



The Commonwealth and Challenges to Media Freedom in South Asia Senate House Panel Discussion, 1 March 2017, 18.00-20.00

Panel discussants: Sanjoy Hazarika, Executive Director, CHRI;
Mahfuz Anam, Editor, Daily Star, Bangladesh;
Aftab Siddiqui, The News and the Express Tribune, Pakistan
David Page, Institute of Commonwealth Studies

Chair: Rita Payne, President Emeritus, Commonwealth Journalists Association

Sue Onslow of the Institute of Commonwealth Studies welcomed the audience and introduced Rita Payne, the chair of the panel of the evening's discussion.

Rita Payne began by saying that this is a dangerous time to be a journalist. According to the Committee to Protect Journalists, 71 journalists were killed in relation to their work in 2015 and 48 in 2016. Journalists were caught between perpetrators of terrorism on the one hand and the heavy hand of government on the other. Of 199 journalists imprisoned in 2015, more than half were jailed on anti-state charges.

The former Sunday Times editor, Harold Evans had said that the rise of fake news, attacks on the media by the administration of Donald Trump and bad behaviour by some parts of the press have created a uniquely perilous time for journalism.

Rita said that in many Commonwealth countries, it appears to be open season to attack the messenger when people do not like the message. In South Asia, threats to journalists had been increasing almost everywhere. In India, journalists had been victimised for exposing corruption or reporting on sectarian attacks. In Pakistan, journalists and bloggers had been killed, abducted or threatened. *Bangladesh* has become a dangerous place for anyone who dares to cross an invisible line set by Islamic extremists. In the last two years, at least eight atheists and gay rights campaigners have been killed in attacks in this majority Muslim country. There appeared to have been some improvement in Sri Lanka. But the situation in the Maldives continued to deteriorate as the government uses recently adopted defamation laws to silence critics and block protests. A blogger, Yameen Rasheed, who had been a frequent critic of the Maldivian government, was stabbed to death on March 23rd. Rasheed had been campaigning for an investigation into the disappearance of Ahmed Rilwan, a journalist missing since 2014.

Rita said across the Commonwealth, bloggers and journalists face threats, arrests, forced disappearances and even death, while independent media outlets have faced lawsuits and shutdowns. As a result, many journalists are resorting to self-censorship and are reluctant to tackle anything controversial. She welcomed the panel discussion as a means of developing new ways of tackling this situation. She also said it was crucial for Commonwealth

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organisations and the Secretariat to push for stronger laws and other measures to protect journalists and enable them to write freely and hold the powerful to account without facing the risk of criminal charges being brought against them.

Sanjoy Hazarika said that the media was facing serious challenges in many Commonwealth countries and unfortunately Commonwealth leaders were not observing the protocols they had signed.

Space for freedom of expression was shrinking in traditional media but expanding at the same time through the growth of social media. 'Legions of trolls' were a problem with social media but the space was also being robustly used by journalists and others.

Sanjoy said one major concern with traditional media is the stealthy way in which restrictions are being imposed by owners. This insidious trend is as worrying as pressure from governments and non-state actors. Government advertising is a huge part of newspapers' calculations and was being used to pressurise owners.

Pressure on the media is sometimes applied very directly by governments in South Asia. In Nepal, Kanak Dixit, the founder and editor of Himal, a fine journalist and wonderful human being, had been hounded and arrested two years ago on charges of corruption and only released after intensive regional and international pressure. More recently, he had been forced to close Himal down, though the anti-corruption commissioner who had been hounding him was eventually found to be corrupt himself and fled the country.

More recently, in India, NDTV had advertised an interview with the former Home Minister, which they did not run. They had pulled it without offering their viewers any explanation. Threats to the media are also coming from non-state actors. An editor in Manipur was recently threatened with death for not carrying news from non-state actors.

According to Reporters without Borders, India is now placed 133rd of 180 countries in the organisation's league tables.

Sanjoy said that freedom still exists on line but if there is robust journalism today it is not in the old media, which is witnessing increasing polarisation on religious and ethnic lines. He said that threats to journalists had increased significantly and there is a need to improve defence mechanisms. He had been discussing with Kanak Dixit and Mahfuz Anam the possibility of creating a South Asian circle of co-defenders of the media, which would provide regional solidarity and support for journalists in difficulty and would not depend on international NGOs like PEN or Reporters without Borders.

Mahfouz Anam, the Editor and Publisher of the Daily Star in Dhaka, a paper he founded in 1991, provided an account of the ordeal he has faced as a result of pressure from the Bangladesh government. After admitting in a TV panel discussion in 2016 that he had



mistakenly published uncorroborated reports alleging corruption against Sheikh Hasina nine years earlier, he found himself facing 79 cases, including 17 sedition and 62 defamation cases, in courts across the country.

He said: 'Journalists should be ready to be oppressed'. But the big question for him was: 'in those circumstances, do my fellow journalists and readers come to my rescue?' And the answer, unfortunately, had been 'No'.

'If the people we serve doubt our conviction, we are in difficulty', he said, 'and that is where we should focus our attention'. Over the decades, the media had lost much of its moral high ground, not least in western countries and India, which had provided role models for the Bangladeshi media. The Iraq war had dealt a serious blow to the reputation of the western media, which had become accomplices of their governments in reporting on the existence of weapons of mass destruction. Coverage of the war on terror and the demonization of Islam had also affected their reputation in South Asia and had given the upper hand to dictators.

