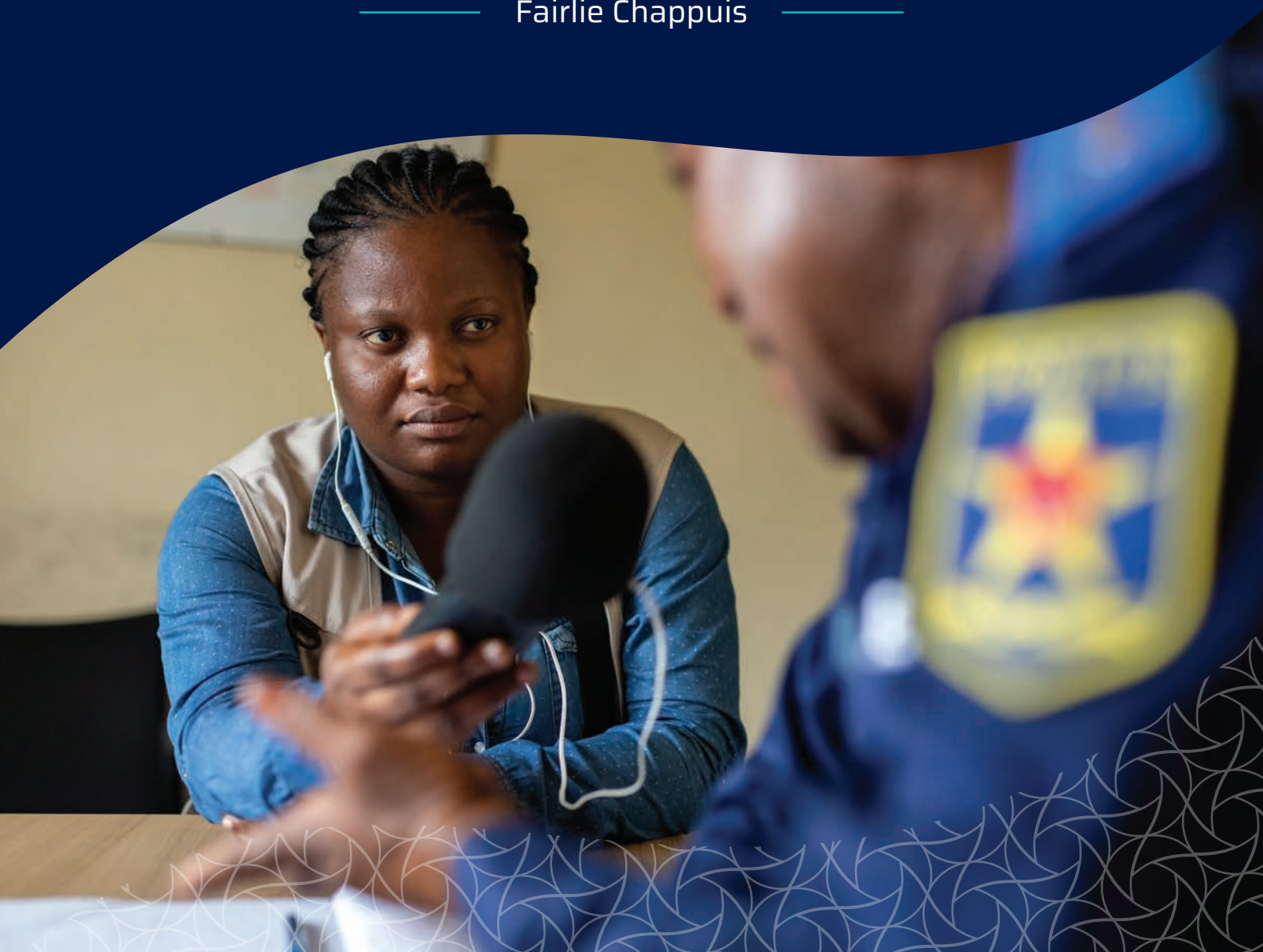


Toolkit for Security Sector Reporting

Media, Journalism and Security Sector Reform

———— Fairlie Chappuis ————





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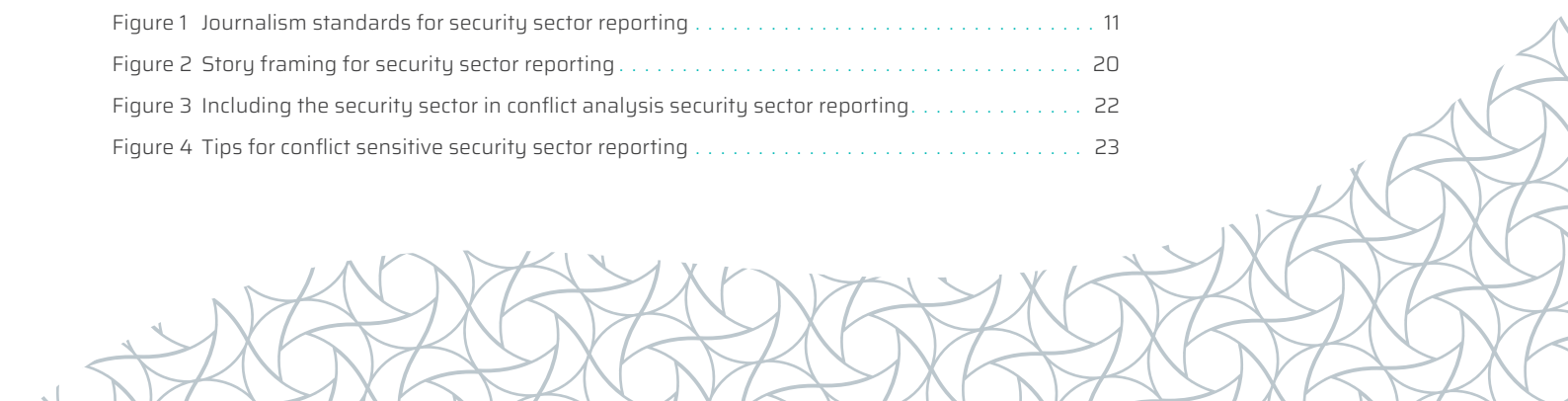
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Image: Press reporter,
Turkey, 2020 © Engin akyurt,
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About DCAF

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity- building of both state and non- state security sector stakeholders.

DCAF's Foundation Council is comprised of representatives of about 60 member states and the Canton of Geneva. Active in over 80 countries, DCAF is internationally recognized as one of the world's leading centres of excellence for security sector governance (SSG) and security sector reform (SSR). DCAF is guided by the principles of neutrality, impartiality, local ownership, inclusive participation, and gender equality. For more information visit www.dcaf.ch and follow us on Twitter.

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About this Toolkit

This toolkit was created to address the needs of media professionals reporting on the security sector, especially in conflict-affected and transitional contexts. It is the product of a process of background research, expert consultations, and external review.

The project began with an extensive documentary review of existing resources available to journalists and media professionals on the subject of the democratic security sector governance and related issues. On the basis of the desk review, a wide range of media professionals, journalists and media development specialists were approached for consultation resulting in twenty-three expert interviews about the challenges of reporting on the security sector. Media professionals covered a range of professional functions and geographical regions, with a focus on reporting in conflict-affected contexts and times of democratic transition. Security sector reform stakeholders, experts and international donors were also consulted in order to understand how security sector cooperation with media professionals can be encouraged. Earlier drafts of the Toolkit were reviewed by experts within DCAF, as well as a panel of external media professionals who provided extensive input to the final draft, and vetted the publication to ensure its relevance for media professionals.

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Preface

This publication provides practical guidance for journalists reporting on the security and justice institutions that are central to democratic societies: courts, police, the army, intelligence services, prisons, parliaments, executive management authorities and civil society. It is the result of extensive research and interviews with journalists across the globe. Our intended audience is journalists who work in settings where poor governance of the security sector has contributed to broad political and socio-economic instability and has even imperiled lives.

Journalism is essential for holding governments and public officials accountable for their actions. Today, however, journalists occupy a precarious link in this chain of accountability. In many parts of the world, governments attack the news media as enemies of security and the rule of law. This unfounded criticism has endangered journalists and contributed to information gaps that erode trust in the democratic systems that are the foundation of just and peaceful societies.

Journalists face pressures from many sides – economic, political and cultural. Covering security services can be an especially risky part of the job. We hope the tools and techniques in this book will lower those risks and will help journalists explore news ways to cover powerful, and sometimes secretive institutions. Explaining to the public what these institutions are, how they are led, how they function, uncovering wrongdoing, and creating greater transparency can help strengthen democracy.

Governments worldwide now compete with journalism to reach the public with messages, information and stories aimed at shaping public opinion. This is not, by itself, a bad development for democracy. But journalists require tools to continue to produce independent reporting to check, verify and, when necessary, contradict official news. Such activity in the long run contributes to the legitimacy of governments, trust in the security sector, and sustainable democratic institutions.

Anne Bennett
Head, Sub-Saharan Africa Division
DCAF
January 2021





Introduction

Credible and timely information about security provision, public safety, and national defense is essential for the public to develop trust in security services and for holding the security sector accountable for the quality of service they provide. Journalists working in the public interest provide an essential source of reliable and balanced information on the security sector and contribute to public awareness. Although both journalists and security sector actors have essential roles to play in the public interest, they often find themselves at loggerheads over their respective functions and the expectations of professionalism that come with each. While a mutually respectful tension in their relationship is constructive and necessary for functional democracy, too often their interactions are marred by hostility, mistrust, sensationalism, and efforts by states to suppress independent media. The result is a lack of reliable and well-sourced public information about public safety and national security, which ultimately undermines the credibility of media reporting on the security sector, the effectiveness of the security sector, the ability of the public to make informed choices about security policy, and the overall quality of democracy. In the worst-case scenarios, poor quality reporting – or the complete absence of news – about the security sector contributes to high levels of mistrust, abuse and impunity, and can also result in violence and crisis at critical political moments.

Sadly, the state of press freedom in the world has been on a downward trend for some years¹ with increasing numbers of journalists killed because of their work across a wide range of countries. An attack on a journalist, whether through physical violence, intimidation, financial or legal coercion, is an attack on the right of the public to access information about events and decisions that directly affect them. The low number of prosecutions for attacks on journalists shows the urgent need to reaffirm the value of journalism and the importance of quality reporting on the security and justice sectors.²

This publication addresses this need by providing a resource for journalists reporting on the security sector. It fills a gap among existing resources for media professionals, which have focused more on the security of journalists than the specific challenges of reporting accurately on the security sector. At the same time, this publication will also provide a sound introduction to the work of journalists for security sector actors. Gaining an understanding of the unique institutional culture that guides journalism can help the security sector to meet its own responsibility to work constructively with the media. International actors supporting peacebuilding, stabilization and security sector reform will also gain insight on the work of journalists reporting on the security sector in fragile contexts. This resource also complements the work of media development actors fostering improved professionalism and conflict sensitivity among media actors, as well as peacebuilding actors working to improve relations between the media and the security sector.

1. Report from "Reporters Without borders (2020), "2020 World Press Freedom Index: "Entering a decisive decade for journalism, exacerbated by coronavirus", <https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>

2. UNESCO (2020), "DG Report on the Safety of Journalists and the Danger of Impunity 2018"

Image: Reporters from International News Network interview a U.S. Army Soldier from 2nd Battalion, 11th Field Artillery Regiment out of Schofield Barracks, Hawaii, during a training exercise at Fort Irwin, Calif., Sept. 20, 2007 © US Army.



