

Hate Speech and Human Rights: A Social Justice Perspective in Pakistan

Naumana Suleman

Human Rights Professional, Researcher and Trainer, Pakistan

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Corresponding Author

Naumana Suleman

Email

naumana@bytesforall.pk

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Orcid

<https://orcid.org/0009-0000-3522-3835>

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Abstract

This paper explores hate speech issues through the lens of human rights and social justice, focusing particularly on its impact on minority communities in Pakistan. It examines how hate speech undermines their human rights and leads to a denial of social justice, eroding the social fabric and perpetuating discrimination. The paper begins with a discussion of the current global context and then delves into the socio-political landscape of Pakistan, presenting relevant background information. It highlights that Pakistan, marked by religious, cultural, ethnic, and linguistic diversity, has struggled to fully embrace this diversity. Within this context, the article specifically studies the issue of online hate speech directed at minority communities and its detrimental effects on their well-being and societal integration. The paper concludes with comprehensive recommendations to tackle hate speech both online and offline, aiming to promote a more inclusive and just society for all, where every individual's rights are respected and protected.

Keywords: hate speech, human rights, justice, minority, Pakistan

Introduction

Across the world, hate speech serves to stigmatize and vilify those perceived to be the "other," with most of those targeted being minorities. Often, it targets individuals from minority communities and portrays them as a threat to societal harmony and national unity. As a result, they are subjected to discrimination because of their distinct religious, ethno-cultural, or linguistic identities.

Nowadays, these expressions of hate and discrimination increasingly dominate political agendas and discourses, becoming mainstream in public life. This issue is creating a climate of fear among individuals and communities, especially among minorities and marginalized groups who are

more vulnerable. Hate speech fosters fear, rejection, exclusion, and intolerance, ultimately damaging the social fabric, undermining human rights, and denying social justice, particularly for minorities and vulnerable sections of society (Bytes for All, Pakistan, 2024, April 19). Presenting a strategy and plan of action to eliminate hate speech, the United Nations (2019) noted:

There is no international legal definition of hate speech, and the characterization of what is 'hateful' is controversial and disputed. ... the term hate speech is understood as any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference

to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor. This is often rooted in, and generates intolerance and hatred and, in certain contexts, can be demeaning and divisive. (p. 2)

This quotation shows that hate speech should be addressed properly for social harmony. According to UN Secretary-General Antonio Guterres, tackling this problem is essential to maintain balance. In this context, Guterres (2019) said: “Addressing hate speech does not mean limiting or prohibiting freedom of speech. It means keeping hate speech from escalating into something more dangerous, particularly incitement to discrimination, hostility, and violence, which is prohibited under international law” (as cited in Midha, 2024).

In October 2012, the fundamental concern was first raised by the Rabat Plan of Action (United Nations, 2013) that members of minority communities were being persecuted through the misuse of vague domestic legislation, jurisprudence, and policies on ‘hate speech,’ while actual incidents of incitement to discrimination, hostility, or violence under international human rights law were not being addressed. With the passage of time and the increase in hate speech worldwide, it has become a more pressing issue, one that requires urgent and effective responses under international human rights law. Therefore, further initiatives, including the Beirut Declaration and its 18 commitments (United Nations, 2013) on “Faith for Rights” and the UN Strategy and Plan of Action on Hate Speech (Guterres, 2019), were introduced.

Moving forward in this direction, in September 2019, the Special Rapporteur on minority issues, Fernand de Varennes, jointly with 25 other Special Procedures mandate holders, issued an open letter expressing concerns about the global increase in ‘hate speech’ while highlighting the need for accountability and due diligence. The

letter highlighted the dangerous and disrupting nature of ‘hate speech’. The letter mentions:

It dehumanizes entire groups of people, exacerbates societal and racial tensions, and incites violence, often with deadly consequences, particularly targeting minorities. In the context of conflict, humanitarian crises or economic and political instability, negative stereotypes against vulnerable groups, including persons belonging to minorities, are often exacerbated. The displays of hatred become the principal tools of scapegoating, and ultimately of organized and systematic violence against them, which may even contribute to enabling or preparing atrocity crimes (namely, genocide, war crimes and crimes against humanity). (United Nations, 2019a)

Varennes further mentions:

We are gravely concerned that leaders, senior government officials, politicians, and other prominent figures spread fear among the public against migrants or those seen as "the others", for their political gain. The demonization of entire groups of people as dangerous or inferior is not new to human history; it has led to catastrophic tragedies in the past. (United Nations, 2019a)

Pakistan: Struggling to Accept Existing Diversity

Pakistan is a country with religious, cultural, ethnic, and linguistic diversity. However, it has struggled to accept this diversity at various levels. According to the recent census (United Nations, 2019), Pakistan’s religious demography comprises 96.28 percent Muslims and 3.72 percent religious minorities, including Christians (1.59 percent), Hindus (1.6 percent), Ahmadis (0.22 percent), Scheduled Castes (0.25 percent), and others (0.07 percent – Sikhs, Parsis, Bahais, and so forth) (Pakistan Bureau of Statistics, 2024).

