

“Together for Reliable Information”

Civil Society efforts to monitor SDG target 16.10
Synthesis report of three VNR shadow reports

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Free Press Unlimited with Africa Freedom of Information Centre
Uganda (AFIC), Association of Journalists Indonesia (AJI),
Fundacion para la Libertad de Prensa Colombia (FLIP), International
Press Institute Austria (IPI) and Pakistan Press Foundation (PPF)

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Leon Willems, Amsterdam 9 July 2021

Reporting on Journalist safety in the context of the SDG agenda

The 2021 High Level Political Forum will be focused on “sustainable and resilient recovery from the Covid 19 pandemic” and will review Sustainable Development Goal (SDG) 16. This conversation cannot take place without looking at the importance of SDG target 16.10 in a year that saw the space for civil society, media and journalists shrink further. In a year where most of the worlds’ attention was focused on the Covid-19 pandemic, the mind of the world has not been as vigilant as needed towards safety of journalists.

Even before the pandemic, many governments struggled to protect journalists and guarantee public access to information for a variety of reasons. Ranging from a lack of political will, scarce resources or insufficient public demand caused by a lack of awareness. This undermines the concept of peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions as enshrined in Goal 16 of the development agenda.

People need public access to information to be well-informed, critical and resilient. It is crucial to empower citizens to shape their own development. Attracting attention to good practices to encourage UN Member States to fulfil their responsibility to deliver on target 16.10, is a much-needed initiative at this time. Transparency and proactive sharing of public information creates trust between citizens and their government.

Openness and transparency of government systems are, however, globally under pressure. On top of existing challenges, the COVID-19 pandemic has in many instances led to the introduction of further legal restrictions to the safety of journalists and public access to information. Ensuring the safety of journalists is a crucial requirement in enabling an environment where people have access to information. Journalists should be safe to perform their societal function to inform people.

Rationale for taking stock of reporting on journalist safety

- This year, at the fourteenth United Nations Congress on Crime Prevention and Criminal Justice, a ground breaking paragraph was added to the declaration¹ calling on states to investigate, prosecute and punish threats and acts of violence, falling within their jurisdiction, committed against journalists and media workers, with a view to ending impunity for crimes committed against them, in accordance with national legislation and applicable international law;
- In addition next year is the 10th anniversary of the United Nations Plan of Action for the Safety of Journalists and the issue of Impunity². In 2022 it will be crucial to provide an update and take stock of the development thusfar on the experiences and results as well as include recommendations towards the further action related to concrete action to ensure the effect of the UN Plan to further guarantees for Journalist Safety.

People deserve to know

Free Press Unlimited, works with local partner organizations in over 40 countries with challenging developmental contexts for the safety of journalists. To give an evidence-based reflection of the situation per country we have built our submission on the input from our partners. The majority of the independent media outlets and journalists that we work with operate under stress since the outbreak of the Covid-19 pandemic, even in countries where democratic guarantees and legal institutional frameworks for the safety of journalists exist.

That is why we strongly emphasize the crucial importance of the UN development agenda and the enabling quality and relevance of access to information for citizens and civil society across the globe. Finally, we have highlighted several good practices and recommendations for UN Bodies to take into consideration. We call on all governments and UN agencies to do more on monitoring, reporting and addressing the trends and issues that we have found in this report.

Global Trends on safety of journalists during the Covid-19 pandemic

The safety of journalists has rapidly declined since Covid-19 spread. We have seen a strong increase in journalists requesting urgent help through our Rapid Response fund, largely caused by Covid-19 and the government measures that have inhibited the ability of journalists to report freely. Requests of female journalists rose even 170% compared to 2019.

Governments and state actors around the globe have enacted additional and repressive legislation, though the trends and levels strongly differ per region. Below, we have listed the measures taken, the impact on the safety and work of journalists, and focusing specifically on the situation of female journalists.

Legal measures

During the pandemic we have seen many countries all over the world curbing press freedom. Many introduced legislation that criminalize the spread of information about the pandemic or the impact such information may have, albeit in different forms. Others legally prohibited the freedom of movement, or access to specific sites and events for journalists. The passing of such restrictive legislation was facilitated by the emergency legislation that 107 countries have adopted in light of the pandemic.¹ Such legislation enables governments to adopt restrictive measures by decree. But the consequential laws and measures limit the ability of journalists to do their jobs freely.

First of all, 18 countries, including Bosnia Herzegovina, Vietnam, Cambodia, Azerbaijan, Thailand and Russia, adopted fake news regulations.² These are laws that criminalize the spread of disinformation about the pandemic. In some cases, like Hungary, the publication of factual news is also punishable if it "hinders the fight against the epidemic". Other countries have adopted similar legislation using different terminologies, such as the criminalization of "scaremongering" or "spreading chaos". In practice, these laws - intentionally or unintentionally - lead to censorship of information and seem to be an ideal tool for silencing critical voices, many of which are journalists. Authorities took the fight against "fake news" into their own hands, empowering themselves to block sites deemed guilty of spreading it, often with little oversight or accountability mechanisms in place.

Thorough consultation with our local partners, together with a sharp increase in applications for Free Press Unlimited's emergency funds, underlines this trend. In 2020, almost 90% of the support was for journalists affected by and under threat due to the virus. In the past year, journalists and independent media have increasingly faced arbitrary arrests, detentions and charges for publishing information about Covid-19 that does not conform with the government narrative. This often results in lengthy legal processes, which lead to high costs which many journalists and media cannot afford. Currently, more than 204 journalists have already been arrested, detained or otherwise engaged in legal proceedings during the pandemic.³ The first journalist to be arrested for spreading 'panic' by publishing information was in Serbia.⁴ In Venezuela, journalists have been arbitrarily prosecuted for publishing information related to the COVID-19 pandemic. In August 2020 the Russian independent newspaper Novaya Gazeta was fined for supposed "fake news stories" about coronavirus outbreaks in Chechnya and inside the Russian Army. The human rights group Agora recorded more than 200 cases of persecution of citizens and organizations for disseminating information that differs from official press releases in three "epidemic" months.⁵

1. <https://www.icnl.org/covid19tracker/?issue=5>

2. <https://ipi.media/covid19-media-freedom-monitoring/>

3. IPI Covid-19 Tracker, consulted as March 29th 2021 <https://ipi.media/covid19-media-freedom-monitoring/>

4. MFRR report

5. <https://agora.legal/articles/Doklad-Mezhdunarodnoi-Agory-%C2%ABEpidemiya-feikov-borba-s-koronavirusom-kak/30>

Another example of repressive legal measures, often passed by decree, are restrictions to the freedom of movement. Aruba and Venezuela adopted laws to limit the movement of citizens, without categorical exceptions for journalists. This hinders or even makes it impossible to continue their work. In Aruba, for example, an independent journalist was arrested and interrogated when she was doing her work during the curfew. An employee of our partner in Venezuela was also arrested for collecting protective equipment packages distributed by Free Press Unlimited.

At the same time, in some countries journalists were denied access to specific sites and events. In Hungary and Venezuela, the access to information is deliberately restricted by impediments for journalists who are not allowed, or at least obstructed to enter hospitals. In Venezuela, the traffic control points are used to restrict the movement of journalists passing to other entities to cover social events, despite their press cards. In Serbia, Macedonia, the Philippines and Florida journalists were physically banned from press conferences regarding Covid-19. In other instances, such as Nigeria and North Macedonia, press conferences about Covid-19 were held online. Here, only the media known to be pro-government were allowed to attend or ask questions. In Hungary, there is no option for journalists to ask questions directly at press conferences - they can only ask their questions by email. These often remain unanswered.

Finally, in several European countries, such as Poland and Hungary, the deadlines for responding to information requests from journalists and the public were suspended or extended. In Hungary and Russia, health personnel are not allowed to speak to the press. Such government measures limit the right to access to information in a time where public information about the Covid-19 policy is in fact more important than ever. Journalists and other watchdogs need such information to analyze and scrutinize government policies and decisions taken under huge time pressure.

Physical threats

In too many instances, government forces took measures that directly impacted the physical safety of journalists, which has deteriorated rapidly since 2020. First of all, security forces seem to have stepped up their violent acts against the press during the pandemic. Many journalists were physically threatened and even attacked by police and security forces, often but not solely during protests against Covid-19-related government measures. This happened in Uganda, Kenya and India. In Serbia, in July 2020 during Covid-related protests, media workers and journalists were attacked brutally by police forces. In the Democratic Republic Congo, authorities have cracked down on peaceful critics, journalists, and political party members, while using state of emergency measures imposed due to the Covid-19 pandemic.⁶ But increasingly, also protestors and civilians used violence against journalists and media workers. In Venezuela, journalists have become victims of groups sympathetic to Maduro who wrote threatening messages on the walls of their homes. In the Netherlands, the public broadcaster NOS removed its logos from their broadcasting vans after experiencing too many threats and violent acts from protestors and citizens.⁷

Other aspects of this worrying trend of declining physical safety are not directly linked to government measures. Yet, it cannot be overlooked that the continuation of journalistic work, which is vital especially during crises, brings along serious risks of exposure to the virus. Between the outbreak of the pandemic and mid-April 2021, 1,060 journalists had died from Covid-19, according to the Press Emblem Campaign (PEC).⁸ In other words, each day more than 2 journalists die from Covid-19. One of our partners in Bangladesh reported that in August 2020 only, already 697 journalists in the country had been infected. Also, journalists in Latin America suffer a lot: more than half of the fatal cases are reported in Latin America.

Many journalists don't have protective equipment, and in most countries there is no national mechanism in place to protect journalists. An online survey conducted by SACMID (Bangladesh) showed that 32% media professionals are doing their job with no personal protective equipment and 76% journalists have no health insurance or risk

6. <https://www.hrw.org/news/2020/07/22/dr-congo-authorities-foundering-rights>

7. <https://europeanjournalists.org/blog/2020/10/16/the-netherlands-public-broadcaster-nos-removes-logo-from-vehicles-following-increased-attacks-against-journalists/>

8. <https://presseblem.ch/pec-news.shtml>

allowance from their respective houses. Hence, from the very start of the pandemic, to fill these protection gaps, Free Press Unlimited has collaborated with local partners. Around 4,200 press workers received personal protective equipment such as antibacterial gel, gloves, and disposable face masks.

A lack of reliable information

The listed government measures all together have limited the ability of journalists to provide reliable information in a safe and constructive manner. This directly impacts the information that citizens receive. Never was disinformation so widespread as during the pandemic. The rise of disinformation is caused by multiple reasons. Generally, it must be stated that people will search for explanations, especially during insecure crisis times. If people don't have enough reliable information, rumors and guesses will be used to find answers. By obstructing journalists to provide reliable information through various measures, governments pave the way for disinformation to thrive.

To make things worse, in many instances governments and political leaders actively spread disinformation, including via social media. For instance, former President Donald Trump of the United States personally promoted the use of hydro chloroquine as a Covid-medicine, against all scientific advice, while President Bolsonaro of Brazil still publicly denies the impact of the virus. Such unclarity about information leads to mistrust among citizens and justifies the constant questioning of reliable information and facts distributed by independent media. Journalistic critical news reporting is increasingly portrayed as unreliable. This is further exacerbated by political leaders who have publicly accused independent journalists of spreading disinformation about Covid-19.

From another point of view, in some cases access to information was limited not due to particular restrictive legislation, but rather due to the absence of a law prescribing this right. In Somalia, there is no law barring journalists from seeking and receiving information, but the policy of the government has been that all media have to gather information regarding the pandemic from the Ministry of Health solely. Hence, due to absence of a variety of journalistic sources and a lack of governmental actions to promote access to information, journalists do not have access to accurate information about the pandemic.

Consequently, many populations across the globe have little to no factual information about the virus, the following health crisis, and measures that their governments take in this context. But access to reliable information is crucial in times of crisis and can literally save lives. If journalists in Wuhan would have been able to report freely, chances are that the global pandemic could have been managed better. Reliable information is vital to critically scrutinize governments' policies and spending of taxpayer's money. And while people lack factual information, disinformation is on the rise. These conditions cannot be viewed as separate from the declining safety and work conditions of journalists. Distrust towards independent media and journalists can lead to aggression as we witnessed during the insurrection at Capitol Hill where journalists were attacked, and their equipment was destroyed.

Female journalists

The Covid-19-crisis has exacerbated the hardship that female journalists face. For the first time since the set-up of the Legal Defense Fund and Reporters Respond fund, Free Press Unlimited saw a significant increase of requests from predominantly women journalists. In 2020 alone, the number of applications from women journalists rose with 170% compared to 2019. However, consultation of our partners did not reveal government measures to combat Covid-19 that specifically target female journalists. Only from Somalia we heard that women journalists are kept in solitary confinement and this may subject them to abuses.

Yet, pre-existing gender inequalities in the safety of journalists while reporting the news have become sharper due to the pandemic. Firstly, many of our female partners informally self-reported that the lockdown measures forced them to work from home, and they felt the double-burden of having to deliver professionally and being expected to take informal care and household duties "as normal". Secondly, the shifting of interactions towards the online sphere brings along serious threats to female journalists. Even before the pandemic started, women journalists faced more online harassment, threats and intimidation than their male colleagues. Threats are often of sexual and racist nature,

targeted at the person instead of the content, thus making the workplace an unsafe environment for women.⁹ According to research done by ICFJ, in 2020 73% of the over 700 female respondents had suffered from (some form of) online violence. ICFJ sees an exponential growth of such incidents, although many female journalists are expected not to report online violence. Such online violence can lead to mental problems, fear and self-censorship, female journalists quitting their job, and in the worst cases even lead to offline violence.

Economic hardship and mental health problems

Finally, two other pandemic-related trends that impact the work and safety of journalists deserve attention. Media outlets are struggling financially due to a fall in their revenues. The media business is in dire straits and faces a near-extinction crisis. According to a survey that FPU conducted among our partners in June 2020, an estimated 40 to 60 % of the media houses had already ceased their activities or were on the verge of collapsing due to economic hardship. A similar percentage of the journalists had already been fired or agreed to a salary cut. As a result, we see a massive layoff of journalists and the disappearance of independent media houses that simply cannot sustain their operations any longer. These economic difficulties pose a new threat to journalism: that of losing their political neutrality and independence. In countries like Bangladesh and the Czech Republic, the extinction crisis was politicized: government organizations unequally disperse their commercial budget, according to the political affiliation of a media organization. Some of these independent media outlets are taken over by commercial companies or political actors and lose their function as watchdog.

Secondly, attention must be paid to the risks to mental health that the pandemic brings along for journalists globally. A consultation by SACMID in Bangladesh revealed that 82.2% of the total respondent journalists suffer from high perceived stress while 99.5% are severely hopeless about their life. On average, 42.9% of the Bangladeshi journalists suffer from depression. Among the depressed, women journalists are overrepresented at 48.48% compared to 41.77% of their male colleagues.

The abovementioned trends demonstrate a very precarious situation for independent journalism, and the safety of journalists and media workers worldwide. One cannot but conclude that the pandemic has fueled repressive legislation against free media, instigated physical violence against journalists, triggered even more online violence against female journalists, and deprived lots of people from access to reliable information.

Good practices

However, our partners have also highlighted several good practices that have partly alleviated the complications of their work. In Zimbabwe and Romania, after successful lobby efforts by the local civil society, the profession of journalism was acknowledged as a vital profession. Consequently, journalists were prioritized in the national vaccination strategy.

Moreover, in several countries such as the Netherlands and Bangladesh, state authorities have taken measures to financially support independent media houses and journalists. In Bangladesh, the Ministry of Information announced a "Journalists Welfare Trust" for vulnerable (unemployed and unpaid) journalists. If they register, they can receive up to taka 10,000 (around 100 euros). As a critical side note, it must be added that according to our partner, many journalists don't want to apply for this trust, as they fear increasing media control by the government as a result.

Although income streams have declined for almost all independent media houses, some have seen their audience increase. For instance, Al Menasa, an independent media outlet in Iraq, experienced a 25% growth in audience, and Daraj, a pan-Arab digital platform providing in-depth reporting and analysis, experienced a 50% increase in audience.¹⁰ Another positive development is the innovation that some media outlets have managed to introduce, to adapt to the new situation and to be able to reduce costs. Some newspapers were already in the process of the

9. Beijing +25 –The 5th Review of the Implementation of the Beijing Platform for Action in the EU Member States', European Institute for Gender Equality, 22 November 2019, page 111.

10. <https://www.mediasupport.org/covid19/>

digital transformation, but due to the lockdowns they had to accelerate this transition. Eastern European media partners integrated more interactive formats in their work, like live music concerts on Facebook (Euroradio in Belarus and Hromadske TV in Ukraine) or an Instagram interview with an epidemiologist (Novaya Gazeta in Russia).

Recommendations for UN bodies

First of all, UN bodies, including OHCHR must ensure that national governments uphold the right to freedom of expression and access to information, as prescribed by Article 19 of the Universal Declaration of Human Rights and the ICCPR. More specifically, OHCHR must insist that emergency measures are retracted once the pandemic allows it and must publicly condemn those authorities that abuse the pandemic to introduce legislation that restricts freedom of expression and the freedom of the media.

Furthermore, several local partners have highlighted the need for more cooperation between the Special Rapporteurs for Freedom of Opinion and Expression of the UN, Organization of American States (OAS) and the African Commission on Human and Peoples' Rights (ACHPR). For example, by joint advocacy for continued attention to the challenging circumstances journalists and independent media find themselves in as a result of the pandemic and the consequences thereof for the access to information of citizens around the globe. More specifically, they could promote the creation of protection programs and foster donations of supplies and vaccinations to journalists and press workers. Other partners indicated a more prominent role for UNESCO in providing recommendations to national governments promoting respect for journalistic freedoms.

Finally, more advocacy efforts are needed at national level to prevent the marginalization of (independent) press and to defend media pluralism. UNESCO, OHCHR and other relevant UN bodies, could contribute to people's access to information during and beyond this pandemic by emphasizing the economic status of media in international political fora. Only by combining these strategies, the spread of fake news around the pandemic can be addressed and media can hold governments accountable for implementing justified and proportionate measures to protect citizens.

National trends on safety of journalists based on VNR shadow reports

2020 did not provide an upward trend for journalist safety in the three countries researched in which VNR shadow reports were produced, Colombia, Indonesia and Pakistan. While the local context varies very much, the trends in this year remain very similar.

An increase is noted in physical attacks against journalists across the three countries. For example, in Colombia a 10% increase is noted, in spite of the fact that a peace agreement was signed that provided hopes for an end to impunity.

Digital attacks are on the increase even more rapidly and the moment of violence moving from the online domain towards the real world is near according to some of the incidents reported in Indonesia where digital smear resulted in street attack against journalists reporting.

Legal attack against journalists, mostly originating from content regulation, criminalizing speech by state authorities are a third trend. In Pakistan this phenomenon has accelerated over the course of 2020, resulting in more self-censorship by media and journalists.

All three countries noted increased violence on-line and offline towards women journalists. In Colombia FLIP indicate a problem with machismo in the culture in this regard. In Pakistan and Indonesia, most gendered violence takes place online, but threats and sexual intimidation to women reporters also exists while covering street protest or on the work floor of media houses.

Police and Judicial authorities fall short of investigating and prosecuting acts of violence against journalists. State protection mechanisms fail to produce adequate protection in Colombia for example, a safety bill for protection of journalists is stalling in the legislative process for too long in Pakistan and Freedom of Expression has not been a priority issue for the administration in Indonesia.

Additional challenges due to the Covid-19 pandemic

Covid-19 has exacerbated the already challenging situation, by adding economic constraints to the profession of journalism, increasing dependencies on state advertising for example in Pakistan, or resulting in lay-offs and salary cuts in Indonesia.

In none of the countries adequate protection measures for journalists were readily available for those reporting on the pandemic causing unnecessary exposure to the virus and resulting in the death of journalists in for example Pakistan.

Issues pertaining to the Voluntary National Reporting efforts on SDG 16.10.1

In all three countries, the submission of data provided by the civil society actors have not resulted in adequate reporting by the government toward the UN on SDG 16.10.1

Colombia and Pakistan lack an inclusive and integrated approach to data collection from Civil Society. Participation in the VNR process is hampered by the lack of clear consultation mechanisms. In Indonesia the mechanism exists but data related to SDG 16.10.1 were omitted from the government VNR submission in 2019. AJI hopes for better this year.

FLIP in Colombia also indicates lack of official data and a unified database on the safety of journalists. Also, in all three countries, methodologic differences, also among practices in civil organizations for the correct measurement of the indicator, places the urgent necessity of harmonization for cleanness of data, in order to have results that allow a precise reading about the regional situation to create effective public policies.

Recommendations to Governments and stakeholders involved in the VNR process

On Safety

National protection mechanisms for the safety of journalists in accordance with the UN plan of Action for the Safety of Journalists are in high demand and need more urgency.

Governments should start implementing recommendations of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity and produce annual progress reports to UNESCO.

Additional action is needed to ensure judicial actors and security services act in conformity with international standards of freedom of expression and the safety of journalists especially with regards to the need to prosecute crimes against journalists in relation to their profession.

On social media regulation

Government must provide more clarity on legislation regarding social media. Social media rules developed have repeatedly been criticized by civil society and to ensure that if there is legislation regarding this platform, stakeholders are actively involved in the process.

More attention is needed to address the increase of digital threats against women journalists online and offline.

On Covid-19

Considering COVID-19, the government should assist media houses and ensure that media workers who are often on the frontline are provided with the safety measures such as vaccinations and protective equipment as well as the cost of treatment for those infected.

Governments should reconsider legal inhibitions on freedom of expression regarding fake news related to Covid-19 and start Civil Society consultation on how to withdraw such regulation.

On VNR process

More resources are needed for integrated unified data collection and the integration and participation of Civil Society in the process of Voluntary National reporting on SDG 16.10.1.

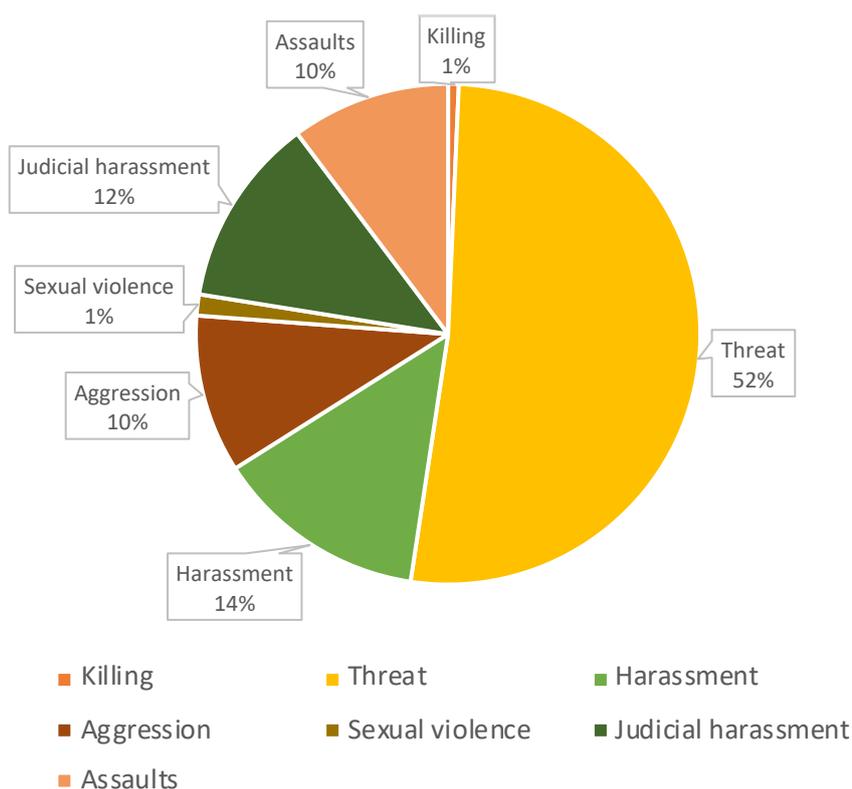
The governments should be more inclusive in consultations with main civil society organisations working on different aspects of SDG 16.10.1 such as those working on press freedom, internet freedom, digital rights, and cyber security.

Summary findings on the safety of journalists in Colombia in 2020

Despite the signing of the Peace Agreement, the numbers of violent aggressions against journalists continue to be alarming, they have increased in the last four years and a worrying context of violence against journalists perseveres in Colombia.³

In 2020, 449 aggressions were registered against 632 journalists. FLIP recorded a 10% increase in threats and 40% increase in digital threats compared to 2019. Two journalists were assassinated (Abelardo Liz and Felipe Guevara) in the first case responsibility from the public force is questioned. Both the pressure and hostile environment have escalated to the point of causing 8 displacements and 4 exiles⁴; This indicates that the climate for practicing the journalistic profession is far from providing the minimum guarantees for safety and protection, so unfortunately self-censorship can continue to be perceived as a self-protection strategy.

Colombia: Attacks on Press Freedom in 2020



Trends in 2020

- Gender based violence At least 8 of the aggressions reported by FLIP were related to gender issues coverage, originated in discrimination based on the journalist's gender. Flip reports 4 cases of sexual violence against women journalists. Women journalists suffer differentiated violence even in their workplace, which reflect serious problems of machismo in society: 98% of the journalists surveyed agree that women and LGTBQ + people are the object of specific violence in social media due to their gender identity, 2 out of 10 women stated that they had been victims of sexual violence, 6 out of 10 said they had been victims of gender discrimination in work related environments.⁵
- Peaceful protest and surveillance One of the most affected scenarios is social protests. There, we registered 41 aggressions and 58 victims, out of which 75% of the aggressions are attributable to police abuse. It is of special concern that officials from different State entities are dedicated to intelligence tasks by illegally monitoring activities of journalists. The illegal surveillance activity described would have been targeted at journalists, especially those who investigate possible irregularities or human rights violations from the State security forces. The risk level for journalists in Colombia is so high that the Inter-American Commission on Human Rights granted precautionary measures to the journalist who revealed these systematic interceptions.⁶
- Access to information during Covid-19 In 2020, 56 aggressions are related to some kind of coverage of the pandemic. The foregoing occurred while the press coped with the pandemic, which added a direct biohazard and a risk of indirect censorship. Reporter Sans Frontieres concluded in its annual report, "the pandemic has fueled censorship in Latin America and reporters have had great trouble finding out how governments in the region have handled the public health crisis."
- Responsibility to protect Despite the fact that thousands of millions of pesos are invested in a protection mechanism, it is ineffective and increasingly loses legitimacy, still waiting for the promised reengineering plan. Added to the budget crisis is the crisis in decision-making, hardship in assessing risk levels and streamlining procedures; unjustified delays in the implementation and delivery of protection schemes.
- Impunity on crimes against the press is not overcome, there are structural factors that make this critical situation persist fostering self-censorship, such as the lack of investigation about the line of connection of crimes with the occupation, the lack of diligent investigation and in accordance with inter-American standards for the investigation of crimes against the press.

Constraints in the process of gathering data for SDG 16.10.1 and the VNR process

- Lack of public and official data Colombia was the first country to include the ODS as the general frame in the formulation of the National Development Plan 2014-2018. The 16th goal appears as a transversal element⁷, but it doesn't identify a measure or specific policy in the face of violence against the press as a freedom guarantee. The Attorney's General's Office, the National Police Department and the Protection Unit don't have a unified data base about the aggressions even though that the violence pattern against the press in the context of the armed conflict in Colombia, just as the high rates of impunity, has been recognized at the Inter-American Court of Human Rights OAS⁸.
- Lack of channels for participation for civil society in the VNR process While the government included the ODS to the National Development Plan, the Voluntary National Report based principally in official measurement and had no feedback and effective participation from the civil society. The National Administrative Department of Statistics requested information from the FLIP in order to consolidate the measurement of OSD. However, the cooperation expected is limited to the information delivery and this results into a symbolic participation from the civil organizations.

- Covid – 19 specific issues added to this, the access to official information about the aggressions against the press has been hampered by the actions taken within the framework of the pandemic, therefore the response times on requests for information were doubled, hampering the verification of data versus government data.
- The usability data for SDG 16.10. 1. Methodologic differences, among practices in civil organizations and requirements for the correct measurement of the indicator, it's placed as a precedent the urgent necessity of its harmonization for cleanness of data and adoption of new practices, in order to have results that allow to provide a precise reading about the regional situation to create effective public policies.

Priority recommendations for improvement of the safety of journalists for Colombia

- To reform the Protection Program (Programa de Protección) and to establish mechanisms and measures that promote protection from a preventive perspective and invest in the creation of an early warning system on risk and violence against the press.
- To train the Attorneys General Office (Fiscalía General) staff and the judges of the Republic so that they know the inter-American and universal standards on the investigation and prosecution of crimes against the press. Ensure the implementation of the judicial orders of regional and national sentences regarding the protection of journalists, as well as widely disseminate the standards of.
- To establish an indicator on access to information by the Attorney General that fulfills the obligation to deliver information by national authorities and publishes information on existing disciplinary processes by the breach of this obligation by public officials.
- To create an intersectoral table in Colombia, with the participation of control bodies, entities in charge of protecting journalists, academia, the media union, journalists, and civil society to analyze sources of risk for journalistic work and establish an action plan.

