



## **MEDIA FOUNDATION FOR WEST AFRICA**

### **Submission to OHCHR's compilation on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism**

#### **SUMMARY**

The Media Foundation for West Africa (MFWA) submits the following inputs to OHCHR on how protecting and promoting press freedom and the safety of journalists can contribute to preventing violent extremism (PVE) and countering violent extremism (CVE). The MFWA suggests five best practices on press freedom for PVE and CVE efforts, with specific recommendations in the following sections:

1. PVE and CVE strategies should understand the promotion of freedom of expression, including press freedom, as more than just a tool of PVE and CVE programming and efforts.
2. Police and security forces must receive human rights training, particularly on the need to respect and protect freedom of expression, including press freedom, and the safety of journalists.
3. The lack of accountability, particularly prosecutions, for crimes against journalists creates a culture of impunity, facilitates future attacks and pushes journalists to self-censor on a range of topics, including violent extremism.
4. States should build the capacity of journalists and the media to report on issues related to violent extremism, which entails creating an enabling environment for the media to perform its functions.
5. The media must behave with increased professionalism, which will facilitate its ability to support and educate the public on PVE and CVE programming and efforts.

#### **ABOUT US**

The Media Foundation for West Africa (MFWA) is a regional, independent NGO, based in Accra, Ghana. Established in 1997, the MFWA is the preeminent media development and freedom of expression advocacy organisation in West Africa with national partner organisations in all 16 countries of the region.

The MFWA aims to promote and defend the right to freedom of expression of all persons, particularly the media and human rights defenders in West Africa (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo).

## **SUBMISSION**

### **Violent Extremism and Press Freedom in West Africa**

West Africa is unfortunately very familiar with violent extremism; for example, Boko Haram in Nigeria and Niger (and also neighbouring Cameroon and Chad) and al-Qaida in the Islamic Maghreb (AQIM) in Mali and Mauritania (and also Algeria). Violent extremist groups such as these threaten to destabilise peace and security in the region.

Throughout the world, where violent extremists operate, political activists, journalists and human rights defenders, among other individuals and groups, are systematically targeted. West Africa is no exception: journalists have been targeted by violent extremists for speaking out against them,<sup>1</sup> and more worryingly, they have been targeted by state actors under the guise of national security.<sup>2</sup> In Nigeria last year, the military even accused the media of undermining its fight against Boko Haram by reporting on the role of international assistance in Nigeria's CVE strategy. Such threats and attacks, by either state or non-state actors, often push journalists into self-censorship and deter independent reportage on issues related to violent extremism and CVE efforts.

It is well-established that upholding respect for freedom of expression, as well as other human rights, is fundamental to preventing violent extremism (PVE) and countering violent extremism (CVE). There is legal precedent for respecting and protecting freedom of expression at the regional and national levels in West Africa in addition to international human rights treaties. Freedom of expression and press freedom in all countries in West Africa are protected by the Economic Community of West African States (ECOWAS) regional frameworks, including the ECOWAS Revised Treaty and the ECOWAS Protocol on Democracy and Good Governance, and by national constitutions. However, there is often a noticeable disconnect between laws and practice in West African countries.

There are also UN Security Council resolutions on the safety of journalists in armed conflict. Last year, the UN Security Council adopted Resolution 2222 (2015), which is the first resolution on the safety of journalists in armed conflict since Resolution 1738 (2006), due to the urgency and importance of this issue. Resolution 2222 expresses

deep concern about and condemns the threat to and attacks on journalists by terrorist groups. However, despite the fact that violent extremism, including violent extremists' attacks on journalists, was prevalent in many parts of the world in 2015, including West Africa, the resolution only discusses *conflict* prevention—not *violent extremism* prevention or PVE.

On the whole, however, the UN Security Council has generally failed to address the importance of upholding the right to freedom of expression, including press freedom, and of protecting the safety of journalists in its many resolutions on counter-terrorism and CVE. Whenever the UN Security Council has adopted resolutions referencing freedom of expression, it is within the context of incitement and the need to narrowly limit the restrictions on the right.<sup>3</sup>

**Best Practice #1:**

PVE and CVE strategies should understand the promotion of freedom of expression, including press freedom, as more than just a tool of PVE and CVE programming and efforts.

