



National Action Plan (NAP) for the Safety of Journalists in Somalia

Urgent steps to keep journalists safe and eradicate the culture of impunity

Rationale for a National Action Plan

Media freedoms in Somalia continue to be stifled by both state and non-state actors. Despite the efforts of some media houses to ensure proper duty of care for their employees, journalists and news media organisations still face brutal attacks as well as attempts to curb freedom of expression or block access to information that are perpetrated by agencies controlled by the Federal Government and the Federal Member States. At the same time, independent and outspoken journalists find themselves caught in the crosshairs of violent extremist groups.

In 2021 alone, the National Union of Somali Journalists (NUSOJ) documented two killings of journalists in Mogadishu and Galkayo as well as 63 cases of physical attacks, harassment, unlawful arrests, detentions, torture, cyberbullying and other forms of intimidation. Several of the victims were women journalists, reflecting the ubiquitous nature of gender-based violence in the country. Furthermore, a total of four media houses came under attack during the course of the year.

Since 2012, when the UN Plan of Action on the Safety of Journalists and the Issue of Impunity was warmly welcomed in resolutions of the UN General Assembly, the UN Human Rights Council and UNESCO, and was subsequently endorsed by the UN System Chief Executives Board for Coordination, Somalia has lost a total of 52 journalists (2012-2022), according to annual data collated by NUSOJ. These statistics bear testimony to the pervasive violence that continues to convulse Somalia – often cited as the most dangerous country for journalists in Africa.

These abuses and violations come in direct contravention to the Provisional Constitution of Somalia. They include egregious violations of the right enshrined in Article 13 (Right to Life); clear infringements of Article 18 (Freedom of Expression and Opinions); and a denial of the rights guaranteed in Article 24 (Labour Relations) which establishes fair labour practices and addresses sexual abuse, segregation and discrimination in the workplace. Violent attacks not only deny journalists the right to exercise

their profession in the public interest, they also suppress citizens' Right to Know under Article 32 (Access to Information).

While Somalia has long battled violent, religious extremism, NUSOJ's work clearly indicates that security agencies and, in particular, the police in different regions of the country are the leading perpetrators of attacks against journalists in the Federal Member States and in Somaliland. This fosters a culture of impunity, reinforcing the perception that attacks against the media hold little or no legal, social or professional consequences.

The freedom of information environment also leaves much to be desired. There is neither an access to information policy nor any law that might provide a framework for journalists to exercise their right to access information at the national level. As a result, journalists expose themselves to major risks every time they access any information that government officials wish to keep out of the public domain.

Despite constitutional guarantees on freedom of expression, media freedom and access to information, Somalia still implements obsolete legal and policy frameworks that hinder the work of journalists and media practitioners. The Somalia Penal Code is outdated and contains vaguely worded provisions that offer significant room for infringing the rights enshrined in the Constitution. The Amended Media Law contains equally contentious elements and, as such, is misaligned with the more progressive aspects of Somalia's Provisional Constitution. It also fails to comply with international standards on freedom of expression.

Female journalists are particularly vulnerable and are targeted both in the newsroom and during the course of their professional activities. In 2021, NUSOJ documented 16 cases of women working in journalism who said they had been victims of sexual harassment or other forms of gender-based violence. Furthermore, female journalists are singled out online and subjected to verbal

abuse, including threats of rape and other forms of sexual violence. This is a matter of deep concern that leads to a variety of coping mechanisms, including leaving the profession.

In common with other likeminded media freedom advocacy organisations that campaign for a safe and secure working environment for journalists and other media workers, NUSOJ sees one of its key roles as protecting journalists and journalism by advocating for the safety of media professionals and media freedom. It lobbies for progressive policy change and legislative reform, specifically in relation to gender-based violence, and seeks to eradicate the culture of impunity in Somalia.

Consequently, the campaign to bring the perpetrators of crimes against journalists to justice seeks to bridge the gap between the multitude of AU and UN resolutions on the safety of journalists and the implementation of their commitments at country level.

The Consultative Forum on the Safety and Security of Journalists that was held in Mogadishu on September 3-5, 2022, developed, debated and

adopted the following National Action Plan to help build a safe and secure working environment for journalists where impunity is tackled forcefully and decisively in a bid to make Somalia a country where journalists can access and enjoy all fundamental media freedoms.

