

THE PRECARIOUS PATH OF PAKISTAN'S MEDIA LANDSCAPE:

Navigating Freedom, Regulation, and Sustainability

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In the 75-plus years since Pakistan's independence, its media landscape has witnessed dramatic transformations. From the tightly controlled state narratives of its early decades to the explosion of private channels in the early 2000s and now the rise of the digital sphere, Pakistani media navigates a complex terrain marked by both vibrant freedoms and persistent constraints.

WEAPONISING THE LEGAL FRAMEWORK AGAINST FREEDOM OF INFORMATION

Pakistan's legal and regulatory framework presents a complex web of restrictions that can be used to silence dissent and curtail freedom of expression. Whilst a recent court decision struck down a colonial-era sedition law¹, stringent defamation laws are also used to silence criticism of powerful individuals or institutions. The threat of lengthy legal battles and hefty fines often deter journalists and activists from speaking out.

Additionally, Pakistan's blasphemy laws are highly controversial and often misused by zealots who instigate vigilante violence on mere accusations. This creates a climate of fear and discourages any expression deemed even remotely offensive to religious sensibilities. In the past, allegations of this kind have been used against dissenting voices² to criminalise criticism of the government or military, effectively chilling dissent.

Most importantly, the Pakistan Electronic Media Regulatory Authority (PEMRA) has broad powers to regulate electronic media content. It can take punitive actions like fines or suspensions against outlets deemed critical of the government or military.

Pakistan's cybercrime laws grant authorities broad powers to monitor online activity and restrict content.

Despite the fact that these laws are often used to target online dissent and activism, the regulatory frameworks lag behind the rapidly evolving media environment. Laws developed for traditional outlets struggle to address issues like online harassment, disinformation, and hate speech.

CENSORSHIP AND SHRINKING SPACES FOR DISSENT

In Pakistan, censorship manifests in various forms, ranging from direct intervention by state authorities to more insidious methods such as economic pressures exerted through advertising revenues and threats of violence against journalists and media houses for reporting on sensitive issues such as corruption, military influence, and human rights abuses. According to a report by Freedom Network³, Pakistan ranked as one of the most dangerous countries for journalists, with numerous instances of attacks and harassment reported annually.

The shrinking space for dissent is further exacerbated by legal instruments, such as the Pakistan Electronic Crimes Act (PECA), which has been criticised for its broad and vague definitions that enable arbitrary restrictions on online speech. The introduction of new regulatory measures targeting digital media platforms has raised alarms about the potential for increased surveillance and control over digital discourse.

¹AlJazeera Staff. (2023, March 30). Pakistani court strikes down sedition law in win for free speech. Al Jazeera. <https://www.aljazeera.com/news/2023/3/30/pakistani-court-strikes-down-sedition-law-in-win-for-free-speech#:~:text=A%20court%20in%20Pakistan%27s%20eastern,declared%20the%20sedition%20law%20unconstitutional> accessed on March 3, 2024

²Pakistan: widening crackdown on dissent. (2024, January 17). Human Rights Watch. <https://www.hrw.org/news/2024/01/11/pakistan-widening-crackdown-dissent> accessed on March 5, 2024

³Freedom Network. (n.d.). Women in Media and Digital Journalists in the Crosshairs of Threat Actors in Pakistan. <https://www.fnpc.org/wp-content/uploads/2022/04/FINAL-Pakistan-Press-Freedom-Report-2022.pdf> accessed on March 5, 2024

IMPACT ON QUALITY OF JOURNALISM

Threats, harassment, and, in extreme cases, even violence against journalists critical of the military establishment create a chilling effect on the entire media industry. Journalists choose to self-censor or avoid reporting altogether to protect their safety. Fear of reprisal leads journalists to avoid critical investigations, especially those touching on sensitive topics like human rights abuses, military involvement in politics, or corruption within powerful institutions.

The pervasive culture of self-censorship, where journalists and editors pre-emptively avoid topics that could attract reprisal, leads to underreporting on critical issues. This not only deprives the public of necessary information but also limits the media's role in holding power to account, a fundamental pillar of democratic societies.

This creates blind spots and hinders the ability of journalism to hold power accountable. The case of journalists Ahmad Noorani and Shahid Aslam is eye-opening in this regard. In an investigative report in November 2022, Noorani, who contributed to the platform from exile, published the details of the assets held by Qamar Javed Bajwa (General, Rtd), then Chief of Army Staff, and his family. Following which, the Pakistan government blocked⁴ domestic access to FactFocus⁵, and later arrested Shahid Aslam, the journalist who had allegedly contributed to the story from ground, which Aslam vehemently denied⁶. During his incarceration, he was psychologically tortured, blackmailed⁷, and coerced to confess his involvement in leaking COAS's data, or he would face charges under the infamous Official Secrets Act⁸ 1923 (the colonial era law, which after its amendment in 2023 granted excessive powers to the intelligence agencies to arrest civilians with impunity⁹). His laptop and cell phones were confiscated¹⁰, which were never returned to him, putting his sources in danger. Aslam remained in custody for over nine months, which left him jobless, ostracised, and under severe depression¹¹.

