

**Joint written statement submitted by the Association for Progressive Communications to  
the 34th session of the Human Rights Council: Freedom of expression and religion in Asia/  
Bangladesh and Pakistan**



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**Association for Progressive Communications (APC)**  
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We welcome the appointment of Mr. Ahmed Shahid as the UN special rapporteur on religion or belief. The space available for expressing opinions in relation to religion have consistently come under attack, especially in online spaces. This worrying trend is particularly exacerbated in Asian states where there are multiple ethnicities and religious groups cohabiting such as Pakistan and Bangladesh.

Online platforms and more particularly social media have provided an alternative medium for not only expression of opinion but development of discourse that may otherwise be difficult to find in traditional offline platforms. Similarly, the internet has also created a space for expression related to or touching upon issues that deal with or pertain to religion. However, such expression has been increasingly met with censorship, criminalisation and has at times resulted in offline attacks and killings as well.

The UN Human Rights Council in resolution 20/8 has affirmed that “the same rights that people have offline must also be protected online, in particular freedom of expression”. Therefore, the principles and standards relating to the rights to freedom of expression and religion as well as the intersection of these two rights are equally applicable to online spaces.

#### **Use of blasphemy laws to target online expression:**

Across the Asian region, growing discourse on defamation of religion and blasphemy laws to combat dissent and criticism of religions or beliefs is proving to be a serious threat to the fundamental exercise of freedom of expression. Laws to punish blasphemy or hurt to religious sentiments has a stifling effect on dissent and FoE, prohibiting a free exchange of ideas and views on political, social, legal and academic issues that may touch upon religion.

Regulations and restrictions on expression relating to religion takes many shapes. Typically, most states in the region have provisions on insulting religion, outraging religious feelings and sentiments. States also have provisions to prevent hate and incitement on the basis of religion. Legislation pertaining to hurting religious sentiments or blasphemy, as well as anti-hate speech legislation, poses a serious threat when applied to restrict freedom of legitimate expression and leaves persons accused of such acts largely vulnerable to attacks by non-state actors.

In Pakistan, several individuals have been charged with blasphemy for content generated online. For instance, Usman Liaqat, a Christian citizen, was arrested for allegedly posting content on Facebook that was regarded as ‘blasphemous’ by state authorities in Pakistan using the penal law and constitutional provisions. In Indonesia, a professor has been charged with blasphemy for a

Facebook post that he had allegedly made earlier.<sup>1</sup> Similarly another professor in Pakistan is currently imprisoned for a post on Facebook that is deemed blasphemous.<sup>2</sup> In Malaysia, arrest and charges of sedition were also made against Eric Paulsen, a lawyer, for a tweet on Friday sermons<sup>3</sup>

States have also enacted information and communication technology laws that contain provisions on religion. Legislations pertaining to ICT in Bangladesh and India contain specific provisions for dealing with content that may be seen as hurting religious sentiments. Similar legislations have been passed by the parliament Pakistan in the form of the Prevention of Electronic Crimes Bill (PECB) which in Section 9 states that anyone who “prepares or disseminates information, through any information system or device” with the intent to “glorify an offence or the person accused or convicted of a crime and support terrorism or activities of proscribed organizations” and “advance religious, ethnic or sectarian hatred” shall be punished with imprisonment up to five years, a fine up to ten million rupees (around 95,000 USD) – or both. The bill makes journalists, whistle-blowers and activists more vulnerable. It declares unlawful any on-line content that threatens “the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, public order, decency or morality”<sup>4</sup>.

### **Situation of bloggers:**

With the lack of space for alternative voices in traditional media, increasingly individuals have taken to social media to voice their opinions, especially on controversial issues relating to religion and politics. Blogging sites have provided this space for individuals to blog on matters anonymously or in their name. Between 2014 and 2016 over 10 bloggers and an LGBT rights activist have been killed for their online commentary<sup>5</sup>. In 2015, four writers and bloggers, Faisal Arefin Dipon, Avijit Roy, Oyasiqur Rahman and Ananta Bijoy, were killed for their views on Islam and other religions. Many kill lists have appeared with more names of bloggers on them. Some bloggers have gone into hiding and others have left the country fearing for their own and

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<sup>1</sup> See Police Question Ade Armando over Blasphemy Charge, (23 June, 2016) TEMPO.CO available at

<http://en.tempo.co/read/news/2016/06/23/055782464/Police-Question-Ade-Armando-over-Blasphemy-Charge>

