WORLD PRESS FREEDOM DAY

Who says we're not free?



AST week, Freedom House, an independent watchdog organisation that conducts research and advocacy on democracy, political freedom, and human rights, published its annual "Freedom of the Press" report, ahead of Press

Freedom Day which will be observed (i.e. mourned in many parts of the world) today. Every year, the organisation ranks the countries based on their political, legal and economic environments, designates a "press freedom score" and ascribes a "press freedom status," which basically identifies whether the press there is free, partly free or not free. This year, Bangladesh's status declined from "Partly Free" to "Not Free" due to "the murders of four bloggers and a publisher by Islamist militants, threats and nonfatal attacks against other writers, continued legal harassment of media outlets and press freedom advocates, government-sanctioned economic pressure on certain outlets, and attempts to censor social media."

Now, the ostensible imperialist bias of Freedom House aside, a concerned citizen of Bangladesh might well be vexed about this demotion and what it signifies for the country and its press. This concerned citizen might bemoan-and surviving as she is within this thriving democracy, she might, in fact, be in a better position than Freedom House to do so—how far we have actually fallen from our professed ideals of freedom, democracy and accountability, how rapidly the spaces for democratic expression are shrinking and how afraid we are, in general, to even state the obvious, much less critique or challenge the powers-that-be. She might want to write a scathing op-ed lamenting the death of freedom of expression as we knew it.

Yes, well, but not me. You see, our press is so free that I know better than to argue that our press is no longer free.

It's so free, in fact, that it's not an overdramatic and overprotective proclamation on your parents' and relatives' end when they beg you to censor yourself from writing, saying, or publishing what might get you hacked to death or added to that ever-expanding hit-list of extremists (about whom we remain as in-the-dark as when the killings began). It's so free that if



you are threatened for expressing your opinions, you will likely receive, rather than protection from law enforcement agencies, a sermon about why it's best not to "hurt" the "sentiments" of the radicals, because, yes, let's face it, why shouldn't appearing the extremists really be our priority after nine murders in 14 months?

Our press is so free that we need a vague law to monitor, regulate and criminalise what we say about religion or political leaders. It's so free that anyone can be arrested under Section 57 of the Information and Communication Technology (ICT) Act and, in the absence of clearly defined guidelines, just about anything can constitute "derogatory". It's so free that one can be jailed, without any provision of bail, for as little as a careless comment on social media.

Our press is so free that we need a broadcasting policy and a broadcasting commission, cherry picked by the government, to ensure we don't get too

carried away with our prized freedom. We're so free that we essentially cannot broadcast, as per the National Broadcast Policy 2014, and which would be in effect once the draft of the National Broadcast Act 2016 is finalised, what is the bread and butter of news media - including but not limited to, possible violence and violations perpetrated by "armed forces, law enforcement agencies and government officials who can punish people for criminal offences," "mutiny, chaos, violent incidents," and unjust policies and practices of foreign countries. As to what electronic news media would actually report on, if all these subjects are really regulated (at best) and banned (at worst) is a question that has been repeatedly asked by our journalist community and graciously ignored by our policymakers.

We're so free that we need an external body, the National Broadcasting Commission (NBC), to determine what the "code of ethics" for broadcasters should be and

monitor that these guidelines are followed (rather than allow broadcasters to collectively determine what the industry's code of ethics should be). This body would be answerable to the government and hence not be independent, in sharp contrast to the demand of the relevant stakeholders that the commission be totally independent. It would determine the criteria for obtaining and maintaining a license, and it would have the power to suspend or revoke a license should it feel that an institution has violated its guidelines. We're so free, apparently, that we simply need not worry about how the power of the commission can be misused to standardise news and punish those who do not tow the party line; we need not raise a hue and cry about the fact that the draft Broadcast Act has a provision of jail term and fine for violating the rules or regulations of the act; we need not worry that there is a provision which essentially indemnifies the commission from taking any responsibility

should its decision cause a loss to the licensed organisation, meaning the latter will not even have the right to file for compensation in a court of law.

We're so free that a new policy—the National Online Mass Media Policy—is on the line to regulate online media including social media, blogs, personal diaries and online versions of print media. While editors have highlighted that online editions, as an indivisible part of newspapers, should be regulated by the existing Printing Presses and Publication Act, and hence should not be required to register separately, bloggers and those writing on social media fear the requirement that they be registered and their content monitored would essentially curtail their freedom of expression. If implemented, the policy would further allow the NBC to "oversee" the content and operation of online media.

