

Chapter 2

Anchoring mechanisms in national human rights institutions and strong coalitions

Finding the best way to anchor a multi-stakeholder mechanism is a complicated, context-specific process. A functional body is needed to implement a mechanism. Whether this takes the shape of a government institution or a broad coalition, it is important that it offers independence from government influence, access to resources, and a strong, decentralised implementation structure that allows stakeholders to engage on a provincial level, among other features. Bringing stakeholders together under a coalition structure is a long and arduous road.

National human rights institutions: A powerful ally and potential anchors for safety mechanisms

One set of national institutions IMS and its partners have identified as potential anchors for SoJ mechanisms is National Human Rights Institutions (NHRIs). NHRIs are quasi-judicial, independent institutions created by states through their constitution or law. Their establishment was introduced in the 1993 UN General Assembly Resolution 48/134, which calls on states to set up national institutions mandated to promote and protect human rights. The structure and scope of their activities vary in different countries, but according to what is known as the Paris Principles, adopted with Resolution 48/134, their main functions include monitoring and advising their respective national governments, promoting human rights through education and awareness, and coordinating with international bodies.⁵⁷ Though state-created and state-funded, NHRIs should be independent, according to the Principles.

In 2012, IMS, partner groups and the Federation of Nepalese Journalists approached the National Human Rights Commission (NHRC) regarding Nepal's NHRI, putting forth a proposal to establish a mechanism to protect journalists and investigate attacks.⁵⁸ In April 2019, the NHRC issued a directive for the formation of a mechanism for

⁵⁷ OHCHR (1993)

⁵⁸ IMS (2018).

the protection of freedom of expression, the culmination of a seven-year process initiated by stakeholders. As of November 2019, the NHRC was making plans to formally launch the mechanism and appoint members to its various structures. As the published guidelines and regulations very closely reflect the joint collaboration of the partner institutions, the endorsement of the NRHC safety mechanism exhibits how having a long-term view of development can successfully influence national policy.

NHRIs hold legitimacy with state actors and can access policy makers, while also closely working with civil society. They are also linked to the UN. “They are the bridge between civil society and government,” said IMS’ advisor in Nepal, Binod Bhattarai, who has worked closely with the Commission and other stakeholders throughout the mechanism’s development. This role, combined with their independence, makes them uniquely qualified to anchor an SoJ mechanism. “The NHRC is more independent than any other state institution,” said Bhattarai.

The Nepal mechanism is not exclusively for journalists, but mandated to respond to attacks on freedom of expression, meaning activists, artists and other groups or individuals targeted for exercising freedom of expression can access it. According to the directive, the mechanism will have a three-layer system. The components of this system are a seven-member body, which in addition to NHRC representatives would include members of media, police, the National Bar Association, and government, and have a task force and rapid actions teams for every district. One of the two media representatives of the body must be a female.

Among the mechanism’s functions are to implement protection measures, but it also conducts fact-finding following attacks. One of the strengths of this mechanism is that the NHRC has more authority at a crime scene than a civil society group on its own would have. Under its powers, it can preserve and prevent the destruction of evidence and obtain statements.

Nepal’s NHRI is the only one known to IMS to commit to housing a multi-stakeholder mechanism of this kind, but in many other countries NHRIs are active, valuable partners to SoJ initiatives. Upholding media freedom is a policy mandate of the Commission on Human Rights in the Philippines (CHR). CHR is part of the coalition to implement the Philippine Plan of Action on Safety of Journalists (PPASJ). It is also an observer in the government task force on media safety. In addition, the Commission monitors all press attacks and has campaigned for better benefits for media workers and works closely with the country’s media freedom groups to respond to and prevent attacks, according to its information officer Azenath Formoso. “We are the conscience of the government,” said Formoso.⁵⁹

