

Nai Supporting Open Media in Afghanistan



نای حمایت کننده رسانه های آزاد در افغانستان
Nai Supporting Open Media in Afghanistan

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Preamble:

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Societies need consistency with rule of law in order to mainstream the practice. Consistency with rule of law will cause the citizens to get used to following laws. Therefore, the level of breaking laws will mitigate.

In some cases, laws need to be revised and reformed. Such revisions and reforms materialize sometimes based on public needs. However, in order to revise a law the government needs to provide justified reasons to bring changes in legal texts.

Revising legal texts should improve a specific arena rather than creating serious problems and putting more barriers before people.

Among other laws, the Mass Media Law has been continuously revised. During the Interim Administration, the Press Law 1965 was in practice. Later a newer version was prepared and approved as a legal stature. It was then continuously revised until 2009. Most of these revisions aimed at improving the law, but in some cases the Ministry of Information and Culture tried to create legal barriers and challenges for media.

The currently effective Mass Media Law, that has been approved twice by the House of Representatives and went into effect without the President's signature, has both advantages and disadvantages. But the former prevail over the latter. Since some within the government administration, particularly in the Ministry of Information and Culture, do not like some articles in the Law, they have tried to revise it again in different occasions.

The Ministry of Information and Culture published a Mass Media Law revision proposal two years ago. The proposal failed because media and journalistic organizations rejected it. A few months ago, the Ministry sent to the House of Representatives a proposal to revise three specific articles including Articles 42, 43, and 44 of the Law. These three articles discuss the creation of the Commission for Assessment of Media Violations. Based on the effective Law, this duty of assessing media violations, in addition to other duties including the process of application and approval for creating media entities, is assigned to the Mass Media Commission.

However, the Ministry of Information and Culture and Media High Council, particularly the Minister of Information and Culture himself who also chairs the Media High Council, have refused to create the Mass Media Commission thus overlooked the Law, and instead, kept in place the unlawful Commission for Assessment of Media Complaints and Violations that was

once created based on the Media Law 2009 which is dismissed now. In order to legalize it, the Ministry has sent the House of Representatives the revision proposal to revise the three mentioned articles. In spite of consistent efforts from media advocacy groups, the House of Representatives approved with majority the proposed revisions. After going through the legislative procedures, this approved version will legalize the acts of an otherwise illegal institution, which according to the new approval will be chaired by the Minister himself who has for long been demanding to personally lead a media-observing institution.

The House of Representative did not inquire the Minister of Information and Culture about the reasons behind his refusal to execute parts of the Media Law while he has been insisting in revising it. Instead, it approved the Minister's proposed revisions and hurt the journalistic institutions and journalists.

Most of the representatives voted for these revisions without sufficient information in the area and a thorough assessment of the proposed revisions. The House of Representatives has sent its approval of the proposed revisions to the Senate and it is hoped that the latter thoroughly assess the issue and either reject the House's approval totally or reform it to guarantee the independence principle of the Commission.

Journalistic institutions will keep trying to prevent the legalization of a censoring and watchdog governmental commission.

With what said above, the current issue of the Media Watch newsletter covers the following titles:

- 1. Revising the Mass Media Law opens state censorship of Afghanistan media**
- 2. A journalist was beaten by a member of the Balkh Provincial Council**
- 3. The role of social media in election: a conference report**
- 4. The proposal of revising Mass Media Law on Senators' desk**
- 5. Four young writers were honored with prizes by Kherad Weekly**
- 6. The general assembly of the Afghanistan National Journalists' Union convened**
- 7. The executive director of Radio Killid awarded the 2013 Courage in Journalism Award**

The House of Representatives' approval of the proposed revisions to the Mass Media Law will pave the ground for censorship.

The House of Representatives' approval of the revisions to the three articles of the Mass Media Law, proposed by Sayed Makhdoom Rahin the Minister of Information and Culture, has caused serious reactions from journalistic circles, journalists' advocacy institutions and media. The Afghanistan's National Federation of Journalists called the move as limiting for media during a press conference held at the office of Nai Supporting Open Media in Afghanistan.

