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INTERVIEWS QUESTIONS LAWS REPORTS THIRD

ASIAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Asia



ASIAN
MEDIA
BAROMETER

Pakistan 2012

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EBERT 
STIFTUNG

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FES Pakistan

P.O. Box 1289

Islamabad, Pakistan

Tel: +92-51-285 09 12-16

Fax: +92-51-285 09 17

Email: info@fes-pakistan.org

Twitter: @FES_PAK

www.fes-pakistan.org

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Introduction to the Asian Media Barometer (ANMB)

The Asian Media Barometer (ANMB) is an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike other press surveys or media indices the ANMB is a local self-assessment exercise based on criteria derived from international standards for media freedom.

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 with the aim to push and lobby 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.

The design and method of the Asian Media Barometer (ANMB) have been adapted for Asia from the African Media Barometer (AMB), which was based on homegrown criteria derived from African Protocols and Declarations like the “Declaration on Principles on Freedom of Expression in Africa” (2002). Since 2005 the African Media Barometer has been held more than 70 times in over 28 African countries in intervals of 2-3 years. It offers FES and its local partners a long-term analysis of media landscapes and is used as a valuable instrument in their campaigns for media reforms.

Yet, in Asia the situation is different. There have been individual attempts in several South Asian countries to come up with a charter or indicators on freedom of expression and freedom of the media. Unfortunately, these initiatives have not been successfully established within individual countries, let alone implemented on a sub-regional, or a more ambitious regional scale. In fact, the Joint Declaration of 2006 by the UN Special Rapporteur on Freedom of Opinion and Expression and his counterparts from regional organisations notes that Asia-Pacific region lacks such a mechanism.¹

However, the lack of an Asian Charter or Declaration on Freedom of Expression is no excuse for Asian governments to restrict media freedom or deny citizens their right to access information. Article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of expression, including “the right to seek, receive, and impart information and ideas”, applies to all UN Member States. And in its General Comment from July 2011 the UN Human

1 International Mechanisms for Promoting Freedom of Expression, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples’ Rights) Special Rapporteur on Freedom of Expression, 19.12.2011, <http://www.article19.org/data/files/pdfs/igo-documents/four-mandates-dec-2006.pdf>.

Rights Committee has just strengthened the protection of international law on freedom of expression and provided authoritative guidance to state actors to create an enabling environment for media freedom.²

Thus, the international benchmarks being used in the Asian Media Barometer (ANMB) have been confirmed by the authority of the UN-system.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the “Bangkok Declaration on Information and Broadcasting” (2003).³ 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 first successful Asian Media Barometers for India and Pakistan (2009), Thailand (2010) and the Philippines (2011), the FES-media project in Asia will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries,.

Methodology: Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives of 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 which they have to rate on a scale from 1 to 5 in an anonymous vote. The indicators are formulated as goals which are derived from international political protocols and declarations: The discussion and scoring is moderated by a FES-trained consultant who also edits the country report.

2 Human Rights Committee, One Hundred and second session, CCPR/c/GC, General Comment No. 34, Article 19: Freedoms of opinion and expression, Geneva, 11-29 July 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (access 10.11.2011).

3 Full text at <http://www.aibd.org.my/node/693> (access 10.11.2011).

Scoring system: After the discussion of each indicator, panel members rate that respective indicator in an anonymous vote according to the following scoring system:

1	Country does not meet indicator	<input type="checkbox"/>																		
2	Country meets only a few aspects of indicator	<input type="checkbox"/>																		
3	Country meets some aspects of indicator	<input type="checkbox"/>																		
4	Country meets most aspects of indicator	<input type="checkbox"/>																		
5	Country meets all aspects of the indicator	<input type="checkbox"/>																		

That means, if the country does not meet the indicator, the score will be 1 (one). If the country meets all aspects of the indicator, it would be awarded a 5 (five), which is the best score possible.

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome: The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector Score sheet and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

Anja Minnaert
Resident Representative
FES-Pakistan

Rolf Paasch
Media Coordinator
Friedrich-Ebert-Stiftung

THE ASIAN MEDIA BAROMETER (ANMB) PAKISTAN 2012

Summary

While Pakistan itself has been the subject of flaming headlines in the global media, with specific reference to its role in the 'war' against terrorism and religious militancy, its own media is pulsating with a sense of urgency about the national crisis. There is general agreement that Pakistan's media is becoming a prominent player in the national arena, vying for authority alongside constitutionally established institutions. In its coverage of a society that is seen to be in a state of political, social and economic disarray, this media tends to be a panellist as well as an observer.

Catching up with the state of the media in Pakistan after an interval of three years – the first media barometer of the country was held in 2009 – has been a worthwhile exercise. It is not just more of the same. A number of critical differences are now evident, though the tempo of media's somewhat obsessive involvement with political wrangling has not abated. Independent 24/7 news channels are at the forefront of this high-pitched discourse.

One measure of what has changed is the state of technology. Pakistan has participated in the global surge in the use of social media and an effort has been made by the government to increase Internet accessibility across the country. The number of Internet users may not in itself be huge, but the number is steadily increasing and is now believed to be around 20 million users. Simultaneously, mobile usage has risen dramatically, reaching about 115 million users as compared to approximately 93 million in 2009. The seamy side here, however, is that the authorities are easily tempted to temporarily block some media sources – and it happened with YouTube and Facebook in 2010, first due to criticism of Pakistan's military and, later, an online contest to draw offensive caricatures of the Prophet Muhammad, something Pakistan's state deems blasphemous and reprehensible according to its constitution.

One indisputably positive development was the incorporation of Article 19A as part of the wide-ranging 18th Constitutional Amendment in 2010. Entitled 'Right to Information', it validates the right of citizens to access information regarding all matters of public importance, "subject to regulation and reasonable restrictions imposed by law". While it is still too early to speculate what long-term impact the passing of this law will have on the quality and the range of information that

is dispensed by the media, outlets have so far not been able to effectively utilize public information that is available through state documents and official data.

Perhaps the most debilitating development for the media in the past three years has been the worsening of the security environment and an increase in violent attacks on journalists by non-state actors. In a few cases, security agencies have been blamed for reprisals against media personnel. Pakistan was ranked the second most dangerous country in the world for journalists by the Committee to Protect Journalists (CPJ) in 2011. The situation is particularly grave in the tribal areas along the frontier with Afghanistan and in the province of Balochistan where an insurgency is underway.

Threats to journalists who report from conflict zones are merely a reflection of the overall environment in which the media has to function. The paradox here is that, on the surface, Pakistan's newspapers and news channels are seen to be exercising unbridled freedom. Harsh and angry criticism of those in power is commonplace. There are several shows on television that poke fun at the leaders of the political parties. On occasion, the media even gets away with patently libellous material.

But this is only one side of the story. Adding to the obvious dangers of dealing with bigoted militants, there are barriers to freedom not readily visible to uninitiated observers. Indeed, the constitutional guarantee for freedom of speech and expression and for the "freedom of press" is made "subject to any reasonable restrictions imposed by law in the interest of 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 of contempt of court, {commission of} or incitement to an offence"⁴. While inefficient enforcement of these restrictions allows the media considerable freedom, the "glory of Islam" is often defended by popular passion and frenzied mobs.

How the media is constrained in its coverage of certain emotive issues was highlighted by the assassination of Punjab Governor Salmaan Taseer by one of his own guards in Islamabad in January 2011. Since the Governor was alleged to have criticized the blasphemy laws and had supported a Christian woman accused of blasphemy, his assassin became a hero in the eyes of religious factions and it became hazardous for the media to cover the story with any objectivity and fairness.

There have been other instances to show that issues that touch upon religious passions constitute a 'no-go area' for the media. Journalists resort to extensive self-censorship when they have to deal with ethnic tensions and acts of violence against religious minorities. Political leaders find it difficult to express sympathy with some religious minorities when they come under attack from militants. In 2010, terrorists carried out guerrilla-style gun-and-bomb attacks on two places

4 Article 19, 'Freedom of speech', Constitution of the Islamic Republic of Pakistan, Government of Pakistan (2010)

of worship of the Ahmediyya sect in Lahore, with scores of fatalities. This sect had been declared non-Muslim through a constitutional amendment in the 1970s and there has been a sequence of violence against its members ever since. When the leader of the main opposition party visited the site of the attacks and referred to members of the Ahmediyya community as “our brothers”, some sections of the media responded with harsh and undue criticism of this statement. This discouraged other public leaders from expressing sympathy for the ostracized community on public forums. So sensitive is this issue that even today, citizens of Pakistan applying for a passport and other travel documents have to sign a declaration affirming that the founder of the Ahmediyya sect is “an imposter”.

Over the past three years, the level of fear has markedly increased, leading to a lack of objective reporting on sensitive issues, such as the war on terror. Even in the sphere of the ‘new media’, there has been excessive Internet monitoring to block material that may be deemed blasphemous.

Pakistan’s media has also been subject to declining standards because of the educational and cultural shortcomings of society. Low literacy and the high cost of newspapers have restricted the circulation of the print media. As for the broadcast media, the tendency to appeal to the lowest common denominator has increased exponentially. A quest for higher ratings dictates the choice of subjects and fuels a necessarily confrontational style of presentation. In the past three years, this process, which may well be called ‘tabloid journalism’ has steadily gathered speed and talk shows that dominate primetime broadcasts speak in a shrill voice, are high on rhetoric and are low on content.

One consequence of this is the dominance of conservative views, particularly on gender and other women-related issues. Sexual suppression within this conservative society is best demonstrated in the coverage of scandals and crimes against women despite the fact that the numbers of women working in the media have increased substantially. While women do not yet enjoy positions of considerable editorial influence, the expectation is that increasing induction of women in the media will improve the quality of reporting on women’s issues. While the issue of women’s education also remains a sensitive subject, girls continue to outshine boys in Pakistan’s public and private educational institutions.

There is no accountability of the state/public broadcaster and no legal restrictions are placed on state television. Pakistan still does not have a formal structure for community radio broadcasting and this space is sometimes clandestinely filled by extremist voices. There is a dearth of public service broadcasting in the media. Civil society organizations, however, are playing a role in pushing diversity and local content. Television channels that are broadcast in regional languages have a loyal audience and cater to local interests.

On the whole, the media in Pakistan has captured the attention of the common man and television has become the main source of information and entertainment

in a country that has a limited public space for gratifying social and cultural activities. Because political discussion is unfettered and human interest stories are covered with an almost theatrical air, the media has established an emotional bond with a highly politicized populace. Economic difficulties and discontent that relates to social conditions have increased in the past three years. Whether the media has played a role in aggravating this situation is something that demands thorough and scientific study.

SECTOR 1:

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

Sector 1: Freedom of expression, including freedom of the media, is 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.

The discussion for this indicator revolved around Article 19 of the Constitution of Pakistan, which states: “Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of press, subject to any reasonable restrictions imposed by law in the interest of glory of Islam, or the integrity, security or defence of Pakistan, or any part, thereof, friendly relations with foreign states, public order, decency, morality, or in relation to contempt of court, [commission of] or incitement to an offence.”

“The courts have already considered including all media in Article 19.”

Panellists contended that freedom of the “media” is not overtly referenced in the Constitution and only ‘Freedom of the Press’ is mentioned and that this article needs to be revisited. However, it was noted that a separate regulatory body for electronic media, the Pakistan Electronic Media Regulatory Authority (PEMRA) has been legislated into existence in 2002.

Additionally, in judgements by the Pakistan’s Supreme Court, which interprets the Constitution, all forms of media have been mentioned in relevance to Article 19. “The courts have already considered including all media in this article and we do need a review of this nomenclature,” one of the panellists noted.