The National Commission on Human Rights in Pakistan (NCHR) is becoming a central actor for multi-stakeholder SoJ work. In addition to championing SoJ goals, the NCHR evinced interest in housing or leading a national Plan of Action for SoJ in Pakistan in preliminary discussions and has helped stakeholders advocate for a safety bill in Sindh province⁶⁰, according to IMS advisor Adnan Rehmat. One of its former members, Chaudhry Shafiq, is on the steering committee for the Pakistan Journalist Safety Coalition

59 Remarks given 20 November 2019 at the 1st Asia Journalism Defense Forum organised by IMS in Manila, the Philippines

60 The Express Tribune (2019).

(PJSC), a new initiative launched in August 2019 to facilitate the establishment of a collaborative national safety mechanism.

Learning from past mistakes: Coalitions for safety

Coalitions like PJSC are another means to anchor safety mechanisms. Coalition-building is increasingly recognised as a vital tool for promoting safety of journalists⁶¹ and has gained traction since the UN Plan of Action on the Safety of Journalists and the Issue of Impunity came to fore. In its work for journalist safety, UNESCO, the UN agency overseeing the plan's implementation, recommends what has been termed the three Ps approach (prevention, protection and prosecution). In addition, stakeholders have come to recognise that promoting awareness of safety issues is also important.⁶²

Taking this into account, it is clear the scope of journalist safety work is too large to take on without a diverse range of engaged stakeholders. "Alliance building is a very important component of civil society work," said Asad Baig, founder and executive director of Media Matters Pakistan, a non-profit group that works on freedom of expression. Baig also noted that it is important for donors and international organisations "to be sure everyone is at the table".⁶³

While a coalition can be a good instrument to implement a national Plan of Action, there are significant challenges involved in both building and sustaining them, as well as making them impactful.

The experience of stakeholders in Pakistan offers some useful insights. When the UN Plan of Action was adopted in 2012, Pakistan was one of four countries chosen to pilot the plan's implementation.⁶⁴ Pakistan is considered one of the most dangerous countries in which to practise journalism. Over 130 journalists have been killed in the country since 2000 according to Freedom Network, a local journalist safety NGO and IMS partner, with complete impunity in nearly all cases. Journalists there have been targets of armed extremist groups as well as military and security services.⁶⁵ In this context, journalists and their support groups rallied to the plan's battle cry.

National and international stakeholders convened in Islamabad in March 2013 to begin hashing out an agenda, and they agreed to form the Pakistan Coalition on Media Safety (PCOMS). The urgency of the situation for journalists and the international spotlight cast on Pakistan by the UN Action Plan mobilised stakeholders and members of PCOMS. Its steering committee⁶⁶ came to include prominent journalists such as popular television anchor Hamid Mir, the media watchdogs, associations, unions, parliamentarians and the Minister of Information, among other stakeholders.

Initial achievements under PCOMS were encouraging. It worked with parliamentarians on a draft bill on safety of journalists. (As of the time this report was drafted, the legislation had not been tabled yet). PCOMS working groups produced recommendations

61 Media Impact Funders (2019).

62 Council of Europe (2016).

63 IMS interview with Asad Baig by Skype, September 2019.

64 The other three countries were Iraq, Nepal and South Sudan.

65 IMS (2017).

66 Pakistan Press Foundation served as the PCOMS steering committee's secretariat.

on the appointment of federal and provincial special prosecutors to investigate cases of attacks against journalists and media, as well as developed detailed safety protocols for adoption by media houses. After the near-fatal shooting of Mir in April 2014, PCOMS submitted recommendations to the judicial commission investigating the attack.⁶⁷

Over time however, PCOMS lost its steam and as of 2015 it has been defunct. One reason for this is lack of resources. An initial grant from the Open Society Foundation (OSF) supported its early activities, and these took place under the coordination of the Pakistan Press Foundation, which served as secretariat of the steering committee, but PCOMS did not have an alternative source of support once that funding came to an end. Baig, who worked at OSF at the time, said one of the lessons learned is that this kind of structure cannot be fused around donor funding; it needs to be homegrown. “You need to build the actors and change-makers who can carry on when the funding runs out,” he said.

