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History of freedom of press and current barriers in Afghanistan

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Abstract

Christopher Dodd argues that, when the public's right to know is threatened, and when the rights of free speech and free press are at risk, all of the other liberties we hold dear are endangered. Freedom of the Press is a fundamental right, which guarantees social rights too. Access to information is also a basic social right that can be achieved through Freedom of the Press in any state and society. If the state does not have freedom of the press, it will be difficult to ensure the protection of human rights. Afghanistan is one of the states which have been under a long-time war, and the warring parties do not care about human rights. The Freedom of the Press in the country had been under threat and working for the country's Press seems to carry a deadly risk. In this context, the core purpose of this study is to explore the history of Freedom of the Press during various political regimes that ruled contemporary Afghanistan.

This paper highlights various phases of Press Freedom in Afghanistan, which has been limited and restricted as journalists in this country operate in one of the world's most complex, hostile, and contested information environments. If there was Freedom of Press, it was partial freedom or of limited period. For instance, media houses, including the publication of newspapers and broadcasting radio and TV during the Taliban regime of 1996, were banned except the Voice of Sharia Radio, which broadcast only religious speeches of Taliban leadership. Besides, research work reveals that only the regime of King Zahir Shah from 1963 to 73 ensured Press Freedom in Afghanistan that paved the way for democratic values to flourish in the country. More specifically, this study presents a comparison of Freedom of Press in Afghanistan, which has seen partial or limited. This limited Press Freedom impacted society negatively and derailed the democratic values in the state of Afghanistan. The study suggests the creation of a legal mechanism to improve access to information and ensure media independence for the development of Afghanistan.

Keywords: Freedom of press, current barriers, Afghanistan, press law

Introduction

Freedom of the press is the right to circulate opinions in print without censorship by the government. Freedom of press the liberty to print or to otherwise spread out information, as in print, by broadcasting, or through electronic media, without prior restraints such as licensing requirements or content review and without subsequent punishment for what is said. Freedom of the press, which has been limited not only by governments but at times by churches, religious groups, and cultural aspects. (Gulsameen, 1989) ^[12].

In modern democracies, it is rarely attacked by overt forms of censorship but is often compromised by governments' ability to withhold information, by self-censorship in reaction to various pressures, by selective government leaking of information or disinformation, and by other factors. Although, there's a key difference between freedom of speech and freedom of the press. Freedom of speech means that you can express your opinions without being punished. Freedom of the press is about distribution you can publish and disseminate news and opinions without fear of intervention and retaliation. (Desai, January 1, 2013) ^[13].

However, Press in Afghanistan was started in a real sense after the formation of a new Afghanistan, which the first publication was Shamsul Nehar (known as a sunny day) in 1873 during the period of Shir Ali Khan (King of Afghanistan). Freedom of the press in Afghanistan was guaranteed in the first constitution of Afghanistan in 1923s the period of

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Shah Amanullah Khan (King of Afghanistan), besides, that was the first experiment freedom of the press and the first constitution of Afghanistan, which guaranteed freedom of the press. Hence in 1928s during the period of Shah Amanullah Khan first Press of Law formation for Afghanistan press. (Behroz, 2016)^[7].

The country's second major experience with freedom of the press and independent media began with the promulgation of the 1964s Afghan Constitution by King Mohammad Zaher Shah. That document ushered, in what is commonly referred to as Afghanistan's "decade of democracy". The 1964s Constitution of Afghanistan and the Press Law of July 1965 provided for freedom of the press subject to comprehensive articles of proper behavior. According to the Press Law, the press was free but must safeguard the interests of the state and constitutional monarchy, Islam, and public order. When the government was overthrown in July of 1973s, unfortunately, that time 19 newspapers were banned and shut down. Western-style freedom of the press has systematically eroded during the regimes of dictatorship, Mujahidin factions, and till 2001 the regime of the Taliban. As well as the Taliban's period was very full of hardship for freedom of the press, even all circulation of newspapers and television broadcasting were banned, moreover during the Taliban governance 1996s to 2001s, there was only one radio station called Voice of Sharia. It was used to broadcast religious programs, Jihadi speeches, and official propaganda. (Ahmad, 2005)^[6].

Literature Review

Freedom is defined as the condition of being free, politically independent, frank, unrestricted use of ideas, and faculty of motion (Peter, 1976). But real freedom cannot be enjoyed or achieved without sacrifice of individuals' ill desires for the development of a good society or without practicing justice. (Willsey, 2010)^[16].

