



20 March 2023 – for immediate release

[Pakistan: Amicus Brief Challenging Criminal Defamation](#)

The Centre for Law and Democracy (CLD) and the Institute for Research, Advocacy and Development (IRADA) have submitted an *amicus curiae* brief to the Islamabad High Court on behalf of the Pakistan Federal Union of Journalists (PFUJ). The case involves a constitutional challenge to Pakistan’s criminal defamation provisions, which provide for sanctions of up to two years’ imprisonment. The main argument is that criminal defamation laws are not justified as necessary restrictions on freedom of expression because civil defamation laws, which exert less of a chilling effect on speech, provide adequate protection for reputations.

“We have seen a bit of a resurgence in terms of countries doing away with criminal defamation rules in recent years, especially in Africa,” said Toby Mendel, Executive Director of CLD. *“But such rules still remain in place in most countries so it would be quite exciting to have a court in Pakistan declare them to be unconstitutional.”*

Our brief outlines international standards in this area, showing how criminal defamation and imprisonment for defamation have been addressed by international and regional human rights courts, as well as in authoritative statements by official actors. It also reviews countries which have either repealed their criminal defamation rules or had them struck down by courts. In addition to these arguments against criminal defamation in general, the brief also highlights a number of specific ways in which the Pakistani rules in this area fail to conform to international standards. These include by providing for a defence for statements about officials only where those statements were made in good faith, and limiting the defence of truth to cases where the statements were also “for the public good”.

Our full brief is available [here](#).

For further information, please contact:

Toby Mendel
Executive Director
Centre for Law and Democracy
Email: toby@law-democracy.org
+1 902 431-3686
www.law-democracy.org
Twitter: [@law_democracy](https://twitter.com/law_democracy)