

# **Pakistan**

**Submission to United Nations Human Rights Committee  
120th session (3 – 28 July 2017)  
Geneva**

## **Freedom of Expression**

**(Media Freedom)**

**Joint Submission IFEX, PPF and RIDH**



17

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## **List of organizations**

**IFEX:** IFEX (established 1992) is the global network of 110 organisations working to promote and defend the right to freedom of expression and information in over 60 countries worldwide. Through its local members, IFEX supports awareness raising, campaigning and advocacy on a range of issues related to freedom of expression and information in Pakistan.

**PPF:** Pakistan Press Foundation (PPF) is an independent media documentation and training centre, committed to promoting and defending freedom of expression in Pakistan. It has been involved in assisting the development of independent media by conducting training program for journalists; carrying out projects in research and documentation; and campaigning to defend and promote freedom of the press. PPF has, since 1992, been monitoring attacks on freedom of expression.

It serves as the secretariat of Pakistan Coalition on Media Safety (PCOMS) and Editor for Safety (EfS), a network of senior editors and news directors, united on the agenda of safety of journalists. PPF advocates nationally and internationally for promotion of freedom of expression and safety of journalists, in collaboration with local, national and international stakeholders.

**RIDH:** The International Network of Human Rights (RIDH) is a non-governmental organisation based in Geneva that works to empower civil society actors working for the promotion and protection of human rights. The organisation liaises between local advocates, United Nations and State representatives in Switzerland, using well-established international mechanisms to help protect the human rights of the most vulnerable. RIDH's mission is to enhance the capabilities of local human rights defenders and to establish meaningful relationships between national and global actors for the safeguarding of human rights worldwide.

## Executive Summary

This submission focuses on the situation for freedom of expression and media freedom in Pakistan, and on the replies submitted by Pakistan to the Human Right Committee (CCPR). Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) in 2010 but its initial report to the HRCttee will be examined in July 2017.

The submission does not aim to be comprehensive of all freedom of expression issues, but focuses on issues relating to:

- The constitutional, legal and institutional framework;
- Harassment of women in media;
- Blasphemy Laws as they affect freedom of expression;
- Freedom of expression online;
- The safety of journalists and media workers;
- Impunity in the country continues;
- Criminal Defamation;
- Broadcast and film regulation;
- Censorship of films

### 1. The constitutional, legal and institutional framework

- i. Overall, we find that the situation for the right to freedom of expression and media freedom in Pakistan has not improved since the ratification of the ICCPR. The constitutional, legal and institutional framework has, with few exceptions, deteriorated. The enforcement of blasphemy and criminal defamation with anti-terror laws, including trial of civilians by military courts, remain a significant concern. As those laws extend control over the right to freedom of expression online.
- ii. Killings and attacks on journalists and media workers remain alarming and are characterized by ongoing impunity<sup>1</sup>. Discrimination and harassment against women journalists continues to be a serious problem.
- iii. The regulatory environment for the media and film industry has also become increasingly antagonistic.
- iv. In Paragraph 1 of the State of Pakistan's replies to the CCPR, it is mentioned that the constitution and legal framework follow international human rights laws and standards, including the ICCPR and that measures have been taken to strengthen the national human rights institution. This does not seem to be the case, as many laws that require reform

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<sup>1</sup> <http://www.pakistanpressfoundation.org/wp-content/uploads/2016/11/Report-on-Impunity-November-1-2016.pdf>

remain unchanged. However, the Constitution of Pakistan does provide some limited protection to the right to freedom of expression in its article 19<sup>2</sup>.

