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## Getting from the global to the local: Norms and systems for protecting journalists in the times of the sustainable development goals

*Kurzfassung:* Im Zuge der Anstrengungen zur Etablierung internationaler Normen zum Schutz von Journalisten hat die UNESCO 2017 eine weltweite Konsultation eingeleitet, um die Umsetzung des Aktionsplans der Vereinten Nationen zur Sicherheit von Journalisten und zur Frage der Straflosigkeit zu verstärken. Die Ergebnisse dieser Konsultation sind für den Kontext der Sicherung des Fortschritts im Hinblick auf den Zielindikator für nachhaltige Entwicklung 16.10.1 relevant, der eine Maßnahme sowohl für eine globale als auch für eine nationale Bewertung des Sicherheitszustands von Journalisten darstellt. Vor diesem Hintergrund analysiert dieser Artikel das Potenzial auf Länderebene, Normen für das Monitoring zu entwickeln, sowie praktische Überwachungsmechanismen, um Bedrohungen gegen Journalisten systematisch zu verfolgen. Ein positives Szenario würde dazu beitragen, dass diese zu einem ausgearbeiteten normativen Klima beitragen sowie die Existenz wirksamer Institutionen und Systeme, um den Schutz der Journalisten vor Ort zu gewährleisten.

*Abstract:* In the wake of progress in underlining international norms for protection of journalists, UNESCO in 2017 initiated a global consultation on how to strengthen implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The results of this consultation are relevant to the context of securing progress in terms of Sustainable Development Goal indicator 16.10.1, which is a measure for both a global and a national assessment of the state of safety of journalists. Against this backdrop, this article analyses the potential at country level to develop norms about monitoring, as well as creating practical monitoring mechanisms for systematically tracking threats against journalists. A positive scenario would see these contribute to an elaborated normative climate as well as the existence of effective institutions and systems to ensure the protection of journalists on the ground.

### 1. Introduction

This article sets out some developments at the global normative and institutional level concerning the protection of journalists, showing incremental progress achieved in recent years. It draws upon the trends recorded in the 2018 UNESCO report on *World Trends in Freedom of Expression and Media Development* (UNESCO, 2018a), and particularly the chapter on safety of journalists from whence much information presented here is sourced. The narrative then unpacks the potential to elaborate and reinforce norms, and their institutional support and implementation, at country level. Using the Sustainable Development Agenda's recognition of an indicator that takes safety of journalists as one of its criteria for measuring global and national development progress, the article analyses how that the potential exists for normative and institutional impact on the ground by meshing the global with the local, and highlighting the significance of monitoring as a basis for systems to protect journalists.<sup>1</sup>

### 2. Unpacking global norms

It is well recognised that norms set up boundaries and channels for the behaviour of diverse actors – such as institutions of state, civil society, religious bodies, business and individuals. Norms can, for example, influence whether society at large perceives journalism as a legitimate exercise of free expression, and the extent to which the public is concerned that journalism practitioners should be able to use this right free of fear and attack. Currently, it can be asserted that the dominant global norm 'frowns' upon violent attacks on journalists, as well as upon direct intimidation and threat against them and other news media workers. However, in recent times ongoing attempts to diminish the civil status and the watchdog role of journalism are being made by means of harsh rhetorical political attacks which go far beyond legitimate criticism of the press. Appropriately, the Human Rights Council in 2018 noted concern at 'instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism.' (Human Rights Council, 2018).

Even more fundamentally, the extant norms are also being widely violated by a range of clearly criminal warnings and actual attacks on journalists such as targeted death threats, arbitrary detentions, abductions and murders

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<sup>1</sup> For the purposes of this chapter, a distinction is made between journalistic safety and press freedom. While these may be conceptualised as part of a single spectrum, it is evident that diverse countries display differences in regard to each: a press freedom dispensation does not guarantee safety for journalistic practitioners, while journalists can be free from arbitrary attack within a situation of constrained press freedom. Both safety and freedom are indispensable for journalism to play an optimum role in democracy and development. The focus here is particularly on norms concerning the safety side of the equation.

amongst others (including arbitrary surveillance, DDOS attacks, etc - see UNESCO 2015, 2018b). These attacks as a whole share the objective of seeking to deter or halt journalistic coverage - whether by de-legitimisation, the fostering of a climate to introduce restrictive laws, directly intimidating journalists into self-censorship, and even the ultimate censorship of 'killing the messenger'. More broadly, this onslaught has the potential significance of weakening the power of the dominant norm, thereby lowering the threshold for intensified and increasing attacks to be committed. In this way, norms on journalists' safety can be undone, not only reinforced. In their role of defining taboos that can constrain, authorise or guide power, they may maintain respect for - or they can weaken - the safe practice of human rights in general, and journalists' use of freedom of expression in particular. Despite norms about the problem of impunity for attackers, these are also observed more in the breach than in the practice.

