

FOREWORD

South Asia has always been a challenging place for journalists. This year it got even tougher. As the world and its media comes to grips with and responds to the immediate global health crisis consuming it in every sense, the flow-on impacts socially, politically and economically just keep coming.

For South Asia's media, this "great confinement" is also challenging freedom of expression in ways never seen before in one of the world's most populous regions. It has put journalists in the thick of an invisible viral war as essential workers for truth and freedom of expression; reporting on a crisis with impacts and unfolding dimensions unseen in our collective lifetime.

But during this time, we've also seen media do what they do best: inform, hold governments to account, educate, and shine a light for broader society to defend democracy. And all this in the face of states grabbing every opportunity to expand authoritarian controls and increase state and corporate surveillance.

This pandemic has not only exposed media workers to physical vulnerabilities, it has also put them in the firing line of government-imposed controls on reporting and movement. The contagion of economic fallout, has also decimated an already battered media sector, with many companies reducing hours, holding back salaries or simply sacking their media staff outright.

This 18th annual review of journalism in the region, *States of Control: Covid, cuts and impunity* traverses the complex experience of this region's media – already confronted with religious extremism, authoritarian governments, digital disruption and communication controls. It documents the challenges as well as some of the triumphs. It monitors the attacks, detentions and killings and the ongoing battle against impunity where

journalists continue to campaign for justice.

In the period under review, the IFJ and its affiliates documented 219 violations against the media. This includes 50 jailings or detentions, 19 threats to the lives of journalists, 65 non-fatal attacks, 35 threats against media institutions, 8 gender-based attacks and 82 threats or attacks on rural, regional or minority journalists.

In India and Bangladesh, journalists came under fire while covering civil disturbances and protests. In Sri Lanka and Afghanistan, the fight for safe access to information continued amid tumultuous elections. In Nepal and Pakistan, the battle against a heavy legislative hand was waged. While in Bhutan and the Maldives, the challenge for survival of a small but critical media was never so great.

Plummeting media revenues saw the mass shedding of more than 3,000 journalist jobs in Pakistan too, while harsh online controls saw Kashmir take the mantle for the world's longest communication shutdown in a democracy.

But, as this report also shows, amid Covid-19, cuts and controls, South Asia's media and the unions and networks that defend it persevered, standing together in solidarity to disrupt authoritarian narratives.

In this war against them and truth, they have continued to push back, defend media rights and stand up against states of control.

Jane Worthington
Director, IFJ Asia-Pacific



OVERVIEW

Journalists protest the world's longest internet shutdown that has affected the regions of Jammu and Kashmir since August 5, 2019, and remains ongoing in the control of 4G high speed mobile internet.



As the novel coronavirus made a deadly sweep across the globe from the beginning of 2020, governments in South Asia tightened their iron grip over the media and democratic institutions. Even as the viral spread was declared a pandemic, the region saw an equally dangerous spread of fake news, increasing digital controls by governments, restricted access to information, Islamophobia, police high-handedness, amped up surveillance, curbs on movement and detentions. Fundamental freedoms were curbed in the name of a public health crisis, and authoritarian measures implemented, including a clamp down on citizens' rights during a police-enforced lockdown in India and an official 'police curfew' in Sri Lanka.

The media had the task of reporting the growing humanitarian crisis, working in difficult circumstances and amidst unprecedented physical curbs due to lockdowns and restrictions, particularly in containment zones. The Covid-19 crisis has exacerbated existing fault lines in the precarious freedoms that the South Asian media has fought for and the most vulnerable are now taking the first beating.

The lack of safety for journalists, highlighted by poor working conditions – many media houses took days and even weeks to procure personal protective equipment (PPEs) for their staff in the midst of lay-offs, salary cuts and forced leave without pay. South Asia's moniker, "the most dangerous place" for journalists continues to be the unfortunate reality. Sixteen media workers lost their lives and a total of 219 violations were recorded, including targeted attacks, threats and legal cases.

REGIONAL TRENDS

POLLS AND POLARISATION

In the past year, hyper-nationalist strongmen were reinstated in India and Sri Lanka. Electoral victories predicated on religious

and ethnic polarisation and promises of national security saw the hardening of divisions among communities on religious lines, which spilled over into the media with vicious consequences.

In **India**, a storm of protests against the controversial Citizenship Amendment Act – seen to be violating the secular constitution – across the country, polarised religious communities in unprecedented ways. In the run up to the assembly elections in Delhi, the capital witnessed violence along communal lines, with sections of the media in the forefront of fanning the flames and others attempting to douse violent Islamophobia, with journalists from minority communities themselves facing intimidation and attacks.