- v. Article 19 of the constitution of Pakistan guarantees freedom of expression. This article stipulates that “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 the law in the interest 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, defamation or incitement to an offence”.
- vi. Article 19 of the Constitution does not meet the threshold for permissible limitations on the right to freedom of expression, set out in Article 19 (3) of the ICCPR. Limitations based on religion, decency or foreign policy considerations are not recognised by international human rights law.
- vii. Moreover, the absence of any requirement in the Constitution that limitations on expression be shown to be necessary for the pursuit of legitimate objectives, such as national security or public order (the Constitution only requires limitations to be “reasonable”), is of concern.
- viii. In 2010 an amendment to Article 19 of Pakistan’s Constitution was introduced. Article 19-A guarantees the right to information (RTI). However, progress in implementing RTI legislation has been slow at the federal level.
- ix. At the federal level, the unacceptably weak Freedom of Information Ordinance of 2002 has not been amended or replaced to bring it into compliance with Article 19-A of the Constitution. This law gives wide discretionary powers to government officials to classify documents as confidential and thereby provide grounds for refusing or even ignoring information requests.
- x. The province of Balochistan has not yet reformed or replaced the Freedom of Information Act 2005, which essentially mirrors the outdated federal law.
- xi. On the positive side three provinces, Sindh, Khyber Pakhtunkhwa, and Punjab, enacted enabling legislation on the right to access information.

## **2. Harassment of women in media and online**

- i. Although the government has highlighted the pro-women legislation by Pakistan in Paragraph 4 of the replies to the List of Issues, the implementation of these laws is lacking.
- ii. The government has failed to ensure the implementation of pro women laws, including the minimum protections offered by the “Protection against Sexual Harassment of

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<sup>2</sup> <http://bit.ly/2o9t8cT>

Women at Workplace Act 2010”. As a result, very few media outlets have implemented the Act.

- iii. Although Pakistan has made commitments to combat violence and discrimination against women generally and at the workplace, as well as to ensure legislation for the protection of women against violence and discrimination more broadly, sexual and gender-based harassment and threats faced by women journalists and media workers remain a significant problem.
- iv. According to the report, “Media and Gender in Pakistan”<sup>3</sup> published by the International Federation of Journalists (IFJ) in 2015, it is noted that more than 50% of women journalists witnessed sexual harassment in Pakistan.

### **3. Impact of blasphemy laws on freedom of expression**

- i. In Paragraph 20 of the replies to the List of Issues, Pakistan noted that blasphemy laws were introduced during British era, which is partially correct as section 295 was introduced at that time. However, sections 295 B and C of the Pakistan Penal Code (PPC), which carries the death penalty, were introduced after that period under a military dictatorship.
- ii. The PPC contains four types of blasphemy<sup>4</sup> prohibition:
  - Section 295-C of Penal Code provides the death penalty, life imprisonment and/or fine for “whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him)”;
  - Article 295- B stipulates life imprisonment for “whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an”;
  - Article 295- A stipulates imprisonment of up to ten years, and/or fine for “whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs”;
  - Article 295 of the Pakistan Penal Code stipulates an imprisonment of up to two years, and/or fine for “Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion”;

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<sup>3</sup> [http://www.ifj.org/fileadmin/images/Asia\\_Pacific/IFJ\\_AP/reports-etc/Gender\\_and\\_Media\\_in\\_Pakistan](http://www.ifj.org/fileadmin/images/Asia_Pacific/IFJ_AP/reports-etc/Gender_and_Media_in_Pakistan)

