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Freedom of Expression in Pakistan: A myth or a reality

By: *Sadaf Liaquat, Ayesha Qaisrani,*

Elishma Noel Khokhar

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Mailing Address:

PO Box 2342, Islamabad, Pakistan

Telephone: 0092-51-2278134, 2278136, 2277146, 2270674-76

Fax: 0092-51-2278135,

URL: www.sdpi.org

Acronyms

CPJ	Committee to Protect Journalists
CRSS	Center for Research and Security Studies
CSOs	Community Service Organizations
FDGs	Focus Group Discussions
HRW	Human Rights Watch
ISJ	Institute of Social Justice
KIIs	Key Informant Interviews
NGOs	Non-Governmental Organizations
PEMRA	Pakistan's Electronic Media Regulatory Authority
RTI	Right to Information
US	United States
USCIRF	U.S. Commission on International Religious Freedom

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Abstract

In Pakistan, freedom of expression is the constitutional right of every citizen; however, this right is seldom exercised due to red tape. This study intends to explore the current status of freedom of expression in the country with the aim to identify the factors and actors that/who can contribute/help to improve the situation in this context. The study adopts a qualitative approach to understand the power dynamics and draws out conclusions from a wide variety of stakeholders regarding the issues at hand. Conducted in the Punjab and Sindh provinces, the study concludes that freedom of speech and expression is guaranteed to all citizens of Pakistan albeit with certain restrictions that include 'glory of Islam, law and order, and national security'. These restrictions have often been exploited against different groups of people such as minorities, journalists, human rights activists, etc. It has been observed that exploitation is resulting in piling up of cases, like blasphemy missing persons, and targeted killings. A thorough assessment showed that there is a dire need to address ambiguity about certain clauses in the Constitution to avoid any exploitation. Moreover, a comprehensive definition of freedom of expression needs to be redrawn and communicated to the masses so that they might not misinterpret it as a freedom to disregard others' faiths, perceptions, and opinions.

Keywords: Blasphemy, freedom of expression, freedom of speech, human rights, national security, religious minorities, etc.

1. Introduction

Freedom of expression is globally recognized as the foundation of human rights, which are protected by a multitude of regional and international treaties, charters, and frameworks.¹ In other words, freedom of speech/expression is an assurance to citizens to participate effectively in the functioning of democracy. Sun (2014) is of the view that:

In a democratic society, freedom of expression not only empowers the decision makers to fully appreciate the strength of the diversity of opinions but also encourages the acceptance of such diverse views (Sun 2014).

In today's world, democratic governments face some challenges related to freedom of expression. The biggest challenge is how to ensure a balance between the provision of freedom of expression/speech amid ensuring law & order, peace and security within the country that owns diversity in terms of views, faiths and beliefs. Interestingly, even in the most liberal democracies of the world like the US, freedom of expression/speech is conditionally restricted. These restrictions are based on the experiences that make us believe that there is no such thing like absolute freedom of expression/speech because an unbridled use of this freedom would surely bring chaos and disorder (Chaudary 2014). Globally, it is not recognized as an unconditional right, as every democracy has developed some system of limitations in connection with the freedom of expression. According to an article published by Stanford Encyclopedia of Philosophy, limitations on the freedom of speech are imposed particularly when freedom of speech conflicts with other values or rights and may be subject to legal sanction or social condemnation, or both (Van 2015).

Like other democracies, Pakistan ensures the freedom of expression under certain limitations in terms of religion and national security. This paper intends to study the current status and emerging trends of freedom of expression in Pakistan. It also intends to explore the key factors and actors that play a vital role in defining the subject paradigm.

2. Research Methodology

Conducted during August-September 2015, the locale of the study was Lahore, Multan and Khanewal districts in the Punjab, and Hyderabad, Jamshoro, Karachi, and Sukkur districts in Sindh. These sites were chosen for their risk factor, rural/ urban demography and multi-ethnic and multi-religious compositions, which would allow for greater cross-cultural comparisons. The districts selected from the Punjab are known to have reported most of the blasphemy cases. It may be mentioned that since the blasphemy law is more than often exploited in Pakistan, some links can be found with regard to the violation of freedom of expression (Ashraf 2014).