Priority recommendations for improvement of the VNR process

- To stimulate a broader sense of public ownership of the final objectives and goals, provide the space for dialogue for civil society participation in the RNV.
- To reaffirm commitment to human rights, justice, accountability and transparency, ensuring access to official information to properly monitor the objectives of Goal 16.
- To specifically include journalist safety in the National Development Plan as part of the 2030 Development Agenda and the need for measures to guarantee an environment conducive to freedom of the press and the right to information.
- To produce public statistics from the State - in particular from the Generals Attorneys of the Nation (Fiscalía General de la Nación), the Protection Unit (Unidad de Protección), the Office of the Ombudsman, the Generals Procuracy Office of the Nation and the National Police - so that it produces figures segregated by the office of victims - of journalists - and according to the type of effects on freedom of the press, which are included in the indicator 16.10.1 SDG.
- To train civil organizations on technical aspects of monitoring the SDG by DANE, so as to promote the use of adequate documentation methods so that their information can be used for the monitoring and evaluation of the indicated, according to the methodology of The United Nations.²

Notes:

1. <https://undocs.org/A/CONF.234/L.6>
2. https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf
3. See Annex 3. on the detail and analysis of the documentation of attacks against the press in 2020.
4. FLIPs record for the period between January 1 and December 31, 2020. Under-registration is expected since it is known that journalists do not always report attacks. In some regions there are no attacks since journalists avoid covering certain topics.
5. For gender specific data see FLIP. [Pages \(2020\)](#).Pag. 56-57.
6. http://www.oas.org/es/cidh/decisiones/pdf/2021/res_6-2021_mc-207-20_co.pdf
7. Artículos 1 y 2 de la Ley 1955 de 2019. También ver: <https://colaboracion.dnp.gov.co/CDT/Prensa/Resumen-PND2018-2022-final.pdf>
8. I / A Court HR. Case of Carvajal Carvajal et al. V. Colombia. Judgment of March 13, 2018. merits, reparations and costs. URL: https://www.corteidh.or.cr/docs/cases/articulos/seriec_352_esp.pdf
9. Actualmente la Procuraduría General de la Nación cuenta con el Índice de Transparencia y Acceso a la Información - ITA, que mide exclusivamente el grado de cumplimiento de las obligaciones de publicar o 'Transparentizar' su información derivadas de la Ley 1712 de 2014, Ley de Transparencia y Acceso a la Información Pública. cfr. <https://www.procuraduria.gov.co/portal/ITA.page>

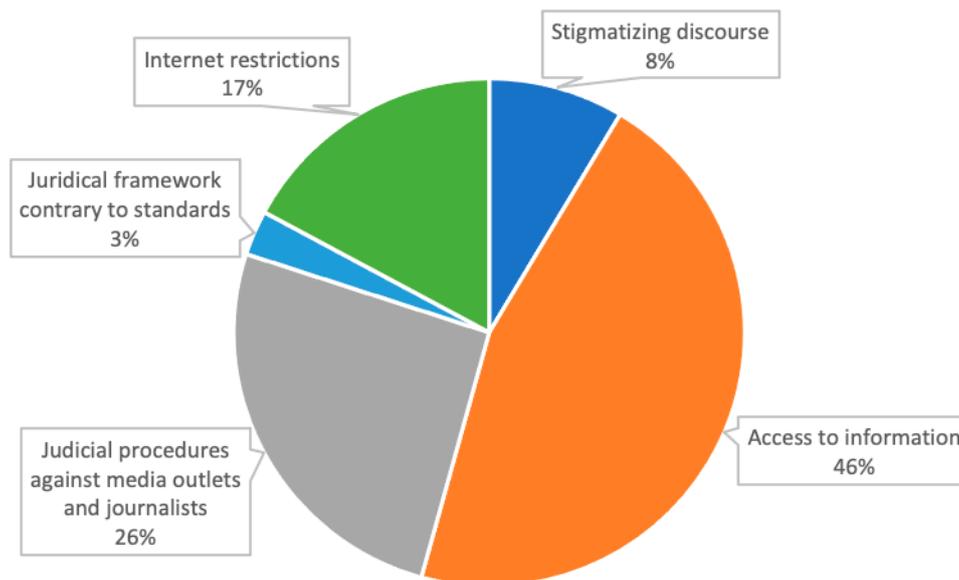
Summary findings on the safety of journalists in Indonesia 2020

The year 2020 marks a new chapter in cases of violence against journalists. The Alliance of Independent Journalists (AJI) and Legal Press Aid (LBH Pers) recorded 104 cases in 2020. Not only higher than 2019's recorded cases of 53, but this is also the highest number since AJI has monitored cases of violence against journalists more than ten years ago.

The government shows more defense towards criticism, violence against human rights activists increases, transparency deteriorates, and limited public participation goes down. Some observers call this phenomenon "a democratic backsliding"¹⁰ which marks the emergence of authoritarianism.¹¹ This too has hampered efforts to achieve target 16.10.1 of the SDGs.

The year 2020 will be remembered as a particular year in the history of Indonesia, including by the press. The Covid-19 pandemic, has caused significant impacts on journalists, marked by the closure of the media, layoffs, salary-delays and cuts in wages.

Indonesia: Attacks on Press Freedom in 2020



- Stigmatizing discourse
- Access to information
- Judicial procedures against media outlets and journalists
- Abuse of state power
- Juridical framework contrary to standards
- Internet restrictions

Trends

Physical attacks against journalists were the most violent cases in 2020. The incident that contributed the most to cases of violence were the demonstrations against the ratification of the Job Creation Law. Law enforcers acted aggressively toward the demonstrators, arresting and beating them. Also cases of arbitrary detention and restrictions to access the location were recorded while covering these demonstrations.

- Apart from the physical violence, another type of violence against journalists is death threats. Journalists critical of government handling of the Covid-19 crisis or public accountability to the public were threatened on social media and in one case forced to withdraw an article under threat of a revolver.
- Another form of violence that journalists experience is digital attack. According to AJI's data, the digital attacks were carried out in various ways, including exposing the identity of the journalist and spreading it (doxing), because of the news they wrote. Two leading online media, namely Tempo.co and Tirto.id were targeted by attacks on their websites causing temporary shutdown and deletion of critical articles.
- AJI and LBH Pers also recorded at least five cases of violence against women journalists. The perpetrator of violence in three cases was the police. The other two cases were intimidation by a governor and a digital attack on a journalist by a doctor.
- Legal attack against journalists has accelerated using the Criminal Code (KUHP) and Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), that have been used to criminalize journalists, for allegations of defamation, insulting the president, to religious blasphemy.
- Supreme Court Regulation Number 5 of 2020 concerning Trial Protocols and Security in the Court Environment was issued. The Journalist Safety Committee, a coalition of journalists and civil society organizations, assesses this is an effort to inhibit journalists from carrying out journalistic activities in courtrooms.
- The year 2020 will be remembered as a particular year in the history of Indonesia. The Covid-19 pandemic, has caused significant impacts on journalists, marked by the closure of the media, layoffs, salary-delays and cuts in wages.
- Omission of data in the Government VNR report Since 2018, AJI has submitted the data and recommendations to the Indonesian Government SDG VNR report, particularly to contribute to component 16.10.01. Unfortunately, the Government did not relate the Civil Society data submissions in the final version of the report presented at earlier UN HPFL meetings.

The trends reported have adversely affected the way journalists and the media carry out their function to provide the public with information and hold the government to account. The high number of cases of violence against journalists is not a stand-alone issue. Issues pertaining to eradication of corruption, law enforcement, democracy or press freedom were not mentioned by President Jokowi during his inaugural speech in 2019.¹²

Recommendations on the VNR process

- Currently, most of the violence against journalists' cases in Indonesia remain unresolved. Some have been legally reported, but it would often stop at the police—no follow-up after. For cases of violence against journalists involving police officers, it is still far from enforcing the Law. And, when the case involves TNI officers, the legal process continues until military courts sentence the perpetrators of violence. The challenge here is how the spirit of one corps does not prevent the police from enforcing the Law, how the Indonesian Government puts equal treatment related to any violent perpetrator.
- Thus, we recommended the Indonesian Government to be more concerned with the settlement of cases on violence against the journalist. The fulfillment will strengthen the safety protection to the journalist, for working without being interfered, frightened and making the journalist be a journalist.
- AJI also suggested the Indonesian Government include journalists and media violence in the SDG VNR of Indonesia. This year, AJI has submitted the data and recommendation to the VNR report through The Ministry of National Planning and Development and provided a Civil Society shadow report for this year's HLPF. In previous years the data on journalist safety were not included in the government submission to the UN High Level Political Forum.
- It will support the Indonesian Government to fulfill the achievement of the SDG indicator, particularly component 16.10. It will raise public awareness and understanding of the act that violated and harmed social justice in Indonesia. The implementation of SDG 16.10.1 starts with an acknowledgement of the data and statistics and trends and the government focus on addressing shortcomings.

Notes

10. Beritasatu.com, Indonesia is considered to be experiencing democratic backsliding, 16 August 2020.
11. Kompas.com, LP3ES: Democratic Backsliding, Government Moves towards Authoritarianism, 17 November 2020.
12. BBC Indonesia, President Jokowi's Inauguration Address: 'Three important things that were not raised', 21 October 2019.

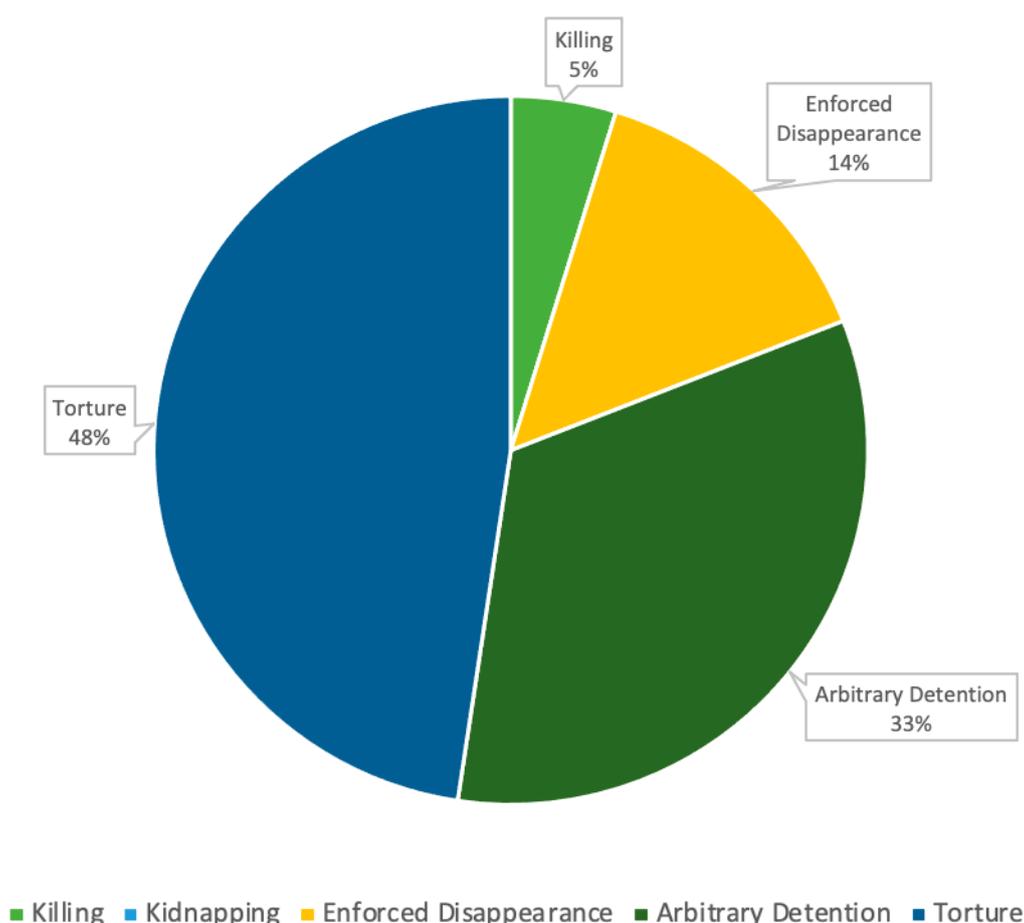
Summary findings on the safety of journalists in Pakistan in 2020

In 2020, Pakistan Press Foundation recorded one murder of a journalist, three enforced disappearances, seven incidents of arbitrary detention, ten incidents of torture, eighteen government directives regarding content issued including bans, four instances of legal action against media, four incidents of internet restrictions and four incidents of legislative action.

In 2020, attempts to limit free speech online particularly on social media platforms picked up intensity, changes of rules as well as other legal barriers to free expression being enacted particularly when it came to freedom of expression online.

COVID-19 developed into a serious threat to the media in Pakistan — from the basic safety and well-being of journalists to financial constraints and challenges to the explicit attempts to control the nature of content and attacks on those covering the pandemic.

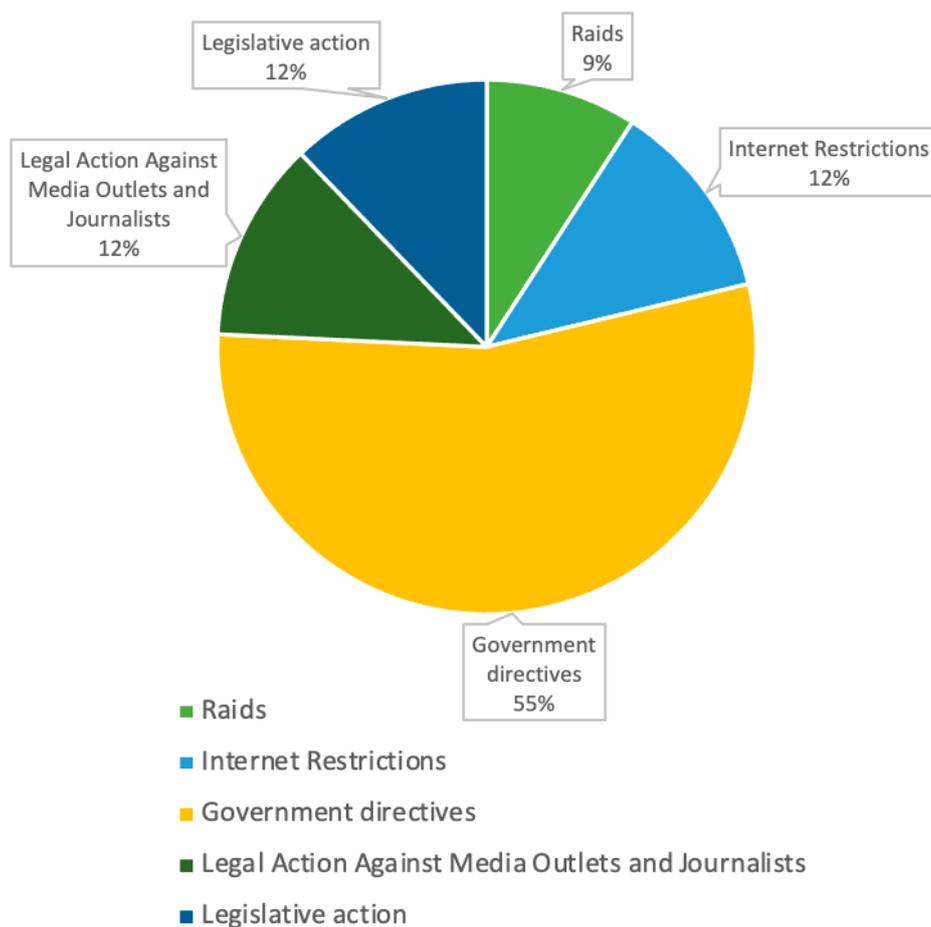
Pakistan: Attacks on Press Freedom in 2020



Trends

- As physical attacks against the media continued to threaten the lives and safety of journalists, 2020 also witnessed more coercive techniques including extra-legal abductions and the registration of criminal cases against media workers resulting in widespread practice self-censorship in Pakistani media.
- In the online sphere, attacks on free expression also took on a gendered angle with women journalists being the specific targets of smear campaigns, trolling and abuse online. This was escalated in light of COVID-19, as the world increasingly went online to gather and disseminate information in a time of lockdowns and restrictions to physical movement.
- A more troubling development during the year were at least three instances of enforced disappearance of media workers. Enforced disappearances are particularly terrifying because of the lack of accountability for those who perpetrated these attacks as well as the chilling effect on the media fraternity as a whole.
- The spread of COVID-19 created a new challenge for journalists in Pakistan. In 2020, Pakistan Press Foundation recorded at least eight deaths of media workers in Pakistan due to the coronavirus and many others tested positive. Many reporters lacked protective gear while continuing to cover the news for their audiences.

Pakistan: Other Harmful Acts in 2020



- The impact was also felt in terms of restrictions and attacks on free expression that the pandemic gave birth to. In at least two instances, **journalists were arrested for their coverage of the pandemic** were reported in 2020. While the media must follow the appropriate ethics, this results in a sanitized, limited and more government narrative-driven rhetoric and is likely to be missing important developments.
- At a broader media level, the **coronavirus also created a financial struggle** for the media in Pakistan. As advertising revenues of media houses fell due to the economic impact of COVID-19, they became more dependent on government advertising.
- In spite of the constitutional guarantees for press freedom **judicial authorities have failed to prosecute** and follow up on all cases of threats made against journalists, adding to the prevalence of impunity for violence against journalists.

Regarding the VNR process in Pakistan

- Acts of intimidation are able to succeed in their objective of silencing critical voices thus completely undermining the Target 16.10 of the SDG that calls for the public's access to information and the protection of fundamental freedoms.
- It should be noted that no official or unofficial inclusion of Civil Society Organizations and/or citizen participation was organized by the Government of Pakistan in order to prepare for the VNR process, thus limiting the effect and impact of the UN agenda to achieve its goals.

Recommendations by PPF on the safety of journalists:

- Effective national and provincial legislations for protection of journalists and media practitioners must be enacted without any delay. While it is positive that the provincial assembly of Sindh has passed the *Protection of Journalists and Other Media Practitioners Bill 2021*, the federal *Protection of Journalists and Media Professionals Bill 2021* contains a number of weak and negative clauses that need to be amended or removed.
- There should be prompt and effective consultations with media stakeholders so that the federal *Protection of Journalists and Media Professionals Bill 2021* is improved and then be approved at the earliest by the National Assembly. There is also need for Punjab, Khyber Pakhtunkhwa and Balochistan provinces, as well as Gilgit-Baltistan and Azad Kashmir, would follow suit and enact similar laws similar to Sindh's *Protection of Journalists and Other Media Practitioners Bill 2021* without any delay.
- Federal and provincial governments in Pakistan should start implementing recommendations of UN Plan of Action on the Safety of Journalists and the Issue of Impunity and produce annual progress reports. Each attack on a journalist should be investigated and prosecuted by the authorities in order to reduce impunity in crimes against journalists.
- Regarding Covid-19, the onus lies on media outlets and government bodies in ensuring that media workers are provided with the necessary personal protective equipment, provided routine testing, and assisted in creating the safest possible way to work under such circumstances.

Recommendations on the VNR process

- In order to involve civil society in the voluntary national review process, the government should work with the main civil society organizations in different aspects of SDG 16.10.1 such as those working on press freedom, internet freedom, digital rights, and cyber security.

The State of Press Freedom and Safety of Journalists in Africa

“PUBLIC TRUST AND LEGAL MEASURES AGAINST JOURNALISTS THREATEN LIVELIHOODS OF JOURNALISTS IN AFRICA AS RESULT OF COVID-19”

Free press is critical for an effective response to health and other crises like the Covid-19 pandemic. Media is critical in helping people access lifesaving information important to help them prevent infections or safely give care to their loved ones who have been infected by the deadly virus. Free press is also important in shining the light on resources appropriated to fight the pandemic with a view of ensuring accountable use. It should be recalled that in several countries, resources allocated to fight the Covid-19 pandemic have been misappropriated. Even commitments for transparency under IMF and World Bank covid-19 response support haven't been implemented¹¹.

Important as this may be, during the covid-19 pandemic in Africa, we have seen rising cases of attacks and restrictions on media freedom, affecting peoples' access to accurate and important information. These have taken various forms:

Legal measures

One of the immediate impacts of the covid-19 pandemic on the safety of journalists is the criminalization of speech by several African governments. Governments introduced measures and legislation that criminalize the spread of information about the pandemic. One of the most notorious measures which cut across the globe was the restriction on freedom of movement which limited the ability of journalists to play their watch-dog role and facilitate the dissemination of information.

In Nigeria for example, Lagos State passed the Infectious Diseases (Emergency Prevention) Regulations 2020 which in Section 2.8 provides that, *“Any person who fails to comply with a restriction or prohibition order, or who provides false or misleading information intentionally or recklessly, or obstructs the carrying out of duties under the Regulation, or does anything contrary to the Regulations, shall be liable to fine or imprisonment or to both...”*¹²

Other states in Nigeria such as the Ebonyi State also adopted and enforce similar legislations¹³.

In Ethiopia, the government passed the Hate Speech and Disinformation Prevention and Suppression Proclamation no 118/2020, which took effect on March 23 2020¹⁴. The law contains an overbroad definition of disinformation that provides authorities with excessive discretion to declare unpopular or controversial opinions “false.” The law also arbitrarily imposes harsher penalties for social media users who have more than 5,000 followers.

In Egypt, apart from being the world's biggest jailers of journalists, the country has experienced a sweeping crackdown on the media.

Egypt, reporting on the Coronavirus continues to be increasingly difficult, as the country has criminalised spreading “false news” about the pandemic. Accusations of “fake news” are used as grounds for blocking access to websites and webpages and for withdrawing accreditation. Crack down on journalists at a time when reporting on COVID-19 is crucial for maintaining public health greatly escalated.

11. Implementation of IMF commitments <https://www.open-contracting.org/resources/integrity-in-imf-covid-19-financing/> July 5, 2021

12. Infectious Diseases (Emergency Prevention) Regulations 2020 <https://covidlawlab.org/wp-content/uploads/2020/06/Infectious-Diseases-Regulations-2020.pdf> accessed on July 5, 2021

13. Ebonyi State COVID-19, Other Infectious Diseases Emergency Prevention <https://guardian.ng/news/umahi-signs-covid-19-other-infectious-diseases-emergency-prevention-bill-into-law/>

14. Ethiopia Hate Speech and Disinformation Prevention and Suppression Proclamation <https://chilot.me/wp-content/uploads/2020/04/HATE-SPEECH-AND-DISINFORMATION-PREVENTION-AND-SUPPRESSION-PROCLAMATION.pdf> accessed on July 5, 2021

Restriction of movement

Restriction of movement was one other mechanism that endangered the freedom and safety of journalists during the pandemic. For example, Uganda adopted measures to restrict movement of persons including journalists. In the first lockdown that took effect between March 18 to June 5, 2020, people were not allowed to move. Journalists were not considered essential workers and as such they were not given movement permits, affecting their ability to work and denying people of access to information from independent sources¹⁵.

During the first phase of the pandemic, Rwanda implemented drastic measures against the media too. For example, on March 21, 2020, Rwanda implemented COVID-19 response measures that included banning all “unnecessary movement,” with the exception of essential services which unfortunately did not include journalists¹⁶.

In Nigeria, the president’s office drastically reduced the number of journalists accredited to cover press conferences. By restricting the free movement and operation of journalists, some governments are withholding up to date, relevant, and independent information on COVID-19 from the public. Other countries suffer from poor information infrastructures where, despite good intentions, news from independent media, or even information from the government, does not reach high risk groups. This is true for Sudan, Ethiopia and Burkina Faso, where remote areas and conflict zones are deprived of information on prevention and of advice on health.

Economic impacts

One of the adverse effects of the covid-19 pandemic on the safety of journalists took an economic dimension; at a time their work is more important than ever. Due to low business, media houses were forced to downsize on their employees by terminating their contracts or sending them on forced leave.

In normal times, reporters at the Nigerian Independent radio network earned the equivalent of around \$100 a month. Their pay was however slashed and the media house asked a third of its staff to stay at home. In Kenya, majority of mainstream media houses, announced pay cuts of between 5% to 30%, citing economic challenges brought about by the global pandemic. In Uganda, and Kenya, one of the largest media outlet, the Daily Nation downsized staff significantly. The state-owned media outlet, the New Vision in Uganda followed suit.

In Uganda, there were allegations that journalists who were perceived to be independent were targeted for termination.

Physical threats

Since the emergence of COVID-19, the safety of journalists has been under threat, especially their physical wellbeing. Many have been, assaulted, unlawfully detained and in worst case scenarios tortured to death for doing their work. Independent investigative journalists and those critical of government measures in containing the spread of the virus have been the victims. In Uganda for example, Rumanzi, a reporter and operations manager at Freedom Radio was in April 2020 slapped in the face by the Resident District Commissioner without explanation and was forced into a waiting vehicle where he was taken to an unknown destination outside Kabale town¹⁷. He was further beaten for what they called negative coverage of the government. He was also accused of giving voice to the opposition politician Kizza Besigye who appeared on his show. Arinaitwe Emmanuel Kajungu of Radio Ankole was hospitalized following an assault by security personnel on his way from work.¹⁸

15. Uganda Covid-19 lockdown <https://www.garda.com/crisis24/news-alerts/328101/uganda-authorities-announce-14-day-nationwide-lockdown-april-1-update-3> accessed on July 5, 2021

16. Rwanda Covid-19 enhanced measures <https://www.africanews.com/2020/03/22/rwanda-update-on-covid-19-coronavirus-22-march-2020/> accessed on July 5, 2021

17. Journalist beaten https://www.facebook.com/permalink.php?id=887517484648891&story_fbid=2806488552751765 accessed on July 5, 2021

18. Radio Ankole Journalist beaten and hospitalised <https://www.watchdoguganda.com/news/20210625/116277/ntungamo-journalist-beaten-to-pulp-by-security-operatives-during-curfew-hospitalized.html> accessed on July 6, 2021

Best practices

Despite these challenges, we have seen some good practices aimed at promoting the safety of journalists.

In Zimbabwe and Romania, after successful lobby efforts by the local civil society, the profession of journalism was acknowledged as a vital profession. Consequently, journalists were prioritized in the national vaccination strategy.

- 1) Although income streams have declined for almost all independent media houses, some have seen their audience increase. For instance in Uganda NBS Uganda and NTV experienced growth in their viewership online as people sought for accurate reporting on the pandemic.
- 2) Many governments adopted the use of media to disseminate information on prevention measures on COVID-19.

Recommendations

- Safety and security of journalists during health crises is critical for public access to information is critical for effective response yet curfew and other control measures have exposed them to risk. Journalists should be considered essential workers during pandemic and curfews.
- Independent journalists have been targeted for retrenchment during the pandemic, fueling censorship and economic insecurity. Governments should recognize independent media as important partners in the fight against Covid-19 pandemic. Rather than target them for victimization and economic sabotage, governments should include them in various welfare programmes to assist people affected by the pandemic.
- UNESCO and other stakeholders should strengthen monitoring and reporting on the safety and security of journalists during the covid-19 pandemic.

Free, independent and pluralistic media play an indispensable role in informing the public during the ongoing crisis. Everyone has the right to comprehensible, accessible, timely and reliable information concerning the nature and level of the threat COVID-19 poses to their health, allowing them to follow evidence-based guidance on how to stay safe. Access to information is the difference between life and death.

The State of Press Freedom and Safety of Journalists in South Asia

The South Asia region is witnessing an unprecedented onslaught on media freedom. Journalists and media organizations are faced with a multitude of challenges. A climate of hatred towards journalists and media outlets is being fostered by political parties in power in the region. Objective and critical journalism is frowned upon by those in power, who use social media, cutting edge information technology and financial constraints to undermine press freedom.

Media pluralism has witnessed a marked decline amidst increasing arrests, online attacks, smear campaigns and legal actions against independent media organizations and individual journalists, who criticize political leaders and governments. Equally alarming is the fact that these democratically elected governments are not only failing to uphold press freedom and to protect journalists but have also enacted legislation or resorted to other means of coercion to stifle independent media and critical journalists¹⁹. Media organizations that do not toe the official line are being starved of government advertising revenue and the private sector is under pressure to withhold advertisements to these outlets²⁰.

Over the years, several journalists have been killed in the region with complete impunity²¹. Attacks on journalists are a daily occurrence. The situation is so grave that journalists and editors have resorted to self-censorship in these countries.

The COVID-19 pandemic has exacerbated the assault on press freedom globally and the South Asia region is no exception. According to the IPI COVID-19 Press Freedom Tracker²², nearly 200 violations linked to the pandemic have been reported from the Asia-Pacific region, of which 107 are from four South Asian countries: Bangladesh, India, Nepal and Pakistan²³. As many as 71 journalists have faced arrests and charges related to their coverage of the pandemic and its consequences, while 32 cases of physical attacks and verbal threats have been reported from these countries.

Since the beginning of 2021, three journalists have been killed, 14 arrested and 32 targeted in attacks across the region. Another 28 journalists have had criminal cases filed against them, with possible threat of arrest and prosecution under criminal laws that provide for stringent punishment, as governments try to clamp down on critical reporting and social media posts by journalists²⁴.

The actions by governments in these countries constitute a major obstruction to the free flow of independent news, which is all the more important during an unprecedented health crisis. Informing the public about vital measures to contain the virus, as well as maintaining an open dialogue and debate on the adequacy of those measures, are essential for winning public confidence to deal effectively with the pandemic.

