Chapter 1:

Can adversaries ally? Building trust, engagement and collaboration between the state and civil society stakeholders

In most scenarios, creating a strong safety system means engaging with different branches of government. Whether looking at an institutional state-housed mechanism, a broader national plan or less formal response system, state action plays a key role with significant impact. Government institutions have the structure and mandate to protect journalists, and to investigate and prosecute attacks against them. It may be that protection must be provided by security forces, or that these forces form part of the threat to media, and a process of engagement can diffuse this. In cases of attacks and threats, it is the state's obligation to investigate and prosecute. Meanwhile, most advocacy is directed at governments to enact or reform legislation or act on individual cases.

The work of journalists also relies on government cooperation and commitment to the fourth estate. The media require access to government information and access to politicians and legislating bodies to conduct reporting and often operate under government-issued licences. The relationship between officialdom and the media, however, is traditionally a rocky one.

At a certain level, the work of journalists is fundamentally at odds with national power structures. Journalism holds officials and other powerful figures to account, offers a forum for critical views or tells sides to a story that are not in line with official narratives. At its best, journalism can take down administrations that are corrupt; at a minimum it is a gadfly to officialdom.

This dynamic has put a key question at the centre of work for SoJ: In a relationship that is historically adversarial, to what degree can journalists and Freedom of Expression (FoE) activists expect governments to be a partner in bolstering their safety?
The Philippines: Rhetoric and intolerance by leadership undermines positive steps

The Philippines is one country where some of these complexities are playing out. Though regarded as the region’s freest and most outspoken media,9 the Philippines has also long been considered one of the most dangerous countries for journalists.10 Between 1986, the year former president Ferdinand Marcos was ousted, bringing an end to 14 years of martial law, and 2019, a total of 170 media killings took place.11 The victims include 32 members of the media killed in the 23 November 2009 massacre in Ampatuan, Maguindanao, where a total of 58 individuals died.

In many cases, politicians, government officials and businessmen with political links are suspected to be responsible for these attacks. The lead suspects in the Maguindanao Massacre, to cite one example, include the former governor of the Autonomous Region in Muslim Mindanao, Zaldy Ampatuan, and Andal Ampatuan Jr., the former mayor of the Maguindanao municipality Datu Unsay.12 The Southeast Asian archipelago has also been home to some of the highest rates of impunity in the world.13 Investigations in the Philippines often identify suspects, but prosecutions rarely make it through the courts due to lack of forensic evidence, reluctance of witnesses to step forward and an overburdened and flawed judicial system.14

Pressure on journalists in the Philippines is not limited to physical attacks. According to media advocacy and monitoring groups, threats including cyber-bullying, other coordinated cyber-attacks, and vexatious or retaliatory legal actions, are major concerns for journalists there.15 Female journalists face threats of a sexual nature to a higher degree than men. Online threats against female journalists often have sexual references and extend to family members.16 A10 June 2018 National Risk Assessment Workshop held by the National Union of Journalists of the Philippines (NUJP) identified coverage of local politics, criminality, war on drugs, corruption and coverage of controversial issues such as mining, illegal logging, natural disasters and conflict areas as the most hazardous subjects for journalists to tackle.

The relationship between the media and the government has grown more strained under the administration of President Rodrigo Duterte. Duterte has made little secret of his dislike for his critics within the media, particularly those who report on his controversial drug war, a campaign that rights groups say has led to thousands of killings by police and vigilantes.17 On numerous occasions Duterte has publicly berated the press. His response as president-elect in 2016 when asked about high murder rates of journalists in the Philippines was, “Just because you’re a journalist you are not exempted from assassination.

9 Johnson (2019).
12 Human Rights Watch (2010).
17 Geddie and Petty (2019).
if you're a son of a bitch.” In a 2017 meeting with US President Donald Trump, he called journalists spies. Both presidents frequently label unfavourable coverage of their administrations and policies as fake news.