According to the study, Lahore has the highest number of blasphemy cases, i.e. 101 reported cases whereas Multan and Khanewal have 81 and 20 such cases respectively. As far as Sindh is

¹ The European Convention on Human Rights, Article 10; The American Convention on Human Rights, Article 9; The African Charter on Human and Peoples' Rights, Article 13; The Arab Charter on Human Rights, Article 32

concerned, 97 cases of blasphemy have been reported in Karachi (ibid.). Similarly, in 2012, scores of men led by Muslim clerics gathered at a Hindu Goth (village) in the outskirts of Karachi in retaliation to an anti-Islam movie released in the US. The protesters attacked the Sri Krishna Ram temple, harmed the religious scriptures, and beat up the temple's caretaker (Dawn 2012). Similarly, it is a well-known fact that Rinkle Kumari, a Sukkur based Hindu girl, was kidnapped, forcibly converted Muslim, and then married to a Muslim guy out of her will (BBC 2012).

We used multiple methods in our qualitative research to construct a more comprehensive picture of the state of freedom of expression in the Punjab and Sindh. These include Key Informant Interviews (KIIs), group interviews and Focus Group Discussions (FGDs). A vital advantage of a mixed method approach was the likelihood of increased credibility of the qualitative data in case similar themes emerged across different methods.

Type of Qualitative data	Total interviews/FGDs
Key Informant Interviews (KIIs)	46 (approximately 8 in each district)
Focus Group Discussions (FGDs)	22 (approximately 3 in each district)

A total of eight key informant interviews were conducted with stakeholders in each district. These included officials working in state institutions such as police, judiciary and administration. It also included pressure groups, those who keep a watchful eye on the state, such as the media, development sector employees (NGOs), civil society activists and academics. Lastly, to derive an insider's view, religious representatives such as Pastors, Maulvis and Pundits were also interviewed. Where access to sensitive groups was difficult, for instance in the case of Ahmedi community, prominent members of the community were chosen to be interviewed under this category. The interviews were semi-structured and lasted for 40 to 120 minutes. Apart from KIIs in each district, three FGDs were conducted to extract societal and community opinion from a wider group of citizens. Hence the discussions were carried amongst 1) women (religiously diverse), 2) religious minorities residing in the district (male and female participants), and 3) a general discussion (male and female participants). The number of participants varied from 8 to 15 people. There weren't any age restrictions on the groups per say, but most participants ranged between 18–70 years. Although, the wider sub themes followed the structure of the key informant interviews, the FGDs were more loosely structured allowing for cross checking of views within communities and across communities. Consequently, the data collected from these FGDs was vital in refining the probes for key informant interviews as any issue faced by the participants could then be validated from the key informants.

3. Literature Review

Under Article 19 of the 1973 Constitution of Pakistan, freedom of speech is guaranteed to all citizens albeit with certain restrictions that include “glory of Islam”, “law and order” and “national security” (Hamdani 2014). These restrictions have often been exploited against different groups, most importantly against religious minorities especially on account of anti-blasphemy legislation and voting subjugation (CRSS 2014).

General Zia's regime promoted state-sponsored religion, which nourished sentiments of extremism (Siddique and Hayat 2008). Freedom of expression not only entails free speech but also constitutes freedom of choosing and practicing a religion of one's own choice, exercising one's free political rights, free access to information and freedom from being subjected to hate speech (Haque 2012). However, under the existing theocratic-political legislative scenario, these rights are hardly guaranteed. Religious clerics and other authorities often misuse the exemptions given in the right to freedom of expression to promote hate speech, accuse minorities and other Muslims of being involved in acts of blasphemy, and deny access to information on the ground of "threat to national security" (ibid.)

Discussing the importance of liberty in breaking the status quo of society, Ahmed (2012) says in a country like Pakistan where freedom of expression is constrained, there is no space for individual opinion making; rather a mob of collective mindset exists in the country which leaves no room for innovative opinions. Similarly, according to Uddin and Tarin (2013) laws are important in governing the freedom to express oneself; it also allows room for impunity to the influential violators while punishing the non-violent speakers. It may be summarized that acts of religious intolerance are in fact counterproductive and may lead to more chaos or disorder in the society.