<sup>4</sup> <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html#f108>

- iii. As identified in the Rabat Plan of Action, and in the Human Rights Committee's General Comment No.34, prohibitions on blasphemy are incompatible with international human rights law. Blasphemy laws are used by authorities to target open inquiry and legitimate dissent, where there is neither intent nor likelihood for the expression to advocate hatred or, incite hostility, violence, or discrimination.
- iv. One thousand and fifty-four (1,054) Blasphemy cases were registered in Pakistan from 2012 to 2015; most of cases were filed against Muslims. Complaints leading to blasphemy charges are often not connected to or motivated by an individual engaging in blasphemy, but may be motivated by personal enmities or rivalries <sup>5</sup>.
- v. On 24 March 2017, the Federal Investigation Agency (FIA) arrested three persons on blasphemy charges related to social media posts<sup>6</sup>. Earlier, the Interior Ministry informed the Islamabad High Court that one arrest had been made, while the names of several others have been put on the Exit Control List (ECL). While placing names in the ECL, international standards of due process were not followed.
- vi. In relation to the case of five kidnapped bloggers<sup>7</sup>, detailed below, a petition was filed to The Islamabad High Court (IHC) against them for blasphemy. In the first hearing on 27 February 2017, the Islamabad High Court ordered the Pakistan Telecommunications Authority (PTA) to block social media pages deemed to be blasphemous. On 31 March 2017 IHC ordered PTA to remove all blasphemous content from the internet and requested extradition of the blogger who left the country.
- vii. On 7 March 2017, the Chief Justice of the Islamabad High Court declared blasphemers to be terrorists and directed the government to remove blasphemous content from social media<sup>8</sup>. Prime Minister Nawaz Sharif directed the state machinery to find those responsible for putting blasphemous content on social media and bring them to justice without delay.
- viii. On 16 March 2017, the National Assembly passed a resolution condemning blasphemous content posted on social media and unanimously agreed to the formation of a committee of parliamentary leaders to monitor such content.
- ix. Mashal Khan, a Muslim student at the Abdul Wali Khan University Mardan in Khyber Pakhtunkhwa province of Pakistan was killed by an angry mob in the premises of the university on April 13, 2017, over false allegations of posting blasphemous content online. Following investigations, Chief Minister of Khyber Pakhtunkhwa and the Inspector General of Police stated, "We did not find any concrete evidence under which (a blasphemy) investigation or legal action can be launched against Mashal". Following

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<sup>5</sup> <https://www.dawn.com/news/750512>

<sup>6</sup> <https://www.dawn.com/news/1322531>

<sup>7</sup> [https://www.nytimes.com/2017/01/20/opinion/bring-pakistans-missing-bloggers-home.html?\\_r=0](https://www.nytimes.com/2017/01/20/opinion/bring-pakistans-missing-bloggers-home.html?_r=0)

<sup>8</sup> <https://tribune.com.pk/story/1348784/ihc-directs-authorities-block-social-media-necessary/>

the death of Khan, at least 45 people were arrested and the case was registered against them under the Anti-Terrorism Act.<sup>9</sup>

#### 4. Freedom of expression online

- i. The situation for freedom of expression online has deteriorated significantly despite government commitments to address these concerns.
- ii. The Pakistan Telecommunications Act 1996<sup>10</sup> is the basis for much online censorship of political and social content, often in the name of protecting national security. This includes generic blocking and filtering, DNS tampering, and directives to ISPs to make interventions, without judicial authorization or oversight.
- iii. The Act also provides extensive surveillance powers and the power to shut down telecommunications systems entirely.
- iv. In a report submitted to the Supreme Court in January 2016, the Pakistan Telecommunication Authority (PTA) stated that it had blocked about 84,000 websites containing objectionable content while 400,000 obscene websites were circulated to all the Internet Service Providers for blocking at the domain level. PTA has also blocked 937 Uniform Resource Locators (URLs) and 10 websites of banned organisations for abuse of the internet and social media<sup>11</sup>. Numerous blogs have also been blocked without due process.
- v. Examples of website blocking include:
  - In July 2013, Aljazeera’s website was blocked after it published a document called “Pakistan’s Bin Laden Dossier”, detailing the findings of a commission of inquiry established by Pakistan’s military and intelligence branches into the Bin Laden raid.
  - On 27 February 2015, a Facebook page called “The Beauty of FATA” was taken down after discussions were posted about Pakistan’s controversial Frontier Crimes Regulation Law of 1901.
  - In September 2013, the country’s first Lesbian, Gay, Bisexual and Transgender website queer.pk was shut down.

