

# Peer-to-peer workshop to support national human rights institutions (NHRIs) as anchors for journalists' safety and protecting free expression

**Dates:** 10-11 November 2022

**Venue:** [Chandragiri Hills](#) Resort - Nepal



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# 1.Introduction

## **Background and purpose**

IMS began working with Nepal's National Human Rights Commission (NHRC) in 2012, when the idea of establishing a multi-stakeholder mechanism to promote journalist safety anchored by a national human rights institution (NHRI) was first proposed. This vision began taking concrete shape after 2019, when the NHRC adopted a directive to make it possible to set up such a mechanism. Similar efforts began in Pakistan in 2013 when the country was selected as a pilot for launching the UN Plan of Action on Safety of Journalists and Issue of Impunity. Now, Pakistan is the only country in the region to have two laws (one federal; one provincial) on journalists' safety. Similarly, since 2015, through the implementation of the Philippine Plan of Action on the Safety of Journalists, there have been efforts towards establishing a safety mechanism led by the Commission on Human Rights of the Philippines, while journalists and civil society groups have begun consultations towards establishing such a mechanism in Indonesia.

IMS believes that having independent state institutions such as NHRIs convene multiple stakeholders – journalists, human rights defenders, law enforcement agencies and government – can provide a strong foundation for both effectiveness and sustainability of such mechanisms. This approach also allows for contextualisation of the mechanisms to national specificities rather than the imposition of a one-size-fits-all design.

**The overall purpose** of this workshop is to:

1. Develop a clear sense of what it entails for a national human rights institution (NHRI) to anchor a safety mechanism for journalists – how to resolve potential challenges and address low-hanging fruits;
2. Promote the engagement and commitment of the NHRIs in Nepal, Pakistan, the Philippines and Indonesia to defending journalists and human rights defenders (HRDs);
3. Strengthen the ability of NHRIs to monitor and report on violations against journalists and HRDs.

The workshop will bring together decision-makers from NHRIs in Nepal, Pakistan, the Philippines and Indonesia to share experiences and comment on the anchoring of safety mechanisms for journalists and human rights defenders, in line with the Marrakesh Declaration of the Global Alliance of Human Rights Institutions in 2018.

## 2. Summary of 2022 research and the way forward

### Defending Journalism book series 2022

#### National human rights institutions & journalist safety

*Bridging civil society and government to promote media freedom in four countries*

This report has looked into the role of national human rights institutions (NHRIs) in South and Southeast Asia – Nepal, the Philippines, Indonesia, and Pakistan – and how their engagement in supporting national protection mechanisms for journalists can contribute to upholding their mandate of promoting human rights for all. The report has specifically looked into possible independent national mechanisms for journalist safety in line with the 2012 UN Plan of Action on the Safety of Journalists and the Issue of Impunity. That said, operationalisation of effective journalist protection mechanisms can also contribute directly to protecting all human rights defenders (HRDs) whose primary tool for defending human rights is freedom of information—a mandate of NHRIs.

Independent protection mechanisms for freedom of expression can address the shrinking of civic space, which is no longer a concern in only developing countries and authoritarian regimes. Civil society organisations including media and HRDs have often become the targets of not just policies and measures trying to limit the space in which they are allowed to operate, but continue to become victims of physical abuse and attacks, with severe consequences including death.

NHRIs as independent statutory institutions for protecting universally accepted human rights therefore have a crucial role towards ensuring civic space to foster dialogues and debates on matters citizen concern. The Universal Periodic Review process of the Human Rights Council has provided recommendations for protecting media and HRDs, underscoring the need for consolidated efforts to effectuate change. Effective national protection mechanisms for journalist safety and protecting freedom of information for all citizens can therefore contribute towards ensuring existence of a healthy space for dialogues, debates and democratic governance which are vital for all democracies.

#### **Countries covered by the report:**

**Indonesia** has an estimated 100,000 journalists in a population of over 271 million people. Its geography alone – as a configuration of over 18,000 small islands – represents a challenge for monitoring violations of press freedom and the safety of journalists. In Indonesia, journalists' and civil society groups have begun to support vulnerable journalists and to collaborate on setting up a national safety mechanism for institutionalising the effort. Such a mechanism

could involve existing organisations of journalists, the National Human Rights Commission of Indonesia, the Press Council, and other state agencies. Preliminary consultations are assessing which institutions might best anchor such a mechanism and whether the existing legal framework is adequate. The efforts to establish a safety mechanism for journalists in Indonesia is in the preliminary stages and therefore experiences from other countries in the Asia-Pacific region can provide opportunity for learning and peer-to-peer support, with NHRIs serving as institutions anchoring the effort.

