

The Campaign for Justice

PRESS FREEDOM IN SOUTH ASIA 2013-14



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Afghan Independent Journalists' Association

All India Newspapers Employees' Federation

Bangladesh Centre for Development, Journalism and Communications

Bangladesh Manobadhikar Sangbadik Forum

Federation of Nepali Journalists

Free Media Movement, Sri Lanka

Indian Journalists' Union

Journalist Association of Bhutan

Maldives Journalists' Association

Massline Media Centre, Bangladesh

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National Union of Journalists, Nepal

Nepal Press Union

Pakistan Federal Union of Journalists

Sri Lanka Working Journalists' Association



THE CAMPAIGN FOR JUSTICE: PRESS FREEDOM IN SOUTH ASIA 2013-14

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Cover Photo: Past students of the Sri Lanka College of Journalism hold a candlelight vigil at Victoria Park, Colombo, on the International Day to End Impunity on November 23, 2013. (Photo: *Amila Proboda*)

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FOREWORD

Journalism in South Asia is far from an easy profession, as the 12th annual review of journalism in the region “*The Campaign for Justice: Press Freedom in South Asia 2013-14*” portrays. But this year’s report also tells the story of the courage of South Asia’s journalists to defend press freedom and to ensure citizens’ right to information and freedom of expression in the face of increasing challenges to the profession and personal safety. In 2013-14, journalists and media in South Asia continued to mourn untimely losses of colleagues, receive threats by state and non-state parties, and continued a fight for survival and job security.

There is no doubt that the past ten years have witnessed serious challenges for the practice of journalism in a region that is home to a fifth of humanity, and whose eight countries for all their disparities, share social, economic and political similarities. The South Asia Media Solidarity Network operates as an open platform, building solidarity among journalists’ organisations and other groups that promote media freedom, which in turn is critically linked to

decent working conditions and safety for journalists and a public environment that respects their work.

In 2014, the South Asia Press Freedom Report gives insight into the main concerns of journalist unions in the region including safety; freedom of expression; media ownership and control; economic impacts on the craft of journalism; changing media models; wages and conditions and, finally, legal and political developments affecting press freedom across the region.

The year under review in this report (May 2013 to April 2014) is marked by political instability and a weak security situation combined with high level of impunity in the cases involving journalists.

The failure of authorities to properly investigate attacks on journalists and bring the perpetrators to justice means attackers are in many cases literally getting away with murder. This report, for the first time, has a separate review of the impunity situation in the region both to



Journalists raise slogans during a token hunger strike outside Hyderabad Press Club against the killing of media workers. (Photo: Courtesy PFUJ)

“The failure of authorities to properly investigate attacks on journalists and bring the perpetrators to justice means attackers are in many cases literally getting away with murder.”

draw the attention of the states to the problem and to use as a campaign tool to pressure governments to act. The all-too-infrequent cases of justice delivered to journalists’ murderers have to be upheld as landmark victories, as many of the cases of targeted killings still await due investigations and the perpetrators remain at large.

Pakistan remains among the deadliest countries in the world for journalists and among the most difficult countries for media due to myriad ongoing conflicts. India, the largest democracy in the world, has its own problems – more and more journalists are being subjected to targeted attacks and violence, including sexual violence, while those outside troubled areas have to deal with a financial crunch and ongoing wage board implementation problems.

In 2013, Pakistan and India saw targeted killing of 10 and 12 media workers respectively, putting South Asia as the second most dangerous region in the world for journalists after the Middle East. The first few months of 2014 indicate a bleak trend, with seven media workers already killed in Pakistan and five in Afghanistan. Pakistan also witnessed two deadly attacks on senior journalists, which they survived but the incidents of shooting at the journalists in main streets - and police failing to arrest anyone quickly boiled down the hopes achieved from punishment handed over to murderers of journalist Wali Babar - the first instance of punishment to the murderer of a Pakistani journalist.

Bangladesh, Sri Lanka and the Maldives are fighting with repressive states that have used laws arbitrarily against freedom of expression. Nepal is in a state of political transition with a new constitution in the making, while Bhutan’s media is still in its infancy, trying to get ahead and face its own challenges.

Sri Lanka government’s attempt to silence journalists continued. The government has not only arbitrarily arrested and investigated journalists but has also attempted to stop any international assistance to help journalism. The detention of two representatives of the International Federation of Journalists (IFJ) Asia Pacific office in October 2013 was one such incident.

This year’s report also highlights another pressing issue in the region: gender. The IFJ organised a series of meetings across the region to assess the situation of women journalists and released a gender report with a conclusion that there is still much work to be done to empower women where they work and make them safer. Last year, the annual meeting of the IFJ-supported South Asia Media Solidarity Network (SAMSN) also issued its gender charter.

Amidst all the difficult times, it has become more important for journalist associations and other organisations working for human rights to remain united in their struggle. The IFJ’s work and SAMSN have become more important than ever as a platform for sharing good practices for advocacy and struggle. This publication, a part of regional solidarity to meet the urgent needs for press freedom is prepared by the IFJ Asia-Pacific with support and inputs from the members of SAMSN, including IFJ affiliates.

The IFJ hopes that this report will be beneficial for all to continue the struggle for press freedom and form an important advocacy tool to achieve that.

Jacqueline Park
Director, IFJ Asia-Pacific

OVERVIEW

Journalists and their unions in South Asia made several important breakthroughs in the course of the year. Significant achievements were recorded in terms of the legal recognition of their right to freedom of association and collective bargaining, as well as decent wages and working conditions. In several of the countries of South Asia, judicial recognition has been achieved for these basic rights only after prolonged struggle. But such recognition alone does not guarantee that these rights will be recognised in practice. In India and Pakistan, there are still struggles ahead to ensure that the wage levels and minimally decent working conditions determined by statutory bodies are implemented. In Bangladesh, a fresh round in that process has just begun with a board being constituted for determining wages and working conditions for the country's journalists. The process needs to be strengthened through consistent interventions by the country's journalists, with the support of colleagues in other parts of the South Asian sub-continent.

In the Republic of the Maldives, journalists are seeking to introduce a system of tripartite bargaining based on the model already in place in India, Pakistan and Bangladesh.

“In India and Pakistan, there are still struggles ahead to ensure that the wage levels and minimally decent working conditions determined by statutory bodies are implemented.”

For Nepal, which has fairly comprehensive legislation in place protecting the rights and entitlements of working journalists, the challenge over the past year has been about surmounting the tensions unleashed by intense political contestation. The general elections to the country's national parliament held in November, which also invests the body with the authority to write a new republican constitution for Nepal, were concluded without serious violence or turmoil. The challenges of redressing the steady deterioration in working conditions for journalists, as also dispelling the culture of impunity that prevailed during the long insurgency that ended in 2005, still remain.

As Afghanistan moved towards a season of intense political competition beginning with presidential elections in April,



Photojournalists participate in a protest in Jammu against the August 2013 gang-rape of a photojournalist in Mumbai. (Photo: AP Photo)



A demonstration in Kabul condemning the killing of respected AFP journalist Sardar Ahmad in March 2014. (Photo: Courtesy AJJA)

the difficulties faced by bodies designated to oversee the transition are evident in a number of targeted attacks. On March 21, four militants armed with handguns penetrated the security cordon around the Serena hotel in Kabul – easily infiltrating an otherwise tightly protected site – and shot dead nine diners. Among those killed were Sardar Ahmad a correspondent in Kabul for the Agence France-Presse (AFP), his wife and two children, and critically injuring his two-year old son.

As the country prepares for the departure of western alliance troops beginning later in the year, there tends to be significant public endorsement of the progress achieved in the independent media since the end of the Taliban regime in 2001. A survey carried out by the Asia Foundation in 2013 found that public confidence in the electronic media far exceeded its faith in the elected parliament and the judicial institutions. But the reach of the media remains constrained by numerous physical and institutional factors. Literacy continues to be a privilege, with an estimated nine million adults deprived of the means of consuming print media outputs. With unreliable electricity supply in most of rural Afghanistan, the reach of the electronic media is also limited.

Afghanistan has also failed in the years since the western intervention to develop an autonomous economic dynamism. The economy has been heavily dependent on foreign aid and will according to most projections, remain so. Much of the media growth similarly, has been underwritten by donor funding, which has over the last two

years been steadily cut. Over the next few years, as donor funding is possibly withdrawn entirely, there are grave concerns over how far the media platforms established over the last decade would survive. This area of concern was flagged in a report by the U.S. Agency for International Development in 2010. It has not since been addressed with the urgency it deserves.

Pakistan’s journalists continue to face the hazards of a milieu in which multiple insurgencies operate and both state and non-state actors show scant respect for the public benefits of a free and fair media. Since the deaths recorded in the 2013 edition of the press freedom report for South Asia, this year’s edition has had to report another eight journalists and one media support worker dead. The year

2014 indeed began ominously, with four journalists and media workers being killed in January alone. The weeks that followed brought one more killing and targeted grenade attacks on two media houses in the country’s main commercial city, Karachi.

Pakistan’s media industry has expanded rapidly since the dawn of the new century. It is now an intensely competitive and vibrant space where unfortunately, the norms of security and safe practice are yet to be internalised. SAMSUN partners in Pakistan have been working intensively with media owners and governmental authorities to ensure that basic standards of safe procedure are implemented. They have not gained any more than token gestures of support. And as violence, especially in the frontier provinces of Khyber Pakhtunkhwa and Balochistan has escalated since about 2005, mostly as the knock-on effect of western armed intervention in Afghanistan, journalists have been trapped in the ruthless and unrelenting crossfire. The SAMSUN campaign to end impunity and demand increased safety and security at work has never been more timely.

Bangladesh witnessed through the year 2013, over ninety days of closure because of intense and escalating discord between the ruling party and opposition. A further disruptive element was the mobilisation of religious forces to oppose what was deemed a consolidation of “atheist” forces that challenged the country’s dominant religious traditions. The trigger for the intensification of the former conflict was the approach of general elections to the Bangladesh parliament early in 2014. For the

latter, the immediate cause came from the deliberations of the International Crimes Tribunal that over the year considerably speeded up its work, indicting and sentencing a number of the country's prominent Islamist politicians for culpability in crimes during the Bangladesh war of liberation of 1971. Accountability for war crimes is a principle underpinned by a broad social and political consensus. But certain procedures adopted by the tribunal have been questioned in the media on grounds of fairness. This has made critical media commentary a possible target of contempt action, where the tribunal enjoys unbridled powers, not subject to review by the country's Supreme Court. It is a power that has been very sparingly and discretely used thus far, but its chilling effect on media reporting and commentary – which could in turn affect the fairness of the trial process – cannot be discounted.

The political polarisation continues to influence the manner in which the media community responds to threats and violations of its freedom. An editor has been jailed for a year on allegations of serious crimes of sedition, breach of state secrets and illicit phone tapping. But he is yet to be formally charged and the government has ignored demands from Bangladesh's editors to either release or formally charge him.

Five years after its civil war was formally declared over following the resounding military defeat of Tamil insurgents in the north of the country, Sri Lanka is still grappling with the aftermath. Global scrutiny was once rather lax since the Sri Lankan government successfully portrayed its offensive as part of a global war on terrorism. But since then, as documentary evidence has emerged of the human costs of the last phase of the war, an otherwise friendly global environment has turned adverse. The space for free debate within the country that could have promoted a process of reconciliation, has not been created in part because the government is able to use the adverse global scrutiny to whip up a hyper-nationalist sentiment. Direct and indirect means of control over the media, though government ad allocations and direct financial leverage, have also been used.

The online space remains vigorous, though the professional media community has often found that its conduct breaches certain ethical red lines. The Editors' Guild in Sri Lanka and the Sri Lanka Press Institute have collaborated over the years to evolve a code of ethics for the media, that is not backed up by statutory force, but would set the standards for professional conduct and establish norms of peer review applicable to all forms of reporting. Unfortunately, the Government of Sri Lanka which has persisted on a course of confrontation with the media, chose in June 2013, to introduce in Parliament a 3000 word document titled 'Code of Media Ethics'. In media circles, this was seen as the prelude to enforcing an intrusive set of norms that could considerably worsen the environment for free journalistic practice, especially since it occurred soon after the Sri Lanka

Press Councils Act of 1973 was reactivated after a long period of dormancy.

Meanwhile, the pattern of targeted attacks, harassment and intimidation continues. A journalist couple had to seek asylum abroad after facing a persistent pattern of intimidation from unknown

quarters, though the material they had in their possession, pointing to possible corruption in high places, seemed to suggest that powerful elements were seeking to silence them. A business journalist was also killed in the course of the year.

Sri Lanka's main journalists' bodies and unions met with the visiting U.N. High Commissioner for Human Rights,

“Five years after its civil war was formally declared over following the resounding military defeat of Tamil insurgents in the north of the country, Sri Lanka is still grappling with the aftermath.”



Journalists from the most troubled areas of Pakistan, including Balochistan, took part in a two-day media rights monitoring workshop in Karachi on April 13-14, 2014. (Photo: Jane Worthington)



Sri Lanka is becoming known as the “island of impunity”. Journalists’ and human rights organisations in Sri Lanka commemorating Black January in 2014. (Photo: Courtesy FMM)

Navaneetham Pillay, when she visited the country in August 2013. They urged her to strongly recommend that a series of steps be undertaken by the Sri Lankan government, to improve the climate for free speech in the country, including ending hostile rhetoric against journalists and the media, the enactment of a right to information law, and ensuring accountability for all past violations. Late in October, two office holders of the IFJ Asia-Pacific office in Sydney, who were in Sri Lanka to conduct a series of meetings with local organisations of journalists, were taken away from the venue of their official engagement, confined to their hotel room and interrogated closely over the purpose of their visit and the background of IFJ involvement in press freedom campaigns in Sri Lanka. The incident came to a quick end because of strong consular intervention from Australia and the need for the Government of Sri Lanka (GoSL) to retain international goodwill just ahead of the Commonwealth Heads of Government Meeting (CHOGM) in Colombo in November. Yet it left a residual sense of worry over the consistent refusal of the GoSL to engage with the media community on how best circumstances could be created in support of free speech.

After the democratic transition launched amid much hope in 2005 ran aground in 2012, Nepal’s journalists have been working under adverse conditions to ensure that the successor body to the Constituent Assembly – elected in 2008 – would be able to be chosen in circumstances that at the least ensure the right of all the country’s citizens to have their voice heard. Despite much discord over the

best caretaker arrangement to oversee the election to the new Constituent Assembly that would also function as the national parliament, November 2013 witnessed a successful culmination to the electoral process, with the traditional parties of the democratic alternative to monarchy winning between themselves, a majority of seats. The new political formation has generated some hope that the mission of writing a new constitution for the republic of Nepal will proceed without serious impediment, enshrining key principles of press freedom and the right to free speech.

For the Maldives and Bhutan, South Asia’s newest electoral democracies, the year has been one of mixed expectations. In the Maldives, an initial round in the presidential election conducted in September 2013, was overturned by the Supreme Court. A phase of intense acrimony followed with both sides in the political confrontation deploying crowds on the streets to make their point, not hesitating to threaten and intimidate members of the press. In the weeks that followed, a TV station that was identified with the party that had seemingly won the largest number of votes – though without securing an absolute majority – in the first round of balloting, was attacked by arsonists who caused extensive damage. With all that, following the decisive outcome of the presidential poll in November, which witnessed the putative winner of the September round being defeated, matters seemed to settle down. The Maldives also had a significant breakthrough in democratic entitlements with the national parliament legislated an impressively well phrased act on the right to information.

“As Afghanistan prepares for the departure of western alliance troops beginning later in the year, there tends to be significant public endorsement of the progress achieved in the independent media since the end of the Taliban regime in 2001.”

But when parliamentary elections were due, the institutions of the state – including the Supreme Court and the Election Commission – failed to concur on key issues, leading to a fresh phase of uncertainty that journalists have been doing their best to cope with.

If the Maldives is yet to overcome the problem of intense political partisanship among its media owners, Bhutan faces a crisis of viability. Since the liberalisation of media licensing policy in 2006 and the country’s transition to electoral democracy in 2008, the media scenario has witnessed much growth and diversification. Yet there is no clear index of how many of the new media platforms will survive, since advertising growth remains limited and donor funding is limited. Concurrent with these issues is also the hesitancy of the transition to a regime of free speech, with government officials often expressing public reservations about the manner of reporting in the media.

In India, the pivotal country of the South Asian region, the year has been one of mounting uncertainty. Despite their victory in the Supreme Court, which pulled the rug out from under a prolonged campaign of obstruction by newspaper owners, a fair deal for the country’s journalists remained a distant prospect. An economic downturn has interrupted the phase of rapid growth and unbound optimism that began in 2004. Several new media ventures have been scrapped and staff from existing and established media companies has been thinned down in a process of attrition. A number of media enterprises that expanded most rapidly during the phase of growth, have since shown signs of being terminally stricken by unsupportable burdens of debt.

In the circumstances, the general election to the Indian national parliament, scheduled to take place in seven phases between the first week of April and the middle of May, is expected to inject much-needed life into the media. Apart from the curiosity of the voting public to learn more about the electoral process, a significant stimulus is expected to be imparted by higher advertising spending by the political parties that are in fierce competition in one of the most intensely fought elections in recent times. But the election season, like the two previous visitations, is also

expected to pose a number of ethical challenges, especially in terms of how the media industry deals with the problem of ‘paid news’ – or news coverage that is directly paid for.

Even as journalists in insurgency-prone areas came under attack, triggering calls for more stringent investigation of attacks on journalists, new amendments to laws dealing with sexual violence were tested in high profile cases of sexual assault both within and outside the workplace.

A major meltdown of the media ratings business compounds these ethical challenges. Over the year under review, the TV ratings business and newspaper readership surveys have turned in highly questionable results, raising serious questions about the integrity of the process involved. In fact, with the news media in India being almost entirely dependent on advertising revenue – rather than subscriptions – for its sustenance, rampant malpractices in the media ratings business have caused great friction among the main players in the news industry. The depth of the crisis brought forth an intervention from the Indian government, which set down certain minimal norms that the TV ratings process should fulfil. The matter has since gone before the higher judiciary for review in accordance with constitutional principles of the right to commerce. The newspaper industry meanwhile, is seemingly waiting for the election process to conclude before addressing its own credibility crisis. India’s journalists continue to engage with this complex multitude of issues.



Journalist and non-journalist staff of various media organisations and two news agencies at a demonstration in 2011. (Photo: Shiv Kumar Pushpakar/The Hindu Archives)

IMPUNITY

South Asia’s Reign of Impunity

**im·pu·ni·ty \ im-’pyü-n -te **
 n. without punishment, without consequences

For the first time in 2014, the South Asia Press Freedom Report is focusing on impunity as part of our SAMSAN campaign strategy.

Sadly, over the past year impunity continued to be a major threat to press freedom across South Asia with wider and more devastating implications for media workers.

It is an all too grim reality that attacks on journalists have been increasing, with a concomitant decline in accountability and justice.

Despite UN Security Council Resolution 1738 on the safety of journalists and several international resolutions on the protection of journalists, killings of journalists and media workers continued – a total of 23 lives were lost in South Asia in 2013 as a result of targeted killings or attacks. Already in 2014 (to May 3) the death toll has reached 11.

The most disturbing development is the increasingly targeted nature of the violence in both Pakistan and India. A record number of 12 journalists were killed in India in 2013 with a rise in targeted killings by criminal organisations, angry mobs and armed groups.

Meanwhile in Pakistan, a year-old fatwa or edict naming certain Pakistani media and journalists as “enemies of the

Mujahideen” was re-issued on October 19 in the form of a post on Twitter. The fatwa accused the media of promoting secularism and western values in their coverage of the war on terror and said that by refusing to use the term “martyr”, they were portraying the Taliban as “terrorists” and “enemies of peace”.

The lack of progress in rendering justice in Pakistan – which has long been the most deadly country for journalists – is in part due to the government’s seeming powerlessness in the midst of many conflicts including terrorism, sectarianism, separatist movements and violence between underworld mafias. On top of this deadly mix is a shaky democracy and the military apparatus, which international observers describe as a “state within the state.”

States of impunity

The 2014 Impunity Index, published by the Committee to Protect Journalists, revealed Sri Lanka, Afghanistan, Pakistan and India as the worst offenders on impunity in the region.

According to CPJ, 88 per cent of journalist killings around the world are carried out with impunity.

Sri Lanka ranked number 4th on the list with nine unsolved cases; Afghanistan ranked 6th with five unsolved cases; Pakistan ranked 9th with 22 unsolved cases; and India ranked 13th with seven unsolved cases. The index calculates the number of unsolved journalist murders as a percentage of a country’s population and examines journalist murders in every nation in the world for the years 2004 through 2013.



Pakistani journalists took part in nationwide protests after the killing of respected journalists Shan Dahar - the first Pakistani media fatality for 2014. Dahar died from injuries sustained in an attack on his way home from work on January 1, 2014. (Photo: Courtesy PFUJ)



After four members of the media were slain in January, the Pakistan Federal Union of Journalists staged protests and actions across the country to mourn those lost and to demand action from the government to ensure the safety of media workers in Pakistan. (Photo: Courtesy PFUJ)

Cases are considered unsolved when no convictions have been obtained.

Impunity in Sri Lanka is understood to be a major factor behind the high numbers of journalists going into exile. According to SAMSN member and IFJ affiliate, the Free Media Movement, more than 80 journalists have fled the country since 2005.

Global action

Thankfully, there is growing awareness on the issue of impunity globally, in no small part thanks to the dedication and commitment of SAMSN members who have campaigned so strongly on the issue.

Growing international concern over the absence of justice in media attacks prompted strong attention from the United Nations last year.

The UN has established impunity prominently on its global agenda, showing the clear consensus on impunity's contagion and that something radical must be done. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted in September 2011, was endorsed by the UN Chief Executives Board in April 2012.

Late in 2013, a major international breakthrough came with the United Nations General Assembly (UNGA) adoption of the Resolution on Safety of Journalists and the Issue of Impunity at its 68th Session on December 18, 2013. This landmark Resolution "condemns unequivocally all attacks

and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment in both conflict and non-conflict situations".

"Sri Lanka ranked number 4th on the list with nine unsolved cases; Afghanistan ranked 6th with five unsolved cases; Pakistan ranked 9th with 22 unsolved cases; and India ranked 13th with seven unsolved cases."

It is the first time the UNGA has adopted a resolution directly addressing the safety of journalists and the issue of impunity. The Resolution also proclaimed November 2 as the "International Day to End Impunity for Crimes against Journalists", which also falls within the annual three-week period that the IFJ campaigns intensely against impunity.

The Resolution, co-sponsored by 72 countries, calls upon States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference, including:

- legislative measures;
- awareness-raising in the judiciary and among law enforcement officers and military personnel, as well



Sri Lanka is ranked 4th on the Committee to Protect Journalists global Impunity Index with nine unsolved cases. Black January protests, January, 2014. (Photo: Courtesy FMM)

as among journalists and in civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists;

- the monitoring and reporting of attacks against journalists;
- publicly condemning attacks; and
- dedicating the resources necessary to investigate and prosecute such attacks

A culture of impunity exists when those who deny others their right to freedom of expression do so knowing it is unlikely they will be held accountable for their actions.

It is clear that countries that demonstrate the political will to solve journalist murders and bring their killers to justice should be given the support and resources to achieve their goal.

Countries that continue to ignore their obligations and blatantly disregard these killings should face the wrath of global opinion.

A judicial victory

Pakistan’s near-perfect record of impunity was shattered earlier this year when courts convicted six suspects (though two of them are at large) for the 2011 murder of journalist Wali Khan Babar. The GEO TV journalist was gunned down in Liaquatabad area of Karachi on January 13, 2011, as he was returning home from his office. He was 28.

The court’s decision on March 2 marks only the second time in Pakistan’s history that the murderers of a journalist

have been brought to justice – though the mastermind is yet to be identified. The first was American journalist Daniel Pearl’s killer, Ahmed Omar Saeed Sheikh, in 2002.

Out of more than 50 murders of journalist in Pakistan since 2003, none of have been solved, according to the CPJ.

The Wali Khan Babar case was heard by the Anti-Terrorist Court of Shikarpur district in Sindh province, inside Shakarpur jail, after a series of deadly incidents surrounding the case. Babar’s lawyer Nemat Ali Randhwa was shot dead in September 2013 and the PFUJ and the *Express Tribune* have reported that an investigation officer and four

other officers connected to the case were also murdered during the investigation.

