

Journalism Without Fear or Favour

World Press Freedom Day 2020

Background paper by Manizja Aziz, Free Press Unlimited,
on safety challenges of journalists in Indonesia, the Philippines and Malaysia

Worldwide, the safety of journalists is in decline. This also holds for the three South East Asian countries central to the regional World Press Freedom Online Conference 2020 held in Jakarta. Indonesia, the Philippines, and Malaysia are challenging environments for media professionals to work in. The COVID-19 pandemic has only exacerbated the pre-existing challenges. Consequently, there is still a long way to go before journalists will be able to operate 'without fear of favour'. This paper, shared during the Regional World Press Freedom Digital Conference on 9 December 2020, is the result of a desk study to explore the main safety threats for journalists operating in aforementioned three countries, as documented in literature. The desk study also aimed to identify opportunities for collaboration mechanisms, and other actors to step in and contribute towards a safe working environment for the media.

Disclaimer: The content presented in this background paper, based on a desk study carried out by Free Press Unlimited, does not reflect the official policy or positions of the Embassies of the Kingdom of the Netherlands in Jakarta, Manila and Kuala Lumpur, nor of UNESCO, which organised the conference.

Table of contents:

1	Safety challenges	2
1.1	Indonesia	2
1.2	Philippines	3
1.3	Malaysia	4
2	COVID-19 related safety challenges	5
3	Steps to be taken.....	6



1. Safety challenges

1.1 Indonesia

Indonesia is home to volatile party politics and extremely high corruption. The challenges that the country is struggling with are also reflected in its ranking on place 119 in the World Press Freedom Index¹ and in the problems facing the media: concentration of ownership, radicalisation, and declining public trust. Due to the concentration of ownership and hence the partisan media content, the public trust in mainstream media has decreased. As social media fills this vacuum, religious radicals make use of it, and many citizens fall victim to hoaxes and fake news. Self-censorship is widely spread, because media owners dictate certain content, and because of the threat of the anti-blasphemy law and the Electronic and Information Transaction Laws.²

Apart from legal threats, journalists also continue to face digital threats – for example in the form of internet shutdowns in West Papua – and physical threats.³ An example is the death of Demas Laira, an online media journalist who was found dead with multiple stab wounds by a roadside in August this year. Shortly before his death, he was reporting on corruption in relation to the handling of the COVID-19 pandemic and in developing infrastructure in Central Mamuju district.⁴ The military and religious groups also play a role in threatening the media's right to inform, for example on topics such as the military's abuses.⁵

Another controversial law which was enacted in November 2020 by President Joko Widodo is the Omnibus Law on Job Creation. The law has been championed as leading to an improvement of Indonesia's economy and the investment climate and the creation of more jobs. However, the flipside is that the law affects workers' rights in multiple ways, relating to wages, number of holidays, lay-offs, and the treatment of temporary workers.⁶ The law also has repercussions for the media climate in Indonesia, as the law will confer more power on the government to regulate the broadcasting industry.⁷

Authorities rarely take action against perpetrators of violence against journalists. At the same time, many journalists do not use safety protocols. A positive step, however, has been the establishment of a dedicated Committee of Journalist Safety in 2019. Journalists facing violence can report to any of the nine committee members, and after verification of the facts, the victims can receive the desired assistance.⁸ The committee was formed in the run-up to the 2019 elections, as elections are known to bring about safety risks for reporters.⁹

¹ Reporters Without Borders (2020). *World Press Freedom Index 2020, Indonesia*. Retrieved from <https://rsf.org/en/indonesia>

² Free Press Unlimited (2019). *Annual Work Plan 2020 Indonesia*. Unpublished document.

