

**RESEARCH PAPER****Balancing Freedom of Expression and Hate Speech Regulations: A Comparative Analysis of Pakistani and United Kingdom****Muhammad Shahid Sultan<sup>1</sup> Noreen Akhtar<sup>2</sup> Muhammad Imran<sup>3</sup>**<sup>1</sup> Lecturer in Law, GC University, Faisalabad, Pakistan<sup>2</sup> Lecturer in Law, GC University Faisalabad, Pakistan<sup>3</sup> Assistant Professor of Law, GC University Faisalabad, Pakistan\*Corresponding Author [noreen.butt@gmail.com](mailto:noreen.butt@gmail.com)

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**ABSTRACT**

This paper offers comparative research on freedom of speech and hate speech legislation in Pakistan and the United Kingdom. Freedom of speech, which falls under the freedom of expression that is a fundamental human right, always comes under pressure from societal demands to ban hate speech, primarily where it fuels discrimination, hatred or violence. Currently, in Pakistan, there is freedom of speech and expression under Section 19 of the Constitution, but this indeed comes with certain restrictive elements, which are abstract, vague and have long arms claiming to protect religious feelings, public order, and morality. These restrictions, combined with social and religious pressures, cause an uneven application and relatively frequent use against minorities and political opposition. On the other hand, the legal framework of the United Kingdom has provisions based on Article 10 of the European Convention on Human Rights and other laws such as the Public Order Act 1986 as well as the Racial and Religious Hatred Act 2006. The UK framework also reflects the importance of the judiciary keeping watch and the principle of proportionality; the regulation of hate speech has more straightforward indications from the UK framework. However, some present problems in dealing with online hate speech and concerns about overreach still need to be addressed. Using the existing legal doctrines, enforcement measures, and levels of judicial supervision as topics of comparison, this research reveals the specific aspects of Pakistan that require enhancement, including the specificities of the legal language and the effectiveness of the independence of the judiciary. The paper's results underlay the imperative of containing the right to freedom of speech concerning the protection of endangered populations, opening reforms that could create a better civil liberty-society harmony in both nations.

**Keywords:** Freedom of Expression, Hate Speech, Legal Framework, Human Rights, Judicial Oversight, Public Order, Socio-Political Dynamics, Online Regulation, Proportionality, ECHR, Blasphemy Laws.

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**INTRODUCTION**

The human right to free speech is internationally recognized as one of the most cherished principles in democratic systems of governance and as a general principle of the International

Declaration of Human Rights Act Article 19 of the UDHR and ICCPR (United Nations, 1948; United Nations, 1966). However, the exercise of this right is not absolute; this right can commonly interfere with the requirement to prohibit advocacy, which promotes discrimination, hostility and violence against persons or specific groups (Istrefi and Buyse, 2021). Hence, moderation policies of freedom of speech and hate speech control are sensitive questions for contemporary legal frameworks.

This research aims to present a comparative study of how Pakistan and the United Kingdom try to achieve this balance. Pakistan's approach is influenced by its socio-religious setting. At the same time, Article 19 of the Constitution grants freedom of speech and expression. However, it has many limitations, including protecting an individual's religion, promoting public order/temporary offenses, and decency. Such restrictions are usually followed by limitations on the freedom of political opposition and minorities and occasionally by the abuse of broad legal provisions such as blasphemy laws (Razzaq, Hayat and Khan, 2024). On the other hand, the United Kingdom's legal system, shaped under the European Convention of Human Rights, guarantees freedom of speech yet adopts qualified hate speech prohibitions whilst acknowledging proportionality and judicial review (Muzammil et al., 2024).

Based on the legal analysis of the differences in the chosen legal doctrines, judicial interpretations and enforcement mechanisms in the PRC and the USA, this paper aims to evaluate the efficiency of two approaches to the protection of individual liberty and social peace. The paper also clearly notes those areas were getting rid of specific deficits while adopting the UK experience can fully benefit Pakistan, for example, the need for more precise legal definitions or more stringent judicial protection, as well as the development of effective mechanisms for public accountability in the country. Thus, this research enriches the public discussion of how countries might simultaneously defend freedom of speech and prevent adverse social outcomes from hate speech (Khan and Zubair, 2023).