One panellist talked about the restrictions in Article 19 that relate to the mention of Islam only. “I think the Article 19 itself is flawed by not allowing every religion to have equal representation”, said the panellist. “It says you cannot say anything against Islam. So it could be interpreted as meaning that criticism of other religions is acceptable.” Another panellist pointed out how this article, in conjunction with institutional religious discrimination, especially in the case of the Ahmediyya sect, serves to “institutionalize blasphemy”.

The panellists spoke about how there are other such laws which restrict freedom of expression and therefore, need to be reviewed through constitutional amendments.

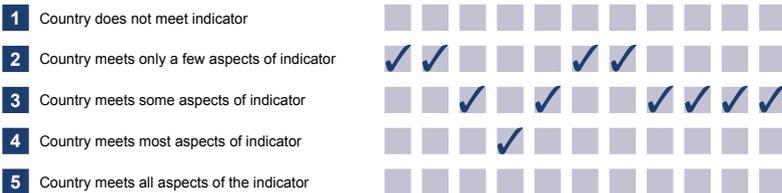
The panellists also felt the addition of Article 19A in the 18th Amendment (2010), titled 'Right to Information', is a positive step towards freedom of expression and what related legislations are concerned. The article states that: "Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law."

"Article 19 is flawed by not allowing every religion to have equal representation."

Panellists agreed there had been little change in this situation since 2009, but with the recent addition of Article 19A, and the passage of the National Commission for Human Rights Act in May 2012, there had been slight improvement in this area since the last barometer in 2009.

Scores:

Individual scores:



Average score 2012:

2.7
(2009 = 2.0)

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

"There are important topics on which you can report freely, e.g., political reporting."

Most panellists felt that the level of fear in Pakistani society had increased considerably in the last three years in the context of freedom of expression and its curtailment.

It was suggested that there are a number of "no-go" topics in Pakistan. One panellist added that there are many areas of fear and one cannot report freely on many issues such as militancy, Islam or the war on terror, etc. "But there are

“The level of fear has become too severe, since there is no tolerance.”

important topics on which you can report freely, for example, political reporting.”

It was also observed that over the last three years, the status quo had been challenged at a number of occasions and even the military, whose role is seen as sacrosanct, has been called into question. This change has been precipitated by of developments such as the 2 May 2011 raid which killed Osama Bin Laden and the guerrilla attack on naval assets at the PNS Mehran naval base in Karachi. These events were widely criticized in the media and fingers were pointed at the military. But these “opportunities”

were seen as anomalous events and it was felt that there was not enough traction to carry forward that spirit of openness to other realms of discourse on the military and its greater role in Pakistan.

It was also mentioned that when Governor Salmaan Taseer was assassinated, sweets were distributed in a gathering where one of the panellists was present, to celebrate the killing. The panellist, holding a dissenting opinion on the matter, refused these sweets and was insulted and humiliated. “The level of fear has become too severe, since there is no tolerance,” the panellist commented. This led to a debate on how fear is place-specific too, and there are different levels of freedom of expression. “Many things can be said within the confines of a five-star hotel but the same cannot be repeated in public without the fear of reprisal”.

A report on journalist safety, compiled by local nongovernmental organization (NGO) working on media development – Intermedia – showed that nearly 83 journalists had been killed in Pakistan since 2000. “There have been 40 to 50 journalists killed in just the last three to four years”, one panellist remarked. This, it was felt, gave rise to self-censorship.

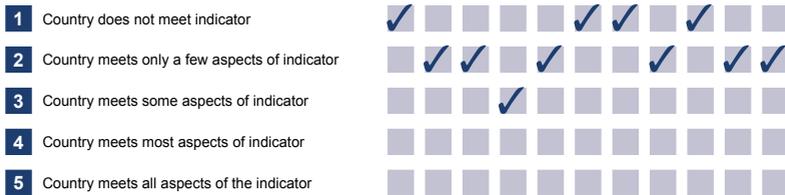
Reportage from the tribal areas was also discussed. “Journalists there even have problems in how to report a death – if terrorists who are killed are not referred to as ‘martyrs’, it can cause a lot of trouble”, a panellist said. A similar situation prevails in Balochistan, where reporting on the insurgency can lead to trouble with the authorities as well as with armed groups.

The discussion also revolved around who should one be afraid of. “There is a marked difference between the government of Pakistan, the state of Pakistan and non-state actors’ approach towards freedom of expression”, one panellist pointed out, referring to the civilian leadership as the government; the bureaucracy, judiciary and military as the state; and non-state actors belonging to extremist groups who follow conservative orthodox Islam.

“There have been 40 to 50 journalists killed in just the last three to four years.”

Scores:

Individual scores:



Average score 2012:

1.7
(2009 = 2.6)

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

There is a list of such laws that can be classified as unreasonable with reference to freedom of expression. These were also included in the ANMB 2009:

Security of Pakistan Act, 1952
 West Pakistan Maintenance of Public Order Ordinance, 1960
 Official Secrets Act, 1923
 Foreign Relations Act, 1939
 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

However, the weakness of implementation should be taken into consideration here, the panellists noted. For example, Defamation Law is rarely used. Also, there has not been much change in the last three years, in amending these laws. An example of this is that the Frontier Crimes Regulation (FCR) – a law which governs the tribal areas of Pakistan – does not allow locals to hold media licences. However, Article 19A – The Right to Information Act 2010 was mentioned once again as a positive development.

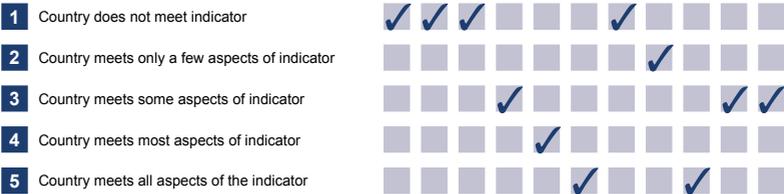
Most of the discussion in this sector revolved around how courts have been interfering with the responsibility of the media. In Balochistan, the courts have recently asked media not to cover separatists' activities, unless it is reporting on overtly criminal acts committed by such groups. "Journalists were being told they would go to jail if they did not comply", said one panellist.

"Journalists were being told they would go to jail if they did not comply."

A new development that has been seen is the interference from the Supreme Court through threats of issuing contempt notices. For example, recently one leading English newspaper, Dawn, had to publish corrections twice regarding a news story when it was pressured by the judiciary, In spite of this, the paper continued to be harassed by the Supreme Court registrar. The real reason behind this was that the judiciary was demanding that activities of judges should be given due coverage in the paper.

Scores:

Individual scores:



Average score 2012: **2.6**
(2009 = 2.7)

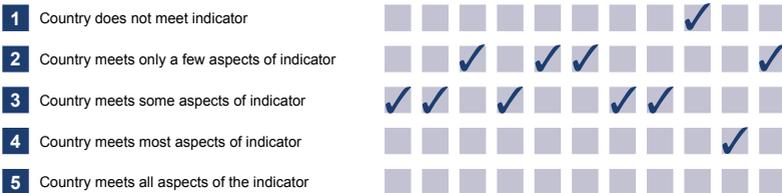
1.4 Government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

The discussion opened with a reference to President Asif Ali Zardari signing the instrument of ratification for the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) in 2010. With this Pakistan has joined countries that have signed and ratified all the international conventions relating to good governance, sustainable development and human rights. The two covenants were signed on 17 April 2008, and ratified on 3 June 2010. From the perspective of the media, the signing of the ICCPR is significant as it contains Article 19, which calls for giving press the complete freedom to operate.

According to press reports, despite these two positive developments, delegates from Pakistan, India and Brazil took the lead in raising objections to a UN plan that would strengthen international efforts to combat deadly violence against journalists, repeatedly questioning whether the initiative was appropriate under the United Nations Educational, Scientific and Cultural Organization's (UNESCO) mandate, a panellist noted. During the two-day meeting which took place in Paris in September 2011, delegates to the UNESCO Intergovernmental Council of the International Programme for Development of Communication were expected to endorse the UN inter-agency plan of action for the safety of journalists and deal with the issue of impunity.

Scores:

Individual scores:



Average score 2012:

2.5
(2009 = 1.9)

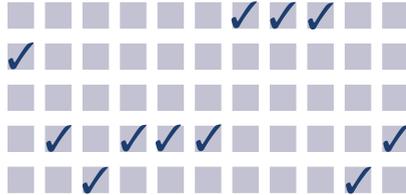
1.5 Print publications are not required to obtain permission to publish from state authorities.

According to the Press, Newspaper, News Agencies and Book Registration Ordinance 2002, print publications that apply for a license/declaration automatically receive one after a lapse of three months. The permission is not restrictive. Panellists agreed that this permission is a fairly simple affair.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2012:

3.2
(2009 = 1.5)

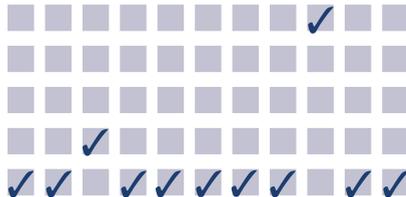
1.6 Entry into and practice of the journalistic profession is not restricted by law.

The panellists agreed there was no need for a discussion on this topic since there is no such restriction in Pakistan.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2012:

4.5
(2009 = 4.8)

updated, which used to take seven to eight months earlier”, observed a panellist. However, the information available on official websites was more updated when it concerned political representatives than bureaucratic departments.

On the other hand, WikiLeaks showed another aspect of information which was withheld from the public, especially with regards to the relationship between Pakistan and the United States as well as what went on behind closed doors in government and military circles.

Also, even though Pakistan has seen a proliferation of information, the kind of information that is available is to be taken into consideration. For example, some journalists inquired the Ministry of Law in Pakistan earlier in 2012 to find out the fees paid by the former President General Pervez Musharraf to lawyers for defending his case in the Supreme Court. That information was never given. Another example that was cited was the breakdown of the military budget in Pakistan which is never made available. Also, news reports regarding the government’s secret funds surfaced but information about where or how they were spent was withheld from the public. “Recently, the Intelligence Bureau of Pakistan spent such funds and the Supreme Court took notice of the fact, but even the court has not been supplied with information about the secret fund”, noted one panellist.

“Within 24 hours, the government websites are updated.”

“Open Governance”, a report by bytesforall Pakistan, a human rights organization that focuses on Information and Communication Technologies (ICT), e-governance and the accuracy of information available on official websites, was discussed. The study found that the online presence of the government was very poorly managed with many websites having broken links and outdated information.

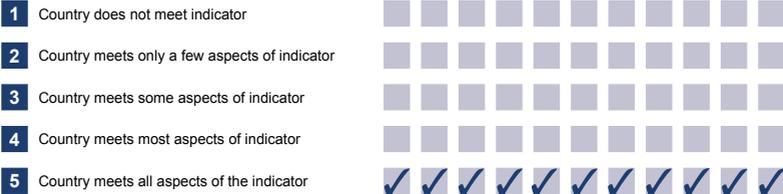
While there are two contrasting views regarding public information, Article 19A of the constitution (discussed in Indicator 1.1) was criticized. It was noted that the procedure for obtaining information under this act is difficult. The procedure is quite challenging and lengthy as the law is written in English, and it takes at least twenty one days to get a request processed. Also, the Secrecy Act contradicts Article 19A because it gives the government the right to classify information and withhold it from the public from 25 to 30 years.

“We are not a closed society. An access to information act is not up for discussion mostly because information for journalists, for example, is easily available otherwise,” one panellist added.

It is also the lack of resources to handle the requests for access to information that creates a problem in Pakistan. For example, there are hundreds of government

Scores:

Individual scores:



Average score 2012:

5.0
(2009 = 4.8)

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.

