



## **A Roadmap to Protect Press Freedom during the Reconciliation Process**

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## ***Goal***

This paper is written for the purpose of creating a roadmap to support press freedom and freedom of expression in the Afghan reconciliation process. Afghan Journalist Safety Committee (AJSC) prepared the document in collaboration with Afghan media representatives. The sole purpose of the roadmap is to protect and preserve press freedom and freedom of expression as fundamental principles and values in Afghanistan and as two of the most significant achievements of the past two decades.

## ***Context***

Freedoms of press and expression are among the major achievements of the post-Taliban era. Today Afghanistan is home to hundreds of media outlets, which broadcast in various languages for a variety of audiences across the country. There are also media outlets which are run by women and produce content solely for women. The presence of unions, media support organizations and a robust safety structure for journalists and media workers have further bolstered press freedom.

The vibrant press has made tremendous contribution towards creating an open and more informed society in the country. The Afghan people rely on the media for their information and awareness of all that's happening in the country. It has also served as the anchor of freedom for a country, which has been ruled by repressive regimes for the most part. Based on ranking from Reporters Without Borders (RSF), Afghanistan possesses greater press freedom than any other country in the region, including India, which is considered the world's largest democracy. However, with the onset of attempts for political settlement of the ongoing war in Afghanistan, there is a real threat to press freedom in the country. The Taliban have traditionally declared their opposition to freedom of expression and press freedom, particularly the presence of women in the media. In the past two decades, they have also attacked many media outlets and remain responsible for the killing of dozens of media workers who represent the great cost that journalists and the country have paid for press freedom.

Despite these threats, Afghanistan's legal foundation offers strong support for protection of press freedom and freedom of expression. This has been significant for expansion of press freedom and protecting it against pressures from the government and all belligerent groups. In addition to Afghanistan's laws, International and regional declarations and covenants also guarantee this right. Article 19 of the Declaration of Human Rights and the International Covenant on Civil and Political Rights obliges member states to respect the right of their citizens. Likewise, article 21 of the Declaration of Human Rights states, "Every human being has the right to freely express his or her opinion in any way that is not contrary to religious principles."

Some of Afghanistan's previous constitutions have also attempted to protect this right. Following the independence of the country in 1919, Afghanistan's then constitution offers significant

support to press freedom. This also means that Afghanistan has a long history of constitutionalism and struggle for press freedom and freedom of expression.

Afghanistan's current constitution, which was approved by the Constitutional Loya Jirga in 2003, guarantees the right to freedom of expression and the media. Article 34 of the constitution states, "freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of the constitution."

The Media Law, which was formulated in 2004 in the light of the aforementioned article of the constitution, also offers strong support to freedoms of expression and media.

The constitution also obliges the country to comply with international covenants to which Afghanistan has acceded, including the International Covenant on Civil and Political Rights. Other safeguards for constitutional rights of citizens, including the right to freedom of expression, have also been incorporated into the constitution. Even if a state of emergency is declared, this right is protected from government restrictions. The constitution also does not permit any restrictive and retrospective modifications to fundamental rights.

It is noteworthy that, in January 2020, the Afghan government joined the Global Coalition for Media Freedom launched by the UK and Canadian governments, which requires the member states to take the recommended measures for protection of press freedom and journalist safety. This further strengthens the obligation towards protection of press freedom in Afghanistan.

### ***Why Freedom of the Press Needs to Be Protected?***

Since the fall of the Taliban in 2001, Afghanistan has experienced a significant boom in the media industry. Today, there are more than 400 media outlets operating in the country. Media development in the past two decades has not been just about the media itself, but it has made major contribution towards state-building, strengthening democracy, enhancing political participation, raising public awareness, institutionalizing pluralism and tolerance, strengthening rule of law, good governance and fighting corruption. More importantly, it has narrowed the distance between the state and the people, between the center and the periphery—a challenge Afghanistan has tackled with throughout its history.

Afghanistan's media serve as a platform to reflect the voices of all walks of society who had been deprived of all political rights before 2001, especially the right to freedom of expression. The space provided to people to freely express their beliefs has strengthened the culture of tolerance, pluralism and coexistence.

The media development and coverage are not limited to Kabul; media outlets operate and broadcast programs for all Afghanistan, including the provinces and even globally. In addition to Afghan citizens inside Afghanistan, Afghans living abroad also have access to domestic media. The extensive access of the public to media not only informed the public about their rights but has also allowed them to assertively claim their rights.

