Debating faith in Cyberspace

Offline consequences of Online religious expression in Pakistan
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The issue of persecution of religious minorities in Pakistan is getting worse by the day. Targeting of Shias, Hazaras, Ahmadiyyas, and most recently Ismailis has resulted in an environment of insecurity and fear. In this situation, one of the worst affected rights of minority religious groups is the right to freedom of expression and opinion. Most of these groups are unable to openly talk about their faiths. There is an endless amount of violent hate speech directed towards them. Even news articles reporting terrorism attacks and targeting of non-Muslims or minority Muslim sects attract further hatred from commentators. This way, an environment is created where sharing of opinions and beliefs on religion can leave people exposed to life threats.

This report looks at the policy and practice of religious expression in Pakistan. The legal framework that is used to govern religious expression is analyzed through the lens of international standards. Different examples and cases are discussed to identify actors involved in curbing religious expression. The report also highlights policy frameworks within which persecution for expression becomes possible.

There are various other reasons for writing this report:

- First, this research aims to map the policy and practice of religious expression in Pakistan, particularly in online spaces.

- Second, it looks at the cases that demonstrate the application of laws governing religious practices in digital spaces.

- Third, the report seeks to contextualize the state of freedom of religious expression online by looking at Pakistan’s national and international obligations and implications of current policy regime.

- Finally, the report aims to draw key recommendations for related stakeholders, identifying the roles each stakeholder can play to improve freedoms online.

We gratefully acknowledge the support provided by Global Partners-Digital (GPD) to help conduct the research and develop this report.

We hope that this work will set a baseline and generate healthy debate to develop a more tolerant discourse on faith in online and offline spaces.

Sincerely yours,

Shahzad Ahmad
Country Director, Bytes for All, Pakistan
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Chapter I
Introduction
Chapter 1
Introduction

Religion and freedom of expression

How does one regulate matters of faith and spirituality, especially those where different rights come in conflict?

How much freedom of expression should there be, when it comes to speech and opinions about religions?

Right wing political forces and religious communities have long rejected the extension of freedom of expression to religious matters. Criticism of free speech policies, particularly policies that allow ridiculing, condemnation, or rejection of religion, are common. This issue is particularly pertinent in Muslim nations, where defamation of religion or blasphemy constitutes serious criminal offense. People accused of and/or convicted of committing blasphemy or religious defamation, face threats to their lives both at the hand of state and non-state actors.

Expression against religion has led to violent attacks on a number of media professionals, human rights defenders and activists across the world. The latest example of such violence is the attack on Charlie Hebdo, targeted for publishing caricatures perceived to be critical of Islam. In Pakistan, thousands took to the streets to protest against Charlie Hebdo for publishing caricatures of the Holy Prophet Muhammad, Peace Be Upon Him (PBUH). During these protests at least three people were injured in clashes with the police.

Such violence in protests against speech perceived as being defamatory to religion is common in Pakistan. In February 2006, two people died during charged violent protests in Lahore against the caricatures of the Holy Prophet (PBUH) published in a Danish newspaper. Innocence of Muslims, a video uploaded on YouTube that led to violent protests across the Muslim world, also led to nation wide riots in Pakistan. As a way to appease the mobs, the government banned YouTube in September 2012, and it remains inaccessible to date. Such violence against foreign actors perceived, as being guilty of defamation of religion is indicative of the wrath unleashed upon local actors accused of being defamatory or blasphemers.

According to a report published by Centre for Research and Security Studies (CRSS), at least 51 people accused of blasphemy in Pakistan have been killed extra-judicially before their trials were over. In November 2014, a Christian couple was brutally murdered by a violent mob and their bodies burnt in a brick kiln, following an accusation of blasphemy.

**Religious expression and Pakistan’s stance**

The examples stated so far primarily deal with persecution of accused at the hands of non-state actors, during violent protests or through direct targeting. However, it is important to understand the larger legal context, where people come to perceive that targeting of blasphemy accused individuals is reasonable. Pakistan, officially named the Islamic Republic of Pakistan, recognizes Islam as the state religion under the Constitution of 1973 and in turn has enacted a number of laws that aim to ‘protect’ religious sanctity and ‘the glory of Islam’. Pakistan works at both national and international level to promote the frameworks around recognizing ‘defamation of religion’ as a criminal offence. The laws enacted within Pakistan for this purpose are discussed in detail in the following chapters.

In the international diplomacy circles, Pakistan has been on the forefront of movements that work to criminalize ‘defamation of religion’. On 29 April 1999, Pakistan, on behalf of OIC, introduced draft resolution E/CN.4/1999/L.40 in the 55th session of now defunct human rights commission. This resolution sought to combat “perceived international media coverage of Islam as a religion hostile to human rights. The resolution called upon the Special Rapporteur on Religious intolerance to ‘continue to devote attention to attacks against Islam and attempts to defame it.” In response to the original resolution tabled by Pakistan, various governments including the European Union, India and Japan suggested changing the text to “approach the challenge of discrimination from a more general perspective inclusive of all religions”. In response Munir Akram, a diplomat from Pakistan regretted that these “seek to suppress the specific reference to Islam, and thus suppress the attempt to bring to the attention of the international community the specific problem faced by Islam”.

According to authors of “Freedom of Religion under the Bills of Rights”, this seemingly insignificant resolution served as defamation’s proverbial foot in the door at the UN.

**Policy framework around religion in Pakistan**

Pakistan’s approach in this meeting highlights the approach the government takes in the country. Islam is seen as being under threat and ‘image of Islam’ is the most sacred of ideological entities that has to be protected at any cost. For this purpose, the state has enacted various laws, creating a legal framework that protects religious sanctity, specifically that of Islam and the Holy Prophet (PBUH).

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Starting from Article 19 of the Constitution of Pakistan, the policy framework in the country identifies legalized limits to freedom of expression. Article 19 bars expression that can be seen as a threat to ‘glory of Islam’. There are other laws in place dealing with religious expression. The most commonly used and abused law concerning defamation of religion is the 'Blasphemy Law', Section 295-C of the Pakistan Penal Code, enacted in 1986 by a military dictator General Zia-ul-Haqq. Under this law defamation of the Holy Prophet (PBUH), his family or his companions is criminalized.

In addition to Section 295-C, another set of rules set forth in Section 298-C deals with restrictions around expression by Ahmadiyya community. This section bars Ahmadiyya community from identifying as Muslims and goes on to restrict religious expression that can be seen as Islamic. A constitutional challenge to 298-C using Article 20 of the Constitution i.e. freedom of religion failed by 2 to 1 in the case of Zaheeruddin v. State 1993 SCMR 1718.

The limitations on free speech as defined in Article 19 of the Constitution of Pakistan and all of Chapter XV of the PPC, particularly 295-C and 298-C, are the two key policy frameworks that limit expression in context of religion. This report largely focuses on these two and their interpretation and application in the digital sphere.

**Freedom of expression, religion and the Internet**

The Internet and digital technologies have fundamentally changed communications around the world. The digital medium has empowered people to broadcast their opinions to an audience that was once only accessible to the media industry. Today, blogs, Twitter, Facebook, Instagram, community websites and other web-based platforms allow users to reach out to millions of people at the click of a mouse. The information sources available to us have also expanded exponentially. Information that was once limited within geographical spaces is now available across the world. This has created both opportunities and challenges for digital consumers. On one hand, Internet empowers freedom of expression by providing individuals with new means of expressions. On the other hand, access to all kinds of information from around the world has led to questions around harm [particularly to children], offence [specially in the religious context] and incitement [in forms of hate speech and extremist discourse]. And so, as the Internet has developed, the debate on content regulation has also gained traction.

A study by United Nations Educational, Scientific and Cultural Organization, UNESCO, looking at Freedom of Connection and Expression notes that “the global diffusion of the Internet, along with a continuing stream of innovations, such as the ease with which users can create as well as consume text and video, are making the Internet increasingly pivotal to the communicative power of individuals, groups and institutions with access to networks and the skills to use them effectively (Dutton 2005; Castells 2009). On the other hand, this very shift in communicative power has spawned greater efforts to restrict and control the use of the Internet for information and communication on political, moral, cultural, security, and other grounds”12.

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In terms of religious expression, striking the balance between freedom of religion and freedom of expression is even more challenging. Former US Secretary of State Hilary Clinton once noted that, “The same networks that help organize movements for freedom also enable al-Qaida to spew hatred and incite violence against the innocent”\(^{13}\). At the same time, targeting of individuals using Internet to express heterodox beliefs is becoming increasingly common. Be it the brutal murders of atheist bloggers in Bangladesh\(^{14}\) or cases against minority bloggers in Pakistan\(^{15}\), the threat to religious expression online is real and persistent. It can thus be said that, “Freedom of expression is not an inevitable outcome of technological innovation. It can be diminished or reinforced by the design of technologies, policies and practices – sometimes far removed from freedom of expression”\(^{16}\).

Keeping this complexity in mind, this research explores the policy and regulation that has an impact on the practice of religious expression online.

**Framework of the report**

This report aims to trace the socio-political history behind the enactment of laws dealing with religious expression and to place them within the international rights regime. It specifically focuses on their extension to digital sphere and looks at how they have been used to manage religious speech online. The report also looks non-state actors as one of the key stakeholders within this debate as the targeting and the violence on religious expression is often at the hand of non-state actors.

