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Joint contribution by
Freedom Network
and
Reporters Without Borders (RSF)
a non-governmental organization with special consultative status,
on freedom of the media and information in Pakistan

Freedom Network – www.fnpk.org - is a Pakistan-based media and development sector watchdog registered with the Securities and Exchange Commission of Pakistan (SECP). The organization's core value is to protect freedom of expression, including freedom of the press and Internet, and access to information and promote an informed society that sees media as a key partner in a democratic and pluralist Pakistan.

Reporters Without Borders (RSF) is a Paris-based NGO that has promoted media freedom worldwide since 1985 and which has consultative status with the United Nations. RSF's action is relayed on five continents thanks to its national sections, its bureaux in ten cities and its network of correspondents in 130 countries enabling it to closely monitor freedom of information and expression all over the world.

Pakistan is ranked 147th out of 180 countries in RSF's 2016 World Press Freedom Index.

In Pakistan, journalists are targeted by extremist groups, Islamist organizations and Pakistan's feared intelligence organizations. Although at war with each other, they are all always ready to denounce acts of "sacrilege" by the media. Inevitably, self-censorship is widely practiced within news organizations. The Pakistani media are nonetheless regarded as among the freest in Asia when it comes to covering the squabbling among politicians.

1- State of Media Legal Environment – Jan 2013 to March 2017

Several laws were passed during the last four years but the legal framework regarding press freedom is still not complete and conform to the International Covenant on Civil and Political Rights. Rather, the legal framework governing online freedom has become repressive due to various legislations, especially Prevention of Electronic Crimes Act-2016.

Right to Information (RTI) laws was passed by three of Pakistan's four provinces (Khyber Pakhtunkhwa in 2014, Punjab in 2016 and Sindh in 2017). But the national RTI law still not passed despite being in process for seven years in the parliament.

National whistleblowers' protection laws passed and also passed by Khyber Pakhtunkhwa province. The other three provinces (Balochistan, Punjab and Sindh) have still not drafted and enacted them.

Media safety laws promised by the federal government and drafted in 2016 but still not passed by the parliament. The provinces have expressed general commitments on provincial media safety laws but have made no move to draft and enact them.

Regarding cybercrime law, a Prevention of Electronic Crimes Act (PECA) law was passed by federal government in 2016 that is very problematic as it, among other things, criminalizes dissent online and stipulates harsh punishments for criticism of Islam, military and judiciary.

RECOMMENDATIONS

- The federal government and the province of Balochistan should pass and enact RTI laws.
- The whistleblowers' protection laws should be passed and enacted in the provinces of Balochistan, Punjab and Sindh.
- The media safety laws should be passed and enacted by the federal and four provincial governments.
- The cybercrime law should be amended to decriminalize dissent.

2- State of Policy on freedom of expression and media – Jan 2013 to March 2017

Complying with Islamabad High Court directives in March 2017, the federal government made its policy on freedom of expression known through large advertisements in newspapers emphasizing restrictions on criticism of Islam, military, judiciary and friendly countries. The policy articulation also listed several non-media laws that the government said further restricts freedom of expression.

The same month the Islamabad High Court ordered the government to block all social media pages that are deemed blasphemous and to arrest their managers and trial them. The prime minister and the federal interior minister both promised a strong crackdown on those committing blasphemy. The police charged some of the bloggers with alleged blasphemy and sedition for criticizing Islam and the security forces.

In March 2017, the federal cabinet approved political, legal and social reforms for the Federally Administered Tribal Areas (FATA), a region of 5m people on Pakistan's border with Afghanistan. However, no media reforms were approved to undo legal restrictions on free local media in FATA.

RECOMMENDATIONS

- The national policy on freedom of expression should distinguish between criticism and hate speech. Only hate speech should be criminalized, not criticism.
- With respect to freedom of expression, the Prevention of Electronic Crimes Act (PECA), 2016, should be amended to decriminalize dissent and restrict criminalization to hate speech.
- The jurisdiction of Pakistan Electronic Media regulatory Authority (PEMRA) should be extended to regions comprising FATA and other laws amended to allow independent TV channels, radio stations and newspapers to facilitate freedom of expression.

3- State of journalists and media workers killed and attacked – Jan 2013 to March 2017

At least 23 journalists and media workers have been target killed and another 4 killed while on duty in bombings in Pakistan between January 2013 and March 2017, according to data from Freedom Network. The killers of only two journalists (Wali Khan Babar and Ayub Khattak) killed in this period were identified and convicted. For the rest the state failed to reduce the high levels of impunity against them by finding and punishing their killers. The exact numbers of journalists attacked, injured and intimidated is unknown but hundreds are known to have been affected.

Among the threat actors harassing and hurting the journalists and media workers have included state security agencies, government ministers, political parties, militant groups and religious groups.

RECOMMENDATIONS

- Legal mechanisms, including media safety laws should be passed by both the federal and provincial governments to protect journalists, bloggers and online activists.
- Administrative mechanisms should be set up at the federal and provincial levels to monitor, document, analyze and rapidly respond to threats and attacks on media and

information practitioners, including journalists, bloggers and online activists and rights defenders.

4- State of Bloggers and online activists killed and attacked – Jan 2013 to March 2017

At least two bloggers (Sabeen Mahmud and Khurram Zaki) have been killed in Pakistan between January 2013 and March 2017. The killers of Mahmud were found and punished but not those of Zaki. At least five bloggers were kidnapped allegedly by state agencies in January 2017 and harassed and hounded for several weeks before freeing them. Most fled the country but not before charges of blasphemy (carrying the death penalty) and treachery were made against them for their online freedom of expression related to religion, military and politics. Some pages run allegedly by these bloggers and activists were also blocked.

RECOMMENDATIONS

- Legal mechanisms, including media safety laws should be passed by both the federal and provincial governments to protect journalists, bloggers and online activists.
- Administrative mechanisms should be set up at the federal and provincial levels to monitor, document, analyze and rapidly respond to threats and attacks on media and information practitioners, including journalists, bloggers and online activists and rights defenders.
- Amend the Prevention of Electronic Crimes Act (PECA), 2016, to decriminalize dissent.

Contacts:

Freedom Network

Iqbal Khattak

Director

Phone - 0092-333-9109144.

E-mail : khattak63@gmail.com

Reporters Without Borders (RSF)

Sophie Busson

Head of advocacy

Phone: (+33) 1 44 83 60 55

E-mail: sbusson@rsf.org