Journalists' advocacy institutions that are gathered under the umbrella Journalists Federation demanded from the House of Representatives to revise their approval to the revisions proposed by the Ministry of Information and Culture.

Sidiqullah Tawhidi, director of Media Watch at Nai Supporting Open Media in Afghanistan, said in this press conference: "We demand from the Parliament to revise their approval of proposed revisions to the three articles of the Mass Media Law. Because they reestablish the Commission for Assessment of Media Complaints and Violations and appoint the Minister of Information and Culture as the chair of the Commission."

"This Commission will obey the Minister of Information and Culture and will use its mandate against freedom of speech and media," continued Mr. Tawhidi. If there were not any intentions of misuse behind the curtains then the government should have considered the Law of Access to Information and the journalists' occupational code –both of which have been wandering in governmental administrations – that media and journalists currently need the most. The Minister of Information and Culture has exactly wanted to legally justify his three years record of breaking the law through revision of these three articles. The Representatives, without debating about these three articles, approved the proposed revisions."

"Those Representatives who have approved of the propped revisions to the Mass Media Law, eventually approved censorship and those ones who rejected it are praiseworthy. We thank the latter," added director of Nai's Media Watch.

At the same time, Ekhpowlwak Saafi, chair of the Independent Association of Afghanistan Journalists demanded the Representatives to revise their recent decision and said: "In addition to creating limitations for journalists, the Commission for Assessment of Media Complaints and Violations is also administratively challenging because in the same Law, the Mass Media

Commission is also permitted to exist which carries the same assignments with the former Commission proposed by the Minister of Information and Culture.”

Mr. Saafi continued: “Our experience shows that the Commission for Assessment of Media Complaints and Violations has previously referred very common media issues to the legal and judicial institutions, and therefore, there is no doubt that with approval of [these revisions to] the Law, journalists and media will face more serious problems.”

“Chairing of the Commission for Assessment of Media Complaints and Violations by the Minister of Information and Culture himself shows that it will be a state commission with no free decisions and therefore will be limiting for media activities,” added Mr. Saafi.

Ahmad Zia Bomia, director of South Asia Free Media Association (SAFMA) in Afghanistan, accused the Minister of Information and Culture of breaking law and misusing his mandate. “The members of Commission for Assessment of Media Complaints and Violations are to be approved by the Media High Council which is chaired by the Minister of Information and Culture. This means that he both chairs and appoints the members of the same Commission,” said Mr. Bomia.

Mr. Bomia emphasized that Mr. Rahin’s acts as Minister of Information and Culture has been against rather than for media. He mentioned of the media cases that the Minister has referred to the legal and judicial institutions.

The Mass Media Law was approved by the House of Representatives in 2009 and passed difficult stages. It finally went to effect without the President’s signature on July 6, 2009.

Since Dr. Rahin lost the so-called Commission for Assessment of Media Complaints and Violations in the new Law, he obtained an illegal statute from the President to keep the mentioned Commission albeit in clear violation to the effective Law. When journalists and journalistic institutions criticized the move, after three years and a half, he proposed revision to articles 41, 42 and 43 of the effective law that contained the Commission for Assessment of Media Complaints and Violations in addition to the Mass Media Commission.

The members of the proposed Commission almost match the composition of the previous Commission which has been at work until now. The Representatives, instead of voting on him for his refusal to execute the law, approved his proposal.

A journalist from Safir TV in Balkh was beaten by security personnel of a member of Balkh Provincial Council.

Ziauddin Sajjadi, a reporter and presenter for Baaztarin Panjara program at Safir TV, claims that he has been threatened and beaten by private security personnel of Bashir Ahmad Azizullah, a member of the Balkh Provincial Council.

According to Mr. Sajjadi, some shop keepers reacted to a number of extortionists who closed and granted their shops to other individuals in two markets in Mazar-e-Sharif, the provincial capital of Balkh province. The shopkeepers convened a gathering in protesting the move. When Mr. Sajjadi wanted to prepare a report on the gathering he faced serious and violent reaction from personal guards of Mr. Bashir Ahmad Azizullah, a member of the Balkh Provincial Council.

