



Lessons from the Afghanistan Media Crisis: Strengthening Protections for Journalists in Exile

By
Elijah Rosen

International Justice Clinic, Afghanistan Human Rights Project
University of California, Irvine School of Law

Cover map courtesy of Google Map

TABLE OF CONTENTS

I. Introduction	2
II. Freedom of Expression and Journalism in the International Framework	3
III. The State of Journalism and Freedom of Expression in Afghanistan	5
A. Prior to the Taliban Takeover in 2021	5
B. After the Taliban Takeover in 2021	7
IV. Journalists in Exile	12
A. Importance of Journalism in Exile	12
B. Challenges for Journalists in Exile	14
V. Recommendations	16

I. Introduction¹

On August 15th, 2021, the Taliban completed a takeover of the Afghan government, signifying a drastic change to the political and social composition of Afghanistan.² Over the twenty previous years, dating back to the United States and allies' invasion of Afghanistan and overthrow of the Taliban government in 2001, there were signs of improvement in the realm of human rights. These ranged from increased freedom of speech and access to media, to a wider array of opportunities for women and girls in education and the professional world.³ However, the Taliban takeover curtailed hopes of continuing progress, especially within the arena of journalism, media, and the freedom of expression. Despite assurances by the Taliban regime that it would respect the growing infrastructure in Afghanistan surrounding the rights to freedom of expression and press, journalists have been beaten, intimidated, and threatened for participating in media that sheds negative light on those in power.⁴ This has resulted in countless journalists and members of the media fleeing the country to escape retaliation for their efforts to contribute to a free and independent media.

But upon their forced departure and desire for refuge, what comes next? Where do these journalists go? Are they able to continue their work reporting on matters crucial to human rights within Afghanistan? What type of support exists for these journalists in their asylum countries? Current international law, especially under the jurisprudence of the International Covenant on Civil and Political Rights, recognizes the importance of journalists to the freedoms of media and expression and the integral role that journalists have as a watchdog of society and as reporters on matters related to civil and political human rights. However, there are scarce protections and guidelines specifically meant for journalists and media workers that are not in areas of conflict, especially those in exile, who still play such a crucial role in promoting an independent media within their respective home states.

This paper summarizes the dire state of journalism under the current Taliban regime and the effects of the Taliban takeover on the journalism industry and those who work within it. This paper discusses the ramifications of the takeover and the countless journalists exiled from

¹ The Afghanistan Human Rights Project is an initiative within the International Justice Clinic at the University of California, Irvine School of Law. Founded by Clinic Director Professor David Kaye, the former UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Clinic works with international activists, non-governmental organizations, and scholars to develop and implement strategies for the protection of Human Rights. The Afghanistan Human Rights Project is led by Hashmat Nadirpor, a formerly Kabul-based Afghan lawyer and rule-of-law expert, and was created in the wake of the Taliban takeover in the summer of 2021. The project involves students within the clinic and collaborates with others, especially in the Afghan diaspora, to produce reports on major topics and areas of concern related to Afghanistan. For more information, please see the clinic's website: <https://ijclinic.law.uci.edu/>.

² *Human Rights in Afghanistan*, AMNESTY INT'L, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/> (last visited Mar. 24, 2023).

³ *In Numbers: How Has Life Changed in Afghanistan in 20 Years?*, BBC NEWS (Aug. 16, 2021), <https://www.bbc.com/news/world-asia-57767067>.

⁴ *Id.*

Afghanistan, and emphasizes the importance of these journalists to the free flow of information and freedom of expression within the state they used to work within. From the lens of the current journalism and media crisis in Afghanistan, this paper identifies the challenges of being a journalist in exile and the shortcomings that international organizations and states have for addressing those challenges, while also listing a series of recommendations to recognize the importance of and support journalists in exile. The International Justice Clinic (IJC) conducted interviews with Afghan journalists in exile to explore and discuss their experiences. This report incorporates these interviews into the discussion of the challenges and recommendations pertaining to journalists in exile.⁵

II. Freedom of Expression and Journalism in the International Framework

Dating back to the creation of the Universal Declaration of Human Rights (UDHR) in 1948, the United Nations has recognized the importance of the guaranteed right to the freedom of expression and emphasized it as a fundamental human right granted to all.⁶ Article 19 of the UDHR protects the freedoms of opinion and expression and the right to receive and impart information and ideas. As the United Nations evolved as an intergovernmental organization within the international arena, especially as a promoter of human rights, it emphasized the right to freedom of opinion and expression within a variety of its multilateral international treaties, in accordance with the ideals established in the UDHR; these include the Convention on the Rights of Persons with Disabilities (CRPD),⁷ the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),⁸ and most importantly, the International Covenant on Civil and Political Rights (ICCPR).⁹

⁵ Some of the interviewees remain anonymous out of respect for their privacy and security.

⁶ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948). Article 19 of the Universal Declaration of Human Rights states the following: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

⁷ Convention on the Rights of Persons with Disabilities, art. xxi (New York, 13 Dec. 2006), 2515 U.N.T.S. 3, *entered into force* 3 May 2008. Article 21 of the CRPD requires states party to the treaty “to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.”

⁸ International Convention on the Elimination of All Forms of Racial Discrimination, art. x (New York, 7 Mar. 1966), 660 U.N.T.S. 195, *entered into force* 4 Jan. 1969. Article 5 of the CERD requires that state parties should undertake to guarantee “[t]he right to freedom of thought, conscience and religion” and “[t]he right to freedom of opinion and expression” without distinction as to race, colour, or national or ethnic origin.

⁹ International Covenant on Civil and Political Rights, art. XIX (New York, 16 Dec. 1966), 999 U.N.T.S. 171, 178, *entered into force* 23 Mar. 1976. [hereinafter ICCPR]. Afghanistan acceded to the ICCPR on January 24, 1983, but did not ratify the Optional Protocol to the ICCPR and the individual complaint mechanism. *Ratification Status for Afghanistan*, UNITED NATIONS, HUM. RIGHTS TREATY BODY DATABASE,

Article 19 of the ICCPR grants that all individuals, regardless of distinction of any kind, “have the right to hold opinions without interference” and “have the right to freedom of expression,” which includes “the freedom to seek, receive and impart information and ideas of all kind, regardless of frontiers” and through any media of their choice.¹⁰ The UN recognizes that the freedom of expression, and the vehicle that expression provides for opinions, is the foundation stone for a free and democratic society, as it is “a necessary condition for the realization of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.”¹¹ In addition, the freedom of expression is further important to the degree that it provides for the guarantees of other human rights, such as the right to freedom of assembly and the right to vote, which requires the use of expression to fully exercise those rights.¹² Expression, in its operative context, includes political discourse, journalism, and commentary on public affairs, all types of speech that are protected even if they are critical against a state or government entity.¹³ Any restrictions to freedom of expression must be: (1) provided by law; (2) for a legitimate purpose as set out in subparagraphs (a) and (b) of Article 19(3); and (3) necessary and proportionate.¹⁴

The media and journalists play a particularly important role within the right to freedom of expression as reporters of human rights violations and watchdogs, as the European Court of Human Rights has put it, over government. The American NGO Freedom House describes the ability of journalists to report freely on matters of public interest and those involving the government as a crucial indicator of democracy, where “a free press can inform citizens of their leaders’ successes or failures, convey the people’s needs and desires to government bodies, and provide a platform for the open exchange of information and ideas.”¹⁵ General Comment 34 recognizes the importance of an independent and diverse media as a tool of democracy, explicitly stating that the “penalization of a media outlet, publishers or journalists solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression.”¹⁶ As it stands today, there is no framework or significant guidance on the United Nations level relating to journalists in exile.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN (last visited Mar. 24, 2023).

