Briefing paper

Safer together?

Considerations for cooperation to address safety in the media support, humanitarian and human rights sectors

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This briefing is the preliminary output of the research undertaken in an effort to inform or inspire action among media development, human rights and humanitarian sectors to address pressing safety and protection issues.

Acronyms

ACHPR	African Commission on Human and Peoples' Rights
AIHRC	Afghan Independent Human Rights Commission
AWSD	Aid worker security database
BSR	Business for Social Responsibility
CNDH	Comisión Nacional de los Derechos Humanos
CPJ	Committee to Protect Journalists
CSO	Civil society organisation
CwC	Communicating with communities
DRC	Democratic Republic of the Congo
EHAHRDP	East and Horn of Africa Human Rights Defenders Project
EISF	European Interagency Security Forum
ENNHRI	European Network of National Human Rights Institutions
EU	European Union
FIDH	International Federation for Human Rights
GANHRI	Global Alliance of National Human Rights Institutions
GeSI	Global e-Sustainability Initiative
GNI	Global Network Initiative
HAWs	Humanitarian and aid workers
HLPF	High Level Political Forum
HRC	UN Human Rights Council
HRC	Human Rights Center (Somaliland)
HRDs	Human rights defenders
IACHR	Inter-American Commission on Human Rights
IASC	Inter-agency standing committee
ICRC	International Committee of the Red Cross
IDRL	International disaster response law
IFJ	International Federation of Journalists
IGO	Inter-governmental organisation
IHL	International humanitarian law
IHRL	International human rights law
INSO	International NGO Safety Organisation
INSSA	International NGO Safety and Security Organisation
ISHR	International Service for Human Rights
IWMF	International Women's Media Foundation
JID	Journalists in Distress
JMWs	Journalists and media workers
NANHRI	Network of African National Human Rights Institutions
NGO	Non-governmental organisation
NHRI	National human rights institute
NMIRF	National mechanisms for implementation, reporting and follow-up
NRC	Norwegian Refugee Council
OAS	Organization of American States
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMCT	World Organisation Against Torture
OSCE	Organization for Security and Cooperation in Europe
RSF	Reporters without Borders
SDG	Sustainable development goal
SiND	Security in Numbers Database
SLAPP	Strategic lawsuits against public participation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDSS	United Nations Department for Security and Safety
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGPs	United Nations Guiding Principles on Business and Human Rights
UNSR	United Nations Special Rapporteur
UPR	Universal Periodic Review
WHRDs	Women human rights defenders

Executive Summary

This briefing paper is the preliminary output of research undertaken in an effort to inform or inspire action among the media support, human rights and humanitarian sectors to address pressing safety and protection issues. The paper seeks not only to identify commonalities between these sectors, but to identify possible areas for future collaboration and cooperation to address issues of safety and impunity.

Every year, hundreds of human rights defenders (HRDs), humanitarian workers (HAWs) and journalists and media workers (JMWs) are killed around the world – simply for doing their job. Hundreds more are threatened, sexually harassed, kidnapped, arrested, imprisoned or otherwise targeted simply because of the work they do – for their commitment to human rights, fundamental freedoms, providing information to their communities or providing life-saving aid and assistance to vulnerable communities.

Despite the different roles of these sectors, there are commonalities. The risks that JMWs, HAWs and HRDs face are usually the same: intimidation, threats, prison, harassment, torture, injury and death. Women face additional threats of rape and physical violence and threats to their families with many of these threats taking place online. It is not only individuals that are targeted, but the offices of human rights organisations and media outlets are also often targeted during attacks in which files are stolen and material destroyed thereby depriving them of their work tools.

All three sectors often operate in difficult contexts such as conflicts and natural disasters. JMWs and HRDs are also caught in the crosshairs of these conflicts with more and more local JMWs and HRDs subject to violence and protection issues precisely because of these complexities. These complexities also provide a challenge for journalists and HRDs reporting on such conflicts. Despite these commonalities, there has been little cooperation, coordination or other efforts, however, to ensure the safety of workers in these three sectors or to share best practices and lessons learned.

There are international and national legal frameworks for all three sectors, though primarily for HRDS and JMWs. These frameworks include the UN Charter, international humanitarian law, international human rights law, special procedures as well as sector specific frameworks such as the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. Meanwhile, the Declaration to Protect Human Rights Defenders "recognizes the importance of legal and administrative frameworks in the creation of safe and enabling environments for human rights defenders.

There is also an emerging body of laws, the international disaster response laws, rules and principles (IDRL), which targets states and humanitarian agencies operating in disaster areas not subject to IHL.

Regional human rights conventions or charters have been adopted by the Organization of American States (OAS), the Council of Europe (CoE), the Inter-American Commission on Human Rights (IACHR), OSCE, the Commonwealth and the African Union. While all include freedom of expression, not all address human rights defenders, humanitarians or safety and protection issues. National human rights institutions also play an important role in ensuring the safety of those who operate in these sectors while other non-state affiliated institutions also play a similar role.

There are a number of thematic areas that appear ripe for coordination of these sectors including information pollution, surveillance and data and privacy issues and the Sustainable Development Goals (SDGs). These can be addressed in a variety of manners and a collaborative framework is recommended that includes dialogue and peer exchange, multi-stakeholder initiatives, addressing gender-based violence, emergency assistance and research.

Clearly, increasingly challenging national contexts mean that cooperation and solidarity among national, regional and international actors becomes even more important to reinforce actions to enable human rights and democratic space and ensure the safety of humanitarians, journalists and human rights defenders.

1. Introduction

The numbers tell the story: 321 human rights defenders (HRDs) killed in 2018 – the majority in Latin America (Brazil 23, Colombia 126, Guatemala 26, Mexico 48) and the Philippines (39)[1]; 139 aid workers killed[2]; and at least 54 journalists[3]. Globally, hundreds more of their colleagues were threatened, sexually harassed, kidnapped, arrested, imprisoned or otherwise targeted simply because of the work they do – for their commitment to human rights, fundamental freedoms, providing information to their communities or providing life-saving aid and assistance to vulnerable communities.

While each situation may be different, there may also be shared etiologies between these three sectors and issues of safety and impunity, including the categories of prevention, protection and prosecution. However, to date there has been little cooperation, coordination or other efforts to ensure the safety of workers in these three sectors or share best practices and lessons learned. This paper seeks to identify commonalities between these three sectors as well and areas in which they could cooperate going forward to address issues that are common to them.

We know that in many cases, those killed had previously received threats. According to Front Line Defenders, the murders of HRDs are usually preceded by judicial harassment, threats and physical attacks. At least half of those killed had previously re-

ceived a specific death threat, and in an additional 43% of killings there had been general threats made to HRDs in the area. Yet, in most cases, HRDs did not receive the necessary protection and support from state authorities from the time they reported threats to the time they were murdered.[4]

This is often the case for journalists and media workers (JMWs) and humanitarian aid workers (HAWs) as well. "Unfortunately, violence against aid workers isn't new – it's been a pressing issue in the humanitarian community for years. This is especially the case in high risk contexts such as Syria, Afghanistan, South Sudan and the Central African Republic."[5]

Out of the 1010 killings of journalists and media workers recorded by UNESCO between 2005-2017, only 115 were followed by a judicial procedure that led to the conviction of one or multiple perpetrators. This means that nearly nine out of every ten of cases remain unresolved. Impunity for crimes against journalists emboldens attackers and leads to self-censorship in the profession and among the public.[6]

Noteworthy is that frequently there are gender dimensions to these attacks. According to the Front Line Defenders Global Analysis 2018, in addition to the threats experienced by male colleagues, women human rights defenders (WHRDs) "face gendered and sexualized attacks from both state and non-state actors, as well as

from within their own human rights movements. Such violations include removal from public or high-ranking positions in NGOs, trade unions, and political societies; smear campaigns questioning their commitment to their families; sexual assault and rape; militarized violence; and the harassment and targeting of their children."[7]

According to recent research by Report the Abuse, 87% of respondents noted that they knew a colleague who had experienced sexual violence in the course of their humanitarian work, 41% reported having witnessed a sexual violence incident against a colleague and 72% of those reporting were survivors of sexual violence.[8] A 2019 Deloitte/UN study found that one in three respondents reported that they had experienced at least one instance of sexual harassment in the last two years; one in five survey respondents reported experiencing at least one type of sexual harassment prior to 2016 (historical prevalence). The overall prevalence rate was 38.7% (any sexual harassment incident experienced while working with the UN.[9]

Female journalists face significant online abuse. According to a recent International Women's Media Foundation (IWMF) study, nearly 2 out of 3 respondents said they have been threatened or harassed online at least once — slightly more than reported physical threats or harassment. Of those, approximately 40 percent said

1   See Frontline Defenders Global Analysis 2018 available at: https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2018.
2   2018 Aid Worker Security Report.
3   According to CPJ. According to the IFJ, however, 95 journalists and media workers were killed in 2018.
4   Frontline Defenders 2018 global report.
5   Alexander Hasenstab, "Why aid workers, particularly local ones, need better protection". The Conversation. 10 September 2018. http://theconversation.com/why-aid-workers-particularly-local-ones-need-better-protection-102210
6   UNESCO, Punish the Crime Not the Truth: Highlights from the 2018 UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity, 2018, p. 1.
7   Frontline Defenders 2018 Global Report.
8   Report the Abuse, *Humanitarian Experiences with Sexual Violence: Compilation of Two Years of Report the Abuse Data Collection*, (August 2017)
9   Deloitte Touche Tomatsu, United Nations Safe Space Survey Report 2019.

"Civil society is a fundamental pillar of democracy and human security. Whether standing up for land rights, civilians trapped in conflict, a free media, the environment, LGBTI rights and the rights of women or standing against corruption, genocide and torture, civil society organisations, grassroots activists and independent journalists are essential watchdogs over the powerful."

– Open Briefing (www.openbriefing.org)

they avoided reporting certain stories as a result of online harassment.[10]

While there has been some research conducted in this area, data on sexual violence and gender differentiated analysis is still weak across all three sectors. As a result, much of what we think we know about gender-based risks and appropriate mitigation strategies is based on assumptions that lack empirical support. This year's Aid Worker Security Report[11] examines the issue of sexual violence and the differing risks for female and male aid workers in violent operational settings. The report notes that sexual violence poses particular challenges to risk management due to the stigma surrounding the subject and because it is virtually the only type of violent threat to aid workers where perpetrators may be inside as well as outside the organisation.

There are challenges with data collection. Data from the aid sector can be found in the aid worker security database[12] (AWSD) a project of Humanitarian Outcomes and has security incident data going back to 1999. This database is comprehensive and is disaggregated by gender and has always tracked incidents of rape and violent sexual assault as a distinct category of attack.

The Aid in Danger database,[13] launched in 2008 by Insecurity Insight and collaborating humanitarian agencies, provides another source of statistics on security incidents affecting aid agencies and delivery of aid; however, it is not gender disaggregated. In 2019, Insecurity Insight launched a new reporting platform to document sexual abuse and harassment against humanitarian aid workers.[14]

The go-to database for HRDs is that of ProtectDefenders.eu[15], the European Union Human Rights Defenders mechanism. This database is disaggregated by gender but includes harassment, however, sexual harassment or assault is not specifically included.