The paper deals primarily with the intersection of free speech, religious expression in digital spaces, within the Pakistani context. It looks at core questions around creating protections for religious exercise and freedom of expression, including;

- What are the standards for free speech under international law, the Pakistani laws and what are the key areas where Pakistan’s local laws deviate from international standards and what is the history behind these deviations?
- What is the impact of Pakistan’s national laws on the practice of religious expression?
- How do these laws extend online and how is speech in the digital spaces affected by restrictive laws and lack of legal protection for religious expression?
- What are the measures that the government, the civil society and the international bodies can take to help improve the environment for religious expression online in Pakistan?


Chapter II

Methodology
Chapter II
Methodology

Religion and freedom of expression

The issue of religious expression remains taboo and dangerous in Pakistan. Saying or writing anything that can be perceived as being anti-religious, against the teachings of Islam or critical of laws governing defamation and blasphemy can be a mortal threat. Keeping this in mind, none of the individuals contacted during the course of this research have been named. This research has been conducted through three main methods:

1. Literature Review
A basic literature review was conducted to understand and analyze the literature discussing freedom of expression online, international rights regime around freedom of expression and freedom of religion and intersections between connectivity, internet, freedom of expression and religion. A basic legal and legislative review was also conducted to understand then national policy framework governing the Internet, expression and religious practice in the country. And finally, news reports and case studies concerning defamation of religion and blasphemy in the digital spaces were collected and analyzed.

2. Interviews
Five in-depth interviews with bloggers and journalists were conducted. These interviews were given on the condition of anonymity. The interviews were based around questions regarding the practice of religious expression online17. These interviews were designed to explore whether bloggers and journalists feel comfortable writing on religious issues online. The response they get on articles commenting on or discussing issues of a religious nature were also discussed with interviewees.

3. Consultation
Finally, this research draws from the findings of Asia regional consultation on freedom of expression in the context of religion18, held in June 2015 in Jakarta Indonesia. Regional trends, issues and possible solutions discussed during this consultative event have been used to inform the discussion in this paper. Specifically the recommendations for Pakistan noted here have been driven from Jakarta Recommendations19.

17 See Annex 1 for questionnaire.
Chapter III
Freedom of Expression in Cyberspace
Chapter III
Freedom of Expression in Cyberspace

"We are creating a world where anyone, anywhere may express his or her beliefs, no matter how singular, without fear of being coerced into silence or conformity. Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are all based on matter, and there is no matter here... We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before."

- John Perry Barlow, Declaration of Independence of Cyberspace

Contrary to Barlow’s expectations in the Declaration of Independence, the cyberspace is fast becoming a place that evokes fear, discrimination and is increasingly liable to restrictive or invasive legal frameworks. However, within the Declaration, Barlow has identified the most amazing aspect of the Cyberspace; its ability to transcend borders and its ability to give voice to the voiceless. It is this very nature of the Cyberspace that has changed the meaning of freedom of expression.

In this section, we will lay the theoretical ground that informs the discussion on freedom of expression and defamation in the cyberspace.

The global cyberspace

According to the ITU, 3.2 billion people will be using the Internet by the end of 2015. For every Internet user from the developed world, there are two from the developing world. With nearly half the population of the world connected to internet and “able to access content from one location and upload it to another, the Internet has further exposed differences in interpretations and concepts of freedom worldwide.”

As Barlow’s declaration demonstrated, at the beginning, the Internet was seen as a new form of public sphere that was devoid of traditional power structures. The cyberspace was to be populated and governed by its users. There wasn’t an inherent structure of discrimination and so, it was felt that the right to freedom of expression could be practiced in an equal and opportune manner, denied by the traditional media.

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But, for this imagery of the Internet to be true, what was assumed that all people would have access to the Internet, restrictions would be strictly limited, reasonable and proportionate and the understanding of ‘limited, reasonable and proportionate’ would be similar the world over. This construction of the internet overlooked issues of cultural relativism, national laws and contexts. So, the internet, a truly global mode of communication was seen as operating in a truly global world.

**Threats to Freedom of Expression Online**

Contrary to the initial constructions of the Internet as a great equalizer, the cyberspace is beginning to fall prey to political, geographic and commercial interests. The political and commercial dynamics of the Internet can no longer be denied; as the political implications of debates generated in cyberspace become clear, governments are increasing their efforts to ‘regulate’ speech online. Hence surveillance, censorship and criminalization of opinion expressed online are becoming common. The killings of bloggers in Bangladesh and the political and legal prosecution of digital activists in China, Taiwan, Iran, Egypt, etc. highlight both state and non-state actors’ involvement in curbing expression online.

In Pakistan, internet disconnections\(^\text{23}\), mass blocking of websites including YouTube, Wordpress and other social media sites and increasing polarization of cyberspace is being witnessed. A research study by Bytes for All, looking at the state of freedom of expression online in Pakistan concludes that there is non-availability of legal mechanisms to protect the right of freedom of expression online\(^\text{24}\).

As freedom of expression online is threatened by state regulation and persecution by non-state actors, the cyberspace is also playing host to dangerous and criminal speech; various researches have highlighted the use of social media by terrorist networks that are spreading their message of hate, leading to real violence in physical spaces. Former Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue notes; “The ease with which anyone can post comments on the Internet, and that this can be done anonymously, have further helped hate speech to spread”\(^\text{25}\). The Information and Communication Technologies (ICTs) also create the space for exploitation of users by states and corporations. Professor Doctor Ronald J. Deibert, notes that “cyber communication has made possible some very extensive and efficient forms of social control. Even in democratic countries, surveillance systems penetrate every aspect of life, as people implicitly (and perhaps unwittingly) consent to the greatest invasion of personal privacy in history. Digital information can be easily tracked and traced, and then tied to specific individuals who themselves can be mapped in space and time with a degree of sophistication that would make the greatest tyrants of days past envious.”\(^\text{26}\)


In other words, the “same technologies which give voice to democratic activists living under authoritarian rule, can also be harnessed by their oppressors.”  

Keeping these factors in mind, it is obvious that allowing the cyberspace to operate “independent of the tyrannies” of governments, as declared by Barlow, is no longer possible. It is clear that some regulation is required to ensure both the protection of freedom of expression online, and the protection of the society from harm that may arise from incitement online. The difficult part is ensuring that this regulation doesn’t come at the cost of compromised human rights.

**Challenges of content regulation online**

The regulation of content online is not as simple as regulation of the traditional media forms. On the Internet, “power is no longer concentrated in institutions (the state), organisations (capitalist firms) or symbolic controllers (corporate media). It is diffused in global networks of wealth, power, information and images which circulate and transmute in [a] system of variable geometry and dematerialized geography.” In other words, regulation is not a matter of imposing a set of laws for physical, concentrated power centres, and power for shaping the internet and the power for populating the cyberspace with content is distributed among its billions of users, spread across the whole world. This trans-boundary, international nature of the Internet creates governance and regulatory challenges;

- First, it becomes difficult to determine who actually owns the information;

- Secondly, information can be generated and hosted in two countries making it difficult to subject it to laws of a singular country;

- Third, when the medium is based on global networks, how does one determine what legal standards should apply to the content, and when this might infringe on the rights and freedoms given to citizens of another country?

- Fourth, issues surrounding rights like anonymity and encryption, tools that aid both free expression and those with untowardly designs are difficult to manage.

So, the decisions behind content blocking and the mechanisms of censorship are different in the cyberspace.

With the evolution of technology and corporate giants, we face “a strategic shift away from direct interdictions of digital content and towards indirect control of Internet communications through a form of cooperation between governments and Internet service providers.”

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The challenges of content regulation online are all reflected in Pakistani cyberspace – taking examples of attempted regulation of ‘religious’ or anti-religion speech, we see how the YouTube ban is making local users suffer for defamatory content developed and hosted in the United States. Another example is a court order calls for the arrest of Mark Zuckerberg for allowing his platform Facebook to host Draw Mohammad Day page.

These are the challenges within which content regulation online is attempted and the debate on freedom of expression online is framed.
Chapter IV

Rights of Freedom of Expression and Religion in the International Rights Regime
Chapter IV
Rights of Freedom of Expression and Religion in the
International Rights Regime

We will begin with the article that formalized freedom of expression as a fundamental right, Article 19.

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” - Article 19, UDHR

Article 19 of the Universal Declaration of Human Rights, UDHR defines the basis of the right of freedom of expression in the international rights regime. Freedom of religion is defined in Article 18, which states;

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” - Article 18, UDHR

The UDHR set the foundations for determination of fundamental rights of freedom of expression and freedom of religion in 1948. Following UDHR, the UN has framed various resolutions and conventions defining the framework for the practice of these rights. In this section, we will briefly look at the key frameworks that define the practice of these rights in the international rights regime.

International Convention on Civil and Political Rights, ICCPR

The ICCPR is a multilateral treaty adopted by the UN General Assembly in 1966. The ICCPR commits signatory states to ensure protection of civil and political rights defined in the convention, including the rights of freedom of religion, freedom of speech and expression and freedom of assembly.