¹⁰ ICCPR, *supra* note 9.

¹¹ U.N. Human Rights Committee, *General comment No. 34, Article 19: Freedoms of opinion and expression*, U.N. Doc. CCPR/C/GC/34, ¶¶ 2-3 (Sept. 12, 2011) [hereinafter General Comment 34]. The Human Rights Committee’s General comment no. 34 is the primary document issued by the body that interprets and explains Article 19 and its application in various contexts.

¹² *Id.* at ¶ 4.

¹³ *Id.* at ¶ 11.

¹⁴ *Id.* at ¶ 22.

¹⁵ *Media Freedom*, FREEDOM HOUSE (2023), <https://freedomhouse.org/issues/media-freedom>.

¹⁶ General Comment 34, *supra* note 11, ¶ 42.

III. The State of Journalism and Freedom of Expression in Afghanistan

A. Prior to the Taliban Takeover in 2021

The removal of the Taliban from power in 2001 marked the beginning of two decades of increasing media support and legal protections for journalists. Taliban control of Afghanistan from 1996-2001 was a theocracy defined by Islamic fundamentalism and extremist ideals, and was an era rooted in policies that were unforgiving and merciless towards women, political dissidents, and religious minorities.¹⁷ The overthrow of the Taliban government and subsequent installation of the Transitional Islamic State of Afghanistan signaled the beginning of a representative republic fueled by democratic ideals, which ultimately, after the adoption of the Afghanistan Constitution in 2004 and installation of Hamid Karzai as president, would guide the country until 2021.¹⁸

Between 2001 and 2021, the climate relating to freedom of expression improved as compared to the pre-2001 Taliban-controlled Afghanistan. While in the grand scheme of the international community Afghanistan's civil liberties were deemed "not free" by Freedom House in 2021 (and for many years before that), media freedom was graded higher than many other neighboring countries of the state.¹⁹ Freedom House reported that Afghanistan had many diverse and independent outlets operating within the country, "that collectively carry a wide range of views and are generally uncensored." Estimates located the amount of media outlets at 547 and the amount of journalists working within the state at 11,857.²⁰ The Afghan government generally supported media freedom and attempted to protect journalists and media workers, where private discussion in areas held by the Afghan government (as opposed to the Taliban) were largely free and unrestrained.²¹ During this period, Afghanistan had a growing and vibrant media sector; however, it is important to acknowledge that there was still a lot of room for growth, and that rival

¹⁷ *History of Afghanistan*, ONE WORLD NATIONS ONLINE, <https://www.nationsonline.org/oneworld/History/Afghanistan-history.htm> (last visited Mar. 24, 2023).

¹⁸ *Timeline: The U.S. War in Afghanistan*, COUNCIL ON FOREIGN RELS., <https://www.cfr.org/timeline/us-war-afghanistan> (last visited Mar. 24, 2023).

¹⁹ *Global Freedom Status Map*, FREEDOM HOUSE (2021), <https://freedomhouse.org/explore-the-map?type=fiw&year=2021>; *Afghanistan: Freedom in the World 2021 Country Report*, FREEDOM HOUSE (2021), <https://freedomhouse.org/country/afghanistan/freedom-world/2021>. This reference discusses the 2021 Freedom House scores and statuses, which looks at the circumstances surrounding each country's political rights and civil liberties. The 2021 scores are based on the calendar year of 2020, which is the last full-year evaluation prior to the Taliban takeover in August 2021. Afghanistan received a score of 2/4 in response to both of the following questions: 1. "Are there free and independent media?" and 2. "Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?" Both of these scores ranked as the two highest of the fifteen graded categories for Afghanistan under civil liberties. *Afghanistan Media Legislation*, MEDIA LANDSCAPES, <https://medialandscapes.org/country/afghanistan/policies/media-legislation> (last visited Mar. 24, 2023).

²⁰ *Afghanistan Has Lost Almost 60% of Its Journalists Since the Fall of Kabul*, REPORTERS WITHOUT BORDERS (Oct. 8, 2022), <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>.

²¹ *Afghanistan: Freedom in the World 2021 Country Report*, FREEDOM HOUSE (2021), <https://freedomhouse.org/country/afghanistan/freedom-world/2021>.

parties, such as the Islamic State and the Taliban, would target journalists for reporting on issues critical of them.²²

During this period, there also were significant bright spots as it pertains to access to information and media legislation, paving the way for opportunities for continuing growth. The 2004 Afghanistan Constitution, with an emphasis on the protection of human rights, explicitly stated that the freedom of expression was inviolable.²³ Embedded in the Constitution was Article 34, which clearly guaranteed the right to freedom of expression, including the right to print and publish media “without prior submission to state authorities.”²⁴ In addition, Article 50 of the Afghanistan Constitution established the right of access to information for all Afghan citizens, including no limits unless the access does harms to others or to public security.²⁵

In 2009, Afghanistan adopted a new Mass Media Law in congruence with Article 34 of the Afghanistan Constitution and Article 19 of the Universal Declaration of Human Rights, intending to expand on the rights that individuals have relating to the freedom of expression.²⁶ The main goals of this new legislation were to: (1) protect the general freedom of expression, specifically including the guarantees of the right to freedom of thought, speech, expression; (2) to protect journalists and promote the operation of a free, independent, and pluralistic media; (3) to protect and provide a suitable environment for the expression of views and feelings of citizens; and (4) to protect mass media and promote journalistic standards and values of honesty, impartiality, and balance. Article 6 of this legislation explicitly granted legal rights for journalists in carrying out their work, which included both the protection of the publishing of critical views and the right to avoid disclosing their source of information.

Similarly, in 2014, a series of access to information legislation was approved that expanded on Article 50 of the Afghanistan Constitution.²⁷ This legislation adopted ideals established in Article 19 of the ICCPR, ensuring the right of access to information for all citizens from both government and non-government institutions.²⁸ The legislation recognized that allowing the public

²² Steven Butler, *Afghanistan’s Media Faces Crisis—and Opportunity*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:16 AM), <https://cpj.org/2022/08/afghanistans-media-faces-crisis-and-opportunity/>.

²³ Constitution of the Islamic Republic of Afghanistan, article 34, <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf> (last visited Mar. 24, 2023).

