

Safety of journalists in non-EU countries: state and non-state protection mechanisms and the role of the EU



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Safety of journalists in non-EU countries: state and non-state protection mechanisms and the role of the EU

ABSTRACT

The following is a qualitative, comparative analysis of international state and non-state mechanisms and tools aimed at protecting and ensuring the safety of journalists, and the extent to which they are used and valued in three non-EU countries: the Philippines, El Salvador and Tunisia. Emphasis is placed on the role of the EU in using and strengthening its own and other international instruments. The findings are based on 15 expert interviews and a literature review carried out between mid-February and late April 2022. The study concludes that while EU Delegations and other international actors in these countries are active in promoting journalist safety and freedom of expression to varying degrees and their presence and support is valued by civil society organisations (CSOs), there is considerable room for improvement. Across the three countries, certain protection mechanisms and tools were frequently mentioned by both EU/UN and CSO representatives, while others were not mentioned/used or appeared under-used. A series of recommendations are made, including to: continue and increase support of the most used mechanisms/tools; build awareness/capacity around using the full range of instruments; address the disconnect between the EU's preference for private action and CSOs' desire for more public action; and commission a full external evaluation into the implementation of the EU Guidelines on Freedom of Expression.

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List of Abbreviations

AI	Amnesty International
ACHPR	African Commission on Human and Peoples' Rights
ACtHPR	African Court on Human and Peoples' Rights
AIJC	Asian Institute of Journalism and Communication
AMIC	Asian Media Information and Communication Centre
APES	Asociación de Periodistas de El Salvador (Association of Journalists of El Salvador)
ASEAN	Association of Southeast Asian Nations
CHR	Commission on Human Rights (Philippines)
CMFR	Center for Media Freedom and Responsibility (Philippines)
CoE	Council of Europe
CPJ	Committee to Protect Journalists
CSO	Civil society organisation
DDoS	Distributed denial-of-service
DROI	Subcommittee on Human Rights
EEAS	European External Action Service
EED	European Endowment for Democracy
EIDHR	European Instrument for Democracy and Human Rights
EOM	Election Observation Mission
EP	European Parliament
EU	European Union
EUSR	EU Special Representative
FPU	Free Press Unlimited
HRC	UN Human Rights Council
HRD	Human rights defender
HRO	Human rights organisation
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
IPDC	International Programme for the Development of Communication
IFJ	International Federation of Journalists
IGO	Intergovernmental organisation
IMS	International Media Support
INGO	International non-governmental organisation

IO	International organisation
JSAG	Journalists Safety Advisory Group (Philippines)
MEL	Monitoring, evaluation and learning
MFC	Media Freedom Coalition
MIP	Multiannual Indicative Programming
NDICI-GE	Neighbourhood, Development and International Cooperation Instrument – Global Europe
NGO	Non-governmental organisation
NHRI	National human rights institution
NUJP	National Union of Journalists of the Philippines
OAS	Organization of American States
OHCHR	UN Office of the High Commissioner for Human Rights
PDDH	Ombudsman’s Office for the Defence of Human Rights
PPASJ	Philippine Plan of Action on the Safety of Journalists (Philippines)
PTFoMS	Presidential Task Force for Media Security (Philippines)
RSF	Reporters Sans Frontières (Reporters without Borders)
SDG	Sustainable Development Goal
SNJT	Syndicat national des journalistes tunisiens (National Union of Tunisian Journalists)
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNPA	UN Plan of Action on the Safety of Journalists and the Issue of Impunity
UNSR	UN Special Rapporteur
UPR	Universal Periodic Review
USA	United States of America
WJP	World Justice Project
WPFDD	World Press Freedom Day (3 May)

Executive Summary

Violence against journalists and impunity is a growing global problem which has received significant international attention, particularly in the last decade. This study provides a qualitative, comparative analysis of international state and non-state mechanisms and tools aimed at protecting and ensuring the safety of journalists, bloggers and media professionals (hereinafter 'journalists') as well as their use in three non-European Union (EU) countries with difficult political contexts: the Philippines, El Salvador and Tunisia. The focus is on measures established by inter-governmental organisations (IGOs), groups of states and international non-governmental organisations (INGOs) to prevent or directly respond to attacks on individual journalists and combat impunity. The study examines the extent to which such international protection mechanisms and tools are being employed on the ground and how useful and impactful they are. Special emphasis is placed on the role of the EU in using and strengthening its own and other international instruments. The findings are based on in-depth interviews with 15 representatives of the EU, United Nations (UN) and civil society organisations (CSOs) across the three countries as well as a review of available academic and grey literature and media reports carried out between mid-February and late April 2022.

The analysis concludes that while EU Delegations and other international actors in the three countries are active in promoting journalist safety and freedom of expression to varying degrees and their presence and support is valued by CSOs, there is considerable room for improvement. There is a clear disparity between, on one hand, the plethora of international initiatives, mechanisms and tools to protect journalists and ensure their safety as well as the high level of international activity, and on the other the relatively low awareness and use of these at domestic level (both by EU Delegations and CSOs).

The international protection mechanisms and tools most frequently mentioned by both the EU/UN and CSO representatives across the three countries were: the European Instrument for Democracy and Human Rights (EIDHR)¹ and other international funding; public actions such as statements and events; training for journalists (in security, legal literacy and professional skills); as well as certain protection mechanisms of the UN (Special Rapporteurs and the Universal Periodic Review) and the Inter-American Commission on Human Rights (IACHR). However, the two sides did not always agree on how effective these different approaches were, with CSOs often expressing a desire for improvements. In all three countries, EU officials – but not CSOs – placed considerable emphasis on political dialogue as a means of raising freedom of expression and other human rights related concerns with the state and pushing for improvements. The private nature of these discussions and the apparent lack of regular consultation and debriefing with local CSOs specifically on journalist safety/media freedom in the case study countries means that their frequency, content and outcomes are not widely known and their impact is difficult to assess.

Across the three countries, certain protection mechanisms and tools were not mentioned or were not used. At EU level, these were: ProtectDefenders.eu; démarches; the EU Special Representative on Human Rights; as well as outreach and emergency assistance to individual journalists². At UN level, UN treaty bodies and the United Nations Educational Scientific and Cultural Organisation (UNESCO) complaints procedures were also not mentioned. Other protection instruments were apparently under-used, including public statements clearly condemning violence against journalists and impunity and the African Commission on Human and Peoples' Rights (ACPHR), including its Special Rapporteur on Freedom of Expression and

¹ In 2021, the EIDHR was merged with other EU external financial instruments to form the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-Global Europe); while some EIDHR-funded projects continue to operate, future funding will come from the NDICI-Global Europe's thematic programme on Human Rights and Democracy (see section 3.2.1).

² The author acknowledges that it is possible that these protection mechanisms and tools have been used but this was not mentioned in interviews for reasons of confidentiality or due to interviewees' lack of knowledge.

Access to Information in Africa. Although funding was a key concern for local CSOs, there was perhaps a lack of knowledge of the full range of international funding opportunities available.

This suggests a general need for awareness-raising and capacity-building around international protection mechanisms and tools for both EU Delegations and CSOs, while bearing in mind relevance and appropriateness to context. Moreover, international actors' coordination with local CSOs appeared to be less developed than their coordination with each other. It was not clear how EU Delegations measured impact and effectiveness in relation to their actions to promote journalist safety and freedom of expression outside the context of funded projects³. There was a sense that Delegations' work in this area and the importance of a gender perspective within it were sometimes confined to EU-funded projects.

The analysis concludes with a series of recommendations for the EU, EP and other international actors.

Recommendations for the EU and other international actors:

1. Continue, strengthen and increase support for funding programmes, public statements and events, training for journalists and officials, as well as the use of key UN/IACHR protection mechanisms.
2. Raise awareness of and build capacity around using the full range of EU and other international protection mechanisms and tools among both EU/UN staff and CSOs that support journalists, while bearing in mind context relevance.
3. Consider increasing legal assistance for journalists who are facing prosecution or need to take perpetrators to court.
4. Support actions to promote solidarity and collaboration between journalists and media outlets to improve journalist safety.
5. Give careful consideration to implementing/pushing for the implementation of the recommendations of the advisory reports of the High-Level Panel of Legal Experts on Media Freedom, relating to the use of targeted sanctions, provision of emergency visas for journalists at risk, and strengthening consular support to journalists at risk abroad and investigations into attacks on journalists.

Recommendations for the EU:

1. Ensure that EU funding programmes are known and accessible to local CSOs that work on journalist safety and freedom of expression. Ensure a balance between funding for projects promoting journalist safety and media development, in line with NDICI-Global Europe's thematic programme on Human Rights and Democracy and its Multi-Annual Indicative Programming (MIP) and related indicators.
2. Address the disconnect between the EU's preference for private action and CSOs' desire for more public action in relation to attacks on journalists and media freedom, for example by exploring making more public statements, both preventively and reactively, and setting advocacy goals in consultation with civil society.
3. Promote awareness of the 2021 Guidelines on Human Rights Dialogues with Partner/Third Countries among EU Delegations and local CSOs with respect to guidance on civil society engagement, publicity and monitoring and follow up of progress.

³ According to EU sources, EU Delegations produce an annual report on the implementation of their Human Rights and Democracy Country Strategies, however both the strategies and the implementation reports are internal and confidential in nature and are therefore not publicly available (EEAS, 2021h; EU, 2021c: 11).

4. Review how EU Delegations assess the impact of their work on journalist safety and freedom of expression, including what monitoring, evaluation and learning (MEL) systems and indicators are in place.
5. Ensure that journalist safety and freedom of expression concerns, including the importance of a gender perspective in this, are mainstreamed in EU Delegations' work and that staff receive appropriate training.
6. Once the issues mentioned above have been addressed, consider increasing the human and financial resources available to EU Delegations to focus on journalist safety and freedom of expression work.
7. Commission a full external evaluation of the EU Guidelines on freedom of expression and their implementation, including by EU Delegations in non-EU countries.

For the European Parliament and the Subcommittee on Human Rights (DROI):

- 1 Continue to carry out missions to non-EU countries where journalist safety and protection are at risk, for example to the Philippines at the start of the new Marcos administration and a follow-up mission to El Salvador, including extensive consultation with local CSOs and journalists.
- 2 Following consultation with local civil society, consider issuing urgency resolutions and/or press releases highlighting restrictions and attacks on journalists and media freedom in such countries.
- 3 Press the European External Action Service (EEAS) for greater transparency in terms of how EU Delegations measure impact and effectiveness in relation to their actions to promote journalist safety and freedom of expression, in particular outside the context of funded projects.
- 4 Press for a full external evaluation of the EU Guidelines on freedom of expression and their implementation by EU Delegations in non-EU countries.

1 Introduction

Violence against journalists and impunity is a growing global problem, undermining citizens' access to information. Violence against journalists is defined here as physical or psychological attacks, threats or harassment (possibly) related to their work; and impunity as an absence of legal consequences for the perpetrators. At least 1 229 journalists were killed worldwide between 2006 and 2020, with only 87 % of these crimes fully resolved (UNESCO, 2021: 13). Non-fatal attacks, which tend to receive less attention, are far more frequent. Violence against journalists increasingly occurs in countries officially at peace, with perpetrators including both state and non-state actors (Carlsson and Pöyhtäri, 2017, Chocarro, 2017, Asal et al., 2016).

The issue has received significant international attention since the late 1990s and in particular since the 2012 United Nations (UN) Plan of Action on the Safety of Journalists and the Issue of Impunity (UNPA) (UN, 2012b), resulting in a plethora of resolutions, initiatives, mechanisms and tools at UN, regional and multilateral level aimed at enhancing journalist safety and addressing impunity. While acknowledging this, the UN High Commissioner for Human Rights has expressed concern that attacks on journalists are increasing, raising legitimate questions about the efficacy and impact of these protection instruments, and has highlighted the need for data collection, research and independent evaluations in this area (UN, 2018a: paras. 57-63).

This analysis covers international state and non-state mechanisms and tools aimed at protecting and ensuring the safety of journalists, bloggers and media professionals (hereafter 'journalists'⁴) and how these work in practice in three non-European Union (EU) countries with difficult political contexts: the Philippines, El Salvador and Tunisia. The analysis focuses on measures established by inter-governmental organisations (IGOs), groups of states and international non-governmental organisations (INGOs) to prevent or directly respond to attacks on individual journalists and combat impunity, rather than on the domestic or international legal environment for media freedom *per se*⁵. It examines the extent to which EU and other international protection mechanisms and tools are being used on the ground and how useful and impactful they are. Special emphasis is placed on the role of the EU in using and strengthening its own and other international instruments.

The EU has expressed a clear commitment to promoting freedom of expression and enhancing journalist safety via documents such as the EU Strategic Framework on Human Rights and Democracy (2012), the EU Action Plan on Human Rights and Democracy (2020-24) (Media4Democracy, 2020: 27-28) and the 2014 EU Human Rights Guidelines on Freedom of Expression Online and Offline (hereinafter 'the EU Guidelines') (EU, 2014)⁶. The EU Guidelines are not legally binding but indicate a strong EU priority (EIDHR, 2021). They 'present [...] specific practical and operational guidance for the EU, Member States and EU Delegations operating in third countries to protect and defend the security of journalists, as well as their [...] fundamental human right to freedom of expression' (Media4Democracy, 2020: 11, 23, 27). They reinforce and complement the 2008 EU Human Rights Guidelines on Human Rights Defenders (EU, 2008) and make

⁴ This analysis employs a broad, functional definition of the term 'journalist': anyone 'who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication' (Heyns and Srinivasan, 2013: 307, citing Council of Europe and UN sources). This can include media and community media workers, freelancers, photographers, 'citizen journalists' (IACHR, 2013; UN, 2012a) and 'social media producers who generate a significant amount of public-interest journalism' (UNESCO, 2016: 5).

⁵ Although the analysis touches on the international normative framework relating to the protection of journalists, such as treaties, resolutions, declarations and guidelines of the UN, EU and other IGOs, these are not covered here.

⁶ Initiatives such as ProtectDefenders.eu, Media4Democracy and the Human Rights and Democracy Multi-Annual Indicative Programming under NDICI-Global Europe (see section 3.2.1) would also appear to indicate a growing financial commitment on the part of the EU to promoting journalist safety and freedom of expression.

it clear that journalists are human rights defenders (HRDs) and should have access to the same support as other HRDs.

Priority area 1 of the EU Guidelines – on which this study focuses – covers ‘combating violence, persecution, harassment and intimidation of individuals, including journalists and other media actors, because of their exercise of the right to freedom of expression online and offline, and combating impunity for such crimes.’ The EU Guidelines commit the EU to using ‘all appropriate political and external financial instruments in order to further the promotion and protection of freedom of opinion and expression’ (para. 37). They also state that ‘[a]busive restrictions on freedom of expression and violence against journalists and other media actors should be taken into account by the EU when deciding on possible suspension of cooperation, notably as regards financial assistance’ (para. 50).

1.1 Methodology

The study is comparative and qualitative in nature. The three case study countries – the Philippines, El Salvador and Tunisia – were selected to represent a range of regions, varying degrees of severity of attacks on journalists and media freedom, and types of bilateral relationships with the EU. However, they share several characteristics: they are all partial democracies that fall between full democracies and authoritarian regimes, lower-middle income countries, and all currently have governments that are overtly hostile towards journalists and the media. The Philippines and Tunisia are due to have their human rights records scrutinised under the UN Human Rights Council’s (HRC) Universal Periodic Review (UPR) in late 2022.

The main data sources for the analysis are expert interviews and available academic literature and grey literature, including reports, evaluations and indices produced by IGOs and INGOs. Data collection was carried out between mid-February and late April 2022. For the case studies, the principal data source is in-depth semi-structured interviews with 15 representatives of the EU, UN agencies and civil society organisations (CSOs), including non-governmental organisations (NGOs) and journalists’ associations, which work to support journalists and promote freedom of expression in the relevant countries. The interviews were carried out via online platforms in March and April 2022, mainly in English but some in Spanish and French, and lasted 40-80 minutes. Informed consent was obtained.

An interview guide was used which was adapted for different interviewees, depending on their role, country, language, the time they had available, and so forth. In other words, interviewees were not all asked exactly the same questions, but they were broadly all asked about their work to protect journalists and ensure their safety, including their use/experience of international protection mechanisms and tools⁷; their collaboration and coordination with relevant international organisations, i.e. IGOs, embassies, INGOs and, in the case of the EU and UN interviewees, their collaboration and coordination with local CSOs or journalists’ associations; as well as the gender dimension and overall performance of relevant international organisations in this area, with a focus on the role of the EU. Interview guides for different sets of interviewees can be found in Annex I.

Interview notes were taken (in English) and a thematic analysis of the data was carried out. The interview notes were read at least twice and re-organised per country into themes relating to the main groups of interview questions asked. Wherever possible, interview data were supplemented and cross-referenced with reports, statements and media reports that were supplied by interviewees or were publicly available

⁷ Definitions of the terms ‘protection mechanism’ and ‘protection tool’ in relation to journalist protection and safety vary and they are often used interchangeably in practice. Here, ‘protection mechanism’ is broadly used to denote an institution or formal process designed to protect journalists or enhance their safety, for example the UN Special Rapporteur (UNSR) for Freedom of Opinion and Expression or the EU-funded ProtectDefenders.eu. ‘Protection tool’ is used to refer to a specific protective action which can be part of or contribute to a wider protection mechanism, for example letters of concern by the UNSR or an emergency or temporary relocation grant from ProtectDefenders.eu, or stand alone, for example security training. However, not all protection instruments fall neatly into one category or the other, hence it is possible that there is also some overlap between the use of the two terms in this analysis.

via targeted literature review and web searches. In this way, written sources are used where feasible to back up interviewees' assertions, particularly those relating to verifiable events or facts. Such additional sources were also sometimes used as a source of data in themselves. However, the interview data and therefore findings are inevitably subjective to a degree due to the nature of the topic studied – i.e. interviewees' experiences of international protection mechanisms and tools and how they work in practice in different countries – as well as the relatively small scale of the study due to the tight timeframe available. There is also relatively little academic literature to date on the effectiveness of protection mechanisms and tools for journalists and HRDs that can be used to back up interviewees' statements; this is a contribution of this study.

Interviewees' names are withheld for confidentiality/security reasons; where referred to, they are identified by country and organisational affiliation. Quotes and opinions are attributed to the relevant organisation unless potentially damaging for interviewees or they requested these to remain anonymous. The pronoun 'they' is used (rather than 'he' or 'she') to avoid inadvertently identifying individuals.

