



**Submission by the Pakistan Press Foundation to the Special Rapporteur on
Freedom of Opinion and Expression to the UN Human Rights Council
for
Thematic Report "Freedom of Opinion and Expression and Sustainable
Development - Why Voice Matters."**

About Pakistan Press Foundation

Pakistan Press Foundation (PPF) is an independent media documentation and training center. It is a non-governmental organization committed to promoting and defending the freedom of expression.

PPF was established in 1967 as a non-profit organization and continued working until 1974 when it had to suspend operations due to the political environment then prevailing in the country. It was reactivated in 1992 and has since been assisting the development of independent media in Pakistan by conducting training programs for journalists, carrying out projects in research and documentation, and campaigning to defend and promote freedom of the press.

PPF has established an effective network of media and journalists throughout Pakistan to gather and document information concerning violations against the press to monitor and defend freedom of expression. PPF has been working to raise the standards of journalism in Pakistan through greater awareness of social and development issues, and encouraging research on mass communication in Pakistan.

PPF organizes media training programs and seminars in rural centers and cities on issues faced by Pakistani media. The organization has worked to improve professional skills and in helping to raise journalists' awareness on professional, social, political, and human rights issues as well as those related to the environment.

PPF led a successful process of consultative sessions and lobbying along with other actors resulting in the passage of the Sindh Protection of Journalists and Other Media Practitioners Act 2021. The organization also held consultations regarding the federal safety law.

Overview

Freedom of expression is a right guaranteed under the Constitution of Pakistan. In reality, red lines, attacks on the media, forms of censorship, increased control, and restrictions on speech are the norm in Pakistan. When the media challenges the writ of the state, they face the consequences in the form of attacks and harassment.

The ability of the media to operate freely in the country remains under threat. Journalists and media professionals are routinely physically assaulted. Since 2002, PPF has documented¹ 77 killings of journalists and media professionals, including targeted murders and killings while on assignment.

Journalists are subject to threats and other forms of intimidation, such as registration of cases and abductions. Beyond the direct attacks on the media, which often result in self-censorship, Pakistan's overall landscape of free expression is one of redlines, censorship, and fear. This environment hampers their ability to report on key political, social, and economic events in a safe manner.

During 2022, PPF recorded² two deaths of journalists in connection to their work, at least 30 instances of physical assault of media professionals; two raids at houses of media professionals; an attack on a press club; at least 12 instances of threats issued as well as online attacks taking on a gendered nature with attacks on women journalists; at least ten arrests in connection with their work; and registration of legal cases against at least nine different media professionals.

In 2021, Pakistan passed its first safety legislation for journalists and media professionals. The Sindh Protection of Journalists and Other Media Practitioners Act 2021³ was passed by the Sindh Assembly, and the Protection of Journalists and Media Professionals Act 2021⁴ was passed by the National Assembly. While implementation of these laws is lacking, the enactment of such legislation was a step towards promoting the safety of journalists and tackling the culture of impunity surrounding crimes against the media.

Pakistan also has provincial and federal laws on the right to information (RTI).

The challenge to free expression and the safeguards provided by these laws is more effective implementation. While in theory, such legislation paves the way for a country working towards its sustainable development goals, till implemented, abuse of free expression will continue.

Simultaneously, there were efforts to further control the media. The former ruling party, the Pakistan Tehreek i Insaf, while at the helm, sought to further strengthen the Pakistan Electronic Crimes Act, 2016, through a presidential ordinance. While a court reversed the amendment, it

¹ International Day to End Impunity for Crimes Against Journalists 2022. PPF <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/11/International-Day-to-End-Impunity-for-Crimes-Against-Journalists-2022..pdf>

² Pakistan Press Foundation Annual Report on Press Freedom 2022. PPF <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/12/2022-PPF-Press-Freedom-Report-1.pdf>

³ THE SINDH PROTECTION OF JOURNALISTS AND OTHER MEDIA PRACTITIONERS ACT, 2021. Sindh Assembly <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XX%20of%202021.pdf>

⁴ Protection of Journalists and Media Professionals Act, 2021. National Assembly https://na.gov.pk/uploads/documents/1636461074_763.pdf

indicates the push for control of the media. There was also an unsuccessful effort to form a super media regulator, the Pakistan Media Development Authority.