In the recent American election, 200 media outlets had endorsed Hilary Clinton and only 7 Donald Trump. It was 'not final proof of anything but an indicator of something'. We need, he said, 'to think where we might have gone wrong'.

In his own case, 'the (Bangladesh) government attacked me serially', he said, 'and my fellow media people not only did not come to my aid but were my vilest critics... They thought they could get my advertising and circulation'. He said 'the whole role of the media as part of the constitutional edifice was forgotten by my fellow editors'.

Aftab Siddiqui of the News and Express Tribune, leading Pakistani newspapers, gave an account of the dangers facing journalists and media workers in Pakistan. He mentioned the case of Taimour Khan, an assistant cameraman with Samaa TV, who was shot dead on 12 February when travelling with a news team to film an alleged grenade attack on a police vehicle in Karachi. An extremist group, the TTP, had claimed responsibility but no arrest had yet been made. In another case, the prominent journalist, Omar Qureshi, had been threatened by a judge in Islamabad for covering a story involving the alleged torture by the judge and his wife of their ten-year old housemaid. The case had caused an uproar in Pakistan and in the end the Chief Justice had moved suo moto against the judge and his wife. But the judge's letter to the Federal Investigation Agency still had not been cancelled. Aftab Siddiqui also mentioned attacks by the MQM on media houses in Karachi. On 22 August 2016, the leader of the MQM, Altaf Hussain, who lives in London, had called on his workers in Karachi to take action against ARY and Samaa TV, leading to the ransacking of their premises and to one death and many injuries. Pakistan had asked the Metropolitan police to take action against him but nothing had so far happened.

Because of the increase in attacks on journalists, Aftab said that media houses needed to do more to protect them. He said two days' training and protective equipment would cost around \$1500 per person. Unfortunately, most journalists in Pakistan covering protests and unrest are given no special protection at all.



David Page provided an update on freedom of expression in Sri Lanka. He said the news from Sri Lanka since the election of President Sirisena in January 2015 has been broadly positive. Between 2006 and 2015, Sri Lanka featured every year in the impunity index compiled by the Committee for the Protection of Journalists (CPJ), on the basis of unresolved killings over the previous ten years as a proportion of the population. But in 2016, for the first time, it dropped out of the index. By contrast, Pakistan, Bangladesh and India all featured in the 2016 index – with India registering a 24% increase on the previous year.

Most Sri Lankan journalists acknowledge a welcome change of atmosphere under the coalition government, less self-censorship and greater freedom to cover controversial issues. The new Government made a commitment to restore freedom of expression and it has largely honoured that pledge. The 19th constitutional amendment passed in 2015 reduced the President's powers and brought back restrictions on the number of terms of office he might serve. The Government also restored the Chief Justice, who had been removed by Rajapaksa on trumped up charges. However, there have been some ambiguous signals along the way. For example, President Sirisena surprised the media by reviving the official Press Council Act, despite opposition from the media industry, which has set up its own self-regulating body.

The most significant piece of new media legislation is the Right to Information Law, which was passed in June 2016 and is now being operationalised. The RTI Commission has recently been established, with the unanimous approval of Parliament and with well-respected members, including the former President of Sri Lanka's Court of Appeal and Kishali Pinto-Jayawardena, a senior human rights lawyer, who represents the media industry. It requires government officials, the police and other power-holders to have a new relationship with the public – and that will take time - but the legislation, which is among the most liberal in the world, offers a promise of greater transparency and accountability, which is potentially transformational.

The agenda for media reform in Sri Lanka goes back over twenty years – and some items on that agenda have not yet been addressed. There is no talk yet of broad-basing government-controlled media or setting up an independent broadcasting regulator – both important items on the reform agenda. There is still work to be done to reform some of the punitive laws originating in colonial times which remain in the government's arsenal. Most significant of all, the new government is still finding it difficult to revisit the sins of previous ones – to respond with the degree of openness which is demanded by those with family members who 'disappeared' during the civil war or international Human Rights organisations which have monitored those events and criticised the government for its role. David Page said a great deal had already been achieved for which President Sirisena and the coalition government deserves credit but not without a good deal of public pressure and given these circumstances that will be the key to future progress in other fields.

In the **general discussion**, the panel warned against the politicisation of the media and of journalists themselves. Mahfuz Anam said that newspaper readers are not happy with the



dominance of advertising and of advertorials, even if the owners are happy. Sanjoy Hazarika said that governments are putting editors under pressure and the media are often silent and complicit, though media with RTI units are using RTI to probe for news and information. He warned that 'terrible things can happen on the coat-tails of populism'. Mahfuz said the public need to be re-awakened to the importance of free media and of freedom of the judiciary. Aftab Siddiqui agreed. He said justice is one the biggest issues for Pakistan. Asked what could be done to make the media listen more and operate in the public interest, Mahfuz Anam said: 'we need to hang on to our ethics'. He was confident that there is a role for the print media. 80% of Bangladesh is now covered by mobile phone and many people are getting breaking news by phone. But he said there is more contextualising in the print media and that remains very valuable. Sanjoy Hazarika said the media needed to be seen as a partner by the government, by parliament and the judiciary. The media also needed to be more legally literate – and to play more of an educational role. Mahfuz asked whether the media should be a business or a social service. If it was to act in the public interest, he said, it needed to be free of government and corporate pressures. Unfortunately, the trend was the reverse. In India, one of the biggest newspapers in the country had already obliterated the distinction between news and advertorial.

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