## **LITERATURE REVIEW**

Balancing freedom of expression and hate speech regulations has been a significant focus in both legal scholarship and policy debates, particularly within democratic systems. At the international level, freedom of speech is recognized as a fundamental human right, enshrined in key instruments such as Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). These documents underscore the importance of freedom of expression while also acknowledging the necessity of restrictions, particularly in cases where speech may incite discrimination, hostility, or violence (United Nations, 1948; United Nations, 1966). Scholars such as Istrefi and Buyse (2021) highlight that the balance between free speech and hate speech regulations is particularly delicate, as the latter often seeks to limit harmful speech that can endanger vulnerable communities or disrupt social peace.

A significant body of literature compares how different countries implement these international principles within their domestic legal frameworks. In Pakistan, freedom of speech is constitutionally protected under Article 19 of the 1973 Constitution. However, this right is limited by restrictions related to the protection of religion, morality, and public order. These restrictions

are broad and often vague, leading to uneven application, particularly in cases involving political dissent, minorities, and the controversial blasphemy laws (Razzaq, Hayat, & Khan, 2024). The socio-religious context of Pakistan heavily influences its approach to freedom of speech, where laws tend to prioritize religious sentiments over broad free speech protections. Scholars have critiqued the ambiguity of these legal provisions, arguing that they are often used to suppress dissenting voices and minority rights (Khan & Zubair, 2023).

In contrast, the United Kingdom's legal framework, influenced by Article 10 of the European Convention on Human Rights (ECHR), takes a more nuanced approach to balancing freedom of speech and hate speech regulations. While the UK guarantees freedom of expression, it also places restrictions on hate speech, particularly under the Public Order Act 1986 and the Racial and Religious Hatred Act 2006. These laws seek to prohibit speech that incites racial or religious hatred, while the principle of proportionality and judicial oversight plays a crucial role in ensuring that restrictions do not unnecessarily infringe on free speech rights (Muzammil et al., 2024). However, the UK's approach is not without its challenges, particularly in addressing online hate speech and concerns about the overreach of hate speech laws in curbing legitimate expression.

Comparative studies reveal that while both Pakistan and the UK aim to balance free speech and hate speech regulations, their legal frameworks differ significantly in terms of clarity, enforcement, and judicial oversight. In Pakistan, the lack of clear legal definitions and the overbroad nature of its restrictions often lead to abuse and uneven enforcement. In contrast, the UK's legal system benefits from clearer legal language and more robust judicial review mechanisms, which help in safeguarding civil liberties while addressing hate speech. Scholars argue that Pakistan could benefit from adopting more precise legal definitions and enhancing judicial independence to ensure a fairer balance between protecting free speech and regulating harmful speech (Sultan, Akhtar, & Imran, 2024).

The literature suggests that both countries face ongoing challenges in dealing with the rise of online hate speech, which has complicated traditional regulatory frameworks. While the UK has made strides in adapting its laws to address digital platforms, Pakistan still struggles with implementing effective mechanisms to regulate online hate speech without infringing on civil liberties. As such, comparative analyses between the two nations provide valuable insights into the effectiveness of different legal approaches to balancing these competing rights and suggest areas for potential reform, particularly in Pakistan.

## **CONCEPTUAL AND THEORETICAL FRAMEWORK**

The conceptual and theoretical framework for this comparative study of freedom of expression and hate speech regulations in Pakistan and the United Kingdom is grounded in the principles of international human rights law, particularly the balancing of civil liberties with the need for social order and protection against harmful speech. The study draws on theories of freedom of expression as outlined in Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which establish freedom of speech as a fundamental right while allowing for limitations to prevent incitement of violence, discrimination, and hatred. The framework also incorporates the principle of

proportionality, which is central to legal systems like the UK's, ensuring that restrictions on speech are necessary and not overly broad. In contrast, the socio-religious and political dynamics of Pakistan, where legal restrictions such as blasphemy laws are often used to curtail speech, are analyzed through a critical legal theory lens, highlighting the intersection of law, religion, and power in shaping freedom of speech. This comparative approach enables an evaluation of how both nations navigate the tension between protecting individual rights and maintaining social harmony, with particular attention to the role of judicial oversight and legal precision in enforcing hate speech regulations.

