which the government could use to restrict free expression beyond reasonable levels (Baloch, 2016).

Constitutional and International Human Rights Considerations

Under Article 19 of Pakistan's Constitution every person has the fundamental right to free speech although limitations exist for national security or public order purposes. A typical approach towards free speech limitations based on national security exists in international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) as outlined by the United Nations in 1966. The main issue revolves around determining if PECA 2016 restrictions match the standards of being reasonable and proportional to safeguard national security.

SEPCA 2016 introduces constitutional problems with its existing restriction methods. The UN Human Rights Committee underlines that free speech limitations should be Specifically Defined and must not Reduce Democratic Involvement and Public Dialogue unnecessarily (UNHRC, 2011). The broad definitions and weak judicial oversight under PECA 2016 create major challenges for the law to meet Pakistani human rights standards as recognized by the international community. The law becomes vulnerable to misuse for political control purposes thus suppressing intellectual discussion about terrorism as well as valid social and political dialogue.

Comparative Analysis with International Counterterrorism Frameworks

The study of PECA 2016 against counterterrorism legislation from different jurisdictions helps understand the strengths and weaknesses of such security laws. Free speech maintenance through security balance remains critical to UK courts when they interpret the Terrorism Act 2006's provisions against terrorist glorification. Anti-terrorism applications by the courts proceed with great caution because authorities must preserve actual political expression rights from improper legal barriers.

In comparison, Pakistan's approach under PECA 2016 lacks the same level of judicial oversight. The law tries to meet international standards regarding anti-terrorism activities but its practical use and execution generate worries about its potential misuse. Section 37 of the law gives authorities the authority to stop content distribution with no sufficient judicial review process which creates risks for silencing valid political arguments and public discourse (Ahmad, bibi, hang 2024). The protection of fundamental freedoms requires counterterrorism laws to be effective for national security but should include boundaries that protect fundamental freedoms.

Legal Ambiguities and Potential Overreach

PECA 2016 generates most of its issues through vague legal provisions that may allow abuse. The multiple vague definitions about "glorification" and "incitement" in PECA 2016 allow authorities to disturb multiple types of content and exceed national security restrictions. The unclear nature of blocking content decisions creates a serious issue because there is no public mechanism to dispute such decisions. According to existing laws there is no oversight system thus



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freedom of expression and peaceful activism and state criticism may be suppressed despite being essential features of democratic discourse.

Results

The research probes how PECA 2016 in Pakistan manages to maintain national security against speech freedoms which protect terror promotion activities online. The research examines two specific hypotheses together with this primary research question.

1. The terrorism-related provisions in PECA 2016 suppress freedom of speech at an unequal rate throughout Pakistani territories.
2. The application of PECA 2016 fails to fulfill international human rights criteria for free expression as well as other human rights standards.

Key Findings

- Section 9 of PECA 2016 together with its other provisions exhibits general undefined language which makes its application to online terrorism glory activities broad. The statute displays uncertain language because essential terms like “glorification” and “incitement” remain undefined which potentially limits free speech in the country. PECA 2016 contains broad definitions that might possibly turn legitimate political speeches into criminal offenses especially when the subject matter involves government activities or opposition participation (A Noor, 2017).
- The purpose of PECA 2016 to control extremist content places concerning restrictions upon free speech protections. Section 37 includes authorities with the power to block online content which provides them with potential control over political speech without proper judicial review particularly in circumstances where there is heightened online activity from civil society groups and opposition parties. Several case studies under the law showed content targeted at political critiques got wrongly labeled as terrorist material according to Ahmad, Bibi, Hang (2024).
- The research identifies judicial monitoring as a major problem because PECA 2016 lacks sufficient legal definition. Government officials possess extensive freedom to decide which content qualifies as harmful under the law which creates the possibility of unreasonable censorship.
- The goals between Pakistan's laws and those of the United Kingdom and United States share common grounds yet their execution demonstrates marked distinctions between each legal system. The Terrorism Act 2006 of the UK has experienced criticism from free speech advocates because of its restriction on terrorism glorification.

Known Limitations

This study has several limitations:

- The study omits crucial original data points such as directly obtaining evidence from both legal professionals and law enforcement members and people directly affected by PECA 2016. The analysis benefits from primary information obtained directly from stakeholders in addition to the existing secondary material.



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- The political and cultural background of Pakistan differs from Western legal systems which hinders direct application of Western standards. The research depends on international standards to interpret national laws but research within Pakistan's specific context should explore such standards' effectiveness and appropriateness.
- The study depends heavily on interpreting PECA 2016 yet specific explanations for key terms such as “glorification” and “incitement” remain poorly defined thus complicating clear analytical conclusions. Judicial along with legal debates continue regarding the practical application of these terms.