Participation of women in the country's media and advocating for their rights through this platform is another major role the media has played. Never have women in Afghanistan had such a robust role in claiming their rights. The impact media has had in Afghanistan offers a tremendous rationale for their protection. A vibrant media is not only a great need of the country but also an integral part of the life of all Afghans.

### ***Strategy***

The roadmap offers specific proposals throughout the various phases of the reconciliation process. This includes pre-negotiations, negotiations, and post-negotiations phases. Proposed activities of each phase are set forth separately below:

#### **A. Pre-negotiations Phase:**

The purpose of this phase is to create a unified platform to safeguard media freedom and freedom of expression, foster unity and coordination between the media and the government, and secure support of Afghanistan's international partners to protect press freedom. For this stage of the strategy, the following are proposed.:

1. **Creation of Press Freedom Protection Committee:** Protection of press freedom during the reconciliation process requires establishing a unified platform, which can address the fundamental activities of the initiative. The media community should create the platform, which can be titled "Committee to Protect Media Freedom". This committee needs to have a governing body and a secretariat. It should be noted that the heads of the Committees on Religious, Cultural and Higher Education of both houses of the Parliament, the Judiciary, Minister of Information and Culture, Minister of State for Peace, Chairman of the Independent Commission on Human Rights, Chairman of the Commission on Access to Information, head of the Independent Bar Association, the European Union Representative, the European Commission, UNESCO, International Media Support (IMS) and UNAMA and the countries concerned in Afghanistan should be members of the governing body or serve as observers at the Committee. The purpose of the committee's leadership is to offer strategic guidance to the Secretariat and facilitate necessary political support. The committee's secretariat will be responsible for implementing the activities and reporting to the governing body.

The committee's mandate is to define a single and unified position to defend and protect media freedom within the framework of the constitution, to hold provincial and national meetings to endorse the position of the committee, to offer necessary information and support to the negotiating delegation on protection of press freedom during the negotiation sessions, and liaise with the international community to gain their support and cooperation. Defining the red lines of the media as to what the media cannot concede during the negotiations is another part of the Committee's mission. AJSC in collaboration with media representatives has already taken steps towards creation of the Committee.

- 2. Identifying topics related to media freedom:** It is of paramount importance to identify issues of discussion for negotiation sessions pertaining to press freedom and freedom of expression. These issues include maintaining media pluralism in the country, safeguarding media and access to information laws, presence of women in the media as reporters and broadcasters, reporting, producing critical and investigative reports and preserving the vibrant state of social media among others. The Press Freedom Committee will be responsible for this. During the negotiations phase, efforts should be made to avoid marginal issues and matters that lead to stalemate and topics should be discussed in an organized and purposeful manner with prior readiness. The Committee should also take responsibility for providing all necessary supportive material for the government negotiation team so their negotiation position is strengthened. The committee should also develop the capability and introduce a handful of expert representatives who can provide expert advice to both negotiations teams, observers or mediators throughout the negotiations process, if required.
- 3. Improving the State of Press Freedom:** Improving the state of press freedom ahead of negotiations could strengthen the position of the media community and the negotiation team towards safeguarding press freedom and minimize the amount of concession they will have to make. It will also foster greater cooperation between the media and the government, which is imperative towards protecting press freedom during the reconciliation process. Much of the tasks related to improving the state of press freedom are for the government to perform. The government can work in three areas to improve the state of press freedom. Firstly, improving media laws and providing financial and economic incentives, such as lowering taxes, license fees and other forms of government fees and financial charges of the media will be highly helpful in terms of expanding the space for media operations and reducing the financial constraints most of the media outlets face. Secondly, refining the state of access to information for journalists and establishing mechanisms that will facilitate smooth working relationship between journalists and the government will strengthen the position of the media community and the negotiating team to withstand the pressure of the opposing side towards making concessions.
- 4. Technical, Financial and Political Support of the International Community:** International community's generous financial and technical support in the past two decades played an instrumental role in expanding media in Afghanistan. In order to protect and preserve press freedom, the international community needs to continue its financial and technical cooperation. Based on findings of Afghan Journalist Safety Committee (AJSC), a significant number of media outlets face critical financial challenges. The financial constraints have already impeded operation of hundreds of media outlets and have led to the closure of dozens of media outlets since 2014. Only in 2019, forty media outlets had to close down, most of them because of financial challenges. To this end, it is important that the international donors create a special fund that will support media and press freedom during and after political settlement. Financial

support to media outlets should not be exclusive to Kabul based media, but should also include media outlets stationed in the provinces. In addition to financial and technical support, the international community should offer political and moral support for press freedom, which is a need for a transparent and democratic society. International community's political and moral support at this stage will also help empower the position of the negotiating team vis-à-vis protecting press freedom during negotiations. Such support is best served in the context of a joint declaration of the States concerned in Afghanistan, the European Union and the United Nations and international press freedom organizations such as CPJ, RSF, IMS and so on. The political support should continue throughout the reconciliation process.

