



DigitalRightsFoundation
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Submission on Right to Freedom of Opinion and Expression: Opportunities, Challenges and Threats to Media in the Digital Age

Submission by **Digital Rights Foundation**

Civil Society Stakeholder

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1. Introduction

1.1 This submission is pursuant to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression's [call for input](#) for her report to the Human Rights Council at the 50th session in June 2022.

1.2 This written submission by the Digital Rights Foundation (DRF) has been made to highlight the challenges and barriers journalists and media personnel face in digital spaces, particularly with reference to repressive policies by member states and undemocratic monopolies of social media companies. Digital spaces have become the foremost ground for contestations over fundamental freedoms such as the right to free speech and the right to information, and journalists are at the forefront of both experiencing and addressing these issues.

1.3 DRF is a not for profit organization based in Pakistan working on digital freedoms. DRF envisions a place where all people, especially women and gender minorities, can exercise their right of expression without being threatened. DRF works on issues of online freedom of expression, digital privacy, equal internet access and online violence against women through research-based advocacy, capacity-building and direct assistance.

1.4 DRF draws on its experience of working with journalists for nearly a decade in Pakistan through workshops across the country, the Network of Women Journalists for Digital Rights established in 2017, and direct support provided to journalists at risk through its cyber harassment helpline. In 2021 alone DRF dealt with 109 cases from journalists and media professionals facing issues of online harassment, targeted attacks, physical violence and online censorship.

1.5 The challenges facing media freedoms and the safety of journalists in the South Asian region are multifaceted. This submission will focus on Pakistan given the expertise of the organization however will include examples from other countries in the region.

2. Threats and Challenges facing Journalists

2.1 The challenges faced by the media and journalists in Pakistan stem from political, economic, legal, technological and societal issues. Like most countries in the Global South, increasingly journalists working in the digital space have been confronted with a "double-bind" where restrictions from increasingly hostile and authoritarian governments are coupled with powerlessness vis-a-vis private social media companies that enjoy an outsized influence over freedom of expression. Often media outlets and journalists have chosen between an impossible binary of regressive governmental

overreach and online censorship and policies and algorithms of social media companies that unilaterally take decisions on content moderation.

2.2 Additionally, attacks on journalists are becoming increasingly common both online and offline, ranging from targeted disinformation campaigns designed to silence and malign journalists, enforced disappearances,¹ judicial harassment² and physical attacks³. In such cases, journalists cannot find redress with the state as these attacks are often backed by them, nor are legal processes available to them to remedy such harms. On the other hand, journalists are often failed by social media companies who fail to stymie these attacks, allowing their platforms to be weaponized for targeted campaigns.

2.3 Thus, journalists are often stuck between a rock and a hard place, finding little protection with the state but also do not have their interests represented with social media companies. Furthermore, journalists in the Global South are not adequately represented in “global” or “international” conversations on content moderation or safety policies by big tech companies.

2.4 Media is also suffering from an economic crisis, where layoffs and lack of payment for journalists on the frontlines are becoming a perennial issue. Economic models for media, focusing on profits rather than quality journalism, has impacted the overall role the media can play in holding institutions accountable and speaking truth to power.

2.5 Societal barriers towards women journalists, rooted in patriarchy, has resulted in persistent attacks on women journalists online. Patriarchal attitudes towards women and structural barriers have resulted in a severe under-representation of women in the field; women constitute a mere 5% of the country’s body of 20,000 working journalists.⁴ These barriers are exacerbated by the attacks journalists face in online spaces where they often receive attacks on their “moral character” and sexualised threats, forcing many to self-censor or limit their reporting to “less controversial” issues. In its research titled ‘Fostering Open Spaces’, DRF found that from a pool of 60 women journalists and information practitioners from across Pakistan, 55% had witnessed and/or were affected by online abuse and 91% stated that the abuse was gendered and personal in nature.⁵ In another study by Media Matters for Democracy, it was found that 9 out of every 10 women journalists “were more likely to face online violence if they did not self-censor their expression.”⁶ In Pakistan, there have also been instances of domestic violence against women practicing journalism where their career results in backlash from their family and community.⁷

¹ “Pakistan: Bloggers Feared Abducted,” Human Rights Watch, January 10, 2017, <https://www.hrw.org/news/2017/01/10/pakistan-bloggers-feared-abducted>.

² Farieha Aziz, “Weaponising Peca,” Dawn, June 25, 2020, <https://www.dawn.com/news/1565098>.

³ Asad Hashim, “Pakistani journalist assaulted in latest press freedom attack,” AlJazeera, May 26, 2021, <https://www.aljazeera.com/news/2021/5/26/pakistani-journalist-assaulted-in-latest-press-freedom-attack>. “Senior journalist Absar Alam shot, injured in Islamabad,” Dawn, April 20, 2021, <https://www.dawn.com/news/1619325>.

⁴ Adnan Rehmat, “Journalists in Pakistan push to end abuse of women in media,” IMS, October 13, 2020, <https://www.mediasupport.org/blogpost/journalists-in-pakistan-push-to-end-abuse-of-women-in-media/>.