UN Security Resolution 2222 affirms the role of a “free, independent and impartial media” in contributing to democracy.<sup>4</sup> It also describes journalists as an early warning mechanism in identifying and reporting on situations at-risk or in the midst of mass atrocities and international crimes, such as genocide, crimes against humanity and war crimes.<sup>5</sup> The media can play an identical early warning role with respect to situations of violent extremism. However, this approach may instrumentalise journalists as merely a tool of PVE and CVE instead of focusing on journalists' safety as an integral part of respecting and protecting the rights of journalists to impart information and of the public to seek and receive information, as guaranteed in the right to freedom of expression in international human rights law.

***Specific Recommendations Under Best Practice #1:***

- PVE and CVE strategies must not prioritise or overemphasise the role of the media in PVE and CVE over the media's role as a fundamental foundation and enabler of democracy.
- Future UN Security Council resolutions should discuss freedom of expression, including press freedom, in its wider context as an enabling right and not simply with respect to acceptable restrictions on speech.

**Best Practice #2:**

Police and security forces must receive human rights training, particularly on the need to respect and protect freedom of expression, including press freedom, and the safety of journalists.

The media is an excellent platform for exchanging views and ideas among cultures, religions and ethnicities. This promotion of dialogue, particularly moderate voices to speak out and promote tolerance, has proven to be an effective way of countering and combatting violent extremists' rhetoric.<sup>6</sup> But in order for the media to perform its duty and disseminate invaluable information to the public, states must respect and protect the right to freedom of expression. Unfortunately, police and security forces discriminatorily apply CVE measures against human rights defenders and other activists, among others, as discussed above.

Accordingly, there is a need for increased professionalism and human rights trainings for police and security forces, including on the right to freedom of expression and press freedom and the importance of protecting the safety of journalists.

***Specific Recommendations Under Best Practice #2:***

- States' policies and practices on PVE and CVE should not violate the rights or safety of journalists.
- States' formulation and application of PVE and CVE and related activities must ensure journalists' safety to conduct their reportage.
- States must train police and security forces on how to deal with violent extremism and its accompanying challenges without violating human rights, particularly press freedom.
- Human rights trainings for police and security forces should include education in international human rights law and international humanitarian law, in line with the recommendations in Resolution 2222.<sup>7</sup>
- Broader civil society, such as the MFWA, can contribute to PVE and CVE efforts by bringing together police, security forces and journalists to strengthen relationships and trust between these groups, which will enable police to gain access to communities, including those at risk for recruitment into violent extremist movements.
- UN Security Council resolutions should continue to adopt resolutions on the safety of journalists in armed conflict but also explicitly reference the safety of journalists in violent extremist settings, which is not an identical situation as armed conflict settings.
- The UN Secretary-General should include the safety and security of journalists in his reports on the protection of civilians in armed conflict, in accordance with

Resolution 2222,<sup>8</sup> but also make explicit reference to their safety in violent extremist settings.

**Best Practice #3:**

The lack of accountability, particularly prosecutions, for crimes against journalists creates a culture of impunity, facilitates future attacks and pushes journalists to self-censor on a range of topics, including violent extremism.

Accountability for human rights violations is essential to developing a sustainable solution to violent extremism. This naturally includes accountability for violations of the right to freedom of expression, including press freedom. Impunity is rampant throughout West Africa and almost no journalists have received justice for abuses.<sup>9</sup> This fact is true outside of West Africa as well. Impunity for crimes against journalists results in self-censorship on sensitive issues, which can include CVE efforts, and stifling of criticism, often of the government, thus denying the public their right to information and ability to participate in decision-making, among many other things.

The UN Secretary-General’s Plan of Action explicitly calls on states to “protect journalists, who play a crucial role in democratic societies, by ensuring the prompt and thorough investigation of threats to their safety.”<sup>10</sup> Additionally, UN Security Council Resolution 2222 calls on parties in an armed conflict to end violations and abuses against journalists.<sup>11</sup> It also stresses that impunity for crimes against journalists threatens their safety, whereas accountability would help deter future attacks on them.<sup>12</sup> The resolution goes on to strongly condemn this impunity, noting that impunity often emboldens the perpetration of future acts.<sup>13</sup> Further language urges states “to take appropriate steps” to ensure accountability for crimes against journalists through “impartial, independent and effective investigations” to bring perpetrators to justice.<sup>14</sup>

In addition to states’ legal obligations regarding the safety of journalists and ending impunity, regional and sub-regional organisations, such as the ECOWAS, can help ensure the protection and safety of journalists.<sup>15</sup> The Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa, adopted last year by the African Commission on Human and Peoples’ Rights, also calls on states to ensure the protection of journalists.<sup>16</sup>

***Specific Recommendations Under Best Practice #3:***

- All UN Member States must live up to their obligations under Security Council Resolution 2222 and hold accountable perpetrators of crimes against

journalists through impartial, independent and effective investigations and prosecutions.