Sadly, Wali Khan Babar’s conviction seems to have had scant impact on those who are targeting the media in Pakistan and it is an ever-present reality that some groups see journalists as a threat and see targeting them as a way of advancing their goals.

“The court’s decision on March 2 marks only the second time in Pakistan’s history that the murderers of a journalist have been brought to justice – though the mastermind is yet to be identified.”

With seven media workers killed since January and many more threats and several attempted assassinations of high-profile journalists, the road ahead is fraught and the climate of “extreme fear” facing the country’s media is palpable. But there are signs the government is beginning to take its obligations seriously.

The information committees of Pakistan’s National Assembly and Senate have decided to address the issue and the government has come up with a draft of 20 steps to address the safety of journalists. It has called that all investigations of cases of attacked or injured journalists must be closed within three months and full compensation

be paid. Simultaneously, the Pakistan Coalition on Media Safety (PCOMS), set up in March 2013 by representative associations of media owners, media workers, working journalists, media development organisations, human rights organisations, civil society groups, parliamentarians and the government has taken significant steps in developing a national roadmap for the stakeholders on media safety and combating impunity. The PCOMS endorsed the UN Action Plan on Impunity Against Journalists, which is being implemented in Pakistan as one of the five pilot countries to evolve national movements to combat impunity against journalists. It also endorsed the mapping of UN-developed set of about 200 Journalist Safety Indicators (JSIs).

Prime Minister Nawaz Sharif said in March 2014 that he would consider implementing a wide range of measures based on lessons learned in the Wali Khan Babar case, including moving trial venues to safer locations and appointing special prosecutors to ensure justice in journalist murders over the past decade.

But the promise of Pakistan's political will is contrasted by the blatant disregard shown to journalists in countries

like India and Sri Lanka – the latter of which is increasingly becoming known as the “island of impunity”.

“There is growing awareness on the issue of impunity globally, in no small part thanks to the dedication and commitment of SAMSN members who have campaigned so strongly on the issue.”

Pressure must be applied by the SAMSN and global IFJ networks if there is any hope of breaking these entrenched climates of impunity in the region.

It is clear that the killing of even one journalist can send shockwaves through a whole society, silencing critical debate and stifling the flow of information. The death toll and alarming legacy of state inaction on journalist killings in South Asia must be dealt with if freedom of expression is to remain our goal.



It is an all too grim reality that attacks on journalists have been increasing, with a concomitant decline in accountability and justice. Journalists in Lahore protest against the killing of media workers in 2014. (Photo: Courtesy PFUJ)

GENDER

Women in Journalism: Rights and Wrongs

The media in South Asia has witnessed unprecedented growth, but working conditions, safety and security of journalists have not kept up. Women journalists in the region are particularly vulnerable in a context of growing job insecurity, deteriorating working conditions and lack of safety in the field.

While employment opportunities for women in the media have grown in the expanding media landscape, women journalists still constitute a small fraction of the journalist community in the region. In Pakistan for example, according to estimates by the Pakistan Federal Union of Journalists (PFUJ), less than 5 per cent of the journalists in the country are women.

A 2011 report by the International Women’s Media Foundation, *Global Report on Women in the News Media* based on findings from 59 countries, revealed that women represent only a third of the full-time journalism workforce. Among the ranks of reporters, men hold nearly two-thirds of the jobs but among senior professionals, women are nearing parity with 41 percent of the news-gathering, editing and writing jobs.

Women are not only under-represented in the news-making operation, but also in the decision-making or ownership

structure of the media industry. The same report found in that in media organisations, while things are slowly changing, men continue to hold the vast majority of the seats on governing boards and top management at 74.1 percent and 72.7 percent. It is not surprising then that women journalists’ concerns are not prioritised by media owners and managements.

Between February and July 2013, South Asia Media Solidarity Network (SAMSN) under the aegis of the International Federation of Journalists (IFJ), organised a series of roundtables, “The stories women journalists tell”, on gender equity, media rights and safety in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka. The roundtables culminated in the first-ever SAMSN gender networking conference in Kathmandu, Nepal, on July 21, 2013 which saw the adoption of a statement on gender equity: ‘Building Resistance, Organising for Change’.

A report of the roundtables was published for International Women’s Day on March 8, 2014. <http://asiapacific.ifj.org/en/articles/the-stories-women-journalists-tell-ifj-report-on-women-in-media-in-south-asia>

Women journalists spoke of how young women’s struggle to make a mark in the profession begins from the stage of recruitment itself. Discrimination in work assignments, promotion opportunities, sexual harassment, lack of maternity benefits and poor support conditions for working



Participants at the Guwahati gender roundtable in 2013. (Photo: Laxmi Murthy)



Pakistani radio journalist Daniah Naz at the IFJ's two-day gender safety training in Karachi in April 2014.
(Photo: Jane Worthington)

mothers are all part of the familiar stories told by women journalists across all the countries of South Asia.

The situation is doubly precarious for women journalists in the vernacular language media, where resources are fewer than the English language media. Women from marginalised castes like Dalits, ethnic minorities and tribal communities have to face immense challenges to get into and stay in journalism.

Enter at your own peril

In Afghanistan, for women who aspire to journalism, the first obstacle to recruitment is orthodox families, followed by cultural taboos and intimidation by warlords. There were two recent instances of women journalists being killed or disappeared. In both instances, crimes are suspected to have been committed by their own families, who were against their decision to become journalists. Investigations into the death or disappearance of the women journalists have been slow and inconclusive. A journalist activist who took up the case of 20-year-old Duniya Samani from Parwan Province, who is suspected to have been killed by her family, also received threats of murder and acid attacks on her and her daughter. Religious extremism and growing orthodoxy have adversely impacted women's employment, especially in non-traditional professions.

Likewise, in Bangladesh, strictures from heads of religious organisations, as well as family attitudes hinder the entry of women into journalism, which is considered a profession unsuitable for women due its odd working hours, necessity to go out into the field and interact with strangers. The

Islamist Hifazat-e-Islami has repeatedly called for segregation of the sexes and the banishment of women from the practice of journalism. Said a participant from Dhaka at the Gender Roundtable in Kathmandu, "Family, society and work-place - women journalists have to deal with all three – the family allows them to work as pilots or doctors but not as journalists".

For women from hill districts or from the Terai (the plains) of Nepal, the situation is precarious. Here, social attitudes, coupled with the complete lack of recognition from media houses, makes recruitment and work assignments a daily challenge. Yet, more and more young women are attracted to the

profession, given its potential to make a difference in a country that is undergoing rapid social transformation.

In the words of a Nepali woman journalist at the Gender Roundtable, "Why am I working in this field despite all the problems? Because journalism is like an addiction, more powerful than drug addiction"

In India, despite the media boom, the recruitment of women in smaller cities or in areas like to North-East is still very low, partly because of poor pay and working conditions. Increasing criminalisation and militarisation also affects women and limits their opportunities.

"Women are not only under-represented in the news-making operation, but also in the decision making or ownership structure of the media industry."

The rigid gender division of domestic labour has a severe impact on women journalists' career prospects. If women journalists marry, their families and society expect them to quit their jobs and shoulder domestic responsibilities. Women who do continue working after child-bearing face extreme hard-ships. Pregnant journalists are not given any concessions and if they do not take up field assignments, they face punishments and even the loss of a job, or being forced to accept unfair contracts, or poorly paid part-time employment.



Bangladeshi journalist Nadia Sharmeen of Ekushey TV

In April 2014, in a significant victory for maternity benefits for women journalists in India, a labour court ordered the reinstatement with back wages of a women journalist with private television channel Zee News. The journalist was sacked in August 2012 when she became pregnant. The company, her complaint contended, wanted to avoid paying the statutory benefits under the Maternity Benefits Act and had terminated her services without any domestic enquiry.

Beating discrimination

Society still does not treat journalism as a woman's job and once recruited women have to battle prejudice and stereotypes, and work twice as hard as male colleagues to create their place in the media.

In newsrooms, female journalists often face disparities in work assignments. Though there are women reporters in beats like energy, economics, politics, international relations, parliament, crime, sports considered male bastions, their numbers are negligible. For the large part, women are assigned "soft" beats like health, education, women and children. While this categorisation of news coverage into "hard" and "soft" is itself questionable, there is no doubt that there is discrimination in assigning beats. Said a woman political reporter from Sri Lanka, "Most

of our political coverage is done by women, but in most cases, even the managements believe that women don't understand politics and it is better left to men!"

One of the justifications for keeping women journalists away from "risky" beats like conflict reporting and crime, is the element of danger. However, safety training, accident insurance and other support mechanisms must be enhanced in order to encourage women to cover non-traditional beats.

Violence in the Field

In a joint report by the International Women's Media Foundation (IWMF) and the International News Safety Institute (INSI) released in March 2014, titled *Violence and Harassment against Women in the News Media: A Global Picture*, as many as two-thirds of the women respondents said that they had experienced intimidation, threats or abuse in relation to their work. Nearly a quarter respondents had experienced physical violence in relation to their work. Perpetrators included bosses, co-workers, interviewees and strangers in the field.

A number of respondents reported threats against their family members in retaliation for their work. These included

“The rigid gender division of domestic labour has a severe impact on women journalists’ career prospects.”

threats to harm or kidnap their children and threats to harm their spouses, parents and siblings. A respondent from Pakistan said she repeatedly received death threats and threats against her family members.

In Bangladesh, in February 2013, during the Shahbag Square movement pressing for accountability for war crimes, female journalists were deliberately attacked. Even though the assault on Nadia Sharmin of Ekushey TV was caught on video camera, the police has dragged its feet in bringing the perpetrators to book. In the climate of impunity, the Islamist Hifazat-e-Islami has felt free to continue to threaten journalists over coverage perceived to be against it, and women journalists and bloggers are more vulnerable.

Speaking out about sexual violence

According to the IWMF-INSI study, 14.3 percent respondents had experienced sexual violence in relation to

work. The most frequently reported act of sexual violence was non-consensual “touching of a sexual manner” while smaller numbers reported acts such as exhibitionism and rape.

More than one-third of all reported incidents of sexual violence took place in the field, office and street, hotels and conferences. Disturbingly, more than three-quarters (80.7 percent) of the women journalists who experienced acts of sexual violence said that they did not report them.

Almost half (47.9 percent) of the respondents had experienced sexual harassment in relation to their work, and only a small minority reported the incident. Lack of reporting was largely due to a fear of retribution and retaliation by the harasser. The fear that their family would blame them, force them into an early marriage or that they would bring shame upon their families also serves to silence many women who are sexually harassed at work.

Some women journalists said that they were taken off beats or reassigned when they complained of sexual harassment. One journalist from India said reporting harassment “only made sure you were never given plum assignments. One is expected to take it as an inevitable part of the job.”



Radio journalist Sundas Qureshi gives her message on gender safety for women in Pakistan at an IFJ gender training in Karachi, April 2014. (Photo: Jane Worthington)



Pakistani journalists at a PFUJ rally against impunity in 2014. (Photo: Courtesy PFUJ)

Yet, change is slowly taking place. The past year saw significant steps towards ending the impunity of perpetrators of sexual violence. A 22-year old photo-journalist in the western metropolis of Mumbai, who was brutally assaulted and gang-raped in August 2013 not only reported the assault, but with tremendous courage withstood the gruelling process of pursuit of justice. The trial court on March 20, 2014, handed down stringent punishments to the culprits.

Likewise, a young woman's refusal to remain silent about the rape by her boss Tarun Tejpal of the investigative magazine *Tehelka*, has been a test case for the new criminal law amendment on rape as well as the law on sexual harassment at the workplace which offers civil redress.

Women must tell the story

According to the Global Media Monitoring Project (GMMP) 2010, 76 percent of the people heard or read about in the world's news are male. The world portrayed in news media remains largely a male one. Another finding at the global level is that stories by female reporters contain more female news subjects than stories by male reporters. This trend has persisted over the past 10 years. 28 percent of news subjects in stories by female reporters were female, in contrast to only 22 percent in stories by male reporters.

The Gender-Sensitive Indicators for Media (GSIM) developed by the UNESCO, IFJ and other partners released in 2012 is a framework of indicators to gauge gender sensitivity in media operations and content. It is a non-prescriptive set of indicators designed for all types of media (print, online, broadcast). Central to media development is the recognition that media can achieve its democratic potential only if it reflects social diversity, gender diversity being one of the pillars of achieving balance. Indeed, there is a clear intersection between women's empowerment and media development, reflected in GSIM.

“One of the justifications for keeping women journalists away from “risky” beats like conflict reporting and crime, is the element of danger.”

One set of the indicators, Category A, are actions to foster gender equality within media organisations and include: gender balance at decision-making level; gender equality in work and working conditions; gender equality in unions, associations, clubs and organisations of journalists, other media professionals and self-regulatory bodies; media organisations promote ethical codes and policies in favour

of gender equality in media content; and gender balance in education and training.

The purpose is to encourage media organisations to make gender equality issues transparent, and analyse their internal policies with a view to take actions for change. These measurable indicators provide effective campaign milestones in the struggle for gender equity in the media.

Networking and solidarity

The Gender Roundtables conducted in June-July 2013 as part of the SAMSN-IFJ project on gender equity, safety and media rights, have helped articulate the pressing issues women journalists face and the dire need to develop a strong network whereby women journalists in South Asia can work together and organise around common causes and concerns. As a participant from Afghanistan said, “When we hear the problems of women journalists in other countries, it makes one feel less isolated. We realise that we are not alone.”

The roundtables and the gender networking conference discussed strategies that could address these issues. Besides, it also put forward a common Gender Charter, that sets out minimum standards, principles and actions needed to underpin gender equity in media and outline a practical program of action to support the achievement of equality in media workplaces, journalists organisations and the media itself.

As a preliminary step towards networking, and making use of social media, a Facebook page ‘SAMSN Gender Alliance’ has been created to focus on the issues of women journalists in South Asia.

The roundtables evolved the following recommendations:

- **Work-place issues**
 - Enable more recruitment of women at the workplace
 - End work-place discrimination



Participants in the Sri Lanka gender roundtable discussion in Colombo in 2013. (Photo: Courtesy Geeta Seshu)



Farida Nekzad interviewed on the security of journalists in Afghanistan. (Photo: Courtesy ALJA)

- Enabling legislation to provide maternity benefits for women, as well as parental leave to share the responsibility of child-rearing
- Industry to invest in training and re-training of mid-career professionals who may take a break and seek re-entry into the workplace
- A fund for women to buy equipment like a camera, laptop or cell phone and instalment plan for payback
- Special attention to issues of freelancers
- **Safety and Security**
 - Setting up of a specific Women’s Safety Fund
 - Safety training designed to address specific problems women journalists faced
- **Sexual Harassment**
 - Multi-pronged approach to tackle sexual harassment at the workplace, with three levels: (i) women journalists (ii) Male colleagues at the workplace and at the union (iii) management
 - A survey to map: (i) incidence/prevalence of sexual harassment at the workplace (ii) implementation of law (iii) existence of redressal mechanisms
 - Legislation: Demand law in countries that don’t have a specific law (Afghanistan, Sri Lanka) on Sexual Harassment and demand implementation of the law in the countries that do (for e.g., India, Bangladesh, Pakistan)
- **Networking and organising**
 - Campaign among women journalists about the importance of unions and of organising and networking
 - Campaigning with unions to make unions relevant to women journalists today
 - Special attention to the issues of freelancers and contract journalists in print and electronic media who are currently excluded from many unions

AFGHANISTAN

Surviving the Killing Fields

The media in Afghanistan has grown in the post-Taliban years. In early 2014, there were 68 private TV stations, a national state TV and 22 state-owned provincial channels. There were 174 radio stations, 47 of them in Kabul alone. There were more than 500 newspapers under a wide range of ownerships - from the government, provincial political-military powers and private owners to foreign and NGO sponsors.

Yet, journalism remains a dangerous profession in Afghanistan. Six media workers, including two foreign journalists, were killed in attacks on the media since May 2013. Although the US-led military intervention succeeded in removing the Taliban from power in 2001, the conflict in the country has not ended. Indeed, the Taliban has launched an insurgency against the establishment and the UN Security Council's International Security Assistance Force (ISAF), which oversees the country's security. Many more illegal armed groups, local militias, and regional political leaders known as 'warlords' continue to engage

in threats, attacks and other criminal activities making the job difficult for journalists, who are already operating in conditions where the media is still need of strengthening both legally and professionally.

On April 5, 2014, Afghanistan held the presidential elections. The Taliban threatened to disrupt the election and attack the polling stations across the country. All this resulted in heightened security threats, and since campaigning started in February, there were increased attacks and threats against journalists. In the first four months of 2014 alone, the country witnessed the killing of four media workers and numerous attacks.

Half-a-dozen murders

Anja Neidringhaus, veteran photojournalist with the Associated Press (AP), was shot dead in south eastern province of Khost on April 4, 2014. An Afghan police officer opened fire on the vehicle in which Neidringhaus and her colleague Kathy Gannon were travelling. They had just arrived at the premises of the district government in a convoy carrying election materials, as they were covering the run-up to the presidential election slated for April 5.



Breshna Amell, an anchor at Shamshad FM (Photo: Courtesy AIJA)



Sardar Ahmad's surviving son Abuzar in hospital (Photo: AFP)

Niedringhaus, 48, died on the spot from wounds to her head while Gannon was taken to hospital after being shot in the wrist. She later underwent surgery and was flown out of Afghanistan for further treatment. Both journalists had been long-time correspondents in Afghanistan. Niedringhaus, an internationally acclaimed photographer, received numerous awards for her works including the 2005 Pulitzer Prize for her reporting on the war in Iraq. She has also published two books.

Merely two weeks before the killing of Niedringhaus, an Agence France Presse (AFP) staff reporter Sardar Ahmad was shot dead along with his wife and two of his three children in a hotel in Kabul. Ahmad, 40, was celebrating the eve of Nawroz, the Persian New Year with his family when the teenage gunman attacked the hotel and killed nine guests. Ahmad's youngest son, Abuzar, survived the attack despite being badly injured.

Also in March, the Swedish public service station Sveriges Radio's South Asia correspondent Nils Horner, a Swedish-British national, was shot dead in broad daylight on March 11 in the high-security zone of Wazir Akbar Khan, a diplomatic district in Kabul.

Horner, 51, who had arrived in the country two days earlier, was shot in the back of the head with a pistol and died on his way to hospital. The Fidayi Mahaz, a splinter group of the Taliban, claimed responsibility for the killing. A statement posted on the group's website accused Horner of being a spy for the British government. Horner was a veteran journalist, having reported from Afghanistan in 2001 when the Taliban were forced from power; during the USA's entry

“Apart from the lone journalist who died as a bystander in a suicide bombing, all other journalists were targeted for various reasons. The lack of rule of law and the ongoing insurgency by the Taliban are the main reasons behind these killings.”

into Baghdad in 2003; from Thailand following the tsunami in 2004, and from Japan after the tsunami and ensuing Fukushima nuclear plant disaster in 2011.



Murdered AFP journalist Sardar Ahmad who was gunned down at a Kabul hotel on March 20, 2014. Only one of his children survived the attack. (Photo: AFP)

On January 24, 2014, the burned and mutilated body of Noor Ahmad Noori, a 25-year-old reporter of Radio Busd in southern Helmand province was found in a plastic bag 11 hours after his disappearance. The journalist's body bore signs of strangulation and indications of severe blows to the head. Noori was the producer and presenter of two religious programs since 2008. No one has claimed responsibility for the killing, and the motive remains unknown.

Another young radio journalist, Mohammad Shahed Naeemi, was killed in a suicide bomb attack in Kabul on January 26. He was one of the four people who lost their lives when a suicide bomber targeted a bus carrying Afghan Army personnel. Naeemi, 22, who used to present two social and literacy programs on Nawa Radio, was waiting for a car when the incident happened.

These killings ended hopes that the situation had improved as there was not a single journalist killed in the country from June to December 2013 since two cold-blooded murders in May 2013.

On May 20, 2013, the body of Mohammad Mohsin Hashmi, a 30-year-old technician and reporter of the radio station

Sadaye Nijrab, was found 18 days after his disappearance. His wife stated that he was a victim of a family feud as her husband had long been harassed by family members for working as a journalist. Hashmi was abducted and his body was found bearing several stab and bullet wounds. In August, a local court convicted two people – the slain journalist's brothers Mawlavi Mohammad Asef, 38 and Wasim, 28, to 16 years' imprisonment for the murder but they were released in September by a higher court citing "lack of evidence".

A week earlier on May 14, journalist Mohammad Nasim Turak was killed by an unknown assailant in Kandi Rijae village, in the Alingar district of the eastern Laghman province. The journalist was violently stabbed and his body was left outside the village where he was killed.

Apart from the lone journalist who died as a bystander in a suicide bombing, all other journalists were targeted for various reasons. The lack of rule of law and the ongoing insurgency by the Taliban are the main reasons behind these killings. Since the police has failed to properly investigate these killings, the perpetrators in all cases have got away scot free. It seems that journalists are targeted for various reasons – for being foreigners, for presenting

radio programs that may not be in line with some powerful people's opinions or in family or communal feuds. The high level of impunity –given that in only one case has there been an initial conviction– is also contributing to the worsening situation for journalists in the country.

Attacks and threats continue

The data compiled by media rights organisations show that there was an average of ten incidents of press freedom violations every month in the country. The threats and attacks come not only from armed groups or the Taliban but also from government officials and security forces.

In November 2013, unidentified gunmen attacked the Radio Hamisheh Bahar in Jalalabad, eastern Afghanistan, destroying transmission equipment and interrupting broadcasting. The gunmen also beat up journalists and threatened to kill everyone if they resumed the broadcast.

In March 24, 2014, a bomb attack blew up a local private radio station, Kalam, in Kama, eastern Afghanistan. It was reported that unidentified armed men planted explosives in the building of the radio station.

In July, Abdolrahman Sakhizadeh, a reporter for the Kabul-based *Mandegar* daily was arbitrarily arrested. Sakhizadeh was arrested as a result of a libel action by the head of the government's anti-corruption department in connection with news about alleged corruption involving senior officials within the department. Sakhizadeh was freed on bail after two weeks.

On July 24, Saday-e-Bano, a three-year-old local radio station in northern Afghanistan was shut down by officials of the provincial Information and Cultural Department due to alleged "lack of the requisite documents and professionalism". The radio station accused the officials of closing down the station after they refused to pay bribes.

Increasing impunity

In Afghanistan, 27 journalists, in addition to 16 more who have lost their lives in conflict situations, have been murdered during the past two decades. Except in two cases, their killers have not been prosecuted. As in other countries in South Asia, the culture of impunity is a serious threat to freedom of expression and journalists' safety.

The Afghan Media Law, enacted in 2002 and amended in 2007 and 2009, has not seen proper implementation. With the state still reluctant about some of the clauses in the law regarding the creation of a Media Commission and its rights, responsibilities and duties, the fourth amendment is due in the parliament. The Right to Information Act is still in the drafting process.

“In Afghanistan, 27 journalists, in addition to 16 more who have lost their lives in conflict situations, have been murdered during the past two decades. Except in two cases, their killers have not been prosecuted.”

Challenges for women journalists

There are a significant number of women journalists in Afghanistan, due in large part to the funding for media by the international community. But women journalists are under pressure from several fronts. From pressure from their families to sexual harassment, hostile workplaces and unequal wages, Afghan women journalists face daily challenges. The daily deterioration of the condition of women journalists, in terms of social and family pressure, security and organisational problems, has been forcing several women journalists to leave their jobs and join other professions such as teaching.

The lack of security for woman journalists has become a major reason for a large number of women leaving the profession. Since 2003, five Afghan woman journalists have lost their lives but there is no file on their cases, no investigation or follow-up by the police. It is almost as though women journalists do not matter in Afghanistan.



Murdered Journalist Anja Niedringhaus (Photo: AP Photo/Peter Dejong)

BANGLADESH

Pressing for Accountability

Bangladesh is in the curious state of being a democracy without a credible opposition. The country has witnessed long years of political discord over the shape of the administration that should oversee national elections.

In 2006, the Awami League (AL) which was then in opposition, carried out mass protests against the caretaker administration nominated by the Bangladesh National Party (BNP) which was then in power, to oversee national elections later that year. This led to a stalemate and an emergency regime nominally fronted by senior jurists and civil servants, but quite plainly backed up by the authority of the military. The AL won a comfortable majority in the general elections that followed late in 2008. In 2011, the AL government led by Sheikh Hasina amended the constitution, doing away among other things, with the

need for a neutral caretaker administration during national elections.