However, freedom of speech is anything but a modern concept. For thousands of years, humans have wrestled with the idea of allowing other people to speak their minds as they wish, In 399 B.C.E., Socrates was put to death for daring to question Roman religious practices. In 1633, Galileo was harassed by the Spanish Inquisition for claiming that the sun did not revolve around the Earth. (Charndler, 2017)^[8].

On December 2, 1766, the Swedish parliament passed legislation that is now recognized as the world's first law supporting the freedom of the press and freedom of information. Narrowly, the freedom of the press act abolished the Swedish government's role as a censor of printed matter, and it allowed for the official activities of the government to be made public. (Cunningham, 2018)^[9].

An early defense of press freedom was made by the poet John Milton in his 1644 pamphlet *Areopagitica*, written in response to the British Parliament's passage of a law requiring the government to approve all books before publication.

Moreover, the first amendment, which protects freedom of the press, was adopted on December 15, 1791, as part of the Bill of Rights in the US, the Bill of Rights provides constitutional protection for certain individual liberties, including freedom of the press, freedom of speech, freedom of religion and the right to assemble and petition the government. (Staff, 2017)^[15].

During the freedom of press history in Afghanistan, another

tragic reality of journalism in Afghanistan is that media workers face a major barrier on the security front. While the assumption of risks involved in conflict zones is a given for journalists and reporters around the world, the degree of risk continues to be relatively high for Afghan journalists, even three media laws have been approved since 2004s. As well as Afghan media has Media Defense Lawyers Committee (AMDLC) was established in September 2011s to address the mishandling of media prosecutions and to advocate for greater freedom of the press, expressions, and information.

Freedom of press and Press Law

Afghanistan's status improved from Not Free to Partly Free due to recent legal changes including the creation of a mechanism to adjudicate complaints about the media without resorting to prosecution, and decrees to improve protections for journalists and access to information that illustrate the current administration's more favorable stance on media independence. The status change also reflects long-term growth in the diversity of private media in Afghanistan, though the deteriorating security environment further restricted journalists' ability to operate safely throughout the country. Freedom of the press was officially recognized in the 1923s Constitution Article 11 of the 1923s constitution read: "The press and the publication of domestic newspapers are free under the appropriate press law. The right to publish newspapers is reserved for the government and citizens of Afghanistan. Foreign publication may be regulated or restricted by the government." (Afghan Constitution, 1923).

Afghanistan constitution, freedom of the press, and beginning of private and free publications launched almost the same times, in the regime of King Shah Amanullah Khan. According to the first non-governmental newspaper was *Anis* (Companion or friendship), it was published under the direction of Ghulam Mohiuddin Anis and the other nongovernmental newspaper *Nasim Sahar* (breeze) began under the managing director of Ahmad Ratab and the third nongovernmental newspaper *Nawrooz* (first day of New Year) under managing director of Mohammad Nowruz were published.

Accordingly, these three newspapers were published once time a week, and in the short term, they were able to gain popularity among readers. Because they were criticized for the government's worst treatment among society. As well as *Anis* (Companion or friendship) criticized the Police station's treatment of people and wrote about their worst dealing as published. This criticizing was caused by the government arrested the director of *Anis* newspaper and detention the newspaper for one week. In this manner, some people of Kabul city (the capital of Afghanistan) went out to streets and roads to do a demonstration as far as that released the director Ghulam Mohiuddin Anis and continued his newspaper too. (Sarwer, 1988)^[14] Ghulam Mohiuddin Anis along-time with his life struggled for freedom of the press and pick up rights for journalists, He was the first private newspaper journalist in Afghanistan that he was passing his long life in jail and the end passed away in jail too. At the same time, the other newspaper *Nasim Sahar* (breeze) criticized the King and his family, in this manner newspaper lost its concession of publishing.

Afghanistan's 1964s Constitution further developed freedom of the press and allowed Afghans to publish their ideas without the approval of the government. Article 31 of

the 1964s constitution read: "Freedom of thought and expression is inviolable. Every afghan has the right to express his thoughts in speech, in writing, in pictures, and by other means, under the provisions of the law. Every afghan has the right to print and publish ideas under the provisions of the law, without submission in advance to the authorities of the state. The permission to establish and own public printing houses and to issue publications is granted only to the citizens and the state of Afghanistan, under the provisions of the law. The establishment and operation of public radio transmission and telecasting is the exclusive right of the state." (Afghan, Constitution, 1964).