³ Reporters Without Borders (2020). *World Press Freedom Index 2020, Indonesia*. Retrieved from <https://rsf.org/en/indonesia>

⁴ UCA News (2020). *Indonesian journalists up in arms over reporter's murder*. Retrieved from <https://www.ucanews.com/news/indonesian-journalists-up-in-arms-over-reporters-murder/89269>

⁵ Reporters Without Borders (2020). *World Press Freedom Index 2020, Indonesia*. Retrieved from <https://rsf.org/en/indonesia>

⁶ International Federation of Journalists. (2020). *Indonesia: Journalists oppose controversial Omnibus Law*. Retrieved from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/indonesia-journalists-oppose-controversial-omnibus-law.html>

⁷ *Ibid.*

⁸ Arbi, I.A. (2019). *Safety committee formed as violence against journalist rises*. The Jakarta Post. Retrieved from <https://www.thejakartapost.com/news/2019/04/08/safety-committee-formed-as-violence-against-journalist-rises.html>

⁹ International Media Support (2019). *New committee in Indonesia to boost journalist safety*. Retrieved from <https://www.mediasupport.org/new-committee-in-indonesia-to-boost-journalist-safety/>

1.2 Philippines

In the Philippines, the law is also oftentimes weaponised by the government and used to silence journalists. Ranking 136th on the World Press Freedom Index 2020, press freedom in the Philippines is in a crisis not experienced since the rule of dictator Ferdinand Marcos in the 1970s.¹⁰ The Philippine government, headed by President Rodrigo Duterte, has engaged both in judicial harassment and online harassment campaigns in an attempt to silence journalists who are critical of the current administration and its policies, such as the anti-drug campaign. Furthermore, the work and credibility of journalists is continuously undermined, for example by means of 'red tagging'. This refers to labelling entities as affiliated with communism.¹¹

Threats to journalists and media workers are further underpinned by a pervasive climate of impunity.¹² Just one week following the International Day to End Impunity on 2 November 2020, journalist Virgilio Maganes, a member of the National Union of Journalists of the Philippines (NUJP), was shot dead by motorcycle-riding gunmen. Maganes had survived a prior assassination attempt four years before, which was not investigated, and his recent death is yet to be investigated as well.¹³ It is therefore not without reason that the Philippines finds itself in the top 10 ranking of the 2020 Global Impunity Index.¹⁴

Legal threats are continuously looming over Philippine journalists. One of the most prominent examples is that of Maria Ressa, investigative journalist, and CEO of news website Rappler. She continues to be the target of intimidation by authorities and has been convicted of, among others, cyber libel. What is problematic, is the fact that libel is considered to be a criminal offence rather than a civil offence, meaning that it is punishable with a fine, imprisonment for up to six years, or both.¹⁵ Furthermore, Ressa continues to be the target of gendered online harassment. She has not only received countless hate messages, but even death and rape threats. She has also been the subject of hashtag campaigns such as #ArrestMariaRessa and #BringHerToTheSenate, in an attempt to discredit her and her work. As Ressa has stated: "They attack your physicality, your sexuality. When you are denigrated, and stripped of dignity in this way, how can you maintain your credibility? All of these things work together for a single purpose and that's to prevent journalists from doing their jobs."¹⁶

To improve journalist safety, in 2019 the national Plan of Action on the Safety of Journalists (PPASJ) was launched. This plan was developed through multi-stakeholder consultations with different entities,

¹⁰ Reporters Without Borders (2020). *World Press Freedom Index 2020, Philippines*. Retrieved from <https://rsf.org/en/philippines>

¹¹ International Federation of Journalists (2020). *Philippines: Journalists labelled communists in editorial cartoon*. Retrieved from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/philippines-journalists-labelled-communists-in-editorial-cartoon.html>

¹² International Media Support (2017). *Defending Journalism: How National Mechanisms Can Protect Journalists and Address the Issue of Impunity. A Comparative Analysis of Practices in Seven Countries*. Retrieved from https://www.mediasupport.org/wp-content/uploads/2017/10/1_Journalist-Protection-Book-Digital-1.pdf

¹³ International Federation of Journalists (2020). *Philippines: Journalist shot dead in front of his home*. Retrieved from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/philippines-journalist-shot-dead-in-front-of-his-home.html>