The suspension of internet and mobile services during times of political unrest has also been of frequent occurrence, often on broad justifications related ostensibly to national security. Examples include:

- In August 2014, internet and mobile services were suspended in various cities in Punjab

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<sup>9</sup> <https://www.dawn.com/news/1329909>

<sup>10</sup> [www.pta.gov.pk/media/telecom\\_act\\_170510.pdf](http://www.pta.gov.pk/media/telecom_act_170510.pdf)

<sup>11</sup> <http://www.pakistanpressfoundation.org/937-urls-10-websites-of-proscribed-groups-blocked/>



during demonstrations carried out by two political parties – Pakistan Tehreek e Insaaf (PTI) and Pakistan Awami Tehreek (PAT).

- On 23 March 2015, Islamabad and Quetta experienced outages for approximately 12 hours during the Pakistan Day Parade.
- In October 2013, provincial Sindh Government decided to ban the instant messaging applications such as WhatsApp, Skype and Viber ostensibly for security issues, though the decision was later withdrawn<sup>12</sup>.
- A longstanding ban on YouTube was lifted on 17 January 2016, after more than three years. The website was banned by PTA on 17 September 2012 after the film "Innocence of Muslims" was uploaded on the website, which led to violent protests across the county.

#### Prevention of Electronic Crimes Act 2016

- vi. In Paragraph 21 and 22 of the replies to the List of Issues, the government has expressed commitment to protect the right to privacy. Contrary to this commitment, on 11 August 2016 Parliament passed the "Prevention of Electronic Crimes Act (PECA) 2016" with potentially severe chilling effects on online freedom of opinion and expression. The law was passed without significant input from civil society stakeholders and the process was characterised by a general lack of transparency. The prioritisation of security over civil liberties has created many problematic aspects that demand the law to be repealed or reformed.
- vii. Vague definitions and broadly framed offences allow for wide interpretation of the law. For example, Section 9 of the Act criminalises the 'glorification of an offence or the person accused or convicted of a crime relating to terrorism or activities of proscribed organisations'. Terms such as 'glorification' are unclear and fail to meet the requirement of legality under international human rights law.
- viii. This clause could stifle debate on matters of public interest, including national security, as well as the application of criminal law in individual cases. Broad offences of hacking (Sections 3 – 8) and "cyber-terrorism" (Section 10) are also open to abuse.
- ix. The PECA expands the already considerable power of the PTA to remove or block access to information and to issue guidelines to ISPs. Section 34 provides the PTA with a virtual *carte blanche* to restrict access to any information if it considers to be against "the interests of the glory of Islam"; the "integrity, security or defense of Pakistan"; "public order, decency or morality"; or "in relation to contempt of court or commission of or incitement to an offence".

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<sup>12</sup> <https://tribune.com.pk/story/612989/sindh-government-to-shut-down-skype-viber-for-3-months/>

In addition to many of these aims not being legitimate under Article 19 of the ICCPR, there are no safeguards allowing for an appeal mechanism or judicial review of such decisions.

- x. Power to issue directives to ISPs is also broadened “in the interest of preventing any offence” (Section 45). These directives provide an additional layer of obligations, and it is a criminal offence to violate them.
- xi. PECA contains troubling details that may have the effect of criminalising encryption tools and technology used by individuals for remaining anonymous online (Sections 13 and 16)<sup>13</sup>. PECA also creates opportunities for expanded surveillance through measures such as mandatory mass data retention (Section 29), mandatory SIM card registration (Section 15), granting of broad power to law enforcement to demand decryption of information without proper judicial oversight (Section 32), and the sharing of information obtained through the Act with foreign governments, also without judicial oversight (Section 39).
- xii. In March 2017, the government launched a media campaign cautioning people to exercise self-restraint in their online activities and warning them of the penalties that are in place under legislation in Pakistan.
- xiii. FIA arrested 114 persons and registered cases under PECA in the current year 2017<sup>14</sup>. Six bloggers suspected to have criticised the Army were interrogated as well. On May 30, 2017 FIA arrested social media activist for allegedly criticizing the military and he was booked under sections 20 and 24 of PECA and, 419 and 500 PPC<sup>15</sup>. As per Constitution of Pakistan, criticizing the army is not a criminal offence as every citizen has the right to freedom of expression.

