

I. INTRODUCTION AND CONTEXT

1. This joint stakeholder report focuses on key issues related to the right of freedom of expression, press and media freedoms, journalist safety, online freedom of expression and related challenges like hate speech and different forms of criminalization of digital expression. The report draws on extensive and ongoing monitoring and research on the identified thematic issues by a number of civil society organizations in Pakistan, including but not limited to the organizations making this joint submission.
2. In preparation of this submission, a total of eight (8) consultations have been undertaken in different cities across Pakistan, bringing together representatives from the press, media representative bodies, civil society organizations, human rights defenders and members of the legal fraternity. The submission incorporates various insights and recommendations collected during this consultative process.
3. This review marks the 4th cycle of Pakistan in the Universal Periodic Review Mechanism. During the third cycle, Pakistan *supported* a total of 05 recommendations made under the theme D43 *Freedom of opinion and expression*. An additional 09 recommendations made under the theme were simply *noted*. Additionally, 02 recommendations under the theme *Freedom of thought, conscience and religion* had cross cutting considerations with freedom of expression, were also noted.
4. In pursuance of multiple recommendations made in the 3rd cycle, regarding safety of journalists and tackling impunity in cases of violence against journalists, Pakistan has enacted laws to protect journalist's safety at Federal level and within one province. Both federal and provincial laws have been received well by media representative bodies and civil society groups working on the themes. Both laws have been enacted in 2021 and are still in the process of being implemented. Additionally, to make the process of investigations in cases of crimes against journalists effective, focal points have been identified in various law enforcement jurisdictions.
5. For first time, data collection mechanism on crimes against journalists has been established in line with the requirements of SDG 16.10.1, an initiative which will help in strengthening government response to issues of safety of journalists.
6. Since the third cycle, the judiciary has also been effectively used by journalists and civil society groups seeking to redress some government policies that were considered violating the rights. In one such case, the Islamabad High Court (IHC) struck down an Ordinance, which amended Pakistan's cybercrime law in such a way that was violating constitutional rights of FoE and RTI. The IHC has also been regularly hearing various strategic / public interest petitions filed against laws and policy decisions that are seen to have a negative impact on online freedom of expression.
7. The following sections outline contextual developments in the area of freedom of expression, access to information and journalist safety.

II. CONSTITUTIONAL, LEGAL AND INSTITUTIONAL FRAMEWORK ON FREEDOM OF EXPRESSION, MEDIA AND RIGHT TO INFORMATION

8. Pakistani law gives its citizens the freedom of expression and right to information under Article 19 and Article 19A of the Constitution. However, Article 19 bars the citizens from speaking against 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. Advocates for press freedom have advocated the need for amendment in Article 19 to make it more progressive. Others have highlighted the deficiencies in the legal justice system that fail to protect and promote the right guaranteed under Article 19.
9. To codify the constitutional guarantees in law, both protective and punitive legal instruments have been developed. Media regulatory bodies have been established to regulate private media entities. However, concerns about regulatory independence remain.
10. Restrictions on speech, as identified in the Article 19 of the Constitution, have been codified in various laws. At the foundational level, the Pakistan Penal Code [PPC] criminalizes various forms of speech including sedition, defamation, incitement to violence and blasphemy. Defamation is also criminalized through a separate ordinance and through cybercrime law: Prevention of Electronic Crimes Act (PECA). A law carrying civil charges against defamation is also in effect. The Anti-Terrorism Act (ATA) and Pakistan Telecommunications Authority (PTA Act) have different sections criminalizing incitement to violence and speech with implications for national security. In addition, Section 37 of PECA applies almost all the restrictions identified in Article 19 (except discussion on friendly relations with foreign States) on online content.
11. In 2010, Pakistan amended the Constitution to include right to information, referred to as Article 19(a). Right to Information (RTI) laws have been enacted at both Federal (2017) and Provincial Levels (Punjab and Khyber Pakhtunkhwa 2013, Sindh 2017, Balochistan 2021). The National RTI law i.e 'Right of Access to Information Act, 2017' has scored 105/150 points in the global index consolidated by the Centre for Law and Democracy¹. Provincial RTI laws are generally strong and progressive with broader scope and fewer exceptions. Centre for Peace and Development Initiatives (CPDI) consolidated scoresheet of provincial RTI laws²; where Khyber Pakhtunkhwa Right to Information Act 2013 scored 132/150, Punjab Transparency and Right to Information Act, 2013 scored 148/150 and Sindh Transparency and Right to Information Act, 2016 scored 117/150. However, there are questions about the empowerment, powers, efficiency and performance of public information officers and the information commissions.
12. In 2021, Pakistan passed two laws particularly focusing on journalists' safety – the Protection of Journalists and Media Professionals Act, 2021³ at national level and the Sindh Protection of Journalists and Other Media Practitioners Act, 2021⁴. The laws include provisions on monitoring and holding people

¹ Canada, Centre for Law and Democracy. 2022. *By Country | Rti Rating*. [online] Rti-rating.org. Available at: <<https://www.rti-rating.org/country-data/>> [Accessed 7 July 2022].

