

PRACTICE NOTE

Freedom of Expression Under Threat in Afghanistan?

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Although media outlets have proliferated in the private sector in Afghanistan, the Afghan press is hobbled by insufficient security, lack of access for their investigations, serious revenue and funding shortfalls, stalled legislation for freedom of the press, change-wary socio-cultural norms that tend to undercut the wide dissemination of news and skirt in the presentation of scientific/technological and foreign information. To do their jobs, the nation's journalists need to overcome these and other barriers.

The growth of an independent media since 2001 is one of Afghanistan's greatest successes. Today almost 1,000 media outlets are operating, compared with only 15 in 2000 (Nai 2014a). Most of these new radio and TV stations are privately owned. Almost 12,000 people in Afghanistan are now working in the private media sector.

The public mainly favors and support this expanded national media. Coverage is broad and subject matter is widely focused. There are shows on everything from security, to the exchange rate, weather forecasts and entertainment. Although media is not yet the fourth pillar of the state in Afghanistan, it is close to being so. Most of the government's performance and activities are observed and covered by media and are criticized by media when required. Aware that their performance is being evaluated by the whole country, the government has become more responsive to the media and influenced by social perceptions.

But, saying this does not mean the media sector does not have challenges. Since 2001 more than 44 journalists have been killed in Afghanistan, more than 450 violations against media have been recorded, and in most of these incidents the government was blamed.

This article will articulate not only the challenges facing the country's media, but will explain factors behind the challenges. It will also consider what should be done to prevent such challenges and explore who is best positioned to do something to take them on.

These challenges are listed in accordance with their impacts, coverage and geography. This analysis is based on investigations carried out by Nai Supporting Open Media in Afghanistan which carries out this kind of analysis continuously and publishes findings in a monthly report, Media Watch.

Security

Security is an enormous challenge for all Afghans in every sector. However, due to the fact that reporting the news is dangerous even in peaceful countries, this challenge is stronger for the media in Afghanistan.

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Security threats mainly come from the Taliban and opposition armed group, but not only these groups. Shadowy armed groups with un-verifiable links frequently threaten and attack reporters. In the past 13 years, more than 40 journalists have been killed in Afghanistan (Nai 2014b). Dozens of cases, including some killings, are attributed to such mysterious armed groups. Only one case, the killing of a German journalist, was directly blamed on the government.

The rest of the killings are attributed to the Taliban, whether they killed the journalist or not. Killings of journalists with impunity have created a number of uncertainties that all domestic reporters now face. These include:

- Uncertainty as to whether to venture into unsecured provinces;
- Uncertainty as to whether to report on the Taliban, who seem to feel safe enough to call and threaten journalists anywhere and whenever they want;
- Uncertainty as to whether to conduct investigative reports that could upset the status quo, particularly if they are disclosed to the public;
- Uncertainty as to whether intimidation is paving the way for local actors and other powers to establish media sources that serve their narrow interests;
- Uncertainty as to whether incomplete reporting is leading the way for the government to pressure the media sector in general and media outlets and individuals in particular;
- Uncertainty as to whether incomplete reporting gives the impression to the public that the media is weak.

Economic challenges

The country's economy faces numerous challenges and the success of the media depends on growth in the wider economy.

Decreases in foreign funding will have a direct negative effect on this sector, not just because media outlets will win fewer direct foreign contracts, but because the businesses that advertise through the media will also

see revenues decline. Having fewer advertisements directly affects media revenues.

Information gathered by Nai shows that dozens of print media outlets have felt the negative effects, shutting down due to declining revenue. At least three radio stations have been closed for the same reason. Less revenue has led to the sale of some TV stations to local and national groups and personalities, including some who aggressively use the media to advance their own world-views and sectarian social visions.

The decreasing number of people working in the media is another result of economic challenges. In 2011 there was more than 850 people working in the media sector. Today there are only 450.

Besides this decline in funding and revenue, the Afghan government is also destabilizing the industry by not upholding its commitment to support open media and freedom of expression. Nearly two years ago when Kabul Weekly, one of the established papers in Afghanistan, was faced with financial problems it reached out to the Government of Afghanistan for assistance, but with no result. The paper later closed.

Afghanistan's fragile economic situation has prevented investment in the sustainability of the media sector. Only a few TV stations are self-sustaining businesses and even these stations would be unable to continue if there was a 100 per cent cut in foreign funding.

Political challenges

Politics is often an area where people say something and then act differently. Politicians often bypass laws.

According to the 34th article of the Afghan Constitution, freedom of expression is guaranteed and there is no limit unless it is against national interest or personal privacy.

But the reality is that many limits to freedom of expression exist in Afghanistan. There is no 'Access to Information Act' in Afghanistan. Although a draft was offered by NAI to the government in 2011 (after discussion with almost all media outlets and

organizations as well as civil society), progress on passing that law remains stalled.