These observations remind us that norms about respecting and protecting journalism are not only contested terrain, but continuously in need of reproduction if they are not to be eroded or even replaced by something else. Yet, where norms of safety for journalists are built, persist and prevail, this serves as the 'default' value set against which the performance of many actors can (and should) be assessed, and divergence then be deemed as exceptional and as an aberration from mainstream societal arrangements, affordances and tolerances.

If norms are therefore important, it is also significant to consider them in geospatial terms. At global level, in the past 70 years, the institutions of the UN have historically been key in setting norms, even if in more recent times multinational companies have increasingly been playing a role in shaping what much of humanity now considers to be 'normal' across a range of areas of life. What distinguishes the family of UN organisations is that the norms emerging from this source represent expressed commonalities agreed by 'the international community', which term designates (at least) the world's intergovernmental organisations and the Member States that comprise them. This characteristic means that international norms agreed at the UN can become de facto global standards, which in turn strengthens their significance as beacons as well as benchmarks for assessment. Entities such as the UN are expected to live up to the norms they espouse, as indeed are their constituent members, and both can be judged against these standards. Within the UN system, a distinction is made between norms and normative instruments - the latter being formal agreements with greater or lesser degrees of binding power and susceptibility or requirement to be monitored. In this article, however, the focus is on norms, rather than normative instruments.

For the UN to be a source of norms requires that its very diverse membership finds and/or constructs common ground amongst one another. In this regard, it can be recognised as an historical victory for the issue of journalism safety to have become a matter for consensus resolutions over the past six years. Certainly, behind such norm-building is the state of international relations of power, as well as prevailing ideological perspectives. In this case, one can posit that norms that journalists should be free and safe are partly liberal in character<sup>2</sup>, and that this is aided in part by the strong winds of economic neoliberalism which have given impetus to unfettered media activities and the assumption that free flows of information should not be interfered with. At the same time, norms about safety in particular are also predicated upon the acknowledgement that states have the primary responsibility to secure all persons from arbitrary violence and to punish those who commit such crimes. This presumption about the state's role vis-à-vis safety is therefore such that even where some states may still imprison or otherwise restrict journalists, it has nevertheless been possible to agree shared standards concerning their responsibility as custodians of the rule of law, and that extra-judicial killings of journalists, even when committed by state agents, are contrary to the public authority and legitimacy of the state more broadly.

In addition, it can be proposed that the safety issue is also based on the general international interest (even if not always shared by a given government as regards an internal domestic situation). This interest is in journalists being able to ensure that comprehensive news and analysis can enter into the information menu that is available to governments. Each of these authorities objectively needs to operate in an informed manner within a globalised world.

In this light, it would be erroneous to reduce the UN's normative work in this area to particular political and economic power interests, or to see it as an imposed Western liberal hegemony. Safety is not only a cross-cutting but also a universal matter. In this regard, one can note how the range of attacks on journalists is escalating in all countries. This reduces any implicit potential for a country's poor record on safety and impunity to be weaponised against them by other countries. Accordingly, the poorer performance of some countries in protecting journalists is not something that the others can use to claim supremacy over the former. If indeed states did perceive safety as something enabling others to 'beat them up upon', then they would not have agreed to the host of UN resolutions to date.

In other words, it is credible to assess developments as showing that norms for the safety of journalists have had the potential to transcend political differences (internationally and even within countries), even if we cannot

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<sup>2</sup> Giesen and Van der Pijl (2016) speak about the UN system as a promoter of liberal norms.

ignore increasing challenges to the norms that journalists should not be attacked and that it is wrong for impunity to prevail.

However, if these norms remain intact at this point in time, the reality of current attacks on journalists' safety in practice demonstrates that between norms and their material existence in terms of institutionalised systems and practical behaviours, large asymmetries exist. Arguably when this imbalance becomes too great, the result is instability which in turn may prompt changes aimed at a new alignment. This assertion is not to operate with a functionalist view which would imply that society operates in terms of seeking an inherent equilibrium. Rather, it is to highlight the ongoing contradictions and potential trajectories of norms in the face of tensions with material realities. Specifically, for this article, it can be posited that global normative standards on journalism safety provide the reference point for restructuring reality. Tensions therefore offer opportunities to align the latter with the former (and not vice versa). This is imperative, given that there are clear attempts worldwide to shift the norms closer to the reality such that attacks on journalists are framed as well-deserved retaliative (or pre-emptive) measures – and presented as steps justifiably taken by 'victims' of media who are troublemakers and 'enemies of the people'. Norms about impunity for attacks on journalists are also being counterbalanced by other rationales – such as geopolitics, business ties, and non-interference in sovereign affairs. The challenge therefore is to reinforce global norms, and to resist attempts to weaken them.