**Article 18**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Pakistan signed ICCPR in 2010 with the following reservation; Article 18 and 19 were among the articles on which reservations were attached. Upon ratifying the ICCPR, Government of Pakistan declared; Pakistan’s reservations to the ICCPR have been termed “incompatible with international law. Under international law, reservations must be transparent and specific. Pakistan’s far-reaching reservations do not pass these tests, and therefore may be regarded as unlawful and inapplicable. Such reservations are damaging in undermining the application of the ICCPR in Pakistan’s legal and political practice”

2. No one shall be subject to coercion, which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
   (a) For respect of the rights or reputations of others;
   (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Pakistan signed ICCPR in 2010 with the following reservation;

“The Government of the Islamic Republic of Pakistan reserves its right to attach appropriate reservations, make declarations and state its understanding in respect of various provisions of the Covenant at the time of ratification”.

Article 18 and 19 were among the articles on which reservations were attached. Upon ratifying the ICCPR, Government of Pakistan declared;

“The Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.”

Pakistan’s reservations to the ICCPR have been termed “incompatible with international law.

**Rabat action plan**

Rabat Plan of Action was enacted in October 2012. The plan relates to the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The plan was drawn from recommendations from four regional expert workshops organised by Office of the High Commissioner of Human Rights, OHCHR, in 2011, and adopted by experts in Rabat, Morocco.

The Plan deals largely with intolerance and hatred. Here we note some of the points that highlight with the intersection of expression and religion and the ones dealing with blasphemy laws.

The Rabat Action Plan notes that;

> At the national level, blasphemy laws are counter-productive, since they may result in the de facto censure of all inter-religious/belief and intra-religious/belief dialogue, debate, and also criticism, most of which could be constructive, healthy and needed. In addition, many of these blasphemy laws afford different levels of protection to different religions and have often proved to be applied in a discriminatory manner.

Additionally, the recommendations in the Rabat Action Plan include;

> States that have blasphemy laws should repeal these as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.

At the conclusion, it is stated that;

> While the concept of freedom of expression has received systematic attention in international human rights law and many national legislations, its practical application and recognition is not fully respected all around the world. At the same time, international human rights standards on the prohibition of incitement to national, racial or religious hatred still need to be integrated in domestic legislation and policies in many parts of the world. This explains both the objective difficulty and political sensitivity of defining this concept in a manner that respects the freedom of expression.

When it comes to Pakistan, blasphemy laws have become fundamental to local socio-political context. Advocacy on repealing or reviewing the laws is dangerous and the questioning the law has become akin to questioning religious decree itself. During Pakistan’s Universal Periodic Review (UPR) in 2012, Pakistan received recommendations from various countries asking for the repeal of blasphemy laws [see Annex 2 for the full list of recommendations on freedom of expression, religion and blasphemy laws].

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Freedom of Expression and Freedom of Religion on the Internet

“The Internet has become a vital communications medium which individuals can use to exercise their right to freedom of expression or the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, as guaranteed under articles 19 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.”

- Frank La Rue, Former Special Rapporteur Freedom of Expression and Opinion

This statement was a part of Former Special Rapporteur Freedom of Expression and Opinion, Frank La Rue’s annual report to the Human Rights Council, submitted in June 2012. This report clearly identified the Internet as a medium essential to communications and to which the obligation of protection of rights, given in the ICCPR extend.

But La Rue’s report was not the first one to specify the Internet as an essential medium of communications. His predecessor Amdeyi Ligabo had also mentioned the need to recognize and protect speech online. In his last report the UN Human Rights Council, Ligabo writes;

“Governments adopt legislation that unambiguously prohibits all forms of censorship in media outlets, both in the traditional media and the Internet. [...] urges Governments to extend the measures to protect freedom of opinion and expression to the Internet, in particular to website contributors and bloggers, who should be granted with the same level of protection as any other type of media.”

In July 2014, Resolution 26/13, reaffirmed that:

“The same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with Articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.”

Some other resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression online include:

In Pakistan, freedom of expression and freedom of religious expression online remain threatened by both state and non-state actors. A research looking at the state of freedom of expression online in Pakistan found that the state does not protect the freedom to engage in religious expression online and it does not guarantee expression online by all religious groups, sects and minorities without discrimination.38

Chapter V
Constitutional Dichotomies

The policy and practice of religious expression in Pakistan
Chapter V
Constitutional Dichotomies

The policy and practice of religious expression in Pakistan

This chapter seeks to map the constitutional and legal provisions that have an impact on the legal nature of rights to freedom of expression and religion in Pakistan.

History and Context: Religion as a political reality

Like many former British Colonies, the foundations of Pakistan’s legal system lie in the framework introduced by the British colonists in United India. Pakistan inherited the corpus juris of statuary laws and jurisprudence devised and enforced by the British in the last quarter of the nineteenth century.

The adaption of English common law in India proved to be challenging due to the diversity of faiths present in that nation. The British faced the challenge to devise a system that could give equal respect to demands of different faiths. And this was the how “religion doctrines of different faiths found statutory recognition and enforcement for the adherents of the relevant faiths in matters of personal law. Distinct laws governing activities such as marriage, divorce, adoption, trusts, and religious customs were made available to the followers of different religious faiths in accordance with their respective faith”. The penal code, criminal law and general civil law, however, were kept distinctly separate from religion.

As the struggle for independence began the All India Muslim League started the campaign for safeguards for the Muslim minority in India. This campaign ultimately metamorphosed into a demand for autonomy and self-determination in 1940, with the passing of ‘Lahore resolution’ that essentially said;

“No constitutional plan would be workable or acceptable to the Muslims unless geographical contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary. That the areas in which the Muslims are numerically in majority as in the North-Western and Eastern zones of India should be grouped to constitute independent states in which the constituent units shall be autonomous and sovereign.”

- Lahore Resolution, Minto Park, 1949

The failure of the majority Indian National Congress and the All India Muslim League to agree on a constitution for a united India in 1946, finally led to the partition of British India into two successor states, the Dominion of India and Dominion of Pakistan.

40 Read more about Lahore Resolution, later called Pakistan Resolution here - http://storyofpakistan.com/lahore-resolution/
Both dominions adopted Government of India Act 1935 as their provisional constitutions. No attempt was made initially by the leaders of Pakistan to frame the Pakistani state as an exclusively Islamic polity. Both through the Lahore Resolution and later, Pakistan’s founders, especially Mohammad Ali Jinnah, promised an egalitarian, liberal and democratic polity where freedom of religion and freedom of expression would be safeguarded.

In 1949, the Constituent Assembly of Pakistan passed the Objectives Resolution [See Annex 4] that defined the basis that would inform Pakistan’s constitutional basis. The Objectives Resolution created a distinctive framework for the constitution by declaring that “Sovereignty over the entire universe belongs to Almighty Allah alone”. Building on this premise, the power and authority to be exercised by the state of Pakistan were bound within the limits prescribed in Islam. In 1954, the Pakistan Constituent Assembly introduced a provision in the Government of India Act, 1935 by which constitutional writs could be issued to guarantee the rights of citizens.

Pakistan’s first constitution was adopted in 1956. The preamble professed that it was based “on Islamic principles of social justice”, guaranteed Muslim life “in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah,” and prohibited any laws “repugnant” to Islam as set forth in the Quran and Sunnah. However notably the Constitution did not have a state religion and under it a non-Muslim could become the Prime Minister of Pakistan. The President however was envisaged to be a figurehead and a symbolic nod to Islam, that office was reserved for Muslim citizens. The preamble also promised adequate provisions “for the minorities freely to profess and practise their religions and develop their cultures.” 1956 Constitution also introduced fundamental rights in Pakistani jurisprudence, including freedom of religion and expression. Equality of citizenship regardless of religion, creed or ethnic origin was guaranteed.

The 1956 Constitution was suspended following a military coup and an in 1962, another constitution took its place. The 1962 Constitution, which originally dropped “Islamic” from the name of the Republic, also attempted to work out a compromise between the modernizing imperatives of the state and its commitment to Islam. However, care was taken to ensure that the Islamic research institutions were kept out of legislative role. Fundamental rights were retained. In 1971, Pakistan suffered a war leading to the separation of East Pakistan, current day Bangladesh. Following which, another constitution was enacted in 1973, which is the basis of Pakistan’s current constitution. The 1973 Constitution “reflects the steady influence Islamists have had on the legal and political spheres in Pakistan. It was the first constitution to formally establish Islam as the state religion in Pakistan. It also barred non-Muslims from holding the office of Prime Minister in the Republic. The 1973 Constitution also retained the clause of the 1962 Constitution requiring “all existing laws [to] be brought into conformity with the Injunctions of Islam” and created the Council of Islamic Ideology to enforce implementation of the clause”41. However equality of citizenship and fundamental rights, including the right to freedom of religion and expression, were expressly guaranteed. Nevertheless in 1974, the Parliament with a secular left liberal party, the Pakistan People’s Party, declared Ahmadis non-Muslim through the 2nd Constitutional Amendment.

This history has been traced to highlight how integral Islam has been to the constitutional, legislative, political and social fabric of Pakistan. The overwhelming impulse of the constitution makers and legislators in Pakistan has been to work out a compromise between the state’s self-styled commitment to Islam on the one hand and fundamental rights on the other. The current constitution of Pakistan declares;

"Islam shall be the State religion of Pakistan"

- Article 2, Constitution of Pakistan

By declaring Islam as the state religion of the country, the Constitution accords a preferential status to practitioners of Islam i.e. Muslims. According to research, having a state religion and a clear religious majority that is favored in the law can motivate the government “to favor the majority religion by subsidizing its practices"\(^42\) and by restricting religious expression of minorities. These subsidies and restrictions are hallmarks of a state religion"\(^43\). The status of Islam as the state religion and the identity of Muslims fashioned within this state creates a legal discrimination between Islam and other religions.