19. Global press freedom crackdown widened in 2019. Available at <https://ipi.media/global-press-freedom-crackdown-widened-in-2019/>

20. Modi government freezes ads placed in three Indian newspaper groups. Available at <https://in.reuters.com/article/india-media/modi-government-freezes-ads-placed-in-three-indian-newspaper-groups-idINKCN1TT1R6>

21. IPI Death Watch data. For more, see <https://ipi.media/programmes/death-watch/>

22. IPI has been tracking press freedom violations since the onset of the pandemic. For more see <https://ipi.media/covid19/>

23. COVID-19 pandemic severely undermined press freedom in South Asia. For more see <https://ipi.media/covid-19-pandemic-severely-undermined-press-freedom-in-south-asia/>

24. SOUTH ASIA MEDIA FREEDOM: CROSS-BORDER COOPERATION – FACTSHEETS. For more see <https://ipi.media/covering-and-investigating-attacks-against-journalists-in-south-asia-a-cross-border-cooperation/data-analysis-state-of-press-freedom-and-attacks-on-journalists-in-south-asia/>

State of press freedom and attacks on journalists in South Asia

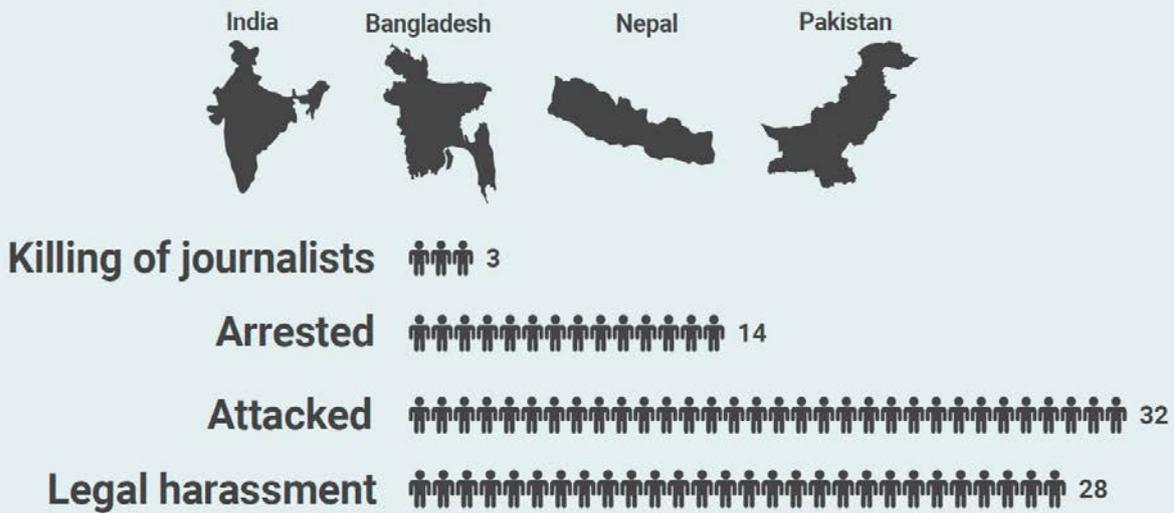


Figure: Data on press freedom violations and attacks on journalists in Bangladesh, India, Nepal and Pakistan between January and June 15, 2021

Governments in South Asia are extremely sensitive and averse to international pressure on issues of human rights and press freedom, and in fact, view such interventions as interference in their domestic affairs.

All South Asian countries are States parties to the Universal Declaration of Human Rights (UDHR)²⁵ and have ratified the International Covenant on Civil and Political Rights (ICCPR)²⁶, and therefore duty bound to uphold and protect freedom of expression and media freedom. However, actions by governments undermine these international norms and severely infringe upon freedom of expression and press freedom.

Furthermore, all these countries have adopted the Sustainable Development Goals (SDGs) and are obliged to take relevant steps to attain these goals, including SDG 16 target 10, which requires Member States to ensure public access to information and protect fundamental freedoms in accordance with national legislation and international agreements²⁷. According to the UN's Sustainable Development Goals Report 2020, journalists and human rights defenders have become targets of violent attacks and that there has been a marked rise in widespread hostile rhetoric directed at the media and journalists²⁸.

The crackdown on the freedom of expression in South Asia poses a major challenge to attaining the SDGs and needs to be addressed urgently through coordinated action by the international community.

25 Universal Declaration of Human Rights. For more see <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

26 International Covenant on Civil and Political Rights. For more see <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

27 Sustainable Development Goal 16. For more see <https://www.un.org/sustainabledevelopment/peace-justice/>

28 The Sustainable Development Goals Report 2020. For more see <https://unstats.un.org/sdgs/report/2020/goal-16/>

Recommendations to UN bodies and Governments involved in South Asia

On safety of journalists

- Governments in South Asia should end the arrest, intimidation, and legal and financial harassment of journalists and independent media organizations. Independent media organizations should not be denied advertisement revenue by governments.
- Enable implementation of the national legislations and mechanisms for press freedom and safety of journalists. The UN Plan of Action on the Safety of Journalists urges Member States to develop legislation and mechanisms guaranteeing freedom of expression and information.
- Governments in South Asia should do more to speedily investigate and prosecute crimes against journalists. Most murders of journalists in the region have remained unsolved.

On access to information

- Repeal laws that suppress press freedom and the ability of journalists to report independently. The Digital Security Act in Bangladesh, the sedition laws and the new Information Technology rules in India, Pakistan's proposed ordinance to create a new media regulatory body, the new laws proposed in Nepal and the application of anti-terrorism laws in Sri Lanka have a chilling effect on media freedom.

On the VNR process

- Take serious note of the stifling press freedom environment and attacks on journalists in South Asian countries. The increasing threat to the safety of journalists is a major impediment to attaining not just SDG 16 but all 17 Sustainable Development Goals.
- Without the informed participation of citizens, countries cannot fulfil their commitment to achieving SDGs. A lively public debate and the empowerment of citizens through access to information are essential to achieving the SDGs. Most governments are not reporting on SDG 16.10 and a call to action to member states to do more is urgent.

A call on member states engaged in the SDG agenda and the Group of Friends of Safety

- Engage with governments in South Asia through diplomatic channels to ensure the safety of journalists and press freedom. South Asian countries are sensitive to criticism by the international community, member states should use diplomatic channels to convey their concerns over curbs on press freedom and threats to journalists.
- Support journalists' bodies, press freedom groups and civil society organizations to promote media freedom and the safety of journalists. They are key stakeholders in these countries.
- The states involved in the group of safety of journalists should support development and implementation of national mechanisms for the safety of journalists through diplomatic and capacity building measures, in collaboration with UNESCO and civil society organizations.

Journalists safety in Colombia and monitoring of the 2021 National Voluntary Report

Foundation for Press Freedom

Introduction

The Foundation for Press Freedom (FLIP from now on) is a non-governmental organization that defends freedom of expression and promotes an optimum climate so those who practice journalism can satisfy the right to be informed of those who live in Colombia. Under this mandate, the foundation monitors the cases of journalists that are at risk due to developing their profession.

This report about the Colombian situation in regards to the safety of journalists and the National Voluntary Report (RNV from now on, for its acronym in Spanish: Reporte Nacional Voluntario), in particular about the Sustainable Development Goal (ODS from now on for its acronym in Spanish: Objetivo de Desarrollo Sostenible) 16.10.1, refers to a Free Press Unlimited as a deliverable so that our experience can source feed the production of a set of tools, designed for Civil Society, about how to manage and produce an optimum parallel report meant to supplement the national process of RNV.

The aforementioned ODS 16 pursues “To promote the advent of peaceful and inclusive societies to the effects of sustainable development, to ensure access to justice for everybody and build up, at all levels, effective institutions, responsible and inclusive”. In order to meet that goal, Nations are committed to lower, among other things, the “number of confirmed cases of murders, kidnappings, enforced disappearances, arbitrary detentions and acts of torture endured by journalists, mass media workers, unionists and human rights activists (...)”.¹

Thus, this report contains three sections: (1) Specific problems related to monitoring the 16.10.1 goal, (2) context, detailed data and numbers about threats to the journalists safety in 2020 and (3) to analyze the same ones along with recommendations of governmental actions meant to consider improving the situation, including recommendations to enhance the RNV process so that the civil society can be included in the future.

¹ ONU Meta 16.10, indicador 16.10.1 de la Agenda 2030 [en línea] disponible en: <https://sdg.data.gov/fr/16-10-1/>

1 Specific problems related with the follow up of the 16.10.1 goal

The United Nations General Assembly has structured a methodology to measure the 16.10.1 goal of the ODS; it's first indicator assesses murder, disappearance, detention, aggression, or torture when perpetrated by a state agent or any person who acts under the government authority or with its complicity, tolerance or acquiescence, or when the State doesn't investigate, punish, or redresses properly a crime committed by a third party, this will constitute a human rights violation. Its measurement focuses in three targeted stocks, human defenders, unionists and journalists.²



In addition, the qualified measurement of this indicator requires data to be broken-down by form of aggression and demographic information, such as profession, ethnicity, gender, age, income, geographic location, disability, religion, migratory status, sexual orientation and gender identity of the victim, and kind of perpetrator.³

Data reported by 2020 (annex 1) gathered through the FLIP efforts that has assumed the responsibility of promoting journalist's safety and freedom of expression, aligned with the success of the 2030 Agenda. This Annex registers pertinent information to the follow up of the ODS in mention of the methodology as described. **3 main limitations were found on its elaboration:**

² In 2017, the United Nations General Assembly approved a set of indicators to measure progress on each goal in A / RES / 71/313. There are two indicators to measure SDG 16.10: (1) Indicator 16.10.1. Number of verified cases of murders, kidnappings, forced disappearances, arbitrary detentions and torture of journalists, staff of associated media, trade unionists and human rights defenders in the last 12 months; (2) Indicator 16.10.2. Number of countries that adopt and apply constitutional, statutory and / or political guarantees for public access to information.

³ UN. Metodología metadata. Goal 16. <https://unstats.un.org/sdgs/files/metadata-compilation/Metadata-Goal-16.pdf>

1 Adjustment of the recorded documentation of aggressions against the press to produce quality information and adjusted to the criteria of the indicator to ensure its usability for verification of the ODS 16.10. 1.

FLIP has been documenting the aggressions against the press in Colombia for more than 25 years. That labor has come through different challenges in regards to its recording methodology. In the moment of contrasting FLIPs documenting methodology and the one from Voces del Sur, who systemizes the regional information for measurement of the 16.10.1 indicator, the necessity for adjusting the recording methodology of cases internally in order to produce detailed information that can be re-usable for this matter. Although, there were significant advances to harmonize the methodology, there're still some differences that can have some impact in the quantifiable results about the aggressions.

In regards of that for mentioned adjustment, there was evidence that FLIP already counted the segregation of information according to certain indispensable criteria (aggression typology, location, date and aggressors). Nevertheless, the existence of some differences on the recording form and some variation among categories of aggressions was warned. (Annex 2).

Soon, our methodology was adjusted to: (i) reflecting in greater detail the age of the victims (by range), number of aggressors (individual or collective), kind of aggressor (from the state or other and individualization) and level of impunity; and (ii) integrating classification of some previewed aggressions in the Voces del Sur methodology such as enforced disappearances, torture, raids, identity theft.

The difference identified in relationship to the categories is the reach given by each organization, which requires a detailed analysis of the information in order to unify data facing the monitoring of ODS. For instance, Voces del Sur clusters different kinds of aggression categorized by FLIP (displacement, threats, harassment, espionage or invasion, year or destruction of attempted equipment, sexual violence) in one whole category (aggression). Also, foresees one about 'abusive usage of the state power' which is wider than one similar in the FLIP that it's reduced to 'pressure trough media guideline'. FLIP doesn't record as an aggression on their data neither the expedition of opposite laws to the international standards of press freedom, but it analyses it in the contexts. In that sense, there is a gap in data about this point.

Methodologic differences, among practices in civil organizations and requirements for the correct measurement of the indicator, it's placed as a precedent the urgent necessity of its harmonization for cleanness of data and adoption of new practices, in order to have results

that allow to provide a precise reading about the regional situation to create effective public policies.

2 Lack of public and official data about the matter in concern

According to the Social Prosperity Department, Colombia was the first country to include the ODS as the general frame in the formulation of the National Development Plan 2014-2018.

⁴This articulation along with the Agenda 2030 was retaken by the National Development Plan 2014-2018-2022, “Pacto por Colombia” (Law 1955 of 2019) which is oriented to lay the foundations for the government plan aligned with the ODS. The 16th goal appears as a transversal element⁵, but it doesn’t identify a measure or specific policy in the face of violence against the press as a freedom guarantee, even though that the violence pattern against the press in the context of the armed conflict in Colombia, just as the high rates of impunity, has been recognized at the Inter-American Court of Human Rights OAS⁶.

Currently, there are no production mechanisms of measurable data, of accountability that allow to assess the effectiveness of the State’s public policies directed specifically to the journalist population, in particular the measurement of violence against the press and the advances of the respective investigations.

In FLIPs experience, there are no public information archives that present complete and timely data about violence against the press and the existent information is not usually disaggregated in factors that allow to appreciate the real incidence against journalists, having into account their occupation, the impact of gender and geographic segregation at the least. An obstacle that explains this problem in great measure, is that in practice the presumption of the connection between the assault and the occupation still doesn’t apply, which causes the crime record to add up to general data bases and its identification is lost.

We know that information produced by the State about violence against the press is disjointed, in many occasions the aggressions are not characterized in data bases so it is possible to identify the impact of violence with a differential approach. As an example, the Attorney’s General’s Office, the National Police Department and the Protection Unit don’t have a unified data base about the aggressions, that consolidates verified and disaggregated information to identify the impact of the kind of aggression to journalists’ sort by gender. For

⁴ <https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/Ficha%20con%20aspectos%20generales%20sobre%20los%20ODS.pdf>

⁵ Artículos 1 y 2 de la Ley 1955 de 2019. También ver: <https://colaboracion.dnp.gov.co/CDT/Prensa/Resumen-PND2018-2022-final.pdf>

⁶ I / A Court HR. Case of Carvajal Carvajal et al. V. Colombia. Judgment of March 13, 2018. merits, reparations and costs. URL: https://www.corteidh.or.cr/docs/canes/articulos/seriec_352_esp.pdf

this reason, in past years there has been evidence about the existence of discrepancies in their numbers, and even in comparison to the FLIP ones.

In February 2021, in recognition to this lack of articulation, the national government announced the creation of an intersectoral board to consolidate statistics to implement the Timely Action Plan (PAO for its acronym in Spanish Plan de Acción Oportuna) for the Social Leaders Protection, Human Right Defenders and journalists, in the year 2020, and the strategic plan for 2021. Therewith, it is intended to create a road map that allows to unify investigation methodologies and information related to murder in these focal groups. However, having taken into account what was foreseen this doesn't address other kinds of violence, therefrom that its reach glimpses limited.⁷

Added to this, the access to official information about the aggressions against the press has been hampered by the actions taken within the framework of the pandemic, therefore the response times were doubled. In light of the shortage of public information, FLIP required updated numbers about the quantity of threats to journalists in 2020 to the Attorney's General's Office (Fiscalía General de la Nación), after 47 days there has been no response at all. This makes it difficult to contrast and analyze the information gathered by FLIP.

3 Lack of channels for participation to the civil society in the RNV from Colombia

While the government included the ODS to the National Development Plan, the strategies implemented to gather information from the civil organizations side has been limited, which forecasts a Voluntary National Report based principally in official measurement that had no feedback and effective participation from the civil society.

In 2021, as a part of the elaboration process of the third RNV that the country will present at High-level Political Forum (Foro Político de Alto Nivel) in July 2021, the technical Secretariat of the ODS Commission invited all the interested parties in sustainable development and the implementation of the 2030 agenda in Colombia to provide for the collective construction of the report, through an [online platform](#).⁸

However, this mechanism does not allow to submit information related to the monitoring ODSs that will be reviewed. Only allows to indicate whether the participant works towards

⁷ Presidency of the Republic. Intersectoral table created to strengthen protection of social leaders (2021).

⁸ Technical Secretariat of the ODS Commission - Colombia. 'We invite you to make your contributions to the third voluntary national report 2021' URL <http://ods.gov.co/es/news/dejanos-tus-aportes-para-la-elaboracion-del-tercer-reporte-nacional>

any OSDs development or if its work has been affected by the current COVID-19 emergency.



In addition, it is worth to note that the Ministry of Foreign Affairs (Cancillería) does not report activities for RNV 2021, omitting its duty of maximum publicity. On its website, only a generic description of the national strategy for the 2030 agenda and existing mechanisms can be found, but there is no indication of how to participate in the RNV, even though it is under construction and should have the participation of all sectors.⁹

This is not the first time that Colombia has generated an RNV without the full participation of Civil Society. In 2018, the Technical Committee gathered information from those entities responsible for reporting the progress of the indicators and goals for 2030, which were complemented with sectoral management reports, other policy documents and diagnostic studies, along with the information collected from the private sector through an application created exclusively for this actor¹⁰. In contrast, civil society only had a place in five workshops with the objective of highlighting the power of alliances to advance in the fulfillment of the ODSs, but not to deliver the information gathered¹¹.

⁹ Website of the Ministry of International Relations, section for monitoring the 2030 Agenda. URL: <https://www.cancilleria.gov.co/rio/linea>

¹⁰ Technical Secretariat of the ODS Commission - Colombia. SDG CORPORATE TRACKER URL: <https://www.ods.gov.co/es/sdg-corporate-tracker>

With regard to RNV 2021, within the framework of the National Statistical System (SEN), created by the National Development Plan 2018-2022, the National Administrative Department of Statistics requested information from the FLIP in order to consolidate the measurement of OSD. However, the cooperation expected by the authority of civil organizations appears to be minimal, since it is limited to the information delivery and the entity would be the one to refine the data to frame them in to the categories and questions by the indicator. This results into a symbolic participation from the civil organizations, which is inconvenient when evaluating the systematized information.

2 Context and numbers on journalist's safety in Colombia in 2020

2.1. Violence against the press in Colombia in 2020.

Despite the signing of the Peace Agreement, the numbers of violent aggressions against journalists continue to be alarming, they have increased in the last four years and a worrying context of violence against journalists perseveres in Colombia. (Annex 3)¹².

Between 2017 and 2020, eight journalists have been murdered in the country and 618 threats, 26 displacements and 10 exiles have been reported; it is the second deadliest country on the continent, preceded by Mexico. In 2020, 449 aggressions were registered against 632 journalists.

During the pandemic year, and despite the general confinement, violence escalated. 193 journalists were threatened, 10% more than in 2019. Two journalists were assassinated (Abelardo Liz and Felipe Guevara) in the first case responsibility from the public force is questioned. The journalist's physical risk does not cease, in 2020, FLIP also registered a total of 152 threats, 40 harassments, 36 cases of judicial harassment, 30 assaults, and 4 cases of sexual violence (these latest, all against women journalists). Both the pressure and hostile environment have escalated to the point of causing 8 displacements and 4 exiles¹³; This indicates that the climate for practicing the journalistic profession is far from providing the minimum guarantees, so unfortunately self-censorship can continue to be perceived as a self-protection strategy.

¹¹ National Planning Department. Coordination and drafting team Technical Secretariat of the ODS Commission. Voluntary National Report (2018) p.11. Url:

<https://colaboracion.dnp.gov.co/CDT/Prensa/Reporte%20Nacional%20Voluntario%20Colombia%20ODS.pdf>

¹² See Annex 3. on the detail and analysis of the documentation of attacks against the press in 2020.

¹³ These figures are FLIPs record for the period between January 1, 2020 and December 31 of the same year. However, it is recognized that it is possible that there is an under-registration since it is known that journalists do not always report attacks and because there is the hypothesis that in some regions there are no attacks since journalists avoid covering certain topics or dealing with silenced zones.

Violence in digital environments almost doubled between 2019 and 2020. The proportion of this type of aggression corresponds to 25.8% of the aggressions of the year, while in 2019 they corresponded to 13.5% of all aggressions. In 2020 there was a 40% increase in threats in digital environments compared to 2019¹⁴.

By the other hand, violence against women and gender journalists was made more visible, warning of a not more encouraging outlook. At least 8 of the aggressions reported by FLIP were related to gender issues coverage, originated in discrimination based on the journalist's gender or had a characteristic imprint of gender violence. Additionally, it was evidenced that women journalists suffer differentiated violence even in their workplace. So far this year, three reports have been published that account for an increase in the number of threats, harassment and discrimination based on gender, both in the offline and online world, which reflect serious problems of machismo in society. The vulnerability level of women journalists is clear but is not addressed by the media and the authorities: 98% of the journalists surveyed agree that women and LGTBIQ + people are the object of specific violence in social media due to their gender identity, 2 out of 10 women stated that they had been victims of sexual violence, 6 out of 10 said they had been victims of gender¹⁵ discrimination in work related environments¹⁶.

Note that one of the most affected scenarios is social protests. There, we registered 41 aggressions and 58 victims, out of which 75% of the aggressions are attributable to police abuse. Between September 9th and 21st (12 days), the Flip documented 33 assaults and 35 victims¹⁷. This spike in attacks against journalists is significant in both number and severity compared to previous years. Demonstrations carried out in November 2019 (40 days), mostly of a peaceful nature and some violent incidents that took place throughout the protests, are a turning point in police brutality, the Flip documented 76 aggressions and 87 victims, while in 2013 it registered 24 aggressions and 22 victims in 25 days of demonstrations.

It is highly worrying that the source of the most frequent risk falls on the State, which reliably fails to fulfill its duty to protect and promote an optimal environment for press freedom.

It is warned that 25% of the attacks are credited to public officials, while 7.5% to criminal gangs, 2.8% to paramilitaries and 1.5% to the guerrillas. Note that aggressions by criminal

¹⁴ En 2020 hubo 55 eventos mientras que en el 2019 se presentaron 33 casos.

¹⁵ Of the 8 attacks by gender, there are 3 threats, 1 forced displacement, 2 harassment, 1 obstruction and 1 case of sexual violence. Look at annex 1.

¹⁶ FLIP. [Pages](#). (2020).Pag. 56-57.

¹⁷ There is a wide range of types of assaults that include: physical assaults (16), obstructions (5), illegal detentions (4), threats (3), theft and disposal of material (2), damage to infrastructure (1) and sexual violence (1), others (1).

gangs increased 73.53% compared to the previous year. The most frequent aggression was threatening. Three of these threats resulted in internal displacement.

Furthermore, violence is still focused in regions that have traditionally been marked by armed conflict and the dynamics of violence in the border areas. Approximately 75% of the aggressions take place in only 31% of the departments. Mainly, they take place in Bogotá (147), Antioquia (51), Valle del Cauca (28), Magdalena (20), Córdoba (17), Santander: (15), Tolima (15), Huila (14), Atlántico (14), Norte de Santander (13), Arauca (13) and Cauca (13).



The foregoing occurred while the press coped with the pandemic, which added a direct biohazard and a risk of indirect censorship. As referred by Reporteros sin Fronteras on its annual report, "the pandemic has fueled censorship in Latin America and reporters have had great trouble finding out how governments in the region have handled the public health crisis." According to the RSF, "these limitations have been reflected in a spectacular worsening of the indicator that measures how difficult it is for journalists to access information held by the State." Indeed, in Colombia, the impact of covid-19 was evidenced in the high level of contagion among journalists (67% of those who took the PCR test in 2020

were positive) and the 21 deaths in 2020. In that year, 56 aggressions are related to some kind of coverage of the pandemic.

In addition to the above, it is of special concern that the illegal monitoring activities against journalists persist and constitute a serious problem that remains over time and in which officials from different State entities are dedicated to intelligence tasks. The context of press freedom at a national level has been seriously damaged because the state has been involved in a new scandal for profiling, through technologies usage for communications and social media illegal interception and monitoring, affecting journalists and the political opposition, 130 people, including 43 national journalists and foreign correspondents.

The risk level is so high that the Inter-American Commission on Human Rights granted precautionary measures to the journalist who revealed these systematic interceptions¹⁸. Noting that there is a situation of imminent risk related to the exercise of journalistic work that has lasted for several years, which may trigger other violent acts or lead to self-censorship, the Commission asked the Colombian State to urgently adopt the necessary measures to protect the journalist's life and personal integrity. However, in practice, the acts aimed at compliance show the inability of the UNP and the Prosecutor's Office (Fiscalía General de la Nación) to articulate on the implementation of suitable measures in a timely manner.

The illegal surveillance activity described would have been targeted at journalists, especially those who investigate possible irregularities or human rights violations from the State security forces. This implies that the communicators risk is in the same State, therefore, they distrust institutional security mechanisms subjecting them to a higher level of vulnerability and discourage any allegations.

The FLIP has expressed concern about this situation, due to the serious history of interceptions of journalists' communications in the country. What happened between 2003 and 2009 inside the Administrative Department of Security (DAS for its acronym in Spanish Departamento Administrativo de Seguridad) and its illegal activities constituted one of the most serious aggressions against press freedom in the country's recent history. During that period, FLIP documented 16 cases of journalists who were victims of surveillance, persecution, interceptions, and threats. However, it is estimated that more reporters could be affected.

The lack of institutional trust regarding the journalist's protection system stems from this situation's type and is also based on the lack of capacity in the institutional response to

¹⁸ http://www.oas.org/es/cidh/decisiones/pdf/2021/res_6-2021_mc-207-20_co.pdf

journalists' safety problems. The lack of articulation between the Unidad de Protección (Protection Unit) and the Fiscalía General de la Nación (The Prosecutor's Office) makes it impossible to disjoint the risk, this adds up to the lack of risk assessment and investigation of crimes with a differential approach by kind of occupation and gender. In the Colombian context, the study of the risks of journalists is analyzed from the physical safety perspective, in which the Police and the National Protection Unit (Unidad de Protección Nacional) must intervene, but not as a necessary labor right in order to practice journalism, therefore the risk associated with the occupation is unknown, restricting risk analysis. This translates into serious deficiencies in the design and implementation of protection measures.

Despite the fact that thousands of millions of pesos are invested in a protection mechanism, it is ineffective and increasingly loses legitimacy, still waiting for the promised reengineering plan. Added to the budget crisis is the crisis in decision-making, hardship in assessing risk levels and streamlining procedures; unjustified delays in the implementation and delivery of protection schemes; Corruption, among other situations developed in these reports, show numerous problems.

Numbers comparative for the first quarter of 2020 and 2021 respectively

Murders and threats

In the 2020 and 2021s first quarter, there were no murders; however, in 2020, threats against the press increased by 10% compared to 2019, and since 2016, this aggression has been increasing. Also, there was a 40% increase in threats in digital environments compared to 2019.

In 2020, FLIP registered a total of 152 threats, affecting 193 journalists. The place with the highest number of registered cases was Bogotá (30), followed by Antioquia (16), Córdoba (13), Arauca (9) and Santander (8). Regarding the alleged aggressors, in 47% of the cases the alleged perpetrator was unknown, in 29% they were private actors, in 16% they were criminal gangs and in 7% they were dissidents. The coverage topics most frequently related to threats were corruption, politics, public order, Covid-19, drug trafficking, and micro-trafficking.

In the 2021 first quarter, FLIP registered 41 threats, affecting a total of 43 journalists, while in the same period last year there were 29 threats. The departments with the highest number of threats registered in 2020 have been Santander, Bogotá, Arauca and Antioquia. As for the alleged aggressors, in 13 cases the perpetrator has been unknown, in 10 cases they have been criminal gangs, in 8 cases guerrilla groups (FARC-EP) and in 3 cases, they have been

dissidents. The topics of coverage that have most frequently been related to threats have been corruption, criminal gangs, drug trafficking and threats and murder of social leaders.

Other aggressions in 2020 and 2021s first quarter

In the first quarter of 2020, there was 1 case of sexual violence, 2 displacements, while there is no record of these aggressions in the same period in 2021. By the other hand, there were the same number of exiles in that period both in 2020 and in 2021.

2.2. Impunity

Impunity on crimes against the press is not overcome, there are structural factors that make this critical situation persist fostering self-censorship, such as the lack of investigation about the line of connection of crimes with the occupation, the lack of diligent investigation and in accordance with inter-American standards for the investigation of crimes against the press. In this regard, although in 2018 the Office of the Attorneys General's Office (Fiscalía General de la Nación) issued a Resolution 0339 that consists of the implementation of strategies to address the investigation of threats against human rights defenders - including journalists -, to this date its results are unknown. It has been known, only through statements, that the Fiscalía (Prosecutor's Office) advanced with the conviction of 2 cases of threats that occurred in 2018 and 5 cases entered the trial stage¹⁹. However, when comparing these convictions with the 200 cases of threats registered in 2018 by FLIP²⁰, it is concluded that the impunity rate is 99%. Furthermore, prosecution and sanctions often do not progress and access to information on investigations is hampered.

Impunity in relation to murder against journalists is alarming and shows the deficiencies in justice regarding crimes against the press. This undoubtedly generates an inhibiting effect due to the lack of sanction.

Between 1977 and 2020, FLIP has registered 161 murders of journalists in Colombia. Only in one case the entire criminal chain was convicted, in four cases the determiners have been convicted, in 29 cases the perpetrators have been convicted, and 127 cases (78.8%) are in impunity. As of today, 92 have been prescribed, that means that the Fiscalía General (Prosecutor's Office) has already closed the investigations. Out of the 92, 8 cases were prescribed in 2020 and another 9 cases are about to be added up, since they meet legal term in 2021 (Annex 4 and 5).

¹⁹ Office of the Attorney General of the Nation. Three convictions for threats against journalists, human rights defenders and social leaders. September 3, 2019.

²⁰ Foundation for the Press Freedom. Cornered Press: A Game of the Violent and Powerful. Report on the state of press freedom in Colombia 2018. February 2019.