5. **Mobilization of Media Outlets Towards Protection of Press Freedom:** Media is a force by itself. Many consider it the Fourth Estate or pillar of the state because of the power and influence of the media over the government and society. The media community needs to mobilize around the value of protecting press freedom in Afghanistan. Therefore, it is imperative that they unite around a common platform, as suggested by this paper and work in close coordination so they minimize the amount of concession during peace talks.

## **B. Negotiations Phase:**

The reconciliation phase is the most crucial phase of protecting press freedom. The following needs to be addressed:

6. **Inclusion of Media Representative in the Negotiation Team:** We strongly recommend that a media representative be included in the negotiating team so he/she can effectively negotiate and provide the necessary information and negotiating tools to other team members. The individual representing media during the negotiations will receive support and guidance by the Media Protection Committee. We recommend that all negotiation session on the basic rights of citizens, especially the right to freedom of press and freedom of expression, be open so the media can cover the sessions in their entirety.
7. **The Role of the International Community:** Prior to and during the negotiation sessions on press freedom and freedom of expression, it is important that necessary political pressure be exerted on the Taliban in order to make them adhere to international commitments on media freedom. Such pressure can be achieved through the issuance of joint declarations in defense of media freedom. Pressure in the form of advocacy meetings with teams of both sides could also be useful during this phase.
8. **The Role of the Media Community:** The media community, which consists of journalists, media outlets, and media support groups, must carefully monitor the flow of negotiations, especially on issues related to media freedom. If any issue of concern rises, they should respond in a timely manner and engage in advocacy efforts to ensure press freedom does not incur major concessions. This is key to ensuring negotiations do not

steer towards an undesirable direction, which will restrict press freedom. The media should rigorously cover this aspect of negotiations so the public receive sufficient information about it. Likewise, reports, televised debates and roundtables should also be on their agenda. Media advocacy bodies, together with the Media Freedom Protection Committee, can tailor their advocacy efforts in the light of the progress of negotiations.

9. **The Role of the Government:** Press freedom is one of the greatest achievements of the post-Taliban political system. Safeguarding the Republic requires safeguarding the media pluralism and press freedom. Therefore, the government must offer any form of support it could provide during the negotiation phase so the negotiating team is vigorous enough to ensure minimum concessions. All government activities and initiatives related to press freedom must be coordinated with the Press Freedom Protection Committee.
10. **The Role of Political Parties:** As press freedom is an integral component of democracy, political parties are also required to support press freedom during the reconciliation process. Their support could come in the form of an open letter to the negotiating team of both sides. The letter could highlight the adamant position for preservation of press freedom and freedom of expression in the post-Taliban political order in Afghanistan and could persuade the Taliban to refrain from attempting to restrict space for press freedom.

### C. Post-Negotiations Phase

Support for the right to freedom of expression and the media is not limited to the two above-mentioned stages. In the post-negotiations process, the following should be considered:

1. **Continuation of the financial, political and technical support:** As the international community support has been instrumental towards expanding media pluralism and press freedom in Afghanistan, their support is needed even after reconciliation so Afghanistan does not lose one of the most brilliant achievements. Support of the international community could create a bulwark against attempts to restrict press freedom after the reconciliation as there would be many attempts by the Taliban to limit the space, particularly for women.
2. **Unity of Media Community:** The post-reconciliation period will not be smooth for the exercise of press freedom. Given the ideological opposition of the Taliban to freedoms of press and expression, particularly the presence of women in the media, the media community is required to stay united so they can effectively protect press freedom and stand united and strong against pressures.
3. **Monitoring the implementation of this roadmap:** The Media Freedom Protection Committee will be responsible for the implementation of the agreement vis-à-vis press freedom and freedom of expression. It will liaise with all parties including Afghanistan's international partners to ensure the agreed articles are implemented and unwanted

pressure is not imposed on the media after negotiations. AJSC is going to create a monitoring and evaluation plan for this.