Discussion

PECA 2016 entered the legal system to fight online extremism and terrorism but its imprecise language substances the constitutional right to freedom of speech. Death Penalty Society of Pakistan and others v. Province of Punjab and others heavily depends on murky language in the legal system that targets online terrorism promotion.

Section 37 of the law serves as a serious problem because it gives the government authority to block content considered unsafe to national security with insufficient judicial assessment and secrets. The legal system creates conditions suitable for random censorship because of this power while posing significant threats to those who seek political or social change (Baloch, 2016).

The contradiction assessment shows that other jurisdictions share common attributes yet demonstrate essential distinctions. Free speech protections in the counterterrorism regime operate through advanced legal systems supervised by judges in both the US and UK while Pakistan lacks equivalent judicial surveillance in its PECA legislation.

In contrast, Pakistan's legal framework, particularly under PECA 2016, lacks the same degree of judicial oversight. Although this legislation aims to be beneficial it does not provide sufficient protection for personal rights online. Current counterterrorism legislation in Pakistan shows fundamental weakness due to its broad application scope which lacks clear limits or intensive review procedures (Ahmad, bibi, hang, 2024).

The research results demonstrate important effects on Pakistan's judicial system since they examine counterterrorism legislation's relationship with free speech protection. PECA 2016 positions government actions to restrict freedoms dangerously close to disproportionate limits because it lacks precise definitions and proper judicial oversight. The law requires important definitions to become clearer while judicial oversight requires stronger proactive action to prevent content blocking from being applied excessively to serious cases alone.

The government uses PECA 2016 vigorously because its primary goal is to protect national security from rising terrorist threats which ravage throughout Pakistan. The danger of extremism in Pakistan's territory compels the state administration to maintain tighter control of online material. A national safety approach that insists on safety measures will never result in Democratic rights violations. Above all else Pakistan must conduct a thorough analysis of its counterterrorism laws to provide suitable proportional measures which require clear oversight systems.



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Conclusion

The analysis of this paper delves into Pakistan's free speech and counterterrorism relationship through examination of the Prevention of Electronic Crimes Act (PECA) 2016's provisions. The research investigated Pakistan's legal framework of online terrorism praise to evaluate how it protects national security while upholding freedom of expression rights particularly speech freedom. The research evaluated whether PECA 2016 constricted free expression rights in unacceptable ways along with analyzing its level of compliance with international human rights standards. The main outcomes from this research become the significant results of the study.

- Section 9 of PECA 2016 presents vague definitions of terror glorification through the term "incitement" and the word "glorification." PECA 2016 contains flexible terminology which enables authorities to prosecute political speech even beyond explicit violence nudges so it puts political free expression against the government at risk.
- Through its blocking authority per Section 37 of PECA 2016 the government undermines free speech protection for citizens. The government powers established for national security defense present opportunities for misbehavior that result in blocking political statements and media commentary (Ahmad, bibi, hang, 2024).
- Lack of precise judicial examination procedures for blocking content decisions leads to unreasonable censorship threats that simultaneously reduce transparency and accountability in law enforcement (Baloch, 2016).
- National examinations indicate Pakistan lacks oversight frameworks that its neighboring countries USA and UK both have in their counterterrorism approaches.

Results of this research investigation should determine how Pakistan should enhance its counterterrorism legislation. PECA 2016 needs an immediate reform to safeguard basic human rights from the threats of national security concerns. Pakistan needs to expand its legal definitions while enhancing court supervision as these measures will safeguard its constitutional standards and international human rights fulfillment.

This research effort helps people understand better how counterterrorism legislation affects digital speech freedom during contemporary times. Political expressions transmitted online generate stronger opportunities for governments to execute censorship beyond their constitutional boundaries. Counterterrorism strategies need to provide protection for national security requirements together with maintaining complete democratic freedoms as per research findings.

The starting research investigation studied Pakistan's counter-terrorism online legislation to establish the effectiveness of their security safeguards against speech liberties protection systems. This paper examines the PECA 2016's freedom of expression outcomes and its legal protections to determine the current relationship between implemented security provisions and constitutional and human rights issues. Better technical definitions together with improved legal protections need to be established because they would stop the improper usage of legal processes against political speech.

The study holds essential value by expanding existing dialog about limiting free speech in counter-terrorism operations. Democracy requires backing up online



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political discourse through the preservation of citizen fundamental rights as specified by PECA 2016 and other such laws. The research endorses counterterrorism regulation that both protects the rights of free speech and supports national defense objectives. These research outcomes hold international significance since they provide solutions for managing internet controls and human rights defense to other nations that encounter these dual obstacles.

Public security requirements alongside basic freedom protections present major challenges to legislative officials in digital environments. The research demonstrates the necessity of complete examination of counterterrorism legislation to determine its proper bounds that safeguard political free speech. Further studies must analyze PECA 2016 implementation actions through practical case studies which assess the genuine outcomes of content filtration procedures on Pakistani political discourse.

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