1.2 Structure

The in-depth analysis opens with a summary of the key global initiatives, policies and strategies to enhance journalist safety since the advent of the UNPA and especially in the last five years (2017-22). This is followed by an outline and analysis of the main international mechanisms and tools established by the UN, EU and other regional human rights systems and INGOs with the aim of protecting and ensuring the safety of journalists. Given the high number of such international instruments, the analysis is necessarily non-exhaustive. The three country case studies then show how these initiatives, mechanisms and tools play out on the ground in the Philippines, El Salvador and Tunisia – which are most relevant and useful, and why – and make country-specific recommendations. The analysis ends with a comparison of the case studies and more general recommendations to the EU and international community.

2 Recent international initiatives to enhance journalist safety

This section outlines the main UN and multilateral initiatives, policies and strategies aimed at enhancing journalist safety and addressing impunity for attacks against them. These include the UNPA, the Sustainable Development Goals (SDGs), the Media Freedom Coalition as well as some other multilateral initiatives.

Launched in 2012, the **UN Plan of Action on the Safety of Journalists and the Issue of Impunity** (UN, 2012b) is an ambitious multi-stakeholder strategy designed to coordinate action on these issues at international, regional and national levels. Led by the United Nations Educational Scientific and Cultural Organisation (UNESCO), the UNPA proposes strengthening the contribution of UN actors and enhancing UN-wide coherence, cooperating with UN member states to develop legislation and other mechanisms to safeguard journalist safety and freedom of expression and information, partnering with other organisations including CSOs and journalists' associations, and raising awareness of the importance of journalist safety and countering impunity among UN member states, policymakers, media houses and journalists (UN, 2012). The UNPA has acted a catalyst for a series of resolutions emphasising the need to protect journalists by the United Nations General Assembly, the United Nations Security Council, the Human Rights Council and UNESCO (Media4Democracy, 2020: 17). A few countries have now developed their own National Action Plans for the Safety of Journalists, including the Philippines in 2019 (UNESCO, 2019) and the United Kingdom (UK) in 2021 (UK Government, 2021).

UNESCO has also undertaken a series of activities within the UNPA framework. For example, it has *encouraged new research* on journalist safety and impunity with considerable success (Berger, 2020: 85; Fadnes et al., 2019: 2, 4), including via the publication of Journalist Safety Indicators (2013) and a Research

Agenda (2015), as well as annual international conferences (UNESCO 2016:11). Recently UNESCO has *promoted the safety of women journalists* via a major research project on online violence against women journalists (2020), a training module on the safety of women journalists and guidelines on integrating a gender-sensitive and gender-responsive approach into media organizations' safety policies and practices (UN, 2021, para. 43). In 2020, UNESCO established the *Global Media Defence Fund* with the support of the governments of Canada and the UK to fund local, regional and international projects relating to journalist safety, legal assistance to journalists and the fight against impunity (UNESCO, 2020: 5-6).

The most recent evaluation of the UNPA dates to 2017. Five years after its launch, UNESCO and the UN Office of the High Commissioner for Human Rights (OHCHR) held a global multi-stakeholder consultation on strengthening implementation of the UNPA. A preliminary assessment of effectiveness identified a need to embed journalist safety as an intrinsic responsibility of all actors. It recommended that UN entities beyond UNESCO and OHCHR become more involved in the UNPA and that they improve their coordination, collaboration and sharing of information and good practices; that regional initiatives be expanded; and that existing regional bodies increase their monitoring and reporting efforts. It also highlighted the need for adequate resources to implement the UNPA (UN, 2018: paras. 6, 60). A key outcome of the consultation was to encourage action at national level (Berger, 2020: 84), including to prioritise 'translating the standard-setting framework of the UN Plan into national law, policies and practices' and reporting on the safety of journalists within international frameworks (UN, 2017b: 4).

As a result of the consultation, the UN Secretary General appointed a designated official on the safety of journalists in the Executive Office and re-established a focal points network, spanning 14 UN agencies, to improve coordination across the UN system (UNESCO, 2020: 3-4; Article 19, 2019: 33; UN, 2018: para. 6). However, according to Article 19 (2019: 33), 'challenges to coordination and adequate resourcing [...] persist, and developing a UN-wide methodology to collect information for evaluating the system's effectiveness is essential.' Moreover, despite all the resolutions and actions triggered by the UNPA, it is clear that violence against journalists and impunity has continued and intensified in many parts of the globe (Marcen, 2021: 45; Fadnes et al, 2019: 1). At the time of writing, plans were reportedly underway for a new evaluation of the implementation of the UNPA, but details had yet to be made public.

The 2030 Agenda for Sustainable Development provides an important framework for monitoring, measuring and assessing progress in the area of the safety of journalists (UN, 2018: para. 40). Adopted by the international community in 2015, the **Sustainable Development Goals** 'recognise information as both an enabler of positive change and a development target in itself' (UNESCO, 2016: 8-9). SDG target 16.10 specifically commits UN member states to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. It also commits UN member states to report on SDG indicator 16.10.1: 'Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months'. The adoption of this indicator was seen as a significant step towards mainstreaming the safety of journalists within the international development agenda (UNESCO, 2016: 8-9). Methodological and data collection approaches for the indicator have been developed by OHCHR, UNESCO's International Programme for the Development of Communication and the International Labour Organization (OHCHR et al., n.d.). Berger (2020) highlights the potential of SDG indicator 16.10.1 to stimulate 'improved, more comparative, and increased research output [...] particularly at country level [...] that could have real impact on the safety of journalists.' However, Harrison et al. (2020) highlight a series of methodological challenges linked to the indicator and propose developing a robust and reliable events-based methodology to help better understand the contextual circumstances and processes that generate violence against journalists.

The **Media Freedom Coalition** (MFC) was formed in July 2019 at the Global Conference for Media Freedom in London (UN, 2021: para. 23). It is 'a partnership of States working together to advocate for media freedom

online and offline, and the safety of journalists' (Government of Canada, 2020), initially led by the UK and now by the Netherlands and Canada. As of April 2022, there were 52 members from around the world⁸ (MFC, 2022). All MFC members have signed the Global Pledge on Media Freedom, a written commitment to improve media freedom at the national level and work together at the international level (UN, 2021: para. 23). MFC members make the following five pledges: '1) to promote accountability by 'raising the cost' to those who abuse or violate media freedom; 2) to hold its own members to account over media freedom violations; 3) to work together as a coalition, expand the membership and collaborate with partners [...]; to 'shine a spotlight' on the issue of media freedom by raising awareness of it; and 5) to develop and defend the media by providing practical support to independent media around the world' (Myers et al., 2022: 3).

July 2019 also saw the establishment of the **High Level Panel of Legal Experts on Media Freedom**, the MFC's independent advisory body made up of leading experts in international law (IBA, n.d.-a). In 2020, the Panel published a series of four advisory reports detailing how MFC members can protect journalists and support media freedom by using targeted sanctions, providing emergency visas for journalists at risk, and strengthening both consular support for journalists at risk abroad and investigations into attacks on journalists, including by creating a standing international Investigative Task Force (Myers et al., 2022: 3, 15; IBA, n.d.-b) (for further details of the reports, see Annex II). These reports and their recommendations have been widely endorsed, including by relevant UN Special Rapporteurs and specialist INGOs (IBA, 2020a, IBA, 2020b, IBA, n.d.-c, IBA, n.d.). While the recommendations are relevant to all MFC members and other states and entities interested in journalist safety and media freedom, those on the use of targeted sanctions⁹ and the provision of emergency visas for journalists at risk appear to be particularly relevant to the EU.

Academics from the UK and the Philippines have recently carried out an extensive evaluation of the first two years of the MFC (2019-21). Assessing the MFC by its own pledges, the authors found that, despite some positive steps and early successes, the MFC's actions had been slow and lacking in visibility, transparency, budget and 'political impact', in part due to the COVID-19 pandemic. Overall, the MFC was 'only partially achieving its objectives' and 'require[d] a re-set and re-injection of energy and funds in the next two to three years if it [was] to achieve its original aims'. However, they expressed some optimism that this turnaround was achievable and made six robust recommendations to strengthen the MFC's work (Myers et al., 2022: 3, 5). Recommendation 2 states that 'The MFC should provide a substantive response to each of the advisory reports published by the High Level Panel of Legal Experts on Media Freedom, detailing how and when MFC members intend to implement their recommendations' (Myers et al., 2022: 3). The wider international community should also carefully consider these reports and recommendations.

Other recent relevant multilateral actions include the creation of '**Groups of friends**' at the UN in Geneva and New York, as well as UNESCO in Paris for UN member states interested in journalist safety and protection. These groups bring together states committed to strengthening the UNPA and its implementation at a national level as well as its promotion in all relevant UN fora (UN, 2017a: 14; UNESCO, 2016: 9). For example, in April 2020 the UN and UNESCO Groups of friends, along with the OSCE equivalent (see Annex III), issued a joint statement on the safety of journalists and the role of the media in access to information during the COVID-19 pandemic (UNESCO, 2020b). In December 2020, more than 50 ministers of foreign affairs and other government representatives signed the **Hague commitment** to increase the safety of journalists, committing to carry out independent investigations and prosecutions of all crimes

⁸ The MFC members are: Afghanistan, Argentina, Australia, Austria, Belize, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Guyana, Honduras, Iceland, Ireland, Italy, Japan, Kosovo, Latvia, Lebanon, Lithuania, Luxembourg, Maldives, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Portugal, Republic of Korea, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, Ukraine, the United Kingdom, Uruguay and the United States (MFC, 2022).

⁹ The High-Level Panel's report on the use of targeted sanctions to protect journalists, drafted by its deputy chair Amal Clooney, includes an in-depth analysis of the existing systems for targeted sanctions in the USA, UK, Canada and the EU, and its recommendations specifically mention the EU's role (Clooney, 2020).

against journalists, both online and offline (UN, 2021: para. 24). In February 2022, a **UN-EU High-level Policy Dialogue** on protecting the safety of journalists as well as media freedom and pluralism in the EU was held in Belgium to mark the 10th anniversary of the UNPA, discuss strengthening EU efforts and cooperation among EU, UN and other regional stakeholders, and gather recommendations. The event was organised as part of the Global Drive for Media Freedom and Safety of Journalists, a joint programme launched by the OHCHR and UNESCO in 2021 with the support of the Netherlands (MFRC, 2022).

3 International mechanisms and tools to protect journalists

This section presents an overview of different international mechanisms and tools to protect journalists and promote their safety set up at global or regional level by IGOs or INGOs. Given their proliferation, this review is necessarily non-exhaustive and aims to focus on the main instruments used by journalists and organisations acting on their behalf.

3.1 UN Bodies

Various UN entities are involved in ensuring the safety of journalists, including the HRC, treaty bodies, OHCHR and UNESCO. The main protective mechanisms and tools associated with these entities are outlined below.

3.1.1 UN Human Rights Council

One of the most important and longstanding mechanisms used by journalists at risk and protection actors are the **UN Special Rapporteurs** (UNSR) (also known as 'Special Procedures'). UNSRs are independent experts who support individuals at risk, including journalists, via tools such as allegation letters and urgent appeals to governments, public statements, country visits and country and thematic reports (UN, 2018: para. 48; OHCHR, n.d.-b; OHCHR, n.d.-d). The most pertinent is the UNSR on the promotion and protection of the right to freedom of opinion and expression. However, others are also relevant, including the UNSR on the situation of human rights defenders; extra-judicial summary or arbitrary executions; and violence against women. In 2020-21 several UNSRs raised the question of journalist safety in communications to states and non-state actors (UN, 2021: para. 31). The UNSRs offer several other advantages: they respond relatively quickly, cover all countries and do not require victims to exhaust domestic remedies before they can act (Heyns and Srinivasan, 2013: 318). UNSRs in general are also valued for being accessible to victims. However, their impact is limited and uneven, while follow-up and effectiveness are seriously restricted by lack of adequate resourcing and political pressures (Subedi, 2011, Pinheiro, 2003).

Established in 2006, the **Universal Periodic Review** is a peer review process whereby every four to five years each of the UN's 193 member states has its human rights record scrutinised in relation to its international commitments. The UPR is based on information provided by the state under review, UN entities and other stakeholders including national human rights institutions (NHRIs) and (I)NGOs. UN member states take part in the review session and may ask questions or make comments and recommendations. States under review can 'support' (accept) or 'note' (reject) recommendations made under the UPR and are expected to report on progress in the implementation of supported recommendations in the next review (OHCHR, n.d.-a). The UPR is not generally used to highlight individual cases unless they are considered emblematic, but recommendations are often made relating to freedom of expression and press freedom, including journalist safety, for example carrying out impartial investigations into journalist killings, strengthening existing protection mechanisms and ending arbitrary arrests (UNESCO, 2020: 26). Some states now also submit mid-term implementation reports, a process to which UN entities, NHRIs and (I)NGOs can also contribute (OHCHR, n.d.-f). However, there is no official UN process responsible for assessing the implementation of UPR recommendations (UPR-Info, 2018).

3.1.2 UN Treaty bodies and their individual complaint mechanisms

Treaty bodies are committees of independent experts that monitor state parties' implementation of the core international human rights treaties and their optional protocols (OHCHR, n.d.-e). In 2020-2021, most treaty bodies raised concerns about and made recommendations on the safety of journalists in their concluding observations on the periodic reports of state parties. This included the Human Rights Committee (which monitors implementation of the International Covenant on Civil and Political Rights); the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Discrimination against Women; the Committee against Torture; the Committee on the Rights of Persons with Disabilities; and the Committee on the Elimination of Racial Discrimination (UN, 2021: para. 36). Others potentially relevant to journalist safety include the Committee on Enforced Disappearances. The OHCHR has noted that although individuals can bring complaints against a state party alleging a violation of treaty rights to the relevant treaty body (OHCHR, n.d.-c), 'this option has been rarely used in relation to cases concerning the safety of journalists' (UN, 2018: para. 47)¹⁰.

3.1.3 OHCHR

OHCHR carries out **capacity building**, providing education and information about the safety of journalists, as well as developing policies and practices within states and organisations to protect journalists, for example in relation to the federal protection mechanism for journalists and human rights defenders in Mexico. It has carried out workshops to strengthen prosecutors' knowledge of international and regional standards on journalist safety in conjunction with the Inter-American Commission on Human Rights (IACHR)'s Special Rapporteur for freedom of expression (see section 3.2.2 below). OHCHR also supports **international commissions of inquiry and fact-finding missions** which have monitored violations of journalists' rights and made related recommendations, for example on Syria, Burundi, South Sudan and Myanmar (UN, 2018: paras. 24, 26, 37).

3.1.4 UNESCO

As noted above, UNESCO is the lead UN entity for the UNPA. UNESCO has been recording and condemning the killing of journalists since 1997 and since 2008 has produced the UNESCO **Director-General report on the status of judicial investigations into the killings of journalists worldwide** every two years. This is an important initiative and one with which states are increasingly engaging. However, it has several limitations. The information on which the report is based is partial: the status of a case, including whether it has been 'resolved', is based only on voluntary responses from states (UNESCO, 2020: 14; UNESCO, 2018: 24, 26), which can be misleading¹¹. As of 2020, states had failed to supply any information in 31 % (366 out of 1 167) of recorded journalist killings since 2006 (UNESCO, 2020: 27). There is untapped potential for NGOs to submit shadow reports commenting on states' claims (Heyns and Srinivasan 2013: 320). The Director-General's report only considers killings even though the office is empowered to consider other physical attacks (Chocarro 2017: 52). There are no effective sanctions for states which do not comply with reporting to UNESCO (Mitchell, 2019: 232).

Under the **UNESCO complaints procedure**, certain individuals and groups, including journalists, can submit a complaint to the UNESCO Committee on Conventions and Recommendations if they are direct victims of or have a sufficient connection to a violation of a right contained in the Universal Declaration of

¹⁰ However, in 2018, as a result of an individual complaint brought on behalf of Mexican journalist Lydia Cacho by the INGO Article 19 in 2014, the Human Rights Committee ruled that Cacho was arbitrarily detained, subjected to torture and gender violence and violation of her right to free expression, ordered reparations and called for the abolition of criminal defamation laws in eight Mexican states (UN, 2018b).

¹¹ For example, in September 2020 UNESCO prematurely declared that the 2009 Maguindanao massacre, including of 32 journalists, in the Philippines was 'resolved' on the basis of information from the state, only to change the status of the case back to 'ongoing' following protests from local civil society (Crispin, 2020).

Human Rights falling under UNESCO's competence (UN, 2018: para. 49). These rights include the right to information, including freedom of opinion and expression, and freedom of association. Following a closed session, the Committee informs the state and victim of its decision (UNESCO, 2010). According to Donders (2018), the procedure is little known and rarely used and its effectiveness has been questioned due to: the confidential nature of the procedure; its supervisory body being composed of States' representatives; and its focus on reaching a friendly settlement with the State concerned, rather than ruling on whether human rights were violated. UNESCO maintains that the procedure has been successful on several occasions despite its confidential nature (UNESCO, 2010).

UNESCO has also developed **capacity-building** programmes in Latin America and in Africa to raise awareness among judges, judicial actors and civil society about international and regional standards on freedom of expression and safety of journalists and has held 'training dialogues' with police, security officers and journalists aimed at fostering mutual understanding; these programmes have benefited over 20 000 individuals. As mentioned above (Section 2), UNESCO has developed various initiatives to promote the safety of women journalists. It also supports UN member states in the creation of national safety mechanisms to prevent, protect against and prosecute attacks on journalists and to combat impunity, which have been set up in more than 25 countries in recent years. UNESCO's **International Programme for the Development of Communication (IPDC)** has supported the promotion of safety of journalists via 128 projects in more than 45 countries since 2009. In 2019-20, projects supported national monitoring and reporting mechanisms, capacity building, awareness-raising, development of safety guidelines and country assessments using UNESCO's Journalists' Safety Indicators (UNESCO, 2020: 4-6).

3.2 Regional Bodies

Some regional bodies play an important role in protecting and ensuring the safety of journalists. These and their main protective mechanisms and associated tools are outlined below.