In **Sri Lanka**, growing militarisation and a hardened national security discourse once again wields immense influence over civilian life. Despite some gains made in recent years, the Sinhala-Buddhist supremacist ideology continued to have a vice-like grip on the media, which remains in too many cases vehemently pro-government, with only a few notable exceptions. The months leading up to the presidential election as well as the period following it saw a spate of arrests, intimidation and harassment along cleavages already sharpened by the ethnic polarisation following the Easter Sunday bombings.

Polarisation of the media, particularly the private media and the biased election reporting became a highly contentious issue during the presidential election. Muslim journalists became victims of discrimination, hate speech and heightened surveillance. Anti-minority rhetoric continued to dominate all discussions on the Covid-19 pandemic.

As the UN Special Rapporteur on Freedom of Religion or Belief in his report on Sri Lanka to the 43rd session of the UNHRC noted, "The culture of impunity in Sri Lanka has been repeatedly pointed out as one of the main reasons for which religious extremism and hate speech thrive in the country, undermining the rule of law and human rights."



The presidential election in **Afghanistan**, which ended in a fractured outcome was marked by deep divisions and questions about the legitimacy of the Afghan government. The media, rife with competing vested interests from the government to the Taliban, faces a crisis of credibility among the public and a critical survival instinct that leads to wide-ranging self-censorship. High levels of threats, intimidation and attacks on media persons and media houses by the Taliban during and following the protracted peace talks strongly marked the period under review in Afghanistan with some media choosing to quit their jobs than face ongoing serious threats.

MANUFACTURING CONSENT

Intolerance to dissent marked the year in **India**, with two draconian laws made even more repressive. Amendments to the Unlawful Activities (Prevention) Amendment Act, 2019 (UAPA) and the National Investigation Agency Act (NIA) have direct implications for the media and can impinge upon freedom of speech and expression. Applied indiscriminately across the country and most recently against two Kashmiri journalists, these strengthened counter-terror legislations in addition to existing public security laws with sweeping powers, contribute to self-censorship and control. Besides these, other criminal laws, including defamation suits were slapped on journalists whose stories displeased those in power.

The ironic misuse of the International Covenant on Civil and Political Rights (ICCPR) Act in **Sri Lanka** intended to prohibit incitement of discrimination, hostility or violence on religious grounds was another attack on free speech. Covid-19 also revealed governments' anxiety about investigative reports and had them resorting to measures to control the narrative. Strict legal action was threatened against media organisations that 'criticize', point out 'minor shortcomings/failures' or 'scold/chastise' state officials performing their duties.

In **Bangladesh**, under fire on social media for its dealing with the coronavirus pandemic, the government arrested critics under the draconian Digital Security Act. Widespread criticism over a government move to monitor television channels for "rumours" and "propaganda" regarding Covid-19 resulted in the circular being hastily withdrawn.

In **Nepal**, where journalists face arrest and detention on flimsy pretexts, the legal environment was in threat of further deterioration with the drafting of two controversial bills: the Information Technology Management Bill which could curb free expression online and the Media Council Bill which proposes "licensing" for journalists and heavy fines for "breach" of a code of conduct. Both these provisions were dropped after prolonged protests by the FNJ, Nepal Press Union and other civil society organisations.

Above from left: Farida Nekzad, from the Afghanistan Independent Journalist Association (AIJA), speaks at the IFJ-FES Future Organising and Digital Strategies Meeting in Kathmandu in Nepal in November 2019. CREDIT: JANE WORTHINGTON

FNJ executive members discuss responses to Covid-19 in Nepal in online meetings – the new normal for unions in the region. FNJ developed guidelines for reporting and journalist safety during the pandemic and subsequent lockdown in Nepal. CREDIT: FNJ

Following massive job losses and non-payment of wages crisis, the IFJ conducted an urgent mission to Pakistan in February 2020 led by IFJ Deputy General Secretary, Jeremy Dear, to push for urgent discussions on the crisis confronting the media industry in the country. CREDIT: PFUJ

DIGITAL DISRUPTION AND WEB CONTROL

South Asia's thriving digital news media has been spurred as much by increasingly accessible and cheaper technology as well as the ongoing dismantling of legacy media. Newsgathering and dissemination have undergone a massive transformation driven by technology as well as changes in readership and revenues. Even as the digital news media scrambles to retain basic tenets of journalism in the emerging scenario, governments resort to newer ways of control.

