MEDIA RIGHTS MONITORING:
BACKBONE OF PRESS FREEDOM ADVOCACY IN SOUTH ASIA

The release of Nepali journalist Jitendra Maharjan from detention on April 30, 2019, was a happy outcome based on years of campaigning for journalists' rights, built on a solid foundation of media rights monitoring in Nepal. The editor of the weekly *Nhugu Jwajalapa,* published from Kirtipur, Kathmandu had been arrested on April 9, 2019, on allegations of involvement in organised crime and proximity to a banned political outfit. Released after a Supreme Court order on April 21, his freedom was short-lived as he was rearrested the same day on similar charges. It was not the first time that Maharjan had been targeted, having gone through a similar experience in 2017.

Through his ordeal, Maharjan was supported by the Federation of Nepali Journalists (FNJ), which filed a habeas corpus petition in the Supreme Court on his behalf. The Federation, which represents journalists across Nepal, played an instrumental role in supporting him after being informed of his arrest by Maharjan's friends and colleagues. After conducting an independent inquiry, the FNJ released a statement on Maharjan's plight, lobbied for his release and also approached the courts. "We realised that filing a case in the Supreme Court was the only option," says Janmadev Jaishi, the FNJ's central committee member assigned to take the case forward.

The success in Maharjan's case represents the potential of media rights monitoring and advocacy in Nepal, in particular, and South Asia in general.

With 52 journalists jailed and detained in the past year in South Asia and hundreds more attacked and threatened, a robust monitoring system to defend and protect journalists from being targeted for their work, harassed or intimidated is crucial.

Recognising this vital need, the IFJ launched training on media rights monitoring since the mid- 2000s. In the years since, journalists and their unions in Nepal, Pakistan, Sri Lanka, Afghanistan, Bangladesh and India have undergone training to enhance knowledge of their rights and to better equip them in the fight to defend themselves, both individually and collectively.

The IFJ, working through its affiliates in South Asia, developed modules for media rights monitoring, conducted training and helped establish nationally-led standard formats and response systems for recording violations and encouraged the creation of in-country databases.

The FNJ, with donor support, has been able to develop one of the strongest media rights monitoring systems in the region with website tracking and data collection as well as decentralised district chapters tasked with rapid response and journalist protection.

A decade and a half after the launch of its media rights monitoring programs, IFJ research (supported by UNESCO) in 2019-20 has begun to review how media rights can be defended and protected in a changed media environment in Nepal, Sri Lanka, India and Maldives, highlighting common threads and issues as well as unique features in each country.

THE LEGAL FOUNDATION

Most South Asian countries except Bhutan have guaranteed media freedom by being party to International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR recognises the right to freedom of expression. In addition, all eight countries of the South Asia including Bhutan have expressly guaranteed freedom of speech and expression in their constitutions and in some cases, specific laws. The UNESCO has also introduced the UN Plan of Action on the Safety of Journalists which has focused efforts in countries including Pakistan and Sri Lanka. These national and international frameworks provide a basis for strong media rights monitoring mechanisms and advocacy to protect and promote the rights of journalists and media in South Asia.

KEY MEDIA RIGHTS VIOLATIONS IN SOUTH ASIA

Killing, abduction, arrest/detainment, attack, censorship, economic pressure, harassment, internet shutdown, legal harassment, attacks and intimidation of media institutions are some of the most common media rights violations in South Asia. In a majority of cases, the state and its law enforcement and security agencies are major violators.

The first stage of country research in early 2020 suggests that there is still direct involvement of politicians and the local administration in violation of media rights in all four target countries of the IFJ's research. Journalists are also targeted based on their religious, ethnic or gender identity.

Recently, during coverage of the protests against the Citizenship Amendment Act in India, journalists were frequently attacked based on their religious identity.

In Sri Lanka, journalists from Tamil communities continue to face more violence than other journalists, while provincial journalists are some of the more vulnerable to violations by the police, military and political players with direct or indirect connections with the government. They are also more likely to be killed as a result of their work.

Another dangerous trend in South Asia is use of criminal gangs to intimidate journalists and media houses, for example in the Maldives. "Even with strong local advocacy, the Maldives has failed to bring a single perpetrator to justice", observes IFJ Maldives researcher Ifham Niyaz.

CURRENT STATUS OF MEDIA RIGHTS MONITORING

(A) NON-GOVERNMENTAL MEDIA MONITORS

Media rights monitoring in South Asia is largely carried out by journalists' trade unions, media associations, NGOs and other independent bodies. Even in countries where government bodies are mandated to conduct media rights monitoring, they have not always done so. For instance, although the Maldives Media Council is mandated by law to monitor any restrictions/ limitations placed on freedom of expression, the IFJ field research revealed it has yet to deliver on this.

