

ASIAN MEDIA BAROMETER - PAKISTAN 2009

ASIAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Asia

PAKISTAN 2009

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STIFTUNG**

fesmedia Asia

ASIAN
MEDIA
BAROMETER

ISBN No. 978-99916-863-2-5

Published by:

c/o Asia-Pacific Institute for Broadcasting Development (AIBD)
P.O. Box 1137, No. 16 Lorong Maarof
59100 Kuala Lumpur
Malaysia

ISBN

No. 978-99916-863-2-5

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Introduction to the Asian Media Barometers in India and Pakistan

The *Asian Media Barometer* is a work in progress. Held for the first time in Pakistan and India in September 2009 it is designed to be an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike many other press surveys or media indices the AMB is a self-assessment exercise based on criteria from international protocols and declarations. It takes up the idea of a peer review mechanism – often only talked about by politicians – and applies it to the media at national level. At the same time the *Asian Media Barometer* serves as a practical lobbying tool for media organisations. Its results are presented to the public of the respective country to push for an improvement of the media situation using international standards as benchmarks. They are then integrated into the advocacy work by the FES-offices and their local partners.

Design and method of the *Asian Media Barometer* have been adapted from the *African Media Barometer*, founded in 2005 and based on homegrown criteria derived from African Protocols and Declarations like the “Declaration on Principles on Freedom of Expression in Africa” (2002). This declaration was largely inspired by the groundbreaking “Windhoek Declaration on Promoting an Independent and Pluralistic African Press” (1991) and the “African Charter on Broadcasting” (2001).

Yet, in Asia the situation is different. There have been individual attempts in several countries, especially South Asian countries to come up with a charter as well as indicators on freedom of expression and freedom of the media. Unfortunately it has not been successfully implemented within individual countries let alone on a sub-regional, or a more ambitious regional scale. In fact the joint declaration of 2006 by UN Special Rapporteur on Freedom of Opinion and Expression notes that Asia-Pacific region lacks such a mechanism.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the “Bangkok Declaration on Information and Broadcasting” (2003). Here the Ministers of Information and Broadcasting from various countries in the Asia-Pacific region as well as heads of radio and television organizations, policy makers, decision makers, scholars, and representatives of international organizations discussed and signed up to recommendations on Freedom of Information and Broadcasting Legislation.

The conference was organised by the Asia-Pacific Institute for Broadcasting Development (AIBD) and actively supported by the International

Telecommunication Union, UNESCO, United Nations and the Friedrich-Ebert-Stiftung (FES).

Its recommendations on freedom of information, freedom of expression and on the transformation of state into public broadcasters concur with the indicators of the *Asian Media Barometer*.

After the two pilot *Asian Media Barometers for India and Pakistan* held in September 2009 the FES-Media Project based in Kuala Lumpur will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries from 2010 onwards.

Methodology: Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For two days they discuss the national media environment according to 45 predetermined indicators on which they have to score in an anonymous vote on a scale from 1 to 5. The indicators are formulated as goals which are derived from international political protocols and declarations: if the country does not meet the indicator the score would be 1 (one); if the country meets all aspects of the indicator it would be a 5 (five), which is the best score possible. The discussion and scoring is moderated by a FES trained consultant who also edits the country report. This final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus the overall country score. Over time the reports are measuring the media development in that particular country and form the basis for a political discussion on media reform.

Scoring system: Panel members are asked to allocate their individual scores to the respective indicators after the qualitative discussion in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country minimally meets aspects of the indicator.	
3	Country meets many aspects of indicator but progress may be too recent to judge.	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator and has been doing so over time.	

Scores for each sector are determined as follows: Members of the panel will, after a qualitative group discussion, attach their individual point-score (1 – 5) to each sub-indicator of a sector. The sum of all individual scores will be divided by the number of panel members. The result will then be considered the final score for the sub-indicator.

This qualitative report, including the scores, serves the purpose of measuring over time (based on bi-annual repetitions of the panel meetings) the progress or otherwise developments in the media landscape.

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ASIAN MEDIA BAROMETER (ANMB) PAKISTAN 2009

Executive Summary

These are exciting times in Pakistan's media, propelled by turbulent events in the country's political and societal spheres. Emergence of numerous independent television news channels has prompted deep concern as well as popular appreciation about the power of the media and its impact on the formulation of the national agenda. To a large extent, media's sense of power is located in the role that it played in the lawyers' movement for the restoration of superior judiciary in 2007-2008.

Constitutional guarantee of the freedom of expression is fairly problematic. Article 19 of the Constitution of Pakistan states: "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 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".

With all these qualifications and the existence of other laws that restrict freedom of expression, the media has been able to exercise freedom by default or, even, "freedom by chaos". The media can get away with a lot because of lack of enforcement of laws and the hesitation or unwillingness of the superior courts to interpret the constitutional and legal restrictions. Consequently, the media remains vibrant and assertive. But this qualitative disposition of the media is not fully reflected in quantitative assessments, perhaps because of the very existence of restrictive regulations and the overall sense of disarray in society.

One aspect of the freedom of expression is that it belongs largely to the intelligentsia and its access to the common people is restricted, with their lack of facility in English, the official language of Pakistan, the low level of literacy and the prevalence of poverty. The freedom of expression of women, for social and economic reasons, is also very limited. There is, however, an increasing exposure to women's issues with the induction of a large number of women in the electronic media.

Indeed, there are certain areas in which the media exercises more freedom than in others. Pakistan's nascent democratic culture is injected with the paramountcy of Islam and there is little freedom on matters of religion. Ideological issues, pertaining to national security, also dictate an element of caution and self-censorship. The fear factor applies to coverage of militant groups and parties who can resort to violence. Media freedom has also been a casualty of the War on

Terror in some parts of the country where practicing journalism is hazardous. Pakistan is one of those countries where a number of journalists have been killed. In the context of self-censorship, big advertisers also cast an adverse influence on news coverage.

An explosion in new media, particularly cell phones, characterizes the vast potential for growth and change in Pakistan's mass communications. Broadband internet services are available in 170 cities and towns across the country and internet users number about 25 million. With about 100 million – or more – cell phone connections, Pakistan has the fastest growing cell phone market in Asia. This has given Pakistanis greater access to a large variety of information sources.

The regulatory authority for electronic media has issued 96 satellite TV channel licenses of which 80 are news and current affairs channels. Twelve of them are in provincial languages. Of the 202 approved FM station licenses, 116 are operational. As for the print media, there are 130 daily newspapers and 850 publications on record but not all publications are found in the market and circulations are small.

There are little restrictions on international media, with one glaring exception of a complete blockade of Indian television news channels. There have been infrequent restrictions on internet sites, mostly on moral grounds. However, a new law, Cyber Crimes Bill, is seen as an attempt to stop text messages against a prominent political personality.

This whimsical as well as selective recourse to restrictive laws is a familiar trait of the government. At another level, this attitude is enshrined in contradictions that relate to legislation about media freedom. Often, freedom that is promised in the preamble is withdrawn in the articles. "The devil is in the details". In the final analysis, though, the reality is less restrictive than what the laws prescribe.

One example of this is the journalists' obligation to reveal their source of information in a court of law, if the judge makes this demand. But the Supreme Court has not given any definitive judgment on this issue. The judges have not defined the limits of freedom of expression and freedom of speech. The working of the judicial system is such that almost nothing comes of it.

There is little accountability of the state/public sector. Consequently, a conducive environment for public broadcasting is not there. The state broadcaster, PTV, is not in the purview of the law. It has a monopoly on license fee but it also receives advertising revenue. Though there has been some diversity and openness in the PTV after the arrival of private channels, it remains inhibited and under pressure from the government. All private channels are required to devote 10 percent of their content to public interest broadcasting. But there is no monitoring of their content by the regulatory authorities and this stipulation is just not invoked.

Discussions and negotiations for the establishment of voluntary codes of professional standards have continued for many years, involving working journalists, editors, publishers, association of broadcasters and the government, but a formula for a complaints' commission has not yet been agreed. Individual publishing and broadcasting houses have devised their own code of ethics. However, an implementation mechanism is missing. The practice of appointing an internal ombudsman is also not followed.

The media in Pakistan is overwhelmingly politicized. This results in lack of attention to the full spectrum of issues and events. There is a lack of investigative journalism and development issues are not adequately covered. Politicians and political commentators dominate the TV talk shows that have mushroomed. In the domain of business reporting, though, the TV has done a good job.

When it comes to integrity and professional ethics, the overall situation is rather murky. It is fairly common for journalists to solicit and accept favors, including from the government in the guise of allotments of plots for housing. Some journalists are believed to be on the payroll of intelligence agencies. Rising salary levels, particularly in TV channels, are likely to make some difference in this practice.

In spite of all these failings and shortcomings, the media in Pakistan is very dynamic and in the process of evolution. New precedents are being explored. There is general agreement that the power of the TV news channels has changed reality. Events such as persecution of a minority that were previously not reported are now fully covered, generating society's pressure for justice and tolerance. Still, there is ambivalence about what the media's role should be. At the same time that the media's credibility is seen to be low, public opinion surveys have shown that it commands more trust than government and political parties. Hence, the Pakistani media is embarked on an uncharted territory.



SECTOR 1:

Freedom of expression, including freedom of the media, are effectively protected and promoted.

Freedom of expression, including freedom of the media, are effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Analysis:

Article 19 of the Constitution of Pakistan allows freedom of speech in the following words: 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 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, [commission of] or incitement to an offence.

But this is restrictive in both letter and spirit. There are too many qualifications which are not clearly defined; and several other laws restrict freedom of expression rather than supporting it, such as Official Secrets Act 1923, and Defamation Ordinance 2002.

While the Pakistan Electronic Media Regulatory Authority – PEMRA -- (Amendment) Act 2007 is purportedly meant to support media freedom and its preamble allows freedom of expression but “the devil is in the details” of the legislation which is restrictive rather than enabling. Article 184, however, supports freedom of expression; the Supreme Court can be directly approached in case of a violation of fundamental rights.

Although Freedom of Expression or Freedom of Speech are not absolute freedoms or rights – they are very much qualified – it is the ambiguity of the qualifications wherein lies the problem.

First of all, the word “reasonable” is not defined anywhere nor are the Pakistani courts clear on this formulation. The Supreme Court of Pakistan has, on some occasions, stated that qualifications are sometimes excessive and need to be clearly explained.

There are not enough cases in the country’s courts to require the court to definitely interpret the term. Therefore, the question is, does the language of the law really

guarantee freedom of expression? Ultimate interpretation is by the court, but courts have never indulged in this exercise.

The nature of qualifications is also in favor of the state rather than the citizen, and does not guard citizen interests.

Article 19 is also not as comprehensive as the Universal Declaration of Human Rights which includes the right to “receive and impart information”. This is missing from Article 19 of the Constitution of Pakistan.

