

Freedom of Speech vs. Hate Speech: A Legal Perspective in Pakistan

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Abstract

Freedom of expression is a prerequisite right incorporated in Article 19 of the Constitution of Pakistan, 1973. Nonetheless, it is governed by legal limitations especially concerning matters of national security, morality of the public, and religious sentiments. This article explains the legal parameters for freedom of speech and hate speech in Pakistan's context in terms of constitutional provisions, the Pakistan Penal Code (PPC), the PECA 2016, and the ATA 1997. Those legal provisions, intended to prevent violence and maintain order, are sometimes vaguely defined and misapplied, leading to more violence and social discord, and restricting fundamental freedoms and human rights. The heretofore study also analyzes the United States and European legal systems in comparison and points out the necessity of a moderate way of safeguarding free speech and combating hate speech. This paper offers conclusions with policy recommendations that support more precise legal and judicial provisions, greater public education, and digital responsibility in order to avoid the misuse of freedom of expression for incendiary purposes.

Keywords: Freedom of Expression; Hate Speech; Legal Rights; Human Rights; Discrimination

Introduction

The nature and essence of speech within a dialogue is what makes it possible to give and receive ideas in a democratic society. In turn, democratic societies offer its citizens the freedom to express their thoughts and speak freely without fear of being punished. Pakistan was able to include freedom of speech as a constitutional right under article 19 in the 1973 constitution. However, this provision comes with some restrictions that safeguard elements of public order, security, decency, and morality. One of the most important restrictions is distinguishing between free speech and hate speech, since hate speech can include violence, discrimination, and sectarian conflict.

Pakistan's discourse around the boundaries of freedom of speech and hate speech is both legal and ethical in nature. While free expression is guaranteed in Article 19 of the Constitution (1973), it comes with sweeping limitations on national security, morality, and religion. Speech is regulated under laws such as the PPC, PECA 2016, and ATA 1997. However, discrimination, violence, and human rights abuses in the form of censorship and dissent suppression remain in vogue due to selective enforcement and vague language.

The absence of distinction between protected speech and hate speech is one of the more fundamental issues. Such sweeping powers enable persecution of journalists and critics while allowing sectarian violence to flourish unrestrained. Court decisions are often politically and socially motivated and thus highly inconsistent. Unlike international models, where laws on hate speech are well defined and specifically targeted, Pakistan does the opposite; the legislation remains ambiguous, making the criticism of politics and media a taboo.

Judicial reform should focus on defining hate speech in a manner that empowers, rather than restricts, free speech, guarantees digital rights, and ensures judicial independence. Rather than being used politically, laws should address the actual calls for violence. A balanced structure devoid of bias, abuse, and negligence will allow enforcement and judicial scrutiny that Pakistan requires in order to maintain social welfare, fundamental freedoms, and democratic ideals.

Review of Literature

The discussion surrounding freedom of speech versus hate speech control has been a topic of interest for legal, political and academic analysts alike. Legal scholarship and human rights advocacy have evaluated the speech regulation systems existent in Pakistan and other countries. This piece reviews the literature written about provisions in constitutions, international legal norms, case law and the impact of the digitized world on regulation of speech.

1. Constitutional and Legal Framework in Pakistan

Many scholars have studied Article 19 of the Constitution of Pakistan (1973) and its reasonable limitations concerning free speech. Ahmed & Khalid (2020) notes that such speech constraints along the lines of blasphemy, sedition, and public morality impose great legal questions that invite ambiguity and selective application. At the same time, Hassan (2019) draws attention to those provisions of the Pakistan Penal Code (PPC) Sections 153-A and 295-A, which are meant to prevent incitement of violence and religious hatred, and are, sadly, applied for persecution of opponents on political and religious grounds.

This overly broad definition has led to the violation of rights. The critics of the Act point out that it enables the authorities to monitor, surveil, and criminalize the use of "hate speech"

and “cyber terrorism” under vague definitions. Scope of power has provoked fears of digital censorship, slandering of opposition, and erosion of civil rights.