² Pakistan, CPDI. 2022. [Online] Cpd-pakistan.org. Available at: <<https://www.cpd-pakistan.org/wp-content/uploads/2019/04/CPDI-Scoresheet-of-RTI-Laws-in-Pakistan-2019.pdf>> [Accessed 7 July 2022].

³ Protection of Journalists and Media Professionals Act, 2021. Available at: https://na.gov.pk/uploads/documents/1636461074_763.pdf. [Accessed 7 July]

⁴ Sindh Protection of Journalists and Other Media Practitioners Act, 2021. Available at: <http://sindhlaws.gov.pk/setup/publications/PUB-21-000041.pdf> [Accessed 7 July]

accountable for perpetuating violence against media professionals. However, till the time of this submission, the laws have yet to come into effect and commissions envisaged in the laws for monitoring media related developments, investigating and prosecuting cases of violence against the media are yet to be established.

- 13.** There has been some progress towards recommendations supported in the 3rd cycle. The following text offers brief updates with regards to recommended actions to improve freedom of expression in the country;

12.1 - Recommendation 152.173 - "Prevent impunity for crimes against journalists and media workers"(Sweden) - While there hasn't been an improvement in the conviction rates and effective investigations in crimes against journalists, the adoption of a special law for journalist safety does indicate some progress towards this goal.

12.2 - Recommendation 152.175 - Investigate all reports of attacks on journalists and human rights defenders, and bring the perpetrators to justice (Norway) - The same observation made for 152.173 applies. Additionally, there have been some administrative developments, including nomination of focal persons for crimes against journalists within local law enforcement units.

12.3 - Recommendation 152.174 - Protect independent journalists and the media against any intimidation or violence, including enforced disappearance (Czechia); - Unfortunately, intimidation of journalists has remained a challenge and threats of legal action under punitive laws have also been arisen as an intimidation factor. However, the judiciary has been playing a positive role in this regard and various cases related to intimidating tactics through misuse of law, enforced disappearances and related crimes are being heard.

12.4 - Recommendation 152.176 - Implement measures to protect the right to life and freedom of expression of journalists and human rights defenders, ensuring that the perpetrators of violence against them are brought to justice (Greece). Apart from enactment of journalist safety law, there has not been much progress towards this recommendation.

12.5 - Recommendation 52.170 - Intensify efforts aimed at efficiently safeguarding the freedom of expression (Cyprus). Unfortunately, there have been no notable positive developments in this regard.

III. SITUATION OF MEDIA REGULATION AND FREEDOM OF THE PRESS

- 14.** Pakistan Electronic Media Regulatory Authority (PEMRA), which has a mandate to "facilitate and regulate" electronic media, has been criticized for serving as the control mechanism for the government and state institutions. The directions issued by it range from placing a blanket ban on speeches by "absconders", which includes the former prime minister, to telling drama creators to not show hugging scenes in television dramas. On May 16, 2022, the authority issued directives to TV channels to refrain from broadcasting "malicious content" against state institutions while airing talk shows, news bulletins, and live coverage of public gatherings⁵. In 2019, the Pashtun Tahafuz Movement (PTM) had told a committee of the Senate about a media blackout against them. They said that this was "due to a bar on the media

⁵ PEMRA warns TV channels to avoid airing content against army, judiciary. (2022). Retrieved 7 June 2022, from <https://www.geo.tv/latest/417245-pemra-warns-tv-channels-to-avoid-airing-content-against-army-judiciary>.

from highlighting their activities,” *Dawn*⁶ reported.