In Pakistan, when a person commits a crime, his/her fundamental rights are virtually suspended. In a security syndrome state, everything becomes debatable. What is meant by “glory of Islam”? Under law, anything said against Buddhism or Christianity is also a punishable offence, so why put in only “glory of Islam”?

“When you impose 7 conditions, there is no Freedom of Expression in Pakistan.”

However, one panelist felt that a universal standard cannot apply to a country whose foundation is religious. In an Islamic Republic, there will be spoken and unspoken limits on freedom. But this does not mean that there is no freedom of expression; there is vigorous freedom of expression. Another way of looking at the PEMRA laws, for example, is that they have allowed a proliferation of independent media and much greater freedom of expression than ever before.

“When you impose 7 conditions, there is no Freedom of Expression in Pakistan.”

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Average score: 2.0

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Analysis:

Two categories of freedom of expression are being practiced. At one level are the people relevant to the democratic process i.e. the common people. Their level of freedom (of expression) is different than that of the intelligentsia who can say anything (in the English language) and get away with it. The people who matter have far lower freedom of expression than those who do not matter so much.

Fear begins at home, from one's family or from one's husband. Women have been murdered for expressing their wish to marry a person of their choice. Ordinary women in Pakistan are not free enough to say what they want in their own homes.

The War on Terror and militancy has also put pressure on the media. There are large swathes of the country (in the north and west) where practicing journalism is more hazardous than in other places. On the eastern flank of the country, media density is four times as much as in the western half. Yet, ironically, the freest media is in the tribal areas; they can say whatever they want and get away with it.

But freedom of expression is closely related to a democratic culture, and any religious state is a negation of democratic culture; they can't go together. Without democracy, freedom of expression becomes irrelevant.

There is little freedom in matters of religion, for example. During Muharram, some sectarian leaders are put in protective custody. Politicians are also restricted and there are restrictions on freedom of movement or public gatherings. No paper or TV channel can publish anything in favor of Ahmedis¹.

The fear factor also applies to powerful political groups, like the Karachi-based Muttahida Qaumi Movement (MQM). The media is not free to criticize the MQM for fear of violence and retaliation by the political party.

There are also restrictions and strong social inhibitions on freely discussing sex and gender-related issues such as homosexuality.

1 Ahmadiyya is a religious movement founded in the late 19th century by Mirza Ghulam Ahmad and envisioned as an Islamic revivalist movement. However, the core of Ahmadiyya belief that Ghulam Ahmed was a prophet is in conflict with mainstream Islam's belief in the finality of prophethood with Prophet Mohammad (PBUH). In 1974, Pakistan's first elected prime minister Zulfikar Ali Bhutto declared Ahmedis as non-Muslims through a legislation. Later, in 1984, military dictator General Zia-ul Haq passed legislation barring Ahmedis from reciting the kalima (first proclamation of faith in Islam), from calling their places of worship mosques, and from propagating their faith. Ahmedis continue to be persecuted in Pakistan

The freedom of expression seen and practiced is actually freedom by default, or freedom by chaos i.e. the failure of the government to maintain rule of law. This lack of regulation or enforcement should not be taken as freedom.

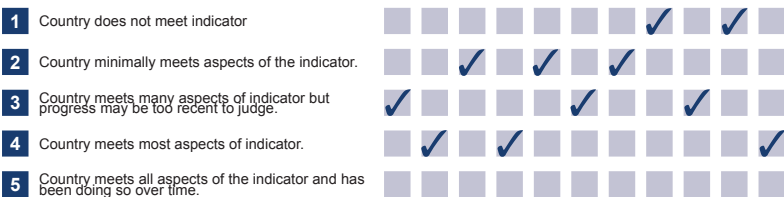
And yet the positive side is that there is a remarkable change visible in how freely Pakistanis are now able to express themselves. From the era of state broadcaster PTV to the present, there has been immense freedom. Despite everything, Pakistanis can get away with a lot.

But does this mean the freedom to freely abuse somebody? In fact, the concept of freedom of expression should be viewed even beyond media, which should not be the only prism to judge freedom of expression in a society. A man can freely express himself (in expletives) against the head of state. Newspapers print such things (expletives) on a daily basis.

There is too much freedom to talk about anything in Pakistan, and it is being 'freely' exercised by especially the print media. There was a three-column headline yesterday (September 4, 2009) paying glowing tribute to Mullah Fazlullah on whom there is head money of Rs 5 crores (USD 602,410)².

Scores:

Individual scores:



Average score: 2.6

² USD 1 = PKR 83

1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Analysis:

The following legislations restrict freedom of expression in Pakistan:

Security of Pakistan Act 1952

West Pakistan Maintenance of Public Order Ordinance 1960

Official Secrets Act, 1923

Foreign Relations Act, 1939

The Blasphemy Laws introduced in Pakistan Penal Code

Pakistan Penal Code 1960 (Sections 295 – 298 and Sedition Laws 121a 123a)

Post Office Act, 1898

Customs Act, 1969

Telegraph Act, 1885

Defamation Ordinance 2002

Contempt of Court Act, 1973

Cyber Crimes Bill 2009

While there are many pieces of restrictive legislation in Pakistan, there is little rule of law. Hence, there is freedom by default or lack of enforcement. Had the law been enforced, this would not have been the case.

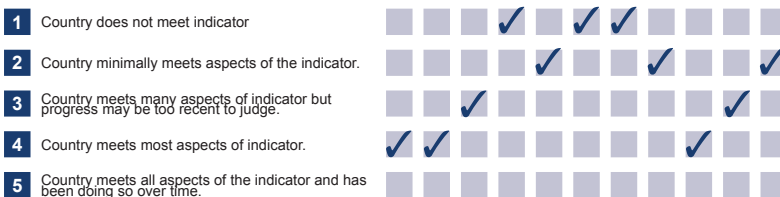
But even in legislation that relates to rights and freedoms, there is an apparent contradiction. Freedoms and rights conceded in the preamble are taken away in the articles.

Much of the restrictive legislation is dated. The Official Secrets Act, for example, was modeled on the British law, but they have revised it while Pakistan retains the law dating back to 1923. The UK has a blasphemy law but it is not enforced.

To make matters worse, there is selective enforcement. The regulations are not imposed against the many but a few e.g. the law on Cyber Crimes was meant to stop text messages on mobile phones against a prominent political personality.

Scores:

Individual scores:



Average score: 2.5

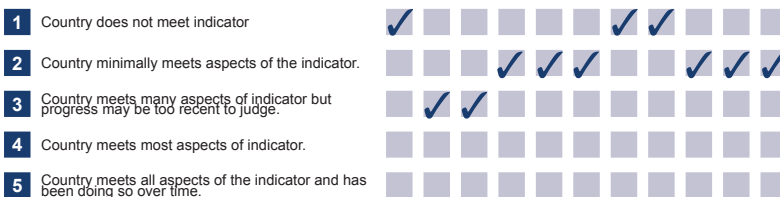
1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media.

Analysis:

The Government honors international commitments out of ignorance not out of effort or commitment. There is an impression that international donor agencies applied pressure to promulgate freedom of expression.

Scores:

Individual scores:



Average score: 1.9

1.5 Print publications are not required to obtain permission to publish from state authorities.

Analysis:

Press, Newspapers, News Agencies and Books Registration Ordinance 2002.

When the Press Act was first enforced in 1923, the registration requirement was known as a declaration and not permission. In 1957, when a declaration was refused to a publication the matter went to court, and the court ruled that the dictionary meaning of declaration would be considered; hence, there was no question of permission and no right to refuse it. Then, in 1963, a decision to the effect that the District Magistrate had the right to refuse a declaration if the person was deemed unsuitable was imposed. This condition still exists.

However, if after three months no reason for refusal is given, the ‘permission’ is automatically “deemed to be given”, according to the law. Effectively, *permission* has to be taken but if it is denied, the applicant still has the *right* of publication.

State authorities have devised other means of restricting publications, however. A declaration is the ‘sword of Damocles’ and it can be taken away. There is also the threat of cancellation which, in its impact, is greater than the privilege of publication. Other filters have also been installed such as the requirement of Audit Bureau of Circulation accreditation. Therefore, a declaration alone is not enough to ensure the objectives of press freedom. The government patronizes “dummy newspapers” that keep up the pretense of publication but are not circulated in the market. When there are too many such newspapers floating around on the registers, declarations for new publications cannot be issued.

Moreover, if in the three months’ period the district magistrate’s office asks for documents that the publisher can’t produce, then publication may be restricted.

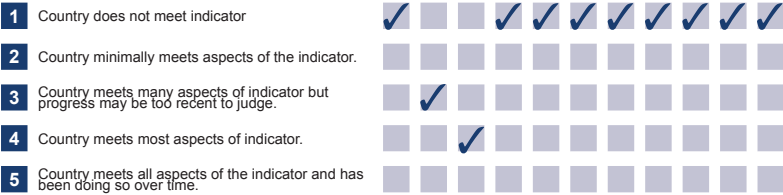
But the situation on the ground is different. Said one participant: “I want to publish a newspaper and apply for authorization. Technically, they can keep refusing me on some ground or other if they want to. But the ground reality is, I can start publishing in three months. Then ball is in their court, they can take me to court, but I can still get a stay order that allows me to continue to publish.”

Another participant felt that the state (in Asia) has an “irreducible responsibility to be in the know”. For example, if “a mullah (cleric) in the NWFP wants to publish something”. Given the threat of extremism, the notion of no restrictions is relevant in the West, but not applicable in Asia. Freedom of expression laws always have restrictions; you can’t have a unilateral law.

One participant counter-argued, however, that there are other laws which become applicable to take such a mullah to task – even terrorism laws. So there is nothing wrong with the assumption in this indicator.

Scores:

Individual scores:



Average score: 1.5

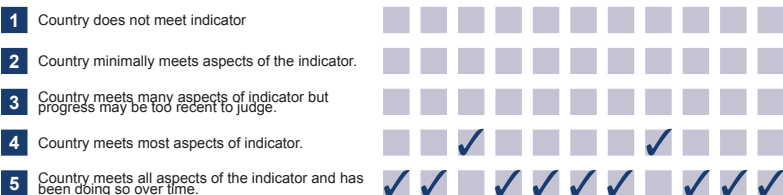
1.6 Entry into and practice of the journalistic profession is legally unrestricted.

Analysis:

There are no legal restrictions on entering the practice of journalism; even ministers³ can be anchors!

Scores:

Individual scores:



Average score: 4.8

³ Dr. Aamir Liaquat Hussain, anchor of the show Aalim Online on Geo TV, was a minister of state in the federal cabinet.

1.7 Confidential sources of information are protected by law and/or the courts.

Analysis:

Pakistani courts can ask journalists to reveal their source and punish them for not revealing it. The only exception to this is in the instance of privileged communication between lawyers and clients.