Public Interest Reporting on the Security Sector







I. Public Interest Reporting on the Security Sector

When non-specialists think of the security sector, there is a tendency to think of men in uniform with guns and badges: usually the military and the police. While the military and the police are central components of the security sector, the term is in fact much broader, including all institutions responsible for providing public safety and national security. Moreover, all of these security services can and should include people of all genders and identities in their ranks. This means the security sector includes all the agencies and services of the state with the legal authority to enforce the law and provide security for the public. It also includes regulated private security companies and community-based security and justice providers who are not part of the state but work within the scope of the law. Besides security providers, the security sector also includes the government authorities responsible for making decisions about public safety and national security. This means the security sector also includes the civilian government ministries responsible for management and administration of security institutions, as well as the parliamentary-, independent- and judicial authorities responsible for ensuring security providers are both effective and accountable in performing their missions. A well informed and vibrant civil society plays a vital role in holding the government accountable for its management of public safety and national security.

Box 1 What is 'public interest'?

Public interest is a description often used to describe what drives the work of journalists. The Ethical Journalism Network states:

*"The public interest is about what matters to everyone in society. It is about the common good, the general welfare and the security and well-being of everyone in the community we serve. The public interest is not just what the readers, listeners or viewers want either as consumers or people who want to be entertained. It is about issues which affect everyone, even if many of them are not aware of it or even if they don't appear to care."**

What constitutes the public interest is a source of debate in many newsrooms, as it is a subjective concept open to interpretation. A definition of public interest may exist in national legislation, especially in connection with protections for people who reveal restricted information to the public. For example, in the context of whistle-blowing, whether or not a journalist is punished for violations of national security by revealing secret information can often hinge on the court's interpretation of what lies in the public interest.

* Source: Ethical journalism network, "Is it in the Public's Interest?", <https://ethicaljournalismnetwork.org/the-public-interest>

All security sector actors have a responsibility to perform their roles and obligations in the public interest, with respect for the rule of law and human rights. News provided by journalists is the main way that the public can find out and assess whether or not any or all of these security sector actors are living up to their responsibilities. Security sector reporting is thus an essential part of holding the security sector accountable and verifying that it is working effectively and efficiently in the public interest.

Journalists and the security sector both perform essential public services, yet the missions they serve and how they work can bring them into conflict with each other. In some contexts, the degree of hostility and mistrust that develops between them can expose journalists to violence and violations of rights and may even prove deadly. Every act of hostility and violence towards journalists working in the public interest undermines the legitimacy and credibility of the security sector and can weaken confidence in the state. Suspending and reversing this negative spiral between journalists and security sector actors is a priority for every democratic society, and is especially important in contexts recently affected by conflict or where the norms of non-violent political life are in flux. Creating constructive relationships of mutual respect between journalists and security sector actors requires that each understand the distinct roles and interests of various stakeholders. Mutual respect and critical viewpoints can create fruitful tensions that will strengthen public discussion and ultimately help to reconcile these two professional domains providing essential public services.

Box 2 Expectations for covering the security sector

Definitions of journalism vary but some common elements include:

- Process: “gathering and presenting factual information. This information is used to transmit a story to the public and to create a record for archival purposes. This can be by print, digital, broadcast, photography, or through alternative medias.” (1)
- Purpose: Journalism aspires “to provide citizens with the information they need to make the best possible decisions about their lives, their communities, their societies, and their governments”. (2)
- Working method: “a systematic process – a discipline of verification – that journalists use to find not just the facts, but also the “truth about the facts.” (3)

Based on these elements, coverage of the security sector should abide by the same rules of journalism whereby journalists gather, assess, create, and present news and information, about the security sector, with the aim of making it accessible to a non-specialist public. Security sector reporting should enable the public to gain the best possible understanding of how the work of the security sector affects their lives, their communities, their societies, and their governments.

(1) “Definition of Journalism”, <https://www.openschoolofjournalism.com/resources/about-journalism/definition-of-journalism>

(2) Bill Kovach and Tom Rosenstiel, *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect*, Three Rivers Press; Revised, Updated edition (2007).

(3) “Journalism as a discipline of verification”, <https://www.americanpressinstitute.org/journalism-essentials/verification-accuracy/journalism-discipline-verification/>

Framing Principles for Security Sector Reporting

A number of cross-cutting principles determine how security sectors should work in democracies. Security sector reporting is critical in verifying whether the security sector is living up to the rights and obligations that flow from these principles. The work of journalists thus helps create the conditions necessary for a security sector to function with respect for democratic government, rule of law, and human rights. Journalists can and should rely on these guiding principles to frame their overall reporting on the security sector even though each issue and actor also raises distinct concerns and challenges (as the tip-sheets in this toolkit describe).

Civilian supremacy and democratic control

A hallmark of democracy is the right of the public to choose its leaders and the authority that those leaders exercise through their legitimacy as a civilian government. This means that security sector actors, most notably the military, must not challenge the supremacy of a civilian government or their right to decide what the security priorities for the nation should be. It flows from this that national security policy and strategy should be created and directed by democratically legitimate civilian authorities and that security sector professionals should implement these policies in the most professional manner possible, within the means made available.

- Journalists have a critical role to play in reporting on whether security sector actors are respecting the authority of democratically legitimate civilian authorities. This may involve verifying whether the security sector, including the civilian executive authorities responsible for policy and management, are making the best possible use of resources and performing their missions effectively. It also means verifying that political leaders are themselves respecting the democratic limits on their authority and the roles and missions foreseen for the security sector by the basic laws of the state.

Respect for rule of law

The security sector in a democracy is responsible for acting within the law and upholding it in the performance of its duties. This means that a security agency, such as the police, should not infringe basic rights or break laws to achieve its objectives, even if those objectives are ultimately lawful, such as catching a criminal. When security sector actors neglect the rule of law, this can lead to corruption, abuse of authority and the violation of rights. At the same time, it also means the security sector has an obligation to refuse illegal orders in cases where governments might seek to intimidate, harass and even kill those who are viewed as opposition.

- The work of journalists is the most important way the public learns of abuse of power. Whether the security sector is violating the law or failing to respect the rule of law in its work, or political authorities have abused their power by issuing illegal orders or enacting inappropriate, even dangerous, policies. Exposing such failures to the public has often been a crucial trigger for reforms to remedy the problem and strengthen the system overall.

Protection of human rights

The legitimacy of the security sector ultimately depends on its ability to serve all members of the public, regardless of age, gender, ethnicity, wealth or ability. Protecting human rights is fundamental to both public safety and national defense. A security sector that fails to protect human rights becomes a danger both to the public and the state it is supposed to protect.

- ➔ Journalistic scrutiny of the work of the security sector is key in explaining to the public the critical role of the security sector in protecting human rights. Security sector reporting informs the public of their.

Effectiveness

The security sector performs a fundamental service to the public and the nation but in order to perform this service effectively, each security provider needs to be assigned a mission that is fit to context. This mission must also be achieved within the means and resources elected lawmakers make available for that purpose. This also means that there must be an effective framework in place for regulating the activities of non-state security providers, such as private security companies or community-based security groups.

- ➔ Journalists can verify whether civilian authorities are assigning the resources necessary for the security sector to perform effectively and whether these resources are being managed well and put to best use. Investigative stories of corruption or mismanagement have sometimes revealed egregious failings that have created pressure for better policy and ultimately triggered changes that make the public and the nation safer by making aspects of the security sector more effective.

Democratic accountability

State security providers are entrusted with special rights and powers, such as the power to deprive someone of their liberty (e.g., through arrest), to invade privacy or compel information (e.g., by warrant for search or a subpoena), or even to deprive someone of life (e.g., in cases where there is a clear threat to the public or in self-defense). Moreover, state security providers are financed by public resources that could be put to use for other public goods, such as education, welfare or health. For these reasons the security sector has a duty to prove to the public that they have made the best possible use of the powers and the resources with which they are entrusted. In a democracy, the security sector meets this obligation for accountability through the various layers, channels and processes that allow legitimate political authorities to oversee their work: this can include internal controls within security institutions; executive management systems and audits; parliamentary oversight and control through law-making, budget assignments and committee oversight; budgetary and financial checks; and, the work of independent complaints or investigation authorities (such as inspectors general, independent national commissions, ombud's-institutions, or national human rights institutions).

- ➔ Journalists have a critical role to play in democratic accountability by holding security providers to account for their performance. Moreover, the work of journalists is also essential in scrutinizing the efficiency of the larger system of democratic oversight and control of the security sector. Corruption, dysfunction or ineffectiveness, for example, within Ministries of Defense, Justice, Finance or Interior, as well as parliamentary committees or national complaints authorities can lead to egregious and dangerous failings in security provision that deserve public attention, and which only journalists may be able to bring to light.

Transparency

Related to the duty of accountability, democratic governments and their security sectors have a duty to work in a way that respects the public's right to be informed of decisions and developments that affect them. The obligation for transparency applies to the security sector in the same way that it applies to every other public service, even if the nature of security provision sometimes requires a level of secrecy that other public services do not. Governments have a responsibility to develop frameworks for managing information and decision-making that balance the public right to transparency with the security sector's need for operational secrecy. Transparency measures should also encompass the need to protect

freedom of expression, access to information, and the rights and work of journalists.

- ➔ Journalists are best placed to assess and inform the public of whether the government and the security sector are meeting their obligation for transparency, in part because the quality of their reporting is affected by access to information. Journalists can verify and inform the public of whether access to public documents and to decision-making processes is guaranteed, and whether judicial protections for the media are sufficient and sufficiently respected. Security sector reporting on respect for freedom of expression and access to information, as well as the nature of restrictions on journalistic activities, buttresses legitimate demands for democratic transparency in the security sector.

Why journalists should consider security sector reporting

For journalists reporting on the security sector, there are distinct professional advantages in developing specialized knowledge and building a network of contacts among security providers, management and oversight actors:

- **Meeting public demand for information:** National security and public safety are core elements of social and political life that the public cares about and wants to hear about from credible sources. Developing a sound knowledge about the security sector empowers journalists to better meet this demand.
- **Gaining greater access to information, sources and exclusivity:** A clear understanding of the work of the security sector, including the challenges they face in doing their jobs, helps journalists develop relationships with the security sector that can secure access to sources and exclusivity over stories.
- **Seeing stories others miss:** Journalists who are knowledgeable about the security sector can spot interesting story ideas that others cannot see and can draw attention to them more effectively than professionals who do not recognize the significance of certain developments.
- **Knowledge is speed and authority:** A sound grasp of the workings of the security sector allows journalists to report authoritatively on important stories faster than those who have to do more background research to prepare their work. Rapid and accurate reporting on the security sector is critical to security-relevant reporting in times of crisis or conflict.
- **Reflecting a diversity of views:** Quality reporting on the security sector can reflect a diversity of security experiences in ways that allow the public and the security sector to better understand perspective from members of the population regardless of age, ethnicity, gender or wealth.
- **Impacting public safety and national security:** Journalists covering the security sector inform the public about how this essential part of their public service works and what they can and should reasonably expect from them. This kind of reporting shapes public perceptions of safety and security (e.g., 'if it bleeds it leads' and perceptions of crime rates) and can promote reconciliation and deescalate conflict (e.g., by avoiding sensationalism or presenting diverse points of view).

Box 3 Journalism and disinformation

Political actors as well as elements of the security sector have always sought to use information to influence political outcomes. Traditionally, and especially in times of war, control of communication channels, including the news media, was important for delivering propaganda. In the context of war-fighting, the manipulation of information in the interests of winning a conflict is what is known as psychological operations and information operations. Independent public interest journalism provides a bulwark against the manipulation of information for political gain. Acting as gate keepers, professional journalists have prided themselves on allowing only verified facts to reach the public in the form of news.