On the other hand, impunity is visible with regard to disciplinary processes for aggressions on journalists in the framework of social demonstrations. Out of eight disciplinary proceedings initiated for assaults in 2020, no investigation was opened in four of them and the remaining are still in preliminary stages. From the year 2019 we have that out of 14 aggressions reported to the police and of which efforts were initiated to find disciplinary responsibility, 11 were filed and three are in the preferential power of the Procuracy (Procuraduría). In other words, 65% of the complaints were filed.



3- Recommendations for the government in order to consider how to improve the RNV process so that it includes civil society in the future.

The 2030 Agenda seeks to strengthen universal peace in broader freedom and the goals are the commitment to be "people-centered" and to "leave no one behind." In particular, the 16th commits countries to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build up effective, accountable and inclusive institutions at all levels."

To ensure the people's orientation of the SDGs, their implementation must be driven by partnerships and collaborations in all sectors and segments of society and should not be concentrated in the state. Goal 16th appears as a transversal element of the National Development Plan 2018-2022²¹, in which some directives are built such as: improving the effectiveness of participation spaces, strengthening social organizations for the defense of

²¹ Articles 1 and 2 of Law 1955 of 2019. Also see:
<https://colaboracion.dnp.gov.co/CDT/Prensa/Resumen-PND2018-2022-final.pdf>

common interests. In this sense, it is essential to enable the participation of civil organizations in a robust way in the process of monitoring and evaluation of this goal.

Therefore, some strategies meant to improve RNV are:

- 1 To stimulate a broader sense of public ownership of the final objectives and goals, provide the space for dialogue for civil society participation in the RNV.
- 2 To reaffirm commitment to human rights, justice, accountability and transparency, ensuring access to official information to properly monitor the objectives of Goal 16.
- 3 To specifically include journalist safety in the National Development Plan as part of the 2030 Development Agenda and the need for measures to guarantee an environment conducive to freedom of the press and the right to information.
- 4 To produce public statistics from the State - in particular from the Generals Attorneys of the Nation (Fiscalía General de la Nación), the Protection Unit (Unidad de Protección), the Office of the Ombudsman, the Generals Procuracy Office of the Nation and the National Police - so that it produces figures segregated by the office of victims - of journalists - and according to the type of effects on freedom of the press, which are included in the indicator 16.10.1 SDG.
- 5 To train civil organizations on technical aspects of monitoring the SDG by DANE, so as to promote the use of adequate documentation methods so that their information can be used for the monitoring and evaluation of the indicated, according to the methodology of The United Nations.²²

In the face of the serious situation of violence against the press, some priority recommendations are:

- 1 To reform the Protection Program (Programa de Protección) represents a significant step for press freedom in Colombia to:
 - 1.a Train UNP officials in risk analysis from a human rights perspective and in accordance with the jurisprudence of the Constitutional Court, so that the analysis responds to the particularities of the case and takes into account the journalistic profession, as well as the context.
 - 1.b Redraft the concept and methodology with which risk levels are established, as well as the criteria with which protection measures are granted including gender perspective.
 - 1.c Restructure the administrative chain to guarantee a rapid and adequate response to the risks faced by journalists.

²² Actualmente la Procuraduría General de la Nación cuenta con el Índice de Transparencia y Acceso a la Información - ITA, que mide exclusivamente el grado de cumplimiento de las obligaciones de publicar o 'Transparentizar' su información derivadas de la Ley 1712 de 2014, Ley de Transparencia y Acceso a la Información Pública. cfr. <https://www.procuraduria.gov.co/portal/ITA.page>

- 1.d Train the UNP staff, in charge of security issues, on freedom of information issues.
 - 1.e To guarantee participation of the Attorneys Office (Fiscalía) in the protection program, so that the risk is deactivated.
 - 1.f To establish mechanisms and measures that promote protection from a preventive perspective. Preventing and promoting a safe environment for the press is the best way to protect it.
2. To articulate, through the National Defender's Office (La Defensoría Nacional) the creation of an early warning system on risk and violence against the press, in conjunction with the contextual information produced by the General Attorney's Office (Fiscalía General de la Nación) of and the National Protection Unit (Unidad Nacional de Protección).
 3. To train the Attorneys General Office (Fiscalía General) staff and the judges of the Republic so that: (i) they know the inter-American and universal standards on the investigation and prosecution of crimes against the press and (ii) have media literacy and a deep understanding of the journalist's labor, including online, and the importance of the issue of security and impunity for society. In this regard, establish a mechanism for measuring its implementation.
 4. Ensure the implementation of the judicial orders of regional and national sentences regarding the protection of journalists, as well as widely disseminate the standards of.
 5. To promote the Attorneys General of the Nation establishment of an indicator on access to information, in particular, that makes visible the fulfillment of the obligation to deliver information in legal times by the national authorities and publishes information on existing disciplinary processes by the breach of this obligation by public officials.
 6. To create an intersectoral table to assess the context of violence and current press freedom challenges in Colombia, with the participation of control bodies, entities in charge of protecting journalists, academia, the media union and journalists, as well as civil society - among others - to analyze the different sources of risk for journalistic work and to establish an action plan.

ANNEX 2: Analysis of the FLIP and Voces del Sur's documentation methodology 2021

This document explains the elements that were extracted from the Voces del Sur alert system, which so far are not part of the FLIP documentation process and are intended to be adapted, according to convenience, to the Foundation's methodology.

ACTORS

Range of age from the victims.

The documentation carried out in Voces del Sur includes the age range of the victims. This will be incorporated by FLIP to the extent that it nourishes the Foundation's database, contributes to the analysis of the patterns of attacks on journalists, and is information that is sometimes requested by some organizations and has not been able to supply.

Number of aggressors

VDS monitors -to the extent possible- the number of aggressors who committed the attack. This can contribute to the analysis of attacks against the press in terms of the proportionality of the force that an actor exerts against a journalist and the possible intentionality and organizational capacity with which it acts. Taking into account that determining an exact number of aggressors complicates the documentation process or can lead to uncertain data, this item will be incorporated with the Individual or Group categories.

Type of aggressors

The VDS documentation categorizes offenders into two parts: general and specific. In general it is determined what type of actor or aggressor he is and in the specific one it is mentioned which one he is. For example, if the attack was committed by a senator, the type of aggressor will be 'State' and the 'name' that determines who the aggressor was, will be a public official.

FLIP will incorporate this in the documentation methodology to consolidate the classification of aggressors. In this sense, the proposals that are handled in VDS for aggressors in a generic way are the following:

- **State:** government authorities and officials linked to the powers of the State at the local and national level. They also include state-owned companies as well as public Internet providers.

- Parastatals: individuals, groups, organizations or agencies that, despite not belonging to the public administration, collaborate with the State in economic, social, political and even criminal acts.
- Non-state: protesters, union members, private actors, businessmen, private companies, media directors, union leaders, organized social groups.
- Groups outside the law: organized crime groups, drug trafficking, guerrillas, paramilitaries, militias.
- Unidentified: subjects or groups in which the aggressor cannot be determined. This category also includes organized crime groups that cannot be clearly identified, as well as trolls, trolls-centers and / or unidentified citizens.

Impunity

Based on the inclusion of an impunity characterization within the VDS documentation, FLIP considers it is pertinent to include it in its database. This way it will be possible to track whether an aggression has been sanctioned or not. For this, it is necessary to construct a clear concept, what is the scope of the concept of impunity (criminal or if other areas are to be included, for example, impunity due to lack of disciplinary investigations) and to know that there are certain processes to monitor.

AGGRESSIONS

The attacks presented by VDS that FLIP would include within the categories it handles for the documentation and classification of press freedom violations will be exposed as it follows. We will stick to the definitions provided by VDS to ensure consistency.

FORCED DISAPPEARANCE

These are arrests, kidnappings, detentions, detentions or transfers or any other form of deprivation of liberty that are the work of government agents, or groups or persons acting on behalf of or with the support of the State and who refuse to reveal the fate or the whereabouts of these persons or to acknowledge that they are deprived of liberty

TORTURE

Any act by which journalists are intentionally inflicted pain, intimidation, coercion or serious suffering, whether physical or mental. Its purpose is to obtain information or a confession from her/him, or to punish her/him for an act or publication that has carried out, or is suspected of having done. Any method that seeks to nullify the personality of the victim or diminish her physical or mental capacity shall be understood as torture.

AGGRESSION:

Within this broad category, VDS has gathered several aggression reported separately by FLIP:

- Displacement.
- Threats.
- Harassment.
- Espionage or invasion.
- Damage or destruction of equipment.
- Attacks
- Sexual Violence.

SEIZURE

VDS distinguishes this aggression as a separate element. This new category will be included in the categories of the FLIP, with definition provided: Violent entry to a medium with the purpose of investigating any fact with or without a court order and / or attacks against the communication media infrastructure such as burning of their headquarters, attack with explosives, etc.

ABUSIVE USE OF STATE POWER

It is considered that this category fits the main topics the Study Center investigates . For now, CODAP handles it as ‘pressure through the finance’.

Definition

Actions planned, proposed and executed by the State that, abusing its condition of power, are imposed without any logic or reason to be, contrary to international standards of freedom and press and expression, and that harm the media and journalists economically or prevent the elaboration of their work. This indicator includes the following actions:

- 1 Actions aimed at financial suffocation, including: withdrawal of the official financing of independent media for the purpose of affecting stability; abuse and constant imposition of official resources in said media; pressure exerted from the state against economic groups with the purpose of removing advertising from a certain communication medium; and / or fines or taxes specifically directed at the media
- 2 Concession of frequencies avoiding control mechanisms, omitting recommendations, favoring concentration and preventing independent media from having access to part of the radioelectric spectrum.
- 3 Administrative and economic sanctions as acts that consist of a kind of sanction as a consequence of illicit conduct.
- 4 Restrictions on access to supplies, such as, for example, impediment to access to paper and ink. This may also include impeding access to electricity or other items necessary to carry out journalistic work.
- 5 Arbitrary closure of communication media and / or abandonment of community media that are not recognized as such by governments because they do not comply with the regulations and, therefore, are in a situation of vulnerability, including the occupation of facilities of media

- 6 f) Abusive withdrawal or rectification of content without a court order and that are not covered by local laws.
- 7 g) Electoral Harassment. Initiation of actions before electoral authorities (at the electoral juncture or not) that may or may not include the use of public resources. These may include, but are not limited to: a) Precautionary measures that order removal of content; b) Sanctions for electoral closure

LEGAL FRAMEWORK CONTRARY TO INTERNATIONAL STANDARDS OF FREEDOM OF EXPRESSION AND PRESS

This has not been handled as an assault properly to document within the daily process, but it is something that is taken into account in FLIP's work for advocacy.

FLIP is considering to consolidate the legislative monitoring for this purpose. For instance, at the end of each legislature, the corresponding data would be added to the database.

Definition: Proposal and / or approval of standards, which may include laws, decrees, regulations, resolutions, ordinances, and / or regulations, which restrict freedom of the press, expression, access to information and / or generate censorship. It includes legislative measures that endanger the lives of journalists, and that eliminate measures that guarantee the safety of journalists, as well as proposals for the elimination of trusts or resources for the protection of defenders of freedom of the press and expression and of journalists.

Impersonation of identity (INTERNET)

The VDS documentation includes Internet attacks that FLIP has already categorized. However, impersonation of identity is not one of our categories, despite we have recorded some cases. Thus, we will create this new category separately.

The definition provided by VDS will be adopted for FLIP's documentation: Identity theft is understood as the usurpation of the name used by cyber criminals to commit illegal acts on the Internet. To this, it would be added that it is an act committed in order to delegitimize media, create false content on behalf of a media outlet or journalist and put them at risk.

SHADOW REPORT

THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOAL 16.10.01 IN INDONESIA



During 2020, there were at least 104 alerts for cases of violence against journalists in Indonesia. They vary from prosecution, physical violence, forced arrests, lawsuits, to digital attacks.

The Alliance of Independent Journalist [AJI]

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OVERVIEW

The year 2020 will be remembered as a particular year in the history of Indonesia, including by the press. This pandemic, which began in March 2020, has caused significant impacts on the media and journalists, as marked by the closure of the media, the implementation of efficiency efforts resulting in layoffs, delays, and cuts in wages.

Amid the heavy pressure from the economic side, threats also come from the side of freedom of the press. The year 2020 marks a new chapter in cases of violence against journalists. The Alliance of Independent Journalists (AJI) recorded 104 cases in 2020. Not only higher than 2019's recorded cases of 53, but this is also the highest number since AJI has monitored cases of violence against journalists more than ten years ago.

The year 2020 is also marked by the Omnibus Law ratification, especially about the Job Creation Law, passed by the Government and the House of Representatives on October 5. The Law is considered a 'red carpet for investors and is detrimental to many parties, including workers. Journalists also become victims of violence by police officers when covering demonstrations against the implementation of this controversial Law. This incident contributes significantly to the increase in the number of cases of violence against journalists in 2020.

INTRODUCTION

SDG 16 - promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels is both an outcome and an enabler of sustainable development. The media and journalist community is one of the essential components of SDG 16. Since indicator 16.10.1 -number of verified cases of murders, kidnappings, forced disappearances, arbitrary detentions, and torture against journalists, media workers, labor leaders, and human rights defenders- aims to protect, among others, the rights of journalists and media outlets to conduct their work without facing violence, threats or intimidation.

In this context, the Alliance of Independent Journalists (AJI) designed a set of common indicators to facilitate tracking and comparing freedom of expression across the country. The typical indicators are based on target 16.10. which focus on protecting fundamental freedoms and ensuring safety and protection for journalists to safeguard the democracy in Indonesia. This report helps to assess progress towards SDG and also provides key recommendations for further strengthening these freedoms. It is expected that the Indonesian Government would give attention to improve the condition of freedom of expression in Indonesia.

METHODOLOGY

The Alliance of Independent Journalists (AJI) records violence cases against journalists regularly and provides information for the public through a website (<https://advokasi.aji.or.id>). AJI gathered the data from AJI's member reports at 40 cities all over Indonesia. Every report will be verified through the internal mechanism, then published on the website to be publicly available. Every year, AJI issues the annual report which portrays the updated condition of safety journalist in Indonesia, including the analysis and recommendations for the audience.

AJI is the only journalist organization that is actively involved at SDG16 and VNR in Indonesia. Since 2019, AJI has submitted the data and recommendation to the SDG VNR report, mainly contributing to component 16.10.01. And one of the AJI representatives has joined the meeting at the UN in New York in 2019.

Although the Indonesian Government did not quote AJI in their presentation report at the 2019 UN HPFL meeting, AJI believed the Indonesian Government considered the report. Since the Indonesian Government still included AJI to contribute to the SDG VN Report this year. The Indonesian Government was invited by AJI to submit the data and recommendation to the 2021 VNR report through Bappenas (The Ministry of National Planning and Development Republic Indonesia). And AJI will keep promoting the safety report to the Indonesian Government to include in the updated situation report of SDG VN of Indonesia.

CONTEXT

Jokowi, who was paired with the prominent Islamic figure KH Maruf Amin, won over their military and businessman competitor team, Prabowo Subianto - Sandiaga Uno in the April 17, 2019 Presidential Election. Jokowi - Makruf was then sworn in as president - vice president on October 20, 2019. With this result, Jokowi became the second president in Indonesia's post-New Order history to serve for two consecutive terms.

A second term of rule is often marked with high expectations. With the previous five years of experience, Jokowi is expected to leave at the end of his term with best achievement as his legacy. This was marked by how ministers were selected by the President: the cabinet has been filled with professionals to ensure the effectiveness of the administration. In the first term, politicians dominated the cabinet, implying the reward granted to political parties supporting the incumbent in the presidential election.

Jokowi had indicated this plan when talking about how he would proceed in his second term. In his statement in Jakarta on 9 May 2019, he said, "I have no more burden now. I will not run again. So, whatever is best for the country, that will be what I will do." The Indonesian constitution does limit presidential power to the maximum two terms.

However, there had been concerns that Jokowi would develop what was known in US politics as a "second term curse." This refers to a deteriorated performance of an administration as it goes through the second term. The fact that they do not have to fight for electoral incentives, nor should they work hard to win the people's heart may lead to their complacency.

Jokowi's political positioning was expressed in his inauguration, two years ago. In his speech, this civilian president spoke more about building the human capacity, building infrastructure, improving regulations, simplifying the bureaucracy, and transforming the economy. Issues pertaining to eradication of corruption, law enforcement, democracy or press freedom were not mentioned.

In 2020, the first year of Jokowi's second term, Reporters Without Borders ranked Indonesia 119th in terms of press freedom. This position is better than that in the previous year, 2019, which was the 124th. This seems to imply that in terms of press freedom everything is just fine. The Alliance of Independent Journalists (AJI) and the Legal Aid Institute (LBH) Press, two institutions that advocate for the issue of press freedom in Indonesia, have actually recorded an increase in cases of violence against journalists.

Violence against journalists has been perpetrated in various forms. Prosecution, detention, and physical violence as journalists do their work: reporting, and digital attacks are among the types of violence perpetrated against them. This has adversely affected the way journalists and the media carry out their function to provide the public with information and exercise social control over the government. This too has hampered efforts to achieve target 16.10.1 of the SDGs.

The high number of cases of violence against journalists is not a stand-alone issue, with no connection whatsoever with other issues. Currently, there is an upward trend of pressure on freedom of expression, as the government shows more and more defense towards criticism, and violence against human rights activists increases, transparency deteriorates, and limited public participation goes down. Some observers call this phenomenon “a democratic backsliding” which marks the emergence of authoritarianism.

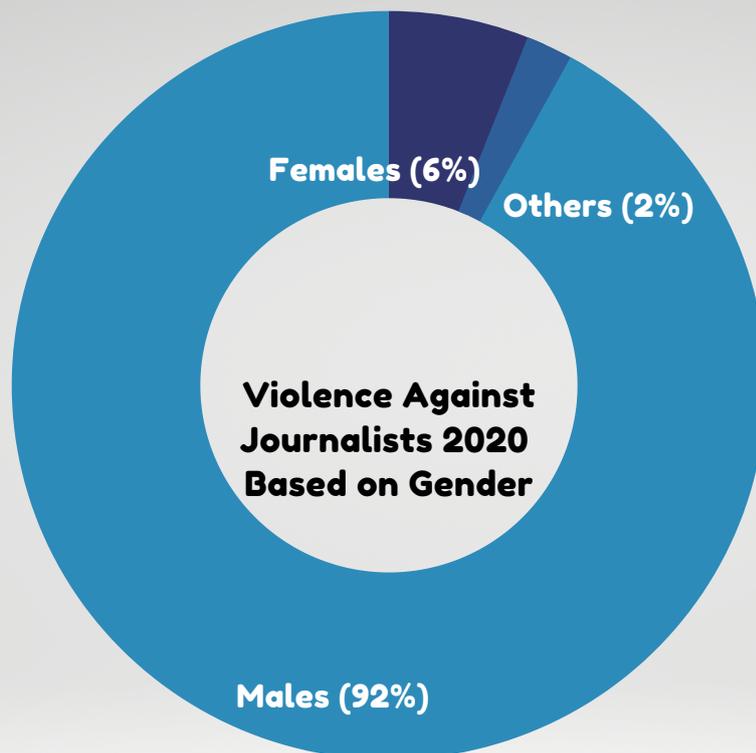
One of the less tolerant attitudes towards criticism and aspirations was shown by the government when handling a series of nationwide demonstrations taking place in September 2019. Students and civil society staged protests on the streets to voice opposition against the amendment of the KPK Act which was considered to weaken the anti-corruption movement. The government responded violently to the protest, resulting in the demise of five student protesters. At least 10 journalists covering the news on the demonstration were also exposed to police violence.

The trend of using violence in confronting demonstrators continued in 2020, shown in demonstrations against the passing of the Job Creation Law on October 5, 2020. An organization engaged in human rights issues, Imparsial, noted that in 2020 there were 41 attacks against human rights defenders, an increase from 38 cases in 2019, 11 cases in 2018 and 16 cases in 2017. This includes prosecution, persecution, intimidation, digital attacks, and even homicides.

This hostile political climate was what Indonesian press observed in 2020. AJI and LBH Pers recorded that there were at least 104 alerts for cases of violence against journalists. They vary from prosecution, physical violence, forced arrests, lawsuits, to digital attacks. Member of the Press Council Asep Setiawan considered violence against journalists as a form of threat to democracy.

In 2020, violence against journalists was dominated by aggression and attacks, making up 63 cases. The second dominant type of violence was restrictions on access to information, constituting 16 cases. Others include, criminal and civil allegations (9 cases), unilateral detention (6), stigmatization (3), and regulations that limit or threaten journalists (1). Violence against journalists was vividly exhibited in the widespread demonstration against the Job Creation Law in October 2020, when Indonesian law enforcement officials performed repressive action toward the demonstrators.

RESULTS



Cases by Indicators

12 COMMON INDICATORS

1. HOMICIDE: 0

- Attacks leading to death.
- Intentional homicides as a reprisal for exercising journalism.

2. KIDNAPPINGS: 0

Abduction and illegal detention of one or more people against their will, even through the use of force, threat, fraud, or persuasion aiming to leverage liberation in order to obstruct, censor or negatively influence journalistic work.

3. FORCED DISAPPEARANCE: 0

Arrests, detentions or transfers against the will of journalists or relatives by government agents, organized groups acting on behalf of the government or with their direct / indirect support, who deny information about their whereabouts or situation; or deny that they are in custody, placing them outside the protection of due process and the rule of law.

4. ARBITRARY DETENTION: 6

It is thus considered when:

- There is no legal basis that justifies the detention of journalists or their relatives
- When detention is a consequence of the exercise of freedom of expression as defined in the Universal Declaration of Human Rights

5. TORTURE: 0

Any act through which pain, punishment, intimidation, coercion or grave suffering, either physical or psychological, is intentionally inflicted on journalists or on their relatives

6. AGRESSION AND ATTACKS: 63

- Attacks against the physical integrity of journalists and / or their relatives
- Raids and / or attacks against media outlet infrastructure or the property of journalists
- Destruction or confiscation of journalistic equipment
- Forced displacement
- Threats

7. STIGMATIZING DISCOURSE: 3

- Insults or reputation attacks coming from public officers or important public figures
- Systematic campaigns to discredit reputations

8. ACCESS TO INFORMATION: 16

- Restrictions on the right to access public information such as refusal, partial or incomplete delivery, omission.
- Obstruction of journalistic work

9. JUDICIAL PROCEDURES AGAINST MEDIA OUTLETS AND JOURNALISTS: 9

- Civil procedures
- Criminal procedures

10. ABUSE OF STATE POWER: 0

- Official propaganda / abusive allocation of State ads
- Irregular concession of frequencies
- Administrative sanctions
- Restriction on production inputs
- Closure of media outlets
- Forced rectification / removal of content without judicial order

11. JURIDICAL FRAMEWORK CONTRARY TO STANDARDS: 1

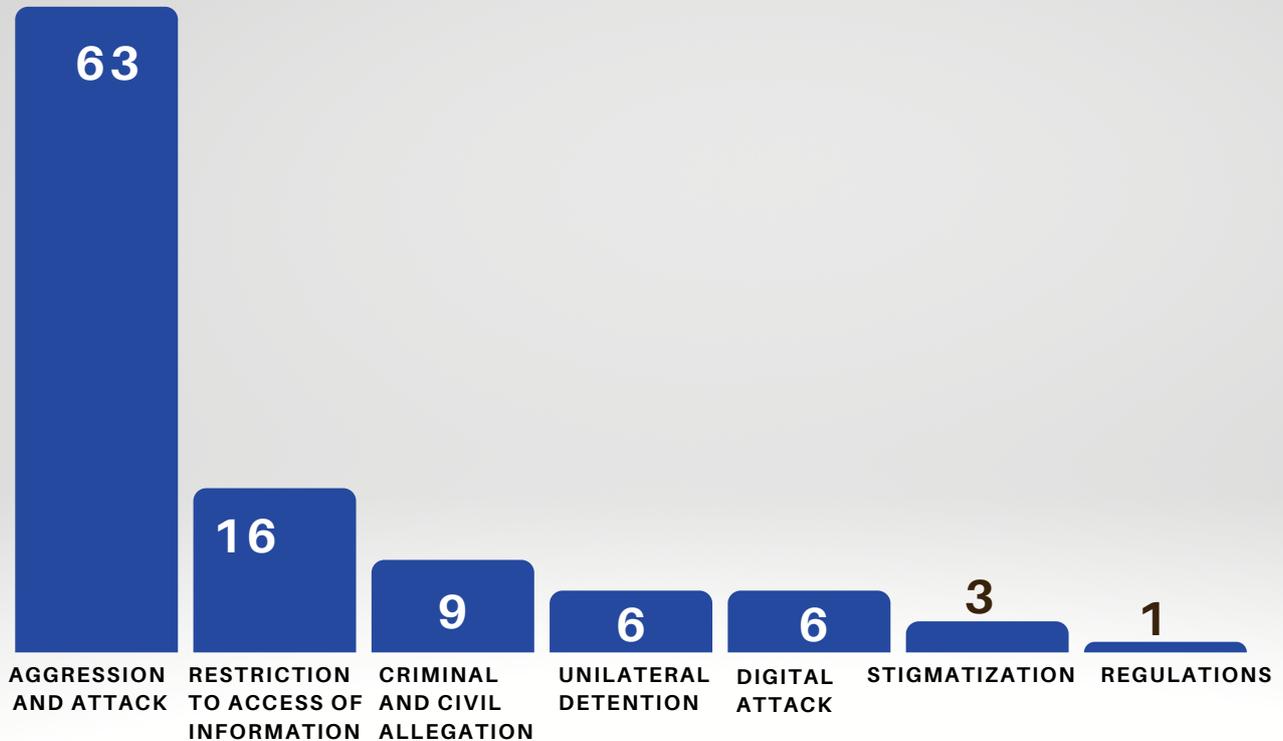
Proposals and / or approval of norms that restrict freedom of expression and / or constitute censorship.

12. INTERNET RESTRICTIONS: 6

- Closure and arbitrary suspension of social network accounts
- Hackings
- Cyber threats
- Selective blocking of web sites
- Using institutional accounts or the authorities to block users.

** Processed from materials from the Indonesian Independent Journalists Alliance (AJI) and the Press Legal Aid Institute (LBH)*

Types of Cases of Violence against Journalists 2020



1. Aggression and Attack

Physical attacks against journalists were the most violent cases in 2020. The incident that contributed the most to cases of violence was the demonstration against the ratification of the Job Creation Law. Law enforcers acted aggressively toward the demonstrators, arresting and beating them. Journalists have also become victims of their violent actions.

One of the victims of physical violence by the police was a journalist of Suara.com, Peter Rotti. On October 8, 2020, Peter recorded a video when several police officers attacked a demonstrator near Transjakarta Bank Indonesia bus stop on MH Thamrin Road, Central Jakarta. At that time Peter was with his colleague, who was also a videographer, Adit Rianto S.

Seeing Peter filming, suddenly a plainclothes police officer approached, followed by six of his friends. They tried to seize Peter's camera. To respond to Peter's defense, they dragged him away while beating and kicking him. Even though Peter and Adit already mentioned that they were journalists, the officers did not stop their violent attack. They eventually managed to seize Peter's camera and take out the memory chip. The camera was later returned to Peter.

Apart from the physical violence, another type of violence against journalists is death threats. This was experienced by a journalist of Detik.com after writing news about President Jokowi's planned visit to Summarecon Mall Bekasi, West Java on May 26, 2020. This plan provoked strong criticism as it entailed opening up an economic center in the midst of the pandemic. Indonesia first confirmed cases of Covid19 infection in early March 2020. Until May 25, 2020, the number of infected cases was 22,750.

The news was written based on information from officials in Bekasi City. Due to the protests, the news which was originally entitled "Jokowi is to Open Malls in Bekasi this Afternoon Amid the Pandemic" was replaced with "City Government: Jokowi in Bekasi this afternoon to Open Malls". The aftermath was that the news writer was bullied on social media. A number of accounts exposed this journalist' identity and distributed his photos, along with strong harsh words. A fake food order was made in his name and a death threat was addressed to him via WhatsApp on May 27, 2020.

A journalist for the weekly tabloid Modus Aceh and modusaceh.co, Aidil Firmansyah, 25 years old, also received a death threat on January 4, 2020. The case was triggered from the news entitled "Not Receiving any Compensation, Residents Intercepted PLTU 3 and 4 Transportation Vehicles". After the publication of this news, the businessman associated with the news, AR, invited Aidil to meet at his office at around 23.50 Western Indonesian Time.

When Aidil showed up, AR took out a revolver from his desk drawer and handed it over to his friend who was in that room. That friend of AR then grabbed Aidil by his neck. As this was happening AR was making threats after threats, including homicide. Aidil eventually managed to leave the scene after making a written statement that he would apologize to three Acehnese local media agencies regarding the news. He then reported the case to the police.

2. Restriction to Access of Information

The second largest number of incidents of violence are those concerning the restriction to information for journalists. The forms of access restriction vary, from prohibition to cover certain news up to expulsion when journalists show up at the scene to do their job. In 2020, this type of incident occurred when journalists covered mass demonstrations against the ratification of the Job Creation Law in Jakarta and a number of other big cities, in October 2020.

One of these incidents occurred in Ternate, North Maluku, on October 8, 2020. At that time students were demonstrating in front of the mayor's office in Ternate. The crowd almost knocked down the guardrail. The police then arrested one of the protesters from the crowd. The man was then dragged into the waiting room of the office. Yunita Kadir, a journalist from the Halmahera Post, tried to cover the arrest process, but was blocked by a plainclothes police officer. Even though she showed her press card, the police officer yelled at her and kept forcing her to leave.