15. Another form of censorship was closure of television channels or cable operators or changing the position of the channels. In July 2020, PEMRA had ordered 24NewsHD, a news channel, to go off air for running alleged “illegal transmission of news and current affairs content”⁷. On May 24, 2022, the transmission of ARY News was suspended⁸ in parts of Pakistan, while its position was changed in Pir Mahal, Muzaffargarh, Okara, Taxila, Wah Cantt, Rawat, Murree, Kotli Satyan and Gujar Khan.
16. The covid-19 pandemic made countries and citizens realize the importance of sharing reliable and credible information, and created various hurdles for journalists and media personnel. The government shared limited information about the formation and working of the National Command and Control Center, which was tasked with assessing the spread/ severity of infections and making policy suggestions which the government would implement. At least in one instance, media professionals were arrested after they staged a protest against lack of coronavirus protective gear available to them⁹, while health officials and government employees were directed by the authorities in Punjab and Khyber Pakhtunkhwa to avoid speaking to the press without prior approval¹⁰.

IV. SITUATION OF ONLINE FREEDOM OF EXPRESSION (FoE)

17. The space and quality of civil and political discourse in Pakistan remains constrained since 2017, including due to widespread misinformation, disinformation and regulatory challenges. Civil society organizations and media representative bodies have consistently protested against enactment of different laws affecting freedom of expression and press in particular Prevention of Electronic Crimes Act (PECA) 2016¹¹, Removal and Blocking of Unlawful Online Content Rules 2020¹², PECA Amendment Ordinance¹³(now

⁶ DAWN. 2019. *Senate body urges security forces, PTM to exercise restraint*. <https://www.dawn.com/news/1485625> Accessed July 13, 2022.

⁷ Khan, J. (2020). Pemra suspends TV channel 24NewsHD’s licence. Retrieved 12 May 2022, from <https://www.dawn.com/news/1566940>

⁸ Chaudhry, F. [@@fawadchaudhry. (2022, May 24.). Tweets [Twitter profile]. Retrieved June 7, 2022, from https://twitter.com/fawadchaudhry/status/1528982697611350017?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctterm%5E1528982697611350017%7Ctgr%5E%7Cwcon%5Es1_&ref_url=http%3A%2F%2Farynews.tv%2Fary-news-transmission-suspended-parts-of-pakistan%2F

⁹ Saifi, S., & Shah, S. (2020). Doctors arrested in Pakistan after protests over lack of PPE. Retrieved 7 June 2022, from https://edition.cnn.com/world/live-news/coronavirus-pandemic-04-06-20/h_5b2fea9ff8892b69cfe1b006f19c5381

¹⁰ Fake news on coronavirus: Punjab stops unauthorized officials from talking to press. (2020). Retrieved 7 June 2022, from <https://www.thenews.com.pk/latest/636893-fake-news-on-coronavirus-punjab-bars-unauthorised-officials-from-talking-to-press>

¹¹ Aziz, F. (2022). Rethinking the Prevention of Electronic Crimes Act: How cybercrime laws are weaponized against women. Retrieved 7 June 2022, from <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2022-Rethinking-PECA-How-cybercrime-laws-are-weaponised-against-women.pdf>

¹² PFUJ releases statement rejecting the recently passed Citizens Protection (Against Online Harms) Rules - Digital Rights Monitor. (2020). Retrieved 2 June 2022, from <https://digitalrightsmonitor.pk/pfuj-releases-statement-rejecting-the-recently-passed-citizens-protection-against-online-harms-rules/>

¹³ Islamabad High Court Quashes PECA Amendment Ordinance; Part of S.20 of PECA Also Unconstitutional - Digital Rights Monitor. (2022). Retrieved 7 June 2022, from <https://digitalrightsmonitor.pk/islamabad-high-court-quashes-peca-amendment-ordinance-part-of-s-20-of-peca-also-unconstitutional/>

defunct) and attempts to introduce new regulatory mechanisms to bring the digital space under regulation through proposed drafts of Pakistan Media Regulatory Authority, Pakistan Media Development Authority¹⁴ and OTT regulation strategies.

18. The Pakistan Federal Union of Journalists (PFUJ) launched multiple protests to resist what it termed as “draconian laws in the shape of Pakistan Media Development Authority (PMDA) and amendment to the Prevention of Electronic Crime Act (PECA) which could have imposed “Martial Law on Media”.¹⁵ The union has also released various statements and staged demonstrations¹⁶ to protest against alleged pressures on media and press.
19. Specifically for online speech, intimidation of journalists through legal action has continued to be a challenge. A number of cases related to punitive legal actions against journalists have been filed in Islamabad High Court (IHC). This includes the examples of Bilal Farooqi¹⁷, Shahzeb Jillani¹⁸, and Asad Toor¹⁹ to name a few. The cases were later quashed on the basis of a lack of evidence. More recently, cases were filed against lawyer Imaan Zainab Mazari-Hazir²⁰, the daughter of a former human rights minister, for allegedly making certain ‘objectionable’ comments against state functionaries. However, the case was quashed by the IHC.
20. It is positive to note that the IHC has frequently questioned FIA’s procedures and intentions²¹. It is because the cybercrime law PECA²², defamation laws²³ and some sections of the Pakistan Penal Code, including sedition charges have been used to initiate investigations against journalists.
21. Hate speech and targeted misinformation campaigns have also emerged as another form of threat affecting journalists’ ability to freely express themselves online. Women journalists have faced increasingly violent and vile organized