¹⁴ Beiser, E. (2020). *Getting away with murder*. Committee to Protect Journalists. Retrieved from <https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/>

¹⁵ International Media Support (2017). *Defending Journalism: How National Mechanisms Can Protect Journalists and Address the Issue of Impunity. A Comparative Analysis of Practices in Seven Countries*. Retrieved from https://www.mediasupport.org/wp-content/uploads/2017/10/1_Journalist-Protection-Book-Digital-1.pdf

¹⁶ Posseti, J. (2017). *Fighting back against prolific online harassment: Maria Ressa*. Retrieved from https://en.unesco.org/sites/default/files/an_attack_on_on_is_an_attack_on_all_chapter_8.pdf

such as media outlets, press freedom organisations, and the Philippine government. The plan sets out five flagship areas which are deemed crucial in working towards a safe working environment for journalists in the period 2020-2024.¹⁷

1.3 Malaysia

The press freedom situation in Malaysia seemed to have improved after Prime Minister Najib Razak's ruling coalition suffered a defeat in the general elections that took place in May 2018. This is shown by Malaysia's upgraded ranking in the World Press Freedom Index, from the 123th place in 2019, to the 101st place in 2020.¹⁸ However, this progress notwithstanding, media professionals can still not operate free from fear of repercussions. What is more, this progress might have been nullified when in February 2020 nationalist, conservative politicians led by Muhyiddin Yassin came to power. Due to this shift in power, the promising reformations that were planned, have not gone through.¹⁹

The government has a legislative arsenal at its disposal, through which it can exert control over publication licenses, and sedition charges can lead to up to 20 years imprisonment.²⁰ The laws comprising this legislative arsenal include: the 1948 Sedition Act; the 1972 Official Secrets Act; the 1984 Printing Presses and Publications Act; the 1998 Communications and Multimedia Act; the 2002 Film Censorship Act; the 2012 Security Offences (Special Measures) Act; and the 2015 Prevention of Terrorism Act.²¹ Just in the last year, numerous journalists faced criminal charges, for example for writing a report on the government's treatment of undocumented migrant workers,²² or for publishing comments on their news website by readers which were critical of Malaysia's judiciary.²³

Furthermore, as stated by ARTICLE 19's Malaysia Programme Officer: 'The harassment and abuse of journalists in online spaces constitutes a major threat to independent journalism and freedom of expression in Malaysia. Women journalists and those from minority groups are particularly vulnerable.'²⁴ An example are the online attacks against woman journalist Kow Gah Chie who writes for the online media outlet Malaysiakini.²⁵

¹⁷ Asian Institute of Journalism and Communication & International Media Support (2019). *Philippine Plan of Action on the Safety of Journalists*. Retrieved from https://www.mediasupport.org/wp-content/uploads/2019/11/Final_phil_planofaction_safetyofjournalists-Final2019.pdf

¹⁸ Reporters Without Borders (2020). *World Press Freedom Index 2020 ranking table*. Retrieved from https://rsf.org/en/ranking_table

¹⁹ International Federation of Journalists. (2020). *Challenges and Controls: Impacts of COVID-19 on Media Workers in Malaysia*. Retrieved from https://www.ifj.org/fileadmin/user_upload/IFJ_Report_Impacts_of_Covid19-Malaysia.pdf

²⁰ Reporters Without Borders (2020). *World Press Freedom Index 2020, Malaysia*. Retrieved from <https://rsf.org/en/malaysia>

²¹ International Federation of Journalists (2020). *Challenges and Controls: Impacts of COVID-19 on Media Workers in Malaysia*. Retrieved from https://www.ifj.org/fileadmin/user_upload/IFJ_Report_Impacts_of_Covid19-Malaysia.pdf

²² Six of Al-Jazeera's Malaysia-based reporters and staff members were being investigated on criminal charges (sedition, defamation, and violation of the country's Communications and Multimedia Act).

