



COUNCIL OF PAKISTAN NEWSPAPER EDITORS

PAKISTAN **MEDIA FREEDOM** REPORT 2019



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CPNE Media Freedom Report 2019

Though the Article 19 of the Constitution of Pakistan and Universal Declaration of Human Rights (UDHR) guarantee freedom of expression and free media but media in Pakistan continue to be in chains or under strict form of physical intimidation like killings and self-censorship regime during 2019.

Article 19 and article 19-A (inserted in 2010) reads *“Every citizen shall have the right to freedom of speech and expression and there shall be freedom of the press, subject to any reasonable restrictions imposed by the law in the interest of Islam, or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation nor incitement to an offence”*.

Whereas article 19-a gives right of access to information to every citizen of the country. It reads *“Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”*.

Khyber Pakhtunkhwa while taking a lead introduced the first provincial law on Right to Information (RTI) followed by Punjab and Sindh the respectively. The Federal Capital Islamabad adopted new legislation on RTI as well.

Right of access to information remained a distant dream in the province of Balochistan as it has not yet reformed or replaced the Freedom of Information Act 2005 in the aftermath of 18th Constitutional amendment.

Cyber Crimes Law (Prevention of Electronic Crimes Act 2016-PECA)

Government of former Prime Minister Nawaz Sharif had introduced Cyber Law - Prevention of Electronic Crimes Act (PECA) claiming that it would deal with cyber-crimes and online harassment of women and, would not be used against journalists & media. But on the contrary the same law has been used against media freedom and freedom of expression in one way or other during 2019.

Defamation Law

Though there is a specific law on defamation but the government and other actors used Anti-Terrorism Act (ATA), PECA and Pakistan Penal Code's (criminalization) sections against media practitioners in Pakistan.

Media Tribunals

In an attempt what can be termed as a flagrant attempt to curb media freedom, the PTI government announced to form Special Tribunals (Media Courts). But due to strong opposition by CPNE and other stake holders' the government dropped the proposal.

Federal Advertisement Policy (Draft)

Press Information Department in a move to introduce advertisement policy by federal government shared a draft of the proposed policy with various stakeholders including CPNE.

According to media professionals, the advertisements are being used as tool to restrict media freedom and keeping this in view CPNE shared its feedback on the policy.

According to World Press Freedom Index, Pakistan ranked 142 out of 180 (comparison) countries, which gives the indication of how media in Pakistan was under threat and was also shameful for democracy and freedom of expression in Pakistan. On the other side extreme fear and self-censorship continued haunting media freedom and free expression in the country.

Killing / Murder / Injuries

According to available data at-least seven journalists including Urooj Iqbal, Mirza Wasim Baig, Muhammad Bilal Khan, Ali Sher Rajpar and Malik Amanullah Khan reportedly were murdered during the year. Reports suggest at-least 15 journalists were injured during attacks in the line of duty.

The pathetic state of un-announced Impunity for those who attacked the media can be perceived from the fact that not a single killer or attacker of journalists and media persons was brought to justice.

Worst enemies of Press Freedom-Knowingly, “Unknown Actors”

The mysterious and unidentified actors (‘unknown’) constituted the biggest threat to press freedom as was in the previous year as well. The second biggest threats to the lives of journalists were non-state actors, outlawed terrorist and militant groups, who continued their attacks on journalists and media.

The other threat factors included members of political parties, religious groups and state authorities who allegedly had murdered/attacked journalists.

Threats Intimidation and harassment

Due to its stories and content, Daily Dawn came the under severe attack as the offices of said newspaper were besieged by angry organized mobs in Islamabad and Karachi; while foul language was used against the Dawn management including its Chief Editor Zaffar Abbas.

PEMRA Role

Pakistan Electronic Media Regulatory Authority (PEMRA) not only issued bundle of notices to TV channels unnecessarily but also barred some anchors from offering opinions on TV channels and talk shows. It was ordered not to discuss the issue pertaining to release of PMLN leader Shahbaz Sharif on bail.

While News Channels were directed not to cover live telecast of PMLN leader Maryam Nawaz’s press conference and issued notices to 21 news TV channels for non-compliance.

An interview of Asif Ali Zardari, former President of Pakistan and Co-Chairman of Pakistan Peoples Party with host Hamid Mir was stopped from being aired shortly after it started on Geo News in July 2019.

Geo News, 24 news, Abbtakk and Capital TV were taken off air due to coverage of Mualana Fazl Rehman’s press conference on Azadi March.

News channel 24 News was served notice on the complaint of the Prime Minister and PEMRA also imposed a fine of Rs one million on the channel. Similarly Dawn news was taken off air.

Use of Anti-Terror & other Laws

At-least 60 journalists were booked under Anti Terrorism Act 1997 in 35 cases which included 50 journalists from Sindh province alone. Journalists were booked under allegations of “Bhatta Khori”, kidnapping for ransom, police encounters, attempted murder and blackmailing etc. Whereas the journalists, alleged that they were victimised owing to their fair reporting against the authorities.

One journalist Ajeeb Lakho associated with a local newspaper was booked in 17 cases; while freelance journalist Mushtaq Sarki in Karachi was implicated in seven criminal cases allegedly due to social media stories posted by him.

According to reports, other journalist victims included Ashiq Jatoi, representing a TV channel was booked in kidnapping and police encounters cases including terrorist activities and attempted murder.

On July 30 last year Jotai, and his five journalists friends – Rutam Indar, AltafKalwar, Mubeen Indhar, Junaid Kalwar and Hazrat Gul Pathan — were attacked by a dozen unidentified people wearing masks. They were beaten brutally in front of hundreds of people before being taken away to an unknown place.

Cases were also registered against two other journalists Shair Samejo and Irshad Rutam. The 18-year son of Rutam Indar, who visited the police station to inquire about the journalists, was also named in the same case registered on the complaint of one, Abdul Ghaffar Chahcar.

According to Shahzada Zulfiqar, President PFUJ, they received around 60 to 70 complaints from journalists who were booked under ATA. He said that government was making a mockery of rule of law by registering fake cases on journalists.

First ever conviction for possession of banned material!

Chaudhry Nasrullah, member Karachi Press Club was convicted for five years imprisonment with fine on allegations of possessing banned material by Anti-Terrorism Court in Karachi.

Recommendations (By Mr. Arif Nizami, President CPNE)

- Enactment of special federal and provincial laws for safety of journalists to obligate the legal system to protect journalists.
- Appointing special federal and provincial prosecutors for safety of journalists to improve prosecution of cases.
- Introducing and implementation of unified self-regulated code of conduct by media houses/ journalists bodies.
- Enacting safety policies, safety protocols and annual safety audits in-house at media houses aimed at pre-empting and preventing risks and threats to their journalists, other staff and media houses, and to pool resources for prosecution of crimes against journalists.
- Decriminalizing dissent in the Prevention of Electronic Crimes Act (PECA), including abolishing Section 11 (dealing with hate speech) and Section 20 (dealing with defamation) and Clause 37 (dealing with prerogative of Pakistan Telecommunications Authority to arbitrarily block websites) while vagueness around the phrases included in Section 9 (dealing with glorification of an offense) and Section 10 (dealing with cyber-crimes) should also be removed to prevent journalists from being targeted for their professional work.
- Decriminalization of defamation law.
- Judicial probe of cases registered under ATA against journalists.