This is just one example of how journalists are coerced, tortured, and blackmailed into submission. The ultimate victim in this and all such cases is not just the journalist in question; it is also the investigative journalism that gets closer to its painful death with every such case. When journalists self-censor, they withhold crucial information or tailor their reporting to appease certain groups. This undermines the credibility and objectivity of journalism, making it difficult for the public to trust what they are being told.

Self-censorship, then, leads to a homogenisation of content, with journalists avoiding controversial topics and focusing on safe, uncritical reporting. This reduces the diversity of viewpoints available to the public.

Despite these challenges, Pakistan's media is far from monolithic. There remain courageous journalists and outlets producing critical, investigative work, often at great personal risk. The public's appetite for diverse perspectives fuels a degree of pluralism, particularly in the urban centres. Yet, this also produces a fragmented media landscape, with audiences retreating into ideological echo chambers that limit meaningful public debate.

ACCESS TO INFORMATION

In addition to all of the above, other factors like the Government's restrictions on access to information make it difficult for journalists to gather facts and report on critical issues. This is further complicated by the way political parties and the deep state have weaponised disinformation and deliberate distortion of facts for their own advantage. Civilian governments and pro-democracy forces, instead of utilising resources to debunk conspiracy theories and bust the disinformation by easing journalists' access to information, use legal framework, regulatory mechanisms, executive power, and state-owned media outlets to promote their agenda and control the narrative.

⁴Connection, D. (2022, November 28). Pakistani website blocked after investigating the country's army chief | Digital Watch Observatory. Digital Watch Observatory. <https://dig.watch/updates/pakistani-website-blocked-after-investigating-the-countrys-army-chief>

⁵Fact Focus website censored for investigating Pakistan's army chief. (n.d.). RSF. <https://rsf.org/en/fact-focus-website-censored-investigating-pakistan-s-army-chief> accessed on Feb 29, 2024

⁶Journalist Shahid Aslam denies involvement in leaking ex-Army chief's tax data. (n.d.). <https://www.journalismpakistan.com/journalist-shahid-aslam-denies-involvement-in-leaking-ex-army-chiefs-tax-data> accessed on Feb 29, 2024

⁷Ahsan Wahid. (2023, January 16). I was being mentally tortured. Journalist Shahid Aslam [Video]. YouTube. https://www.youtube.com/watch?v=tcLRVkr_Hlk accessed on Feb 29, 2024

⁸Official Secrets Act, 1923 (Pakistan). (n.d.). Pakistan Code, Ministry of Law and Justice, Government of Pakistan. <https://pakistancode.gov.pk/pdf/files/administrator46c9a3c62acc16428e73999e7d30ba2a.pdf> accessed on March 3, 2024

⁹Baloch, S. M. (2023, August 2). Pakistan government faces backlash over 'draconian' arrest powers. The Guardian. <https://www.theguardian.com/world/2023/aug/02/pakistan-government-faces-backlash-over-draconian-arrest-powers#:~:text=The%20Pakistan%20government%20is%20facing,and%20arrest%20citizens%20with%20impunity> accessed on Feb 29, 2024

¹⁰Zake, A. F. (2023, January 16). Bajwa data leak: Journalist Shahid Aslam sent on physical remand. The News International. <https://www.thenews.com.pk/latest/1031281-bajwa-data-leak-journalist-shahid-aslam-sent-on-physical-remand> accessed on Feb 29, 2024

¹¹Desk, W., & Desk, W. (2023, September 28). The 9-month-long trial made journalist Shahid Aslam suffer from depression -. Pakistan Press Foundation (PPF). <https://www.pakistanpressfoundation.org/the-9-month-long-trial-made-journalist-shahid-aslam-suffer-from-depression/> accessed on Feb 29, 2024

The resultant unavailability of unbiased information distorts public perceptions about the political processes and even democracy on the whole. A lack of critical reporting on the security apparatus' role in politics and society and its actions has led to a lack of transparency and accountability, which has proven bad not just for democracy but has also tarnished the public image of the security forces of Pakistan. In the absence of credible information and quality journalism, citizens are deprived of crucial information that they need to make informed decisions and hold their government accountable.

When journalism is compromised, public trust in media outlets and journalists erodes. Citizens may turn to unreliable sources of information, succumbing to the dangers of information malfunction (disinformation, misinformation, propaganda, fake news), further hindering a healthy democracy. The threat of violence and loss of employment and revenue, one of the most pervasive factors in media over the last decade, has also been a major factor in dictating the editorial policy of major media platforms. Hence, important issues facing Pakistan, like human rights abuses, corruption, or social problems, may go under-reported due to these pressures.

The curtailment of freedom of expression/information and erosion of civil liberties undermines the foundations of democracy, as a well-informed citizenry is crucial for democratic participation and accountability. Despite the factors mentioned above creating a significant challenge to free and independent media in the country, it is important to note that courageous journalists in Pakistan continue to report critically.