In rural areas, there have been cases of courts asking journalists to disclose sources.

The Supreme Court has not given any definitive judgment on the issue of the obligation to disclose sources of information. This is because judges encourage out-of-court settlements. They do not seem willing to interpret the Constitution particularly in the context of freedom of expression and freedom of speech.

There is the example of a media tycoon walking into the judge's chamber, apologizing to the judge and taking the reporter, his employee, to task for his story.

Here again, however, the reality is less restrictive. No judge is likely to press a journalist to reveal his source; he will only ask for evidence of the allegation in the report. The journalist has two options – to reveal his/her source or apologize and get out of the court. While there is no law to protect confidentiality, the matter generally does not come up in court.

The other grim reality in Pakistan is that journalists are being killed, allegedly, by those they expose rather than being asked in court to reveal their source.

There was just one case of conviction and sentencing in this matter, and the journalist was Salamat Ali who was convicted during Zia's time. Normally, editors do not disclose sources, nor sack the reporter who wrote the contested story.

The fact remains that the court system is such that nothing comes of it. The law exists but the enforcement is non-existent. Or vice versa!

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓						✓		✓	✓
2	Country minimally meets aspects of the indicator.				✓		✓			✓			
3	Country meets many aspects of indicator but progress may be too recent to judge.							✓					
4	Country meets most aspects of indicator.				✓								
5	Country meets all aspects of the indicator and has been doing so over time.												

Average score: 1.7

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

Analysis:

Discussion on this indicator was characterized by dissent, the general conclusion emerging that there are contradictions in the law and the reality. Information is accessible, but not easily, and not to all citizens.

Of the three criteria – that information is accessible, guaranteed by law, and to all citizens, - only one is met. Since official documents are in English they are not “easily accessible” to “all citizens” but are “guaranteed by law” to be made available to those who wish to access them. Pakistan fails this indicator on two of three counts, therefore.

One participant said his organization had been able to access information about various government contracts and projects, which initially the government was reluctant to share. But they managed to access it through the Ombudsman. Gradually, he said, all kinds of information is being shared. Though it is not easy, information is eventually accessible.

Another participant felt that access is limited to federal government documents and does not extend to provincial governments. This view was contested by another participant who said that though it was a federal law, it had not been fully tested. If journalists wanted, they could ask for information pertaining to a provincial government. He felt that public information was tremendously available; the fault lay with the media which didn't take the trouble to access it. Accessibility is only meant for those who apply.

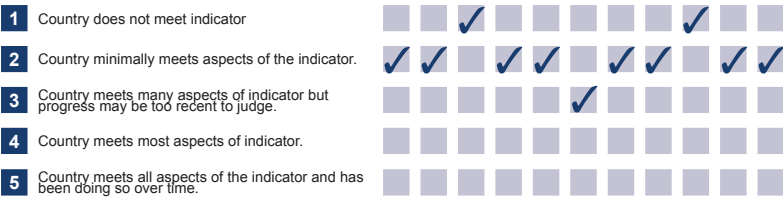
In the rural areas, however, data about land revenue, births, deaths, etc., is easily accessible under the local government system after payment of a certain fee. Every citizen has the right of access to information in the rural areas through local government.

Pakistan’s access to public information law was, in fact, 10 years ahead of UK. Pakistan’s National Archives Act makes archives accessible in 20 years whereas in the UK documents are de-classified in 30 years. Every government has the right to classify documents, one participant opined.

Yet another participant expressed the view that it was the lack of documentation of information that was the real issue; the Pakistani public was deprived of and denied the most critical information because it was never documented or compiled. “So much is not documented. No investigations are carried out into debacles, especially when there are military governments in power. Documents are sometimes destroyed.”

Scores:

Individual scores:



Average score: 1.9

1.9 Websites and blogs are not required to register with, or obtain permission, from state authorities.

Analysis

There is no requirement for websites and blogs to register with state authorities

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country minimally meets aspects of the indicator.	
3	Country meets many aspects of indicator but progress may be too recent to judge.	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator and has been doing so over time.	

Average score:

4.7

1.10 The state does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

Analysis:

Barring a few select Indian sites, pornographic content, and the website of the Balochistan National Movement, there is generally unrestricted access to the internet in Pakistan. The Pakistan Telecommunication Authority (PTA), the regulator for telecommunication and internet, has been known to use its power to restrict access to other websites from time to time on the pretext of objectionable content.

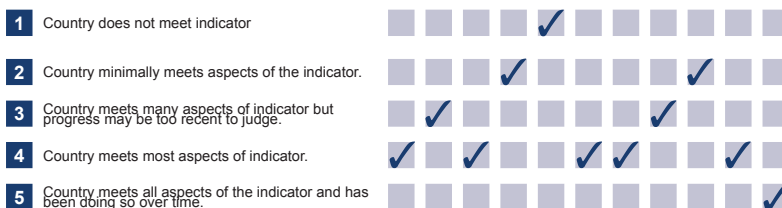
There are also instances of websites being blocked for political reasons. One of the participants from the media said a report against the navy chief was picked up by internet sites and You-Tube. The PTA issued a notification blocking all the sites which carried that report.

As for the legality of this, the courts have not ruled on this matter so there is ambiguity about its legality or illegality.

But by and large, the state is selective in its attempts to block internet content, and it is an exception rather than the rule. Access to internet is largely unrestricted, and even where it is, there is the possibility of access through other means.

Scores:

Individual scores:



Average score: 3.3

1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

Analysis:

The list of media representative and lobby groups includes: Council of Pakistan Newspaper Editors (CPNE); Pakistan Federal Union of Journalists (PFUJ); All Pakistan Newspapers Society (APNS); Pakistan Broadcasters Association (PBA); Association of Independent Radio (AIR); South Asian Media Commission (SAMC); Citizens’ Media Commission (CMC), Press Clubs, Society for Alternative Media; Intermedia; and Human Rights Commission of Pakistan (HRCP).

“There is no lobby without interest. You lobby for self-interest but also for public interest.”

These groups are not as active as they should be, and there are limitations and restrictions. While they are by description and *raison d’être* lobby groups of media, some of them do not lobby for media freedom; they lobby for their interest. They collaborate with the state, with agencies, with the army and do not strive for media freedom.

While one participant felt this was a sweeping generalization, another argued, “There is no lobby without interest. You lobby for self-interest but also for public interest.”

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

4.1

1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Analysis:

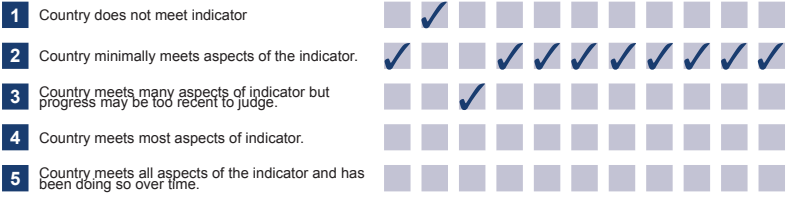
Most media laws have evolved during military governments. There are 10 media laws in all on the statute books but only two have been Acts of Parliament: the Journalists' Working Conditions Act and the Wage Board Act.

It was, ironically, a non-democratically elected military-led government that embarked on a process of consultations in 2000 for two media laws: Freedom of Information, and Regulatory Authority for Media and Broadcast Organizations (RAMBO) which later became PEMRA.

However, in the case of the PEMRA Amendment Law 2007, debate in the parliament enabled stakeholders to protest against some restrictions and this eventually forced the government to drop provisions allowing for the arrest of journalists. The law itself was not drafted in consultation with the stakeholders.

Scores:

Individual scores:



Average score: 2.0

Average score for sector 1: 2.8

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

The media landscape, including new media, is characterised by diversity, independence and sustainability

2.1 A wide range of sources of information (print, broadcasting, internet) is accessible and affordable to citizens.

Analysis:

Broadcast media:

PEMRA has issued 96 satellite TV channel licenses of which 80 are operational. Of these, 26 are news and current affairs channels out of which 12 are in vernacular (provincial) languages (Sindhi, Punjabi, Pushto, etc.) Applicants for TV licenses must specify at the time of application the genre of the channel i.e. if it is news or music or sports or entertainment, etc.

There are 202 approved FM station licenses of which 116, according to PEMRA, are operational. A new phenomenon that has recently emerged in this sector is radio broadcasts offered by cellular phone companies, notably Telenor which has its own radio service.

Print media:

In the print media, there are 130 daily newspapers and 850 publications as per official records but only around a dozen newspapers are actually seen on newsstands; these are mostly the national papers.

New media – Internet and cell phones:

Internet broadband services are available in 170 cities and towns across Pakistan. The number of internet connections is over five million and with an estimated average of five users per connection, the Internet Service Providers Association of Pakistan (ISPAP) reckons there are 25 million internet users in the country.

The number of cell phone connections in 2008 was 95 million, now likely to have crossed 100 million, which makes Pakistan the fastest-growing cell phone market in Asia in comparative rather than absolute terms. This has given Pakistanis greater access to a large variety of information sources.

Whether these statistics, some of them staggering, enable greater access to information is debatable, however. For example, the availability of FM radio via cell phones cannot be defined as access to news and information because and FM

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

Analysis:

Restrictions on broadcasts of Indian news channels are of grave concern and this may be described as an “absurd situation where two neighbors have no access to each other’s news channels”. In India, this situation is quasi-official with cable operators given instructions not to relay Pakistani news channels. In Pakistan, however, it is an official restriction with the denial of landing rights to Indian news channels according to PEMRA laws. In fact, PEMRA has recently allowed a bouquet of 56 channels but this does not include Indian news channels.

While this seems to be the only restriction on international media, there are no apparent blanket restrictions on domestic media sources.

However, there are some exceptions to this. For example, efforts to launch Baloch TV and newspapers were curbed with arrests and shutdowns, and radio broadcast of Mast FM 103 were shutdown/restricted. As recently as August 2009, two newspapers were shut down in Quetta.

There have also been instances of cable operators being asked to stop airing, for a short period, channels such as Geo News. As a consequence, cable channels are under constant threat of the long arm of the government as opposed to the law.

The FM 103 case went to court so it was a legal procedure and not necessarily an attack on freedom of expression. PEMRA rules restricted re-broadcast of radio (or TV) services of international origin. In the case of FM 103, they were re-broadcasting the BBC Urdu Service news bulletin. In comparison, Geo News has a broadcast of Voice of America but the difference is that while the BBC bulletin was a re-broadcast of its generic service, VOA has bought time on Geo and provides programming that is exclusive to Geo. In the case of the BBC broadcast, it has been resumed because BBC is now registered in Pakistan and has entered into an arrangement with the FM channel.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.2

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

Analysis:

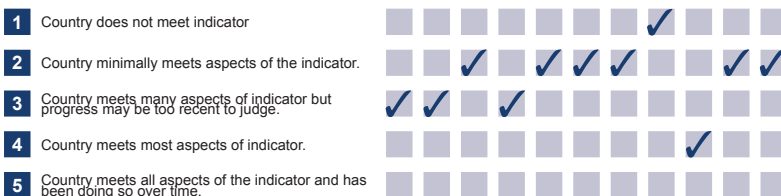
Not only is this not the case, on the contrary, the incentive to distribute newspapers through the country's postal services at low postage rates has been withdrawn.