This situation has transformed as social media and internet platforms, such as YouTube, Twitter or Facebook, have become primary news sources; these platforms have also become a way of boosting the reach of misinformation, and have changed how public figures and mainstream media outlets seek to reach the public audience. This shift has created new opportunities and profit opportunities for disinformation. As a result of these developments, hoaxes, rumors and propaganda appearing as news have had damaging consequences on political processes, in particular in conflict-affected contexts. Efforts by media development organizations have made progress in supporting journalists to improve their digital research skills and strengthen their ability to verify information and sources. See, for example, Deutsche Welle Akademie Project “Media in Libya – Stability Through Reconciliation” funded by the European Union, which aimed to reduce tensions and promote a more peaceful environment in Libya by supporting Libyan journalists to better identify disinformation, verify claims and assess the credibility of sources and media.

Source: Media in Libya (June 2020), “Reflections on Libya’s journey in fact checking”, <http://www.mediainlibya.com/reflections-on-libyas-journey-in-fact-checking/>

Opportunities and Challenges for Security Sector Coverage

The security sector of each country reflects its own unique historical, cultural and political context and each of these features shapes how security is defined, who makes important decisions, and the legal and political basis for those decisions. These factors inform the opportunities and challenges of covering the security sector in distinct ways. Often the challenges of reporting on the security sector will reflect the tensions at stake in security provision itself:

- The legal frameworks governing both the security sector and the rights and protections of journalists may be outdated or inappropriate.
- A lack of experience in dealing with media scrutiny and public discussion of security issues may make security officials reticent to cooperate with journalists.
- Media that sensationalizes security coverage or provides inaccurate reporting, which in turn can damage the standing of the security sector in the eyes of the public and even destabilize the security situation.
- The security sector may need service-specific training on the role of journalists and how to engage them constructively.
- Journalists may need to develop their own professional standards for working with security sector actors (credentials, standards of reporting, complaint mechanisms etc).

- Integrating information on the workings of the security sector into journalism training may be necessary to build knowledge, as well as working with professional guilds, press associations or independent press authorities, if they exist.
- Journalists may need to address how specific aspects of work with the security sector figures in their own codes of ethics.

Box 4 Shared values among journalists and security professionals

Both journalists and security sector officials depend on some fundamental values to bring legitimacy and credibility to their work. These shared values can create a basis for mutual respect for the work of each sector:

- Professionalism: both journalists and security sector officials aim to do their work with integrity, competency, and efficiency
- Objectivity: both journalists and security sector officials must rely on verified, factual information in their work
- Impartiality: both journalists and security officials should serve the public interest without practicing political favoritism or discrimination

Despite such challenges, there are significant opportunities for covering the security sector in most contexts.

Calling for more accountability

Speaking truth to power is the traditional remit of journalists reporting on the quality of government service provision. Applying this kind of scrutiny to the security sector can create public and political pressure to **halt bad behavior and trigger reforms** that protect the system and the public from future abuses. Such scrutiny can be constructive and balanced, contributing to higher quality public discourse. Journalists who are conscious of their role covering public safety and security are important in holding governments and security providers to account for their actions and policies because the security sector is essential both to public safety and national defense, but also prone to corruption, secrecy and abuse.

Security sector institutions are best judged by their ability to **acknowledge mistakes, develop solutions, adapt, and change** and these considerations should help journalists find constructive angles to focus their reporting. There is no country in the world where security sector institutions have no history of excess, such as corruption, abuse of power, and dysfunction, and in many places such poor standards remain the norm. Yet expectations for professionalism in security provision, management and oversight have changed dramatically in recent decades, and this fact can become a starting point for critical reporting.

Transparency, accountability, and effectiveness are increasingly accepted as the minimum professional standards for security sector institutions. Journalists can measure the performance of the security sector against these standards. This is especially true in democratic contexts, but transformation within security institutions is a long and difficult process and security sector actors in many places—especially those affected by conflict or crisis—are still struggling to adapt and reform. Failures should not be met with impunity, but they should also trigger improvements through reform, and keeping count of the balance is a central role for media. Yet in many places, the need for reform remains contested and the traditionally critical role of security sector reporting may be unwelcomed, if not impossible or dangerous for journalists.


Calling for more effective security provision

Journalism about the security sector is the main source of **education** on what the public can and should expect of public security providers. Understanding the roles, responsibilities and missions of the security sector can improve public perceptions, improve cooperation and compliance, and help defuse tensions that might otherwise lead to conflict. All these aspects are essential for security sector institutions to accomplish their mandates effectively.

Presenting a balanced treatment of security concerns, especially in reform contexts, does not mean that only the views of the security sector, or a dominant part or majority of the population should be presented. High-quality reporting on security should **reflect a diversity of views from the security sector and the public at large** and thereby serve to generate informed public debate that can infuse policy discussions with new diversity. This type of coverage by journalists provides a means of voice and agency for the population to communicate their needs and perspectives. This is an important path to participation that can contribute to democratic legitimacy by involving people in wider public discussion about the quality of government service provision. Diverse views reflected in reporting is also a way for the security sector to learn more about the needs and expectations of the population they serve. Security sector reporting can contribute to effectiveness by providing a perspective both from within the security sector and from outside it by drawing attention to public concerns about the security sector and its performance.

Creating momentum for security sector reform

Reporting that gradually exposes the public to alternative views on how security should be provided, and in whose interests, can be decisive in creating the conditions for reform. Discussion in the public domain can surface new reform ideas from which decision-makers can draw policy inspiration and learn from critique. Journalists with a deep understanding of security, well-established networks of sources inside and outside security institutions, and a track record of credible, balanced reporting can mediate public debate on security issues of public and national significance. Such debate raises general awareness of the challenges that security providers may be facing and increases knowledge of the rights and responsibilities they bear.

 *Reporting on the security sector that is accurate, fair and independent re-enforces democratic accountability and contributes to better security provision.*

When journalists provide timely and reliable information to the public on the roles, responsibilities and mandates of security sector actors, it helps the public to better understand their own rights and responsibilities. Mutual understanding based on a free flow of information can **foster dialogue between security providers and the public**, which may also translate into broader confidence in government and the state, as well as higher expectations of service provision. Access to credible information and debate is especially important in conflict-affected contexts where the public lives with memories of past abuse, may lack adequate knowledge of their rights and responsibilities, and faces a security sector undergoing rapid reforms in a context of political change and, often, residual insecurity.

Figure 1 Journalism standards for security sector reporting



Contextual Factors shaping Security Sector Reporting

Coverage of the security sector depends on freedom of expression, access to information, and respect for the work of journalists. This section describes some of the legal frameworks journalists should be aware of when reporting on the security sector, as well as aspects to consider in assuring their own safety.

Working within the law

Legal frameworks shape both the work of the media and the work of the security sector, and, crucially, the relationship between them. For journalists reporting on the security sector, it is a matter of professionalism and personal safety to ensure they have a sound understanding of the national laws under which they are working. The law may threaten or protect a journalist's reporting on security sector, and the advice of a lawyer may be necessary to fully grasp the implications of a particular story or situation.

Freedom of expression is a human right protected by Article 19 of the Universal Declaration of Human Rights, and is a fundamental right from which all other political and civil rights flow. The right to free expression and access to information are fundamental in holding the security sector accountable in all political contexts and it is especially important to protect this right in fragile and conflict-affected contexts where transitions to more stable non-violent politics are underway.

The constitutions of more than 60 countries also protect the right to access official information.³ While the right to access information may be well enshrined in various international and national legal frameworks, it still falls to national authorities—including the security sector—to protect the exercise of this right. Many national institutions have a role in fulfilling this obligation: for example, national human rights associations, ombuds-institution and courts. For the security sector, protecting the right to freedom of expression means:

- working cooperatively with other government authorities to protect freedom of expression
- avoiding intimidating behavior that may discourage or “chill” free expression
- working proactively to protect journalists and their work.

3. Constitutional Protections of the Right to Information, <https://www.right2info.org/constitutional-protections>.

Box 5 International legal obligations to protect freedom of expression

In international legal frameworks, freedom of expression is enshrined as a human right, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948). This principle is also protected in numerous international and regional commitments to human rights including the following:

- The International Covenant on Civil and Political Rights (ICCPR)
- African Charter on Human and People's Rights (ACHPR)
- European Convention on Human Rights (ECHR)
- Charter of Fundamental Rights of the EU
- American Convention on Human Rights
- The United Nations Convention against Corruption

While international protections may or may not have been incorporated into national legal frameworks, other national legal frameworks also affect what information journalists can access and how it may be expressed. Journalists should verify how their reporting on the security sector might be affected by the following types of laws.

National media laws should provide a clear legal framework to orient journalists in their work and protect their rights and freedoms as well as the public interest, for example, by setting broadcasting standards, establishing a basis for fair competition among media companies, or regulating technical and administrative aspects. Media regulations can also establish the basis for press credentials (press passes), which may provide special privileges or protected status for journalists reporting on the security sector. However, media laws are often overly vague or restrictive and can be misused to control reporting and to punish journalists or media outlets for unfavorable coverage.

Freedom of Information (Fol) laws regulate access to official documents and records: these are an invaluable source of information on the workings of the security sector but may also be withheld or instrumentalized to control information. Although not all official documents and policies affecting the inner workings of a security institution will be publicly available, and they may or may not be classified, a request for access and freedom of information law may prove useful.

Classification schedules should define what types of information are legally subject to what kinds of classification and who is responsible for making such decisions. Good practice suggests that classification should be as limited as possible and that documents featuring some classified materials can and should be made available after redaction where possible.

Libel and defamation laws: Individuals, especially those occupying political office or with a visible public role, can accuse journalists of making false reports and damaging their reputation. Even if these accusations are unfounded, they may be used to force journalists into costly and time-consuming court cases, and where courts are compromised, rulings against journalists can be financially ruinous, or even result in criminal charges. High-quality standards of investigative reporting with stories based on indisputable evidence of wrongdoing (even if withheld from the public) are the best defense against such abuse of process.

Treason, espionage, foreign interference and sedition laws: Treason and espionage are legitimately illegal in practically every national context, but these laws are often improperly used against journalists and sources as a way to discourage or punish politically unfavorable reporting. Sometimes, these laws legitimately protect national interests, for example by countering foreign interference in domestic political contexts. Yet even legitimate limitations can affect the work of the journalists, for example, by dictating what kind of information can be shared, received, or held (especially classified) or relationships with certain types of actors (e.g., receiving foreign donations or sponsorship). A sound legal framework must clearly define the legal standards that apply to journalists and should also protect the ability of journalists to reveal certain types of information when doing so serves the public interest.

National security, public order and states of emergency laws: Threats to national security and public order are often invoked as reasons for anti-democratic governments to claim extensive powers and declare states of emergency, which the security sector is expected to enforce. Yet threats to national security and public order are also among the very few conditions under which the right to freedom of expression and access to information may be legitimately limited under international law. For such limitations to be legitimate in international law, a state must prove that protecting national security or public order is indeed its legitimate aim and that the measures are necessary and proportional given the threat at hand.

Box 6 Using leaked and embargoed information

Critical information about public safety and national security may come to journalists in ways that change how the information can be handled:

- Leaked information is information that is not supposed to be in the public domain but which a security sector actor may provide unofficially either in the public interest or their own interest. Journalists must deal carefully with such information because it may be subject to legal restrictions depending on its nature, value to the public interest, relevance to national security, and classification status. It may also be subject to or a result of political manipulation.
- Embargoed information –like leaked information–is not supposed to be in the public domain, but unlike leaked information, security sector actors provide this information to journalists intentionally and on an official and legal basis for the purposes of helping them to report more accurately. Embargoed information is usually intended to become public after a certain time or under certain circumstances (e.g., pending the results of a court decision), and it is subject to legal restrictions that should be clearly defined. Embargoed information can help journalists report better by clarifying in advance critical details or context for a report. Yet it can also be the case that security sector actors release information under embargo as a way of trying to influence public attitudes towards a story by withholding important details.