3.2.1 European Union

Set up in 2015, **ProtectDefenders.eu** is the EU's mechanism designed to protect HRDs at risk worldwide, including journalists. It does so via a variety of tools, including emergency grants (up to EUR 10 000) to implement physical security measures (such as safe transportation or alarm systems), legal aid, medical costs or family support, grants for temporary relocation inside the HRD's country or abroad (maximum EUR 60 000), and a 24/7 support hotline and encrypted chat function. It also provides grants for capacity-building, human rights organisations (HROs) and to support new and emerging shelters and other initiatives for the temporary relocation of HRDs at risk at local and regional levels. The mechanism's priority areas include women HRDs and HRDs fighting for freedom of expression. ProtectDefenders.eu is 95 % funded by the European Instrument for Democracy and Human Rights (EIDHR)¹² and is run by a consortium of 12 INGOs (ProtectDefenders.eu, n.d.-a). EU Delegations can refer cases to the mechanism – though HRDs at risk can also self-refer – while the consortium takes decisions on assistance (Media4Democracy, 2020: 46-47). An evaluation in 2017 found that ProtectDefenders.eu was highly effective in terms of increasing HRDs' security on the ground, improving their skills and connecting them to peers; it had also 'significantly contributed to enhance the EU's profile in the field of support to human rights defenders'. It was recommended that it continued with a greater emphasis on supporting shelters (EU, n.d.: 8). As of April 2022, ProtectDefenders.eu had supported over 40 000 HRDs worldwide (ProtectDefenders.eu, n.d.-b).

EU funding programmes: Until 2021, CSOs in non-EU countries could apply to the EIDHR for large-scale multiyear funding for projects to promote journalist safety and protection and freedom of expression more generally via its annual global calls (EIDHR, 2021). EU Delegations also could use the EIDHR to provide funds

¹² ProtectDefenders.eu is funded by EIDHR until October 2022 (EIDHR, 2021: 2) and is due to undergo evaluation in the coming months.

directly to journalists, HRDs and CSOs in emergency situations. The *Human Rights Crisis Facility* for CSOs working in repressive regimes provided grants of up to EUR 1 million. There was also a *Country Based Support Scheme* for support for local CSOs and HRDs.

In 2021, the EIDHR expired and was merged with other EU external financial instruments to form the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-Global Europe) (Sergejeff et al., 2022: 1). While some EIDHR-funded projects continue to operate, future funding will come from the NDICI-Global Europe's thematic programme on Human Rights and Democracy, which aims to build on the key features of the EIDHR (Sergejeff et al., 2022: 1; EU, 2021c: 10). The Multi-Annual Indicative Programming (MIP) for this thematic programme places significant emphasis on the importance of promoting media freedom and journalist safety, strengthening journalists' and the media's capacity to provide the public with reliable information and 'facilitating their collaboration in preventing and countering undue interference in their work' (EU, 2021c: 25 and throughout). The MIP specifies some relevant performance indicators¹³ (EU, 2021c: 39). As with the EIDHR, actions under the NDICI-Global Europe's thematic programme on Human Rights and Democracy do not require approval by national authorities (EU, 2021c: 10).

A joint initiative of EU Member States and institutions, the *European Endowment for Democracy* (EED) allocates grants to local actors of democratic change in the European Neighbourhood and beyond, for example to activists, CSOs and movements. Grants can be given to newly created and un-registered organisations, including CSOs defending freedom of expression, independent media outlets, journalists and bloggers. EED mainly aims to support activists and groups that cannot be supported by other EU instruments or other programmes in a fast and flexible way (Media4Democracy, 2020: 43-44, 63, 70-71).

Political dialogue: EU Delegations can raise and follow up on journalists' concerns and cases with national authorities within the political dialogue that is part of the EU's trade and co-operation agreements or association agreements with third countries, which usually include a clause emphasising that human rights are an essential element of the agreement, as well via other types of human rights dialogues. Political dialogue takes the form of meetings or exchanges between the EU and third countries which are held at various levels at regular but infrequent intervals (usually once or twice per year) and cover specified issues. Human rights issues and cases are often discussed in a specific sub-committee, dialogue or consultation (Collier, 2013: 21). EU Delegations can raise individual cases or ask the authorities to, for example: develop or strengthen national protection mechanisms in alignment with the UNPA; abide by international treaty commitments and UPR recommendations; provide updates on investigations; or publicly denounce attacks on journalists and impunity (Media4Democracy, 2020: 46).

However, some recent studies have concluded that EU political dialogue has had limited positive impact in terms of human rights in countries such as Belarus and China (both admittedly more authoritarian regimes than the case study countries examined here) (Bosse and Vieira, 2018, Kinzelbach, 2014). EU human rights dialogues have been criticised on various other counts, including their secrecy and lack of accountability, tensions between human rights values and trade/commercial or geopolitical interests, and their perceived verticality and lack of mutuality (Bosse and Vieira, 2018, Mckenzie and Meissner, 2017, Majtényi et al., 2016, Kinzelbach, 2014).

The Council of the EU updated the Guidelines on Human Rights Dialogues with Partner/Third Countries in 2021. These guidelines emphasise that consultations with civil society actors should take place in advance of, and feed into, these dialogues and 'a de-briefing session should be a standard practice'. Dialogues

¹³ These indicators include the 'Number of journalists, bloggers and other media workers that received concrete assistance from the EU (physical protection, legal counselling, emergency sheltering, relocation and return plans, among others) and the 'Number of journalists, bloggers and other media actors who benefitted from EU-funded trainings, including for adapting to digitalization and online platforms.' (EU, 2021c: 39).

should be 'result-oriented' and followed by a joint or EU press release, while progress should be monitored and follow-up mechanisms created (Council of the EU, 2021).

Generalised Scheme of Preferences Plus (GSP+): The GSP+ is an EU scheme to encourage sustainable development and good governance in vulnerable developing countries. In exchange for implementing 27 international conventions on human rights, labour rights, the environment and good governance, countries enjoy preferential trade tariffs with the EU. Under the GSP+, beneficiary countries – which currently include the Philippines as well as Bolivia, Cape Verde, Kyrgyzstan, Mongolia, Pakistan and Sri Lanka – accept regular EU monitoring of their progress and compliance with the treaties (EC, n.d.-b). During negotiations on trade agreements, EU Delegations can also promote compliance with basic human rights principles (Media4Democracy, 2020: 40-50).

Démarches are the EU's strongest means of raising a case with the local authorities and are a form of diplomatic protest. Any Member State can propose an EU démarche, but it must be agreed by all Member States and carried out by the EU Delegation. Member States can also carry out their own démarches on an individual basis (Collier, 2013: 18), although in some contexts they may favour EU démarches for particularly sensitive issues which could damage their individual bilateral relations with the state (for example in Turkey: Terzi, 2018: 107-108). Démarches are private actions but embassies sometimes make their content public. It is useful for EU Delegations to hold regular coordination meetings with EU Member States and UN bodies in the field (Media4Democracy, 2020: 16, 49-51)¹⁴.

An **EU Special Representative (EUSR) on Human Rights** was first appointed in 2012 as a result of repeated demands from the European Parliament (EP) (Celsing, 2013: 158). The EUSR has a broad mandate to enhance the presence, effectiveness and visibility of EU human rights policy in EU foreign policy. Working closely with and receiving support from the European External Action Service (EEAS), the EU's diplomatic service, and other EU institutions (EU, 2021b), the EUSR is responsible for guiding the implementation of the EU Action Plan on Human Rights and Democracy (2020-2024) (EEAS, 2020b). He reportedly favours greater engagement with human rights dialogues (Chadwick, 2020) and in 2021 he chaired several such dialogues with third countries (EEAS, 2021b). The EUSR can also issue statements and carry out country visits. For example, the EUSR issued a statement on behalf of the EU and its Member States at the first Global Conference for Media Freedom in 2019 expressing concern about the security situation of journalists and the high numbers of journalists killed in 2018 (Media4Democracy, 2020: 46, 49, 50).

There are numerous other tools that **EU Delegations** can use to protect and ensure the safety of journalists¹⁵. **Public tools** include: *public condemnation of attacks* on journalists and encouraging the state to denounce attacks and carry out investigations¹⁶; *public advocacy around international days* such as World Press Freedom Day (WPFDD) (3 May) or the International Day to End Impunity for Crimes against Journalists (2 November), e.g. via social media campaigns, press releases, round tables or high-level political dialogue; *participating in multi-stakeholder meetings* on freedom of expression and journalist safety; *setting up awards* for journalists; and *awareness raising or training* for judicial and law enforcement actors. **Direct assistance to journalists and CSOs** can include the following: holding *regular meetings with media actors and CSOs* that support journalists; offering *support to CSOs producing shadow reports* for international/regional

¹⁴ Thomas (2012: 469-470), in a study examining the EU's use of démarches to try to influence non-EU states against signing bilateral agreements with the United States (USA) to ensure that no American citizens or government employees would ever be transferred to the International Criminal Court, found that the evidence for the efficacy of EU démarches was relatively weak.

¹⁵ Some of these tools can also be used by EEAS headquarters, including public statements and public advocacy around international days.

¹⁶ A 2013 assessment of the implementation of the EU Guidelines on HRDs by the EU and EU Delegations in Kyrgyzstan, Thailand and Tunisia noted that '[t]he use of public declarations was welcomed, but in some situations criticised as being reactive rather than pre-emptive' and recommended that the EP explore 'how public declarations could be used more effectively as a preventive intervention tool on behalf of HRDs' (Bennett, 2013: 9, 12-13).

human rights mechanisms; supporting *security training* for journalists; supporting *peer-to-peer support for journalists* via technical or financial support or providing a safe space to meet for discussions; providing *visible contact or recognition*, e.g. inviting journalists to EU events, participating in journalists' events, holding visible meetings with journalists; *outreach to journalists*, their families or legal advisers, e.g. visits to journalists under house arrest or in detention; *observation of trials*, demonstrations or other public activities involving journalists; *assistance to journalists who need to leave the country* by expediting visas or facilitating temporary shelter in EU Member States (Media4Democracy, 2020; Collier, 2013).

In 2017, a programme aimed at strengthening EU Delegations' ability to implement the EU Guidelines on Freedom of Expression Offline and Online was set up to under the EIDHR, **Media4Democracy**. Via a small team of Brussels-based experts, Media4Democracy provides customised technical support to individual EU Delegations as well as advocacy support and capacity building services to EU Delegations worldwide, working in partnership with a consortium of prominent European freedom of expression organisations (Media4Democracy, 2021: inside cover). In 2021, Media4Democracy published a practical guide for EU Delegations which is publicly available (Media4Democracy, 2021).

3.2.1.1 European Parliament

The European Parliament and its **Subcommittee on Human Rights** (DROI) raise awareness of specific human rights situations and oversee respect for human rights in the EU's external actions, in particular ensuring coherence between the EU's foreign policies, such as on trade, and its human rights policy. They scrutinise the implementation of the EU's human rights policy and its impact, including via **studies and reports, missions to partner countries, resolutions, press statements** and follow-up (EP, n.d.-a). For example, in recent years the EP has passed 'Urgency Resolutions' relating to attacks on journalists and freedom of expression in the Philippines (EP, 2020a; 2022a – see section 4.1 below), Burundi (EP, 2020b) and Mexico (EP, 2022c); the last triggered a furious response from the Mexican President (Phillips, 2022) and widespread media coverage both nationally and internationally. DROI has issued press statements raising concerns about individual journalists, bloggers and cartoonists in Algeria (EP, 2020c), Bangladesh (EP, 2020d), Cuba (EP, 2020e), the Democratic Republic of Congo (EP, 2020f), Kyrgyzstan (EP, 2020g), Somalia (EP, 2020h), Mauritania (EP, 2019a) and Saudi Arabia (EP, 2019b). Some of these statements relate to former laureates of the EP's Sakharov Prize for Freedom of Thought, a EUR 50 000 award presented annually to individuals or groups that have made an outstanding contribution to protecting freedom of thought, including freedom of expression (EP, n.d.-b). In February 2020, the EP delegation for relations with the countries of Central America undertook a five-day mission to El Salvador and Honduras, during which it met with the Presidents of those countries and other officials as well as representatives of civil society, and published a report on its findings in May 2021; freedom of the press was specifically discussed in El Salvador (EP, 2021a: 3, 8). DROI visited Tunisia from 22 to 24 May 2022 ahead of the proposed referendum on a constitutional reform in July 2022 (EP, 2022b)¹⁷.

3.2.2 Inter-American human rights system

The Organization of American States (OAS)'s **Inter-American Commission on Human Rights' Special Rapporteur on Freedom of Expression, Opinion and Freedom of the Media** works extensively on the protection of journalists. As at UN level, this independent expert supports journalists at risk via letters of concern and allegation to states, country and thematic reports, country visits, etc., but also supports the analysis of petitions presented to the IACHR alleging violations of the rights of journalists (Mitchell, 2019:

¹⁷ There is a much wider European system for human rights protection which is highly relevant to journalist safety and protection, including the European Court of Human Rights and the Council of Europe's Safety of Journalists Platform. However, the direct relevance of these mechanisms is largely confined to states party to the European Convention on Human Rights. Similarly, the Organisation for Security and Co-operation in Europe (OSCE)'s Representative on Freedom of the Media works on journalist safety but their relevance for non-member states is also limited. Hence these are less relevant for this analysis' country case studies. (See Annex III for further details.)

231). The Special Rapporteur has trained journalists and judges on the protection of free expression by the Inter-American human rights system (UN, 2018: para. 26). In relevant countries, alerting the IACHR Special Rapporteur to take advocacy steps is seen as an efficient tool for action and visibility (Media4Democracy, 2020: 72). However, in recent years financial and political pressures have threatened both the Office of the Special Rapporteur and the IACHR more generally (Mitchell, 2019: 231). In serious and urgent cases, the IACHR can request OAS member states to adopt **precautionary measures** to prevent irreparable harm to individuals or proceedings in connection with a pending petition or case. It has issued many precautionary measures with the aim of protecting journalists, albeit with mixed success (UN, 2018, para. 50; Heyns and Srinivasan, 2013: 323). **The Inter-American Court of Human Rights** applies and interprets the American Convention on Human Rights. It has heard cases concerning the safety of journalists, including two historical cases (UN, 2018, para. 55).

3.2.3 African human rights system

The **African Commission on Human and Peoples' Rights (ACHPR)'s Special Rapporteur on Freedom of Expression and Access to Information in Africa** has a mandate to monitor compliance of national media legislation, policies and practices with freedom of expression standards, undertake investigative missions, make public interventions and prepare reports (Media4Democracy, 2020: 72). In 2016, the **African Court on Human and Peoples' Rights (ACTHPR)** dealt with a criminal defamation accusation against a journalist and ruled that a prison sentence was an inappropriate punishment (Konaté v. Burkina Faso) (UN, 2018: para. 52).

Established in 2020 and launched in January 2021, the **Platform for the Protection of Journalism and Safety of Journalists in Africa** is an online platform that aims to promote journalist safety and counter impunity for crimes against them via monitoring, reporting and follow-up by both duty and rights bearers. It was established by a steering committee led by the African Editors Forum with technical assistance from the Council of Europe (CoE)'s Safety of Journalists Platform (see Annex III) and funding from UNESCO. The Platform's multiple partner organisations include media associations in Africa, the ACHPR's Special Rapporteur on Freedom of Expression and the ACTHPR, INGOs, and media development partners (Safety of Journalists in Africa, n.d.). At the time of writing, only a very small number of alerts appeared to be publicly available on the Platform and none related to Tunisia.

3.2.4 Asian and Arab human rights system

The Association of Southeast Asian Nations (ASEAN) is considered weak and ineffective in addressing with human rights issues. The **ASEAN Intergovernmental Commission on Human Rights**, established in 2009, has been criticised for a lack of responsiveness and independence (Langlois, 2021, AI, 2017). The Arab human rights system under the League of Arab States is also considered to be very weak (Sadri, 2019).

3.3 Civil society mechanism and tools

(I)NGOs and CSOs have also established multiple international level tools and mechanisms to protect and ensure the safety of journalists¹⁸. Some of the key organisations include **Article 19**, the **Committee to Protect Journalists (CPJ)**, **Free Press Unlimited (FPU)**, the **International Federation of Journalists (IFJ)**, **International Media Support (IMS)**, **International Women's Media Foundation**, **Internews**, the **International News Safety Institute**, **PEN International**, **Reporters Sans Frontières (RSF)** and the **Rory Peck Trust**. They employ a variety of protection tools including monitoring, alerts, research, campaigns, advocacy, legal advice, security and professional training, safety equipment, insurance, emergency grants and relocation, project funding and awards. Such organisations often work in coalition. For example, many

¹⁸ This list is therefore necessarily non-exhaustive and aims to provide a brief overview of some the main organisations and the associated protection tools and mechanisms.

of the aforementioned are part of the **Journalists in Distress Network**, a group of 24 free expression INGOs that share information and coordinate to provide direct assistance to journalists at risk according to their individual mandates and criteria (CPJ, n.d.), as well as part of the **International Freedom of Expression Exchange**, a network of over 100 free expression NGOs worldwide.

Some (I)NGOs also provide protection mechanisms, which have been specifically highlighted by recent UN reports on the safety of journalists. For example, the **International Committee of the Red Cross** offers protection for journalists in situations of armed conflict. It has a hotline that allows journalists, their families or employers to report cases of journalists who have been arrested, detained, taken captive or reported missing, wounded or killed (UN, 2018, para. 29). The **Shelter City Initiative**, run by the NGO Justice and Peace Netherlands, offers temporary relocation and respite to HRDs, including journalists, and opportunities to recover and widen their contact networks, before returning to their work. It involves 40 cities worldwide (UN, 2018: para. 28). The **International Cities of Refuge Network** is a network of more than 70 cities globally that provide journalists, writers and artists at risk with long-term temporary relocation, allowing them to continue their work from a safe place (ICORN, n.d.). The **European Centre for Press and Media Freedom** has an online Women's Reporting Point allowing women journalists to report attacks against them and seek assistance via encrypted messaging (UN, 2018: para. 30). FPU and Greenhost have launched **Totem**, a digital platform that offers online courses to help journalists and activists use digital safety and privacy tools and tactics more effectively (UN, 2021: para. 51).

4 Journalist protection in non-EU countries: case studies

This section explores how international protection mechanisms and tools aimed at protecting and ensuring the safety of journalists are most relevant and useful for IGOs and CSOs in three non-EU countries: the Philippines, El Salvador and Tunisia. Each country profile provides background information, including the situation for journalist safety and media freedom, the official response where applicable, details of interviewees and the country's relations with the EU and the UN. This is followed by an analysis of the international protection mechanisms and tools used, the coordination of international actors and CSOs and the gender dimension and overall impact of this work. It ends with observations and recommendations around the EU's role and use of EU and other international instruments.