In the case of JMWs, several different databases are maintained by organisations including RSF, CPJ, IFJ, UNESCO each including different details without standardisation. For example, CPJ's database, together with UNESCO, disaggregate by gender.

Academics at the University of Sheffield are trying to address differences and discrepancies in these databases by developing an events-based methodology and an infrastructure for pooling data resulting in one comprehensive database. They note that often there is no link to human rights language and there is a lack of conceptual consistency. It is feasible this effort may result in the creation of early warning of indicators of attacks which could possibly lead to prevention. The work at the University of Sheffield could be further built upon to create a converged database that collects incident data from all three sectors.

In addition, ensuring gender disaggregation and inclusion of incidents that women face more frequently would allow for a more precise picture. Thoughtful analysis of a collective database could provide powerful the foundation for evidence-based efforts to address of protection and impunity.

This briefing paper is an initial effort to illuminate areas of commonality between these sectors and to identify potential areas of cooperation. The paper begins by defining those who work in each of these sectors and what commonalities exist. This is followed by a discussion of the existing international legal frameworks as well as regional and national safety mechanisms. The paper then presents a number of opportunities that appear ripe for coordination and concludes with a proposed strategic framework for cooperation.

10 International Women's Media Foundation (2018), Attacks and Harassment: The impact on female journalists and their reporting.
    https://www.iwmf.org/wp-content/uploads/2018/09/Attacks-and-Harassment.pdf
11 Humanitarian Outcomes, Aid Worker Security Report 2019. https://www.humanitarianoutcomes.org/AWSDR2019
12 See **aid worker security database**
13 http://insecurityinsight.org/projects/aid-in-danger
14 See: http://www.insecurityinsight.org/aidindanger/
15 See **ProtectDefenders.eu**

2. Definitions

The first step in identifying commonalities is to define roles. While all three sectors face similar security issues and work in challenging, and often similar, contexts, they have different roles. Definitions can also provide a sense of what and where overlap between the sectors may exist.

Human Rights Defenders

The 1999 UN Declaration on Human Rights Defenders[16] provides an internationally established concept of human rights defenders: "Individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals" (fourth preambular paragraph).

The Observatory for the Protection of Human Rights Defenders (set up by the World Organisation against Torture (OMCT) and the International Federation of Human Rights[17] (FIDH)) in 1997 also adopted an operational definition of HRDs that also includes journalists. "People who, through peaceful means, investigate human rights violations, inform the public, organise campaigns and transmit this information. Lawyers who argue for the cause of political prisoners and their right to a fair trial; mothers of the disappeared who protest to obtain the truth on their fate; journalists; teachers; trade unionists who fight for the respect of economic rights; rural and indigenous communities who organise for the recognition of their rights; organisations that fight against impunity."[18]

Journalists and media workers

Defining who is a journalist can be problematic due to changing technologies and roles in the digital era. In addition, some countries require journalists to be licensed or to meet certain criteria. For the purposes of this paper journalists and media workers are those media professionals who gather and disseminate information, or assist with this process, with the goal of providing citizens with information.

While human rights organisations, such as the OMCT, will often include JMWs in their scope, media outlets and media support organisations rarely view human rights defenders as part of the media sector. "Some journalists are *de facto* HRDs, whether or not they recognise themselves as such. Technological and other advances mean that the lines between the two categories are becoming increasingly blurred."[19]

Humanitarian and aid workers

Humanitarians or aid workers are typically involved in emergency response programmes in areas that have been subjected to conflict, natural disasters or other environmental or developmental problems. JMWs and HRDs are typically not considered HAWs.

Commonalities

Despite the different roles of these sectors, there are commonalities. First and foremost, the risks that JMWs, HAWs and HRDs face are usually the same: intimidation, threats, prison, harassment, torture, injury and death. Women face additional threats of rape and physical violence and threats to their families with many of these threats taking place online.

It is not only individuals that are targeted but the offices of human rights organisations and media outlets are also often targeted during attacks in which files are stolen and material destroyed thereby depriving them of their work tools. This trend is illustrated by several examples including the office raids of several international and local NGOs in Egypt in late 2011 and in Azerbaijan in 2014. These raids preceded legal action against workers of these same NGOs.

All three sectors often operate in difficult contexts such as conflicts and natural disasters. In such cases communicating with communities (CwC)[20], for example, becomes paramount and HAWs and media must often work hand in hand. However,

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16   General Assembly Resolution A/RES/53/144, The full title is: *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 8 March 1999
17   The International Federation for Human Rights (FIDH) is an international human rights NGO federating 184 organisations from 112 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.
18   See: http://www.omct.org/human-rights-defenders/observatory/
19   Tamsin Mitchell, Journalists as Human Rights Defenders: International Protection of Journalists in Contexts of Violence and Impunity in I. S. Shaw, S. Selvarajah (eds.), *Reporting Human Rights, Conflicts, and Peacebuilding,* p. 222.
20   Communications with Communities is an emerging field of humanitarian response that helps to meet the information and communications needs of people affected by crisis. CwC is based on the principle that information and communications are critical forms of aid, without which disaster survivors cannot access services or make the best decisions for themselves and their communities. See for example: http://www.cdac-network.org/contentAsset/raw-data/2f451a88-b772-4493-bcd5-707064f9396c/attachedFile

there are other instances in which JMWs and HAWs find themselves in similar circumstances. Conflict, for example, may make field movement difficult for both journalists and humanitarians making their work challenging if not impossible. In the 2007 Madhesi demonstrations in Nepal, at least 17 journalists were attacked and aid workers were unable to travel to southeastern villages and towns to carry out their humanitarian and development work as they faced similar risks as journalists. "Our field movements have been severely affected and we are worried about how to continue with our work in villages where we run poverty reduction and income-generation projects for the poorest communities," said Ram Sharan Sedhai, a senior officer from Action Aid Nepal, one of the country's largest NGOs. Sedhai added that protestors are accusing NGOs of not investing enough on the Madhesi, but rather more on the Pahadis.[21]

HRDs also face increased risk in situations of internal conflict and "in countries in which the judicial power does not enjoy the independence required to punish the authors of violations and is instrumentalised to obstruct defender activities. Since the events of September 11, 2001, suspicion towards human rights defenders [globally] has increased. Many governments have adopted anti-terrorism legislation that curtails fundamental freedoms. The terrorist threat could therefore be used to obstruct the legitimate and peaceful work of human rights defenders. The risk of confounding the two is real."[22] HRDs are not alone in this and JMWs and HAWs have faced similar challenges and are often targets of anti-terror legislation as well.

In his 2018 World Report, the United Nations Special Rapporteur (UNSR) on the Situation of HRDs, Michel Forst, made clear that the situation of HRDs is neither unique nor singular. "The situation of human rights defenders is both intertwined with the situation of other groups within society and quite different depending on the type of human rights activism, the identity of the defender, and the particular features of their human rights work. In relation to the former, the situation of human rights defenders frequently overlaps and shares commonalities with the situation of journalists, lawyers, political dissidents, women, indigenous people, youth, and other groups in society. This is both because these groups often are themselves human rights defenders and because the roles of these groups, in advocating change or the adoption of new policies, is often similarly opposed by vested interests."[23]

Indeed, many local journalists covering issues like corruption and organised crime can be considered HRDs and, as a result, are exposed to high levels of violence and impunity.[24] "Journalists have a broad mandate to gather information and disseminate it to a public audience through print, radio or television media. In their general role, journalists are not human rights defenders. However, many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen".[25] Additionally, there are media houses whose mandate is to cover human rights issues and others, such as The New Humanitarian, that cover the humanitarian sector.

Some humanitarian groups say one difficulty in protecting aid workers is the complexity of identifying and negotiating with the leaders of armed groups. A recent study by the International Committee of the Red Cross notes more than 40 percent of conflicts worldwide involved between three and 10 parties.[26]

These complexities also present challenges to HRDs and JMWs. In Colombia, for example, the search for peace has resulted in an increase in violence against HRDs – originating from a variety of parties. This has also happened in other peace processes, such as those in Guatemala, El Salvador, Burundi and the Philippines. According to a Colombian journalist specialising in human rights, "the pattern is the same: when the time comes to implement the agreements on the ground, social leaders and human rights defenders are particularly affected because they are the ones who really know local communities and their problems."[27] Journalists reporting on these processes are often targeted as well.

JMWs and HRDs are also caught in the crosshairs of these conflicts with more and more local JMWs and HRDs subject to violence and protection issues precisely because of these complexities. These complexities also provide a challenge for journalists and HRDs reporting on such conflicts. These issues, however, could provide an area of common ground for these three sectors to address collaboratively.

Despite commonalities among the three sectors, there continues to be widespread impunity for violence against HAWs, HRDs (and WHRDs) and JMWs, despite clear prohibitions under international law. But what legal protections exist for HAWs, HRDs and JMWs?

21   The New Humanitarian, journalists, aid workers and rights activists under threat. 4 February 2007. http://www.thenewhumanitarian.org/fr/node/235477

22   See: http://www.omct.org/human-rights-defenders/observatory/

23   Michel Forst, World Report on the Situation of Human Rights Defenders, December 2018, p.9.

24   See Mitchell.

25   OHCHR, Who is a defender? https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx Accessed 20 June 2019.

26   ICRC, The Roots of Restraint in War, 2018. https://reliefweb.int/sites/reliefweb.int/files/resources/4352_002_The-roots-of-restraint_WEB.pdf

27   Carlos Gevara, Effort of Colombia's civil society in peace negotiations not acknowledged, 18 April 2016. https://www.civicus.org/index.php/media-resources/news/895-effort-of-colombia-s-civil-society-in-peace-negotiations-not-acknowledged

3. Legal protection frameworks for JMWs, HRDs and HAWs

Given the similarities of the security situations of JMWs, HRDs and HAWS and the challenges they face, it is useful to examine the international normative frameworks regarding protection for these three groups.

UN Charter

The Charter of the United Nations is the foundational treaty of the UN and serves as the basis for much of the UN's human rights machinery by establishing the UN Human Rights Council (HRC), the Universal Periodic Review process, Special Procedures and a complaint mechanism. Furthermore, the Charter established the UN General Assembly which debates and issues resolutions of international importance, including human rights issues. The Charter reaffirms "faith in fundamental human rights, in the dignity and worth of the human person" and contains provisions for "assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

The binding nature of the Charter is addressed in Chapter V, Article 25 which states that "The Members of the UN agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". Article 103 of the UN Charter also puts forth the binding nature of the Charter in the event there is a conflict with any other international agreement. In this event, Member State obligations of the UN Charter shall prevail.

International humanitarian law and international human rights law

International humanitarian law (IHL) and international human rights law (IHRL) are two distinct but complementary bodies of law. They are both concerned with the protection of the life, health and dignity of individuals. IHL (defined as the principles and rules which limit the use of violence in times of armed conflict) applies in armed conflict while human rights law applies at all times, in peace and in war. In situations of armed conflict, human rights law complements and reinforces the protection afforded by International Humanitarian Law.