More than often, blasphemy killings happen because local citizens take the matter of prosecution in their own hands and attack the alleged person themselves. In 2009 in the village of Gojra, eight Christians were killed and 18 injured, 02 churches and 75 houses were burnt following an accusation that Christians had desecrated the Holy Quran (Rashid 2012). The severity of violation of freedom of expression can be gauged from the fact that whenever some public figures demanded reforms in the blasphemy law, they were killed (Suleri 2011). The killings of Salman Taseer, Governor of Punjab, and Shahbaz Bhatti, Federal Minister for Minority Affairs, are the glaring examples of this breach of human rights (USCIRF 2011). In addition, Hindu and Christian girls are quite often subjected to forced conversions. According to estimates, about 25 Hindu girls are converted to Islam every month (ibid.). However, efforts are underway to stop these forced conversions as the Sindh Assembly unanimously passed a bill against forced marriages (Ahmed 2014).

Chaudary (2014) writes that freedom of speech in totality is not an absolutely desirable liberty as whenever granted, it led to chaos and disorder. There must be certain limitations to what freedom of speech entails and there must be restrictions to ensure that this freedom is not misused for incitement, false statement of fact, obscenity, hate speech, etc.

Moreover, although Pakistani journalists have the freedom to criticize the government, Pakistani media continues to face suppression by the military, intelligence agencies, politicians and judiciary (Naveed 2013). According to a report by the Freedom Network (2015), the year 2014 was the worst year for media and journalists in the history of Pakistan as 14 journalists, media assistants and a blogger were killed during this year. Furthermore, the assassination of a famous, outspoken human rights activist, Sabeen Mehmud, earlier last year demonstrates the "growing influence of extremist ideologies and the shrinking space for political discourse" (Lisa Curtis quoted in Enos 2015).

Discussing freedom of speech on internet and its consequences within the context of Pakistan, Imam (2012) says that though Article 19 and 19A regarding freedom of speech and right to information exist in the Constitution of Pakistan, there is no proper legislation regarding the content published and accessed on the internet. However, he discusses the Acts and the Ordinances introduced by Pakistan Telecommunications Authority (PTA) with regard to the information published online. In the same context, the author also analyzed the matter of blasphemous content published by external forces and the reaction of Government of Pakistan to it (with reference to the YouTube ban). The author further writes that blasphemous and inappropriate content on the internet cannot be stopped, therefore, blocking complete websites is not the suitable solution. Other solutions to deal with such issues are to prosecute the creators of such content, ignore such speeches and material on the internet or develop filtering software, etc.

Pakistan Electronic Media Regulatory Authority (PEMRA) has set up a guiding code of conduct as of 2015, which restricts media to speak on certain topics during live coverage (CPJ, 2015). These topics mostly concern security operations, hostage standoffs, terrorist attacks, hate speech on religious issues, etc. The regulations are said to be levied for the protection of national security. In an interview conducted by Dietz (2015), Hamid Mir, a renowned Pakistani Journalist (who survived a terrorist attack in 2014) working with a leading news channel said that the news channel is no more independent after the attack; “we have been restricted to talk about human rights violations in certain parts of Pakistan as well as asked not to criticize the political role of some former generals.

Conversely, Nizamani (2014) criticizing the critics of media and freedom of expression, pleads that whatever the media shows is reality, contrary to what most people believe. Narrating different incidents given coverage by the media, he says these incidents actually took place and they were not mythical creations. There is a constant fear among the masses that if they express their political, religious or human rights views, they will be targeted by terrorists, political parties, or even military. He concludes that such a fear has rendered Pakistani community “intellectually corrupt, morally senseless and religiously bigoted”. He deems it crucial that an intellectual grooming of the society warrants the freedom to express and speak one’s mind without fear or threat.

Furthermore, the recently passed Cyber-crime Bill (Prevention of Electronic Crimes Act, 2016) by both National Assembly and Senate is another question mark on the freedom of expression in Pakistan and is in sharp contrast to the constitutionally granted right. Section 31 of the bill² is particularly contentious which states:

Power to issue directions for removal or blocking of access of any intelligence through any information system, if it considers it necessary in the interest of the glory of Islam or the integrity, security or defense 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.