2. The Global Legal Perspective: Comparative Analysis

Legal comparisons show the controversy surrounding the regulation of hate speech in different regions of the world. Schauer (2019) observes that one is free to utter almost any form of speech, no matter how offensive or controversial it may be, as long as it is not advocating violence. He cites the example of the First Amendment of the U.S. Constitution which only has trouble when speech is meant to provoke violence. On the other hand, Brown (2020) examines European legal frameworks, which seem to have a more defined set of regulations regarding hate speech, particularly Germany and France which criminalize denial of the Holocaust and racially charged hate speech.

Asad (2022) depicts Pakistan as a country that implements hate speech regulations that are typical of authoritarian regimes where the intent is not only for the prevention of violence but also for the silencing of political dissent and curtailing of media freedoms.

3. The Impact of Hate Speech Laws on Society

The impact of hate speech legislation on the behavior of people and relations between groups has been studied by various scholars. Ali & Javed (2018) claim that blasphemy laws have been used for personal vengeance as well as for discrimination on religious grounds in Pakistan. In a similar manner, Rizvi (2021) elaborates on some of the cases of blasphemy such as mob violence, murder by the people, and general violence, which demonstrate how current laws can be counterproductive to their intended purpose.

There is, however, another side to the story as explained by Iqbal (2017), who contend that hate speech is an issue in already fragile and highly religiously stratified states which require tougher legislation.

4. Social Media and the Digital Age

The spread of hate speech has gotten significantly worse with the introduction of social media platforms. Khan & Farooq (2022) describe how Facebook, X (the former Twitter), and TikTok have been weaponized for the dissemination of misinformation, extremism, and cyberbullying, predominantly against religious and ethnic minorities. Yet, Yousaf (2023) draws attention to a different facet of the issue – content moderation wherein government policies often result in unjustified censorship of reasonable political commentary and journalism.

Amnesty International (2021) and other International Human Rights groups have criticized Pakistan’s digital speech policies for lacking clarity and urged the government to explain its actions concerning the hate speech regulations.

5. Legal and Policy Recommendations

Various experts advocate for changes in the law that will simultaneously offer protections for free speech while ameliorating the risk of hate speech. Malik (2020) argues that Pakistan's blasphemy, cyber, and counterterrorism laws require a clearer legal boundary between hate speech and legitimate critique. Rehman (2021) advances the concept of creative judicial intervention to prevent the law from being used against journalists, activists, and political opponents by tyrant governments through independent regulators.

Methodology

This study utilizes qualitative research with a doctrinal and analytical technique to assess the legal regime of Pakistan for freedom of speech and hate speech. It reviews the constitutional and legislative provisions and judicatory practices in the country and contrasts them with the available legal models, especially of the US and Europe.

The research is based on secondary data from the Constitution of Pakistan (Article 19), the Pakistan Penal Code (Sections 153-A and 295-A), and PECA 2016 and ATA 1997. Judicial decisions along with reports by Amnesty International, Human Rights Watch, and the UNHRC offer significant contributions. A comparison of legal frameworks is made for the purpose of examining Pakistan's policies in relation to global standards to find gaps and best models.

The data is obtained through content analysis and thematic analysis where policy documents, legal documents, court verdicts, and other reports are studied for trends in restrictions of speech and the corresponding judicial interpretation. It guarantees academic rigor, impartiality, and transparency while acknowledging the absence of adequate legal data.

This research touches only on the legal and constitutional aspects and does not include any empiric surveys or interviews. Nonetheless, it paves the way for further research of a quantitative nature or involving public opinion. These findings help serve the purpose of examining free expression and hate speech as they affect the concerns of civil liberties and social order.