²⁴ *Afghanistan Media Legislation*, MEDIA LANDSCAPES, <https://medialandscapes.org/country/afghanistan/policies/media-legislation> (last visited Mar. 24, 2023).

²⁵ *Id.*

²⁶ Afghanistan: Mass Media Law of 2009 (2009), <https://www.refworld.org/docid/5ddce5604.html> (last visited Mar. 24, 2023).

²⁷ *Afghanistan’s Commitment to Information Access - Key to Saving Lives, Building Trust, Bringing Hope*, UNITED NATIONS ASSISTANCE MISSION IN AFG. (Sep. 28, 2020), <https://unama.unmissions.org/afghanistan%E2%80%99s-commitment-information-access-key-saving-lives-building-trust-bringing-hope>; Afghanistan: Access to Information Law (2014), <https://www.refworld.org/pdfid/5b165b2b4.pdf> (last visited Mar. 24, 2023).

²⁸ Afghanistan: Access to Information Law (2014), <https://www.refworld.org/pdfid/5b165b2b4.pdf> (last visited Mar. 24, 2022).

to have access to information is a foundation of democracy and allows for the government to be held accountable by the public, specifically through the reporting of journalists.²⁹

One Afghan journalist who is now in exile that the IJC spoke to described the development of the media and journalism in the two decades prior to the Taliban takeover as a sort of beacon of journalistic progression within the region, creating a model that activists from other states in the region could point at to guide their pursuit of media reform.³⁰ Part of the success of the journalism industry and the media was a growing realization within society that significant change could be achieved when there was truthful and illuminating reporting about issues of human rights, the government, and important current events, and those responsible could be held accountable through such reporting, leading to significant changes. While journalists continued to face serious restrictions and physical threats, especially with many challenges existing for minority journalists (both demographically and politically), it is evident that what occurred during the twenty years or so prior to the Taliban takeover was something to build upon for those fighting for a robust, independent media.

B. After the Taliban Takeover in 2021

Afghan society and governance fundamentally changed following the Taliban takeover. The Taliban installed a government known as the Islamic Emirate of Afghanistan; despite promises by the group of increased moderation and reform in governance as compared to the pre-2001 control of Afghanistan, the Taliban have resumed draconian, harsh policies, perhaps most notable in the intense and brutal violation of the rights of women and girls.³¹ The effects of this takeover have ranged from targeted harassment and killings of human rights defenders and religious and ethnic minorities, to over 23 million people facing acute food insecurity and hunger,³² to the displacement of hundreds of thousands of Afghans citizens.³³

Some of the most significant changes since the Taliban took over is the state's policies and approaches to the freedom of expression, specifically towards journalists and others within the media industry. Taliban authorities in Afghanistan have imposed wide-ranging restrictions on

²⁹ *Afghanistan's Commitment to Information Access - Key to Saving Lives, Building Trust, Bringing Hope*, UNITED NATIONS ASSISTANCE MISSION IN AFG. (Sep. 28, 2020), <https://unama.unmissions.org/afghanistan%E2%80%99s-commitment-information-access-key-saving-lives-building-trust-bringing-hope>.

³⁰ Interview, Afghan Journalist based in the United States (First of Day), Nov. 16, 2022.

³¹ Andrew Watkins, *One Year Later: Taliban Reprise Repressive Rule, but Struggle to Build a State*, U.S. INST. OF PEACE (Aug. 17, 2022), <https://www.usip.org/publications/2022/08/one-year-later-taliban-reprise-repressive-rule-struggle-build-state>. See generally Karima Bennoune, *The International Obligation to Counter Gender Apartheid in Afghanistan*, 54 COLUM. HUM. RTS. L. REV 1 (2022).

³² *Human Rights in Afghanistan*, AMNESTY INT'L, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/> (last visited Mar. 24, 2023).

³³ *External Update: Afghanistan Situation #22*, UNHCR REG'L BUREAU FOR ASIA AND PACIFIC (Dec. 22, 2022), <https://data.unhcr.org/en/documents/details/97760>; *Human Rights in Afghanistan*, AMNESTY INT'L, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/> (last visited Mar. 24, 2023).

media and free speech that have cracked down on speech critical or in dissent of the Taliban, as well as expression that concerns a western agenda.³⁴ Before producing any pieces of journalistic content, journalists are required to seek permission from the provincial Cultural Affairs Department, which frequently edits and filters the content.³⁵ Freedom House reported a drop in Afghanistan’s freedom of expression score after the Taliban’s overthrow of the elected government in August of 2021, because “journalists face reporting restrictions, harassment, and physical violence under the Taliban, and media outlets have closed since the group assumed power,” and because “political discussion is more dangerous for Afghans under the Taliban.³⁶ The secretary-general of Reporters Without Borders, Christophe Deloire, explained that under the current regime, “[m]edia and journalists are being subjected to iniquitous regulations that restrict media freedom and open the way to repression and persecution.”³⁷ Specific regulatory actions taken by the Taliban that relate to the restriction of press freedom include, but are not limited to, the following:

- an announcement by the Government Media and Information Centre (GMIC) of the 11 Journalism Rules on September 19, 2021, which vaguely described that matters which could negatively impact the public’s attitude or affect morale should be handled with care and in coordination with the GMIC;
- a decree issued on November 22, 2021, by the Ministry for the Promotion of Virtue and Repression of Vice, that critics of the government should not be interviewed nor invited on television programming;
- An Information and Culture Ministry decree on March 28, 2022, banning privately-owned television channels from transmitting international news; and

³⁴ *Afghanistan: Taliban Severely Restrict Media*, HUMAN RTS. WATCH (Oct. 1, 2021, 12:00 AM), <https://www.hrw.org/news/2021/10/01/afghanistan-taliban-severely-restrict-media>.

³⁵ *Afghanistan: Taliban Threatening Provincial Media*, HUMAN RTS. WATCH (Mar. 7, 2022, 9:00 AM), <https://www.hrw.org/news/2022/03/07/afghanistan-taliban-threatening-provincial-media>.

³⁶ *Afghanistan: Freedom in the World 2022 Country Report*, FREEDOM HOUSE (2022), <https://freedomhouse.org/country/afghanistan/freedom-world/2022>. The 2022 Freedom House scores and statuses are based on the calendar year of 2021, which heavily considers the period of 2021 where the Taliban took control. Similar to the previous reference to the rankings, freedom of expression is evaluated by the following questions: 1. “Are there free and independent media?” and 2. “Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?” Afghanistan received a score of 1/4 in response to both of these questions.

³⁷ *Afghanistan Has Lost Almost 60% of Its Journalists Since the Fall of Kabul*, REPORTERS WITHOUT BORDERS (Oct. 8, 2022), <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>. After being ranked 150th out of 179 countries in the Reporters Without Borders’ (RSF) Press Freedom Index in 2012, Afghanistan had climbed up 122nd out of 180 countries by 2021 “thanks to a dynamic media landscape and the adoption of legislation protecting journalists.”# But by 2022, following the Taliban takeover and the regime’s implementation of its new freedom of expression policies, and “after losing nearly 40% of its media and more than half of its journalists, it has fallen to 156th.”