Duterte has singled out news outlets and individual reporters, insulting journalists, media outlets and media rights groups and accusing them of anti-state activities. On several occasions, he accused the online news site Rappler, known for its critical and investigative reporting, of publishing “fake news” that was “corrupt” and “biased” against his administration. Rappler, along with non-profit independent media organisations Vera Files and the Philippine Center for Investigative Journalism (PICI), as well as the National Union of People’s Lawyers (NUPL), were accused by the presidential spokesperson as being part of an ouster plot against Duterte’s administration.

Duterte’s rhetoric has generated more than bad feelings for the media. According to a 2017 report by the International Press Institute (IPI), journalists who criticise the president’s policies or cover sensitive topics like drug trafficking or corruption face defamation suits and an online backlash. Duterte’s supporters attack them outright or report their online accounts to social media platforms, demanding the takedown of “inappropriate content.” Further interviews among journalists and media watchdogs conducted in 2019 for this IMS report affirmed that this trend continues.

Rappler has become the most prominent example of a target of this tactic. In addition to coping with debilitating online attacks, the news group has been hit with criminal charges 11 times since 2017, charges viewed by many as being politically motivated, including tax evasion and libel. The most recent charge of cyber libel was made in February 2019 and led to the arrest of Rappler’s CEO and Founder Maria Ressa (Ressa was released on bail the next day). Ressa has also been threatened online with death and rape.

Rappler’s journalists have been denied accreditation to Malacañang (the presidential palace), ostensibly over an ongoing investigation into the outlet by the Securities and Exchange Commission. “I never experienced such hostilities before Duterte,” said Aika Rey, who covers the Senate for Rappler. Rey said she routinely has issues with access. Officials are reluctant to give her interviews. “They don’t want to be associated with Rappler,” Rey said, adding, “They used to be more thick-skinned.”

“His [Duterte’s] pronouncements, whether they are jokes, or off-the-cuff remarks, are impacting on journalists, especially safety,” said Red Batario, director of the Center for Community Journalism and Development (CCJD) in the Philippines. One alarming trend that has emerged from the hostile language the country’s leadership engages in is red-tagging. This entails the naming or accusing of individuals or organisations as being part of communist groups, a dangerous label in Philippines, where a communist insurgency has been fighting government forces for decades. “Some sections of the military take

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18 Sawatzky (2016).
22 Peschke (2017).
23 Ellis-Petersen (2019).
24 BBC interview with Ressa (2019).
25 Interview with IMS, September 2019 in Manila, the Philippines.
26 Ibid.
that as a go-ahead signal so there is an increase in red-tagging especially in the provinces," said Batario.

In several recent instances, journalists have been red-tagged either directly by security personnel or in anonymous materials such as flyers and posters. Those named have often reported on sensitive subjects or interviewed members of communist groups. In Mindanao in August 2019, for example, flyers were sent to the offices of Leonardo Vicente “Cong” Corrales, associate editor of the Mindanao Gold Star Daily, and veteran journalist Froilan Gallardo, tagging them as members of the Communist Party of the Philippines (CPP) and the New People’s Army (NPA). Gallardo, a veteran conflict reporter, had conducted interviews with the NPA. The flyers accused the journalists of being “biased” and “supporters of terrorist organisations” and claimed there was a bounty on offer for the death of Corrales. On more than one occasion, the NUJP has been named as a “terrorist supporter” on posters and through other mediums.

Red-tagging tends to kick into gear a host of threats. Due to the terrorist designations of several groups, including the CPP and the NPA, journalists and civil society organisations (CSOs) who have been red-tagged are vulnerable to surveillance, detention and restricted travel, among other constraints. Beyond official threats, there are acts of public

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28 Interview with IMS, September 2019 in Manila, the Philippines.
29 NUJP (2019b).
30 Ibid.
hostility, including death threats. 31 “It is not just a case of someone pestering journalists,” said NUJP’s treasurer, Jhoanna Ballaran. “It is really a well-oiled machine.” 32

Despite these antagonisms between the government and regional security forces and the media, there are some opportunities for engagement. The president has taken steps to address impunity. In October 2016, he established the Presidential Task Force on Media Security (PTFoMS) through an executive order. The inter-agency task force is mandated to “protect the life, liberty, and security of media workers.” 33