Journalists need to assure themselves that they understand the risks and requirements of dealing responsibly with leaked and embargoed information since mishandling could jeopardize ongoing investigations, court proceedings, or national security. Respecting embargo rules demonstrates journalists' professionalism and can lead to more cooperative working relationships with security sector actors over the long term. It remains the responsibility of the security sector to ensure embargo rules—and any other restrictions on access to information—be used legitimately and responsibly according to the law. It is the role and responsibility of journalists to report on whether security sector actors are meeting their responsibilities.

Staying safe

The Committee to Protect Journalists points out that an increasing proportion of killings of journalists occur in “more stable countries where criminal and political groups, politicians, business leaders, and other powerful actors resort to violence to silence critical and investigative journalists”.⁴ While the dangers of reporting from violent and highly volatile contexts may be clear, the fact that so many journalists have been killed in contexts that are not at war shows how violence can reside just below the surface. Thus, journalists may be most vulnerable in places where the principles of accountability, respect for human rights and the rule of law are weak within the security sector. Yet these are also the places where high quality journalism about the security sector can have a disproportionate impact on politics and society.

In the best-case scenario, there is a productive tension between media and the security sector that fosters mutual respect and cooperation as well as critique and scrutiny. Unfortunately, this is not always the case. Journalists working on stories that threaten vested interests may face danger or can be forced into exile as a result of their activities.

4. “Getting Away with Murder: CPJ’s 2020 Global Impunity Index spotlights countries where journalists are slain and their killers go free”, by Elana Beiser/CPJ Editorial Director. Published October 28, 2020. <https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/>. Accessed 10.12.2020

“ *Revealing and documenting abuse and corruption by security sector officials, often with the intent to create conditions for political change, is among the most useful and dangerous work a journalist can choose.*

In every situation, journalists must prioritize their physical, mental and digital safety. This must also include preparing to cope with potential physical, emotional, and psychological injury that can result from covering traumatic events. Reporting on armed conflict, including violent extremism, offers a very specific set of risks for journalists; in some cases, coverage may need to be pulled back from ‘front lines’. Technology offers solutions for journalists covering conflict from a distance, enabling them to reach sources remotely and securely.

Box 7 provides some further resources on this challenge.

Box 7 Resources on staying safe

- The Global Investigative Journalism Network maintains an excellent list of resources covering every aspect of safety and security for journalists including the five resources presented below and many more: (<https://gijn.org/safety-and-security-organizations/>)
- Committee for the Protection of Journalists' Safety Kit: by the Committee for the Protection of Journalists
- The Safety Guide for Journalists: A handbook for reporters in high-risk environments by Reporters Without Borders and UNESCO.
- Security Manual for Protest Coverage, by Abrajil (The Brazilian Association of Investigative Journalism).
- Safety Handbook for Women Journalists by the International Association of Women in Radio and Television
- Covering demonstrations and civil disorder by the International News Safety Institute
- The Dart Center for Journalism and Trauma at Columbia Journalism School provides a wide range of resources on mechanisms to cope with traumatic stress in journalism: <https://dartcenter.org/content/covering-trauma-impact-on-journalists>

Deepening Coverage of the Security Sector

Gaining a sound grasp of how a national political context affects the security sector is the first essential step in reporting on the security sector. This means engaging with formal legal frameworks that stipulate how the security sector does (or more often, should) work, as well as with the informal aspects of policy, practice, organizational culture, and habits that influence how security institutions perform on a day-to-day basis. This section explains some aspects of national legal frameworks that can shape security sector reporting, as well as informal influences journalists should consider in security sector reporting.

Rules and regulations: Reporting on the legal limits of security sector powers

Legal frameworks are critical to understanding how the security sector is supposed to work and whether it is meeting its legal obligations.

The **roles and missions of the various security providers should be set down clearly in law**, including a viable framework regulating the activities of private security providers, both commercial and community based. Journalists can compare the actual exercise of power and authority against the legal limits set down in the following sources:

- Constitutional law
- Sector specific acts, such as interior or homeland security, defense or intelligence etc.
- Laws, decrees, regulations, administrative orders and executive acts specific to each branch of the security sector, for example, the armed forces, the police, border guards etc.
- Codes of justice under which civilian, military or hybrid forces serve
- Budget laws

- Complementary national legislation limiting the authority of security institutions (e.g., human rights legislation)
- Regional or international agreements that commit states to respecting certain standards or practices

The legal framework should provide for the principles by which all security forces function, the limits on their powers, and the provisions for their oversight. The existence of all security institutions should be explicitly publicly acknowledged in law. It may seem gratuitous to point this out, but it is relevant in cases where, for example, states have hidden the existence or status of paramilitary forces or intelligence agencies.

Jurisdiction and division of duties should be clearly defined between security actors, including relevant military forces or civilian law enforcement agencies, as well as other civilian agencies responsible for all aspects of security. The legal frameworks for each force will vary depending on whether they serve as a military, civilian or hybrid status. This status should be clearly established including conditions when hybrid services might be called up for either military or civilian service, and which codes of justice apply in each case.

The legal framework should also provide **clearly defined hierarchies of command among security actors** when they are called to cooperate and with civilian agencies with whom they may share responsibilities on certain issues. An analysis of these details can show where responsibilities overlap and potential competition or conflict between security institutions might emerge.

Budget laws and legislation for extra-budgetary support will reveal how well the security forces are using public resources and what they are being used for. Since budgets are passed into law in many contexts, the obligation to use public resources for its intended purposes becomes a legal obligation for the security actors receiving support. This may create the possibility for journalists to “follow the money” in investigating the accountability of security sector actors in their use of public resources.

The activities **of private security companies should be regulated by national legal standards** that are accessible to all. This could include commercial registration or special types of licensing, which journalists can analyze. The law should detail expected standards of conduct, means of oversight, complaints mechanisms, and sanctions for companies that do not respect the rules. There are also international frameworks, such as the Montreux Document of the International Code of Conduct for Private Security Service Providers, which could be relevant to the national context.

The legal framework is also key for reporting on the **performance of security management and oversight institutions**. The workings of each executive authority responsible for security should be clearly defined in legislation together with their relationship and relative powers vis-à-vis the security providers they manage. Limits on their authority should be defined, as well as duties to work with other state authorities and in particular parliament.

The **management and oversight powers of parliament, the judiciary and independent oversight authorities** must also be clearly defined in law and include a clear description of their authority. Their status is usually determined under a constitution and other foundational laws, including the extent of its responsibilities for critical security decisions such as declarations of war and states of emergency (martial law).

A critical question for journalists to ask is whether parliamentarians, judicial or oversight authorities themselves fully understand and apply their powers under the law. In many cases, high rates of turn-over, difficult working conditions and a lack of resources can mean

that legal powers of oversight and control are not exercised by public authorities. Laws should also define powers of appointment and conditions of termination for parliamentary, judicial and oversight personnel to protect the power of appointments from becoming a means of political influence. Law should also establish a division of labor between the judiciary and the ministry or department of justice, and between the parliament and other branches of government. The differences between the details of legal mandates and the real-life workings of institutions leave clues about the extent of bureaucratic disfunction or political capture.

Civil society holds no formal legal influence on government: their power depends on their moral authority, their legitimacy, and their ability to make an argument for change, as well as the capacity to organize effectively around a common goal and develop specialized knowledge on an issue area. Civil society also depends on legal protections of freedom of expression and association, which in many places have come under increasing pressure resulting in a shrinking civic space. Examining laws regulating non-governmental organizations or non-profit associations can sometimes signal excessive limitations on civil society freedoms and suggest evidence of state interference and repression. There may also be legal requirements for certain civil society actors to signal their activities to the authorities including the security sector.

Calling out the gaps: Justice or political systems may lack capacity to apply the law, with direct effect on the protection and exercise of rights: in many cases, laws remain ideals that do not have an impact on actual practice in society because the system is incapable of implementing them. These strengths or deficiencies may themselves become a subject of useful and informative journalistic coverage of the security sector. Reporting on the state of access to information can spur demand for a more transparent and open system or reveal ways to improve it. Restrictions on access to information within the security sector are sometimes as much a matter of inefficiency, lack of resources, or poor administration as they are a matter of obfuscation.

Red tape and red lines: Policies and informal practices affecting security sector reporting

While legal limitations and protections are important, the policies and day-to-day practices of journalists and the security sector also determine how journalists can report on security issues. This section outlines some of the key challenges:

History and institutional cultures: Behind the immediate political and legal conditions of security provision, history and the institutional cultures within the security sector shape how rules are applied. The historical relationship between the security sector and the public is an ever-present influence that shapes how journalists can address security, and especially in times of change. Where the public has suffered abuse or repression at the hands of the security sector, mistrust will likely linger and be difficult to overcome. Anger and a desire for retribution for past crimes can affect how media coverage of security is perceived. Security sector claims to new-found competency, professionalism or integrity need to be backed up with evidence of meaningful change but it will still take time to convince a skeptical public. After years of secrecy and long traditions of repression, new habits of openness take time to develop even when new rules and regulations are introduced. Both the public and the security sector may be conditioned to believing that security affairs are matters of high politics, not fit for discussion in public or among non-specialists. Similarly, in places where politics or service in the security sector has been dominated by a particular group, the inclusion of newer and more diverse voices, such as women, can trigger resistance. When journalists include the views of historically discriminated groups and especially women in discussions of security, this can introduce new ideas while also providing a powerful symbol of change.

Bureaucratic barriers: Where reporters seek to rely on documentary evidence, such as records or even internal regulations, there are likely to be delays even when legal processes (FOI requests) are used to seek access. The process for exercising the legal right to access information may be too time-consuming and costly or the documents themselves may be subject to unwarranted degrees of secrecy. In such cases, long term planning of stories may pay off, or the lack of access to information may itself be an important part of the story. At the same time, documents and records from other public sources can sometimes reveal surprising details about the relevant issues: for example, key aspects of state policy for the management of security have come to light under parliamentary privilege or through court proceedings, as well as financial audits or records held abroad in jurisdictions where restrictions differ.

Taboo topics: Specific topics may be particularly sensitive or trigger negative responses from both audiences and authorities, including security actors. Sometimes the issues that offend may be political: for example, if journalists evoke sensitive subjects or question dominant narratives about history, powerful figures, particular incidents, or accepted practices. Sometimes the issues may be cultural and potentially offensive to a broader swathe of the population: for example, when journalists broach attitudes towards women or minorities that may be in violation of human or social rights, yet widely accepted in society. Sometimes the issues may reflect differences in institutional history. For example, in some traditions demanding a financial payment or corporal punishment of a person who has committed a crime is considered a more appropriate form of punishment than imprisonment; in other traditions, imprisoning a person for a crime is considered a humane alternative to violent punishment and the best way to ensure justice is done. These kinds of differences may put the expectations of the public, or the journalist, at odds with those of the law (national or international) or the practices of the security sector. Journalists will need to rely on their knowledge of context and networks of sources to understand these sensitivities and address them in a constructive way. Journalists working in the public interest might be able to push the boundaries on certain taboo topics and help raise public awareness about social or political injustice. Breaking the silence on taboo topics can nonetheless offend sections of society and could throw the journalist or her sources into harm's way.

Payments and financial capture: The practice of payment for coverage creates a potential conflict of interest that undermines trust. Even when payments cover only expenses (e.g., per diems or transport), the risks of financial capture still exist because the credibility of a media outlet can be damaged by perceived bias, especially if they come to rely on these revenue streams. It is the responsibility of journalists and media houses to ensure their editorial independence is protected from financial influence. This applies as well in situations where journalists work directly with security sector institutions (for example, “embedded assignments” or “ride-alongs”). Developing codes of ethics, journalist training, and other forms of media self-regulation offer ways to overcome doubts and earn credibility despite the tough financial reality faced by independent journalism in most settings.