4.1 The Philippines

Located in Southeast Asia, the Philippines is a lower middle-income country with a population of 110 million (2020) (source: World Bank). It is considered a 'flawed democracy' (EIU, 2022); Freedom House (2021b) deems the country to be 'partly free' (56/100), with increasing concentration of power in political dynasties, high levels of government corruption, very weak rule of law, and significant repression of opposition politicians, civil society and the media. The country ranks 123/139 for 'fundamental rights'¹⁹ on the World Justice Project (WJP)'s Rule of Law Index (WJP, 2021: 31). Outgoing President Rodrigo Duterte (2016-2022), who came to power after winning a landslide election on an anti-crime, drugs and corruption platform, waged a controversial anti-drugs campaign which as of November 2021 had led to the killing of more than 6 200 drug suspects by police according to government figures (Morales, 2022), though independent estimates range from 20 000 to 30 000 (Fernandez, 2022: 10). The Philippines underwent one of world's longest and strictest coronavirus lockdowns from March 2020; legislation passed as a result of

¹⁹ WJP lists these 'core' or 'fundamental rights' as follows: 'equal treatment and absence of discrimination'; 'the right to life and security of the person'; 'due process of the law and rights of the accused'; 'freedom of expression and opinion'; 'freedom of belief and religion'; 'freedom from arbitrary interference with privacy'; 'freedom of association and assembly'; and 'fundamental labor rights' (WFP, 2021: 17).

pandemic 'significantly increased presidential emergency powers, leading to abusive law enforcement actions and freedom of expression restrictions' (Freedom House, 2021b).

In May 2022, Ferdinand Marcos Jr, son of the late dictator Ferdinand Marcos Sr (1965-1986) won a landslide victory in the presidential elections, with almost 59 % of the vote, following a campaign marked by widespread disinformation via social media. Marcos Jr and his vice-president elect, Sara Duterte, daughter of outgoing President Duterte, are due to start their six-year term of office on 30 June 2022. The president elect has reportedly neither acknowledged nor apologised for widespread human rights abuses committed under his father's rule and there are fears that his government may lead to a return to self-enrichment and abuses (Ratcliffe, 2022). According to Human Rights Watch (HRW), Marcos Jr has a record of showing contempt for the independent media – his campaign relied on vloggers and social media influencers – while some of his supporters have made similar threats against *Rappler* editor Maria Ressa as the outgoing president (see below) (Conde, 2022).

Journalist safety and media freedom: Freedom of expression and press freedom are provided for in the Filipino Constitution, private media are 'vibrant', 'outspoken' and the freest in Asia and government censorship is not generally a serious issue (Fernandez, 2022: 9; Freedom House, 2021). However, at the same time media freedom has long been an issue and is deteriorating, according to global press freedom indices. The country ranks 147/180 on the RSF Press Freedom Index (2022), down from 127/180 in 2017 (RSF, 2022b). Freedom House downgraded the country from 2/4 to 1/4 for 'free and independent media' between 2019 and 2020 (Freedom House, 2021b). The Philippines was included in a list of the MFC's 10 'focus countries' in 2021 (Fernandez, 2022: 2).

The country is known as one of the most dangerous places in the world for journalists (Freedom House, 2021). Former President Duterte was extremely hostile towards the media and frequently threatened journalists who were critical of his government, particularly his drugs war, including with death. Government-sponsored or tolerated attacks on journalists are common, including killings (by police and paramilitaries among others), arbitrary arrest, judicial harassment, and online harassment and attacks (RSF, 2022b). Such attacks are sometimes linked to 'red-tagging', or the malicious labelling of critical journalists and media outlets and others, as Communist and/or terrorist (RSF, 2022b; EU 2021: 221-222). As of May 2021, 223 attacks and threats against journalists had been recorded since the start of the Duterte Administration, half of them linked to state forces; 19 journalists had been killed (Fernandez, 2022: 10). According to UNESCO (2020: 32-36), a total of 82 journalists were killed between 2006 and 2019.

Impunity for attacks on journalists is the norm, with the Philippines scoring 7th out of the 12 worst offenders on CPJ's Global Impunity Index 2021 for unresolved journalist murders (Dunham, 2021). Although progress has been made in the case of the 2009 Manguindanao massacre which killed 58 civilians including 32 journalists, with the conviction of several leading members of the Ampatuan political clan in December 2019, this took a decade and other individuals implicated in the massacre remain free (Crispin, 2020; UNESCO, 2020a: 19).

A high-profile case in recent years has been that of Maria Ressa, editor of independent news website *Rappler*, who along with other *Rappler* journalists has faced continuous harassment (RSF, 2022b). Ressa has been the target of state-linked judicial harassment and has faced multiple arrest warrants on various trumped-up charges. In 2020, Ressa and former *Rappler* researcher Reynaldo Santos Jr. were convicted of cyber-libel and sentenced to a minimum of six years in prison. As of December 2021, Ressa was appealing her conviction and fighting six other legal cases brought by the state (RSF, 2021). She has also been subjected to constant attacks on social media, many of them gendered (Posetti et al., 2021). Ressa was co-awarded the 2021 Nobel Peace Prize for her defence of freedom of expression. Other key cases include cyber-attacks, including distributed denial-of-service (DDoS) attacks, on alternative news websites and the website of the National Union of Journalists of the Philippines (NUJP), including by pro-Duterte trolls (CPJ, 2022b, RSF, 2022b); and the closure of the country's oldest and largest TV network, ABS-CBN, in 2020 after

the Philippine Congress refused to renew its operating license, 'drastically reduc[ing] public access to independent reporting'; Duterte had accused the network of bias against him and threatened to close it down since his 2016 campaign (Freedom House, 2021b). The EP has condemned attacks on journalists, including Ressa, and media outlets in the country in Urgency Resolutions in September 2020 (EP, 2020) and February 2022 (EP, 2022c).

Official response: The Duterte administration strongly rejected the narrative that the state suppresses media freedom (Fernandez, 2022: 10). In 2016, former President Duterte created the Presidential Task Force for Media Security (PTFoMS), a state body charged with solving journalist killings. According to CPJ, while PTFoMS has helped to make progress in some recent killings, there have been very few cases where both gunmen and masterminds have been convicted since Duterte came to power (Crispin, 2020). Interviewees for this analysis who mentioned PTFoMS, from both IGOs and CSOs, all expressed scepticism about its effectiveness and credibility. However, the Philippines has a strong and independent Commission on Human Rights (CHR), an 'A' rated NHRI, which has been active on journalist safety, via monitoring of attacks on journalists including killings, registering and investigating journalists' complaints and offering assistance from its central and regional offices. EU and UN representatives interviewed expressed admiration for the CHR's professionalism and outspokenness and support for its work. However, as the terms of the previous commissioners expired on 5 May 2022 and new commissioners were expected to be appointed, possibly by outgoing President Duterte prior to his departure, at the time of writing the future of the CHR and its work on journalist safety was uncertain [P-2] (GMA News, 2022, Romero, 2022, Labog-Javellana, 2021).

Interviewees: Interviews were carried out in March 2022 with representatives of the EU Delegation [P-1] and the UN [P-2] in the Philippines and four local CSOs: the media freedom NGOs the Asian Media Information and Communication Centre (AMIC) [P-3.1], the Asian Institute of Journalism and Communication (AIJC) [P-3.2, P-3.3], the Center for Media Freedom and Responsibility (CMFR) [P-4] and the NUJP [P-5]. The interviews were conducted in English.

EU-Philippines relations: The EU Delegation in the Philippines was officially opened in 1991. A Partnership and Cooperation Agreement between the EU and the Philippines entered into force on 1 March 2018 (EASS, 2021c). The EU maintains a dialogue with the Philippines on the fulfilment of its commitments relating to core international human rights conventions within the context of the monitoring process of the GSP+ (EU, 2021: 222). A Sub-Committee on Good Governance, Rule of Law and Human Rights was set up in 2020 and first met in 2021; this entailed discussion of the need to protect freedom of expression and media freedom, including the cases of Maria Ressa and other journalists (EEAS, 2021c). The EU Human Rights and Democracy Country Strategy (2021-2024) for the Philippines includes '[s]upport[ing] freedom of expression online and offline, access to information and fight[ing] against disinformation' as one of its main concerns along with fighting impunity in general (EASS, 2021c). The EU Delegation in the Philippines currently has a staff of 41, two of whom work part-time on human rights issues, one on policy and the other on programmes/EIDHR [P-1, personal communications (e-mails), 19 and 22 May 2022].

There have been recent tensions between the EU and the Philippines. In 2017, former President Duterte reportedly threatened to expel the EU Delegation due to EP criticism of his drugs war and related killings (Agence France-Presse, 2017). The EP has called for GSP+ trade privileges to be withdrawn in the Philippines on human rights grounds (Hautala, 2022), most recently in relation to the May 2022 elections (EP, 2022a). The GSP+ monitoring process for 2020-21 was carried out in writing due to COVID-19 restrictions (EU, 2022: 219), however a mission took place in early 2022 (EEAS, 2022a).

UN-Philippines relations: The UN's presence on human rights in the Philippines is more recent than the EU's. In July 2021, following pressure at UN level on its record on human rights and extrajudicial killings [P-2], the Philippines government and the UN signed a three-year national-level UN joint programme on human rights. Under the programme, which will be supported by the EU (EU, 2022: 219), the UN will engage in

capacity-building and technical cooperation in six areas, including strengthening domestic investigation and accountability mechanisms; data gathering on alleged police violations; civic space and engagement with civil society and the CHR (Debuque, 2021). According to the UN representative interviewed, all of the UN's work under the joint programme is carried out in cooperation with the CHR, in order to provide it with a direct channel of communication and influence. The UN's work in the country includes an emphasis on freedom of the press and strengthening civil society. In the case of press freedom, this work is implemented in conjunction with the UNESCO regional representative in Jakarta and the OHCHR regional office in Bangkok. At the time of interviews, the UN in the Philippines had focused on working with HRDs more generally and had not done any work specifically on journalist safety, though it planned to offer security training for journalists and HRDs after the elections. The next UPR of the Philippines is due in late 2022. The UNSR for freedom of expression is due to visit the country (EU, 2022: 219) in 2023, the first of two visits by UNSRs since 2015 due to a breakdown in relations between the government and the UN [P-2].

4.1.1 Which protection mechanisms and tools are most relevant and useful?

Interviewees mentioned a range of international protection mechanisms and tools as relevant in the Philippines. The views of international actors and CSOs tended to diverge regarding which mechanisms and tools were most important and impactful. However, they coincided on four key instruments: funding, training, public campaigns/statements and UN protection mechanisms. These are discussed below, followed by an outline of other mechanisms and tools favoured by either side.

4.1.1.1 Funding for local NGOs/CSOs

Funding was identified as a key need of local CSOs; it was mentioned by all interviewees and was by far the international instrument most discussed. Civil society representatives had received finance from various international bodies, including: the EU; UNESCO; IPDC; embassies such as Norway and Germany; INGOs (e.g. International Media Support and Internews); donors, for example the National Endowment for Democracy; and other bodies like the International Federation of Journalists. Grants were usually made for specific projects relating to journalist safety, media and information literacy, combating 'lawfare', ethical journalism, digital security and research on journalist safety, but occasionally also for core costs.

The EU was identified as a key donor in the country. For example, it had recently funded two major projects implemented by AIJC and IMS, as follows.

- i. 'Safeguarding Press Freedom in the Philippines' (EIDHR/2017/389-100) (2018-20) (d-portal.org, n.d.-b). This project involved the development and drafting of the Philippine Plan of Action for the Safety of Journalists (PPASJ) to encourage coordination and cooperation among multiple stakeholders working for journalist safety and freedom of expression, following extensive consultations with media organisations and press freedom groups. The project included the formation of the Journalists Safety Advisory Group (JSAG) in 2018, a coalition of free expression/press freedom CSOs including AIJC, CMFR and NUPJ. The PPASJ was the first national plan based on the UNPA. Most project activities had to be carried out online due to the COVID-19 lockdown, which affected their impact [P-1, personal communication, 16 March 2022].
- ii. 'Safeguarding Journalists and Human Rights Defenders in the Philippines' (EIDHR/2020/420-642) (2021-2022) (EEAS, 2022b) is a follow-on project which aims to implement the PPASJ, expand it to include and benefit HRDs and HROs and establish sustainability mechanisms. The driving force for implementation of the PPASJ are AISJ and JSAG; with the latter being expanded to include representatives of HROs, including the CHR and lawyers' groups [P-1; P-1, personal communication, 16 March 2022; P-3.2]. Project activities to date include: strengthening the monitoring of and response to attacks and threats against journalists, particularly women journalists; developing a specialised website for women journalists to seek immediate assistance; training for journalists on how to carry out risk assessments and protect themselves from attacks; training for trainers;

‘appreciation workshops’ with security forces, police and local government officials to build awareness of the role of freedom of expression and press freedom in democracies and mutual trust; and the development of an app-based Quick Reaction Alerts System with partners NUJP and the Philippine Press Institute. There had been initial discussions exploring the possibility of enabling the app to report the attacks to the police and potentially PTFoMS as well as to CSOs [P-1; P-1, personal communication, 16 March 2022; P-3.2, P-3.3].

These EU-funded projects were generally known to interviewees and viewed positively, while the local implementing partner, AIJC, reported regular contact and engagement by the EU Delegation with project activities and beyond [P-3.3]. However, some noted that without continued funding, like the second EU grant, the PPASJ was just a document or a ‘wish list’ of activities.

More broadly, CSO representatives were highly appreciative of international funding: without it many of their activities would be severely curtailed. However, a few key critiques emerged. Interviewees expressed concern at what they felt was the top-down nature of international project planning and funding, whereby international partners conceive projects and then expect local partners to find a way to deliver them, regardless of context and the local partner’s capacity. There was a feeling that a paternalistic attitude still prevailed among some international actors: ‘the usual sense that they tend to know better than local organisations on the ground’ who are expected to be the ‘local face’ for the international partner who ‘runs the show’. However, it was noted that this may change given that international organisations (IOs) are increasingly employing local staff. Interviewees also highlighted the challenges of project funding, including its limited nature, basis in donor priorities, lack of sustainability and excessive bureaucracy. One CSO representative felt that the application process for EU funding was overly complicated, lacking in transparency and accessibility, and required specialist expertise to navigate.

4.1.1.2 Training for local journalists and CSOs

The provision of training was a protection tool mentioned by most interviewees. The EU Delegation had provided some security training for journalists via the second project outlined above. The UN had offered some professional skills training for journalists, for example in fact-checking, internet searches, protecting sources and information and building trust. Some Filipino journalists, in particular female journalists, had attended online training on reporting on human rights issues offered by the OHCHR regional office in Bangkok. The UN in the Philippines had also offered sessions for CSOs on how to engage with the UPR process, which are sometimes attended by journalists. While most interviewees did not comment on the usefulness or impact of such training, the NUJP representative spoke positively about training in general, noting in particular that the OHCHR training on open-source investigations on human rights violations was ‘really helpful’, and called for more and better such training opportunities.

4.1.1.3 Public campaigns, statements, events

The EU representative highlighted the Delegation’s public campaign in support of freedom of expression featuring Maria Ressa in 2020, which included issuing statements (for example, EEAS, 2020c) and other actions such as meeting with Ressa regularly during her legal processes and conviction for libel, bilateral meetings held locally, and taking part in an EU-NGO forum (EU-NGO Forum 2020, n.d; see also EU, 2022: 2018). However, they acknowledged that there is a need for public campaigns like WPF to focus on journalists other than Ressa, to spread the EU’s protective effect²⁰. They also said it was more difficult to speak up about court cases than a killing, as this can be seen as interference with the judiciary. CSO views of such public action by the EU and international actors were mixed, with one interviewee stating that the EU was vocal and supportive, regularly speaking up on journalist safety, press freedom and human rights

²⁰ Fernandez (2022: 4) also found that the MFC’s privileging of such ‘figureheads’ in the Philippines could have unintended consequences for these ‘heroes’ and may be seen as divisive within the media sector.

issues in the Philippines, while another felt that statements of support from IOs had generally been in limited supply, possibly due to fear of former President Duterte's reaction. The EU representative mentioned that statements in the context of the May 2022 elections could be seen as interference.

4.1.1.4 Bilateral relations/EU political dialogue

Both the EU and UN emphasised their bilateral relationships with the government and private discussions with the authorities. In the case of the EU, such human rights talks took place as part of the political dialogue in the context of GSP+ and the Philippines' compliance with its human rights commitments. Despite the severity of violence against journalists and impunity in the Philippines, the EU representative did not feel that there was a case for withdrawing the country's trade privileges but said that the threat of doing so was a useful means of advancing the human rights discussion. They emphasised that the process was challenging, requiring the Delegation to take multiple factors into account, including the political context and timing when exerting pressure; the fact that the EU fears antagonising Philippines and pushing it towards China; and that the perspectives of the Delegation and Brussels sometimes differ. They also pointed to President's Duterte's threats to expel the EU in 2017 and the subsequent suspension of cooperation (Ravelo, 2018) as an indication that coercive measures are unlikely to be effective (see also Fernandez, 2022: 3). None of the interviewees spoke of a mechanism for civil society to be consulted on or feed into bilateral human rights discussions, and none of the CSO interviewees mentioned or even seemed aware of such discussions as a means of advancing journalist safety or freedom of expression issues²¹. This would appear to run counter to the 2021 Guidelines on human rights dialogues with third countries (Council of the EU, 2021) (see section 3.2.1).

4.1.1.5 UN/UNESCO protection mechanisms

Both IOs and CSOs also mentioned UN/UNESCO protection mechanisms based outside the Philippines, albeit different ones and in passing. The EU representative referred to speaking up at the UN about the situation of journalists or otherwise raising journalist killings at the international level if requested, while the UN representative mentioned helping HRDs and CSOs engage with UNSRs in Geneva, resulting in a letter requesting information from their government²². NUJP mentioned submitting a report to the UPR and sending a representative to the HRC a few years ago, while AMIC found it useful to cite UNESCO standards in discussions with state actors.

4.1.1.6 Positive effects of international support

Beyond these, rather than specific protection mechanisms or tools, CSOs tended to speak more of valuing various positive effects of association with international actors in general. For example, there was a sense of accompaniment and moral support in the EU's and embassies' presence and the knowledge that they could be called on for assistance, as well as via their organising and attendance of public events. NUJP noted that 'international recognition helps keep us safe – the idea that we have international partners working with us and recognising Filipino journalists at risk, like Maria Ressa and the Nobel Prize, means more attention on the Philippines and hopefully fewer attacks'. AMIC mentioned that association with IOs like UNESCO brought prestige, inspired trust and opened doors. Working with international partners also helped AIJC develop their knowledge and networks.