Analysis

The evaluation of free speech and hate speech in Pakistan demands scrutiny of the country's constitutional structure, statutory laws, judicial decisions, and foreign comparisons. Like other democracies, Pakistan tries to safeguard free speech while also enforcing public order, morality, and national security. The implementation of such laws, however, tends to contravene accepted standards of political freedom, selective enforcement, and human rights.

1. Constitutional and Legal Framework

Every Pakistani citizen has the right to freedom of speech and expression as provided under Article 19 of the Constitution of Pakistan (1973). Nevertheless, this freedom is not unrestricted since it must be justified by reason associated with Islamic ethics, state security, public order, and external relations (Pakistan, 1973, Art. 19). These parameters claim to

coincide with international human rights standards, but the lack of precision in these parameters has raised concerns regarding overregulation of freedom and suppression of dissent (Human Rights Watch, 2021). The parameters, or lack thereof, have given state institutions great discretion which often leads to the controlling of expression by either censorship or criticism of state policies (Amnesty International, 2022).

In Pakistan, hate speech is subject to regulation as per the Pakistan Penal Code (PPC) hate speech is covered under sections 153A and 295 as well as laws designed to ensure public order and inter religious harmony. For instance, Section 153A of the PPC prohibits speeches, writings or acts that foster hatred among different religious, racial, linguistic or regional groups in Pakistan (Pakistan Penal Code, 1860, Sec. 153-A). Also, Section 295-A of the PPC punishes acts that willfully and maliciously perform: to insult a religion (Pakistan Penal Code, 1860, Sec. 295-A). Historically, these laws have sought to limit blasphemous, sectarian, and other forms of inflammatory rhetoric, however, their vague definitions have led to a great deal of criticism (Rehman, 2020). Such critics also assert that these laws have been unfairly targeted at certain political minorities and journalists rather than actual instances of hate speech which are violent and discriminatory (International Commission of Jurists, 2021).

Furthermore, the PPC has been updated by the Prevention of Electronic Crimes Act (PECA) of 2016, which now includes social media and other online interactions as platforms where hate speech is prohibited (PECA, 2016). The legislation makes hate speech, blasphemy, and defamatory acts in the electronic media criminal offenses and gives the state virtually unfettered authority to surveil, control, or delete information from the internet that allegedly breaks any of these rules (Niazi, 2019). Still, Freedom House (2022) has voiced concern about ambiguous PECA wording and its enforcement mechanisms which, rather than maintaining laws, may suppress opposition and undermine freedom of expression online. According to human rights organizations, the law has often been used beyond its intended purpose against journalists, defenders of human rights, and political opponents, rather than dealing with actual incidents of online hate speech (Digital Rights Foundation, 2021).

The Pakistan case exemplifies the selective enforcement of speech-related laws, which showcases the imbalance between protecting national interests, and fundamental freedoms. While hate speech laws are important to preempt communal violence and public disorder, their implementation should be politically unbiased, consistent, and clear. Both the United States and the European Union have international legal frameworks which provide examples of how free speech can be balanced with hate speech regulation. In the US, however, the First Amendment permits most forms of speech, including offensive and unpopular opinions, so long as they do not advocate violence or unlawful acts (*Brandenburg v. Ohio*, 1969). In contrast, other European countries such as Germany and France have more developed laws against the incitement of

racial hatred, holocaust denial, and extremist propaganda, but these laws are politically robust, as they can prevent political misuse (Waldron, 2012).

Pakistan's failure to formulate an acceptable balance in the regulation of speech is a direct outcome of definitional vagueness in the law, which ought to be defined with regards to hate speech, legitimate political activity, and impartial enforcement of the laws. In doing so, Pakistan will be able to stop the politicization of speech laws and have a better chance of fulfilling international human right obligations while simultaneously addressing social order and national interest.