¹⁴ PMDA to affect every citizen: PFUJ. (2021). Retrieved 7 June 2022, from <https://www.thenews.com.pk/print/897748-pmda-to-affect-every-citizen-pfuj>

¹⁵ PFUJ expresses resolve to continue fight for ensuring freedom of expression - Daily Times. (2022). Retrieved 7 June 2022, from <https://dailytimes.com.pk/929412/pfuj-expresses-resolve-to-continue-fight-for-ensuring-freedom-of-expression/>

¹⁶ Abbasi, K. (2022). Journalists begin protest against govt’s PMDA move. Retrieved 7 June 2022, from <https://www.dawn.com/news/1646068>

¹⁷ Ali, I., 2020. *Express Tribune journalist Bilal Farooqi arrested in Karachi for 'defaming Pakistan Army'*. [online] DAWN.COM. Available at: <<https://www.dawn.com/news/1579118>> [Accessed 7 June 2022]

¹⁸ Munim, Y., 2019. *Journalist Shahzeb Jillani's interim bail extended by a week*. [online] Samaa.tv. Available at: <<https://www.samaaenglish.tv/news/1742822>> [Accessed 7 May 2022]

¹⁹ The Express Tribune. 2020. *Journalist Asad Ali Toor booked for 'maligning state institutions'* | *The Express Tribune*. [online] Available at: <<https://tribune.com.pk/story/2264105/journalist-asad-ali-toor-booked-for-maligning-state-institutions>> [Accessed 17 March 2022].

²⁰ Desk, N., 2022. *Imaan Mazari-Hazir granted pre-arrest bail in army defamation case*. [online] Global Village Space. Available at: <<https://www.globalvillagespace.com/imaan-mazari-hazir-granted-pre-arrest-bail-in-army-defamation-case/>> [Accessed 7 June 2022].

²¹ IHC Seeks Explanation From FIA Over Press Release Against Journalist Sami Ibrahim - Digital Rights Monitor. (2022). Retrieved 18 May 2022, from <https://digitalrightsmonitor.pk/ihc-seeks-explanation-from-fia-over-press-release-against-journalist-sami-ibrahim/>

²² Pakistan: Three journalists face sedition charges under Cybercrime Law / IFJ. (2020). Retrieved 12 May 2022, from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/pakistan-three-journalists-face-sedition-charges-under-cybercrime-law.html>

²³ Pakistani journalists charged with criminal defamation over tweets in sexual harassment case - Committee to Protect Journalists. (2020). Retrieved 7 March 2022, from <https://cpj.org/2021/02/pakistani-journalists-charged-with-criminal-defamation-over-tweets-in-sexual-harassment-case/>

hate campaigns that became top trends on social media²⁴ that have a silencing effect. In a 2020 report, titled “Women Journalists and the Double Bind: The Self-Censorship Effect of Online Harassment in Pakistan”, Media Matters for Democracy (MMfD) reported that 60% of the participants shared that they had faced some form of attacks, threats or harassment because of their profession: journalism. It found out that 10 percent more women said that they faced harassment and threats as compared to 2018²⁵.

V. SITUATION OF SAFETY OF JOURNALISTS

22. Pakistan continues to witness incidents of physical attacks on the media persons, including murders, assaults, manhandling and abductions. Journalists are also threatened for their work while other coercive methods, such as arrests without warrants and abductions are used to harass media professionals. Meanwhile, the perpetrators of such attacks enjoy almost complete impunity²⁶.
23. From January 2021 to April 2022, Pakistan Press Foundation (PPF) recorded²⁷ one instance where a media professional was killed in what appeared to be a targeted attack due to his work; at least two abductions/kidnappings; 41 instances of physical assault; 13 detentions and arrests; 23 instances of serious threats; and seven instances where criminal cases were registered against media professionals or they were taken to court.
24. There is a strong culture of impunity for crimes against the media. According to figures compiled by PPF, since 2002, there have occurred at least 75