Another lesson, according to Adnan Rehmat, is that the model was too federal oriented, focusing on national level advocacy rather than working with provincial actors who can drive change in their environments more nimbly. “In large, complex countries, often local implementation strategies (with local chapters of central stakeholders) can be more crucial than national implementation strategies since some states or provinces may have more progressive, more amenable political dispensations than national governments,” Rehmat wrote.⁶⁸

Rehmat and Iqbal Khattak, who head the watchdog Freedom Network, worked with a group of stakeholders to create PJSC, launched in August 2019. PJSC has a national central body made up of around 16 representatives from journalism, civil society groups and the National Commission on the Status of Women. One woman journalist sits on the body, which also includes Nighat Dad, director of the Digital Rights Foundation, a group that works to counter online abuse. PJSC has taken a more decentralised approach that includes setting up provincial chapters and engaging local champions.⁶⁹

An early example of success with this approach is the Sindh provincial government’s announcement on 12 November 2019 that it will enact a law on journalist safety before the end of the year. The draft law was prepared in consultation with editors, journalist unions and other stakeholders and recommends the appointment of a special prosecutor to investigate and prosecute crimes against journalists, and a journalists’ protection council.⁷⁰ Though now in the early months of 2020, the law on journalist safety remains in limbo.⁷¹

Another tactic that has helped build momentum behind the PJSC’s work according to Rehmat has been engagement with the editors’ guild, rather than media owners, who, as Chapter 3 delves into, can be sluggish stakeholders. In Pakistan, IMS facilitated a partnership between Freedom Network and the Council of Pakistan Newspaper Editors (CPNE), which is currently broadening its mandate to include editors from all media rather than just print media. Through the partnership, CPNE merged efforts with PJSC and the NCHR to push for the Sindh legislation. The partnership is also focused on developing a national charter on media safety comprising of a code of ethics for media, safety policies

67 IMS (2017).

68 Response to email query by author on 19 November 2019.

69 PJSC (2019).

70 The Express Tribune (2019).

71 Muktar (2020).

and safety protocols for media houses as well as conducting annual safety audits of media houses.

Having stakeholders with different expertise, work areas and from various sectors can help make a coalition effective, but bringing disparate parties under one roof is challenging. Chapter 1 looks at the difficulties of bringing government actors into multi-stakeholder frameworks, but divisiveness can stem from other sources as well. Competing or conflicting priorities exist, even among groups sharing the same goal. For example, in most circumstances, media owners and unions sit on opposite sides of the table.

Competition for scarce resources or leadership is another source of division. Ilias Alami, the Operational Manager of the Afghan Journalists Safety Committee, the NGO which has worked with diverse groups in Afghanistan to build the Afghan Federation of Journalists, observed, “Even in collective efforts, everyone wants their organisation to get the most exposure and financial support.”

“Disagreement is part and parcel to this process; it will happen,” said Dr Ming-Kuok Lim, UNESCO Advisor for Communication and Information based in Jakarta. Lim, who has worked to implement the UN Action Plan on the Safety of Journalists and the Issue of Impunity in several countries, added, “Once the dialogue gets going, we get revised perceptions, new directions and ideas of how to work together. It is important to keep the communication open.”

To some extent this is what is taking place in the Philippines. On 22 November 2019, the eve of the 10th anniversary of the Maguindanao Massacre, which took the lives of 32 journalists and media workers, stakeholders in the Philippines launched the PPASJ, which put a formal national plan of action on safety of journalists in place.⁷² The plan is a roadmap to address safety through joint action. It identifies five flagship areas: 1) Integrity and Professionalism 2) Conducive Working Conditions 3) Safety and Protection Mechanisms 4) Criminal Justice System and 5) Public Information, Journalism Education, and Research. It also recommends actions for each of these areas.⁷³

The plan’s contents were born from an exhaustive nationwide consultation process that began with a national multi-stakeholder workshop in Manila on 7 November 2018. The national workshop became the template for regional consultations in Luzon, Visayas and Mindanao. Representatives from government, state security forces, academia, civil society, media organisations and journalists provided critical insight and direction on the challenges faced by journalists and possible actions to address them. As highlighted in Chapter 1, national-level meetings and regional dialogues were also held with state security forces from the Philippine National Police and Armed Forces of the Philippines.