²¹ The author acknowledges that it could be possible that some CSO interviewees were aware of human rights dialogues and a mechanism for civil society to feed into these but did not mention them for reasons of sensitivity or confidentiality.

²² The online database of communications sent by UN special procedures and replies received by States and other actors shows that 5 out of 31 communications relating to freedom of expression in the Philippines sent between January 2012 and 24 May 2022 were on media outlets or journalists, the most recent in 2021 ([AL PHL 5/2021](#); [AL PHL 3/2020](#); [AL PHL 12/2018](#); [UA PHL 1/2018](#); [AL PHL 2/2013](#)).

4.1.2 Coordination of actors on the ground

According to the EU representative, the EU Delegation held regular coordination meetings with other international actors on human rights issues, including Member States and other like-minded states and the UN. The UN said it coordinated with EU Member States and other countries with a strong interest in HRDs such as the UK, as well as INGOs working on human rights and HRDs such as Amnesty International (AI) and HRW. NUJP confirmed that European embassies seemed to be 'on the same wavelength' and to work together on human rights issue; as an example, he cited various embassies issuing similar statements in protest at an op-ed by the Russian ambassador to the Philippines on Russia's 'special military operation' in Ukraine in March 2022 (see for example Tomacruz, 2012). However, the EU representative acknowledged that 'donor coordination is always a challenge and every country and the EU want to shine on their own [...] and their agendas are always different'.

When it came to coordinating with local civil society, the EU and UN's approach appeared to be much more ad hoc, except for the CHR, with which they were both working very closely (see above). Although both met with local journalists and CSOs supporting journalists, there were no regular meetings. According to the EU interviewee, the relationship is 'very informal – they know that our door is open to see them; we host meetings or meet with them when they want'. This contrasts somewhat with the 'constant dialogue' with CSOs that the EU refers to elsewhere (EU, 2021: 222). The EU and UN interviewees attributed this informality to the large size of local civil society which can make it difficult to stay in contact. The UN representative felt that local CSOs were 'fairly professional, well established and well-functioning' and did not need organisational support; however, they also acknowledged that the UN needed to increase its work with civil society and journalists, including providing more technical expertise in relation to online attacks.

The local CSOs interviewed did not express dissatisfaction with this informal or ad hoc relationship: they seemed to view international actors in a largely positive light and, as seen, they spoke of the various positive effects of such association. However, it was noticeable that CSOs appeared to have limited contact with the EU or embassies unless they were directly funded by them, and they all had very limited contact with the UN, despite being keen to engage (likely linked to the newness of the UN's programme on human rights in the country). This limited contact may be explained in part by the lack of face-to-face contact in the last two years due to the coronavirus lockdown.

4.1.3 Gender dimension

It was clear from interviewees that international actors such as the EU, UN, IMS and IFJ placed a strong emphasis on a gender perspective in relation to journalist safety and protection, as with other issues. In the case of the EU, gender is embedded in the projects it funds [P-1] and grant recipients must follow specific guidelines ensuring a gender balance in terms of activities and participants [P-3.2]. For example, EU grantee AIJC said that it held two out of six training sessions for women journalists only, which had been useful because it allowed issues like sexual harassment to come up in a way they do not tend to in a mixed setting [P-3.2]. The EU's requirement to disaggregate data and indicators in monitoring and evaluation also obliged CSOs to consider gender at the planning stage [P-3.1]. Other CSOs also appreciated the international emphasis on gender: the NUJP representative noted that it was valued because 'journalism is a macho profession', while the CMFR representative commented that women outnumber men in the media in the Philippines and 'gender is always part of the risk'.

However, gender considerations appeared to be more present in relation to EU-funded projects than in broader EU Delegation activities. Gender was considered 'more of a programme level issue', and less relevant for public statements on journalists. For example, Maria Ressa is seen as a journalist who is attacked for various reasons, not only because she is a woman.

4.1.4 The EU's role and potential to use EU mechanisms and tools

The EU representative said that they were satisfied with the EU Delegation's approach to journalist safety and freedom of expression in the Philippines. They felt that the EU Guidelines on freedom of expression had to be applied and adapted according to the local context and pointed out that freedom of expression was only one of five priorities for the EU in the country while human resources and time were limited. On this last point, it is noticeable that of the three case study countries, the Philippines had the worst journalist safety and human rights situation and yet the smallest proportion of EU Delegation staff working on human rights issues (under 5 % of staff compared to 9 % in El Salvador and 25 % in Tunisia, according to figures provided by the EU officials).

While other interviewees did not agree that the EU Delegation was doing enough to address journalist safety given that their situation remained dire, they valued the Delegation's work and acknowledged that the EU could not be expected to be the Philippines 'saviour'. They also made some suggestions for improving its role. With regards to **EU funding**, AIJC urged the EU to maintain its focus on freedom of expression, rather than shifting to other issues, and to focus more on sustainability. The AMIC representative suggested that the EU consider framing future interventions in terms of 'building democratic resilience' to ensure sustainability despite changes of government. They also suggested that the EU mainstream its work on democracy and human rights and make it 'less compartmentalised' and aim to build public understanding of these issues. One CSO representative also felt that the EU should make its funding application process more accessible and transparent.

Certain **key EU and UN protection mechanisms and tools appear to be unused or under-used** in the Philippines. None of the CSOs mentioned or appeared to be aware of **ProtectDefenders.eu** or **démarches**. The UN representative noted that 'awareness of [EU emergency funds] is a problem that needs to be acted on', while the EU representative confirmed that **démarches** had not been used in relation to journalists for the last three years at least. As discussed above, CSOs also seemed to lack awareness of bilateral **human rights dialogues** and there did not appear to be a mechanism for civil society to be consulted on or feed into discussions on journalist safety and freedom of expression. There is apparently a need for the EU to raise awareness of the toolbox it has available among both CSOs and its Delegations. The UN representative also emphasised that the EU should engage with the forthcoming UPR of Philippines by: making strong recommendations on the protection of journalists, media freedom and civic space; coordinating with EU Member States to encourage the state to accept recommendations; supporting CSOs to engage with the UPR process via training on how to prepare shadow reports and advocate for recommendations to be taken up.

NUJP recommended that the EU offer **more and better training** and capacity building in general and continue to support initiatives that aim to encourage better/more ethical journalism to help build public trust in the profession. This suggests the importance of supporting professional skills development as well as journalist safety directly.

In general, both IOs and CSOs cited the COVID-19 lockdown and limited financial and human resources as obstacles to doing more to promote journalist safety since 2020. The UN representative felt that **international actors needed to start meeting face-to-face** and travelling around the country more now that COVID-related restrictions had been lifted, which would allow them to focus outside the capital, Manila, and more on other regions where support is likely needed.

Beyond these recommendations from interviewees, the EU Delegation should consider supporting more initiatives that encourage journalists and organisations working with journalists at risk to collaborate for their own security and to promote freedom of expression. NUJP indicated that although journalists seemed more aware of the need to work together and increasingly open to doing so since 2016, there was still a lot to do.

4.2 El Salvador

El Salvador is a lower-middle income country in Central America, the smallest in the region in terms of population at 6.5 million in 2020 (source: World Bank). It is currently considered to be a 'hybrid' or semi authoritarian regime, having been demoted from 'flawed democracy' in 2019 (EIU, 2022). Freedom House ranks the country as 'partly free' (59/100), highlighting the following challenges: high levels of government corruption and 'mara' gang-linked violence, concentration of power in the executive and particularly the President, lack of government transparency, allegations of government links to organised crime and gangs, weak judicial independence and rule of law, and frequent harassment and attacks on independent journalists and the media (Freedom House, 2021a). The country ranks 89/139 for fundamental rights on the WJP Rule of Law Index, considerably higher than the Philippines (WJP, 2021: 31).

El Salvador's populist President, Nayib Bukele of the New Ideas party, won a landslide election in 2019 on a platform of tackling corruption and gang violence, decimating support for the two traditional political parties (the right-wing Nationalist Republican Alliance and the left-wing Farabundo Martí National Liberation Front). Since then, he has intimidated the legislature, replaced the attorney general and the Supreme Court's constitutional chamber with allies, had the constitutional ban on presidential re-election overturned and closed an OAS-backed anti-corruption and impunity body (CICIES) (The Economist, 2021). Despite this and dubbing himself 'the coolest dictator in the world' (Youkee, 2021), his popularity ratings remain very high. On 27 March 2022, following a spike in suspected gang-related murders, President Bukele declared a state of emergency, which led to the arrest of 6 000 gang suspects and increased prison sentences for gang-related crimes. On 5 April, Congress approved a reform to the penal code which allows for 10-15 year jail terms for news media that reproduce or disseminate messages from gangs, which will likely stifle investigating and reporting on gang activities (The Guardian, 2022). The reform is being contested at the Supreme Court (Urbina, 2022).

Journalist safety and media freedom: Although El Salvador's Constitution provides for freedom of the press and its media sector is lively, there are significant and increasing challenges for journalists (Freedom House, 2021a). The country ranked 112/180 on RSF's Press Freedom Index in 2022, a huge drop from 82/180 in 2021 and a steady deterioration since 2013 (38/180) (RSF, 2022a), while Freedom House rates the country 2/4 for 'free and independent media' (Freedom House, 2021a). According to the *Asociación de Periodistas de El Salvador* [Association of Journalists of El Salvador] (APES), the number of attacks on journalists, including physical and online attacks, more than tripled from 65 in 2018 to 219 in 2021 (Alas, 2021) and journalists are increasingly being forced to leave the country [ES-1, ES-4] (Martínez Avelar, 2022). Six journalists were killed in El Salvador between 2006 and 2019 (UNESCO, 2020: 9-10). The journalists most at risk are those not aligned to/critical of the government [ES-2, ES-3, ES-4].

The president has portrayed journalists and independent media outlets as 'enemies of the people' (CPJ, 2022a, RSF, 2022a). They face anti-press rhetoric, harassment, attacks and threats of criminal prosecution from the president and officials, often on social media, which is heavily used by the Bukele administration (Access Now, 2022), for investigating corruption, organised crime or criticising the government. Some have been prevented from accessing public information when officials have blocked them on social media, barred them from press conferences and police have prevented them from reporting on homicide scenes (Freedom House, 2021a). According to a UN representative interviewed for this analysis, online threats and attacks on journalists are on the rise (see also EU, 2022: 272) and these sometimes lead to physical attacks. Some of the president's tweets have reportedly encouraged Twitter users to harass women journalists and threaten them with rape (Access Now, 2022). According to an APES representative interviewed for the study, the consensus among journalists was that this was the worst time to be practising journalism since the peace agreement in 1992 [ES-1].

President Bukele and his government have particularly targeted digital outlets El Faro and Gato Encerrado. In the last two years, El Faro has faced disproportionate audits and false accusations of tax evasion and has

been threatened with a money-laundering investigation. In February 2021, 34 members of El Faro were granted precautionary measures by the IACHR due to the harassment, threats, intimidation and stigmatisation they had faced – mainly via social media – because of their work. El Faro journalists were also the main targets of largescale surveillance, with the iPhones of at least 30 journalists (23 from El Faro and 4 from El Gato Encerrado) and 5 civil society activists being infected by NSO-developed spyware Pegasus between 2020 and 2021. Since NSO claims it only sells Pegasus to governments, these attacks are likely linked to the Salvadoran government (Access Now, 2022); however, it denies any involvement (EU, 2022: 272). An investigation is reportedly pending with the public prosecutor’s office (FGR) (Bernal, 2022).

Official response: In 2018, APES launched the ‘Security and Rights of Journalists Roundtable’ (‘the Roundtable’) bringing together CSOs, academics and the state Ombudsman’s Office for the Defence of Human Rights (PDDH) to promote journalists’ safety and rights in El Salvador, including via legal frameworks and public policies such as awareness-raising among officials and the public (Salinas Benitez, 2018). APES and the Roundtable have advocated for a journalist protection law and submitted a draft law to the Legislative Assembly in 2018 (CPJ et al., 2021: 53-54). However, it is unlikely to be passed in the current climate of President Bukele’s hostility to journalists and the government’s control of the National Assembly [ES-1] (Higuera, 2021). The PDDH has reportedly since withdrawn from the Roundtable [ES-1]. A 2020 report by a special commission set up by the Legislative Assembly to investigate the harassment of journalists found that ‘the Executive Branch has adopted a policy of increasing attacks, threats and intimidation directed against the media’ and recommended that President Bukele and other officials desist (CPJ et al., 2021: 54). The head of the Institute of Access to Public Information fled the country after being fired and threatened with imprisonment after alleging irregularities in access to information in a media interview in 2021-22 (Martínez Avelar, 2022).

Interviewees: Interviews were carried out in March and April 2022 with officials of the EU [ES-2] and UN [ES-3], and representatives of APES [ES-1] and the human rights NGO Cristosal [ES-4]. The interviews were conducted in English and Spanish.

EU-El Salvador relations: The EU is one of El Salvador’s main donors of Official Development Assistance, with two-thirds of aid coming from the EU and EU Member States. It has a Delegation based in the capital, San Salvador. Relations between El Salvador and the EU are based on its Political Dialogue and Cooperation Agreement with Central America, which entered into force in 2014, and its Association Agreement with Central America. The EU also took part in Election Observation Missions (EOM) in 2018 and 2019 (EASS, 2021b). According to the EU (2022: 273), one of its three key focus areas in the country is ‘building a resilient, inclusive and democratic society: including support to civil society, support to independent media, the promotion of access to information and countering disinformation’; the EU also reports that it has ‘stressed the responsibility of the authorities to uphold and safeguard human rights [including...] freedom of expression’. The EU official interviewed for this study stated that media freedom was one of the main priorities, if not the top priority, in El Salvador. The European Delegation to El Salvador currently has 20 staff, five of whom regularly work on press freedom/journalist safety issues [ES-2 colleague, personal communication, 22 May 2022].

However, the interview with the EU official suggested some ambiguity in their position on journalist safety in the country. They emphasised that ‘the press is free or at least published freely’ (see also EU, 2022: 272) and that although journalists are ‘under pressure’, they operate freely, are not currently being shot or jailed and they are not the only ones being attacked online. El Salvador compared favourably to countries such as Nicaragua, Russia or Hungary, in their view. The EU official also emphasised that while the EU is committed to press freedom the media is never completely free of interests, and in El Salvador the media is a political and economic actor in a context where political polarisation and corruption are omnipresent. Hence the EU’s focus in the country was on promoting media pluralism, access to information and

transparency. The EU official said that the EU Guidelines on freedom of expression are ‘difficult to implement’, but they tried to use the tools as much as they could and where they would have most impact.

UN-El Salvador relations: UN activities in El Salvador are managed by a UN resident coordinator based in San Salvador and the OHCHR Regional Office for Central America and Dominican Republic based in Panama City, which monitors human rights and provides technical assistance and advice to the state, national institutions and civil society (OHCHR, n.d.-b). According to the UN official interviewed, the UN works closely with the PDDH to encourage it to be involved in journalist protection and is also working with the Ministry of Foreign Affairs to help it monitor and implement the country’s international human rights commitments resulting from treaty obligations and recommendations, including in relation to freedom of expression and information.

4.2.1 Which protection mechanisms and tools are most relevant and useful?

A similar but slightly wider range of international protection mechanisms and tools was discussed in El Salvador as in the Philippines – funding, public action, training, IACHR protection measures and emergency planning – and there was more overlap between IOs and CSOs in terms of those most highlighted. These are outlined below, starting with those mentioned by both groups.

4.2.1.1 Funding for local NGOs/CSOs

Again, funding was highlighted by both the EU and APES as the main protection mechanism used. The EU official interviewed mentioned two ongoing projects funded via EIDHR in support of journalists and other media actors: (i) ‘Grassroots, community, alternative and independent media and organisations in defence of freedom of expression and human rights’ implemented by a consortium led by *Asociacion Comunitaria Unida por el Agua y la Agricultura* (d-portal.org, n.d.-a); and (ii) ‘For press freedom, access to information and democracy in El Salvador’ implemented by a consortium led by *Universidad Centroamericana Jose Simeon Canas de El Salvador* and including APES and IFJ (Amaya and Campos, 2021). Both projects started in January 2021 for a 36-month period, each with a budget of EUR 500 000. The EU official described these as funding for media development rather than protection of journalists because, in their view, the latter is not necessary in the country. However, written information provided later stated that the projects aim to ‘strengthen [...] journalist and media actors’ capacity to face intimidation and harassment [and] improve [...] [their] management and technical capacities, including digital security and data protection’ [ES-2 colleague, personal communication, 19 April 2022].

The APES interviewee said that the EU funding it received via the second project was helping to strengthen its centre for monitoring attacks on journalists, including increased staffing and a website update. APES also had smaller scale funding from IFJ to carry out research into aspects of journalists’ situation in El Salvador, for example, freelance journalists and gender policy in media, as well as from Internews/United States Agency for International Development for the Roundtable.

4.2.1.2 Public campaigns, statements, events

The EU official said that the EU’s frequent public interventions in El Salvador systematically emphasised the need for a free and independent press as a means of empowering society and identifying and fighting corruption, and that the EU made public statements to this effect. They also highlighted an annual prize for independent journalists (EEAS, 2021a) that the local Delegation had set in 2019 to recognise coverage of human rights and democracy issues; awarded at a public event, the prize was also an opportunity to highlight past impunity and current progress in investigation into journalist killings. However, the EU official stressed that public actions were just one tool among others and not always the most effective; they preferred private discussions with the authorities (see below).

While both APES’ and Cristosal’s representatives highly valued public action by the EU, embassies and others, they felt that IOs should make more strongly worded, frequent and timely public statements. They

described the international response as ‘lukewarm’ [ES-1] and ‘weak’ [ES-4]; although ‘it was better than nothing’, APES compared the response of international actors in El Salvador unfavourably to that of the IACHR, reserving particular criticism for the UN. Both CSO representatives stressed that the human rights situation in the country was much more serious than international actors seemed prepared to accept and had deteriorated drastically in the past year. The Cristosal representative speculated that part of the EU and EU embassies’ reluctance to speak out more strongly was that they did not want to admit that they had poured so much money into El Salvador only for it to end up in a similar situation as 40 years ago. The UN official interviewed agreed that a lot of red lines had been passed by the Bukele government, especially recently, and that it was time for the international community to rethink its approach and be more outspoken.