²⁴ Kamran, H. (2020). Women journalists demand immediate end to online harassment in a joint statement - Digital Rights Monitor. Retrieved 7 July 2022, from <https://digitalrightsmonitor.pk/women-journalists-demand-immediate-end-to-online-harassment-in-a-joint-statement/>

²⁵ Khan, S., Shaukat, A., & Naeem, W. (2020). Women Journalists and the Double Bind: The Self-Censorship Effect of Online Harassment in Pakistan. Retrieved 7 June 2022, from <https://drive.google.com/file/d/1nt9hTGPxdaoOqiZtsPouV66FdzILuwok/view>

²⁶ Pakistan Impunity Watch. Available at <https://pakistanimpunitywatch.org/> . [Accessed July 7, 2022.]

²⁷ Pakistan Press Foundation. *Press Freedom in Pakistan Jan 1st, 2021- April 2022 Attacks, legislation, rhetoric and trolling — A media under pressure*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/05/Press-Freedom-Report-New.pdf>

murders of journalists and media professionals in connection with their work²⁸. This includes both targeted murders as well as deaths of media professionals due to explosions and so on while being on duty. According to the figures, five journalists have been killed in Pakistan since 2017. This is a drop in confirmed cases compared to previous years with no murders being registered in 2018.²⁹

25. In an overwhelming majority of these cases, justice has not been served. The payment of blood money to the family of murdered journalists makes it more difficult to convict suspected killers of journalists. PPF has documented³⁰ at least four cases where media-related murder cases have been settled after families of victims pardoned the killers in exchange for money.
26. Aside from murder, the physical assaults on media professionals, involving injuries, manhandling and attempted murders, continue to happen in Pakistan. On May 25, 2021, Islamabad-based journalist Asad Ali Toor was attacked by three unidentified men at his apartment and interrogated for his “funding source”. On April 20, 2021, unidentified men had shot and wounded Absar Alam, a journalist and former PEMRA chairman, near his house³¹. Such attacks, coupled with harassment and threats both online and physically,

²⁸ Pakistan Press Foundation database of attacks on media in Pakistan. Available in annual reports: Pakistan Press Foundation. *Press Freedom in Pakistan Jan 1st, 2021- April 2022 Attacks, legislation, rhetoric and trolling — A media under pressure*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/05/Press-Freedom-Report-New.pdf>

and *Report on Attacks on Media in Pakistan January-October 2021*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2021/10/PPFs-Report-on-Attacks-on-Media-in-Pakistan-2021.pdf> and *Pakistan Press Foundation (PPF) Press Freedom in Pakistan 2020-21* Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2021/05/Revised-Press-Freedom-in-Pakistan-Jan-2020-to-Apr-2021.pdf> and *MEDIA AND PRESS FREEDOM IN PAKISTAN 2020*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2021/01/Media-in-Pakistan-2020.pdf> and *Media safety and press freedom in Pakistan 2019-2020* Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2020/05/Media-Safety-and-Press-Freedom-in-Pakistan-2019-2020.pdf> and *State of the Pakistani Media in 2018*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2019/02/Revised-Report-State-of-Pakistani-Media-PDF.pdf> and *Pakistan Press Freedom Report Covering the Period January 1, 2016 to April 30, 2017* Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2017/05/Pakistan-Press-Freedom-Report-5-MAY-17.pdf>. [Accessed 7 July]

²⁹ Pakistan Press Foundation. *State of Pakistani Media 2018*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2019/02/Revised-Report-State-of-Pakistani-Media-PDF.pdf> [Accessed 7 July]

³⁰ PPF. 2021. *A journalist's murder settled with blood money — Remembering Shahid Soomro*. Available at: <https://www.pakistanpressfoundation.org/a-journalists-murder-settled-with-blood-money-remembering-shahid-soomro/> and PPF. 2022. *A case of murder and pardoning — Remembering Sajid Tanoli*. Available at: <https://www.pakistanpressfoundation.org/a-case-of-murder-and-pardoning-remembering-sajid-tanoli/> and PPF. 2021. *PPF pays tribute to Brohi who lost his life eighteen years ago as a result of his work*. Available at: <https://www.pakistanpressfoundation.org/ppf-pays-tribute-to-brohi-who-lost-his-life-eighteen-years-ago-as-a-result-of-his-work/> and Editors for Safety. 2021. *Munir Ahmed Sangi*. Available at: <https://editorsforsafety.org/journalist/munir-ahmed-sangi> [Accessed 7 July]

³¹ Human Rights Watch. 2021. *Pakistan: Escalating Attacks on Journalists*. [online] Available at: <https://www.hrw.org/news/2021/06/03/pakistan-escalating-attacks-journalists#:~:text=On%20July%2021%2C%202020%2C%20an, released%20after%20a%20few%20hours.>> [Accessed 7 June 2022].

create an environment of fear and undermine the safety of journalists.