TOWARDS A RESILIENT MEDIA LANDSCAPE

Addressing the challenges faced by Pakistan's media requires a multi-pronged strategy that involves all stakeholders, including the government, media organisations, civil society, and the international community. Key to this endeavour is the establishment of a regulatory environment that protects rather than penalises freedom of expression alongside reforms that ensure the economic sustainability of media houses.

Outdated models for broadcast licensing and outdated advertisement-based revenue systems strain the economic viability of media organisations, especially smaller or independent outlets. Those willing to challenge powerful interests find themselves further squeezed by withheld government advertising or pressure on private advertisers.

RECOMMENDATIONS FOR PAKISTAN

Although learning from the best practices is important, it must be kept in mind that each country has a unique context. So, reforms must consider historical legacies, legal frameworks, and the current political climate. Taking into account our peculiar track record of democracy and state attitude towards fundamental freedoms, Pakistan can work on the following in order to strengthen independent media and fulfill constitutional guarantees of freedom of information and expression to its citizens:

For Policy Makers:

1. **Legal Reforms:** Amend or repeal restrictive laws, such as PECA, to ensure they are in line with international standards on freedom of expression. Decriminalise defamation to protect journalists from punitive legal actions.
2. **Beyond Laws:** Reform involves changing power dynamics, building public trust, and cultivating journalistic professionalism. Therefore, there is a need to look beyond laws and create an overall environment for ethical discourse, strong democratic attitudes, respect for law and constitutional guarantees, the rule of law, and holding unfettered and absolute power of state institutions accountable. This means true media freedom would require sustained pressure from civil society, media organisations, and international partners.
3. **Independent Regulatory Bodies:** Establish or reform existing media regulatory bodies to ensure their independence from political influence, focusing on promoting media freedom and diversity. Revise PEMRA's powers, ensuring greater transparency and limiting its scope for arbitrary censorship. Restrict Pakistan Telecommunications Authority's (PTA) role in arbitrary blockages of the internet and suspension of websites/digital platforms. This power, if it is necessary to keep, must be conditioned with court orders.
4. **Protection Mechanisms:** Create an independent body with clear mandates to investigate threats against journalists and hold perpetrators accountable. Establish a rapid response system for journalists facing harassment.
5. **Institutional Independence:** Guarantee the autonomy of public broadcasters and regulatory bodies and insulate them from political interference.
6. **Access to Information:** Improve the existing RTI law to ensure it facilitates investigative journalism and greater government transparency.

7. **Economic Support for Independent Media:** Introduce measures to support the economic viability of independent media, such as tax incentives, grants for investigative journalism, and subsidies for media training programs.

For Media Organisations:

1. **Solidarity and Self-Regulation:** Develop industry-wide standards for ethical journalism. Establish collective legal defence mechanisms to support journalists facing harassment.
2. **Investigative Focus:** Invest resources in investigative units to produce public interest reporting, even with a smaller volume of output. Build partnerships for cross-border collaborations to navigate censorship.
3. **Alternative Revenue Models:** Explore membership-driven models, foundation grants, and non-profit structures to diversify income sources.
4. **Digital Literacy and Safety:** Invest in digital literacy campaigns to empower citizens and journalists to navigate digital spaces safely and critically whilst enhancing their resilience against misinformation. Train journalists in digital security, verification tools, and adapting content for online platforms.
5. **Diversifying Ownership:** Whilst difficult, encouraging less concentrated media ownership can make outlets less susceptible to takeovers or financial pressure tactics from actors aligned with the military establishment. Enact regulations that require full disclosure of media ownership, including any affiliations with political or military entities, to combat conflicts of interest and ensure editorial independence.
6. **International Collaboration:** Engage with international bodies and learn from global best practices in media reform, adapting successful models to the local context.

For Civil Society:

1. **Coordinated Advocacy:** Form broad coalitions with human rights groups and professional associations to amplify the pressure on policymakers. Leverage international human rights mechanisms to spotlight Pakistan's media crisis.
2. **Public Awareness Campaigns:** Educate citizens on the importance of a free press, how to identify disinformation, and how to support independent media.
3. **Journalist Support:** Provide legal aid, temporary relocation assistance for high-risk journalists, and psychosocial support services.
4. **Documentation:** Rigorously document attacks on journalists and media restrictions to bolster advocacy efforts.

As is evident from the above-listed recommended measures, addressing the current problems facing Pakistan's media sector requires a concerted effort from all stakeholders, including the government, civil society, media organisations, and the international community. Implementing comprehensive media reforms is not only critical for enhancing the quality of journalism but also for safeguarding human rights and strengthening the democratic fabric of the country.

In conclusion, the media landscape in Pakistan stands at a critical juncture, reflecting the broader struggles of a society striving for democratic ideals in the face of enduring challenges. The path forward demands not only resilience and adaptation from media practitioners but also a commitment from the state and society to uphold the principles of freedom, transparency, and diversity that are essential for a thriving democracy.

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