### **3. Norms and 'implementation'**

A common refrain is that a normative position favouring the safety of journalists is all very well and good, but meaningless without 'implementation'. It is indeed the case that behaviours – and reinforcing institutions – are certainly needed if norms are to endure sustainably and to have effective practical significance. It is also certainly possible to point to purported or would-be norms that are hollow. Worse, one can also observe 'norms' which constitute pure hypocrisy serving cynical purpose and which – through design or default – work to conceal acts and omissions that directly contradict the purported precepts of the 'norm'. Such a recognition of normative issues as potentially 'theatre' is an understandable concern, and it raises the question of whether it even matters to try and keep norms in place if they have only symbolic – rather than substantive – impact.

However, this article assumes that even those norms that have far less than the desired material significance still have relevance. A norm, even when weak, is still stronger than a pipe-dream or a worthy objective. Norms set out an ideal social standard which a community of interest is expected to share and act upon. They are about what could and should be. The extent to which wider reality diverges from this moral 'beacon' is indeed critical, but it is also a distinct issue. The point is that norms can serve as a lighthouse signalling what acceptable course of action people are expected to follow. They can also be an inspiration for thought-leaders and activists to reduce the gap between current reality and the aspiration. To get the measure of the importance of this, consider the scenario of social arrangements that lack general accord on broad norms for freedom of expression, or consider a scenario of dominant norms that even promote and justify violence against journalists. We can recall that slavery was once a living and effective norm which gave legitimacy to massive violations of human rights; fortunately, today society has moved on to different norms about that particular abuse of power. Against this backdrop, the safety of journalists as a set of norms, albeit it that they are under threat and also widely violated in practice, nevertheless constitute a valuable achievement worth defending. They are positioned in dynamic history. And if they can go backwards, then at least they can also go forwards; they can also go wider rather than narrower. As such, norms on the safety of journalists are a pivot upon which practical progress can be institutionally leveraged.

Relevant to the discussion that follows below is another issue concerning norms and 'reality', namely that it would be mistaken to counterpose global norms with national 'implementation' (i.e. reinforcing actions and institutions at the national level). This is because both norms and their material underpinnings are as necessary at the global level, as at national levels. Therefore, it is logical to consider both the alignment between national norms and global norms, and to assess the actions and institutions at both levels which could help give substance to the respective norms in each.

A final relevant point to make in terms of the focus of this article concerns the resonance of norms with reality in terms of the perceptions of proportionate correspondence. For example, public perceptions may be that most journalists are killed in armed conflict situations, which then points to a particular range of risks and possible remedies. However, 55% of killings in 2017 have not been in countries that experiencing armed conflict, according to the 2018 report of the UNESCO Director General to the intergovernmental council of UNESCO's International Programme for the Development of Communication (UNESCO, 2018c). Such killings in these countries may be the 'canary in the coalmine', i.e. serving as a harbingers that signal societal situations that are or could be in descent towards widescale violent conflict. This is evidently a very important consideration, but it is also a different one. The main point being made here is that perceptions need to be aligned to national or local realities if norms linked to them are to relate to the actual risks and remedies appropriate to the context. This in turn points to the strong significance of monitoring and raising awareness, which is elaborated later in this article.

To elaborate this argument, we can note that at a global count, more than 1000 journalists were killed in the last decade and a great many more have been subjected to other forms of violence and intimidation. This is a global problem given, *inter alia*, that the world's citizens, not just the people in the affected countries, need the knowledge that would have otherwise been generated by these journalists (and their intimidated peers). But from a national point of view, things may be perceived in different ways, depending on the situations in each given country or locality. Where safety of journalists is not a perceived to be problem, the norm that journalistic expression can be safely exercised may be taken for granted to the extent of often being invisible. The issue then simply does not call out for conscious attention. No special governmental or other efforts are needed to promote and actualise it within that particular country. Safety is assumed to be a foreign policy issue concerning distant lands. However, the question can be asked whether indeed there are such places on earth where local journalism safety is entirely without problems. Relevant to answering this is the character or public knowledge of the identity and quantum of the problem. Compare these two situations: one where journalists' safety is seen as a problem mainly involving risks faced by (male) (Western) foreign correspondents in war-torn countries; a second situation where people are aware of the growing volume of abuse and threat directed at local journalists through digital communications, including via vicious trolling and threats of a misogynistic and racist nature. The consequences for normative and institutional development in the two situations are different. What this issue of perceptions tells us is that at local level, the identification, monitoring and visibility of the problems of journalistic safety can constitute important influences as to the potential for normative and institutional progress, stasis, or regress.