**Nepal** saw a rise in the persecution and assassinations of journalists during the Maoist government conflict (1996-2006) and the long transition to a new constitution (2006-2015). Some perpetrators have been prosecuted successfully, but many cases remain open. Nepal was one of the first countries where the NHRI began considering the establishment of a mechanism for journalists' safety. The Nepal National Human Rights Commission (NHRC) and the Federation of Nepali Journalists began working towards this in 2012 and their efforts culminated in 2019, when the NHRC approved a directive to establish a multi-stakeholder mechanism for upholding the freedom of expression of all citizens, including journalists. NHRC began operationalising the mechanism in mid-2022 and therefore its experiences can assist other countries in their own efforts for setting up similar institutional arrangements.

**Pakistan** has one the world's highest rates of impunity for crimes against journalists, despite the formidable efforts of journalists' and civil society groups to preserve civic space to strengthen its democracy. For example, out of over 140 journalist deaths, only three perpetrators have been prosecuted and all three verdicts were overturned on appeal. However, change could be in the air: Pakistan enacted a new national law in 2021 – based on one adopted earlier by a provincial government – to protect journalists' safety. While this legislation is welcome, those laws do not include a role for the Pakistan National Commission of Human Rights and thus could be more robust, according to journalists and civil society groups. The situation in Pakistan can serve as an ongoing case study for an alternative approach to protecting journalists for other countries, while also providing an opportunity for assessing the pros and cons and opportunities and challenges for engaging the NHRI in the protection effort and also for extending similar protections to HRDs in general.

**The Philippines** is one of the world's most dangerous countries for journalists. Since 1986, at least 234 journalists and media professionals in the Philippines have been killed, including 19 after President Rodrigo Duterte took charge of the administration in October 2016. According to media and civil society groups, state agencies have allegedly been involved in 114 attacks and threats against journalists and civil society advocates who had first been 'red-tagged' by the authorities for their supposed links with armed communist insurgents and/or 'terrorism'.

In July 2018, the Philippine Commission on Human Rights (CHR) adopted a resolution to form a task force with a mandate to monitor and investigate media-related extrajudicial killings. This led to more collaboration between the CHR, media, and civil society groups. As a result, the Philippine Action Plan on Safety of Journalists was launched in November 2019,

as part of a three-year European Union project that seeks to establish a national multi-stakeholder mechanism for the safety of journalists. The approach of having a national plan of action and bringing diverse stakeholders together to work towards establishing a NHRI-anchored safety mechanism can provide countries not yet invested in similar efforts to review, discuss and decide on pathways towards setting up effective multi-stakeholder mechanisms on journalists' safety and for protecting freedom of information.

### **Reason for hope**

The research documents efforts of three of four countries covered—Indonesia, Nepal and the Philippines—where there has been varying levels of collaboration with NHRIs to address the safety of journalists and to challenge the culture of impunity for violations against them. In Nepal, the directive of the mechanism has specifically included protecting freedom of information of all citizens as its mandate, thus widening the scope of the effort. This approach can assist towards protecting all HRDs and also contribute towards ensuring a healthy civic space. One country—Pakistan—has opted for legislation to form a commission to promote journalist safety, with no specific role yet for its NHRI. Therefore, while serving as an alternative approach to journalists' safety, peer-to-peer exchanges with other NHRIs can provide opportunities for stakeholders in the country to assess how the engagement of the NHRI can add value to the effort.

Regardless of how it happens, the establishment and operationalisation of independent multi-stakeholder mechanisms for journalist safety is a vital step for democracies because it can ensure the free flow of information by protecting journalists, media professionals, and human rights defenders. NHRIs contribute state authority and international credibility, while journalists and civil society groups bring expertise on advocacy, coalition building, and media. Progressive collaboration between such key stakeholders – on journalists' safety and ending impunity for those attacking the HRDs and media – can contribute towards establishing a friendlier and more enabling work environment for these vital institutions and individuals, while also helping expand the democratic space for all citizens.