IHL is based on the four Geneva Conventions of 1949 and their Additional Protocols of 1977, the Hague Conventions and a series of treaties governing means and methods of waging war such as those banning blinding laser weapons, landmines and chemical and biological weapons, as well as customary law. However, Seatzu notes that IHL has "given rise to a system of legal guarantees that acknowledges special protection only to certain (but not all) categories of aid workers."[28]

IHRL is more complex and unlike IHL includes regional treaties, discussed below. The main global legal instrument is the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948. While the UDHR, like all General Assembly resolutions, is not legally binding on Member States, it provides essential definitions for the concepts of "fundamental freedoms" and "human rights"

included in the UN Charter – which is binding on Member States. The UDHR together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the so-called **International Bill of Human Rights**. Further, the UDHR is widely considered to have the force of customary international law, which plays a role in judgments of the International Court of Justice, among other entities.

Other global treaties include the prevention and punishment of torture and other forms of cruel, inhuman or degrading treatment or punishment, on the elimination of racial discrimination and discrimination against women, or on the rights of the child.

Special procedures

There are also 'special procedures' of the UN HRC – independent human rights experts with mandates to report and advise on human rights from a thematic of country-specific perspective. The system of Special Procedures is a central element of the UN human rights machinery and covers all human rights: civil, cultural, economic, political and social as well as issues relating to specific groups. Special procedures mandate-holders are either an individual (called a Special Rapporteur (SR) or Independent Expert (IE)) or a Working Group (WG) of five members. There are 44 thematic and 12 country mandates.

Several of these are of particular interest here: The Special Rapporteur on Extrajudicial, Summary

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28   Seatzu, 2017, p.4.

or Arbitrary Executions, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Special Rapporteur on the Situation of Human Rights Defenders and the Special Rapporteur on Violence against Women. Also relevant are the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. The SRs perform a key preventive function by contacting States concerning information received regarding alleged violations of the rights of journalists, undertaking country visits to analyse the human rights situation at the national level, making public statements, and submitting reports to the Council and the General Assembly.

The Coordination Committee for Special Procedures (CC) is comprised of six Special Procedures mandate holders. Its main function is to enhance coordination among mandate holders and to act as a bridge between them and the OHCHR, the broader UN human rights framework and civil society. The CC equally seeks to promote the standing of the special procedures system.

Universal Periodic Review

Another mechanism is that of the Universal Periodic Review (UPR) which allows the UN to regularly assess the degree "to which States are fulfilling their human rights obligations and commitments and provides recommendations to help move governments towards improved compliance. Taken together, these UN human rights recommendations provide an important contribution to a 'blueprint' for human rights, democracy and rule of law reform (including to combat corruption),

based on the State's own obligations and commitments."[29]

States and civil society groups can also use the UPR process to highlight violations of the rights of HRDs.[30] The UN HRC launched the UPR process in 2008 as an effort to strengthen human rights norms and practices around the world. UN member states' human rights records are examined according to criteria outlined by the HRC and other member states provide recommendations on how their human rights practices could be improved.

In her recent work, Mitchell (2019) writes in detail about these frameworks for JMWs and HRDs and says that while the international protection regimes for journalists and HRDs evolved in parallel and in different ways, they are still broadly comparable and even overlap in some cases. These protection frameworks are comprised of five key features: (1) a normative basis in IHRL; (2) goal-driven or practically oriented; (3) holistic security paradigm; (4) multi-level; and, (5) multi-actor.[31]

Legal instruments for JMWs

There are several significant legal instruments for JMWs that support the creation of an enabling environment for the safety of journalists. These include the UDHR, the Geneva Conventions and the International Covenant on Civil and Political Rights.

Journalists are covered under international humanitarian law (IHL). Rule 34 of customary IHL states that: "Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities".[32] But, in 1970

the General Assembly noted that some categories of journalists on dangerous assignments were not covered. As a result, with the mandate of the General Assembly and the Economic and Social Council, in 1972 the Commission on Human Rights approved a draft of an international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict. This is now addressed in article 79 of Protocol I adopted by the Conference in 1977 which states that journalists engaged on dangerous assignments should be considered as civilians and protected provided they take no action which would adversely affect their civilian status.

More recently, the UN Plan of Action on the Safety of Journalists and the Issue of Impunity[33] aims to create a free and safe environment for journalists and media workers, both in conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide. Its measures include the establishment of a coordinated inter-agency mechanism to handle issues related to the safety of journalists as well as assisting countries to develop legislation and mechanisms favorable to freedom of expression and information and supporting their efforts to implement existing international rules and principles. To further reinforce prevention, the UN Plan of Action recommends working in cooperation with governments, media houses, professional associations and NGOs to conduct awareness raising campaigns on a wide range of issues such as existing international instruments and conventions, the growing dangers posed by emerging threats to media professionals, including non-state actors, as well as various existing practical guides on the safety of journalists.

29   SIDA, Second informal meeting of development partners (Oslo+1) on: International support for the national implementation of UN human rights recommendations, including as a contribution to the Sustainable Development Goals (draft concept note), 10 May 2019, pp 1-2.

30   For an explanation of the UPR process, see the UN Human Rights website: http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx; see also UPR Info (2013).

31   Mitchell, p. 227.

32   Rule 34: Journalists, Customary International Humanitarian Law. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule34

33   See: https://en.unesco.org/un-plan-action-safety-journalists

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity also recognises the gendered nature of violence against female journalists. "Female journalists", states the Plan, "also face increasing dangers, highlighting the need for a gender-sensitive approach. In carrying out their professional duties, they often risk sexual assault, whether in the form of a targeted sexual violation, often in reprisal for their work; mob-related sexual violence aimed against journalists covering public events; or the sexual abuse of journalists in detention or captivity. Furthermore, many of these crimes are not reported as a result of powerful cultural and professional stigmas."[34]

It is important to note that the UN Plan of Action specifies that "efforts to end impunity with respect to crimes against journalists must be associated with the defence and protection of human rights defenders, more generally".[35]

The Conference on Safety of Journalists and Ending Impunity for Crimes Committed against Journalists in Africa (organised by UNESCO and the Federation of African Journalists in November 2017)[36] adopted the so-called Nairobi declaration on national mechanisms for safety of journalists.[37] The Nairobi declaration emphasises the importance of establishing national safety mechanisms in East African countries and provides for the establishment of a regional committee for safety of journalists. The Conference also adopted the Addis Ababa resolution on the creation of an African Union working group on the safety of journalists and the issue of impunity in Africa,[38] in which the African Union was requested to create a working group on safety of journalists, to be convened by the African Commission on Human and Peoples' Rights, to promote the establishment of national safety mechanisms. The working group is now being established.[39]

Legal instruments for human rights defenders

The normative framework for HRDs is newer and normatively simpler and has dedicated Rapporteurs at both UN and Inter-American Commission on Human Rights (IACHR) levels and "appears to be emphasised at EU level in terms of practical assistance. The two regimes are developing rapidly yet appear to make relatively little reference to each other (although there are signs that this may be changing)."[40]

The Declaration to Protect Human Rights Defenders "recognizes the importance of legal and administrative frameworks in the creation of safe and enabling environments for human rights defenders. Despite the obligation on States to introduce such frameworks and the numerous national legislative initiatives, and the law reforms and national policy guidelines reflected in the entries received, law and policy are also being used, unwittingly and deliberately, to frustrate the defence of human rights. Country entries reveal the use of administrative procedures and local by-laws to close human rights organizations, the prosecution of human rights defenders for fictitious tax and other offences and the criminalization of dissent through prosecution on various grounds, including for "defamation of the nation". Defenders face decades-long investigations and shifting prosecutions for a range of offences related to their criticism of the State. Other human rights defenders face prosecution through the use of generic boilerplate prosecutions without individualized charges. It is regrettable that the law and legal processes have become both a shield for and a sword used against human rights defenders".[41]

To mark the 20th anniversary of the Declaration in 2018, the UNSR put together the World Report, the first global survey of the situation of human rights defenders since the landmark Global Survey conducted in 2006.

Legal instruments for humanitarian and aid workers

The international protection regime for HAWs, however, is neither as comprehensive nor comparable to that of JMWs and HRDs. The current status is that governments have a legal obligation to protect aid workers in their country under the Geneva Conventions (IHL) and under the UN Charter.[42]

Various provisions in the Geneva Conventions and Additional Protocols prohibit attacks upon medical units, hospitals and medical personnel. Additional Protocol I extends specific protection to all relief personnel, obligating states to ensure the respect and protection of relief workers (Art 71(2)) but is not contained in Additional Protocol II.

The 1994 Convention on the Safety of United Nations and Associ-

34 UN Plan of Action on the Safety of Journalists and the Issue of Impunity.
35 UN Plan of Action on the Safety of Journalists and the Issue of Impunity, paragraph 1.5.
36 See: www.unesco.org/new/en/addisababa/about-this-office/single-view/news/promoting_the_safety_of_journalists_and_the_campaign_against-3.
37 See: www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Nairobi/nairobideclarationsafetyjournalists.pdf.
38 See: www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Addis-Ababa/pdf/AddisAbabaResolution2017.pdf.
39 UN General Assembly Human Rights Council 39th Session, Resolution 39-23.
40 Mitchell, pp. 227-228.
41 Forst, 2018, pp. 11-12.
42 Daniel Paul, *The Relevance of the Security Triangle: An Examination of Literature on Perspectives of Humanitarian Security,* June 2014. Available from: https://www.researchgate.net/publication/267391615_The_Relevance_of_the_Security_Triangle_An_Examination_of_Literature_on_Perspectives_of_Humanitarian_Security.

ated Personnel states that "personnel, installations, material, units or vehicles involved in a humanitarian assistance" as a war crime in international and internal armed conflicts in the Rome Statute of the International Criminal Court (Article 8(2))."

More recently, in December 2017 the UN General Assembly adopted resolution 72/131 on the Safety and security of humanitarian personnel and protection of United Nations personnel. The resolution "calls upon all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel and the delivery of supplies and equipment, in order to allow those personnel to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons."

The resolution specifically addresses the need to protect female humanitarian personnel and "expresses concern that these personnel may be more exposed to certain forms of violence, including sexual violence, crime and acts of intimidation and harassment, [and] strongly urges the United Nations system and Member States to analyse the different forms of violence, including sexual violence, crime, acts of intimidation and harassment to which women and men are differently exposed and also strongly urges the United Nations system and Member States to choose appropriate and gender sensitive approaches for their safety and security while allowing

them to fulfil their duties, and to ensure that female humanitarian personnel and United Nations and associated personnel are meaningfully included in decisions related to their safety and security, and that all reports of sexual violence against humanitarian workers are thoroughly investigated and the alleged perpetrators brought to justice, in accordance with applicable laws."[43]

The resolution emphasises the need for coordination to address these issues. One recent attempt to address this was to have the United Nations Department for Security and Safety (UNDSS) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) to "coordinate more effectively at field level to identify security objectives and work with host governments, non-state actors and security groups to achieve them as well as making security policy an integral part of any humanitarian programme."[44]

Despite this, some say that the legal status of HAWs remains unclear and unresearched because there simply is no definition of humanitarian aid workers (or volunteers) in the IHL instruments (the four Geneva Conventions of 1949 and their Additional Protocols). These Conventions refer to volunteers but only to military volunteers.[45]

An emerging body of laws is the international disaster response laws, rules and principles (IDRL) which targets states and humanitarian agencies operating in disaster areas not subject to IHL. "IDRL is a fragmented collection of treaties and non-binding resolutions and guidelines. It is a weaker framework than IHL: regulatory issues are therefore more problematic in the delivery of assistance in disasters than in armed conflicts. Progress has been made, however, with new guidelines and attempts to develop a more coherent disaster framework."[46]

There are some who believe that protection of humanitarian workers in the future may be included in agreements between NGOs and conflict-affected states and that such agreements would have to follow the general structure, pattern and contents of Status of Forces Agreements (SOFAs).[47] This could prove problematic, however, as some countries such as Egypt, India, and Pakistan, are cracking down on NGOs and their registration in-country which would make such agreements impossible.