As the world commemorates the 10th anniversary of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, the Consultative Forum is committed to putting new momentum behind the UN Plan of Action and the African Union Master Roadmap of Practical Steps to Silencing the Guns in Africa. The Somali NAP aims to accelerate actions for safe journalism through a journalist-centred process.

The NAP is a Somalia-owned and Somalia-led roadmap, which aspires to galvanise home-grown advocacy and devise appropriate solutions; to enable journalists play leadership roles; and to explore synergies between various actions regarding media freedom, freedom of information, the protection of women journalists and the safety of all journalists.

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Principles on which this National Action Plan is based

This NAP takes its cue from the following principles:

Partnership and collaboration with like-minded partners in the public and private sphere at global, federal, state, local and community levels, based on the belief that no one organisation, actor or body should act alone.

Human rights and freedoms enshrined in the Provisional Constitution of Somalia as well as African and international human rights frameworks and conventions that guide the protection of journalists and promote their safety.

Partnerships based on the principle of ensuring the safety of journalists instead of project-driven initiatives whose effectiveness is usually negated by an absence of credibility, local ownership and compelling calls to action.

• Acknowledgement of the **complimentary and specific regional and continental frameworks** that unlock the pan-African experience, specifically the African Commission on Human and People's Rights, the African Union's Silencing the Guns initiative, the African Governance Architecture and the African Court on Human and Peoples' Rights.

Gender equality and the empowerment of female journalists as an integral aspect of all efforts to create a safe and secure working environment for journalists, recognising that women journalists have unique safety concerns that need to be addressed effectively and as a matter of urgency.

Strengthening and building on existing and long-established national/local structures and institutions that are progressive and independent and that are in line with international freedom of expression standards rather than duplicating frameworks and efforts, or undermining existing structures to the detriment of the wider cause.

A youth-focused approach that gives young journalists in Somalia the skills necessary to

operate in a hostile environment, and that creates opportunities whereby they can enjoy absolute media freedom in the country.

A multi-dimensional approach to the safety of journalists that acknowledges the impact of the physical, legal, mental, gendered and technological dimensions of violence as well as the many ways in which Somali journalists are harassed.

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Actions aimed at improving the physical safety of journalists

Deepening partnerships and collaborations

- Identify and work with like-minded national, regional and international partners who share the vision of a Somalia where the safety of journalists is a priority and is non-negotiable. Such partners include relevant media institutions, civil society organisations, development partners, UN agencies, state institutions, the judiciary, and academic institutions which are committed to advancing the shared principle of safe journalism.
- Revive and revamp the moribund and unrepresentative national safety mechanism as an inclusive, multistakeholder, journalist-centred structure with the potential and the credibility to successfully address the critical issue of journalists' safety with political support from the Federal Government and the Federal Member States.
- Advocate for the safety of journalists to secure and retain a prominent place on the policy agenda through sustained engagement with multilateral institutions as well as through effective bilateral relations with advocacy organisations such as NUSOJ and other relevant institutions, including the International Federation of Journalists (IFJ), the Federation of African Journalists (FAJ), The All-Africa Editors' Forum (TAEF), the Journalists' Federation of Eastern Africa (JOFEA), and Reporters without Borders (RSF), as well as media freedom advocacy organisations, solidarity support institutions and those that are genuinely committed to fostering a safe and secure environment for journalists in Somalia.
- Reinforce the already strong working relationship with UNESCO as the leading specialised UN agency for freedom of expression and journalists' safety and as the main driver for implementing UN Plan of Action on the Safety of Journalists and the Issue of Impunity with a view to ensuring that targets are not missed and the prospects for achieving the Plan's key goals are not jeopardised.
- Enhance the partnership with the ILO to make effective use of its legally binding conventions on occupational safety and health so that Somalia can fulfil its obligation to create a safe working environment for working journalists.
- Identify donors and partners actively seeking to combat sexual and gender-based violence and champion the inclusion of women in media and assist these partners in pushing for full observance of the legally binding ILO convention 190 on violence and harassment in the workplace.
- Implement the African Union policy document entitled "AU Master Roadmap of Practical Steps to Silencing the Guns in Africa" and its objectives which remain as valid today as they were in 2017 when the roadmap was adopted by the AU Assembly. Media professionals operating in a volatile and violent environment must undertake to work proactively with the African Union and other relevant stakeholders to ensure that the objective of protecting journalists and media freedoms is fully achieved.