Working under its self-proclaimed motto “failure is not an option,” its goal is to improve the country’s record of arrests and prosecutions in journalist killings. The primary activities it has undertaken include preparing an inventory of all cases of violence against media workers, investigating unsolved cases of journalists killed, publishing a security handbook for journalists and setting up a hotline for journalists to report threats. 34 Led by Undersecretary Joel Sy Egco of the Presidential Communications and Operations Office, the task force is also composed of cabinet secretaries from the Department of Justice and the Department of the Interior and Local Government, among other offices.

Engagement with PTFoMS and other stakeholders has not been smooth. Though granted observer/resource person status, the NUJP and the Center for Media Freedom and Responsibility (CMFR) have opted out, in part due to remarks by Undersecretary Egco in February 2019, made during the Presidential Communications Operations Office (PCOO) European “Press Freedom Caravan,” that “irresponsible journalism” is to blame for the negative reports about the Philippines, with specific mentions of NUJP, CMFR and PCIJ. 35 Several months prior, these groups released a report that documented dozens of attacks against the press that have taken place under Duterte, including murders, death threats, libel, online harassment and website attacks, among others. 36 In a Facebook post bearing the title “Safeguarding Press Freedom Is a Shared Responsibility,” Egco blasted the groups. This, combined with the hostile stance Duterte has taken towards some journalists and journalist groups, has created a “trust issue” with the agency, said NUJP’s Ballaran.

Amidst this minefield of bad faith, the Philippine Plan of Action on the Safety of Journalists (PPASJ) was launched on 22 November 2019 in Manila. The plan brings together dozens of stakeholders from the media, human rights organisations, academic communities and the government. Government agencies, including PTFoMs, the Departments of Justice, Labor and Education, as well as relevant national commissions such as those on women and human rights, have contributed to the plan’s development. Its goal is to address the safety concerns of journalists and strengthen journalism in the Philippines with a comprehensive set of actions that address not only physical protection, including

31 Reporters without Borders (2019a).
32 Interview with IMS, September 2019 in Cuezon City, the Philippines.
34 Undersecretary Joel Sy Egco at meeting with IMS, September 2019 in Manila, the Philippines.
35 Parrocha (2019).
36 CMFR, NUJP, PPI and PCIJ (2018).
gender-sensitive programmes and impunity, but also the legal and work environments for journalists, as well as to promote media literacy and good practices among the media.

The plan’s initial development phase began in 2018 with a national level consultation meeting in which more than 80 representatives from 48 civil society groups, research agencies, media organisations and government institutions participated. Over the next year a series of regional consultations, as well as one-on-one consultations with various stakeholders, took place. Both the national and regional consultations were organised by the Asian Institute of Journalism and Communication (AIJC) under the project “Safe- guarding Press Freedom in the Philippines.” CCJD’s Batario and AIJC senior staff involved in the project drafted the plan in consultation with the Journalist Safety Advisory Group (JSAG). JSAG was created to oversee the development and implementation of the plan and includes leading freedom of expression groups.

The consultation process itself has become the first step towards mitigating tensions. One of the encouraging outcomes to emerge from the process is the interest, not only from government agencies, but also from security forces, to engage in the Philippine Plan of Action. While it is not clear yet what the most productive ways to channel that interest into committed action are, reports from the national consultation indicated that “there is a notion of not trusting the government but there is a need to work together.” Some constructive suggestions for PTFoMS arose and were taken on board, including the creation of the hotline. It was also discussed whether legislation to make PTFoMS a standing body, independent of the executive office, would improve public perception of the task force and its effectiveness.

Speaking about bringing together officers of the law and journalists following the national consultation last November, Melinda Quintos de Jesus, executive director of CMFR, commented, “On a daily basis, interaction between these two groups is adversarial. This meeting allowed both parties to [show] a positive attitude towards working together to improve the safety of journalists and will thus ease the way of developing partnerships as the process moves forward.” She cautioned, however, that there needs to be “proper follow-up” by “all those involved.”