If you're still unconvinced that the press is free, take a moment to ponder about the sheer extent of legal, social and economic harassment that prominent editors and newspapers have had to undergo in the recent past. As many as 83 cases on charges of defamation and sedition were filed against The Daily Star's editor, Mahfuz Anam, alone for an admission of a 'bad editorial judgement'. The witch-hunt that followed, including disparaging comments in the Parliament accusing him of treason and orchestrating 1/11, was grossly disproportionate to his admission of oversight in a talk show, and the accusations against him preposterous. It's a threat not only to The Daily Star, but to all media outlets in the country.

According to the Freedom House report, "Several major companies discontinued advertising in the country's two largest newspapers following pressure from military intelligence officials." Although this has been reported in Al-Jazeera and the BBC, the media in this country is so free that we cannot even acknowledge this reality—this threat—in the open, much less critique this unjustifiable sanction.

If all these examples—and more that, for obvious reasons, that must remain unsaid-highlight anything, it is that, in Bangladesh, there seems to be complete freedom to do whatever one wants against the media-threaten, harass, kill, maim, jail, curtail its powers—with all but complete impunity; if that's not freedom, I don't know what is.

The writer is an activist and journalist.

Where we stand on media governance

MEER AHSAN HABIB

HE ideal approach could be formation of an independent National Broadcasting Commission (NBC) that would examine the existing laws and policies first and then chalk out a media governance plan. Instead, we have a new law on the table to talk about - the Broadcasting Act, 2016, indemnifying the minister, commission officials, consultants and other government official for its actions. Besides, this latest Act has provisions of sentencing someone to seven years of imprisonment, and imposing a hefty fine of Tk. 1 crore. Since the introduction of a draft National Broadcasting Policy (NBP) in 2011, stakeholders, experts and rights activists have demanded the formation of the NBC. Instead of forming the commission, the broadcasting policy was officially gazetted in August 2014. The best part of the policy is that it officially acknowledged the need for a commission and proposed its structure. Other than this, it failed to address the governance challenges in the media sector. It tabled the idea of a licensing authority designated by the government. The commission would then recommend issuing a broadcasting licence to the government. In the face of strong criticism against these provisions, the Information Minister assured that a

six months which is yet to happen. Indeed a legal framework is a prerequisite to forming a commission, but it would be good to keep it focused on the formation of the commission, its scope or work, status and accountability mechanism. In this respect, the draft Act could be called the National Broadcasting Commission Act, 2016. These things are either missing or unclear in the proposed Act. The government is also working with the National Online Mass Media Policy (NOMMP) which is quite similar to the NBP 2014. Like the NBP, this policy evoked sharp criticism as it attempted to limit the freedom of the press. Neither of the policies contain any media friendly provision, rather it has tabled quite a few 'don'ts'. There are some ambiguities regarding the jurisdiction of the Ministry of Information, Press Council, Press Information Department and the proposed Commission. Both the NBP and NOMMP contain the idea of a broadcasting commission, making it only a recommending entity and accountable to the government. The term 'broadcasting' in general terms indicates radio and television. But the draft Act includes 'internet', among other media. It can be assumed that online versions of print newspapers, their video and audio urls will also be under the jurisdiction of the NBC. At present the office of the Additional District Magistrate is the registration

authority of newspapers. The ADM's office issues declaration under the Printing Presses and Publication (Registration and Declaration) Act, 1973. On the other hand, the Bangladesh Press Council (BPC) was established in 1979 under the Press Council Act, 1974, with a view to protect freedom of the press and protect individuals and institutions from excesses by media persons. The Act made BPC a quasi-judicial body with the authority to decide

been limited to outreach, campaign and issuance of government notifications, asked all the online media to apply for registration last year. The deadline was later extended till January 31, 2016. The entire media industry was unclear about the process. PID's authority and mandate to ask for such registration was highly questionable. Many viewed this as a step to strengthen the government's control over media.

Here comes the biggest ambiguity

A legal framework is a prerequisite to forming a commission, but it would be good to keep it focused on the formation of the commission, its scope or work, status and accountability mechanism. These things are either missing or unclear in the proposed Act.

complaints made against newspapers or news agencies under Section 12 of the same Act. Its Press Appellate Board disposes of the appeal filed against cancellation of declaration under Section 9 and 20 respectively of the Printing Press and Publishing (Declaration and Registration) Act, 1973. Surprisingly, BPC holds no power to issue or cancel declaration.