² Bill can be accessible at i.e. <http://bolobhi.org/wp-content/uploads/2015/04/PECA2015.pdf>

With this section, the bill provides a wide range of scope to justify online restrictions and can be used to block any material on newspapers, online media or material on social media based on such criticisms (Latif 2015). Critics describe the bill as “draconian” and claim that it restricts civil liberties and concentrates on moralistic views instead of actual cybercrime (Haider 2015). According to Baloch (2016), this bill will halt the free exchange of opinion and expression in the virtual space. He implies that in order to prevent this situation, the bill should be redrafted so that it may unequivocally address the crimes and may not criminalize the expression and related basic rights of people.

4. Research Findings

Respondents from both the provinces perceive and define freedom of expression in a way that is somewhat near to the definition of Universal Declaration of Human Rights. According to the declaration, freedom of expression is the right of every individual to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Similarly, respondents denoted right to choose/express their affiliations/opinion (political, religious and social) along with their freedom of access to information, as freedom of expression. However, proponents of freedom of expression relate it with freedom of speech and expression of opinion on matters of interest, and equate it to the practice and preaching of religion while antagonists speak with reference to hate speech and expression containing contents of defamation.

Talking about its status across the country, respondents highlighted some structural as well as cultural barriers that hinder the implementation of right of freedom of expression. According to some human rights activists, people are not allowed to talk openly about certain issues such as religion, seeking information from across the geographical boundaries and issues of national security, as it is abided by law. Respondents were able to identify the existing role of key actors responsible for the lack of proper implementation of freedom of expression in Pakistan. These are elaborated below.

4.1. Government/ bureaucracy

Government is an important player with regard to control over information. Despite the constitutional provision of right to information (Article 19A³), the available information accessible by the public is very limited. One major gap in this regard is the lack of statistical data available on major socioeconomic matters. The last population census was carried out in 1998 and since then there has been no major efforts to initiate a new one. All the budget allocations and resource distributions are based either on the outdated 17-year old census or substitute databases and surveys that are not holistic enough to depict the whole scenario. Thus, all the planning becomes nothing, but guesswork (Haider 2015).

³ Article 19A. Right to information.— Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law

It was also brought to the notice that under the law of Right to Information (RTI), citizens are restricted to ask questions on issues that might concern them. Also under the umbrella of such laws, intentional/unintentional violation could cause capital punishment to the citizens. A social activist from Lahore said:

Freedom of expression, at the moment, is impinged upon by two dozen laws, which include criminal laws and others. The RTI law that we have been struggling for so long and once it has been passed we have seen that a lot of things have been excluded from it regarding freedom of expression. Of course, you cannot touch the state-related things that do not serve the interests of citizens. You cannot touch security issues, and certain foreign policy issues; you cannot speak about religion so you cannot have a discourse or debate about this thing.

A majority (80%) of respondents believed that the government does not have the capacity to make all the information available in order to build a transparent society. Others, however, were of the view that making information available to the public was not in the interest of the government, as 'it is easier to rule over an ignorant population'. Releasing all information would mean disclosing the levels of corruption occurring in each government department, which is not something the government can afford to do. According to a senior official in the Right to Information Commission Pakistan, one of the biggest challenges faced by them in the implementation of the right to information is the unwillingness of government institutions in providing information as it makes them vulnerable to questions and accountability (The Express Tribune 2015; Abbasi, 2015). According to the official, Pakistan has had a culture of confidentiality rather than transparency in terms of government affairs, so the implementation of Right to Information Act is having trouble being accepted at the public bodies. According to a news report, about 400 complaints had been received by the Right to Information Commission Punjab during four months of 2014 against the officials of the Punjab government, who did not provide information to the citizens under the Punjab Transparency and Right to Information Act (RTI) 2013.

Commenting on such behaviour, the official said:

If I have done something wrong then I shall be more reluctant for being exposed in terms of my corruption and inefficiency.