- a decree by the Taliban Supreme Leader on July 22, 2022, that defamation and criticism of government officials without proof, as well as spreading false news, is forbidden under Islam, and those engaging in such behavior will be punished.³⁸

Human Rights Watch reported that a specific set of regulations stated that the media is prohibited from reporting on ideas that are “contrary to Islam,” “insult national figures,” “distort news content,” or “could have a negative impact on the public’s attitude.”³⁹ A consistent issue within these regulations is the ambiguity and vagueness of the policies, which allow the government in power to subjectively implement and restrict journalism. One Afghan journalist who is now in exile stated that if the Taliban gained even the slightest suspicion that someone may be speaking out against them, it is assumed that they have a western agenda, and they are considered to be acting contrary to the Taliban.⁴⁰ A Human Rights Watch report on the Taliban’s threat to media independence revealed that the group’s intelligence officials “regularly meet with media organizations to tell them what to publish and to warn them not to contradict Taliban policies or to report on acts of violence by Taliban officials.”⁴¹

Journalists who have attempted to report on a wide range of topics, including anti-Taliban protests, arbitrary detention, rising food prices, or anything casting the Taliban or its high-ranking officials in a negative light, have been threatened, detained, and beaten.⁴² This includes journalists being punished or detained merely for seeking information from the government under Article 50 of the Afghanistan Constitution. The Taliban no longer recognize the Access to Information Law that was passed in accordance with Article 50, escalating efforts since August 2021 to curb and censor any information that goes against the peaceful and stable society they are attempting to portray to the international community.⁴³ The Taliban executed house-to-house searches of journalists who did not cooperate with the Taliban’s media requests, as well as those who were employed and working for western media outlets.⁴⁴ Taliban security forces have also arbitrarily detained several journalists who were arrested covering protests and other current events out in the field,⁴⁵ with estimates of over 80 journalist being detained in the fifteen months following the

³⁸ *Afghanistan Has Lost Almost 60% of Its Journalists Since the Fall of Kabul*, REPORTERS WITHOUT BORDERS (Oct. 8, 2022), <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>.

³⁹ *Afghanistan: Taliban Severely Restrict Media*, HUMAN RTS. WATCH (Oct. 1, 2021, 12:00 AM), <https://www.hrw.org/news/2021/10/01/afghanistan-taliban-severely-restrict-media>.

⁴⁰ Interview, Afghan Journalist based in the United States (Second of Day), Nov. 16, 2022.

⁴¹ *Afghanistan: Taliban Threatening Provincial Media*, HUMAN RTS. WATCH (Mar. 7, 2022, 9:00 AM), <https://www.hrw.org/news/2022/03/07/afghanistan-taliban-threatening-provincial-media>.

⁴² *Id.*

⁴³ Sonali Dhawan and Waliullah Rahmani, *Keeping Hope Alive*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:21 AM), <https://cpj.org/2022/08/keeping-hope-alive/>.

⁴⁴ *Human Rights in Afghanistan*, AMNESTY INT’L, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/> (last visited Mar. 24, 2023).

⁴⁵ *Afghanistan: Taliban Severely Restrict Media*, HUMAN RTS. WATCH (Oct. 1, 2021, 12:00 AM), <https://www.hrw.org/news/2021/10/01/afghanistan-taliban-severely-restrict-media>.

takeover.⁴⁶ As described in General Comment 34 by the Human Rights Committee, journalists must not be punished solely for being critical of the government or circumstances that arise as the result of government action.⁴⁷ These threats and harassment against journalists have also been meant to impose pressure on the independent news outlets for which journalists work for, with the goal of getting media organizations to conform with Taliban dictates.⁴⁸

Embedded within the restrictive (and ambiguous) regulations and the violence and threats against media workers is the resulting self-censorship. Organizations such as the Afghan Journalists Safety Committee have had contact with Taliban officials and attempted to negotiate in the interest of journalists, with the latter responding that journalists must consider national interest, Islamic values, and national unity prior to publishing their works.⁴⁹ But these guidelines and the aforementioned regulations by the Taliban are so wide-sweeping that journalists have to self-censor out of fear that reporting could result in them being harassed, threatened, and physically attacked. One Afghan journalist in exile argued that the news industry in Afghanistan cannot currently even be referred to as journalism, due to the control exerted by the Taliban over the media and the limited amount of truthful and independent reporting coming out of the country.⁵⁰ In fact, some journalists have erred on the side of caution and self-censored by only reporting on official Taliban statements and events.⁵¹ Ultimately, the state of journalism has resulted in Afghan outlets and the journalists working for them treading carefully in their reporting, attempting to report within regulations and be overly sensitive to the topics they are reporting on, and even reporting anonymously.

Of the remaining Afghan news outlets based within Afghanistan, there are still some, such as TOLONews, which cover more sensitive issues relating to the Taliban rule, but this comes with the aforementioned risks of threats and violence.⁵² TOLONews continues to cover issues critical of the Taliban regime relating to girls' education and the targeting of minorities, but has had to make their coverage intentionally less provocative than the content produced under the previous government and had to make important decisions about how far to dive into issues that shine a

⁴⁶ *Afghanistan Has Lost Almost 60% of Its Journalists Since the Fall of Kabul*, REPORTERS WITHOUT BORDERS (Oct. 8, 2022), <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>.

⁴⁷ General Comment 34, *supra* note 11, ¶ 22.

⁴⁸ Steven Butler, *Afghanistan's Media Faces Crisis—and Opportunity*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:16 AM), <https://cpj.org/2022/08/afghanistans-media-faces-crisis-and-opportunity/>.

⁴⁹ *Afghanistan: Taliban Threatening Provincial Media*, HUMAN RTS. WATCH (Mar. 7, 2022, 9:00 AM), <https://www.hrw.org/news/2022/03/07/afghanistan-taliban-threatening-provincial-media>.

⁵⁰ Interview, Afghan Journalist based in the United States (Second of Day), Nov. 16, 2022.

⁵¹ *Afghanistan: Taliban Threatening Provincial Media*, HUMAN RTS. WATCH (Mar. 7, 2022, 9:00 AM), <https://www.hrw.org/news/2022/03/07/afghanistan-taliban-threatening-provincial-media>.