Moreover, the Press Information Department directive that rural papers must be given a 25 percent quota of government advertisements is not implemented. One participant pointed out that of 17 dailies published from Bahawalpur (southern Punjab), none received their quota of government advertising.

However, the Sindhi press has made successful efforts to increase newspaper circulation in rural Sindh. At the same time, the trend of publishing regional editions of major Urdu dailies from different cities has increased circulation among rural communities.

Scores:

Individual scores:



Average score: 2.3

2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference

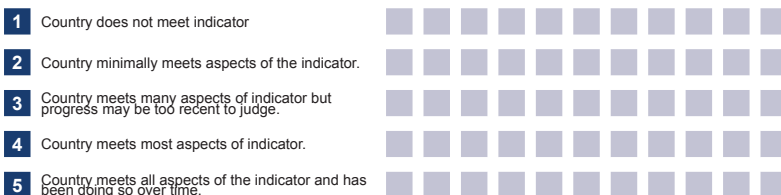
Analysis:

This indicator is not applicable since there is no print publications in the public sector save for *Hilal*, which is published by Pakistan Army and *Mab-e-Nau*, a literary magazine published by the Ministry of Information. In addition, there is the Gazette of Pakistan.

(There was no scoring on this indicator.)

Scores:

Individual scores:



Average score: n/a

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies

Analysis:

Anti-monopoly clauses and provisions were included in the draft PEMRA legislation, but the government did away with this restriction under pressure from the media sector. The few safeguards against media monopolies that still exist in the legislation are also circumvented by those who can ‘buy’ their way out of these restrictions by floating new companies to acquire more than their quota of licenses.

When PEMRA law was being drafted, a provision (Section 23: Exclusion in Monopolies) to prevent media concentration was included. However, after protests from media owners, PEMRA rules have overtaken the law on paper. That said, it is very difficult to define what constitutes undue concentration of media power, and will always be subject to controversy. There should be more precise legislation. PEMRA has to come up with rules to regulate section 23 of the ordinance.

The amended PEMRA version states that in granting a license, open and fair competition is to be facilitated. Currently, there are 7 newspaper owners who also have TV channels.

In other countries where monopolies have been allowed by law, it is with conditionalities. But in Pakistan’s case, the scenario has gone from one state-controlled broadcaster to handing out licenses to all and sundry, rather than a phased liberalization of the media scene. “They have created chaos.”

The PEMRA law itself encourages monopoly because it only regulates the private broadcast sector, not the public sector which is bigger. PEMRA’s efforts to control monopolies by restricting one media company to only 5 radio stations across the country have also not been effective. The laws are circumvented; new companies are floated by the same group/buyer in different names in order to acquire licenses. PEMRA also predetermines which areas will get radio licenses. Initially, a radio license was issued in Hasan Abdal, a city at the distance of about 50 kilometers from Islamabad, but after 4 years PEMRA withdrew the license saying it was not feasible. At present, a city in category A can only have 10 radio stations.

Licenses are auctioned, which means parties with more money can go for additional media. But this is also because of narrow band width on analog, which allows only 17 channels in a given location. If more than 17 channels want to broadcast from, say, Lahore, that’s not technologically possible. Digitalization will

take care of the band width issues, and PEMRA says by 2015 the FM radio sector will be digitalized, but they have yet to come up with a policy.

All said and done, there are dominant groups, but there are no serious monopolies in the private sector. But in the public sector, there is just one broadcaster and it is state-controlled.

Scores:

Individual scores:



Average score: 1.8

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

Analysis:

While the government has enabled a variety of groups to apply for licenses for TV and radio, they have not offered ideal incentives. This has meant that economic sustainability and independence are not assured as part of official policy.

The result: on the one hand, a single radio license in Peshawar was auctioned for \$6 million while, on the other, radio stations have taken to airing advertisements even of hakeems (traditional healers who may also be quacks) in a quest for financial sustainability.

Why did the British government allow the dispatch of newspapers at a lower rate? In order to promote information dissemination as a public good. Therefore, the government has a duty to promote education and channels bring about education and awareness.

For this purpose, the government has authorized the launch of distance learning on PTV which has reach all over the country. Moreover, campus radio licences are given free of cost to public universities.

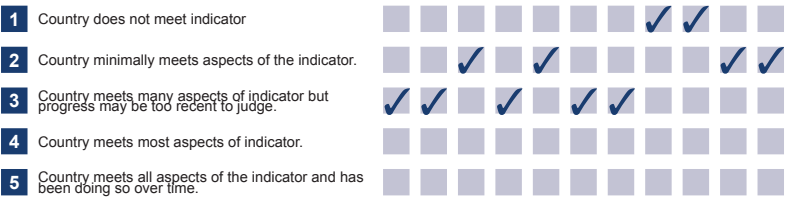
But more can be done. PEMRA has a fund of Rs 2 billion (US\$ 24.096,386), to promote professionalism in media, but it has not held any meeting with broadcasters to finalize any scheme in this regard.

Additionally, 10 percent of airtime is to be dedicated towards public interest broadcasting, but this clause has yet to be invoked.

Two participants felt, however, that it was not the government’s responsibility to promote financial sustainability of the private sector media.

Scores:

Individual scores:



Average score: 2.3

2.7 All media fairly reflect the voices of both women and men.

Analysis:

While no branch of media can be described as fair in this regard in Pakistan, the English media is less unjust to women than the Urdu media, where the imbalance is very visible – it is gender biased and male-chauvinistic. However, since only 2 percent of the population reads English newspapers, such fairness means little.

Currently, there is an imbalance even in the English media and this is because of what is presently being covered extensively in the media – the militancy in the north and west of the country, where women are culturally and traditionally invisible. Hence they do not figure in media coverage. All Urdu newspapers have

a weekly women's supplement but its content (recipes and other 'women' issues') is questionable.

There are, however, exceptions. On Khyber TV, for example, which is a private channel in the Pushto language, Pushto-speaking women are often seen, projecting an image that is normally not associated with the region.

The proliferation of TV has altered this reality. Urdu channels have also taken a phenomenal leap in promoting women's voices. The way women's issues are now portrayed in the media is not the way it was done barely 5 years ago. They are brought to the forefront, both women and their issues. One reason for this is that their 17 percent representation in parliament and 33 percent in local government, has had an impact. And even though the women in Punjab Assembly lament the fact that no-one listens to them, the fact that there are so many sitting there is in itself quite significant.

The real question is, how are issues relating to women being treated by journalists – especially cases of rape or honor killing – and what is the language used to describe women in such cases? In last 5 years, the kind of issues (relating to women) and the way they have been brought up, has put the forces who want to suppress women on the defensive.

In 1997, a resolution was moved in the Senate – that the murder of a woman should be considered a murder and not honor killing – garnered support from only 4 out of 87 senators. The media should have taken this issue up. But would that happen today? Look at the furor over the issue of women being killed in Balochistan in the name of honor.

At the level of the judiciary, too, there has been a change. The Supreme Court has taken suo moto action on cases of honor killing and kidnapping of women.

It is, ultimately, a reflection of society which is male chauvinistic. It is also a class issue. Urdu readership is conservative while the English readership is more liberal. But television is gradually changing society by taking these issues into living rooms. One of the reasons why the Hudood laws were amended was because of the Geo TV campaign "Zara Sochiey" (Just Think). The media also took up the issue of the destruction of girls' schools in Malakand.

There is no doubt that women's voices and their issues are better reflected in the media now but more needs to be done.

There is another issue: media space has grown tremendously so there is more *opportunity* for coverage of women but does the media reflect women's perspectives or not? Journalism schools have grown from 12 to 36 and more women have taken

up media as a profession, which is encouraging. But until women are in decision-making positions in the media, an adequate balance will not be achieved.

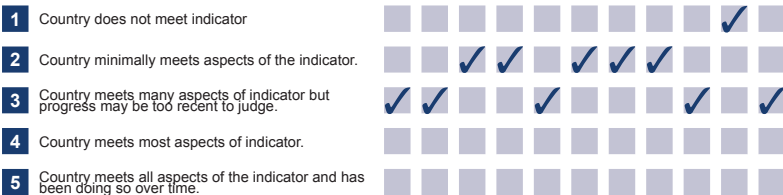
It is also an attitudinal problem, and how media is structured – women are assigned ‘soft beats’ like health and education. However, it was noted that these are also difficult and critical beats.

In radio, women’s voices are even better represented. There are more calls from women on air. When you create a new institution, it is easy to adapt to new trends. Thus on radio and TV we see more women but not in the print media.

One participant pointed out that we tend to get fixated that media is the only catalyst for change in society. It is ironic that, without the aid of media, a military-led government passed the first progressive women’s law in Pakistan – the Muslim Family Law. Before the expansion of private media, the state broadcaster did remarkable service to women’s voices – in the 1970s, prior to the Zia era. It produced and aired exceptional programming on women’s voices and rights. The same state media, in Zia’s time, however, promoted a conservative, stereotypical image of women through its *dupatta* (veil) policy.

Scores:

Individual scores:



Average score:

2.4

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Analysis:

Historically, Radio Pakistan broadcasts daily in 24 languages and dialects which is fairly reflective of Pakistan's linguistic pluralism. In the PEMRA law, there was a provision for community-based media for this very purpose but it is being systematically denied. This deprives the Pakistani media scene of diversity.

PTV, too, has regional language channels but the question is whether they fairly reflect all the voices. In the private sector, of 26 news channels 12 are regional language channels. But these regional language outlets are not any different in terms of content to the Urdu channels. In Seraiki TV, for example, the content is about the same as on Geo. It is not reflecting the issues of the region.

On the issue of religious diversity, the question arises whether licences can be given to Ahmedis and Christians and Hindus in the name of religious diversity. Now, more than ever, there are platforms for ethnic and religious diversity. In Umerkot, for example, there is a large Hindu population and a radio station started playing bhajans (devotional songs) but PEMRA shut them down.

But then, where does this stop? Tomorrow militants like Sipah-e-Sahaba and other religious groups could also ask for licenses.

It isn't just a question of ethnic and religious diversity, there is also need for political and social diversity – workers' issues are not being broadcast, for example. The other day, there was a strike in Balochistan but it was only covered by *Dawn* (newspaper). Then there is also the question of how they are covered. Human interest stories of ethnic, linguistic nature are seldom published on the front pages of newspapers. Editorially, the conscious move is to underplay social issues and environment issues because they don't sell.