- The ECOWAS should ensure the compliance of Member States with their obligations under the ECOWAS Revised Treaty, including the obligations to end impunity and respect journalists' rights and safety.<sup>17</sup> For example, the ECOWAS should consider imposing sanctions on states failing to fulfil their obligations under the Revised Treaty.

**Best Practice #4:**

States should build the capacity of journalists and the media to report on issues related to violent extremism, which entails creating an enabling environment for the media to perform its functions.

The participation of civil society, including the media, in PVE and CVE efforts is established as key to ensuring the protection of human rights during such efforts.<sup>18</sup> But in order to achieve this goal, civil society needs a safe, enabling environment<sup>19</sup> in which to function. Such an enabling environment would allow different parts of society, including the media, to collaborate in PVE and CVE programmes and strategies. UN Security Council Resolution 2222 has already called upon states to create and maintain a safe, enabling environment for journalists to work independently in both law and practice.<sup>20</sup>

States have already committed to raise awareness of and address the enabling conditions of violent extremism.<sup>21</sup> One way states can address the root causes of violent extremism is through public awareness. Much of civil society, however, including journalists, is unaware of how they can contribute to CVE efforts. Due to the media's role as a primary source of information for the public, it is a natural vehicle through which states can raise awareness about the root causes of violent extremism. If the public is informed about the threat of violent extremism and the risk factors of radicalisation, then the public would be better equipped to identify vulnerable individuals and refer them to the appropriate bodies for intervention. Again, it should be emphasised that neither the public nor the press should be instrumentalised as tools of PVE and CVE but empowered to participate in such efforts.

***Specific Recommendations Under Best Practice #4:***

- States must respect and protect press freedom by ensuring that police and security forces, as well as non-state actors, do not commit crimes against journalists and that perpetrators are prosecuted.
- States should capacity-build journalists and the media on how they can contribute to PVE and CVE efforts, including by providing narratives against

violence, promoting diversity and educating the public about existing and planned PVE and strategies and why they are necessary.

- States should provide financial and human resources to capacity-build the media's ability to raise awareness about the root causes of violent extremism.
- The media should raise awareness about the root causes of violent extremism.

**Best Practice #5:**

The media must behave with increased professionalism, which will facilitate its ability to support and educate the public on PVE and CVE programming and efforts.

The media is the primary vehicle through which people learn about and understand events, including in armed conflict and post-conflict settings. In order for the media to effectively perform its role as an educator, the public must trust journalists and media institutions and the messages they spread. However, in the West Africa region, unprofessional conduct in the media has decreased the public's trust in the media and even caused some to condone crimes against journalists.<sup>22</sup> Consequently, attempts by the media to disseminate information about violent extremism as well as PVE and CVE efforts will be ill-received by the public. To address this, the UN Secretary-General's Plan of Action "encourage[s] journalists to work together to voluntarily develop media training and industry codes of conduct which foster tolerance and respect."<sup>23</sup>

Additionally, it is established that police must build trust among communities, particularly in areas vulnerable to radicalisation and recruitment by violent extremists. A trusted media can provide police with a point of entry into communities in order to undertake CVE and PVE programming. This further emphasises the need for professionalism in the media such that communities trust the media and any decisions to help police in CVE and PVE efforts.

**Specific Recommendations Under Best Practice #5:**

- The requirement to provide financial and human resources to support the professional development of the media should be mainstreamed into PVE and CVE strategies at the state, regional and international levels.
- All ECOWAS Member States must allocate financial resources to support the professional development of the media, in accordance with their obligations under the ECOWAS Protocol on Democracy and Good Governance.<sup>24</sup>
- Broader civil society, such as the MFWA, should also work to increase media professionalism by providing human resources as well as their expertise on freedom of expression, including press freedom, to journalists and media institutions.