27. Another tactic observed during the past few years to intimidate journalists is to abduct them. Since 2017, PPF has recorded abductions of 13 media personnel³², including the abduction of Aaj News Assignment Editor Nafees Naeem³³ reported on June 13, 2022. However, he returned home within 24 hours. On July 21, 2020, journalist Matiullah Jan was abducted³⁴ in Islamabad a day before his scheduled appearance before the Supreme Court for “using derogatory/contemptuous language and maligning the institution of judiciary.” He was also released after a few hours. These abductions are often shrouded in mystery with unidentified individuals picking up a journalist for a few hours and in some instances longer periods of time. Such incidents, even when there is a public outcry, have occurred repeatedly and there is rarely any clear identification of the culprits, let alone accountability.
28. Media houses and press clubs have also been targeted in the recent past. In December 2019, the Islamabad office of Dawn³⁵ was surrounded by a mob and, in February 2021, the Geo and Jang office in Karachi was attacked³⁶ by protestors. In 2021-22, PPF recorded at least 23 instances where members of the media were issued with threats in connection to their work³⁷.
29. Verbal attacks by political parties continue to undermine the safety of journalists. For instance, in July 2019, PTI, the then ruling political party, branded critical media coverage as a form of treason³⁸. In February 2022, in

³² Pakistan Press Foundation database of attacks on media in Pakistan. Available in annual reports: Pakistan Press Foundation. *Press Freedom in Pakistan Jan 1st, 2021- April 2022 Attacks, legislation, rhetoric and trolling — A media under pressure*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/05/Press-Freedom-Report-New.pdf>

and *Report on Attacks on Media in Pakistan January-October 2021*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2021/10/PPFs-Report-on-Attacks-on-Media-in-Pakistan-2021.pdf> and *Pakistan Press Foundation (PPF) Press Freedom in Pakistan 2020-21* Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2021/05/Revised-Press-Freedom-in-Pakistan-Jan-2020-to-Apr-2021.pdf> and *MEDIA AND PRESS FREEDOM IN PAKISTAN 2020*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2021/01/Media-in-Pakistan-2020.pdf> and *Media safety and press freedom in Pakistan 2019-2020* Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2020/05/Media-Safety-and-Press-Freedom-in-Pakistan-2019-2020.pdf> and *State of the Pakistani Media in 2018*. Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2019/02/Revised-Report-State-of-Pakistani-Media-PDF.pdf> and *Pakistan Press Freedom Report Covering the Period January 1, 2016 to April 30, 2017* Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2017/05/Pakistan-Press-Freedom-Report-5-MAY-17.pdf>.

³³ DAWN.COM. 2022. 'Abducted' Aaj News journalist Nafees Naeem returns home safely. [online] Available at: <https://www.dawn.com/news/1694766> [Accessed 16 June 2022].

³⁴ DAWN.COM. 2020. 'Journalist Matiullah Jan released 12 hours after being abducted from Islamabad' Available at: <https://www.dawn.com/news/1570325/journalist-matiullah-jan-released-12-hours-after-being-abducted-from-islamabad>

³⁵ DAWN.COM. 2019. 'Mob besieges Dawn offices in Islamabad' [online] Available at: <https://www.dawn.com/news/1520079> [Accessed 7 July 2022].

³⁶ The News. 2021. 'Jang and Geo Karachi offices attacked by violent mob' [online] Available at: <https://www.thenews.com.pk/latest/793596-jang-and-geo-karachi-offices-attacked-by-violent-mob> [Accessed 7 July 2022]

³⁷ Pakistan Press Foundation. *Press Freedom in Pakistan Jan 1st, 2021- April 2022 Attacks, legislation, rhetoric and trolling — A media under pressure*. [online] Available at: <https://www.pakistanpressfoundation.org/wp-content/uploads/2022/05/Press-Freedom-Report-New.pdf>

³⁸ DAWN.COM. 2019. 'PTI says critical media coverage may be 'treason'' [online] Available at: <https://www.dawn.com/news/1494621> [Accessed 7 July 2022].

an address to the nation³⁹, the then prime minister Imran Khan labelled members of the media as ‘mafia’ and ‘blackmailers’.