⁵² Steven Butler, *Afghanistan's Media Faces Crisis—and Opportunity*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:16 AM), <https://cpj.org/2022/08/afghanistans-media-faces-crisis-and-opportunity/>.

negative light on the Taliban.⁵³ While still being censored to a certain extent, Saad Mohseni, the CEO of TOLONews parent company, believes that any element of truth and exposure that reporting on the Taliban government has resulted in has helped shape the public opinion and could potentially work towards strengthening the moderate voices within the Taliban's leadership.⁵⁴ In addition, the rise and growth of social media and the internet within Afghanistan has created a class of "citizen journalists" who attempt to more informally report and share information with the outside world on the current events within the state and combat the Taliban's restriction on the flow of information.⁵⁵ One journalist in exile told the IJC that these citizen journalists who post on social media platforms, such as Twitter, are some of the most important sources of information for the international community; however, individuals operating in this regard can still be subject to the previous restrictions and retaliations even if they are not a part of the formal media.⁵⁶

As a result of these regulations, threats, and concomitant censorship, the numbers of outlets and journalists actively working within Afghanistan have drastically dropped. Estimates have suggested that as of October 2022, in the fifteen months since the Taliban takeover, 219 of the 547 (39.59%) media outlets open at the time of the Taliban takeover had closed down, and 7,058 of the 11,857 (59.68%) media workers reporting in Afghanistan no longer work in the field.⁵⁷ Of the latter category, women journalists were hit disproportionately hard, with 76.19% of female media workers no longer operating within Afghanistan, partially due to the traditionalist Islamic worldview view on women that the Taliban abide by.⁵⁸ These trends have also disproportionately affected independent outlets that were operating outside Kabul, significantly diminishing the amount of reporting from rural and isolated provinces.⁵⁹

While some of these statistics are representative of former journalists changing professions and ending their career as reporters to avoid the consequences of working in a Taliban controlled media, others have had to flee the country; these journalists are seeking to either avoid persecution for their past reporting or to be able to continue working as a journalist in a different country while still reporting on the transgressions of the Taliban regime. This category of journalists, journalists

⁵³ *Id.* In fact, TOLONews has actually increased the number of women staff reporting under the media company from eight to twenty-one since the Taliban takeover, which is noteworthy during a period where the Taliban required that women presenters on television cover their faces below their eyes.

⁵⁴ Steven Butler, *Afghanistan's Media Faces Crisis—and Opportunity*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:16 AM), <https://cpj.org/2022/08/afghanistans-media-faces-crisis-and-opportunity/>.

⁵⁵ Sonali Dhawan and Waliullah Rahmani, *Keeping Hope Alive*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:21 AM), <https://cpj.org/2022/08/keeping-hope-alive/>.

⁵⁶ Interview, Shafi Karimi, Dec. 6, 2022.

⁵⁷ *Afghanistan Has Lost Almost 60% of Its Journalists Since the Fall of Kabul*, REPORTERS WITHOUT BORDERS (Oct. 8, 2022), <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>.

⁵⁸ *Id.* The RSF report points to accusations of "immorality or conduct contrary to society's values" by the Taliban towards networks that allowed women to operate in the media industry on the degree that men were able to, ideals which are rooted in the fundamentalist Islamic tradition that the Taliban are guided by.

⁵⁹ *Id.*

in exile, still play a crucial role in the right of freedom of expression in the country they were formerly reporting in and have faced unique challenges in reporting while in exile.

IV. Journalists in Exile

Afghan journalists in exile still enjoy a role relating to the reporting and producing of media relating to current events in the country, especially content meant to address the mistakings of the government and to hold them accountable. According to estimates by the Afghan Independent Journalists Association (AIJA), approximately thirty to thirty-five percent of Afghanistan's journalists have left the country since the Taliban have taken over, many of which are now living in exile in other countries.⁶⁰ An Afghan journalist in exile described the network of refugee journalists still reporting on Afghanistan as essential to keeping the voice of the Afghan's alive and spreading awareness within the international community about the human rights violations occurring in Afghanistan.⁶¹ But for this contribution to be fully manifested, there are significant challenges that must be addressed to support and maximize the effectiveness of journalists in exile, whether it be barriers to information, opportunities for employment, or social support in the new country in which they reside.

A. Importance of Journalism in Exile

The departure of journalists from Afghanistan has resulted in an overall decrease in the quantity of reporting about everything from the injustices and human rights violations occurring within the country to basics of politics, health, the environment, and so forth. One interviewed journalist in exile emphasized the importance of international news agencies reporting on the injustices and human rights violations within Afghanistan, as when the only reporting going on is occurring from within, it can get lost in the international news cycle and be heavily influenced by the regime in power.⁶²

But with the countless restrictions and regulations imposed by the Taliban, journalists in exile have a unique opportunity to continue reporting on the Taliban and the current events within the state. Multiple interviewed Afghan journalists in exile expressed concern that as the news cycle continues, and various other global and international stories develop, the human rights violations in Afghanistan will be slowly forgotten due to the lack of reporting from within the country.⁶³ Journalists in exile have an opportunity to keep the voice of the Afghan people alive in the

⁶⁰ *Away From Home: Journalism in Exile - South Asia Press Freedom Report 2021-2022*, INT'L FED'N OF JOURNALISTS, <https://samsn.ifj.org/SAPFR21-22/journalism-in-exile/> (last visited Mar. 24, 2023). The countries with significant amounts of Afghan journalists in exile include Pakistan, Turkey, Canada, France, and the United States, as well as many other European countries.

⁶¹ Interview, Afghan Journalist based in the United States (First of Day), Nov. 16, 2022.

⁶² *Id.*

⁶³ Interview, Afghan Journalists based in the United States (First of Day), Nov. 16, 2022; Interview, Afghan Journalists based in the United States (Second of Day), Nov. 16, 2022.

international arena without the same level of fear of Taliban retaliation.⁶⁴ They enjoy an ability draw international attention to the violations by the regime and the experiences of people in the country. It is important to recognize, however, that many refugees in exile who were journalists in Afghanistan are not able to continue their work as reporters, which is further discussed in Section IV(B).

Shafi Karimi, a journalist living in France, has been able to continue reporting on Afghanistan, writing articles on issues ranging from the immigration of Afghan refugees, to the Taliban's failures to respond and prepare for the harsh winters within the country.⁶⁵ Karimi emphasized the importance of his role as a journalist in exile in showing the international community and outside world the realities of current Afghanistan, as he has been able to report on issues critical of the Taliban that would be prohibited and punished under the current freedom of expression policies. Karimi and other journalists in exile find it critical to utilize the opportunity for freedom of expression and speech they have outside of Afghanistan, on behalf of Afghan citizens and their country.

Afghanistan International, a United Kingdom based media company that is the first international news broadcaster that is entirely focused on Afghanistan, has reported from outside of the country on life under the Taliban.⁶⁶ It was launched on August 15, 2021, after the Taliban takeover, and employs over eighty media workers who mostly are former employees of Afghan news organizations who fled following the Taliban takeover. As a news agency not controlled by Taliban regulations and restrictions, Afghanistan International is able to report freely on matters critical of the Taliban, and as they are based on the internet rather than traditional media outlets controlled by the Taliban, anyone with access to the internet can read the reporting of the organization. Afghanistan International recognizes the importance of its independent reporting as the media is a guardian of human values and a tool towards a brighter future for Afghanistan, and hopes that in a situation with so much uncertainty surrounding the Taliban reign, that its impartial reporting can help citizens make more informed decisions about their lives and country.⁶⁷

While the path towards reporting as a journalist in exile might not be easy, as discussed in the subsequent sub-section, it is clear that Afghan journalists who have had to leave their home country see the importance of continuing to report on the internal affairs of their country.