This was one among a number of legal and procedural changes introduced by the AL government, but as elections neared, it became the most controversial.

Opposition resentment over this issue merged with Islamist anger at the rapid progress of the trials of persons believed to have committed serious war crimes during the Bangladesh war of liberation in 1971. Following a decision made soon after the AL government assumed office, the International Crimes Tribunal (ICT) was established in 2011 and began work in 2012 on indictments involving some 12 defendants, almost all of them leaders of the Islamist opposition who had spent many years in exile after Bangladesh won its independence. They had since returned during the regime of the first BNP President Ziaur Rahman, between 1977 and 1981, and resumed political activity. In



Bangladesh's journalism unions have united in recent times to campaign for safety, security and better working conditions; but the current political polarisation poses a challenge for united action. (Photo: Courtesy BMSF)



Bangladesh's journalism unions have united in recent times to campaign for safety, security and better working conditions; but the current political polarisation poses a challenge for united action (Photo: Courtesy BMSF)

elections held since the restoration of democracy in the 1990s, the principal Islamist party, the Jamaat-e-Islami has contested mostly in alliance with the BNP.

Silencing Shahbag

In February 2013, mass demonstrations broke out in Dhaka and other cities soon after a bench of the ICT returned a verdict of guilty against a senior Islamist politician and sentenced him to life imprisonment. Demonstrators, almost entirely from generations born after the war of liberation, demanded the death penalty for Abdul Qadir Mollah, who was accused of being the leader of one of the most lethal death squads targeting freedom fighters at the time. In this context, *Amar Desh*, a Bangla language daily known to take positions sympathetic to the opposition, pushed back strongly, with accusations that the demonstrators who had gathered at the Shahbag Square just adjacent to the Dhaka University campus, were atheists with little respect for the religious traditions of the country. Though the Jamaat itself remained quiescent through this period of mass upheaval, it is believed to have sponsored a kindred organisation, the Hifazat-e-Islami to retaliate against the Shahbag Square protesters.

As reported in the press freedom report for South Asia last year, Mahmudur Rahman, the editor of *Amar Desh*, was arrested in April 2013 and shortly afterwards a number of youth bloggers active in the Shahbag Square movement were taken in and charged with “insulting” Islam. A youth blogger was attacked and killed during this very fraught period in Bangladesh politics.

In the course of this sequence of mobilisation and counter-mobilisations, the Hifazat took out a long march from the eastern port city of Chittagong to Dhaka. A large number

of demonstrators from the group arrived in the national capital city on May 5. News crews covering the event had to face the hostility of the demonstrators at several junctures. Just a month before, Hifazat activists had in the course of another demonstration attacked teams of news reporters assigned to cover their activities. Female journalists were attacked with deliberate intent and one, Nadia Sharmin of Ekushey TV was seriously injured. She was hospitalised for over a month and spent another three months recuperating at home from the injuries suffered. Police registered a case against about sixty unnamed Hifazat activists for the brutal attack, but in August, the High Court of Dhaka was informed that the prosecution had not moved forward. In fact, the task of identifying the assailants had itself stalled, despite the availability of video footage which depicted the attack in vivid detail. To this day, no specific individual has been held culpable for the attack.

“Female journalists were attacked with deliberate intent and one, Nadia Sharmin of Ekushey TV was seriously injured.”

In the climate of impunity, the Hifazat has felt at liberty to threaten journalists over what it deems “unfair” or “confusing” coverage. On February 11, 2014, just ahead of another of its mass demonstrations, the general secretary of the organisation held out the prospect of further attacks on journalists covering its events. The Hifazat he said, sought to maintain good relations with the media, though its sentiments were not reciprocated. In a written statement, the organisation drew attention to a series titled ‘Hifazat nama’ that the Ekottar TV channel had just begun



Mahmudur Rahman has been in detention for over a year without charges being framed; this continues a long conflict he has been having with the current ruling party, dating back to 2008 (Photo: Courtesy BMSF)

to air. The programme, the Hifazat said, was leading to a “misunderstanding” with journalists, for which it warned that journalists may be attacked.

The Hifazat has repeatedly over the year under review called for segregation of the sexes and the banishment of women from the practice of journalism as well called for a specific anti-blasphemy law. This sits ill with dominant sentiment in Bangladesh. Yet its persistence in hammering on the theme, as also in denouncing the Shahbag square demonstrators for their alleged “atheism”, has succeeded in shifting the public discourse and bringing pressure to bear on the government to take administrative action to cover its flanks. In this regard, the drift of politics is seen to be opposed to the public mood, which sees atheism as a legitimate belief, much like any religious faith.

The May 5, 2013 events triggered a number of retaliatory measures by the Bangladesh government against media reporting. Responding to the Hifazat’s announced plan to lay siege to the capital city, security forces are believed to have fanned out to pick up activists of the Islamist grouping at all the entry points into Dhaka where they had set up camps that night. Early on the morning of May 6, the forces which included anti-terrorism specialists, the Rapid Action Battalion (RAB), seemingly cleared out many of the Hifazat

gatherings that had been blocking entry points into Dhaka. There was a cost in terms of human life, and that became a matter of much contention in the days that followed.

At just the time that two channels, Diganta TV and Islamic TV were broadcasting what they claimed was authentic footage of the cost in human life of the crackdown on the Hifazat, they were shut down by security forces who arrived at their studios in the early hours of May 6. Diganta is headed by a prominent politician of the Jamaat, Mir Qasim Ali and Islamic TV by a brother of the BNP leader and former Prime Minister, Begum Khaleda Zia.

Use, misuse and overuse of law

On the new media, the security operation on the night between May 5 and 6 featured in numerous conflicting ways. A human rights watchdog based in Hong Kong on May 6 put out news of several hundreds being killed in what it described as a “massive crackdown”. *The Daily Star*, Bangladesh’s most widely circulated English language daily had reported five killed. However, the Hong Kong-based body reported: “several Internet reports have mentioned that the number of deaths could be as high as 2,500 or more. Pictures of dead bodies have also been distributed over the Internet. Major news channels in Bangladesh have been silenced. Two private television channels that were

showing live pictures of the attacks upon the demonstrators were immediately closed down”.

These reports were soon picked up by sections of the Bangladeshi Diaspora and given wide currency under headlines such as: “Deep Darkened Night Genocide in Dhaka by Secular-Fundamentalist Fascist Government of Bangladesh”. On May 7, the Dhaka-based human rights monitor, Odhikar, sent out a release which recorded that ten thousand members of the police, RAB and a specialised force for securing the border had, along with “armed cadre of the ruling party, attacked thousands of leaders and activists of (the Hifazat)”, after “removing media people from the area and shutting down the power supply”. The forces opened fire in the dark, allegedly killing indiscriminately as the “unarmed activists and leaders” of the Islamist group slept after “the day-long programme” of protests.

“In the climate of impunity, the Hifazat has felt at liberty to threaten journalists over what it deems “unfair” or “confusing” coverage.”

Without quite accepting the Hifazat claim that several hundreds had been killed, Odhikar as the press release said, was “trying to ascertain the actual number of deaths”. Given the “nature of the operation” and the “information received”, it was evident in Odhikar’s estimation that the “number (of those killed) could be very large”. At a later stage, Odhikar carried out a fact-finding process and estimated that the number of the dead could be 61.

On August 10, 2013, Odhikar secretary Adilur Rahman Khan was arrested by Dhaka city police on charges of having published a false report with intent to defame and discredit the government and its security agencies. A month later, the Odhikar director A.S.M. Nasiruddin Elan was also arrested under similar charges. Both were later granted bail by the High Court, and the decision upheld by the Appellate Bench of the Supreme Court. In all Adilur Khan was held for 63 days and Elan for 31. Elan was arrested again and spent till November in jail. In March 2014, both were charged under criminal law provisions as well as clauses of the country’s Information and Communications Technology Act, which provide severe punishment for disseminating information that allegedly discredits the agencies of the government of Bangladesh.

Since April 2013, when Mahmudur Rahman, editor of the Bangla-language daily *Amar Desh* was arrested in cases

filed under provisions of law dealing with sedition, cyber-security and abetment to mob violence, Odhikar has been consistently speaking up for him. Several human rights organisations have held the detention to be unjustified and called for Rahman to be either formally charged or released, and Odhikar has from the very beginning, held his arrest and subsequent alleged torture, to be entirely malafide.

Rahman on December 4, 2013, was transferred from jail to police custody, a move which Odhikar said, possibly put him at risk of torture. On being produced before a magistrate soon after his arrest, Rahman had been ordered to be transferred out of police custody after his counsel submitted that he was at risk of torture. Rahman had also undertaken a hunger strike to protest against the closure of his newspaper and the sealing of its office, leading to its deterioration while he was in custody. The December transfer to police custody was effected ostensibly to enable further interrogation. Most observers remain unconvinced about this rationale.

On November 8, 2013, a Dhaka court framed charges against four youth bloggers who had been active in the Shahbag Square movement, posting their trial for later that month. The four whose arrest was described in the press freedom report for 2013, are accused under a clause of the penal code dealing with “causing offence to religious sentiment”, and provisions of the ICT Act covering “misuse of the media to create disorder”. The four, who range in age from 24 to 42, are Subrata Adhikari Shuvo, Russel Parvez, Masihur Rahman Biplob and Asif Mohiuddin.

All four had been granted bail but Mohiuddin was arrested again in July since his bail had only been granted on grounds of ill health. He was later released after a fresh bail application was moved. Journalists in Bangladesh believe that the harsh processes and legal provisions invoked against the four youth activists is for the political establishment, a means of buying insurance against a backlash from the Islamist political elements.

Legal action remained a constant threat for journalism in Bangladesh, especially in relation to the country’s two most sensitive issues: the war crimes trial and the general elections that took place after a mass boycott by the BNP and its allies, in January 2014. The ICT on war crimes is very strongly backed by the ruling party and its allies – and has the support of a wide section of Bangladesh civil society. The main opposition party, the BNP has nominally endorsed it, though its ambivalence is evident. The Islamist opposition sees it as a weapon targeted against it.

Because of the strong sense of polarisation it has engendered, even constructive suggestions that the ICT needs to be more rigorous in terms of procedure and



ETV Journalist Nadia Sharmin (Photo: Dhaka Tribune)

observe all the norms of fairness, have been met with resentment by the backers of the war crimes process. In March 2013, David Bergman, an editorial consultant with the *New Age*, a widely read English daily, was served with notice to answer for possibly defamatory and contemptuous articles he had published on his blog about the ICT. The petition was moved by lawyers at the High Court of Bangladesh, who had no clear *locus standi* in the matter. A similar code of silence seemingly is now being enforced on commentary about the January 2014 general election, which was boycotted by the BNP and the Jamaat. The AL and its allies returned to power with an even more resounding majority, but their candidates in 153 seats in a house of 300 were elected unopposed.

The AL and its spokespersons meanwhile, have taken to holding the media responsible for creating what they regard as an adverse climate of public opinion. In June 2013, Prime Minister Sheikh Hasina held hostile media coverage as the reason for the ruling party's debacle in elections to four important city councils. And in several subsequent statements, ruling party and government spokespersons have continued with the strategy of blaming the messenger, and condoning even physical attacks. On July 20, 2013, two journalists of private sector broadcaster Independent Television were wounded in an attack believed to have been carried out by loyalists of an AL member of parliament. Imtiaz Momin, a reporter and Mohsin Mukul, a camera-person, were beaten and then confined for close to two hours before police arrived at the scene and set them free.

In another instance of using law to silence the media, on January 16, Bangladesh police stormed and closed one of the nation's oldest newspapers and accused it of falsifying a report alleging Indian forces took part in a Bangladeshi crackdown on antigovernment protesters. Robiullah Robi, the paper's news editor; Rafiq Mohammad, the paper's deputy chief correspondent; and Ahmed Atik, diplomatic correspondent; were arrested under the Information and Communication Technology Act (ICT).

“Journalists in Bangladesh meanwhile, have united across the political divide to secure a fair deal for themselves in terms of wages and working conditions.”

The *Daily Inqilab*, which is known for publishing reports critical of the ruling Awami League, had reported in a front-page story that the foreign ministry with the permission of the Prime Minister's Office had asked for assistance from the Indian armed forces in quelling violence in Bangladesh's Satkhira district ahead of the January 5 elections. The Dhaka police said that the paper's news report had damaged the image of the country and law enforcement agencies.

On January 10, a Dhaka court sentenced Salah Uddin Shoaib Choudhury, editor of the tabloid *Weekly Blitz*, to

seven years in prison on charges of harming the country's interests for "intentionally writing distorting and damaging materials".

Collapse of truth

One of Bangladesh's major political crises over the year under review came from the collapse of a building housing several garment factories in the Savar neighbourhood of the capital city in April 2013. The incident which pointed to a degree of collusion between official regulatory authorities and factory proprietors who have made large fortunes in recent times from the country's thriving garment export sector, claimed over 1100 lives. The building owners and several others involved in the manufacturing activity on the premises soon went underground, evading arrest for weeks together.

On the morning of June 22, 2013, Muslimuddin Pappu, a correspondent for the *Grameen Kagoj* in the south-western town of Jessore, was attacked while on his way to office. A local businessman Mohammad Salim was allegedly present as Pappu was brutally assaulted. The provocation for the attack, it emerged, was a series of articles written by the reporter in the local press about Salim having granted refuge to one of the accused in the Savar building collapse. Though the fugitive businessman from Savar did not for too long manage to evade arrest, Salim allegedly escaped

indictment for his criminal collusion with the accused person. Following the attack, Salim and two of his associates were criminally charged, though there is no assurance that the trial will proceed.

Frequent recourse to the legal process by influential persons remains a constant threat to journalists in Bangladesh. In May 2013, a minister in the national government filed suit for defamation against an online news portal *www.dhakatimes.com* and a newspaper *Manabkanther*. The news portal had allegedly published an unsubstantiated report about the minister on May 17, which the newspaper had picked up in its edition two days later. Neither, the minister alleged, went through the basic courtesy of contacting him for his side of the story.

Journalists in Bangladesh meanwhile, have united across the political divide to secure a fair deal for themselves in terms of wages and working conditions. The wage board created under national legislation protection journalists working conditions has begun deliberations though it is not clear when a definitive report will be submitted. Journalist unions across the political spectrum have made common cause in agitating on issues of safety, job security and an end to impunity for attacks on their colleagues. How deeply the new embitterment between the ruling party and opposition will affect this spirit, remains to be seen.



Detectives raiding the office of the Bangla daily Inqilab on January 16, 2014. Police picked up four journalists, sealed off the press, plate-making and server rooms, and seized three computers. (Photo: *thedailystar.net*)

BHUTAN

Media at the Crossroads

For a small country with a population of only about 700,000 people, Bhutan boasts an impressive fleet of 10 newspapers, six radio stations (including Sherutbse Radio, a community radio started by the Sherutbse College in eastern Bhutan), a national television broadcaster (two channels), one online newspaper and several magazines. Five more community radios are in the pipeline. Add to it various Internet and social media outlets that give Bhutanese people an alternative platform to exercise free speech.

“At a glance, Bhutan’s media landscape is a rich mix of diverse media outlets .A closer scrutiny of the situation of media in Bhutan may however reveal altogether a different, rather dismal picture.”

At a glance, Bhutan’s media landscape is a rich mix of diverse media outlets - thanks to the liberalisation of media licensing policy in 2006, two years before Bhutan introduced democracy. A closer scrutiny of the situation of media in Bhutan may however reveal altogether a different, rather dismal picture.

Most privately-owned media houses are on the verge of closure. The deteriorating financial position of media organisations has led to shrinking newsrooms. Many senior editors and trained journalists have left the sinking media industry for more secure jobs. This exodus of trained journalists has created a situation where newsrooms are managed by a crop of young, mostly untrained editors and reporters. As a consequence, the quality of journalism has taken a serious beating. At this critical juncture, there seem to be no easy answers on how to revive the media in the country.

Diverse media landscape

In the past decade, Bhutan’s media environment has seen unprecedented developments, particularly spurred by the liberalisation of the media market, socioeconomic and political developments, and advances in information and communication technologies. Privatisation of the media sector was part of the political reforms prior to Bhutan’s transition to a democracy.

The media industry in Bhutan suffered major business setbacks in the past few years due to market saturation and cutthroat competition. *Bhutan Youth*, a weekly newspaper, folded up after incurring huge losses. *Radio High*, a Thimphu based FM station, also closed shop. *Bhutan Observer*, the country’s second private newspaper, migrated to the web, temporarily suspending its print editions. *Drukpa*, a monthly news magazine also closed down two years back. Currently the, monthly news magazine, *Raven*, is struggling to remain afloat.

Except for BBS Radio and Kuzoo FM, other radio stations are confined in the capital Thimphu and largely thrive on entertainment programs, music and call-in shows. Magazines such as *Yeewong* and *Druk Trowa* are entertainment oriented. Drukair’s in-flight magazine *Tashi Delek* and Tashi Air’s *Kuzuzangpola* are surviving because of patronage from the airlines.

Radio is still by far the main source of information for the majority of Bhutanese people. In recent times, television penetration has increased in Bhutan’s hinterland, giving the rural population greater access to both local and international news and entertainment content.

Watchdog role

Even as Bhutan’s media is in dire straits, it has continued to perform its role as watchdog, holding authority to account. The media continued to openly criticise public policies and investigate corruption and malfeasance in the government. In fact, the media exposed several corruption issues, notably the Gyelpoizhing land case, Bhutan Lottery and Education City scams involving influential and powerful people including the former prime minister and a few of his cabinet ministers.

The 2013 election campaign was fiercely fought on some of these corruption cases. Some political pundits have also hinted that the former ruling party’s loss could be linked to media exposes on its corrupt practices. On the other hand, a few newspapers practicing investigative journalism have been accused of selective reporting with an intention to bring down the government. Although the previous government did not take ‘negative’ coverage by the media too kindly, it did not make any efforts to openly censor or muzzle the press.

The monthly meet-the-press session with cabinet ministers continued to provide an interactive platform for media and the government and facilitate easier access to top ministers.



Bhutan’s media landscape is a mix of diverse media outlets - thanks to the liberalisation of media licensing policy in 2006. (Photo: Bhutan Media Foundation)

However, on several occasions, ministers have purportedly misused this opportunity to admonish reporters for writing anti-government stories. Reporters also enjoyed the freedom to call up ministers including the prime minister, even during non-office hours.

Media in Bhutan played a crucial role as a watchdog particularly during the tenure of the first democratically elected government, to such an extent that it was accused of playing opposition to the ruling party. Media continues to be a major driving force in Bhutanese society, not just disseminating news and information but also encouraging public discourse and debate on a plethora of national issues.

Since the election and coming of the new government in 2013, media has not reported any significant corruption stories. Even the investigative weekly newspaper *The Bhutanese* that exposed a series of corruption cases during the previous government’s term has mellowed down.

Given the weak financial position of many newspapers, there are possibilities that they could kowtow to the government to solicit indirect support in terms of advertisement revenue, undermining the role of media as the watchdog of the government. If this trade-off does

happen, it would signal the sad demise of independent media in Bhutan.

Sustainability: a burning issue

Viability remains a major bottleneck in media development in Bhutan. The opening up of the media market encouraged an unfettered growth and proliferation of private media houses, resulting in overcrowding of the small advertisement market. In Bhutan, the government is the biggest advertiser and print media depends on ad revenue from the government. A cutback in the government advertising budget and an unclear advertising policy has adversely impacted business sustenance of private media houses. Adopting survival tactics, media houses have downsized their staff, closed bureau operations in other parts of the country, and compromised the print runs.

In addition, many senior and trained journalists continue to abandon the media industry for greener pastures, creating a vacuum that is increasingly being filled by young, untrained reporters. *Bhutan Times*, the country’s first private newspaper, which had nearly 100 employees during its peak in 2008-09, has barely five staff left today. Similarly, other private newspapers have also drastically scaled down their size and operation, and most of them confine themselves to the capital Thimphu and a few nearby towns. This has

given rise to an urban bias in media coverage, ignoring the information needs of the rural population.

Many journalists who are currently working with private media have not been paid for several months in a row. The implication of such a trend is abundantly reflected in the dwindling quality of journalism, coverage and reach of Bhutanese media.

The government is yet to introduce an advertising policy that will govern how government ads are distributed to the media. The Ministry of Information and Communications drafted the Advertising Policy but it could not be approved owing to fierce resistance from the media fraternity. Unless there is a clear-cut advertising policy in place, distribution of government advertisements will continue to be done in a haphazard and arbitrary manner.

Now that newspapers are being audited, a clearer picture has emerged, which can serve as a baseline to assess media growth in the country. According to circulation auditing for year 2013, *Kuensel* is the highest circulated newspaper with an average daily circulation of 7,159 followed by *The Bhutanese* with circulation of 1,712. *Kuensel's* Dzongkha language edition has a circulation of 1,306 followed by *The Journalist* with 1,300. *Bhutan Today's* circulation stood at 1,291 and *Business Bhutan's* at 848. Other newspapers could not be audited due to lack of proper records.

Crucial RTI law passed

A major legislative breakthrough came in the form of the Right to Information (RTI) Act. The National Assembly (Lower House) of Bhutan's parliament passed the RTI bill during the winter session in February 2014. The Act will be further deliberated in the National Council (Upper House) in the summer session of 2014 and the joint sitting of the parliament is likely to pass the Act in May-June, 2014.

Discussions on RTI in Bhutan have spanned more than six years now. The timeliness and necessity of the Act in Bhutan's social, cultural, and political context made for fierce debates during the first five years of Bhutan's democratic experiment. The previous government had promised to enact the law towards the end of its term but failed to do so.

The RTI Act is expected to facilitate easier and greater access to public information, improve transparency and accountability in government, and ensure efficient public service delivery, among others. Bhutanese media strongly lobbied for the act.

Private TV licensing on hold

Bhutan has only one national television broadcaster, BBS TV that runs two channels, one current affairs and the other

entertainment. To de-monopolize the television market, media licensing and regulatory body, Bhutan InfoComm and Media Authority (BICMA) invited Expression of Interest from individuals and organizations to establish Bhutan's first private television channel in 2011. Five firms expressed their interest, of which only two applicants made it through the intensive screening process. The two applicants – Rabssel Media and Singye Group – are still waiting for BICMA's decision. In March 2013, one of the promoters of private TV station, Ugen Tshechup Dorji, filed a case with the media tribunal appellate against BICMA for denying the TV license. The decision of the media tribunal appellate is not known yet. BICMA meanwhile has maintained that the delay in issuing TV license is mainly because the Bhutan InfoComm and Media Act is under review.

During the 2013 election campaign, the ruling party, People's Democratic Party, promised to license private television channels in June 2014. If the government keeps its promise, it is very likely that in the next few years, Bhutan would have two private television channels.

Media development

Both government and non-government actors with media development mandates continue to prioritise professional development of journalists in Bhutan. The Department of Information and Media (DOIM), Bhutan Media Foundation (BMF) and Bhutan Center for Media and Democracy fund and conduct various training programmes for reporters. The high turnover rate of journalists has necessitated intensified skill development in journalism.

“Given the weak financial position of many newspapers, there are possibilities that they could kowtow to the government to solicit indirect support in terms of advertisement revenue.”

Bhutan Media and Communication Institute (BMCI), a private body, mostly conducts training for reporters outsourced by the DOIM. In February 2014, BMCI conducted advance editing training for copy editors and young editors from the print media. On the recommendation of the Journalists Association of Bhutan (JAB), DOIM will also be organising four trainings viz. multi-media training for mid-level journalists, basic journalism training, radio journalism and training on environment and health/science reporting in March and April 2014. Meanwhile, BMF has also lined up several journalism training programs for 2014. Most of these trainings are short-term.

Private media houses are not able to invest in human resource development especially long-term trainings owing to financial constraints. In fact, private media operates on a shoestring budget, with little or no reliable budget allocated for enhancing knowledge and skills of their staff.

The Swiss Agency for Development and Cooperation (SDC) has made major fund commitments to improve and strengthen the media sector under its Democratic Governance Program in the next three years.

Journalists association strengthened

The Journalists Association of Bhutan (JAB) received a boost in 2014 with SDC fund support worth Nu 1.2 million. JAB has established its office and is fully operational. It is also in the process of registering itself as a 'Civil Society Organisation', which is critical for JAB to be recognised as a legal entity in Bhutan.

JAB has also started formally registering its members. All journalists, reporters, editors, freelancers, and news producers are eligible to be members of JAB.