Starting steps: Dialogues between media, government bodies and security forces basis for improving safety of journalists

Some positive steps have also taken place on a regional level. Over the last year, as part of the plan’s preliminary activities, AIJC organised a series of dialogues between the Armed Forces of the Philippines, journalists and other civil society representatives. Dialogues with the Philippines National Police were also held. Though initial efforts by AIJC to set

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37 IMS (2019).
38 The project was implemented by AIJC and IMS with support from the European Union, the Danish Ministry of Foreign Affairs and UNESCO.
39 As of November 2019, JSAG members are CCJD, CMFR, NUJP, PPI, AIJC and IMS. KBP has participated informally, but is not a JSAG member.
41 Ibid.
42 IMS (2019).
up dialogues were not all met favourably – it took multiple invitations and time to establish a rapport in the face of accusations by security forces that journalists and groups like the NUJP were communist enemies of the state supported by foreign powers – perseverance prevailed and the results have been promising.

According to AIJC reports on the dialogue process, members of state security forces gained a better understanding of what access to information means, how journalists conduct reporting and the deadline cycle. In some locations, it was agreed that additional trainings on media rights for state security forces should take place along with discussions on how to integrate SoJ into military academy curricula. “There was a willingness to understand how media works; to listen and continue dialogue,” said Ann Lourdes Lopez, a director at AIJC. One of the keys, according to Lopez, was allowing the dialogue to go both ways. State security forces also aired their concerns with how journalists impact their work, such as instances of abusing off-the-record information.

The dialogue process may also have played a role in diffusing tensions. NUJP’s Ballaran noted that following a dialogue that took place in Mindanao in 2019, there was a quiet period for several months where red-tagging and other incidents involving security forces appeared to die down. The lull was broken in August, however, with the accusations emerging against Corrales and Gallardo, underscoring the importance of follow-up to dialogue sessions.

Using formal dialogue or joint training to ease hostilities between media and armed forces or police has gained traction in recent years. One of the main activities for UNESCO under the UN Plan of Action on the Safety of Journalists and the Issue of Impunity has been conducting trainings among security forces and judiciaries around the world. A three-day module promoted by UNESCO includes one day of dialogue with journalists.43 Exchanges that take place through these programmes reveal professional commonalities. “They both work long hours, have little time to spend with their partners and families and experience high levels of psychological pressure,” according to UNESCO’s 2018 publication Freedom of Expression and Public Order Fostering the Relationship between Security Forces and Journalists.44 “To achieve their respective goals, they must cooperate and understand each other’s responsibilities and constraints,” it notes.

Among the six countries this report looked at, media in several countries, in addition to the Philippines, have contended with either indifference or hostile attitudes on the part of government officials, security forces or both. Setting up structured or informal dialogues identifying political allies and opportunities and sustained advocacy are key blocks for building a broader multi-stakeholder framework.

In Afghanistan, advocacy meetings between journalists and different levels of government have brought some positive results. Afghanistan is one of the most dangerous countries to work as a journalist.45 Extremist groups such as the Taliban and Islamic State target journalists frequently, including the 2018 double bombing in Kabul that killed nine journalists, one of the highest media fatality numbers resulting from a single attack. Non-fatal attacks and threats have also been perpetrated in high numbers by government officials, research by the Afghan Journalists Safety Committee (AJSC) has found.46

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43 UNESCO (2018a).
44 Ibid.
45 Kajjo and Habibzada (2018).
46 IMS (2017).
In response, AJSC\(^{47}\), a national non-governmental organisation (NGO) that advocates for safety and media freedom, implements a national emergency response programme for journalists and monitors threats against the media, made improving relations between the media and security forces a significant part of its work. Steps include organising regular meetings between media and security forces and police training at the police academy to address best practices and procedures on journalists’ safety. Two important aspects of this work have been that it is conducted on a countrywide level, engaging officials and security personnel based in different provinces, and that it is integrated as a long-term strategy throughout AJSC’s safety work, with regular meetings and other contacts rather than a one-off series.