About the degree of freedom of expression among media, civil society and general population, it was highlighted that government restricts the free flow of dialogue and discussion on certain issues, even though apparently the Constitution entails full freedom of speech and expression to everyone except on matters of national security. With regard to media, the government, especially civil servants and the bureaucracy aims to control the content to avoid criticism on their actions and misuse of power. For instance, as a general notion of respondents associated with media, they face pressure and threats from the government officials, if they post some news stories regarding officials' corruption or misuse of power.

There have been numerous incidents of police attacks on private news channels, destroying their property and terrorizing journalists when they broadcast an anti-government protest

or air any anti-government talk-show (Adam 2011). This transpires when the government wants to avoid scrutiny over its involvement in corruption or abuse of authority cases.

However, the more obvious restriction by the government was said to impose on the activities of human rights NGOs, especially in southern Punjab. Human rights activists and NGO representatives from different organizations accused the government of adopting a hostile attitude with NGOs and CSOs. The government is very hesitant when it comes to providing permission to NGOs for their activities. It has toughened the administrative requirements by making tedious regulation procedures, even after fulfilling which sometimes the organizations do not get the permits to hold their events and activities (Mendelson 2015). One reason for this could be that NGOs tend to adopt a cynical approach towards government actions, which create tensions between the two sectors. Moreover, experts believe that due to recent law and order situation and terrorism incidents, the government wants to scrutinize and monitor the operations of NGOs as it believes that some of them are working on a foreign agenda. That's why the government is overly vigilant regarding NGOs' activities.

There is a visible gap between government and NGOs/civil society. A healthy relationship can only be built when both the entities share common objectives. An inference from Clark (2014) explains this scenario, which befits the case of Pakistan as well in a highly political policy environment, the government or the ruling party may see itself as the legitimate voice of the people and thus NGOs may come off as opposition to them. Moreover, the dependence of NGOs on foreign funds impugns their motives to be driven by foreign hands.

4.2. Parliamentarians

Parliamentarians have an extremely important role to play as decision-makers with legislative authority, especially since their actions directly influence the general public. Their positions in various law-making bodies such as the provincial assembly gives them a high level of influencing power on the state of human rights within their province as well as the responsibility of overseeing and representing their communities at a higher level. However, the public was observed to have a generally negative perception of how this power is being used practically. It was perceived that parliamentarians have entangled themselves in a series of blame game on the state of affairs, holding the previous governments responsible for the grim state and doing little on their own to improve the situation.

Moreover, the government gives priority to expenditures on national security issues and defense, rather than investing in its people⁴. Existing security situation, economic crisis,

⁴ Since the 18th Amendment, Punjab government has passed a handful of bills and acts pertaining to basic human rights . Some bills that have been amended include the Christian Marriage Act 1872, the Punjab Public Defender Service Act 2007, and the Sikh Gurdwaras Act 1925. On the other hand, new bills passed by the provincial government relevant to human rights include: The Punjab Workmen's Compensation (Amendment) Bill 2013 (BILL 15/2013), The Punjab Minimum Wages for Unskilled Workers (Amendment) Bill 2013 (BILL 13/2013), The Punjab Commission on the Status of Women Bill 2013 (BILL 10/2013), The Punjab Transparency and Right to Information Bill 2013 (BILL 18/2013), The Punjab Fair Representation of Women Bill 2014 (Bill No. 4 of 2014), The Punjab Disabled Persons (Employment and Rehabilitation) (Amendment) Bill 2015.

political instability, spikes in terrorism, tensions with neighbouring India and Afghanistan, counter-terror partnership with the United States, expansion of nuclear arsenal and a long history of regional violence have always skewed the government's priorities towards the bigger issue of 'national security' (Markey, 2013; Syed, 2014). At the district level, many respondents were of the view that government representatives/parliamentarians deliberately do not invest in education and awareness of the population because an educated and aware population becomes empowered and deems the ruling elite powerless. A conscious society lessens their chance of devouring on national resources, thereby threatening the status quo. So an overall lack of political will to ensure the protection of human rights and freedom of expression in particular is sensed from the investment priorities of the government (ISJ 2013; HRW 2015).