## **5. Safety of journalists and media workers**

- i. Paragraph 23 of Pakistan’s replies to the List of Issues states, “the terrorists have been attacking journalists, human rights defenders and lawyers. The Government has taken several measures to safeguard them, including, notifying a Ministerial Media Security Committee with the mandate to suggest welfare measures to ensure safety of Journalists and Media Persons; initiation of a new scheme (Life Insurance Policy for Media Persons) for the welfare of the journalists etcetera” but little has been done.
- ii. Attacks against journalists and media workers, and a high level of impunity for these abuses, remain a significant problem. PPF has recorded 73 instances of journalists or

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<sup>13</sup> <https://www.article19.org/resources.php/resource/38416/en/pakistan:-an-analysis-of-the-prevention-of-electronic-crimes-bill-2015>

<sup>14</sup> <http://www.pakistanpressfoundation.org/six-critics-of-army-on-social-media-freed/>

<sup>15</sup> [http://epaper.dawn.com/DetailImage.php?StoryImage=01\\_06\\_2017\\_002\\_005](http://epaper.dawn.com/DetailImage.php?StoryImage=01_06_2017_002_005)

media workers being killed for their work since 2002. Impunity has been the norm, and there have only been five convictions for murders of journalists<sup>16</sup>.

## 6. Impunity in the country continues

- i. The number of journalists and media workers killed and attacked in Pakistan shows an abject failure to protect them against violence and to ensure accountability for perpetrators. In almost all cases there is on-going impunity. Legal measures have not been introduced to enhance the protection of media workers or institutions.
- ii. Case examples:
  - On 31 December 2013, Shan Dahar<sup>17</sup>, reporter of “Abb Takk” TV channel was shot and killed in Badah, Larkana district of the Sindh province of Pakistan. The local police termed the death as ‘accidental’ although Dahar identified his attackers before he died. A positive development in this case has been the recent transfer of the investigation on 19 May 2017 by the Inspector General of Sindh Police on the instructions of home secretary.
  - On 19 April 2014, Hamid Mir<sup>18</sup>, senior journalist and talk show host for Geo Television, was shot six times and seriously injured in the high security zone around Karachi Airport. The government set up a judicial commission in response to national and international furore, but refused to release its report for almost three years. On 10 April 2016, a copy of the report was leaked to the press, which did not identify the culprits in the attack.
- iii. Pakistan’s response in Paragraph 9 of the replies to the List of Issues claim that there was no restriction of freedom of expression or enforced disappearances. However, the abduction and disappearance of citizens, including activists continues.<sup>19</sup> For instance, five bloggers and social media activists were abducted in early January 2017: Asim Saeed, Waqas Goraya, Ahmed Raza Naseer, Professor Salman Hyder, and Samar Abbas. Four were released after more than two weeks in detention, though Samar Abbas remains missing. They have alleged they were tortured during their detention, possibly with the involvement of government agencies. No individual has been held accountable for the kidnapping and there is seemingly no attempt to investigate the possible role of government intelligence agencies in alleged torture.
- iv. The Government of Pakistan has mentioned measures in its replies to the List of Issues that have been taken for the protection and the welfare of journalists. However, the 2016 draft “Journalists Welfare and Protection” bill does not adequately address the issue of impunity and imposes significant restrictions on media freedom and independence.