This has a direct and severe impact on the way the two engage in the practice of religious expression – both online and offline. For example, it is common to come across Islamic texts and scriptures being shared on social media platforms, but the prevalence of texts from the Bible or Bhagavad Gita on local social media are minimal. A Christian journalist interviewed for this paper said that she consciously avoids sharing texts depicting Christian beliefs due to a fear of attracting hate speech, or a court case. There is no constitutional or legal basis for this fear – in fact constitutionally, “every citizen shall have the right to profess, practice and propagate his religion (subject to law, public order and morality)”. Yet, the status of privilege that Muslims enjoy in the Islamic Republic of Pakistan, places them in a position of power, creating the indirect effect of suppressing religious expression of minorities.

Islam teaches both legal and social practices and creates the parameters within which the legislative operates. Defamation of religion in this history and context becomes the worst kind of crime. This creates the room for creation of legal instruments that would always priorities Islamic principles over international law and principles. Hence, in Pakistan blasphemous expression remains punishable by death and religious expression of minorities is regulated to varying degrees.

**Legislating Morality**

Articles pertaining to expression and religion in Constitution of Pakistan

Let us look briefly at the intersection between religion and expression in the constitution of Pakistan.

**Article 19**

Freedom of expression is guaranteed for every citizen through Article 19, that says;

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\(^42\) For example the Government in Pakistan announces a separate Ramzan Budget subsidizing the religious practice of the majority group.

The text of this Article, meant to protect free speech in the country, fails to do so due to the number of vague and subjective restrictions included. Under Article 19, the government and the State has the right to curtail freedom of speech by enacting “reasonable restrictions” imposed by the law. What these reasonable restrictions might be, or who gets to decide what is reasonable and what is not, is unclear either in the constitution or in the penal code. Article 19 also legitimizes curbing speech “in interest of glory of Islam”. This is again, a very vague and subjective clause that creates the room for moral policing under the guise of protecting religious integrity.

For example, writing or sharing posts that include news or information about terrorists who kill in the name of Islam, can be seen as a threat to glory of Islam and this information legally restricted. Decency and morality, again remains undefined, and subjective values are also present as caveats to free speech. Pakistani courts “tend to view free speech on a case-by-case approach in order to best gauge the “reasonableness” of the state’s restrictions and to best balance the state’s interests”.

Article 19 of the Constitution of Pakistan falls short of meeting the International Standards of freedom of expression – however, when ratifying the ICCPR, Pakistan’s government added multiple reservations, creating the space for acceptance of the caveats currently included in the constitution. Both through the ‘glory of Islam’ and ‘decency and morality’ clause, Article 19 adds religiously motivated restrictions of free speech – However, it is important to note that these caveats enjoy public support in Pakistan. A look at Pakistan Electronic Media Regulatory Authority, PEMRA’s complaint section on its website, shows that the majority of complaints against TV channels for are for broadcasting content that doesn’t fit within Islamic moral codes. Both on media and social media, speech deemed anti-religious, irreligious, indecent or immoral attracts hate speech.

This conduct by media and internet consumers reaffirms the position that Islam and Islamic values enjoy in Pakistani social fabric and strengthens religiously motivated limitations on free expression.

**Article 20**

Article 20 of the constitution of Pakistan guarantees freedom of religion for its citizens. The Article states;

> “Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence.”

- Article 19, Constitution of Pakistan

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Subject to law, public order and morality,

a. every citizen shall have the right to profess, practice and propagate his religion; and
b. every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

- Article 20, Constitution of Pakistan

In text this Article guarantees the right to profess, practice and propagate all religions. However, in practice the situation is far more complex. First, different Articles of Pakistan's Penal Code codify discriminatory practices for some religious minorities, particularly the Ahmadiyya community. Second, despite the State's provision of religious propagation as a right, there have been incidents of violence against minority preachers and various attacks over minority places of worship. This insecurity and fear of life has created an environment in which it is difficult for minorities to profess, practice and preach their religions as openly and as securely as Muslim majority sect.

The problem here is not in the constitutional provision [unlike Article 19 that is subjective in its definitions of legal limitations on free speech], the problem is in the legal instruments and social attitudes that define the practice of the right guaranteed in Article 20.

It is also important to note here that the constitution also contains multiple articles concerning the majority Muslims and relating to their religious conduct. For example in Article 31 the teaching of Islamiat (Islamic Studies) and Holy Quran are deemed compulsory for Muslims.

**Criminal Expression**

**Religion and Expression in Pakistan Penal Code**

In this section, we will look at those sections of Pakistan Penal Code that deal with defamation of religion, blasphemy and religious expression by a minority community. As mentioned in the historical context, Pakistan Penal Code draws from the British Common Law. The law drafted by the British colonists for United India, included four sections, Sections 295 - 298, that relate to issues of religious practice, expression and liberties. In 1980's General Zia-ul-Haq, a military dictator, amended the constitution to add a number of other sections within the same framework. The following sections of the code are relevant to this discussion;

1. **Section 295**
Injuring or defiling place of worship, with intent to insult the religion of any class
Punishment - two years imprisonment, or fine, or with both.

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45 Article 31 of the Constitution of Pakistan

1. Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.
2. Section 295-A
Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs
Punishment - upto ten years imprisonment, or fine, or with both.

3. Section 295-B
Defiling the Holy Quran
Punishment— imprisonment for life.

4. Section 295-C
Use of derogatory remarks with respect to the Holy Prophet (PBUH)
Punishment—death or imprisonment for life.

5. Section 298
Uttering words that injure religious feelings
Punishment—one year imprisonment

6. Section 298-A
Using derogatory remarks about holy personages
Punishment—three years imprisonment

7. Section 298-B
Misuse of epithets or titles of holy people
Punishment—three years imprisonment

8. Section 298-C
Persons of Qadiani (Ahmadi) Group claiming to be Muslim
Punishment—three years imprisonment

Blasphemy and Defamation of Religion

"The right to freedom of expression can legitimately be restricted for advocacy that incites to acts of violence or discrimination against individuals on the basis of their religion. Defamation of religions may offend people and hurt their religious feelings but it does not necessarily or at least directly result in a violation of their rights, including their right to freedom of religion. Freedom of religion primarily confers a right to act in accordance with one’s religion but does not bestow a right for believers to have their religion itself protected from all adverse comments and the International Covenant on Civil and Political Rights."

- Asma Jahangir, Former Special Rapporteur on freedom of religion and belief

2. The State shall endeavor, as respects the Muslims of Pakistan,—
a. to make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;
b. to promote unity and the observance of the Islamic moral standards; and
c. to secure the proper organisation of zakat ushr, auqaf and mosques.
Defamation of religion and blasphemy laws defined in Section 295 of the constitution of Pakistan remains one of the most criticized laws in the international human rights circles. Specifically, Section 295-C, that prescribes capital punishment or life imprisonment to individuals convicted of committing blasphemy against the Holy Prophet (PBUH), is seen to be against international human rights standards. Pakistan is not the only country in the world where blasphemy and defamation of religion constitute criminal charges. However, the punishments for conducting blasphemy and/or defaming religion are harsh. The two parts of Section 295 that relate directly with expression online are 295-A and 295-C.

**Section 295-A**

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

**Section 295-C**

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (PBUH) Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

The problem with the application of these laws is that “to repeat in an accusation the words that were allegedly used would be to compound the blasphemy. Thus cases in which someone is alleged to have said something blasphemous, place the accused under threat of death, without the freedom to question and defend the specifics of what they might or might not have said”47. So, anybody can level a charge of blasphemy without having to prove what was said or written, as to repeat or share would constitute an act of blasphemy itself. Thus, persecution under this law becomes very difficult and there is a high chance of abuse of laws to settle personal scores.

In Pakistan’s last UPR, various countries asked Pakistan to repeal Blasphemy Laws. Among other countries France asked Pakistan to “repeal the blasphemy law and respect and guarantee freedoms of religion or belief and of expression and opinion for all, including Ahmadis, Hindus and Christians. Belgium asked Pakistan to modify or repeal the blasphemy laws in order to bring them in line with the principles related to freedom of thought, conscience and religion, and in particular with its obligations under the ICCPR. Other similar recommendations also became a part of the working group report.

In 2012, UNSR on freedom of religion or belief, Heiner Bielefeldt affirmed in his report that “blasphemy laws typically have intimidating effects on members of religious minorities as well as on critics or dissenters”48

48 See A/HRC/25/58
However, given Pakistan’s history and social context, repealing these laws is neither simple, nor easy. Defamation of religion and blasphemy are themes that evoke charged, emotional and often violent reactions from public. Pakistan, created in the name of Islam, upholds religion as a part of its national and international identity. To question laws that are said to protect the integrity of religion is seen as questioning religion itself. The greater public consciousness within Pakistan seems to stand with the Blasphemy Laws and agrees on the need to criminalize and issue harsh punishments to those convicted of having insulted Islam, the Holy Scriptures and/or the Holy Prophet (PBUH) or his family.