4.3. Traditional and social media

Media today is seen as a very crucial affected element in Pakistan's social and political discourse. As per the respondents, media in all its forms, (print, electronic and social) was categorized as an important influence on the situation of human rights across the country. However, the nature of the influence remained debatable. A large number of respondents accredited media as a positive factor that has brought awareness about the overall situation of rights. People are now more informed about the forms of violations taking place and how to take help in such situations. This has increased their access to information, opportunities and justice to some degree. Moreover, by disclosing violations of human rights, media also acts as a pressure group against law-enforcement institutions to act upon them (Sial 2009). While many believed that media advocates for people's rights and presents unbiased reporting, some also pointed out that the media channels seem to be running in a commercial race fighting for ratings⁵ and in that pursuit they often misuse the freedom of speech to ridicule certain groups and individuals to create sensational news. Moreover, some political leaders have alliances with media houses in order to avoid media scrutiny and opposition. Media seems to play a biased role, as messages of Muslim scholars are spread not only through religious shows but via entertainment shows as well. Political bias is also evident at some television channels; they back influential actors in news while hiding the adverse side of these leaders and criticizing the opponents (Hussain 2011).

Media was also censured for promoting a culture of abuse, violence and immoral values. Many respondents were of the view that the content of media is highly insensitive. For instance, in case of violence against women, it promotes women victimization instead of women empowerment. A Punjab government official said:

Have you seen the kind of themes that our dramas are highlighting? Polygamy, extra martial affairs, women being slapped and beaten up, flirtation, victimization of women, etc. are the themes presented in our dramas. Such issues are highlighted because they are sold easily.

⁵ The role of mainstream media in Sindh was perceived to be quite similar to that in Punjab.

Moreover, people also denounced the kind of reporting done by news agencies. They criticized reporters for posting news without doing thorough investigation and verification of the matter. Media has a power to act as an agent of change; its role has been observed to be quite negative, especially for the minorities.

Regarding the basic right of freedom of expression, many respondents thought that the hands of media are tied. Sometimes media is under the influence of perpetrators (due to matters of money, political influence, etc.), and in such cases, it fabricates and distorts the stories which may affect the subjects badly. Sometimes, the political and social alliances of media group owners, especially news agencies, may also lead to the broadcast of highly biased news and stories. Some respondents hinted that influential political parties, military, big businessmen and even foreign entities (countries or groups of countries) pressurize the owner to broadcast a certain view about an issue. Sometimes, the sole motive behind controversial issues is to gain viewership for economic gains.

Ahmed (2012) discusses the importance of liberty to express oneself for bringing a change in the status quo of the society. He opines that in a country like Pakistan, where freedom of expression is constrained, there is no space for individual opinion making; rather a mob of collective mindset exists in the country which leaves no room for innovative opinions. He believes that the radical ideology prevalent in the country needs to be neutralized with the promotion of an intellectual counter narrative.

4.4. Military and intelligence agencies

Intelligence agencies and military are also perceived to have a stronghold over the rights of freedom of expression and access to information (Naveed 2013). Respondents said that these entities, in the name of national security, silence any debate in the media or on any other platform, which is against their 'unlawful' actions. In case of criticism, they instill fear and terror amongst the population. Some of the respondents said military and intelligence agencies are two actors, who influence people; however, many others were hesitant to be vocal in this regard, which shows an element of fear among them. No simple model can explain their degree of influence. The role of military in shaping the Constitution of Pakistan was critiqued for breeding the sentiments of extremism and intolerance in the society (Ganon 2016). The constitutional provision of restrictions for safeguarding the national interest is said to be the most exploited clause by the military to keep an overall control over the country's collective consciousness (Hamdani 2014). Moreover, military's interference is greatly debated as being unconstitutional against the human rights and 'a ploy of the military to strengthen its power and control' over the affairs of the country (Pervaiz 2016).

Military is considered to be one of the most prestigious institutions and no one can question its decisions or involvement. Many respondents alleged that military is responsible for the killing of human rights activists, journalists and thousands of missing persons (Hasan 2014) to create fear among those who dare to speak against the actions and powers being enjoyed by it. It is believed that those who speak against the armed forces will go missing; this perception mainly prevails in Sindh. It might be out of fear but the media also seems to be quiet in this regard.

