Freedom of expression

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restriction imposed by law in the interest of the glory 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 or commission of or incitement to an offence.

Constitution of Pakistan
Article 19

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.

Article 19-A

Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Universal Declaration of Human Rights
Article 19

Freedom of expression, as well as press freedom and freedom of information, are indispensable to the attainment of all human rights. Article 19 of the Universal Declaration of Human Rights has four key elements; the right to hold opinions without interference, the right to seek information, the right to receive information and the right to impart information to others. Without the freedom of expression, other rights deteriorate.

Freedom of expression is broadly understood as the notion that every
person has a natural right to freely express himself / herself through any media and across any frontier without outside interference, such as censorship, and without fear of reprisal, such as threats and persecution. Rule of law, freedom of information, free, independent and pluralistic media and active civil society are the conditions needed for freedom of expression to flourish. The advent of the Internet and the World Wide Web led the advocates of freedom of expression to believe that with the new technology, the people could truly experience the full range of freedom of expression, from simple speech to artistic expression to political and religious debates.

However, various tactics such as denial of licence to publish or broadcast or access to online content, physical or emotional intimidations; undue denial of or limitations on the access to information; abuse of defamation, slander or libel suits; and restrictive laws and regulations are commonly employed to stifle freedom of expression.

People in Pakistan encountered several challenges and constraints to the rule of law, freedom of information, free, independent and pluralistic media and civil society – the prerequisites to freedom of expression – in 2014.

**Rule of law**

The rule of law provides a basis for a fair relationship between society and the state. When the rule of law prevails, authorities get the mandate to govern and deliver services, among others to the vulnerable communities. Injustice, insecurity and exclusion contribute to political instability and violence and thus, establishing the rule of law is essential for reducing tensions and societal divisions, and giving people the confidence to secure their livelihoods.

But in Pakistan, armed violence and insecurity continued to inhibit freedom of expression in 2014. Also, a high level of violent crime perpetuated a lack of trust among individuals, communities and the state. Minorities and women and girls were disproportionately affected.

The existence of different legal systems – common law governing the mainland, the Frontier Crimes Regulation (FCR) for tribal areas and informal tribal courts — resulted in unequal treatment and often led to arbitrary and unjust decisions.

The police and the security forces continued to enjoy impunity for indiscriminate or excessive use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses were common. (See the chapter on Law and order) Laws expanded the power of law enforcement agencies to engage in detention without trial, electronic surveillance, searches and seizures, and the use of deadly force, ostensibly to combat terrorism and other serious crimes.

The Human Rights Watch said: “Such provisions can easily provide legal
cover for abuses by law enforcement agencies and open the door for the violation of fundamental rights to freedom of speech, privacy, peaceful assembly, and a fair trial.”

Multiple forms of discrimination against a number of religious, ethnic, and linguistic minorities and other marginalized groups were common. Non-Muslim and Muslim religious minorities were especially exposed to violent attacks and legal persecution under blasphemy laws.

According to media watchdog Reporters Without Borders (RSF) “the criminalisation of blasphemy endangers freedom of information in around half of the world’s countries” noting that religious extremists sometimes also go after journalists or bloggers they believe do not sufficiently respect their religion.

Pakistan’s blasphemy law was invoked against the owner of Geo TV, a popular television channel, for the alleged mockery of highly revered personalities of Islam by the host of a morning show. The owner of Geo TV and the programme host, Shaista Lodhi, faced a trial under the Anti Terrorism Act.

In May, gunmen killed Rashid Rehman, a human rights lawyer and HRCP’s regional coordinator in Multan, in apparent retaliation for representing people accused of committing blasphemy. At the time of his murder, he was representing Junaid Hafeez, a university lecturer facing blasphemy charges, and had received death threats.

Naya Zamana magazine editor and publisher Shoaib Adil fled his home in Lahore and went into hiding with his wife and children. Adil faced threats and possible charges of blasphemy in connection with a book he had published in 2007, written by a judge belonging to a religious minority group in Pakistan.