A similar case also occurred in Semarang City, Central Java, October 7, 2020. At that time there was a clash between the police and the protesters who were against the passing of the Job Creation Law. A Suara.com journalist, Muhammad Dafi Yusuf, who was covering the incident, was prohibited from recording the incident when the police violently dismissed the crowd. The police also asked Dafi to delete the video he had taken, which contained the footage of the uniformed officers hitting student protesters.

Dafi was not the only one who received such threats and faced restrictions to access information. In a separate location, Praditya Wibbi from Serat.id and Rahdyan Trijoko Pamungkas from Tribun Central Java shared a similar experience. They were prohibited from taking pictures as police tried to disperse demonstrators who were protesting against the passing of the Job Creation Act. The police tried to disperse the crowd by firing tear gas and water cannons. Uniformed officers chased the demonstrators who ran in various directions.

3. Civil and Criminal Allegations

Indonesia has at least two laws that have been used as a tool to prosecute journalists, namely the Criminal Code (KUHP) and Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE). The Criminal Code is a criminal law which is a legacy from the Dutch colonialization era that has not been properly and comprehensively amended. This law contains a number of articles that have been used to criminalize journalists, for allegations of defamation, insulting the president, to religious blasphemy.

The ITE Law, which was later revised in 2016, was originally intended to protect the increasing number of online transactions. However, as the time passes by, this regulation is more often used as a tool to prosecute activities which occur on digital platforms. This is because some articles can be used to report someone to the police, including journalists, using provisions pertaining to defamation and hate speech.

The ITE Law had undergone a revision after sparking public concern. This is because those who are charged under this law can be immediately detained. However, the revision did not change the problematic content. One of the revisions concerns the maximum penalty for defamation, which is reduced from six years to four years. With this change, theoretically the alleged perpetrator cannot be immediately detained.

Diananta Putra Sumedi was a journalist who was prosecuted under ITE Law. The chief editor of the Banjarhits was detained by the South Kalimantan Regional Police on May 4, 2020. He was detained pursuant to a complaint filed for him to the police. It was due to the news he covered entitled "Land Seized by Jhonlin, Dayak People Filed a Complaint to the South Kalimantan Regional Police", which was uploaded on Banjarhits.id on November 9, 2019.

Actually, Diananta was also reported to the Press Council, the institution that handled disputes over media coverage. As the case was being processed Press Council, the police should not proceed with the criminal investigation. However, this was ignored as police proceeding continued and Diananta was charged with Article 28 of the ITE Law which governed about broadcast information that intentionally provoked hate or hostility toward certain individuals and / or groups of society based on ethnicity, religion, race and intergroups. In a trial on August 10, 2020, the judge found Diananta guilty and sentenced him to 3 months and 15 days imprisonment.

Another journalist suffered from a similar incident was M. Sadli Saleh, who works for Liputanpersada.com. The legal case that ensnared the man from Central Buton, Southeast Sulawesi Province was related to news about a construction project in the city, which he captured in a story entitled 'Abracadabra: The Five-Way Intersection Simpang Lima Labungkari is to Magically Transform into a Four-Way One ', on July 10, 2019.

The news angered local officials and they filed a complaint to the police. In a police report dated 29 September 2019, Sadli was charged with the ITE Law and article 310 of the Criminal Code. Article 310 of the Criminal Code contains the provision concerning defamation. In a trial on March 26, 2020, the panel of judges found Sadli guilty and sentenced him to 2 years in prison.

In addition to the criminal allegation, a civil lawsuit against the media was also made in 2020. One was made against the editorial team of Radarsulteng.id, in Central Sulawesi. The online media under the Radar Group, together with the Head of the Public Relations Division of the Central Sulawesi Regional Police, were sued by Muslim Lawyers Team (TPM) Central Sulawesi on September 16, 2020. The trigger was a piece of news published on Radarsulteng.id entitled: "Police Stated that the Shooting that Killed a Resident was Perpetrated by Ali Kalora's Men" uploaded on April 10, 2020 at 22.00 Central Indonesian Time.

In the lawsuit, TPM assessed that the news was only based on information without clear evidence and was detrimental to the family of the late Qidam Alfarizki Mowance. This was because, in the news, it was written that Qidam was a subordinate of Ali Kalora, the leader of the East Indonesia Mujahidin group (MIT). MIT, which operates in the forests of Central Sulawesi, has been accused of being responsible for a number of terror cases and is known to be an organization linked to the Islamic State organization of Iraq and Syria (ISIS).

Tempo Magazine also filed a civil suit against the former Minister of Agriculture Amran Sulaiman at the South Jakarta District Court. The lawsuit was related to the news entitled "Self Sufficiency Investigation of Amran and Isam Sugar Methods" in the September 9-15 2019 edition of Tempo Magazine. Amran asked the court to sentence Tempo to pay material losses amounting to Rp 22 million (approximately 1500 US Dollars) and immaterial losses amounting to Rp 100 billion (approximately 6,9 million Dollars). This lawsuit ended last August 2020 after the plaintiff failed to show up at the trial.

4. Arbitrary Detention

The year 2020 also recorded cases of arbitrary detention of journalists covering large demonstrations against the ratification of the Job Creation Act. This law was passed on 5 October 2020, which was then followed by demonstrations in various major cities in Indonesia. In response to demonstrations in many of these areas, the government took a heavy toll, including making arrests of demonstrators.

One of those arrested by the police was a journalist. This was what happened to Ponco Sulaksono, a journalist who worked for online media redputih.com in Jakarta. He was known to be sending news to his office on October 8, 2020, at 15:14 Western Indonesian Time. But then no further news was sent. Later it was discovered that after sending the news, he continued his coverage of the Gambir area, Central Jakarta. A crowd of protesters was concentrated there.

At 6:00 p.m., police fired tear gas at the demonstrators. The crowd ran scattered. Poncho did the same and fell down. He was helped by police officers in uniform. But suddenly there were police in plainclothes asking for his identity. Even though they had shown his press ID, the police did not believe it. He was then taken to the police station. His cell phone was confiscated so he could not give news to his office. Poncho was then taken to Jakarta Metrojaya Provincial Police Detention Center. He was released the following day.

5. Digital Attacks and Internet Restrictions

Another form of violence that journalists also experience is digital attacks. According to AJI's data, this type of attack began to hit journalists in 2017. It continued to reoccur in the following years. The digital attacks were carried out in various ways, including exposing the identity of the journalist and spreading it (doxing), because of the news they wrote. Such attacks also occurred in 2020.

One of the victims of doxing was a fact-check journalist from Liputan6.com. The attack was launched after he made a fact check published on 10 September 2020. A day later the perpetrator launched the attack, by publishing his personal data on a number of social media accounts, including Instagram and Telegram. Personal photo of this Liputan6.com journalist was taken without permission, turned into animation, to discredit him.

Ika Ningtyas and Zainal Ishaq, two journalists and fact checkers from Tempo.co, also experienced a similar case. The doxing case against the two occurred after Tempo Fact-check published 4 articles on the verification of the claims made by veterinarian M. Indro Cahyono's regarding Covid-19 from April-July 2020. Verification was deemed necessary because Indro's posts on social media went viral. The factcheck showed that the claims regarding Covid-19 by Indro were 100 percent untrue, and they could potentially mislead the public to have a false understanding.

One of the fact checker's results was captured in an article entitled "Is it true that PCR tests cannot distinguish between exposure and infection and live viruses and dead viruses?", which was published on July 29, 2020. On July 31, 2020, Indro's social media accounts shared a photo of Zainal taken from his Facebook profile photo. In the upload, Indro Cahyono's account also posted a narrative entitled "Fighting against the Pandemic Terrorists". The next day, August 1, 2020, he again shared photos of Zainal and Ika with the narrative stating that they were fear-spreading journalists.

Apart from the journalists, two leading online media, namely Tempo.co and Tirto.id were also targeted. The attack on Tempo took place on 21 August 2020. At that time the attack tried to hack the website. During this time, the display of the website turned black, a 15-minute duration of a national hymn titled "Gugur Bunga" played at the background and a running text saying "Stop Hoax, Don't Fool the Indonesians, Go Back to journalistic ethics and Comply with the Press Council. Do not just obey the PAYING PARTY. Deface By @xdigeembok. " A few hours later, the website could be recovered.

The hack against Tirto.id occurred on the same day. Hackers broke into the content management system (CMS), then deleted a number of articles. One of the things that was deleted was the claim of the discovery of the Corona drug by a team from Airlangga University, the National Intelligence Agency (BIN) and the Indonesian Army who were considered to have overstepped scientific disciplines. The news was published on August 20, 2020.

Initially the reporter who wrote the news informed the IT team at 23:39 that the article was not retrievable. The website said '404: page not found. " A few moments later, on August 21, 2020, at 12:38 a.m., the IT team checked the article on the CMS. It turned out that it had been moved to the 'Trash' section. The editor of the article said that he did not delete it. The editorial team then republished the news, at 2 in the morning. A further search discovered later that 7 articles had been removed.

6. Constraining Regulations

On November 27, 2020, the Supreme Court Regulation Number 5 of 2020 concerning Trial Protocols and Security in the Court Environment was issued. One of the provisions contained in this regulation governs about photo taking, audio recording and audio-visual recording in the courtroom. This is something journalists do when covering trials in the court.

According to this new regulation, photo taking, audio recording and audio-visual recording require a prior permission from the judge or the head of the panel of judges. This provision is contained in Article 4 paragraph 6 which reads, "Taking photos, audio recordings and / or audio-visual recordings must have the permission of the Judge / Presiding Judge before the start of the trial." Violation of Article 4 paragraph 6 qualifies as a contempt of court.

AJI and civil society believe that this Supreme Court regulation will limit journalists' rights to seek information, which is protected by Law Number 40 of 1999 concerning the Press. The Journalist Safety Committee, which is a coalition of journalists and civil society organizations, assesses that this new provision can be seen as an effort to inhibit and restrict journalists from carrying out journalistic activities in courtrooms.

This is the second time the Supreme Court has made provisions that could hinder journalists. On February 7, 2020, the Supreme Court issued Circular Number 2 of 2020 concerning the Ground Rules for Attending Trials. It contains the provisions that photo taking, voice recording, TV recording are subject to the permission granted by the Head of the District Court. After protests from many parties, the Supreme Court withdrew the circular.

7. Violence against Female Journalists

AJI and LBH Pers also recorded at least five cases of violence against women journalists. Of the four cases, three were related to demonstrations against the Job Creation Act. The perpetrator of violence was the police. The other two cases were intimidation by a governor and digital attacks on journalists by a doctor.

Reports about cases of violence came from the city of Surabaya, East Java. On October 8, 2020, students and civil society demonstrated against the Job Creation Law in the Grahadi State Building area, Surabaya. The peaceful demonstrations sparked off and police responded by firing tear gas. At least 509 people were arrested during the demonstration.

Detik.com journalist, Esti Widyana, at that time tried to record the process of arresting the crowd inside the Grahadi State Building. Suddenly, a policeman who was involved in the arrest approached Esti. He snapped and tried to grab Esti's cell phone. In fact, Esti experienced this incident not once, but three times. During the demonstration that day, there were at least five other journalists who had a similar experience.

Demonstrations on the same day with a similar theme also took place in Palu City, Central Sulawesi. The crowd was involved in an argument with the police in front of the Central Sulawesi Provincial Parliament Building, at around 16.00 Central Indonesian Time. After the riots, the police pursued and tried to arrest the demonstrators. In this chase, journalists were also arrested, even though they had shown their press card. One of the victims was Alsih Marselina, a journalist from Sultengnewa.com. She was hit in the face.

Demonstrations against the Job Creation Act also took place in Ternate, North Maluku, on October 20, 2020. The crowd tried to move forward and almost knocked down the guardrail in the premises of Ternate mayor's office. The police then arrested one of the protesters and took him into the waiting room of the mayor's office on the 2nd floor. Yunita Kadir from the Halmahera Post attempted to cover the arrest, but was stopped by plainclothes police. Even though she showed her press card, the policeman still banned her, yelled at her and kicked her out.

Another female journalist who experienced violence while covering the demonstration was Ilfa, from Sultrademo.com. On October 28, 2020, students held a demonstration in front of the Southeast Sulawesi Provincial Police office. Using the momentum of commemorating Youth Pledge Day, they urged the police to resolve the cases of the deaths of Randi and Yusuf, two students who died during a demonstration against the revision of the Corruption Eradication Commission Law in September 2019.

The demonstration resulted in a riot due to the police's tough attitude towards the students. At that time Ilfa covered the demonstration. She recorded the demonstration, including violence perpetrated by the police against students. Suddenly some police officers approached her and took her to the Provost Post of the Southeast Sulawesi Provincial Police Office. The police took her mobile phone away. All photos and demonstration videos saved in it, were deleted.

Violence in the form of threats was experienced by a journalist of Rakyat Merdeka Online in Lampung, Tuti Nurkhomeiyah. The event occurred March 3, 2020. At that time, the Governor of Lampung, Arinal Djunaidi, in front of the head of the department and a dozen journalists said to Tuti, "Well you... starting from today I will keep you monitored...So just write good and decent articles." Arinal also said like this, "After all, you wear a hijab, so sami'na wa atho'na (we listened to it and followed). We don't want to say innalillahi wainna ilaihi rojiun (we surely belong to Allah and to Him we shall return) later. "

The threats are not only verbal. After the event, Tuti was approached by the four bodyguards and taken to the governor's office. In the room, Arinal then questioned one of the news about him wearing official clothes while attending the 10th Golkar Party Conference at Graha Wangsa, Bandar Lampung, March 2, 2020. Someone in the room suggested that Tuti apologize to the governor so that the problem could be resolved.

One case of violence in the form of doxing against female journalists was experienced by Ika Ningtyas, a fact checker from Tempo.co. The case began when Ika, together with a fellow fact checker at Tempo, Zainal Ishaq, conducted a fact check on a number of claims by veterinarian M. Indro Cahyono regarding Covid-19 from April-July 2020. One of the results was CekFakta's article July 29, 2020 entitled "Is it true that PCR tests cannot distinguish between exposure and infection and live viruses and dead viruses?" To retaliate against the news, Indro spread photos of Ika and Zainal, labeling them adversely as fear-spreading journalists.

RECOMMENDATION FOR THE INDONESIAN GOVERNMENT

Currently, most of the violence against journalists' cases in Indonesia was unresolved. Some have been legally reported, but it would often stop at the police—no follow-up after. For cases of violence against journalists involving police officers, it is still far from enforcing the Law. And, when the case involves TNI officers, the legal process continues until military courts sentence the perpetrators of violence. The challenge here is how the spirit of one corps does not prevent the police from enforcing the Law, how the Indonesian Government puts equal treatment related to any violent perpetrator.

Thus, we recommended the Indonesian Government to be more concerned with the settlement of cases on violence against the journalist. The fulfillment will strengthen the safety protection to the journalist, for working without being interfered, frightened and making the journalist be a journalist.

AJI also suggested the Indonesian Government include journalists and media violence in the SDG VNR of Indonesia. It will support the Indonesian Government to fulfill the achievement of the SDG indicator, particularly component 16.10. It will raise public awareness and understanding of the act that violated and harmed social justice in Indonesia.



SDG 16.10.1 Shadow Report on Pakistan
Prepared by
Pakistan Press Foundation (PPF)
July 2021

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Section 1: Context

Journalists in Pakistan work within a highly restrictive environment where attacks on press freedom are from many fronts and include physical attacks including murder, arrests, disappearances, threats, and journalists because of their work. In addition to being physical attacks media persons are also subjected to online smear campaigns which are now almost routine on social media platforms.

The media landscape in Pakistan is increasingly censored with the shrinking space for free expression shrinking. It is an environment where unstated extra-legal red lines as well as official directives on coverage are common and becoming ever more intrusive.

In an overwhelming majority of cases, the perpetrators of these attacks continue to enjoy impunity. Until very recently, the absence of safety legislation for the media led to not just a lack of action but also a lack of legal support and options for journalists to consider when they do come under attack.

Unfortunately, the government and state agencies as well as others in positions of power are often the source of attacks on press freedom in Pakistan, not only by issuing restrictive directives to restrict content, but also by initiating attacks against journalists and other media practitioners.

The Pakistan Electronic Media Regulatory Authority (PEMRA) established in 2002 “to facilitate and regulate private electronic media”, regularly place bans television content and issues restrictive guidelines of media coverage thereby creating impediments to the public’s right to information.

Similarly, the Prevention of Electronic Crimes Act, 2016 expanded the already considerable power of the Pakistan Telecommunications Authority (PTA) to remove or block access to information and to issue guidelines to internet service providers.

While freedom of expression is a constitutionally guaranteed right in the country, there are significant exceptions in it that allow for restricting this fundamental right.

Article 19 of the Constitution of Pakistan states: “Every citizen shall have the right to freedom of speech and expression and there shall be freedom of the press, *subject to any reasonable restrictions imposed by the law in the interest of Islam, or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.*”

On the positive side, a constitutional amendment in 2010 led to the addition of Article 19-A which makes the right to information a constitutional right of every citizen. Article 19-A states

“Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.”

This right, however, was tested during the past year with the spread of COVID-19 and restrictions to access of information that emerged in the year. Section 4 of this report looks at the impact of the coronavirus on press freedom and access to information.

In this report, Pakistan Press Foundation (PPF) looks at Pakistan’s progress or lack thereof towards Indicator 16.10.1 of the United Nations Sustainable Development Goals (SDGs) and evaluates the various measurements included in Indicator 16.10.1 during 2020, as well as what these figures, trends and observations indicate for 2021.

Target 16.10 of the UN SDGs calls on member states to: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.” Indicator 16.10.1 of this target looks at: “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.”

Pakistan had presented Pakistan’s Voluntary National Review at a 2019 session of the UN High-Level Political Forum on eight SDG goals (SDGs 1, 2, 3, 5, 7, 8, 13, and 17). Goal sixteen and was among the priority goals for the country and was therefore not covered.

While Indicator 16.10.1 includes attacks on journalists, associated media personnel, trade unionists and human rights advocates, as a media research and documentation centre, PPF’s findings will focus specifically on journalists and media personnel.

One of the difficulties in presenting data on progress in achieving SDG 16.10.1 is lack of coordination between the federal and provincial governments. It is the provincial and not the federal governments that are responsible of issues related to law and order, including attacks on journalists and media professionals. At present neither the federal nor the provincial governments have any mechanism to systematically collect information related to attacks on journalists and media practitioners.

One positive development was that on June 28, 2021, the provincial assembly of Sindh, passed a landmark *Sindh Protection of Journalists and Other Media Practitioners Bill 2021* while a similar bill had earlier been presented in Pakistan’s National Assembly and is awaiting consultations in the Human Rights Committee.

The bill passed in Sindh envisages the creation of a robust, inclusive and autonomous *Commission on Safety of Journalists and Other Media Practitioners* comprising government duty bearers as well as media stakeholders to monitor investigations and prosecutions of crimes against the media practitioners.

Both bills by the federal and provincial governments recognize journalists' right to professional privacy and undertake to implement the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

Section 2: Press Freedom in Pakistan in 2020

In 2020, PPF recorded: one murder of a journalist, three enforced disappearances, seven incidents of arbitrary detention, ten incidents of torture, eighteen government directives regarding content including bans, four instances of legal action against media, four incidents of internet restrictions and four incidents of legislative action.

As physical attacks against the media continued to threaten the lives and safety of journalists, 2020 also witnessed more coercive techniques including extra-legal abductions and the registration of criminal cases against media workers resulting in widespread practice of self-censorship in Pakistani media.

The year also saw more legislative action, changes of rules as well as other legal barriers to free expression being enacted particularly on freedom of expression online. In 2020, attempts to limit free speech online particularly on social media platforms picked up intensity.

The most evident measure of this was legislation to monitor content online. In January, social media rules, Citizens Protection (Against Online Harm) Rules, 2020, were approved by the federal cabinet under the Pakistan Telecommunications Act, 1996 and PECA. These draconian rules give a great degree of authority to the government in monitoring content online including assisting law enforcement agencies to access to online data, and authority to give directives to remove content. Under these rules, “the interpretations of the regulations by the authorities in Pakistan shall take precedence over any community standards or rules or community guidelines or policies or any other instruments devised by a social media company.” These rules were met by strong pushback which led to their suspension in March 2020.

In November 2020, the Ministry of Information Technology notified the “Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2020” which have been challenged in the courts.

During 2020, journalists also felt the brunt of PTA’s actions to restrict content on social media and to ramp up criminalization of content shared online. Criminal complaints were registered against media workers for content they had shared on social media.

This direct policing of content shared online alongside a growing effort to legislate and create rules to control content resulted in a shrinking space for free expression in the online sphere that had been more open and accessible than traditional media.

Measures to control the flow of content online led to the temporary ban on the popular video streaming social media platform, Tik Tok. While Tik Tok was restored days after the ban was imposed, it showed the extent to which the government bodies are willing to go to restrict content online.

Pakistan fell to the 90th rank of 120 countries on the Inclusive Internet Index¹ released by the Economist Intelligence Unit in its report for 2021. In 2020, it stood at the 89th position, indicating a worsened position over the year.

Accounts on social media platforms such as Twitter, Facebook and Instagram are routinely reported for having objectionable content. Journalists had to deal with criminal complains (First Information Reports) registered against them for tweets that they had published on their personal Twitter accounts.

On the Freedom House, Freedom of the Net 2020² ranking, Pakistan scored twenty-six out of one hundred and was placed in the “not free” category.

According to the report, the online environment is “tightly controlled by the government” and “internet shutdowns, blocked websites, and arrests for activity online remain authorities’ preferred tactics in their effort to suppress unwanted speech.”

In the online sphere, attacks on free expression take on a gendered angle with women journalists being the targets of smear campaigns, trolling and abuse online. This was escalated during the COVID-19 pandemic, as the world increasingly went online to gather and disseminate information in a time of lockdowns and restrictions to physical movement.

Restrictions on free expression were not exclusive to content shared online. PEMRA, the regulator for broadcast media, was highly very in 2020. As important national political or current events occurred, the directives by PEMRA appeared to dictate blanket bans on certain topics. This created a scenario where major national or local developments were not reported by television channels, leaving the public in the dark because television is the most popular news source for Pakistanis.

In terms of physical attacks on journalists, 2020 can be seen as a less violent year for the media. During the year, PPF has recorded one death of a journalist that was confirmed to be in connection with their work.

A more troubling development during the year were at least three instances of enforced disappearance of media workers. In all instances, the targeted media worker went missing for hours before being returned without any reason being given for their disappearance. Enforced disappearances are particularly terrifying because of the lack of accountability for those who perpetrated these attacks as well as the chilling effect on the media fraternity.

The fear that journalists can be picked up without any explanation has resulted in widespread self-censorship and feelings of insecurity. Those behind such acts of intimidation succeed in their objective of silencing critical voices thus completely undermining the Target 16.10 of the

¹ <https://theinclusiveinternet.eiu.com/explore/countries/PK/>

² <https://freedomhouse.org/country/pakistan/freedom-net/2020>

SDG that calls for the public's access to information and the protection of fundamental freedoms.

On the positive side the provincial assembly of Sindh passed a landmark *Sindh Protection of Journalists and Other Media Practitioners Bill 2021*, while a similar bill had earlier been presented in Pakistan's National Assembly, where it has been sent to the Human Rights Committee for consideration.

The bill passed by the provincial assembly of Sindh envisages the creation of a robust, inclusive and autonomous *Commission on Safety of Journalists and Other Media Practitioners* comprising government duty bearers as well as media stakeholders, including the Pakistan Federal Union of Journalists (PFUJ), the Council of Pakistan Newspaper Editors (CPNE), the All Pakistan Newspaper Society (APNS), the Pakistan Broadcasters Association (PBA), the Sindh Commission on Information Commission and the Human Rights Commission of Pakistan (HRCP).

Both bills by the federal and provincial governments recognise journalists' right to professional privacy and undertake to implement the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

PPF played a leading role in maintaining momentum for the passage of legislation on journalists' protection in the Sindh province following the presentation in February 2020 of the draft *Protection of Journalists and Media Professionals Bill 2020* in the federal cabinet.

While the federal *Protection of Journalists and Media Professionals Bill* does provide framework for journalists' safety legislation in Pakistan, it also contains a number of weakened and negative clauses that need to be amended or removed. PPF has thus called for prompt and effective consultations so that the federal bill could be further improved and then be approved at the earliest by the National Assembly.

There is also need for Punjab, Khyber Pakhtunkhwa and Balochistan provinces, as well as Gilgit Baltistan and Azad Kashmir, would follow suit and enact similar laws without any delay.

Section 3: Detailed figures

This section of the report presents a breakdown of figures for the various categories of attacks on press freedom.

The categorization of the data presented therefore is based on the categories included in Indicator 16.10.1: killing, kidnapping, enforced disappearance, arbitrary detention, and torture of media workers. In addition, further categories have been added to cover “other harmful acts.”

We have further expanded “other harmful acts” into sub-categories. These are based on the categorizations included in the Freedom of Expression Shadow Report on Implementation of SDG 16.10.1 in Latin America as these regional indicators are suitable categorizations for press freedom attacks observed in Pakistan as well. However, they have been adapted to fit the local context for Pakistan.

- 1) Killing
- 2) Kidnapping
- 3) Enforced Disappearance
- 4) Arbitrary Detention
- 5) Torture
- Other harmful acts:**
- 6) Raids
- 7) Internet Restrictions
- 8) Government directives
- 9) Legal Action Against Media Outlets and Journalists
- 10) Legislative action

1) Killing:

One incident recorded.

- February 16- *KTN* journalist Aziz Memon’s body recovered in Mehrabpur in the Sindh province. **[Killing]**

2) Kidnapping:

Zero incidents recorded.

3) Enforced Disappearance:

Three incidents recorded.

- July 21- Senior journalist Matiullah Jan abducted from Islamabad. **[abduction]**
- September 12- *Express Tribune* journalist Bilal Farooqi picked up in Karachi. **[abduction leading to arrest]**
- October 23- *Geo News* senior reporter Ali Imran Syed goes missing. **[abduction]**

4) Arbitrary Detention:

Seven incidents recorded.

- January 16- *Channel Five* and daily *Khabrain* journalist Azharul Haq Wahid arrested by the Federal Investigation Agency. **[arrest]**
- March 12- *Jang and Geo Media Group* Editor in Chief Mir Shakilur Rehman arrested by the National Accountability Bureau. **[arrest]**
- April 6- *24 News* reporter Tauqeer Zaidi and cameraperson Wajahat Zaidi arrested by local police in Dera Ismail Khan. **[arrest]**
- April 28- Abaseen Union of Journalists' member Mohammad Iqbal arrested in Swabi by police on instruction of officials. **[detention]**
- June 20- *Samaa TV* journalist Saeed Ali Achakzai and *Khyber News TV* journalist Mateen Achakzai arrested and beaten in Chaman. **[arrest]**
- September 23- *24 News Television* senior journalist Ehtisham Kiani arrested by police outside Islamabad High Court. **[detention]**
- December 25- *Neo News* reporter Ali Raza Sheikh and *Roz News* reporter Aneel Asghar detained for coverage of a police check post in Gujar Khan Rawalpindi. **[detention]**

5) Torture:

Ten incidents reported.

- January 5- Federal minister Fawad Chaudhry slapped senior anchorperson Mubashir Lucman. **[physical assault]**
- February 5- *Tribal News Network* correspondent Shah Nawaz Khan threatened by policemen for making a video of a fight between them and a rickshaw driver. **[threats/physical assault]**
- February 8- *Vsh News* reporter Sajjad Noor and cameraperson Rehan Bizenjo were injured in a knife attack in Pasni, Balochistan. **[physical assault]**
- February 11- *Geo News* reporter Asif Ali Bhatti received threatening calls from Afghanistan. **[threats]**
- February 29- *Tribal News Network* reporter Mehrab Shah Afridi received threatening phone calls by an unknown individual for his reports on social media in his hometown of Landi Kotal. **[threats]**
- April 8- *Daily Khabrain* journalist Noor Muhammad Buledi received threatening calls following a story on malpractice in a road construction project in Bajaur district. **[threats]**
- May 1- *Daily Pahanji Akhbar* and *Times News TV* reporter Aftab Hussain Keerio sustained multiple injuries; found unconscious in Bhirya City. **[physical assault]**
- June 20- *Samaa TV* journalist Saeed Ali Achakzai and *Khyber News TV* journalist Mateen Achakzai arrested and beaten in Chaman. **[physical assault/arrest]**
- October 18- *Samaa TV* reporter Sanjay Sadhwani manhandled at Karachi rally of Pakistan Democratic Movement, a coalition of opposition political parties. **[physical assault]**
- December 1- *K21 News* Bureau Chief Faiz Muhammad Buledi received threats from the private secretary of the Sindh Chief Minister Murad Ali Shah. **[threats]**

Other Harmful Acts

6) Raids

Three incidents recorded.

- January 6- Writer Mohammed Hanif said his Urdu publisher's office was raided.
- July 27- Pakistan Rangers entered the Karachi Press Club (KPC) without permission of the club.
- September 15- Senior journalist Suhail Warraich's book removed from book stalls.

7) Internet Restrictions:

Four incidents recorded.

- July 1- PTA temporarily bans online game Players' Unknown Battle Ground (PUBG) **[government directive/internet restriction]**
- August 12- Women journalists critical of government targeted on social media **[threats]**
- August 30- Investigative journalist Ahmad Noorani receives threats following reporting on the business fortunes of close relatives of a retired army officer. **[threats]**
- October 9- Pakistan Telecommunication Authority bans Tik Tok **[government directive/internet restriction]**

8) Government directives:

Eighteen incidents recorded.