“A guard suddenly attacked me with fierce violence and insulted and beat me,” said Mr. Sajjadi. Mr. Sajjadi said that the Provincial Council member was present at the scene of the incident and failed to respond.

On the other hand, Sayed Zamaan Hossaini, Chief Executive of Safir TV, confirmed in an interview with Media Watch that their reporter has been threatened and insulted. He added that they have informed media advocacy institutions about the incident.

Meanwhile Bashir Ahmad Azizullah, member of the Balk Provincial Council told Media Watch: “This incident took place while we were in the middle of talks with the affected people trying to quiet their protests and suggest appropriate solutions to the problem.

After this incident happened to the Safir TV reporter, I apologized and then disarmed submitted to them the individual who committed this inappropriate behavior,” added Mr. Bashir Ahmad Azizullah.

“Journalists should not increase violence among people and, conversely, they should try to quiet people’s angers in such occasions,” said Mr. Bashir Ahmad Azizullah.

Media Watch at Nai Supporting Open Media in Afghanistan condemns any type of threat and insult to reporters and asserts that no one has the right to prevent publishing truth and realities in society.

Whenever someone prevents a reporter from doing his/her work, in fact, he/she does not let individuals in the society to learn about realities around them. Depriving a journalist from access to information is considered as silencing the voice of people.

Nai Supporting Open Media in Afghanistan asks detective and judicial bodies in Balkh Province to identify and punish the perpetrators of this violent act. Leaving them unpunished will cause violence against journalists to increase. If it continues then anti-corruption struggle and reporting will be challenged across the country. This is against the Constitution and other effective laws in the country.

Role of social media in the upcoming election

Covering and reflecting on the election events in the upcoming presidential election and provincial councils election in spring 2014 will be different than the previous ones because this time besides the traditional media (TV, radio and print media), social media (facebook, twitter, LinkedIn, Youtube etc) will also be involved in observing the election process as well as both presidential and provincial councils candidates' campaigns.

As the elections approach, the functions and effectiveness of media are felt more than any other time

Social media users are more effective. Most of the users are youth and therefore their role in [observing] the upcoming elections will be broadened and enhanced.

Sidiqullah Tawhidi, director of Media Watch at Nai Supporting Open Media in Afghanistan, said in a press conference on the role of social media: "Paying attention to media and social media users can strengthen transparency of Afghanistan elections. They should be both paid attention to and supported."

Mr. Tawhidi urged the Independent Electoral Commission to take necessary measures in [adequately and quickly] responding to election challenges, problems, violations and fraud that will be reported and exposed by social media users.

Media Watch at Nai Supporting Open Media in Afghanistan also demands from the government of Afghanistan to support and pay serious attention to the significant area of social media and their users.

The proposal to revise the Mass Media Law is sent to the Senate.

The proposal to revise the Mass Media Law that was approved at the House of Representatives is now on the Senators' desk and subject for serious debates.

According to this revision, the Minister of Information and Culture will head the Commission for Assessment of Media Violations. The most significant change in this proposal is the establishment of this Commission that has seven members.

The effective Mass Media Law, which was approved at both Houses of Afghanistan National Assembly in 2009, assigned to the Mass Media Commission the duty of assessing media violations. But due to oppositions from within the government, particularly from the Minister of Information and Culture, against this Commission, it was never established. Instead, and unlawfully, they kept in place the Commission for Assessment of Media Violations, which was mandated under the previous law, for several consecutive years.

The House of Representatives' approval of the proposed revisions by the Minister of Information and Culture faced criticism from a number of representatives. The opposing side believes that the Minister of Information and Culture is a representative of the government and his appointment as the head of the Commission for Assessment of Media Violations questions the Commission's independence. The Minister can orientate the Commission as he wants.

However, supporters of this proposal believe that since the Minister is a member of the Cabinet so he/she will be therefore responsible to the Parliament. Thus the Minister of Information and Culture should head the Commission for Assessment of Media Violations so that through him the Parliament can also observe the working of the Commission. According to them if a journalist or another person heads the Commission then he/she will not be accountable to the Parliament.