While serious human rights violations are common, including violations to the right to life and security of the person, the World Justice Project’s Rule of
Law Index 2014 said the country afforded greater protection to the freedoms of speech and assembly than most of its income and regional peers.

“The most significant rule of law challenge facing Pakistan is in the area of order and security (ranking last in the world), due to civil conflict, terrorism, crime and the use of violence to resolve personal grievances,” the report said.

The International Federation of Journalists termed Pakistan the most dangerous country for media, with 14 journalists and media workers killed in the country in 2014 alone rendering impossible the notion of freedom of expression.

In 2014, eight journalists Shan Dahar (Larkana); Jeewan Arain (Ghambat Kharpur); Irshad Mastoi (Quetta); Afzal Khawaja (Usta Muhammad, Jaffarabad); Yaqoob Shehzad (Hafizabad); Nadeem Hyder (Hafizabad); Shehzad Iqbal (Mianwali) and Ibrar Tanoli (Abbotabad); and six media workers Muhammad Mustafa (Lahore); Muhammad Abdur Rasool and Muhammad Yunus (Quetta); and Waqas Aziz Khan, Khalid Khan and Ashraf Arain (Karachi) were killed.

In its report, Pakistan Federal Union of Journalists termed the incident of January 17, in Karachi and of August 28 in Quetta as the worst examples of attacks on the media. On January 17, three employees of the Express News were killed in an attack on their Digital Satellite News Gathering (DSNG) van in North Nazimabad, Karachi. On August 28, unidentified assailants stormed into the office of the General Secretary of Balochistan Union of Journalists and ARY NEWS Assignment Editor, Irshad Mastoi and sprayed bullets. Beside, Mastoi, reporter Abdul Rasool Khajjak and accountant Muhammad Younas were killed.

More than 30 journalists have fallen victim to targeted killing in Balochistan over the last five years. The figures served as a reminder of the growing threats to journalists in the province’s complex political environment where survival depends on an almost impossible delicate balancing act amid insurgent organisations, feuding tribes with shifting allegiances, extremist groups, as well as the security forces, political parties and the courts.

All this affects journalists badly and so the number of stringers and reporters in volatile regions such as Khuzdar is diminishing. According to some media reports the membership of the Khuzdar Press Club is down from 20 to seven as a result of targeted killings and that in the Qalat Press Club from about 10 members to four. Most journalists have either left the profession or relocated to Quetta.

Media watchdog Reporters Without Borders (RSF) ranked Pakistan 159 out of 180 countries in ranking for media freedom. The same group had placed Pakistan at 158 last year in its annual report. Uncertain security conditions, risk of terrorism related activities and overwhelming political influence have been cited as the reasons behind Pakistani media’s lack of
freedom.

In March, the driver of television anchor Raza Rumi was killed in a shooting on his car.

In April, Hamid Mir, a senior reporter for Geo TV, was fired at by gunmen on motorcycles while on his way from the airport to his office in Karachi. Though he survived the attack, and had to undergo a surgery, his assailants are still at large, and the threat to his life was still very much alive. The assassination attempt became a major controversy when Mir’s brother accused “certain elements” within the powerful Inter-Service Intelligence (ISI) agency of orchestrating the attack.

In June, Zafar Aheer, resident editor of the Daily Jang, was attacked by unknown armed men while returning home from work in Multan. He was struck with gun butts and received serious injuries to his head, shoulders, legs and other parts of his body.

The house of Jamshed Bhagwan, the bureau chief of Express News TV was attacked with an explosive device for the third time on July 2 in Peshawar, the capital of Khyber-Pakhtukhuwa province.

At least four crew members from Aaj News, including digital satellite news gathering engineer Iqbal, cameramen Usmaan, Iqbal, and Samaarat, (identified by single names only) were beaten on August 25 by workers from the opposition Pakistan Tehreek-e-Insaf (PTI) party while covering a speech by PTI leader Imran Khan during a sit-in in Islamabad. The four were treated in hospital for minor injuries.