#### **4. Normative consolidation at global level: The UN and safety of journalists**

Since the endorsement of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity by the UN Chief Executives Board in 2012, by October 2018 there had been no less than 15 resolutions passed at UN bodies in New York, Geneva and Paris - representing concordance by the respective agglomeration of member states' delegations in these various fora. Detailed study of the coalitions driving these resolutions, and the debates behind the final outcomes would be illuminating about the mix of advocates and their intentions, and similarly about those actors who are less happy with the attention. It is not possible to provide this depth of information in this article. However, leaving aside analysis of the normative 'inputs', it is worth signalling from the point of view of 'outputs' that one such resolution in 2013 saw the UN General Assembly declare a special day on the global calendar to be dedicated to a key dimension of safety of journalists, namely the lack of justice for victims of attacks. This recognition took the form of 2 November being chosen as the date for the International Day to End Impunity for Crimes against Journalists. To this extent, the promotion of norms of justice for attacked journalists is a regular feature during the annual commemorations worldwide of the International Day to End Impunity for Crimes Against Journalists on 2 November<sup>3</sup>.

Even extending into the realm of global Internet governance, the 2015 High Level Meeting of the UN General Assembly on the review of the World Summit on the Information Society included a call for the protection of journalists. For its part, UNESCO has acted to reinforce global norms through a variety of ways including the annual declarations arising from the global commemoration of World Press Freedom Day each 3 May, and events organised around the 2 November "Impunity Day". As another output, and as discussed later in this article, the new UN norms for what constitutes sustainable development also now contain reference to safety of journalists.

These strides in highlighting, at the international normative level, that journalists should be able to work in safety have been accompanied by many parallel normative actions. Regional organisations like the OSCE, the Council of Europe and the Inter-American Commission on Human Rights have also passed strong resolutions in the past five years. Not only state-based international entities have strengthened safety norms internationally, other sectors have also made important contributions. For example, the International Press Institute (IPI), in cooperation with the Al Jazeera Media Network, the International News Safety Institute (INSI) and the Africa Media Initiative (AMI) have elaborated an International Declaration on the Protection of Journalists.<sup>4</sup> The International Federation of Journalists is seeking an international convention on the protection of journalists. The partnership known as "A Culture of Safety" has produced global principles for the safety of freelance journalists. International NGOs such as Reporters Sans Frontières and the Committee to Protect Journalists systematically publish normatively-relevant materials that promote press freedom and safety of journalists, and the NGO Article 19 has also been especially active in advocacy around UN resolutions.

The international normative level is significant in its own right, and indeed can have influential normative relevance for various individual countries (as will be elaborated below). At the same time, it is also evident that the establishment of such international and regional norms on safety does not inexorably 'trickle down' to national level nor that such norms exist equally at the level of the various UN member states. For instance, the Implementation Strategy of the UN Plan urges national leaders to publicly condemn attacks on journalists in their

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<sup>3</sup> See <https://en.unesco.org/commemorations/endimpunity>

<sup>4</sup> This Declaration was conceived in part with the aspiration that it could become, or feed into, a formal UN normative instrument.

territory, and the same call is made in the 2018 Human Rights Council resolution (Human Rights Council, 2018). Although this public condemnation at country level does not happen in many cases, the international norm is such that the UNESCO Director-General has a mandate from the UNESCO Member States to issue public condemnations in the wake of fatal attacks, and this practice is well-established (even if not always popular with those who might prefer the matter to be 'swept under the carpet'). In multiple or especially grave cases, the UN Secretary General also speaks out on safety-related issues, as well as on key international days. The point here is that the issue of national resonance is a distinct issue which does not detract from the formulation and reinforcement of international and regional norms, even if there is an interrelationship between the levels.

Worth elaborating for this article is the relatively new development signalled above, whereby the importance of safety of journalists has also come to be recognised normatively within the UN's Sustainable Development Goals. This is as a result in part of advocacy by UNESCO on mandate of member states in the Organisation's International Programme for the Development of Communication (IPDC), and through partnership with the Global Forum for Media Development. Concretely, the advance has been the acceptance of safety of journalists as a valid indicator for assessing if the world is indeed making progress towards the sustainable development, in particular in relation to target 16.10 - "public access to information and fundamental freedoms in accordance with national legislation and international agreements". The norms for what issues count as international 'development' did not include this issue under the earlier Millennium Development Goals.<sup>5</sup> Particularly interesting in regard to the Sustainable Development Goals is the definition of indicators for assessing progress (or not) towards achieving Target 16.10. These indicators have been agreed by the UN Statistical Commission which is elected by the Member States, and they have subsequently been endorsed by the UN General Assembly. One of the two indicators for 16.10 is this: "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". In practice, this indicator is in effect a normative elaboration (albeit partial) of what constitutes safety, and its metadata provides further granularity. Reference to this indicator in the 2018 Human Rights Council resolution added the words "other harmful acts" to the list of the types of attacks covered under the rubric of challenges to journalistic safety that are important matters for assessing this dimension of sustainable development.