⁵ Ramsha Jahangir, “Fostering Open Spaces in Pakistan,” <https://digitalrightsfoundation.pk/wp-content/uploads/2019/04/IMS-Study-Report.pdf>.

⁶ “Media Matters for Democracy launches a new study examining the impact of online harassment on women journalists,” January 20, 2021, <https://mediamatters.pk/media-matters-for-democracy-launches-a-new-study-examining-the-impact-of-online-harassment-on-women-journalists/>.

⁷ Falah Gulzar, “Pakistan: Female journalist in Balochistan shot dead as part of alleged honour killing, police on the hunt for husband,” September 07, 2020, Gulf News, <https://gulfnews.com/world/asia/pakistan/pakistan-female-journalist-in-balochistan-shot-dead-as-part-of-alleged-honour-killing-police-on-the-hunt-for-husband-1.1599490023748>.

3. Regulatory Challenges

3.1 Countries in South Asia have made moves towards controlling content on the internet through criminalising speech through legislation and most recently by passing laws that assert control over the content on social media platforms. In India the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021* and the *Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2021* in Pakistan place obligations on social media companies to remove content determined as illegal by government regulators within a prescribed time limit. While there is growing consensus that social media companies need to be held accountable, the approach taken by member states to increase governmental powers has the effect of consolidating more power in the hands of states rather than genuine accountability.⁸ The Rules in Pakistan have been challenged in Pakistan as unconstitutional in the courts, however powers given by existing legislation such as the *Prevention of Electronic Crimes Act 2016 (PECA)* give a wide berth to the government to regulate internet content.⁹

3.3 While such legislation is brought under the grab of eliminating harmful content such as child pornography from the internet, broad legislation to regulate the internet is often weaponized to silence free speech and target journalists. In Pakistan section 20 (online criminal defamation) has become a tool to harass journalists through the judicial process. Based on international human rights standards and growing consensus on the impact of these laws, criminalisation of online speech acts needs to be resisted wholesale unless there is compelling and narrowly-tailored reasons such as in the case of child sexual abuse material and hate speech.

3.4 Often regulator measures such as key legislation or policies are passed by governments with no or superficial consultation with concerned stakeholders like the journalist unions, human rights organisations and other civil society groups. Inclusive consultations that are transparent and accountable to the groups they're catering to need to be ensured so that these concerns are raised and addressed at the legislative stage.

3.5 Legislation and independent mechanisms to ensure journalist safety need to be considered in countries where violence against journalists is common and takes place with impunity. In Pakistan, the *Protection of Journalists & Media Professionals Bill* has been proposed by the government which is a welcome step towards government safety however the Bill includes sections that allow for the prosecution of journalists who share or report "false" news. Language such as this has been criticized and resisted by journalist unions as it can be used as a tool to target journalists deemed unfavourable by states.¹⁰

3.6 Any measures by states to ensure journalist safety should also adopt an intersectional lens. Most journalist safety interventions treat the category of journalists as a monolith, without due regard to the fact the violence directed towards journalists is experienced differently. For women journalists to report violence, both online and offline, directed towards them, gender-sensitive reporting forums

⁸ "Legal Analysis: Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020," https://digitalrightsfoundation.pk/wp-content/uploads/2020/12/Removal-and-Blocking-of-Unlawful-Online-Content-Procedure-Oversight-and-Safeguards-Rules-2020_-Legal-Analysis.pdf. "Analysis: Removal and Blocking of Unlawful Online Content (Protection, Oversight and Safeguards) Rules, 2020," https://bolobhi.org/wp-content/uploads/2020/11/Analysis_-Removal-and-Blocking-of-Unlawful-Online-Content-Protection-Oversight-and-Safeguards-Rules-2020-.pdf.

⁹ "IHC decides to review new social media rules," Aaj TV, November 22, 2021, <https://www.aaj.tv/news/30271913/>.

¹⁰ "Pakistan imposes new censorship mechanism under guise of protecting journalists," RSF, December 1, 2021, <https://rsf.org/en/news/pakistan-imposes-new-censorship-mechanism-under-guise-protecting-journalists/>

need to be provided to ensure they can report without the risk of being further traumatized by the process. Law enforcement is often not the preferred forum for women facing abuse given the history of victim-blaming and harassment by these institutions, unless special and corrective measures are taken to address these needs women's safety will not be adequately ensured.