2. Judicial Interpretations and Case Law

The Pakistani judiciary has been predominant in delineating the contours of free speech in the judicial domain of religious sensitivity, defamation, and even national security. Overall, courts have supported the government's control over speech due to the necessity of preserving public order and unity in religion (Khan, 2021). The judiciary has assumed a severe constraint of free speech, in most cases, prioritizing national security and public morality over individual liberty of expression (Malik, 2020). Responsive to *Shirin Mazari vs Government of Pakistan*, the court, in its verdict, took notice of the conflict between free speech and national interests, thus, drawing the differentiating line between the exercise of constitutional rights and their nondiscretionary enforcement (PLD 2010 SC 759). To some extent, the legal analysts interviewed pointed to the arbitrariness of these judgements due to their association with external political forces, hence self-destructive case law, selective enforcement policies and failure to formulate coherent principles (Rehman, 2022).

With matters of blasphemy, the courts appear to prefer upholding the more repressive interpretations and are known to issue fierce sentences with little regard to due process (ICJ, 2021). This trend has been criticized by Human Rights NGOs that claim the Pakistani judiciary has neglected to protect victims of blatant politically motivated and false accusations of blasphemy (Amnesty International, 2022). Equally, with regards to the defamation and cybercrime PECA 2016, the courts have, in most instances, favored the government, consolidating control over digital media and freedom of expression (Digital Rights Foundation, 2021). Because of this, many journalists, activists, and opposition members have become victims of state sponsored legal intimidation under vague provisions of speech (Freedom House, 2022).

On the other hand, the courts in the liberal democracies like the United States have, over the years, adopted a rather permissive approach to the protection of free speech in the First Amendment. The US Supreme Court has repeatedly favored free speech, even when it is deeply unpopular or offensive, if it does not trigger violence, lawless behavior, or imminent danger (*Brandenburg v. Ohio*, 1969). The American legal system makes a distinction between free

speech and real incitement, guaranteeing that government intervention is scant and only warranted under extraordinary conditions (Stone, 2019). This position stems from the assumption that even the most controversial of open discourse serves to encourage democratic values and enables societies to confront pernicious ideologies through discourse instead of silencing them (Sunstein, 2018).

At the same time, German and French legal systems are more restrictive on hate speech due to their recognition that it can lead to violence, discrimination, or even fascist revisionism (Waldron, 2012). Germany has specific laws against the denial of the Holocaust and the incitement of race hatred which carry severe sanctions for both the promotion of racial hatred and extremist ideologies (Bleich, 2011). France also possesses similar laws against the speech and discrimination directed towards certain religions or violence towards minority groups (Hare & Weinstein, 2009). These serve as a reminder that within a democracy, legal speech is limited and must be balanced with the stability of social order as well as protection for vulnerable communities (Fiss, 2008).

Looking at these models, Pakistan is comparatively more stringent and open to political opportunism. Unlike the U.S. free speech model of broad protection, or the European definition of hate speech, Pakistan seems to have a free speech regime that is vague, frequently changing, and serves political purposes instead of the public good (Shah, 2020). The absence or vague definitions and absence of an independent judiciary do not help mitigate the risk of censorship and suppression of dissent and free expression. (ICJ, 2021).

Clear legal definitions of hate speech along with an independent judiciary are prerequisites for Pakistan's legal system to evolve. Political manipulation of speech laws must be curbed alongside genuine attempts to incite violence or discrimination. Pakistan would be able to maintain basic human rights while ensuring social order, harmony, and national security through international best practices.

3. Political and Social Implications

One of the leading issues with Pakistan's speech laws is the way it avoids protecting public order and social harmony, using it mostly as a political tool. Journalists, opposition members, and activists have often come under the authoritarian tendencies of the state and its agencies which have used PECA 2016 and the blasphemy laws to silence them (Amnesty International, 2022). Instead of trying to regulate hate speech, harassment, or violence, the legal framework that was designed for trolling and criminal activity has been misused to negate political criticism and manage the cyberspace (Digital Rights Foundation, 2021). Amnesty International or Human Rights Watch have documented numerous incidents of repression where the legal attempt to hamper hate speech resulted in silencing freedom of expression, digital censorship and the use of force to manage public opinion (Human Rights Watch, 2022).