4.5. Foreign influence

Foreign influence is perceived to play a dominant role in the power-game of the country (Shah 2011). This influence works through a strong network with opponent foreign alliances using different national actors to implement their agendas. Their use of tactics may vary where some use religious sentiments to create insurgency and discontent while others use world politics and foreign policy for ulterior political and economic gains. For instance, many respondents related the introduction of discriminatory content in curricula with the Afghan war. They said it was done to promote sentiments of Jihad amongst the youth. Some questioned the funding sources of many NGOs and religious seminaries hinting at the possibilities of direct foreign involvement. Some respondents were of the view that Pakistan's geographical position and its status as nuclear power is the major cause of foreign interference in the country. A scholar said:

Basically, if you pinpoint the use of religion in statecraft, then this is the main element behind violation of human rights particularly the freedom of expression. And this was used through proper planning in politics. There was no restriction on it. It was used in foreign policy initiatives.

4.6. Religious intolerance within the society/general public

Other than all these focused actors and stakeholders, the vested interests of general public also play an important role in different human rights situations. For instance, anyone can file a blasphemy case against any other individual due to loopholes in the Constitution. Since the investigation process is bogus, constitutional provision is used by the vested interests to fulfil their personal motives other than punishment for actually committing blasphemy. In the case of Badami Bagh incident in Lahore, wherein a whole Christian neighborhood was torched on account of one person committing blasphemy, it was later revealed that the nearby factory owners wanted to grab the land where the Christians' houses were built. It was suspected, though not proved, that this mob attack was a planned ploy to evacuate the land (Khosa 2013).

Similarly, Rashid Rahman, a human rights activist and a lawyer, was gunned down in Multan because he represented Junaid Hafeez, a university teacher, who was accused of committing blasphemy. Respondents claimed that there was no actual blasphemy committed by him; rather he was set up due to professional rivalry. This proves the danger of the ambiguities in the constitution that can be used to serve people's personal, economic and political motives (Haque 2012). Although in 2004 an amendment was made that blasphemy cases could only be registered and investigated by a high ranking police officer (Superintendent of Police or above), its effectiveness is questionable. Most of the times, these high ranking officials do not want to get involved in such cases and whenever they get involved, they often bow down to social pressure (Ahmed 2014).

Around 90% of Sindhi respondents were of the view that their province, which was once historically known for its diversity, religious harmony and Sufi culture (a pluralistic strand of the religion), was now increasingly being threatened by a rise in religious extremism.

Echoing the findings of a 2015 report on religious conflict in Sindh, violent extremism and incidents of nationalist or separatist violence are becoming commonplace in the region (Yusuf & Hasan, 2015). Some respondents however were of the view that the culture of intolerance had been “transported by alien cultures” rather than extremist factions. These ‘outside’ elements were identified as migrants from Balochistan. In Karachi, Pashtun migrants were considered to be the agents of increasing intolerance by Christian minorities. The extent of violation of freedom of expression can be gauged from the fact that even when some officials talk about reforms in the blasphemy law, they are killed (Suleri 2011).

It was learnt that many madrasas shifted to Sindh from the Punjab and Khyber Pakhtunkhwa due to military operations in these areas. So this shifting has made way for the clergy to exert influence over different communities in the province. The madrasas were welcomed in the poverty-stricken Sindh as they give free education, food and shelter to their students. Furthermore, these organizations also conduct welfare work for the locals in the form of drinking water filters, building mosques, etc. However, a few respondents were vocal in saying that most of the organizations are affiliated with foreign detractors and/or extremist groups. Some respondents highlighted the association between religious leaders and politicians as a strong give-and-take partnership.

5. Conclusion and Recommendations

In Pakistan, there are restrictions on the freedom of expression despite having its provision in the Constitution. Multiple factors and actors are contributing to the current state of affairs with respect to freedom of expression. Mainly it is restricted through tactics that include censorship, narrow legislation, and harassment/killing of journalists/ human right activist and others who voice their opinions. Other tactics are crackdown on religious minorities, and suppressing free thought and religious opinion.