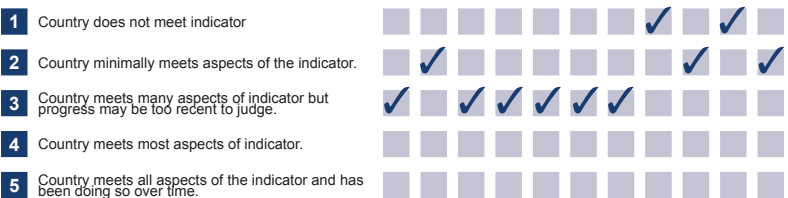
On this criteria, TV fares better than newspapers because there is no division of coverage; no front page concept. Regional editions of newspapers have divided the issues and they get compartmentalized. Therefore, unless you commit a murder you will not make it to the front page. Class issues meet the same fate of de-prioritization.

But the crux of the matter is, do the general mainstream media give reflection to the diversity in society? There are daily news reports that so many things bad that are happening in Pakistan are because of Ahmedis, but the Ahmedi point of view has never appeared. Similarly with Christians, although the Gojra incident has somewhat changed that situation.⁴

The power of the TV media has changed reality – there is society’s pressure to strike a balance and groups are more conscious of the fact that one wrong move can make a difference. There have been much bigger incidents (than Gojra) before, but that was prior to the independent TV phenomenon. The coming in of independent TV has had a huge impact.

Scores:

Individual scores:



Average score: 2.4

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

Analysis:

Pakistan has witnessed phenomenal expansion in making broadband internet available in towns and cities. There has been a concerted attempt to reach out to marginalized communities. There is the deregulation policy for the telecom sector 2003, broadband policy 2003 and guidelines for global mobile personal communication by satellite licensing. The Pakistan Telecommunication Authority Act 1996 also relates to new media technology.

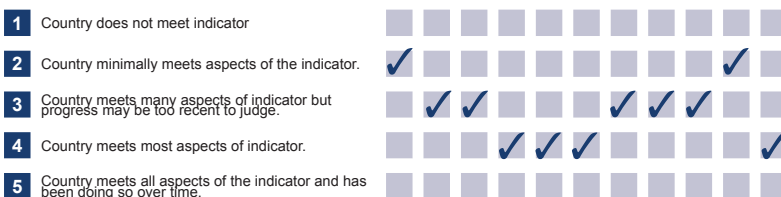
⁴ Christian community in Gojra, a town in Punjab, was attacked by a frenzied mob on an allegation of blasphemy on August 1, 2009. Eight lives were lost in loot and arson. Investigations revealed that the attack was pre-planned and the police had stood aside. A number of arrests were later made.

But this does not cater to “the information needs of all citizens”. Most Pakistanis don’t earn enough to afford a computer. There is very little software in Urdu nor a policy to make it available in Urdu. Lack of literacy also prevents accessibility.

Even the Gazette of Pakistan is published in English. There are policies to promote the use of Urdu, but they are not implemented.

Scores:

Individual scores:



Average score: 3.2

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Analysis:

Government attempts to interfere with editorial content through advertisements are both diverse and creative.

The Ministry of Information has a fund of Rs 2 billion (US\$ 24,096,386) to give to media for advertising but is one of two offices of the government whose accounts are not audited.

The Press Information Department of the government is the central authority through which all government advertising is routed. The PID has an approved list of newspapers in which government ads may be published. While each ministry or department that wishes to place an ad can recommend to the PID its preferred publication for the advertisement, PID has the final say. There have been attempts

to do away with this system but it still exists. And the consequences are that newspapers which incur the wrath of the government do not receive advertising.

For example, the government banned ads in Dawn for 10 months for its coverage of the situation in Balochistan.

While ads for regional newspapers are ostensibly meant to support financial sustainability, in reality they are given as bribes to certain individuals who have set up ‘dummy’ newspapers in these areas.

Another advertising ruse that the government uses is to flood papers with ads to block other advertisements, during election campaigns for example. The government insists on front page slots in order to prevent opposition campaigns space in the media.

This type of pressure and interference could be done away with if owners did not collude with the government on issues of circulation. It is a quid pro quo, so the government exerts pressure and owners readily accept it in order to get favorable circulation figures.

Of late, the PID is carrying out a comparative study of the number of ads being published in a particular publication and the number of anti-government stories in that paper – it is an analysis by column inches. This could either be in preparation for coercive action or even a statement of their objectivity – the purpose of this exercise is so far unclear.

Scores:

Individual scores:

1	Country does not meet indicator	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

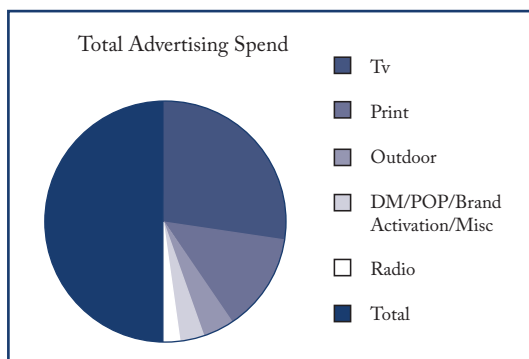
Average score: 1.2

2.11 The advertisement market is large enough to support a diversity of media outlets.

Analysis:

There is a TV channel in Karachi running out of three or four rooms and costs Rs 3.5 million (US\$ 42,169) to run. In comparison, there are also channels that are spending five times that amount. Both are able to sustain themselves on local advertising. The question is, for how long? Per capita spending on advertising is among the lowest in Asia. Even so, the annual ad-spend has grown tremendously in recent years. At one point the ad pie was 100 million dollars per year. It could possibly have doubled. A major slice (about 50 percent) is taken by TV, the rest would be for print, radio, BTL, outdoor, etc. The paradox is that there is a lack of accurate, comprehensive transparency on media spending.

MEDIA ADVERTISING SPEND 2008-09
(fiscal year July 1, 2008 to June 30, 2009)



	Rs. (bn)	% share
TV*	14.80	55
Print*	7.04	26
Outdoor**	2.48	9
DM/POP/Brand Activation/Misc**	1.56	6
Radio**	1.08	4
Total	26.96	100

(Source: *Aurora*, with figures submitted by Gallup Pakistan)

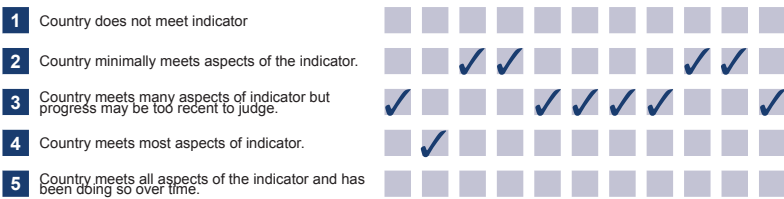
When Geo was launched in 2002, the general impression was that there would not be scope for more than three channels. There are so many, but only two or three channels are making money. Generating profit, though, is only possible after 5 – 10 years of operation, and most channels are not that old yet.

There are reports that a couple of channels are being bankrolled by non-market forces; the US is trying to fund at least two channels to make them sustainable. These efforts are emanating from (US Special Envoy Richard) Holbrooke’s office and it’s all about strategic communication – they will be building infrastructure, radio stations, etc. There are also instances of international donors keen to collaborate with channels on programming, which channels may agree to do.

Even though profits in the media industry are not comparable to other businesses, the fact is that over the past 40 years, Pakistan’s original media owners have prospered greatly – they have acquired property, they own multiple media outlets, and have made serious money.

Scores:

Individual scores:



Average score: 2.7

Average score for sector 2: 2.5

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Analysis:

The legislation for broadcasting, and even for community broadcasting, exists but there is no implementation. Moreover, there is discrimination in regulating the public and private sectors. Only the latter is regulated. Legislation does provide for a conducive environment because the state broadcaster is not in the purview of the law.

There is, in fact, no law for PTV. It is administered under the Companies Ordinance. For Radio Pakistan, there is the Pakistan Broadcasting Corporation Act; therefore, two-thirds of the sector does not fall under the law.

Given this anomaly, and the fact that radio listenership in Pakistan is far lower than TV viewership, according to a survey, there is little evidence of transparency, independence and public broadcasting in the public sector.

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country minimally meets aspects of the indicator.	
3	Country meets many aspects of indicator but progress may be too recent to judge.	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator and has been doing so over time.	

Average score: 2.0

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed - in an open way - involving civil society and not dominated by any particular political party.

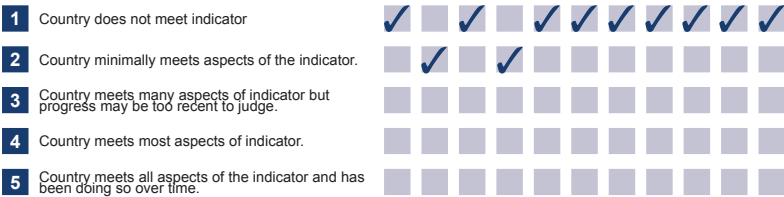
Analysis:

PEMRA was originally envisaged as an independent body with an independent, non-partisan board. A majority of the governing body members were to be from civil society. Of the current 13 members, a majority is government officials; there are only five from civil society of which two are women. And even those are Federal Government nominees.

While much depends on how the government interprets the law, whether with a spirit of sincerity, the fact is that the practice has not been encouraging in terms of the criteria in this indicator. How can one expect PEMRA to be an independent body; it is under the Federal Government. The indicator fails on every count.

Scores:

Individual scores:



Average score: 1.2

3.3 The body regulates broadcasting services and licenses in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Analysis:

The PEMRA rules are contrary to the spirit of the law therefore there is an inherent contradiction in the legislation. There is a certain lack of transparency but no systematic discrimination.

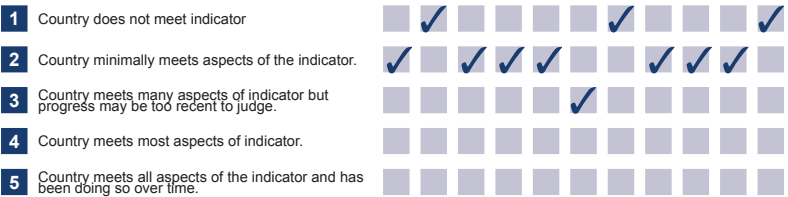
While the law does not restrict people from applying for licenses, licensing procedures are not fair and transparent. A lot of money is passed under the table. There is also a pre-qualification process which contradicts the notion of equal opportunity. While in some ways the pre-qualification can be justified – whether the applicant has the financial resources to run a channel, for example – it is being used to discriminate on other, unfair pretexts.

Even after issuing a license, PEMRA has changed the goalposts as in the case of the Hasan Abdal license. Southern Media Company was also refused a license for no plausible reason. Many good applicants have been disqualified because they could not afford licensing.