4.2.1.3 Training for journalists and NGOs/CSOs

Both international actors and APES highlighted training they provided for journalists. In terms of *legal literacy training*, APES had given presentations to journalists around the country to raise awareness of their rights, who to contact if arrested and how to write *habeas corpus* petitions as part of its IFJ-funded project. The UN had run occasional online sessions to train journalists how to engage with and advocate before UN protection mechanisms such as the Special Procedures and Human Rights Committee, and had recently supported some journalists to engage with the UNSR on freedom of expression to request a communication with the state and to follow up in Geneva. The UN official interviewed noted that journalists and CSOs in the country were more familiar and comfortable with the Inter-American than the UN human rights system, in part due to its proximity, and it has been difficult to persuade them of the benefits of UN mechanisms²³. However, since the co-optation of the Supreme Court’s Constitutional Chamber in May 2021, journalists were beginning to see that there is no possibility of justice in the country and there is a need for another alternative [ES-3].

In terms of *professional skills training*, the EU official said that it had recently offered, via an external provider, a two-day training course in fact-checking to counter disinformation and polarisation for around 40 journalists with varying levels of independence; this was also an opportunity to encourage journalists from across the political spectrum to talk to each other and address polarisation in the media. The EU had also supported two seminars on freedom of the press, which had organically included discussion of journalists’ poor working conditions. APES said that the EU-funded project it was involved in would also include an element of professional skills training.

4.2.1.4 IACHR protection mechanisms

The UN official said that the UN was in close communication with the IASHR and had supported journalists in El Salvador in relation to a *public hearing* held by the IACHR on the Pegasus surveillance case in March 2022 (for the hearing, see IACHR, 2022). As noted, journalists and CSOs tended to be more familiar with the IASHR than the UN system. However, interaction with the IASHR had mixed results. The APES and Cristosal representatives both noted that the *IACHR precautionary measures* granted to the El Faro journalists had been constantly violated; the state offered them police protection, which they rejected, and the harassment against them has continued. One of the journalists had to leave the country after online attacks by President Bukele and a government official labelled him a spokesperson for *maras* led to death threats (El Faro, 2022). The APES interviewee reported some contact with the *IACHR Special Rapporteur on freedom of expression* but that it was not frequent as they would have liked; they wished the Rapporteur would be more outspoken, like his predecessor. Nonetheless, the Cristosal interviewee stated that if the Supreme

²³ The online database of communications sent by UN special procedures and replies received by States and other actors shows that just six communications relating to freedom of expression in El Salvador were sent between January 2012 and 24 May 2022 (compared to 31 in the Philippines and 20 in Tunisia), one of which related to death threats against journalists of *Revista Factum* and *El Faro* in 2017 ([UA SLV 3/2017](#)).

Court did not accept the unconstitutionality of the recent reform to the penal code criminalising the reproduction or dissemination of messages from gangs, the next step would be to file a *petition* with the IACHR.

4.2.1.5 Emergency planning/support

According to the EU official and the APES representative, the EU had held a meeting with the directors of El Faro in late 2021 to discuss and plan what the EU and EU embassies could do if the former were arrested. The EU official stressed that journalists were not currently being arrested, however the Cristosal representative thought it may happen in the near future. According to APES, it was increasingly receiving requests from journalists who need to leave the country for political reasons and issuing letters of support for asylum applications, which was a new area of work for the organisation (see also Martínez Avelar, 2022). Previously, in 2020, the EU Delegation donated COVID-19 protective equipment to journalists (EEAS, 2020a).

4.2.1.6 Bilateral relations/EU political dialogue

As in the Philippines, the EU official emphasised its bilateral relationship with the government in El Salvador: the EU stressed the centrality of the media to the quality of democracy in all its conversations with the authorities. It found such discreet diplomatic work useful and had managed to stop a few possible initiatives that could potentially endanger civil society. The EU official also valued informal discussions, for example inviting Members of Parliament for more social meetings to try to convince them of the value of press freedom and other issues. Both APES and Cristosal said that they were unaware of such private conversations with the state taking place or their content or outcomes.

4.2.2 Coordination of actors on the ground

As in the Philippines, coordination among international actors in El Salvador appeared fairly strong. The UN official felt that there was a great deal of awareness among the international community regarding the need to support journalist safety and freedom of expression. The EU and UN confirmed they worked very closely together, including on the analysis of these issues. According to the EU official, the Delegation held regular meetings between the EU, EU Member States and like-minded embassies, for example Canada and Costa Rica. They said the main challenge was working with the USA, the biggest international actor in El Salvador: although the EU Delegation and US Embassy invited each other to their meetings and events, the latter had its own agenda and tended to act separately.

In terms of coordination between international actors and local CSOs and journalists, this appeared to be more formalised in El Salvador than in the Philippines. According to the EU official, the EU Delegation was in regular contact with APES and met with CSOs monthly or bi-monthly or whenever needed. APES and Cristosal confirmed that meetings with embassies took place on occasion so that the latter could understand and monitor the situation to see how they could help. Embassies also invited them to events and reached out in times of crisis. It was not clear whether or how such meetings or contact with CSOs fed into the EU's human rights dialogues with the state. The UN official also said it was in close communication with journalists and media outlets to facilitate activities such as strategic planning, meetings between journalists and the EU and other diplomats or exchanging experiences and good practice with journalists from other countries; the UN also had a very close relationship with APES and the Roundtable. According to the EU and UN representative, the main challenge of such work was that media and civil society were highly politically polarised in El Salvador and it was a struggle to persuade journalists or political analysts with different political views to communicate with each other, let alone collaborate.

4.2.3 Gender dimension

All the interviewees mentioned a distinct gender element to attacks on journalists in El Salvador. The EU and UN officials noted that the increase in harassment of journalists on social media particularly affected women journalists and was often linked to sexual threats; APES mentioned a female journalist had left the country after being threatened with rape online. The EU said it was monitoring the situation very closely but to date had not been contacted by any women journalists seeking protection. It emphasised that gender equality was central to its EIDHR-funded programmes and other activities. For example, it ensured that women journalists accounted for 50 % of all direct beneficiaries of both projects and of its fact-checking training. According to the EU, the project in which APES is involved will collect and analyse disaggregated data by gender and use this when developing security and psychosocial care manuals and a self-protection protocol. It will also evaluate and strengthen the gender policies of APES and independent media outlets and carry out talks at regional level on the challenges faced by women journalists [ES-2 colleague, personal communication, 29 April 2022].

4.2.4 The EU's role and potential to use EU mechanisms and tools

Both the EU and UN officials highlighted the need to raise awareness among the Bukele administration of the importance of an independent media to democracy and combating corruption, and to change its narrative so that the media is seen not as an enemy. However, as the UN official admitted, this is easier said than done. According to the EU official, the EU was 'never doing enough' but 'we are doing what we can' by prioritising media freedom and countering polarisation. Although it was difficult to predict whether this work would ultimately be effective, the EU official was satisfied that it was going in the right direction, particularly in terms of its private conversation with key Salvadoran officials. The EU was keenly aware of the dangers of worsening authoritarian drift which could lead to increased targeting of the critical press, they said; if this occurred, the Delegation would ramp up its mobilisation. However, the UN official as well as the APES and Cristosal representatives felt that the EU and the international community more generally need to re-evaluate and rethink their strategy for dealing with the Bukele government in view of the recent rapid deterioration in human rights, including for journalists and the media, and rule of law. **The EU and international community should consider recalibrating the balance between public and private interventions, and in particular taking more robust and timely public positions** considering the CSOs' highlighting of the importance of visible international pressure. The Cristosal representative suggested that it would also be helpful if the UNSRs issued a joint statement.

The Cristosal representative also suggested that the EU should **consider suspending funding for the government** on the grounds of its policies leading to a lack of transparency and concentration of power and the rapid deterioration in democracy and human rights, or at least implement stronger monitoring and controls on how funding is being used. They emphasised the need for **international monitoring and follow-up mechanisms**, such as the EU EOM, which they saw as vital for the next presidential elections in 2024. The APES interviewee highlighted the need for **continued and increased funding for CSOs** to enable them that support journalists to do their work.

The Cristosal and APES interviewees stressed the need for **protection mechanisms and support networks for journalists who need to leave the country** and seek asylum. This would be an important area of support for the EU, via ProtectDefenders.eu – which the CSO representatives did not appear to be aware of²⁴ – and visa facilitation. The EU official confirmed that the EU Delegation could mobilise and communicate with other embassies to arrange visas for journalists who needed to leave the country but

²⁴ Although ProtectDefenders.eu and its partners do appear to be following the situation faced by journalists and HRDs in El Salvador (ProtectDefenders.eu, 2022).

claimed that this was not currently needed in El Salvador. This position is clearly at odds with that of the CSOs interviewed.

Given the reduced possibilities for justice within El Salvador and the reported increased interest in alternative international avenues, the EU Delegation and other international actors should consider boosting their support for the provision of **legal literacy training and legal advice** focusing on international protection mechanisms, in particular UN mechanisms which are apparently less used in the country. They should continue to press the Salvadoran authorities for a prompt, thorough and impartial **investigation into the abuse of Pegasus spyware** to carry out unlawful surveillance of at least 30 journalists and 5 civil society activists, and support journalists and CSOs to pursue the case via international human rights mechanisms if necessary.

The EU and other international actors should also consider, in consultation with civil society, pushing the state to pass a **law to protect journalists**, as per previous demands. The passing of such a law was among 12 recommendations that El Salvador received relating to freedom of expression, the press and HRDs from the last UPR of its human rights record in 2019 (source: UPR-Info).

It would be useful for the EU and other international actors to explore the feasibility of finding ways to **help re-open spaces for dialogue between journalists' associations and the government**. As in the Philippines, there is also a need for the EU and other international actors to find ways to **address polarisation and lack of solidarity among journalists** and media outlets, and within civil society more broadly, so they can work together more effectively for journalist safety and freedom of expression.

4.3 Tunisia

Located in North Africa, Tunisia is a lower middle-income country with a population of 11.8 million (2020) (source: World Bank). Following its 'Jasmine Revolution' in 2010-2011, the country transitioned to democracy, ending 23 years of dictatorship under Zine al-Abidine Ben Ali, and making huge advances in terms of political rights and civil liberties for its citizens (Freedom House, 2021c). In 2021, the country ranked 73/139 for fundamental rights on the WJP Rule of Law Index (WJP, 2021: 31). However, the same year it was downgraded from 'partial democracy' to a 'hybrid' or semi-authoritarian regime, a status it had not held since 2013 (EIU, 2022: 7, 14, 35). Freedom House similarly demoted Tunisia from 'free' in 2021 to 'partly free' in 2022, with an overall score of 64/100, a seven-point drop compared to the previous year. In July 2021, following street protests demanding the resignation of the government and parliament, President Kaïs Saïed brought in emergency measures under which he 'unilaterally dismissed and replaced the elected government, indefinitely suspended the parliament, and imposed harsh restrictions on civil liberties to suppress opposition to his actions' (Freedom House, 2021c). He also started ruling by decree and has created a hostile environment for the independent judiciary (EU, 2022, Guesmi, 2022: 57, Freedom House, 2021c). This situation was condemned by the EP in a resolution in October 2021 (EP, 2021b). Many have deemed these measures a de facto coup. The president extended the emergency measures in August 2021 and in October 2021 he swore in a new prime minister and government without parliamentary approval. In December 2021, the president announced plans to hold a referendum on revising the constitution in July 2022 and to hold parliamentary elections in December 2022, a timeline which has been criticised by major CSOs (Freedom House, 2021c).

Journalist safety and media freedom: Freedom of expression and media freedom are major achievements of Tunisia's revolution (RSF, 2022c). The country's constitution guarantees freedom of opinion, expression and information, and there are many independent media outlets, including some online news sites launched since the revolution (Freedom House, 2021c). Tunisia ranks 94/180 on RSF's Press Freedom Index 2022, much higher than El Salvador or the Philippines but a significant deterioration compared to its 2021 rating (73/180) (RSF, 2022c). Freedom House rates the country 2/4 for 'free and independent media' and the situation has deteriorated since the 2019 general elections and the July 2021 'coup', with increased

physical attacks on journalists and media outlets. Journalists increasingly face harassment and intimidation from government officials as well as arrest because of their work, particularly reporters covering the security forces or demonstrations (Freedom House, 2021c). The EU (2022: 57) reports 'a shrinking space for freedom of expression in the weeks following 25 July [2021]'.

In July 2021, journalists covering protests in the capital Tunis were repeatedly harassed and attacked by demonstrators and security forces (CPJ, 2021a) and the latter closed Al-Jazeera's Tunis office the day after President Saïed declared his emergency powers (Freedom House, 2021c). In October 2021, Tunisia's media regulator (HAICA) shut down Nessma TV and al-Quran al-Kareem radio station over licensing issues; both had reportedly been operating without a license for many years but had been critical of the president (CPJ, 2021b)²⁵. Also in October, following a rise in attacks on journalists by security services the previous month, the *Syndicat National des Journalistes Tunisiens* [National Union of Tunisian Journalists] (SNJT) called on the Ministry of Interior to put in place a clear plan and an effective coordination mechanism for the protection of journalists, particularly those covering demonstrations and to open investigations into police attacks on journalists (Hana, 2021). Journalists and political bloggers have been regularly prosecuted under insult and defamation laws and there is a trend of referring journalists and activists to military courts (Freedom House, 2021c).

Interviewees: Interviews were carried out in March and April 2022 with officials of the EU Delegation [T-1] and UN [T-21, T-2.2], and a representative of SNJT [T-3], which is the main local CSO working to defend journalists' rights. The interviews were conducted in English and French.

EU-Tunisia relations: The EU has had a Delegation in Tunisia since 1979 and signed an Association Agreement with Tunisia in 1995, which was further strengthened in 2012 with a Privileged Partnership. Tunisia is also part of the European Neighbourhood, meaning closer cooperation in various areas including in terms of democracy and human rights (EASS, 2021d). The representative of the EU Delegation interviewed for this study noted that the EU is the main donor in Tunisia and a large proportion of Tunisia's trade is with the EU (EC, n.d.-a). In addition, Tunisia is one of the few non-EU countries to enjoy the same access to EU programmes as Member States, such as the Horizon research programme (EC, 2022), and the EU finances its participation. This gives the EU political leverage in Tunisia [T-1].

The EU's 2022 annual report does not list freedom of expression as a key focus area in Tunisia in 2021, although it does mention promoting access to information for CSOs and supporting the media as a means of pushing for state accountability (2022: 57). The EU official interviewed confirmed that freedom of expression is not currently a high priority in the country. They stated that journalists and media outlets published freely and regularly criticised the government without being pursued; while journalists had been increasingly under pressure from the authorities in the last 18 months and may be self-censoring, this was a 'precaution' rather than because they were afraid of persecution. The EU representative said that although some journalists and bloggers had been arrested, they were usually released after 24 hours or a few days. Hence the EU Delegation was 'not in a situation where we have to be vocal in defending journalists and freedom of expression'. The EU was more in monitoring and awareness mode, they said: following worrying trends and conveying concerns to the authorities privately and, when needed, publicly. According to the EU representative, the Delegation was aware of the EU Guidelines on Freedom of Expression and was trying to follow them, but the situation did not require a very active approach [T-1]. The EU Delegation to Tunisia currently has a staff of around 67, six of whom work on human rights (policy and cooperation) [T-1, personal communication, 18 May 2022].

²⁵ Nessma TV belongs to Nabil Karoui, who ran against President Saïed in the 2019 presidential elections. As well as licensing issues, HAICA reportedly also cited alleged political influence over the channel and 'suspicions of financial and administrative corruption' (France 24, 2021).

UN-Tunisia relations: OHCHR has been present in Tunisia with a full mandate since 2011; the office focuses on a broad number of human rights issues, including strengthening accountability and the rule of law and supports national stakeholders via monitoring, expert advice, capacity-building and facilitating dialogue (OHCHR, 2022). There is also a UN resident coordinator based in Tunisia and a local UNESCO office. OHCHR and UNESCO have worked together extensively on journalist safety in the country in the last few years (see below). Tunisia is a member of the Group of Friends at UNESCO in Paris and at the UN in New York (UN, 2017a: 14).

The UN's overall perspective of the situation for journalist safety and freedom of expression in Tunisia was more critical than the EU's. One of the UN officials interviewed acknowledged that there is critical reporting on the government and coverage of opposition viewpoints in the media and social media, which gives an impression of openness, and far greater freedom of expression and media freedom in Tunisia than in the rest of the Middle East. At the same time, however, the erosion of democratic checks and balances since the July 2021 'coup', including judicial independence, meant that the risks for journalists had multiplied. They highlighted that the police, the judiciary and other authorities were actively repressing journalists and their ability to work freely and that there was a marked tendency for them to fall back into old habits of restricting and centralising information. There are very real risks for the future that need to be mitigated, in their view [T-2.1].

4.3.1 Which protection mechanisms and tools are most relevant and useful

Interviewees in Tunisia mentioned the same international protection mechanisms and tools as relevant as in the Philippines. These are outlined below, starting with those emphasised by both IGOs and CSOs: funding, public action, training and UN protection mechanisms.

4.3.1.1 Funding for local NGOs/CSOs

The EU official interviewed said the EU was not currently funding any projects to promote journalist safety. It was, however, funding a five-year project to support media development which started in March 2021 (PAMT2²⁶) (see also EU, 2022: 58)²⁷. They said that the EU had also supported SNJT via an earlier multiyear project (PAMT, n.d.) and in other ways. The SNJT representative confirmed that the EU funded some of its activities such as publications and events (see below); they were aware of the possibility of seeking EU funding directly via the EIDHR but had yet to do, which they attributed to a lack of opportunity or the right relationship. As well as the EU Delegation, SNJT had relationships with UNESCO, OHCHR and other UN agencies, INGOs and donors, but was only rarely in contact with embassies. Its strategic partners in terms of multi-year project funding were two INGOs: IMS, which has funded key staff positions and regular training since 2011; and Hivos, which finances the fact-checking platform Tunifact.org and other activities.

A key project for SNJT in recent years has been running a unit that monitors threats and attacks against journalists and restrictions on websites, established in 2017 with financial and technical support from OHCHR and UNESCO in the framework of the UNPA and the SDGs [T-3, T-2.2]. According to a UN representative, the SNJT's monitoring unit is the first of its kind in the Arab world. With a staff of five journalists and one lawyer, the unit aims to provide moral and legal support to journalists [T-3]. It is developing a national database of attacks and the status of investigations using quantitative and qualitative indicators, published in monthly and annual reports in Arabic (T-3) (UN, 2021: para. 41). The

²⁶ PAMT2 (<https://pamt2.org/>) aims to promote a legal and regulatory environment to boost public confidence in the media and the media's watchdog role, including via support to HAICA, and to promote the public's awareness of the media's role in a democratic society via a national campaign against false news and disinformation supported by the media and CSOs. It also aims to provide professional skills training for journalists, including in investigative journalism and fact-checking, and support for public interest journalism [T-1]

²⁷ The EED has also funded some independent media outlets focusing on investigative journalism in Tunisia (EED, 2021: 76-79).