The situation has drastically worsened since 2008, as more and more filtering of the Internet is being observed. For example, in 2010, Facebook was blocked after a court ordered PTA to shut down the website over a competition that called for ‘blasphemous caricatures of the Prophet Muhammad.’ In July 2011, an encryption ban was enforced, which reflects more Internet surveillance by the state. In March 2012, there was an effort to bring a Chinese-style firewall to control the in-and-out routes of Internet in Pakistan. These actions demonstrate how the state is trying to increase its control over the Internet in Pakistan. “Thousands and thousands of websites are being blocked, and they [authorities] have the ability and the capacity to block specific URLs,” a panellist added.

“Whenever a website is blocked, it is because of political reasons.”

Internet monitoring studies conducted in Pakistan have also proven that since 2006, under the pretext of blasphemy- when websites were blocked for the first time in Pakistan because they carried the caricatures of the Prophet Mohammad- more and more websites have been blocked, citing similar reasons. However, these are usually not true. ‘Whenever a website is blocked, when you dig deep, it is because of political reasons. And the controls are increasing even though this is a democratic government,’ added a panellist. Examples of politically-motivated censorship include the blocking of access to *The Baloch Hal* (Link: <http://TheBalochHal.com>) and *BalochVoice* (link: <http://BalochVoice.com>).

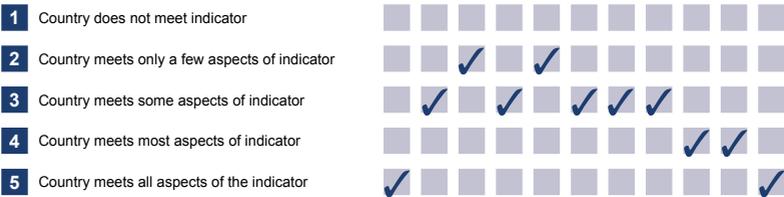
Media Commission (CMC), press clubs, Society for Alternative Media (SAMAR); Intermedia; and the Human Rights Commission of Pakistan (HRCP).

Panellists at the meeting also acknowledged the important role played by the PPF (Pakistan Press Foundation) in promoting and defending freedom of expression nationally and internationally since 1992. Looking at the current scenario, there are new forums like Citizens for Free and Responsible Media (an online initiative) that have come up in the last three years. However, there was a feeling that the civil society in Pakistan was not focusing on increasing the capacity of the rural media.

The case of Maya Khan’s (early 2012) was mentioned and how an awareness campaign against her, led by civil society and social media activists, was successful in getting her off air. Maya Khan was a host of a morning show on a private news channel, who conducted a live show from a public park where she went up to couples and asked them for their marriage certificates. While civil society pressure led to her eventual sacking, the following month she was hired by a rival channel – ARY News.

Scores:

Individual scores:



Average score 2012: **3.4**
(2009 = 4.1)

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

There are ten media related laws in the country, but only two have been passed by the Parliament (the Journalists’ Working Conditions Act and the Wage Board Act). The rest of the 8 laws were promulgated single-handedly, as an executive order.

SECTOR 2:

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

Sector 2: 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, mobile phones) is accessible and affordable to citizens.

Accessibility to print, broadcasting, Internet and mobile phones is mostly limited to urban areas of the country and their affordability is a problem too. For example, the cost of daily newspapers in Pakistan is quite high and beyond the purchasing power of many in comparison to, for example, India: one copy of a daily newspaper will set one back by PKR 17 (ca EUR 0.14), while the cost of a loaf of bread is PKR 7 (ca EUR 0.06).

“FATA is out of reach for the mainstream media of Pakistan.”

In several regions of Pakistan, such as the Federally Administered Tribal Areas (FATA) and Balochistan, a variety of sources of information is not so readily available. For example, in FATA, only government-run radio stations are allowed to operate.

In FATA, which has roughly a population of four million, 95% of people cannot read or write, observed one panellist. Also, elements like the Taliban, which operate in this area, have banned TV in most parts. This is usually done by taking away domestic TV sets through a house-to-house search, destroying TVs installed in public places and fining the person who owns it up to PKR 5,000 (ca EUR 40). There is only one agency which does have TV ownerships in homes - the Kurram Agency, because it has a Shia population, according to one panellist.⁵ Also, those who do watch TV in these areas only have access to PTV (the state broadcaster) since it is one of the only terrestrially available TV channels in the country and the tribal areas have little or no provision for cable TV and or satellite antennae. In addition, Internet and mobile facilities are not available in a large part of these areas. Therefore, radio is the most widely used mass medium of information in FATA. Radio stations in the tribal areas, are mostly operated by the Pakistan military and since these are FM-based, their outreach is very limited. However, certain international broadcasters, such as the *Voice of America's* Pashto Service, which broadcasts on shortwave, are available in the region. However, due to the treacherous mountain terrain, radio

⁵ There are two dominant sects in Islam: Sunni and Shia. Sunni Muslims constitute the majority population in Pakistan. Taliban are specifically of orthodox Sunni persuasion.

reception is not homogenous in all parts of FATA and it is quite poor in most cases. 'FATA is out of reach for the mainstream media of Pakistan,' a panellist concluded.

Besides these restrictions in FATA, there is also a lack of legal framework as the PEMRA Act does not apply to this region. The Frontier Crimes Regulation (FCR) laws which govern the tribal belt of Pakistan do not allow for local print publications either.

On the other hand, Balochistan, which constitutes 44% of the land mass of Pakistan has 30 districts out of which only five have functioning cable television. In contrast, nearly 150 Urdu-language newspapers are published from Balochistan. In this province, mobile phones were blocked in March 2012, which reflects the ability of the government to control such communications in the name of national interest.

While the state also enforces barriers to media accessibility, 'talibanization' in Balochistan has also played a role in restricting media outreach. For example, in May 2012 the Taliban distributed pamphlets in the Noshki area of Balochistan, threatening women who used mobile phones with reprisals. But the Taliban are mostly concentrated in the border areas along the frontier with Afghanistan. In addition, separatist groups such as the Balochistan Liberation Army (BLA), are apprehensive of media coverage out of fear of being traced.

Also, in Balochistan the local population is scattered over a large geographical area, and therefore FM radio stations have failed to sustain themselves in this area. PTV, the state broadcaster, retains its dominance in this region as well, owing to its terrestrial broadcast. But Radio Pakistan, has lost most of its distribution in many areas due to poor and outdated infrastructure.

The panellists noted that since 2009, the government has tried to increase Internet access to all areas. For example, the urban population has fairly easy access to the Internet through mobile phones and through about half a dozen Internet Service Providers (ISPs). The PTA estimates the total number of Internet users in Pakistan to be around 20 million. Also, websites for English daily newspapers such as *Dawn*, *The Nation* etc receive a great deal of online feedback and comments on stories they upload digitally. This feedback is from a diverse background of readers, indicating the penetration of online English news websites in Pakistan.

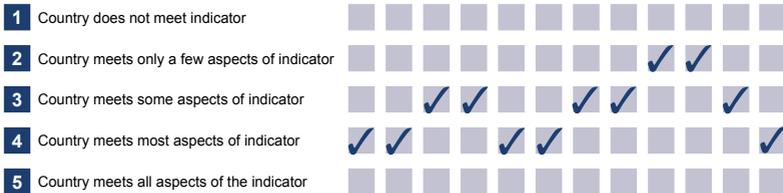
Despite the global boom of Internet, the vast majority of Pakistan's population cannot operate a computer or use the Internet. Radio, therefore, is far more effective. But there are no community radio stations operating in the country.

At the same time, mobile usage in Pakistan has also increased tremendously in the past few years, and it currently stands at 115 million users according to surveys

conducted by the Telecom Industry, and since most of these mobile phones come with installed radios, they serve both purposes.

Scores:

Individual scores:



Average score 2012:

3.3
(2009 = 3.2)

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

There are a number of media sources which have been blocked recently – for example, BBC World was put off air from cable, whereas YouTube and Facebook websites were blocked in 2010. Also, all Indian News channels are still blocked. “This may be a reciprocal act’, according to a panellist, “since in India, Pakistani channels are not shown either”.

“A reciprocal act - in India, Pakistani channels are not shown either.”

Balochistan was again the focus of the debate, where many websites belonging to separatist movements such as *The Baloch Hal* in the province are blocked. Religious minorities, such as Ahmediyya community, also face similar censorship of their digital representation over the Internet.

Moreover, the government has refused to privatize terrestrial wavelength for channels and still has a monopoly in that sector, as only the state broadcaster – private channels use satellite uplinks which is an expensive system of distribution.

In a different twist, the role of cable TV providers is also questionable, since they have become a lobby in media circles by blackmailing TV channels by extorting of money and favours to ensure good placement for their respective channels on the distribution system. These cable operators also routinely deny

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

In Pakistan cross ownership within the media does exist, and despite having the mandate to check such practices, the Competition Commission of Pakistan does not do so out of fear of reprisals from the media tycoons, although they are violating the law.

On the other hand, when the PEMRA Act was being written, it included a sub-clause which stated that PEMRA will ensure that no undue concentration of power is created by the grant of licenses to a group that owns media elsewhere. However, since 'undue concentration of power' is a subjective term, it is hard to determine its limits. Therefore, this law has not been so effective in checking dominance of certain groups in the media.

Therefore, even though there is legislation to restrict media monopolies, there is very little compliance in the industry with such legislation and the government has not acted against these media monopolies

Scores:

Individual scores:

1 Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
2 Country meets only a few aspects of indicator	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Country meets some aspects of indicator	<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 checked="" type="checkbox"/>
4 Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
5 Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

Average score 2012:

2.0
(2009 = 1.8)

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

The government of Pakistan is known to be awarding government advertisements to ‘dummy’ newspapers which exist only on paper. According to the panellists, this practice must be condemned. The support given by the government through monetary benefits (advertisements) to certain media groups is usually meant to maintain the status quo and silence criticism against the current regime by a particular group. It was also mentioned that provincial advertising departments of the government are totally corrupt in their choice of giving advertisements to media groups as they give them to their or their superior’s favourite organizations.

The government also does not allow terrestrial TV licenses in Pakistan, reserved for the national broadcaster, and has stopped political parties from getting such broadcast licenses. Also, the government has not done much to reduce licensing fees for launching new TV and radio stations. Radio, affordable for almost everyone in Pakistan, needs support from the government in the form of lowering the fees charged for channel licenses. Another important indicator of the government’s inability to promote media diversity is the restriction on applying for the broadcasting licence: one of its requirements is that the applicant should be a public limited company.

In spite of all restrictions, in the last decade or so, there has been a mushroom growth in media, and Pakistan went, for example, from just a single state broadcaster in 1999 to upwards of 50 news, current affairs and entertainment channels today. “The military too enhanced media freedom by giving permission to launch private channels during General Musharraf’s tenure from 1999 to 2008, and should be given credit even though it is an inconvenient truth”, claimed a panellist, to the disagreement of some others.

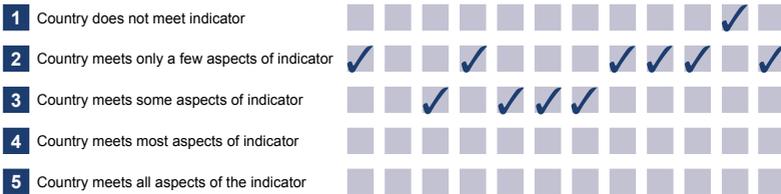
Efforts are underway by the government to minimize the digital divide between the rural and the urban areas – for example the Universal Service Fund (USF), founded by the government of Pakistan in 2006, promotes the development of telecommunication services in under-served areas throughout the country.

Also in rural areas, PEMRA has granted cable operators licenses at a much lower rate. For example, in villages they issue such licenses for PKR 100,000 (ca EUR 808) whereas in urban areas, such licenses at times cost over a million rupees (ca EUR 8,086).

But even if the government tries to help rural-based media organizations, commercial advertisers are tilted towards urbanized revenue generation.