Collaborations with NHRIs can differ depending on national legal and political frameworks. Since each country has a unique NHRI, one 'model' does not fit all. Instead NHRIs, media, civil society, government and other relevant stakeholders can choose or develop a model that works for them, through consultation and collaboration on its benefit to themselves and society in general.

The IMS research discusses the various approaches underway and progress made in terms of such partnerships and collaborations.

In **Indonesia**, the journalist associations that pioneered advocacy on safety are collaborating with civil society groups, the Press Council, and the NHRI as part of the effort towards establishing an independent multi-stakeholder national safety mechanism. The development

of a mutually acceptable institution will take time, but Indonesia has already taken the first steps.

**Nepal** is closer to a multi-stakeholder mechanism as it has a directive linked to the NHRI law for operationalising the effort. But there are multiple challenges that could affect effective operationalisation that need to be openly discussed and addressed. The ability to effectively operationalise the mechanism could provide a template for other countries to consider similar arrangements.

**Pakistan** has taken a major step towards resolving a long-term problem: the many journalists killed and the impunity of those responsible. The federal government and Sindh province (one of four in the country) have enacted a law to address this, but it remains to be enforced. Nonetheless, these positive moves could contribute towards reducing the harrowing data on attacks against press freedom. Discussions on the role the NHRI could play in the effort under both the Sindh province law and the federal legislation are still open.

In the **Philippines**, journalist associations and civil society groups have begun working with the NHRI, in accordance with the Philippine Plan of Action on Safety of Journalists (PPASJ) that brings multiple stakeholders together. The PPASJ and external support available for its implementation can assist stakeholders to collaborate on setting up an independent mechanism on journalists' safety, continuing a process that began after a July 2018 resolution of the Commission for Human Rights to create a 'task force on media-related extrajudicial killings' with a mandate to monitor and investigate attacks against the Philippine press. This Commission for Human Rights task force already has three regional offices for this work.

### **Way forward**

2022 marks a decade since the adoption of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity – a roadmap that reveals that no single institution can take sole responsibility for protecting journalists. This plan paved the way for a mechanism for both safety of journalists and protecting freedom of information in Nepal, which will now be tested. Its multi-stakeholder approach promises to help achieve safety of journalists and HRDs and also protection of freedom of information, a model that will be closely watched for efficacy. Efforts underway in both Pakistan and the Philippines are also unique and their effectiveness can also provide lessons to other countries for establishing safety mechanisms, particularly in the absence of a standardised format for an ideal one. Each country has a unique national context and any institutional mechanism on journalists' safety must match its political, legal, social, and administrative architecture. The mechanisms that are now close to operationalisation in Nepal and Pakistan have multiple stakeholders, including NHRIs, law enforcement actors, government, civil society organisations, journalists, and women rights defenders, which provides hope for effectiveness.

National institutions that are already engaged in some level of journalists' safety and protection include NHRIs, police, attorneys general and prosecution services, journalist associations, press councils, and civil society organisations. Among these, NHRIs have the

broadest mandates and are independent state agencies established by law to oversee and safeguard human rights. Many also have convening power as they are constitutional bodies and could evolve into credible institutions for taking up the challenge of keeping journalists and media safe, while also protecting free expression for citizens of all genders.

Stakeholders in Indonesia, Pakistan, and the Philippines have initiated dialogues with their respective NHRIs to explore which institutional design might best protect journalists and freedom of expression. In Indonesia, journalists' and civil society organisations formed a safety committee that is discussing collaboration with the NHRI and the Press Council. In Pakistan, two separate processes culminated in two laws on journalist safety – one in Sindh province and one at federal level. In the Philippines, media and civil society organisations are collaborating with the Philippines Commission on Human Rights to implement the Philippine Plan of Action on the Safety of Journalists. It is hoped and expected that these various regional activities will lead to comprehensive national mechanisms to protect journalists' safety.