Most violations of freedom of expression happen when a journalist asks for information from government staff and is then subjected to verbal and even physical harassment. This is a depressingly common occurrence. Different circles within the government of Afghanistan oppose freedom of expression even though the government has not hesitated to claim to foreign audiences that freedom of expression is one of its key successes. The Afghan government also behaves differently with national and international media outlets and journalists. Although reporters from some countries have been restricted, in general government authorities and staff treat international media well.

The Religious Scholars Council, presidential palace staff and even sometimes the President himself are guilty of opposing freedom of expression and speech.

The peace process with the Taliban is another barrier to freedom of expression. The government of Afghanistan often sacrifices freedom of expression to bring the Taliban into peace negotiations. However, the Taliban continue to challenge freedom of expression as well as the peace process. It is worth mentioning that during the Taliban era there was no TV in Afghanistan and the only radio station was run by the government along with a few papers using it for their own propaganda.

Legal challenges

Although the Constitution of Afghanistan guarantees freedom of expression and the Afghanistan media law is considered as one of the best laws of its kind in the region, the media face other serious legal challenges.

There are considerable gaps between the laws on paper and how they are applied in reality. Furthermore, the Access to Information Act, Advertisement Act, Media Contract Law and Defamation Law remain works in progress. Furthermore, old criminal code is often used to silence the media.

Advertisements, especially from the government of Afghanistan, always go to the governmental run media outlets, not the outlets which are supporting Afghan government policies. The Attorney General's office frequently acts as a non-appointed court against media. Recently a *New York Times* correspondent in Kabul was pressured by the Attorney General's office to reveal the identity of source who claimed some elements in the government were planning to create an interim administration (Rosenberg 2014). The Attorney General, the main enforcer of the law of the land, questioned the reporter despite the fact that the Afghan media law clearly states that journalists have a right to hide their sources unless there is an order from an authorized court.

Socio-cultural challenges

Despite some development of new knowledge and technological improvements in Afghanistan, there has been little change in the behavior of most Afghans. The country remains deeply conservative and skeptical about change. The last four decades of war have kept many Afghans away from developments in science and technology.

Since 2001, when Afghanistan's borders opened to new technologies and knowledge, mobile phones arrived and TV and radio channels were been established. But, cultural and social barriers against these new technologies and sharing knowledge remained.

In rural areas these barriers are more obvious. The media has been reticent about airing material that challenges taboos or criticizing local personalities. In rural areas, where there is almost no news about anywhere outside Afghanistan, people are even more technologically restricted. In some rural provinces many men do not even approve of the use of mobile phones by women and they are often restricted from watching TV.

Capacity and knowledge challenges

The removal of the Taliban and arrival of Western forces after 2001 helped paved the way for the creation of a vibrant private

media scene. Job opportunities grew at media outlets throughout the main cities and some smaller cities.

The growth was so fast and headlong that the sector's growth was faster than the country's ability to train media workers. Media outlets suddenly needed to fill numerous production, reporting, editing, and management positions. They had to hire people who were not completely aware of what a free media and freedom of expression entailed and these new hires often had no real experience of working in a sector considered to be the fourth estate of government.

Since 2007 this challenge has begun to ease as media training has grown through short courses, workshops, exchanges and internship programs. Media has come a long way since 2001 and the changes have benefitted society. Government actions, social beliefs, security issues and all aspects of Afghan society are now open to scrutiny through the media. Citizens can call radio stations or attend television debates and roundtables to make their opinions heard. Those with internet can use it to find information about what is happening and contribute their input through social media.

These changes have brought rapid progress to Afghan society, but are not without challenges. Journalists still face security and personal safety threats and there are some sectors of society which do not respect the work of journalists. Economic issues continue to challenge the viability of privately funded media outlets and political, legal and

social issues still need to be overcome before Afghanistan can truly achieve a self-sustaining free media sector.

Continual training and support for Afghanistan's media sectors will be essential into the future to build on the progress achieved since 2001 and overcome the challenges detailed in this article. If media can continue to strengthen in the next ten years, and the work of media employees gain respect across all sections of society, then the media will play an important part in Afghanistan's future progress.

Author Information

Mujeeb Khalvatgar is Managing Director of Nai Supporting Open Media in Afghanistan, a Kabul based NGO. He began his journalism career in 2002 with Internews and was for many years a general manager for Salaam Watander, a radio station with national reach.

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How to cite this article: Khalvatgar, A M 2014 Freedom of Expression Under Threat in Afghanistan? *Stability: International Journal of Security & Development*, 3(1): 38, pp. 1-4, DOI: <http://dx.doi.org/10.5334/sta.el>

Published: 20 November 2014

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