According to Afghanistan's second constitution which was guaranteed freedom of press again in 1964s, the government soon promulgated the 1965s Press Law to regulate the media sector. That reiterated the constitutional guarantees, but it also forbade obscenity and any "matter implying defamation of the principles of Islam or defamatory to the King." While broadcast media remained the prerogative of the state, the number of independent newspapers mushroomed under the new legal framework. Also in 1965s Press law had 55 articles and eight chapters such as first chapter Goals, second chapter Expressions definitions, third chapter General regulation, fourth chapter Press activities, fifth chapter Printing houses, sixth chapter Rights, seventh chapter Punitive provisions, and the last but not least eighth chapter Miscellaneous rules. (Afghan Press Laws, 1965).

During the president Mohammad Daud period the freedom of press situation and private media grew up than before, all governmental media and non-governmental media began again broadcasting with freedom of the press, (Mayar, 2004) however the next media shake-up came in the 1973s after Mohammad Daud led a coup that ended the country's monarchical system. The result was nearly three decades of intense strictures on free media, culminating in the hardship Taliban regime's crackdown until it was ousted by international military intervention in late 2001s.

The third constitution of Afghanistan followed in January 2004s which described freedom of expression as "inviolable" and guaranteed to every Afghan in the form of "speech, writing, illustration, or other means." It explicitly prohibited the state from requiring a priori approval of "printed or published" materials. Afghanistan's media continue to operate in a fragile setting, although some improvements were seen during the year, particularly in the legal environment for the press. Article 34 of the new constitution, passed in January 2004s, provides for freedom of the press and expression. An amended version of the 2002s Press Law, which was signed by President Hamid Karzai in April, prohibits censorship and recognizes the rights of citizens to obtain information from the government. In 2004s Constitution Article 34: "Freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means under provisions of this constitution. Every Afghan shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities. Directives related to the press, radio, and television, as well as publications and other mass media, shall be regulated by law. "(Afghan Constitution, 2004) the constitution also seeks to avoid arbitrary limitations on the media. It states that directives related to the dissemination of information, whether in print or broadcast will be regulated by law.

Two other clauses in 2004s the constitution indirectly influence media freedom in Afghanistan. First, in Article 7, "the state shall observe the United Nations Charter, interstate agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights. The state shall prevent all kinds of terrorist activities, cultivation, and smuggling of narcotics, and production and use of intoxicants." Article 3 stipulates that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam." (Afghan Press Law, 2002).

Conclusion

This paper is mainly based on secondary data, and the data was collected from Pashto and Persian language resources. The researcher could not find a single source in the English language. Moreover, this research highlights the principle barrier during the history of freedom of the press that big conflict was insecurity in Afghanistan until now. Although though Afghanistan is home to a large and diverse array of private media outlets, including dozens of television stations, more than 170 radio stations, and hundreds of print publications, there is still partly freedom of the press, even in 2016s was Not freedom of the press in Afghanistan.

Restricted press life and low readership levels extend backward well beyond the regime of the Taliban. Only one regime may have permitted the operation of truly independent journalism the supposed decade of democracy 1963s to 1973s under the rule of King Zahir Shah, Afghanistan's last monarch who reigned from 1933s to 1973. With his overthrow, media restrictions increased geometrically under President Mohammad Daud Khan 1973s to 1978s, the Communist People's Democratic Party of Afghanistan in 1978s to 1992s, the provincial Mujahidin (fighters in a holy war) in 1992s to 1996s, and the Taliban 1996s to 2002s.

According to the 2016s Press Freedom Index, published by Reporters without Borders, Afghanistan is ranked 120 out of 180 countries based on press freedom, which places it in the bottom half of all countries ranked. In agreement with the Reporters without Borders ranking, Freedom House, as of 2016s, ranks Afghanistan's freedom at a 6 on a 1-7-point scale, with 1 being completely free and 7 being No freedom. Afterward, 141 events happened in 2016s which were 14 journalists killed, 14 journalists arrested, 21 journalists were beating and 69 journalists were threatened in Afghanistan and every year third of May celebrate by name of freedom of the press in Afghanistan. (Freedom House, 2017).

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