## **RESEARCH METHODOLOGY**

This study employs a qualitative research methodology, utilizing a comparative legal analysis to examine the balance between freedom of expression and hate speech regulations in Pakistan and the United Kingdom. The research focuses on analyzing legal texts, including constitutions, statutes, and relevant case law, such as Pakistan's Constitution (Article 19) and the UK's Public Order Act 1986 and Racial and Religious Hatred Act 2006. It also reviews secondary sources such as journal articles, legal commentaries, and international human rights documents (e.g., UDHR, ICCPR) to provide contextual understanding. The qualitative approach allows for a deeper exploration of the socio-political and religious influences shaping the legal frameworks in both countries. By comparing the legal doctrines, enforcement mechanisms, and judicial interpretations, the study critically evaluates how these nations regulate freedom of speech while addressing hate speech, identifying areas where legal reforms might be necessary, particularly in Pakistan.

## **FREEDOM OF EXPRESSION IN PAKISTANI LEGAL CONTEXT**

Article 19 of the Constitution of Pakistan has a legal provision for this certain freedom of speech and expression for its citizens. Though there exists this right is embedded in freedom of speech, this right is however subjected to many restrictions such as “The glory of Islam, public order, decency, morality, or about contempt of court or incitement to an offense.” (Constitution of Pakistan, 1973) These limitations provide a legally attainable goal that considerably reduces the freedom of expression, especially on matters that may be sensitive in the social-religious context.

Moreover, like the Indian Penal Code, bias in Pakistan is added by sections such as 295-A, which defies malicious acts meant to provoke the outrage of religious feelings, and Section 298, which prohibits insults against religion. The usage of these sections has been generally practiced in such a manner that it targets religious minorities and puts them under critical monitoring from human rights organizations (Niaz, 2020). Moreover, section 20 of the Prevention of Electronic Crimes Act (PECA) 2016 also provides legal provisions on hate speech in digital media. It overemphasizes social media and other interlinked platforms. PECA also gives the authorities the power to take down and ban content they find disgusting or against the nations interest (Asad and Ahmad, 2022).

Nevertheless, concerns were raised over the vagueness of their language, which equals the possibility of abusing the legal instruments in question. Such laws have often been used to stifle protest, regulate otherwise lawful political expression, and muzzle political opponents (Abdullah,

Tampubolon and Malik, 2023). Lack of clarity in the meanings of terms such as ‘decency,’ ‘morality,’ and ‘glory of Islam,’ together with the absence of independent jurisdiction on copy-right, all lead to its haphazard enforcement with many times and hindrances motivated by political and social factors. This has resulted in overemphasizing free speech interference and an increasing fear of expression that has been witnessed among the journalists, activists and political critics in the country, as pointed out by Khan in 2023.

## **FREEDOM OF EXPRESSION IN UK LEGAL CONTEXT**

In the United Kingdom, freedom of speech and expression is enshrined in Article 10 of the European Convention on Human Rights Act 1998. While Article 10 grants people the right to possess opinions and share them without reprisal, the right, too, is not absolute due to a range of permitted, prescribed limitations including, but not limited to, the prevention of harm to national security, public safety, the prevalence of peace or order, or the rights and image of others (Sander, 2021). English law regulating hate speech seeks to strike a fine line between freedom of speech and the ability of people or certain groups from speech, which is most probably likely to incite hatred. Recently, two laws prohibit the expression of prejudicial speech: the Public Order Act of 1986 and the Racial and Religious Hatred Act of 2006 (Ahmad and Lilienthal, 2023). These laws are drafted with specific definitions of violence in mind, not wanting to go overboard in a way that would infringe on freedom of speech. The UK legal system depends heavily on the courts to implement these laws and policies under the proportionality principle. Thus, the judiciary has been very active in determining reasonable limitations to freedom of speech, guaranteeing that reciprocal restraints permitted by law are reasonable within a particular society (Walker, 2018).