Scores:

Individual scores:



Average score 2012:

2.3
(2009 = 2.3)

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

As far as numbers are concerned, the situation is not very dismal. But in terms of perspectives for both genders, there are biases that are heavily reflected in the media. One such bias is religion vs. women, and putting a cleric in front of a woman, e.g. in talk shows, which sends out an impression as if women are against Islam.

There is a lot of conservatism in covering women's issues. Also, coverage is skewed in a way that women are usually portrayed as victims. "Coverage comes only on special days – like Women's Day," added a panellist. Moreover, reporters need to be better trained to be gender sensitive.

"Coverage comes only on special days."

This leads to another issue, "selling women through scandals", which has been widely observed in the Pakistani media. "There is a wilful scandalization of women", a panellist said. For example, film actresses in Pakistan have been portrayed from such a perspective. High officials have had to face such biases. In the case of Foreign Minister Hina Rabbani Khar's visit abroad, most news channels focused on her clothing and accessories rather than on her actions or policies. "There is no constructive debate on women's issues," a panellist noted. Women are always stereotyped a sexually-suppressed mind-set is evident in coverage of women's issues.

Difference of sensitivity also exists when Urdu language papers and English language papers are compared. For example, in a recent story about a rape

caters primarily to these areas, which means that in most cases, stories from other parts of the country are ignored.

Economic diversity is also missing from the media and those from lower income groups are not adequately represented.

The political discourse in the country is heavily dominated by actors that should be non-political, who exercise their muscle to manipulate the narrative. For example, the Pakistan military sponsors many TV shows. “Some media channels have started taking positions against the political process and they try to compare military leadership with civilian leadership,” a panellist noted, adding that this is a dangerous trend which is on the rise.

“The military manipulates how the political process is narrated.”

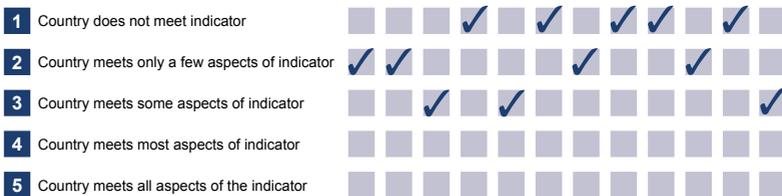
There was also a mention of a soon-to-be-launched radio network owned by the Pakistani military. “The military manipulates how the political process is narrated through such steps,” one panellist added.

Even though religious channels with 24 hours broadcasting have sprouted, these are all Islamic channels not incorporating other religions or viewpoints. “Issues of the Ahmediyya community are not covered at all in Urdu newspapers, which reflects how this religious minority is being ignored,” a panellist noted.

From a quantitative point of view, there are 34 news channels, with 14 in local languages. There are many regional language channels in Punjabi, Sindhi, Seraiki, Pushto, which have seen phenomenal growth in the last few years, but their role may be seen as fragmentary

Scores:

Individual scores:



Average score 2012:

1.8
(2009 = 2.4)

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

The state has put some effort in making broadband Internet largely available, even to marginalised communities, through the deregulation policy for the telecom sector in 2003, broadband policy in 2003 and guidelines for global mobile personal communication by satellite licensing. However, poor infrastructure and financial constraints mean that most Pakistanis still do not have access to the Internet on a regular basis.

On a slightly different note, Pakistan as a state currently holds the largest database of its citizens in the world, maintained by National Database Regulatory Authority (NADRA), which reports to the Ministry of Interior in Pakistan. But there is no mechanism to safeguard this data. For example, the Election Commission of Pakistan, when using this data, hosted it on servers based in North America, according to some reports. There are several other violations of rights concerning the usage of citizens' private data. For example, at a minimal cost, banks, cellular companies etc. are given access to citizens' data by NADRA.

“The dignity of man and the privacy of home shall be inviolable.”

In 2004, the government came up with the idea of introducing a 'Data Protection Act' but this has not yet materialized. Recently, the government of Pakistan wanted to sign the Council of Europe's Convention on Cyber Crimes, but since Pakistan does not protect its citizens with a data protection act, such cyber-crimes legislation can be misused. Former president General Pervez Musharraf introduced an ordinance to punish cyber-crimes in 2008, which bypassed the Parliament and was issued through an executive order. “The Cyber Crimes Regulation was quite draconian,” a panellist added. But relief came when the present government came in power and then Prime Minister Yousuf Raza Gilani tabled the Cyber Crimes Regulation in parliament. After a review, the regulation was sent back for changes abolishing the stringent regulations previously in place.

There still exists a need for legislation in this area, since minorities and marginalized segments of society need protection from cyber-crimes such as online harassment etc. Although the Federal Investigation Agency (FIA) in Pakistan has a cyber-crime wing, without any effective legislation, many complainants say they are turned back. It was also suggested that if a regulation is to be made, it should include input from all stakeholders and not be similar to the one President Musharraf introduced.

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

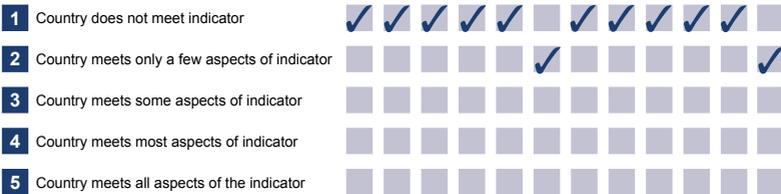
“Advertisements are used as a tool for patronage by the Pakistani government.”

The panellists felt that the government misuses its power over the placement of advertisements. There is also widespread corruption by the government to use advertisement revenue for their favourite publications and sometimes even for ‘dummy’ newspapers. “Advertisements are used as a tool for patronage by the Pakistani government,” it was noted.

In Quetta, many newspapers receive large amounts of advertisements on some days to subvert coverage of separatist movements. This also forces newspapers to reduce space for news, and hence serves as a means for the government to interfere with editorial content.

Scores:

Individual scores:



Average score 2012: **1.2**
(2009 = 1.2)

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

According to facts and figures from 2012 provided by *Aurora Magazine*:

Total expenditure on advertising (revenue) has increased by 7% (from PKR 30.08 billion to PKR 32.06 billion+), which is significantly lower than last year’s increase of 12%. Further:

- TV spending has increased by 28% (from PKR 14.560 billion to PKR 18.615 billion). In terms of overall share of spending, TV has increased by 4% (from 54% to 58%)
- Print spending has decreased by 5% (from PKR 8.980 billion to PKR 8.540 billion). In terms of overall share of spending, print has decreased by 6% (from 33% to 27%).
- Radio spending has increased by 22% (from PKR 1.040 billion to PKR 1.270 billion). In terms of overall share of spending, radio has retained its position at 4%.
- Internet spending has increased by 33% (from PKR 0.418 billion to PKR 0.560 billion). In terms of overall share of spending, Internet has retained its position at 2%.

Even though Pakistan has an advertising market of over PKR 32 billion (ca EUR 260 million), there are preferences to advertise with certain mediums. For example, radio only gets around 1 billion rupees (ca EUR 73 milion) of this revenue, which is a very small percentage in comparison to its influence and outreach.

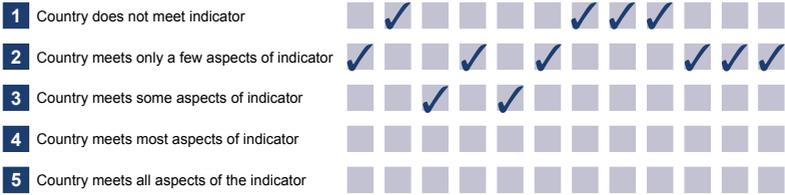
It was also observed that online media receives a very small share of advertising revenue and the ones that are getting this revenue, advertise foreign products. For example, an English-language daily newspaper *The Express Tribune* has one of the leading English language news websites in the country, but its Internet advertising mostly comes from abroad.

Some panellists were of the view that a few media proprietors in Pakistan do not even care about advertising revenues in the country because they have made so much money from other sources – and therefore offer ad placement at a very cheap rate. “It is one of the most non-transparent segments of public life. Media proprietorship, revenue and expenditure – nothing is known of it and they do not want to share this information,” concluded a panellist.

“Media proprietorship, revenue and expenditure – nothing is known of it.”

Scores:

Individual scores:



Average score 2012:

1.8
(2009 = 2.7)

Average score for sector 2:

2.2
(2009 = 2.5)

SECTOR 3:

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

Sector 3: 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.

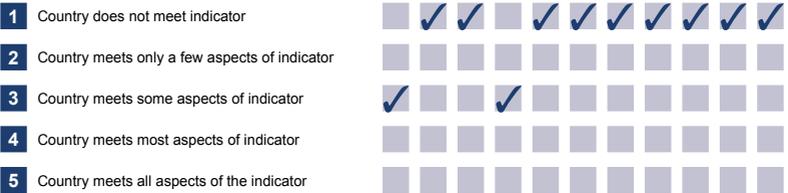
There is no single law that seeks to regulate the broadcasting industry. PEMRA only regulates private media broadcasters. Currently, there is no legislation restricting Pakistan’s state-broadcaster – PTV, which operates as a joint stock company – with 100 percent shares owned by the government.

Shortcomings in PEMRA were highlighted too. For example, PEMRA has the authority to make new rules, without a stipulation for any consultative process.

There has been no new legislation to introduce community broadcasting since 2009, although there are new radio and TV channels.

Scores:

Individual scores:



Average score 2012:

1.4
(2009 = 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.

The following Article 6 from the PEMRA Act was discussed:

Members of Authority

- “(1) The Authority shall consist of a Chairman and twelve members to be appointed by the President of Pakistan.
- (2) The Chairman of the Authority shall be an eminent professional of known integrity and competence having substantial experience in media, business, management, finance, economics or law.
- (3) Out of twelve members one shall be appointed by the Federal Government on full time basis and five shall be eminent citizens chosen to ensure representation of all provinces with expertise in one or more of the following fields: media, law, human rights, and social service. Of the five members from the general public, two members shall be women.
- (4) Secretary, Ministry of Information and Broadcasting, Secretary, Interior Division, Chairman, Pakistan Telecommunication Authority and Chairman, Central Board of Revenue shall be the ex officio members.
- (4A) The remaining two members shall be appointed by the Federal Government on need basis on the recommendation of the Chairman.”

However, such no practice exists in reality and therefore the consensus among the panellists was that there is no such independent body in the country.

In addition, contrary to the original legislation which allowed PEMRA (the regulatory body for private broadcasters) members to be from civil society, most members in the regulatory body are still from the government.

There is a public hearing before licenses are awarded. Some panellists criticized the process of scrutiny, since the security agencies of the country are also involved in the decision making process. Licensing takes place through an open bidding process, which is not in the public interest, since only the very rich can apply for licenses. “The main focus here is to earn money, not to serve the public interest,” a panellist added.

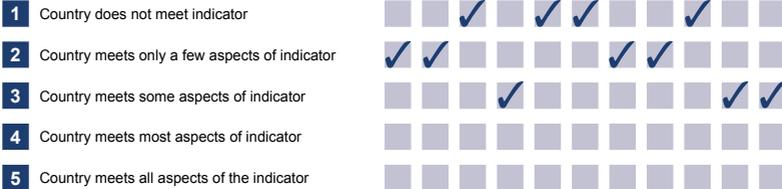
“The main focus here is to earn money, not to serve the public interest.”

Also, PEMRA laws which bind each channel to use 10% of airtime to broadcast public interest content are being flouted. There is no yardstick or mechanism to ascertain what kind of content is public interest and what is not.

Civil society members have tried to approach the government to ensure that public interest content is broadcast in private media. However, it has been proven easier to approach the channels directly, because when the government is involved, private channels resist directives imposed on them.