Journalists' trade unions and organisations have largely been able to take a leading role in media monitoring in Sri Lanka, Nepal and India – due to the strong direct connections to working journalists as members of their organisations. The Sri Lanka Working Journalists Association (SLWJA), the Free Media Movement (FMM), and the Federation of Media Employees Trade Unions in Sri Lanka (FMETU) are key organisations that have monitored the situation for media closely in Sri Lanka over a sustained period, including during the country's long-running conflict. Other organisations conducting monitoring and advocacy include the Young Journalists Association (YJA), Journalists for Democracy (JDS), the Tamil Media Alliance, the Muslim Media Forum and South Asian Women in Media although their focus is more sector specific. This apart, Internet Media Action, the Professional Web Journalist Association, the Jaffna Press Club, Vavuniya Press Club, Batticaloa Press Club, and Journalists of Mathara monitor media rights violations.

In Nepal, the Federation of Nepali Journalists, Nepal Press

THE KATHMANDU POST

Friday, May 1, 2020 — Without Fear or Favour

NATIONAL

FNJ moves SC demanding release of arrested journalists

The Federation of Nepali Journalists (FNJ) has filed habeas corpus writs demanding the release of eight journalists arrested by the government from different parts of the country during their duty on different dates.

From left: Arunachal Press Club express solidarity with journalists who have suffered at the hands of police brutality at Prag News Channel office and the government censorship of *Pratidin Times* (Assam) on December 14, 2019 in Itanagar, India.

Female journalists protest the delay into investigating the disappearance a year earlier of local Maldives journalist Ahmed Rilwan Abdulla on August 8, 2015. In 2019, investigators confirmed Rilwan was killed by a local affiliate of Al-Qaeda.

Article in *The Kathmandu Post* on the Federation of Nepali Journalists' petition in the Supreme Court of Nepal demanding the release of eight arrested journalists on December 6, 2017.

Union and Freedom Forum are the key monitors for media and rights violations. Additionally, the Working Women Journalists (WWJ), the Federation of Nepali Indigenous Nationalities Journalists (FONIJ), the Informal Sector Service Center (INSEC), Media Action Nepal, the Sancharika Samuha, and Jagaran Media Center (JMC) also monitor. Sancharika Samuha has been one of the strongest monitors on gender rights violations in the media for many years. The National Human Rights Commission (NHRC) and Nepal Bar Association (NBA) also regularly raise concerns.

In India, the Indian Journalists Union, the National Union of Journalists and other media trade unions conduct media rights monitoring. In addition, the Forum for Media Professionals, Editors Guild, Free Speech Collective, the Commonwealth Human Rights Initiative also monitor violations. Press clubs located in different parts of the country issue releases. The Press Council of India, empowered to take suo moto notice of violations of journalists' rights, has seldom stepped up on the side of the powerless.

An important regional platform is the South Asia Media Solidarity Network (SAMSN), established jointly by IFJ member unions in South Asia over nearly two decades ago and a driver on the creation of media rights monitoring training programs together with IFJ. Since 2014, the IFJ and SAMSN have jointly run the SAMSN Digital Hub for campaigns, statements and media alerts by members of the network in different languages, functioning as a effective clearing house on media rights for the region. Among its key features, is a media rights violation map which documents violations across the region by year, type and date.

In addition, other international media rights monitoring platforms in addition to the IFJ that monitor the region include Committee to Protect Journalists (CPJ) and Reporters Sans Frontiers (RSF).

(B) DECISION-MAKING RESPONSES TO MEDIA RIGHTS MONITORING

Decision-making practice on the media rights monitoring differs per organisation, but most practice a decentralised approach and engage in collective decision-making. For example, the FNJ after receiving information from its district chapters, verifies information and tables the issue at the central committee meeting where decisions are taken about issuing releases and pursuing advocacy initiatives. It is important to note that the FNJ's district chapters are heavily involved in this collective process and have also been trained to systematically collect data on violations through trainings held over almost two decades. De-centralised data collection has been possible due to strong district chapters and their emphasis on local media rights monitoring.

Although the information collection process is the same in the Nepal Press Union which also has a strong presence at the district and local level, decisions regarding the release of statements and further action are made by the president and general secretary.

Similarly, FMM and SLWJA prepare drafts which are passed through the executive committee before release. FMETU also issues statements after consent of office bearers. This is the case in IJU and NUJ-I as well.

(C) INADEQUATE FOLLOW-UP

Respondents from some monitoring bodies in all four countries have opined that that they regularly encounter problems with follow-up. This is largely due to heavy workloads and inadequate resources. Some monitors shared that victims of media rights violation sometimes do not wish to take their cases forward due to potential negative consequences such as dismissal from the job, negative portrayal among co-workers. "These cases include issues such as misconduct by media owners and seniors, sexual abuse and harassment. Even if they are reported, later on, victims of violence decide not to take the case forward," observe Nepal researchers Tika Ram Pradhan and Yam Birahi of the Nepali context.