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<sup>16</sup> <http://www.pakistanpressfoundation.org/wp-content/uploads/2017/05/Pakistan-Press-Freedom-Report-5-MAY-17.pdf>

<sup>17</sup> [http://www.ifex.org/noimpunity/cases/shan\\_dahar\\_impunity/](http://www.ifex.org/noimpunity/cases/shan_dahar_impunity/)

<sup>18</sup> [https://www.ifex.org/pakistan/2016/04/12/hamid\\_mir\\_report/](https://www.ifex.org/pakistan/2016/04/12/hamid_mir_report/)

<sup>19</sup> [http://epaper.dawn.com/DetailImage.php?StoryImage=29\\_05\\_2017\\_117\\_004](http://epaper.dawn.com/DetailImage.php?StoryImage=29_05_2017_117_004)

Section 6 of the draft bill requires media organisations to get approval from the government “before deputing a journalist for duty in a sensitive area, which can be potentially harmful to the journalist.” Section 12 of the draft bill gives government the authority to ban media organisations for up to three months and to impose fines of up to twenty million Pakistani Rupees (about USD190,000) in case of violation.

### Travel ban

- v. In Paragraph 16 of its replies to the List of Issues, the government of Pakistan states that “after a thorough scrutiny process, the names of individuals are placed on Exit Control List (ECL)<sup>20</sup>” but contrary to this on 10 October 2016, the Federal Ministry of Interior placed Cyril Almeida<sup>21</sup>, assistant editor of the daily Dawn, on the ECL, which barred him from travelling outside the country, pursuant to the Exit from Pakistan (Control) Ordinance of 1981.
- vi. On 6 October, he had published a story titled “Act against militants or face international isolation, civilians tell military”, that reported on a meeting of senior military officials and government leaders where concerns on connections between intelligence agencies and some militant organisations were raised. His name was removed from the list four days later, following the pressure of media associations, journalists and other civil society groups<sup>22</sup>.

## **7. Criminal Defamation**

- i. In Pakistan’s last Universal Periodic Review, it accepted and noted recommendations to decriminalise defamation, but this has not been acted upon yet. Sections 500 and 501 of the PPC and the Anti-Terrorism Act (ATA) continue to be used to harass and intimidate journalists.
  - In January 2017, journalists Akhlaque Jokhio and Qurban Ali Gadahi faced criminal defamation charges under the Penal Code in front of an Anti-Terrorism Court (ATC)<sup>23</sup>. The use of anti-terrorism courts for a case involving defamation is a regressive step, making the enforcement of an already problematic law even more draconian. The Sindh High Court Sukkur set aside the ATC verdict and both journalists were released on bail after three months in prison.

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<sup>20</sup> [www.fia.gov.pk/en/law/Offences/20.pdf](http://www.fia.gov.pk/en/law/Offences/20.pdf)

<sup>21</sup> <https://www.dawn.com/news/1289412>

<sup>22</sup> <http://www.pakistanpressfoundation.org/almeidas-name-taken-off-ecl/>

<sup>23</sup> <http://www.newslens.pk/anti-terror-laws-hunt-journalists-pakistan/>

- On 19 March 2017, Izhar Mari a reporter of Mahran TV channel was charged under the Anti-Terrorism Act following the complaint of school head master and teachers, about whom he broadcast story.
- On November 20, 2013, police in Southern Kohat district of Khyber Pakhtunkhwa province charged Farhan Ahmed Bangash, a reporter of Royal TV, under ATA for “fanning violence”. He was released after 14 days, getting bail from Peshawar High Court.
- Journalist Ali Raza Rind of Dalbadin in Balochistan was put on Fourth Schedule (alleged Terrorists Watch List) after being accused of having contacts with the outlawed Balochistan Liberation Army. Any person whose name is placed in such schedule must report at the local police station on a regular basis, even daily.