Scores:

Individual scores:



Average score 2012:

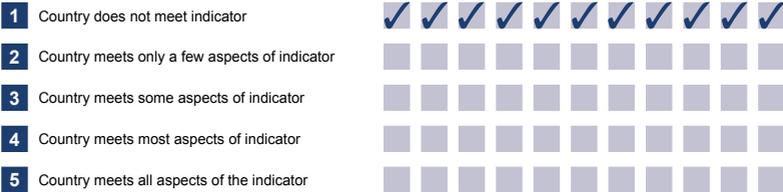
1.9
(2009 = 1.8)

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.

Panellists agreed that such accountability does not exist in the country and therefore a discussion on this indicator did not follow.

Scores:

Individual scores:



Average score 2012:

1.0
(2009 = 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.

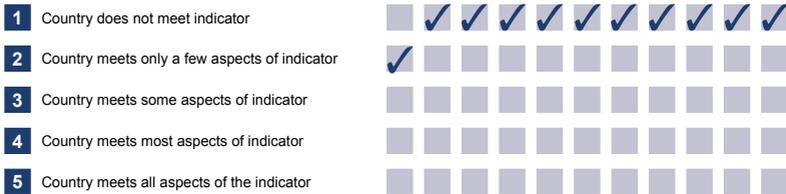
Currently, there are no representatives of political parties or those with a financial interest in the broadcasting industry on the board of the state broadcasters, although retired and serving bureaucrats from the civil and military circles are present. But these boards have very little authority – and therefore, perhaps, the political parties that govern the country are not interested in being part of such boards.

“Boards of state broadcasters are like rubber stamps and post offices.”

“They are like rubber stamps and post offices, being used by the minister or the secretary for information,” a panellist noted.

Scores:

Individual scores:



Average score 2012:

1.1
(2009 = 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.

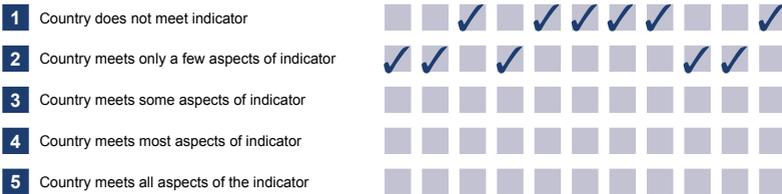
Of the two major broadcasters – PTV and Radio Pakistan – PTV is funded through a public licensing fee of PKR 35 (ca EUR 0.28), paid by the citizens of Pakistan, and revenue is also generated through advertisements. But Radio Pakistan is facing financial difficulties as it does not even enough resources to pay the wage bill for its current and former employees.

The State broadcaster which is supposed to be a public broadcaster is also a commercial broadcaster. “PTV has been given a further undue advantage through the license fee, made compulsorily payable through electricity bills, which is compounding the inherent inequity of the broadcasting regulations in the country,” a panellist noted.

However, both state broadcasters are still facing resource issues and most of their equipment is said to be old and obsolete.

Scores:

Individual scores:



Average score 2012:

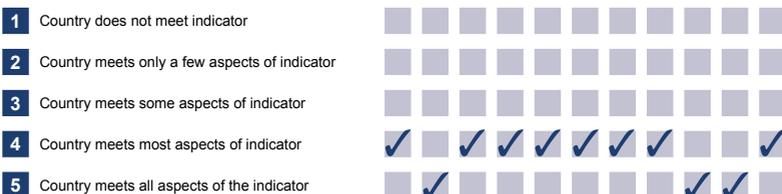
1.5
(2009 = 2.7)

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

The State broadcaster is available in the entire country except in places where local boosters are not properly working due to maintenance issues. For example, in FATA there are some reception issues for PTV.

Scores:

Individual scores:



Average score 2012:

4.3
(2009 = 4.5)

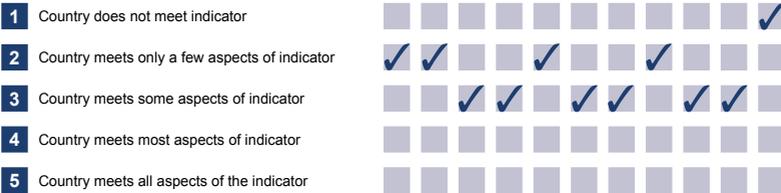
3.9 The state/public broadcaster offers diverse programming formats for all interests.

On the face of it, the State broadcaster does offer diverse programming formats for all interests, in the form of news, entertainment and other such content. Also, different regional language shows are regularly presented on the state-owned TV

Radio Pakistan also has become more inclusive since it reviewed its mission statement in 2009, including the words ‘coverage of the opposition’ as an objective. It is now a policy mentioned on paper conveyed to all departments across the country at Radio Pakistan.

Scores:

Individual scores:



Average score 2012:

2.5
(2009 = 2.3)

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

Leaving news aside, there is ample locally produced content in regional languages, including dramas, music, travelogues etc. However, local content generation is naturally being subsidized because of a lack of commercial viability, since advertisers may not want to pay for a show being broadcast to the remote areas of Pakistan because of low viewership/listenership. In 2009 Radio Pakistan made it compulsory for all local radio stations in the country to have 70% of the content produced locally, instead of in the head office.

Balochistan and FATA, the least developed areas of Pakistan, were discussed again. For example, in the tribal areas, news coverage has improved following the involvement of local and international NGOs in development and capacity-building work there.

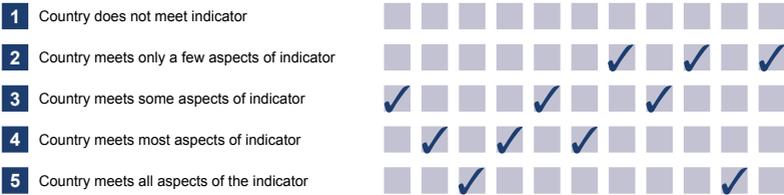
On the other hand, news coverage from local areas is missing from the screens of the state broadcaster. “Coverage of poor governance in rural areas by PTV or state owned radio channels is minimal,” a panellist

“Coverage of poor governance in rural areas by PTV or state owned radio channels is minimal.”

noted. That is not to say that nothing is being done to address the issues of such areas. Radio Pakistan recently launched a call-in service, where listeners can register complaints from 7:00am to midnight and, in certain cases, speak directly to government functionaries, such as the information minister.

Scores:

Individual scores:



Average score 2012:

3.4
(2009 = 3.7)

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

“There is nothing mandatory about knowing, following and practicing any code of ethics”

Community broadcasting does not exist in Pakistan and it is probably the only country in South Asia that does not have such a policy enforced by the government. Nothing substantive has materialized over the years, although several initiatives were by taken by successive governments. One of the reasons for this is that community broadcasting is confused with campus radios, which do exist. Though this is not community broadcasting, it partially satisfies the requirement for community- centric broadcasters in certain areas. However, even these measures have faced resistance in some cases. For example, at the University of Balochistan there was a movement to gain a license for a campus radio, but it was denied on the grounds that it may be misused by the separatist BLA.

“Because of this rejection, BLA and such groups started pressurizing international radio stations such as *BBC*, *Voice of America*, to run their propaganda and news,” observed a panellist. Care should be taken by the government to issue such licenses if such requests are received in the future the panellist added. “Religious extremist groups, for example Jamaatud Dawa (an Islamic charity organization alleged to

be a front for militant groups that orchestrated the Mumbai attacks in 2009) can demand such licenses, saying they are also a community”.

Due to a lack of community broadcasting, extremist groups have also used radio to establish their control. And they usually do not seek permission in such cases, and run these networks illegally.

“It happened in Swat. It is happening in the tribal areas, in (Pakistan-administered) Kashmir and there are reports of the practice spreading to Balochistan as well. We have allowed extremist voices to be heard on radio because of absence of community broadcasting,” a panellist said.

There have been positive developments in community broadcasting spearheaded by the NGO sector – a radio partnership for democracy and development has been formed with 60 radio stations agreeing to engage local communities in the run up to the national elections scheduled to be held next year. Another such initiative, for mapping conflict areas and produce collective community programming on radio is active in the country. But such initiatives do not and cannot replace community broadcasting.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓				✓			✓	✓	✓
2	Country meets only a few aspects of indicator			✓		✓		✓				
3	Country meets some aspects of indicator				✓					✓		
4	Country meets most aspects of indicator											
5	Country meets all aspects of the indicator											

Average score 2012:

1.6
(2009 = 1.0)

Average score for Sector 3:

2.1
(2009 = 2.3)

SSION
 BROADCAST RADIO
 SATELLITE NEWS
 PAPER MAGAZINES
 REPORTS THIRD
 DEGREE DOCUMENTS
 LEGISLATION
 QUESTIONS LAWS
 PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY
 HONESTY ACCESS
 BROADCAST RADIO
 SATELLITE NEWS
 PAPER MAGAZINES
 REPORTS THIRD
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SECTOR 4:

The media practice high levels of professional standards.

THIRD
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 PRESS INTERVIEWS
 MEDIA EFFICIENCY
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 BROADCAST RADIO
 SATELLITE NEWS
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 REPORTS THIRD
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 LEGISLATION
 QUESTIONS LAWS
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 PRESS INTERVIEWS
 MEDIA EFFICIENCY
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 RADIO SATELLITE
 NEWS PAPER
 MAGAZINES RE-
 PORTS THIRD
 DEGREE DOCU-
 QUESTI-
 PUBLIC
 FREEDO
 PRESS
 MEDIA

Sector 4: 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.

Not much has changed over the past three years, apart from an initiative by the government to introduce a new code of conduct for media, which was later dropped by the authorities, after it received much criticism from media circles.

Moreover, Pakistan has two regulatory bodies for private media – PEMRA for broadcasters and the Press Council of Pakistan (PCP) for print publications. PEMRA is also the authority that issues licenses for broadcasters, and is not a voluntary body.

“There is nothing mandatory about knowing, following and practicing any code of ethics.”

Pakistan’s media landscape has several codes of ethics, administered by bodies such as the Pakistan Federal Union of Journalists (PFUJ), and the All-Pakistan Newspaper Society (APNS) but there are two significant issues: one, there is a lack of awareness amongst journalists on journalistic ethics, especially amongst the ones who have recently joined the workforce; and two, there are no procedures in organizations to orient fresh inductees with a code of ethics. This lack of adherence to journalistic ethics is also compounded by a lack of training given to fresh recruits in media organizations.

In print, only the *Express Tribune* makes an effort to address readers’ concerns through an ombudsman. However, the newspaper has not yet received a single formal complaint, noted a panellist.

However, in other mainstream print media, there are no agreed codes of ethics being followed voluntarily.

The PCP, which is a voluntary body, is not considered to be very active, and has been dominated by journalists themselves, with 12 out of 19 members being people involved with the media. Hence, they are usually justifying the position of journalists instead of addressing public complaints. However, the Council does have powers to cancel the declarations of newspapers, but this authority has never been exercised.

The broadcast regulatory authority, PEMRA, has its own code of ethics, which is not always followed by private news broadcasters, neither is the complaints system transparent. Even if complaints are received from the public, there is no centralized system to tell how many complaints have been received online.

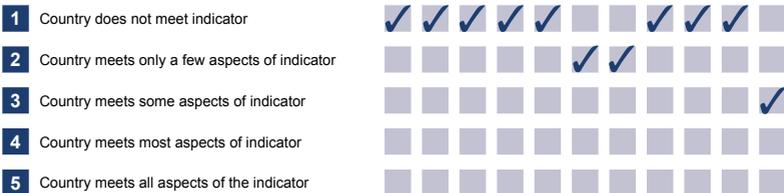
There are no formal review meetings to look at the content that has been published/broadcast. However news channels have certain standard operating procedures (SOPs) they follow, for example, in the case of showing blood or corpses following a terrorist attack. Most have learnt not to, which initially was not the case.

In December, 2011 to raise awareness of the code of ethics which the media industry should adhere, civil society activists in Pakistan set up an online platform to invite media consumers to complain about media. The online platform called 'Citizens for Free and Responsible Media' has over 1,000 members now. This online activist group was the first to write to a Pakistani channel about morning show host, Maya Khan, who had taken to moral policing couples that frequented public parks.