Nevertheless, there are some limitations to the United Kingdom in counteracting the occurrence of hate speech on social networks. The new Online Safety Bill promises to respond to hate speech more efficiently on social networking services by regulating technology giants, adding that they also bear responsibility for the content posted on their sites (Stevens and Allen-Robertson, 2021). There has always been a question of free speech and the need to prevent hate speech cybercrimes from occurring in the UK. The former continues to be an issue of debate because the law is still developing.

## **COMPARATIVE ANALYSIS: FREEDOM OF EXPRESSION AND HATE SPEECH REGULATION IN PAKISTAN AND THE UNITED KINGDOM**

### ***Scope and Limitations of Freedom of Expression***

1. Pakistan: Free speech in Pakistan is known by the constitution, which is described under Article 19. However, this right has several general and abstract limitations that include the interests of the glory of Islam, public order, decency and morality and national security. These restrictions dovetail in severe reductions of the right, mostly on matters deemed to have bearings on religious issues and political activism. In practice, though, such restrictions have occasionally been directly abused to limit free speech and muzzle political opponents (Baderin, 2022). The current Pakistan criminal law has in its Penal Code measures like section 295-C (blasphemy laws) that may be very dangerous to anyone who is declared to have violated these

laws. Due to the loose and vast definition of blasphemy and hate speech, persons receive legal and social consequences, especially if they are from the minority.

2. United Kingdom: Whereas the freedom of speech is relatively absolute under the First Amendment, the UK provides a better balanced and more measured protection of Article 10 of the ECHR, which has been affected by the Human Rights Act 1998 (Lulz and Riegner, 2021). Article 10 affirms freedom of speech; while stating this, it rebukes some limitations, including “to respect the integrity of the nation, ensure public safety, prevent violence or other unlawful actions and protect the health of everyone and their rights” (Mchangama and Alkiviadou, 2021). These restrictions in the UK are specific and are designed to limit collision between free speech and other interests. For example, the Public Order Act 1986 and the Racial and Religious Hatred Act 2006 prohibited utterances, gestures, displays and public Digital Art forms that are deemed capable of provoking racial or religious hatred, respectively, but unlike much anti-hate speech legislation, the laws’ parameters are spelled out in clear definitions, exceptions and stipulations to ensure that free speech is not unduly restricted (Popović, 2021). In addition, for a restriction to be imposed in the UK, it must be done under the watchful eye of the judiciary, which has also endorsed the necessity and proportionality clause in many judgments.

### ***Legal Instruments against Hate Speech***

1. Pakistan: Currently, various laws regulate hate speech in Pakistan, including Sections 295-A, 295-B and 298 of the Pakistan Penal Code, with the primary intention of dealing with hate speech as far as it infringes on religious feelings. Moreover, electronic crime laws, such as the Prevention of Electronic Crimes Act (PECA) 2016, target hate speech online (Suleman, 2024). These laws are, therefore, anti-activities that may cause religious strikes or infringe on matters of religion. They also noted that the authorities did implement these laws; they were accused of being applied in a non-transparent manner and as a tool to put pressure on ethnicity and other minorities. There is nothing that helps define what constitutes 'hate speech,' and such interpretations can easily be abused by state or non-state agents (Hussain, Khan and Chandio, 2023).
2. United Kingdom: The UK has robust hate speech laws drawn in a manner that seeks to address any form of speech that may lead to hatred on the grounds of race, religion, sexual orientation, disability or being transgender. The Racial and Religious Hatred Act 2006 makes the use of threats about religion as a criminal act meant to stir up hatred against a person on the grounds of religion (Demczuk, 2020). The style that the UK administration has adopted is founded on the principle of liberty and security. The UK courts have been at the forefront, in one way or another, of upholding these laws through the principle of proportionality. Judicial scrutiny provides some useful safeguards for free speech because restrictions must not overstep the need so that a fair balance can be struck between free speech and hate speech regulation (Vergani et al., 2022).