See: Committee to Protect Journalists. (2020). *Malaysian police raid Al-Jazeera's office, seize computers in escalating legal harassment*. Retrieved from <https://cpj.org/2020/08/malaysian-police-raid-al-jazeeras-office-seize-computers-in-escalating-legal-harassment/>

²³ Malaysiakini editor-in-chief Steven Gan and his news website were being investigated on criminal charges (Evidence Act). See: Committee to Protect Journalists (2020). *Malaysian editor Steven Gan charged with contempt of court over reader comments*. Retrieved from <https://cpj.org/2020/07/malaysian-editor-steven-gan-charged-with-contempt-of-court-over-reader-comments/>

²⁴ ARTICLE 19 (2020). *Malaysia: End online attacks, ensure the safety of journalists*. Retrieved from <https://www.article19.org/resources/malaysia-end-online-attacks-ensure-the-safety-of-journalists/>

²⁵ *Ibid.*

2. COVID-19 related safety challenges

For many journalists, both their safety situation and their financial situation have exacerbated because of the COVID-19 crisis. Reporting on COVID-19 undoubtedly puts the physical safety of reporters at risk, as this will make them more prone to contracting the coronavirus. In addition, in many countries around the world governments have adapted legislation which criminalises the dissemination and publication of fake news and mis- and dis-information regarding the coronavirus. However, determining what can be constituted as fake news is left at the discretion of the authorities. This has led to the prosecution of many journalists worldwide for reporting on COVID-19 or for expressing criticism of their government's COVID-19 policies.

Furthermore, the COVID-19 pandemic has exposed and aggravated all the inequalities that already existed and discriminates more against those who were already marginalised. This includes women.²⁶ A survey conducted by the International Federation of Journalists among women journalists showed that more than half of the respondents acknowledged an increase in gender inequalities in the industry, affecting their work responsibilities, salaries, and work-private balance.²⁷

Also in Indonesia, the Philippines and Malaysia, authorities have made an attempt to silence journalists and prevent them from reporting critically under the pretext of spreading fake news or causing a public panic (sedition).²⁸ As set out in a report by the International Federation of Journalists, in Malaysia the oppressive Movement Control Order (MCO) was enforced during the lockdown, which brought about an increasing number of violations against journalists who spoke out in a critical manner about the new political order in the country or any other sensitive topic.²⁹ In Indonesia similar developments took place, as a directive was issued in April 2020, ordering the police to crack down not only on 'coronavirus-related hoaxes', 'online frauds regarding the sales of health equipment', but even 'anti-government and anti-president smears'.³⁰

Another great challenge that the COVID-19 has posed to independent journalism, is independent media outlets' decline in revenue from advertising. This has the potential to negatively impact on critical reporting, as it poses a huge threat to outlets' independence and makes them prone to media capture. At the same time, it shows the need for media businesses to focus on scenario planning and a business continuity plan. This adds more pressure to especially print media, which have already experienced difficulties adapting to the shift to digital media.

²⁶ Free Press Unlimited (2020). *COVID-19, Gender and Media*. Retrieved from <https://www.freepressunlimited.org/sites/freepressunlimited.org/files/gem-twopager-def.pdf>

²⁷ International Federation of Journalists (2020). *COVID-19 has increased gender inequalities in the media, IFJ survey finds*. Retrieved from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/covid-19-has-increased-gender-inequalities-in-the-media-ifj-survey-finds.html>

²⁸ See, for example: Reporters Without Borders (2020). *Two Philippine journalists face two months in prison for coronavirus reporting*. Retrieved from <https://rsf.org/en/news/two-philippine-journalists-face-two-months-prison-coronavirus-reporting>

²⁹ International Federation of Journalists (2020). *Challenges and Controls: Impacts of COVID-19 on Media Workers in Malaysia*. Retrieved from https://www.ifj.org/fileadmin/user_upload/IFJ_Report_Impacts_of_Covid19-Malaysia.pdf