The degree and length of follow up also depend on the seriousness of the violation. In cases of serious rights violations such as murder, grievous attacks, legal and political control, most of the MRM organisations do follow up.

THE SUCCESS IN MAHARJAN'S CASE REPRESENTS THE POTENTIAL OF MEDIA RIGHTS MONITORING AND ADVOCACY IN NEPAL, IN PARTICULAR, AND SOUTH ASIA IN GENERAL.

(D) GENDER DIMENSION IN MEDIA RIGHTS MONITORING

IFJ's gender research in the Asia-Pacific region has found that female journalists and media workers continue to face discrimination, security threats and violence. Women represent less than a third of the workforce in the newsroom. This disparity is also reflected in media rights monitoring as women's presence in unions and associations is also low, particularly in leadership roles – which has a flow-on impact on gender issues in monitoring. Almost 50 per cent of those surveyed felt that women did not have visibility in unions.

Sexual harassment in the workplace, online harassment and intimidation and attacks while working in the field are violations common to most countries in South Asia. Yet, recording of such violations remains low because of stigma, lack of belief and an unsupportive network or workplace, as well as ongoing bias in the law enforcement system. Likewise, cultural factors that impinge on women's work in traditional societies are sometimes not recorded as barriers to professional lives eg: domestic violence, murder by family members due to honour do not allow women to pursue careers in journalism, but that these violations sometimes get recorded as "personal" reasons unrelated to work.

Samim Sultana Ahmed, President of the Gender Council, Journalists Union of Assam, India says "Despite women's increasing participation in news-rooms, a professional working environment is still a big question. I have found many female journalists sexually and emotionally abused."

Local media monitoring organisations can play a much greater role in addressing these issues. While the IFJ has gender equity strategies and policies, too often these remain a low priority for monitoring and are often excluded while collecting data, decision-making, in follow-up and advocacy events. Women also are generally not engaged in media rights monitoring, which contributes to an inadequate gender perspective in the recording and documenting of violations and tailored response mechanisms as well as in press releases and advocacy efforts.

Currently, the focus on gender and gender-based monitoring remains confined to women and women journalist networks. There is also a need to specifically address issues of journalists from the LGBTQI community and incorporate such vision into MRM training and material.

(E) RESPONSE AND IMPACT OF STATEMENTS

Issuance of statements or media releases can turn the spotlight on violations of media rights, which can draw the attention of civil society and government agencies. However, the degree of the attention by media, civil society and the government sadly depends largely upon the gravity of the issue and influence of the organisation that is releasing the statement.

For example, press releases issued by the FNJ and NPU are taken seriously in government circles and official bodies such as the National Human Rights Commission of Nepal and the Nepal Police often commence investigations based on these press statements. This is in no small part due to the membership density and, therefore, power of FNJ and its journalist members in Nepal. Similarly, according to Viranjana Herath, IFJ's Sri Lanka researcher, following issuance of press releases by FMM and FMETU on an attack against Thusitha Kumara de Silva in late 2019, a provincial journalist from Kalutara, a process was promptly set in motion which led to the perpetrators being arrested soon after.

The issuance of a press release alone can provide great relief to a journalist and an immediate sense of solidarity and support. For example, Mohommed Rizvi, a Sri Lankan television journalist arrested under the Prevention of Terrorism Act, felt that the statement issued in his support helped him recover his damaged reputation. He was released without charge.

However, this is not the case across the board. For example, IFJ's India researcher Bedabrata Lahkar observes that governments in India do not consider themselves under any obligation or pressure to respond unless the case is 'high profile.' According to him, violations of media rights get lower attention in the Northeast region of India.

BEYOND PRESS STATEMENTS

Issuing a press statement is the first stage of advocacy. Next, unions and associations can launch protest programs and campaigns, which can include filing cases in the court. Collaborating with other organisations and networks often strengthens advocacy efforts. For example, the IJU issued a number of press statements and held advocacy meetings with the Human Rights Law Network (HRLN) and campaigned for the release of Kishorechandra Wangkhemcha, a TV journalist with ISTV, Manipur. He was arrested under the National Security Act (NSA) on November 27, 2018 for a video he uploaded on social media and was subsequently jailed for 133 days.

Another example of advocacy-based media rights monitoring was the Pakistan Federal Union of Journalists (PFUJ) negotiating a Covid-19 relief package in Punjab, which includes a monthly pension, compensation to the family in case of a Covid-19-related death and personal protective equipment (PPE) for journalists. "Our regular monitoring found that journalists reporting on Covid-19 were working in risky situations, so we lobbied with the government for PPE and a relief package for journalists," says Ihtsham-ul-Haq, PFUJ Information Secretary.

