

## Pakistan: Reject bill silencing dissent; uphold the right to freedom of expression

**(Bangkok/Kathmandu, 6 May 2021)** – Pakistan must uphold its constitutional obligation to guarantee the right to freedom of expression by rejecting the Criminal Law Amendment Bill 2020, said the Asian Forum for Human Rights and Development (FORUM-ASIA).

Under the bill approved by Pakistan’s National Assembly Standing Committee on Interior on 7 April 2021, those who are deemed to ‘intentionally ridicule the armed forces’ could face up to two years’ imprisonment along with a fine of up to USD 3,270 – or both.<sup>1</sup>

‘The bill threatens to muzzle dissenting voices as well as the media in Pakistan who have been critical of the armed forces’ conduct. The very essence of the bill contradicts the country’s constitutional guarantee of the right to freedom of expression and fails to uphold Pakistan’s obligations under international human rights law,’ said Shamini Darshni Kaliemuthu, Executive Director of FORUM-ASIA.

Since the introduction of the bill at the National Assembly on 15 September 2020, journalists and civil society have raised the alarm about how the bill could centralise more power in the incumbent government and crackdown on dissent.

Nonetheless, the Pakistani government has blatantly continued its clampdown on the media, political opponents, and human rights defenders. At least 37 cases of violations against human rights defenders have been documented since the start of last year to date, based on FORUM-ASIA’s monitoring.<sup>2</sup> The exact figures are likely to be higher.

Those critical of the government have been subjected to arrests, judicial harassment, physical violence and even killings. Media workers are among the most targeted in Pakistan with women journalists at a greater risk of attack by pro-government forces.<sup>3</sup>

‘The bill will have a chilling effect on civil society and the media, as it only serves to perpetuate reprisals against those critical of the government. The vague wording of the bill reinforces the government’s efforts to suppress dissent, curtail the right to freedom of expression and establish a state hegemony over information,’ said Shamini.

In November 2020, Pakistan expanded the scope of an already repressive Prevention of Electronic Crimes Act (PECA) 2016 to proscribe online criticism of the government and public officeholders; enable selective ban of social media platforms; and order any online platforms operating in the country to share users’ decrypted data to authorities within six to 24 hours without a warrant nor judicial oversight.<sup>4</sup>

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<sup>1</sup> [http://www.na.gov.pk/uploads/documents/1600179373\\_877.pdf](http://www.na.gov.pk/uploads/documents/1600179373_877.pdf)

<sup>2</sup> [https://asianhrds.forum-asia.org/en/library/?q=\(allAggregations:!f,filters:\(country:\(values:!\(b283ab00-ed90-4e08-927b-ce27e307c6a5\)\),initial\\_date:\(from:1577836800,to:1620345599\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:metadata.initial\\_date,types:!\(%275cb59d076eaf555bc54a2bd3%27\),unpublished:!f\)](https://asianhrds.forum-asia.org/en/library/?q=(allAggregations:!f,filters:(country:(values:!(b283ab00-ed90-4e08-927b-ce27e307c6a5)),initial_date:(from:1577836800,to:1620345599)),from:0,includeUnpublished:!f,limit:30,order:desc,sort:metadata.initial_date,types:!(%275cb59d076eaf555bc54a2bd3%27),unpublished:!f))

<sup>3</sup> <https://cpj.org/2020/09/as-ruling-party-fans-spew-online-abuse-pakistans-female-journalists-call-for-government-action/>

<sup>4</sup> [http://www.na.gov.pk/uploads/documents/1470910659\\_707.pdf](http://www.na.gov.pk/uploads/documents/1470910659_707.pdf)

Large technology and social media companies were instructed to localise data by establishing offices and data centers in Pakistan within 18 months. Following pushback and threats of withdrawal from companies including Twitter, Facebook and Google, the government announced that it would review certain provisions.<sup>5</sup> However, no notable progress has been documented in this regard.

The amendments to PECA 2016 have also given the Telecommunication Authorities, Pakistan's telecommunications regulator, sweeping powers to levy fines up to USD 3.14 million against companies for non-compliance.<sup>6</sup>

Its discretion to block online platforms and censor content creates room for arbitrary enforcement of the provisions to silence dissent and target journalists, human rights defenders, political activists and any social media user.

'The opaqueness in formulating these new provisions constitutes a threat to democracy. By refusing to engage with different stakeholders through a proper consultative process, authorities have failed to address the concerns raised by civil society, journalists and other groups,' said Shamini.

'Pakistan's lawmakers must respect the constitutional rights of its citizens in exercising their right to freedom of expression and reject the passage of the repressive Criminal Law Amendment Bill 2020. Instead of attempting to stifle dissent, Pakistan should work towards creating a conducive environment for democracy and press freedom to flourish.'

#### **About FORUM-ASIA:**

*The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)*

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<sup>5</sup> <https://www.aljazeera.com/news/2021/1/26/pakistani-government-says-will-review-internet-censorship-rules>

<sup>6</sup> <https://www.aljazeera.com/news/2020/12/2/pakistans-new-regulations-aim-to-silence-the>