## 8. Broadcast and film regulation

### PEMRA

- In Paragraph 23 of Pakistan’s replies to the List of Issues, it is claimed that the Pakistan Electronic Media Regulatory Authority (PEMRA)<sup>24</sup> does not threaten media outlets, cancel licenses or impose fines. However, PEMRA has suspended several media channels for varying durations, under its 2009 Rules, and Electronic Media Code of Conduct 2010-2015.
- The 2009 Rules contain a restrictive and legally binding code of conduct that prohibits, inter alia, criticism of the armed forces and any “anti-national or anti-state attitudes against basic cultural values, morality, and good manners.” Broadcasters are required to provide warnings of content that may be potentially disturbing or upsetting. Compliance is a licensing condition for broadcasters.
- Based on the Rules and Code of Conduct, PEMRA regularly issues directives to exercise control over the media, undermining media independence and having a significant chilling effect on freedom of expression. Channels or programmes have been banned over twenty times in the last four years. On 20 February 2016, PEMRA delegated to its chairman the authority to instantly shut down any media outlet violating the PEMRA Code of Conduct, which is likely to increase the rate of media shutdowns<sup>25</sup>.
- The enforcement of the PEMRA Code of Conduct through the chairman lacks sufficient procedural safeguards, with shut downs authorized through irregular processes, and often to deter, through disproportionate sanctions, unfavourable coverage of the government.
- Examples include:

<sup>24</sup> <http://www.pemra.gov.pk/>

<sup>25</sup> <https://www.dawn.com/news/1243254>

- On 29 February 2016, television channels responded to a PEMRA directive to black out coverage of protests across Pakistan against the execution of Mumtaz Qadri, who was convicted for the murder of Punjab Governor Salman Taseer, following criticisms Taseer made of Pakistan’s blasphemy laws. PEMRA claimed coverage would “spread sectarianism”, create a danger to public order, and glorify the actions of the convicted<sup>26</sup>.
- According to a report<sup>27</sup> submitted to the Islamabad High Court by PEMRA Chairman the regulator issued 166 notices to private television channels over violations of ethical codes. The court was told that the regulator had taken 380 actions against private television channels for airing “unethical” and “unsuitable” programmes.
- PEMRA imposed fines of over 70 million rupees (US\$ 650,000) on 50 channels from December 2015 to April 2017. During that period, the authority also suspended the transmission of six television channels: Channel 24, Neo TV, Din TV (thrice), Silver Screen, Royal TV and Urdu-1. PEMRA also prohibited nine news anchors from appearing on eight TV channels.
- Four programmes were suspended: “Inam Ghhar” for the re-enactment of a person’s suicide; “Live with Shahid Masood” for abuse of the judiciary; “Ramazan Hamara Eeman” for questioning the State’s power to determine who is and is not a Muslim; and “Ishq-e-Ramazan” for broadcasting hatred against Ahmadis. All suspensions raised due process and proportionality concerns, with several also not pursuing legitimate aims as required under Article 19 (3) of the ICCPR;
- In May 2015 directive, PEMRA advised programmes not to air programmes that may harm Pakistan’s relations with friendly countries, seemingly to suppress discussions in the media of Pakistan’s refusal to send ground forces to Yemen as part of the Saudi-led coalition<sup>28</sup>.
- A similar October 2015 directive warned of strict action against any news outlets that criticized Saudi Arabia’s handling of the stampede in Mina during the Haj pilgrimage, in which many Pakistani citizens died.

## 9. Censorship of films

- i. The Censor Board (CBFC), constituted under the Motion Pictures Ordinance of 1979, has broad power to block the distribution of films, raising freedom of expression concerns. Examples of this power being exercised excessively include:

<sup>26</sup> <https://tribune.com.pk/story/1057019/tensions-high-ahead-of-mumtaz-qadris-funeral/>

<sup>27</sup> [epaper.dawn.com/DetailImage.php?StoryImage=05\\_04\\_2017\\_005\\_009](http://epaper.dawn.com/DetailImage.php?StoryImage=05_04_2017_005_009)