JOINT ADVOCACY INITIATIVES

A good practice noted is where there are joint advocacy initiatives of MRM organisations within countries and more broadly in South Asia. For example, Sri Lankan organisations jointly conduct a campaign against impunity in January each year calling on the Sri Lankan government to end impunity and secure justice for outstanding unsolved cases of media personnel who died, were disappeared or injured between 2005-2015 during the tenure of Mahinda Rajapaksa.

In Nepal, the FNJ, NPU and National Union of Journalists-Nepal came together in early 2020 to jointly advocate against the controversial media council bill and information technology bill and also pending salaries for journalists.

In a show of regional solidarity, SAMSN members initiated a joint campaign launched a social media campaign to highlight Kashmir's ongoing internet controls under a government-imposed communication shutdown that imposed since August 5, 2019, and continues to impacat 4G mobile internet amid the COVID-19 pandemic. The IFJ-SAMSN campaign "Postcards from Kashmir: Inside the world's longest internet shutdown" successfully drew attention to the personal stories of journalists affected by shutdowns and to raise awareness on internet controls as an abuse of human rights.

ONGOING CHALLENGES

RESOURCE CRUNCH

Across the board, lack of resources for sustained MRM training, monitoring and maintenance of databases plagues the process. The turnover in trained monitors and lack of resources to conduct more frequent training hampers the work. "As unions by and large are run voluntarily by leaders and depend largely on membership fees, the first challenge is to manage funds for regular media rights monitoring," says Bedabrata Lahkar.
So a key question is: How can unions and others monitoring media create sustainable, strong and continuous monitoring of rights violations in these spaces?

FEAR OF REPERCUSSION

"In some cases, we have identified media rights violations in the media itself, but often we do not have adequate support from the journalists to take the issue forward," says Duminda Sampath, President of Sri Lanka Working Journalists Association. According to him, due to possible backlash, most journalists are cautious to share rights violation issues particularly from media houses and media managements. Sabita Lahkar, a journalist in Guwahati: "Many journalists in India are compelled to continue with their work without appointment letters, how can they take forward the case of violation by media management."
So while violations are noted, there is a case for effective mapping and monitoring of such cases to take stronger, collective action against repeat offenders and in hot spots.

DIVISIONS AND LACK OF UNITY

Divisions and competition between media organisations and unions is another challenge which weakens collective action which could have been strengthened by pooling together meagre resources to create more comprehensive approaches both in monitoring and in seeking donor support.

LACK OF CONSISTENCY

A key challenge is maintaining continuity in monitoring. Turnover in union activists and staff and weak channels of institutional handover and sharing of skills leads to a situation where newer staff and union members are not trained in the standardised systems in use across the region. Hence, following guidelines in recording violations and maintaining a standardised database is a challenge. These are all issues for consideration in developing future strategies.

NEED TO STRENGTHEN GENDER PERSPECTIVE

As with regular training in MRM, high turnover of staff and media monitors without adequately developed channels of sharing skills and trainer transition means that gender perspectives are not institutionalised in a context where participation of women in the media and in unions, especially in decision-making positions, is low.

CHANGING MEDIA LANDSCAPE

Digitisation has led to the emergence of new forms of violations and therefore new challenges for MRM as well. News generation by citizens, bloggers and vloggers have also broadened the field dramatically. MRM organisations are finding it hard to keep abreast of more immediate challenges and responses to violations such as trolling, hacking, doxing, identity theft etc.

WAY FORWARD

How can under-resourced member organisations strengthen the backbone of campaign and advocacy work? This can be done by building capacities, enhancing skills, sourcing sustainable funding and energising networks in the following ways:

- Manage sustainable funding sources
- Establish a separate MRM desk with trained monitors
- Develop cost-effective training techniques
- Maintain efficient databases with easily retrievable location and violation-based data
- Develop and periodically review and evaluate MRM guidelines and formats
- Strengthen gender sensitivity and meaningful participation of women in MRM monitoring and advocacy efforts
- Strengthen skills of media monitors through regular mentoring
- Engage digital media, experts and technologists to maximise new technologies and social media for advocacy
- Share national experience and good practices

Activists from Free Media Movement in Colombo on January 28, 2020 hold a vigil to pay tribute to journalists killed while doing their jobs. CREDIT: LAKRUWAN WANNIARACHCHI / AFP

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The IFJ will continue its IPDC media rights monitoring project in 2020 in India, Nepal, Maldives and Sri Lanka. National research reports will now go into developing revised training modules with assessment and inputs by experts in the region.

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