Application of 295-A and 295-C in cyberspace
Both section 295-A and 295-C specify criminal expression through “words either spoken or written” and any form of “visible representations” and thus its application extends to the cyberspace. Multiple cases have been registered against people for expression online and people have been arrested on these charges. At the time of writing this report [June 2015] we couldn’t find any convictions on blasphemy charges leveled for expression online. However, the charge has been admissible in court, thereby showing the Section 295-A and 295-C do apply to expression in the digital space.

The main problem with extending these laws to the digital spaces lies in the global nature of the internet. The cyberspace is populated by content developed by people living all over the world, most outside the boundaries of the country and not answerable by Pakistan’s national laws. However, various incidents [most famously the Innocence of Muslims on YouTube] have seen attempts to hold foreign citizens liable under the blasphemy laws. Such cases, where the accused cannot legally be called to court usually result in censorship of the offending content, often of the whole platform, which impinges the right of freedom of expression of the citizens.

It is also relatively easy to start a blog, website or Facebook page in someone else’s’ name to frame them in order to settle scores. There is at least one case currently in court where there have been indications of such digital manipulation to frame the accused. The situation in such cases is aggravated by the fact that there is limited expertise of dealing with electronic forensic evidence among lawyers and judiciary.

Section 298-C – Regulating Religious Expression
Section 298-C relates to religious conduct by one of the religious minority groups in Pakistan, the Ahmadiyya Community [Also termed Qadiyani or Lahori group in the penal code]. 298-C states;

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48 See A/HRC/25/58
This section regulates the religious conduct of a group, outlining a different framework of expression by Ahmadiyya community [no other religious group faces any regulation in terms of religious expression or conduct]. It can thus be said that in spirit, this section does not fulfil the obligations of ICCPR.

Socially, the Ahmadiyya community remains one of the most persecuted groups in Pakistan. The community is subjected to incitement, hate speech and harassment and has suffered discrimination in physical spaces. There have been various instances of hate campaigns against Ahmadiyya’s being run online and in academic institutions. Students have been expelled, employees fired and businesses ruined simply due to their association with the Ahmadiyya community.

It would be fair to say that the community faces a sort of collective hatred in Pakistan. In a report UNSR on freedom of religion or belief, Heiner Bielefeldt states;

“Manifestations of collective hatred, including religious hatred, can set in motion a seemingly unstoppable negative dynamic. However, manifestations of hatred do not “erupt” like a volcano. Rather, they are caused by human beings, that is, by human action and omission.”

The collective hatred towards Ahmadiyya community in Pakistan has a silencing effect. The fear of persecution at the hands of non-state actors has resulted in suppressing their freedom of expression. Journalists and bloggers from the community [as well as those in other professions] do not publicly identify as Ahmadiyyas if they can help it.

The section does extend online as the offense can be conducted “by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims‘. Thus this rule can easily be used to challenge expression online that ‘outrages the religious feelings‘ of Muslims and can be used to persecute and prosecute Ahmadiyya community members for offensive expression online.

51 This statement is being made on the basis of anecdotal evidence
Section 298 does not fulfill the international law obligations of Pakistan. However, like Sections 295 B and C, this Section also enjoys strong public support due to manufactured religious reasons. The Ahmadiyya issue was politicized in the 1970s for political reasons but since then – and especially after 1984 law- the issue has taken on a life of its own. Not only is basic religious freedom of Ahmadis compromised but hate speech against them has been legally protected through the Zaheeruddin v. State 1993 SCMR 1718. As a consequence extremist groups targeting the Ahmadis have been emboldened in targeting the largely peaceful community.
Chapter VI

Debating Faith in Cyberspace

Consequences of online religious speech
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Debating Faith in Cyberspace
Consequences of online religious speech

“If large numbers of people believe in freedom of speech, there will be freedom of speech, even if the law forbids it. But if public opinion is sluggish, inconvenient minorities will be persecuted, even if laws exist to protect them.” - George Orwell, 1945

In this section we will look at the actual practice of religious expression in Pakistan’s cyberspace. We will look at the main threats to these rights, including instances of;

- Censorship
- Hate speech, and
- Persecution.

So far, this report has focused on the legislative and policy governing the practice of Freedom of Expression in Context of Religion, this section deals largely with the role of other stakeholders including media, internet users and fundamentalist/terrorist elements populating the cyberspace. The role of the state here is examined in terms of the protection it offers [or not] to victims of right violations.

**Criminal Expression**

**Censorship**

Blocking blasphemous content

The foremost example of censorship of content for defamation of religion is the YouTube ban. The ban was imposed in September 2012, following violent protests over a video Innocence of Muslims that was considered highly blasphemous in most Islamic countries. In Pakistan, the video led to violent protests across the country. At least 22 people were killed and 200 injured in clashes with the police during these protests. Not just that, Ghulam Mohammad Bilour, then a cabinet minister, offered a bounty of USD 100,000 to kill the film’s producer. This reaction by people and one of its elected representatives highlights the kind of emotion and anger that defamatory and blasphemous speech ignites in Pakistan. Following these protests, then Prime Minister Raja Pervez Ashraf, imposed a ban on YouTube. Prior to this ban, the Supreme Court of Pakistan, on 17 September 2012, had ordered the Pakistan Telecommunication Authority (PTA) in a civil miscellaneous application to ban YouTube on Internet Protocol (IP) Level. Since then there have been some attempts to lift the ban, but these were thwarted by fear of violent public reaction. In December 2012, the ban was lifted on orders of the Prime Minister, but within minutes, yielding to the criticism, Prime Minister Raja Pervez Ashraf then ordered ISPs to again block access to the video-sharing site.

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This isn’t the first time YouTube has been blocked in Pakistan. In 2010, the government blocked access to multiple websites, including YouTube and Facebook following the controversy regarding ‘Draw Mohammad Day’\(^{55}\). The PTA directive read:

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**Pakistan Telecommunications Authority (PTA) has directed all concerned operators to shut down website www.youtube.com in view of growing sacrilegious contents on it. It may be mentioned that PTA after all possible avenues were used within its jurisdiction, including using regular channels available on the FACEBOOK and YOUTUBE to launch protest, to avoid appearances of derogatory material available on their websites - which increased in numbers as time passed by, that PTA decided to completely shut down these sites from being viewed within Pakistan.**

PTA has so far blocked more than 450 links on Internet containing derogatory material. It was not only in line with the Constitution of Pakistan, the wishes of the people of Pakistan but also an extension of the court orders passed by the honorable High Court of Pakistan and directions of the Government of Pakistan.

PTA has already announced a phone number and a complaint number to receive complaints on the issue. The attitude of administrators at FACEBOOK and YOUTUBE was in contravention to the WSIS Resolutions and their own policies advertised on the web for general public. PTA would welcome the concerned authorities of FACEBOOK and YOUTUBE to contact the PTA for resolving the issue at the earliest, which ensures religious harmony and respect.

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As the PTA directive shows, the ban on YouTube in place in 2010, and more permanently since 2012 has legal justifications and public support. Interestingly, PTA also refers to the WSIS resolutions and holds the intermediaries responsible for not abiding by them.

Apart from YouTube, other social media platforms and websites, including Facebook\(^{56}\), Twitter\(^{57}\), IMDb\(^{58}\), Wikipedia\(^{59}\) and a number of other websites\(^{60}\) have been banned at one time or other for allowing derogatory articles to be published. Facebook’s transparency report from 2014, shows that the site blocked access to 1827 Facebook pages/users on request from government. On its Pakistan page, Facebook notes that “We restricted access in Pakistan to a number of pieces of content primarily reported by Pakistan telecommunication Authority and the Ministry of Information Technology under local laws prohibiting blasphemy and criticism of the state.”\(^{61}\)

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\(^{56}\) Read Ten Countries where Facebook has been blocked - https://www.indexoncensorship.org/2014/02/10-countries-facebook-banned/

\(^{57}\) Read Twitter blocked in Pakistan http://www.thenews.com.pk/article-50052-Twitter-blocked-in-Pakistan-

\(^{58}\) Read Why IMDb was blocked - http://tribune.com.pk/story/636013/why-was-imdb-blocked/


\(^{60}\) See Pakistan's list of blocked websites swells - http://tribune.com.pk/story/15015/pakistans-list-of-blocked-websites-swells/ and

\(^{61}\) Websites blocked in Pakistan - https://en.wikipedia.org/wiki/Websites_blocked_in_Pakistan

Draw Mohammad Day and Innocence of Muslims are both examples of content produced outside the country and commenting on Islam in a defamatory manner. For people living in Pakistan, the consequences for being held responsible for uttering, writing or sharing derogatory, defamatory or blasphemous content online can be much more severe.

**Blocking of minority websites**

It is very difficult to get authentic statistics on exactly how many websites are currently blocked in Pakistan and for what reason. Multiple civil society organizations have filed RTI (Right to Information) requests to PTA asking the regulator to share a list of blocked sites, but these efforts for transparency in censorship have failed. However, it is clear that at least some websites associated with religious minority groups, particularly those that track persecution of religious minorities at the hand of state and non-state actors are not accessible in Pakistan.