30. A rising trend has been the online harassment of women journalists on social media. The safety of women journalists is often undermined through the issuance of threats and trolling online and on social media platforms. For women journalists in Pakistan, the challenge is not only to deal with threats based on their work but with the personal character assassination that accompanies it. The Protection against Harassment of Women at the Workplace Act, 2010⁴⁰ enacted to provide safety to females remains largely inadequate or ineffective in such situations. A 2019 study titled “Fostering Open Spaces in Pakistan” reported that 55 percent of women in journalism and other information professionals had been subjected to online harassment and abuse⁴¹.
31. On August 18, 2020, leading women journalists appeared⁴² before a parliamentary committee on human rights and recorded their testimonies on facing online harassment, after launching a campaign titled #AttacksWontSilenceUs. Under the campaign, a joint statement⁴³ signed by 165 prominent journalists and organizations, described the violent nature of these attacks, which according to the document, are “instigated by government officials and amplified by a large number of Twitter accounts, which declare their affiliation to the ruling party”.

VI. SITUATION ON RIGHT TO INFORMATION

32. In 2010, right to information was declared a fundamental rights through the insertion of Article 19-A in the Constitution. Following that, especially since 2013, the Federal and provincial governments have enacted progressive right to information laws. Except for the Balochistan province, information commissions with significant autonomy have also been established to oversee implementation and decide complaints or appeals filed by aggrieved citizens under the Act. Increasing number of citizens are becoming aware of their right to information and using it as a tool to ask critical questions and hold the authorities accountable.

³⁹ Pakistan Press Foundation. 2022. ‘Pakistan Press Foundation expresses alarm at Prime Minister Imran Khan’s attack on Pakistan’s media and justification of draconian amendments to the Pakistan Electronic Crimes Act 2016.’ [online] Available at: <https://www.pakistanpressfoundation.org/pakistan-press-foundation-expresses-alarm-at-prime-minister-imran-khans-attack-on-pakistans-media-and-justification-of-draconian-amendments-to-the-pakistan-electronic-crimes-act-2016/> [Accessed 7 July 2022].

⁴⁰ Protection Against Harassment of Women at the Workplace Act, 2010. Available online at: <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/protection%20against%20harassment%20of%20women%20at%20the%20workplace%20act%202010/protection%20agaainst%20harassment%20of%20women%20at%20the%20workplace%202010.pdf?vs=2456> [Accessed 7 July 2022].

⁴¹ Jahangir, R., Dad, N., Khan, S., Saeed, M., & Durrani, Z. (2020). Fostering Open Spaces in Pakistan. Retrieved 7 June 2022, from <https://digitalrightsfoundation.pk/wp-content/uploads/2019/04/IMS-Study-Report.pdf>

⁴² Pakistani journalists stand up against online harassment - International Press Institute. (2020). Retrieved 7 June 2022, from <https://ipi.media/pakistani-journalists-stand-up-against-online-harassment/>

⁴³ Joint statement: Attacks on women in media in Pakistan. (2020). Retrieved 7 June 2022, from <https://docs.google.com/document/d/1DD8BQ53noKO6zHy-gysGnFjeKT4ride4uYtQsNNRYoc/edit>

33. Pakistan Information Commission, for example, has resolved more than 2,000 complaints till date⁴⁴, maintains a website that is accessible to people including persons with disabilities, and has established an online complaint system⁴⁵. It has also taken steps to training public information officers and promote proactive disclosure of information. However, the Right of Access to Information Act 2017 needs to be strengthened, especially in relation to definition of public bodies that fall within the scope of the Act and the clauses declaring certain records as excluded from public access to information.
34. Among the provinces in Pakistan, Punjab and Khyber Pakhtunkhwa have functional information commissions, which have decided significant number of complaints or appeals. However, Sindh and Balochistan provinces continue to suffer from serious implementation challenges. On May 29, 2018, the Sindh government established the Sindh Information Commission under the Sindh Transparency and Right to information Act, 2016⁴⁶. But the Commission failed to perform due to a variety of reasons including lack of resources and accountability. Recently, however, the Commission has been reconstituted with the appointment of new information commissioners. As for the Balochistan province, it enacted a new right to information law in February 2021, which too has not yet been implemented. Moreover, the provincial laws, especially of Sindh and Balochistan, need to be strengthened to ensure public access to maximum information for transparency in governance.
35. No right to information laws currently exist in territories controlled by Pakistan including Gilgit Baltistan and Azad Jammu and Kashmir.