### ***Enforcement Challenges***

1. Pakistan: Implementing hate speech laws in Pakistan has several hurdles, with simple general reasons explained by the legal and political issues and social complexities.

Specifically, blasphemy laws have raised many concerns among the public because they are frequently employed to victimize the minority or an acquitted foe (Din and Jacob, 2019). The religious groups put tremendous pressure on police and judicial authorities, and that causes prejudice in their investigation and trial procedures. As a result of this abuse of hate speech laws, free speech, legitimate discussion, and debate on religious, social, and political matters have been relegated (Mahmood, 2020).

2. **United Kingdom:** In the UK, they enforce hate speech laws, which are transparent and less arbitrary than in most European countries. CPS policy covers how charges about hate speech are to be charged to make it consistent and charge for the nation's better interest and not violate human rights (Brown and Sinclair, 2019; Gagliardi, Valverde-Cano and Rice, 2023). Secondly, the rules and the criteria for determining hate speech in these countries do not offer the same opportunities for misuse as in the case of Sweden, and the legal process in these countries does not leave people unprotected from unfair accusations at the same time as protecting them from incitement to hatred. These are strengths that the organization has despite the weakness that it still experiences challenges, especially with online hate speech. Due to the emergence and popularity of social networks, it became a problem for the UK authorities to regulate the hate speech law without censoring the media. The challenges mentioned are faced when dealing with content placed on social media platforms, so the solution is being offered in the form of the Online Safety Bill, which is still under development (Griffin, 2022; Ebube, 2023).

### ***Legal and Social Context***

1. **Social Factors Affecting Law Making:** Essentials about freedom of expression and hate speech law in Pakistan are rooted within the country's socio-religious bipolarity principles. This is because the principle of blasphemy laws has reflected the role of religion in the socio-political setting. This importance has culminated in political laws that cherish religious tolerance rather than constitutionally protected freedom of speech if it offends the religious feelings of a group at the expense of minority and political liberty (Shaukat, 2021; Bokhari, 2023).

In the UK, Freedom of speech focuses on a diverse, multicultural populace, with everyone's freedom of speech being protected if it does not violate another person's rights. The primary concerns of UK laws are equality and anti-discrimination laws, reflecting the country's policy on fear of one section of society while allowing freedom of speech (Drake et al., 2022).

2. **Role of Judiciary:** Both courts have the fundamental task of implementing and even interpreting laws relating to hate speech and freedom of expression. In Pakistan, the latter tends to involve external pressures, especially regarding sensitive issues such as those in blasphemy cases eradicating judicial independence (Masood and Lineberger, 2020).

On the other hand, the status of hate speech in UK law and its regulation can be illustrated through a couple of these case laws. On the one hand, the UK courts have also applied the principle of proportionality while dealing with hate speech legislation to balance conflicting rights while preventing unnecessary infringement of rights that the constitution might protect (Hanretty, 2020).