Shia killing watchdog site, shiakilling.com has been blocked and unblocked a number of times. Various websites track Shia targeting in Pakistan, so to block one of many seems counterproductive. In 2012, the Federal Ministry of Information & Broadcasting issued orders to ban Shiakilling.com and another Shia website pakshia.com that remains inaccessible.

Similarly, another website discussion religious persecution of Ahmadis is also currently blocked. The website http://www.thepersecution.org/ tracks issues facing the community around the world and hosts a monthly newsletter titled Ahmadia persecution in Pakistan. the Federal Ministry of Information & Broadcasting issued orders to ban Shiakilling.com and another Shia website pakshia.com that remains inaccessible.

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63 Read Malik Directs FIA to inquire ban on Shia website http://www.dawn.com/news/735316/malik-directs-fia-to-inquire-ban-on-shia-website
It is worthwhile to mention that while these and a few other sites are blocked, various others containing similar or even same information, associated openly with Shia, Ahmadiyya or other minority groups are accessible easily. The decision to block some of these while allowing users access to others seems to be arbitrary.

However, it is difficult to say anything with certainty, as the regulator has not responded to any requests regarding the disclosure of reasons for censorship. The government has also hinted towards security reasons for blocking minority sites, citing that these sites can promote sectarian hatred, presumably from the targeted community.

This is a difficult situation to analyze. On one hand, the legal infrastructure of the country and public demand both support censorship of blasphemous content and on the other hand, these bans do not pass the test of limitations. The question then becomes one of prioritizing national laws over international standards. We have to keep in mind that these blocks are occurring in a very specific security environment, where non-state actors, fundamentalists and terrorists are constantly using religion as a reason for violence. In such a situation unblocking websites that are allegedly involved in degradation, defamation and blasphemy can have serious and violent consequences on ground. The 22 deaths during Innocence of Muslims protest riots are a glaring example of just how violent these reactions can be.

So, there doesn't seem to be a clear and easy solution to the problem of censorship of websites that engage in commentary on religion or associate themselves with specific religious groups. Freedom of Expression, and freedom of religious expression is a sacred right, and yet, to practice this right in Pakistan is at times a matter of life and death.
Legal Action Against Blasphemy Online

Apart from censorship, individuals accused of engaging in defamatory speech online, against religion can also face legal cases.

In November 2014, a man was arrested in Chakwal, Punjab on the charges of having committed blasphemy on his website and blogs. According to news reports; “On July 4, 2010, a man posted a comment on the website of a private TV channel and alleged that the accused was committing blasphemy in his blogs. On June 9, 2011, Mohammad Saeed, a resident of Talagang in Chakwal, filed an application in the City Police Station against the accused and a case was registered under Section 295-C. According to police, the accused went into hiding after the registration of the case. He was arrested from Lahore after about three and a half years.” In June 2014, a Session Judge in Lahore directed FIA to investigate alleged blasphemy on a Facebook group called All Pakistan Girls.

It is important to reassert here that the blasphemy laws currently in place “require neither the establishment of intent nor evidence of the alleged blasphemous statements, the system leaves itself open to abuse.” An example of the abuse of the blasphemy law is the case of an uneducated Christian Couple who were given the death sentence on charges of sending allegedly blasphemous messages through SMS. Advocate Nadeem Hassan, who represented Shafqat Emmanuel and Shagufta Kausar, in court, said “Additional Sessions Judge Mian Amir Habib had announced the death sentence under “great pressure” even though the prosecution had failed to present any concrete evidence against the couple.

Hate Speech

Creating the hateful ‘other’

“...In the beginning we create the enemy. Before the weapon comes the image. We think others to death and then invent the battle-axe or the ballistic missiles with which to actually kill them.”

- (Sam Keen, 1986)

A research study looking at occurrences and understanding of hate speech online found that 42% of the people who face hate speech online are targeted due to their religious beliefs. The report indicates that “The narrative against Ahmadis in cyberspace is one of the most extreme; members of the community are termed as heretics and ‘enemies of Islam’ and are considered less-than-human. Vicious attacks on the Ahmadi community’s religious leaders and practices are circulated, with a common theme being one of a conspiracy wherein “cunning” or “crafty” Ahmadis are believed to be out to undermine Islam by taking up positions of power or secretly converting Muslims.

In many cases, ‘Ahmadi’ or ‘Qadiani’ (an alternate name for the community) is used as a term of abuse, or a label to defame an individual/group”.

Another group facing hate speech for their religious belief, or lack thereof, are Atheists. The study on hate speech indicates that “In the Pakistani narrative of hate, atheists and ‘unbelievers’ (also termed ‘kaafir’) are lumped together as heretics, apostates (also termed ‘murtad’), anti-Islam and subsequently, anti-Pakistan. Apostasy in Islam is generally considered an offence punishable by death, and a 2010 poll by Pew Research Center showed that 76% of Pakistan respondents agree with the death penalty for leaving Islam”. Thus the expression of non-belief can attract incitement and hate online and become dangerous very quickly.

Various Facebook pages containing hate speech and incitement against minorities are extremely popular. One of such pages My Ideology is Islam and my Identity is Pakistan has 720,392 page likes as of June 2015. The page usually shares the latest statements by Jamaat-ud-Dawah, Chief Hafiz Muhammad Saeed, generic religious messages, anti-Ahmadi hate speech, anti-Hindu, anti-India hate speech, anti-Semitism, racist, homophobic content, calls for jihad, and news updates.

Other Facebook pages openly incite violence against people, sharing their names, identities, addresses and at times identifying details of their family members. One such page is Cartoons by Nazgul Baloch, reported and removed by Facebook for a while but gaining popularity again. On June 29, 2015, a hate campaign was launched on this page against a female school teacher. The teacher has been accused of insulting Islam. The post has been shared 192 times at the time of writing this report. One of the commentators says, “Now I am burning with hate. Wish you were here in KPK darling. It would have been an honor stoning you to death.” Another wished the ire of God upon her and multiple people have called for hanging the accused. The address of the accused’s workplace has been shared openly, exposing her to mortal danger.

Another Facebook page symbolically titled Gumnaam [Anonymous] Exposing Blasphemers and Traitors also launches hate campaigns against alleged blasphemers often engaging in incitement to violence. Hate speech and incitement on religious grounds doesn’t only target individuals. In 2013 – 14, different TV channels were accused of having insulted religion or committed blasphemy in different shows. The charge against Geo News, the most popular private news channel in the country was made after a Sufi song was played in the morning show. The host of the show, Shiasta Lodhi was accused of having behaved inappropriately while verses relating to the Holy Prophet’s (PBUH) family were being voiced. The social media in Pakistan erupted with hate speech against Geo. The campaign included hashtags against Geo, memes showing the morning show host and the offending video was shared widely with along with blasphemy accusations. Other channels including Samaa and ARY have also since faced similar hate campaigns online.

Minority religious groups also face targeted hate speech as community. Different Facebook pages have been created with the purpose of ‘exposing’ minorities, particularly Shias and Ahmadiyya communities.

A group Shia Kala Kafir meaning ‘Shias black non believers’ targets Shiaism in Pakistan and Iran, looking to discredit Shia practices within Islamic contexts. Another group Kafir, Kafir Shia Kafir posts hate material including ridiculing pictures and texts often denouncing rituals of Shia faith. The pages referred here do not have a huge following, but have been referred as they reflect the kind of hate speech that is aimed towards minority groups. Groups against Ahmadiyya community also aim to ridicule their faith and highlight the deviations in faith from Sunni Islam. On most of these posts, there is an appeal to share the inciting speech further if you are a Muslim. Other vibrations of the sharing appeal include requests to share to ‘help raise awareness’ about the sect or group under attack.

The hate speech targeted at minority groups rely on creating an evil other\(^{73}\), often pitched against the majority and framed as a threat to the sanctity and purity of religion. Interestingly the exercise of othering is not geared towards faiths other than Islam, for example Hinduism or Christianity, but mostly towards minority sects of Islam or religions that claim to find basis in the Islamic belief. So, the ‘other’ within these messages of hate isn’t Hindus or Christians, but Muslims from different sects. The hate speech works to challenge the creation of a unified Muslim identity and seeks to create divides by highlighting the deviations from the majority Sunni religion. Sunnis are thus constructed are superior, the other sects inferior, ignorant and at times devious. In all cases, the hate speech makes in incumbent on majority ‘pure’ Muslims to take a stand against the deviating practices.

Once a post is shared on social media, it is often the comments on the post that incite violence. Abuse, usually geared towards women of the sect and often of a sexualized nature is common. The commentators call for violence, buck each other up on expressions of violent, volatile hate and form a community around that post that is dangerous, volatile and has the potential to trigger offline violence. Since, persecution at the hand of non-state actors in the name of religion is common, the rising trend of violent hate speech creates a further silencing effect. Adding to the problem is the fact that reporting mechanisms on sites like Facebook, do not have mechanisms to review non dictionary languages like Roman Urdu\(^{74}\) and also review only the original post and not the comments that it gathers. So, a post that incites hate but does not seem violent in nature is deemed to be within community standards even if various comments on the post directly calls for murder of individuals of targeted violence against communities.

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\(^{73}\) The ‘Other’ here refers to the political concept of ‘Othering’ defined as “a course of action whereby society labels an inferior group into existence”. Looking at terrorist discourse online, Haider S. (referred further down the report) finds that in Pakistan, specifically when it comes to sectarian intolerance and violence, “The elements of antagonism, intolerance and intensity of “Othering” are not a consequential product of extremist religious discourse” that is prevalent.