The Constitution of Pakistan (National Assembly, 2018) guarantees non-discrimination,

religious freedom, and equality among citizens in Articles 20 and 25, respectively. In addition, Pakistan is a party to several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Convention on the Rights of the Child (CRC), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). These treaties prohibit any form of discrimination, including discrimination based on gender religion, or belief.

Despite these constitutional and international commitments, religious freedom has been undermined in Pakistani society due to several factors. Prominent among these are religiously biased constitutions, laws, and policies that pave the way for hate speech, resulting in religious extremism. Discrimination against religious minorities is prevalent in the country and ranges from discriminatory laws and policies to a biased mindset among a significant portion of the populace at the societal level.

Pakistan has a long history of hatred being propagated through provocation and violence against minority communities. This spectrum ranges from public functionaries and political leaders to individuals who often incite hatred against minorities, with serious consequences for the targeted person and/or community. Hate speech is used as a tactic to further oppress communities and groups that are already politically, socially, and economically marginalized. Consequently, minority communities and groups have suffered socio-economic and political marginalization and physical attacks, resulting in grave human rights and social justice violations. Continued hate campaigns have led to toxic consequences for the state and society, particularly shrinking civic space, increasing self-censorship, and undermining the exercise of various rights and freedoms, especially Freedom of Expression, Speech,

Religion, or Belief. For minority and vulnerable communities, hate speech has increased socio-economic marginalization and infringed upon the fulfillment of rights to education, health, clean water, etc., along with minimizing equal access to opportunities, which is a blatant violation of social justice principles.

Unfortunately, over time, hate speech has become prevalent in Pakistan, affecting all its citizens, especially those who belong to minority communities. On one hand, it has added to violence; on the other hand, it has increased the vulnerabilities of already marginalized communities. Its escalation has created a climate of fear, rejection, and exclusion, especially among marginalized and minority communities, due to impunity for instigators. Hate speech increasingly dominates political agendas and discourses and is mainstreamed through public life. It further reinforces and exacerbates long-standing marginalization and exclusion, particularly for those who face intersectional discrimination based on religion, belief, caste, ethnicity, gender, and language. Hate speech impairs societal values and fabric and undermines the respect for human dignity, ultimately resulting in human rights violations. In particular, hate speech has become a key contributing factor in crimes committed against minorities, yet it is frequently met with impunity.

The Constitution is a fundamental document that determines all the laws and policies in any country. Therefore, the inclusion of faith-based provisions through several amendments in the Constitution of Pakistan paved the way for the enactment of various discriminatory laws, which further translated into biased policies. For instance, Article 2 of the Pakistani constitution declares Islam as the state religion; this provision gives preference to one religion over others existing in Pakistani society. Moreover, Articles 41(2) and 91(3) reserve the offices of the President and the Prime Minister for Muslim citizens only, which further discriminates among the citizens based on their religion or belief.

Additionally, the religious prejudice in the Constitution of Pakistan's enactment of blasphemy laws in the Pakistan Penal Code (PPC) during the 1980s strengthened religious fundamentalism, which further transformed into religious extremism. Blasphemy laws carry severe punishments like life imprisonment and the mandatory death penalty for various offenses related to Islam. According to data collected by a coalition of local NGOs, the number of individuals accused of blasphemy from 1987 to 2014 is 1,335, and interestingly, 52% of the total blasphemy cases are registered against persons belonging to religious minorities, who are only 4% of the total population. After Pakistan added Sections 295-B and 295-C to the country's blasphemy laws in 1987, the number of blasphemy accusations in Pakistan skyrocketed. Between 1987 and 2017, 1,534 individuals in Pakistan were accused of blasphemy. The disproportionate nature of blasphemy accusations in Pakistan is easily seen when comparing Pakistan's population data against the breakdown of blasphemy accusations by religious identity. According to the data available from 2021, religious minorities make up only 3.6% of Pakistan's total population. Out of the total 1,534 blasphemy accusations, 829 accusations (54%) were made against religious minorities. Specifically, 238 (15.5%) were made against Christians (Stark, 2021). These laws have been misused to settle personal scores and grudges and have also been the source of rampant human rights violations. Since the 1990s, several minority community settlements and worship places have been burnt down on allegations of blasphemy. Additionally, cybercrime legislation, such as the Prevention of Electronic Crimes Act 2016 (PECA), has extended this persecution of minority communities to the online domain.