SNJT also works with the Ministry of the Interior to ensure that journalists covering protests are protected from attack by the security forces, provides physical and digital security training for journalists and carries out advocacy and awareness raising campaigns. Initially funded by OHCHR, UNESCO and IMS, the monitoring unit continues to receive funding from UNESCO and has also been supported by the CoE, which has an office in Tunisia, and the INGO Avocats Sans Frontières [T-3].

The SNJT representative emphasised the importance of international funding and cooperation, particularly from INGOs, which allowed them to carry out a minimum of activities, and that the organisation was always in need of more funding. Key challenges were international donors' focus on short-term project funding (1-2 years) and a lack of core funding that make it difficult for CSOs to cover operating costs, build capacity and ensure continuity of activities, as well as to ensure that they can maintain their independence from the state.

4.3.1.2 Public campaigns, statements, events

The EU and SNJT representatives both mentioned EU-supported public events to raise awareness on freedom of expression and media freedom. For example, SNJT said that the EU was supporting a second annual public event for WPDF 2022 with OHCHR, UNESCO, RSF, Article 19 and IFJ (see UNESCO, 2022). The EU representative highlighted the Delegation's launch in 2020 of an annual prize honouring investigative journalism that promotes freedom of expression or other human rights or pro-democracy values, named after Tunisian blogger and activist Lina Ben Mhenni, who was internationally recognised for her work during and after the revolution (EASS, 2021a). They said that the prize was gaining some traction and positive feedback, but it was still early days.

According to the SNJT, the EU and other international actors rarely made statements or took other public action. The EU representative confirmed that the Delegation had not taken any such public action on journalist safety in the last two to three years; they felt it did not need to speak out on a regular basis because, in their view, there was no persecution of journalists *per se* (see EU-Tunisia relations above). Criticisms of the Delegation by civil society and the media for not doing enough to defend them were due to a lack of understanding of how diplomacy works, the EU official said: the EU tried to avoid 'loudspeaker diplomacy' and instead to take action privately. However, the SNJT representative felt that there could be more moral support from the international community and that they could take a clearer position on the situation in Tunisia, in particular the UN which they saw as very 'weak' and 'indirect' in its use of language.

4.3.1.3 Training for journalists and officials

Both the SNJT and UN representatives spoke of capacity-building for journalists and for officials, much of it around security and legal literacy. The SNJT has trained journalists on press laws and physical and digital security and has also trained journalists and the police on how to cover police protests while avoiding attacks on journalists. OHCHR was working with Article 19 to train trainers of journalists specialised in freedom of expression; the workshops were suspended due to the coronavirus pandemic, but they hoped that they would start again in May 2022. OHCHR has also provided training for judges on freedom of expression, media freedom and journalist safety (in 2015 and 2019) which has led to some more progressive judges applying the 2011 decree on the freedom of the press, printing and publishing (HAICA, 2011). However, more awareness raising was needed. A manual was being finalised and would be integrated into the professional training programme for judges (UN, 2017a: 15-16). OHCHR was also planning some training for the security forces. The EU was funding professional skills training for journalists, including in investigative journalism and fact-checking, and support for public interest journalism, via the PAMT2 programme.

4.3.1.4 UN protection mechanisms

All of the interviewees emphasised the importance of the UPR process, with the next Tunisian review due in late 2022. In the last UPR cycle (2017-2021), Tunisia received eight recommendations relating specifically to freedom of opinion and expression, freedom of the press and HRDs, all of which were ‘supported’ by Tunisia. These included strengthening and speeding up the implementation of laws on freedom of expression, press freedom and access to information and ensuring alignment with international standards (source: UPR-Info). The SNJT representative said that the organisation had prepared a joint report with IMS and Article 19 and would speak at the HRC session in Geneva, supported by the INGOs. According to the EU representative, the UPR is important because it is a multilateral mechanism and ‘not just Europeans telling Tunisia what to do’ and the Delegation would be following the process closely in close cooperation with the UN in Geneva.

The SNJT representative also noted that the organisation meets with the UNSR on freedom of expression when they come to Tunisia: ‘the Special Rapporteur’s positions help us a lot – they help us to push for changes to government policies or positions’²⁸.

4.3.1.5 Bilateral relations/EU political dialogue

As noted, the EU favoured private over public interventions. According to the EU official, the Delegation met with the Tunisian authorities on a regular basis as part of the Association Agreement. Freedom of expression issues are covered by a special human rights subcommittee that meets once a year; in preparation for this, there is a meeting between the EU, the authorities and CSOs to discuss concerns (see also EU, 2022: 58). As the EU representative put it, the EU and key Member States such as France and Germany ‘tell [the Tunisian authorities] what we think, sometimes in quite a candid way’ and, due to the EU-Tunisia relationship (outlined above), ‘we have a certain leverage [...]: when we convey concerns, the message is received.’ Tunisia also supported a recent resolution on the conflict in Ukraine when many countries in the region abstained. After the French Embassy publicly showed its support for a French journalist who was assaulted by police while covering a demonstration in January 2022 (Libération, 2022), President Saïed apologised and since then the police have taken a less heavy-handed approach to managing demonstrations [T-1]. However, the EU official also stressed that Tunisia is a sovereign state: the EU cannot force it to accept their messages and it does not always listen to what the EU says. They said that they were satisfied with the human rights impact of the EU’s political dialogue.

According to one UN representative, the UN conveys in its discussion with authorities that they are responsible for preserving the gains of the Revolution and the ensuing 10 years and that they need to work actively to prevent the country from sliding back into repressive behaviour. The UN’s approach now was to double down on the state’s responsibility to guarantee the framework for journalists’ work and freedom of expression, uphold the law and ensure accountability for violations.

4.3.1.6 Positive effects of international support

Similar to CSOs in the Philippines, the SNJT representative emphasised that, aside from funding, the main benefit of being backed by international actors is moral support: ‘the authorities know that they are with us and support us – this reinforces our position a lot.’ International support ‘helps civil society pressure the government to respect human rights’ which plays ‘an important role’.

²⁸ The online database of communications sent by UN special procedures and replies received by States and other actors shows that 20 communications relating to freedom of expression in Tunisia were sent between January 2012 and 24 May 2022, at least three of which related to attacks on bloggers, the most recent in 2022: [AL TUN 2/2013](#); [AL TUN 1/2020](#); [AL TUN 2/2022](#).

4.3.2 Coordination of actors on the ground

There was evidence of regular coordination both between international actors and between international actors and local civil society, and neither side raised any serious concerns. According to the EU representative, EU Member States met every six to eight weeks to discuss human rights issues and also met regularly with like-minded states such as the USA, UK, Canada and Japan. They commented that ‘the important thing is that when we are needed, we react.’ Moreover, the EU Delegation had a very good relationship with the UN and OHCHR, with which it had regular contact on human rights and freedom of expression concerns. (See also EU, 2022: 58). The UN also held regular meetings with UNESCO and worked with Article 19 on training judges and lobbying.

In terms of coordination between international and local actors, both the EU Delegation and the UN worked closely with SNJT and all parties spoke positively of the relationship. The SNJT representative noted that the channels of communication were open in the sense that, when there were concerns, the EU and UN called them. There appear to be few other local CSOs working on journalist safety and freedom of expression in Tunisia. However, the UN also worked with Bloggers in Chains (Bloggeurs en Chaines), a local NGO that documents attacks on bloggers and HRDs and provides legal support to those who are prosecuted, and local HROs, and planned to collaborate with the local offices of AI, HRW and Access Now, which work on freedom of expression [T-2.2]. The EU representative said that the Delegation also had contact with civil society more broadly on a regular basis and ‘whenever needed’ to discuss problems and concerns; the last meeting in January 2022 was ad hoc and covered concerns about rumoured reforms to the legislation on CSOs (Decree-Law No. 2011-88) which could lead to greater government control and affect international grants, including EU funding (Article 19, 2022). As noted, CSOs contribute to tripartite discussions feeding into the annual EU human rights subcommittee meeting, though it was not clear if there was a debriefing for them afterwards. One UN representative noted that meeting with civil society was very useful in terms of analysis and reliable information, but felt that there could be more collaboration, coordination and joint actions among local CSOs.

4.3.3 Gender dimension

When asked how the EU Delegation ensures that gender is taken into account in its work on freedom of expression, the EU representative said that they believed this was not an issue in Tunisia since women were not being arrested or prosecuted for being women journalists. In contrast, the SNJT representative said that the organisation had started working on gender a few years ago and now reported on gender-based attacks on journalists and had done training on women in the media and gender language; this approach was encouraged by its international partners. A UN representative noted that SNJT’s last annual report included a section analysing gender-based attacks on journalists, including sexual harassment, and the organisation made sure that women journalists took part in its training courses.

4.3.4 The EU’s role and potential to use EU mechanisms and tools

Various recommendations for the EU and other international actors arose from interviewees and the analysis. With regards to **funding**, both SNJT and the UN expressed the need for more resources to support their work on journalist safety and freedom of expression in Tunisia. SNJT specifically highlighted the need for more core funding for local CSOs. The EU should ensure that its funding focuses on projects aiming to promote journalist safety as well as media development and ensure that local CSOs are aware of EU funding streams and are encouraged and supported to apply.

In terms of **legal literacy training**, a UN representative stressed that there is a need to continue to raise judges’ awareness of international standards relating to freedom of expression and freedom of the press and the need to apply the Decree-law No. 2011-115 on the freedom of the press, printing and publishing and not to apply articles of the Penal Code or other laws which run counter to these, for example on

criminal defamation. They also suggested that it could be important to work with journalism education institutions to train journalists on their rights and on how to demand protection from the authorities. However, more broadly, another UN representative suggested that the EU and the international community should review the impact of their substantial **support for justice sector reform** in Tunisia²⁹. The UN representative asked: given that journalists are frequently prosecuted for their work but physical and online attacks against them are rarely investigated, is the justice system being manipulated or instrumentalised in their case?

Certain international protection mechanisms appeared under-exploited in Tunisia, for example in the case of the **EU public actions and statements, démarches, the EU Special Representative on Human Rights** and possibly **ProtectDefenders.eu** (the EU Delegation had not made any referrals in recent years and SNJT was not aware of it³⁰). While there may not currently be a need to use ProtectDefenders.eu in Tunisia, it would be useful for local CSOs like SNJT to be familiar with the mechanism should the situation change, as in El Salvador. In terms of the UN system, the EU should consider coordinating with EU Member States to encourage the state to support recommendations as a part of the forthcoming UPR of Tunisia. In terms of the African system, neither SNJT or the UN had yet worked with the **ACHPR Special Rapporteur on Freedom of Expression and Access to Information**. Interviewees did not mention the **Platform for the Protection of Journalism and Safety of Journalists in Africa**; this may be explained in part by the newness of the initiative.

With relation to **gender**, the EU should ensure that its Delegations are aware of the need to consider the gender dimension of their analysis of and work on freedom of expression and journalist safety and provide relevant capacity-building for staff.

5 Conclusions

A comparison of the three case studies – the Philippines, El Salvador and Tunisia – leads to several general observations and recommendations, in addition to the country-specific specific ones made at the end of each case study³¹. All three countries were until recently considered flawed democracies, but political crises in El Salvador (since 2019) and Tunisia (since 2021) means that they are now deemed to be ‘hybrid’ or semi authoritarian regimes (source: EIU). Yet, the one remaining ‘flawed democracy’, the Philippines, has the worst situation for journalist safety. In all three countries, the media provide a range of views and opinions, including criticism of the government and authorities, but media freedom is considered restricted and journalists are under threat. This is a reminder that formal democracy and media plurality do not necessarily guarantee media freedom or journalist safety (Solis, 2020, Asal et al., 2016, Whitten-Woodring, 2009).

The case studies clearly show that the EU Delegations and other international actors in these countries are active in promoting journalist safety and freedom of expression to varying degrees. They also show that that the presence and support, both financial and moral, of such international actors are valued by CSOs working in this area – even if the two sides do not always agree on the seriousness of the risks faced by journalists or the best methods to employ to address the situation. However, there is considerable room for improvement. As noted in previous research (e.g. UN, 2018), there is a clear disparity between, on one hand, the plethora of international initiatives, mechanisms and tools to protect journalists and ensure their

²⁹ For example, the joint EU-CoE programme [AP-JUST \(Justice\)](#) (2019-2021).

³⁰ However, ProtectDefenders.eu has made efforts to make itself known to civil society and diplomats in Tunisia in the past: the protection mechanism was presented to local HRDs and CSOs and embassies at the EU Delegation in Tunisia in June 2016 (ProtectDefenders.eu, 2016) and in April 2017 it reported that it had carried out outreach to targeted and remote groups of HRDs in isolated areas of Tunisia (ProtectDefenders.eu, 2016).

³¹ Although the limited scale and timeframe of this study should be borne in mind, including COVID-19 restrictions which may have affected and curtailed relevant activities in the last two years, particularly in the Philippines.

safety and the high level of international activity, and on the other the relatively low awareness and use of these at domestic level (both EU Delegations and CSOs).

The international protection mechanisms and tools most frequently mentioned by both the EU/UN and CSOs across the three countries were:

- EU and other international funding;
- public actions such as statements and events;
- training for journalists (in security, legal literacy and professional skills) and for officials;
- certain protection mechanisms of the UN (UNSRs, UPR) and the IACHR (IACHR precautionary measures, hearings, petitions).

Again, the EU/UN and CSOs did not always agree on how effective these different approaches were, and CSOs often expressed a desire for improvements, for example more longer-term, more sustainable funding and more frequent and robust public statements (see below). However, in the Philippines and Tunisia, CSOs also stressed the importance of international actors beyond the use of specific mechanisms and tools, in terms of 'moral support' (both), protective effect and prestige (Philippines) and international pressure backing local civil society's demands of the government (Tunisia).

In all three countries, EU officials – but not CSOs – placed significant emphasis on political dialogue as a means of raising freedom of expression and other human rights related concerns with the state and pushing for improvements. The private nature of these discussions and the apparent lack of regular consultation and debriefing with CSOs means that their frequency, content and outcomes are generally unknown to outsiders and their impact is difficult to assess. This is broadly consistent with the literature reviewed on this topic.

Across the three countries, certain protection mechanisms and tools were not mentioned³² or were not used, as follows:

- At EU level: ProtectDefenders.eu; démarches; the EU Special Representative on Human Rights³³; and outreach and emergency assistance to individual journalists (see section 3.2.1).
- At UN level, UN treaty body and UNESCO complaints procedures.

Other protection instruments were apparently under-used, as follows:

- Public statements clearly condemning violence against journalists and impunity and government responsibility via commission or omission and supporting journalists, CSOs and media freedom, was the main protection tool that CSOs felt was under-used by the EU, UN and other international actors.
- The ACPHR including its Special Rapporteur on Freedom of Expression and Access to Information in Africa, was apparently little used in Tunisia³⁴ – unlike in El Salvador, where the IACHR was frequently used and generally favoured over the UN.
- More generally, although funding was a key concern for local CSOs, no interviewees mentioned UNESCO's Global Media Defence Fund (see section 2) and only one referred to UNESCO's IPDC (section

³² The author acknowledges that it is possible that these protection mechanisms and tools have been used but this was not mentioned in interviews for reasons of confidentiality or due to interviewees' lack of knowledge.

³³ As noted above, the EUSR chairs some human rights dialogues; the author acknowledges that his involvement is possible even if his role was not explicitly mentioned by interviewees.

³⁴ The Platform for the Protection of Journalism and Safety of Journalists in Africa was also not mentioned; this is likely explained at least in part by the newness of the initiative.

3.1.4). This could imply a lack of knowledge of the full range of international funding opportunities available³⁵.

This suggests a general need for awareness-raising and capacity-building around international protection mechanisms and tools for both EU Delegations and CSOs. However, it may also be that not all international instruments are seen as appropriate in different contexts. EU officials in two out of three countries (the Philippines and El Salvador) referred to the complexity of implementation of the EU Guidelines on freedom of expression on the ground, which they said was necessarily shaped and constrained by the nature of the EU's bilateral relations with the state, political context and timing, and above all limited resources.

It was not clear how EU Delegations – or the UN – measured impact and effectiveness in relation to their actions to promote journalist safety and freedom of expression outside the context of funded projects³⁶. Examples of impact tended to be anecdotal, and the frequently private and/or multilateral nature of EU Delegation actions makes clear attribution of successes difficult. It was not clear what monitoring, evaluation and learning systems are in place and which indicators are used³⁷.

While coordination between international actors appeared relatively strong in all three countries, coordination between international actors and local CSOs working on journalist safety and freedom of expression was more patchy and ad hoc, particularly in the Philippines. In general, the EU Delegations' work to promote journalist safety and freedom of expression seemed somewhat compartmentalised, with a divide between EU-funded projects implemented by CSOs and other third parties and other work in this area. Similarly, awareness of the importance of the gender dimension of journalist safety and freedom of expression within the EU Delegations appeared uneven and there was sometimes a sense that this consideration was more confined to projects.

Finally, both CSOs and IOs in the Philippines, and especially in El Salvador where political polarisation is a problem, mentioned a lack of cooperation between journalists and media outlets and the need to encourage them to work together more effectively for journalist safety and freedom of expression. A lack of collaboration and solidarity among journalists, as well as a lack of public trust in journalism, have similarly been identified as barriers to journalist safety in other countries with high levels of violence against journalists and impunity like Mexico and Honduras (Mitchell, 2022).

6 Recommendations

For the EU and other international actors:

1. **Continue and increase support of funding programmes, public statements and events, training and use of key UN/IACHR protection mechanisms** and aim to strengthen this support in consultation with journalists and CSOs supporting journalists. Consider providing more long-term and core funding for such CSOs.
2. **Raise awareness of and build capacity around using the full range of EU and other international protection mechanisms and tools available among both EU/UN staff and CSOs** that support

³⁵ It is also worth noting that only one interviewee mentioned the MFC, while references to the UNPA and SDGs were infrequent and mainly confined to UN representatives (apart from in the Philippines, which had developed its own Plan of Action of the Safety of Journalists in consultation with civil society – see section 4.1.1.1). Although these are broad protection initiatives rather than specific mechanisms or tools for individual journalists, this similarly suggests a low level of local awareness of international measures.