³⁰ Rahma, A. (2020). *Coronavirus-crackdown aimed at anti-president smears, hoaxes*. Tempo. Retrieved from <https://en.tempo.co/read/1406978/job-creation-law-endorsed-by-jokowi-at-apec-ceo-dialogues>

3. Steps to be taken

The complexity of the issue of the safety of journalists calls for an approach which integrates multiple stakeholders and responds to current trends. The nature of threats that journalists face keeps evolving. The number of journalists that was killed worldwide dropped in 2019, but unfortunately this does not mean that the world has become a safer space for journalists.³¹ Journalists are increasingly the target of both digital and judicial threats. Social media and legislation are being weaponised and used as yet another tactic to silence journalists. In this context, women journalists face a double burden, as often they are being attacked not only because they are a journalist, but also because they are female.

Therefore, two main questions that can be asked are the following: which safety risks should be prioritised in devising a mitigation strategy? And with which entities is collaboration required for successful mitigation? Pursuant to Resolution 33/2 on the Safety of Journalists by the UN Human Rights Council, states should follow the 3P approach (prevent, protect and prosecute) in working towards the safety of journalists.³² However, arguably a fourth P should be added, namely partnership.³³

Both in the Philippines and Indonesia, steps have been taken towards establishing collaboration between multiple stakeholders. In the Philippines this even led to the creation of the PPASJ, premised upon the 2012 UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The PPASJ was created through consultation with multiple stakeholders, and includes five flagship areas:

1. Integrity and professionalism;
2. Conducive working conditions;
3. Safety and protection mechanisms;
4. Criminal justice system;
5. Public information, journalism education, and research.

Collaboration with multiple stakeholders is also needed to address these flagship areas. Indeed, the implementing actors are listed as 'media development organizations, media houses and news organizations, press and broadcast associations, academia, civil society organizations and nongovernment organizations, independent constitutional bodies, national and regional government agencies, state security forces, and international organizations and UN agencies'.³⁴

It is of importance that we learn from this initiative. As mentioned before, journalists in Indonesia, the Philippines and Malaysia face similar threats. The safety of journalists is a complex concept that encompasses different aspects, and although a one-size-fits-all approach may not work, similar solutions could be offered to similar issues. Steps that could be taken include setting up a mechanism enabling journalists to file complaints and attacks, providing holistic safety trainings to journalists which also take into account gender-specific issues, educating journalists about their legal rights, and assisting

³¹ The number of killings of journalists has decreased, but this is related to a decrease in armed conflicts. The number of journalists killed outside of armed conflict has in fact increased.

³² ARTICLE 19 (2017). *Acting on UN Human Rights Council Resolution 33/2 on the Safety of Journalists*. Retrieved from https://www.article19.org/wp-content/uploads/2017/11/safety_of_journalists_WEB_23.10.pdf

³³ Asian Institute of Journalism and Communication & International Media Support (2019). *Philippine Plan of Action on the Safety of Journalists*. Retrieved from https://www.mediasupport.org/wp-content/uploads/2019/11/Final_phil_planofaction_safetyofjournalists-Final2019.pdf

³⁴ *Ibid.*

newsrooms in setting up safety policies. In addition, repeal of harmful legislation or the decriminalisation of offences such as libel or defamation will require extensive advocacy. It is important to note, however, that setting up a mechanism such as the PPASJ is a steppingstone towards the safety of journalists, and not the end goal. Implementation is crucial, and it calls for political will. In implementing the PPASJ and getting the authorities on board, the Philippines can also learn from other countries. An example is the Indonesian Press Freedom Index initiated by the Indonesian Association for Media Development (PPMN), which is used to make local governments aware of the importance of a free press.³⁵

Even though setting up committees or drafting plans or resolutions might be the necessary first step, the time has come to go beyond this and to take action to establish 'journalism without fear or favour'. Undoubtedly, cooperation is indispensable in achieving this.

³⁵ Free Press Unlimited. (2018). *A Press Freedom Index for Indonesia*. Retrieved from <https://reports.freepressunlimited.org/2018/cases/a-press-freedom-index-for-indonesia>