With the increased use of social media platforms, spreading misinformation and disinformation and inciting violence against minorities have become rampant. Pakistani social media is filled with faith-based dangerous messages directed towards Ahmadis, Christians, Hindus, Shia, and other faith groups. For the last several

years, Bytes for All, Pakistan, has been monitoring and working to address the online hate speech issue that is widespread in Pakistani society, especially directed towards individuals and groups belonging to minority faiths. One of its online campaigns, "I don't forward hate," was featured by the UN OHCHR.

Religious minorities are given different titles and labels while several stereotypes are associated with different faiths, sects, and religions, including Christians, Hindus, Ahmadis, Sikhs, and Shia. However, when it comes to online spaces where more and more people are joining different social media platforms to express their views and share their opinions (or those of others whom they support), these labels, titles, and stereotypes get hugely amplified, attracting widespread attention across whole communities. An increase has been seen in the use of online platforms by hate mongers to incite hate against minorities.

Drivers of hate are manifold and implanted with anti-minority content in education curricula too. The phenomenon of hate speech has penetrated Pakistani society in various forms, including education curricula (Suleman, 2018) that contain prejudices against religious minorities, which further translate into biased mindsets and behavior of the general populace. The government-approved textbooks contain hate material that is discriminatory towards religions other than Islam. For example, religious minorities are addressed as Kafirs (infidels and idolaters) and portrayed as enemies of Islam. There is hardly any material that encourages respect for human rights, acceptance of diversity, and the concept of equality among citizens. Therefore, any online hateful content and offline incidents of hatred become quickly acceptable in the public sphere, resulting in grave consequences for individuals and minority communities, sometimes jeopardizing their right to life.

Victimization through hate speech based on religion or belief severely affects religious minority communities, but particularly adds layers of jeopardy and increases violence and discrimination

against women of religious minority backgrounds in Pakistan. This ranges from social exclusion and stigmatization to violations including abduction, statutory rape, ideologically motivated sexual grooming (Tadros, 2020), forced conversion, and underage marriage. Doubly marginalized by their gender and minority status, the majority of religious-minority women in Pakistan (Suleman, 2020) work in sectors like agriculture, sanitation, brick kilns, or as domestic workers. Only two percent of minority women work as teachers, doctors, nurses, professors, or officers, evidencing their economic marginalization.

In addition, the phenomena of hate speech and discrimination at the workplace, educational institutions, and neighborhoods have added to the social exclusion of minority communities, particularly religious minorities. Furthermore, invitations to convert to Islam have become a common norm by most members of the majority community, and minority women and girls, especially minor girls, have become easy targets. All these instances are indicators of socio-economic marginalization and vulnerabilities of the minority community in general and minority women in particular.

The consequences of hate speech and incitement against minorities have been severe across Pakistan. Throughout the country, politicians resorting to rhetoric on religion, ethnicity, and language have adversely affected the country's already fragile social cohesion, besides sharpening discrimination, marginalization, and exclusion of minorities. Hateful and discriminatory narratives have tended to dehumanize religious, caste, ethnic, and linguistic minorities, and women among them while reinforcing bias and prejudice against them. The phenomenon of hate speech has also damaged the political landscape of Pakistan and has placed politicians and political workers at risk, especially during election campaigns. It has further extended its effect on dissenting voices and actors that uphold human rights, ranging from civil society organizations, HRDs, journalists, political and social workers, writers, academics, lawyers, etc.

State-led responses to curb hate and incitement against the aforementioned sections and actors of society have delivered little. Laws and policies for protection against hate speech are not only inadequate to counter it but also act as carriers. Rather, they are used less to combat efforts at targeting minorities and more to penalize and silence minorities and dissenters who speak out against hate and incitement. Social media companies too have been complicit in either not paying attention to the human rights implications on minorities of hate playing out on their platforms or have tended to privilege parties in power.

In the absence of state-led efforts to count and report hate, civil society has led the way. There have been initiatives locally by minority and civil society groups to document hate, raise awareness, seek redress and justice for victims, and take action against perpetrators.

Religious expression in Pakistani social media spaces has been witnessing an increase in the trend of being criminalized by the State as either a hate crime or profaning Islam, as interpreted by the Sunni Muslim majority. Pakistani social media is filled with faith-based dangerous messages directed towards Ahmadis, Shia, Hindus, Christians, and other faiths. Bytes for All, Pakistan (2021) has taken stock of Pakistani social media, primarily Twitter, to present different shades and trends of dangerous speech in the country. When it comes to Twitter feeds in Pakistan, most exchanges of hate messages are aimed at Hindus and are often event-specific. Twitter is a more public medium than Facebook because of its unique algorithm that works on hashtags. According to Facebook results, most hate speech perpetuated by the majority Sunni Muslims is against the Ahmadiyya community, followed by progressive Muslims in the context of greeting non-Muslim communities on their religious events such as Christmas and Diwali. Another significant chunk of hate comments on Facebook is directed against Shia Muslims by radical Islamists, and the Ismaili community also falls victim to religion-based hatred on Facebook.