The PPASJ also lays out implementation structures and mechanisms. Key implementers are the PPASJ Multi-Stakeholder Coalition.⁷⁴ This broader coalition of around 80 stakeholders will be monitored and guided by the Journalist Safety Advisory Group (JSAG), which is made up of five of the leading groups working on media monitoring, training and support.⁷⁵ Finally, under the plan there will be Technical Working Groups, assigned to pursue a particular action or related actions. These might include a review of

72 Rappler (2019b).

73 AIJC and IMS (2019).

74 Ibid.

75 JSAG members are: AIJC, CCJD, CMFR, NUJP and PPI. IMS will participate as an observer.



Afghanistan 2019, Faryab Province. Photo: Reza Mohabbati/AJSC/IMS

work practices or policy briefs. A PPASJ secretariat will manage communication, budget and other duties.

The plan incorporates some gender-specific concerns. For example, it includes actions to promote equal rights between male and female employees in the workplace, the development of education modules that emphasise women's rights and gender issues and calls for systems to track attacks against and assist female journalists. In addition, part of the consultation process included trainings for women journalists. It does not address, however, the creation of anti-harassment policies within media houses. It also does not address other marginalised groups beyond women.

The Somali Mechanism for Safety of Journalists (SMSJ) is also anchored in a coalition, albeit a smaller one than in the Philippines, called the Somali Safety Committee. The Committee's founding members are the Somalia Media Association (SOMA), the Somali Independent Media Houses Association (SIMHA), Somali Women Journalists (SWJ) and the Media Association of Puntland (MAP). It receives support from IMS-Fojo (Fojo Media Institute). The Federation of Somali Journalists (FESOJ) is an active participant in the mechanism, but not a formal partner yet. As noted in Chapter 1, there is no government representation.

The process to establish the Somali Safety Committee and then its mechanism, SMSJ, started in 2015 with a two-year period of trust and consensus-building among different organisations, and a comprehensive risk assessment. Safety experts from Colombia

consulted in the process as well, sharing their experiences with mechanisms. The mechanism was launched in 2017.

The safety committee is responsible for decision making for the mechanism, but there is also a safety coordinator to support and oversee a monitoring network set up in six high-risk zones in the country: Adado, Baidoa, Bosaso, Beledweyn, Galkayo and Kismayo. Special emphasis has been placed on high-risk groups such as freelancers. It also monitors risks confronting women journalists, including sexual assault.

SMSJ has taken a two-pronged approach to safety. One line of activities is focused on prevention through building risk awareness, strengthening safety measures among journalists, media managers and other stakeholders, and monitoring threats and attacks. At the same time, it is working to build a system to respond with emergency support to journalists who are in danger. “We are working in high risk areas and always have problems and opposition,” said Nasrin Mohamed Ibrahim, Deputy Chairperson for SWJ. Since the SMJS came together, she said, “There is more awareness of how to solve our problems.” It also works to address risks and improve conditions for female journalists, including supporting its member group, SWJ, in developing a Gender Respect Declaration to address sexual harassment [see Chapter 4].

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Other activities the SMSJ has undertaken include a Somali journalist safety and protection manual for media houses, and advocacy campaigns for accountability in cases of attacks by state actors.

Many of these multi-stakeholder initiatives are new or even still in a formative stage, but their early experiences show that coming together is possible and lay the groundwork for solution building. “We feel fewer challenges from the outside,” said SWJ’s Ibrahim. “There is more awareness of how to solve our problems.”