The media regulation in Pakistan remains stringent, with existing regulatory bodies such as the Pakistan Electronic Media Regulatory Authority (PEMRA) working in overdrive and issuing directives blocking entire coverage topics. The Pakistan Telecommunication Authority (PTA) has also played a role in shutting down online platforms for content, such as TikTok. While they have yet to succeed, there has been a push from political parties to increase regulation, particularly of content shared online through proposed social media rules.

Corruption is a common complaint of citizens and an oft-used slogan by political parties against opponents to win support. Despite documented corruption against many leading political figures and state officials, there has been little success in eliminating corruption from the system.

According to Transparency International⁵, Pakistan ranked 140/180 and scored 27/100 on the Corruption Perceptions Index in 2022. Per the index, a score of 0 is considered "highly corrupt," and 100 is considered "very clean."

In a system rife with accusations and a proven record of corrupt practices, the media play an essential role in uncovering forms of abuse of power and bringing to light examples of corruption at play. However, facing physical violence and threats in a media riddled with red lines, regulation, and selective implementation of the law, there remain challenges to free expression as a tool to achieve sustainable development.

Sedition Cases

Article 19 of the Constitution⁶ states: "Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence."

While this is a fundamental right that lays out the limits and extent to which free speech is guaranteed in Pakistan by the law, in recent years, journalists and media professionals have been charged with sedition cases. This selective implementation of the law is often used to silence media professionals and works to restrict free expression.

In 2022, PPF recorded⁷ a flurry of cases against media personnel which often included sedition charges. In a current case, where a journalist is facing sedition charges, *ARY News* head

⁵ Corruption Perceptions Index 2022. *Transparency International*
<https://www.transparency.org/en/cpi/2022/index/pak>

⁶ THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN. National Assembly
https://na.gov.pk/uploads/documents/1333523681_951.pdf

⁷ Press Freedom in Pakistan 2022. *PPF* <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/12/2022-PPF-Press-Freedom-Report-1.pdf>

Ammad Yousaf faces the possibility of indictment for allegedly aiding former ruling political party Pakistan Tehreek i Insaf leader Shahbaz Gill for remarks he made while on air on *ARY News*. Under the Pakistan Penal Code (PPC), the punishment for sedition can include life imprisonment.

Right to Information

The Constitution guarantees the right to information (RTI).

In 2010, Article 19-A was added to the Constitution under the 18th Amendment⁸. It states: "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."

Currently, Pakistan has one federal-level law on RTI, the Right of Access to Information 2017⁹. The country also has RTI laws in the Sindh¹⁰, Khyber Pakhtunkhwa¹¹, Punjab¹², and Balochistan¹³ provinces.

In its report¹⁴ on the implementation of the RTI law between November 2018 and December 2021, the Pakistan Information Commission stated that it had received 1,734 appeals, of which 696 were resolved and 395 cases in which partial information was provided, showing a 40.1% response rate.

For the public to have access to information, for state bodies to be accountable, and for the media to be able to report on the various functionaries of the government and the various ministries, the RTI law must be implemented and made use of in full.

Covid-19 Coverage

With the spread of the coronavirus in 2020, a new challenge presented itself to the media.