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43   UN General Assembly 72nd Session, Resolution 72/131: Safety and security of humanitarian personnel and protection of United Nationals Personnel. 11 December 2017. Available at: https://undocs.org/A/RES/72/13

44   Paul, p.4.

45   Francesco Seatzu, (2016), Revitalizing the international legal protection of humanitarian aid workers in armed conflict, *La Revue des droits de l'homme* http://journals.openedition.org/revdh/2759

46   GSDRC (2013). *International legal frameworks for humanitarian action: Topic guide*. Birmingham, UK: GSDRC, University of Birmingham, p.6.

47   Seazu.

4. Regional safety mechanisms

Regional human rights conventions or charters have been adopted by the Organization of American States (OAS), the Council of Europe (CoE), the Inter-American Commission on Human Rights (IACHR), OSCE, the Commonwealth and the African Union. While all include freedom of expression, not all address human rights defenders, humanitarians or safety and protection issues.

The OAS has played a proactive role in promoting the safety of journalists. In June 2017, the General Assembly of the OAS passed Resolution R86/17, which urged States "to implement comprehensive measures for prevention, protection, investigation and punishment of those responsible, as well as to put into action strategies to end impunity for crimes against journalists and share good practices".

All CoE member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The CoE has a Platform for the Protection of Journalism and Safety of Journalists and together with its various institutions such as the Parliamentary Assembly (PACE) and the Committee of Ministers, have passed numerous resolutions addressing safety and protection of journalists and human rights defenders.

In May 2014, the Council of the European Union adopted the European Union Human Rights Guidelines on Freedom of Expression Online and Offline, which stated that the European Union would "take all appropriate steps to ensure the protection of journalists and HRDs, both in terms of preventive measures and by urging effective investigations when violations occur". These guidelines also stated that HRDs who "use new media to reach a mass audience" should be covered by journalist protection initiatives.[48]

Nah et. al. have identified some limitations to implementing these guidelines which include: "limited awareness of them by other EU member state missions and local HRDs, as well as poor coordination, weak monitoring, and insufficient feedback on advocacy efforts (both public and through 'quiet diplomacy') between HRDs and EU mission".[49]

In Latin America, the Inter-American Commission on Human Rights (IACHR) established an Office of the Rapporteur on the Situation of HRDs in April 2011. "In addition to conducting studies, visiting states, and promoting the protection of the rights of HRDs generally, the Rapporteur also provides support in the analysis of petitions presented to the IACHR regarding alleged violations of the rights of HRDs. In response to petitions, the IACHR may issue 'precautionary measures', asking states to adopt urgent measures to prevent irreparable harm to HRDs. It may also ask the Inter-American Court to order states to adopt 'provisional measures' to prevent irreparable harm."[50]

The Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) intervenes on media freedom and the safety of journalists. Statements and legal commentaries call on OSCE States to investigate attacks and address impunity.

The Secretary-General of the Commonwealth has pledged support for the United Nations Plan of Action, working to promote journalist safety and institutional mechanisms that foster freedom of expression within member states across different regions.

In 2018, the African Union approved the setting up of the Safety of Journalists Working Group although to date it is unclear what the Working Group has achieved. The African Commission on Human and Peoples' Rights established the mandate of the Special Rapporteur on HRDs in Africa in 2004 with a similar mandate to the UN Special Rapporteur on HRDs.[51]

Currently, HAWs have only international legal instruments to fall back on and there are currently no regional legal protection mechanisms.

48   Council of Europe, *EU Human Rights Guidelines on Freedom of Expression Online and Offline*, May 2014, para 5. https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

49   Alice M. Nah, Karen Bennett, Danna Ingleton and James Savage, A Research Agenda for the Protection of Human Rights Defenders, *Journal of Human Rights Practice*, November 2013, p. 11.

50   Nah et. al., p. 11.

51   For more information on the activities of the Special Rapporteur, see http://www.srhrdafrica.org.

5. National safety mechanisms

Nearly 150 countries currently have a national human rights institution (NHRI) affiliated with the Global Alliance of National Human Rights Institutions (GANHRI), the international association of NHRIs from all parts of the globe. Established in 1993, the GANHRI promotes and strengthens NHRIs to be in accordance with the Paris Principles, and provides leadership in the promotion and protection of human rights. The OHCHR maintains a database of existing NHRIs.

Many of these NHRIs include safety mechanisms although in most cases these deal only with HRDs and JMWs and have a clear role in protecting and supporting HRDs and JMWs as they provide direct access to engaging the relevant state institutions. When a transnational corporation, for example, is linked to a situation involving attacks on a HRD, there is an opportunity to engage the "home NHRI", however, so far this is untapped territory.[52]

There are also regional bodies, such as the Network of African National Human Rights Institutions (NANHRI). This regional umbrella body of 46 NHRIs in Africa seeks to support and strengthen NHRIs in Africa as well as to facilitate coordination and cooperation between and among themselves and with other key human rights actors at the regional and international levels.

In some cases, however, safety mechanisms for JMWs are dealt with by a separate national entity while humanitarians are afforded no protections whatsoever under these mechanisms.

In some countries, notably Colombia, Guatemala and Mexico, national mechanisms have been established to respond to human rights violations against HRDs and WHRDs. However, such national protection mechanisms may be more relevant and effective if developed and implemented together with civil society and they must have adequate resources.[53]

In Mexico, the law for Protection of Human Rights Defenders and Journalists requires key agents within the state to publicly support HRDs. This, according to the UNSR, may serve not only as a counter to dangerous discourses but also as a path forward "towards the prevention of future violations and the promotion of the right to defend human rights more generally".[54]

As part of that programme, when Mexico's NHRI, the *Comisión Nacional de los Derechos Humanos* (CNDH) receives news regarding any risk to the safety, integrity or another possible threat to a journalist's or defender's human rights, an urgent '*petition of precautionary measures'* is issued asking authorities to offer protection to the victim, his or her family and the media group or NGO in which he or she is working. In 2018 the CNDH issued 96 *precautionary measures* requesting protection for journalists and 45 for human rights defenders. This, says Rodrigo Santiago, the executive director of the CNDH, is a relevant indicator of the violent context that these two groups are living nowadays.

Some states have made reference to plans of action for addressing issues relating to freedom of information. The Republic of Moldova, for instance, recently amended its national human rights plan of action (2011-2014) to include activities relating to the independence of the mass media and freedom of expression following recommendations made during the universal periodic review of the HRC. In Mongolia, the strategic plan of the national human rights commission for 2012-2014 reportedly includes monitoring the implementation of, and raising public awareness about, laws on information transparency and the right to information.[55]

In September 2018, Brazil extended the range of the country's mechanism for the protection of human rights defenders to include "*communicadores*", a term that in Brazil covers not only staff journalists but also freelancers, non-professional journalists and bloggers. Originally set up in 2004 and attached to the Ministry of Human Rights.[56]

Some states have constitutional and legislative measures intended to address the protection of journalists. In Mexico, for example, a recent constitutional amendment means crimes committed against journalists are now federal offences. In Colombia, article 73 of the Constitution specifically provides that "journalism will enjoy such protection as necessary to guarantee its freedom and professional independence".[57]

There are a number of challenges however with the nature, sus-

52   UN Working Group on Business and Human Rights, Protecting and respecting those who speak up against business impacts on human rights: Takeaways from the UN Forum and the way forward. https://www.business-humanrights.org/en/protecting-and-respecting-those-who-speak-up-against-business-impacts-on-human-rights-takeaways-from-the-un-forum-and-the-way-forward

53   Nah, 2013.

54   UNSO World Report 2018, p. 9.

55   HRC 24/23, para 20.

56   See Reporters without Borders, Brazil's protection for human rights defenders extended to journalists. 12 September 2018. https://rsf.org/en/news/brazils-protection-human-rights-defenders-extended-journalists-0

57   HRC 24/23, para 21.

tainability and effectiveness of NHRIs. Political will is essential to ensure the efficacy and independence of the institution for without independence, an NHRI will not have the teeth to perform its duties. Political will is also often tied to funding and in many countries NHRIs are ineffective simply because they are inadequately funded. Mexico is a case in point as it lacks sufficient resources to fully exercise its mandate.[58] Poor implementation and challenges of ensuring compliance also present challenges.[59]

According to Santiago of Mexico's CNDH, one of the biggest challenges they face is impunity; the lack of justice is the motor that incentivises violence. "As long as Mexican institutions do not succeed in procuring justice for victims, crimes such as physical assaults, threats, disappearances and murders will not easily stop since there is no legal punishment to it."[60]

Carver and Korotaev noted that "the efficiency of the NHRI's activities depends significantly on the level of development of democratic institutions and judicial system in the country" and while active, consistent and efficient NHRIs can greatly contribute to the democratic development of their country, they need to develop and improve together.[61]

NHRIs are not the only option. Many countries have independent human rights institutions that are not affiliated with GANHRI and that seek to address safety issues of HRDs and, in some cases, JMWs. Some possible approaches in working with national institutions might provide inspiration. In Colombia and Somaliland IMS has worked closely with local organisations that are addressing these issues.

Colombia

Colombia is one of the deadliest countries in the world for HRDs. IMS partner, Fundación para la Libertad de Prensa (FLIP), in Colombia has done increasing work with human rights groups including intergovernmental bodies such as the IACHR and the OHCHR.

The measures to strengthen the protection of journalists reported included the Protection Programme for Journalists and Social Communicators, established in Colombia in 2000, together with the Programme for the Protection of Human Rights Defenders, A/HRC/24/23 9 which aims to protect journalists and media professionals facing threats of violence. As part of the programme, civil society organisations monitor threats against journalists and present cases to the Risk Evaluation and Regulation Committee, an inter-institutional committee that determines the protection measures to be implemented.

Colombia also established a national unit for the protection of journalists and HRDs, the *Unidad Nacional de Protección* (UNP), to provide equipment and assistance constituting material measures of protection to journalists, such as mobile phones, bulletproof vehicles and emergency evacuations and transfers to other regions of the country or abroad under witness protection programmes. This initiative brings together previously separate protection programmes in Colombia for the protection of judges, prosecutors, witnesses, human rights defenders, journalists and others. (HRC 24/23 para 25)

Protection of journalists in Colombia falls under an independent entity, the *Unidad Nacional de Protección* (UNP), and is not related to the NHRI but rather is attached to the Ministry of Interior, which is responsible for implementing policies for the defense and promotion of human rights. Jonathan Bock of FLIP says there are both positive and negative aspects to this arrangement. On the positive, he believes that it is important that the responsibility of such a protection mechanism falls under national authority as it suggests the government has a commitment to protect journalists. He also believes there is a significant level of trust vis-à-vis the UNP. In other countries, he says, "this task is entrusted to police forces or security agencies who are not always trusted…but rather are usually the main aggressors" against journalists.[62] Bock also emphasises the importance of ensuring a legal framework that obliges the responsible entities to comply with specific commitments to protect and thus limits political calculations and discretionary decisions of the government in office. Bock, however, also noted some disadvantages with current set up in Colombia. The protection mechanism lacks a comprehensive scope that would allow for judicial sanctions against those responsible for crimes against the press because the UNP and the Ministry simply do not have the legal tools to compel other entities to fulfill their duty. This he believes would be critical for prevention. Finally, Bock says the efficacy of the UNP and the associated policies largely depend on budgetary discretions by the government. Likewise, the programme is not based on law and therefore lacks political teeth.