The largest number of injuries occurred on August 31 when 28 journalists, camerapersons and other media workers were injured during clashes between
police and the protest demonstration led by the opposition Pakistan Tehrik-e-Insaf (PTI) and Pakistan Awami Tehrik (PAT). The injured media persons were cameramen Khuram Fayaz, Ajab Khan, and Awais Qazi, belonging to Sama TV; cameramen; Atif Yousuf, and Imran Iqbal, Mohammad Zahid, DSNG operator; Jameel Kiyani, driver of Waqt TV; reporters Essa Naqvi and Asad Ayub; Adnan, DSNG Engineer; Anjum Fatemi, TV cameraman belonging to Dunya TV; Asif Abdullah, cameramen; and Iqbal Zaib, of ARY News; Kashif Abbasi, cameramen; and Naushad Abbasi; reporters Yasir Malik and Samar Abbas; Ashfaq Hussain, cameramen; Imran Chaudhry and Mansoor Ahmed of Dawn News cameramen; Express News cameramen, Amir Alam; Majid Shah and Usman Afzal, Express News; Rana Tariq, Haroon Khursheed and Ghulam Ali belonging to Aaj TV. They were beaten up despite having identified themselves with their press cards and while flouting the norms to protect men and women in the media around the world with shameless impunity.

In August, columnist Kamran Shafi and his family received two threats via email.

On September 1, protestors belonging to PTI and PAT attacked the offices of the state-owned Pakistan Television (PTV). They took over the control room and broadcasts of PTV were disrupted for some time.

On November 30, journalists and technicians from two television channels were attacked, and their satellite trucks damaged. A cameraperson from Dawn News was injured by small explosives allegedly thrown by PTI members, while two technicians from Dunya News were wounded by a grenade explosion and rushed to the hospital.

The investigative reporting team of a private television channel ARY was arrested and criminally charged on December 3 for an exposé on the transport of illegal arms and ammunition on state-owned railways. ARY News said two of its investigative journalists, Asif Qureshi and Zulqarnain Sheikh, were not only arrested but also assaulted by the Railway Police. Instead of investigating the serious security lapse, the railway authorities registered a case of arms smuggling against the media team itself.

ARY News said its programme caught railway officials taking bribes to transport illegal weapons from Karachi to Lahore. General Manager of the Railways, Javed Anwar, later told journalists that the railways employees who are guilty of aiding in the transport of arms and explosives had been suspended.

In Faisalabad on December 8, PTI activists abused Geo News anchorperson Maria Memon, reporters Irfanullah and Hammad Ahmad and threw sticks at them when they were covering their protest rally. Their DSNG van was damaged in this attack. Infuriated PTI workers also wrote provocative slogans on their van with spray guns.

In Karachi on December 12, when PTI chief Imran Khan finished his
speech and left the venue of his protest rally, PTI workers harassed the Geo News team including its female reporters Sidrah Dar, Umaimah Malik, and cameraman Zubair Memon from Abb Takk television. They threw stones and empty bottles at the Geo News DSNG van. They also threw sticks and empty bottles and stones at the senior analyst, Mazhar Abbas, and other Geo News staff. They also harassed a female reporter, Sidrah, and used abusive language against her.

On December 15, in Lahore, PTI activists attacked and harassed a media team of Geo News as it was covering their protest demonstration, and prevented them from reporting. Geo TV said that the protesters attacked their anchorperson Sana Mirza, Sohail Warraich, reporters Jawad Malik, Ameen Hafeez, Ahmed Faraz and cameraman Khwaja Amir with stones, glass projectiles and bottles, besides using slingshots to hurl bricks at them. PTI workers hurled bottles and harassed reporter Sana Mirza and shouted hostile slogans to the point where she was unable to hold back her tears. They pelted the Geo News DSNG van with stones. The protesters also threatened a Geo team at the Liberty Chowk area of Lahore and stopped them from carrying out their coverage.

The ARY News channel also complained that workers of the ruling political party, PML-N, hurled rotten eggs at their Digital Satellite News Gathering (DSNG) van while they were covering the PTI protest in Lahore.

On the positive side, on March 1, a court convicted six men for their roles in the murder of Wali Khan Babar, a Geo TV journalist who was shot dead in Karachi in January 2011.