- January 16- ARY News anchor Kashif Abbasi banned for 60 days.
- January 20- PEMRA bans *BoI TV* show Champions and host Waqar Zaka for airing objectionable content.
- February 1- *Channel 92* fined Rs1million for airing defamatory content against a special assistant to the prime minister Zulfikar Bukhari.
- March 6- PEMRA issues advisory on coverage of Aurat March, the annual Women's Day march held across Pakistan.
- April 7- PEMRA issues *Dawn News TV* show cause notice for incorrect news regarding death of British prime minister.
- April 17- PEMRA bans live audiences for Ramadan transmissions due to COVID-19.
- May 6- PEMRA suspends license for *NEO TV*.
- June 25- PEMRA issues directive for reporting and coverage of COVID-19.
- June 29- PEMRA issues notice to channels for "irresponsible coverage" of a terrorist attack on the Pakistan Stock Exchange in Karachi.
- June 29- PEMRA issues notice to private channels for reporting that Kuwait Airways had grounded Pakistani pilots and engineers.
- July 1- PTA temporarily bans online game Players' Unknown Battle Ground (PUBG) **[government directive/internet restriction]**
- July 23- Punjab bans one hundred books being taught in private schools.
- August 30- PEMRA suspends *24 News HD* license.
- September 23- PEMRA issues notice to Gold Cable Network over illegal distribution of Indian channels and content on its network.
- October 1- PEMRA bans coverage of absconders.

- October 2- PEMRA bans coverage of the Lahore motorway rape case.
- October 5- PEMRA urges broadcasters/advertisers to refrain from using themes that do not correspond with the product.
- October 9- Pakistan Telecommunication Authority bans Tik Tok [**government directive/internet restriction**]

9) Legal Action Against Media Outlets and Journalists:

Four incidents recorded.

- January 25- Anchorpersons Shahzeb Khanzada and Waseem Badami sent defamation notices by senior politician Jehangir Tareen.
- September 9- FIR registered against *Express Tribune* journalist Bilal Farooqi.
- September 11- FIR registered against former PEMRA Chairman Absar Alam
- September 12- FIR registered against journalist Asad Ali Toor

10)Legislative Action:

Four incidents recorded.

- January 28- Federal cabinet approves Citizens Protection (Against Online Harm) Rules, 2020
- July 22- The Punjab Assembly passes the 'Tahaffuz-e-Bunyad-e-Islam Bill 2020' granting inspection powers of printing presses.
- September- Lawmaker belonging to the ruling Pakistan Tehreek Insaf party introduced the Criminal Law (Amendment Bill) 2020 in the National Assembly proposing anyone found engaging in intentional ridiculing and defaming of the armed forces of Pakistan or any of its members be penalized.
- November 18- Information technology ministry notifies Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2020.

Section 4: Impact of COVID-19

The spread of COVID-19 created a new global crisis that countries scrambled to tackle in 2020. It also created a new challenge for journalists around the world including in Pakistan. The media was in the uncomfortable position of adjusting to the new normal it brought with social distancing, working from home as well as following protocol such as mask wearing while continuing their work as gatekeepers of information ensuring that at a time of global panic, they were able to inform their audience, verify news and yet remain safe themselves.

COVID-19 pandemic developed into a serious threat to the media in Pakistan — from the basic safety and well-being of journalists to financial constraints and challenges to the explicit attempts to control the nature of content and attacks on those covering the pandemic.

As Pakistan experienced the waves of the pandemic, the impact was also felt by the media of the country — both in terms of infections and deaths caused by COVID-19 as well as restrictions and attacks on free expression as a result of the pandemic.

In 2020, PPF recorded at least eight deaths of media workers in Pakistan due to the coronavirus and many others tested positive.

SDG Target 16.10 strives to ensure public access to information. When the lives of the very individuals responsible for doing so are at risk due to a virus, that access to information is also threatened. While the pandemic is not exclusively a challenge for the media alone, the media are often at the frontlines in ensuring coverage of the virus and developments related to it, thus being in a position of heightened exposure to the virus.

The onus lies on media outlets and government bodies in ensuring that media workers are provided with the necessary vaccination as well as personal protective equipment, provided routine testing, and assisted in creating the safest possible way to work under such circumstances. On the positive side, in May 2021 the government set up Covid vaccination camps in press clubs in some cities such as Islamabad and Karachi.

Bodies such as the Pakistan Federal Union of Journalists (PFUJ) had demanded that safety measures be provided for media workers. In the early months of the pandemic, the government had said that they would provide media personnel with the necessary personal protective equipment (PPE). In April 2020, then Information Minister Firdous Ashiq Awan had said that the government would provide journalists visiting quarantine centers and intensive care units with protective gear. Additionally, the government would launch a 'Care for Media' application which would provide information if someone in the community tested positive and provide them with assistance with treatment. This app is currently available for Android devices.

In terms of the media industry itself, there appear to be no clear-cut guidelines issued by the Pakistan Broadcasters Association, All Pakistan Newspapers Society, or the Council of Pakistan

Newspaper Editors. UNICEF Pakistan has issued guidelines³ for media reporting on the pandemic, however, these are focused on how to cover the pandemic rather than the safety of the media reporting on the virus.

While the safety protocols of staff working in media offices are weak and not implemented properly, media organizations have provided no support or guidance on COVID for their correspondents who work in rural areas on a freelance or contract basis.

Beyond the direct impact on the health of journalists, the pandemic also created a new frontier for attacks on press freedom in Pakistan.

At least two instances of journalists were arrested for their coverage of the pandemic were reported in 2020.

In June, two broadcast journalists reporting for national TV channels — Saeed Ali Achakzai of *Samaa News TV* and Mateen Achakzai of *Khyber News TV* — were arrested and beaten by security personnel for their coverage of the conditions of a quarantine centre in Chaman in the Balochistan province. They were released three days after the arrest.

In another incident in April, two journalists — Tauqeer Zaidi of *24 News* and cameraperson Wajahat Zaidi — were arrested for reporting on a COVID-19 quarantine centre in Dera Ismail Khan in the Khyber Pakhtunkhwa province. According to *Dawn*, the country's largest English newspaper, the district administration denied the reports and said that the two were not associated with any media outlets. They said that the arrest was made for "propagating fake information" about the quarantine centre. Journalists however have shared the credentials of Tauqeer and Wajahat.

In both instances, the arrests were made under the Maintenance of Public Order Act.

Days after this incident, PEMRA, the regulatory body for broadcast media issued guidelines on what the media could cover with regards to the virus. In one such directive, issued on June 25, PEMRA directed the media that they could not telecast any violence at hospitals, any emergency, attack, or offensive behavior towards healthcare workers. The rationale for this move was to prevent the healthcare workers from being demoralized.

Such guidelines are an attack on the public's access to information. While the media must follow the appropriate ethics and professionals' standards for reporting on health or emergency situations, overly restrictive regulatory guidelines deny coverage of important aspects of the pandemic that should be covered. The result has been a sanitized, limited and government narrative-driven rhetoric that is likely to be missing important developments.

3

<https://www.unicef.org/pakistan/media/2596/file/Guidelines%20for%20Media%20Reporting%20on%20COVID%20-%20ENGLISH%20-%202020.pdf.pdf>

Meanwhile, as the world went online and increasingly relied on social media platforms to share information, government bodies and troll accounts used this as a new way of intimidating journalists and undermining their credibility.

In Pakistan, this impact was specifically felt by women journalists⁴, who in August, issued a public statement drawing attention to the attacks they were experiencing on social media. They stated that these attacks were being launched against those women journalists with critical reporting of the government party Pakistan Tehreek-e-Insaf and particularly their handling of COVID-19. They said these attacks were instigated by government officials and political leaders.

The pandemic also exacerbated the financial struggle for the media in Pakistan. According to the US State Department's annual country reports⁵ on human rights practices, as private revenues of media houses fell due to the economic impact of COVID-19, they became more dependent on government advertising.

In a Friedrich Ebert Stiftung report 'Journalism in the Age of COVID-19- Perspectives from Pakistan'⁶, the Vice Chairperson of Pakistan Advertising Association Seema Jafar is quoted saying the advertising industry has seen a "substantial drop" in ad spend across media. She explained that other than for essential products, advertisers have held bank on special and additionally they larger brands have diverted funds to corporate social responsibility activities.

In the report, President of the Pakistan Broadcasters Association (PBA) Shakeel Masud Khan said that since August 2018 revenue had dropped 30-35 per cent. However, with COVID-19, it fell further 20-25 per cent. Khan noted that radio was the worst affected, seeing a cumulative loss of 75-80 per cent revenue.

The report also noted that some media houses had asked staff to work on 50 per cent of their salaries, while others laid off employees and closed certain departments.

⁴ <https://docs.google.com/document/d/1DD8BQ53noKO6zHy-gysGnFjeKT4ride4uYtQsNNRYoc/edit>

⁵ <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/pakistan/>

⁶ <http://library.fes.de/pdf-files/bueros/pakistan/17234.pdf>

Section 5: Trends in 2021

The first five months of 2021 indicate that this year is likely to see similar trends when it comes to free expression in Pakistan and the country's compliance of SDG 16.10.1 is likely to remain consistent to that of 2020.

As with the previous year, in 2021, the controlling of content online particularly on social media platforms appears to be a repeat trend.

In March 2021, the Peshawar High Court had ordered a temporary ban on Tik Tok. The PTA complied with this order and the application was once again banned in the country. In April, the ban was lifted.

On April 16, in a drastic development, Pakistan faced a complete blackout of social media platforms — including Facebook, Twitter, YouTube, Telegram and WhatsApp — which according to the PTA was “in order to maintain public order and safety”. The move had come during days of protests by the now banned religious party Tehreek-i-Labbaik Pakistan (TLP). This blanket ban on social media left citizens in the dark with little information about what was happening in the country. It also cut off a means of communication, particularly WhatsApp, that people rely on. According to a survey⁷ conducted by Gallup Pakistan December 2019, 39 percent of Pakistanis use WhatsApp – 48% in urban areas and 34% in rural areas.

At the same time as content online continues to face bans, broadcast media is also experiencing blanket bans on coverage. Considering the same protests by Tehreek-i-Labbaik Pakistan (TLP), a religious political party which has been proscribed by the federal government, PEMRA banned coverage of the party on television and radio. At a point where the TLP was a source of protests, road closures and disruption in many cities, a ban on coverage of its activities restricted the public's access to information. The media was unable to report on any developments that are taking place and the public had to rely on online media platforms as well as social media, which itself saw a temporary ban.

Since the start of 2021, PEMRA appears to be following a similar pattern as it adopted in 2021 with multiple directives issuing a complete ban on topics. In one directive, the media regulatory body curtailed the media from criticizing the accountability watchdog, National Accountability Bureau (NAB). Furthermore, it accused the media coverage of NAB as an intent to malign the state institution.

While there have not been any cases of deaths of journalists in connection with their work in the year so far, these sorts of steps that restrict content and set guidelines for what the media is permitted to and banned from covering, have a powerful impact in muzzling free speech. The

⁷ <http://gallup.com.pk/wp/wp-content/uploads/2019/12/6th-December-2019-English.pdf>

media is unable to fulfill its obligation of informing the people and left with no choice but to censor its content.

In 2021, observing such state directives and bans on content will be important indicators of understanding the forms of censorship being used in the country and in developing an effective policy to combat these. The challenge here lies at the state level censorship being imposed and the inability of media outlets to defy such orders without facing serious repercussions.

As observed in other countries of the region, Pakistan is also during a third wave of the coronavirus. As COVID-19 continues to spread across the country, its impacts in terms of the media i.e., acts of restricting free coverage, health, and safety of journalists, will be an important indicator to watch over in 2021. In comparison to 2020, this year, the beginning of the vaccination drive against COVID-19 has also been initiated and is likely to keep the pandemic on the news agenda even when cases of the virus may slow down.

In a worrying development, physical attacks on journalists have also been recorded in the first few months of 2021. On May 23, journalist, and blogger Asad Toor faced an armed attack in his home in the country's capital Islamabad. A month earlier, former PEMRA chairman Absar Alam was shot on April 20, while taking an evening stroll near his house in Islamabad.

Section 6: Recommendations

In this section of the report, we focus on ways in which SDG 16.10.1 compliance can be improved, particularly measures that the government can take to improve the situation.

- Every killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists and associated media personnel should be investigated by the head of government bodies, whether this be the provincial or federal government. Each attack on a journalist should be investigated by the authorities to reduce impunity in crimes against journalists.
- Effective national and provincial legislations for protection of journalists and media practitioners must be enacted without any delay. While it is positive that the provincial assembly of Sindh has passed the *Protection of Journalists and Other Media Practitioners Bill 2021*, the federal *Protection of Journalists and Media Professionals Bill 2021* contains a number of weaken and negative clauses that need to be amended or removed.
- There should be prompt and effective consultations with media stakeholders so that the federal *Protection of Journalists and Media Professionals Bill 2021* is improved and then be approved at the earliest by the National Assembly.
- There is also need for Punjab, Khyber Pakhtunkhwa and Balochistan provinces, as well as Gilgit-Baltistan and Azad Kashmir, would follow suit and enact similar laws similar to Sindh's *Protection of Journalists and Other Media Practitioners Bill 2021* without any delay.
- The government must provide more clarity on legislation regarding social media. Social media rules developed have repeatedly been criticized by civil society and to ensure that if there is legislation regarding this platform, stakeholders are actively involved in the process.
- There government should be more inclusive in consultations with main civil society organizations working on different aspects of SDG 16.10.1 such as those working on press freedom, internet freedom, digital rights, and cyber security.
- The government should assist media houses and ensure that media workers who are often on the frontline are provided with the safety measures relating to COVID-19 such as vaccinations and protective equipment as well as the cost of treatment for those who are infected.

- Federal and provincial governments in Pakistan should start implementing recommendations of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity and produce annual progress reports as envisaged in the federal and Sindh province's bills on protection of journalists.

Assessment of the Implementation of SDG Indicator 16.10.02 on Access to Information in Four African Countries

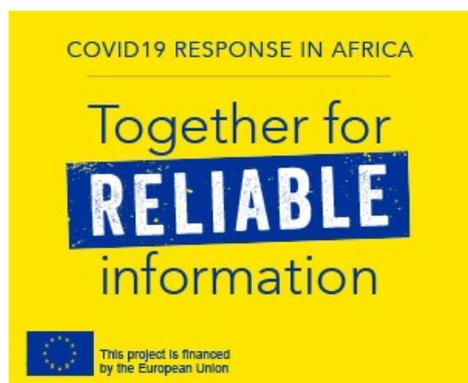
A Synthesis **Report**

April 2021



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Acronyms

AFIC	Africa Freedom of Information Centre
ATI	Access to Information (used here interchangeable with RTI)
CSO	Civil Society Organization
FOIANet	Freedom of Information Advocates Network
HLPF	UN High-Level Political Forum on Sustainable Development
ICT	Information, Communication and Technology
MDAs	Ministries, Departments and Agencies
MICT	Ministry of ICT
OMA	Government Offices, Ministries and Agencies
RTI	Right to Information (used here interchangeably with ATI)
SDGs	Sustainable Development Goals
SOEs	State Owned Enterprises
VNR	Voluntary National Reviews
WPFDD	World Press Freedom Day

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1. Background of the study

Context

The right of access to information is a fundamental freedom and human right, an integral part of the right to freedom of expression and the associated right to media freedom, recognized by numerous international and regional intergovernmental organizations, including the UN Sustainable Development Goals (SDGs). In 2015, all 193 UN Member States agreed to adopt Agenda 2030, or the SDGs, consisting of 17 goals. SDG 16 calls for all countries to “[p]romote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. In 2021, the UN High-Level Political Forum on Sustainable Development (HLPF) will discuss the state of play of various SDGs in 44 countries with a focus on “Sustainable and resilient recovery from the COVID-19 pandemic”. This discussion will include indicator 16.10.02 on the “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”.

As a fundamental and universal human right, access to information is no less crucial in the management of the ongoing COVID-19 pandemic. Lessons learned from the Ebola epidemic included the crucial role of reliable, timely and independent information and the protection of media freedom, freedom of expression and reporting in times of crisis. During the epidemic, proximity media trusted by the public such as community radio played a central role in educating and raising awareness amongst the population in African countries and additionally serves as mediator of information. Through this perspective, public access to knowledge thus serves as an important avenue for halting the spread of COVID-19 through the possible distribution of knowledge to both urban areas and vulnerable, hard to reach communities where language barriers exist. Unfortunately, many Sub-Saharan countries have seen governments restricting access to information and emergency measures are misused to impose broad restrictions on speech, sweeping surveillance powers are introduced against the population, journalists, activists and whistle-blowers for attempting to release accurate information on governments’ capacity and handling of the pandemic. The COVID-19 pandemic in this sense significantly

undermines governments’ de facto commitment and implementation of the right to information. As HLPF VNRs are prepared nationally by state governments, there is a possibility that the same undermining of free speech and information will affect reporting.

The Study

To ensure a more accurate assessment of the state of implementation of SDG 16.10.02, Africa Freedom of Information Centre (AFIC) oversaw the implementation of this research project, ‘**Assessment of the Implementation of SDG Indicator 16.10.02 on Access to Information in Four African Countries**’, between 1 January 2021 – 25 April 2021. The project was funded by Free Press Unlimited with the intention to provide assessments of implementation of national RTI legislation in Namibia, Nigeria, Sierra Leone and Zimbabwe to supplement the Voluntary National Reviews (VNRs), which the majority of the project’s target countries is expected to submit to the HLPF. The purpose of these supplementary assessments is to ensure that the experiences of and challenges faced by journalists, civil society actors and private citizens in accessing information, as per legal prescriptions, are reflected in discussions at the 2021 HLPF and 2021 World Press Freedom Day (WPFDD). This project is thus in line with the SDG 16 goal, targets and indicators, in supporting civil society to contribute to an inclusive society, which should innately reflect the voices of its constituents as well as provide support to government-led implementation of ATI/RTI legislation.

Target countries were chosen based on various parameters. All target countries besides Nigeria are expected to present a VNR at the 2021 HLPF (Namibia and Zimbabwe as second time VNR presenters and Sierra Leone as third time VNR presenter). Nigeria presented in 2017 and 2020 and was chosen due to its position as a regional hub and its high population. While the methodology provides for assessment of countries with existing RTI legislation, it should be noted the target countries qualify to this parameter by varying degrees. Nigeria and Zimbabwe have both constitutional guarantees (meaning RTI is inscribed and guaranteed through the constitution of each country) as well as separate, independent RTI legislation in place.

Sierra Leone does not have a constitutional guarantee but does have a separate RTI law. Sierra Leone was chosen out of interest as a post conflict country, following the end of its civil war in 2002, and ensuing efforts for peace and state building that continue to this day. Namibia has neither a constitutional guarantee nor a separate RTI law but was chosen on basis of the country role in hosting the 2021 WPF in Windhoek on May 3 in commemoration of the 30th anniversary of the signing of the Windhoek Declaration for the Development of a Free, Independent and Pluralistic Press in 1991. Zimbabwe was further chosen to assess implementation of RTI given Zimbabwe has battled the spread of not only the coronavirus but also misinformation about the disease and increased reports of corruption since early 2020.

Methodology

The project's assessments were based on methodology developed by the Freedom of Information Advocates Network (FOIANet) of which AFIC is a member. The methodology assesses the extent to which States with RTI laws are implementing them properly in accordance with three approaches, namely; an assessment of the extent to which a State is proactively disclosing information; the extent to which institutional measures have been put in place to assist with implementation; and the extent to which requests for information are being responded to timely and dutifully (assessed via a simple request testing approach). The full methodology can be found in this report as Annex I: FOIANet Methodology (Measuring RTI Implementation). Assessments were carried out by national consultants under the under technical guidance, methodology and supervision of AFIC. Consultants were tasked with employing the FOIANet methodology to analyze the legal status of ATI in each country in line with the SDG framework, submit and analyze the responses

to information requests by public bodies in three focal sectors (health and the context of COVID-19, environment/climate and financial proactive disclosure of budgets), reflect on en-/disabling factors to the effective operation of ATI and provide at least five recommendations on the improvement of access to information in Africa in line SDG 16.10.02.

There are a few methodological biases that should be acknowledged. The assessment by national consultants are self-reported, which results in a relative subjectivity for reporting rather than full objectivity; an example being, the availability of data and disclosure being at solely dependent on the consultants' ability to find it. A difference in scoring became prevalent between target countries, with some using a 4, and others, 5-point system. Lastly, this project does not constitute a full review of any of the target countries' RTI implementation or legislation but rather offers an assessment through sampling of key institutions in the three focal sectors.

Considering the precarious circumstances because of the COVID-19 pandemic, assessments are based on a combination of virtual consultations and physical interactions.

The research was guided by the overall of objective which was to assess the implementation of access to information laws in targeted sectors in line with SDG 16.10.02.



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2. Assessment of RTI implementation

In accordance with the FOIANet methodology, the analysis will be broken down into three approaches: 1) Proactive disclosure; 2) Institutional measures; and, 3) Processing of requests. The methodology provides a simple, standardized tool in form of templates/tables for gathering and processing data on implementation of RTI implementation. This chapter will aggregate the findings of the four target country reports based on the three approaches.

2.1. Proactive Disclosure

Proactive disclosure is the release of information by government without a request. This type of disclosure enables many people to access information from their government. Many FOI laws include a list of information which must be made proactively available. To measure proactive release, reviewers should assess the list of information that must be made available proactively and compare it with what they see on public authorities' websites and/or at their libraries. At a minimum, public authorities should publish on a proactive basis the following categories of institutional, organisational and operative information, as well as information about their procedures for releasing information.

Availability of institutional, organisational, operative and contact information

Institutional (Are functions of the ministry/authority and its powers published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	3	6	2	1	12
Nigeria	1	3	1	3	8
Sierra Leone					30
Zimbabwe				3	10
Organizational (Is Information on personnel, names and contacts of public officials published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	1			4	5
Nigeria		3	2	3	8
Sierra Leone					N/A
Zimbabwe					N/A
Operational (Are any authority strategies, plans or policies published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	7	0	3	2	12
Nigeria	2	0	2	4	8
Sierra Leone					N/A
Zimbabwe					N/A

Legislation (Are the laws governing the institutions' operations published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	9	0	1	2	12
Nigeria	2	1	1	4	8
Sierra Leone					N/A
Zimbabwe					N/A
Service Delivery (Are the descriptions of services offered, including forms required to be filled out and deadlines for application published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	5	0	2	5	12
Nigeria	0	4	2	2	8
Sierra Leone					N/A
Zimbabwe					N/A
Budget (Is information about the projected budget, actual income and expenditure, and/or audit reports published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	5	0	2	5	12
Nigeria	0	0	1	7	8
Sierra Leone					N/A
Zimbabwe					N/A
Public Procurement and Contracts (Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	9	0	1	2	12
Nigeria	0	0	1	7	8
Sierra Leone					N/A
Zimbabwe					N/A
Participation (Is information about the mechanisms and procedures for consultation and public participation published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	4	0	3	5	12
Nigeria	0	1	1	6	8
Sierra Leone					N/A
Zimbabwe					N/A

Availability of information about the Right to Information

RTI information (Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	0	0	0	12	12
Nigeria	2	0	0	6	8
Sierra Leone					N/A
Zimbabwe				X	N/A
How to make an RTI request (Is information on how to make an RTI request published, including contact details?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	0	0	0	12	12
Nigeria	2	0	0	6	8
Sierra Leone					N/A
Zimbabwe				X	N/A
Costs for publications (Is information about the costs/fees for paying for photocopies of information?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	0	0	0	12	12
Nigeria	0	0	0	8	8
Sierra Leone					N/A
Zimbabwe				X	N/A
Costs for publications (Is information about the costs/fees for paying for photocopies of information?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	0	0	0	12	12
Nigeria	0	0	0	8	8
Sierra Leone					N/A
Zimbabwe				X	N/A
List of information requested (Is information related to RTI requests which were granted published?)	Full	Partial-Full	Partial	Partial-None	Total
Namibia	0	0	0	12	12
Nigeria	2	0	0	10	8
Sierra Leone					N/A
Zimbabwe				X	N/A

When analyzing the data collected for this project it is necessary to consider the varying degrees of applicable RTI legislation in the four countries. While Nigeria¹ and Zimbabwe² both have constitutional guarantees and separate, independent RTI laws, Sierra Leone passed the Right to Access Information Act 2013 but has no constitutional guarantee for RTI. A constitutional guarantee means that the right to access information is enshrined in the constitution of the state. While it is essential to have legislation guaranteeing the right to information, constitutional guarantees are very important as they give overriding status to the right and make it clear that RTI is a fundamental human right, not simply a right guaranteed by law. Namibia has neither a constitutional guarantee nor an RTI law. Chapter 1 elaborated on the choice and justification of target countries, and these different country contexts are important to keep in mind in assessing the level and, perhaps more importantly, the legal obligations for RTI implementation in the four countries.

Namibia

Proactive disclosure is an important element of providing access to public information. While Namibia does not have a constitutional guarantee or RTI law in place guaranteeing this, however, the Harambee Prosperity Plan I (targeted action plan complimentary to national development plans and Vision 2030), under the Effective Governance and Service Delivery Pillar, produced an ATI bill that was tabled on 17 July 2020 in the National Assembly. Under the same plan, the Ministry of Information, Communication and Technology (MICT) also published a Communication Plan (2016/17-2019/20) titled 'Providing Access to Public Information', which set guidelines for internal and external communications. It is against this Communication Plan that Namibia's RTI implementation is currently measured (which as of July 2021 is still pending, as also reflected in Namibia's 2021 VNR. The Bill is envisaged to give citizens greater access to information and is hoped to be passed before the end of the 2021/2022 Financial Year). The Communication Bill is, however, not as detailed as the tabled bill, but does define the duties/functions of public relations officers tasked with providing access to public information. Duties/functions include: (1) Conduct press conferences/briefing on a regular basis, (2) Effectively utilize electronic media, (3) Embrace social media use

policy, (4) Oversee the regular update of websites, (5) Engage print media for information dissemination, (6) Monitor the media regularly, (7) Corporate identity to be developed and maintained, (8) Re-brand O/M/As³ in line with government policies, (9) Participate in trade fairs/trade expos/exhibitions to bring information closer to the people, (10) Collaborate with government central communication unit at Ministry of ICT, (11) Coordinate the translation of information into national languages.

In regard to proactive disclosure of information, Namibia fared relatively well compared to the other three project countries. It should be noted that several MDAs had made some effort to proactively disclose information, particularly on their websites. This information primarily included functions; strategies, plans and policies; laws; and public procurement information. Lists of personnel information and their contact details were rarely published fully, with most institutions disclosing only general contact information. MICT published a government directory for government offices, ministries, and agencies containing only information and contact details of personnel in senior positions. On the other hand, the Communication Plan stipulates that public relations officers should be the point of contact for information requests.

Without an exclusive RTI law/framework guiding information disclosure, outside of the Communication Plan, no specific information on RTI request procedures has been published. However, it is worth mentioning that government ministries have established customer service charters providing information on how they service public complaints and enquiries (these are not, however, specific to RTI requests). All but one of the public entities assessed have published their annual reports. Additionally, the Ministry of Finance publishes all budget documents on its website and has, commendably, been working towards greater transparency in its open budgeting processes.

Nigeria

Nigeria has both a constitutional guarantee and an RTI law in effect. The Freedom of Information Act 2011 provides that public institutions shall ensure that information referred to by the Act is "*widely disseminated and made readily available to members of the public through various means, including print,*

1. Constitution of the Federal Republic of Nigeria 1999, Article 36.1; Freedom of Information Act 2011

2. Constitution of Zimbabwe 2013, Article 62; Freedom of Information Act 2019

3. Government Offices, Ministries and Agencies

electronic and online sources and at the offices of such public institutions". This duty also extends to the update and review of the information required to be proactively published under the Act "periodically and immediately whenever changes occur".

Websites of MDAs in Nigeria were analyzed in assessment of proactive disclosure in line with the methodology. Six of these MDAs published information relating to the description of the activities and services they undertook to varying degrees. The Federal Ministry of Finance had no information on its website except for links to its parastatals, while the Federal Ministry of Humanitarian Affairs and Disaster Management had no active website at all at the time of this assessment. Three out of eight institutions provided 75% information on organizational structure, names, titles, and contacts of key officials, while two MDAs published 50% and no information was published for the remaining three MDAs.

Evidenced from the research conducted on the eight MDAs, seven of these gave no information on their budget and expenditure, and six gave no information about the right to information. The Ministry of Health had information on their budget for the year 2016, suggesting a lack of adherence to the legal commitments as laid out in national RTI legislation. The analyzed MDAs to varying degrees disclosed information about their organization, functions of departments/units, organograms, annual reports, project reports, establishing acts, guidelines, etc., showing a pronounced inconsistency between individual institutions.

Sierra Leone

Sierra Leone saw the end of a brutal civil war in 2002. The country is, however, still plagued by many obstacles to democratization and stability such as high levels of corruption, poverty, reliance on aid, unemployment and poor infrastructure. While improvement has been made, the international reconstruction effort in Sierra Leone has to a large degree failed to address fundamental causes of the conflict, including institutional weakness and endemic corruption and the marginalization of youth. While this is not endemic to Sierra Leone, Sierra Leone serves as a context wherein the assurance and provision of rights, including the right to information, is deeply challenged by socio-economic and political tension.

