

Free Speech and a Stable Society

Freedom of expression and information are pillars of a healthy democratic society and for social and economic growth, allowing for the free flow of ideas necessary for innovation and bolstering accountability and transparency. “Journalism thrives when media is free and independent, when journalists are safe to report, when impunity is the exception.

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.