Freedom of information

Right to information is a UN-mandated universal human right. According to the UN General Assembly statement of 1946: “freedom of information is a fundamental human right and is the touchstone of all other rights to which the UN is consecrated”. The right ensures maximum disclosure, minimum exemptions, simple, quick and cheap access procedures, effective enforcement through independent appeals mechanisms and penalties and monitoring and promotion of open governance. The right strengthens the link between the state and the citizen.

Article 19 in Pakistan’s constitution states: “Every citizen shall have the right to have access to information in matters of the public importance subject to regulations and reasonable restriction imposed by law”. But the situation in the country regarding the right to information was far from ideal till the end of 2014.

In 2001, the Asian Development Bank approved a comprehensive action plan for Pakistan that included judicial and administrative reform. Freedom of information legislation was considered part of the reform programme. Against
this backdrop the military government of General Pervez Musharraf promulgated the existing Freedom of Information Ordinance in 2002. It was later sanctified by Parliament through a constitutional amendment that validated all laws promulgated by the military dictator.

Because the law was promulgated through an ordinance, it was never debated in Parliament. It remained inoperative for two years until its rules were formulated and published in 2004, following a sustained campaign by civil society and key stakeholders. The Act is believed to be a very weak law, and in view of its lacunae, the government introduced a bill in the Parliament in 2008 to improve the existing legislation. That bill was yet to be approved by the year-end.


In 2013, the provinces of Khyber Pakhtunkhwa and Punjab enacted RTI legislation as the Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 respectively.

Government response to information requests submitted even under the current laws was dismal, especially so from the federal, Balochistan and Sindh governments.

According to the Centre for Peace and Development Initiatives (CPDI) the Punjab law is the strictest of all, requiring departments to revert on information requests within 14 days.

“To test the response of top officials, we sent as many as 1,231 information requests...
requests between March 1, 2014 and October 30, 2014: 749 to Punjab, 409 to KP, 31 to Sindh, 2 to Balochistan and 40 to federal government departments,” the CPDI said. “We received only 143 responses: 48 from Punjab, 91 from KP, just one from Sindh and no response from Balochistan or the federal government,” it said.

Following the first round, the CPDI said that 771 complaints had been filed across the country: 462 in Punjab, 256 in KP, 24 in Sindh and 29 with federal government departments. These yielded 81 more responses: 53 from Punjab, 18 from KP, 10 from the federal government but none from Sindh.

A 28-year-old computer operator, Sabahat Ghaznavi, successfully used the law to apply for and secure a job that had been ‘de-advertised’ by the government.

In Punjab, the executive district officer from Vehari was fined over 60-days’ pay for delaying action on an information request. The information commission in Punjab was formed after the one in Khyber Pakhtunkhwa but it set a precedent for others to follow though it was working without a budget and a proper place to operate from.

The military launched an operation against Taliban insurgents in North Waziristan in June and handed out updates regularly. But the lack of independent media’s access meant the impact of the offensive could only be guessed at.

Free, independent and pluralistic media

The year 2014 saw some distressing new lows, from a major news network being forced off the cable operators’ list to a political figure hurling threats at journalists and the National Assembly’s standing committee wanting to impose restrictions on what can be reported on. Major media issues surrounded allegedly “blasphemous” content, caused rising tensions, including claims of censorship of international media outlets. In most cases, stringers worked without formal appointment letters making them vulnerable to threats as well as financial corruption. The media faced crippling fines and blanket bans on coverage forcing many outlets to practise self-censorship in an effort to stay afloat.

Employers and news managers left journalists vulnerable to attacks in the thirst for ratings and the lust for footage thought to increase viewership and too frequently failing to provide the protective gear such as flak jackets and head-gear.