- Take true ownership of and take steps to domesticate the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as well as the ILO Conventions (C155, C187 and C190) as the sole legally binding conventions that Somalia needs to implement. If properly structured and delegated to national

stakeholders with journalists playing a leading role through a multistakeholder approach, these combined instruments can go a long way towards promoting the safety of journalists, bringing an end to the culture of impunity, and tackling sexual and gender-based violence and harassment.

Raising awareness

- Sensitise the public to the current situation with regards to the physical, legal and psychological safety of journalists through media and online campaigns, social media, and other communication platforms and initiatives.
- Sensitise government officials to the importance of prioritising the safety of journalists through active policy engagement with politicians and officials that references the provisions in Somalia's Provisional Constitution pertaining to the rights and freedoms of the press.
- Commemorate special days such as World Press Freedom Day, the International Day to End Impunity for Crimes against Journalists, the International Day for Universal Access to

Information, the International Commemoration Day for Dead and Injured Workers and 16 Days of Activism against Gender-based Violence, among others.

- Integrate the safety of journalists into all federal and state policies, programmes and implementation plans, both current and future, by reviewing risks, and implementing a mitigation strategy and actions to end impunity for crimes committed against journalists.
- Build the capacity of lawmakers, security forces, judges and prosecutors to protect and promote the safety and security of journalists as well as international standards of freedom of expression.

Promoting improved safety skills, knowledge management and documentation

- Conduct accurate, systematic and active collection of data by monitoring, documenting and reporting killings and arrests of journalists as well as incidents of violence and harassment with a view to establishing a record of violations; enhancing awareness of the media freedom situation including the safety of journalists; prompting duty-bearers to take appropriate action; and reinforcing local capacity to adopt a position of zero tolerance for violent attacks.
- Support and facilitate tailor-made safety training programmes for journalists, especially

women and young journalists, thereby empowering them to mitigate professional risks and raise awareness of their needs in a hostile environment.

- Maintain annual reporting on Sustainable Development Goals (SDG) Indicator 16.10.1 which is defined as: "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".

Encouraging a "safety-first" mindset

- Urge employers in the media industry to make provisions for the safety of journalists both at the workplace and during assignments in the field.
- Remind employers in the media of their duty of care to employees who may come in harm's

way while on assignment for the organisation.

- Strongly advise employers to allow journalists to exercise their freedom of conscience and the right to refuse assignments that they consider dangerous without fear of reprisal from their managers.

- Call for security plans to be developed (with the participation of journalists) inside news media organisations and to form an integral part of all events attended by media professionals.
- Advocate for the provision of health insurance schemes for journalists and other media workers given the dangerous nature of their work.

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Actions aimed at providing legal protections to journalists

Legislative alignment and reform

- Call for outdated aspects of Somalia's Penal Code to be removed or suspended and, rather than using the law as an instrument against journalists, encourage duty-bearers to apply it as a mechanism for ensuring that complaints are registered and are investigated in a timely manner, and that journalists are shielded from external pressures, political or otherwise.
- Declare a moratorium on the arrest and persecution of journalists for their work when these actions are based on laws that do not comply with the Provisional Constitution of Somalia, international standards on freedom of expression and international human rights laws.
- Repeal, suspend or amend any laws (in particular the Amended Media Law) that are inconsistent with the Provisional Constitution of Somalia as well as with continental and international standards on the right to freedom of expression and access to information.
- Enact a gender-responsive law that tackles gender-based violence by ensuring that the perpetrators of violence and harassment against female journalists and Somali women in general are prosecuted with the full force of the law.
- Pass a progressive Access to Information Law in line with the African Union's Model Law for Access to Information for Africa which guarantees unfettered access to information to journalists and the general public.