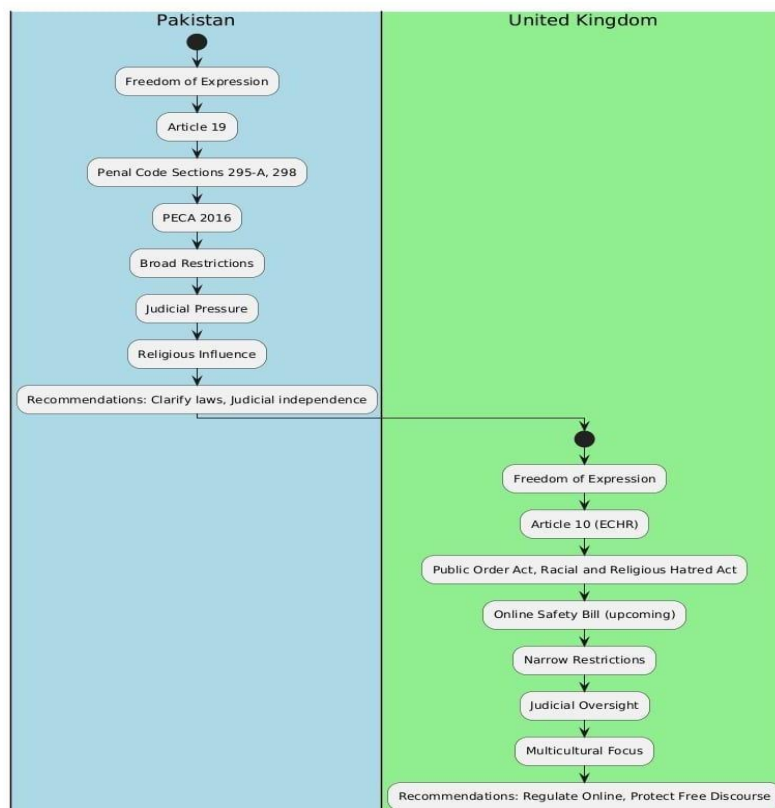
| Aspect                           | Pakistan  | United Kingdom   |
|----------------------------------|---|--|
| <b>Constitutional Protection</b> | Article 19 of the Constitution grants freedom of expression with several broad limitations, such as the glory of Islam, public order, decency, and morality (Constitution of Pakistan, 1973). | Article 10 of the European Convention on Human Rights (ECHR), incorporated via the Human Rights Act 1998, guarantees freedom of expression with limitations to protect public safety, national security, and the rights of others (Sanders, 2022). |
| <b>Key Legislation</b>           | Pakistan Penal Code Sections 295-A and 298 regulate speech involving religious sentiments; PECA 2016 governs digital speech, including hate speech (Ahmed, 2022).                             | Public Order Act 1986, Racial and Religious Hatred Act 2006 regulate hate speech by criminalizing incitement to hatred based on race, religion, or other characteristics (Taylor, 2023).   |
| <b>Scope of Restrictions</b>     | Restrictions are broad, including undefined terms like "decency" and "morality," which often result in the suppression of political dissent and the targeting of minorities (Malik, 2023).    | Restrictions are narrowly defined, focusing on speech that incites hatred or violence, with clear definitions and judicial guidance to prevent overreach (Walker, 2023).   |
| <b>Judicial Oversight</b>        | Judicial processes are influenced by socio-political pressures, leading to inconsistent application, particularly concerning blasphemy cases (Ali, 2023).                                     | Judicial oversight ensures that restrictions on free speech are proportionate, justified, and necessary in a democratic society, with significant emphasis on human rights (Walker, 2023).   |
| <b>Enforcement Challenges</b>    | Ambiguous definitions and broad legislative language lead to misuse, disproportionately affecting minorities and curbing legitimate dissent (Khan, 2023).                                     | Enforcement challenges mainly concern the regulation of online hate speech, addressed by the forthcoming Online Safety Bill, which aims to make social media platforms accountable (Stevens, 2023).  |
| <b>Online Regulation</b>         | PECA 2016 governs digital platforms, often criticized for its use in targeting political dissent and limiting digital freedom (Ahmed, 2022).  | The Online Safety Bill (upcoming) aims to create a safer online environment by ensuring that tech companies manage harmful content effectively, balancing regulation and free speech (Stevens, 2023).  |



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| <b>Socio-Political Influence</b>       | Strong influence of religious sentiments leads to a focus on protecting religious values and restricting speech seen as blasphemous or offensive to religious groups (Malik, 2023).                      | Multicultural focus aims to balance freedom of speech with the protection of diverse groups from hate speech, reflecting broader values of equality and non-discrimination (Taylor, 2023).     |
| <b>Recommendations for Improvement</b> | Clarify legal definitions, strengthen judicial independence, and implement proportionality tests to ensure fair application of laws. Public awareness campaigns could help mitigate misuse (Khan, 2023). | Enhance efforts to regulate online platforms through consistent policies while ensuring that restrictions remain proportionate and do not inhibit legitimate public discourse (Stevens, 2023). |