There are provisions in the PEMRA about fairness and balance in terms of programming especially during elections. There are also regulations about language content – that it must be 60 percent local language. However, there is no monitoring of these matters.

Scores:

Individual scores:



Average score: 1.8

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

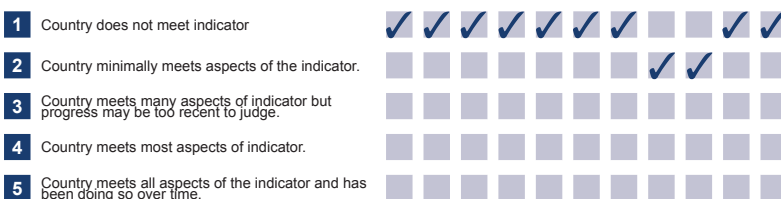
Analysis:

There are two forums where state broadcasters are held accountable – Parliamentary Committee and Senate Committee. But only if the management of state broadcasters gives the true picture, can such a forum be effective.

The PTV board is chaired by Secretary of the Ministry of Information thus in effect it is only accountable to government. There is no forum for complaints. Questions are raised in parliament, which are referred to PTV, which responds to the Minister of Information, and the Minister has to defend PTV in parliament. Often, the responses are designed not to state the facts but to get PTV off the hook.

Scores:

Individual scores:



Average score: 1.2

3.5 Office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

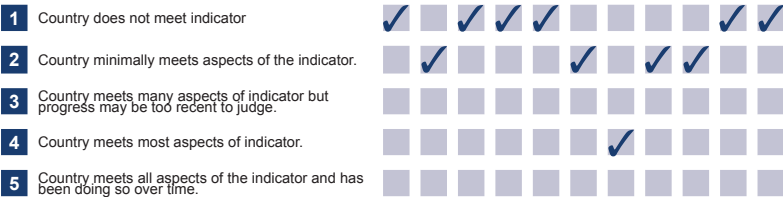
Analysis:

While there is no specific legislation to ensure that anyone with a financial interest in a private medium should not be made a member of PBC/PTV, it is mostly government representatives on the board of PTV. None of the members has a financial interest. They are appointed by the Ministry, and are usually retired PTV directors.

The scenario in the public sector is very incestuous, however. People from PTV are on PBC board and vice versa.

Scores:

Individual scores:



Average score: 1.6

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

Analysis:

It is guaranteed by law in the case of the PBC, but not in practice.

In the case of PTV, too, there is a charter and Memorandum of Understanding – and this mentions public interest and non-partisanship – but they are not practiced. Though PTV has become more open, and more all-embracing as a consequence of private channels, it is still a cosmetic change.

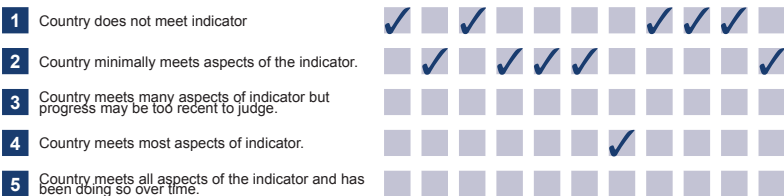
Editorial independence is absent. PTV receives written directives from the Information Ministry. In case something needs to be ignored or “muffled”, there are only phone calls; nothing in writing. There is a pre-viewing committee that screens every single programme and ad and slogan. And it has to be given a certificate from the committee before it can be aired.

A glittering example of PTV’s editorial policy can be seen in the Khabarnama (nightly news bulletin). It follows the hierarchical protocol for coverage – first to president, then to the prime minister and then to ministers, and so on.

During caretaker governments, however, Khabarnama has witnessed brief spells of total liberation from the Ministry. The day Zia-ul Haq was killed, the usually 30-minute Khabarnama was only 7 minutes because there was a power vacuum; PTV didn’t know whose instructions to follow!

Scores:

Individual scores:



Average score: 1.7

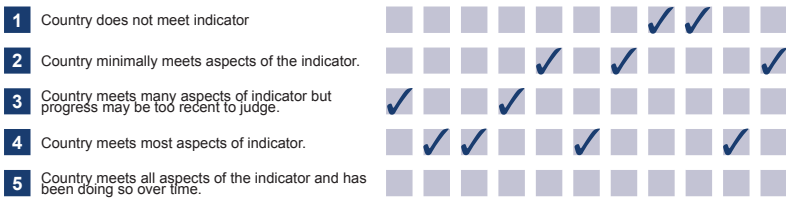
3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from all commercial pressure.

Analysis:

There is a strange anomaly here – PTV has a monopoly on license fee and even though if a broadcaster receives license fee, it should not be allowed to receive advertising revenue, PTV gets both. But funding sources are not a factor in PTV’s independence, and are not a conduit for interference, pressure or manipulation.

Scores:

Individual scores:



Average score: 2.7

3.8 The state/public broadcaster is technically accessible in the entire country.

Analysis:

Since PTV and PBC (Radio Pakistan) are both terrestrial services, they are technically accessible throughout the country. This does not mean, however, that everyone can afford a TV or radio. Moreover, in large swathes of the country, the lack of electric power prevents accessibility to PTV and sometimes even Radio Pakistan.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score: 4.5

3.9 The state/public broadcaster offers diverse programming formats for all interests.

Analysis:

This is true, to some extent. PTV's National channel is broadcast in all provincial languages. It has a TV station in Multan and has also set up one in Azad Jammu & Kashmir. Moreover, Radio Pakistan broadcasts in 24 national and 7 international languages. Broadly speaking, the state broadcaster serves linguistic, geographical, social and cultural interests.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.5

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

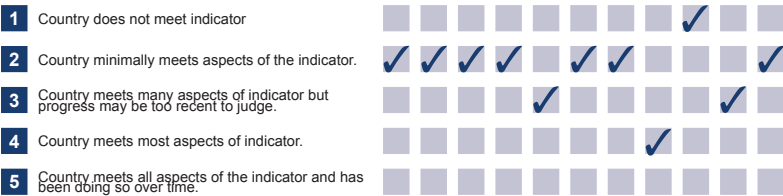
Analysis:

Private media has forced PTV to acknowledge the existence of the opposition. The same is the case with gender.

But it is totally propagandist, remains inhibited and under pressure. PTV gave more coverage to the government in power during elections than the other candidates.

Scores:

Individual scores:



Average score: 2.3

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

Analysis:

Under directives of the government, locally relevant programming is subsidized. There was a time when English programming was imported but the proportion of local content was very high and remains so.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.7

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

Analysis:

Community broadcasting model is not mandatorily entitled to a share of the license fee. Its primary source of funding is local subscriber and advertising resources, and also through grants and donations from credible institutions on a national or international level (like the UN). Community broadcasts are limited in reach with a maximum 50km signal radius.

“PEMRA had the teeth, but it didn’t want to chew, only bite.”

There are two categories of community broadcasters – geographical community and community of interest (e.g. religious groups). When the Local Government concept was introduced, there was an idea to give radio licenses to communities through the local government.

PEMRA is liberal in its definition of community. FM radio is defined as “community-based commercial radio”. The military runs stations that it insists are community stations (1 in SWAT and 6 in FATA). They are styled as community stations. PEMRA has issued licenses to provincial governments to run stations for IDPs in Mardan. It is also considering licenses for environment radio, health radio, and for traffic issues.

Pakistan Institute of Medical Sciences hospital wants to start a radio station. Many other departments also want one, like the National Highway Authority, but the issue is their competence to run those stations.

As the media scene evolves, precedents are being explored. Under PEMRA law, 6 categories of licenses are permitted:

1. international and national scale stations
2. provincial scale broadcast
3. local area or community based radio and TV broadcast
4. specific and specialized subjects
5. distribution services
6. uplinking facilities including teleporting and DSNG

PEMRA is beginning to see what kind of applications they are getting. As the scene evolves, many things will come to the fore, new practices will be explored. There are no precedents.

While there are no precedents in Pakistan, Turkey has over 1600 community stations with only one-third of the population of Pakistan. Thus, community radio has immense potential. In its last annual report, PEMRA estimated that Pakistan can have up to 650 FM stations and they intend to issue as many licenses.

There should be a decentralized regulatory authority in the form of provincial PEMRAs; without this, community radio in the true sense will not evolve.

Public interest broadcasting

The concept of public broadcasting in Pakistan is that those subjects that are not commercially viable should be financed by sponsors in public interest e.g. environment issues or traffic laws.

The private sector also has a responsibility to air PIB programmes (10 percent according to PEMRA regulations), but there is no monitoring of content on private channels to ascertain extent of PIB.

A Public Service Broadcaster has to be operated by a credible statutory body. It does not change with governments, and this is an important indicator of independence. It must have pluralism and diversity in its content and approach, accessibility to all segments of the public, fair and balanced representation of viewpoints, coverage of news and long-term issues of interest to the public, and financial support so as to make it independent of commercial revenue. PEMRA law was designed to prevent an overwhelmingly commercial orientation. "PEMRA had the teeth, but it didn't want to chew, only bite."

Scores:

Individual scores:

1	Country does not meet indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.0

Average score for sector 3: 2.3

SECTOR 4:

The media practice high levels of professional standards.

The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Analysis:

At the moment there are three codes. One is PEMRA's, one of the Pakistan Federal Union of Journalists (PFUJ), and one of Pakistan Broadcasters Association (there is a final draft version). Last year, the PFUJ formed a committee to draft their own code of ethics, on the basis of which there would be a complaints commission, for both print and electronic media, which would work to evolve a consensus between APNS and PBA. Since then, a code has been formed, as well as a Complaints Commission formula (selection of committee members and finance formula). But CPNE and APNS are sitting on it.

A provision in the amended PEMRA ordinance refers to an in-house monitoring committee to ensure compliance of the Code of Conduct.

The All Pakistan Newspaper Society (APNS), as early as 1972, came up with a code of conduct, which is quite universal in its applicability. Since very early on there was a conscious effort to self-police. But that's as far as intent goes. The practice has been altogether different. After 2002, when the electronic media scene really took off, the environment changed dramatically and there is little of that earlier effort on the part of the media to organize itself. There has been no effort to come up with a code, or for self-regulation. The only movement is when the government wields the baton - when Musharraf clamped down in 2007. Other than that, there's no formal mechanism even for dealing with complaints; it's all left to the regulatory body.

There are many codes of conduct, some signed by broadcasters themselves when they wanted to get their channels back on air. Those (codes) were later disowned. The Pakistan Broadcasters Association voluntarily said it would come up with a code of conduct for electronic media, but this has not happened so far.

There have been five attempts by various governments in the past to develop a code. But in four attempts working journalists were not consulted. It was between the APNS/CPNE and the government, mostly APNS. Without the perspective of working journalists, there was the apprehension that unless restrictive laws are not repealed the codes would be further binding.