The National Protection Unit, a government entity, is charged with providing security guards and armored cars to those who defend human rights, the peace process, natural resources, land or the environment when their lives are in danger. But too often those

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58 Organization of American States, International experts call Mexico to ensure continued and sufficient funding for the Protection Mechanism for Human Rights Defenders and Journalists in Mexico. 2 November 2018. http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1124&lID=

59 See for example: International Service for Human Rights, Cote d'Ivoire: Establish a mechanism to protect human rights defenders, 4 February 2019. https://www.ishr.ch/news/cote-divoire-establish-mechanism-protect-human-rights-defenders

60 Personal interview, 20 November 2019.

61 Richard Carver and Alexei Korotaev (2007), Assessing the Effectiveness of National Human Rights Institutions. Consultancy Report, p. 5.

62 Interview with Jonathan Bock, October 2019.

requests are denied. "There is a tremendous pushback on giving protection measures to people who need them and it reflects prejudices and biases, but also protects economics and landed interests in these areas," says Sánchez, who believes many activists are ignored due to their race.[63]

In the last two years, there have been additional efforts at connecting media and human rights defenders. Civil society organisations have worked more closely with the media in an effort to enhance mutual understanding. As a result, some say there are more stories about human rights, particularly those that have to do with the peace agreement or with the environment.[64] The murder of a number of human rights leaders has aroused interest in the media as has funding from institutions such as the EU to bolster reporting on human rights issues.

Following his election in June 2018, President Ivan Duque promised that his government would protect HRDs and presented the Timely Action Plan for the Prevention and Protection of Human Rights Defenders, Social Leaders, Collectives and Journalists" (PAO, for its Spanish initials) in November 2018. The PAO focuses on three pillars: 1) strengthening the inter-institutional response; 2) strategic intervention on the ground; and 3) a strategy for the de-stigmatisation of human rights defenders.

While the PAO may seem a step in the right direction, it is still too early to determine its effectiveness. There are some, however, who feel that more focus should be placed on preventing violence against HRDs. "By failing to include more substantive prevention mechanisms, PAO appears to only reinforce what already exists in the Colombian legal framework, which, as statistics show, has not been effective in protecting human rights defenders from their premature deaths."[65]

Somaliland

In Somaliland, as part of its Somalia programme, IMS has been involved in supporting the Human Rights Center (HRC), a non-profit organisation established in 2013 with the aim of contributing to the protection and promotion of human rights in Somaliland. The HRC was formed to cover the need for documentation and advocacy on human rights to help maintain the gains made by Somaliland's nascent democracy. The central policy of Human Rights Centre is creating and fostering a culture of voluntary human rights activism where committed human rights defenders with passion contribute to the protection, promotion and realisation of human rights.

The IMS-Fojo Somalia programme has supported the growth and expansion of the (HRC) in terms of geographical reach and scope of work. This has centered on Prevention and Prosecution work with the HRC being strengthened as an organisation working on advocacy to develop a human rights-based legal framework around decriminalisation of laws related to the media sector and has helped them build up an advanced mechanism to conduct continuous monitoring in order to collect and record data related to freedom of media abuses which helps to carry out advocacy on behalf of journalists.

- The support of IMS has enabled HRC to grow and expand in terms of geographical reach and scope of work as previously the work of HRC was very much limited in Hargeisa, the capital. The project capacitated HRC to build advanced mechanisms to conduct continuous monitoring in order to collect and record data related to freedom of media abuses which helps to carryout advocacy on behalf of journalists. Also, HRC strengthened

its advocacy for having a human rights-based legal framework that decriminalised media issues.

- The project has supported HRC with awareness raising, in particular among civil society, academia and the youth. Awareness campaigns targeting the society in general and these segments in particularly has shown the public the obvious link between development, democracy and freedom of media. This was intended to demonstrate that media freedom is not a matter exclusive to journalists, but rather a national issue related to sustainable development and democracy.

- IMS supported HRC in bringing together CSOs responsible for conducting advocacy in order to ensure that the new media law that is being drafted is human rights friendly and is in accordance with the Constitution of Somaliland and international standards.

Duty of care

There have also been several cases in which issues of duty of care have been raised. Duty of Care refers to the responsibility of humanitarian (and other) organisations to ensure protection of their workers in the field and upon their return. Two recent landmark cases could set the way forward in this regard.

In the first case, Dennis v. NRC, Steven Dennis, an employee of the Norwegian Refugee Council (NRC), was injured and kidnapped along with three other colleagues following an attack during a visit to a refugee camp in Kenya. The hostages were set free four days later. Three years later, Dennis submitted a claim at the Oslo District Court against the NRC for compensa-

63   Luke Taylor, Social activists risk their lives as Colombia peace process falters, Public Radio International, 26 April 2019. https://www.pri.org/stories/2019-04-26/social-activists-risk-their-lives-colombia-s-peace-process-falters

64   Interview with Jonathan Bock of FLIP.

65   Xinia Bermudez, Human Rights in Colombia: How should defenders be protected? Open Democracy. 12 March 2019. https://www.opendemocracy.net/en/democraciaabierta/human-right-colombia-how-should-defenders-be-protected/

tion for economic and non-economic loss following the kidnapping.[66] The Court concluded that the NRC acted with gross negligence in relation to this incident and found the NRC to be liable for compensation towards Dennis. This case makes clear that duty of care is a legal obligation that organisations in the international aid sector must adhere to and that they must do so to the same standard as any other employer.

Similarly, a **landmark ruling** by an Australian court is expected to have international consequences for newsrooms, with media companies on notice they face large compensation claims if they fail to take care of journalists who regularly cover traumatic events. The Victorian County Court accepted the potential for psychological damage on those whose work requires them to report on traumatic events, including violent crimes. The court ruled on February 22 that an Age journalist be awarded $180,000 for psychological injury suffered during the decade she worked at the Melbourne-based newspaper, from 2003 to 2013.

66   See for example: https://www.eisf.eu/library/duty-of-care-a-review-of-the-dennis-v-norwegian-refugee-council-ruling-and-its-implications/

6. Organisational efforts at addressing safety and impunity issues

In addition to normative frameworks there is increasing recognition of the important role that international organisations, such as UN agencies and international, regional and national civil society, could play in defending HRDs, WHRDs, JMWs and humanitarians.

The CSO Coalition on the Safety of Journalists, a group of 20 media support and press freedom organisations, seeks to strengthen the coordination among leading CSOs in addressing the issue of safety and impunity among JMWs. The belief is that more strategic thinking and coordination might help overcome the inefficiencies of a lack of coordination on both the international and national level, as well as help civil society move forward in increasing the safety of journalists worldwide. This coalition could serve as an entry point to discussions regarding possible broadening to include human rights and humanitarian organisations.

Some organisations currently taking the lead with regards to protection issues of HRDs include FIDH, the EU's Protect Defenders initiative, International Human Rights Service, International NGO Safety Organisation (INSO), the European Inter-Agency Security Forum (EISF) and the International NGO Safety and Security Association (INSSA).

FIDH plays a key role in the development of the intergovernmental system of human rights defenders. In particular, it contributed to the negotiations which led to the adoption of the UN Declaration on Human Rights Defenders in 1998.

ProtectDefenders.eu is the European Union Human Rights Defenders mechanism, established in 2015 to protect defenders at high risk and facing the most difficult situations worldwide. Front Line Defenders is the lead partner in the consortium of 12 international and regional NGOs active in the field of human rights which won the contract to implement the mechanism and is also a member of the management Board. The support provided (including emergency support and temporary relocation of HRDs) is similar to that of many media support and press freedom organisations whose budgets pale in comparison with ProtectDefenders' significant budget of €15,000,000 over three years.[67]

International Service for Human Rights[68] (ISHR) is an independent, non-governmental organisation dedicated to promoting and protecting human rights. They achieve this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change. Each year, ISHR brings human rights defenders to its Human Rights Defenders Advocacy Programme – a programme that could serve as a model for both JMWs and humanitarians working in challenging environment.

While most of the organisations discussed here take individual measures to mitigate risk and address safety issues, there is still little if any coordination, something that some humanitarian and human rights organisations say is critical. INSO[69] was set up to fill this gap and today serves as the prima-

ry safety coordinating mechanism for humanitarian NGOs operating in high risk contexts. As such, any future dialogue about safety and protection issues of these three sectors must include INSO.

The European Interagency Security Forum (EISF)[70] is an independent network of security focal points who represent humanitarian NGOs operating internationally. EISF Secretariat works in collaboration with its Members to produce original research, arrange biannual forum meetings and regular workshops and facilitate information sharing between members and the wider NGO community. EISF has over 100 members, however, only one media support organisation is a member, and only an associate member at that, Free Press Unlimited. There are several human rights members and associate members including Human Rights Watch. EISF's biannual forum could provide yet another possible entry point for dialogue at coordinating safety and protection efforts across the three sectors.

The International NGO Safety and Security Association (INSSA) is a non-profit global membership association of individuals committed to improving the quality and effectiveness of safety and security for humanitarian relief and development assistance workers operating in complex and dangerous environments.

While the Observatory for the Protection of Human Rights Defenders purportedly produces an annual report, the author could only find such a report for 2011. It would seem that the Obser-

67   Frontline Defenders, EU Mechanism: ProtectDefenders.EU
      https://www.frontlinedefenders.org/en/programme/eu-mechanism-protectdefenderseu
68   https://www.ishr.ch
69   https://www.ngosafety.org
70   See: **www.eisf.eu** for further information.

vatory could do with some revisiting and reinvigorating which could go one step further to include press freedom and media development organisations. Indeed, in 2008, through the Observatory, FIDH launched the first meeting to bring together all intergovernmental organisations equipped with tools and mechanisms designed to protect human rights defenders (the so-called 'inter-mechanism' process). This process is aimed at increasing the coordination and effectiveness of protection mechanisms.[71] Yet, it is unclear to what extent this process is operating and what impact it is having.

A first step going forward might be to bring these various organisations together to discuss the possibilities of coordination and cooperation and what that might look like.

Regional human rights mechanisms are an essential piece in the creation of a global system for promoting and protecting human rights. They provide a layer of monitoring of and reporting on local human rights realities and define solutions most relevant to these challenges. Because HRDs rarely work in isolation, there have been numerous regional networks have popped up over the years. These include the East and Horn of Africa Human Rights Defenders Project (EHAHRDP), the Asian Forum for Human Rights and Development (Forum Asia), the Euro-Mediterranean Foundation of Support to Human Rights Defenders, and the Women Human Rights Defenders International Coalition

These networks have the potential to play an even larger role should the three sectors agree that context is critical when deciding when, how and if to cooperate. These initiatives have the potential to play an important role in the protection of JMWs and HRDs in many countries and a first step might be to identify regions that may be ripe for such coordination.