⁶⁴ It is important to recognize that some journalists in exile, especially those who have family and connections still within Afghanistan, must be cautious with their professional work to protect those still within the country, and therefore do not have the same ability to report truthfully.

⁶⁵ Interview, Shafi Karimi, Dec. 6, 2022.

⁶⁶ Sonali Dhawan and Waliullah Rahmani, *Keeping Hope Alive*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:21 AM), <https://cpj.org/2022/08/keeping-hope-alive/>.

⁶⁷ *About Us: Afghanistan International TV*, AFG. INT'L, <https://www.afintl.com/about> (last visited Mar. 24, 2023).

B. Challenges for Journalists in Exile

While journalists in exile can contribute to the news cycle by reporting on the Taliban and the human rights abuses within Afghanistan, it is extremely difficult for most journalists in exile to get themselves in a position that allows them to continue their journalism. While the focus of this report has mainly been on journalists in exile, it is important to not lose sight of the fact that those within this class of journalists are also refugees, individuals who have been forced to leave their country to seek safety and opportunity. As a result, there are multiple layers of obstacles that journalists in exile must confront before being able to effectively report. This report will not specifically engage with the challenges confronting refugees in general, but rather those that are amplified by one's status as a journalist. The following are some of many challenges that Afghan journalists in exile face, with many of the challenges being issues for journalists in exile from other countries as well.

Finding work

Upon gaining residence in a new country, the first challenge is locating work as a journalist. It is extremely difficult for journalists to get jobs in journalism in the new country that they are residing in, with many former journalists having to leave the profession and work in restaurants or cafes to make a living. Karimi explained that he believes, by his estimates, only about ten of the 300 or so Afghan journalists in exile in France have been able to secure employment in journalism.⁶⁸ Another Afghan journalist noted that a challenge arises when journalists from Afghanistan have to compete against national journalists from the country of asylum for positions in media – when it comes down to a foreign journalist who is not familiar with the country or even the language of the state, versus a national journalist who is familiar with society and the culture, the journalist in exile stands little chance at obtaining a position.⁶⁹

Even those who can secure jobs in the media, often do not have the opportunity to report on matters relating to Afghanistan or conduct investigative journalism, yet many Afghan journalists have rich journalism backgrounds, with significant experiences as reporters.⁷⁰ One interviewee explained that current programs of international organizations that work to place journalists in exile in positions within the media industry are helpful but not a long-term solution, as they typically grant only short-term assignments and do not provide stability that a refugee needs.⁷¹ These assignments, in addition, are typically not focused on Afghanistan, but rather specific issues affecting a local audience in the country of residence.⁷²

⁶⁸ Interview, Shafi Karimi, Dec. 6, 2022.

⁶⁹ Interview, Afghan Journalist based in the United States (First of Day), Nov. 16, 2022.

⁷⁰ FREEDOM NETWORK, AFGHAN EXILED JOURNALISTS IN PAKISTAN: LIVES IN LIMBO 24 (2022), <https://www.fnpc.org/wp-content/uploads/2022/05/Afghan-Exiled-Journalists-in-Pakistan-Lives-in-Limbo.pdf>.

⁷¹ Interview, Afghan Journalist based in the United States (Second of Day), Nov. 16, 2022.

⁷² *Id.*

Social, professional, and financial support, both as a refugee and as a journalist.

Journalists in exile are also refugees with significant social, economic, and cultural needs as they adapt to a new environment, and for journalists specifically, to adapt to new professional environments.

The Freedom Network report “Afghan Exiled Journalists in Pakistan: Lives in Limbo,” one of the few in-depth surveys of exiled Afghan journalists, focuses on one emergent diaspora community.⁷³ The report describes some of the main challenges to integration, including language instruction, costs of healthcare and housing, securing permanent or long-term temporary visas, and technical assistance relating to the local journalism industry. In general, the study showed that 63% of Afghan journalists in exile did not think their current journalism skills were adequate to allow them to continue as a journalist outside of Afghanistan.⁷⁴

One interviewee stated that many states focus on amenities such as food and shelter, which journalists appreciate, but do not spend as much time and resources assisting the refugees with adapting to culture shock, the language barrier, or even the opportunity to work.⁷⁵ When discussing the same issue, another interviewee emphasized the need for social support and special language courses to help give Afghan journalists in exile the tools required to start a successful career in journalism in a new country.⁷⁶

Concerns about reliability of information coming out of Afghanistan.

Journalists in exile must receive information from local journalists and those reporting and observing within Afghanistan, as they are no longer within the country. As the Taliban control the flow of information within the state, and attempt to curb and censor any information that goes against the narrative of peace, stability, and security across the country, there are concerns about the veracity and reliability of the information coming out of the country.⁷⁷

One of the main sources of information out of Afghanistan is through social media, and a growing class of citizen journalists. While still sparse and room for improvement, as of January 2022, there were 9.23 million internet users in Afghanistan (out of a population of 40.29 million), with approximately 4.15 million social media users.⁷⁸ Social media outlets are harder for the Taliban to monitor, as they are not traditional media platforms based in the country and subject to

⁷³ See generally FREEDOM NETWORK, AFGHAN EXILED JOURNALISTS IN PAKISTAN: LIVES IN LIMBO (2022), <https://www.fnpk.org/wp-content/uploads/2022/05/Afghan-Exiled-Journalists-in-Pakistan-Lives-in-Limbo.pdf>. The Freedom Network report surveyed 49 exiled Afghan journalists or media persons, with the hope of displaying a snapshot of the issues that confront journalists in exile. Freedom Network emphasizes that the findings of this report are not statistically representative of all Afghan journalists in Pakistan.

⁷⁴ *Id.* at 24.

⁷⁵ Interview, Afghan Journalist based in the United States (First of Day), Nov. 16, 2022.

⁷⁶ Interview, Shafi Karimi, Dec. 6, 2022.