³⁶ According to EU sources, EU Delegations produce an annual report on the implementation of their Human Rights and Democracy Country Strategies, however both the strategies and the implementation reports are internal and confidential in nature and are therefore not publicly available (EEAS, 2021h; EU, 2021c: 11).

³⁷ However, in the EU's case, the Multi-Annual Indicative Programming (MIP) for its thematic programme on Human Rights and Democracy specifies some relevant performance indicators, as noted above, which should facilitate monitoring and evaluation to some extent.

journalists, while bearing in mind context relevance. This should include promoting awareness and use of: regional systems of human rights protection, including the ACHPR; UN protection mechanisms, even in countries where recourse to regional systems is more common, since the demand for alternative international mechanisms may rise if avenues for justice at domestic level shut down (as in El Salvador); funding opportunities linked to the EU, UN/UNESCO and embassies; and existing resources such as Media4Democracy's Handbook for EU Delegations on Protecting the Safety of Journalists, Protecting Freedom of Expression (Media4Democracy, 2020). Consider producing a similar guide aimed at CSOs made available in local languages.

3. **Consider increasing support for legal assistance for journalists** who are facing prosecution or need to take perpetrators to court.
4. **Support actions to promote solidarity and collaboration between journalists** and media outlets to improve journalist safety.
5. **Give careful consideration to implementing/pushing for the implementation of the recommendations of the advisory reports of the High-Level Panel of Legal Experts on Media Freedom**, relating to the use of targeted sanctions, provision of emergency visas for journalists at risk, and strengthening consular support to journalists at risk abroad and investigations into attacks on journalists (the first two of which seem particularly relevant to the EU).

For the EU:

1. **Ensure that EU funding programmes are known and accessible to local CSOs that work on journalist safety and freedom of expression**, where appropriate encouraging and supporting them to apply and ensuring that they play a lead role in the design as well as implementation of relevant projects. Ensure a balance between EU funding for projects to promote journalist safety and protection and media development, in line with NDICI-Global Europe's thematic programme on Human Rights and Democracy and its Multi-Annual Indicative Programming (MIP) and related indicators. Consider simplifying the application process and making it less bureaucratic.
2. **Address the disconnect between the EU's preference for private action and CSOs' desire for more public action.** While building civil society's understanding of the EU's mission and modus operandi may be part of the solution, the EU should also consider other approaches. For example, explore making more public statements, 'both preventively and in response to serious violations or restrictions on the right to the freedom of opinion and expression' (EU Guidelines on freedom of expression, para. 45) and setting advocacy goals in consultation with civil society.
3. **Promote awareness of the 2021 Guidelines on Human Rights Dialogues with Partner/Third Countries among EU Delegations and local CSOs** with respect to guidance on civil society engagement, publicity and monitoring and follow up of progress (Council of the EU, 2021), and consider how to assess implementation of these guidelines.
4. **Review how EU Delegations assess the impact of their work on journalist safety and freedom of expression**, including what MEL systems and indicators are in place.
5. **Ensure that journalist safety and freedom of expression concerns, including the importance of a gender perspective, are mainstreamed** in EU Delegations' work and that staff receive appropriate training.
6. Once the issues mentioned above have been addressed, **consider increasing the human and financial resources available to EU Delegations** to focus on journalist safety and freedom of expression work.

7. **Commission a full external evaluation of the EU Guidelines on freedom of expression and their implementation, including by EU Delegations in non-EU countries.** Article 71 of the Guidelines explicitly provides for an evaluation of their implementation after three years, but it is unclear whether this has happened or is planned. Strive for clarity around which, if any, circumstances would oblige the EU to suspend cooperation including financial assistance (see para. 50 of the Guidelines).

For the EP/DROI:

1. **Continue to carry out missions to non-EU countries where journalist safety and protection are at risk. For example, in the Philippines at the start of the new administration** to engage with local civil society and discuss with President Marcos and members of his government what steps they will take to guarantee the safety of journalists and media freedom in the country. **Carry out a follow-up mission to El Salvador with a greater emphasis on restrictions and attacks on journalists, media outlets and press freedom** in the context of increasing authoritarian drift and anti-press rhetoric since 2020, to include extensive consultation with local CSOs and journalists.
2. Following consultation with local civil society, **consider issuing urgency resolutions and/or press releases highlighting restriction and attacks on journalists and media freedom in such countries.**
3. **Press the EEAS for greater transparency in terms of how EU Delegations measure impact and effectiveness in relation to their actions to promote journalist safety and freedom of expression,** in particular outside the context of funded projects.
4. **Press for a full external evaluation of the EU Guidelines on freedom of expression** and their implementation by EU Delegations in non-EU countries.

Finally, the analysis also raises some wider questions for the EU. At the time of writing, in all three countries studied, there is an elected leader who is increasingly autocratic and lacking in respect for democratic guarantees and human rights, including freedom of expression, yet who has enjoyed consistently high popularity ratings (in the Philippines and El Salvador and, until recently, in Tunisia). To what extent do apparent popular support or legitimacy override serious concerns about regression in democracy and human rights for the EU? How prepared are EU Delegations in non-EU countries to modify their approach to states with which they have established close relations when there is rapid deterioration in the domestic political and human rights context that affects journalist safety and freedom of expression?

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Annex I – Interview guides

As noted in section 1.1 (Methodology), an interview guide was used, adapted to different interviewees depending on their organisation/role, the country they worked in/on, their preferred language, the time they had available, and so forth. Some sample questions for EU, UN and CSO interviewees are presented below.

Sample questions for the EU

1. *The EU's work to protect journalists and ensure their safety*

What is your position? How long have you been in this role?

Could you briefly describe the current situation for journalists and freedom of expression in [COUNTRY]?

Tell me about the EU Delegation's work to protect journalists and ensure their safety in [COUNTRY]. How does it implement the Guidelines on Freedom of Expression Online and Offline, Priority Area 1 on violence against journalists and impunity (and the EU Action Plan on Human Rights and Democracy 2020-24)?

What are the main EU mechanisms, tools and actions that have been used to protect journalists and ensure their safety in [COUNTRY] in recent years, and why? *[give examples to prompt if necessary]*

Can you give some examples of when/ how these EU protection mechanisms/ tools have been used and why? (i.e. why were these particular mechanisms/ tools used and not others?)

- What impact do/ did these EU protection mechanisms/ tools have in practice? How do you assess their impact/ effectiveness?
- How could their use/ impact be/ have been improved?
- What about other EU protection mechanisms/ tools e.g. [EXAMPLES]? Why haven't these been used?
- To what extent does the choice of protection mechanism/ tool depend on nature of the EU's agreement with [COUNTRY]?

What challenges arise in carrying out this work? (external, internal)

Has the EU ever considered suspending cooperation and financial aid to [COUNTRY] on the grounds that freedom of expression is unduly restricted and there is violence against journalists? (see para. 50 of the EU Guidelines on Freedom of Expression Online and Offline). Why not?

2. *The EU's coordination with other international organisations*

How does the EU Delegation coordinate with other international organisations in-country on promoting journalist safety and fighting impunity? (such as the UN/ OHCHR/ UNESCO; other embassies; etc). For example:

- Is there an official coordination mechanism?
- If not, does the EU Delegation hold regular meetings with EU member states and other like-minded states?
- Does the EU Delegation coordinate actions and, if so, what and how? (e.g. statements or marking international days)

What impact does this have? What are the strengths and challenges of this collaboration? Could anything be improved? How?

Does the EU Delegation work on journalist protection/safety issues with any international organisations based outside the country, and if so, how?

- In Europe, e.g. CoE, EctHR
- Globally, e.g. UNSRs, treaty bodies, UPR, UNESCO
- INGO initiatives, e.g. Shelter City, ICRC

What impact does this have? What are the strengths and challenges? Could anything be improved? How?

3. *The EU's coordination with local civil society actors, including those that work to protect journalists*

How does the EU Delegation coordinate with local CSOs/NGOs (and the human rights ombudsman) that work to support journalists at risk? How do you support their activities and demands of the state?

What are the strengths and challenges of this support and coordination? Could anything be improved? How?

4. *Gender dimension and overall performance*

How does the EU Delegation ensure that gender is considered in all its decisions and actions in relation to its work on the safety of journalists? Give examples.

Overall, do you think that the EU Delegation is doing enough to implement the EU Guidelines on Freedom of Expression Online and Offline? What else could be done?

How do you think the EU Delegation could enhance its role in journalist safety and protection?

5. *Final questions*

Is there any other organisation or individual that you think I should speak to as part of this research?

Is there anything else you'd like to tell me that we haven't discussed?

Sample questions for the UN/ OHCHR/ UNESCO

1. *The UN's work to protect journalists and ensure their safety*

What is your position? How long have you been in this role?

Could you briefly describe the current situation for journalists and freedom of expression in [COUNTRY]?

Tell me about the UN/ OHCHR/ UNESCO's work to protect journalists and ensure their safety in [COUNTRY]. For example, how does it implement the UN Plan of Action on the Safety of Journalists and the Issue of Impunity and other relevant UN strategies and policies?

What are the main UN mechanisms, tools and actions that have been used to protect journalists and ensure their safety in [COUNTRY] in recent years, and why? *[give examples to prompt if necessary]*

Can you give some examples of when/ how these UN protection mechanisms/ tools have been used and why? (i.e. why were these particular mechanisms/ tools used and not others?)

- What impact do/ did these UN protection mechanisms/ tools have in practice? How do you assess their impact/ effectiveness?
- How could their use/ impact be/ have been improved?
- What about other UN protection mechanisms/ tools e.g. [EXAMPLES]? Why haven't these been used?
- To what extent does the choice of protection mechanism/ tool depend on nature of the UN's agreement with [COUNTRY]?

What challenges arise in carrying out this work? (external, internal)

2. The UN's coordination with other international organisations

How does OHCHR/ UNESCO/ the UN coordinate with other international organisations in-country on promoting journalist safety and fighting impunity? e.g. EU delegation; other embassies; etc. For example:

- Is there an official coordination mechanism?
- If not, does OHCHR/ UNESCO/ the UN hold regular meetings with the EU Delegation and like-minded embassies?
- Does OHCHR/ UNESCO/ the UN coordinate actions and, if so, what and how? (e.g. statements or marking international days)

What impact does this have? What are the strengths and challenges of this collaboration? Could anything be improved? How?

Do OHCHR/ UNESCO/ the UN work with on journalist protection issues with any international organisations based outside the country, and if so, how? e.g.

- Regional bodies
- INGO initiatives, e.g. Shelter City, ICRC

What impact does this have? What are the strengths and challenges? Could anything be improved? How?

3. The UN's coordination with local civil society actors, including those that work to protect journalists

How does the UN/ OHCHR/ UNESCO coordinate with local CSOs/ NGOs (and the human rights ombudsman) that work to support journalists at risk? How do you support their activities and demands of the state?

What are the strengths and challenges of this support and coordination? Could anything be improved? How?

4. Gender dimension and overall performance

How does the UN/ OHCHR/ UNESCO ensure that gender is considered in all decisions and actions in relation to your work on safety of journalists? What else could be done? Could anything be done better? How?

Overall, do you think that the UN/ OHCHR/ UNESCO is doing enough to promote journalist safety and protection in [COUNTRY]? What else could be done? How do you think it could enhance its role?

Overall, do you think that the EU Delegation is doing enough to implement the EU Guidelines on Freedom of Expression Online and Offline and to promote journalist safety and protection generally in [COUNTRY]? What else could it do? How do you think the EU could enhance its role?

5. Final questions

Is there any other organisation or individual that you think I should speak to as part of this research?

Is there anything else you'd like to tell me that we haven't discussed?

Sample questions for local CSOs

1. Your work to protect journalists and ensure their safety

What is your position? How long have you been in this role?

Could you briefly describe the current situation for journalists and freedom of expression in [COUNTRY]?

Tell me about your/ your organisation's work to protect journalists and ensure their safety. How do you support journalists at risk?

2. *Your relationship with and support from international organisations that work to protect journalists*

What is your organisation's relationship with international organisations based in your country, e.g. IGOs (EU, OHCHR/ UNESCO, regional bodies); INGOs? Do you work with them? Has your organisation or the journalists you support ever received any direct support from them?

- If so, which IGOs/ INGOs?
- What has this relationship/ support consisted of? What international protection mechanisms and tools have you/ journalists benefited from? *[give examples to prompt if necessary]*
- How useful is/ was this international support? What impact does/ did it have in terms journalist safety/ protection?
- If you have not received any such support, why not? Have you unsuccessfully tried to secure support? Or are you not aware of this kind of support?

What about contact/ engagement with IGOs/ INGOs based outside your country? Do you work with them and if so, how? Has your organisation or the journalists you support ever received any direct support from them?

- If so, which IGOs/ INGOs?
- What has this relationship/ support consisted of? What international protection mechanisms and tools have you/ journalists benefited from? *[give examples to prompt if necessary]*
- How useful is/ was this international support? What impact does/ did it have in terms journalist safety/ protection?
- If you have not received any such support, why not? Have you unsuccessfully tried to secure support? Or are you not aware of this kind of support?

3. *Your views on how well these international organisations coordinate with each other and with local civil society actors that work to protect journalists*

(If able to comment) In your experience/ view, do the IOs/ IGOs working in your country collaborate well with each other and with local civil society in terms of journalist protection and freedom of expression?

- If so, why? Please give examples.
- If not, why and what else could they do? Could anything be done better? What? How?

4. *Your views how on international organisations address the gender dimension of journalist safety/ protection and on their overall performance*

(If able to comment) In your experience/ view, do the EU and other IOs/ IGOs working in your country consider gender sufficiently in their decisions and actions in relation to safety/ protection of journalists? Why/ Why not?

Overall, in your experience/ view, does the EU do enough in terms of journalist safety and protection/ to help journalists at risk in your country?

- If so, why?
- If not, why and what else could they do? Could anything be done better?

What about the other IOs working in your country?

5. Final questions

Is there any other organisation or individual that you think I should speak to as part of this research?

Is there anything else you'd like to tell me that we haven't discussed?

Annex II - Reports by the High-Level Panel of Legal Experts on Media Freedom

1. Report on the Use of Targeted Sanctions to Protect Journalists (February 2020)

This report 'recommends the consistent use of targeted sanctions as a tool to enforce compliance with international human rights law, including the right to a free press. [It] contains an in-depth analysis of the existing systems for targeted sanctions in the United States, the United Kingdom, Canada, and the European Union and concludes with eleven recommendations for designing and implementing global human rights sanctions regimes to better protect journalists around the world.' (IBA, n.d.-c)

2. A Pressing Concern: Protecting and Promoting Press Freedom by Strengthening Consular Support to Journalists at Risk (November 2020)

'This report examines the existing State approaches respecting consular assistance for journalists at risk abroad, and proposes a new paradigm of justice and accountability organised around four recommendations:

'First, that consular protection by the Home State (where the journalist normally resides) is not a matter of discretion, but of legal obligation;

'Second, that the Host State (where the journalist is reporting) has responsibilities both to the Home State and to the journalist at risk;

'Third, that the rights of the journalist at risk are often marginalised or ignored, at the expense of consular protection;

'Finally, that the international community is not a bystander community, but a protective one.' (IBA, 2020a)

3. Report on Providing Safe Refuge to Journalists at Risk (November 2020)

'By reference to real life case studies, the report examines in detail the circumstances which make relocation necessary for journalists at risk today, finding that the pathways to safety open to them are too few in number and those that do exist are too slow, burdensome, and difficult to navigate to be capable of providing practical and effective recourse.

'The report recommends to members of the Media Freedom Coalition and partner States committed to the protection and promotion of media freedom: (i) the introduction of a new emergency visa for journalists at risk; and (ii) the implementation of a number of essential adjustments to the existing framework for safe relocation.' (IBA, 2020b)

4. Advice on Promoting More Effective Investigations into Abuses against Journalists (November 2020)

'The report concludes with three major recommendations to the signatories to the Global Pledge on Media Freedom, and other key governments, to strengthen investigations into attacks on journalists, address the issue of impunity and progress towards accountability, including the creation of a standing international Investigative Task Force.' (IBA, n.d.)

Annex III – Additional regional protection mechanisms

European Court of Human Rights

The European Court of Human Rights (ECtHR) adjudicates on individual or state complaints alleging violations of the civil and political rights enshrined in the European Convention on Human Rights (UN, 2018a: para. 51). The ECtHR's caselaw relevant to journalists is well-developed, not only in relation to freedom of expression (e.g. protection of sources, news-gathering, access to public documents and protection of journalists covering demonstrations) but also the right to life, respect for private and family life, effective remedy and prohibition of torture. However, since victims including journalists have to exhaust domestic remedies before reaching the ECtHR, securing an ECtHR decision can take years and may come too late to prevent irreparable damage (Marcen, 2021: 46).

Council of Europe

In 2014, the Council of Europe set up an internet-based **Safety of Journalists Platform** which compiles and disseminates alerts from 14 international partner NGOs and journalists' associations on serious concerns about attacks on journalists and media freedom in Europe. The platform aims to act as a public record of such challenges in Europe, foster early warning mechanisms and response capacity within the CoE and serve as a basis for a dialogue with the CoE member states concerned. Each partner organisation can post alerts, subject to their own verification processes and standards. The CoE and implicated member states can also post reports on action taken in response (Marcen, 2021). According to Marcen, the Platform is a positive example of collaboration with civil society. However, to reach its full potential, it needs to improve the inadequate engagement and response rate of CoE member states, including via formalised response mechanisms and increased pressure by the CoE and its members, and increase its visibility beyond experts. As of February 2022, the Platform was reportedly undergoing evaluation.

Organisation for Security and Co-operation in Europe

The Organisation for Security and Co-operation in Europe (OSCE) has a **Representative on Freedom of the Media** who monitors media developments as part of an early warning function and helps participating States comply with their commitments to freedom of expression and free media (Media4Democracy, 2020: 72). Safety of journalists is one of the Representative's mandate areas and they intervene directly with the states concerned and other parties through diplomatic channels and public statements. The Representative's office has developed a Safety of Journalists guidebook offering practical advice, including on digital safety. In 2020 it launched Safety of Female Journalists Online: A #SOFJO Resource Guide, which suggests actions to address online gender-based abuse of journalists (UN, 2021: para. 47). In April 2018, OSCE delegations established an informal **Group of Friends on the Safety of Journalists** with the aim of keeping the topic high on OSCE's agenda (Media4Democracy 2020: 72).

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