Monitoring progress or otherwise under this indicator is done under auspices of the UN Office of the High Commissioner on Human Rights which drafts the UN's report on global trends in relation to this indicator. UNESCO is a contributing agency that provides the data as regards the situation of journalists and associated media personnel. A later section of this article elaborates further the potential of 16.10.1 to help influence the 'development agenda' at country level – both in terms of norms and sustainable mechanisms around safety of journalists. The point to note here is the emergence of safety issues and monitoring thereof as new elements that have an authoritative claim to be part of the normative frame of development discourse.

## **5. International norms – and international 'implementation'**

Both driving, and responding to, the normative achievements at the international level, many actors are also engaged at this level in terms of practical actions (eg. organising, awareness-raising, advocacy) and institution-building to ensure effective 'implementation' and sustainability of established norms in the extra-national space. For instance, a number of UN body Member State delegations in New York, Geneva and Paris (as well as in Vienna at the OSCE) have formed groups of "Friends of the Safety of Journalists", which keep the issues aloft and ongoing. In the UN system, a network of focal points amongst relevant UN organisations is active, shares information and harmonises inter-agency actions. UNESCO operates a global programme to train judges, law enforcement officers and military personnel on their roles in ensuring the safety of journalists, covering two continents (Latin America and Africa) as of mid-2018. The Council of Europe has set up a special monitoring system based on complaints channelled by representative organisations of the media. The African Union in 2017 announced the creation of a working group on safety of journalists.

In recent years, civil society organisations have been enhancing their institutional co-operation on safety of journalists at international level such as through a joint input into the 2017 UNESCO-led consultation on strengthening the UN Plan (see below). In 2018, the same organisations identified particular countries where it makes sense for one of them to play a lead or co-ordinating role in regard to each other. A coalition of NGOs led by Reporters Sans Frontières and the Committee to Protect Journalists has been advocating for a special representative in the office of the UN Secretary General to strengthen UN work on safety. In response, the UN Secretary General has nominated an undersecretary to be his focal point on the issue. For their part, a number of academics have joined forces in the Journalism Safety Research Network, and starting in 2016 they have convened research conferences alongside the annual global World Press Freedom Conference. The research

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<sup>5</sup> Normative differences between the MDGs and the SDGs are analysed more broadly by Shawki (2016)

group on Media, War and Conflict at the Oslo Metropolitan University hosted its fourth annual academic conference on safety of journalists in 2018.

All this normative and practical progress in international terms may have helped to slow attacks on journalists. But it has certainly not halted them. At physical, psychological and digital levels, attacks are growing across a range of fronts, including with particular dimensions concerning women in journalism. This appalling situation is not unrelated to the reality that while the international can impact on the national level, it is self-evidently not the same as the national level. And it is at the national level where attacks occur, and where national responses are needed.

## **6. Norms, monitoring and the 2017 consultation to strengthen the UN Plan of Action on the Safety of Journalists and the Issue of Impunity**

Noting advances but recognising the need for more impact, UNESCO and the UN Office of the High Commissioner on Human Rights led a process in 2017 to reinforce and elaborate norms as well as the actions that can underpin and help implement such norms.<sup>6</sup> With a particular focus on gender dimensions, a worldwide consultation was conducted with the aim being to make the UN Plan stronger. A concept note for a conference convened as part of the consultation noted: "Since the UN Plan of Action was elaborated, there have been important advancements and achievements in the area of safety of journalists. In spite of these gains and the momentum created, there continues to be a pressing need for protection for journalists and to combat the prevailing climate of impunity for violations of their human rights. This is further exacerbated by the extension of safety and impunity issues into the digital environment." (UNESCO 2017a). The consultation process elicited numerous contributions from civil society and the newspaper industry, as well as various individuals and member states.

The Consultation Report produced at the end of the exercise (UNESCO 2017b) covers the achievements, challenges, lessons learnt and way forward concerning the roles of the UN system, UN member states, regional intergovernmental bodies, civil society, media, internet intermediaries and academia. In a series of "options" set out in the Outcome Document (UNESCO 2017c:3), UNESCO in particular is urged to "continue to strengthen and improve UN's normative work on safety of journalists, such as through providing leadership on themes for commemorations of relevant international days and publicising UNESCO's statistics on safety and impunity". The 2018 resolution by the UN Human Rights Council recalled the options emerging from the Consultation, and many of its own action points for both norms and practices echoed the Outcome Document (Human Rights Council, 2018). Of further relevance to the issue of normative work, the Report on the consultation (UNESCO, 2017b) also described three areas of interventions which elaborate on how and where norms of journalists' safety should impact if they are to be effective:

- *Prevention* of violence against journalists: steps to reduce the risk or incidence of attacks, including ensuring an enabling environment that contributes to a climate that helps to prevent attacks.
- *Protection* of journalists in danger: measures to be taken when the risk of an attack materialises, and which enable the individual to continue to do his or her work safely.
- *Prosecution* of perpetrators: actions applied after a threat or an attack, which aim to bring the perpetrator(s) to justice and curb the cycle of impunity.