Building on this progress in different countries, the next major steps should be:

- 1. Continual dialogue and consultations:** Since the level of understanding of the need to protect journalists and freedom of expression varies by country, continual dialogue and consultations between all stakeholders would help, including prosecutors, policy, and other justice administration agencies, especially any who may lack understanding of the larger goal of the initiative. Discussions in Indonesia, Nepal, Pakistan, and the Philippines should continue, and while their objectives could differ, all should focus on including women stakeholders, particularly journalists and HRDs, and on setting up systems for better monitoring of gender-based violence in journalism and human rights work. Reporting of gender-based violence was low in all countries in this study, so it is important to consider mechanisms that will encourage vulnerable parties to report violence and enable them to seek support in an environment that guarantees confidentiality.
- 2. Research and documentation of existing mechanisms and national plans to promote journalist safety:** Effort will be required to research and document the experiences of developing different safety mechanisms in these different countries, so that lessons learned can inform initiatives underway elsewhere. This would require documenting the different capacities of journalism and human rights stakeholders and the mandates of different state agencies, including justice administration agencies, to arrive at a better understanding of what each stakeholder can bring to the table. Similarly, comparative studies across countries can also assist knowledge building to inform future initiatives on journalists' safety.



**3. Strong advocacy for written rules and procedures to drive the mechanism:**

Alongside efforts to engage different stakeholders from government and justice administration agencies, there must be continued advocacy for written rules and procedures to operationalise the safety mechanism. This is to ensure institutional memory, so the mechanism can continue after individuals leading the initiative move on.

**4. Increased international support for the establishment of safety mechanisms:**

As the key agency for the implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, UNESCO and other freedom of expression and media development organisations need to make additional efforts to help proposed national initiatives move forward. Some countries, like Nepal, may require this support to provide the last push, while in others a longer-term engagement would be needed to ensure that consultations do not fizzle out when funding stops. Nepal is closest to operationalising an NHRI-convened safety mechanism and therefore could require both material and technical assistance as it takes the first steps towards improving journalists' safety. Start-up activities can be aided with engagements to support local efforts by international agencies, as happened under the international media mission about a decade ago.

**Specific recommendations:**

**National media associations and civil society**

1. Engage with NHRIs and other state agencies, including police and prosecutors, to arrive at a shared understanding on the need to protect journalists and freedom of expression to build and strengthen national democracies.
2. Organise collaborations including joint monitoring and investigation of attacks on journalists and freedom of expression.
3. Continue monitoring and documenting attacks against journalists and media organisations.
4. Advocate for journalists' safety mechanisms by highlighting possible collaborations and contributions from various agencies.

**National Human Rights Institutions**

1. Begin reviewing existing policies, laws, and mandates to explore openings for sharing their independence and authority with other national stakeholders for forming national mechanisms on journalists' safety and protecting freedom of expression. Such reviews can provide information on potential legal entry points for setting up safety mechanisms and inform the legal changes required.
2. Initiate and/or participate in joint monitoring and investigation of attacks against journalists and human rights defenders with media and CSO groups for documentation in their annual reports.

3. Explore institutional capacity and resource needs for accommodating journalist safety mechanisms within existing institutions.
4. Organise and lead local consultations on journalist safety and the need to protect freedom of expression with law-enforcement, justice administration, government agencies, media and civil society groups, and human rights defenders.

#### **International agencies and media development organisations**

1. Establish a funding mechanism for supporting on-going efforts to establish national journalist safety mechanisms in countries that require additional assistance during start-up years.
2. Organise joint international missions, including with UN agencies, to countries experiencing a high number of attacks on journalists and media, as part of advocacy for working towards attaining the Sustainable Development Goal 16.1 and consult with national stakeholders, including governments and justice administration agencies, on setting up national journalist safety and protection mechanisms.
3. Incorporate the setting up of national journalist safety mechanisms into existing media development support provided to different countries, as a strategy to create multiple stakeholder platforms for consultations on the role of media in democracy and to counter growing threats to independent content in offline and online spheres.

### 3. Background paper

#### 3.1 Nepal

The National Human Rights Commission (NHRC), Nepal has convened the Direction Committee that will steer the Safety Mechanism for journalists and the protection of Freedom of Expression. The Committee is specified in the Directive on Formation and Working Procedures that had been approved in December 2019.