⁷⁷ *Id.*

⁷⁸ Simon Kemp, *Digital 2022: Afghanistan*, DATAREPORTAL (Feb. 15, 2022), <https://datareportal.com/reports/digital-2022-afghanistan>.

regulations. However, it is very difficult to verify the information being posted on social media. For example, an interviewee noted that he was working on a story relating to the Taliban and human rights violations and received an image from a colleague within Afghanistan, which he proceeded to post. Soon after, he found out that the photo was actually taken from three years prior, before the Taliban even took power.⁷⁹

Journalists in exile also have to depend on their former contacts who are still reporting discretely within the country, who are loyal to the profession and want to ensure that the outside world stays tuned in to what the Taliban are doing.⁸⁰ However, there is both: (1) difficulty in contacting people within Afghanistan, as many have gone dark or are unavailable due to the circumstances of Taliban and oversight, and (2) serious risks of this type of correspondence for the journalists and sources within Afghanistan, as the Taliban may subject journalists within the state to the same consequences they would receive for reporting on their own.⁸¹ Similar issues arise when journalists in exile reach out to the Taliban for official comment on issues or accusations, where the Taliban are slow to respond and propagate only the messages as to which they want to put out.⁸² But when it comes to reporting positives about the group, an interviewee said that the Taliban are quick to respond and eager to go on record to discuss any progress they have made.⁸³

V. Recommendations

On the international level, there exists a shortage of protections and support for journalists in general, but specifically those living in exile. The following are recommendations of various ways that governments and donors can recognize and further support Afghan journalists in exile (which can be utilized as a framework for all journalists in exile) and support the promotion of freedom of expression and accurate reporting surrounding the Taliban regime and the human rights violations ongoing within Afghanistan.

Countries and international organizations should acknowledge the importance of journalists in exile and their role in supporting freedom of expression.

As discussed in section III(B), journalists in exile play a vital role towards freedom of expression and access to information in countries where journalists are censored due to restrictions and regulations. The ability of journalists in exile to serve and inform the citizenry within countries

⁷⁹ Interview, Shafi Karimi, Dec. 6, 2022.

⁸⁰ Sonali Dhawan and Waliullah Rahmani, *Keeping Hope Alive*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:21 AM), <https://cpj.org/2022/08/keeping-hope-alive/>.

⁸¹ See Interview, Afghan Journalist in the United States (First of Day), Nov. 16, 2022; Interview, Afghan Journalist in the United States (Second of Day), Nov. 16, 2022; Interview, Shafi Karimi, Dec. 6, 2022.

⁸² *Afghanistan: Taliban Severely Restrict Media*, HUMAN RTS. WATCH (Oct. 1, 2021, 12:00 AM), <https://www.hrw.org/news/2021/10/01/afghanistan-taliban-severely-restrict-media>.

⁸³ Interview, Shafi Karimi, Dec. 6, 2022.

with repressed media can be a vital way to get important facts to people within those nations and evade the censorship of freedom of expression by the empowered regime.⁸⁴ One interviewee discussed how over the twenty years prior to the Taliban takeover, there were many organizations and international media outlets supporting the growth of media within Afghanistan, but since August of 2021, these same organizations, to the media outlets which they assist, are not giving the same amount of support and attention.⁸⁵ The acknowledgement of the importance of this category of journalists by states should include increased support for journalists in exile seeking refuge within their countries. An example of this is illustrated by the Journalists in Distress Network, a group of twenty-four organizations that provide assistance and safety support to journalists and media workers in crisis, who asked the U.S. Government to expedite the visa process for journalists.⁸⁶ This plea for support was predicated on the recognition that “Afghan journalists formed a critical component of two decades of democratization efforts in Afghanistan” and made it possible for “the rest of the world to access and understand the inner workings of [Afghanistan],” especially as many of them worked for U.S. outlets.⁸⁷

The United Nations should increase recognition of journalists in exile as a distinct and important group of journalists.

Many of the protections on the United Nations level for journalists are encapsulated within freedom of expression by Article 19 of the ICCPR and the subsequent jurisprudence, including General Comment 34.⁸⁸ The United Nations also implemented the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, with the objective of creating a free and safe environment for journalists and media workers in both conflict and non-conflict situations.⁸⁹ However, this plan predominantly focuses on journalists within conflict zones who are in danger of violence or intimidation and on the issue of impunity for those engaging in human rights violations against journalists. While the plan states its intention to strengthen peace, democracy, and development worldwide through the support of journalists, there is no discussion of journalists in exile and the importance of their reporting towards the right to freedom of expression.

As the Plan of Action recognizes the importance of journalists to freedom of expression, and the informed citizenry that results, it is imperative that UN doctrine specifically recognizes

⁸⁴ Rowan Philip, *Reporting from the Outside: Lessons From Investigative Journalists in Exile*, GLOB. INVESTIGATIVE JOURNALISM NETWORK (May 9, 2022), <https://gijn.org/2022/05/09/reporting-from-the-outside-lessons-from-investigative-journalists-in-exile/>.

⁸⁵ Interview, Afghan Journalist in the United States (Second of Day), Nov. 16, 2022.

⁸⁶ *Journalist Safety, Press Freedom Groups Urge U.S. Secretary Blinken to Expedite Visas for Afghan Journalists*, COMM. TO PROTECT JOURNALISTS (Aug. 11, 2022, 8:57 AM), <https://cpj.org/2022/08/journalist-safety-press-freedom-groups-urge-u-s-secretary-of-state-blinken-to-expedite-visas-for-afghan-journalists/>.

⁸⁷ *Id.*

⁸⁸ See ICCPR, *supra* note 9; General Comment 34, *supra* note 11.

⁸⁹ *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, UNITED NATIONS, OFFICE OF THE HIGH COMM’R FOR HUMAN RTS., <https://www.ohchr.org/en/safety-of-journalists/un-plan-action-safety-journalists-and-issue-impunity> (last visited Mar. 24, 2023).

that certain countries, such as the Taliban-controlled Afghanistan, depend on journalists outside of the country to provide quality information on the culture of society and human rights. While it is understandable that a category of journalists in exile is not explicitly recognized in previous doctrine, the growth of the internet and the accessibility to media, as well as the prevalence of censorship in countries such as Russia, Venezuela, and Russia, it is important that the United Nations, specifically within the Human Rights Council and the General Assembly, instill explicit protections for journalists in exile.⁹⁰

Countries should welcome Afghan journalists with expedited visa programs and support the creation of jobs for them and attempt to integrate them into their journalism profession.

There are many difficulties confronting journalists in exile and their transition into the new societies of the countries which they now live in. Whether it be professional, financial, or social opportunities, or even a country to seek refuge in, countries should do everything they can to support journalists in exile, as their work is integral towards supporting freedom of expression within their home countries.

To begin with, countries should recognize journalists trying to flee countries with media persecution special at-risk status when it comes to asylum. As previously mentioned in this section in the discussion of the correspondence by the Journalists in Distress Network, there is a great need to allow journalists in exile to seek asylum on an expedited basis within the United States, noting their at-risk status within Afghanistan, as well as the integral nature of their work towards the ongoing involvement with freedom of expression within Afghanistan. Abiding by this recommendation would coincide with the Special Rapporteur on the situation of human rights in Afghanistan's conclusion and recommendation that states should support the safe passage of those Afghans most at risk, which includes human rights defenders and journalists.⁹¹

But even once journalists have found their way to a new country, there exist the aforementioned professional and social challenges. Governments and philanthropic donors should attempt to integrate foreign journalists in exile into their own journalism profession to the greatest of the countries' abilities, and strive to create opportunities that allow them to work in the media reporting on issues that they are professionally trained to report in. One journalist specifically recommended that state universities and large media outlets should consider an Afghan desk or journalism position within its communications or journalism department as opportunities for journalists in exile.⁹²

⁹⁰ Rowan Philip, *Reporting from the Outside: Lessons from Investigative Journalists in Exile*, GLOB. INVESTIGATIVE JOURNALISM NETWORK (May 9, 2022), <https://gijn.org/2022/05/09/reporting-from-the-outside-lessons-from-investigative-journalists-in-exile/>.