\(^{74}\) Roman Urdu is a commonly used local technique that utilizes the English Alphabet to spell Urdu words. There is no standard spelling that standardizes the use of Roman Urdu, rather simple phonetic cues are used to spell out the words.
Hate Speech by Terrorist Groups

Another kind of hate speech that threatens minorities is that expressed against minority groups by known terrorist organizations. All of the prominent extremist groups in Pakistan have "an official digital presence from Tehrik-e-Taliban, Lashkar-e-Jhangvi to Hizb-ut-Tahrir. Umar Media is TTP’s official media wing, while Jhangvi Media marks LeJ’s formal media presence. These groups continue operating digitally without facing sustainable blocking policies."75

Lashkar-e-Jhangvi (LeJ), a terrorist group involved in multiple terrorist attacks on Shias and particularly Shia Hazaras, run multiple twitter accounts. One of the messages they repeat is, “All Shias are liable to be killed. We will rid Pakistan of [these] impure people”76. The group also often calls for violence against the community. Tehreek-e-Taliban Pakistan, TTP, also has an official magazine Azan that is available online. A research into the ideological discourse of TTP and LeJ found that “both organisations leverage historical differences to position the "self" as righteous while the “other” as a disease that needs to be eradicated; a notion that is the supported by propagation of jihad while admitting attacks positioned on the emotional an political tangent of “Islamic awakening”77.

To create this Other, the terrorist’s speech frames78 two distinct identities; one of themselves as fighters, jihadists sacrificing and struggling for a system that allows God’s law, Shariah to be enacted. The other is framed as an infidel, an ally of the West and foremost an enemy to the religion by directly or indirectly supporting attempts for the imposition of Sharia as interpreted by the Taliban or other extremist groups.

The LeJ, involved in targeting of Shia and Shia Hazara community. We will look at a letter issued by the LeJ calling for murder of all Shias. This letter by Balochistan Unit of LeJ was shared widely online.

The letter states; “Shias are infidels. Shias are liable to be killed. All Shias are liable to be killed. We will rid Pakistan of this impure people. Pakistan means the land of the pure and Shias have no right to live here. We have decrees from religious clerics, with their signatures that deem Shias to be infidels. Exactly the way our brave men conducted Jihad against Shia Hazaras in Afghanistan and killed them, our mission is to rid every city, every village and every corner of Pakistan from the impure religion and impure people of Shias and Shia Hazaras. “The letter continues to claim that LeJ will ensure that the country becomes a graveyard for Shias and the flag of ‘real’ Islam flies over the nation.

77 Ibid.
78 To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation and / or treatment recommendation to the item described. For details on the concept, read Robert M. Entman ‘Framing: Toward clarification of a fractured paradigm’ in Journal of communication
From the year 2011 to June 2015, a total of 4389 Shias have been killed in Pakistan in 428 incidents of violence\textsuperscript{79}. Against this backdrop, the hate speech against them becomes even more dangerous as it shows that even online, the groups’ targeting Shias are present, strong and despite admitting to murder, able to operate and spread their message of hate and violence.

Looking at the text in the letter by LeJ, it is obvious that the group is playing on both religious and nationalist feelings to construct an enemy that appears opposed to both. Shias are not just presented as ‘impure’ of religion but their impurity stands to taint the purity of Pakistan and thus they have to be eliminated. Hate speech against Shias deeming them infidels, often adds that those who do not believe them to be infidels are infidels themselves and the failure to call Shias infidels as an insult to Islam.

In essence, the abundance of such messages online, threatens the ‘inclusive’ and ‘empowering nature’ of the internet. The insecurity that religious minorities face offline, come to haunt them in online spaces as more and more people start falling silent against hatred and violence.

**Persecution**

**Offline consequences of online speech**

In July 2014, a woman and two young girls from the Ahmadiyya community were killed and eight people injured when a mob attacked and burnt five houses after someone in the community was accused of posting a blasphemous comment on Facebook\textsuperscript{80}. This is one of worst examples of the threat that even an allegation of blasphemy poses to minority communities. The mob attacked the community without fear, simply on the basis of an allegation against one member of the community and ended up killing women and children and injuring others. The incident isn’t unique. In Pakistan, simply the charge of Blasphemy is a threat to life. There is impunity for people who kill extra judicially in the name of punishing blasphemous and this impunity itself is a great threat towards expression. The case of Salman Taseer, former Governor of Punjab, killed by his own bodyguard for speaking against the current form of blasphemy laws is a prime example of this impunity. Taseer’s killer, despite confessing to his murder, enjoys the status of a hero. Taseer’s killing was not for expression online, but social media did play a part in his murder.


Images saying those who call Shias Muslims are insulting religions and are infidels themselves
Incitement against Taseer began through a prime time show on private television channel. The clips were later shared on social media and Taseer became the target of a sustained hate campaign and character vilification before his murder. After his murder, public sentiment largely remained with the murderer and Taseer continued to be abused online as a blasphemer.

The extra judicial killing of people in the name of religion isn’t limited to those accused of committing blasphemy. First, let us take the case of Rashid Rehman, a well-known Human Rights Defender and lawyer, who was representing Junaid Hafeez, an academic jailed for allegedly committing blasphemy on Facebook. Murdered in May 2014, Rehman had earlier said that he was being “threatened by five people, both inside and outside the court, for representing Junaid Hafeez – a man accused of committing blasphemy using his Facebook account. Two of those who threatened him were part of the prosecution team in the case, he had said at the time. In addition to them, three unidentified men had also warned him to drop the case or he would not be able to come to court to represent Junaid”81.

So, when it comes to defamation of religion, not only the accused are at a risk of being killed by mobs or enraged individuals, they are also unable to receive retain legal representation82. Lawyers defending blasphemy accused attract as much hatred as the accused themselves.

Another example of targeting in the name of religion is that of Sabeen Mahmud. Killed in April 2015, Sabeen, a well-known activist in Pakistan was one of the most vibrant personalities on social media. Sabeen was target of a sustained online hate campaign. Saad Aziz, one of the culprits arrested for involvement in Mahmud’s murder confessed to killing her for holding a Valentine’s Day rally83. This rally was reported by a media outlet and covered on their website, after which hate and incitement against Mahmud began. While the Valentine’s Day rally is by no means an instance of religious expression, but it seems to have been perceived by her attackers as an act of defiance against religious values. This demonstrates, that it isn’t only the religious texts, Holy personages or scriptures that now amount to defamation. Any form of expression of defiance of religion, whether through words or actions, can be the potential basis of vilification and incitement campaign and lead to a life threat.

This case also demonstrates the way social media can become an active tool in persecution of those considered to be religious deviants. This environment fosters religious supremacy for the practitioners of the majority religion, resulting in the suppression of minority voices.

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82 See also Murder of Reason - http://www.dawn.com/news/1107096
83 Read Saad Aziz confesses to Sabeen’s murder for holding valentine’s day rally http://tribune.com.pk/story/890555/saad-aziz-confesses-to-sabeens-murder-for-holding-valentines-day-rally/
Regulating hate speech

Hate Speech is currently regulated mainly through Section 153-A of Pakistan Penal Code. Section 153-A titled “Promoting enmity between different groups, etc. states;

Whoever;

a) by words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race, place of both, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

b) commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities or any group of persons identifiable as such on any ground whatsoever and which disturbs or is likely to disturb public tranquility; or

c) organizes, or incites any other person to organize, and exercise, movement, drill or other similar activity intending that the participants in any such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence or participates, or incites any other person to participate, in any such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste of community or any group of persons identifiable as such on any ground whatsoever and any such activity for any reason whatsoever cause or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community. shall be punished with imprisonment for a term which may extend to five years and with fine.

Among other things, this section has been used in cases of arrest of clerics spreading hatred during sermons. In sub section A, the premise of hate speech has been extended to words, either spoken or written, or by signs, or by visible representations without a limitation of which medium this speech is shared through. So, the section applied to digital spaces. There has been at least one arrest under the same act for promoting hate speech on Facebook.

Another Act that deals with hate speech is the Anti Terrorism Act. The Anti Terrorism Act (ATA), 1997 also prohibits speech that is intended to, or likely to stir up sectarian hatred. ATA is more applicable to the second kind of hate speech, speech by terrorist or extremist groups, that has been discussed above. Section 8 of the Anti-Terrorism Act, 1997, Prohibition of acts intended or likely to stir up sectarian hatred states;
A person who;

  a) uses threatening, abusive or insulting words or behaviour; or
  b) ) displays, publishes or distributes any written material which is threatening, abusive or insulting; or
  c) distributes or shows or plays a recording of visual images or sounds which are threatening, abusive or insulting; or
  d) has in his possession written material or a recording of visual images or sounds which are threatening, abusive or insulting with a view to their being displayed or published by himself or another shall be guilty of an offence if:-

   (i) he intends thereby to stir up sectarian hatred; or
   (ii) having regard to all the circumstances, sectarian hatred is likely to be stirred up thereby.”

This section is quite broad, subjective and open to interpretation. The use of words like ‘abusive’ or ‘insulting’ and the lack of focus on incitement makes it possible to use this section to counter genuine political or ideological speech. However, so far, it hasn’t been effectively used to curb hate speech that incites violence and increases intolerance and hatred towards minority groups.