<sup>28</sup> <https://www.dawn.com/news/1210153>

- On 27 April 2016, CBFC banned the movie “Maalik”, ostensibly because of complaints of ethnic profiling of a politician and parallels with the assassination of the former governor of Punjab province by his personal security guard. However, the ban was nullified by the Lahore High Court on 22 September 2016<sup>29</sup>.
- On 21 April 2016, the CBFC banned the documentary film “Besieged in Quetta”, produced and directed by Asef Ali Mohammad on the treatment of Hazara people in the city. The CBFC determined that it promoted “ethnicity and sectarianism” and presented a “negative image of Pakistan<sup>30</sup>.”
- In April 2016, the CBFC also banned the documentary “Among the Believers”, which was produced by Hemal Trivedi and directed by Mohammed Naqvi. The reason given by the Censor Board was similar in that it claimed the film presented a “negative image of Pakistan in the context of the on-going fighting against extremism and terrorism.”

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<sup>29</sup> <https://www.dawn.com/news/1282421>

<sup>30</sup> <https://images.dawn.com/news/1175251/pakistans-banning-spree-continues-as-two-documentaries-axed-for-negative-portrayals>

## **Recommendations**

IFEX, RIDH and PPF calls on the members and experts of the Human Rights Committee to make the following recommendations to the government of Pakistan:

### **Constitutional, legal and institutional framework**

- Reform Article 19 of the Pakistan Constitution to bring it in line with Article 19 of the ICCPR, including by requiring all limitations on the right to freedom of expression justified by principles of necessity and proportionality, and by removing bases for restriction that are not recognised in Article 19(3) of the ICCPR;
- Implement Article 19A of the Constitution by enacting at the federal level an access to information in the line with ICCPR, to replace the Freedom of Information Ordinance of 2002, ensuring equivalent protections at the federal level;
- Ensure the recommendations of journalists and media workers, as well as civil society organisations are incorporated in improving the draft Journalists Welfare and Protection Bill and to ensure that it complies with international freedom of expression standards;
- Implement measures to ensure the protection of journalists and media workers who face threats due to their work, for example by establishing a protection mechanism with adequate resources to grant practical assistance to those at risk;
- Ensure public authorities publicly, unequivocally and systematically condemn all violence and attacks against all journalists and other media workers;
- End impunity for crimes against journalists and media by ensuring impartial, prompt, thorough, independent and effective investigations into alleged crimes to hold those responsible to account;
- Appoint special prosecutors on violence against media at the federal and provincial levels to investigate and prosecute cases of violence against journalists and media workers;
- Provide updated information about the judicial status of cases of murdered journalists for the UNESCO Director- General's Report on the Safety of Journalists and the Danger of Impunity;
- Ensure the establishment of a fund for families of journalists who had been murdered or injured;
- Ensure the implementation of legislation to prevent and protect against gender-based and sexual harassment against women journalists in the workplace, ensuring also their access to effective remedies;



- Reform the Exit from Pakistan (Control) Ordinance of 1981 to ensure it is not used arbitrarily to block journalists and media workers from leaving the country.

### **Harassment of women in media**

- Ensure the implementation of “Protection against Sexual Harassment of Women at Workplace Act 2010” in all media houses.

### **Criminal defamation**

- Reform defamation laws by amending Sections 500 and 501 of the Pakistan Penal Code, and repeal sections of the Anti-Terrorism Act 1997 that are being used against journalists. Drop all outstanding charges and convictions against journalists and media workers.

### **Broadcast and film regulation**

- Reform PEMRA, its 2009 Rules and Code of Conduct, to ensure its independence from political influence, so that its main purpose is to promote an independent and pluralistic media sector, ensuring that any limitations it may impose comply with international freedom of expression and due process standards, and are subject to judicial review;
- Reform the CBFC to ensure its independence from political influence, and to ensure any power it has to block the distribution of films complies with international freedom of expression standards.

### **Freedom of expression online**

- Comprehensively reform the Pakistan Telecommunications Act of 1996 and the Preventing of Electronic Crimes Act 2016 to bring them into compliance with international human rights standards on the rights to freedom of expression and privacy.