VII. RECOMMENDATIONS

36. We recommend that the Government of Pakistan take the following measures to uphold the rights of FoE and RTI in Pakistan:

Press Freedoms and Journalist Safety

37. The culture of impunity in attacks against journalists must end and their legal cases for crimes against media should be vigorously prosecuted and their proceeding documents should be made available on an open-source network.
38. Government should implement measures to protect the right to life and freedom of expression of journalists and media professionals, ensuring that the perpetrators of violence are brought to justice.
39. The independent commissions for the protection of journalists and media professionals must be formed without delay to tackle impunity in crimes against journalists as required under the Protection of Journalists and Media Professionals Bill, 2021 and the Sindh Protection of Journalists and Other Media Practitioners Bill 2021.
40. There is a need to establish and strengthen mechanisms for ensuring the safety of journalists, particularly women journalists and those from minority communities.
41. Laws for protection of journalists and other media professionals should be enacted in the remaining three provinces as well as in the territories of Gilgit Baltistan and Azad Jammu and Kashmir.

⁴⁴ Pakistan, I. (2022). Pakistan Information Commission. Retrieved 7 July 2022, from <https://rti.gov.pk>

⁴⁵ Pakistan, I. (2022). Publications Archives - Pakistan Information Commission. Retrieved 7 July 2022, from <https://rti.gov.pk/category/publications/>

⁴⁶ CPDI RTI . (2022). Timeline | CPDI. Retrieved 7 July 2022, from <https://www.cpdipakistan.org/timeline>

42. Formation of Inquiry Committees in all organizations is a legal requirement under the Protection against Harassment of Women at the Workplace Act, 2010. However, because of the absence of these committees at workplaces, women media professionals continue to suffer in silence. Therefore, the role of the Ombudsperson's office needs to be enhanced to ensure implementation of the Protection against Harassment of Women at the Workplace Act, 2010.
43. The Election Commission of Pakistan should, in consultation with media stakeholders, prepare a code of conduct for political parties on interacting with the media and ensuring that the leadership of the political parties avoid undermining the credibility and reputation of media professional labelling them as 'blackmailers' and 'mafias' or issuing threats to them.
44. There is need to strengthen laws and accountability mechanisms for ensuring that all law enforcement and state agencies are subject to full oversight and scrutiny by the courts and legislatures.
45. Federal and provincial governments need to establish funds for the welfare of families of journalists, who have been murdered or injured.
46. Federal and provincial governments should ensure that all pending dues of media houses are cleared without delay, subject to verifiable payment of benefits and salaries to media professionals employed by media houses.

Freedom of Expression Online and Offline

47. Section 37 of PECA needs to be amended to ensure that the regulation of online content is done in line with the international best practices and is in accordance with the principles of reasonability and proportionality.
48. In line with the orders of Islamabad High Court, and in consideration of critique and recommendations of civil society stakeholders, the government needs to review PECA to ensure that the law is not abused to silence journalists, activists and political workers.
49. There is a need for adoption of strategies for digital gender inclusion, including mechanisms to protect women from coordinated hate and misinformation campaigns.
50. An independent commission may be established to conduct a review of media and communication laws and associated regulatory frameworks in Pakistan to modernize the governance of the broadcast and communication industries.
51. The media regulator and the industry stakeholders should share the responsibility to protect citizens from harm that may be caused by content. A co-regulatory approach should be adopted to allow Pakistani broadcasters relative independence to comply with industry codes of practices and content standards, but these codes, standards, and rules should have statutory protection and the regulator should supervise their compliance only to intervene if the legally determined objectives are not being achieved.

Right to Information

52. Appropriate right to information laws must be enacted in Gilgit Baltistan and Azad Jammu and Kashmir.
53. Existing right to information laws at the Federal level and in provinces need to be strengthened with the objective of enhancing easy and cost-effective access of public to information and records held by all state institutions including parliament and higher judiciary, subject to reasonable exceptions.

- 54.** Federal and provincial governments need to establish appropriate mechanisms to ensure that information commissioners are appointed without delay and their performance is independently assessed to ensure that objectives of the right to information laws are efficiently pursued and achieved.
- 55.** Federal and provincial governments need to invest adequate resources in improving record keeping, training government officers in implementation of right to information laws, ensuring proactive disclosure of information, strengthening capacity of information commissions and creating public awareness about how individuals can access information.