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Press Freedom vs. State Control

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by

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Introduction

Media refers to the channels that distribute information to the public, which is now regarded as the 5th pillar of a state. However, press is the segment of media dedicated specifically to news reporting. Press freedom is the inherent right of media in a democratic state that is based on 3 pillars of **media pluralism** (availability of news for diverse audience i.e. youth, minorities, women etc. and coverage of diverse issues), **media independence** (ability of news anchors to perform their tasks without outside pressure i.e. political and commercial pressures) and **media freedom** (freedom of news anchors, journalists from censorship, control, and harassment of state officials).¹The Western-led “liberalism” is the biggest proponent of free and fair media and freedom of speech. However, it is accused of lacking independence and freedom and promoting the “Western narrative” instead of ground realities. A recent instance of it is during the ongoing Israel-Palestine crisis which has led to more than 1500 journalists from multiple US news organizations sign an open letter against the Western media coverage of Israel’s atrocities against the Palestinians.²

¹ UNESCO. 2022. *Journalism Is a Public Good*. UNESCO Publishing.

² Jong, Belle de. 2023. “Why Journalists Are Speaking out against Western Media Bias in Reporting on Israel-Palestine.” Unbias the News. December 7, 2023. <https://unbiasthenews.org/why-journalists-are-speaking-out-against-western-media-bias-in-reporting-on-israel-palestine/>.

John Swinton, a Scottish-American journalist and newspaper publisher during a dinner for journalists, responded to the toast of “independent press” as;

“There is no such a thing in America as an independent press, unless it is out in country towns. You are all slaves. You know it, and I know it.”³

The State of the Press in Pakistan

In democracy, people rely on media as their source of first hand authentic information which differs it from authoritarian or a fascist regime. However, despite being a democratic the media in Pakistan serves a mouthpiece of the powerful and elite. The state lacks freedom of expression ultimately leading to restriction on freedom of press. Media plurality is visible in Pakistan but media freedom and media independence are largely absent. According to article 19 of constitution of Pakistan, freedom of expression is right of every citizen, expression may be in form of voice, art, news, printed, written etc.⁴ Along with this, protection of journalists, news reporters and media workers are also secured under the constitution, none the government nor the intelligent agencies have the right to threaten them.⁵ Despite constitution having the utmost power in the state, the article 19 remains merely a statement on the paper. Practically, since the formation of Pakistan, state has had a chokehold on media. Despite the democratic process of elections, and change of government after every 4 years, none of the political parties have actually focused on the freedom of press, they merely use it as a tool to gain votes. Forced disappearances, detentions, murders of media works have always been high. As in 2024, Pakistan is marked 152/180 on the global index of press freedom, 2 points down from the year 2023.⁶

Laws that Pose a Threat to High Impact Journalism in Pakistan

E-safety Bill, 2023

The apparent claim of the bill is to safeguard the rights of social media users platforms and e-commerce services. However, from detailed examination it is clear that the actual purpose of bill differs from its stated objectives. The bill fails to define ambiguous terms, such as “harmful information”, “aspersion”, “incitement”, “propaganda”, “controversial” leaving ample room for potential misuse by the authority. Rather than protecting the

³ Carotenuto, Enrico. 2020. “John Swinton’s Speech - the Twilight of the Independent Press.” Consciousnet.org. Coscienzeinrete Magazine. January 6, 2020. <https://www.consciousnet.org/john-swintons-speech/>.

⁴ “A Bill.” n.d. https://na.gov.pk/uploads/documents/1636461074_763.pdf.

⁵ Zia, Ahmed. n.d. Review of *Freedom of Expression, Laws & Limitations*. <https://researchcenter.lhc.gov.pk/>.

⁶ “Pakistan | RSF.” n.d. Rsf.org. <https://rsf.org/en/country/pakistan>.

fundamental rights, the bill empowers the state to gain control over the social media and exercise rigorous regulation.⁷

PEMRA

Pakistan Electronic Media Regulatory Authority (PEMRA) was established in 2002 by the government of General Pervez Musharraf to regulate the newly liberated media industry.⁸ It already serves as a watchdog for the powerful in the state. Nevertheless, due to the recent PEMRA (Amendment) Act, it could become a full-blown censorship tool in the hands of the government. Section 2 (a) introduces a vague definition of “disinformation”. Any information that ignores the other person’s perspective or might be considered misleading or manipulated can result in revoking of media news channel license and a fine of up to PKR 10million.⁹

Intelligence Agency Powers

The National Assembly of Pakistan also amended the “Official Secrets Act”. This amendment allows intelligence agency the right to arrest anyone who can be a spy without an arrest warrant.

The amendment does not distinguish between a spy and someone who has disseminated sensitive information in the public interest, which is contradictory to the article of 19 of Pakistan’s constitution.

Digital Security Authority

Government approved the formation of a new “Digital Security Authority” which would have the same power of monitoring the digital media as the PEMRA has over the broadcast media. It would hold the power to block the licenses of websites and impose fines on them. This further undermines the independent journalism in Pakistan¹⁰

Policy Recommendations

1. Redefine and Clarify PEMRA’s Role

PEMRA’s regulations should be reformed to ensure that they safeguard journalistic freedom instead of restricting it. Vaguely defined terms such as “disinformation “” should be redefined clearly so that no authority can misuse it to unfairly penalize the journalists.

⁷ “E-Safety Bill, 2023 Submission to the Ministry of Information Technology and Telecommunication (MoIT&T).” n.d. Accessed October 25, 2024. <https://bytesforall.pk/sites/default/files/E-safety-bill-2023.pdf>.

⁸ Zulfqar, Fahd, Muhammad Fida, and Khan. n.d. “Pakistan Electronic Media Regulatory Authority (PEMRA).” <https://file.pide.org.pk/uploads/book-48-chapter-6-pakistan-electronic-media-regulatory-authority.pdf>.

⁹ “Threats to Press Freedom in Pakistan from Hastily Adopted Laws ahead of Elections.” 2023. Rsf.org. August 11, 2023. <https://rsf.org/en/threats-press-freedom-pakistan-hastily-adopted-laws-ahead-elections>.

¹⁰ Threats to Press Freedom in Pakistan from Hastily Adopted Laws ahead of Elections

2. Press Freedom Ombudsperson

An independent press council should be built to handle the complaints against journalists. It will reduce the government intervention in media matters and help maintain ethical journalism standards without compromising their freedom to report. This could receive complaints from media houses, journalists and present a neutral solution to address the issues they are facing e.g. censorship, harassment, threats etc.

3. Foster Regional Collaboration for Free Press

A separate South Asian charter should be formed. That works under a coalition of South Asian Countries, signed by the governments and major media organizations. Journalists, legal experts and civil society organizations for different South Asian countries shall be encouraged to join. The member states should collaborate and annually meetup to discuss the challenges they are facing and their solutions.

4. Technology-Enabled Protection

The independent press council should work with technology providers to secure communication tools for journalists. It would ultimately reduce the risk of digital surveillance, data theft and hacking.