Despite this positive development, there is no consensus amongst the media as to which code of ethics to follow, and therefore every organization has its own set of rules to apply. "There is nothing mandatory about knowing, following and practicing any code of ethics in Pakistan's media industry," a panellist noted.

Scores:

Individual scores:



Average score 2012:

1.4
(2009 = 1.4)

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

News is becoming entertainment on TV channels. Instead of facts, news bulletins on TV channels have a lot of personal bias injected into them. It has also been suggested that the largest media group in the country has not been reporting fairly.

An example of unfair reporting came to light in 2011 when BBC Urdu did a story about a workshop on digital media storytelling in Pakistan, to which journalists, civil society members and transgender persons had been invited. The story was picked up by a talk show host on a news channel, who devoted an entire program to the workshop, reporting it as an event for homosexuals, which became quite controversial. The host in question also invited religious scholars to comment on the event, but the organization behind the event did not take up the misrepresentation of facts because they were fearful for the security of their staff and panellists' security.

“News is becoming entertainment on TV channels.”

There is also a great deal of inaccuracy in news reports, stemming from a lack of professionalism. An English language newspaper recently conducted a survey of public perception of accuracy and reliability of news content from various sources. Excerpts from the survey relevant to this discussion are reproduced below:

“The results of an online survey (conducted by the Express Tribune) revealed that most Pakistanis feel the local media spreads negativity, is sensationalist and is sponsored by political parties. A total of 1,025 Pakistanis and expatriates participated in the online survey.

Only 2 per cent, that is only 20 – 21 people of the total sample felt that news is always reported responsibly in Pakistan. 38 per cent voted that news is ‘rarely’ reported responsibly in Pakistan and nine per cent felt it is ‘never’ reported responsibly in Pakistan⁶.”

The panel also discussed how a TV channel misreported that Sharmeen Obaid Chinoy, the Oscar-winning filmmaker from Pakistan, hailed from a minority community. Although this was not true, the news channel did not rectify their mistake even after it was pointed out.

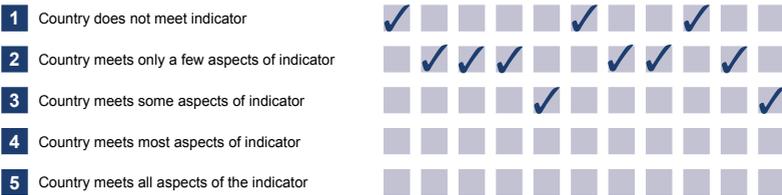
6 Express Tribune Online Survey: <http://tribune.com.pk/story/361804/online-survey-pakistani-media-is-partisan-negative-and-sensationalist/>.

events, TV channels trying to cover any other issue besides politics are also forced to discuss politics on the airwaves to stay in the game.

Also, news coverage is more tilted towards highlighting the negative instead of good news. Positive stories rarely receive airtime and “good news is not news” is the general impression among journalists.

Scores:

Individual scores:



Average score 2012:

1.9
(2009 = 2.9)

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

Most news organizations do employ people from all backgrounds. But it was noted that prime time talk shows are usually dominated by two ethnicities – people from the Punjab and Urdu speaking people.

“In Quetta, there are only two women reporters working in the city.”

As far as gender equality is concerned, more and more women are being employed in major media houses but usually for desk jobs, and this is limited to the head offices. Also, women are regularly seen on TV screens, but behind the scenes, their input is very limited in terms of responsible editorial positions. But one panellist believed the number of women working in the industry has increased as far as representation is concerned.

In bureaus of remote cities, or even for example in Lahore, gender equality does not exist and there are more men reporters than women. In Quetta, there are only two women reporters working in the city. There are salary differences

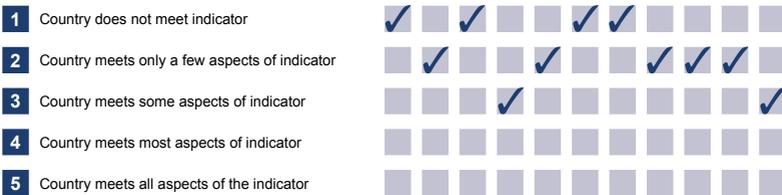
in senior positions, for men and women, and at times women are being paid less, observed a panellist.

But a positive development is how some channels have adopted the code of conduct for sexual harassment. This is a result of a new legislation that came into effect 2010 which created more dignified place for women in the media.

Also, there is no conscious policy to employ disabled people in Pakistani media houses. There are no special structures in buildings owned by media to facilitate disabled people. “Radio Pakistan does have blind producers”, pointed a panellist

Scores:

Individual scores:



Average score 2012:

1.8
(2009 = 3.0)

4.5 Journalists and editors do not practice self-censorship.

There is a lot of self-censorship in Pakistan. It is omnipresent in the country.

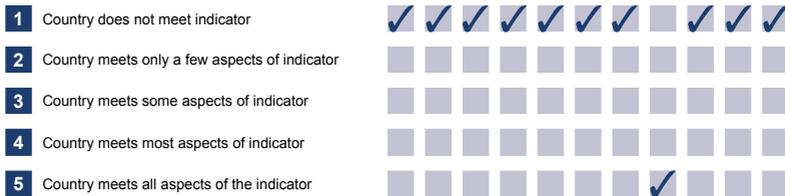
For example, in FATA, journalists work under an atmosphere of fear, which makes it difficult to report openly – because of pressures from the Taliban, from the military and from the political administration. This accounts for self-censorship. “Sometimes these groups also pressurize the journalists to report events which cannot be verified independently,” a panellist said.

And such non-state actors also exist in other cities – like in Quetta, Karachi and Lahore. Reporters have been forced to

“Sometimes groups pressurize the journalists to report events which cannot be verified independently.”

Scores:

Individual scores:



Average score 2012:

1.4
(2009 = 1.3)

4.7 Journalists and media have integrity and are not corrupt.

A recent example of corruption in media was observed when the prime minister of Pakistan went to United Kingdom for an official trip in May 2012 and took with him a plethora of reporters. Despite the fact many news organizations have their reporters in London, journalists from Pakistan still accompanied the PM on his trip, which was reported to have cost a huge amount of money. This was criticized by some journalists later who had refused to go on the trip or were not invited.

In 2008, when the president of Pakistan went on a trip to the United States, he also took a large number of journalists. According to news reports that surfaced later the budget for taking these journalists was allocated from the funds available with the state owned television - PTV.

Also, attempts to make media accountable to itself have also been thwarted. In 2010, a TV show by the name of “Apna Garebaan” (a metaphor for self-accountability in Urdu language) was launched on a news channel owned by one of the oldest media groups in Pakistan. But this show was taken off air the next year following pressure from within the journalistic community and media owners. The show disclosed that many journalists in Pakistan performed the Hajj, the Muslim pilgrimage, to Makkah, Saudi Arabia, on state expense or taxpayers’ money. There were many senior journalists who justified it as ‘a call from God.’ Also, the show uncovered the truth about many journalists living in accommodations provided by the state at subsidized rates.

Reporting on the conduct of media owners and journalists is not allowed by the editors, many of whom are media owners, in news organizations. Secondly, there is no forum to hold them accountable, so no one tries to investigate alleged

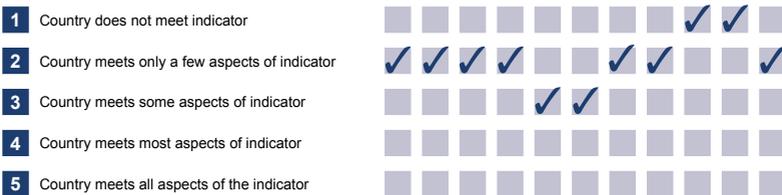
An economic downturn has led to widespread firing and there is a downward pressure on salaries. There have been reports of salary delays in the case of many media houses. Many people do not get paid for up to five months. A number of broadcast and print media houses are facing such financial issues.

Also, most rural journalists are not paid by their organizations; and they make money through other means, for example, charging money to “get things done” in government departments using their influence. In a way, then, news organizations turn a blind eye to this corruption because it means they will not have to spend extra money.

However, star TV anchors in the country are still paid exorbitant salaries with some quoting figures of around 2-3 million rupees a month.

Scores:

Individual scores:



Average score 2012:

2.0
(2009 = 2.6)

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

There are 24 universities with Journalism or Mass Communication departments in the country which offer a four-year Bachelors and a two-year Masters degree. However, such universities have graduates which are hired as fresh inductees in news organizations, whereas most of the senior staff in media houses has little or no academic background in the subject and have learned whatever they could on the job.

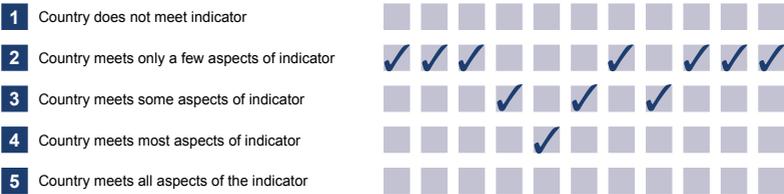
There is also a rise in internship programs of news organizations, and many Journalism students work as interns in these companies.

The state broadcaster, Radio Pakistan has a full-fledged training institute, known as the Pakistan Broadcasting Academy, which is located in Islamabad. They offer yearly training programs for their employees. It is currently catering to 10-15 students.

As for mid-level career positions in media, there are many NGOs and journalist associations which are organizing workshops to train journalists. Especially reporters based in remote areas have been the focus of trainings and capacity-building exercises with reference to ethical journalism. For example, in FATA at union and press club-level, workshops are regularly organized to train journalists. However, in Balochistan, many journalists have complained about a lack of knowledge of such principles, usually because no such information is passed on by the organization to the reporter. Generally, no such training is provided by the private media houses themselves and hence they let their journalists go on free workshops and thus do not take an active interest in any training whatsoever.

Scores:

Individual scores:



Average score 2012: 2.5
(2009 = 2.0)

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

Most of the news organizations in Pakistan have unions, and they recently succeeded in implementing a wage board through a decision by the Supreme Court, but this was specific to newspapers only.

Media personnel working in the television industry have had problems, since they have been unable to organize themselves into strong unions, and massive layoffs in some media houses have not received any resistance from unions.

Follow-up questions

What were the main positive changes in the Pakistan media landscape in the past three years? Who or what has been the main cause for these changes?

1. GREATER AWARENESS OF CITIZENS CONCERNING THE ROLE OF MEDIA IN SOCIETY

Firstly, there is more **awareness amongst citizens against biased, unethical and irresponsible journalism** leading to an increase in citizen bodies for **responsible and ethical journalism** for example **Citizens For Free And Responsible Media**. This happened due to greater consumption of media since there is now an increase in online presence of newspapers/some TV channels. Also, in print for example, there are more choices in quality English newspapers (for example Express Tribune, Pakistan Today).

This leads to **greater scrutiny of content** which is generating debate and has given rise to the awareness about media ethics and monitoring content. An example of such public opinion pressure on media on ethical issues is the closure of SAMAA TV show of Maya Khan (an anchor who claimed she was doing “moral policing” on a show by going to public parks inquiring couples if they were married or not).

Also, **responsiveness to issues pertaining to impunity** against those who attack media has improved. This can be attributed to an increase in media space (rising number of media organizations), and journalists have become more vocal against such attacks.

2. THE INSTITUTIONAL FRAMEWORK CATERS FOR MORE ACCOUNTABILITY

There is currently a **code of ethics in process** being designed by different media groups but a consensus is yet to be achieved. The Press Council of Pakistan, which was non-operative for many years, has become functional, and has started asserting its ambit. Also, some media organizations tried for **accountability within their own network**. For example the first ever show on *Dawn News* about accountability of media “Apna Gareban” was launched but it was shut down after pressure from the journalist community itself.