Nepal's safety mechanism now technically in operation, is a three-tiered body with the Direction Committee at the top, a task force in the middle and a network of rapid response volunteers at the field level. So far, the Direction Committee has met once. This policy level body is led by a NHRC commissioner and has representation from the Government of Nepal, journalists' association, Nepal Bar Association, and the Nepal Police. The Direction Committee has begun reviewing the Directive to make amendments required for smooth operationalisation of the mechanism.

The NHRC has also constituted the Task Force that is headed by a joint secretary at the NHRC and has representation of civil society organisations – the Federation of Journalists, Nepal Bar Association, and the NGO Federation to undertake day-to-day operations. There are discussions of including the Human Rights Cell of the Nepal Police in this body, which will require amendments to the Directive.

The lowest tier of the mechanism will be a team of 300 volunteers, trained in human rights investigations and the code of conduct of the mechanism (needs to be prepared or adapted based on the NHRC code) who are to be called for rapid response as required. These teams work under the coordination of the Task Force.

One major challenge the Nepali mechanism could face going forward is the training and mobilisation of the field level volunteers from the journalists' association, NBA, and the NGO Federation as planned. The other major challenge would be the cost to support the trainings, while financing continued operations would also depend on the ability of the mechanism to secure funds from the government.

#### 3.2 Pakistan

The National Commission for Human Rights (NCHR), a national level statutory human right body in Pakistan, is mandated to: **review** the safeguards provided by or under the Constitution or any other law for the protection of human rights; **undertake and promote** research in the field of human rights; **maintain** database on the complaints on violence of human rights received and development of human rights norms; and **inquire** into the complaints of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation by a public servant.

**Independence:** The NCHR has the duty to submit independent reports to the Government on the state of human rights in Pakistan for incorporation in reports to United Nations bodies or committees.

**Mandate:** The NCHR Act of 2012 (the Act) requires the NCHR to develop a **national plan of action** for the promotion and protection of human rights and **spread human rights literacy** among various sections of society and **promote awareness** of the safeguards available for the protection of these rights. The Act also provides for **establishment of an advisory committee** consisting of human rights activists, civil society organisations, members of bar associations, members of press clubs and such other representatives of the federal and provincial governments. The Act specifically states that the Commission and every member of its staff shall function without political or other bias or interference and shall, unless this Act expressly otherwise provides, be independent and separate from any government, administrations, or any other functionary or body directly or indirectly representing the interest of any such entity. As per NCHR Act, the government is accountable to the Commission in enforcement of human rights obligations.

**Commission members:** The NCHR consists of a chairperson, four members from the provinces, one member from Islamabad Capital Territory, chairperson of the National Commission on the Status of Women; one member from minority communities, and a secretary appointed by the Commission. The Act requires that of the total membership of the Commission, at least two shall be women. The first chairperson of the commission and its members were appointed in May 2015 for a single term of four years. The second (and current) chairperson was appointed in 2022.

**NCHR and journalists' safety and free speech:** The NCHR, in its first avatar (2015-2019), on at least two occasions undertook actions against cases of the bloggers kidnapped, illegally abducted by government authorities, partially leading to their freedoms in 2016. The NCHR, in 2019, produced a detailed report on the issue of enforced disappearances. Similarly, it also produced a report on the issues being faced by marginalised segments – women, children, disabled persons, transgender, religious minorities and internally displaced persons. It has also prepared a submission on proposed procedural amendments to check the misuse of Blasphemy Law in Pakistan.

**NCHR contribution to safety of journalists:** Realising that journalists are frontline HRDs, and journalists' safety is prime for exercise of human rights by the citizens, the NCHR, in 2019, appointed police officials as focal persons in police departments to report on crimes against journalists as a first step towards establishing a national journalists safety mechanism in the country. These focal persons are responsible for collecting data on crimes against journalists. Moreover, two police stations in Islamabad Capital Territory have incorporated crime against journalists' indicators in the existing crime management database system to help ensure an integrated and swift response.

**Challenges:** The NCHR remained non-functional between May 2019 to November 2021. This put a halt on the efforts of civil society and media rights groups to establish a gender-sensitive national journalist safety mechanism at the NCHR. However, on 18 November 2021, the President of Pakistan appointed new chairperson and board members of the NCHR for next four years leading to hopes for greater NCHR focus on issues of journalists' safety.