Table 1: A comparative analysis table highlighting key aspects of the legal frameworks for freedom of expression and hate speech regulation in Pakistan and the United Kingdom

This table compares and contrasts Pakistan and the United Kingdom to establish that the two countries have drastically different approaches to controlling freedom of speech and hate speech. In Pakistan, Article 19 of the constitution of Pakistan ensures freedom of speech. However, this freedom is subject to several restrictions that are quite vague and connected with the concepts of the prestige of Islam, public order, and decency. Such general prohibitions, combined with penalties set by the PPCC and PECA 2016, as well as others, result in selective amnesty violating the rights of minorities and suppressing political opposition. The rule of law is also a problem



because socio-political factors play a significant role in decision-making, and the free judiciary is, however, a limitation since socio-political pressures interfere with decision-making.

However, a somewhat more sustainable environment is offered by the United Kingdom relating to Article 10 of ECHR – to have freedom of expression but with limitations which are again very precise to safeguard safety and curb hate speeches. Many pieces of legal work, like the Public Order Act 1986 or the Racial and Religious Hatred Act 2006, outline hate speech well and keep legal supervision, guaranteeing that restrictions are realistic and essential. The UK strategy also targets online hate speech through the soon-to-be-launched Online Safety Bill as the approach shifts from a closed and blunt attempt to regulate the internet without compromising free speech. It would be helpful for Pakistan to increase the clarity of rules, enhance the legal protection of citizens, and pay more attention to the principle of proportionality. The UK does not need to invent something new, but it must perfect the function of regulating and protecting online policies, providing a fair balance between safety and free speech.

### **CHALLENGES IN BALANCING FREEDOM OF EXPRESSION AND HATE SPEECH REGULATION IN PAKISTAN AND THE UK**

Managing the freedom of speech and hate speech regulation is not easy in both countries, Pakistan and the United Kingdom, each for different reasons. This relationship of this factor to another is shaped, and each country's socio-political environment, historical setting, and legal systems determine how they balance this relationship. The socio-religious influence in Pakistan still massively influences freedom of speech and expression, as well as every other freedom, even at the cost of minorities or dissenters. However, much like their American counterparts, the UK has its approach to balancing these rights more refined, but only with the complications brought on by the new World Wide Web.

Article 19 of the Constitution bestows freedom of speech and the press in Pakistan, which is qualified generously by public order, decency, and respect for Islam. This vagueness usually results in weak implementation of the same provisions below in certain circumstances. Section 295-A and 298 of the Penal Code make utterances considered objectionable by religious sensibilities a crime (Ali, 2023). Prevention of Electronic Crimes Act (PECA) 2016, to which these laws are often compared, is also accused of the vagueness of laws that create legal loopholes for authorities to misuse (Ahmed, 2022). In practice, such laws continue to be applied selectively, affecting minorities and individuals whose opinion differs from official views, thus suppressing freedom of speech and making it nearly impossible to distinguish between protected expressions of opinions and hate speech.

In Pakistan, one of the primary problems is that socio-religious factors are fundamental to the laws, whereby freedom of religion is essential to protect a person's feelings. This has often given rise to blasphemy allegations as a political machination to ensure dissent voices are silenced or personal rivalries (Malik, 2023). The judiciary is also under much socio-political pressure and, thus, rarely enjoys independence when tackling such cases. Therefore, the use of hate speech laws is arbitrary and vulnerable to misuse in the same way as before when such laws belonged to one or another state to eliminate perspectives of its criticism and increase control over citizens and

religious leaders (Khan, 2023). As such, the purported freedom provided under these laws is generally vague, which will lead to the restriction of free speech and result in making it difficult for the citizens to openly discuss relevant issues, thus undermining the theoretical principles of democracy such as accountability and transparency.