Though laws are important in governing the freedom to express oneself, it also allows room for impunity to the powerful violators while punishing the peaceful segment of the society. Interpretation of the law needs to be neutral and fair. The state bodies, on the one hand, must abide by the laws and on the other they need to be addressed by public condemnation and social responses. Moreover, since the freedom of expression is a basic human right, it should be exercised with its full spirit. However, this freedom should be within certain boundaries.

Over the years, Pakistani society has transformed from a comparatively tolerant into an intolerant society. Education and curriculum is another factor that contributed a lot more discrimination and intolerance within the society. Criminalization of acts of religious intolerance is in fact counterproductive and may lead to more chaos or disorder. In this regard, media, religious organizations, civil society and academia have a role to play as watchdogs over the hate material and speeches that instigate hatred and discrimination on the basis of race, ethnicity or religion.

Based on our findings, we recommend that the following actions should be taken in order to address the issue of freedom of expression:

- Civil-military relations in Pakistan are complex and multifaceted. The volatile security situation led to greater grip of military in politics. Ideally, a free and fair democratic rule is most conducive to protect human rights. However, weak links in the political system has given space for military intervention. Unless the culture of family politics and dictatorship within the parties is not abandoned, the civil-military relationship in Pakistan will continue to be complicated.
- Rather than tackling internal security issues through national security perspective, the government should invest in its people to benefit from the demographic dividend, stop injustice and violations of human rights and build a peaceful generation through an inclusive development approach.
- In order to address the non-compliance with the Act based on excuses of insufficient data, all public bodies should be bound to maintain a computerized (online) index of information. This index should be updated regularly and the information should be easily accessible to the quarters concerned. Public Information Officer of each public department should be held accountable through legal action in case of failure to provide information. Moreover, the Right to Information Commission should also be held accountable in the court of law, in case it fails to address the public complaints within a specific time interval.
- For the proper implementation of the Pakistan Penal Code, it is necessary to conduct a thorough inquiry before any blasphemy complaint is lodged. To overcome the issue of social pressure faced by the police officer concerned, blasphemy cases should be filed after preliminary investigation by a sub-committee involving DCO, DPO, district attorney, religious representatives/leaders, etc. and the committee should report to the Superintendent Police (SP). Involving religious leaders and representatives is important because in many cases, it has been observed, their speeches and sermons instigate people. . The inquiry process should consider the arguments of both the complainant and the defendant in order to avoid law abuses. In case, the accusation turns out to be false, the complainant should then be prosecuted. In order to deal with the manipulation of blasphemy law, there is a need to create awareness in this regard.
- Media should show a more careful and responsible behaviour; it should conduct a thorough investigation and research before filing the reports. Sensationalism should be banned to grab ratings and advertisements. To ensure this, PEMRA's code of conduct should be strictly enforced to avoid use of free speech by media as a medium of defamation of certain individuals and groups. Capacity of journalists needs to be enhanced in terms of research techniques, reporting and ethical considerations. Furthermore, Urdu media should also be encouraged to highlight human rights violations and raise awareness regarding the state of affairs in the province amongst a wider audience.
- Role of media as an agent of change for the protection of human rights entails that it should highlight those individuals and organizations that are engaged in securing human rights. PEMRA's code of conduct should be enforced by monitoring the television contents. Reported news should be regulated and overviewed to avoid dissemination of any insensitive remarks about a certain group, say women or religious minorities, etc. Journalists should be properly trained on how to adopt an impartial stance in their communication.

Freedom of expression should not be exploited for the defamation of any group. Media should dedicate 10% of their air-time/ newspaper coverage for public service messages.

- It is imperative to identify the funding sources of madrasas in Sindh, as it is in the Punjab. The curriculum of the registered madrasas should be reviewed and updated in the light of present-day scenario. Furthermore, legal action should be taken against those, who are found indulged in hate speech against another group. Unless strict measures are taken in accordance with the legal provisions, hate speech will continue to deprecate certain marginalized groups.
- Misunderstandings and gaps between government and NGO sector can only be bridged in a smooth setting of dialogue and consultation between the two. Joint-ventures between the two should be initiated to increase effectiveness and avoid duplication of work. Both parties should not see the other as mutually exclusive rather work for building an environment conducive for partnership. The government should levy regulations for its security purposes, but the regulations should be designed to help and not hinder.

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