Specifically to deal with online hate speech, the government has been working to pass Prevention of Electronic Crime Bill (PECB) 2014 since February 2015. Like the Anti Terrorism Act (ATA), PECB attempts to deal with online hate speech through general, broad and subjective clauses that have been criticized by digital rights and advocacy groups.

Finally, the National Action Plan (NAP) against terrorism is currently relevant to the crackdown on hate speech and includes sections dealing with the terrorist elements that engage in hate speech.
Chapter VII

Recommendations
Chapter VII
Recommendations

Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties

- John Milton

Recommendations to the State

To ensure protection of the right of freedom of religious expression in general, and the practice of this right in the cyberspace in particular, the Government of Pakistan should;

1. Recognize, consider and make efforts to implement the Jakarta Recommendations\(^84\) designed by Asian Civil Society to improve the environment for the practice of FoER in the region;

2. Ensure that all restrictions on religious expression online are provided by law, in pursuance of a legitimate aim and conform to the tests of necessity and proportionality\(^85\);

3. Create an enabling environment for the minorities, currently threatened by non state actors and help protect the practice of their right to freedom of religious expression;

4. Ensure that the laws in place confirm to the international standards set in the UDHR, ICCPR and other UN Human Rights Instruments;

5. Ensure all minority religions are protected against discrimination in policy and practice, helping their practitioners engage in religious expression without fear of life, intimidation, incitement, harassment or violence through any medium of their choice;

6. Adopt ‘hate speech’ laws, specifically targeting hate speech that incites violence and terrorism against religious and other minorities, while ensuring that this law clearly and carefully defines inciting speech to ensure that it isn’t used to curb legitimate political or ideological expression;

7. Recognize the cyberspace as an important and growing medium for practice of the right of religious expression and ensure that the protections for the practice of this right extend to the cyberspace;

8. Enact cybercrime law protecting individual freedoms and develop the capacity of legal fraternity to understand, gather and present electronic evidence to better argue and understand cases of incitement online; and

9. Create protections within policy and law enforcement structures to stop the abuse of blasphemy and defamation laws

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Also see A/HRC/17/27 by former UNSR Freedom of Expression and Opinion Frank La Rue here - http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf
Recommendations to International Mechanism

To help raise pressure on the state to ensure the freedom of expression and religion, international instruments and mechanisms should;

1. Urge the Government of Pakistan to take effective measures regarding blasphemy laws and end the culture of impunity for those involved in extra-judicial killing of people accused of blasphemy;

2. Undertake country visit to observe, understand and comment upon the threats to practice of religious expression in the country; and

3. Take notice of violations of these rights and persecution, attacks and violence against minorities for exercising their right of religious expression and urge the Government of Pakistan to investigate and bring to justice the perpetrators of such hate crimes.

Recommendations for the Media

1. Recognize that hate speech can lead to the curtailing of human rights, and counter it by building the capacity of journalists to understand various forms of hate speech, such as difference between violent hate speech and freedom of expression;

2. Utilize journalist unions to network and mobilize on how to address threats against religious minorities including bloggers who are vulnerable;

3. Ensure training of editorial staff and other journalists on hate speech;

4. Develop self-regulatory principles for dealing with hate speech, while covering freedom of expression and religion issues; and

5. Ensure equal space for all views relating to freedom of expression and religion, taking affirmative action to encourage and support inclusion of minority voices that are generally missing from the mainstream media.

86 The recommendations to the Media have been adapted from Jakarta Recommendations, a document detailing the state of religious expression in Asia region. The document contains a detailed set of recommendations for various stakeholders. These recommendations have been developed by a group of civil society actors, journalists and bloggers from across Asia during a regional consultation on Freedom of Religious Expression, held in Jakarta, Indonesia in June 2015. These are accessible at: http://www.freedomofexpression.asia/jakarta-recommendations
Recommendations for the Civil Society

1. Document violations regularly and alert national and international actors tasked with upholding these rights;

2. Engage with initiators of hate speech and build capacity to resist, rather than reacting to speech that incites hatred against religious minorities; Engage with policy makers and help them understand the international standards on protection of freedom of expression and religion, and urge them make revisions in the legislative and legal framework to improve the protections for minorities and vulnerable groups;

4. Utilize information and communication technologies to create counter narratives and help make the cyberspace a more inclusive space, where deviant expressions on faith can be shared and debated without the fear of life; and

5. Build the capacity of religious minority groups helping them use the cyberspace and technology to express and share their perspectives without exposing themselves to danger.
Annexures
Annex 1

Interview Questionnaire

Question 1 – In your opinion, in Pakistan, is it safe to write on religious themes online?

Question 2 – Do you think the state provides a fair regulatory framework to protect freedom of religious expression?

Question 3 - In your opinion, do Sunni Muslims, minority Muslim sects and non Muslims living in Pakistan, enjoy similar rights and protection of religious expression online? If not, who would you say is the most persecuted sect in terms of expression of religious opinion.

Question 4 – Who do you fear when penning down or sharing religious issues or opinions related to religious matters?

Question 5 – Have you ever felt threatened or intimated by the reaction on posts of a religious nature or posts questioning religious beliefs?

Question 6 – Do you practice self censorship when writing about religious issues and beliefs? If yes, why?

Question 7 – Have you written or shared anything that can be seen as deviant from majority’s religious beliefs? If yes, what kind of reaction did you face?

Question 8 – How do you think the state can strike a balance between protecting the right of freedom of expression and tackling hate speech?
Annex 2

Recommendations to Pakistan in the Universal Periodic Review, 2012

- **Sweden**: Review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the ICCPR.

- **Lebanon**: Continue adopting measures in the framework of freedom of expression as the new legislation on freedom of expression was passed.

- **France**: Repeal the blasphemy law and respect and guarantee freedoms of religion or belief and of expression and opinion for all, including Ahmadis, Hindus and Christians.

- **Australia**: Implement measures to protect the right to life and freedom of expression of human rights defenders, and ensure that the perpetrators of violence are brought to justice.

- **Switzerland**: Ensure that blasphemy laws and their implementation are in line with international law.

- **Austria**: Enact legislation ensuring freedom of religion and belief for all religious groups and consider abolishing the so-called blasphemy laws.

- **Spain**: Derogate the law on blasphemy guaranteeing in practice the right to freedom of religion.

- **Belgium**: Modify or repeal the blasphemy laws in order to bring them in line with the principles related to freedom of thought, conscience and religion, and in particular with its obligations under the ICCPR.

- **Namibia**: Repeal discriminatory blasphemy laws against religious minorities and ensure that there is no impunity for those who commit hate crimes.

- **Thailand**: Continue efforts to enhance legislations and measures to further address the situation of religious minorities, including blasphemy laws, force conversion and discrimination against non Muslim minorities.

- **Germany**: Actively support programmes strengthening religious freedom and tolerance especially in the run-up to the elections in 2013.

- **Italy**: Increase action to tackle violations of religious freedom especially, but not only, against members of religious minorities.

- **Canada**: To remove restrictions on freedom of religion or belief and amend legislation that discriminates against persons belonging to minorities.

- **Greece**: Effectively protect and satisfy the unimpeded exercise of freedom of religion of non-Muslim citizens.

- **Belgium**: To review the legislation on blasphemy to align it with the principles of freedom of thought, conscience and religion and inter alia relevant obligations der the ICCPR.
Annex 3

Objective Resolution, 1949

Sovereignty:
1. Sovereignty over the entire universe belongs to Almighty Allah alone.

A sacred trust:
2. The 2nd principle is an extension of the first which says that the authority which He has delegated to the state of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust.

The constitution:
3. The Constitution will be framed for sovereign, independent state of Pakistan.
4. The state shall exercise its power through the representatives of the people.
5. Principles of Democracy, freedom, equality, tolerance and social justice as enunciated by Islam will be fully observed.

Islamic principles:
6. Muslims shall be enabled to organize their lives in accordance with the teachings and requirements of Islam as set out in the Quran and the Sunnah.

Minorities:
7. The 7th principle outlined in the OR of March 1949 is that the minorities will have freedom to freely profess and practice their religions and develop their cultures.

Human rights:
8. The 8th principle is very similar to the 7th that says Provisions for safeguarding the legitimate interests of minorities, backward and depressed classes. So in addition to the minorities the OR was also talking about the backward and the depressed classes.

Federation:
9. Pakistan shall be a Federation with autonomous units.

State’s sovereignty:
10. State’s sovereignty and territorial integrity will be protected.

International norms:
11. People of Pakistan should have an opportunity to prosper and to attain their rightful place in the comity of nations and make contribution towards international peace progress and happiness of humanity.
About Bytes for All, Pakistan

Bytes for All (B4A), Pakistan is a human rights organization and a research think tank with a focus on Information and Communication Technologies (ICTs). It experiments with and organizes debate on the relevance of ICTs for sustainable development and strengthening human rights movements in the country. Its strategic plan delivers in following key result areas (KRAs), which include:

1. Securing digital rights and freedom of expression for civil liberties;
2. Strengthening digital security of human rights defenders & media professionals;
3. Ending technology-driven gender-based violence;
4. Network building at national, regional and global level; and
5. Community development and communications for environmental sustainability.

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