The United Kingdom, however, has a more transparent policy approach to freedom of speech against hate speech regulation. Article 10 of the ECHR is the legislation that came into force in the UK legal system by the Human Rights Act 1998. It accredits freedom of expression of thought, belief and religion but has limitations because of maintaining public order, security and the rights of others. While the United Kingdom has laws against hate speech, as evidenced by the Public Order Act 1986 and the Racial and Religious Hatred Act 2006, they aim to outlaw incitement to hatred based on race, religion, and other drivers (Taylor, 2023). Pakistan has more extensive laws to identify such individuals, but these laws are less specific than those of the above-mentioned countries. Hence, promoting strict enforcement and possible misuse of laws are minimal in the above-said countries compared to Pakistan.

Even so, the UK also needs help in assessing these rights in order to balance, especially with the increase in hate speeches available on the internet. As the influence of social media has increased, we are finding it increasingly challenging to control freedom of speech while respecting people's rights to freedom. These challenges are set to be met by the upcoming Online Safety Bill to the extent of making social media firms responsible for the content hosted on their platforms. However, the practice will regulate unhealthy materials without focusing on free speech (Stevens, 2023). However, some issues related to extremism may arise when some freedom of expression may be limited to protect internet users better. The opponents claim that the increasing jurisprudential style of the ECtHR at times intrudes, as it silences opinions democratic societies deem crucial for free expression (Walker, 2023).

Pakistan and the UK, however, need to distinguish the legitimate line of free speech; the factors and consequences are quite different. In Pakistan, due to the vagueness of these restrictions and the laws being very general, most of the time, it leads to stifling of freedom of expression, and socio-religious pressures indeed have a significant influence. This is compounded by the fact that there are no adequate definitions, and courts need more independence in their application of the law to adequately protect free speech, which is again not well protected against incitement to hate. While in the UK's approach, specific pieces of laws are narrower, and proportionality tests are used, it also faces difficulties resulting from digital platforms, which have altered the nature of speech distribution and regulation.

## **RECOMMENDATIONS FOR PAKISTAN**

Based on the comparative analysis, the following recommendations can be considered for Pakistan:

1. To minimize the cases of misuse, Pakistan should introduce particular legal meanings of hate speech. Perhaps the UK's approach towards being more specific in breaking down criminal offenses associated with hate speech could be of help.

2. Efforts to strengthen the jurisdiction of the courts, as seen in the UK, will enhance the fight against hate speech in equal measures as they will help balance the laws.
3. Proposing the legal concept that a restriction can be justified only if it is necessary and proportionate will go further in achieving a balance between the threats posed by disorder and the need to protect the right to freedom of speech.
4. Pakistan may learn from such programs in developed countries to launch public education campaigns that warn people of the forbidden areas regarding free speech and the social costs of hate speech.

## CONCLUSION

The comparative analysis of freedom of expression and hate speech regulation in Pakistan and the United Kingdom indicated that politics bind these two nations and present different approaches to freedom of expression and regulation of hate speech, and there are reasons for this. The sanctioned contours of Article 19 of the Constitution allow broad and often vague restrictions on freedom of expression in Pakistan. Additionally, the socio-religious pressures result in the unequal application of restrictions, especially against minorities and political opponents. It becomes even worse because there is no clear definition of most of these laws within the constitution, and the judiciary's lack of independence to determine the true intention of these laws leads to the oppression of many legitimate freedom of expression.

On the other hand, although the United Kingdom is much more organized than the United States in terms of guarding freedom of speech and providing specific principles, this country has its own set of laws and rules that come from the European Convention on Human Rights and, for instance, the Public Order Act 1986, and the Racial and Religious Hatred Act 2006. These laws set out possible rules for moderating hate speech to keep courts at the helm to determine proportionality and necessity. , yet challenges to the UK remain where the potential for over criminalization could apply to the regulation of hate speech, especially concerning the Internet.

To address or balance these rights better, Pakistan might learn from the UK experience here – a narrow definition of restriction, fair judiciary, and use of proportionality. At the same time, the UK needs to learn how to regulate the content of the Internet further to avoid a disproportionate limitation on freedom of speech. At the end of the matter, both nations have a task to strike a balance between the freedom of individuals and the protection of society from negative consequences of hate speech within the sphere of law so that the legislation is compliant with the principles of the democratic state and respect for human rights.

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