There is a Press Council of Pakistan Ordinance 2002 with a redundant and defunct constitution. It has a code of conduct, and its composition was agreed by representative organizations of media; they even sent their nominees. While working journalists were part of the Council, they were not given a place on the inquiry commission. The Council is not operational.

In Geo, the need for a code of conduct has been the subject of long discussion. There has been an analysis of both PBA and PEMRA codes. Since not everybody agrees to them and both institutions have been sitting on these documents, Geo has divided Geo Usool (principles) which are available on its website.

With the institution of the editor diminishing, owners have taken over the job of editorial decision-making as well deciding code of conduct. If the proprietor becomes policy-maker and the editor, the top priority is profit-making. This will have a negative effect on standards on journalism.

Another reason is that they cannot sit together. Owners and publishers are reluctant to accept a journalists' body as a major player, but most of all, it is the culture of not accepting your own mistakes.

The operative word, which is perhaps the key issue, is "voluntary", because unless it is a voluntary code or exercise, it will not be effective or sustainable. Unless it comes from the heart, it won't count.

Ultimately, all codes have a moral binding, not a legal binding.

There is a universal code of conduct which is violated by all channels. Rape victims' photographs are being published, for example.

If the media on its own will not have a code and commission of complaints, the government can impose a complaint commission and people would say, why not?

Complaints

All institutions receive complaints, but there is no formal method of dealing with complaints.

There was once, during the Ayub Khan period (1958-69), a Press Court of Honour, which received complaints and gave awards. But it lasted for a short period -- 1968-9 -- when editors and journalists had persuaded government to apply punitive measures. During the same period, however, a lot of violations were reported by the print media. There was defamatory material, abuses, distortion of news in 1970. It was the world's longest election campaign.

PEMRA has a council of complaints, but practice has shown that only complaints about morality are the ones on which action is taken. Moreover, there are no consumer groups. No one, for example, complained against Amir Liaquat Hussain's programme against Ahmedis. PEMRA's council of complaints is supposed to consist of citizens, which are notified in the Gazette.

In the absence of a formal mechanism, what prevents the media from operating a complaints system? The media must be held accountable for not appointing an internal Ombudsman. The Jang Group ran a reader oriented campaign to complain and comment, which no other media organization did. No electronic media conducts a regular programme where it listens to comments and complaints from viewers. But, ironically, state broadcaster PTV used to do that. Nothing prevents the media from establishing a mechanism of complaint, but no-one does it. All media should advise readers of their rights, and that they have the right to complain against media.

Scores:

Individual scores:

1	Country does not meet indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.4

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

Analysis:

According to PFUJ figures, the number of journalists has swelled to 10,000 from only 2,000 in 2002. Thus, the imposition of standards is even weaker now than before. There are no training institutes, little investment on HR in media organizations. The institution of mentoring has almost disappeared.

The key issue is access to information. How can a journalist be accurate and fair when there is a culture of disinformation? There is a huge counter media establishment in Pakistan trying to withhold information or plant information,

and hijack normal decision-making process. But that may also be an excuse for lack of accuracy and fairness and not the entire reason.

The concept of accuracy is important here. Most district journalists are volunteers, not professional journalists. So how can there be professionalism? During the last days of Gen Musharraf in the President’s House, one TV channel gave breaking news that Musharraf is under military custody and a plane is waiting to take him to Turkey. This news was not provided by a reporter, but by Mirza Aslam Baig (former Chief of Army Staff). The news could have been confirmed from multiple sources, but there was no effort on the part of the channel to do so. Moreover, there was no apology offered later for this mis-reporting.

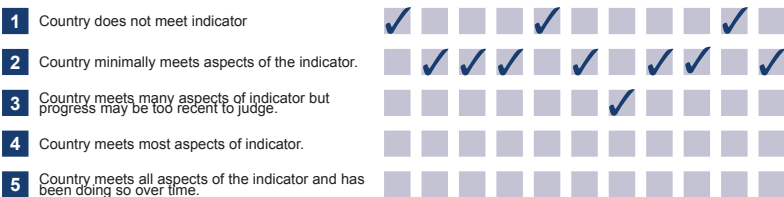
Sometimes, even our mainstream media anchors and reporters become party to a story as in the lawyers movement when the slogan “*Pak awaam jeet gai, lawyers jeet gaye, Geo jeet gaya!*” (The people of Pakistan have won, lawyers have won, Geo has won) was aired. (Aftab Alam)

Is there a desire on the part of the editor or publishes to ensure accuracy or fairness? That is the issue. This has led to mistrust of the media; credibility is very low. If it is a big story, there is a tendency to switch to the BBC.

But the media still commands more trust than government and political parties.

Scores:

Individual scores:



Average score: 1.8

4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

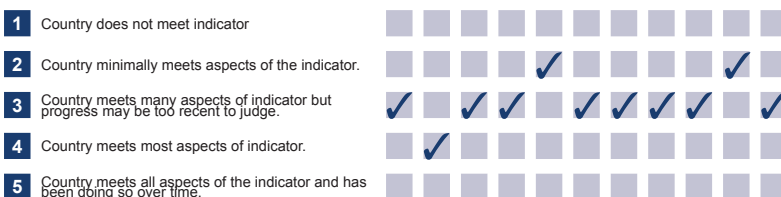
Analysis:

The Pakistani media is overwhelmingly politicized and other subjects are ignored. The mainstream media covers economy, crime and politics. But development issues largely go unreported. Women’s issues with reference to rural areas, such as violence against women, are under reported because there are no women journalists in rural areas. Only the Sindhi press is good in this regard. There is lack of investigative journalism and stories, especially on TV. Statement journalism has dominated media content. Even in newspapers investigative stories are based on statements, or official files. And whenever there is investigation, there is seldom any follow-up.

The quality of business reporting on TV is much better than in newspapers.

Scores:

Individual scores:



Average score: 2.9

4.4. Equal opportunities, regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Analysis:

There is no visible discrimination on the basis of gender, but there are more women on radio than on TV. In fact, on gender, there are affirmative action policies in some organizations. In one advertisement inviting job applications, it was stated: “Blatant preference will be given to women”.

In newspapers, women are discouraged from serving on night shifts. This may be changing, but women too are reluctant to opt for night shifts, which end at 2am. Unless you have three or four women, they might not be willing to do a night shift, and you also need to provide separate transport which the employer may not be willing to do. Cultural issues are also involved. “For the last three years I have been trying to persuade women to work in the evening shift, but have not been successful”, said one editor.

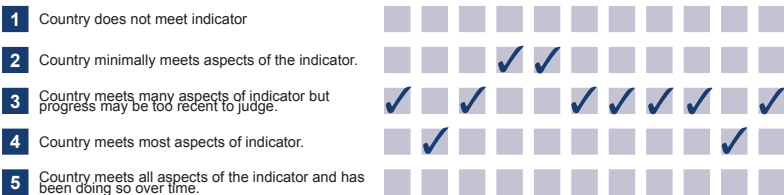
At one private sector educational institution for media studies, the Beaconhouse National University, there are 70 percent women teachers and 80 percent women students. At the Bahawalpur Mass Communication Department, 50 percent of students who studied journalism had not entered the profession.

As for disabilities, there are reservations in the media on employing them. There are no facilities for people with disabilities, such as wheelchair accessibility. But people are changing; when this sort of omission is pointed out, media organizations have realized their failing.

For religious minorities, however, sensitivity or acceptance may take a long time in coming. Though at the time of employment one is not asked about one’s religion, if an applicant were to disclose that he/she is an Ahmedi, chances are they would not be hired.

Scores:

Individual scores:



Average score: 3.0

4.5 Journalists and editors do not practice self-censorship.

Analysis:

A definition of self-censorship was debated. One participant felt that it referred to the role of the gatekeeper, and was necessary but missing from the media in Pakistan. News based on truth and facts, if harmful for society, should not be broadcast. Another was of the opinion that self-censorship was an attempt to “deliberately deprive the public of information and opinion that it is in their interest to know”. A third viewpoint was that self-censorship, at times, is in public interest such as on issues that may incite hatred and violence.

Self-censorship is being exercised at all levels of media – from the reporter to the sub-editor, to the editor to the owner. In fact, the censorship begins from the very source of information, and it is to be found not just in media but in society – among politicians in parliament, and bureaucrats in their meetings.

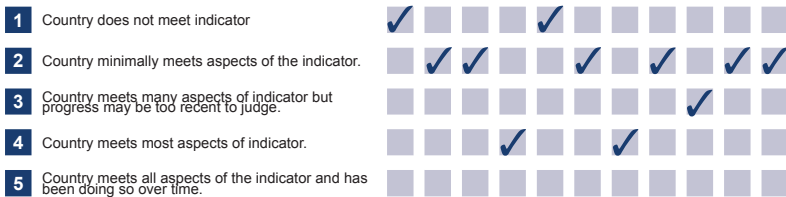
Self-censorship is usually applied on two counts – when the interest of publisher-owner in terms of ad revenue is threatened or in connection with security institutions and security matters where journalists themselves try to censor things.

Self-censorship is also practiced in case of militant organizations of powerful political groups. For example, from 1977 to-date, the Islami Jamiat e Talaba has committed 164 acts of violence against journalists and media offices but news items against the IJT have not been published. News against extremist organizations in conflict with minorities is also withheld. Similarly, there is no reportage against the MQM in Karachi. When Pervez Ilahi was Chief Minister in Punjab, no stories were published against him. There was a video of the former Federal Bureau of Revenue chairman dancing at a party was leaked out. The same video also showed Musharraf dancing, but this part was only shown after Musharraf was gone.

In the context of the War on Terror, the government is trying to emphasize that militants should not be glorified by the media. The counter-argument from the media is: who will decide who is a terrorist? Someone who was a freedom fighter yesterday is a terrorist today. This is more a gate-keeping issue than self-censorship – whether it is the public interest to know who the terrorist is. If I get a chance to interview Osama, will I do so or not, wondered one participant.

Scores:

Individual scores:



Average score: 2.3

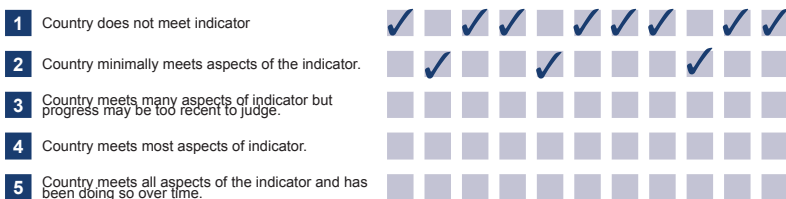
4.6 Owners of established mainstream private media do not interfere with editorial independence.

Analysis:

Editorial policy is almost always the proprietor’s policy. In Pakistan, many newspaper owners are themselves editors, which is why there is a reflection of proprietor’s interests in editorial policy and decisions.