⁹¹ United Nations General Assembly, *Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan*, A/HRC/51/6 (Sept. 9, 2022).

⁹² Interview, Afghan Journalist in the United States (Second of Day), Nov. 16, 2022.

Afghan journalists in exile who interacted with the Freedom Network research project in Pakistan emphasized the need for technical assistance and resources that can help them become familiar with their new country.⁹³ This can also include professional support to help journalists in exile learn about local journalism norms and guidelines, or even just to learn the language of the new country. The Freedom Network report illustrated that national journalists in Pakistan are willing to showcase journalism produced by exiled journalists and support engagement of integration of the Afghans with the local reporters.⁹⁴ Part of this effort should be encouraging countries and media organizations to realize that providing journalists in exile with an outlet is good for their own freedom of expression as well, especially within a country that supports global democratization.

In addition, international organizations and governments with subsidiaries working on matters relating to Afghanistan should attempt to integrate Afghan journalists in exile into their own work, as they can be beneficial to their own work. These journalists in exile, as natives of Afghanistan familiar with the culture and language, can be invaluable resources when it comes to advising and assisting the work that civil societies are undertaking relating to the human rights crisis in Afghanistan. These journalists are in a unique position, where they can give voice to the needs of their communities and assist in making policies that take into consideration the nuances of Afghanistan that those working on the outside may not understand or be familiar with. This would provide meaningful opportunities for Afghan refugees to continue meaningful work on matters relating to Afghanistan, while also furthering the goals and objectives of relevant civil societies.

Countries and international organizations should focus on supporting organizations established by Afghans, such as the Afghan Journalists in Exile Network.

A consistent message from interviewees is that the most impactful services and opportunities to assist Afghan journalists in exile are those created by Afghans, for Afghans. Many international programs meant to assist journalists in exile find support and employment do not focus on long-term opportunities, but rather short-term journalist positions in areas that might not be anything related to what the journalist in exile previously reported on. Afghan journalists in exile want to be able to contribute and report on meaningful matters relevant to their country with the goals of contributing to freedom of expression and holding the government accountable, but many end up being able to only find employment and opportunities working on local news in a foreign country. International media organizations, such as Afghanistan International, that focus on reporting on Afghanistan from outside the country, but hire former Afghan journalists, are a

⁹³ FREEDOM NETWORK, *AFGHAN EXILED JOURNALISTS IN PAKISTAN: LIVES IN LIMBO* 25 (2022), <https://www.fnpc.org/wp-content/uploads/2022/05/Afghan-Exiled-Journalists-in-Pakistan-Lives-in-Limbo.pdf>.

⁹⁴ *Id.* at 6.

prime example of groups that countries and international freedom of expression/journalism organizations should look to support when considering how to support journalists in exile.

Shafi Karimi, and some of his colleagues in France who also are Afghan journalists in exile, are in the process of forming an Afghan Journalists in Exile Network (AJEN), meant to specifically support Afghan journalists in exile internationally.⁹⁵ AJEN has two primary goals: 1. to assist journalists still within Afghanistan by providing funding as well as an outlet for them to anonymously publish reporting on the realities of Afghanistan, specifically incidents of violations involving human rights, women's rights, and journalists' rights,⁹⁶ and 2. to create a network of connection between all journalists in exile, to share opportunities, information, and experiences and act as a support system for journalists in exile. These two goals will assist exiled journalists in their work for freedom of speech within Afghanistan, while also being a responsive network that can work with relevant international organizations to address the needs of Afghan journalists, both inside and outside the country. The relationships between journalists inside and outside of the country through this network will also allow for the development of more secure and trustworthy channels of communication and fact-delivering, that will assist accurate reporting and the avoidance of false information.

Countries and international organizations should support the creation and operation of these organizations, as they are more sensitive and understanding to the needs of Afghan journalists in exile and will be an effective mechanism to connect journalists with opportunities related to Afghanistan.

Governments, media outlets, and international organizations should continue to report on and condemn violations of human rights within Afghanistan and support the struggle for media independence within the state.

Ultimately, this is a call on countries, media outlets, and international organizations to continue reporting on and supporting Afghanistan during the struggles of its people during the current regime. With this, comes reporting on and supporting the outlets reporting on Afghanistan. This recommendation includes the responsibility to encourage the Taliban to allow for the operation of an independent media in order to promote freedom of expression within the country. Intertwining this demand of the Taliban with other integral negotiations, whether it be by a country or an international body of the United Nations, would stress the importance of this issue to the Taliban with hopes of moving the regime's policy to one of more moderation.

⁹⁵ Interview, Shafi Karimi, Dec. 6, 2022. Information relating to the AJEN is from the IJC's interview with Shafi Karimi.

⁹⁶ While not the focus of this report, it is important to emphasize that many journalists want to continue reporting within Afghanistan, and in fact many do, but they cannot receive funding for the work they are doing. AJEN would pay monthly salaries to journalists within Afghanistan, allowing them to continue their work while being backed financially by an international organization.

One interviewee expressed concerns that in the current international news cycle, with protests in Iran, conflict in Ukraine, and civil war in Syria, the international community is forgetting about Afghanistan and the human rights violations by the Taliban regime.⁹⁷ Each interviewee emphasized that the more other countries and organizations are involved, the more stable the country will be.⁹⁸ Countries such as the United States should continue to provide the same type of support to the Afghan media as they did prior to the Taliban takeover.⁹⁹ The hope that the United States instilled in Afghan society with these investments, and the subsequent development within the media industry, brought a belief that Afghanistan was moving in the right direction. Now, journalists in exile are bringing hope to the people of Afghanistan, speaking as the voice of the citizenry, and attempting to inform the international community of the realities of the Taliban regime; it is up to the international community to help provide the platform and support these journalists' needs.

⁹⁷ Interview, Afghan Journalist in the United States (First of Day), Nov. 16, 2022.

⁹⁸ *Id.*; Interview, Afghan Journalist in the United States (Second of Day), Nov. 16, 2022; Interview, Shafi Karimi, Dec. 6, 2022.

⁹⁹ Samiullah Mahdi, *The Pen v. the AK-47: The Future of Afghan Media Under the Taliban*, SHORENSTEIN CTR. ON MEDIA, POLS. AND PUB. POL'Y (Sep. 8, 2021), <https://shorensteincenter.org/pen-vs-ak-47-future-afghan-media-taliban/150>. This article estimates the United States investment in the “media revolution” of Afghanistan between 2001 and 2021 as more than \$150 million.