3.7 Women journalists in Pakistan have reported that political parties and government officials are often actively involved in directing online violence towards them as a form of punishment for unfavourable reporting. In these instances, the volume of abuse is amplified by those in positions of power and the nature of abuse is markedly gendered. Proposals from journalists for political leadership to take responsibility and institute guidelines for ethical behaviour have not been entertained by mainstream parties who actively benefit from "troll armies" who shore up online support for them.¹¹

3.8 In terms of media representation, in Pakistan only 7% of reporters were identified as women while the overwhelming majority of 93% were men. Furthermore, women were rarely the subject of news or cited as sources, with only 17% of news representing women as subjects or sources.¹² For structural issues such as these it is obvious that media organizations and spaces should be made less hostile for women and gender minorities so that representation is provided. However it is important to note that mere insertion of more women in media spaces does not necessarily lead to more inclusive and gender sensitive reporting as women are often not in positions where they can make editorial decisions. Furthermore, women themselves can parrot stereotypes about their own gender; thus it is necessary to dismantle patriarchal attitudes and stereotypes at a structural level in these spaces.

3.9 Lastly, an emerging challenge for journalists across the world is disinformation, which is being employed to distort the information ecosystem as well as a tool to target journalists. Furthermore gendered disinformation¹³ is emerging as a specific form of harm targeted towards women journalists in online spaces.¹⁴

4. Content Moderation

4.1 Social media companies are emerging as the primary regulators of content, allowing and removing millions of pieces of content based on internally set rules and policies often referred to as community guidelines. These community guidelines are often set within the company, with little consultation from stakeholders they are most likely to impact. Once the guidelines are set, they are implemented through automated systems that rely on machine learning that are supplemented with human moderators. The process through which decisions regarding content moderation are taken is extremely opaque and not open to the end-user. As more and more journalists, media organizations and digital media outlets are relying on the internet to host their content, social media companies have come to hold an outsized role in terms of content distribution. It has been found that even small

¹¹ "POLICY BRIEF: #AttacksWontSilenceUs: One Year On," August, 2021, <https://digitalrightsfoundation.pk/wp-content/uploads/2021/08/AttacksWontSilenceUs-Policy-Brief-2.pdf>.

¹² "Who Makes the News?", Global Media Monitoring Project, https://whomakesthenews.org/wp-content/uploads/2021/07/GMMP2020.ENG_FINAL20210713.pdf.

¹³ Nina Jankowicz, Jillian Hunchak, Alexandra Pavliuc, Celia Davies, Shannon Pierson, Zoë Kaufmann, "Malign Creativity: How Gender, Sex, and Lies are Weaponized Against Women Online," <https://www.wilsoncenter.org/publication/malign-creativity-how-gender-sex-and-lies-are-weaponized-against-women-online>.

¹⁴ "How Disinformation and Hate Fuel Online Attacks Against Women Journalists," International Center for Journalists, <https://www.icfj.org/news/how-disinformation-and-hate-fuel-online-attacks-against-women-journalists>.

changes in the distribution algorithmic timeline can have a significant impact on the distribution of content for journalists.¹⁵

4.2 The false binary between speech protections and safety on online platforms needs to be challenged as private companies often hide behind it to sidestep responsibility when their platforms become hostile spaces for journalists. Free speech does not mean a free-for-all, especially when widespread abuse has been known to impact the corresponding free speech rights of those targeted.

4.3 Journalists have frequently reported the problem of under and over regulation in the form of lack of content moderation when it comes to abuse material directed towards them, while other content gets taken down as false positives. On DRF's cyber harassment helpline, many journalists reported having content taken down which dealt with reporting on sexual abuse or extremist and violent organizations such as the Taliban. Even when journalists took pains to ensure their reporting was not read as an endorsement of the subject-matter they were reporting, their content was still blocked, removed or accounts suspended. This was particularly true of content in regional languages, pointing towards errors by automated mechanisms that lack training for non-English content and under-resourced human moderators who understand context. In addition to these content moderation issues, journalists reported they were unable to appeal decisions as the reasons given for removals and suspensions were vague and processing of appeals took long.

4.4 As social media companies amass more and more power in digital spaces, it is important that various regulatory tools be used to ensure transparency and accountability from these companies. Currently these debates are concentrated in the Global North where experts, lawmakers and researchers are proposing various tools of regulation—however this conversation needs to be more global as the ramifications of these laws and policies are felt well beyond their borders and replicated by countries across the world.

5. Conclusion

5.1 Media freedoms across the globe have consistently been in decline and it is becoming obvious that the problem is not simply authoritarian governments, rather structural issues that speak to the lack of safeguards offered to journalists and concentrations of power in the state and private actors such as social media companies.

5.2 One of the biggest issues with implementing effective measures to protect journalists, both online and offline, is that member states tasked with ensuring this safety and ending impunity are often the ones perpetuating or benefiting from the attacks. International human rights law, if it wants to work for media freedoms and journalist safety, must work towards holding states accountable and working to strengthen forums for journalists to approach directly.

¹⁵ Derek Wilding, Peter Fray, Sacha Molitorisz and Elaine McKewon, "The Impact of Digital Platforms on News and Journalistic Content", 2018, University of Technology Sydney, NSW, <https://www.accc.gov.au/system/files/ACCC%20commissioned%20report%20-%20The%20impact%20of%20digital%20platforms%20on%20news%20and%20journalistic%20content%2C%20Centre%20for%20Media%20Transition%20%282%29.pdf>.