Scores:

Individual scores:



Average score: 1.3

4.7 Journalists and media have integrity and are not corrupt.

Analysis:

It is fairly common for journalists in Pakistan to solicit and accept favors from government, including land allotments and '*lifaafas*' (envelopes, usually containing money). Some journalists are also on the payroll of intelligence agencies. But the numbers of such journalists is low.

Then there are favors to journalists at an institutional level – as in the journalist community being given plots in order to create favorable conditions between government and the media. In PIA, a 50 percent concession for journalists on domestic routes is across the board. Such facilities are bargained by the fraternity. But by and large, the community is still struggling to get the Wage Board implemented.

In most cases, editors will not encourage (or discourage) the acceptance of bribes/envelopes. In some cases, as at Dawn, there are very stringent policies relating to invitations to conferences; no member of the editorial staff can directly accept an invitation from an outside source. It must come to the editor who nominates a participant from the newspaper.

Another mechanism for corruption among media houses in the 1960s, 70s and 80s was the newsprint quota system. A black market in newsprint sold as textbook paper flourished while the system was in force. However, in 1989 and once again in 2000 the governments in office abolished this system, only for the system to be restored in the early 1990s. The non-media proprietary interests of media houses are not publicly known and represent conflicts of interest.

Of late, there has been much mud-slinging between media individuals who have been accusing each other of corruption. There are pages after pages of allegations and disclosures by journalists relating to other journalists on a website called PK Politics.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.4

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Analysis:

There is a wide range of salaries being offered to journalists in the media. Depending on the medium (TV, print or radio), the salaries are more than adequate in some cases, and not enough in others. Salaries being offered by TV channels have raised the salary levels of journalists in general, across the three media but only in the urban centers. However, there is little job security and no insurance packages. In case of journalists reporting on militancy in conflict zones, there is no life insurance or any safety training.

Salaries:

The state broadcaster, PTV, pays anywhere between Pak Rs. 50,000 – 100,000 (US\$ 602 – 1,205) to a producer.

In the private sector, the following salary ranges are to be found:

Newspaper Reporters: Rs. 15,000 – 20,000 (US\$ 181 – 241)

TV Reporters: Rs.30,000 minimum (US\$ 361) onwards

On TV, salaries can be quite high – “the sky is the limit” said one participant.

Freelance writers/columnists in newspapers are paid Rs. 3,500 (US\$ 42) for a column, on average. Most freelancers are not paid.

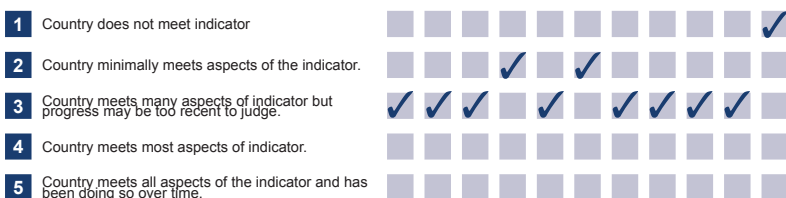
Rural/district journalists are poorly paid, or even not paid at all. In some cases, journalists have also been known to pay to be employed by a newspaper because of the clout a reporter wields in the rural context.

Working hours:

On paper, it is a 42-hour week. Desk staff is given overtime, but reporters are not. On TV, there is no concept of overtime.

Scores:

Individual scores:



Average score:

2.6

4.9 Media professionals have access to training facilitates offering formal qualification programmes as well as opportunities to upgrade skills.

Analysis

In-house training programmes for journalists are not offered by employers. At the BBC, training courses were linked to promotions. No such system exists in the Pakistani media industry.

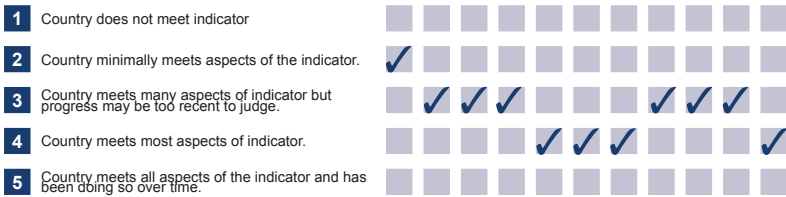
There are 36 universities offering degree programmes in journalism, mass communication, and media studies although the quality of these courses varies. The issue with most is that they do not provide a newsroom environment for students to practice what they're learning. Only 12 have campus radio stations, and not all have trained faculties, or broadcast curricula. At most universities, working journalists are visiting faculty. There is, arguably, something lacking in the quality of the visiting faculty.

"I hardly get a well-trained journalist from the university. They are teaching in isolation, and there is no link with the industry", said one participant.

Some newspapers discourage union formation: *Nawa-e-Waqt* and *Jang*, for example, although *Jang* has its own employees union. TV channel owners made a conscious decision to give higher salaries to their staff to discourage unions. In the recent recession and global financial crisis, TV channels found it easy to lay off workers as compared to newspapers because there were no unions.

Scores:

Individual scores:



Average score: 3.3

Average score for sector 4: 2.3

OVERALL COUNTRY SCORE: 2.5

Follow-up questions

Have there been positive changes in the media environment over the last two years?

- A rapid expansion of electronic media is continuing.
- There is greater freedom for all media.
- There is a greater representation of women on TV.
- Media pluralism and diversity has advanced.
- There is more local language media, especially broadcast media.
- There is relatively less legal enforcement and restrictions imposed by government on media in the post-Nov 3, 2007 scenario.
- Private, independent channels have paved the way for more openness on the state broadcaster.
- There is an expansion in the internet services in rural areas, and 170 cities are connected with broadband internet technology.
- There is an increase in the establishment of campus radio stations in both public/private universities.
- There is an increase in the number of journalism schools.
- There has been a phenomenal increase in the use of mobile phones, and they are a new medium of communication which countered blatant censorship during the emergency.
- Radio has a new lease of life with the spread of FM broadcasts.
- The Pakistani media has gone international with online editions of newspapers, web-streaming of TV and radio, and newspaper websites functioning as news portals. All newspapers are available on the web.
- There is access to real-time news.
- There is an increasing trend towards citizen journalism and blogging

- Because of mobile phones, news from districts in rural Pakistan is reaching urban areas much faster. This has connected villages to cities. (Mobile phone users in the remotest mountains are able to get their phones charged for 10 rupees when they descend from the mountains. As a result, there are call-ins, in broadcast news, from the remotest areas. This has brought about remarkable connectivity as well as awareness.
- The sense of participation and interaction of citizens with the media has increased dramatically. People are more aware of their rights and media rights as well.
- The space previously occupied by international media is now occupied by local media.
- PEMRA jurisdiction has spread to the Tribal Areas (Provincially Administered Tribal Areas and Federally Administered Tribal Areas)

N.B. Many of the above developments have not filtered through to the rural areas. Radio hasn't proliferated because licensees don't know the process of setting up a station. There is also a lack of media professionals in the rural areas.

Have there been negative changes in the media environment over the last two years?

- The November 3, 2007, Emergency and attempts to curb the media through closure of some television stations cast a long shadow, though the Emergency itself was short-lived.
- There is an increasing threat to journalists' lives especially in areas infested with militants and where military operations were undertaken.
- There is considerable unregulated internet content.
- A strong competition between TV news channels has spawned the phenomenon of 'breaking news' and this tends to generate lack of accuracy as well as professionalism.
- A certain atmosphere of uncertainty and demoralization has been created on the basis, primarily, of the coverage of current affairs by the electronic

media, and to some extent by print. The quality of analyses and comments being put forth by the media leaves a lot to be desired.

- The media tends to cultivate a mindset that only bad news is news.
- Unregulated media ownership and lack of cross-media ownership regulations have facilitated dominance and monopolies
- There has been the emergence of jihadi journalism, glorifying extremism and the campaign launched by the militants. Unlawful FM radio stations, with their jihadi message, have been in operation in tribal areas. Even in the mainstream media, there are instances of promotion of war mongering and jingoism, with some particular reference to India.
- A significant part of the media remains politically-biased and one-sided.
- There is an increasing influence of religious elements across the media. This influence is marked by religious intolerance that prevails in society.
- There are instances of corporate sector pressure and aggressive advertising. There is no complaints mechanism vis-a-vis advertising, though there is a consumer protection law which applies everywhere except in Sindh.
- There is a lack of job or life security: 59 journalists were killed in line of duty since 2000 of which 8 were killed in 2008. The international media uses district media as stringers but does not provide life insurance to these stringers.
- There is an increasing trend in the print media of presenting opinion pieces as news on the front page, undermining a clear distinction between news and analysis.
- There have been consequences of the spread of militancy and the military operation against it in the context of security, self-censorship, embedded journalism, and lack of reporting of the human dimension of the conflict.
- Religious intolerance and sectarianism are encouraged by media attitudes towards religion as there are seven religious channels and most of them are sectarian in nature, representing different schools of religious thought.
- There is increasing pressure from the market/business sector and it influences the face and the interests of the media.

Positive changes: who or what has been the main cause?

- Globalization.
- Civil Society awakening/NGOs, mostly funded by international donors.
- Increasing levels of awareness on the part of the people.
- Technological advancement, particularly in the domain of mobiles and internet, that has largely demolished censorship.

What are the main obstacles for further positive change?

- Lack of self-regulation among media.
- Lack of media leadership among both owners and practitioners.
- Lack of professionalism.
- Quality and quantity of training facilities: not good enough and not enough.
- Government's keen-ness to regulate and impose restrictions.
- Influence of religion – jihadi culture and extremism/militancy.
- Existence of the Ministry of Information, though there is some debate about it's abolition.
- The role of intelligence agencies, with the continuous insistence of security establishment that they are the guardians of the Pakistan's ideology and national interest.
- Failure of media houses to stand up to non-state actors which are trying to destabilize the media industry.

What kinds of activities are needed over the next two years?

- Fair enforcement of existing laws, rules, codes of ethics, etc.
- A comprehensive review of existing laws with the purpose of introducing the second generation of reforms which take into account the technologies of convergence.
- Establishment and strengthening of citizen's media forums and media watch groups to become custodians of public interest issues.
- Mass media literacy campaigns to make media rights and responsibilities widely known.
- State of the art training facilities for media practitioners
- An effort, on the part of the judiciary, to understand and interpret media laws with proper verdicts on defamation and other media law cases.
- A review of the curriculum of law schools to include media laws.
- Building capacity for monitoring Press Freedom, on-line journalism and election reporting, with a particular focus on rural journalists.
- Bringing more women into decision-making positions in the media.
- Research into media content and rating.
- Technical assistance for an improved interface between journalism schools and industry.
- Short but more frequent refresher courses for working journalists as an industry effort.
- Establishment and upgradation of technical facilities in Press Clubs, such as internet, computers, mobiles, computing skills, especially in rural areas.

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