JAB also launched a study titled "Situational assessment of journalists in Bhutan" in March 2014. JAB functions as a

union that protects the rights and welfare of journalists, as well freedom of speech and the media.

The way forward

Much needs to be done to create a vibrant media in Bhutan. The current sustainability crisis faced by media and the consequent deterioration of quality of journalism poses grave challenges for media development in Bhutan.

There is a national consensus on the important role media plays in creating a vibrant democracy, in deepening democratic culture, engaging citizens in discourse and debates on a wide range of national issues, and in keeping a check on the power structure. However, such consensus must be accompanied by strong political commitments to strengthen independent media in Bhutan.

There is an urgent need for a combined effort from government and media owners to find solutions to the existing problems. Wherever possible, the government needs to introduce conducive policies that will nurture the media. On the other hand, media owners and promoters must explore new revenue streams and business models to sustain their media operations.



Editors discussing issues related to media at the annual Editor's Conference of Bhutan (Photo: Courtesy JAB)

INDIA

Wage Board Victory Amid Rising Insecurity

India's journalists' scored a significant triumph in February 2014 when the Supreme Court ruled, in a petition brought by some of the country's biggest newspaper publishers, that the legislative protection afforded for their wages and working conditions was perfectly in order and consistent with constitutional guarantees on fundamental rights. Though this was expected to bring an end to a long campaign of stonewalling by several among India's newspaper publishers to deny journalists and other workers the benefits of new wage scales determined in December 2010, the first response of the newspaper industry was churlish.

The Times of India (TOI), published by the Bennett Coleman and Co Ltd (BCCL), India's largest media group with interests in print, television, radio, online and outdoor media, and one of the petitioners in the case, began the campaign against a fair deal with an article the day after the verdict. The Supreme Court ruling, it declared in an opinion piece that was curiously credited to its news network, would deal "large sections of the print media a grievous body blow and... financially weaken even the few strong companies that are left in an industry that worldwide is under crushing

pressure, with its very existence in question". Aside from the substantive impact on newspaper profits, the wage board was clearly an antiquated institution in the BCCL view, since wage fixation was best left "to market forces of demand and supply".

Early in March 2014, the main lobbying body of the industry, the Indian Newspaper Society (INS), held a conference in the national capital of Delhi, where the publisher of Kolkata-based *The Statesman*, a newspaper of hoary vintage ruined by a recent legacy of quirky and whimsical management actions, said in reference to the Working Journalists' Act, that it lacked "relevance" and threatened to "drive" many newspapers to "closure". As against the "sustainable model" of wage determination that was the intent of legislation and policy, the prescription handed down by the wage board, INS president Ravindra Kumar warned, was "far divorced from even the newspaper's capacity to earn".

These statements from the newspaper industry only repeated many of the contentions made in petitions just rejected by the Supreme Court. Essentially, the newspaper industry argued against the wage award and its enabling law – the Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955, hereinafter referred to as the WJA



Journalists protest mass layoffs by the TV 18 media company in Delhi, September 2013. (Photo: Vikas Kumar)



Journalists gather in Basaguda, Chhattisgarh to protest state of insecurity for the profession. (Photo: Suvojit Bagchi)

– on the grounds that they breached the right to free speech, under article 19 and the assurance of equality before the law, under article 14 of the Indian Constitution. The WJA, the petitions argued, created a special category of rights for journalists and other newspaper employees – in determining their wages by statute – when the trend in the economy as a whole had been to dispense with wage boards and leave the fixation of appropriate levels of worker compensation to bilateral negotiations. Moreover, the newspaper industry petition before the Supreme Court argued, it permitted the government and agencies nominated by it, to intrude into the financial autonomy of newspapers, impeding their freedom and endangering the constitutional right to free speech.

These points merely echoed a similar set of arguments made before India’s highest judicial bench in 1957 when the first wage board created under the WJA announced its award. In a case decided in 1958, the Supreme Court had held that working journalists as a professional class stood in need of specific measures of protection, which made the law giving them a status separate from other categories of workers, a reasonable one. Granting journalists the protection they deserved did not amount to

an infringement of the rights of the newspaper owners. And even if similar protections were denied workers in other industries, it was not unreasonable to start with legislation that would ensure working journalists as a professional class their rights. These points first made in 1958, were reaffirmed in another judgment in 2004. For the newspaper industry to have begun a fresh argument over well-settled legal points – close to a decade later – spoke of an intent to delay a fair deal for journalists.

“Granting journalists the protection they deserved did not amount to an infringement of the rights of the newspaper owners.”

There were two fresh points that the INS added to its arsenal in the mission to dismantle the WJA. The procedure of fixing wages through statutory boards, the petition before the Supreme Court argued, had been disfavoured by a high-level inquiry in 2001 under the National Commission on Labour. It had in fact, been ended in all other industries. The newspaper lobby also accused the wage board of

having, within a supposedly antiquated process, seriously violated all norms of fair procedure, in refusing it a hearing on a matter where it had vital interests at stake. The supposedly independent members nominated to the wage boards, moreover, were in the newspaper lobby's perception, biased against it.

On examining all the material placed before it, the Supreme Court found that the wage boards had indeed "functioned in a fully balanced manner". The suspicion that the independent members were not in reality so, was totally without foundation. And if the wage boards were compelled at certain times to cut through procedural knots, it was only because the newspaper industry had been in persistent default on its basic responsibility to provide the information needed to arrive at a determination fair to all. Blowing the whistle on a tactic of obstruction that has for long been used by the newspaper industry, the Supreme Court observed that the petitioners could not be "allowed to take advantage of their own wrong and impugn the (wage board) recommendations".

"Blowing the whistle on a tactic of obstruction that has for long been used by the newspaper industry, the Supreme Court observed that the petitioners could not be "allowed to take advantage of their own wrong and impugn the (wage board) recommendations"."

Given the weight of judicial authority and precedent supporting the WJA, it would have been reasonable to expect the newspaper industry to accept the inevitable. The strategy of litigation adopted – with some of India's most high-priced lawyers weighing in on the side of the newspaper lobby and losing the argument – showed an opposite intent.

The IFJ-affiliated Indian Journalists' Union (IJU) in a statement released on February 7, 2014, demanded that newspapers and news agencies implement all provisions of the wage board award without further delay and also announce their schedule for paying back wages from November 2011, which was the date fixed for retrospective application of the revised scales of pay. It also demanded that State Governments set up Tripartite Committees to ensure that the Wage Board award is implemented across the country. In a letter to the TOI, the IJU sharply critiqued its reporting on the wage board judgment as a "violation of

all the canons of journalistic propriety". The ostensible news report, the IJU observed, uses a generous amount of space, "not to report or explain the Supreme Court judgment but to agitate for the case of the petitioners in which the Court did not see any merit". "Propriety", the IJU said, "demanded that the report carry the principal details of the judgment and not paraphrase one party's arguments".

The DUJ, a constituent of the IJU, had earlier reacted sharply, regretting the "campaign" against a perfectly reasonable judgment, which in the absence of a right of reply for respondent parties in the petition, was a "misuse" of news pages. Rather than continue along the ethically challenged pathway, the DUJ pointed out, the newspaper industry would be better advised to "gracefully accept" the wage board award.

In a detailed response to the INS, the Confederation of Employees' Organisations of Newspaper and News Agency, comprising all IFJ affiliates and a number of other kindred bodies, said: "It should surprise none that after fighting the wage revision for three years in the Supreme Court and employing the cream of legal talent with 12 senior advocates to defend its petition, the INS President is now suggesting that the industry is facing 'an existential crisis' following the apex court upholding the recommendations of the wage board headed by Justice G.R. Majithia and government notification on them and directing the employers to start paying the revised emoluments from first of April, 2014. There should be no surprise at this tactic to raise the anti-wage revision bogey of industry collapsing because the INS has been raising this same bogey for the past 50 years. The fact is that instead of the industry sinking it has been rising to the stratosphere. In fact, between 1998 and 2008 when the wage revisions recommended by the previous board headed by Justice R. K. Manisana Singh were legally binding on the employers, the newspaper industry virtually doubled both its readership and gross revenue as was discovered by the current wage board headed by Justice Majithia. The two national industry bodies ... have also underlined the growth and future potential of the print media as well".

Epidemic of shut downs

Perhaps the greatest malaise of the Indian media, both print and electronic, has been its complete lack of transparency. Simultaneously, very little media time or space is spent in discussing the industry's own internal state. In July 2013, the Outlook group of publications – publishers of a weekly newsmagazine with the same name – announced that it would shut down three magazines it was publishing as part of a franchise arrangement with global media concerns. The global lifestyle titles, *People*, *Geo* and *Marie Claire*, ceased publication in India immediately. Editorial and other staff at these publications reportedly had no prior warning of the



Journalists protest the mass layoffs by the TV 18 media company in Delhi in September 2013 (Photo: Vikas Kumar)

management decision and the prevalent contract system rendered their jobs even more precarious.

The Outlook decision came just days after BCCL announced that it would shut down its weekend magazine *Crest*, after less than four years of trying to meet the demand for long-form journalism. Launched as an antidote to dumbing down of news content and the abbreviation of attention spans, *Crest* seemingly suffered from a collapse of management commitment.

Over 60 employees were affected by the Outlook decision, which was challenged in the labour court in Mumbai city. The court issued a stay on the retrenchment of staff pending a full settlement of dues for all those at risk, as the aggrieved employees argued that companies often fail to settle dues that are owed, once they shut down operations and lay off workers. Following the judicial intervention, it is believed that all staff got their dues within a reasonable period of time, though alternative employment has been elusive for several among them.

Worse was to follow in August, when no fewer than 350 employees of the highly diversified media group Network 18, were handed letters of termination. The layoffs are believed to affect well over a quarter of the total employee strength of the media group's news broadcast subsidiary, TV 18. Network 18 through TV 18, owns a number of TV broadcast channels, including the English-language CNN-IBN, the Hindi-language IBN 7 and the Marathi-language IBN-Lokmat. It also controls the business focused channels CNBC-TV 18 in English and CNBC Awaaz in Hindi.

Network 18 was promoted in 1996 as a private limited company with interests in finance. It was taken public and listed on the Indian stock markets in 2006. Following the travails of the global financial meltdown, the main Network 18 promoter, Raghav Bahl, secured early in 2012, a personal loan of INR 40 billion from India's largest corporate enterprise, Reliance Industries Ltd (RIL), for cutting some of his company's debt and funding a merger with Eenadu Television (ETV), a major multi-lingual broadcaster based in the southern Indian city of Hyderabad. It was widely believed then, that this would be precursor to an aggressive move by Network 18 into the convergence space, since RIL, headed by billionaire Mukesh Ambani, shortly afterwards signed a deal with Reliance Infocomm, headed by his younger brother Anil Ambani, to carry media content over the 120,000 kilometre long fibre-optic network controlled by the latter.

RIL had a subsidiary called Reliance Jio in place for implementing its ambitions in telecom, but in June 2013, put plans to launch "fourth-generation" (or 4G) telecom services on hold. The premium placed on Network 18 media content diminished rapidly after this decision. The decision to integrate newsrooms of the various media operations of Network 18 came soon afterwards. And a mass dismissal of staff followed.

The DUJ described the mass layoffs as the application of "jungle law" and called on regulatory authorities to intervene and stop the haemorrhage of jobs. The National Union of Journalists of India (NUJ-I) another IFJ affiliate, condemned the layoffs as "arbitrary and unwarranted".

The purported objective of cutting personnel costs to deal with a profit crunch, the NUJ-I said, did not stand scrutiny, since Network 18 has put in place “a huge hierarchy” in the management space, where a major share of the wages and salaries budget is allocated. Nobody within this unproductive hierarchy of managers was even remotely at risk of retrenchment, the NUJ-I pointed out.

The news though, kept getting worse for India’s journalists. Around the same time as the TV 18 retrenchments, New Delhi Television (NDTV), the country’s first major privately-owned news broadcaster, which benefited from a number of concessions in its early years, announced plans to cut back business coverage with inevitable consequences in job losses.

Following the TV 18 debacle, Prime News, a channel based in Guwahati in the north-eastern Indian state of Assam, and HYTV in Hyderabad city in the southern state of Andhra Pradesh, shut down operations early in October. Neither followed the statutory processes of issuing notices of closure and settling workers’ claims before abruptly suspending operations. It is estimated that a total of 320 workers were affected by the two closures, about half of them journalists. Another news channel, Studio N again in Hyderabad retrenched 26 employees in early 2013 without statutory notice or compensation. The IJU affiliate, the Andhra Pradesh Union of Working Journalists (APUWJ) took up the case in the labour court, which ordered their reinstatement but without back wages. The union is filing an appeal to get the back wages.

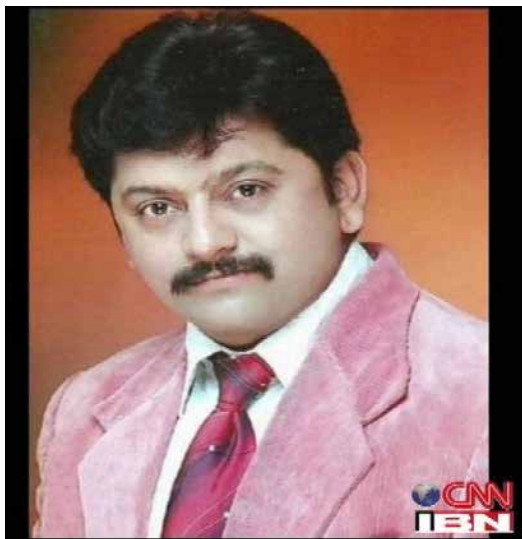
Prime News reportedly ran up unpaid dues of 20 million rupees (over USD 300,000) to cable operators by way of distribution fees and effectively went off the air early

in September. Journalists in Assam believe that the channel’s financial difficulties originated in the opaque system of accounting followed by cable operators which often deprived news channels of their legitimate share of revenue. Similar factors were believed to have been operative in the closure of HYTV in Hyderabad.

It is worth noting that with the expansion of the media in the past decade, the unions have been demanding the setting up of a second Media Commission to examine the state of the media including upcoming electronic, web and social media. At the same time, they have demanded the expansion of the existing Press Council of India to include electronic media and web media. In addition, the unions have also been demanding an amendment to the WJA to bring journalists working in electronic and web media within the purview of the definition of working journalists.

Failed promises of digitisation

A transition to “digitally addressable systems” (DAS), which would enable greater clarity in assessing viewership data, has for long been the remedy recommended for this particular ailment. Digitisation has been kept at bay from the time it was first proposed, by the cable operators’ lobby, which numbers in tens of thousands and has considerable heft in local politics. At the end of its tether by 2011, the Union Cabinet in 2011 made DAS the statutory norm, though one to be enforced in stages. All subscribers in the country’s four metropolitan cities – Delhi, Kolkata, Mumbai and Chennai – were required to switch over by the end of June 2012. Frenetic lobbying by the cable operators’ lobby ensured that the deadline was extended to end-October in 2012. Public indulgence for the cable operators was also beginning to wane by then. In April 2013, a second phase of digitisation began, covering another thirty-six



Among the ten Indian journalists who died in 2013-14 were Rajesh Verma and Sai Reddy. Verma, a news cameraman was killed in mob violence in the district town of Muzaffarnagar in India’s northern state of Uttar Pradesh. Reddy died after being attacked with sharp edged weapons on December 6 near a market in Basaguda in the Bijapur district of Chhattisgarh. (Photos: Courtesy NUJ)

cities, including significant urban agglomerations such as Bangalore, Hyderabad, Pune, Ahmedabad, Nagpur, Kanpur and Lucknow. Cable operators with overt and covert political patronage, succeeded in delaying the transition through various devices, including judicial writs. But with all the hiccups, the process was seemingly completed by September 2013.

Digitisation fell short of the saviour's role in which it had been cast. Broadcasters were not yet organised to start harvesting subscriptions. And the extra revenue that began trickling in could not quite remedy the ill-effects of the sluggish growth in advertising spending. Trapped in this limbo of losing one revenue stream while the promises of another remained remote, the broadcast industry responded querulously to a proposal by the Telecommunications Regulatory Authority of India (TRAI) – which has increasingly been assuming the power to determine rules of utilisation of the broadcast spectrum – that advertising time should be limited to twelve minutes in every clock hour. The main lobby of the broadcast industry first seemed to find it an irksome intrusion but then admitted that the audience would perhaps appreciate an ad ceiling. Some among the broadcasters then sought to revise their advertising rates to adapt to the changed situation. But in October 2013, when the ceiling was supposed to come into effect, the broadcast industry probably realised that it would not remain viable with the twelve minute limit in force and decided to go in judicial appeal against it. The matter remains undecided at this writing.

“Perhaps the greatest malaise of the Indian media, both print and electronic, has been its complete lack of transparency.”

Growing controversy over media ratings and audience measurement procedures added to the great sense of uncertainty that the media in India faced through the year. The suit filed by NDTV against the TV ratings agency, Television Audience Measurement Ltd (TAM) in the Supreme Court of New York in 2012, was not entertained on grounds of inappropriate forum. Following this, a number of TV channels began to display increasing signs of restiveness over the poor methodology and dodgy results turned in by TAM. These signs of a lack of confidence in a ratings system that had seemingly served India's media industry rather well, started from about May 2013 – when the IPL, a major cricketing spectacle that corporate India stages – turned in very poor ratings, partly because of serious allegations of match-fixing.

A number of India's most powerful TV channels, including the public service broadcaster Doordarshan, withdrew cooperation with TAM on grounds that the ratings agency was cooking its results, that indeed, it was being paid off to return figures favourable to particular broadcast companies.

In December 2013, the newspaper industry had its own moment of public embarrassment when results from the Indian Readership Survey (IRS) for the preceding quarter were released. Soon afterwards, an unprecedented coalition of newspaper groups that were otherwise constantly sniping at each other, came together to denounce the findings as sloppy, unreliable and perhaps, corrupted at source. A prominent newspaper group and backer of the IRS, *The Hindu* of Chennai, soon afterwards withdrew its support. The Media Research Users' Council (MRUC), which is a consortium of ad agencies and newspaper companies, stuck to its guns for a few days but then gave into unrelenting pressure and withdrew its results from circulation.

Boost to ad lobby

It is estimated that over 65 percent of India's newspaper industry revenue comes from advertising. Of the remaining 35 percent, a large part – perhaps up to half – is allocated for the news agents who distribute the product. For the TV broadcast industry, the contribution of advertising to total revenue is a more modest 35 percent. But it is estimated that prior to digitisation, the charges paid out for distribution consumed perhaps 80 percent of the remainder. For both sectors it would be evident, advertising placement decisions – which in turn are dependent on audience and readership figures – are crucial determinants of the fortunes of particular enterprises. In an industry where competition has been sharpening, the evident corruption of audience and readership measurement processes stands as a serious impediment to professional integrity.

With the parlous state of media industry fortunes in India today, ad agencies have greater opportunity than ever before to influence editorial agendas. Ratings agencies that guide ad spending, it is now clear, are themselves integrated into the same global chain of capital. In this situation, the impact on media agendas and indeed, on the political discourse, could be profoundly adverse. Waking up to the absurdity of the situation, India's Ministry of Information and Broadcasting (MI&B) on 16 January 2014 issued a number of guidelines that agencies in the TV ratings business would have to conform to. These norms, completely unexceptionable on any objective consideration, were to be operationalised by 15 February. Among the requirements, was a stipulation of minimum sample size: television ratings could not be credible in a country of



In a victory for working journalists and newspaper employees, the Supreme Court upheld the validity of the Majithia Wage Board decision. (Photo: Courtesy IJU)

India's size and diversity on the basis of a sample of 8,500. The same agencies which have a monopoly in the Chinese market – which is of equal continental size but perhaps of far less diversity – employ a sample of 40,000. The new guidelines also required rating agencies to be transparent in ownership. Any possible conflicts of interests – as with cross-ownership involving ad agencies and media buying – would have to be eliminated.

The U.S.-based consultancy firm, Kantar Ltd., which is a shareholder in TAM, took the matter in appeal and at this writing, the new norms determined by the MIB are on hold. There has been no challenge though, to the basic good sense behind the new regulations, only a plea that they should not be enforced within the tight deadline stipulated by the MIB.

Axing professional editors

The independent functioning of editors has been compromised due to pressure from their managements who appear to be appeasing certain sections of the political class to suit their business interests.

As general elections to the Indian parliament, due to be completed between April and May 2014 approached, fair and independent journalism began to suffer undue pressure. The family that owns *The Hindu*, India's third largest English language newspaper, in October 2013 abruptly removed a professional editor appointed just twenty months before in what was then declared as an irreversible move towards taking the 135-year old establishment out of family editorial control. The family-controlled board of the proprietary company was

deadlocked over the proposal and it took the casting vote of a newly appointed chairman, who had ironically led the push towards professionalization in 2011, to carry the resolution removing Siddharth Varadarajan from his position.

Responding to public queries afterwards, the board put out the argument that one of the reasons driving the reversal of course was the ostensible bias shown in editorial policy against a leading candidate for prime ministership.

In November 2013, *Open*, a magazine that has been publishing for five years under the ownership of a diversified business conglomerate, the RPG Group, based in the eastern metropolis of Kolkata, announced the removal of its political editor, Hartosh Singh Bal. No specific reason was given though it emerged since, that the editor of the magazine, the award-winning novelist Manu Joseph, had for long been under pressure to sign off on the dismissal. After reportedly resisting for long, he finally gave in only to ensure a more cooperative relationship with the proprietorial family. Again, the main consideration behind the removal of a respected journalist was seen as the strong editorial posture he had taken against the emerging leader of a national political party. Joseph subsequently quit his editorial position due to what appeared to be political interference in appointing Bal's successor in January 2014. Around the same time, the Sun TV channel based in the southern metropolis of Chennai sacked a senior journalist, Veera Pandian, from his job as news anchor, allegedly after receiving a letter from the local head of a political party, withdrawing his party from any further participation in the channel's programmes.

Targeting the messenger

Security continued to be a concern for India's journalists, especially in the insurgency prone areas. In the central Indian state of Chhattisgarh, veteran journalist Sai Reddy was hacked to death in a public place in the town of Basaguda in December 2013. Though there was no official claim of responsibility, the Maoist insurgents who have for long years been active in the region, were believed to have carried out the killing. Sai Reddy had in 2008, been imprisoned for a period of almost one year under the draconian security laws in operation in the state, ironically enough, on charges of being a Maoist operative. His killing was the fifth of a journalist in Chhattisgarh in a period of three years and showed how the lack of security has become an active deterrent to the free exercise of the craft.

Reacting sharply to the brutal killing, the IJU drew attention to the fatal attack on journalist Nemi Chand Jain in February 2013 and called for immediate actions from the state authorities in Chhattisgarh to address security issues for journalists.

Rajesh Verma, a news cameraman for a national broadcaster and Israr, a freelance photographer, were killed in mob violence in the district town of Muzaffarnagar in India's northern state of Uttar Pradesh in September 2013. Verma a news cameraman for the IBN 7 channel which broadcasts in English, Hindi, Marathi and other languages all across India, and a freelance photographer identified only by the single name Israr, were attacked by a mob dispersing after a meeting in Muzaffarnagar town on September 7. Both had been assigned to cover the meeting and seem to have been attacked with deliberate intent. Rajesh Verma was shot through the chest and Israr died of serious injuries inflicted by blunt objects.

“Growing controversy over media ratings and audience measurement procedures added to the great sense of uncertainty that the media in India faced through the year.”

In August 2013, the government in the state of West Bengal ordered three local channels in the district of Darjeeling to stop transmission after protests broke out in the region over a demand for greater local autonomy. It was another instance of a news blockade imposed to calm political turbulence, having quite the reverse effect.

Conditions for journalists continued to be turbulent in the north-eastern state of Manipur. Police investigators in August 2013, made a demand of the editor of the daily newspaper *Naharolgee Thoudang*, published from the state capital Imphal, that he hand over the original print or digital image of a picture published in 2010. The National Investigation Agency (NIA), a recently constituted agency under India's Union Government, tasked specifically with investigating terrorism cases, also asked the editor to name the photographer involved in capturing the image of the “raising day” of a banned militant outfit, the Peoples' Liberation Army (PLA) which has been engaged in an insurgency against government forces since 1978.

The IJU, an IFJ affiliate, took up this matter, writing a strong letter to the Press Council of India, seeking a clear statement on the protection of journalists' sources. The All Manipur Working Journalists' Union (AMWJU), an IJU constituent unit, has been particularly active in seeking redress for the journalist under threat.