There are several organizations contributing towards **capacity building of media practitioners** in different aspects, which has resulted in some media segments moving towards professionalization. For example, some channels have adopted the code of conduct for sexual harassment. This is a result of a new legislation which created more dignified place for women in the media that was passed in 2010 making sexual harassment at workplace a punishable crime.

The panellists also felt there have been positive changes in the **attitude of the authorities in Pakistan**. There has been an overt support of free media by the current democratic government. For example, the addition of Article 19A in the Constitution makes access to information a fundamental right of all citizens.

Also, **PEMRA's licensing policy has become accommodating**, with PEMRA consulting stakeholders regularly now before making decisions. Another positive development is that the Supreme Court upheld the **wage award for journalists** and media employees leading to organizations clearing payments.

There has been no interference in media by the civilian government letting them print or broadcast content of choice although they have used financial rewards to manipulate the content.

The general feeling is that the government (and the parliament) has been **more responsive** to the civil society and media's demands for more freedom of information. In addition, civil society and the media have shown more self-awareness than previously, which strengthened their position in society.

3. MEDIA PLURALISM HAS INCREASED

The increase in media pluralism due to the **rise of regional media**, especially those in regional languages, has improved focus on local issues. Also, thematic expertise in the media content available has progressed, with even quality dramas returning with better themes.

The general feeling is that the media have started including '**ordinary people's news**' in their coverage— as opposed to news only concerning the elites of the country. This is due to the increased general recognition of the rich diversity of Pakistani society and formally, the federal nature of the Pakistani state. There were slight improvements in **covering religious minorities**, even if only through selected media. In addition, **women issues** in morning shows are now a regular feature. In recent times, several laws on **human rights** generated content on TV programs. The space and quality of **political satire shows** has also seen a rise.

Also, Pakistan has seen a considerable **rise of online and citizens journalism** due to technological advances. Generally, there is more media space, more journalists and more perspectives.

With the return of democracy in 2008, the media has also started giving **airtime to all political parties**. There is a consistent exposure of mis-governance and corruption by authorities.

4. ONLINE MEDIA HAVE GAINED IMPORTANCE

The Internet is fast becoming a tool for the public to interact and give feedback to the media organizations with blogs, Facebook and Twitter gaining a lot of space in the younger generation of Pakistan. Although this is a small percentage of people, it is a positive change that needs to be mentioned here.

What were the main negative changes in the Pakistan media landscape in the past three years? Who or what has been the main cause for these changes?

1. STATE AND NON STATE ATTACKS ON MEDIA WITH COMPLETE IMPUNITY

Over 30 journalists killed in last three years, is a clear indicator that **killings of journalists and pressure on media** by non-state-actors have enhanced.

There is also continued **impunity** for those that attack the media. An example of this is the murder of Saleem Shahzad (journalist killed in 2011, after allegedly received threats from Inter Services Intelligence (ISI). This has resulted in fear among journalists community as a judicial commission investigating this murder, failed to find the killers. This can be attributed to a flawed criminal justice system, which doesn't have a witness protection system. It was also observed that the civil state in Pakistan is weakening, and Pakistan is becoming a security state.

2. JUDICIAL ACTIVISM

Some panellists also said there is a growing **pressure on media** from judiciary seeking publicity and blocking stories through lawyers who are legal advisors of media groups.

3. LACK OF TRAINING

There is a **lack of conflict training** for journalists and an **absence of code** within organizations about security issues. Media organizations don't feel the obligation to take care of journalists.

It was also observed that there is a **lack of attention to ethics/professional standards/training**. This has led to **privacy violations** and incitement of hatred by media. Also talk show hosts are becoming a mafia – and want to be king makers. While journalism training for anchors is needed; editors are also the cause behind it. There is also a lack of legislative framework on privacy and non-existent privacy commissioner.

4. CONCENTRATED MEDIA OWNERSHIP

There is still **lack of accountability** for media owners and **lack of legal and judicial remedy through defamation laws**. Also, non-transparency in cross-sectoral, cross-media interests may be noted in Pakistan.

5. QUALITY VS. QUANTITY IN MEDIA

As far as media content is concerned, most panellists felt that in the last three years, substance and quality is following program rating with **excessive commercialism** and intrusion of ads into content. There has also been a **proliferation of sensational, rating-oriented, jaundiced programming**. This is mainly because there is a non-transparent and non-representative rating system.

Also there is **desensitization of people** by showing for example, crime-shows re-enactment. On the other hand, the media is **neglecting social issues** which do not get ratings.

6. ECONOMIC DIFFICULTIES FOR JOURNALISTS ON THE RISE

Economic difficulties have compounded problems in the industry in the last three years. **Collective lay-offs and downsizing** has led to increased job-insecurity.

Also, **niche-media have not able to survive** in Pakistan. For example, Express 24/7 and Dawn + Newslines are barely surviving.

The **pay structure is off the balance and absence of proper employment contracts** is a problem in the media industry in Pakistan. However, all of this can also be attributed to the general economic downturn.

7. REPORTING BIASES AND LIMITATIONS

The panellists felt that largely the media remained **one-sided while reporting/discussing political development** because of which it is **losing credibility** gradually. Some even said there is a stark bias in the news (e.g at times it is anti-government, pro-Taliban). Also, the Pakistani media is still **obsessed with breaking news**, not follow-up or investigations.

It was also observed that there is heavy **patriarchal**, male dominated mindset amongst media professionals.

8. MEDIA ACCOUNTABILITY IS LACKING

Little has been done to hold media **accountable**. An example of failure in this regard is the closure of *Dawn News Show* “Apna Gareban” about media accountability.

Also, the failure of PEMRA to enforce **conditions mentioned in licenses** was widely observed.

Proposal of activities for the development of the media landscape in Pakistan

The discussion for how to change and improve the media landscape in Pakistan focused on the following:

1. MEDIA DEVELOPMENT THROUGH BUILDING CAPACITY AND PROVIDING RESOURCES

a. Training:

- a.i. Training for journalists in digital security, for example with the aim to help them launch their personal websites with audio-visual contents, bypassing censors
- a.ii. Build capacity of media on use of social media and emerging ICT tools for better reporting and research, as well as online journalism
- a.iii. Trainings on conflict reporting
- a.iv. TV networks need to conduct training sessions for employees in all departments, with help of senior journalists
- a.v. Training for the professionalization of anchors
- a.vi. Gender sensitivity training
- a.vii. More skills training for radio professional
- a.viii. More training of rural journalists on issues of ethics
- a.ix. More training for CSOs on working with media
- a.x. Content-related professionalization
- a.xi. Promote innovative tools and innovation for better media practices helping towards citizens’ inclusion and participation in discourse on development issues
- a.xii. Training/education of citizens on media literacy

b. Dialogue between media and society:

- b.i. Comprehensive media literacy curriculum must be developed and taught at school, college and university level
- b.ii. Citizens' advocacy focused on federal and provincial governments to improve security for journalists
- b.iii. Establishment of new citizens media forum to conduct dialogue with media owners, regulatory bodies to improve media standards
- b.iv. Regular discussions and meetings are needed in papers and TV networks to preview their specific coverage
- b.v. All media organizations should hold quarterly or monthly seminars, dialogues and meetings for responsible journalism
- b.vi. Effective media watchdog citizens' group

c. Role of unions and associations:

- c.i. Mechanisms are needed to engage Press Clubs and CSOs working in remote areas. Enhance outreach for citizen campaigns on issues.
- c.ii. South Asian Free Media Association (SAFMA), a civil society organization, provides courses for skills and ethics also. TV networks and papers can use their help in educating the journalists.
- c.iii. Turn press clubs into information and training hubs
- c.iv. Establish media coalitions for professional, ethical and responsible media
- c.v. Work with professional associations of media owners to enforce codes and important standards
- c.vi. Membership of media bodies should be scrutinized and reviewed through surveys and research under IFJ supervision

d. Resource building:

- d.i. Urdu newspapers should make their websites more interactive
- d.ii. Job and life security of journalists should be improved
- d.iii. Mandatory life insurance of media personnel should be enforced, especially for those dealing with conflict reporting
- d.iv. More support for initiatives against impunity
- d.v. Detailed reports commissioned by FES on each sector and sub-sectors of this media report
- d.vi. Support of media monitoring organizations
- d.vii. Making all state, army, police agencies accountable for protection of media personnel

e. Media development:

- e.i. Mapping of media development groups
- e.ii. Mapping of thematic expertise
- e.iii. Build coalition of media development actors
- e.iv. Government and private sector should launch a new and representative rating system for TV content

- e.v. Government and media owners should together invest money in journalism schools and research
- e.vi. Mandatory quota of public service programming in private media and strict compliance is needed
- e.vii. Launching of non-commercial public service broadcaster in private sector
- e.viii. Giving space to all issues and opinions and to bring journalism instead of business is needed
- e.ix. More sensitized professionals at decision making level
- e.x. Women journalists should be allowed to make and promote their own associations
- e.xi. Head of news and current affairs should not be allowed to host shows themselves, they should do their own job
- e.xii. IFJ should HELP set basic minimal enforceable standards for Pakistani journalists
- e.xiii. More lobby for community radio

2. REGULATORY ENVIRONMENT AND THE MEDIA

- a. Replacing PEMRA and PTA with a democratically elected communication commission
- b. Enacting and enabling right to information legislation in line with Article 19A of the Constitution
- c. New laws to make PTV/PBC independent of govt. control and a genuine public interest broadcaster.
- d. New laws to ensure transparency/accountability in advertising sector including ratings agencies, media buying houses. Also use of public money for advertisement and through secret funds should be stopped or made more transparent
- e. PEMRA, Press Council, PFUJ should form a platform for receiving public complaints against media
- f. The judiciary should take up media specific cases to outline parameters of freedom of speech and access to information
- g. Accountability system for any channel breaking the code of conduct of ethics should be strong
- h. Policy advocacy for national privacy commissioners to protect privacy rights of citizens
- i. Mandatory airing of parliamentary proceeding/committees by a dedicated state channel
- j. Regulations for media owners
- k. And while some panellists felt that there should be conditions for entering media profession as in educational qualifications set up by the unions etc., others objected.
- l. Press and publication act should be extended to FATA

The panel meeting took place at Serena Hotel in Islamabad on 11-13 May 2012.

Panellists⁸:

Mr. Adnan Rehmat

Executive Director, Intermedia
adnan@intermedia.org.pk

Mr. Ayub Tareen

Reporter, BBC
ayubtareenbbc@yahoo.com

Ms. Fouzia Saeed

Director, Mehergarh: A Center For Learning
fouziasaeed@gmail.com

Mr. Javed Jabbar

Chairman, J.J. Media Private Ltd
javedjabbar.2@gmail.com

Mr. M. Aftab Alam

Director, Institute for Research, Advocacy and Development (IRADA)
aftabadvocate@gmail.com

Mr. Malik Safdar Hayat Khan Dawar

General Secretary, Tribal Union of Journalists
safdardawartuj@gmail.com

Mr. Matiullah Jan

Senior Correspondence, Dawn TV
matiullahjan@gmail.com

Mr. Mazhar Arif

Executive Director, Society for Alternative Media and Research (SAMAR)
mazhar.arif@alternativemedia.org.pk

Mr. Murtaza Solangi

Director General, Pakistan Broadcasting Corporation Headquarters
murtzasolangi@gmail.com

Mr. Owais Aslam Ali

Secretary General, Pakistan Press Foundation
owais8@cyber.net.pk

⁸ The e-mail addresses have been added following a request and permission by the ANMB participants.