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- <sup>1</sup> See, e.g., *Nigeria: Journalist threatened by Boko Haram*, MEDIA FOUNDATION FOR WEST AFRICA, 15 July 2015, <http://www.mfwa.org/nigeria-journalist-threatened-by-boko-haram/>.
- <sup>2</sup> *Nigeria Alert: Military accuses media of undermining its fight against Boko Haram*, MEDIA FOUNDATION FOR WEST AFRICA, 24 Mar. 2015, <http://www.mfwa.org/country-highlights/nigeria-alert-military-accuses-media-of-undermining-its-fight-against-boko-haram/>; *Niger Alert: Journalist arrested, accused of working with Boko Haram*, MEDIA FOUNDATION FOR WEST AFRICA, 20 May 2015, <http://www.mfwa.org/niger-alert-journalist-arrested-accused-of-working-with-boko-haram/>.
- <sup>3</sup> See, e.g., Sec. Res. 2129, U.N. SCOR, 7086<sup>th</sup> mtg., U.N. Doc. S/RES/2129 (17 Dec. 2013); Sec. Res. 1624, U.N. SCOR, 5261<sup>st</sup> mtg., U.N. Doc. S/RES/1624 (14 Sept. 2005) (2005).
- <sup>4</sup> Sec. Res. 2222, ¶ 2, U.N. SCOR, 7450<sup>th</sup> mtg., U.N. Doc. S/RES/2222 (27 May 2015).
- <sup>5</sup> Sec. Res. 2222, preamble.
- <sup>6</sup> Global Counterterrorism Forum, *Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism*, page 7 (2013), <https://www.thegctf.org/documents/10162/88482/Final+Ankara+Memorandum.pdf> (“Good Practice 13: States and society can work together to amplify voices that oppose exploitation of religion by violent extremist groups”).
- <sup>7</sup> See Sec. Res. 2222, ¶¶ 5, 11.
- <sup>8</sup> Sec. Res. 2222, ¶ 19.
- <sup>9</sup> *INTERNATIONAL DAY TO END IMPUNITY: Countries Must Be Committed to Safety of Journalists*, MEDIA FOUNDATION FOR WEST AFRICA, 2 Nov. 2015, <http://www.mfwa.org/international-day-to-end-impunity-countries-must-be-committed-to-safety-of-journalists/>.
- <sup>10</sup> U.N. Secretary-General, *Plan of Action to Prevent Violent Extremism*, ¶ 55(f), U.N. Doc. A/70/674 (24 Dec. 2015) [hereinafter *UNSG’s Plan of Action*].
- <sup>11</sup> Sec. Res. 2222, ¶ 1.
- <sup>12</sup> Sec. Res. 2222, preamble.
- <sup>13</sup> Sec. Res. 2222, ¶ 4.
- <sup>14</sup> Sec. Res. 2222, ¶ 6.
- <sup>15</sup> Sec. Res. 2222, preamble.
- <sup>16</sup> African Commission on Human and Peoples’ Rights, *Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa*, page 34, 56<sup>th</sup> Ordinary Sess., 21 Apr.–7 May 2015.
- <sup>17</sup> ECOWAS Revised Treaty arts. 4, 66, 24 July 1993.
- <sup>18</sup> Human Rights Council Res. 30/15 (Human Rights and Preventing and Countering Violent Extremism), 30<sup>th</sup> Sess., Sept. 14–Oct. 2, 2015, U.N. GAOR, preamble (12 Oct. 2015).
- <sup>19</sup> Human Rights Council Res. 30/15.
- <sup>20</sup> Sec. Res. 2222, ¶ 14.
- <sup>21</sup> See Human Rights Council Res. 30/15, preamble.
- <sup>22</sup> See, e.g., *West Africa: Increasing Incidents of Unprofessional Media Conduct Worrying*, MEDIA FOUNDATION FOR WEST AFRICA, 28 Apr. 2015, <http://www.mfwa.org/west-africa-increasing-incident-of-unprofessional-media-conduct-worrying/>.
- <sup>23</sup> *UNSG’s Plan of Action*, ¶ 55(f).
- <sup>24</sup> ECOWAS Protocol on Democracy and Good Governance art. 37, 21 Dec. 2001.