For instance, PECA has been critiqued for its ambiguous wording as well as its overreaching nature since it permits authorities to charge violators for “spreading false information” or “damaging the reputation of government institutions.” (ICJ, 2021) Those who criticize the government are sued, harassed online, or in some more extreme cases, made to 'disappear' (Freedom House, 2022). This includes Absar Alam, a senior journalist, who has faced charges under PECA for critiquing government institutions on social media (Reporters Without Borders, 2021). In a similar vein, sections 295 A, B, C of the PPC have been deemed blasphemous and are stringently enforced to silence dissenters, ethnic and religious minorities and take revenge for personal or political matters (ICJ, 2021). The absence of adequate measures to prevent abuse coupled with the extreme consequences covered in these accusations make blasphemy, which can entail capital punishment, arms of great subjugation (Amnesty International, 2022).

In addition, although the law prohibits sectarian and extremist speech, it is applied very selectively. Due to political patronage, lack of judicial independence, or state apathy, radical groups that advocate for violation of inter-religion tolerance and violence towards minority groups often go unpunished (Malik, 2020). For instance, TLP leaders and some elements of the proscribed TTP have called for violence and seem to suffer no legal consequences for doing so (Rehman, 2020). On the other hand, legal suppression is a common occurrence for active academicians and civil society members who openly support and criticize such actions taken by the government (FIDH, 2022).

This discrepancy on the implementation of speech laws damages the credibility of Pakistan's legal system and exposes a severe gap on the control of free speech. In contrast to ordinary citizens, journalists, and political opponents, who are subjected to swift legal repercussions for perceived offenses, violent hate groups often go unbothered (Shah, 2020). The state of inaction towards extremist rhetoric, and overaction towards political opposition, leaves an atmosphere of intimidation and self-censorship (Reporters Without Borders, 2021). Consequently, the Pakistan legal framework balances neither legal political activity with hate speech, and, as such, violates human rights and democratic principles in the nation (Freedom House, 2022).

Considering it, Pakistan should aim at eradicating bias in enforcement by clearly defining hate speech and bringing in new laws that protect journalists, activists, and political opponents better whilst holding extremist organizations accountable to restore credibility in the framework and meet internationally recommended human rights regulations (ICJ, 2021).

4. International Comparisons and Best Practices

Global legal framework comparisons indicate that, unlike many democracies that tolerate hate speech, the scope is often limited and does not extend to political violence. The

Supreme Court of United States has historically considered any speech even remotely offensive as protected speech, except for direct incitement to lawless actions (Brandenburg v. Ohio, 1969). This case was paramount in introducing the Brandenburg test for speech, which states that to bear restrictions, the speech must be aimed at inciting illegal action and there is a significant chance those actions will happen (Stone, 2019). Hence, even hate speech is principally accepted within the borders of America except when it's paired with encouragement to violent or illegal actions (Chemerinsky, 2018).

On the other side of the spectrum, countries such as Germany and France have constructed their own laws to counter hate speech and racism. Germany is particularly noteworthy. It includes within its anti-hate legislation Section 130 of the German Criminal Code (Strafgesetzbuch), which penalizes incitement to hatred against national, racial, religious, or ethnic groups (Bleich, 2018). Germany also prohibits the denial of the Holocaust, Nazi propaganda, and the use of Nazi symbols due to their implications for democracy and social order (Hamelink, 2021). France also employs stringent measures against hate speech through the Gayssot Act of 1990, which specifically condemns the denial of the Holocaust as well as provoking racial discrimination (Cohen-Almagor, 2020). The laws in both countries aim to prevent public disorder as a result of social tension in hopes of fostering civic peace, and political abuse of these laws is very limited (Gelber, 2021).