Ms. Rabia Mehmood

Correspondent, The Express Tribune
rabail26@gmail.com

Mr. Shahzad Ahmed

Director, Bytes4All
shahzad@bytesforall.pk

Rapporteur:

Mr. Taha Siddiqui

Feature reporter, The Express Tribune
tahassiddiqui@gmail.com

Moderator:

Mr. Ghazi Salahuddin

Senior Journalist and Columnist, Jang Group
ghazi_salahuddin@hotmail.com

Coordination & Editing:

Ms. Marina Kramer

fesmedia Asia

Ms. Qurratulain Zaman

FES Pakistan

APPENDIX 1

Constitutional provisions relating to media in Pakistan

Article 17. Freedom of Association

- 1) Every citizen shall have the right to form associations or unions subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.
- 2) Every citizen, not being in the service of Pakistan shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.
- 3) Every political party shall account for the source of its funds in accordance with law.

Article 18. Freedom of trade, business or profession

Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this Article shall prevent:-

- (a) the regulation of any trade or profession by a licensing system; or
- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

Article 19. Freedom of speech, etc.

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.

Article 19A. Right to information

Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

APPENDIX 2

Text of 19th Amendment Bill

Tuesday, December 21, 2010

ISLAMABAD: Following is the text of 19th Amendment Bill, approved by the Parliamentary Committee on Constitutional Reforms:-

Bill

Further to amend the Constitution of the Islamic Republic of Pakistan.
Whereas it is expedient further to amend the Constitution of the Islamic Republic of Pakistan;
It is hereby enacted as follows:

1. Short title and commencement.- (1) This Act may be called Constitution (Nineteenth Amendment) Act, 2010. (2) It shall come into force at once.
2. Amendment of Article 81 of the Constitution: In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 81,-
 - (i) in paragraph (a), in sub-paragraph (i), after the word “Court” occurring at the end, the words “and the Islamabad High Court” shall be added, and
 - (ii) for paragraph (b), the following shall be substituted, namely-
“(b) the administrative expenses, including the remuneration payable to officers and servants, of the Supreme Court, the Islamabad High Court, the department of the Auditor-General, the Office of the Chief Election Commissioner and of the Election commission and the Secretariats of the Senate and the National Assembly”,
3. Amendment of Article 175 of the Constitution. In the Constitution, Article 175, for the Explanation the following shall be substituted, namely:-
“Explanation. Unless the context otherwise requires, the words “High Court” wherever occurring in the Constitution shall include “Islamabad High Court.”
4. Amendment of Article 175A of the Constitution.- In the Constitution, in Article 175A,-
 - (a) in clause (2), in paragraph (ii) and in paragraph (iii), for the word “two” the word “four” shall be substituted”
 - (b) in clause (5),
 - (i) for paragraph (iv), the following shall be substituted, namely-
“(iv) an advocate having not less than fifteen years practice in the High Court to be nominated by the concerned Bar Council for a term of two years:”; and

(ii) for the proviso the following shall be substituted, namely:-

“Provided that on appointment of the Chief Justice of a High Court the most Senior Judge mentioned in paragraph (ii) shall not be member of the Commission. Provided further that if for any reason the Chief Justice of a High court is not available, he shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in consultation with the four member Judges of the Commission mentioned in paragraph (ii) of clause (2).”

(c) in clause (6), in the first proviso, after the word “the” occurring for the first time, the words “Chief Justice and the” shall be inserted;

(d) in clause (9), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that when the National Assembly is dissolved, the total membership of the Parliamentary Committee shall consist of the members from the Senate only mentioned in paragraph (i) and the provisions of this Article shall, mutatis mutandis, apply.”;

(e) in clause (12),-

(i) for the proviso the following shall be substituted, namely:-

“Provided that the Committee, for reasons to be recorded, may not confirm the nomination by three-fourth majority of its total membership within the said period.”

(ii) after the proviso substituted as aforesaid the following new provisos shall be inserted, namely:-

“Provided further that if a nomination is not confirmed by the Committee it shall forward its decision with reasons so recorded to the Commission through the Prime Minister:

Provided further that if a nomination is not confirmed, the commission shall send another nomination.”

(f) for clause (13), the following shall be substituted, namely:-

(13) The Committee shall send the name of the nominee confirmed by it or deemed to have been confirmed to the Prime Minister who shall forward the same to the President for appointment.”;

(g) clause (15) shall be renumbered as clause (17) and after the existing clause (14), the following new clauses shall be inserted, namely:-

“(15) The meetings of the Committee shall be held in camera and the record of its proceedings shall be maintained.

(16) The provisions of Article 68 shall not apply to the proceedings of the Committee.”;

5. Amendment of Article 182 of the Constitution. In the Constitution, in Article 182, after the word “Pakistan” the commas, words, figure and letter” in consultation with the Judicial Commission as provided in clause (2) of Article 175A,” shall be inserted.

6. Amendment of Article 213 of the Constitution: In the Constitution, in Article 213, in clause (2B),

(i) for the second proviso, the following shall be substituted, namely:-

“Provided further that the total strength of the Parliamentary Committee shall be twelve members out of which one-third shall be from the Senate.”; and

(ii) in the third proviso, for the words “Parliamentary Committee shall comprise” the words “total membership of the Parliamentary Committee shall consist of” shall be substituted.

7. Amendment of Article 246 of the Constitution.- In the Constitution, in Article 246,

(i) in paragraph (a), sub-paragraphs (iii) and (iv) shall be omitted.

(ii) in paragraph (c),

(a) after sub-paragraph (iii) the following new sub-paragraph shall be inserted, namely:-

“(iiiia) Tribal Areas adjoining Lakki Marwat district;” and

(b) after sub-paragraph (iv) the following new sub-paragraph shall be inserted, namely-

“(iva) Tribal Areas adjoining Tank district;”

Statement of Object and Reasons

The Supreme Court of Pakistan passed an Order dated 21st October, 2010, in various Constitution Petitions challenging certain amendments, including Article 175A, made in the Constitution through the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010).

This Supreme Court vide Paras 7 and 13 of the said Order made a reference to the Parliament for re-consideration of the provisions of Article 175A in the light of the observations made in the said Order. This Bill gives effect to certain amendments in the Constitution after giving consideration to the observations of the Supreme Court and matters incidental or ancillary thereto otherwise deemed necessary.

APPENDIX 3

APNS Code of Ethics on Advertisements

http://www.apns.com.pk/faqs/rules_and_code_of_ethics.php

1. That Society, through its members, undertakes to use all possible measures to develop the qualitative and quantitative factors of the publications so as to render the best possible service to the public and to advertisers
2. All advertising agencies shall take all reasonable precautions to ensure that all advertising released by them is legal, decent, clean, honest and truthful and that such advertising is in respect of goods or services prepared with a sense of responsibility to consumers and to society.
3. The advertising agencies/ advertisers, before releasing an advertisement for publication, must have documentary evidence to prove all claims, whether direct or implied, that are capable of objective substantiation and it will be required to be provided to the APNS on demand.
4. The advertisers should assure that no advertisement should mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise. No advertisement should so closely resemble any other product/advertisement that it misleads or causes confusion.
5. No advertisement should make unfair use of the goodwill attached to the trademark, name, brand or the advertising campaign of any other advertisers.
6. No advertisement should contain anything that is likely to cause serious or widespread offence or fear or distress among its readers without good reason.
7. The advertiser should not unfairly attack or discredit other businesses or products.
8. No advertisement will be accepted which in any way advertise prescription - only medicines in the lay press unless authorized by the Ministry of Health. However, such advertisements may be published by medical and allied publications meant for medical practitioners.
9. Any advertisement intending to influence public opinion in favour of or against any political party/ group or electoral candidate must not contain anything that breaks the law or incites any one to break it. Personal attacks on the candidates should also be avoided and only the policies or manifestos should be referred to.

10. No advertisement will be accepted containing claims or illustrations which are distorted or exaggerated in such a manner as to convey false impressions or containing “knocking copies” of direct nature.
11. All monies due from the Advertising Agency to the members of the Society shall be payable at the place of publication of the member newspaper and only the appropriate court at the place of publication or any of its notified establishments for this purpose shall have the jurisdiction in the case of any dispute or legal proceedings. In the event of any dispute or difference between the members of the Society and the accredited advertising agency and the advertisers, arising out of or in connection with the contract or order of insertion or a bill in connection therewith, or otherwise, the same would be referred to an arbitrator who may be nominated by APNS if both parties agree. Otherwise, disputes would be settled in accordance with the Arbitration Act.
12. Member publications shall not favour direct advertisers by giving them better facilities such as lower rates, longer credit periods, preferential positions, commissions, discounts and supplying artwork at nominal rates.
13. The members of the Society shall not give commission or any rebate to any direct advertiser provided that a non-accredited advertising agency or a convasser may be allowed commission not exceeding 6.5% on advance cash payment.
14. In case space contacted for is not fully utilized, space consumed shall be paid for at the rate applicable to such space which was in force at the date of contract as per Rate Card of the publication.
15. The members of the Society shall be free to approach clients of advertising agencies for the purpose of procuring advertisement business. However all such business will be routed through the appointed agency and the agency will be entitled to 15% Agency Commission, if client listed under the agency, as per the Rules of the Society.
16. The members of the Society may in their discretion allow concession on advertisements published in their publications by other members of the Society.
17. The members of the Society may in their discretion allow concession on advertisements relating to charitable and Public Service organizations.

18. The advertiser shall pay dues to the advertising agency, not later than 45 days from, the date of issue of Agency Invoices. Where an advertiser fails to pay and in consequence the agency is unable to pay publications, APNS upon being authentically informed by the Agency and being so satisfied will advise its member publications to suspend the advertisements of the concerned advertiser, until payment is realized. This is without prejudice to the agency's clear liability to pay its dues even if its clients have not paid.

APPENDIX 4

Laws relating to media in Pakistan

The Pakistan Electronic Media Regulatory Ordinance, 2002

http://pemra.gov.pk/pemra/images/docs/legislation/Ordinance_2002.pdf

Code of Conduct for Media Broadcasters/Cable TV Operators (See Rule 24)

http://pemra.gov.pk/pemra/images/docs/legislation/Code_of_Conduct.pdf

The Press Council of Pakistan Ordinance, 2002

<http://www.presscouncil.org.pk/Ordinance.aspx>

Ethical Code of Practice

<http://www.presscouncil.org.pk/EthicalCodeOfPractice.aspx>

Press, Newspapers, News Agencies and Books Registration Ordinance 2002

<http://www.crcp.org.pk/PDF%20Files/press%20reg%20law.PDF>

Defamation Ordinance, 2002

<http://www.intermedia.org.pk/mrc/medialawdocs/defamation-law.pdf>

Amendment in the Defamation Ordinance

http://www.na.gov.pk/uploads/documents/1321334906_971.pdf

Freedom of Information Ordinance, 2002

[http://www.pakistansocietyofcriminology.com/laws/
FreedomofInformationOrdinance.pdf](http://www.pakistansocietyofcriminology.com/laws/FreedomofInformationOrdinance.pdf)

The Newspaper Employees (Conditions Of Service) Act, 1973

[http://www.ilo.org/dyn/travail/docs/1006/Newspaper%20Employees%20
\(Conditions%20of%20Service\)%20Act%201973.pdf](http://www.ilo.org/dyn/travail/docs/1006/Newspaper%20Employees%20(Conditions%20of%20Service)%20Act%201973.pdf)

Friedrich-Ebert-Stiftung (FES)

Hiroshimastrasse 28
10874 Berlin, Germany
Tel: +49-30-26935-7403
Email: rolf.paasch@fes.de
marina.kramer@fes-asia.org
www.fesmedia-asia.org

Friedrich-Ebert-Stiftung

Office Pakistan
P.O. Box 1289
Islamabad, Pakistan
Tel: +92-51-285 09 12-16
Fax: +92-51-285 09 17
Email: info@fes-pakistan.org
Twitter: @FES_PAK
www.fes-pakistan.org

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