It is evident that norms - both international and national - will play a key role in the issue of *prevention*. It is also evident that norms can also impact strongly on the extent to which there is global and domestic public opinion that gives priority to the pursuit and *prosecution* of perpetrators of attacks. A norm that resources should be mobilised and deployed to *protect* journalists at risk is also significant. While it is evident from the Consultation Report that norms are a necessary though insufficient condition for impact, the further development of elaborated norms on each of the three dimensions – and at global as well as national levels - could contribute to an overall foundation upon which various actions and institutional mechanisms can be built. For instance, elaboration of the norm of protection could highlight public expectations of media owners on the one hand, and police services on the other, concerning the recognition and fulfilment of each group's respective obligations and duties for journalists to work in safety.

What is also clear from the Consultation Report is that monitoring is essential so that information becomes available about the need for prevention, protection and prosecution – i.e. in order to underpin the related (sub-)norms on these three dimensions. It is also clear that such information is needed for knowledge that can fuel any institutional systems that could be set up (or improved) so as to ensure practical responses (eg. determining who needs protection, or driving prosecution strategies, etc.). In other words, to the extent that effective actions rest upon elaborated norms (with eg. norms on prevention, protection and prosecution), these actions in turn rest upon a continuing supply of information. The Consultation Report sums it up like this: "Research, monitoring and analysis are essential to understand the magnitude, character and causes of the safety issues; to develop informed programmatic responses; and to evaluate progress" (UNESCO, 2017b: 4). This recognition has received

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<sup>6</sup> See <https://en.unesco.org/strengthening-un-plan-action>

additional normative resonance in UN resolutions and elsewhere, as further presented below. The significance is that a norm of monitoring and the setting in place of related material steps for this to happen are now ripe for consolidation. As discussed in the next section, the SDG 16.10.1 indicator on safety of journalists may provide further opportunities for national-level norms and practices about monitoring as part of, and as a prelude to, strengthened norms and systems covering prevention, protection and prosecution on the ground in a given country.

Significantly, the Consultation Report singles out media owners, editors and journalists as lacking understanding and engagement with the struggles to secure the safety of journalists. It appears therefore that the overall norm is not yet very influential in this sector, nor in regard to media actors proactively working to reinforce norms and systematically contributing to prevention, protection, prosecution and monitoring. The Outcome Document that accompanies the Consultation Report is pertinent in this respect: Relevant to media at both national and international levels, it encourages expanded coverage of attacks against journalists (UNESCO, 2017c:9). This is a norm that calls out for socialisation within this sector (See Pukallu and Harrison, 2014).

Internet intermediaries are assessed briefly in the consultation's Outcome Document, although without reference to national level roles. These entities are urged, however, to "recognise, through public statements and internal policy, the risk to society and to their own business models, of online attacks directed against journalists, including hacking, Distributed Denial of Service (DDOS) attacks on websites, cyberbullying, trolling, doxing and illegal surveillance" (UNESCO, 2017c:9).

As regards academics, the consultation proposes identifying research gaps, greater synergies with UNESCO and media, and creating a system to inform UN Plan stakeholders about new research results. Not much attention, however, is given to academics in relation to the monitoring imperative.

## **7. Unpacking the emphasis on national norms and sustainable institutional mechanisms**

Overall, the UN Plan 2017 consultation points at the international level to continued work in reinforcing and elaborating norms amongst stakeholder groups. It also strongly encourages that there should be more attention to the national theatre of engagement, potentially through work that can strengthen both the normative and other material aspects (institutional and practical) of protecting journalists where indeed they directly face most attacks.

As noted above, the Consultation Report gives much attention to the need for work at the national level on monitoring, prevention, protection and prosecution. It specifically registers a difficulty at the national level. "Generally, the socialisation and adoption of the UN Plan at the national level, such as in UNDAFs<sup>7</sup>, has been limited" (UNESCO, 2017b:9). Need, and potential, for country-level work is recorded through recommendations about how awareness-raising can be strengthened. The Consultation Report states: "The UN system could also consider a focus on how to build public opinion, as well as more commitment at the national level." (UNESCO, 2017b:40). A link is made between geospatial levels in the sentence: "All stakeholders are encouraged to: Continue and heighten awareness of the existence of the UN Plan, its Implementation Strategy and ongoing activities aligned to its framework; and highlight how the initiative encourages multi-stakeholder co-operation at global, regional and national levels" (UNESCO, 2017b:30).