Press

An article about Pakistan’s relations to al-Qaeda was censored from the front page of about 9,000 copies of the international edition of the New York Times in March. An image of the front page with a large blank space in it,
spread on social media. The decision was allegedly made by the NYT’s local
distribution partner – the Express Tribune — who had been under attack by
an extremist group. The international edition was also subject to further content
change by the local partner over an article exploring the relationship between
Pakistani authorities and militant Islamic extremism. The article, however,
was available online. The Express Tribune also deleted an article on the subject
in the international edition of the New York Times, which it carries as a daily
insert. An opinion piece by Lahore-based author Ali Sethi discussed the case
of Rashid Rehman. In May, Jang Group, owner of Geo TV, which had been
battling against accusations of blasphemy and the intelligence agency, published
an apology on the front pages of two newspapers, the daily Jang and The
News. It said its coverage of the gun attack on Hamid Mir had been “excessive,
distressful and emotional.” Two Indian journalists were expelled from Pakistan.
Meena Menon, a correspondent for The Hindu, and Snehash Alex Philip, a
Correspondent for The Press Trust of India, were told their visas would not
be renewed and ordered to leave within seven days.

Broadcast

On June 6, Geo News, was ordered off the air and fined by the Pakistan
Electronic Media Regulatory Authority (PEMRA). The regulator said if the
channel did not pay a fine of 10 million rupees (US$100,000) by the end of the
15-day suspension, it would remain off the air. In June the Pakistan Broadcasting
Association suspended Geo’s membership. The Human Rights Commission
of Pakistan (HRCP) voiced concern over what it called a malicious campaign
seeking to close down Geo, saying that such a negative movement was a
threat to media freedom.

Irrespective of what the HRCP or anyone else might think about Geo’s
editorial judgment, instigating people to come out on the streets following

On March 21, the International New York Times front page printed
in Pakistan looked like this.
charges of blasphemy is an extremely dangerous trend, it said.

“HRCP must point out that the environment of fear that has been created is making the lives of journalists working for Geo extremely vulnerable. They are being intimidated and a large number of them have faced attacks. This trend is likely to escalate if the temperature is allowed to rise and it has the potential to spin out of control,” it further said.

“HRCP is curious how cable operators have illegally banned Geo without instructions from Pakistan Electronic Media Regularity Authority (Pemra) and expects that the authorities would investigate this matter, if they have not done so already, and punish those acting out of bounds.”

The HRCP called upon the government, civil society and media organisations to take all necessary steps to de-escalate the situation, and put an end to this malicious campaign and intimidation of journalists so as to protect media freedom from taking any further blows.

In February two television news channels, Aaj and Waqt TV were attacked with hand grenades on the same night. A security guard was injured in a blast outside Aaj offices and an unexploded device was found outside the Waqt TV offices in Karachi.

**Media lows**

News channels routinely violated the rules of good and responsible journalism, several under the editorial influence of their owners. And the Geo-Jang group — sacrificing the editorial independence to the notion of its kingmaker status — was no exception. Yet the murderous attack on Hamid
Mir and the ensuing tension between Geo-Jang group and ISI resulted in severe setbacks for the Pakistani media in the reversals in media freedoms and divisions between media organisations isolating the Geo-Jang media group, and in tarnishing the image of the media among the public. The distribution of the group’s newspapers and of television channels was severely disrupted. Also the prosecution of the Jang group on charges of hurting religious sentiment after Geo Entertainment was fined and even taken off air, and the Jang/Geo group had apologised for any hurt caused, smacked of persecution. The HRCP highlighted that divisions in the media ranks did not augur well for the hard-won freedom that the media had. “It is regrettable that competitive media houses are adding fuel to the fire, without realising what they are being complicit in or what a dangerous precedent they are setting and that the same fire can engulf them too. It is in no one’s interest to unleash forces that are neither accountable nor answerable to anyone HRCP said.”

Intense media coverage of the two sit-ins in Islamabad provoked an observation that all that was required to thwart a revolution was to switch off the television channels. People complained of partisanship by the media. News anchors were accused of instigation and provocation, while some anchors took part in the protests as protesters.

**Internet**

Freedom House, a rights organisation, ranks Pakistan among countries it considers to be “not free” in the online world.

In February 2014, angry gamers — who had paid for high speed internet connections and gaming memberships — reported that they were unable to temporarily access Xbox Live, PlayStation Network and Game Ranger.