<sup>2</sup> See How your social media activity can land you in jail for blasphemy (19 December, 2015) Sadia Khatri. Dawn.com available at <http://www.dawn.com/news/1227196>

<sup>3</sup> See CASE HISTORY: ERIC PAULSEN. Frontline Defenders, available at <https://www.frontlinedefenders.org/en/case/case-history-eric-paulsen>

<sup>4</sup> See Cyber Crime Bill Passed by NA: 13 Reasons Pakistanis should be worried <http://www.dawn.com/news/1276662>

<sup>5</sup> See Global Voices · Bloggers Under Fire: The Fatal Consequences of Free Thinking in Bangladesh." Global Voices Overall RSS 20 available at <https://globalvoices.org/specialcoverage/bloggers-under-fire-the-fatal-consequences-of-free-thinking-in-bangladesh/>

their families' safety.<sup>6</sup> Despite many of these bloggers resorting to anonymity, their identities were leaked to the public which resulted in them being targeted by extremist factions.

In January 2017, five bloggers and social media activists including Salman Haider, Aasim Saeed, Waqass Goraya, Ahmed Raza Naseer and Samar Abbas were kidnapped by unknown perpetrators for their liberal expression and political dissent online on religious issues in Pakistan.<sup>7</sup> The government was completely helpless in their recovery. The conservative sections in the country further added to the injury by portraying these bloggers as blasphemers, and kept pressurizing the state to try all five under notorious blasphemy section 295-C of the Pakistan Penal Code. Malicious online hate campaign driven by anonymous Facebook and Twitter pages further fanned the situation and incited religious radicals to threaten their families. Some national televisions also contributed to this smear hate campaign. Although four of these bloggers have returned home after three weeks' detention, however, their families and friends have gone through an intense fear of being attacked by charged mobs. Samar Abbas, also an active Shia rights activist has not returned home. These kidnappings and impunity has threatened liberal and secular voices in the country resulting in self-censorship and silencing dissent.

### **Gender and religious expression:**

Intersection of religious, moral and cultural value of a particular society morality and gender discrimination has become a serious issue, particularly for girls, women and persons of non-heteronormative sexual orientations or diverse gender identities, exposing them to additional attacks when perceived to be violated a particular norm.

Gender-based hate speech online in relation to religion remains largely unaddressed and women and SOGI groups are under severe persecution online, frequently putting them at risk of physical attack too. Such gendered violation of freedom of expression and religion is a direct outcome of an entrenched misogyny and discriminatory cultural and social norms and expectations. The targeting of women and SOGI groups online is also heightened on account of religious prescription, expectations and sensitivities.<sup>8</sup>

The Communications and Information Ministry in Indonesia is currently considering a draft bill to ban websites that host content relating to LGBT and SOGI issues on account of religious sensitivity.<sup>9</sup>

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<sup>6</sup> [Why I Went Into Exile: A Bangladeshi Blogger Tells His Story](https://advox.globalvoices.org/2016/01/26/why-i-went-into-exile-a-bangladeshi-blogger-tells-his-story/), (26 January, 2016) Global Voices Advox available at <https://advox.globalvoices.org/2016/01/26/why-i-went-into-exile-a-bangladeshi-blogger-tells-his-story/>

<sup>7</sup> <http://content.bytesforall.pk/node/207>

<sup>8</sup> Desecrating Expression - An Account of Freedom of Expression and Religion in Asia, <http://content.bytesforall.pk/node/205>

<sup>9</sup> Government drafts ban on LGBT websites, The Jakarta Post (March, 2016) available at <http://www.thejakartapost.com/news/2016/03/05/government-drafts-ban-lgbt-websites.html>

We welcome the report of the UN Special Rapporteur on freedom of Religion or Belief, in the 31st session of the UNHRC which specifically looked at the intersection of the rights to freedom of expression and religion.<sup>10</sup> The report explains in detail the interconnected and mutually-reinforcing nature of the two rights. We would urge the UN Special Rapporteur on freedom of Religion or Belief to continue focussing on this issue with special attention on gender and expression in online spaces.

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<sup>10</sup> United Nations, Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, (23 December, 2015) A/HRC/31/18 available at [http://www.ohchr.org/Documents/Issues/Religion/A-HRC-31-18\\_en.pdf](http://www.ohchr.org/Documents/Issues/Religion/A-HRC-31-18_en.pdf)