The Consultation Report also goes beyond the normative to address practical measures at national level. For example, it speaks about the need for UNESCO to encourage governments to designate senior officials as focal points on safety, and for UNESCO to provide training to relevant officials. It further urges UNESCO to strengthen work with Member States in terms of "draft laws, media law reform and national mechanisms dealing with safety issues which address monitoring, prevention, protection and prosecution" (UNESCO, 2017b:3).

In addition, the Consultation Report mentions that civil society contributors identify the need for country-level adaptations of good practices, in order to take into account the specificity of any given local context. "A further lesson learnt is that impact at country level can only be achieved if coordination efforts are managed by competent individuals and institutions," the Report notes. In addition: "Civil society would like to see, and support, better coordination and synergies on the ground between different stakeholders in establishing nationally-owned protection mechanisms with clearly defined and competent leadership responsibilities attached to key institutions/individuals." (UNESCO, 2017b: 26). Among the options that the Outcome Document cites for civil society to consider is this: "Continue to support capacity-building for Member States and the media to improve the safety of journalists" (UNESCO, 2017c:8).

What all this amounts to is putting more emphasis on linking the progress at international level to the challenge of advancing safety at the national level, both in terms of norms and supporting/implementing mechanisms. As is

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<sup>7</sup> UN Development Assistance Frameworks

argued below, a powerful potential way to do this is offered by the Sustainable Development Goals and the associated monitoring system.

## 8. The SDG agenda and indicator 16.10.1

The SDG agenda is intended as a universal imperative, given the internationally interdependent character of many of the issues that are addressed (including the global relevance of public access to information, fundamental freedoms, and by extension, the safety of journalists). Since 2016, the performance of countries in relation to SDGs has been assessed at the global level, and in global terms, with an annual report from the UN Secretary General and a High Level Political Forum (HLPF) of volunteer countries presenting their progress at the UN General Assembly each year. During 2019, the HLPF will consider the extent of progress (or not) on SDG 16 (and three other SDGs), which in principle (though not necessarily in practice) includes SDG 16.10 and indicator SDG 16.10.1. A total of 51 countries have volunteered for this review.<sup>8</sup>

It is unclear whether the global normative climate is such that, amongst the many SDGs and the many aspects of SDG 16 'on the table', the issue of safety of journalists will get much attention. However, to the extent that attention is drawn, interested countries will evidently need to have information about their national trends in this area over recent years.

It may be possible that such information reporting in 2019 (and beyond), and both to the UN as well as national stakeholders, could range from government's normative contribution to 16.10 internationally (eg. supporting resolutions, being members of Groups of Friends), through to their normative role at home (eg. participating in Impunity Day events on 2 November; resolutions passed in national parliaments). Going further, it may also be that governments could report on practical steps to back up and implement the norms so as to achieve a reduction in the number of verified cases of attacks as per the kinds covered in the SDG 16.10.1 indicator.

It is also the case, however, that states can elaborate additional indicators at national level – for instance, they may wish to report on their co-operation with UNESCO concerning the monitoring of judicial process following killings and the extent to which impunity is being overcome. Some may wish to explain how they are dealing, and intend to deal, with issues such as harassment of women journalists online. In all this, participating states would be following the option of the Outcome Document of the 2017 UN Plan consultation (UNESCO, 2017c:6), which urges governments to "Advance monitoring and reporting on SDG 16.10.1". The same document encourages governments to expand or elaborate the norm of safety to "ensure that monitoring and reporting efforts include the digital, physical and psychological safety of journalists, and incorporate gender-sensitive analysis...".

It can be noted that the consultation Outcome Document options include items such as States ensuring the integration safety of journalists into national development frameworks under the 2030 Development Agenda. States are also invited to "upgrade information-gathering and monitoring systems on the safety of journalists to serve as a knowledge base for strengthening national law and policy as well as for reporting to relevant UN mechanisms such as the UPR<sup>9</sup>" (UNESCO, 2017c:5). As regards UNESCO's potential role, the Outcome Document encourages the Organisation to build national capacities upon request by a Member State and to "strengthen reporting and responses to the UNESCO Director-General's requests for information." (UNESCO, 2017c:4). This was normatively reinforced by resolution C/61 adopted at UNESCO's 39<sup>th</sup> General Conference of its 195 Member States in December 2017 (UNESCO 2017d). The resolution called on States to "strengthen voluntary implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity at country level, including through capacity building and the establishment of national safety mechanisms to prevent, protect against, and prosecute attacks on journalists and to combat impunity." It further encouraged Member States "to carry out, on a voluntary basis, national monitoring of Sustainable Development Goal indicator 16.10.1 on the safety of journalists, in the context of the implementation of the 2030 Agenda for Sustainable Development", and it requested the Director-General to support Member States in this process.