Despite ongoing risks to journalists in Afghanistan, this specific approach is having an impact. One indication is the fact that around the time of the 2018 parliamentary elections, no cases of violence against journalists were perpetrated by security forces, according to AJSC’s research. Additionally, the security forces offered embedded reporting options in the most dangerous provinces. Though embedding, a practice through which journalists are accompanied by security forces, can be problematic due to movement restrictions and other limitations, it can offer safer access to high risk areas that might otherwise be impossible to cover. Input journalists provided to AJSC indicated that fostering dialogue with local politicians and security forces led to a decrease in hostilities from official sources and the offer of protection in some areas via embedding, allowing in this instance better election coverage.

The road to dialogue is unpaved in many places. In Myanmar, relations between the political leadership, especially the military, and the media have deteriorated over the last years. Despite hopes that the first democratic elections of 2015 would usher in a new and improved era for freedom of expression, reporting on sensitive issues such as the Rohingya crisis, conflict and land rights are often met with reprisals. The world got to know the cases of two Reuters journalists, Wa Lone and Kyaw Soe Oo, who were jailed in 2017 for 18 months, but there are dozens of other journalists who have also faced criminal charges under an array of crippling security, communications and penal laws.\(^{48}\) As with the Philippines, journalists are also increasingly being labelled by ruling party supporters as fake news propagandists, leading to harassment and threats on and offline.\(^{49}\)

In this context, attaining government engagement to SoJ has been an uphill battle. A start has been made with the “Four Pillars Dialogues” aimed at improving trust between the government and the media. Organised by the Myanmar Press Council, a mixed body of civil society and government representation mandated to investigate and settle disputes, over a dozen dialogues have taken place. On a national and regional level, these dialogues bring together the three governing pillars – the legislative, the administrative and the judiciary – along with the media as the fourth pillar that is vital to a healthy society and Myanmar’s democratic transition. An example is the dialogue that took place in the capital Yangon in June 2019. Its agenda included discussions of complaints by the media and CSOs and responses by representatives from the three areas of the regional government.

While the dialogues have borne some positive outcomes, such as agreements to

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\(^{47}\) AJSC is an IMS-founded and supported NGO.

\(^{48}\) Athan (2019).

\(^{49}\) IMS Myanmar Safety Assessment (2019), unpublished research.
improve cooperation and commitments to media development and improving access to information, it also highlighted some fractious issues. Among the asks of the government pillars in 2020 is a system of accreditation for journalists to be implemented by the press council. In the current environment, media houses are reluctant to submit lists of their reporters, according to U Mynt Kyaw, a journalist trainer and member of the press council, for fear it will expose some of them to greater risks.

In Somalia, building an effective national mechanism that includes the state as a member has also been difficult. Pegged by journalists and human rights groups as one of the most dangerous places in the world to work as a journalist, Somalia’s media face a wide range of hostile acts. The major threat to Somali journalists is terror-related, with Al-Shabaab being the primary aggressor, but journalists and human rights groups have expressed concern over the increasing level of arrests, harassment and violence by security agents and government officials too. Among other incidents, 2019 saw the shooting of Abdirizak Qasim at a checkpoint in Mogadishu and journalist Mohamed Ali Siyad being injured after police in Galkaio, Puntland, threw stones at Ali and other journalists.

Since 2015, civil society stakeholders have worked to set up and implement the Somali Mechanism for Safety of Journalists (SMSJ). The mechanism brings together some of the country’s major media associations under the direction of the Somali Safety Committee, made up of representatives from the founding members. Its work centres around monitoring threats against journalists, implementing urgent responses and working proactively through advocacy and the promotion of good safety practices at media houses. The mechanism does not have government representation, as the members believe some threats against journalists are better addressed by the SMSJ if it operates independently.

...journalists are also increasingly being labelled by ruling party supporters as fake news propagandists, leading to harassment and threats on and offline.

from the government. However, SMSJ and its members are in dialogue with the government and relevant authorities on issues pertaining to journalist safety and protection.