Manipur's police force, investigating a seeming case of a suspected insurgent being killed in a busy market area after being taken captive, made a demand of Teresa Rehman, a journalist based in the city of Guwahati in neighbouring

Assam state, to reveal the source of the sequence of pictures published alongside her story in the *Tehelka* weekly in 2009. In publishing the story which stirred up a massive political controversy and demands for criminal proceedings against the police commandos who had carried out the seeming cold-blooded killing, the weekly had chosen to protect the identity of the photographer, to avoid possible retribution.

Security officials in Manipur are known to issue explicit threats that media seen to be lending “direct or indirect” support to any of the banned militant groups would be liable for summary action, including seizure and forfeiture. At the same time, the militant groups exert pressures through numerous channels to seek publicity for particular points of view and deny others any manner of a hearing. All these tensions came to a head yet again in Manipur in September 2013 when newspapers shut down for two days, following explicit threats from an underground armed group that the distribution of newspapers not publishing its statements would be blocked and their personnel

attacked. According to information received from AMWJU, newspaper distribution for two days beginning September 1 was suspended by vendors under the threat of violent retribution by an underground group. AMWJU the following day decided to observe a two-day closure to ensure that the state government took note of the predicament that journalists and other media workers continued to face in a state that is home to an estimated thirty armed insurgent groups. This was the fifth complete shutdown of Manipur’s newspapers in less than five years.

In September 2013, journalists covering police efforts to take into custody the leader of a spiritual cult accused of sexually assaulting a minor girl, were attacked by followers of the cult in Jodhpur city in the western Indian state of Rajasthan. A news-crew that arrived at the premises of one of the cult’s properties, was attacked by the crowd that had gathered, leaving a cameraperson and a reporter with bleeding injuries. Similar incidents were reported of violence against media persons by supporters of the accused person in Raipur, capital city of the central Indian



Senior Editors and Indian Journalists Union (IJU) leaders sitting on Satyagraha on 26th September, 2013 in Hyderabad, protesting against fake case against S.Nagesh Kumar, Resident Editor, *The Hindu*, Hyderabad. Palagummi Sainath, Editor, Rural affairs, *The Hindu* is seen addressing the satyagrahis. The action program was organized by Andhra Pradesh Union of Working Journalists (APUWJ) an affiliate of Indian Journalists Union (IJU) (Photo: Courtesy IJU)

state of Chhattisgarh. An estimated six journalists, mostly from the TV sector, were injured in these incidents.

On the night of 10 February 2014, senior journalist A. Choaba (aka Dhananjay Sharma) was assaulted by a unit of the Indian Reserve Battalion (IRB), a police force deployed in particularly sensitive parts of the country to control insurgent outfits. Choaba is a senior AMWJU member who has held elected posts in the union. The IJU wrote a strong letter of protest to the Manipur chief minister immediately on hearing of the incident. IRB personnel involved in the brutality were soon afterwards, placed under suspension.

In March 2014, two TV channels in the southern state of Kerala suffered public threats and intimidation after they carried interviews featuring a former member of a religious cult, in which she discussed a book just published describing alleged illegalities within the movement, including possible instances of sexual exploitation.

Criminal charges were brought against S. Nagesh Kumar, resident editor of the nationally circulated English daily *The Hindu* in Hyderabad, capital city of the southern state of Andhra Pradesh, following the publication on September 13, of a report on a meeting that the Director-General of Police in the state had with the head of a spiritual cult based in the city. The criminal complaint was lodged by an Assistant Commissioner of Police in Hyderabad city, a subordinate of the official named in the report, on grounds that the report was a deliberate intent to bring the police force into disrepute.

Nagesh Kumar secured anticipatory bail, providing him with provisional immunity against arrest. This did not prevent a number of visits by the local police to his residence, seemingly with intent to intimidate and harass. Though the threat of criminal action has since abated, with the head of the police force retiring from service on September 30, there has reportedly not been a formal dismissal of charges yet.

“Individually and collectively protesting about attacks will chip away at the prevalent climate of impunity.”

Like counterpart unions elsewhere, the Andhra Pradesh Union of Working Journalists (APUWJ), a constituent unit of IJU, vigorously took up the matter of the persecution of *The Hindu's* local editor, mobilising public support for him.

The APUWJ was faced with a fresh challenge when the state of Andhra Pradesh was after a long and often emotionally fraught political campaign, divided up two ways by a

resolution of the Indian parliament in February 2014. Two new states – Seemandhra/ Andhra Pradesh and Telangana – will be created by this process which is expected to be completed within a fortnight of the results being declared from ongoing (as of April-May 2014) general elections. The APUWJ will thus seamlessly give way to two successor organisations, both of which will remain part of the IJU.

Safety on the job was another issue on which the Indian unions witnessed considerable activity. The National Union of Journalists of India, or NUJ(I), has for long been pressing this issue with governmental authorities and has prepared certain concrete legal amendments to promote the objective of protecting journalists on the job. IJU representative Amarnath Kosuri has been involved in wide-ranging consultations on the issue, and is heading a sub-committee of the PCI to look into the safety of journalists in the country. The committee was mandated to suggest measures, and a legal framework to protect journalists. Further, the Journalists Union of Assam (JUA), a unit of the IJU, took up the matter in November 2013, demanding that the state government introduce a bill specifically dealing with journalists' safety. Assam has been among the most dangerous arenas for the practice of journalism in India, with 24 journalists having been killed in the last 22 years.

Women journalists break the silence

A 22-year old photo-journalist, serving an internship with a magazine in the western metropolis of Mumbai, was brutally assaulted and gang-raped around the busy Mahalaxmi area one evening in August 2013. While shooting in and around the compound of an abandoned textile mill in the area, she and a male colleague were accosted by five persons who accused them of trespass. Three among the five then proceeded to gang-rape the woman photojournalist, while two others held her male colleague down. Responding to massive public outrage, the city police soon afterwards arrested the five accused. The trial court on March 20, 2014, convicted four of the accused adults for life, while the accused minor is being tried in juvenile court. In April 2014, three of the accused were sentenced to death by the same court on a renewed application submitted by the prosecution, arguing that they were “repeat offenders” who were liable to the maximum penalty under newly enacted laws against gender crimes.

The amendments to the law on rape were tested out in a case that hit the headlines in November 2013. A young woman journalist accused her boss Tarun Tejpal, editor of the investigative magazine *Tejpalka*, of sexual misconduct, which amounted to rape under the new law which expanded the definition of rape. She also raised the issue of the lack of internal redressal mechanisms such as the mandatory Complaints Committee against sexual harassment at the workplace. Charges of rape were

brought against Tejpal, who was arrested in December and continues to be in judicial custody as of this writing.

A woman journalist was subjected to molestation and mob attacks while on duty, covering the festival of Holi in Mumbai on March 17. After she filed a police report, five men were arrested. In another horrific incident, on March 28, a 27-year-old journalist with a Hindi newspaper was allegedly abducted and gang-raped by two people in Mirzapur district of Uttar Pradesh, Northern India while on assignment. She lodged a complaint with the police the next day, and the police made one immediate arrest.

The lack of security for women journalists on duty is matched by the lack of in-house mechanisms to deal with sexual harassment at the workplace. While the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, makes it mandatory for workplaces to have grievance redressal systems in place to deal with sexual harassment, very few media houses

had complied. In November, the Press Council of India asked all media houses to comply with the law. The IJU this March demanded that all media organisations in the country set up committees to look into complaints of sexual harassment at the workplace. It further called upon unions to ensure all media organisations comply with the law in this regard. The country-wide mobilisation triggered by public protests following the brutal rape and murder of a 23-year old physiotherapist in Delhi in December 2012, has contributed to a growing climate of intolerance of sexual violence against women, and the media has been part of the transformation. Individually and collectively protesting about attacks will chip away at the prevalent climate of impunity.

The inclusion of a section on “Women and Media” in the government-set up High Level Committee on the Status of Women in 2013, provides some openings to effect policy changes for women journalists.



Indian women hold placards as they shout slogans against Tarun Tejpal, editor-in-chief of Tehelka magazine, in New Delhi, India, November 26, 2013. Tejpal is accused of sexually assaulting his junior colleague on November 7 and 8 at a hotel in Goa. Placard in the centre reads: “Stop atrocities against women.” (Photo: AP Photo/Altan Qadri)

THE MALDIVES

Downward Slide

During the year under review, The Maldives saw three rounds of presidential elections, including one that was annulled by the Supreme Court. Amidst the political crisis during the elections, the media in the tiny nation of islands in the Indian Ocean went through a difficult period. The Maldives has dropped to 108th place in the Reporters Without Borders (RSF) Press Freedom Index for 2014, marking a decline in press freedom for the third consecutive year.

The presidential elections in late 2013 saw intense polarisation, and attacks on the media. After the resignation of President Mohammad Nasheed in February 2012, the presidential elections were held in the Maldives in late 2013. The Supreme Court annulled the result of the initial voting on September 7 and the poll was held again on November 9. As no candidate achieved majority support, a run-off was held on November 16, postponed by five days by the Court to give Abdulla Yameen time for publicity. Nasheed had received 45 percent votes in first

round in comparison to Yameen's 31 percent. However, in the second round, Yameen received 51 percent of votes and was declared president.

The prolonged elections and the bitter contest between Nasheed and Yameen with the Supreme Court's rulings in between resulted in a politically fragile situation which also impacted on free and fair news coverage. During the run up to the elections, journalists were barred from reporting protests, a television station was vandalised and there were several others attempts to attack media organisations. On the positive side, the newly elected president, Abdulla Yameen ratified the Right to Information Act.

Increased access to information

On January 12, 2014, The Maldivian government announced the ratification of a landmark Right to Information Act. The Act is aimed at enhancing the ability of the public and media to access information.

National and international media rights organisations hailed the move by President Yameen, commenting that



The building where opposition-aligned Raajee TV is located was set ablaze in the early hours of October 6, 2013 (Photo: Haveeru Photo/Nasrulla Solih)



Raajje TV owner Akran Kamaludeen pictured after his station was torched on October 6 2013 (Photo: Haveeru Photo/Nasrulla Solih)

the ratification signals his respect for a free and independent media.

Within six months of ratification, the President is mandated to appoint a Commissioner of Information to enforce the Act, establish an office for the Commissioner and the government will appoint an Information Officer at every government office to facilitate access to information.

According to the Act, the Commissioner has the power enforce a fine on information officers who deliberately refuse access to information and any individual destroying requested information, obstructing a public authority or the Information Officer's from providing access to information.

“During the run up to the elections, journalists were barred from reporting protests, a television station was vandalised and there were several others attempts to attack media organisations.”

More importantly, the Act provides protection to whistleblowers in case the whistleblower is making public any information regarding corruption or breach of the law.

A week before the ratification of Right to Information Act, the Maldives Broadcasting Commission (MBC) had

requested the President to ensure greater media freedom and withdrawal of all cases filed against journalists and broadcasters.

The Commission also asked the government to sign a five-point pledge to ensure that the government is free from prejudice by giving fair and equal access to the media, to ensure the safety of journalists, to protect journalists from punitive measures and harassment, to provide a conducive environment for journalists to do their jobs, and to enhance the role of media in a democracy by allowing free flow of information.

Raajje TV under attack

On October 7, 2013, the Maldives' only dedicated news and current affairs channel Raajje TV was attacked. The CCTV footage of the attack showed six masked men armed with machetes and iron rods breaking through a reinforced steel grill and a second wooden door before dousing the station's control room and lobby with petrol. The ensuing fire destroyed the station's offices, control room, computer system, and broadcasting and transmission equipment. The assailants also stabbed a security guard injuring him.

The independent Maldives Media Council said the attack was “aimed to permanently shut down” Raajje TV's broadcast service. However the channel returned on air on donated equipment. Although the police was informed of the threats received by the station before the attack, no security was provided. Raajje TV was editorially supportive to the opposition Maldives Democratic Party (MDP) and

was barred from the president's news conferences since MDP leader Mohammad Nasheed was ousted as the President in February 2012.

The present attack occurred just hours before the Supreme Court was due to rule on a petition challenging the outcome of the first round of presidential elections held in the country on September 7.

Although, the police said they were investigating the attack, there was no substantial development on the investigation as no arrests were made until December. It is worth remembering that in February 2013, Raajje TV reporter Ibrahim 'Asward' Waheed was nearly bludgeoned to death.

Persecution of Raajje TV continued in various forms. In October 2014, the Supreme Court ordered the police to investigate Raajje TV's CEO and news department chief over a supposedly "offensive" report about the judicial system that the station broadcast on October 19. The order was seen as an overlap as the Maldives Media Council is entrusted with responsibility of assessing the quality of media content.

The management of Raajje TV reported they had received

new threats prior to November elections, in which it was warned of another physical attack.

In December, the Maldives Police Services arrested a 35-year-old on suspicion of torching and destroying Raajje TV. The police had previously arrested seven adults and a minor for suspected involvement in the arson attack. The Police Integrity Commission has recommended that charges be filed against two police officers for negligence in preventing the attack.

Information blackout

During the build up to the elections, the authorities in the Maldives failed to respect the right of the media to report freely and fairly.

According to the Maldives Journalists Association (MJA), an affiliate of the International Federation of Journalists (IFJ) media persons faced numerous problems during the election period, in particular while covering political protests organised by the opposition MDP.

On the evening of September 27, 2013 police arrested Mohammad Sajid, a photographer for the *Haveeru* daily, as he was covering a demonstration organised by the



Foreign and local journalists covering a news conference during September 7th presidential election Credit Sun file photo. (Photo: www.sun.mv)

MDP. Sajid was charged with obstructing the police in the performance of its duties, a charge that *Haveeru* strongly denied.

On February 26, 2014, journalist Ahmed Adshan from *Haveeru* was taken into custody in Addu City for taking photographs of police officers in plainclothes who were frisking people at the Feydhoo harbour.

“The independent Maldives Media Council said the attack was “aimed to permanently shut down” Raajje TV’s broadcast service. However the TV returned on air on donated equipment.”

The plainclothes police officers asked Adshan not to take pictures and arrested him for ‘obstructing policy duty’ when he asked them to show their identity cards. Adshan was released after five hours in police custody after being told that there was “nothing to investigate”.

In March, the Supreme Court wrote to the MBC asking media to write the names of judges in a specific way, which the Commission replied was against international best practice. The court had asked MBC to ensure that all broadcasting media whenever refer to the chief justice with

his official honorary title. Standing firm, the MBC replied that it was not within the commission’s mandate to dictate the content of any station, and that broadcasters were free to work in accordance to their own editorial guidelines in such matters.

Restricting Parliamentary Privilege

In April 2013, the MJA had sought the invalidation of certain clauses of the Peoples’ Majlis (Parliamentary) Privileges and Powers Act before the High Court of the Maldives. Section 17(a) and 18(b), said the MJA, could impinge on constitutional guarantees on press freedom described in Article 28 of the Constitution. Section 17(a) of the act empowers Parliament or one of its committees to summon anyone to “give witness or to hand over any information” of interest. Section 18 (b) states that any person who does not answer questions after being summoned by a parliament committee would be deemed to be in breach of privilege, and be sentenced to six months in prison or fined between MVR (Maldivian rufiaa) 1,000 (approximately USD 65) and 3,000 (USD 195).

In November 2013, Article 18 (b) regarding revealing information sources was one among four articles of the Peoples’ Majlis Privileges and Powers Act annulled by the Supreme Court on grounds that they contradict the Constitution. The scrapping of these articles in the case submitted by the former Attorney General Aishath Azima Shukoor, are small but significant steps in establishing media freedom.

NEPAL

Calm After the Storm

Nepal witnessed the second Constituent Assembly (CA) elections on November 19, 2013 – a political achievement that is being seen as a milestone for political stability in the post-conflict transition period. The elections have been the most hopeful sign since the end of the decade-long Maoist insurgency in 2005 and the first CA elections of 2008. The first CA failed to promulgate a new constitution and was dissolved in 2012 before formation of a government of bureaucrats headed by the sitting Chief Justice Khil Raj Regmi.

The much-awaited second CA elections saw a large turnout of voters and a surprise in results when the United Communist Party of Nepal (Maoist) - UCPN(M) – the party with the most number of seats in the first CA – was pushed to a distant third position. This paved the way for

a new coalition government of Nepali Congress (NC) and the Communist Party of Nepal (United Marxist-Leninist - UML) headed by Sushil Koirala of the NC. As all parties have reiterated their commitment to promulgate the new constitution within a year, indications are that Nepali politics will be smooth after years of turbulence. This stability, if it is achieved, will bode well for the media in Nepal.

The role of the media during the 2013 elections was largely praiseworthy. Before the election, when a faction that had split from the United Communist Party of Nepal, Maoist (UCPN-M) were disrupting the electoral preparations, the media unanimously denounced the acts and advocated for the need to hold the elections. During the elections, the televisions, radios and online news portals did not only have live reporting from most of the important constituencies but they were also upheld ethical standards and did not



On March 7, BP Shah, the executive editor of Desiya Monthly, was brutally attacked by four or five unidentified people in Dharapani VDC. (Photo: Courtesy FMJ)

fall prey to unethical competition regarding being ahead in result announcements. The Federation of Nepali Journalists (FNJ) concluded that although there were a few instances where media had crossed ethical boundaries, there had been fair coverage of the elections.

Another positive aspect was the negligible number of incidents of violence against the media during the elections. There were just 11 cases of media rights violations recorded during the elections throughout the country, far less than expected. This however didn't reflect the year under review (May 2013 to April 2014) that still saw concerning pattern of attacks on media and violations of press freedom by state and non-state actors. The situation was somewhat

“There were just 11 cases of media rights violations recorded during the elections throughout the country, far less than expected.”

improved from previous years but there has not been a dramatic change. The concern over impunity in the attacks on journalists remained as it was, despite some positive moves.

Judicial interventions

A major victory was achieved against impunity on April 3, 2014 when the Supreme Court delivered a verdict that effectively opened a path to resume the prosecution of five people accused of murdering journalist Dekendra Thapa in 2004 at the height of the conflict. The prosecution had hit a dead end after the attorney general intervened by instructing his subordinates to halt the investigation and prosecution. The intervention was supported by the then Prime Minister Dr Baburam Bhattarai, also the vice-chairman of the UCPN(M), who took a stand that the prosecution of conflict-era criminal cases needed a different justice mechanism.

The Supreme Court however decided otherwise and curtailed the discretionary powers of the attorney general and asked him not to stop subordinate authorities from prosecuting criminal cases.

In September 2013, Nepal Police arrested Umesh Yadav, an accused in the murder of radio journalist Uma Singh in January 2009. Yadav, who police believe masterminded the brutal murder, was arrested from western Nepal while attempting to cross the border to India. Two others involved in the murder, Singh's sister-in-law Lalita and Nemlal Paswan were already handed life-imprisonment by a District Court in June 2013.

In another case, the Labour Court in Kathmandu reinstated five journalists whose services were terminated by Nepal Republic Media Pvt Ltd. Six journalists – Madhav Dhungel, Govinda Pariyar, Manoj Dahal, Navin Aryal, Shyam Bhatta and Chanki Shrestha – were handed letters of termination by the publisher of *Nagarik* and *Republica* dailies on February 13, 2013. Five of them, except Shrestha, moved the court against the unlawful termination. The court, in its order of January 23, 2014, ordered the publication to reinstate them with payment of back wages and benefits.

Threats and attacks continue

From May 2013 to April 2014, there were 42 cases of media rights violations including a murder of a radio jockey. On September 27, 2013, Satyanarayan Gaderi was found



An injured Nepalese journalist holding his press card. (Photo: NUJ, Nepal)



Journalists from the Photojournalists Club of Nepal protest the detention of Al-Jazeera journalists in Egypt at the Egyptian Embassy in Nepal on March 25, 2014. (Photo: Courtesy Photojournalists' Club Nepal)

murdered near his home in Kurtha of Dhanusha district with a bullet mark and wound by a sharp object on his neck. Gaderi was producing and presenting an education related program on Radio Janakpur. As in many other cases of media person's murders, the case remains unsolved with no arrests made so far.

On January 12, 2014, Nepal Police detained more than 20 journalists in Biratnagar, east Nepal who were protesting after the Chief of the Commission of Investigation of Abuse of Authority abused journalists in a press conference after being asked questions on his alleged involvement in a case of corruption. Similarly, two journalists of Mahottari district, Gita Chimoritya of Radio Darpan and Santosh Pokhrel, editor of *Bardibas Khabar* Daily, were also harassed and received death threats over news about road accidents on January 24, 2014.

Journalist K P Dhungana received numerous death threats, on his mobile phones and social media accounts, for his writing in *Nagarik* daily on February 26. The crime reporter had been involved in the reporting of a police investigation into the misconduct of a well-known Nepalese social activist in which he quoted sources accusing the social worker of illegally running an orphanage. His report also contained allegations of sexual misconduct.

On March 7, BP Shah, the Executive Editor of *Desiya* Monthly, was brutally attacked by four or five unidentified people in Dharapani VDC where he was attending a wedding ceremony. The assailant clearly mentioned that he was attacking Shah for writing about corruption.

On January 1, 2014, a group of people vandalized and set fire to the office of *Tikapur Daily*, in Kailali in the Far Western Region of Nepal. They were reportedly disgruntled over published news.

Senior editors of prominent publications were not immune to attack. In January 2014, an unidentified group attacked editor-in-chief of *Nagarik Daily* Prateek Pradhan on his way home. His car was vandalized. Similarly, three people attacked Gokarna Aryal, acting editor of *Gorkhapatra Daily*, while he was returning from work on the evening of December 7, 2013 near his residence in Kathmandu. On April 29 2013, Ganesh Basnet, news editor of *Rajdhani Daily*, was chased and hit by a private vehicle in Kathmandu on the night while turning home on a motorcycle from his office. Basnet saved himself by veering on to the pedestrian path.

All the attacks on editors were for unknown reasons and the assailants are yet to be prosecuted. These incidents are

indicative of the work environment of Nepali journalists. There are not only instances of direct interference in the freedom of the press and journalists' right to collect and disseminate information, but also a lack of understanding of those rights among state and non-state actors. Furthermore, no legal action has been initiated in these cases. The culture of impunity has contributed to people directly attacking or threatening journalists rather than seeking legal remedy for their dissatisfaction over published news.

Concerns over online freedom

Freedom on the Internet became a hot topic of discussion in Nepal after two more incidents of arrests of journalists under the Electronic Transaction Act. The Act, promulgated in 2008 to regulate electronic transactions, banking transactions and control computer related crimes such as hacking and alteration of data, has a provision in Clause 47 giving arbitrary powers of arrest to the police. The clause prohibits publication of materials on the Internet which are deemed "contrary to the public morality or decent behavior or spreading hate or jealousy against anyone or jeopardizing the harmonious relations subsisting among the peoples". Seen as criminalization of freedom of expression by media

rights advocates, violations of the Act can attract penalties of up to five years in prison.

"All the attacks on editors were for unknown reasons and the assailants are yet to be prosecuted. These incidents are indicative of the work environment of Nepali journalists."

The irony of the provision is that the journalists could be arrested for publishing material that is acceptable under the law in print media; and the publication of the same content could be dealt with under two different sets of laws, depending upon whether it was published in print or online media.

Under the Act, popularly known as "Cyber Crime Act", police arrested Dinesh Acharya, the editor of *Share Bazaar* weekly on September 30 and detained him for two days in Kathmandu on charges of sharing a news article published in his newspaper on a Facebook page. The complaint, about



In July 2013, Renuka Kandel (name revealed with consent) bravely spoke out against sexual harassment she was subjected to at the Nepal 1 Television's Kathmandu office.

sharing the article online, was filed by industrialist Nirvana Chaudhary. The Kathmandu District Court released Acharya on bail but the case has not been closed yet.

Earlier on June 20, Police arrested Susil Panta, editor of the website www.nepaliheadline.com, based on a complaint filed by a campus chief over news content that was published on the news portal. He was detained for a few days until joint efforts by the FNJ and the Press Council Nepal convinced the police that it was under the Council's jurisdiction to analyse whether the news content was unethical.

These cases highlight the danger to freedom of expression online and journalists' bodies drew attention of the government and complainants to the fact that the Press Council of Nepal is the authorised agency to address any complaints over published or broadcasted news and not the police administration.