A Conflict-Sensitive Approach to Security Sector Reporting

Reporting on the security sector is especially relevant in places that have been affected by conflict and may be undergoing security sector reform (SSR). Yet it is also in conflict-affected contexts where reporting on the security sector may be most difficult or most dangerous. Although conflict resolution and SSR are not the responsibility of journalists, responsible reporting in conflict-affected settings means journalists need to understand how conflict affects the security sector, as well as the causes and solutions for the problems that result. This section explains some of the most common ways that conflict can affect the security sector and provides guidance for journalists on how to apply the principles of conflict-sensitivity to their security sector reporting.

Box 8 Protecting journalistic standards

Journalism depends on its credibility for survival. Codes of ethics which journalists and newsrooms voluntarily agree to adhere to help explain to the public, and to stakeholders in the security sector, why journalist work as they do and why their work is credible. Codes of ethics vary but usually include such elements as not accepting payments for publishing particular stories, committing to standards of verification of facts, and labelling advocacy or opinion as such. The Code of Ethics for the Society for Professional Journalists provides a long list of specific commitments to quality and standards that it summarizes under the four imperatives to:

- Speak truth and report it
- Act independently
- Minimize harm
- Be accountable and transparent

Source: SPI, "Code of Ethics", SPI's National Convention in Nashville, Tenn, 2014, <https://www.spj.org/ethicscode.asp>

How conflict affects the security sector

The experience of confronting violent conflict can have negative effects on the way the security sector works, whether the violence is due to cross-border war, internal insurgency, the threat of violent extremism, or a government's decision to illegitimately hold on to power. Common problems include:

- Institutional cultures of abuse of power and violence can form from the experience of violent conflict
- Impunity and corruption due to weak democratic oversight and control
- Legal protections on rights to freedom of expression and access to information might be mitigated or removed in the so-called interests of national security or public safety
- Powers of emergency or states of exception introduced, abrogating certain civil and political rights
- Little or no respect for the role of independent, public interest journalism and security sector reporting
- Poor levels of training or inadequate equipment within security forces (due to strain of mobilization) can make abuse more likely
- Excessively high amounts of public resources directed to state security forces to the detriment of other national priorities such as health or education
- High numbers of security personnel recruited in response to a perceived threat (creating challenges when peace-time force reductions become necessary)
- Politicization of the security sector when recruitment favors a particular group based, for example, on ethnicity, nationality, religion or political affiliation
- Armed non-state actors threaten the public and security sector personnel
- A sense of insecurity drives an increased demand for private security, both community-based and commercial

Many of these traits may also be typical of the security sector even in the absence of violence if it has become an instrument for political repression.

Once a conflict has ended, and transition to peaceful democratic government begins, the security sector confronts the challenge of addressing these problems through a process of

SSR. Such challenges will be of national significance and will likely affect a broad cross-section of the population, including former combatants who will need to transition to civilian life. Informed public discussion of the challenges and how to manage them is essential in raising public awareness of the choices ahead, as well as building public confidence in reform plans. This will be even more important if the public has suffered abuse at the hands of a security sector that is now attempting to reform itself. Where the peace that has ended a conflict is fragile, transparency and public discussion of the lingering tensions can help avoid violent confrontations and can lead to a political compromise among stakeholders on all sides.

In all of these contexts, high-quality reporting about the security sector may have to work hard to represent all points of view in a fair way, while also building new relationships with the security sector, and addressing a public with little or no knowledge of how a democratic security sector might work. Reporting on the security sector is especially important at these crucial moments of conflict and transition because journalists can inform the public of:

- the problems the security sector may be **causing**, for example, in its response to violent conflict or because of dysfunctions that result,
...and...
- the problems the security sector may be **solving**, for example, in addressing security threats effectively, or reforming itself to become more professional, democratically accountable, and effective at protecting people.

Whether the framing for a report about the security sector focuses on challenges or progress, fair representation of different perspectives on the issue will need to include views from within and beyond the security sector.

Figure 2 Storv framing for security sector reporting



The way journalists report on the security sector can directly influence:

- Public attitudes towards the security sector during or after periods of violence, and, by extension, the government and the state
- Attitudes within the security sector towards the public,
- Widely-held beliefs, perceptions, and grievances that may be driving peace or conflict.

Through these effects reporting on the security sector can directly influence peace, conflict and SSR processes. Conflict sensitive reporting about the security sector thus enhances the quality of journalists' work and thereby the quality of public discussion of the role of the security sector and changes that might be necessary.

“ Professional journalists do not set out to reduce conflict. They seek to present accurate and impartial news. But it is often through good reporting that conflict is reduced.”⁵

From conflict analysis to conflict sensitive coverage of the security sector

Sometimes, the term 'conflict sensitive reporting' is used to characterize the importance of the potential impact a journalism can have in a fragile, conflict affected setting.

Box 9 Principles of conflict-sensitive journalism

- Duty to understand conflict
- Duty to report fairly
- Duty to report background and causes of conflicts
- Duty to present the human side
- Duty to report on peace efforts
- Duty to recognize potential influence

Source: Ross Howard, *Conflict-sensitive journalism. International Media Support (IMS) and IMPACS*: <http://www.mediasupport.org/wp-content/uploads/2012/11/ims-csjhandbook-2004.pdf>

Conflict-sensitive reporting requires that journalists apply the core standards of their profession (e.g., accuracy, impartiality, balance and ethical conduct) as well as a sound analysis of the conflict that they are reporting on. Conflict analysis in the context of conflict sensitive reporting means asking who is affected by violence and how, whose interests are at stake, and what is driving the continuation of violence. One way to approach these questions is to look at social characteristics often associated with violence, including the following:⁶

- A distribution of power and/or resources in society that favors some over others
- Limited communication or contact between stakeholders or groups
- Damaging beliefs, perceptions, or myths about certain social or political groups fueling discrimination
- A history of grievances and/or experiences of violence

5. Ross Howard. *Conflict sensitive journalism: A handbook*. IMS (International Media Support) and IMPACS (Institute for Media, Policy and Civil Society). Copenhagen: 2004. <https://www.mediasupport.org/wp-content/uploads/2012/11/ims-csj-handbook-2004.pdf>

6. Based on Ross Howard. *Conflict sensitive journalism: A handbook*. IMS (International Media Support) and IMPACS (Institute for Media, Policy and Civil Society). Copenhagen: 2004. <https://www.mediasupport.org/wp-content/uploads/2012/11/ims-csj-handbook-2004.pdf>

Since the security sector is an important power broker, with a strong influence on society, politics, and conflict in most cases, journalists reporting on the security sector can apply a conflict analysis approach to ask how the security sector is influencing conflict dynamics. The influence of the security sector or its various parts could be negative or positive (or mixed) across these aspects of conflict.

Figure 3 Including the security sector in conflict analysis security sector reporting



Looking closely at the role of the security sector through conflict analysis is important to conflict sensitive reporting on the security sector because it empowers the journalist to recognize when their work is being manipulated in the service of political or institutional agendas to influence the public's views. Equipped with this analysis, a journalist can better identify and include voices that are not being heard and sources that have not been taken into account, while also understanding better how to avoid inflammatory reporting.

On the basis of a sound analysis of the possible roles of the security sector in conflict, security sector reporting in conflict-affected contexts may:

- Seek out alternative points of view about security provision, public safety and national defense from both within and beyond the security sector.
- Present and verify both old and new, official and popular perspectives on security issues.
- Examine and report on the interests and agendas of stakeholders both within and beyond the security sector.
- Describe options and alternatives on security provision and security sector reform including diverse points of view about their various merits and disadvantages.

Conflict sensitive reporting on the security sector can affect conflict dynamics in several ways:

- **Educate, raise awareness and sensitize all sides** to the challenges each is facing, allowing for all parties to be heard, offering new ways to frame the conflict, creating overtures to reconciliation, exposing opportunities for pragmatic compromises, and breaking down simplistic descriptions that encourage extreme or violent positions.
- **Broach sensitive issues** that might otherwise trigger suspicion or fear, and provide details in a way that corrects misperceptions and builds trust between conflict parties, the security sector and the public. Comparing national, regional or local challenges with situations and solutions from other contexts.
- **Create empathy among enemies** by focusing on personal experiences of how people within and outside the security sector are affected by its work and the experience of conflict.
- **Create a safe, non-violent outlet for expressions of anger and frustration** around security issues, by allowing disputes to be fought out in the media instead of through violent protests or repression
- Provide a **channel of communication** between security sector actors and conflict parties, as well as the public, when direct contact might not otherwise be possible, or coverage may have been overwhelmingly negative or confrontational.

Figure 4 Tips for conflict sensitive security sector reporting

Pitfalls to avoid:	Conflict sensitive alternatives:
Avoid creating an “us-against-them” mentality that pits the security sector (or some part of it) against the public or the state	→ Look out for nuanced opinions or experiences that show how a variety of interests may be affected
Do not rely solely on institutional messaging from the security sector	→ Contextualize official statements with the words and experiences of people directly concerned or affected
Avoid exclusively negative reporting on the security sector or any side of a conflict	→ Look for common ground, shared interests or goals
Avoid focusing on the fear and insecurity of a single group or party to a conflict whether within the security sector or as a result of its activities	→ Describe suffering on all sides and try to cover each point of view
Avoid emotional language or words that suggest favor for or against the security sector	→ Use terms precisely, especially technical terms related to the security sector, and if emotional or partisan language is used, ensure it is clear who said what (so that the report does not appear biased)
Do not allow opinions—including personal opinions—about the security sector to become facts	→ Ensure all statements (both official and unofficial) are verified against reliable sources and ensure that personal opinions do not bias the framing or coverage of a story by giving equal space to alternative views.
Avoid stereotypes or popular myths about the security sector, its personnel or the nature of their work	→ Create space for new understanding, expectations, roles and standards by reporting on what is new or different in what the security sector is doing.
Avoid repeating prejudices in reporting that could negatively affect the safety or security any particular group within or beyond the security sector	→ Ensure a diversity of identities is represented in views reported about security, including, for example, women, minorities or socially marginalized groups.



Tip-sheets for Security Sector Reporting





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Tip-sheets for Security Sector Reporting

The following sets of tip-sheets are intended to support journalists in framing their reporting on the security sector within the standards of performance expected from a security sector that respects rule of law, democracy, and human rights. They are organized into three sections:

- **Tip-sheets 1-6: Reporting on Security Issues:** The first set of tip-sheets sets out general points on some relevant security issues which affect how the security sector approaches its roles and obligations. Specific security issues entail particular challenges for security sectors working in respect of human rights and rule of law in the context of democratic processes. Sometimes these issues shape expectations, threat analysis, or public expectations about what kind of security response is reasonable or desirable. This set of tip-sheets lays out some key elements of selected security issues that can affect the context for security sector reporting.
- **Tip sheets 7-12: Reporting on Security Actors:** The second set of tip-sheets presents general aspects of the roles and missions of each type of security provider within a framework of respect for rule of law, democracy and human rights. They describe the main responsibilities of each of a number of security providers, certain key issues at stake in their work, and some entry points for journalists covering the security sector interested to hold them accountable for the quality of their service provision.
- **Tip sheets 13-18: Reporting on Security Management and Oversight:** The third set of tip-sheets explains some key features of the security management and oversight responsibilities of different government and civil society actors. Security providers are only the public-facing elements of state security provision. The government authorities responsible for making security policy, managing security providers, overseeing their activities all have critical but distinct roles to play in security. This set of tip-sheets describes the main responsibilities of each of these actors, certain key issues at stake in their work, and some entry-points for journalists covering security sector management and oversight.

Image: Women standing on crowds of people during Independence protests, Plaça de la Universitat, Barcelona, Spain, 2018 © Notavandal, Unsplash.