⁸ Constitution (Eighteenth Amendment) Act, 2010. *Pakistani.org*
<https://www.pakistani.org/pakistan/constitution/amendments/18amendment.html>

⁹ Right of Access to Information Act, 2017. National Assembly
https://na.gov.pk/uploads/documents/1506960942_594.pdf

¹⁰ THE SINDH TRANSPARENCY AND RIGHT TO INFORMATION ACT, 2016. Sindh Assembly
<http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XV%20of%202017.pdf>

¹¹ THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT, 2013. Khyber Pakhtunkhwa Code
https://kpcode.kp.gov.pk/uploads/2013_27_THE_KHYBER_PAKHTUNKHWA_RIGHT_TO_INFORMATION_ACT_2013.pdf

¹² THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013. Punjab Laws.
<http://punjablaws.gov.pk/laws/2547.html>

¹³ The Balochistan Right to Information Act, 2021. Balochistan Assembly
https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2021-03-29_13:06:13_d8817.pdf

¹⁴ The Implementation of the Right of Access to Information Act 2017 – Progress and Challenges. Pakistan Information Commission <http://rti.gov.pk/annual-report-from-november-18-2018-to-december-15-2021-the-implementation-of-the-right-of-access-to-information-act-2017-progress-and-challenges/>

During 2020, PPF recorded¹⁵ numerous restrictions that acted as barriers to information regarding the virus. In one such incident, in Khyber Pakhtunkhwa, coverage of a hospital, the Lady Reading Hospital was banned. At least 2 journalists were arrested¹⁶ for coverage of quarantine centers.

In the midst of a pandemic, when the media were already challenged with safely covering the virus and its impact without contracting the virus, such limits to open information, make it not only difficult for the media to report but also impact the public's information during a public health crisis.

Journalists' Safety Legislation

The passage of the Sindh Protection of Journalists and Other Media Practitioners Act, 2021¹⁷, became the first such law, passed at the provincial level in the Sindh Assembly on May 28, 2021. Months later, on November 8, 2021, the Protection of Journalists and Media Professionals Act, 2021¹⁸ became federal law.

These laws safeguard the safety of journalists in performing their duties and were passed to protect journalists from physical attacks, harassment, and threats. Under both laws, the right to privacy and the non-disclosure of sources are guaranteed. Under the Sindh law, a threat of violence or harassment is considered an act of violence or harassment.

These laws were long overdue in a country where violence against the media prevails with impunity. They can play a pivotal role in ensuring that journalists can report on key developments in the country, including those about development, accountability, and corruption.

However, for violence against the media to be controlled, the effective implementation of these laws is essential. While the Sindh-level Commission for the Protection of Journalists and Other Media Practitioners was formed late in 2022, the Federal-level Commission has yet to be formed.

It is also necessary that similar legislation be introduced and passed in the remaining provinces and territories of Pakistan.

Violation of Laws

¹⁵ Media safety and press freedom in Pakistan 2019-2020 Report by Pakistan Press Foundation (PPF) To commemorate The World Press Freedom Day. PPF <https://www.pakistanpressfoundation.org/wp-content/uploads/2020/05/Media-Safety-and-Press-Freedom-in-Pakistan-2019-2020.pdf>

¹⁶ Pakistan: Two journalists in border town arrested, brutally beaten. PPF. <https://www.pakistanpressfoundation.org/pakistan-two-journalists-in-border-town-arrested-brutally-beaten/>

¹⁷ THE SINDH PROTECTION OF JOURNALISTS AND OTHER MEDIA PRACTITIONERS ACT, 2021. Sindh Assembly <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XX%20of%202021.pdf>

¹⁸ Protection of Journalists and Media Professionals Act, 2021. National Assembly https://na.gov.pk/uploads/documents/1636461074_763.pdf

In violation of the safety law, on January 13, *Bol News* journalist Shahid Aslam was arrested¹⁹ by the Federal Investigation Agency (FIA) in connection with a story on the assets of the family of former army chief General (retired) Qamar Javed Bajwa. The agency asked the journalist for his passwords which he refused to share, after which the agency confiscated his laptop and cell phone and sent them for forensic analysis.