Surveillance, censorship and control over the digital space in South Asia certainly predated the pandemic, and countries across the region were given more rope to tighten existing regulations. The ghastly Easter Sunday attacks in April 2019 in Sri Lanka resulted in the blockage of access to social media to prevent incitement of communal violence, and a month later, dissemination of 'false news' that could affect communal harmony or state security was criminalised.

In **Pakistan**, the government's move to control the vibrant social media by enacting the Citizen Protection (Against Online Harms) Rules met with outright rejection from social media companies who threatened to pack up and leave rather than succumb to government control.

India, the leader in digital control saw a surge in "takedown" requests of content on TikTok and Facebook. From heightened regulation of intermediaries and digital media portals; increased surveillance and access to citizens' data to seeking traceability of end-to-end encryption ostensibly to crack down on 'fake news', frequent and prolonged internet shutdowns and a proposed legislation supposedly to protect personal data, the government has systematically encroached on digital rights.

The Digital Security Act in **Bangladesh** continued to be misused to muzzle critical voices, but a recent challenge in the High Court questioning the constitutionality of this draconian law might have significant implications for freedom of expression in the country.

The dubious distinction of the longest running internet shutdown was the shutdown in Jammu and Kashmir, which



ELECTORAL VICTORIES PREDICATED ON RELIGIOUS AND ETHNIC POLARISATION AND PROMISES OF NATIONAL SECURITY SAW THE HARDENING OF DIVISIONS AMONG COMMUNITIES ON RELIGIOUS LINES, WHICH SPILLED OVER INTO THE MEDIA WITH VICIOUS CONSEQUENCES.

began on August 4, 2019. Despite the vital role of the internet in containing the Covid-19 pandemic, full access to high speed internet access continues to be blocked for reasons of “security”.

TINY DENTS IN IMPUNITY

The lack of accountability for murders and attacks on journalists across the region is one of the reasons why these assaults are ongoing.

In **Sri Lanka**, several landmark cases of murder, disappearance and assault of journalists and human rights defenders between 2009 to 2015 are pending at various stages of investigation or trial. In a small step forward, in November, indictments were filed against seven army intelligence officers in connection with the abduction of journalist Prageeth Eknaligoda back in 2009. Another breakthrough was in the case of attempted murder of former editor Upali Tennakoon. Nearly ten years on, an army officer was found to have been involved in the attack.

In **Pakistan**, the death sentence of British-born Ahmed Omar Saeed Sheikh, who had been convicted by an anti-terrorism court for kidnapping and murdering US journalist Daniel Pearl in 2002 was reversed. The Sindh provincial government promptly filed an appeal in the Supreme Court of Pakistan against the downgrade of Sheikh’s punishment from death to life term and from life-terms to acquittal of Sheikh’s co-accused Salman Saqib and Fahad Nasim. Two days later, the High Court re-arrested the accused pending filing of the appeal against the acquittal.

In the 37 cases of murders and disappearances in **Nepal** since 1997, mostly during the Maoist insurgency, only in five cases of murder has justice been delivered. The long arm of the law finally reached back to the 2007 murder of journalist Birendra Sah and a former Maoist cadre was arrested for his involvement in the murder.

In the **Maldives**, President Solih’s promise to end impunity, bring perpetrators to book, and introduce safety mechanisms seemed to be borne out by not a single murder, disappearance, abduction or physical assault in his year and a half in office. The government-appointed presidential commission to probe the disappearance of journalist Ahmed Rilwan Abdulla in 2014 and the 2017 murder of blogger and digital activist Yameen Rasheed found new evidence to suggest that previous president Abdulla Yameen and his deputy Ahmed Adeeb attempted to scuttle the investigation. Even as the probe drags on and political charges are traded, the affected families await closure and hope for justice.

ECONOMIC SIEGE

Already in the grip of a slowdown, South Asia, like the rest of the world is soon going to face its worst crisis since the Great Depression of the 1930s. Governments in South Asia, already reeling under a financial crisis exacerbated by the Covid-19 pandemic, have shown little inclination to shore up the collapsing media industry.

Whether it is tiny **Bhutan**, where dire straits have forced seven more newspapers to down their shutters in 2019, or a mammoth country like **India** where the media is in frightening freefall, the media in South Asia walks the edge, trying to maintain the fine balance between financial sustainability and unfettered truth telling. Shored up by government advertisements and corporate revenue, few media houses can afford to displease governments or corporate houses. One fallout of the dependence on government funds is the troubling trend of self-censorship in both state-owned and private media organisations in **Sri Lanka**.