The approval of the Minister of Information and Culture's proposed revisions in the House of Representatives followed by journalists' forums. Free speech and media advocacy institutions including the Nai office called the approval of these revisions as limiting for media and journalists and demanded from the House representatives to revise their decision.

Officials from Nai Supporting Open Media in Afghanistan besides a number of journalists unions have held several specialized meetings with speakers of both houses and the deputy speaker of the Senate in which they have shared with representatives and senators their concerns on the matter.

Representatives from media and several journalists union organizations in Afghanistan spoke with the speaker and deputy speaker of the Senate about the problems in the proposed revisions

by the Minister of Information and Culture. Both of them assured that given the importance of this Law, they cannot approve the revisions without thoroughly debating on them.

Journalists and representatives from journalist's union organizations hope that the Senate will reject the House of Representative's approval of the Minister's proposed revisions.

Ekhpolwak Saafi, director of Independent Association of Afghanistan Journalists, told Media Watch: "We hope that the opposite of what happened in the House of Representative will take place in the Senate. The senators we have been in touch with have assured us that they will either approve or reject the draft approval of the proposed revisions to the Mass Media Law only after seriously studying it."

Now the fate of Afghanistan's Mass Media Law is in the hands of the Senators and all journalists look at the Senate and wait to see what the Senators will decide on it.

Apparently some Senators have assured journalists that they will approve or reject the revisions to this Law according to democratic and Constitutional principles.

Ms. Lailoma Amhadi, a member of the Senate's Commission on Religious and Cultural Affairs, told Media Watch: "We are trying to approve or reject the revisions to the Mass Media Law while taking into consideration the freedom of speech, freedom of media, and principles of Afghanistan Constitution."

Ms. Ahmadi continued to say that the Senate has always supported freedom of speech and media pluralism in the country: "If it becomes clear that revisions to some of the articles of this Law will create problems for journalists and media, Senators will not remain silent and the revisions that would be made to this Law at the Senate will benefit media community in Afghanistan."

According to Ms. Ahmadi, some Representatives in the House have said that they had not studied well the proposed revisions to the Mass Media Law and approved it without seriously debating on them. Now they have asked the Senators to seriously study the Law and then decide on it.

The proposal for revising the Mass Media Law is now at the Senate. Articles of the this Law will circulate among the Senates commissions for the next 15 days and will then be voted on in the general assembly.

Nai Supporting Open Media in Afghanistan considers the House's approval of the proposed revisions to the Mass Media Law as a step taken backward in the process of democratization. It urges that, after going through all legal procedures, if these revisions proposed by the Minister of

Information and Culture go into effect then it will cause problems for media and journalists in Afghanistan and will create legal limitations on their way.

The people's representatives in the House, instead of approving the proposed revisions of the Minister of Information and Culture, should have questioned him that why he has not executed the approved Mass Media Law for over three years and has unlawfully kept in place the Commission for Assessment of Media Violations which has no place in the effective Law.

On behalf of the journalists' community in the country, we demand from the Senators that by understanding the current delicate conditions and increasing concerns about the corruption across the country, they cross-reference the proposed revisions to the Mass Media Law with the Constitution and decide upon approving or rejecting it accordingly.

One accepted principle in revising laws is that the revision be better than the prior version and [aim at] providing essential convenience to a sector in the society.

Four young writers were honored with prizes by Kherad Weekly.

Kherad Weekly honored with prizes the four young writers whose essays were selected as the winners of the essay writing contest. The contest aimed at identifying and motivating youth talents in writing.

After the jury panel assessed the submitted essays, the writer of the essay that earned the first position was awarded a laptop. A set of mobile phone went to the second position. The third and fourth positions brought two books as awards for the writer of each.

Dawood Naazer, whose essay got the first position, told Media Watch: "Holding such contests will motivate youth and will give them the confidence to write better and contest."

Another essay written and sent to the Weekly by Rahmatullah Rahmat discussed the role of youth in election and earned the second position.

Meanwhile Jawed Rostapoor, chief editor of Kherad Weekly told Media Watch about holding the essay writing contest: "Kherad Weekly held the contest to aim at reflecting what youth had wanted to say but remained untold so far."

