

AS INTRODUCED IN THE NATIONAL ASSEMBLY

A

Bill

To promote, protect and effectively ensure the independence, impartiality, safety and freedom of expression of journalists and media professionals.

WHEREAS it is the responsibility of the State to safeguard the right to freedom of expression, as contained in Article 19 of the Constitution of Pakistan, 1973, as well as in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media;

AND WHEREAS it is the requirement of any democratic society to instill a strong culture of safety and independence of journalists, taking into consideration specific attacks on journalists and media professionals;

AND WHEREAS it is expedient to establish a legal and institutional framework for the protection and promotion of the rights of journalists and media professionals;

It is hereby enacted as follows:-

PART I PRELIMINARY

1. **Short title, extent and commencement.** – (1) This Act may be called the Protection of Journalists and Media Professionals Act, 2021.
 - (2) It shall extend to the whole of Pakistan.
 - (3) It shall come into force at once.
2. **Definitions.** – In this Act, unless there is anything repugnant in the subject or context, -
 - (a) “Act” shall mean the Protection of Journalists and Media Professionals Act, 2020;
 - (b) “Authority” means the Authority established under the Legal Aid and Justice Authority Act, 2020;
 - (c) “Commission” means the Independent Commission for the Protection of Journalists and Media Professionals, constituted under Section 12 of this Act;
 - (d) “Compensation” means grant/donation/compensatory relief in terms of money to be provided from federal and respective provincial funds/ programs/schemes, in case of a journalist’s accidental death/injury while performing his/her duties;
 - (e) “Constitution” means the Constitution of the Islamic Republic of Pakistan;
 - (f) “Federal Ombudsman” means the Ombudsman established under the Harassment Against Women at Workplace Act, 2012;
 - (g) “Government” means the Federal Government;
 - (h) “Harassment” means any unwelcome sexual advance, or request for sexual favours or other verbal or written communication, or physical conduct of a sexual nature or sexually demeaning attitudes, that causing interference with work

performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

- (i) **"Journalist"** means any person who is registered and accredited with respective Press Information Departments and is professionally or regularly engaged by a newspaper, magazine, news website or other news broadcast medium (whether online or offline), or any person working for any newspaper, magazine, news website or other news broadcast medium;
- (j) **"Media professional"** includes any other person regularly or professionally engaged in the collection, processing and dissemination of information to the public via any means of mass communication, including cameraperson and photographers, technical supporting staff, drivers and interpreters, editors, translators, publishers, broadcasters, printers and distributors;
- (k) **"Media owner"** means the owner of a media house or agency which collects and disseminates consumers news, features, comments, photographs and graphics through any means of communications;
- (l) **"Non-journalist"** means a person who is employed mainly in a managerial or administrative capacity in a media organization, or is being employed there in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial / administrative nature.
- (m) **"Sources"** mean any book, publication, person or organization that discloses information forming the substance/subject of work undertaken by any journalist, reporter or media professional;
- (n) **"Schedule"** means, a Schedule to this Act.

PART II RIGHTS OF JOURNALISTS AND MEDIA PROFESSIONALS

3. **Right to life and protection against ill-treatment.** – (1) The Government shall ensure that every journalist and media professional's right to life and security of person, as contained in Article 9 of the Constitution, is safeguarded, and that no such individual is subjected to ill-treatment.

(2) No person or institution, whether private or public, shall engage in any act that violates the right to life and security of any journalist or media professional.

(3) In order to maintain the independence, impartiality and freedom of journalists and media professionals, the Government shall take steps to ensure that existing or future counter-terrorism or national security laws are not utilized arbitrarily to hinder the work and safety of journalists and media professionals, including through arbitrary arrest or detention, or the threat thereof.

(4) The Government shall ensure that effective measures are taken to protect journalists and media professionals against forced or involuntary disappearances, kidnapping, abduction or other methods of coercion.

(5) The Government shall ensure that journalists and media professionals are allowed to carry out their journalistic work in conflict-affected areas within the country, without threats, intimidation, harassment or fear of persecution or targeting.

(6) If the Commission finds that any institution or organization is, directly or indirectly, involved in violating, or attempting to violate, the rights to life and protection against ill-treatment safeguarded in subsection (1) above, it shall report the same to the Federal Government and recommend appropriate course of action against the perpetrator(s) of these violations.

4. **Right to privacy and non-disclosure of sources.** – (1) Each journalist and media professional shall have the right to privacy, which includes protection of the law against interference with his/her home, correspondence, family.

(2) The Government shall protect all journalists and media professionals from unlawful or arbitrary interferences with their right to privacy.

(3) The Government shall ensure that its laws, policies and practices respect the right to privacy of journalists and media professionals and that these laws, policies and practices do not force, induce, compel, coerce or threaten the disclosure of sources and such disclosures should only be made subject to law.

(4) The confidentiality of sources, of journalists or media professionals, shall be safeguarded by the Government, in law and in practice.

5. **Independence in the performance of duties.** – (1) No journalist or media professional shall be subjected to any unlawful or arbitrary restrictions on their ability to perform their work independently, and without undue interference.

(2) Any restriction on the right to freedom of expression of journalists or media professionals **must be in accordance with the existing laws**, and must only be imposed if it is necessary for respect of the rights or reputations of others, or if such restriction is levied against material that advocates national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

(3) Any restriction imposed under Section 5(2) of this Act must:

- (i) be easily accessible to the public;
- (ii) comply with the principles of legality, necessity and proportionality; and
- (iii) be formulated with sufficient precision to enable a journalist, reporter or media professional to adjust his or her conduct accordingly.

6. **Good faith obligation of journalists and media professionals.** – No journalist or media professional shall engage in the dissemination of material known by such an individual to be false or untrue.

7. **Protection from abusive, violent and intolerant behaviour.** – (1) The Government shall take all steps to protect journalists and media professionals from all forms of abuse, violence and exploitation at the hands of any person, institution (private or public) or authority.

(2) Whenever any act of abuse, violence or intolerant behaviour is committed against any journalist, reporter or media professional, whether perpetrated by a private or public person, institution or authority, information concerning such act shall be, within a period of fourteen (14) days, the aggrieved journalist or media professional