**Collaborative service:** The current administration of the NCHR appears to be open for collaboration with civil society groups and organisations and quite receptive to the advocacy efforts for an enabling environment for human rights defenders including journalists and free speech activists. Since the appointment of a new chairperson and the board members, the NCHR has collaborated with a number of civil society organisations and institutions including the Centre for Excellence in Journalism (CEJ). The NCHR has also worked with international organisations like the European Union and UNESCO for implementation of its mandate.

**NCHR role in presence of journalists' safety laws:** While the enactment and operationalisation of special law for journalist safety and formation of mechanism thereunder may take time, the reactivated NCHR can simultaneously serve as an institutional platform to facilitate a gender-sensitive national safety advocacy and support mechanism. The presence of the chairperson of the National Commission on the Status of Women (NCSW) as a member in the NCHR can also be instrumental in ensuring greater visibility, possible litigation against perpetrators and a gender-sensitive mechanism for journalist safety.

**Opportunities on safety of journalists:** The NCHR has a statutory mandate to potentially host a national mechanism on safety of journalists within its fold. Now that legislation on journalists' safety is in place, with provision of a safety mechanism, the NCHR can potentially function as a back-up support base for pressure on the executive on addressing threats to safety of journalists in case of ineffectiveness of the protection commission provided for in the Federal Protection of Journalists and Media Professionals Act, 2021 or until the time that the protection commission is formed.

### 3.3 Indonesia

#### **NHRI and Journalist Safety**

Efforts to establish a safety mechanism for journalists in Indonesia are in the preliminary stages. However, Indonesian stakeholders have begun to support vulnerable journalists and are collaborating to institutionalise the effort.

**Starting point:** On 5 April 2019, the Alliance of Independent Journalists (AJI), along with several institutions supported by IMS, launched a multi-stakeholder initiative to mitigate violence and ensure the safety of journalists and media workers. These groups announced the formation of a Committee for Journalists' Safety (KKJ). Although they have already involved the press and civil society organisations, they need to extend collaboration with prominent regulatory bodies in Indonesia.

**Potential of different independent institutions:** Preliminary consultations have assessed several statutory state agencies whose functions relate to journalists' safety and protection.

*The Press Council* has been mandated to oversee the implementation of Press Law No. 40 of 1999, which includes legal protection for journalists. The Press Council has guidelines and has formed a task force for handling cases of violence against journalists. The task force includes the journalist profession organisations.

*National Human Rights Commission (KOMNAS HAM)* underpinned by Human Rights Law number 39, 1999. The Commission has quasi-judicial authority, which includes monitoring and research, making recommendations, conducting investigations, counselling, and mediation. Setting up a special mechanism for journalists' safety under the Commission's existing legal mandate may be challenging. There is no provision for such a mechanism in the current law on Human Rights, which needs to be amended. Moreover, it is a lengthy process requiring government proposals and parliamentary approval.

*The National Commission on Violence against Women (KOMNAS Perempuan)* has a similar mandate to KOMNAS HAM, but focuses on women's rights. It is underpinned by Presidential Regulation 181/1998.

**The possibilities to anchor NHRI:** Despite that current human rights law in Indonesia does not provide a direct mandate for journalist safety, it has a legal order to protect and promote human rights, which is directly related to protecting freedom of expression. KOMNAS HAM can use the same approach for addressing journalists' safety in Indonesia through a judicial route, including criminal sanctions and mechanisms outside criminal prosecution (reparations, reconciliation, compensation). In addition, KOMNAS HAM, as the primary institution investigating gross human rights violations, can play a role in ending the impunity in the killing case of journalists.

**NHRI's mandate on gendered threats:** On 12 April 2022, the Sexual Violence Crime law was passed by the Indonesian government. This long-awaited law provides increased protection against gender-based violence and a trust fund for victims. Under this Law, KOMNAS Perempuan has the mandate and could engage in the proposed safety mechanism to address gendered threats and the safety of women journalists.

**Ways to move forward:** The forming of an independent multi-stakeholder national safety mechanism can be addressed through the Press Council. Since the Press Council has a legal mandate on safety protection for journalists and has already set up the guideline and a task force. The NHRI should play a role in the procedure and task force.