Moreover, Ukraine has adopted an entire framework of laws dealing with "national security" and "public order," which were previously non-existent, under which hate speech is defined as speech involving incitement to racial or religious hatred. Nevertheless, the application of such intolerance legislation is subject to the fundamental proportionate response principle which allows judicial oversight (Hunt, 2022). The most salient difference between Pakistan and these democracies rests on the definition of hate speech within Western legal cultures. Take, for example, Article 10 of the European Convention on Human Rights: it guarantees freedom of expression but permits its limitation for reasons of national security, public order, or the exercise of the rights of other people (European Court of Human Rights, 2022). On the other hand, European courts have carefully controlled these laws, to ensure that they are not abused for political oppression (Walker, 2020).

Since its approach to the regulation of hate speech is vague in definition, Pakistan's legal system allows room for interpretation, which can be politically exploited. Politically motivated crimes such as slander and defamation, established by Sections 295-A and 153-A of the Pakistan Penal Code (PPC), as well as the Prevention of Electronic Crimes Act (PECA) 2016, have been criticized by some scholars as discretionary and punitive in nature towards government critics (International Commission of Jurists, 2021). Unlike Germany, France, or the UK, which seek to protect certain groups from societal violence using hate speech provisions, greater restrictions

in Pakistan are meant to prevent the expression of political views and identities from being perceived as dissent, attacking opposition leaders, and hounding reporters (Human Rights Watch, 2022).

5. Challenges and the Way Forward

- Compliance with freedom of speech regulations as well as hate speech in Pakistan is ineffective mainly due to lack of legal clarity, poor enforcement, and political meddling (International Commission of Jurists [ICJ], 2021). Although there are laws designed to combat hate speech and maintain public order, their vague and general nature has facilitated misuse, especially against journalists, political opponents, and activists (Amnesty International, 2022). Such arbitrary application has eroded confidence in the legal system and allowed extremist speech to thrive, which is deeply dividing the society (Human Rights Watch [HRW], 2022).
- Addressing these issues will require significant changes to the existing laws string reforms. Such changes will aim at conclusively defining legal terms, enhancing the independence of the judiciary, safeguarding the press, and implementing just enforcement policies.

Defining Hate Speech Clearly

- One of the key problems in Pakistan's legal system is the absence of the precise definition of hate speech (Bleich, 2018). The existence of undefined and loosely defined laws has made the enforcement of these laws selective, aimed more at political dissenters than any person or group who can be reasonably accused of violence or discrimination (Cohen-Almagor, 2020). To illustrate, the Prevention of Electronic Crimes Act (PECA) 2016 makes it a crime to "lie" and "defame" someone without identifying the threshold whereby a criticism could be classified as a speech (Reporters Without Borders [RSF], 2021). Likewise, Clauses 295-A and 153-A of the Pakistan Penal Code PPC 1980 are supposed to deal with religious and sectarian hate speech, but in practice are often used against vulnerable people like ethnic minorities and political activists.
- The definition of hate speech can be best understood through international practice models. For example, the United Nations (UN) Rabat Plan of Action suggests that hate speech should only be limited when it provokes violence, animosity, or discrimination, not just when it presents contemptuous or unpopular viewpoints (UNHRC, 2019). In the same vein, German jurisprudence has defined in 'Section 130' of the Criminal Code the term 'hate speech' as the public incitement to hatred directed toward a particular racial, ethnic, or religious group, which sets out a clear threshold for prosecution (Gelber, 2021). Pakistan may adopt such measures to curb the potential abuse of hate speech

legislation while also ensuring that real calls for violence are adequately punished (Walker, 2020).