While not having a constitutional guarantee for RTI, Sierra Leone's Right to Access Information Act 2013

has been rated as the 5th strongest Freedom of Information Act in the world. The Right to Access Information Act 2013 has nine parts with 51 sections. Part 1 (section 1) provides an interpretation of key provisions in the Act; part 2 (section 1-11) elaborates on the right to information; part 3 (section 12-26) deals with exempt information; part 4 (section 27-29) focuses on measures to promote openness; part 5 (section 30-37) speaks to the administrative provisions of the Commission; part 6 (section 38-41) concentrates on financial provisions; part 7 (section 42-46) deals with appeals; part 8 (section 47-48) focuses on offences and penalties, and; part 9 (section 49-51) makes provisions for miscellaneous elements with a key focus on regulations, whistle-blower protection and protection of bona fide action.

However, residents in Sierra Leone are yet to fully exercise their right to access information fully as enshrined in the Act. Various reasons for this may be prevalent such as the public not being fully aware of their right to access information or lack of knowledge on how to exercise this right. Furthermore, the government has been very slow in adopting instruments that are complementary to the Right to Access Information law that would encourage the full implementation and realization of the legal provisions in the Act. Consequently, the implementation and potential gains to be harnessed from the Right to Access Information Act 2013 remain a colossal challenge for the government, CSOs and citizens across the country.

Section 8 (1a-p) of the Act mandates public institutions to proactively disclose information. For Sierra Leone, 30 MDAs were analyzed with 77% of MDAs assessed having websites. Proactive disclosure of key information, however, such as detailed profile information of most institutions is hardly available, hence creating difficulties for the public to access comprehensive information on key information of many of the MDAs, which the 2013 Act entitles them to. Only 20% of MDAs disclosed names, designations, and contact details of public information officers, which leaves much room for improvement in strengthening the access points for information through public information officers, appellate authorities and the Commission/institutions. The Act further makes provision for disclosure of critical information such as a directory of officers and employees. 40% of targeted MDAs did not possess a directory of their officers/employees, hence creating further difficulty for the public to approach/engage appropriate authorities within the institutions in the bid to access information.

Minutes or summary of board/council/committee meetings, as provisioned by the Act, were further not disclosed by 70% of MDAs, as was a lack of proactive disclosure on the particulars of concessions, permits or authorizations granted by MDAs.

Zimbabwe

While Zimbabwe has both a constitutional guarantee and RTI law in place several factors threaten the equilibrium of the right to access information the implementation of RTI legislation in the country. With a new constitution (2013) and RTI law (2019), great potential for Zimbabwe to transition from yesteryears' dictatorship into an emerging democracy exist, however, the path towards democratization, and RTI, seems marred with many obstacles. While the Freedom of Information Act 2019 has been signed into law, the government has gazetted the Cybersecurity and Data Protection Bill, which is strong on surveillance of citizens and weak on balancing cybersecurity with the enjoyment of fundamental rights such as free expression online,

privacy and protection of personal data. Furthermore, the government in 2020 announced its intentions to come up with a Patriot Bill, which, if enacted, has the potential of curtailing the exercise of rights such as media freedom and freedom of expression, right to privacy, access to information, freedom of conscience, political rights, freedom to demonstrate and petition, and freedom of assembly and association. The ruling ZANU PF party has since moved a motion in Parliament on the need to introduce the bill. Media violations have also been prevalent in recent years.

Ten MDAs were analyzed in the Zimbabwean context. Three out of the ten had no functional website at the time the study was conducted. MDAs in Zimbabwe have been largely unresponsive to requests and proactive disclosure of information. While legislation is in place, the Government of Zimbabwe's sincerity in entrenching the pillars of democracy and commitment to uphold the rights to media freedom, freedom of expression and access to information as provided for by Sections 61 and 62 of the Constitution, let alone other rights in the Bill of Right, must be questioned.



2.2. Institutional Measures

The [tables for assessing institutional measures for RTI implementation are] about the overall framework for implementation (i.e. it assesses central government actions and only needs to be applied once for each country) [and the] individual authorities covered by FOIA (and should, as a result, be applied separately to each authority being assessed).

Overall Framework for Implementation

Has government established an RTI nodal ⁴ agency? (If yes, comment on its roles and functionality)	Yes	No	Remarks
Namibia		X	The Ministry of Information and Communication Technology oversees government communications, and provides standards and mechanisms for sharing information. These include, for example, the Communication Policy, the draft revised National Information Policy, and others. The Ministry tabled the ATI Bill in June 2020. Currently, there is no alternative RTI nodal agency, though the ATI Bill does provide for an Information Commissioner.
Nigeria		X	
Sierra Leone		X	Disaggregated data not available
Zimbabwe		X	
Has government established an independent RTI oversight mechanism, such as an information commission? (If yes, comment on its work and how effective it has been)	Yes	No	Remarks
Namibia		X	The ATI Bill provides for an Information Commissioner. However, the law is yet to be passed. It is anticipated that ATI legislation will be passed within the next year. It is one of the priorities on the President's Harambee Prosperity Plan.
Nigeria		(X)	The Government did not establish an independent RTI oversight mechanism per se. The Act created RTI oversight responsibilities for the Attorney General of the Federation (AGF) whose office is domiciled in the Federal Ministry of Justice and provided accompanying responsibilities to the AGF. The AGF developed guidelines on the implementation of the FOIA, created processes to handle conflicts arising from disclosure, organizes trainings and retraining of Desk officers of MDAs and ensures that reports on the implementation of the Act by institutions are submitted to the House Committee on FOI annually.
Sierra Leone	X		Disaggregated data not available
Zimbabwe	X		The commission has not gazetted guidelines governing how to make complaints.

4. A nodal agency is a central authority sitting inside of government which is responsible for coordinating, capacity building and RTI standard setting for other agencies in the country.

Implementation by Individual Public Authorities

Has the authority appointed an Information Officer who is responsible for RTI implementation? <i>(If yes comment on how the mandate functions)</i>	Yes	No	Remarks
Namibia	(X)		11 out of 12 MDAs (incl. SOEs) had appointed an Information Officer responsible for RTI implementation in line with the 2016/17-2019/20 Ministry of Information, Communication and Technology's Communication Plan, which sets guidelines for internal and external communications.
Nigeria	(X)		2 out 7 MDAs had appointed Information Officers.
Sierra Leone		N/A	Disaggregated data not available
Zimbabwe		X	No appointed Information Officer, however, public relations departments are tasked with responding to public queries.
Does the authority have an RTI implementation plan? <i>(If yes, comment on the extent to which such a plan has been operationalised)</i>	Yes	No	Remarks
Namibia	X		According to the country report, the use of social media (Facebook), electronic mail, website, press conferences, press releases, newsletter, media monitoring for queries, and annual reports constitute Namibia's RTI implementation plan, reflected in at the level of all 12 MDAs.
Nigeria	(X)		1 out 7 MDAs had an RTI implementation plan (Federal Ministry of Justice)
Sierra Leone		N/A	Disaggregated data not available
Zimbabwe		X	
Has the authority developed/ issued guidelines for receiving and responding to information requests? <i>(If yes, comment on their usage)</i>	Yes	No	Remarks
Namibia	(X)		7 out of 12 MDAs had developed guidelines for receiving and responding to information requests (however some as general/service charters and not specifically for information requests)
Nigeria	(X)		1 out of 7 MDAs had guidelines for information requests in both hard copy and online.
Sierra Leone		N/A	Disaggregated data not available
Zimbabwe		X	

Does the authority prepare and public annual reports, including statistics on requests? (If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect)	Yes	No	Remarks
Namibia		X	
Nigeria	(X)		1 MDA provided prepared and published annual reports (Federal Ministry of Environment) and one provided partial disclosure (Federal Ministry of Justice).
Sierra Leone		N/A	Disaggregated data not available
Zimbabwe		X	The Zimbabwe Media Commission is required to do so. It has not done so yet because the bill is less than one year old.
Has the authority provided RTI training to its information officers? (If yes, comment on when the most recent training programme was conducted)	Yes	No	Remarks
Namibia		X	
Nigeria	(X)		2 MDAs provided full or partial training to information officers (Federal Ministry of Justice; Federal Ministry of Environment).
Sierra Leone		N/A	Disaggregated data not available
Zimbabwe		X	

Namibia

In the absence of national ATI legislation, the MICT functions as the unofficial agency responsible for RTI implementation. However, there is not established a nodal RTI agency or official oversight body and as the MICT Communication Plan is considerably less comprehensive than the tabled ATI bill, a consequently comprehensive definition of responsibilities and oversight remains to be done. It should be noted, however, that the Communication Plan does provide for guidance, which is reflected in appointed RTI information officers, communication outreach, amongst other things. Periodical reviews made available to the public on information requests filed could however not be found.

Nigeria

A lack of commitment of some institutional authorities towards the development of institutional processes and measures to promote ATI implementation in Nigeria. Disclosure and performance guidelines have been developed by the Attorney General of the Federation (AGF) and Minister of Justice in his oversight

responsibilities under the Freedom of Information Act⁵. The guidelines provide that public institutions should provide information, appoint a freedom of information desk officer, establish a unit with appropriate staffing, provide dedicated helplines and online assistance, create a budget line for the unit, publish the name, title, address and contact details of the desk officer who should not be lower in rank than an assistant director (level 14 officer) and provide adequate and frequent capacity building exercise for the officers to ensure adequate delivery of their obligations under the Act.

The desk officer, acting on behalf of the institution, is obligated to keep, organize, maintain and review institutional records and record-keeping maintenance procedures, report and liaise with the unit under the office of the AGF, comply with the annual reporting obligations to the AGF, meet the proactive and reactive disclosure obligations, organize trainings and retraining for the officers of the institution in line with public access objectives of the Act.

5. Guidelines on the implementation of the Freedom of Information Act 2011, Revised edition 2013

In assessing MDAs for this research, two out of eight institutions established partial levels of institutional measures. The Federal Ministry of Justice and the Federal Ministry of Environment are the only institutions with freedom of information portals on their website to enable ease of access to information. Despite these provisions, disclosure remained low on information on requesting processes, appointment of information officers, provision of RTI implementation plans, reporting and training of information officers. The desk officer for the Ministry of Justice is the only officer with whom contact could be established and the institution also published its annual report on implementation activities for the past years. The other six institutions had no institutional measures in place.

Sierra Leone

In addition to the issues remaining in proactively disclosing information by the analyzed MDAs, the Sierra Leone study revealed at least half of the institutions had defined norms for the discharge of functions. However, about a third of the total number of MDAs were found to have deficient systems in place that did not fulfil RTI obligations. Almost half of MDAs reviewed had no clear standards for discharge of functions.

The findings further revealed that 50% of MDAs reviewed do not make provision or create a platform to engage the public on policy formulation and implementation. This situation runs contrary to the tenet of the Right to Access Information Act 2013, which intends to make public institution and officials transparent and accountable to the people. Most public institutions do not divulge procedures for decision making as well channels for monitoring, accountability and transparency. This is true for 50% of the targeted institutions, reflecting half of the MDAs analyzed. A small portion of 7% has made limited progress on this. Institutions seemed aware of their obligations under the act but, whilst some are making efforts, some are purposefully refusing to and others are lethargic. Only 37% of MDAs had clear guidelines for enabling citizens to apply for information, leaving a worryingly high number of MDAs without and poses serious challenges to the right of the public to access information.

Overall, over half of the institutions, 53%, do not have a clear rules or guidelines for dealing with records related to the public and other cooperate bodies. Clear rules, were only found to be available for 30% of the institutions.

Zimbabwe

There seems to be a disjuncture between what the government does through Cabinet, as seen in the post-Cabinet media briefings by the Ministry of Publicity Media and Broadcasting Services on one hand, and what happens in public institutions especially outside the urban areas. The further one drifts from the urban centers into rural and marginalized communities, the higher the difficulty in assessing information from government institutions. This is despite the fact that the Freedom of Information Act, read together with the Constitution provide for the right to access to information for all citizens. Specifically, the act provides from proactive disclosure of information; the public institutions appointing information officers to enable the enjoyment of the right and that the Zimbabwe Media Commission (ZMC) should come up with regulations to ensure the enjoyment of the right, among others.

To this end, the government is yet to comply with the provisions of the law. It should be kept in mind that the Freedom of Information Act was passed into law less than a year ago, at the time of writing this report. Despite the constitution and Freedom of Information Act being in place, the practical rollout of RTI implementation still far from meets the dictates of a government that proactively discloses its information in an institutionalized manner.



Brandan (South Africa)
#CovidAfrica

2.3 Processing of requests

This is the most open-ended of the three approaches for measuring implementation [...] Information about making the request and how it was responded to should be recorded.

Table for recording filing and receiving response to information requests

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 1, Question 1		(i)	(ii)	(iii)		(iv)	(v)		
Authority 1, Question 2									
Authority 2, Question 1									
...									

Namibia

16 requests for information were made to 11 public institutions along the three focal sectors of the project: health and the context of COVID-19; environment/climate, and; financial proactive disclosure of budgets. 16 information requests were filed with the following results:

- 10 responses were received:
 - 5 contained the information requested, and in some cases, went above and beyond in providing clarity and/or additional detail
 - 2 public entities requested that a research protocol or formal letter be provided before information could be released
 - 2 requests were referred to a different person within the organization
 - 1 institution responded that they did not hold the requested information
- In 6 cases, no response was received at all
- Ultimately, 9 of the requests resulted in mute refusals

Similar to other studies, the results of the lodging of information requests showed that *“with the absence of a legal obligation to proactively disclose information, information access highly depends on the type of information requested and who it is requested from.*

Neither the characteristics of a requester, nor the method used to request for information, strongly impacts granting access” (fesmedia Africa, 2013). This highlights the need for public officials, particularly OMA public relations officers to be thoroughly briefed and educated on the importance of ATI, and trained on responding to requests for information by both the media and the general public.

Nigeria

The prescribed mode of information requesting requires that public institutions must grant access to a request for information within a time limit of seven days. An institution has three days to transfer requests if another institution holds custody of said information. The law provides for an extension of seven days in situations where information being applied for is voluminous. Mode of transmission is online, physical letter, or orally at the institution. A request made orally must be reduced into writing by a designated FOI officer and a copy given to the requester.

11 information requests were submitted to eight public institutions. Seven of these request letters were sent to institutions that have had to carry out urgent and unplanned procurements in the past year. One

letter made an inquiry into the status of the annual compliance report that public institutions are obligated to send to the office of the Attorney General of the Federation. Questions centered around the budget and unplanned expenditure of the institutions in regard to the COVID-19 pandemic.

Seven institutions out of eight institutions did not acknowledge receipt nor did they respond to the requests made to them. One institution responded to the request within time and with full disclosure. MDAs' responses to requests as part of this exercise was abysmally low.

Sierra leone

In Sierra Leone, institutions often hardly comply with responding to requested information within 15 working days as enshrined in the Right to Access Information Act, with non-compliance permeating into high level ministries. Although it has happened, the Right to Access Information Commission has in the past been hesitant to fine MDAs in response to lack of compliance with law on information disclosure.

The consultant in Sierra Leone conducted an interview with a civil society organization (CSO), the Society for Democratic Initiative, who had requested unclassified information from public institutions in July 2020. The request was done under section 3 (a-c) of the Right to Access Information Act 2013. The request was submitted in writing, information requested was prescribed, office and email addresses for correspondence were also provided.

Information was requested from the Ministry of Health and Sanitation, Ministry of Finance, National Emergency Response Centre Ministry of Youth Affairs, Youth Commission and the National Commission for Social Action to provide them with the following information: (i) Amount received to aid the fight against the spread of Ebola in Sierra Leone, and (ii) update on how the funds were utilized.

Response time exceeded the 15 working days for institutions to respond to the requests, and no response was provided to the aforementioned request by the institutions. Three months later (September 2020), a reminder was sent, prompting three of the aforementioned institutions (Ministry of Youth Affairs, Youth Commission and the National Commission for Social Action) to respond. This resulted in the Right to Access Information Commission fining the

Ministry of Health and Sanitation 70 million leones for noncompliance to provide the above-requested information. The Commission did not fine the Ministry of Finance, raising questions of impartiality and impunity.

Zimbabwe

There is a disjuncture between government pronouncements on its drive and commitment to disseminate information at the executive level and the experience by citizens at public institutions level.

Between January and February 2021, six information requests were made to MDAs, of which three were responded to, while three MDAs denied the requests. The information requests were on critical issues such as local councils' health budgets and funding; information on the preservation of wetlands and its impact on rights to clean water and shelter and the basic governance and accountability of local councils. Requests granted were on wetlands and the budget of rural district councils, while no requests on the health budget and funding for COVID-19 was made available. This is despite the fact that the Freedom of Information Act provides for entities to proactively disclose the information, especially in the age of Information Communication Technologies (ICT), where entities could easily utilize their websites and other communication platforms to ensure that citizens can access timely and accurate information, which is even more essential during the times of the ongoing pandemic.



Kash (R. D. du Congo)
#CovidAfrica

3. Conclusions

This project set out to investigate the state of implementation of RTI legislation in four target countries; Namibia, Nigeria, Sierra Leone and Zimbabwe. As mentioned before, it is important to remember the varying levels of the variations between legal provisions, and consequently implementation, in the four countries. Chapter 1 (and in parts Chapter 2) elaborated on the different country contexts, which effectively provide variables for the current possibilities for implementing effective RTI regimes.

The analysis of this project and report has shown that the four countries are indeed on very different stages of democratization and ability to adopt practices that promote transparency and accountability in regard to access to information. Namibia has no legislation through either law or constitution, to guarantee the right to information, although an ATI bill has been tabled in 2020. In the meantime, in lieu of this, Namibia's Ministry of Information, Communication and Technology has launched a Communication Plan including ATI provisions. Despite not having a standalone law or constitutional guarantee, Namibia has been shown to fare better than the other three project countries on largely all fronts. Namibia's Communication Plan, however, does not replace actual, specific legislation of RTI. The lack of a detailed layout of duties and responsibilities, periodical reporting, disclosure, institutional setup, standards, guidelines and responsiveness to information requests, as a result of comprehensive legislation, continue to limit Namibia on their quest towards SDG 16.10.02. On the other hand, the relatively good implementation of RTI by many MDAs also shows how much of RTI implementation depends on both political goodwill (being a priority in the president's 2nd Harambee Prosperity Plan with hopes for passing of the bill before the end of Financial Year 2021/22) as well as individual MDAs' commitment *and* capacity to implement. In addition, other measures of enhancing governance are or have been put in place, contributing to procurement

of information of public interest and right to know. Namibia is also about to operationalize the Whistle Blowers Act of 2017, which aims to strengthen the Anti-Corruption Commission, the Namibia Media Professionals Union (NAMPU) was launched in November 2020 to provide broader coordination and protection of journalists, and various efforts to strengthen public institutions (2021 Namibia VNR).

In Nigeria, RTI is guaranteed by both the constitution and the Freedom of Information Act. Despite these two monumental provisions, however, Nigeria does not have an independent RTI oversight body to enforce strong implementation. Also evident in the report's analysis, many MDAs remain unengaging or unresponsive. This could be an indicator of a lack of political push for the RTI agenda in Nigeria. This is further supported by the overall lack of appointment of RTI information officers and guidelines to promote and sustain citizen engagement and the exercising of their fundamental right to information. Again, the level of RTI implementation and adherence to the law seems to arbitrarily vary from individual institution to individual institution.

Sierra Leone reported that while $\frac{3}{4}$ of MDAs assessed had websites, the level of disclosure on all levels remained low; extending to both the institutional setup, authorities and transparency of implementation as well as access to gatekeepers of information in form of names, designations and contact information of public officials and staff directories. While not having a constitutional guarantee, Sierra Leone does have the Right to Access Information Act as well as an independent, RTI oversight body; the Right to Access Information Commission. While some key legislation and institutions are in place, issues persist in these not adhering to their legal RTI obligations for proactive and reactive (information requests) disclosure. On a positive note, some legal challenges to this non-compliance have led to successful disclosure of information, however, it has also revealed relative impunity for some MDAs. The Sierra Leonean context highlighted yet again the need for continuous engagement and updating of RTI provisions to reflect the current political milieu as well as self-reported challenges of limited resources and staffing impacting the adoption and implementation of ATI laws in Sierra Leone and a need

to provide additional support to the Right to Access Information Commission (2021 Sierra Leone VNR).

Zimbabwe has both a constitutional guarantee and the Freedom of Information Act (becoming law in 2020). This being said, the analysis showed that MDAs in Zimbabwe remained largely unresponsive in regard to both proactive and reactive information disclosure. With no appointed information officers in the analyzed MDAs, lack of guidelines on RTI and information requests and no training offered to information officers, the political will behind the effective implementation of RTI of the Government of Zimbabwe must be questioned. The law, however, is relatively new. As such, it is yet to be seen whether more political traction will be added over time, or if its intended purpose of creating stronger harmonization of legal provisions for ATI and address gaps in the policy and institutional setup (as mentioned in the 2021 Zimbabwe VNR) will lead to actual change.

In addition to the above-mentioned conclusions, there are a few additional overall takeaways from the project. It is important to keep in mind that the project does not measure the entirety of any of the project countries' implementation of their respective RTI legislation. Rather, the project has provided a random sampling of MDAs in three sectors (health and the context of COVID-19; environment/climate, and; financial proactive disclosure of budgets) to give a snapshot into the state of RTI implementation of those institutions/sectors. Telling of this exercise is the silence from health authorities (except for Namibia), which potentially has clear implications for citizens in the target countries in their access to health and COVID-19 related information. The same can be said generally about disclosure, both proactively and retroactively, on financial matters (again, discounting Namibia). Citizens are entitled to seek information about how the public budget is and has been spent and the expenditure of MDAs should in most cases be public knowledge, justifiable exceptions excluded. Matters relating to environment/climate seems less

controversial and access was more often facilitated (although less frequently on budgetary matters).

What the project has shown is that while the right to information, and legislation and constitutional guarantees securing the legality of this right, is intrinsically important to transparent and accountable democratic governance, right to information does not necessarily equate access to information. While circumstances vary between countries, sectors and MDAs, it is not enough to solely judge on outputs. What is equally imperative to consider is governments, MDAs, civil society, the media and stakeholders and their ability to play their part in effective RTI implementation. This means assessing both political will and having a consultative dialogue, but also considering and addressing capacity issues such as sensitization, training, punitive action for non-compliance, the building of strategic partnership between government and civil society and the new innovative possibilities of ICT to ensure that citizens have de facto access to the right to information as a fundamental freedom and human right.



RSF REPORTERS WITHOUT BORDERS  Ali Ghamir (Maroc) #CovidAfrica

Recommendations

Based on the assessment and empirical data collection in the four target countries, this chapter seeks to offer actionable recommendations on how to move forward in improving and strengthening RTI implementation.

Namibia

While freedom of expression and of the media are captured as universal rights in Namibia's constitution, and although the right to information is recognized in various regional and international agreements signed and ratified by the Namibian government, the country still does not have an RTI law nor a constitutional guarantee. A bill was, however, tabled in the National Assembly on 17 June 2020 by the Minister of Information, Communication and Technology, itself a key milestone in Namibia's journey towards greater access to and transparency of information, and is expected to be passed into law as it has been prioritized in the President's Harambee Prosperity Plan II. Concerns, however, persist with civil society highlighting exemptions in the bill, including blanket confidentiality of cabinet proceedings, judicial functions and the nomination, selection and appointment of judicial officers, as well as other national laws that aid secrecy and restrict access to information such as the Protection of Information Act, Act 84 of 1982 and Public Service Act, Act 13 of 1995.

In the absence of an ATI law, despite having ratified key international and regional instruments that guarantee the right to information and although there has been strong progress over the past several years in terms of information disclosure on the websites of government offices, ministries and agencies, Namibia remains short of truly being on course to achieving SDG 16.10, 'Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements', or fully contributing to Indicator 16.10.02, 'Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information'.

The practice of requesting information produces mixed results (as evidenced by this study and many other similar assessments), with some institutions immediately responding with full information, and others remaining mute, even after follow-ups. In this regard, the following recommendations are made for Namibia:

- Each MDA should have dedicated and educated officers to deal with information requests.
- Public officials should be educated on the importance of public access to information.
- Common standards of promoting access to information should be employed.
- Online platforms for government organizations should seek to communicate government's policies and programs.
- Public organizations should encourage a culture of openness and transparency by proactively sharing information.

Additionally, the Institute for Public Policy Research, in its extensive report, 'Access Denied', extend recommendations that are supported by this report, in that:

- In line with the various international, continental and regional instruments, all Namibian actors – in government, business and civil society – should formalize and adopt practices that foster transparent and accountable interactions across all sectors of society.
- Relevant Namibian state authorities repeal all laws that undermine the emergence of progressive institutional and organizational cultures based on accessibility and openness.
- Non-state actors, both in business and civil society, advocate for the full implementation of systems and processes across the state sector that would enable greater access to information.
- Namibian state and non-state actors collaborate meaningfully in the spirit of multi-stakeholderism to continuously enhance the freedom of expression and access to information landscape and climate in the country, as well as across the southern African region and the African continent.

All the recommendations noted above – many of which are already acknowledged or prescribed in

strengthen institutional measures to improve on the RTI and to enhance public knowledge on their right to access information.

- The Right to Access Information Commission to be organizing annual meetings with executive directors/heads of public institutions on their expected roles and responsibilities in order adhere to provisions in the RAIA 2013. This will also keep them abreast of their institutions' obligations to the legal provisions in the Act.
- The Right to Access Information Commission to assist in or develop a website for public institutions that do not have one. Some public institutions might be interested in having a website but due to financial challenge might choose to go without thereby hindering the possibility of those institutions proactively disclosure information online.
- The Right to Access Information Commission to do more enhanced trainings for Information Technology Officers, Public Relations Officers and Archivists in public Institutions on key provisions in the Right to Access Information Act 2013 and on how to proactively disclosure information on the website for public consumption.
- MDAs and non-state actors should embark on nationwide sensitization on the key provisions in the Right to Access Information Act 2013. This will contribute to enhancing public knowledge on their right to access and how to access information.
- The Right to Access Information Commission to develop the Right to Access Information Regulation and submit to Cabinet for adoption. The speedy adoption of this proposed regulation will serve as a complementary instrument that will guide the implementation of the key provisions in the Right to Access Information Act 2013 by institutions.

Zimbabwe

The government of Zimbabwe must come up with an operationalization plan on how it intends to institutionalize the proactive disclose of information through its public bodies.

Government through the Zimbabwe Media Commission, which is a chapter 12 institution entrusted with the role of promoting access to information should move with speed to gazette the regulations for the public institutions towards ensuring that there is effective and efficient disclosure of information for informed decision-making.

Government of Zimbabwe should provide a roadmap towards the conclusion of the media law and policy reform process through a pro-human rights approach towards cybersecurity and data protection regulations and the amendment of the Broadcasting Services Act.

The government of Zimbabwe should go beyond the two pieces of legislation that it targeted for reforms towards the comprehensive process of reforms that ensure that all the laws that violates the constitution through sections 57, 61 and 62 on right to privacy; media freedom and expression; and access to information are repealed.

Government of Zimbabwe should prioritize the reform process and alignment of the laws to the constitution than mutilating the constitution through the proposed omnibus (27 amendments) second amendment to the constitution of the country.

Measuring RTI Implementation

This document presents a methodology prepared by the Freedom of Information Advocates Network (FOIANet), which is designed to be a simple tool to help civil society conduct parallel assessments of the extent to which States have met SDG Indicator 16.10.02 (which is to adopt and implement RTI laws). Every country is expected to implement all SDGs. Existing tools – such as the RTI Rating (www.RTI-Rating.org) – already tell us whether or not States have adopted RTI laws and, if so, how strong those laws are. The purpose of this methodology is to provide a simple, standardised tool to assess the extent to which States with RTI laws are implementing them properly. Three main approaches to measuring implementation are included in this methodology, namely an assessment of the extent to which a State is proactively disclosing information, the extent to which institutional measures have been put in place to assist with implementation, and the extent to which requests for information are being responded to properly (assessed via a simple request testing approach).

In each country, we are suggesting that reviewers focus on between 5-10 different public authorities, ideally from different sectors (such as ministries, oversight or regulatory bodies, public corporations and so on).

Proactive Disclosure¹

Proactive disclosure is the release of information by government without a request. This type of disclosure enables many people to access information from their government. Many FOI laws include a list of information which must be made proactively available. To measure proactive release, reviewers should assess the list of information that must be made available proactively and compare it with what they see on public authorities' websites and/or at their libraries. At a minimum, public authorities should publish on a proactive basis the following categories of institutional, organisational and operative information, as well as information about their procedures for releasing information:

Availability of institutional, organisational, operative and contact information

Type of information	Section of the law which requires disclosure	Indicator	Published (Full/ Partial/ None)	Data Source (website or location of information)
Institutional		Are functions of the ministry/authority and its powers published?		
Organisational		Is Information on personnel, names and contacts of public officials published?		
Operational		Are any authority strategies, plans or policies published?		
Legislation		Are the laws governing the institutions' operations published?		
Service Delivery		Are the descriptions of services offered, including forms required to be filled out and deadlines for application published?		

1. This section draws heavily on the Right to Information chapter of the OGP's Open Government Guide.

Type of information	Section of the law which requires disclosure	Indicator	Published (Full/ Partial/ None)	Data Source (website or location of information)
Budget		Is information about the projected budget, actual income and expenditure, and/or audit reports published?		
Public Procurement and Contracts		Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published?		
Registers		Are any registers mandated by law for the Agency to create available online?		
Participation		Is information about the mechanisms and procedures for consultation and public participation published?		