### 3.4 Philippines

Filipinos held elections for a new president in May 2022, which also heralded new appointments to the Commission on Human Rights (CHR). Such leadership changes always represent the institutions and mechanisms whence they spring, as much as they also signal crossroads for those same institutions and mechanisms to either be disrupted or deepened. By extension, the Philippine CHR's active stakeholdership in the crafting and implementation of the Philippine Plan of Action for the Safety of Journalists (PPASJ) is also at a juncture. Launched in November 2019, this is the first national action plan fully anchored on the UN Plan of Action, and it was developed by media advocates and civil society in close consultation with the CHR.

The PPASJ spells out collaborative actions with the CHR, particularly for a targeted outcome of putting in place “sustainable mechanisms” for the protection of journalists and HRDs. What do sustainable national mechanisms mean and look like? Three years into the PPASJ's implementation, there is no single answer. But there are already clear indicators, if not tangible proofs of concept, of components – involving media, CSOs, HRDs, the police, the military, local governments, the Departments of Justice, a presidential task force on media security (PTFoMS), and the CHR – that build towards the vision of a national mechanism.

Some of these developments and components feed into the mandate particularly of the CHR with respect to ensuring and improving media safety. For example: On 2 July 2018, in the middle of two-year consultations for the PPASJ, the CHR came out with a formal resolution expressing its resolve “to constitute a Task Force on Media-Related Extra-Judicial Killings (EJKs)”. Three years later, on 28 May 2021, the executive director of the CHR said the creation of the Task Force must be seen as “part of a continuing process” building up to concrete mechanisms.

In 2020, CHR entered into a data-sharing agreement with the Department of Justice (DOJ) to bolster the objectives of Administrative Order 35 (AO 35), which was issued by President Benigno Aquino III in 2012 to address killings targeting human rights defenders, activists, and media practitioners. This is crucial because, while the CHR is limited to investigations and monitoring, AO 35's mechanism creates a definite flow of data and information from the CHR to the DOJ's prosecutorial arm. The cases being investigated by the CHR falling under the types of incidents contemplated by AO 35 may then be recommended for the filing of criminal charges before the courts.

In 2021, the CHR – alongside the national police and the Philippine military – was integrated into a Quick-Alerts System developed and launched by PPASJ stakeholders in 2021 to report attacks on journalists and media organisations. These “Alerto” systems are active and being implemented over a popular messaging platform (Viber), and along the country's three main island regions: Luzon, Visayas, and Mindanao. The experience here feed into PPASJ targets to establish provincial safety networks, and more broadly, locally anchored mechanisms as precursor to an envisaged national safety mechanism.

Finally, the CHR itself has provided platform for continuing dialogue among state, public, and civil society stakeholders to the PPASJ. Especially as the PPASJ draws, reminds, and

invokes its lineage to the United Nations, the CHR – in key moments in cooperation with the Presidential Task Force on Media Safety – has provided bridge and safe space for CSOs, HRDs, media, and state agents to continue dialogues towards a safety mechanism.

The implementation of the PPASJ, of course, has also presented lessons and challenges. Again, specific to the CHR, even the above developments themselves hint at questions that must be addressed. Among them:

How to ensure the independence of the CHR and the continuity, if not momentum, of its commitments, through every leadership change? The CHR was conceived and designed by the Philippine Constitution to be an autonomous body, even fiscally independent. But that has not stopped episodes of clear vulnerability to Congress, the budget process, a powerful executive, and the inevitable political nature of Commissioners' appointments.

It also remains a perennial challenge to make the most of the CHR's limits, not only in terms of resource, but its very mandate. As mentioned, the CHR's chief functions are monitoring and investigation. It cannot perform any acts tantamount to adjudication. At best, at the end of the investigation and fact-finding process, the CHR may "refer the matter to the appropriate Government agency or tribunal for assistance."

Finally, the CHR, like the PPASJ itself, must keep up with new forms of attacks and violence. The competence and capacity of the CHR to go beyond the traditional definitions of "attacks against the free press", needs support and building. The trolling of the media and of individual journalists on social media, for example, requires both legal definitions of attacks as well as technical savvy – not to mention counterpart expertise in the legislature and the judiciary – that simply is not there.

The above represent lessons that the Philippines stakeholders can offer, but also questions that the PPASJ experience itself raises.