Speaking out against sexual harassment

In July 2013, Renuka Kandel (name revealed with consent) spoke out against the sexual harassment that she was subjected to at the Kathmandu office of Nepal 1 Television, an Indian television channel targeted to a Nepali audience. The anchor of a Bhojpuri-language program, Kandel accused Sundar Singh Bidhuri, the chief administrator, of sexually

harassing her time and again when she was alone in the studio. She was subjected to sexually explicit language, inappropriate physical contact and indecent comments. He was arrested on her complaints and later released.

The incident led to journalists' unions calling for strict measures to tackle making newsrooms more conducive for women journalists.

No pay, no news

The ever-important issue of timely payment of journalists' wages continues to require attention. Journalists, especially those in radio and television stations, continue to suffer from the delayed payment of salaries and have started taking extreme steps such as closing down the news bulletins and obstructing printing and distribution of newspapers to force the timely payment and other demands. Journalists unions have urged media employees not to obstruct free flow of information as a tool to protest and urge media management to fulfil their just demands.

In May, the All Nepal Communication, Printing and Publication Workers' Union went on strike in Kaski district in West Nepal forcing more than a dozen newspapers to close down for a day on May 10. The strike was for demands that included appointment letters and accident insurance.



The 11th Annual South Asia Media Solidarity Network (SAMSN) meeting July 2013 in Kathmandu, Nepal (Photo: Courtesy Pradip Phanjoubam)

In Kathmandu, on May 19, the All Nepal Revolutionary Communication Printing and Publication Workers Union obstructed distribution of *Rajdhani* daily by seizing copies of the newspaper.

Similarly, in July 26, 2013 Bhaskar Raj Rajkarnikar, the executive chairman of Avenues Television, misbehaved with journalist Nabin Dhungana and terminated the employment of journalist Jyoti Shah while they demanded that they be paid long-due wages. They went to the Labour Court against the unlawful termination, the decision is still pending, though the employer cleared their dues in March 2014.

Sourya daily was closed down after journalists refused to work after it failed to pay them for three to nine months. The management shut down the newspaper for a week publishing a notice, but it didn't resume publication as the talks between management and employees reached dead ends; and two of the members of the management committees were arrested for providing cheques that

bounced. The newspaper resumed publication more than a month after the issue was settled.

In early 2014, News24 Television withheld the broadcast primetime news bulletin as the journalists denied to work for non-payment of salaries. The issue of non-payment of journalists in the television network was long persisting as in May last year, the channel's chairman Anil Joshi had threatened to terminate jobs of those pressuring the management for payment. A group of journalists resigned but others continued to work and struggle.

Nepal's media seemed to be stabilising and has seen improvement in freedom of expression after a difficult period during the conflict. There are still improvements needed, especially in dealing with impunity and general public's perception of media, which contributes to violations of media rights. Nepali journalists and unions are advocating for non-negotiable freedom of the press in precise terms in the new constitution that is to be promulgated by the Constituent Assembly.

PAKISTAN

A Rollercoaster Year

It has been a year of upheavals for Pakistani media for the period under review. There were significant highs and lows for media practitioners and policymakers in terms of new ground being broken on key challenges as well as a near-relentless rise in the level of impunity against journalists.

The setback during the period in review included the targeted killings of five journalists and the issuance of a fatwa by the proscribed Tehrik-e-Taliban Pakistan (TTP) that formally declared media a target. The gains included the first ever successful prosecution, conviction and punishment of the killers of Pakistani journalist, Wali Khan Babar, by the criminal justice system of the country; the launch of a Supreme Court of Pakistan-appointment Media Commission report that recommended, among other things, a roadmap for reforms to the media laws in the country and measures to increase safety of journalists; the enactment of new, progressive right to information (RTI) laws by the Punjab and Khyber Pakhtunkhwa provinces; the activation of the Pakistan Coalition on Media Safety (PCOMS), an

independent multi-stakeholder platform bringing media owners, media workers, government, civil society and media support groups to draft a national roadmap on combating impunity against journalists and promoting safety protocols for media houses; the launch of the Coalition on Ethical Journalism (CEJ), another independent multi-stakeholder platform to reform journalism practices within the media to promote an ethical media.

Targeted killings

At least five journalists and three media workers were killed in targeted attacks related to their journalism between May 2013 and April 2014. This took the total number of journalists killed to 94 since January 2000, according to Freedom Network, a Pakistan-based media watchdog that monitors attacks on media and lobbies for a safer environment for journalists in the country.

On August 21, 2013, Abdul Razik Baloch, a sub-editor for *Daily Tawar*, was found tortured to death in Karachi, Sindh province where he was based. He had gone missing on March 24, 2013. There has been no progress in tracing his attackers.



IFJ Media Rights Monitoring workshop in Karachi, Pakistan on April 14, 2014. (Photo: Jane Worthington)

On October 1, 2013, Ayub Khattak working as a reporter of the *Karak Times* in Karak city of Khyber Pakhtunkhwa province, was shot dead outside his residence. He appears to have been killed for reporting crimes, especially the sale of drugs in his city. His family has named some suspects and a case has been lodged with the police.

“The gains included the first ever successful prosecution, conviction and punishment of the killers of Pakistani journalist, Wali Khan Babar, by the criminal justice system of the country”

On January 1, 2014, reporter Shah Dahar working for Abtak TV channel in his hometown of Larkana was shot in the neck and later died in the hospital. His employers said that he had been receiving threats for reporting on the sale of spurious and expired medicine at hospitals and medical stores in Larkana in Sindh province.

On January 28, 2014 reporter Bakhtaj Ali of weekly *Manzar-e-Aam* was kidnapped by unknown persons after receiving threatening calls for his reporting. His beheaded body bearing severe torture marks was found on January 30, 2014. His killers have not been traced so far.

On March 2, 2014, Ayub Tanoli, photographer for Reuters news agency and reporter for dailies *Mahasib* and *Shumal* was shot in the neck in his hometown of Abbottabad in Khyber Pakhtunkhwa province by unidentified gunmen. He died on March 3. According to PFJ and Abbottabad Union of Journalists, he was under threat for his reporting and had recently been provided police protection for a two-month period.

Other key attacks

On February 17, 2014, three separate media organisations were attacked with hand grenades and other explosives in Karachi Sindh province. The offices of Express Group (Express TV), Aaj Group (daily *Business Recorder*) and Nawa-i-Waqt Group (Waqt TV) were attacked the same night. A blast outside the main gate of the Aaj Group offices injured a security guard and an unexploded device was later found outside the Nawa-i-Waqt Group’s offices in the same area of Karachi. The grenade that exploded outside the Aaj Group offices was thrown by unknown motorcyclists who immediately fled the vicinity. Explosive crackers were also hurled at the office of Express TV. No one claimed responsibility and the authorities have not been able to trace the attackers.

On March 19, 2014 a senior journalist and his family had a narrow escape with police defusing an improvised explosive device (IED) with 2kg of explosives outside his residence in Peshawar. “The bomb was clearly placed to target me



IFJ Gender Safety training workshop in Karachi, Pakistan on Monday April 15 (Photo: Courtesy PFJ)



Journalists raise slogans during a protest in Lahore against the killing of media workers. (Photo: Courtesy PFUJ)

and my family,” Jamshed Bhagwan, bureau chief of *Express News* TV channel said. He said the IED had scared his family and he could not understand why and who did this. His timely call to the police bomb disposal squad helped prevent a tragedy. Police said the explosives were “meant to cause considerable damage”. On April 6, 2014, barely two weeks after the incident, masked men hurled a hand grenade at Baghwan’s house in a second attack. The main gate of the house was damaged in the attack. Luckily no one sustained any injury.

On March 28, 2014, journalist and writer Raza Rumi narrowly escaped an assassination attempt. His driver Muhammad Mustafa was killed and a guard sustained grave injuries. Unidentified armed men opened fire on Rumi, a news show anchor from *Express News* TV channel while he was returning home after hosting his nightly current affairs show in Lahore. Police recovered 11 bullet shells from the scene and have registered a case against unidentified attackers on the complaint of Rumi with charges of murder and terrorism. His car was sprayed with several bullets and Rumi was able to save his life by ducking between the seats in the vehicle’s rear.

On April 2, 2014, senior journalist, critic and regular current affairs analyst on *Express News* TV channel Imtiaz Alam received multiple phone calls and text messages

from unknown numbers, threatening to kill him. Alam is an outspoken critic of militancy and vocal proponent of Pakistan making peace with India. He is also the secretary general of the South Asia Free Media Association (SAFMA). He says the threats he has received are related to his engagement in current affairs on his work on media.

“One firm indication of the Taliban’s complicity comes from the fact that ahead of the Express Media killings the Taliban seemed to have formally decided to extend its war against the state and its organs by declaring Pakistani media as “party” to the conflict.”

On April 19, 2014, prominent Geo TV anchor Hamid Mir was shot in his car near the airport in Karachi minutes after he landed and made his way to office. Unidentified gunmen in a car and motorcycle tailed him before opening fire, and continued to fire as the vehicle carrying Mir sped away to safety. He sustained six grievous gunshot wounds, but survived after being rushed to hospital. Hamid Mir’s brother



On the call of PFUJ, journalists stage a protest in Larkana, Sindh, against the killing of Shan Dahar (Photo: Courtesy PFUJ)

Amir Mir, himself an investigative journalist of repute, on live television blamed the Inter Services Intelligence (ISI) for the attack minutes after it occurred. While the ISI in a statement refuted the charges, the gunmen are still at large, and no arrests have been made. Hamid Mir is no stranger to attacks, having narrowly escaped a car bomb planted by the Taliban, in November 2012. The Taliban were angered over his and other journalists' positive reportage of school girl campaigner Malala Yusufzai.

In the aftermath of the incident, the Ministry of Defence requested the government to invoke media regulations to shut down Geo TV accusing the station of running a 'vicious campaign' against the ISI. In a four-page letter to the state-run PEMRA, the Defense Ministry not only asked for Geo's broadcasting license to be revoked, but called for the body to initiate criminal proceedings against Geo editors and management. The move has drawn condemnation from media rights organisations and has not been implemented as of April 30.

Taliban declares war on media

Apart from those killed, over 2,000 of Pakistan's 18,000 journalists have been assaulted, injured, kidnapped,

harassed and intimidated in various ways since 2000, according to data from Pakistan-based media development organisation Civic Action Resources, which focuses on journalist safety issues. As attacks against media have grown, one of the key sources of such attacks was suspected to be non-state actors such as militant groups associated with the TTP. All doubts were removed when three media workers associated with Express Media Group were gunned down in Karachi on January 17, 2014. Waqas Aziz, Khalid Khan and security guard Ashraf Arain were seated in the front of Express News TV channel's DSNG van. The young men, all aged less than 30, were shot multiple times at close range. They were rushed to hospital but died soon after. Another cameraman who had been seated in the back survived the attack.

Hours after the attack, in a live telephone call to Express News talkshow host Javed Chaudhry, Ehsanullah Ehsan, spokesman for the Taliban, claimed responsibility for the killings. Ehsan accused the Pakistani media of having "assumed the role of the opposition" by spreading "venomous propaganda against the Taliban." He warned the media that they must side with the TTP "in this war of ideologies or face more attacks." Kamal Siddiqi, editor of the

Express Tribune newspaper was quoted as saying that while he could not point to any specific reports that might have led to this attack, he said that the component enterprises of his media group report critically and extensively on politics and conflict, including the Taliban, and have periodically received threats and sustained attacks in the past.

One firm indication of the Taliban's complicity comes from the fact that ahead of the Express Media killings the Taliban seemed to have formally decided to extend its war against the state and its organs by declaring Pakistani media as "party" to the conflict. For the first time since its inception in 2005, Taliban not only issued a fatwa against the media in general but also apparently prepared a media hit-list. The 29-page fatwa in Urdu accuses the media of siding with the "disbelievers against Muslims," in the "war on Islam" and inciting people against "the mujahideen" through propaganda as well as of propagating promiscuity and secularism. The fatwa defines three major categories for journalists: *murjif*, (one who engages in propaganda against Muslims) *muqatil* (one who incites disbelievers and their allies to act against Muslims) and *Sa'ee bil fasad* (one who corrupts Muslim society by means such as replacing Islamic ideology with secular ideologies).

The initial hit-list prepared by the Taliban names about 25 journalists and publishers, including those of a number of

media-group owners, the news heads of various television channels, prominent anchors, the editor of a leading English-language newspaper and even some field staff.

"The initial hit-list prepared by the Taliban names about 25 journalists and publishers"

Conviction of journalist-killer

While a virtual declaration of war by the Taliban against the media represented one of the lowest points of the period under review, a major stride forward in the battle against impunity facing journalists in Pakistan was the first-ever successful prosecution, conviction and punishment handed out to the killer of any Pakistani journalist. An Anti-Terrorist Court based in Karachi on March 2, 2014 handed down the verdict against the high-profile murder of Wali Khan Babar of Geo TV who was gunned down in Liaquatabad area of Karachi on January 13, 2011, as he was returning home from his office. He was 28. The Wali Babar case was heard by the Anti-Terrorist Court of Shikarpur district in Sindh province, inside Shikarpur jail, after a series of deadly incidents surrounding the case. Babar's lawyer Nemat Ali Randhawa was shot dead in September 2013 while an investigation officer and four other officers connected to



PFUJ visits the Karachi mortuary where Express TV workers Waqas Aziz, Khalid Khan and security guard Ashraf Arain were taken after they were gunned down on January 17, 2014. (Photo: Courtesy PFUJ)

the case, plus at least three witnesses, were also murdered during the investigation.

The significance of the judgement is that it marks only the second time in Pakistan's history that the murderers of a journalist have been brought to justice. The first was American journalist Daniel Pearl's killer, Ahmed Omar Saeed Sheikh, in 2002.

Judge Mushtaq Leghari handed down sentences of life imprisonment on Naveed Polka, Ali Rizvi, Faisal Mahmood and Shahrukh Khan and handed down death sentences to two others – Kamran Zeeshan and Faisal Mota, who are yet to be arrested and are designated 'proclaimed offenders'. Daniel Pearl's killer was given the death penalty in 2002, and he remains on death row.

Wali Khan Babar was a young journalist whose life was cut tragically short. The conviction of his killers is a major achievement in a long campaign by the PFJ and Pakistan's media. It was won through their determination and commitment and actioned by a legal system that is now seen as being committed to achieving justice. However, the battle continues for the dozens of other murdered



Journalists from the PFJ protest on April 7 against the killing of AP journalist Anja Niedringhaus in Afghanistan (Photo: Courtesy PFJ)

“Two of Pakistan’s four provinces enacted Right to Information laws guaranteeing legislative mechanisms ensuring access by citizens to information held by public bodies.”

journalists in Pakistan over the past decade for whom justice continues to be denied.

New roadmap for media reform

In a landmark development, a Media Commission established by the Supreme Court of Pakistan to investigate discrepancies and variations between and within news media in terms of legislation, regulation and actual operation, produced in July 2013 a 1,500-page report recommending reforms in the country's media sector. The two-member commission comprising former Senator and information minister Javed Jabbar and former Supreme Court judge Nasir Aslam Zahid produced the recommendations to the Supreme Court after consulting 166 individuals from 81 organizations and parties across the country.

The commission was ordered on January 15, 2013 by the apex court bench comprising Justices Jawad Khawaja and Khilji Arif after two senior journalists Hamid Mir and Absar Alam filed a petition in 2012 demanding the abolition of government secret funds; unmasking of black sheep in the media and constitution of a Media Commission to consult all stakeholders for making a consensus code of ethics.

The commission recommended the National Assembly and the Senate standing committees on information to establish a Media Laws Review Task Force and conduct a comprehensive review of all media laws, rules, regulations and codes in the context of new objective conditions. It called for restructuring and renaming the Ministry of Information and freeing Pakistan Electronic Media Regulatory Authority (PEMRA), Pakistan Television, Associated Press of Pakistan and Pakistan broadcasting Corporation of government control. The commission also recommended that PEMRA freeze the issuance of licenses for new TV channels until completion of transition to digital broadcast technology because there was already a glut of numbers in analogue-based technology. According to the commission, there are 89 licensed Pakistani TV channels of which 29 are news channels and Pakistani TV channels have access to 15 million households or about 75 million viewers. Around 180 FM radio stations in the country have access to 78 million listeners.

The commission pointed out at least 64 federal media laws and eight provincial media laws needing a comprehensive



Women at the Karachi Gender Safety training in April, 2014. (Photo: Jane Worthington)

review. It said certain departments and functions of the Ministry of Information should either be abolished or significantly reformed in order to ensure citizens' rights under Article 19 of the Constitution. It suggested that there should be horizontal decentralisation and de-control in the selection of advertising agencies and selection of media for advertising by the government entities to replace the existing centralised system with a new accountable, monitored autonomy based framework and that the existing centralised advertising control policy operated through the Press Information Department be abolished.

The commission said PEMRA, the main regulatory authority of the electronic media, should be separated from executive control, recommending that the power to appoint the chair and members of PEMRA could be given to a six-member committee of parliament comprising the speaker of the National Assembly, chairman of the Senate and leaders and opposition leaders of both the houses. It also suggested another option through which the prime minister could select one name for PEMRA chair out of three names proposed by a committee comprising the leader of opposition in the National Assembly, leader of house in the Senate, leader of opposition in the Senate and three members of civil society, the media and minorities.

The commission recommended reducing the shareholding in the wholly state owned PTV by about 75 per cent to

25 per cent or less and that 75 per cent shares be offered to the public at large through the stock exchange with a condition that no individual or company can hold more than two per cent of the total shares and that owners of TV channels should not be eligible to own any shares in PTV.

The commission discussed codes of ethics and self-regulation in different countries and said it was not feasible to leave content to be exclusively self-regulated because the experiments of self-regulation in the UK and India had not produced good results. It said the parliamentary bodies must play their role in making the media code of ethics by consulting all stakeholders. There has been no move by either the Supreme Court or the government to implement the recommendations of the commission.

Progress on Right to Information

The period under review has been a progressive one in terms of enactment of media-related laws. Two of Pakistan's four provinces enacted Right to Information (RTI) laws guaranteeing legislative mechanisms ensuring access by citizens to information held by public bodies. The Punjab Transparency and Right to Information Act 2013 and the Khyber Pakhtunkhwa (KP) Right to Information Act 2013 were both enacted in December 2013.

The other two provinces, Sindh (the Sindh Freedom of Information Act 2006) and Balochistan (the Balochistan



Quatrina Hosain was assaulted by a group of 30 men at a political rally in Wah City close to Islamabad where she had driven to interview a party candidate in May 2013.

Freedom of Information Act 2005) had enacted their respective laws several years earlier but without the broad consultative process as adopted by Punjab and KP and were near replicas of the mostly redundant and ineffectual Freedom of Information Ordinance 2002. Also, the Punjab and KP RTI laws have been broadly welcomed by media and civil society as progressive and responsive of the requirement of the current era of information glut and real-time media.

RTI expert Zahid Abdullah applying the litmus test of relevancy to the Punjab and KP legislation notes that setting the tone and declaring the intent, the preambles of both these laws evoke the constitutionality of right to information by specifically referencing Article 19A of the Pakistani constitution guaranteeing access to information. Also, both laws acknowledge right of citizens to hold government accountable through the exercise of RTI and its instruments.

The KP law even qualifies the meaningful participation of citizens in the affairs of government with access to information. While both laws restrict the right of seeking

access to information only to the citizens of Pakistan, the Punjab law extends this right to legal entities making media, think tanks, corporate sector, NGOs and other stakeholders to access information from the Punjab government departments.

Media analysts say the Punjab and KP RTI laws are praiseworthy because they make the process of filing information requests easy and cost effective. There is no fee for filing information requests and only the actual cost of reproducing and sending it to the applicant is charged. In the KP law, the time limit for providing the requested information is 10 working days and in the Punjab law it is 14 working days. Both laws also empower their respective implementation commissions to penalise officials for unlawfully delaying or denying access to information with fines. Both laws also have strong provisions for proactive disclosure of information held by public bodies.

Promoting media safety

The Pakistan Coalition on Media Safety (PCOMS), which was set up in March 2013, by a broad-based of relevant stakeholders including representative associations of

“Families are generally reluctant to allow daughters to work evening or night shifts, which deprives them of leadership opportunities in news cycle management and current affairs operations.”

media owners, media workers, working journalists, media development organisations, human rights organisations, civil society groups, parliamentarians and the government – including Federal Minister for Information & Broadcasting Pervaiz Rasheed and Federal Interior Minister Nisar Ali – took some significant steps in developing a national roadmap for the stakeholders on media safety and combating impunity.

The PCOMS endorsed the UN Action Plan on Impunity Against Journalists, which is being implemented in Pakistan as one of the five pilot countries to evolve national movements to combat impunity against journalists. It also endorsed the mapping of UN-developed set of about 200 Journalist Safety Indicators (JSIs). Being conducted by a team of researchers from Civic Action Resources, the purpose of the mapping research is to call attention to UN Action Plan; Promote awareness about Pakistan being a pilot country for implementation of UN Action Plan; Employ JSIs framework to map the extent of the problem and key challenges and gaps in collaborative efforts to combat impunity. The scope of the research includes conducting a baseline mapping of JSIs in Pakistan to indicate the extent of impunity against journalists; generating data and information on state of threats, insecurity and attacks against media; identifying gaps in information, action and practices that hinder the fight against impunity; and providing recommendations for key stakeholders for collaborative action to combat impunity.

The PCOMS also set up two sub-committees to provide ideas on improving the state of security for journalists. One committee, headed by senior journalist Mazhar Abbas, was mandated with drafting a set of recommendations on appointment of a special prosecutor to investigate attacks against media and crimes against journalists that will be presented to a two-member government committee comprising the federal information and interior ministers appointed by the prime minister. The committee drafted the recommendations in March 2014 and the government has promised to consider the recommendations. The second committee, headed by senior journalist Muhammad Ziauddin and supported by Civic Action Resources, was mandated to consult key media houses and other

stakeholders to evolve a set of consensus safety protocols based on best practices and on the peculiar security environment of Pakistan that would be adopted by most major media houses in the country. The committee completed the consultation in March 2014 and produced a comprehensive set of safety protocols that would be placed before PCOMS for endorsement and subsequent adoption by media houses across Pakistan.

Press clubs under pressure

The network of press clubs in Pakistan is considerable for the size of media. From the larger press clubs that have memberships of over 2,000 to the smallest with just five, the network includes over 250 press clubs in 115 districts of the country. These press clubs act as hubs of daily journalistic activity by sharing spaces and resources to double up as operational bases and exchange of information. They play a unique role in the profession, press freedom, socialising, solidarity, taking stands when unions are under threat. For a country ruled by the military for over half of its 65 years, the press clubs are known for holding annual elections that offer mission focus and unity on issues related to the professionalism and welfare of journalists.



Pakistan journalist Shan Dahar died on January 1, 2014, after being shot on his way home from work the previous evening. (Photo: Courtesy PFFUJ)



Pakistan's near-perfect record of impunity was shattered in 2014 when courts convicted six suspects for the 2011 murder of journalist Wali Khan Babar. The March 2014 verdict was the first successful prosecution, conviction and punishment for the murder of a Pakistani journalist. (Photo: *Pakistan Today*)

However, the rise of attacks on media in Pakistan over the past decade and increasing impunity against journalists – which has seen over 100 journalists and media workers killed and over 2,000 attacked, injured, arrested, kidnapped and intimidated since 2000 – has put the network of press clubs at risk as well. This comes to light in a new study *Press Clubs in Pakistan – A Vulnerable Network* produced by Pakistan-based media development organization Civic Action Resources – produced in March 2014. The report reveals that over 62 per cent of the 134 press clubs surveyed across the country reported being attacked or intimidated.

Around 25 per cent of the press clubs across Pakistan have faced either forced closure or police action. Some 15 per cent press clubs in Punjab province, 4 per cent in Sindh, 6 per cent in Balochistan and 33 per cent in FATA have been forced to shut down for a limited period of time. Another 18 per cent press clubs in Khyber Pakhtunkhwa, 3 per cent in Balochistan, 18 per cent in Sindh and 12 per cent in Punjab have also faced police action.

Law and order situation and general criminal activity has been deemed responsible for 75 per cent of the security challenges faced by press clubs. Commonly, militancy and military action are supposed to be responsible for most of the threats; however, the survey shows that the deteriorating law and order situation and resulting criminal activity is seen as the most pertinent threat by press club members. Obviously, conflict zones like FATA and Balochistan are more threatened by military action. In all, 66 per cent press clubs in FATA and 32 per cent in Khyber Pakhtunkhwa are threatened by military action. But by and large, the law and order situation remains the key challenge to security across all regions.