Ensuring Judicial Independence

- Lack of independence from the state is one of the fundamental challenges for free speech regulation in Pakistan (ICJ, 2021). Courts have sided with state policies too often to the extent of silencing any criticism of government action in the name of national security or public order (HRW, 2022). Prejudicial politics deeply embedded in the judiciary has created barriers to consistent and rational outcomes, which makes it difficult to trust judiciary with the protection of the law (Freedom House, 2022).
- On the other hand, judges within the United States and those in Europe apply straightforward legal benchmarks that help determine the conditions under which speech may be limited (Cicchini, 2021). U.S. Supreme Court has the “clear and present danger” and “Brandenburg test” principle (Brandenburg v. Ohio, 1969) which protects speech, except if it is likely to produce an uprising which causes great violence (Chemerinsky, 2018). A similar approach of proportionality is applied by the European Court of Human Rights (ECHR), which ensures that any limitations put in place towards free speech are not for politically motivated reasons and instead, justifiable (ECHR, 2022).

In establishing a greater degree of independence for the judiciary, Pakistan needs to:

- ICJ (2021) Propose a legislative initiative that guarantees that courts that are competent to decide on the speech-related matters do so without political interference.
- HRW (2022) Construct systems of oversight which are detached from the judiciary to scrutinize judicial action in relation to the laws on free and hate speech.
- Provide education to judges and relevant legal practitioners about international human rights norms to ensure the uniform and appropriate application of free speech safeguards (Walker, 2020).

Strengthening Media Laws to Protect Journalists

- The landscape of Pakistani media has become more restrictive, as journalists have to deal with censorship, violence, and even legal harassment (RSF, 2021). Independent reporters and journalists covering government corruption and security issues have faced intimidation through PECA 2016, Defamation Ordinance, and other forms of legal reporting censorship (Amnesty International, 2022). For this reason, Pakistan’s rank for freedom of the press is low, thereby indicating the lack of need for journalists’ legal protection (Freedom House, 2022).

For the improvement of the media laws and legal protection of journalists in Pakistan, the country must:

- Remove “false information” and “cyber defamation” as criminalized acts which PECA 2016 defined as “information” without definitions (RSF, 2021).
- Protect journalists from politically motivated arbitrary arrests and lawsuits (HRW, 2022).
- Create independent regulators to manage media legislation, free from state control and influence (Amnesty International, 2022).
- Press freedom in Pakistan, like Norway and Sweden, should not be restricted in the name of national security (Cohen-Almagor, 2020). Pakistan ought to utilize these models in developing its media system for journalists to report in a free environment without state control pass interference (Bleich, 2018).

Implementing Fair Enforcement Mechanisms

- Pakistan’s regulations for hate speech have been failed due to selective law enforcement (ICJ, 2021). Government critics are punished while violent sectarian groups are often allowed to operate unchecked (Amnesty International, 2022). This undermines the credibility of hate speech laws and allows radical factions to take advantage of loopholes in the legislation (HRW, 2022).

Pakistan should prioritize as follows to level the playing field:

- Implement independent monitoring systems to mitigate the potential abuse of hate speech laws for partisan ends (Freedom House, 2022).
- Create instructive criteria for law enforcement agencies on the difference between protected speech and hate speech (ICJ, 2021).
- Enhance the outreach training and capacity building of police and judicial officers to promote the just enforcement of speech laws (Walker, 2020).
- For example, Germany and the UK have set independent bodies to patrol the mechanism of hate speech enforcement to ensure objectivity and accountability. (Bleich 2018). Pakistan should implement these models in order to prevent the political weaponization of legislation through politically motivated enforcement (Gelber, 2021).

Conclusion

Pakistan's discourse around the boundaries of freedom of speech and hate speech is both legal and ethical in nature. While free expression is guaranteed in Article 19 of the Constitution (1973), it comes with sweeping limitations on national security, morality, and religion. Speech is regulated under laws such as the PPC, PECA 2016, and ATA 1997. However, discrimination, violence, and human rights abuses in the form of censorship and dissent suppression remain in vogue due to selective enforcement and vague language.

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