However, many of these protection mechanisms, be they international, regional or national, face significant challenges. Resource constraints are often accompanied by overregulation of NGOs and restrictions on receipt of international funding at the national level as well as reprisals against these organisations.[72] Accountability mechanisms also need to be improved. Furthermore, as UNSR Forst wrote: "To properly defend the defenders, we also need to recognise their diversity, and that each one of them faces challenges particular to their individual circumstances. There is no one-size-fits-all answer to ensuring each defender is able to do their work unfettered. We need to acknowledge that defenders, just like all of us, live in this modern, interconnected world. Protecting them means covering all aspects of their safety: physical, psychological and digital. It means doing so with flexibility. It also means that our protection needs to extend to their families, and the groups and organisations they belong to. We need to speak to them about what they need to feel safe."[73]

While there have been efforts at coordination, they have been few and far between. In 2013, an international conference on the theme of collaborative networks and international mechanisms for human rights protection brought to Kyiv over 140 human rights defenders, journalists, representatives of human rights commissioners, and public officials from 10 countries. Also in 2013, Freedom House brought together policymakers, donors and activists to discuss protection issues in the digital age.

More recently, the European Network of National Human Rights Institution's (ENNHRI) 2018 Annual Conference brought together over 100 key human rights stakeholders from across wider Europe to discuss how European NHRIs can better support democratic space and HRDs in the region. In 2016, ENNHRI brought together NHRI representatives and media organisations to discuss freedom of expression.

Unfortunately, such convenings appear to be the exception rather than the role. As a result, the lack of coordination and/or cooperation between the human rights, media support and humanitarian sectors may also mean that efforts are fragmented and not as strong or effective if they could be if attacked with a common voice. Bringing these sectors together as part of a multi-stakeholder initiative could be a first step.

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71 International Federation for Human Rights, Human Rights Defenders. https://www.fidh.org/en/issues/human-rights-defenders/
72 UNSR World Report 2018, p. 10.
73 Michel Forst, Human Rights Defenders Need to be Defended as Much as they Defend our Rights, InterPress Service, 1 April 2019. http://www.ipsnews.net/2019/04/human-rights-defenders-need-defended-much-defend-rights/

7. Opportunities for coordination

There are a number of thematic areas that appear ripe for coordination of these sectors such as tackling information pollution, surveillance, data and privacy issues, gender-based violence and the Sustainable Development Goals.

Tackling Information Disorder: Better together?

One area which would seem a natural fit for these three sectors to cooperate would be to tackle the global issue of mis-, dis- and mal-information.[74] For these types of "information" not only hurt the consumer but can wreak havoc with the work that HAWs, HRDs and JMWs are trying to do.

As Mel Bunce explains in her recent piece on humanitarian communication: "When people look online for information about humanitarian crises, they increasingly encounter media content that blurs the line between reality and fiction. This includes everything from rumour and exaggeration to partisan journalism and completely invented stories designed to look like real news (so-called 'fake news')". Not only is disinformation causing real and serious harm to those affected by humanitarian emergencies, but it can undermine the ability of humanitarian workers to provide relief and exacerbate conflict, violence and even the spread of disease. Disinformation,

Bunce adds, also makes it "harder for journalists to report on the humanitarian sector, and hold the powerful to account, because it undermines audience trust in information more generally."[75]

Misinformation can also have serious implications for the humanitarian sector and for the communities in which they work. In Eastern Democratic Republic of Congo (DRC), for example, the Ebola virus is spreading almost as fast as the misinformation surrounding the disease making it difficult for humanitarians to do their work. A recent study published in The Lancet found that of a sample of 961 adults in the towns of Beni and Butembo, some 86% said they had heard that Ebola did not exist while one in four said they did not believe it existed. Similarly, some 86% had heard the disease was being used to destabilise the area, while more than one in three believed that to be true."[76] The danger for journalists reporting on the disease is very real. In November 2019, a Congolese journalist who had been raising awareness about the virus was murdered because of this.[77]

Effective communication between HAWs, media and affected communities is desperately needed yet as one report recently suggested, it is usually "relegated to tick box exercises" while the "potential of local media is largely underused by local community, government and international responders".[78] This screams for additional coordination between these sectors. In fact,

a recent report on fake news and the aid sector for the International Broadcasting Trust made a number of recommendations for organisations to address information pollution. One suggestion was for aid organisations to invest in relationships with trusted media outlets to help reinforce and amplify accurate messaging.[79] The report also stressed the importance of fact-checking, verification, rumour tracking and media literacy – skills usually found in media support efforts – efforts that could form the basis for new types of partnerships between humanitarian, human rights and media support organisations.

HAWs, HRDs and JMWs working in conflict zones are particularly vulnerable to issues of information pollution and it can have devastating consequences. The White Helmets in Syria, for example, came under suspicion from Assad supporters and were accused of being linked to terrorist organisations. The fact-checking organisation Snopes found no evidence to support this.[80] But the damage to their reputation had been done.

It is not only in humanitarian efforts in which JMWs can cooperate with others, journalists can also play a dual role in defending human rights. "They can contribute to public awareness and accountability via their work reporting and following up on human rights violations. But they can also raise awareness of the role of HRDs, and attacks against them and encour-

74   According to the Council of Europe's November 2017 Information Disorder report: Dis-information is information that is false and deliberately created to harm a person, social group, organisation or country. Mis-information is information that is false but not created with the intention of causing harm. Mal-information is information that is based on reality and used to inflict harm on a person, organisation or country. The report can be found here: https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-researc/168076277c

75   Mel Bunce, Humanitarian Communication in a Post-Truth World, Journal of Humanitarian Affairs, 1(1), January 2019. https://www.manchesteropenhive.com/view/journals/jha/1/1/article-p49.xml

76   Patrick Vinck, Phuong N Pham, Kenedy K Bindu, Juliet Bedford, Eric J Nilles, Institutional trust and misinformation in the response to the 2018–19 Ebola outbreak in North Kivu, DR Congo: a population-based survey, *The Lancet*, Vol. 19, May 2019, p. 533.

77   See: https://www.bbc.com/news/world-africa-50283286

78   Internews (2019), Managing Misinformation in a Humanitarian Context: Internews Rumour Tracking Methodology, p. 11.

79   Helen Magee (2018), Faking It: Fake News and how it impacts on the charity sector, International Broadcasting Trust, p. 3.

80   https://www.snopes.com/fact-check/syrian-rescue-organization-the-white-helmets-are-terrorists/

age support of HRDs, in particular by ensuring accurate and non-defamatory representations in the media."[81]

Surveillance, privacy and data

Surveillance, be it online or offline through specialised technology, also presents a significant concern to HRDs, HAWs and JMWs. "Governments are now regularly acquiring powerful surveillance technology from private firms, which is sometimes being used to monitor human rights advocates. The Mexican government's alleged spying on human rights defenders using NSO group's spyware is just one example. In 2017, civil society organisations alleged that journalists and advocates denouncing forced disappearances and sexual abuses were spied on by the government using software from NSO Group that was intended for use against drug cartels or terrorist groups." [82]

Issues to protect data, privacy and decision-making from algorithmic bias also require multi-stakeholder efforts. "The EU's General Data Protection laws, which came into effect in May 2018, could be the start of a wave of more robust government and multilateral action to insist that tech giants become more socially responsible. At the same time, ICT companies' practices can positively affect users' freedom of expression and privacy, such as Microsoft's five-year partnership with the Office of the UN High Commissioner for Human Rights to develop technology to better predict, analyse, and respond to critical human rights situations."[83]

Connecting to achieve key Sustainable Development Goals

Another area that could provide an opportunity for these three sectors to work together is the SDGs as over 90% of the SDG targets are rooted in international human rights instruments.

Goal 16 is particularly relevant to all three sectors. SDG 16 on peace, justice and strong institutions could be one of the most important enablers for the realisation of the 2030 Agenda's human rights goals, yet it is one of the most underperforming. SDG 16 "is particularly relevant if we want to address the importance of accountable and inclusive institutions, democracy and the rule of law to closing the gap between human rights aspirations and human rights realities, and to promoting and protecting human rights."[84]

Goal 16.10 aims to "ensure public access to information and protect fundamental freedoms" and addresses the issue of safety of both JMWs and HRDs by including indicator 16.10.1: Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months. Including both JMWs and HRDs, according to Mitchell, suggests "that there is recognition at IGO/IHRI level of the need to put into practice the emerging normative principle of combining mechanisms/actions to protect journalists and HRDs." [85]

This further suggests that there may be an opportunity for media and human rights organisations to work together to address this and NHRIs could serve as the institution through which this happens as they serve as a crucial

bridge between international human rights mechanisms and national implementation and are to facilitate national inclusion in SDG implementation. However, despite being an indicator under SDG 16, only 79 UN member States have established an NHRI to date that is fully compliant with the Paris Principles.[86]

The elimination of violence, including gender-based violence, is echoed in the targets under Goal 5 (Gender equality) and Goal 16 and the targets indicator 16.10.1 addresses attacks against journalists and media workers. A holistic approach is needed when addressing the SDGs and the goals should, thereby, be viewed as interrelated.

Attacks on women journalists, humanitarians and WHRDs represent a clear challenge to SDG 5 on gender equality, and to SDG 16.10 which calls for public access to information and fundamental freedoms (and has an indicator specifically on safety of journalists).

It is important to note that while humanitarian actors have been identified as sharing responsibility for implementation and achievement of the 2030 Agenda, there is some concern that the scope and applicability of the SDG framework is not appropriate for humanitarian action. "Is it the responsibility of humanitarians," asks one researcher, "to pursue such goals as Goal 1, No Poverty, or Goal 16, Peace, Justice and Strong Institutions, or would this undermine principled humanitarian action? Traditionally, there have been clear distinctions between the development and humanitarian bodies of thought. Development is generally perceived as focusing on long-term systematic changes and is inherently political, whereas humanitarian aid is targeted to meet immediate needs and is underpinned by humanitarian principles in order to save lives and alleviate

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81   Mitchell, p. 236.
82   Phil Bloomer and Christen Dobson, Addressing the potential risks of the 'Fourth Industrial Revolution', 16 May 2018. https://www.open-globalrights.org/addressing-the-potential-human-rights-risks-of-the-fourth-industrial-revolution/
83   Bloomer and Dobson.
84   SIDA, 2019, p.3.
85   Mitchell, p.236.
86   See: https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx

suffering. This distinction means that humanitarian and development workers subscribe to different principles and objectives. However, the dichotomy between the humanitarian and development sectors is arguably increasingly blurred in practice."[87]

It is precisely because many of these lines are becoming blurred that there needs to be, at the very least, some new discussion of these issues to discern whether coordination and/or cooperation is needed going forward and if so, to what extent. Some initial ideas for preliminary discussion and collaboration are outlined below.

87   Alex Lia (2017), What role do humanitarians paly in the achievement of the Sustainable Development Goals? Humanitarian Advisory Group. https://humanitarianadvisorygroup.org/what-role-do-humanitarians-play-in-the-achievement-of-the-sustainable-development

8. Going forward: A collaborative framework to address prevention, protection and prosecution

Effective protection of HRDs, JMWs and HAWs is lacking in large part due to state failure to prevent, protect and prosecute. "As a result, other actors— civil society and intergovernmental organisations (IGOs) in particular— have stepped in to try to fill the gap."[88] Indeed, given the commonalities between the safety and protection situations of these three sectors, there should be ways that international actors can better collaborate to improve protection.