The media in **Pakistan** operates in a difficult environment as a routine. The national economy was tanking, media revenues plummeting, and various media had laid off over 3,000 journalists over 2019-20. The Covid-19 situation has made the situation worse. The government, the largest source of revenue source for the media, stopped the release of advertisements to newspapers and TV channels, including the daily *Dawn* and Geo TV and Jang Group, the largest media company that gave space to voices of dissent and opposition.

The domino effect of non-payment of dues was a severe financial crunch which was passed on to journalists and media staff now burdened by mass layoffs, salary delays and cuts. Untimely deaths of laid off media workers due to stress and hopelessness and the deteriorating working conditions of media workers prompted an IFJ mission to the country in an effort to bring both national and regional governments to the table. A resolution adopted during the mission emphasised job security and decent wages for working journalists as priorities.

The **Indian** media is passing through one of the most pressing times in its history, with financial instability being borne by those at the lowest rung. The mass retrenchments come at a time when labour laws have been systematically weakened through successive amendments and no safety net exists for laid-off media workers. A petition filed by journalists’ unions was admitted to the Supreme Court.

IN SRI LANKA, SEVERAL LANDMARK CASES OF MURDER, DISAPPEARANCE AND ASSAULT OF JOURNALISTS AND HUMAN RIGHTS DEFENDERS BETWEEN 2009 TO 2015 ARE PENDING AT VARIOUS STAGES OF INVESTIGATION OR TRIAL.

ACCESS TO INFORMATION

Attempts to shape the narrative characterised all governments in the region. Lack of access to information was particularly sharp in **Afghanistan**, where media outlets united to urge the government to ensure free flow of information, in a scenario where the Taliban too attempts to control the narrative, sometimes in violent ways.

In defiance and frustration at the false promises of real access to information, Afghanistan's media held a protest on February 8 criticising the obstruction of the free flow of information and demanding the government to direct its officials cooperate in information sharing with media.

India's strong Right to Information law witnessed a dilution which will have repercussions on access to information in the years to come. Courts in India however, came out in support of the right to know, albeit with riders, when the Supreme Court denied the government's call for prior censorship of news related to the pandemic but did direct the media to 'refer and publish official version of developments'.

PROMOTING ETHICS, BRIDGING DIVIDES

Women were at the forefront of the profession in many countries in South Asia – in Bhutan, most newsrooms are staffed by women, and Indian women journalists have won accolades for their coverage of issues ranging from communal riots to corruption. Yet, there is a long way to go. A study in 2019 India partnered with UN Women found skewed gender representation in leadership positions. Sexual harassment and domestic violence continue to impede women's entry and rise in the profession.


In **Afghanistan**, the space for women in media remains extremely challenged to the point that social customs and ongoing threats by anti-government elements have ensured that no women journalists now work in at least 12 provinces.

The gaping 'information' divide between trendy urban centres and gnawing poverty and deprivation in rural South Asia is growing, with the media catering to advertisers geared to urban audiences and removed from rural realities. While some niche alternate media focus on the forgotten villages of South Asia, mainstreaming these concerns has been Bhutan's unique response, with awards, grants and workshops for rural communities to promote rural journalism have been concrete actions towards bridging the chasm.

Significant steps forward to strengthen ethical journalism were taken by unions and press freedom organisations in Sri Lanka, by adopting a 'Social Media Declaration', pledging their commitment to fight any kind of discrimination and avoid content inciting hate or violence. The adoption of a 'Rights and Responsibilities Charter' encompassing labour rights, the right to association and organisation and the right to know engender hope that together we can be the change.

While the media in South Asia grapples with the challenges of reporting on the unprecedented lockdown that threatens to have a devastating and irreversible impact on the economy, politics and social relations, civil liberties must not be bypassed.

It is precisely in times of crisis that democratic rights must be protected, fundamental freedoms valued and press freedom promoted. Questioning, dissent and a robust independent media are vital to check that governments do not use the pandemic to encroach upon hard won freedoms and to ensure that our communities come out of the lockdown with their rights intact.



On November 14, 2019 journalist Dilrukshi Handunnetti reflects at the spot in Colombo where her colleague Lasantha Wickrematunge was murdered in 2009. No memorial marks where the Sri Lankan newspaper editor was murdered, one of dozens of victims of "death squads" allegedly linked to a frontrunner in the country's November 16, 2019, presidential election.

CREDIT: SIMON STURDEE / AFP