The Protection of Journalists and Media Professionals Act, 2021, safeguards a journalist's right to privacy. Despite the law's passage, a state agency has actively violated this right to privacy and undermined the confidentiality of a journalist, which is integral to their work.

Aslam's arrest, the demands for his password, and the seizure of his electronic devices directly violate his ability to do his work freely. This act represents the consequences that Pakistan's media can face for trying to uncover stories that question those in power.

In another instance, *ARY News* head Ammad Yousaf, currently facing a court case, was first arrested on August 9, 2022. According to *ARY News*²⁰, police officers and plain-clothed persons "forcibly" entered Yousaf's house. According to ARY staff police also confiscated his cell phone, and DVR of the CCTV. This was in complete violation of both the federal and provincial journalists' safety laws.

Media Regulation

The Pakistan Electronic Media Regulatory Authority (PEMRA) is tasked with monitoring content shared by the broadcast media. However, PPF has documented PEMRA has been overzealous in using its mandate to control the media. While it is tasked with ensuring the nature of content meets social and legal standards in place, the regulator has acted as a body that censors entire topics of coverage.

In recent years, coverage of speeches and addresses by key political figures has been banned by PEMRA at crucial political junctures. In August 2022, PEMRA banned the live broadcast of speeches by former prime minister Imran Khan²¹. In November 2022, an address by Asad Umar, a member of the Pakistan Tehreek i Insaf, was banned from airing in which he had shared whom Khan had believed to be behind a gun attack on a PTI rally.

¹⁹ Pakistan Press Foundation strongly condemns arrest of journalist Shahid Aslam in violation of the recently enacted journalist's safety law. PPF <https://www.pakistanpressfoundation.org/pakistan-press-foundation-strongly-condemns-arrest-of-journalist-shahid-aslam-in-violation-of-the-recently-enacted-journalists-safety-law/>

²⁰ HEAD OF ARY NEWS AMMAD YOUSAF ARRESTED FROM KARACHI. *ARY News* <https://arynews.tv/head-of-ary-news-ammad-yousaf-arrested-from-karachi/>

²¹ PPF urges PEMRA to revoke ban on live broadcasts of former prime minister Imran Khan's speeches; alarmed by disruptions in YouTube access. PPF https://www.pakistanpressfoundation.org/ppf-urges-pemra-to-revoke-ban-on-live-broadcasts-of-former-prime-minister-imran-khans-speeches-alarmed-by-disruptions-in-youtube-access/?utm_source=rss&utm_medium=rss&utm_campaign=ppf-urges-pemra-to-revoke-ban-on-live-broadcasts-of-former-prime-minister-imran-khans-speeches-alarmed-by-disruptions-in-youtube-access

The trend of banning addresses by political figures was also utilized previously. In October 2020, PEMRA prohibited²² the broadcast and rebroadcast of any speech, interview, or public address of an absconder or a proclaimed offender on TV channels. However, this was selectively applied to ban speeches by former prime minister Nawaz Sharif.

When coverage of entire political or current events or political leaders is banned, the public's access to information is seriously restricted. This is detrimental to the media's ability to report and the public's ability to be informed. When a population is uninformed or denied the right to access information, their ability to hold power to account, protest, or make choices in election cycles is undermined. Free flow of information should be ensured without censorship implemented under state orders.

PECA, 2016

The Pakistan Electronic Crimes Act, 2016 (PECA)²³ is a law introduced in 2016 under the Pakistan Muslim League Nawaz (PML-N) government. The law, since its inception, was draconian and had been opposed by press freedom advocates.

In 2022, there was a push²⁴ to make the law further stringent through a presidential ordinance under the PTI government. This included an increased jail term from three to five years to anyone "defaming any person or institution," the definition of a person was expanded, it was made a non-bailable offence, speedy trials were urged, and the court was required to submit monthly reports for pending trials.

In April 2022, the Islamabad High Court struck down²⁵ the Ordinance and also struck Section 20 (offences against dignity of a natural person) of PECA, 2016, to the extent of the expression "or harms the reputation."