"The need to address root causes of attacks against HRDs, as gaps in rule of law are perhaps the biggest challenge for making comprehensive progress in terms of ensuring the respect for the rights of HRDs. Key issues include corruption, criminalisation of dissent (i.e. arresting and prosecuting defenders for exercising right to protest or seek legal redress), lack of consultation processes, impunity and dysfunctional judicial mechanisms, and impunity for perpetrators of serious human rights violations."[89]

The gender dimension is also important here. There are often mechanisms dealing with threats that have been made, however, these mechanisms are not necessarily sufficient. There is need for inclusion of a gender perspective in prosecution, for example. In addition, little has been done to address and develop preventive strategies. Such strategies could include gender-specific safety guidelines and gender-sensitive editorial guidelines which can then be underpinned by feminist leadership and gender and diversity policies in newsrooms.

Increased collaboration between these sectors could, according to some, for example, benefit relevant JMWs, HRDs and even HAWs by qualifying for support that may be earmarked for those from one of the other sectors. "This crossover already happens to some extent, but there is potential for it to grow. This highlights the need for the systems for journalists and HRDs to be joined up, to reduce the potential for individuals falling through the protection net or, alternatively, "working the system". (However, it must be noted that greater collaboration may be of limited use if the overall amount of resources available for both categories does not also expand.)"[90]

There are, however, some potential risks associated with collaboration among these sectors. First, because the lion's share of donor money for protection is associated with HRDs, media support and humanitarian organisations run the risk of getting lost in any collaborative efforts and losing any sector-specific safety funding they may have had.

Second, despite the commonalities outlined in this report, any of these sectors could be faced with additional risk due to any perceived cooperation or collaboration. The politicisation of HRDs and JMWs in some contexts, in particular, could put colleagues from the other sectors in danger simply due to association.

There must be caution, however, for there is a risk of creating an unintended backlash should JMWs, HRDs and HAWs be viewed as 'elites' by nationalist or other populations. Is keeping a low profile a better strategy in some contexts? Is caution advised?

Throughout this paper there have been suggestions of potential cross-sectoral activities that could be undertaken in an attempt to build bridges and coordinate efforts. For example, the ISHR brings human rights defenders to its Human Rights Defenders Advocacy Programme, a programme that could serve as a model for both JMWs and humanitarians working in challenging environments.

Dialogue and peer exchange

Perhaps the most important factor going forward is to create opportunities for dialogue between these three sectors as that currently does not exist. Such dialogue could be around four issues that all three sectors increasingly face: information disorder (as discussed above, strategic lawsuits against public participation (SLAPP) to sue journalists and HRDs, restrictive legislation of NGOs and issues surrounding operating in conflict zones and negotiating with armed groups.

Tackling information pollution is another area where all three sectors could work together. As discussed above, mis-, dis- and mal-information can make it more difficult for journalists to report on the humanitarian

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88 Mitchell, p. 222.
89   UN Working Group on Business and Human Rights, Protecting and respecting those who speak up against business impacts on human rights: Takeaways from the UN Forum and the way forward. **https://www.business-humanrights.org/en/protecting-and-respecting-those-who-speak-up-against-business-impacts-on-human-rights-takeaways-from-the-un-forum-and-the-way-forward**
90 Mitchell, p. 233.

and human rights sectors, but can also make it difficult for HAWs and HRDs to do their work. Information pollution is also a business issue for partisan journalism exists because it is profitable. This presents another challenge for media outlets as well as media support organisations. There are issues of fact-checking and media literacy as well as utilising the full potential of local media to address rumours and issues related to human rights and humanitarianism.

"Negative depictions in popular culture, even in such mundane productions as local soap operas or on radio and television call-in shows, have an insidious effect on the safety of defenders in already precarious situations. In otherwise safe and enabling societies, particular types of defenders can be singled out for vilification."[91] There are often specific gender dynamics at play in mal-information such as rumours of women having affairs and using this information simply to shame women publicly.

A SLAPP is a lawsuit filed by powerful subjects (e.g. a corporation, a public official, a high-profile businessperson) against individuals or organisations who expressed a critical position on a substantive issue of some political interest or social significance. This tactic to silence HRDs, civil society organisations (CSOs), journalists and academics that raise complaints against companies are now becoming more prevalent and also impacting a larger number of HRDs and civil society organisations. SLAPPs place heavy financial burdens on NGOs and have a chilling effect on HRDs and affected rights-holders.[92]

Some efforts have been made in Europe in this area. Shortly after the murder of Daphne Caruana Galizia, the Maltese investigative journalist, in 2017, a group of European MEPs have been calling on the EU Commission to promote an anti-SLAPP EU directive which would give investigative journalists and media groups the power to request to rapidly dismiss "vexatious lawsuits". At the time of her murder, she was being sued by Pilatus Bank, a Maltese financial institution she often criticised.[93]

There has also been an upsurge in retaliatory measures by government actors such as criminal prosecutions or the use of laws and new legislation to restrict the ability of HRDs and CSOs to raise concerns about adverse business impacts on people and the environment, or in some cases, simply to operate.[94]

Finally, there are issues surrounding operating in conflict zones that have gotten more complex in recent years with an increase in the number of armed groups operating in many of current conflicts around the world. This presents challenges in who to negotiate with to ensure access of humanitarians and of journalists and can such negotiations be undertaken while not putting an organisation's staff or reputation on the line?

These four issues present an opportunity for media support, human rights and humanitarian organisations to work together to advocate for change and provide support to colleagues affected by such legislation.

Multi-stakeholder initiatives

Multi-stakeholder initiatives (MSIs) and processes can be useful platforms for collective action and for engaging states. According to the UN Working Group on Business and Human rights there are "several MSIs are equipped to address situations of HRDs or civic freedoms being targeted. However, so far, they have not reached their potential, and ultimately the credibility of MSIs is at stake" in the context of business and human rights.[95]

The Ebola case in the DRC suggests an opportunity for a multi-stakeholder initiative bringing together HAWs, JMWs and tech companies such as Facebook to address the challenges of misinformation in such contexts. Perhaps the most common type of partnership to deal with misinformation in such cases is between media support organisations and humanitarian organisations. In Myanmar, for example, the IOM partnered with BBC Media Action to address misinformation about Rohingya while in 2014, IMS worked with humanitarian organisations in the Kurdistan Region of Iraq (KRI) to respond to the information and communication needs of Iraqi IDPs and Syrian refugees.[96]

Cooperation among the Special Procedures mandate holders could also be boosted in an effort to address these issues. While the Coordination Committee is mandated to address this, a task force could seek to bolster the coordinated efforts of the mandate holders. In addition, one also wonders whether the offices of the UNSRs for freedom of expression and HRDs,

91   UNSR World Report 2018, p.8.

92   It must be noted that strategic litigation can also be used as a tool for help. The Center for Justice and Accountability (CJA) in San Francisco, for example, works to bring human rights abusers to justice via legal strategy in the United States civil court system. For example, Colvin v. Syrian Arab Republic, is a civil suit that arose from the 2012 targeting of American journalist Marie Colvin and her team in Homs, Syria. CJA has lodged this case against the Assad regime in an effort to hold it responsible for war crimes.

93   Sofia Verza (2018), SLAPP's 5 Ws: A background of Strategic Lawsuits against Public Participation, Columbia University. https://globalfreedomofexpression.columbia.edu/publications/slapps-5-ws-background-strategic-lawsuits-public-participation/

94   UN Working Group on Business and Human Rights, 2017.

95   UN Working Group on Business and Human Rights, 2017.

96   See for example: Ferrie, J. (2018). 'Flying News': Humanitarian media counter Rohingya refugee rumours. Thomson Reuters Foundation. 26 September. http://news.trust.org/item/20180926060004-5gkth/

together with a possible future SR for journalist safety, pool their resources or merge into a broader and potentially better-resourced and more effective mandate? As Mitchell asks: "Should there be a UN Plan for the safety of all HRDs and the issue of impunity, rather than just for journalists?"[97]

Similarly, would the establishment of a *coordinated inter-agency mechanism* to handle issues related to the safety of journalists be effective or worthwhile? Could such an agency assist countries in the development of legislation and other mechanisms to support freedom of expression and human rights?

Should there be an MSI going forward, other potential stakeholders could include the UNDSS, the agency that provides safety and security to the UN; The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance and involves both UN and non-UN humanitarian partners.

Gender-based violence

Gender-based violence affects all three sectors and could provide an entry point for the sectors to work together.

A group of UN experts recently pointed out that women human rights defenders face additional barriers of economic and other structural discrimination, and "unique challenges driven by deep-rooted discrimination against women and stereotypes entrenched in patriarchal societies related to gender and sexuality."

Moreover, sexual violence, defamation and intimidation, including against their family members, are being used as a deterrence. Women are at heightened risk of attacks and violence when working in areas such as sexual and reproductive health, and often challenged by fundamentalist groups during conflict and post-conflict situations.

"Women human rights defenders are pivotal in promoting sustainable peace, yet they are constantly excluded from peace processes and politics, often criminalised, and they experience gender-based violence, which hampers their participation in decision-making processes".[98]

In the humanitarian sector, while men in the humanitarian sector experience three to six times higher attack rates than women overall, women humanitarians are affected disproportionately by gender-based violence, including sexual assault and rape. Gender-based violence has the potential to inflict significant long-term harm on those who experience violence in the workplace, at home or in the field.

Under-reporting is a serious challenge to measure the problem of violence against women HAWs, HRDs and JMWs and data on sexual violence and gender-differentiated analysis is weak and often results in assumptions about gender-based risks and appropriate mitigation strategies and lacking empirical support.[99]

Emergency assistance

There is also room for coordination among those who provide emergency assistance. For example, Journalists in Distress (JID) could include HRDs while the EU mechanism for human rights could include INGOs supporting JMWs. There has been some progress on the national level with networks such as the Syria Response Group and the Azerbaijan Protection Group working to coordinate their emergency assistance. On the international level efforts have been made in this area around the International CSO Coalition on Safety and Impunity.

More could be done to build on the work that FIDH has done to bring together all intergovernmental organisations equipped with tools and mechanisms designed to protect human rights defenders (the so-called 'inter-mechanism' process). This process is aimed at increasing the coordination and effectiveness of protection mechanisms.

NHRIs

National human rights mechanisms, as discussed above, could also play an important role in safety and protection issues. These mechanisms, together with national mechanisms for implementation, reporting and follow up (NMIRFs) "represent a concrete initiative to take forward human rights implementation and monitoring at country level."[100] An increasing number of NMIRFs, for example, have begun "to link human rights implementation and impact with relevant SDG targets and indicators."[101] As such, these mechanisms could provide a framework or institutional home for cooperation on such issues as impunity and safety as well as serving as host institutions for efforts to address SDGs, for example.

Importantly, independent NHRIs have a clear role to play in protecting and supporting HRDs and JMWs as they provide direct access to engaging relevant state institutions.

Ultimately, it will be important to build relationships, trust and confidence between local HRDs, national coalitions, regional networks and international actors. This can be done through coordination and cooperation between different stakeholders. Forging new partnerships, including multi-stakeholder initiatives, will strengthen the current efforts at addressing the challenging issues of prevention, protection and prosecution be addressed effectively.