Addressing impunity

- Address the issue of impunity and ensure that putting an end to impunity is an obligation of the Federal Government of Somalia under international and domestic law and the cornerstone of a successful transition to a democratic political system.
- Denounce and expose the practice of perpetrators making secret deals with media houses in order to avoid being held accountable for crimes committed against journalists. Any perpetrator must face prosecution for his/her actions in court.
- Urge the Federal Government of Somalia to fulfil its obligation to provide a timely response to the UNESCO Director General's inquiry on the status of investigations into the killings of journalists in order to facilitate the Director General's reporting to the International Programme for the Development of Communications (IPDC) as well as within the broader reporting of SDG 16.10.1.
- Develop comprehensive human rights-compliant vetting procedures to ensure that public officials accused of human rights violations are suspended or removed from public office until they are either found guilty in a court of law or are absolved of any wrongdoing.
- Strengthen the capacity of the office of the Special Prosecutor for Crimes Committed against Journalists and adequately guarantee its independence and prosecutorial powers without interference or manipulation.
- Establish the office of the Ombudsman, as sanctioned by the Provisional Constitution of Somalia, to investigate "complaints regarding

allegations or outright violations against basic rights and freedoms, abuse of power, unfair behaviour, mercilessness, lack of clemency, indiscipline or disrespect towards a person that lives in Somalia by an officer who works at the various levels of government, an apparently unfair behaviour, or act in a corrupt manner, or a behaviour by an officer deemed as illegal by a democratic society or regarded as mischief or injustice” in accordance with Article 111J of the Provisional Constitution of Somalia.

- Advocate for and initiate a transitional justice process to acknowledge journalists who have

been the victims of crimes; to enhance public trust in the media and in state institutions; to reinforce respect for human rights; and to promote the rule of law as a vital step towards serving the interests of justice and preventing new violations.

- Highlight the low conviction rate for crimes committed against women and apply a gender lens to all incidents of journalists being attacked or abused, setting them in the context of the high levels of gender-based violence that affect Somali women in general and female journalists in particular.

Unlocking the potential of continental and international frameworks

- Raise public awareness of the importance of international legal instruments that are aimed at promoting journalists' safety and combating impunity, including the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the African Charter on Human and Peoples' Rights, Resolution 264 on Attacks against Journalists and Media Practitioners in the Federal Republic of Somalia by the ACHPR; Resolution 221 on Attacks against Journalists and Media Practitioners in Somalia by the ACHPR; UN Human Rights Council resolutions; and UN Security Council Resolution 1738 (2006).
- Call for the recognition and domestication of the Declaration of Principles on Freedom of Expression and Access to Information in Africa and of the ILO Convention on Occupational

Safety and Health, as well as the convention on violence and harassment in the workplace.

- Actively engage and interact with the special procedures of the UN Human Rights Council (HRC) and the special mechanisms of the African Commission on Human and Peoples' Rights (ACHPR) that are related to the safety of journalists and the issue of impunity as well as the broader situation regarding media freedom.
- Explore ways of improving the implementation of gender-sensitive frameworks such as the Convention on the Elimination of All Forms of Discrimination against Women and SDG 5 (Achieve Gender Equality and Empower all Women and Girls) in order to make an adequate response to incidents of violence against women in the media.

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Actions aimed at improving the digital security of journalists

- Advocate for increased training to improve journalists' knowledge of cybersecurity and to devise ways of reducing their vulnerability to online attacks.
- Advocate for female journalists to be trained and empowered to employ strategies that would make them less vulnerable to online gender-based harassment.
- Call for better investment in helping citizens contribute to healthy and constructive media environments or online discourse, without resorting to legislation or policies that limit the

enjoyment of fundamental rights such as the right to free expression, access to information, media freedom and privacy.

- Effectively leverage Africa-wide initiatives such as the Digital Platform for the Safety of Journalists, a joint effort between African media organisations, UNESCO, the African Union and international NGOs.
- Collaborate with those African Union bodies and missions that are mandated to promote peace, security, human rights and media freedom across the continent.

06 Actions aimed at improving the psychological well-being of journalists

Availability of resources

- Identify and partner with national mental health and advocacy organisations that can provide psychological support to journalists.
- Ensure that information relating to mental health resources is available and visible on communication platforms

Awareness-raising

- Prioritise and articulate the importance of mental well-being to news media organisations across the country.
- Advocate to reduce the stigma of mental illness by motivating media professionals to participate in discussions on the importance of psychological help.
- Explore the potential of digital platforms such as messaging apps, SMS and social media to act as a conduit for information and resources aimed at ensuring the mental well-being of journalists.



The Consultative Forum on the Safety and Security of Somali Journalists – which was held in Mogadishu from 3 to 5 September 2022 and as a result of which the National Action Plan was adopted – was supported by the African Union Transition Mission in Somalia (ATMIS) with technical expertise and assistance provided by officials from the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the International Labour Organisation (ILO).