Tip-Sheets for Reporting on Security Issues

1. Violent Extremism

Key definitions: What is violent extremism and what is the role of the security sector in responding to it?

Violent extremism (or terrorism) seeks to achieve political change through violence. It is characterized by an exclusive world view that does not tolerate differences of opinion. Often the aim is to change the nature of the political system and the state itself by attacking the public at large. Violent extremism undermines national security by attacking public safety.

Defending against violent challenges to the state and protecting the public from violent attacks is a prime responsibility for the security sector. Security sector efforts to contain violent extremism are known under several names: counterterrorism, countering violent extremism, or preventing violent extremism. The differences between these terms and approaches are blurred, but counterterrorism strategies, for example, are associated with heavily militarized tactics and a maximal use of force against suspects. There are differing opinions about when and how these strategies are effective in countering violent extremism. Moreover, they are often criticized because they have resulted in violations of judicial process and abuse of human rights by security sector actors in many countries: including for example, the intrusive use of surveillance, suspect profiling, illegal detentions, harmful interrogation tactics (including torture), and targeted killings of suspects, especially in foreign jurisdictions. In contrast, prevention strategies tend to emphasize rights-based approaches that try to address grievances driving radicalization within vulnerable communities before they lead to violence. Prevention strategies rely on inclusive approaches to the defense of human rights and rule of law as a bulwark against radicalization.

An accountable and effective security sector that respects human rights and the rule of law is a necessary element in fighting violent extremism because abuse by security forces is known to be a driver of radicalization against non-violent, state-based politics. Yet security sector abuses are sometimes more likely in societies that have faced sustained extremist violence. Sometimes security sector abuses linked to countering violent extremism are the result of policy failures: for example, strategies may be poorly formulated, based on incorrect assumptions or intelligence, or their implementation may not align with the intention behind the policy. In other cases, security sector responses to violent extremism fail to respect the law or human rights: For example, when efforts to stem extremist violence lead to increases in the powers of the security sector without adequate oversight or control. Anti-terror measures have also been used as a pretense to politicize the security sector. For example, anti-terror measures might concentrate political power in the hands of the executive, or attempt to create a legal basis for the violation of certain civil or political rights under states of emergency or anti-terror laws. In this way the fight against violent extremism has been manipulated to provide political cover for disingenuous political leaders and decision-makers within the security sector to solidify their authority or hold on government. For these reasons, repressive or abusive counter-terror measures have resulted in a spiral of increasing political tension and extremist violence in a number of contexts.

Why security sector reporting on violent extremism is important

Reporting on the security sector's role in countering violent extremism is especially opaque and dangerous. There is always a risk that telling the story of any side (whether the state or extremists) will result in instrumentalization, which also makes it difficult, if not impossible, for journalists to provide a fair and balanced account of grievances on each side. Moreover, accessing sources and information can be a difficult and risky process that may endanger both the source and the journalist.

Yet security sector reporting focusing on the nature of the state's policies to prevent and counter violent extremism is one of the most important ways for the public to learn about the effectiveness of these security policies. Governments and security sector actors may provide information to the public on changes to legal rights or new security initiatives intended to prevent or counter violent extremism. For example, changes in handling personal information, grounds for search or detention, and conditions for surveillance, among others. Coverage of such changes can verify and publicize government claims, while also presenting critical alternative analysis that promotes inclusive public discussion of threats and responses. Moreover, it is through journalistic investigation and reporting that the public tends to learn whether such policies are being applied responsibly, and to useful effect. Reporting on security sector violations of political and civil rights, as well as violent abuses of human rights, and impunity before the law may provide the clearest indications available of whether security institutions are overstepping their legal bounds in the name of countering extremism. Similarly, reporting on the inappropriate use of force can provide a chance for government and security forces to correct course before their failed policies trigger a cycle of reaction and overreaction that is likely to increase hostility and deepen radicalization.

Covering responses to violent extremism in transition contexts may be especially difficult and especially useful in transition contexts. On the one hand, a media context that is less dominated by commercial concerns and perhaps less structured may allow for more permissive reporting. Journalists can therefore facilitate open and public deliberations about the issue of political violence. On the other hand, such open dialogue may be seen by some to contribute to a normalization of violence or the legitimization of grievances that justify violent extremism. Balancing these concerns will depend on knowledge of and sensitivity to the context where the journalist is working, and also demands a careful application of a journalistic code of ethics and professional standards in the newsroom.

Key issues for reporting on violent extremism

Protecting human rights: The climate of fear that violent extremism creates, together with the threat violent extremists pose to the state, have served as justification for the expansion of powers of the security sector, including, for example, new powers of surveillance, investigation, and detention, as well as the development of more deadly capacities and tactics that could be dangerous for the population.

While responding to the legitimate threat posed by violent extremist may require adaptations in legal and operational frameworks for the security sector, these changes must still respect and protect the human rights of both the public and those individuals suspected or found guilty of extremist charges. Security policies that do not meet these criteria are dangerous to the public, to human rights, to the rule of law, and democratic governance. Moreover, they are also counter-productive in operational terms because they can feed extremist narratives of grievance about state abuse and mistreatment becoming a tool for extremist mobilization and recruitment. Reporting on the details of security policies intended to respond to violent extremism is an essential way for the public to become informed of the extent of such changes and to assess whether they have gone too far.

→ **Journalists can ask:**

- ✓ What changes have been made to security policies, strategies, and operations in the name of countering or preventing violent extremism?
- ✓ What new approaches, tactics, equipment, technologies are being used to respond to violent extremism?
- ✓ What international or regional alliances are relevant in the state's response to violent extremism?
- ✓ What mechanisms for cooperation are in place within security sector institutions, among them, and with their international or regional counterparts?
- ✓ How are fundamental rights affected by these changes?
- ✓ What mechanisms for complaint or sanction are in place in the event of abuse?
- ✓ What alternative interpretations of security policies and their effects on legal rights are available among expert legal opinions and civil society?
- ✓ What evidence is there of abuse?
- ✓ How have perpetrators been held accountable for their crimes?

Defending rights to freedom of opinion: From the point of view of democracy and international law, the security sector has a fundamental obligation to defend protections of freedom of expression. This also applies to other civil and political rights that might put a person's opinions at odds with state policies or society at large. Yet the threat of violent extremism has sometimes led security institutions to work against this obligation. For example, security institutions have targeted particular members of the public suspected of extremist activities or susceptibility to radicalization based on identity traits instead of credible evidence. This so-called "profiling" is based on characteristics such as age, gender, religion and ethnicity, among others. To ensure that efforts to control violent extremism do not lead to the development of invasive, arbitrary, and discriminatory systems of state surveillance and policing, legal provisions need to establish who the security sector may reasonably target and under what conditions. A system of judicial authority to oversee permissions and the correct application of the law is necessary, as well as parliamentary and independent oversight of potentially invasive policies.

→ **Journalists can ask:**

- ✓ How is privacy legally protected in cases of suspected radicalization or extremism?
- ✓ How are suspects identified and what framework is in place to monitor judicial permissions to investigate? For example, permission for surveillance, searches, or seizures of property etc.?
- ✓ What processes for recourse exist and how well are they working?
- ✓ What are the views and experiences of people who may have been targeted as extremists, including inclusive reporting on the grievances against the state?
- ✓ What opposing views on the application of new powers are available among civil society and independent oversight bodies, such as national human rights commissions?
- ✓ What does the history, motivation, social and political background of extremist groups reveal about them?
- ✓ What is the impact of state responses to violent extremism on the communities most directly affected as well as society more generally?

Avoiding politicization of the security sector: In some contexts, politicians or leaders at sub-national levels may have exaggerated or manipulated the threat posed by violent extremists to win support for unrelated political causes. The politicization of the threat of violent extremism can also politicize the security sector by creating a legal pretense on which governments can order security sector actors to adopt policies, conduct operations, target certain groups or curtail particular legitimate rights (such as freedom of expression or the right to peaceful demonstration). A sound system of security policy-making should ensure that the potential expansion of powers within the security sector is coherent with the fundamental principles of rule of law and human rights, that changes are approved by parliaments and judicial authorities, and, that new powers are subject to their oversight authority. Changes should also provide adequate transparency and accountability through complaints mechanisms.

→ **Journalists can ask:**

- ✓ How do the process of expanding the powers of the security sector works?
- ✓ Are decisions about the expansion of powers made inclusively, so that the views of all those who might be potentially affected are adequately considered?
- ✓ How is the exercise of new powers overseen by parliament, the courts and independent oversight bodies?
- ✓ Are all the relevant security sector actors transparent enough in their use of new powers so that abuse could be identified?
- ✓ Do media, civil society and the public at large have sufficient information about what the security sector is doing?
- ✓ Could investigations reveal cases of potential abuse or mismanagement that might indicate potential political abuse of power?
- ✓ What does inclusive public discussion of threats and responses reveal about changes or the use of new powers?
- ✓ Is there evidence to verify, or sound reason to doubt, government claims about responses to violent extremism (e.g. those provided through strategic communication and press releases)?

Box 10 Practical example: “Saudi Arabia using terrorism tribunal to silence critics: Amnesty”

In 2020, Aljazeera reported on the findings of an Amnesty International report, which argues that judicial processes established to counter violent extremism have become politicized and are being misused for political reasons. The story stated: “Saudi Arabia has used a terrorism tribunal as a political tool to silence critics and rights defenders, despite reforms introduced by the kingdom in recent years, a new report has found. The human rights watchdog Amnesty International concluded in its report published on Thursday that the Specialized Criminal Court (SCC) in Riyadh was being routinely used to silence dissent and criticism in the kingdom.”

This example shows how journalists can draw attention to issues of politicization and the expansion of new powers for the security sector (including the court system) by highlighting analysis from credible independent sources.

Source: “Saudi Arabia using terrorism tribunal to silence critics: Amnesty”, February 2020, <https://www.aljazeera.com/news/2020/2/6/saudi-arabia-using-terrorism-tribunal-to-silence-critics-amnesty>

Further resources on security sector approaches to violent extremism:

- Countering violent extremism through media and communication strategies: A review of the evidence, by Kate Ferguson. Available at: <https://gsdrc.org/document-library/countering-violent-extremism-through-media-and-communication-strategies-a-review-of-the-evidence/>
- Preventing Violent Extremism While Promoting Human Rights: Toward a Clarified UN Approach, by IPI. Available at: https://www.ipinst.org/wp-content/uploads/2019/07/1907_PVE-While-Promoting-Human-Rights.pdf
- Gender, Preventing Violent Extremism and Countering Terrorism, by DCAF. Available at: https://www.dcaf.ch/sites/default/files/publications/documents/GSPolicyBrief_3%20EN%20FINAL_0.pdf
- The Role of Civil Society in Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism, By the Organization for Security and Co-operation in Europe. Available at: https://www.osce.org/files/f/documents/2/2/400241_1.pdf



Image: Photographers and members of the media covering the terrorist attack at the Taj hotel in Mumbai on 28 November © Reuters/Desmond Boylan.

2. Organized Crime and the Drugs Trade

Key definitions: why organized crime and the drugs trade are important security sector issues?