Although an agreement was reached at 2018’s Multi-Stakeholder Dialogue Forum, organised by the Ministry of Information, Culture and Tourism and supported by UNESCO, to establish a national mechanism with state participation, not much move-
ment has taken place since.\textsuperscript{53} “It is very passive,” said Mohamed Ibrahim, the secretary general of the Federation of Somali Journalists (FESOJ), which is a member of the government-announced mechanism, but according to Ibrahim, collaborates far more with the CSO body SMSJ. Since it was announced, the government’s SoJ process has had two meetings, said Ibrahim.

However, the initiative provides a platform for dialogue with the ministry and could push for the issue of safety and protection of journalists to rise up on the agenda.

Coordination between civil society and authorities has come easier on a regional level. In the north-eastern region of Puntland, stakeholders came together in 2018 to form the Puntland Journalist Security Committee through a series of “Peace Council” dialogues. The Puntland Journalist Security Committee includes the Media Association of Puntland (MAP) and other civil society representatives, as well as police and judges. The Committee set up a hotline and monitors investigations into attacks.\textsuperscript{54} It opened channels that helped MAP secure the release of a journalist who had been imprisoned for five days.\textsuperscript{55}

\textbf{United advocacy and favourable political climate open doors to high-level government commitment to SoJ}

Maintaining a collective front among non-governmental stakeholders, recognising favourable political conditions and identifying allies within a country’s power structure have proven key to gaining government commitments to safety of journalists in some countries. In the late 1990s, journalists banded together in Colombia to push for the creation of a government protection programme for journalists. The programme, which is still in place today, is considered one of the strongest examples of an existing government mechanism for safety of journalists, despite several flaws having emerged over the years.

As Colombia’s civil war raged, journalists, among other civil society actors, were heavily targeted. The government, with financial support from the United States, had established a protection programme for activists and labour union leaders. In addition to having this as a precedent, advocates for the mechanism also saw a window for engagement after President Andrés Pastrana Arango, a former journalist, took office in 1998. In 2000, the mechanism was established [see sidebar]. The Colombian experience has also highlighted the downsides of heavy government involvement. Among several points FoE advocates take issue with in the implementation of the programme is its heavy bureaucracy that causes delayed responses even in urgent cases.\textsuperscript{56}

Collective advocacy was also noted by AJSC as crucial to advances they have made in gaining government responsiveness to SoJ in Afghanistan. “The most important lesson we learned was that collective advocacy is the most important factor in engaging the government,” said Ilias Alami, the group’s Operations Manager. Alami explained that

\textsuperscript{53} IMS interview with Mohamed Ibrahim by phone, September 2019.
\textsuperscript{54} MAP (2018).
\textsuperscript{55} IMS Focus Groups Research and Key Information Interviews conducted in Somalia (2017), unpublished research
\textsuperscript{56} IMS (2017).
efforts where several media advocacy organisations jointly advocated bore “fruitful results”. In 2016, the government established a multi-stakeholder body called the Joint Committee for the Safety and Security of Journalists to show their commitment to freedom of expression.

International pressure or support can also go far in pushing governments to take action. In the case of Colombia, the United States offered substantial financial support for a long period to Colombia’s protection mechanisms. “Otherwise,” said Maria Teresa Ronderos, “It would have been much harder.”

When solidarity and opportunity come together

Prominent Colombian investigative journalist Maria Teresa Ronderos recalled in an interview for IMS how she and her colleagues pushed Colombia’s government to form what would become the first national protection mechanism:

“There was already a protection mechanism set in place for trade unions and political leaders. We saw that the US was putting quite a bit of money to support this. We thought: why not journalists? Journalists were getting killed every year. The president had been a journalist so we thought if there was ever anyone who would be ready to do it, it would be him. We contacted the president and one of the advisors took an interest. We were a group of journalists who were active [professionally]. That gave us a strong voice. Only days after we sat with the advisor and wrote the decree for the journalists’ mechanism. We raised the point that it had to be a collaborative effort; journalists had to say for themselves who was a journalist, not the government, and journalists had to review the cases.”