Even though 58 per cent of the press clubs mentioned that their members had faced some kind of security threat over the last one year, only 34 per cent have taken some security measures to ensure safety of the members. Among other measures mentioned by press clubs are fortification of the building through raised walls and barbed wires. Only 29 per cent press clubs surveyed employ security guards.

Across Pakistan, 23 per cent of the surveyed press clubs had been forced to shut down at some point during the last year due to security concerns and at least one member from 9 per cent press clubs had relocated to other cities owing to mounting security threats. Displacement is most common in FATA from where 55 per cent of the press clubs have members who have now relocated to other regions. Given these statistics, it is worrisome that such a limited number of press clubs have actually taken any security measures.

Government's helping hand

Three new developments took place in the period under review that can be considered as significant moves on the part of the government authorities in Pakistan to concretise steps for welfare of journalists.

The first was the appointment by Prime Minister Nawaz Sharif of a two-member committee comprising federal ministers for information and interior to, among other things, propose in consultation with representatives of journalists and media houses a set of recommendations on providing (i) legal assistance to journalists in distress, and (ii) compensation for journalists injured or killed in line of duty. The committee was set up in February 2014 and has already met twice. Consultations are continuing with stakeholders.

The second development was the establishment in March 2014 by Chief Minister Dr Abdul Malik of a judicial commission to investigate the killings of journalists in Balochistan since 2010 and of a committee under the leadership of the provincial interior minister to work with the leadership of the journalists in the province to work out a compensation regime for journalists killed or attacked in line of duty. He also promised that any compensation package would be on a par with compensation paid to families of killed journalists by other governments in the other three provinces and at the federal level.

The third landmark was the enactment in March 2014 of the Journalists Welfare Endowment Fund Act 2014 by the legislative assembly of Khyber Pakhtunkhwa province. This new law mandates the provincial government to take the lead in assuming responsibility to help journalists in distress in the jurisdiction of the province. The fund has been established with an initial capital of PKR 50 million

(USD 52,000) and guarantees PKR 1 million (USD 10,400) payment (equivalent to about five years' salaries for the average journalist in the province) to the family of a journalist killed in an act of terrorism.

Women in journalism

Less than five per cent of the 18,000 journalists in Pakistan are women, according to the Pakistan Federal Union of Journalists. That makes it about 750 women practicing journalism in the country in 2014. This might seem a small number, but in 2002, when the airwaves in the country were opened up for private ownership – in the shape of independent television channels and radio stations – there were less than 2,000 journalists in total and the number of women in journalism estimated at less than 100. In the decade hence there has been a sevenfold increase in their numbers.

The expanding media landscape in the intervening period – the number of TV channels growing from one to nearly 100 now and the number of radio stations growing from one to nearly 150 – has meant that employment opportunities have grown for women seeking media careers. While this has resulted in the induction of about 55 women in journalism per year since 2002, according to Civic Action Resources, this is small compared to about 1,250 men joining journalism per annum over the period under review.

The upside is that there are more women overseeing news operations for current affairs shows and reporting for TV channels, radio stations and newspapers than ever. The downside, however, is that there are not enough women editors and news editors in newspapers, news directors, chief reporters and bureau heads for TV channels that

reflect even the hugely disproportionate numbers of practicing women journalists.

The working conditions of journalists in general are far from ideal – Pakistan is one of the deadliest countries to practice journalism, as annual press freedom and safety indexes in recent years prove – but for women media practitioners, they can present additional challenges such as sexual harassment and social and cultural constraints. Families are generally reluctant to allow daughters to work evening or night shifts, which deprives them of leadership opportunities in news cycle management and current affairs operations.

No less daunting are the challenges in the field. Senior TV journalist Quatrina Hosain relates an ugly episode that took place during her coverage of the election campaign in May 2013. She was assaulted by a group of 30 men at a political party rally in Wah city close to Islamabad where she had driven to interview a party candidate. She described the assault as “horrific”, and that she felt like a “cornered animal” as there were multiple people grabbing at various parts of her body.

Hosain's is not an isolated case. In a joint report by the International Women's Media Foundation (IWFM) and the International News Safety Institute (INSI) released in March 2014, titled *Violence and Harassment against Women in the News Media: A Global Picture*, a number of respondents reported threats against their family members in retaliation for their work. A respondent from Pakistan said she repeatedly received death threats and threats against her family members. Safety and security at work has emerged as one of the foremost needs of journalists in Pakistan, and women journalists are doubly vulnerable.

SRI LANKA

Breakdown of Accountability

Impunity for human rights violations has become the bane of rule of law in Sri Lanka. Independent institutions like the judiciary, National Human Rights Commission, and Police Commission are politically controlled in Sri Lanka under the 18th Amendment to the Constitution, which empowers the president to appoint persons to such commissions. Attacks on journalists in the country go unchallenged due to an overarching climate of impunity. One incident serves to illustrate the stifling of the right to democratic dissent.

In mid-2013, people in Rathupaswala and Weliveriya, in Gampaha district mobilised against the alleged water pollution by a factory in their vicinity. After a number of failed representations to authorities for remedial steps, people's organisations organised a massive protest on August 1, 2013. Some roads were blocked as about five thousand persons gathered to demand clean drinking water.

Police and military were deployed and used water cannons and tear gas to contain the protest. The military even shot live rounds at the unarmed protesters. Three civilians were killed and over 40 injured. Funerals had to be held under

tight police presence and an unofficial curfew was declared: telephone lines and electricity were partly blocked and movement on the main highway was halted. The soldiers took over the streets, wearing flak jackets and carrying T-56 assault rifles.

When the protests began, a senior military officer in command of Sri Lankan army units in the vicinity began issuing warnings to media personnel to vacate the area. Journalists were warned against taking photographs and videographing the protests. During the crackdown a number of journalists were assaulted, their equipment damaged, and photographs and footage erased.

Keeping out of trouble

The Free Media Movement (FMM) and Sri Lanka Journalists Association issued statements documenting the attacks on journalists and condemning the crackdown. Later the FMM planned to lodge a complaint at the National Human Rights Commission (NHRC) over the assaults on journalists. But none of the journalists, who became victims of the military assault came forward to file a case.

The fundamental freedoms of the right to freedom of expression, right to information and right to peaceful



Mandana Ismail Abeywickrema fled the country after police opened fire and killed an intruder at her home in Colombo on August 24, 2013. (Photo: Courtesy FMM)



Journalists' and human rights organisations in Sri Lanka commemorating Black January in 2014, an event marking the continued suppression of independent media and journalists. (Photo: Courtesy FMM)

assembly/association were flagrantly violated. In a democratic country, the perpetrators of such an incident would have to face repercussions; in Sri Lanka, not even a semblance of justice prevailed. The military held a token inquiry only to absolve the wrong doing by its soldiers.

Journalist victims' mindset of not getting in to "unnecessary trouble" by filing a case at the NHRC is quite understandable, given the culture of impunity. Besides the abovementioned incident, even though other attacks on media and journalists recorded in this report have been thoroughly investigated, till date, no perpetrator has been brought to justice.

"In a democratic country, the perpetrators of such an incident would have to face repercussions; in Sri Lanka, not even a semblance of justice prevailed."

Risky business

It would seem that reporting on Sri Lanka's economy is extremely hazardous. On February 16, 2013, *Sunday Leader* business journalist Faraz Shaukatally was shot by an unidentified group. After the attacks in August on Mandana Ismail Abeywickrema, associate editor of the *Sunday Leader* and her husband Romesh Abeywickrema business editor of the same paper, on February 2, a leading economic journalist, former Agence France Presse (AFP) and Lanka Business Online editor Mel Gunasekera was found murdered in her home in Battaramulla, a suburb of Colombo.

She had died of injuries caused by a sharp weapon. Within 12 hours of the murder the police traced the alleged killer and his weapon. The speedy arrest of the murderer, a painter, was termed by the police as "a great triumph". The police hastily concluded, that her murder was not related to her work, apparently in a move to dispel "false reports published in the international media".

The mainstream media accepted the police version of the killing without probing the suspicious revelations: the alleged killer had stolen only SLR. 1,200.00. Though he was inebriated at the time of arrest, the police interrogated and extracted a confession.

If the police narrative of the murder is true, it shows that Sri Lankan police is capable of quickly solving journalists' killings, when the attacks are not visibly related to their work.

In total contrast to the quick action in the Mel Gunasekera murder case, investigation into the break in robbery at the residence of the Abeyawickremas came to stand still a few days after the incident in August 2013. Speaking to Journalists for Democracy in Sri Lanka (JDS) two weeks after the incident Mandana Ismail refused to accept it was an ordinary robbery: "After entering my room and ransacking the wardrobes, I was asked by the assailants what was in the chest of drawers in the room. I said files and documents... They then broke the chest of drawers and took out the drawers and unloaded the files on to the bed. They then went through the files one by one. While they were ransacking my room, one of the assailants received a telephone call on his mobile phone. Even when I asked one of the assailants hours later as to why they were not leaving after taking whatever they want, he asked another assailant, "Ask what's to be done now?"



Sri Lanka is ranked 4th on the Committee to Protect Journalists global Impunity Index with nine unsolved cases. Black January protests, January, 2014. (Photo: Courtesy FMM)

The attack shows evidence of deliberately seeking information, and directed from above. The military spokesperson was quoted in the media saying that there were two army deserters among the suspects and one of them was declared a deserter just two days prior to the break-in on August 22.

Unfortunately, little dent has been made in the impunity of attackers of journalists.

Foes of FoE

In November 2011 that the government appointed 'Lessons Learned and Reconciliation Commission' (LLRC) made its recommendation on Freedom of Expression issues. The LLRC recommendation 9.115 called on the government to take "steps to prevent harassment and attacks on media personnel and institutions, and imposition of deterrent punishment on such offences, conclude investigations into past incidents of such illegal action against media personnel and institutions" and to enact legislation for right to information. To date, both recommendations have not been implemented.

In March 2013, the 22nd session of the UNHRC had adopted the resolution (A/HRC/22/L.1/Rev1) on promoting reconciliation and accountability in Sri Lanka, calling for

full implementation of constructive recommendations of the LLRC. The resolution had a strong emphasis on the right to freedom of expression right: "Expressing concern at the continuing reports of violations of human rights in Sri Lanka, including.... violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists...."

As envisaged by the resolution UN Human Rights High Commissioner Navaneetham Pillay visited Sri Lanka in the last week of August 2013. She herself had to face abusive media and political attacks directed towards her by Sri Lankan press. Even the journalists and human rights defenders who provided information on rights violations to Ms Pillay during her visit were harassed and threatened. In her statement at the end of the visit High Commissioner made strong and detailed reference to suppression of press freedom and intolerance of dissent in Sri Lanka:

"I would now like to turn to a disturbing aspect of the visit, namely the harassment and intimidation of a number of human rights defenders, at least two priests, journalists, and many ordinary citizens who met with me, or planned to meet with me... several people I met were subsequently questioned about the content of our conversation.

“This type of surveillance and harassment appears to be getting worse in Sri Lanka, which is a country where critical voices are quite often attacked or even permanently silenced. Utterly unacceptable at any time, it is particularly extraordinary for such treatment to be meted out during a visit by a UN High Commissioner for Human Rights.

I urge the Government of Sri Lanka to issue immediate orders to halt this treatment of human rights defenders and journalists who face this kind of harassment and intimidation on a regular basis. ”

The government of Sri Lanka refused the resolution and did not implement the recommendations. As a result in March 2014 UNHRC adopted yet another resolution with much wider scope. Resolution A/HRC/25/L.1/Rev.1 expressed serious concern at the continuing reports of violations of human rights in Sri Lanka, including “... violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists...”

A decade of suppression

By the time UNHRC takes up the status implementation of present resolution A/HRC/22/L.1/Rev1 and we celebrate the world press freedom day it will be one decade of

continued suppression of media in Sri Lanka. It was almost nine years ago that senior journalist Dharmaratnam Sivaram alias Taraki was kidnapped in Colombo by unidentified men and killed on the night of April 28 2005. The killing of journalist Sivaram marked the beginning of the on-going war against journalists in Sri Lanka. Cooptation, enforced self censorship, forced Internet censorship as well as open threats and harassments have become the tools in the media suppression armoury in Sri Lanka today.

“I urge the Government of Sri Lanka to issue immediate orders to halt this treatment of human rights defenders and journalists who face this kind of harassment and intimidation on a regular basis” - UN Human Rights High Commissioner Navaneetham Pillay

Since a decade, from the beginning of the last phase of the war, there has been a multi-pronged and multi-stage operation to crush media freedom in Sri Lanka. First, censorship was imposed and justified on the grounds



Photojournalists protest against the ongoing war on journalism in Sri Lanka. (Photo: Ishara S Kodikara/AFP/Getty Images)

of patriotism. Next, a political disinformation campaign condemning the critical independent media and journalists was launched. The fatal attacks began once the ground was cleared: this was the stage of murdering and abducting journalists in targeted ambushes and armed attacks of media houses. The cover-up operations were inbuilt; the 'official' condemnations of such killings and attacks were made; arrests were made as a deception and response to protests. Finally, with growing fear-psychosis, media and journalists were either co-opted or bought over. It has been a text book case of successful parallel war against journalists as an integral part of the war.

In the present context, protection and promoting freedom of expression rights in Sri Lanka has become part and parcel of the re-establishing democracy and rule of law in the country. The autocratic rule of the present regime is based on war triumphalism and Sinhala chauvinist ideology. Regaining freedom of expression rights in Sri Lanka needs a broad outlook and networking with all other democratic sectors in the society.

Today in Sri Lanka almost all acts of suppression of rights are thus wrapped in the narrow arguments of majoritarian nationalism. For instance, the Sri Lankan state enforced unwritten visa regulations in the wake of Commonwealth Heads of Government Meeting (CHOGM) held on November 2013 in the name of protecting state sovereignty.

On October 30, 2013 police intelligence officials in plainclothes and immigration officials raided a journalist's workshop of the FMM in Colombo and detained Asia-Pacific Director Jacqui Park and Deputy Director Jane Worthington of the International Federation of Journalists (IFJ). They

were detained in their hotel, questioned and their laptops were copied by the interrogating officials. The reason given by the authorities for detention was that they had violated the tourist visa regulations. This was a new interpretation of the tourist visa regulations hitherto unheard of.

“Since a decade, from the beginning of last phase of the war, there has been a multi-pronged and multi-stage operation to crush media freedom in Sri Lanka.”

The main opposition United National Party (UNP) pointed out the case of an Australian casino magnate who entered on a tourist visa but attended meetings with government officials, made deals, and addressed seminars without any restrictions. The UNP concluded that “this was another instance where the government has demonstrated that there is no equality before law in Sri Lanka”.

The two IFJ officials, Jacqui Park and Jane Worthington were allowed to leave the country for Sydney, Australia on November 1, 2013 after 10 to 14 hours of questioning. Issuing a statement the IFJ stated that it “believes this move by Sri Lankan officials is an attempt to intimidate and harass journalists inside and outside Sri Lanka to prevent reporting on the realities of life in Sri Lanka in the lead-up to the Commonwealth Heads of Government Meeting.”

This was just a beginning of the use of visa regulations as a pretext to limit democratic space of the country.

Mel Gunasekera (1973 – 2014)
Daughter. Friend. Journalist.
Who
What?
When?
Where?
How?
WHY?????



Questions have been raised about the events surrounding the murder of Sri Lankan journalist Mel Gunasekera. (Photo: Courtesy nalakagunawardene.com)

On November 10, 2013, two opposition parliamentarians from Australian and New Zealand were detained by immigration officers allegedly for violating visa regulations. They were about to hold a press conference on the situation in the former war zone when Immigration officers entered the office of the Tamil National Alliance in Colombo and seized the passports. After a few hours of unofficial custody by the officials they were allowed to go to the airport under their escort.

Issuing a statement just before their departure they stated, "Clearly this is an unsafe country for journalists to work as those who commit these crimes have not been investigated or charged. We were left with the impression that the government is becoming increasingly repressive towards those committed to a critical independent examination of events in Sri Lanka."

The reason for unofficial detention and deportation was clear. In the words of Australian Senator Lee Rhiannon "the only condition they put on us was that we were not allowed to talk to the media without approval from [Sri Lanka's] external affairs department." In the same press interview Lee Rhiannon challenged the GoSL on the allegation of visa violation saying that they followed the correct visa procedures.

The Sri Lanka Bar Association which represents over 2000 lawyers had organised a seminar on the theme

of 'Commonwealth Values and the Role of the Legal Profession' with collaboration of the International Bar Association's Human Rights Institute (IBAHRI). It was scheduled to be held on November 13, 2013 in Colombo. Among the speakers were Gabriela Knaul, UN Special Rapporteur for Judges and Lawyers and the first-ever UN Special Rapporteur for Judges and Lawyers, Dato Param Kumaraswamy. A few days before the event, GoSL cancelled all the visas already obtained to attend the seminar on some unacceptable reasons.

Among the journalists who obtained a visa to cover the CHOGM was Channel 4 Film Director, Callum Macrae. He has produced three documentary films on alleged war crimes taken place in Sri Lanka's theatre of war, which are very critical of the GoSL and its military. On his arrival at the Katunayaka airport he was met with a hostile crowd of pro-government protesters shouting against him and Channel 4. The airport is a high security area with high surveillance and it was not possible to hold any protest there without the government backing, noted the FMM in a press release requesting the GoSL to ensure that visits of media personnel were safe.

On November 14, one day after official launch of CHOGM 2013 and two days after the FMM press release, the Media Minister declared that "the government can guarantee security for foreign media personnel within the city but not when they go outstation on their own volition." On speaking

On CHOGM Eve, IFJ Seeks Accountability for Free Speech Violations

The International Federation of Journalists (IFJ) its Sri Lankan partners called on the Commonwealth heads of government (CHOGM) to stress the need for the restoration of democratic liberties and media freedom in the host country Sri Lanka and made the following recommendations to the Government of Sri Lanka :

- *The restoration of independence and accountability to the state-owned media, if necessary by initiating the process of conversion to public service media;*
- *The enactment of a law covering working conditions of all journalists and news-gatherers, in line with other South Asian countries such as India, Pakistan, Bangladesh and Nepal;*
- *The enactment of a right to information law;*
- *Prosecution, on the basis of credible evidence, of all who have been guilty of attacking journalists and news gatherers in the recent past; and*
- *An effort to bring back to Sri Lanka all the journalists in exile, with the assurance that their safety would be guaranteed by the GSL.*
- *As an immediate priority, the IFJ urges the GSL to order a halt to the stream of hostile rhetoric over state-owned media channels.*
- *The IFJ also urges the GSL to allow the free movement of national and international media staff all over the island, including the war-torn northern province, to allow the people who are yet to overcome the trauma of the last years of the war, to speak for themselves and be heard.*

November 15, 2013

of the journalist he added that “there is ‘huge dissent’ among the public regarding Callum Macrae, the Channel 4 Director who exposed alleged war crimes in Sri Lanka, and the people appear to have taken steps on their own to agitate.” This prediction was to come true.

North: the no-go zone

A team of six journalists, including Callum Macrae and Jonathan Miller of Channel 4 boarded on a train to visit Killinochchi, in the former conflict zone. Channel 4 reported what happened to the journalists there after. “The team had been tailed by Sri Lankan state intelligence agents on to the train. Five hours north of Colombo, in the city of Anuradhapura, a large mob of pro-government demonstrators met the train and then blocked the tracks, preventing the train – which had hundreds of passengers on board – from continuing. Sri Lankan police say that demonstrators have now also blockaded all the stations between Anuradhapura and Kilinochchi”. In the end the police forced the journalists’ team to return to Colombo in a hired coach.

On November 24, 2013, Norwegian Tamil poet and actor of Sri Lankan origin, V.I.S. Jeyapalan was arrested in Sri Lanka for alleged violation of visa regulations. Jaffna-born Jeyapalan, 79, was arrested at Mankulam, North of the country on his way to pay homage his mother’s grave as

he could not attend her funeral when she passed away in November 2006. He had met fellow journalists at Jaffna Press Club few days earlier to discuss common concerns and police charged him with “disrupting the ethnic harmony in the country” and “violation of visa regulations”. He was detained for two days before being deported. Tamil Prabakaran, 24, a Tamil Nadu-based journalist also had to face the same fate. He was arrested in Colombo on November 26, 2013 and deported by the Sri Lankan government three days later. He denied violating any visa regulations while in Sri Lanka.

The tightening of visa regulations meant that speaking, writing an article, taking a photograph or filming a documentary without state approval is prohibited for visitors to the country. State approval means surveillance: the Sri Lankan state has developed a menacing capacity of surveillance of its citizens and their activities in order to keep society subdued.

Small victories

Even under these situations collaborative campaigning at the national and international level to defend press freedom in Sri Lanka was able to score a victory in mid-June 2013. President Rajapaksa himself had to intervene and block the attempts to impose a code of ethics on media by his own government. At his regular monthly breakfast meeting with



A candle held by a past student of the Sri Lanka College of Journalism at a candlelit vigil at Victoria Park, Colombo, on the International Day to End Impunity on November 23, 2013. (Photo: Amila Proboda)

editors and publishers he declared, “The government has put forward a set of proposals and media personnel could add their view points to make a comprehensive code.”

The scheme to impose a government-prepared code of ethics on the media in Sri Lanka faced almost unanimous condemnation of the journalists and media. The final draft of the government code of ethics for media had been finalised and forwarded to political parties for their comments. After incorporating the comments the code was to be presented to the parliament in September for approval.

Issuing a statement, the Human Rights Watch quoted the minister of mass media and information, Keheliya Rambukwella, that the code intended to create a “salutary media culture in the country” because the actions of unnamed media houses “led to many problems.”

IFJ called upon the GoSL to reconsider its move to introduce a code of ethics for the country’s media and emphasised the existence of Press Complaints Commission and a Code of Professional Practice created by the industry. It explained that “this newly introduced code covers the print and electronic media, news websites and advertisements published in all forms of media.” The code incorporates strong language requiring that it should be “honoured in letter and spirit” and introduces thirteen specific grounds on which media content could be prohibited. Well over half of the code deals with explicit prohibitions on advertisement content. Many of its clauses are vaguely phrased and would allow for broad interpretations.

In a hard-hitting editorial in *The Island* (June 4 2013) concluded that “before laying down ethical guidelines for the media, the government ought to bring to justice those who have assaulted and killed journalists and carried out arson attacks on newspaper offices and TV stations. None of the investigations into such unfortunate incidents have been concluded and the perpetrators are still at large with the government trotting out lame excuses.”

Crushing minority rights

The year 2013 witnessed increasing intolerance towards minority religions in Sri Lanka and hundreds of attacks were directed against them by mushrooming extremist Buddhist

groups. All these attacks enjoy complete immunity and extremist Buddhist groups receive state protection in their marauding campaign.

The Secretariat for Muslims (SFM) has documented 284 incidents of harassment, intimidation and violence perpetuated against the Muslim community during the year 2013. The National Christian Evangelical Alliance of Sri Lanka (NCEASL) has documented 103 incidents of violence against Christians in the same period. The report says that approximately 40 percent of incidents were never reported. Dozens of Hindu religious sites have been defaced, vandalized and destroyed during the same period.

“First, censorship was imposed and justified on the grounds of patriotism. Next, a political disinformation campaign condemning the critical independent media and journalists was launched. The fatal attacks began once the ground was cleared.”

Well-known human rights defender Ruki Fernando was arrested along with Rev, Fr, Praveen Mahesan on March 16, 2014. Their arrest in the former war zone became known because Ruki was able to send text messages to his close colleagues, before his mobile phone was confiscated, issuing a statement the FMM stated that detention of Ruki Fernando and Fr. Praveen Mahesan was an act of censorship. IFJ- Asia called for an international protest, keeping South Asia as the focus.

Ruki has documented and published regularly on violations of basic human rights of the people. After 48 hours both HRDs were released due to national and international campaign which was fast developing in to a huge movement combining national and international actors. The campaign for the release of Ruki Fernando and Fr. Praveen will serve as a best example for its substantive and quick, local and international nature as well as advocacy strategies adopted.

INDEFATIGABLE DEFENDER OF HUMAN RIGHTS

Sunila Abeysekera

1950 - 2013

Free Media Movement pays its highest tribute to Sunila Abeysekera, who dedicated her life to the struggle for social justice and human rights. After almost a year of fighting cancer, she embarked on her last journey on September 9, 2013. Sunila, guided by the slogan, “all human beings are inherently entitled to all human rights” had a holistic view of social justice as a human right.