Organized crime refers to criminal networks involved in illegal activities for profit, including the illegal trade in drugs, people, arms, or environmental commodities, among others. It is a global problem, often transnational in nature, that causes corruption and fuels violence which undermines public safety and, in some cases, national security. Transnational organized crime also threatens economic stability and can cause significant damage both to, and through, the world financial system as a result of diversion, distortion and exploitation in legitimate markets and regulatory regimes. Organized crime groups—and in particular those involved in the drugs trade—can grow powerful enough to infiltrate and control politics or to confront state security forces with direct violence. Organized crime and the drugs trade are often associated with gangs, which can be violent and undermine public safety, especially in cities, and national security through armed conflict. In all of these cases, an effective security sector is necessary for a state to be able to provide public safety and national security in the face of powerful armed criminal actors. However, the security sector can only be considered effective in its fight against organized crime and the drugs trade if it acts within the rule of law and protects human rights in the process of providing security. Yet in many countries, security providers fail at this goal and themselves become a danger to the public and their safety. Because of the threat posed by organized crime and drugs, states may take aggressive action to try to curtail both: what are sometimes called militarized or securitized approaches, mano dura policies, or a war on drugs. This can take the form of domestic security policies that may use force inappropriately, or apply policies that result in high levels of arrest and incarceration. At the same time, organized crime and drugs trade are by their nature a transnational issue, which some states try to address by sponsoring aggressive security policies in countries where they believe the problem originates. This can distort domestic safety and security policies in favor of force structures, operational priorities, tactics and weapons that might not be appropriate for the context or align with national security priorities and oversight capacities. These risks and tradeoffs need to be taken into account when governments develop policies to confront the challenges of organized crime and the drugs trade.

Why security sector reporting on organized crime and the drugs trade is important

Reporting about the security sector is essential to informing the public of the complexities of public policy choices about how to face the threat of organized crime and the drugs trade. There is a critical balance to be struck in describing the threat that organized crime and the drugs trade pose, against the negative consequences of overly aggressive and violent security policies. For example, aggressive use of force against organized criminal gangs in some contexts has resulted in violence and marginalization of the communities these criminal actors exploit for their activities. Moreover, heavy-handed security policies targeting the drugs trade has in some cases led to disproportionately high rates of incarceration and social dislocation, when a public health strategy might have been more successful. In the face of intimidating rates of violence and crime, public reactions often tend quickly to move towards these types of hardline and punitive approaches because they are perceived to have a deterrent effect. Reporting that emphasizes the security threats of organized crime and the drugs trade without explaining the dangers of aggressive security policies can skew public opinion in favor of aggressive policies that may ultimately be harmful to public safety and national security. Indeed, some security sector authorities actively seek the support of media and journalists to build support for such narratives. While it is not the role of journalists to argue for or against particular security policies, an independent analysis of a particular approach can help the public better understand the policy choices available. Journalists can report on how the security sector is protecting human rights and respecting rule of law in

their policies to curtail organized crime and the drugs trade both at home and abroad. While clearly within the public interest, such reporting can be especially dangerous for journalists because it can threaten organized crime interests that may have infiltrated government or the security sector. Journalists working on this type of reporting must therefore be especially attentive to their safety and those of their sources.

Key issues for reporting on organized crime and the drugs trade

A law-and-order issue or a health issue? A common approach for countering the drugs trade is to introduce harsh penalties for drug users. Since drug use in almost all countries is both illegal and criminal, security policies intended to curtail drug use are often based on law enforcement approaches that emphasize harsh penalties for possession and personal use of drugs and often result in high rates of incarceration. These policies can have serious detrimental effects by burdening court and prison systems and creating dislocation in the lives of people who are otherwise not involved in criminal activity. Since imprisonment in most places is correlated with reoffending and high rates of drug use and addiction, so-called law and order policies may exacerbate the problem they aim to solve. For these reasons, alternative approaches have sought to treat drug use and addiction as health and rehabilitation challenges while focusing law enforcement efforts on the organized crime elements supporting the drugs trade.

→ Journalists can ask:

- ✓ What are the experiences of different communities facing threats from organized crime and the drugs trade?
- ✓ What approach to countering the trade and use of drugs is the security sector currently applying?
- ✓ Is there evidence that these policies are counter-productive for victims, affected communities, or the security sector itself?
- ✓ What knock-on effects are current approaches having in court and prison systems?
- ✓ How do security policies intended to combat organized crime and the drugs trade affect potential victims of the trade and their communities?
- ✓ How are current security policies serving the interests of the communities most affected?
- ✓ Are public health approaches combined appropriately with security measures to counter the demand for drugs and illegal demand?

Appropriate use of force? Security policies to fight organized crime and the drugs trade have in many cases led to aggressive use of force. In some cases, this has meant that military forces have been deployed for domestic security operations, or police forces – and even private security personnel – have been equipped with tactics and weapons capabilities usually typical of the military. With insufficient control or accountability, these policies have sometimes resulted in security forces using excessive force which at times has proven deadly. Special units created to tackle organized, and especially violent, crime also have a troubled record of forming unaccountable internal cultures that encourage abuse. Political leaders under pressure to appear “tough on crime” have at times encouraged or promoted aggressive use of force against perceived criminal elements. This can create an atmosphere where abuses by the security forces are tolerated or condoned because they are seen to have tacit political support. At a minimum, human rights and rule of law, as well as the lives and well-being of the public, need to be protected by legal frameworks and institutional policies that carefully and clearly restrict the use of force in law enforcement operations. Training and internal control within the security sector must be focused on preventing abuse. Oversight mechanisms must be in place to ensure these rules are observed and that abuses are identified and punished.

→ Journalists can ask:

- ✓ Are security forces being deployed within the limits of the legal mandates in domestic operations?
- ✓ Does clear guidance or rules of engagement for the use of force in the context of such operations exist for every force?
- ✓ Are current policies on the use of force aligned with international standards?
- ✓ Is respect for rules and regulations within the force clearly demonstrated by leadership within security institutions?
- ✓ Are political authorities clear and vocal in their support for security tactics that respect the rule of law and human rights, even at the risk of appearing “soft on crime”?

Box 11 Practical example: “How the Duterte government underreports drug war killings”

In the Philippines, President Duterte was elected on a platform of a hardline “War on Drugs”, which reflected the aggressive campaign he had led as the mayor of a major city. With political support at the highest level for aggressive tactics, law enforcement began an increasingly violent crackdown that resulted in a large number of extra-judicial killings and other abuses by law enforcement. An in-depth 3-month investigation on the police killing of drug suspects by local journalists brought to light the breadth and systematic character of these extrajudicial killings. The Duterte government reacted negatively to the accusations and evidence presented in the investigation, mounting various prosecutions against the media outlet responsible for the reporting and personally against its chief editor, Maria Ressa. This example demonstrates how reporting on security sector responses to the drugs trade can play a vital role in uncovering and drawing public attention (both nationally and internationally) to vital matters of human rights abuse and rule of law related to abusive law enforcement. At the same time, it also shows how a government may choose to violate these principles in its security policies and suppress reporting on the same subject.

Sources: Rambo Talabong, “How the Duterte government underreports drug war killings”, September 2020, <https://www.rappler.com/newsbreak/in-depth/how-duterte-government-underreports-drug-war-killings>;

“Philippines’ Duterte: from war on drugs to war on media?”, Januray 2018, <https://www.scmp.com/week-asia/politics/article/2129536/philippines-duterte-war-drugs-war-media>;

James Griffiths, “Philippines journalist Maria Ressa found guilty of ‘cyber libel’ in latest blow to free press CNN Digital Expansion 2017”, June 2020, <https://edition.cnn.com/2020/06/14/asia/maria-ressa-philippines-cyber-libel-intl-hnk/index.html>

Serving the national interest? Organized crime and the drugs trade are often part of international networks. Consequently, the failure to address the problem in one place can contribute to security threats in faraway places especially in fragile contexts where security sector capacity overall may be weaker. For this reason, the development of security sector capacities to fight organized crime and the drugs trade is often sponsored by international actors who have a vested interest in stemming the trade in drugs or activities of organized crime. Support for this type of capacity building may dwarf the development of other, more relevant security capacities at the national level, and there is rarely sufficient attention paid to developing the management and oversight processes to ensure the protection of human rights, rule of law, and alignment with national security priorities. Internal and regional cooperation agreements or organizations might be involved in shaping how countries of origin, transit or destination shape their security responses to organized crime and the drugs trade (as well as other types of illicit trade).

→ **Journalists can ask:**

- ✓ What role does international support play in sponsoring domestic security policies and capacity development for countering organized crime and the drugs trade?
- ✓ How are these priorities defined and do they reflect the national context and security priorities well?
- ✓ How are funds provided for security sector capacity building used?
- ✓ What can investigations of programs, budgets and progress reports from source countries reveal about this type of assistance?
- ✓ What international or regional agreements, alliances or organization influence this kind of support?

Box 12 Practical example: “Has Plan Colombia really worked?”

In 2016, the BBC reported on a meeting between US President Barack Obama and Colombian President Juan Manuel Santos that was to mark 15 year of US assistance to Colombia in responding to its internal problem with drug trafficking. Known as Plan Colombia, this assistance aimed to end the trade in drugs and reduce violence related to it, in the context of Colombia's ongoing internal conflict. Plan Colombia heavily emphasized the training and equipping of Colombian police and military forces, with more two thirds of the funding supplied going directly to these objectives. The success of Plan Colombia is defended by both the US and Colombian authorities yet widely disputed in other quarters. The report presents eight unexpected consequences linked to the plan, together with both positive and negative views on each. This is an example of how security sector reporting can inform the public of efforts by one country to end the drugs trade in another and the unintended consequences for the security sector, public safety, and national security of countries that accept such assistance.

Sources: Natalio Cosoy, “Has Plan Colombia really worked?”, BBC News, Colombia, February 2016, <https://www.bbc.com/news/world-latin-america-35491504>

Further resources on security sector approaches to organized crime and the drugs trade:

- Organised crime, corruption, and the vulnerability of defence and security forces, by Transparency International. Available at: http://ti-defence.org/wp-content/uploads/2016/03/1112_OrganizedCrime_Report.pdf
- Organized crime and gang violence in national and international law, by Pierre Hauck and Sven Peterke. International Review of the Red Cross. Available at: <https://www.icrc.org/en/doc/assets/files/other/irrc-878-hauck-peterke.pdf>
- Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, by Amnesty International. Available at: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>
- Regulating the Use of Force by Private Security Providers – A Guidance Tool for States, by DCAF. Available at <https://www.dcaf.ch/regulating-use-force-private-security-providers-guidance-tool-states>

3. Corruption and Financial Mismanagement

Key definitions: why corruption and financial mismanagement are important security issues?

A state invests large amounts of public resources in its security and it is a matter of public accountability and professional administration for the government and the security services to be able to show that public resources are being used in the most efficient way possible to achieve policy goals for national security and public safety. Yet the security sector also tends to invite high levels of mismanagement and even corruption.

The colossal sums involved in procurement and the (sometimes) legitimate veil of secrecy behind which some parts of the security sector must operate can create opportunities for unscrupulous officials to hide crimes and corruption. The large sums of money often involved as well in security sector management can create temptation at the highest levels, while insufficient rates of pay may make petty corruption a necessary means of survival for rank and file members of security forces. Corruption comes in many forms in the security sector: for example, risks of corruption exist in decisions over personnel, procurement, finance and operations where resources are to be distributed. There is also a risk that corruption can influence higher level political decisions over strategy and policy, when private sector or political interests lobby for a particular choice because of opportunities for personal gain that might result, instead of the national interest.

Besides corruption, serious mismanagement of public resources can result from poor policymaking and management within the security sector, if personnel do not have the requisite level of training and resources to perform competently in their role. The challenging and technical nature of security sector management means there may be a shortage of competent civilian and security personnel to ensure competent decisions and administration of resources.

The consequences of corruption and financial mismanagement are grave. Over time poor financial management will leave the security sector ill-equipped and unprepared to respond to threats against public safety and national security. Mismanagement and corruption also sap morale within the ranks, which undermines their effectiveness. It also undermines public confidence in the work of the security sector, which makes it more difficult to secure their cooperation from the public. Perceptions of corruption and financial mismanagement in the security sector's use of public resources can also become a driver of political stability and violent conflict.