Extensive monitoring of both social media platforms overwhelmingly confirms that faith-based minorities in Pakistan, including Ahmadis, Hindus, Christians, Shia, Sikhs, and Ismailis, are the victims of the worst forms of hate speech targeting their religious identities, faiths, personalities, and religious teachings. In the worst form of hate content, individuals belonging to religious minorities face death threats. Social media platforms have the potential to reinforce hate messages perpetuated against religious minorities (Bytes for All, Pakistan, 2024).

Although the Pakistani Constitution talks about providing equal rights to all citizens, minority religions, sects, and faiths face numerous challenges in exercising their constitutional rights and guarantees. As part of its global commitments, Pakistan has a legal obligation to adopt and implement international human rights instruments, including Freedom of Expression and Freedom of Religion or Belief, which are constantly undermined due to hate speech.

The UN Committee on the Elimination of All Forms of Racial Discrimination (CERD), in its review in 2016, addressed issues related to hate speech, hate crimes, madrasa reforms, misuse of blasphemy laws, violence, segregation of minorities, violence against minority women, and access to justice. The CERD expressed deep concerns at "the reportedly high incidence of hate crimes such as harassment, violent mobs, and killings of persons belonging to ethnic and religious minorities, particularly Hazaras, Christian Dalits, Hindu Dalits, and Ahmadis, and the absence of investigation and prosecution. It is also concerned at reports of a rise in racist hate speech targeting ethnic and religious minorities and refugees, including by public officials and political parties, in the media, on social networks, and at religious gatherings" (United Nations, 2016).

The UN Human Rights Committee, after its first-ever review of Pakistan in 2017, concluded with reservations over hate speech and hate crimes. It regretted the absence of information regarding the implementation of the Supreme Court of

Pakistan's landmark judgment of June 19, 2014, and recommended that the State party investigate all reported cases of hate speech and hate crimes, ensuring that perpetrators are punished and victims compensated. The committee directed the State party to "ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished." It also directed the repeal of blasphemy laws, taking action against those who level false blasphemy allegations, and protecting judges, lawyers, prosecutors, and witnesses of blasphemy cases. Additionally, the committee recommended reviewing school textbooks and curricula to remove all religiously biased content, incorporating human rights education, and continuing to regulate madrasas.

Similarly, the Committee on Social, Economic, and Cultural Rights (United Nations, 2017) discussed its concerns regarding religious-based hatred perpetuated through school curricula and textbooks. The Committee urged the State party to "monitor school curricula and textbooks, as well as practices in schools, at all levels, including in madrasas, to ensure that they promote the full development of the human personality of students." It also recommended that "the State party intensify its efforts to reform madrasas," incorporate human rights education in school curricula and take appropriate measures to raise public awareness of human rights, particularly among religious leaders, to promote understanding, tolerance, and peaceful coexistence among different ethnic and religious groups.

Organizations such as Bytes for All, Pakistan, are working to promote the use of technology for sustainable development, democracy, and social justice (Bytes for All, Pakistan, 2024). These human rights organizations and research think tanks focus on the best use of Information and Communication Technologies (ICTs), employing them with full awareness of the principle of "do no harm to others" and with a commitment to intercultural sensitivity. They also emphasize refraining from hate speech and hate-related activities.

Conclusion and Recommendations

The proliferation of social media in Pakistan has empowered marginalized and vulnerable groups to access online spaces for expressing their opinions and thoughts. However, simultaneously, these spaces have posed new challenges. Online hate speech is among the major challenges restricting marginalized communities from exercising their freedoms, including expression, and has resulted in violent incidents offline. Since online spaces are shrinking for these marginalized groups and communities, comprehensive measures are required to enable these vulnerable communities to freely and safely utilize online spaces for their rights and development.

The government should take effective and immediate measures to check faith-based hate speech and hate crimes, keeping in view the June 19, 2014, judgment of the Supreme Court.

The government should revise primary, secondary, and higher secondary level curricula being taught at schools and madrasas to remove hate language and include lessons that promote faith-based tolerance and religious harmony.

The government should engage with Twitter and Facebook administrations to develop mechanisms for checking extreme forms of hate expressions used to incite violence against groups and individuals belonging to minority sects and faiths and those of no faith.

Awareness-raising campaigns on the responsible use of Twitter, Facebook, and other social media platforms are urgently needed. The government, civil society, and social media platforms need to work closely together to evolve solutions to discourage hate-based stereotypes from society and mitigate the risks of dangerous hate crimes.

Alternate speech needs to be promoted in society to foster tolerance towards the thoughts and opinions of individuals and groups belonging to different/minority faiths.

The government should work with civil society to counter the menace of hate speech, building the capacity of various stakeholders, and facilitating knowledge sharing.

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