In 2017, the UN General Assembly called for "regular monitoring and reporting of attacks against journalists; (d) collecting and analysing concrete quantitative and qualitative data on attacks or violence against journalists, that are disaggregated by, among other factors, sex;" (UNGA 2017).

In similar vein, the resolution of the Human Rights Council (2018), urged states to proceed with "(e)stablishing or enhancing information-gathering and monitoring mechanisms, such as databases, to permit the collecting, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against journalists".

In November 2018, UNESCO's IPDC encouraged "Member States who have not done so, to appoint a focal point on the issue of safety of journalists and impunity with the remit to coordinate the monitoring of the safety of

<sup>8</sup> <http://sdg.iisd.org/news/51-countries-preparing-to-present-national-sdg-reviews-at-hlpf-2019/>

<sup>9</sup> Universal Peer Review, a system operated by the UN Human Rights Council.



journalists as part of Member States' fulfillment of SDG 16, Target 10, and to report nationally and internationally through the appropriate channels and in collaboration with relevant national authorities" (UNESCO 2018d).

Embedded in all this encouragement of monitoring is implicit awareness of the potential power of norms elaborated at global level, and the importance of international institutions (in this case UNESCO), providing support at national level particularly in regard to the opportunity of SDG 16.10.1. Monitoring and reporting are a foundation for other practical systems to address prevention, protection and prosecution, and to make progress on safety of journalists.

## 9. Summing up

Despite the immense challenges around the world, the evolution of global norms in relation to the safety of journalists has strengthened significantly at international level in recent years, and particularly within the SDGs. International institutionalisation to advance and implement these norms has also advanced in terms of material steps taken across a range of constituencies. Recognition and actions in favour of journalists' safety by international private actors, especially among media and key Internet intermediaries, appears to be less developed, and given their role as conduits of journalism they still have much room to join in with increased normative and practical steps of their own.

How such international normative developments and their material underpinnings impact at national level is where 'the rubber hits the road'. The role of national actors is fundamental to advancing the package of norms and practical actions/institutions on safety. Duty bearers at national level include the state first and foremost, followed by private sector leaders such as media managers and local representatives of Internet intermediaries.

An encouraging sign of progress at national level has been greater awareness and sensitivity to the issues of safety of journalists by states. One indicator of this has been the steady increase in responses by UNESCO Member States to the annual requests by the Organisation for information about judicial process following the killing of journalists. These responses rose from 27% in 2014 to 74% in 2017. States are thus visibly becoming more attuned to the importance of the global norm, and have been setting up systems of greater or lesser institutional sustainability and elaboration in order for them to take part in the global monitoring conducted by UNESCO. However, as evidence that norms and performance can also fluctuate, the 2018 Report of the UNESCO Director-General noted a decline in the response rate for this year to 64% (UNESCO, 2018). Nevertheless, with the opportunity of monitoring and reporting on SDG 16.10.1, and using the resulting information and knowledge, it may now be possible for actions to further develop local norms and practical steps to effectively monitor safety for journalists as a foundation for other systems. Such a result would aid sustainable development and the evolution of Knowledge Societies.

The extent to which normative and accompanying measures by states as the main duty bearers to protect journalists at country level will make a difference in coming years cannot easily be predicted. Shortfalls or deviations from the norm may represent the reality of power on the ground, including the political will, interest and capacity of state bodies. The transactional costs and benefits of reinforcing safety norms, and ensuring practical compliance with them, will become more and more evident over time in any given country – and with potential repercussions on the international norm and its underpinnings. Progress at the international level needs to be maintained, and it also needs to be leveraged more at the national level so as to strengthen norms about monitoring in an institutionalised way in each country, especially using the SDG opportunity. And any such progress in these matters then needs to feed further into elaborated norms and systems for prevention, protection and prosecution at the national level.

There will no doubt be situations where some states still do not monitor safety of journalists, nor build norms, institutions and practices on this issue. This may be due in part, for example, to vested interests seeking to suppress journalism about corruption or human rights abuses. Alternatively, it may be more of a matter of administrative dysfunctionality and insufficient capacity. In all these cases, not just international actors, but local change agents can use the opportunity of the SDGs to try and transform the situation. A powerful entry point is monitoring as a means to produce systematic information in order to fuel normative advocacy and guide institution building. Media actors, civil society and academics have a large part to play in this – both as individual constituencies and by working together.

When journalists are not safe, it is a sign that society is losing out on public information, and that an increase on attacks on journalists may portend further deterioration of the wider civil context as well. On the other hand, successful work to improve the right of journalists to work without fear or illegitimate restriction, such as monitoring under 16.10.1, can contribute to a bigger picture of normative and practical progress.

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