The Weekly vowed that it will continue holding the contest once every three months and will award the top five essays among the ones that it will receive. The topics for the contest will be announced in the coming issues.

Media Watch praises the move by Kherad Weekly and asserts that continuation of this process will help the art of writing and expressing thoughts to institutionalize among citizens in the country.

The Afghanistan National Journalists' Union elected High Council members.

Thirty-four journalists were elected to the High Council of the Afghanistan National Journalists' Union in an election held on the second day of the Union's general assembly on October 1, 2013. Around 300 candidates from 21 provinces participated in this election that was administered by the Independent Election Commission and observed by The Free and Fair Election Foundation of Afghanistan (FEFA).

The Afghanistan National Journalists' Union was founded in 1981 and like many other social and civil institutions, it was banned and ceased to continue its activities during Taliban rule. The Union was restored by journalists and media professionals after Taliban's fall. According to the Union's Constitution, the re-founders of the Union including Mirza Mohammad Keramat, Sayed Aqa Hussain Fazel Sancharaki, Abdurraqib Fanoos, Kabir Ahmadi, Hamida Osman and Haroon Saboor will remain in the Union's High Council.

This is the second gathering at the Union after 33 years in which member journalists actively take part.

According to the Union's electoral strategy, there were 34 seats at the High Council including heads of the Union's provincial offices who won provincial elections that automatically qualify them for the High Council membership.

The general assembly of Afghanistan National Journalists' Union debated the Union's draft constitution in the first day and approved it with majority of the votes in seven chapters and thirty-seven articles for the first time.

The Constitution of the Union also includes the framework for administration and activities of the Union as well as rights and obligations of the members.

Detailed debates on the role of media in the coming presidential election as well as journalism ethics took place in the third day of the general assembly. The Assembly approved the ethical principles for journalists prepared by the majority of media representatives and journalists.

Media Watch believes that convention of the general assembly of Afghanistan National Journalists' Union is an important step towards institutionalization of democracy and freedom of speech in the country.

The media director of Killid Group awarded the 2013 Courage in Journalism Award.

Ms. Najiba Ayubi, media director of Killid Group officially received the award at the office of the International Women's Media Foundation in Washington D.C.

The International Women's Media Foundation announced Ms. Ayubi as the winner of 2013 Courage in Journalism Award in May 2013.

Nour Kelze from Syria and Bopha Phorn from Cambodia are the other two awardees.

After receiving the award Ms. Najiba Ayubi said that she shares it with all Afghan journalists. She symbolically dedicated the award to Afghan media activists.

In an interview with Radio Ashna Voice of America she said that Afghan journalists have a difficult way ahead and they bravely try to campaign through transparent and accurate reporting against corruption and organized crimes in Afghanistan.

Ms. Ayubi is media director of Killid Group which includes a radio, print, online and social media.

The International Women's Media Foundation issued a statement announcing that it awarded Najiba Ayubi, Nour Kelze and Bopha Phorn because of their bravery and broad media activities in high-risk environments.

The headquarters of the International Women's Media Foundation is based in Washington D.C. and presents the Courage in Journalism Awards to three active women every year.

Seventy-eight female journalists and 22 other women, who have been recognized as successful women, have received this award.

Beforehand, two other female journalists from Afghanistan, Fardia Nekzad (2008) and Sharifa AKhlas (1999) have received the Courage in Journalism Award.

Although a relative atmosphere for freedom of speech and media activities has been created in Afghanistan for the past 11 years, threats against journalist have still remained high.

Nai Supporting Open Media in Afghanistan congratulates Ms. Najiba Ayubi for the 2013 Courage in Journalism Award and believes that it is encouraging especially female journalists who despite serious threats bravely continue their media activities in the country.

Attention!

All journalists and media organizations are hereby notified that Mr. Mohammad Qasem Rahmani works with the Media Watch in the capacity of Media Lawyer. Those journalists and/or media outlets that face legal issues in connection with their media related and journalistic activities, or need consultation on performing such activities, may contact him by phone at **0799 830 905** or via email at: m.qasim@nai.org.af.

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To obtain a soft copy of the report, please visit the following link: <http://www.nai.org.af/Mediawatch.htm>

Note:

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