Availability of information about the Right to Information

Type of information	Section of law that requires disclosure	Indicator	Published (Full/ Partial/ None)	Data Source (website or location of information)
RTI information		Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond?		
How to make an RTI request		Is information on how to make an RTI request published, including contact details?		
Costs for publications		Is information about the costs/fees for paying for photocopies of information?		
List of information requested		Is information related to RTI requests which were granted published?		

Institutional Measures

1. For both tables below, the first column lists actions which should be taken to determine how well an ATI law is being implemented. Column two indicates whether or not the listed action has been taken while the remarks column allows researchers to comment on how it has been done.
2. The first table is about the overall framework for implementation (i.e. it assesses central government actions and only needs to be applied once for each country) while the second table focuses on individual authorities covered by FOIA (and should, as a result, be applied separately to each authority being assessed).

Notes: A nodal agency is a central authority sitting inside of government which is responsible for coordinating, capacity building and RTI standard setting for other agencies in the country.

Table 1: Overall Framework for Implementation

Question/Issue	Yes/No	Remarks
1. Has government established an RTI nodal agency? <i>(If yes, comment on its roles and functionality)</i>		
2. Has government established an independent RTI oversight mechanism, such as an information commission? <i>(If yes, comment on its work and how effective it has been)</i>		

Table 2: Implementation by Individual Public Authorities

Question/Issue	Yes/No	Remarks
1. Has the authority appointed an Information Officer who is responsible for RTI implementation? <i>(If yes comment on how the mandate functions)</i>		
2. Does the authority have an RTI implementation plan? <i>(If yes, comment on the extent to which such a plan has been operationalised)</i>		
3. Has the authority developed/ issued guidelines for receiving and responding to information requests? <i>(If yes, comment on their usage)</i>		
4. Does the authority prepare and public annual reports, including statistics on requests? <i>(If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect).</i>		
5. Has the authority provided RTI training to its information officers? <i>(If yes, comment on when the most recent training programme was conducted).</i>		

Processing of Requests

This is the most open-ended of the three approaches for measuring implementation because we felt it was important to leave it open to participants to choose questions that not only assessed implementation but also were relevant to their work or that of their partners.

The basic methodology involves making two or three requests for information to each of the 5-10 focus public authorities. Some care needs to be taken at this point to avoid alerting the authorities to the fact that a test is going on. If the number of requests is low, so that even making two requests to a public authority will raise suspicions, this could be cut to just one request. You might think about who will make the requests and about using different individuals so as not to raise suspicions.

Some attention should be given to the sensitivity of the requests in terms of whether or not exceptions are potentially engaged. The differences between requests in different countries in this regard will mean that the results will never be strictly comparative. However, to limit this, we suggest that you aim to ask a range of questions, from those for which it is absolutely clear that no exception is engaged to those where this is more arguable (although all requests should aim to be for information that you do not consider to be exempt under the law).

Information about making the request and how it was responded to should be recorded, ideally in the table below (although it might be easier to do this in an excel file).

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 1, Question 1		(i)	(ii)	(iii)		(iv)	(v)		
Authority 1, Question 2									
Authority 2, Question 1									
...									

- (i) Post, e-mail, fax, hand delivered
- (ii) The date, if any, you receive an acknowledgement or receipt for the request
- (iii) If you were unable to submit, provide an explanation in Comments
- (iv) See the list below
- (v) Electronic copy, hard copy, right to inspect, and so on

The Result will be one of the following (explanations below):

1. Oral Refusal
2. Written Refusal
3. Transferred
4. Referred
5. Mute Refusal
6. Information received
7. Partial Access
8. Incomplete Answer
9. Information Not Held

From among these, (6) is a legitimate result, (2), (3), (4), (7) and (9) might be legitimate results and (1), (5) and (8) are never legitimate. Whether the response was timely (i.e. in accordance with the time limits set out in the law) and any fee charged was appropriate (again, in accordance with the limits in the law) should be recorded in the comments.

1. Oral Refusal

This is when an official from the authority informs you orally (spoken word or telephone) that they refuse to provide the information. If any reasons are given orally for not accepting the request, these should be recorded under comments.

2. Written Refusal

This is when a refusal to provide the information is given in any written form (e.g. letter, e-mail or fax). The grounds given for refusing should be recorded under comments.

3. Transferred

This is when the authority transfers the request to another authority. Whether the authority informs you about this or not, and any reasons given, should be recorded under comments.

4. Referred

This is when the authority informs you that you should lodge the request with another authority (as opposed to transferring it itself).

5. Mute Refusal

This is where the authority simply fails to respond at all to a request or where answers are provided which are so vague that they cannot be classified in any other category listed here. A mute refusal is deemed to apply when the period in the access to information law for responding to requests has expired.

6. Information Received

This is when access is granted and information which responds to the request and which is relatively complete is provided.

7. Partial Access

This is where only part of the information is provided and part of the information is refused, based on an exception. In this case, information may be blacked-out or "severed" or you are provided with only some of the relevant documents. In this case, any reasons for refusing part of the information should be recorded in the comments.

8. Incomplete Answer

Information is provided but it is incomplete, irrelevant or in some other way unsatisfactory. This is different from Partial Access inasmuch as the authority appears to be treating this as a complete response (even though it is not) and it has not indicated that it is refusing information.

9. Information Not Held

This is where the authority responds claiming that it does not hold the information. Whether this seems to be credible or not should be recorded in the comments.

Policy Brief

**The State of
Press Freedom
and Safety of
Journalists in
South Asia**



International
Press
Institute

**FREE
PRESS
UNLIMITED**

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Executive Summary

The South Asia region is witnessing an unprecedented onslaught on media freedom. Journalists and media organizations are faced with a multitude of challenges. A climate of hatred towards journalists and media outlets is being fostered by political parties in power in the region. Objective and critical journalism is frowned upon by those in power, who use social media, cutting edge information technology and financial constraints to undermine press freedom.

Media pluralism has witnessed a marked decline amidst increasing arrests, online attacks, smear campaigns and legal actions against independent media organizations and individual journalists, who criticise political leaders and governments. Equally alarming is the fact that these democratically elected governments are not only failing to uphold press freedom and to protect journalists, but have also enacted legislation or resorted to other means of coercion to stifle independent media and critical journalists¹. Media organizations that do not toe the

official line are being starved of government advertising revenue and the private sector is under pressure to withhold advertisements to these outlets².

Over the years, several journalists have been killed in the region with complete impunity³. Attacks on journalists are a daily occurrence. The situation is so grave that journalists and editors have resorted to self-censorship in these countries.

The COVID-19 pandemic has exacerbated the assault on press freedom globally and the South Asia region is no exception. According to the IPI COVID-19 Press Freedom Tracker⁴, nearly 200 violations linked to the pandemic have been reported from the Asia-Pacific region, of which 107 are from four South Asian countries: Bangladesh, India, Nepal and Pakistan⁵. As many as 71 journalists have faced arrests and charges related to their coverage of the pandemic and its consequences, while 32 cases of physical attacks and verbal threats have been reported from these countries.

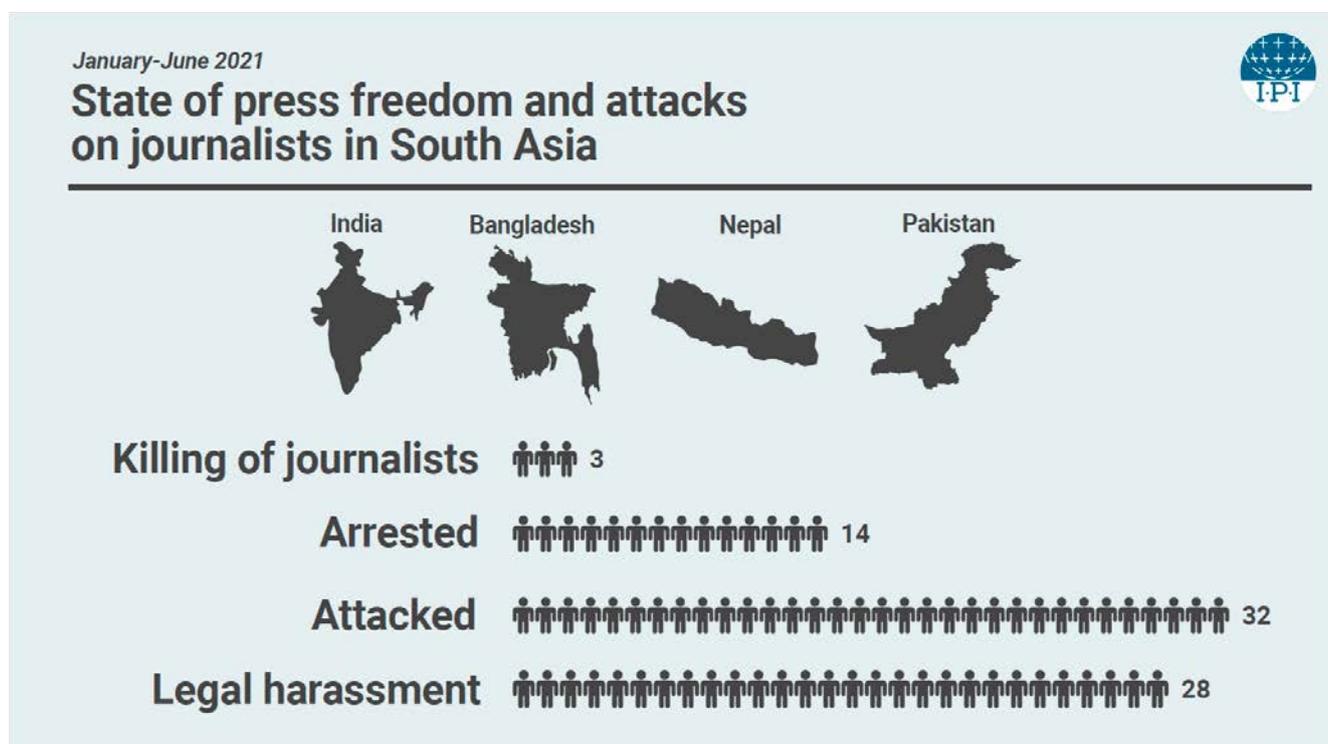


Figure: Data on press freedom violations and attacks on journalists in Bangladesh, India, Nepal and Pakistan between January and June 15, 2021

Since the beginning of 2021, three journalists have been killed, 14 arrested and 32 targeted in attacks across the region. Another 28 journalists have had criminal cases filed against them, with possible threat of arrest and prosecution under criminal laws that provide for stringent punishment, as governments try to clamp down on critical reporting and social media posts by journalists⁶.

The actions by governments in these countries constitute a major obstruction to the free flow of independent news, which is all the more important during an unprecedented health crisis. Informing the public about vital measures to contain the virus, as well as maintaining an open dialogue and debate on the adequacy of those measures, are essential for winning public confidence to deal effectively with the pandemic.

Governments in South Asia are extremely sensitive and averse to international pressure on issues of human rights and press freedom, and in fact, view such interventions as interference in their domestic affairs.

All South Asian countries are States parties to the Universal Declaration of Human Rights (UDHR)⁷ and have ratified the International Covenant on Civil and

Political Rights (ICCPR)⁸, and therefore duty bound to uphold and protect freedom of expression and media freedom. However, actions by governments undermine these international norms and severely infringe upon freedom of expression and press freedom.

Furthermore, all these countries have adopted the Sustainable Development Goals (SDGs) and are obliged to take relevant steps to attain these goals, including SDG 16 target 10, which requires Member States to ensure public access to information and protect fundamental freedoms in accordance with national legislation and international agreements⁹. According to the UN's Sustainable Development Goals Report 2020, journalists and human rights defenders have become targets of violent attacks and that there has been a marked rise in widespread hostile rhetoric directed at the media and journalists¹⁰.

The crackdown on the freedom of expression in South Asia poses a major challenge to attaining the SDGs and needs to be addressed urgently through coordinated action by the international community.

The Current State of **Press Freedom** and Safety of Journalists

Bangladesh

The Digital Security Act¹¹, which was passed by parliament in October 2018, has stifled press freedom and forced self-censorship on the country's media. The law is one of the most draconian in Bangladesh's history, as it provides sweeping powers to authorities to block or remove any content in the digital media deemed harmful to harmony or public order or seen to incite communal hatred.

The provisions of the Act severely restrict press freedom. Section 25 provides for five years' imprisonment on the charge of deliberately publishing or broadcasting on a website content that attacks or intimidates or of knowingly publishing or broadcasting false information.

A person can be punished with 14 years' imprisonment if found guilty of assisting someone to commit crimes under the Official Secrets Act, 1923, through the electronic medium. Similarly, a person can face up to 7 years in prison for publishing or broadcasting material on a website that is determined as spreading hatred and creating enmity¹². Editors and journalists in Bangladesh have been protesting against the law since before it came into being.

In January 2019, the law was used to arrest a journalist of the Dhaka Tribune for a report on election irregularities¹³. The journalist was accused of falsely reporting about voting irregularities during an election won by Prime



Minister Sheikh Hasina. If convicted, the journalist faces up to 18 years in prison. In February that year, five more journalists were charged under the Digital Security Act¹⁴. All those cases are pending before the courts.

In May 2019, the Bangladesh Telecommunications Regulatory Commission blocked access to two news websites¹⁵ after they published reports critical of the government. However, no explanation was provided for the decision.

Even before the repressive law was passed, hundreds of libel, defamation and contempt of court cases were filed against prominent editors, journalists and bloggers in the country. Mahfuz Anam, editor of the leading English language newspaper, the Daily Star, and member of the IPI Executive Board, has 83 cases pending against him, with the financial damages claimed amounting to US \$8 billion¹⁶.

In 2017 alone, 169 cases were filed against journalists under various sections of legal provisions¹⁷, which included cases of defamation and charges relating to insulting the Prime Minister.

Government supporters attacked journalists for covering student protests in August 2018¹⁸. A prominent award-winning photojournalist, Shahidul Alam, was arrested on August 5, 2018, after giving an interview to Al Jazeera about the protests. He spent nearly four months in prison before being released on bail¹⁹. Despite demands by press freedom organizations and noted intellectuals from around the world, the government has refused to drop charges against Alam.

Since early 2020, IPI has recorded 12 cases in which journalists were arrested for reporting on COVID-19 or exposing corruption related to the government's response to the pandemic. In February, cartoonist Ahmed Kabir Kishore, photojournalist Shafiqul Islam Kajol, and writer and journalist Mushtaq Ahmed were arrested under the Digital Security Act for criticizing the government. Ahmed died in prison later that month, after contracting COVID-19. The two other journalists face life imprisonment if found guilty.

Most recently, in May this year, Rozina Islam, a well-known investigative journalist of Prothom Alo, one of the country's biggest Bengali language newspapers, was arrested while she was at the Ministry of Health to gather information about reports of suspected corruption. Islam was charged under the Official Secrets Act with the theft and photographing of sensitive state documents. The journalist was granted

bail after three days in detention. Islam's arrest led to a major backlash within the country and condemnation by the international community, prompting the Foreign Minister to say the arrest was regrettable.²⁰

India

Press freedom in India has declined rapidly over the past few years²¹. The mainstream media is under pressure, with the government adopting various tactics to influence media companies and journalists²². Editors in the country are walking a tightrope in a bid to maintain their independence. Those who do not fall in line face the wrath of the government, are denied advertising revenue²³ and labelled anti-national. Journalists who are critical of the government are also attacked on social media by both leaders and supporters of the BJP²⁴. There have also been allegations that the government carried out unauthorized surveillance on journalists because of their reporting²⁵.

Since 2014, as many as 31 journalists have been killed in the country and all these cases have so far remained unsolved, resulting in growing impunity for crimes against journalists²⁶. Most were killed in targeted attacks and had been working for regional language media outlets that are highly influential but are also under severe pressure from the ruling party.

India accounts for the highest number of pandemic-related press freedom violations in the region. As many as 60 journalists²⁷ have been arrested or charged under various laws, and 23 journalists subjected to verbal and physical attacks. The Indian government has resorted to diverse means to prevent independent media from criticizing its handling of the pandemic²⁸, in a bid to control the public narrative. In March 2020, the government unsuccessfully petitioned the country's Supreme Court to bar the media from publishing information on COVID-19 that had not been cleared by the government. The apex court refused to intervene but directed the media to "refer to and publish" the official version of the developments.

As the pandemic spread rapidly across the country, the government and its law enforcement machinery resorted to the use of an archaic sedition law to silence critical journalists. At least eight senior journalists and editors have been charged with sedition. In a recent judgement, the Supreme Court ruled that the government could not pursue sedition charges against journalists merely for their criticism of authorities²⁹. Subsequently, the Supreme Court directed that



no journalist should be arrested for criticising the government³⁰. However, this has not prevented the police from filing charges against journalists for their reporting and social media posts under other oppressive laws like the Unlawful Activities Prevention Act and the Disaster Management Act.

Several journalists were arrested in January 2021 for reporting on the ongoing farmers' protests in India, and cases were filed against well-known editors for their social media posts and reports.

In February this year, the Indian government announced the controversial Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Part III of the rules pertains to digital news publishers and publishers of online curated content. The new rules introduce a three-tier grievance redressal mechanism to be overseen by a committee of government officials. At the first tier, publishers are required to appoint a Grievance Redressal Officer to respond to complaints within 15 days. The second tier provides for self-regulatory bodies to be appointed by the news organizations themselves, following the guidelines of the government on the structure of such bodies. Finally, the third tier comprises an oversight body set up by the Ministry of Information and Broadcasting to hear

appeals to decisions made at the second and third tiers. The oversight body would have the power to order the deletion or modification of content in certain cases. In addition to that, the rules grant "emergency powers" to the government oversight body to block online content when "no delay is acceptable". In those circumstances, the blocking of content could be ordered without requiring the publisher of the information to first be heard.

Digital media publications have filed petitions in court against the new rules and have accused the government of circumventing parliament to implement them.

Following the second wave of the pandemic in the country, which led to severe shortages of oxygen, the government attempted to suppress criticism of its response. In April, it asked social media networks to take down posts that were critical of the government and political leaders, which led to the removal of dozens of tweets.

Also in April, the government of the northern state of Uttar Pradesh ordered officials to apply the National Security Act and seize the property of individuals who spread "rumours" on social media claiming that hospitals were struggling to maintain their oxygen

supplies. The order came as media reports highlighted oxygen shortages and the rising number of deaths in the state. However, India's Supreme Court intervened, ruling that a clampdown on COVID-19 information would amount to contempt of court.

In May this year, the Election Commission of India appealed to the Supreme Court, seeking a direction to the media to refrain from reporting oral observations made by courts. The media had previously reported that in response to a Public Interest Litigation about the preparedness of the southern state of Tamil Nadu to tackle COVID-19 infections, a High Court had observed that the Election Commission was singularly responsible for the prevalent situation, as it had allowed the elections to the state legislative assembly to be held amid the pandemic. The Supreme Court rejected the application, saying the media could not be stopped from reporting on oral remarks of judges.

While India's apex and other courts have ruled in favour of freedom of expression, there has been no reprieve for journalists and media organizations in Indian-administered Kashmir. They have faced severe restrictions, legal harassment and arrests³¹ since August 2019, when India stripped the state of Jammu & Kashmir of its autonomous status, splitting it into two union territories directly administered by the federal government. The Internet, which was blocked when the government announced its decision, has since been restored in Kashmir. Media organizations critical of the government have been denied advertisements³², starving them of a substantial source of revenue and delivering a crippling blow to press freedom.

Nepal

Journalists in Nepal feel threatened by the criminal code implemented in 2018, which restricts press freedom³³ and imposes a heavy penalty for violations³⁴. Criticizing the President or members of parliament is a criminal offence, while the code prohibits publishing private information, including of officials, imposes a ban on recording conversations without permission and requires photographers to obtain permits in order to take pictures, and to sell or publish them. Authorities can detain suspects for up to 40 days while investigating criminal charges.

Meanwhile, the government has proposed four new laws: the Advertisement Regulation Bill, the IT Bill, the Nepal Media Council Bill, and the Public Service Broadcasting Bill, which according to journalists and

media outlets, would stifle press freedom³⁵. The provisions in the bills include steep financial penalties and long prison sentences for anyone seen to be criticising the government. The Media Council Bill seeks to put an end to the independence of the Council by having all members appointed by the President. The IT Bill would require all social network companies operating within the country to register with the Department of Information Technology. Additionally, the bill would ban any content on social media deemed to have a detrimental effect on Nepal's "national unity". The term has not been clearly defined, leaving the door open for misuse by government and spurious claims.

According to the 2019 Annual Report of Freedom Forum Nepal, as many as 111 cases of press freedom violations involving 163 journalists were recorded that year, the highest number over a seven-year period³⁶.

Pakistan

In Pakistan, the mainstream media is under serious threat, as radical political actors constantly attack media outlets and journalists. The armed forces have also played a key role in stifling press freedom in the country³⁷. Journalists have been slapped with lawsuits, including on charges of treason³⁸. Cases of abduction, physical attacks and torture of journalists have become commonplace³⁹. Equally disturbing is the nationwide intimidation of newspaper distributors, apparently intended to disrupt the circulation of newspapers like Dawn⁴⁰, Jang and The News. Reports indicate that acts of intimidation occur daily in large metropolitan residential areas and in medium-sized towns, particularly in military cantonments and military-administrated residential societies housing large civilian populations. Similar tactics are being deployed against cable television service providers affiliated to the Electronic Media Regulatory Authority. News channels such as Geo and Dawn News are frequently blocked from reaching audiences⁴¹.

Journalists and media organizations have been protesting against a proposed ordinance to regulate the media⁴². The government proposes to repeal all existing media laws and replace them with the ordinance, which would create a new media regulatory body, the Pakistan Media Development Authority (PMDA) headed by a government official. While the PMDA would have the authority to shut down media organizations, the ordinance also provides for the establishment of media tribunals with the power to



impose punishments of up to three years' imprisonment and a financial penalty on content producers for violating provisions in the ordinance. In an open letter to Prime Minister Imran Khan, IPI expressed grave concerns over the proposed ordinance, in particular the lack of independence of the regulatory body. "While your government's decision to appoint a committee to discuss the Ordinance with stakeholders is a positive move, we believe that the Ordinance itself should be withdrawn immediately, as there are sufficient mechanisms and processes available in the country to regulate the media and the PDMA will have a negative impact on the freedom of a vibrant and responsible media in Pakistan", IPI said in the letter⁴³.

Meanwhile, in a positive development, on May 28 in the Sindh province the state assembly passed the "Sindh Protection of Journalists and Other Media Practitioners Bill 2021"⁴⁴. As per the new law, the provincial government would be required to protect the right to life, safety and security of every journalist, which has been provided under Article 9 of the country's constitution. The bill also provides for setting up a "Commission for Protection of Journalists and Other Media Workers" to proactively protect journalists. However, the provincial governor returned the Bill to the assembly for without approving it. The assembly once again passed the bill and now it does

not require the consent of the governor. Civil society organizations, like the Pakistan Press Foundation, are working with the provincial government to draft the rules and regulations for the implementation of the Bill.

In 2019, at least 60 journalists were charged with terrorism in 35 cases, with 50 journalists being booked in the Sindh province alone. Some court decisions have set a worrying precedent "where courts toe the line of an increasingly authoritarian state apparatus"⁴⁵.

In December that year, protestors laid siege to the Islamabad office of the English-language daily Dawn, with similar protests following outside the Karachi Press Club and Dawn's offices in that city. Demonstrators carried banners branding Dawn CEO Hamid Haroon and Editor Zaffar Abbas as "traitors" and demanding that they be hanged. Protests against Dawn came after ruling party politicians criticized the newspaper on social media for publishing a report relating to a November attack in London⁴⁶.

Earlier in 2019, Cyril Almeida, an Assistant Editor of Dawn was charged with treason for publishing an interview of former prime minister Nawaz Sharif and Almeida's name was for a time put on the Exit Control List, barring him from leaving the country⁴⁷. In June that year, Almeida received the 2019 IPI Press Freedom

Hero award at the 68th World Congress in Geneva, and in October, he resigned from Dawn and has taken a break from the profession.

In February 2021, protestors targeted the offices of the Jang-Geo Group, attacking several journalists and destroying property.

Sri Lanka

The return to power of the Rajapaksa family in the 2019 presidential election in Sri Lanka had sparked concerns amongst media outlets and journalists over the future of media freedom in the country⁴⁸. President Gotabaya Rajapaksa has given assurances that his government will uphold press freedom⁴⁹, but fears remain. In 2011, while current Prime Minister Mahinda Rajapaksa was president, several news websites were blocked⁵⁰ by the country's regulatory commission for 'publishing reports that amounted to character assassination of the president and senior ministers. Media groups are apprehensive that such restrictions may once again be imposed on news outlets that are critical of the government.

Journalists belonging to Tamil language media outlets in the eastern district of Batticaloa received death threats in January 2020⁵¹. In the North and East of the

country too, several Tamil language journalists have been harassed and arrested by security forces. Many Tamil journalists have reported that they are under surveillance by the police, prevented from travelling for work and their homes visited by unidentified persons seeking information about them.

The intimidation and detention of Tamil language journalists increased significantly ahead of the UN Human Rights Council resolution in March this year, establishing an accountability process to collect, analyse and preserve evidence of international crimes committed in Sri Lanka for use in future prosecutions⁵². The BBC Tamil language service correspondent lodged a complaint with the police in March, alleging that unidentified persons were looking for information about him in the capital Colombo and later followed him during his visit to the northern part of the country⁵³.

On March 29, two journalists working for a YouTube channel 'Tube Tamil' Mugunthan Divanya, a woman reporter, and her male colleague Wimal Raj were arrested by the Terrorist Investigation Division of the Sri Lanka Police and have since been in detention, charged under the Prevention of Terrorism (Proscription of the Liberation Tigers of Tamil Eelam) Regulations No. 1 of 2011. A police spokesperson said that the two journalists had been promoting the cause of the separatist Liberation Tigers of Tamil Eelam.



Recommendations

For the High-Level Political Forum on Sustainable Development. The HLPF should:

1. Take serious note of the stifling press freedom environment and attacks on journalists in South Asian countries.

The state of press freedom and the increasing threat to the safety of journalists are major impediments to attaining not just SDG 16 but all 17 Sustainable Development Goals. Without the informed participation of citizens, countries cannot fulfil their commitment to achieving SDGs. Governments in South Asia are deterring public debate and inhibiting freedom of expression, thus undermining human rights and the International Covenant on Civil and Political Rights. A lively public debate and the empowerment of citizens through access to information are essential to achieving the SDGs.

2. Engage with South Asian governments through diplomatic channels to ensure the safety of journalists and press freedom.

As governments in South Asian countries are sensitive to criticism by the international community, HLPF members should use diplomatic channels to convey their concerns over curbs on press freedom and threats to journalists to the respective governments.

3. Urge governments in South Asia to end the arrest, intimidation, and legal and financial harassment of journalists and independent media organizations.

The HLPF should urge governments to stop the intimidation and arrests of journalists for their reporting and end the legal harassment of independent media organizations. They should call for all cases filed against journalists and media outlets to be dropped immediately. Independent media organizations should not be denied advertisement revenue by governments.

4. Exhort governments in South Asia to speedily investigate crimes against journalists.

Most murders of journalists in the region have remained unsolved. Journalists and editors have been calling on their governments to expedite

investigations into these cases and bring perpetrators to justice. HLPF members should use diplomatic channels to encourage governments to ensure that there is no impunity for crimes against journalists.

5. Demand the repeal of draconian laws that suppress press freedom and the ability of journalists to report independently.

Several draconian laws and measures put in place by South Asian governments have forced journalists to resort to self-censorship. This has led to the infringement of the right to freedom of expression. The Digital Security Act in Bangladesh, the sedition laws and the new Information Technology rules in India, Pakistan's proposed ordinance to create a new media regulatory body, the new laws proposed in Nepal and the application of anti-terrorism laws in Sri Lanka are all having a chilling effect on media freedom. The HLPF should call on the governments to repeal these laws and hold discussions with all relevant stakeholders before enacting new legislation.

6. Urge governments in South Asia to release detained journalists, drop all charges brought against journalists for their reporting on corruption in government and inadequate response to the COVID-19 pandemic.

Since the onset of the pandemic, governments in South Asia have attempted to control the public narrative, clamping down on criticism of their policies in dealing with the health crisis. Several journalists have been arrested and cases filed against many more for their critical reporting and for exposing corruption in government departments relating to the procurement of equipment and the provision of other services to citizens. The HLPF should call on the governments to release all detained journalists, drop charges against journalists and media organizations for their reporting on COVID-19, and stop the harassment of journalists for their social media posts.

7. Support journalists' bodies, press freedom groups and civil society organizations in their campaign to promote media freedom and the safety of journalists.

Journalists' bodies and press freedom organizations are key stakeholders in these countries, who are constantly campaigning to promote press freedom and the safety of journalists. Many of these organizations also provide legal support to journalists, who do not have the resources to fight cases against them in the courts. The HLPF members should support such organizations through their diplomatic missions and development aid mechanisms.

8. Enable implementation of the national legislations and mechanisms for press freedom and safety of journalists.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity adopted in 2012 urges Member States to develop legislation and mechanisms guaranteeing freedom of expression and information, including, for example, requirements that States effectively investigate and prosecute crimes against freedom of expression. The HLPF members should support development and implementation of such national mechanisms for the safety of journalists through diplomatic and capacity building measures, in collaboration with UNESCO and civil society organizations.

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