But this is not all; all of a sudden the Press Information Department (PID), the role of which has so far

- the ADM's office will issue and cancel a declaration, the BPC will hear any appeal while the PID will look after the registration of online media, and some government designated agency will issue the broadcasting license. Perhaps the leftovers (if there is any) will be carried out by NBC. Isn't this pretty confusing? This is not all, we have a number of acts, policies and laws including the Community Radio

Installation, Transmission and

Operation Guideline-2008, **Bangladesh Information Security** Policy Guideline 2013, National Broadcasting Policy 2014, Information and Communication Technology (Amendment) Act 2013, draft Cyber security Act 2015, The Censorship of Films Act-1963, etc. that are directly or indirectly related to print, electronic and online media. In this backdrop, any attempt to control the media through the proposed Broadcasting Act, 2016, should be prevented and attention should only be on the formation and operation of the long awaited NBC.

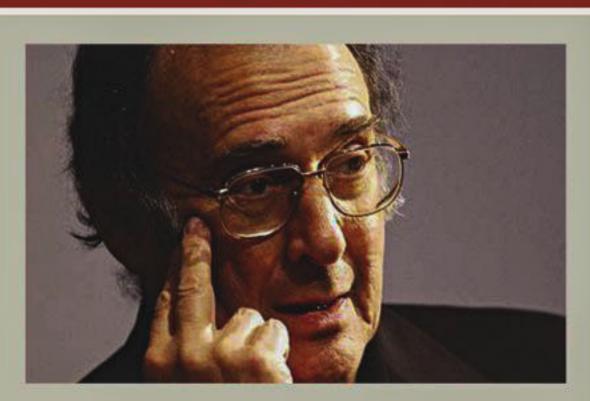
Like any other sector, the media sector also needs governance. Print and electronic media should be operated under existing laws and policies, for instance, online versions of print media should also be regulated by the Printing Presses and Publication (Registration and Declaration) Act 1973. If it does address the digital issues, then it should be amended to make it relevant. Licence of broadcasting and license of satellite television broadcasting and FM radio/community radio broadcasting are given from the Ministry of Information (MoI) to broadcast news and to make and export the video programme/film to establish and operate radio stations under private ownership. Therefore, before doing anything new, the government should establish an independent broadcasting commission first that

would examine existing laws and policies and recommend necessary amendments. Furthermore, it may also propose ideal roles, responsibilities, mandate and status of MoI, BPC, NBC, PID and other relevant government entities. If not done carefully, it will only increase the existing ambiguity and create dual authority over the media.

To conclude, we haven't been able to do much to ensure press freedom in recent years. This has been reflected in different international studies, including Reporter's Sans Frontieres's Press Freedom Index 2016 where Bangladesh ranked 144th position among 180 countries. Although Bangladesh has moved two notches up RSF states, journalists and bloggers who "reject censorship and selfcensorship, risk life imprisonment or even the death penalty" (Reporters Sans Frontiers). Those deemed too secular are also the target of Islamist groups. Freedom of the Press Index 2016 by Freedom House was also similar, demoting Bangladesh's media as 'not free' from its previous 'partly free' status. In this backdrop, it is advisable that the government will be sincere this time about establishing the much awaited independent National Broadcasting Commission which is free from government influence and will not stunt media freedom with any other instrument.

The writer is communication for development professional and can be reached at riyadh_ju@yahoo.com

commission would be in place within



HAROLD PINTER

I think it is the responsibility of a citizen of any country to say what he thinks.

CROSSWORD BY THOMAS JOSEPH

ACROSS

1 Miles off 5 More tender

10 Lawn pests 12 Steer clear of 13 "Coming up next" ad

14 Classical tongue 15 Conceit 16 Take the wind out of

18 Best

20 Road rescue 21 Oil cartel

23 Horace's "- Poetica" 24 Fallon's predecessor 26 Esthete's concern

28 Central 29 Quick jab 31 Parisian pal 32 Mar

36 Clearly set out 39 Smoked salmon 40 Job reward 41 Uniform color

43 "Skyfall" singer 44 When pigs fly

46 Ordeal

45 Passover meal

DOWN

1 Really stoked 2 Smith's place 3 Coldly distant

4 "Man on the Moon" band 5 Conceited one's concern

6 Track shape 7 Jackhammer sound 8 Paper workers 9 Makes fresh

11 Fizzy quaff 17 Summer in Paris 19 Near-eternity 22 Encrusted, as mud

24 Citrus quaff

25 Uplifted 27 Game official 28 Coarse-spun cotton 30 Keats creation

33 Vibrant 34 Inlets 35 Use, as force

37 Vacation spot 38 -- do-well 42 Rent out

YESTERDAY'S ANSWER KNEE

ENDURE