97   Mitchell, p. 238.
98   OHCHR (2018), Women human rights defenders must be protected, say UN experts. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23943&LangID=E
99   Abby Stoddard, Paul Harvey, Monica Czwarno, Meriah-Jo Breckenridge (2019), Aid Worker Security Report, *Humanitarian Outcomes*, June.
100 SIDA (2019), p.4.
101 SIDA (2019), p.4.

Working with private enterprise and tech companies

Private enterprise and tech companies should also be involved for a number of reasons. There are, for example, issues of framing and "a need to unpack the terms of HRDs and civic space and use vocabulary and concrete examples that are understood by business in the local and sector context. Typically, companies do not understand the role of HRDs, or their intentions. In many contexts they are perceived or labeled as being anti-development, profit-seekers or foreign agents, for example, rather than representatives of victims of human rights abuses."[102]

It is private companies that control social networks, chat software, news sites, payment providers and thus determine what can be done with it, how, and by whom. It is therefore imperative that they have a seat at the table when confronting issues of safety and protection of HRDs and JMWs.

Research

There is also a need for ***more research***. To what extent, for example, are safety issues interlinked with the social standing of human rights, humanitarian work and journalism? Is it a lack of understanding of the roles? If so, this would suggest a literacy issue. Is it the global issue of closing civic space? What is driving this? Is it a lack of trust or fear that those working in these sectors are somehow related to the powers that be? Ultimately, there is a need to look at the contextual factors that are impacting these folks as it would seem that these three sectors face very similar problems for very similar reasons. Answering these types of questions should, for example, inform more effective protection strategies.

It is critical, for example, to understand the problems of safety as a complex phenomenon interlinked with the social standing of human rights, humanitarian work and journalism. Likewise, there is a need to evaluate effectiveness of different protection mechanisms.

There is also a need for more research specifically examining threats against WHRDs, women JMWs and HAWs and how these are dealt with in different safety mechanisms and gaining an understanding of what may be the most effective means of addressing this issue.

A 2013 article put forth a comprehensive research agenda for protection of HRDs. The research agenda highlighted eight areas for research: the definition and use of the term 'human rights defender'; perceptions of risk, security and protection; culture, gender and diversity (with particular emphasis on protecting women human rights defenders); the use of legal and administrative mechanisms for repression; the effectiveness of protection mechanisms; strategies and tactics for protection; fostering enabling environments for the defence of human rights; and the impact of technology and digital security on HRDs.[103]

Similarly, there is currently no converged or gender-disaggregated database that includes incidents from all three groups while it is likely that journalists, HRDs and humanitarians in certain countries are common targets. There is currently work on the journalism side of this at the University of Sheffield, but it would be interesting to collate their data with the humanitarian and human rights data to produce one comprehensive database of attacks on JMWs, HRDs and HAWs. Such a database could provide insight into trends and patterns thereby leading to informed work in prevention and possibly even prosecution.

Clearly, there are a variety of ways the issues of safety and impunity across these three sectors can be addressed and be addressed from a position of strength. What is required is political and organisational will combined with coordination and collaboration. The starting point is to discuss the areas of commonalities outlined above and identify action points that parties concerned can agree upon. It may be small steps at the outset but these too can lead not only to lives saved but to bigger and more noticeable positive actions in the future.

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102 UN Working Group on Business and Human Rights (2017).
103 Nah, et. Al. (2013).

References

Bermudez, X. (2019). Human Rights in Colombia: How should defenders be protected? *Open Democracy*. 12 March.
https://www.opendemocracy.net/en/democraciaabierta/human-right-colombia-how-should-defenders-be-protected/

Bloomer, P. and Dobson, C. (2018). Addressing the potential risks of the 'Fourth Industrial Revolution'. *Open Global Rights*. 16 May.
https://www.openglobalrights.org/addressing-the-potential-human-rights-risks-of-the-fourth-industrial-revolution/

Bunce, M. (2019). Humanitarian Communication in a Post-Truth World, *Journal of Humanitarian Affairs*, 1(1), January.
https://www.manchesteropenhive.com/view/journals/jha/1/1/article-p49.xml

Carver, R. and Korotaev, A. (2007), *Assessing the Effectiveness of National Human Rights Institutions*. UNDP.

Council of Europe (2017), *Information Disorder: Toward and interdisciplinary framework for research and policy making*. https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-researc/168076277c

Council of Europe, *EU Human Rights Guidelines on Freedom of Expression Online and Offline*, May 2014.
https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

Deloitte (2019), *United Nations Safe Space Survey Report 2019*. https://viraltopiczone.files.wordpress.com/2019/01/d3bcc-un_safe_space_survey_report_15_january_2019_final.pdf

Rule 34: Journalists, Customary International Humanitarian Law. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule34

Eagle, W. (2018). Humanitarian groups seek ways to reduce attacks on aid workers, *VOA News*, 30 October.

Elliott, V. (2019). Ebola Responders in Congo confront fake news and social media chatter, *The New Humanitarian*, 2 May.
https://www.thenewhumanitarian.org/news/2019/05/02/ebola-responders-congo-confront-fake-news-and-social-media-chatter

Ferrie, J. (2018). 'Flying News': Humanitarian media counter Rohingya refugee rumours. Thomson Reuters Foundation. 26 September.
http://news.trust.org/item/20180926060004-5gkth/
Forst, M. (2019). Human Rights Defenders Need to be Defended as Much as they Defend our Rights, *InterPress Service*, 1 April.

Forst, M. (2018). *World Report on the Situation of Human Rights Defenders*, December.

Front Line Defenders (2019). Front Line Defenders Global Analysis 2018.

Frontline Defenders, EU Mechanism: ProtectDefenders.EU
https://www.frontlinedefenders.org/en/programme/eu-mechanism-protect-defenderseu

Gevara, C. (2016). Effort of Colombia's civil society in peace negotiations not acknowledged, *Civicus*. 18 April.
https://www.civicus.org/index.php/media-resources/news/895-effort-of-colombia-s-civil-society-in-peace-negotiations-not-acknowledged

GSDRC (2013). *International legal frameworks for humanitarian action: Topic guide*. Birmingham, UK: GSDRC, University of Birmingham.

Hasenstab, A. (2018). Why aid workers, particularly local ones, need better protection. *The Conversation*. 10 September.

General Assembly Resolution A/RES/53/144 (1999). The full title is: *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 8 March.

Inter-Agency Standing Committee (2016). *Discrimination, Harassment and Abuse of Women Aid Workers: Survey Results and Way Forward*. Background paper from the Humanitarian Women's Network. December.

International Federation for Human Rights. *Human Rights Defenders*.
https://www.fidh.org/en/issues/human-rights-defenders/

International Women's Media Foundation (2018). *Attacks and Harassment: The impact on female journalists and their reporting*.
https://www.iwmf.org/wp-content/uploads/2018/09/Attacks-and-Harassment.pdf

International Service for Human Rights (2019). *Cote d'Ivoire: Establish a mechanism to protect human rights defenders*. 4 February. https://www.ishr.ch/news/cote-divoire-establish-mechanism-protect-human-rights-defenders

Internews (2019). *Managing Misinformation in a Humanitarian Context: Internews Rumour Tracking Methodology*.

Lia, A. (2017). What role do humanitarians play in the achievement of the Sustainable Development Goals? *Humanitarian Advisory Group*. https://humanitarianadvisorygroup.org/what-role-do-humanitarians-play-in-the-achievement-of-the-sustainable-development

Magee, H. (2018). *Faking It: Fake News and how it impacts on the charity sector*, International Broadcasting Trust.

Mitchell T. (2019). Journalists as Human Rights Defenders: International Protection of Journalists in Contexts of Violence and Impunity. In: Shaw I., Selvarajah S. (eds) *Reporting Human Rights, Conflicts, and Peacebuilding*. Palgrave Macmillan, Cham.

Nah, A., Bennett, K., Ingleton, D. and Savage, J. (2013). A Research Agenda for the Protection of Human Rights Defenders, *Journal of Human Rights Practice*, November.

The New Humanitarian (2007). *Journalists, aid workers and rights activists under threat*. 4 February. http://www.thenewhumanitarian.org/fr/node/235477

OHCHR (2018). *Women human rights defenders must be protected, say UN experts*. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23943&LangID=E

OHCHR. *Who is a defender?* https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx

Organization of American States (2018). *International experts call Mexico to ensure continued and sufficient funding for the Protection Mechanism for Human Rights Defenders and Journalists in Mexico*. 2 November. http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1124&lID=1

Paul, D. (2014). *The Relevance of the Security Triangle: An Examination of Literature on Perspectives of Humanitarian Security*. June. Available at: https://www.researchgate.net/publication/267391615_The_Relevance_of_the_Security_Triangle_An_Examination_of_Literature_on_Perspectives_of_Humanitarian_Security

Report the Abuse (2017). *Humanitarian Experiences with Sexual Violence: Compilation of Two Years of Report the Abuse Data Collection*. August.

Reporters without Borders (2018). *Brazil's protection for human rights defenders extended to journalists*. 12 September. https://rsf.org/en/news/brazils-protection-human-rights-defenders-extended-journalists-0

Seatzu, F. (2016). Revitalizing the international legal protection of humanitarian aid workers in armed conflict, *La Revue des droits de l'homme*.

SIDA (2019). *Second informal meeting of development partners (Oslo+1) on: International support for the national implementation of UN human rights recommendations, including as a contribution to the Sustainable Development Goals* (draft concept note), 10 May.

Stoddard, A., Harvey, P., Czwarno, M., & Breckenridge, M. (2019), Aid Worker Security Report, *Humanitarian Outcomes*, June.

Taylor, L. (2019). *Social activists risk their lives as Colombia peace process falters*, Public Radio International, 26 April 2019. https://www.pri.org/stories/2019-04-26/social-activists-risk-their-lives-colombia-s-peace-process-falters

United Nations. *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*.

UN General Assembly Human Rights Council 39th Session, Resolution 39-23.

UN General Assembly 72nd Session, Resolution 72/131: Safety and security of humanitarian personnel and protection of United Nationals Personnel. 1 1 December 2017. Available at: https://undocs.org/A/RES/72/131

UNESCO (2018). *Punish the Crime Not the Truth: Highlights from the 2018 UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity*.

UN Working Group on Business and Human Rights (2017). *Protecting and respecting those who speak up against business impacts on human rights: Takeaways from the UN Forum and the way forward*. https://www.business-humanrights.org/en/protecting-and-respecting-those-who-speak-up-against-business-impacts-on-human-rights-takeaways-from-the-un-forum-and-the-way-forward

Verza, S. (2018). *SLAPP's 5 Ws: A background of Strategic Lawsuits against Public Participation*. Columbia University. https://globalfreedomofexpression. columbia.edu/publications/ slapps-5-ws-background-strate- gic-lawsuits-public-participation/

Vinck, P., Pham, P., Bindu, K., Bedford, J., Nilles, E. (2019). Institutional trust and misinformation in the response to the 2018–19 Ebola outbreak in North Kivu, DR Congo: a population-based survey, *The Lancet*, Vol. 19, May 2019, 529-536.

Wille, P. (2019). *The History of the UN Declaration on Human Rights Defenders: Its genesis, drafting and adoption*. 11 March. https://www.universal-rights.org/blog/ the-un-declaration-on-human-rights- defenders-its-history-and-drafting- process/