²² Pakistan's electronic media regulator prohibits coverage of major news events and issues. *PPF* <https://www.pakistanpressfoundation.org/pakistans-electronic-media-regulator-prohibits-coverage-of-major-news-events-and-issues/>

²³ Pakistan Electronic Crimes Act, 2016. National Assembly https://na.gov.pk/uploads/documents/1470910659_707.pdf

²⁴ PPF rejects amendments to PECA, 2016; terms them a move that will stifle free speech in Pakistan. *PPF* <https://www.pakistanpressfoundation.org/ppf-rejects-amendments-to-peca-2016-terms-them-a-move-that-will-stifle-free-speech-in-pakistan/>

²⁵ PPF welcomes Islamabad High Court's decision to strike down the PECA ordinance. *PPF* <https://www.pakistanpressfoundation.org/ppf-welcomes-islamabad-high-courts-decision-to-strike-down-the-peca-ordinance/>

This section is often used when cases are registered against journalists and media professionals. In 2020, within a few days, cases were registered against three journalists — Asad Ali Toor²⁶, Bilal Farooqi²⁷, and Absar Alam.

While PECA may be a cybercrime law, it is used to target journalists, thus reducing the space for criticism, debate, or commentary on key developments in the country, including those related to sustainable development indicators.

Bans on Online Platforms

While digital media and online platforms, including social media, are increasingly becoming a source of information and platform for sharing content, Pakistan's push for control and monitoring of these platforms has also increased.

In Pakistan, complete bans on online video-sharing platforms such as YouTube and TikTok have restricted access to information and cut off Pakistani content creators from markets.

The ban on YouTube was lifted²⁸ in 2016 after being blocked²⁹ in the country in 2012. TikTok went through a series of bans by the Pakistan Telecommunications Authority, after which it was restored in November 2021.

While content regulation may be necessary, blocking platforms indefinitely cut off a platform for news sharing and access to information via these platforms.

Additionally, in the past two years, Pakistan has witnessed internet closures nationally or in selective areas of the country.

On April 16, 2021, there was a nationwide blackout of social media platforms — including Facebook, Twitter, YouTube, Telegram, and WhatsApp — which according to the PTA, was "in order to maintain public order and safety." The move had come amid days of protests by the religious party Tehreek-e-Labbaik Pakistan (TLP). This blanket ban on social media left citizens temporarily in the dark with little information about what was happening in the country.

²⁶ Pakistan: Criminal complaint filed against another journalist for his posts on social media. *PPF*
<https://www.pakistanpressfoundation.org/pakistan-criminal-complaint-filed-against-another-journalist-for-his-posts-on-social-media/>

²⁷ Pakistan: Journalist arrested for social media posts. *PPF*
<https://www.pakistanpressfoundation.org/pakistan-journalist-arrested-for-social-media-posts/>

²⁸ YouTube ban lifted after three years. *The Express Tribune*
<https://tribune.com.pk/story/1030136/youtube-ban-lifted-after-three-years>

²⁹ PM orders immediate shutdown of Youtube services. *Dawn*
<https://www.dawn.com/news/750069/pm-orders-immediate-shutdown-of-youtube-services>

Early this year, in January, there were reports³⁰ of an internet closure in the port city of Gwadar in the Balochistan province amidst clashes between protestors and police. Internet services were restored after ten days.

Such closures cut off access to information, particularly when critical political developments are occurring in a part of the country. To hold power to account, citizens' and journalists' ability to access and send information out is pivotal. Online freedom of expression must be as strongly protected as free expression offline.

³⁰ Pakistan Press Foundation (PPF) alarmed by reports of internet shutdown in Gwadar; welcome reports of restoration. *PPF* <https://www.pakistanpressfoundation.org/pakistan-press-foundation-ppf-alarmed-by-reports-of-internet-shutdown-in-gwadar-welcome-reports-of-restoration/>