Sunila was an active member of the Free Media Movement since the mid 1990s. She made interventions in different ways, at multiple levels, to protect and ensure freedom of the press in Sri Lanka. She believed that freedom of art is an indivisible element of freedom of the press, and often guided FMM in this regard. She filed fundamental rights cases against the censorship at the Sri Lankan Supreme Court and took the same issues to the United Nations Human Rights Council.



Sunila Abeysekera, a highly respected and active member of the Sri Lankan free speech and human rights movement passed away on September 9, 2013 (Photo: Courtesy FMM)

For over four decades she involved herself in a social movements aimed at social justice and human rights. She used her multiple skills and talents to realize this dream.

We salute you, Sunila.

Free Media Movement

WHERE IS PRAGEETH EKNELIGODA?

The 24 January 2014 marked the 4th year of the abduction of journalist/cartoonist Prageeth Ekneligoda. While all efforts led by his wife Sandya Ekneligoda to find him or the perpetrators have produced no positive results, politicians continue to churn out disinformation on Ekneligoda.

The habeas corpus case filed by Sandya Ekneligoda and her two children citing senior police officers and the Attorney General as respondents has been dragging on for three years. It was filed on February 10, 2012. When the case was taken up on February 19, 2013 the lawyer from the lawyer from the Attorney General's Department, the Officer in Charge (OIC) of the Homagama police at the time of abduction and the then Minister for Media Lashman Yapa Abeywardena, who had to give evidence, were absent. This was the sixth consecutive time OIC Homagama didn't appear in court.

In early June, member of parliament of the 2013 ruling party, Arundika Fernando told the parliament that journalist Prageeth Ekneligoda had not been abducted



Prageeth Ekneligoda was reported missing on January 24, 2010 - two days before the presidential polls in Sri Lanka. His wife Sandya has led the efforts to find him and call the government to account. (Photo: Courtesy FMM)

but was living in France. Mr Fernando further said that he saw Prageeth Ekneligoda in France way back in 2010 April. He mentioned two Sri Lankan journalists in exile, Manjula Wediwardana and Sunanda Deshapriya as Prageeth's associates abroad. Both of them categorically denied Mr. Fernando's statement to the parliament saying that they had not met Prageeth Ekneligoda since they left the country. Again in December 2013 the same Mr. Fernando told parliament that Prageeth Ekneligoda had left for France using a passport from a person living in the district of Kaluthara.

Responding to a query by the weekend *The Sunday Times*, the French Embassy in Colombo stated that there is "no evidence at all" to suggest that journalist Prageeth Ekneligoda, who disappeared in Sri Lanka three years ago, was living in that country.

In the ensuing parliamentary discussion on the statement made by MP Arundika Fernando opposition parliamentarian Ajith P. Perera tabled a letter he received from the Ministry of Defence. The letter dated June 12, 2013, which was an response he had received regarding the abduction of journalists Ekneligoda stated that "the Senior DIG Western Province reported that according to the details found so far from investigations, information has been found to believe that Prageeth Ekneligoda had been abducted by an organized group."

Sandya Ekneligoda believes that this disinformation campaign of the GoSL politicians, aims to discourage the campaign to find the whereabouts of her husband and to confuse the legal proceedings. She has become one of the best known campaigners against disappearances in Sri Lanka today. Recently both her sons appeared in a documentary film on disappearances in Sri Lanka. "Finding Prageeth and obtaining justice has become my religion and once you are a true believer you never give it up" says indomitable campaigner Sandya Ekneligoda.

ANNEXURE: LIST OF MEDIA RIGHTS VIOLATIONS, MAY 2013 TO APRIL 2014

AFGHANISTAN

Death and fatal injury

May 14, 2013: Laghman Province

Mohammad Nasim Turak was killed by an unknown assailant in Kandi Rijae village, in the Alingar district of the eastern Laghman province. The journalist was violently stabbed and his body left outside the village.

May 20, 2013: Kapisa Province

Mohammad Mohsin Hashmi, a technician and reporter of the radio station Sadaye Nijrab, was found dead two weeks after his disappearance from his home. His body bore several stab wounds. In August, a local court convicted two members of his family to 16 years imprisonment, but they were later acquitted due to 'lack of evidence'.

January 24, 2014: Helmand Province

The burned and mutilated body of Noor Ahmed Noori, formerly with the *New York Times* and a reporter for Radio Busd at the time of his death, was found in a plastic bag behind a car salesman's yard in Lashkar Gah, capital of Helmand Province.

January 26, 2014: Kabul

Mohammad Shahed Naeemi, 22, was killed in a suicide bomb attack in Kabul. He was one of the four people killed when a suicide bomber targeted a bus carrying Afghan Army personnel. Naeemi, who used to present two social and literacy programs on Nawa Radio, was waiting for a car when the incident occurred.

March 11, 2014: Kabul

British-Swedish radio journalist Nils Horner, 51, was shot dead in a rare daylight attack. The Fidayi Mahaz, a splinter group of the Taliban, claimed responsibility for the killing. A statement posted on the group's website accused Horner of being a spy for the British government.

March 20, 2014: Kabul

Sardar Ahmad, a staff reporter for Agence France-Press was shot dead along with his wife and two of his three children, when teenage gunmen attacked hotel Serena where he was having a meal. Ahmad, 40, was also head of the media firm Pressistan, which he founded to support visiting foreign correspondents. The family's youngest son is undergoing emergency treatment after being badly wounded in the attack, which left a total of nine dead.

April 4, 2014: Khost

Anja Neidringhaus, a renowned photojournalist working for Associated Press (AP) was shot dead by an Afghani police officer while travelling in a convoy covering elections. AP Reporter Kathy Gannon, 60, was badly injured in the incident. Neidringhaus, 48, a German national, received numerous awards for her works including the 2005 Pulitzer Prize for her team's reporting on the war in Iraq.

BANGLADESH

Death and fatal injury

March 1, 2014: Dhaka

Shah Alam Mollah Sagar, 41, fell to his death from the roof of the Uttara Pashchim Police Station building in the capital city of Dhaka under suspicious circumstances. Sagar, a reporter working for the *Oporadh Doman* weekly, was in the police station attempting to solve a feud over a financial dealing. The police claim the fall was an accident, yet Sagar's family have filed a case alleging that he was murdered for his reporting.

Physical attacks and extra-legal threats

January 16, 2014: Dhaka

Bangladesh police stormed and closed down the office of *Inqilab*, one of the nation's oldest newspapers on January 16 and accused it of misreporting. Robiullah Robi, the paper's news editor; Rafiq Mohammad, the paper's deputy chief correspondent; and Ahmed Atik, diplomatic correspondent; were arrested under the Information and Communication Technology Act.

INDIA

Death and fatal injury

May 19, 2013: Agartala, Tripura

Three masked assailants made a forced entry into the office of the Bengali language daily, the *Dainik Ganadoot* and made their way up to the first floor of the building, where the editor, Sushil Choudhary lives. While searching for the editor, the assailants ran into Ranjit Choudhary, manager of the newspaper and repeatedly stabbed him, in an apparent case of mistaken identity. On their way out, the attackers stabbed Sujit Bhattacharjee, a proof-reader for the newspaper, who happened to be in their way. Balaram Ghosh, a driver with the newspaper, who arrived at the scene on hearing the commotion, was also stabbed repeatedly. All three reportedly died on the spot. It is

believed that the three attackers were contract killers and that the target was editor Sushil Choudhary.

September 7, 2013: Muzaffarnagar, Uttar Pradesh

Rajesh Verma, a news cameraman for the IBN 7 channel, and a freelance photographer identified only by the single name Israr, were attacked by a mob dispersing after a meeting in Muzaffarnagar town. Both had been assigned to cover the meeting and seem to have been attacked with deliberate intent. Rajesh Verma was shot in the chest and Israr died of serious injuries inflicted by blunt objects.

December 6, 2013: Basaguda, Chhattisgarh

Sai Reddy, 51, with the Hindi language newspaper *Deshbandhu* was attacked near a market in Basaguda by a group wielding sharp-edged weapons. His attackers fled the scene after the attack. Reddy died from his injuries en-route to hospital.

Legal and police actions

April 29, 2013: Dunguripali, Odisha

Independent news cameraman Amitabh Patra was seriously injured covering a protest by residents of the Dunguripali area in the district against a dam project that is likely to submerge their lands. The police contingent deployed at the site reportedly carried out a baton charge.

August 9, 2013: Darjeeling, West Bengal

Protests in Darjeeling and its adjoining districts began early in August, demanding an autonomous Gorkhaland. On August 9, in an ostensible bid to deny the demonstrations any propaganda or publicity, the West Bengal state government ordered three local channels to stop their news broadcasts.

August 29, 2013: Imphal, Manipur

The editor of the *Naharolgee Thoudang*, Imphal, received a communication from India's National Investigation Agency (NIA), demanding that he hand over the original print or digital image of a picture published in the daily in 2010, as well details of the reporter/photojournalist who shot and supplied it.

September 23, 2013: Hyderabad, Andhra Pradesh

A criminal complaint was lodged against *The Hindu* and its resident editor Nagesh Kumar, following the publication on September 13, of a report on a meeting between the Director-General of Police in Andhra Pradesh, V. Dinesh Reddy, and the head of a spiritual cult. Nagesh Kumar secured anticipatory bail, providing him with provisional

immunity against arrest. However, he was subjected to numerous visits by the local police to his residence.

Physical attacks and extra-legal threats

August 22, 2013: Mumbai, Maharashtra

A 22-year-old photographer interning for a lifestyle magazine along with her colleague had gone to shoot at the abandoned Shakti Mills in the Mahalaxmi area, in the heart of the city around 5.p.m, when a group of five men accosted them. The men accused the two of trespassing into "railway property", following which an altercation took place. The men overpowered her colleague and raped the photographer.

August 31, 2013: Jodhpur, Rajasthan

Supporters of Asumal Sirumalani, alias Asaram Bapu attacked a TV reporter and a cameraman at his ashram as Rajasthan Police headed to Bhopal to interrogate the self-styled god man and make an arrest if he did not provide "concrete" defence regarding allegations of sexual assault of a minor girl.

October 1, 2013: Guwahati, Assam

Journalists were assaulted while they were reporting on a demonstration by an anti-corruption body, the Krishak Mukti Sangram Samiti in the Dispur Last Gate area of Guwahati city.

November 24, 2013: New Delhi

A young woman reporter of investigative magazine *Tehelka* alleged that she had been sexually assaulted by Editor-in-Chief, Tarun Tejpal while on duty at the Tehelka Thinkfest in Goa earlier in the month. Tejpal was arrested and continues to be in judicial custody.

February 10, 2014: Imphal, Manipur

Dhananjoy Sharma, senior staff reporter with *Imphal Free Press* was heading home on his two-wheeler after work around 11.30p.m when he was stopped by personnel of the Indian Reserve Battalion. He was asked to lie on the dirt road and when he refused was hit by a radio set, beaten and his mobile phones seized. Sharma was warned not to file a complaint or else he would be shot dead.

March 28, 2014: Mirzapur, Uttar Pradesh

A 27-year-old journalist on assignment was allegedly gang-raped by two people in Mirzapur district of Uttar Pradesh. The journalist had gone to Asthabhuja temple to research her story on historic temples in Vindhyaachal region and was returning hotel late evening when she was abducted, taken to an isolated place, raped by the two assailants and later dumped in a forest area.

THE MALDIVES

Legal and police actions

September 27, 2013: Malé

Police arrested Mohammad Sajid, a photographer for the *Haveeru* daily, as he was covering a demonstration organised by the Maldivian Democratic Party. Sajid was charged with obstructing the police in the performance of its duties, a charge that *Haveeru* strongly denies.

Physical attacks and extra-legal threats

October 7, 2013: Malé

The premises of Raajje TV were subjected to an arson attack. There were no fatalities but the security guard on duty was injured. Raajje TV's equipment was reportedly targeted with deliberate intent, rendering it mostly unusable.

NEPAL

Legal and police actions

June 20, 2013: Kathmandu

Susil Panta and Santosh Bhattarai of the news portal nepaliheadlines.com were arrested and three days later, remanded to a week in police custody after their news portal was identified as the source of a story on a women's college in the Dillibazar locality of Nepal's capital city, Kathmandu. Pushkar Kandel, who operates another news portal, extrakhabar.com, was arrested on June 10 after a complaint from the college management and revealed under interrogation that he had taken the impugned material from nepaliheadlines.com. Kandel, Panta and Bhattarai face charges under Nepal's cyber-crime law.

Physical attacks and extra-legal threats

December 5, 2013: Mechi Nagar, Jhapa

Manisha Gautam, news coordinator of Radio Sargam, was attacked by unidentified people in Mechi Nagar area of Jhapa District while she was also returning home from the office. She sustained serious injuries on her head.

December 7, 2013: Kathmandu

Gokarna Aryal of *Gorkhapatra* daily was attacked by three people near his residence in Dhapasi, Kathmandu. The motive is unknown.

March 6, 2014: Kathmandu

Death threats were made against K P Dhungana, a crime reporter working for *Nagarik Daily*, Kathmandu, on his mobile phones after the publication of his investigative story accusing a well-known social worker of corruption.

March 7, 2014: Dhanusha

BP Sah, 23, executive director of *Desiya* magazine was attacked when he was attending a marriage ceremony of a

relative. Sah said assailants started beating him with sharp objects. Sah had also received threats prior to this incident.

PAKISTAN

Death and fatal injury

May 24, 2013: Bhangrana, Punjab

Ahmed Ali Joiya, 25, a reporter for several local newspapers and magazines, was in a market in Bhangrana village when unidentified men opened fire, immediately killing him. Two street vendors were also injured in the attack. Joiya had been coordinating with the local police on a crime story he was working on. According to police, Joiya had received threats from Maqbool (Kooli Sassi), a known criminal.

August 16, 2013: Karachi

Two employees of Express Media Group, a security guard and a female worker, were killed in an attack carried out by four motorcycle-borne assailants. Two among the four bore weapons which they used to fire some 20 rounds at the building, seemingly targeting the security personnel.

October 1, 2013: Karachi

Ayub Khattak had just left his residence in the Takht Nusrati area of Karak when unknown assailants opened fire on him. He died at the scene. Khattak was associated with Jang, one of Pakistan's largest media groups, which publishes the Urdu daily *Jang*, the English daily *News International* and owns the GEO broadcast network.

December 31, 2013: Larkana district

Senior reporter for the Aaab Tak News Channel Shan Dahar died the day after he was shot by unidentified assailants.

January 17, 2014: Karachi

Express News employees technician Waqas Aziz Khan, driver Khalid Khan and security guard Ashraf Arian were fired upon as they sat in an Express TV van. The three men were shot multiple times from close range and died soon after. The Tehreek-e-Taliban Pakistan (TTP) claimed responsibility for the attack. A fourth staff member, a cameraman, was reportedly injured.

January 30, 2014: Peshawar

Reporter Bakhtaj Ali of weekly *Manzar-e-Aam* was kidnapped by unknown persons after receiving threatening calls about his reporting. His beheaded body bearing severe torture marks was found on January 30, 2014. His killers have not been traced so far.

February 2, 2014: Jafferabad, Balochistan

Afzal Khawaja, 45, a correspondent for the *Daily Zamana* Quetta and the *Daily Balochistan Times* in Jafferabad, was travelling home in a taxi with his son when the vehicle was

fired upon in a purported attempted robbery. Afzal Khawaja died at the scene while the taxi driver died later en route to hospital.

March 2, 2014: Mamshra, Khyber Pakhtunkhwa

Journalist Abrar Tanoli was shot in the neck by unidentified gunmen while travelling with his family at Mamsehra. He passed away early the next day.

March 28, 2014: Lahore

Raza Rumi, news anchor on Express News, was attacked while returning home after finishing his news show. Unidentified armed men opened fire on the vehicle. Rumi was not injured in the attack, but his driver, Mustafa, was killed and his guard injured. Police recovered 11 bullet shells from the scene.

April 23, 2014: Mianwali, Punjab

Shahzad Iqbal, 28, a correspondent for SAMAA TV and editor of a local newspaper, was shot dead while travelling to his office with his brother on a motorcycle. Unidentified armed men intercepted them and opened fire. Iqbal was shot multiple times and died on the way to hospital.

Physical attacks and extra-legal threats

February 7, 2014: Karachi

The offices of news channel Aaj Group (Daily Business Recorder) and Daily Nawai-e-Waqt Group (Waqt TV) were attacked the same night. A blast outside the main gate of the Aaj Group offices injured a security guard and an unexploded device was later found outside the Daily Nawai-e-Waqt Group's offices in the same Gurumandir area of Karachi. The unidentified motorcyclists who hurled the grenade immediately fled.

January 24, 2014

A senior leader of IFJ affiliate, the Pakistan Federal Union of Journalists (PFUJ), received death threats in direct response to his activism and campaigning. The threat on Rana Azeem followed increased national actions by PFUJ members since the assassination of three *Express News* workers the previous week and the murder of investigative journalist Shan Dahar on January 1. The PFUJ had called for "10 days of mourning" and increased its visible protests against the Taliban and its terrorist threats to the media, especially in the troubled Balochistan province.

April 19, 2014: Karachi

Senior journalist and renowned anchor of Geo News TV Hamid Mir, 47, was attacked on a busy road as he left Jinnah International Airport on his way to his office. He was chased down by a car and two motorcycles and was shot at three times. Mir sustained injuries to the lower part of his body. Mir hosts a political talk show on Geo News TV and writes

regular columns, and known for his criticism to security agencies. Mir's brother blamed Pakistan intelligence agency, ISI, for the attack.

SRI LANKA

Death and fatal injury

February 2, 2014: Colombo

Leading economic journalist, former Agence France Presse (AFP) and Lanka Business Online editor Mel Gunasekera, 40, was found murdered in her home in Battaramulla, a suburb of Colombo. She died of injuries caused by a sharp weapon.

Legal and police actions

May 17, 2013: Colombo

The chief editor of the *Janarala* newspaper Chandana Sirimalwatta was questioned more than three hours by the Crime Division (north) Western Province, over an article published in the paper titled "A lady behind gold racket". The police had earlier visited the press and the *Janarala* office.

May 18, 2013: Colombo

Popular website 'Gossip Lanka' was blocked, under a written order of the Ministry of Mass Media & Information, according to the Director General of Telecommunications Regulatory Commission Anusha Palpita.

September 3, 2013: Colombo

Security officials in Sri Lanka questioned a *BBC Tamil* reporter, Ponnaiah Manikavasagam over phone conversations he had had with two Tamil prisoners. Anti-terrorist police summoned him for questioning in Colombo, without disclosing the reason until he arrived. He was not allowed to have a lawyer present during the interview.

September 21, 2013

Al Jazeera television was temporarily blocked in Sri Lanka over its election coverage. Dialog Television is the main re-broadcaster of Al Jazeera television. Sources said that Dialog stopped broadcast of Doha based TV station following one of its reports on the Northern polls.

October 30, 2013: Colombo

Asia-Pacific Director Jacqui Park and Asia-Pacific Deputy Director Jane Worthington of the International Federation of Journalists were detained in their hotel in Colombo, questioned and their laptops were copied.

November 1, 2013: Jaffna

Five newspaper journalists, Namely S. Nitharsan (Thinakkural), S. Tharsan (Uthayan photo journalist) S. Rajasekaran (Valumpuri), V. Gajeeban and S. Gajendra Tamil Mirror) lodged a complaint with the Coordinator of the Sri

Lanka Human Rights Commission in Jaffna, T. Kanagaraja, claiming that their lives were in danger following press coverage they had carried out on October 28, in Valikamam North, Jaffna, about demolishing the remaining houses within the High Security Zone.

November 13, 2013: Anuradhapura

Channel - 4 journalists including Callum Macrae, who were heading to the North were sent back to Colombo in a special vehicle by the police saying it was being done for security reasons after their train was blocked at Anuradhapura Railway Station by a group of pro-government protesters.

November 25, 2013: Mankulam

Norwegian Tamil poet and actor V.I.S. Jeyapalan was arrested in Sri Lanka for allegedly violating visa regulations. Jaffna-born Jeyapalan, 79, was arrested on Friday at Mankulam in the country's north, was arrested for allegedly holding seminars in Jaffna.

December 6, 2013: Colombo

The popular political satire 'Pusswedilla' new edition was banned by the censor board. Later President overruled the ban by a telephone call to the Director, Feroz Kamardeen.

January 1, 2014: Colombo

Maha Tamil Prabhakaran, an Indian journalist, was deported from Sri Lanka to India, after he was detained on charges of flouting visa rules and videographing the vital army and naval installations in the island nation. The journalist alleged that he had been tortured in detention.

February 1, 2014: Welisara

Suspected naval personnel allegedly attacked a journalist (who did not want to be named) attached to an independent web site shortly after a rugby encounter between the Navy Sport Club and the Colombo Rugby Football Club (CRFC) at the Navy grounds in Welisara. The attackers wanted to know the content of his reporting on the concluded match.

February 13, 2014: Colombo

Randiva sports editor and political columnist K.A.C.S.K. Irugalbandara was threatened with death over the phone by the secretary of minister Jeevan Kumaratunga.

February 21, 2014: Morawaka

Journalist Daya Neththisinghe of the *Lanka* who had gone to cover a protest demonstration was arrested and produced before courts by the Morawaka police on charges of obstructing the path of VIPs.

March 20, 2014: Colombo

The Terrorist Investigation Division (TID) of Sri Lanka Police obtained a court order restricting the right to speak of released human rights defenders Ruki Fernando and Fr. Praveen. It barred both of them from "sharing information regarding the investigation being conducted by the TID related to you with whatever persons either national or international..."

April 9, 2014: Colombo

Saman Wagarachchi, the editor of leading Sinhala language newspaper *Lakbima* was summoned by the police over a satirical photo caption. Wagarachchi was extensively questioned by the criminal investigation department on the motives of the publication of the photo caption.

Physical attacks and extra-legal threats

April 3, 2013: Killinochchi

The Killinochchi office of the *Udayan* newspaper published in Jaffna was attacked by an unknown group. Four persons preparing newspapers to be distributed have been injured in the attack carried out early morning. Equipment including the computer in the office was destroyed.

May 30, 2013: Colombo

An attempt was made to kidnap the news editor of *Janarala* newspaper G.D.L Priyadarshana. Priyadarshana filed a complaint at Seeduwa police station regarding the incident.

June 20, 2013: Colombo

Journalist Dilka Samanmalee of Derana TV received phone calls threatening her with death after she exposed a leader of an extremist Sinhala Buddhist group.

July 11, 2013: Jaffna

The journalist Gunalan Thilepan of Jaffna based *Uthayan* newspaper was assaulted on his way back home after work and admitted to the Jaffna hospital.

August 1, 2013: Gampaha

An army crackdown on peaceful protests against water pollution near the western town of Weliwariya resulted in the death of three protesters and injuries to 15 journalists.

August 3, 2013: Gampaha

Journalists from several media institutions were subjected to a brutal assault while covering a protest by villagers seeking clean drinking water in the Weliwariya area in Gampaha. Photojournalist of *Ada* newspaper Chanuka Kulasekera was assaulted and his camera equipment was damaged. *Lankadeepa* journalist Deepa Adhikari who was also covering the protest in Weliwariya was also injured.

August 24, 2013: Colombo

A group of masked men, armed with knives and what seemed to be hand grenades, forced their way into the home of *Sunday Leader* journalists Mandana Ismail Abeywickrema and Romesh Abeywickrema. The men ransacked the house, took away valuable items and closely examined files and documents belonging to the couple.

December 2, 2013

A peaceful protest of women's groups against the hate speech by the state-controlled radio station, Sri Lanka Broad Casting Cooperation was disrupted, and threatened by a pro-government gang of men. The police while gesturing their support to the violent gang grabbed the placards of the women and set them on fire.



Visit asiapacific.ifj.org or www.ifj.org for more information.

The IFJ is a non-governmental, non-profit organisation that promotes coordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists. IFJ Asia-Pacific coordinates IFJ activities in the Asia-Pacific region. The IFJ works closely with the United Nations, particularly UNESCO, the United Nations OHCHR, WIPO and the ILO, the International Committee of the Red Cross, the European Union, the Council for Europe and with a range of international trade union and freedom of expression organisations. The IFJ mandate covers both professional and industrial interests of journalists.