Pakistan’s ban on YouTube remained in place till the close of the year and there were fears it would stay “indefinitely.” The country blocked the video-sharing site in September 2012 after it hosted “Innocence of Muslims,” a film that sparked protests worldwide for appearing to mock Islam. In keeping shut down a site that is the gateway to information and entertainment for millions of people, the authorities exposed the state’s attitude towards citizens’ right to access information. While those with the ability have found means of bypassing the ban, officials said they had found no way to filter out blasphemous content other than by blocking YouTube entirely.

In May Twitter announced it would block posts in Pakistan that had “blasphemous” content. It follows Twitter’s country specific censorship policy, started in 2012.

Hate speech is a real threat to Freedom of Expression. And it made way into the online world in 2014.

In June, the Pakistani digital rights group Bytes For All launched a research titled Hate Speech: A study of Pakistan’s cyberspace “to study the impact online hate speech is having in Pakistan, whether that be the well-organized
anti-Malala campaign online, how social media fueled sectarian divides during the Rawalpindi riots, the arrest of a professor on grounds of alleged blasphemy for posts run on Facebook, and even the most recent online campaign of hate against media persons”. It said the uncontrolled spread of hate speech on the Internet and social media was reaching dangerous levels, threatening society on many levels. “Clearly the issue needs to be addressed, but without regressive action such as state-led censorship and bans,” Bytes For All said.

According to the study the two largest groups that were a target for hate speech on Facebook were politicians (38% of all hate speech) and members of the media/media groups (10%). These attacks on politicians and the media formed nearly half of all hate speech on the Facebook pages analyzed. On Twitter, 20% of total records were targeted at pillars of the state, with attacks on politicians (11%) and media (7%) registering highest. This high level of hate speech is especially worrying given the context of the ongoing war against terrorism and the threats to life both politicians and those working in the media face.

The country’s record on blocking hate speech by militants or even sectarian terror groups remained unimpressive in 2014.

Civil society
Islamabad police halted a protest organized by Pakistan’s civil society against the pro-Taliban statements of the head cleric of Lal Masjid, allegedly
because it ‘went beyond limits.’

Commenting on the Peshawar massacre of schoolchildren at the hands of the Taliban, the cleric refused to condemn the militants, adding that the military and Taliban were ‘brothers’ and should unite.

The civil society activists said Taliban apologists like Aziz should not be allowed to continue spreading their messages of hate.

Asmatullah Junejo, a police officer present at the protest, said the protesters’ right to freedom of speech was not being hindered. “There is a right to freedom of speech for every Pakistani but the protesters went beyond their limits,” he said. “They started using loudspeakers and were chanting slogans directly against the cleric, which is illegal,” he added. “We simply dispersed the protesters from the area to defuse tension between students of the Lal Masjid madrassah and the protesters.”

Maulana Abdul Rehman Muawiya, the general secretary of the Ahle Sunnat Wal Jamaat group, filed an FIR against the protesters with the police.

A few protesters were arrested for “disturbing the peace” but Interior Minister Chaudhry Nisar Ali Khan ordered their immediate release.

**Recommendations**

1. The government should strongly prosecute attacks on journalists to dispel the air of impunity. The government, the media organizations, the civil society and the political groups should collectively arrest the deterioration in freedom of expression and the media safety situation in Pakistan.

2. There is a need to further strengthen the Freedom of Information (FOI) laws as per the UN guidelines. Improvement in FOI laws would improve the level of governance in the country.

3. There is a need to counter the spread of hate speech in Pakistan’s online space through a multi-pronged approach that educates, creates awareness and discourages hate and intolerance, prohibits and criminalizes the most extreme and dangerous forms of hate speech by law, yet guarantees that fundamental human rights to free speech and information are safeguarded.

4. There is a need for better regulation — clearer rules, better enforcement, more transparency and fairness — of broadcast media content after meaningful consultation with the main stakeholders.

5. The media should develop effective codes of conduct to promote a more ethical working environment. Effective mechanisms should be developed to resolve complaints against the media.