Why corruption and financial mismanagement matter for security sector reporting

Reporting on corruption and financial mismanagement matters to security because the public has a right to know whether their resources are being used efficiently for the purposes intended. Journalists can provide critical and independent analysis and information on how public funds are being used for public safety and national security in a way that holds public authorities responsible for their stewardship of public resources, reveals abuse, and ultimately enhances public awareness of problems to be solved. Security sector reporting that covers corruption and financial mismanagement is an important source of information on this issue for the public and one that can create pressure on democratic governments to improve their financial management of the security sector.

At the same time, investigating financial crimes and corruption can be dangerous for journalists: Transparency International found that one in five journalists die while investigating corruption, and those countries with the highest rates of corruption tend also to be those guaranteeing the least protections for journalists and press freedom. Although

journalists need to be especially mindful of safety and security while investigating corruption, the fact that this kind of reporting is dangerous reveals the failures of the security sector to perform effectively since the security sector ought to be a source of protection for journalists and not a source of danger. Corruption and financial mismanagement are often the root causes of security sector dysfunction and the main means of leverage by which political, commercial or criminal interest can influence security actors. Security sector personnel who take pride in their profession share an interest with journalists working to reveal corruption and mismanagement in a way that can ultimately lead to improvements in how the security sector works.

Key issues for reporting on the security dimensions of corruption and financial mismanagement

Competent public financial management of security? Strong legal and policy frameworks, as well as a high level of training and technical competence, is required to make efficient decisions about financial management, administration, operations, procurement, and capital investment across the security sector: Ministries or departments responsible for managing security services as well as ministries or departments of finance may not have sufficient levels of competence to get the job done well. At the same time, a clear understanding of the principles of budget allocation, review, monitoring and audits is essential within parliaments and independent audit authorities to ensure they can provide the security sector with the oversight it needs to perform effectively. Because of these challenges what looks like corruption may be incompetent financial management.

→ Journalists can ask:

- ✓ What procedures does government have in place for planning and reviewing security sector spending (for example, results-oriented budgeting)?
- ✓ Do budget priorities reflect the security priorities set out in national security policies?
- ✓ How does the national allocation of spending on security compare to international or regional averages? (e.g., more or less than 2% GDP spent on defense, proportion of the public sector payroll employed in security services, etc.).
- ✓ What do expert assessments (from academics, civil society, audit institutions for example) suggest about the efficiency of security budgeting processes and the competence of security sector financial management?
- ✓ What open-source information on public sector budgets for security or security-related spending (such as arms sales)?
- ✓ What legal obligations must the security sector respect in managing public resources and are these competently applied and respected?

Effective legal framework for financial accountability? Accountability for use of public resources in the security sector depends on a coherent and effective legal framework to govern the management of public finances and to make sure laws cover all functions and aspects of the security sector. Parliaments need to provide laws that set out clear rules of the management of public funds, including their provisions for accountability and transparency in how budgets for security are made and spent both for and within security institutions. Laws need to dictate the specific financial oversight functions relevant for each ministry responsible for security. Audit institutions, such as an auditor general or a government accountability office, must have the legal power to assess and audit the financial management of the security sector. All of these frameworks should include anti-corruption measures. Parliaments should also have final approval over budgets for the security sector that are prepared and proposed by executive authorities so that the use of public funds according to the budget is backed by the law.

→ **Journalists can ask:**

- ✓ Has parliament ensured that effective financial administration laws are in place?
- ✓ Are parliaments using their powers to provide effective oversight through budget approvals and reviews?
- ✓ What procedures and standards have been built up within each security institution to promote integrity and punish corruption?
- ✓ What have parliaments, audit authorities, and civil society, been doing to track corruption or financial mismanagement in the security sector?
- ✓ Are governments living up to their promises related to security sector spending?
- ✓ What official audit reports are available on security spending (including historically)?
- ✓ What changes in patterns of spending on security or mechanisms of control are evident? If there has been no change, why?

Integrity, prevention and impunity? Implementing laws to prevent corruption and build integrity within the security sector requires security institutions to take a proactive approach to manage the problem within their ranks. This will involve developing institutional policies for prevention based on integrity education and codes of conduct for personnel as well as specific policy instruments to prevent corruption (e.g. declarations of assets for senior officials) and guarantee that sanctions will be enforced (e.g. whistleblower protections, independent complaints authorities). Such measures depend on political support at the highest levels.

→ **Journalists can ask:**

- ✓ Is there strong support (both political and material) for financial integrity at every level of security sector management and among political authorities?
- ✓ Have security institutions conducted internal integrity assessments? If not, why not? And if so, are they publicly available (and if not, why not)?
- ✓ What anti-corruption policies are in place (including institutional checks, transparency measures, whistleblower protections and personnel training)?
- ✓ What channels are available to report instances of suspected corruption?
- ✓ How are suspected cases of corruption or mismanagement investigated and eventually prosecuted or sanctioned?
- ✓ What is the government or security sector's record in prosecuting personnel or authorities accused of corruption?

Box 13 Practical example: “Ex-servicemen’s group lauds PAC probe into Defence Ministry” deals.

In Malaysia, the decision of Parliament’s Public Accounts Committee to investigate certain financial decisions made by the Ministry of Defence became a subject of news coverage. The deals at the center of the parliamentary investigation covered decisions by the Ministry of Defence to sell off large amounts of land belonging to the armed forces. Reporting included the perspective of a civil society organization with a strong interest in the matter and knowledge of the investigation, and linked this issue to larger questions of the probity of defence purchasing processes. This example shows how security sector reporting can inform the public on the integrity of the use of public resources as well as the essential oversight roles of parliamentary committees and credible civil society organizations.

Sources: Sharin Aizat Noorshahrizam, Ex-servicemen’s group lauds PAC probe into Defence Ministry deals”, November 2020, <https://www.malaymail.com/news/malaysia/2020/11/19/ex-servicemens-group-lauds-pac-probe-into-defence-ministry-deals/1924102>

Further resources on corruption and mismanagement in the security sector:

- Guidebook: Strengthening Financial Oversight in the Security Sector by Nicolas Masson, Lena Andersson and Mohammed Salah Aldin, DCAF. Available at: https://www.dcaf.ch/sites/default/files/publications/documents/Financial_oversight_English_full.pdf
- Defence and Security Programme's Handbook, Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms, by Transparency International. Available at: <https://www.transparency.org/en/publications/2012-handbook-building-integrity-english>
- Reporting on Corruption: A Resource Tool for Governments and Journalists, by UNODC. Available at: https://www.unodc.org/documents/corruption/Publications/2013/Resource_Tool_for_Governments_and_Journalists_COSP5_ebook.pdf
- Training Manual: Reporting on Court Processes Pertaining to Corruption and on Investigative Journalism, by Council of Europe. Available at: <https://rm.coe.int/training-manual-reporting-on-corruption-investigative-journalism-en/16807823b4>



Image: Members of the press and the Bolivarian National Guard, pictured outside the Federal Legislative Palace, in Caracas, on May 15, 2019 © AFP/Ronaldo Schemidt.

4. Gender and Diversity

Key definitions: why gender and diversity are important security issues?

Sex refers to whether a person is born as a male, female or intersex. Gender is about the social, political and cultural expectations placed on people to behave in a way that corresponds with their sex (for example, to behave in a way that is masculine or feminine). Sex is determined by biology and can only be changed by medical intervention. Gender is a social identity that changes with the expectations of the individual and the society they are part of. Together with other social traits, like age ethnicity, religion, sexual orientation, and level of wealth, gender shapes both the causes and consequences of violence and insecurity. Security services cannot provide security and protection for all of the population unless they understand the different security threats that people face because of their diverse identities. Gender is an especially relevant category for public safety and national security because women and people of lesbian, gay, bisexual, or transgender identities have been historically excluded and targeted with violence because of their gender (gender-based violence). Reflecting the security needs of a diverse population is important for security services as a matter of fairness, because the security needs of all citizens should be met without discrimination. Fairness also means that all people should have access to the opportunity to serve in the security services if they can prove they meet merit-based criteria. Diversity within the security sector also improves its effectiveness by including in the ranks security personnel who better understand the different security threats that people may face because of their gender or other aspect of their identity.

Why gender and diversity matter for security sector reporting?

Reporting on the security sector helps shape social expectations about what they can and should expect from an essential public service. When journalists ask questions about how issues of gender and diversity affect security provision, this provides a basis for the public to expect higher standards of service that meet the needs of all of the population, regardless of their gender or other identity markers. Journalists have a responsibility to avoid potentially harmful stereotypes that can affect attitudes both among the public and within the security services themselves. For example, the belief that security provision is not an issue or a profession for women, or that marital or family status (number of children) should shape conditions of service. Reporting that focuses on or features women or minorities making an active contribution in their field can have an empowering effect that promotes greater inclusion and diversity.

Key issues for reporting on the security dimensions of gender and diversity

Equality before the law? Laws both reflect and shape the societies they are made in. Stereotypes based on gender and other kinds of identity are sometimes written into laws that affect security, for example, when the law makes assumptions about the rights of some people over others (e.g., a husband cannot rape his wife, a father cannot have primary custody of his children, a person must live in accordance with the sex/gender assigned to them at birth, certain ethnicities have legal rights that others do not). The idea that gender identity or any other kind of identity, shapes which laws apply to some people and not others goes against the principle that all individuals should be equal before the law and judged accordingly. Sometimes, the law itself may be problematic, either because it perpetuates or fails to protect people from gender-based discrimination (among other kinds) or because not all laws are aligned with fundamental protections on rights. For example, laws that discriminate against women may continue in force even though equal treatment before the law is guaranteed under a constitution. Sometimes the principle of equal treatment may be well established under the law but not applied in practice because of the implicit bias of people involved in law enforcement and the justice system.

→ **Journalists can ask:**

- ✓ Are the rights of people of all genders and identities equally reflected in law and respected in court proceedings and judgments?
- ✓ What do court and sentencing records reveal about the protection of rights to equality and respect for diversity? Are there patterns in the treatment of certain groups?
- ✓ What have been the experiences of people of diverse identities who have been through court proceedings? How do they differ from what the law proscribes or what might be otherwise expected?
- ✓ Do attitudes held among court and law enforcement officials reflect a respect for diversity?
- ✓ What funds are allocated to promoting gender equality and improving access to justice and equal representation?
- ✓ What measures would be in order to ensure the justice system and the security sector could integrate a gender perspective into their work and better promote gender equality?

Equal protection for all? Diversity in the security sector is also a matter of effectiveness as well as fairness because a security service fails to fulfill its primary mission if it cannot provide security equally for all members of the public no matter the differences in their identities. To ensure they can meet this goal, security services need to ask how their policies, operations and standing procedures affect people of different identities and genders to identify specific needs (this is called gender mainstreaming or applying a gender lens). For example, knowing that women are more likely than men to face violence in the home and reporting rates are low, law enforcement authorities should ask what procedures are in place to address women's specific needs in such situations.

→ **Journalists can ask:**

- ✓ Are security services considering the needs of all members of the population fully and equally?
- ✓ What policies are in place to ensure that the needs of diverse members of the public are being met, and in particular how the specific needs of all men, women, boys and girls are identified and addressed?
- ✓ What statistics around complaints, crimes, victimization or incident reports are disaggregated by age, sex or other identity factors, and what patterns emerge from such data?
- ✓ Are justice and security institutions tracking their progress towards more gender-responsive practice and policies? If so, how and are these reports available? If not, why not?
- ✓ Is there evidence of systematic patterns of neglect, harassment or abuse among security forces and certain groups? (e.g., based on witness testimony, incident reports, or complaints, etc.)
- ✓ Are investigative procedures and facilities adapted to meet the different needs of people of every gender or identity?
- ✓ Which special measures are taken to support gender- or identity-specific needs of victims/survivors before, during, and after court proceedings?
- ✓ Are there patterns in outcomes of charges, prosecutions, or outcomes for certain types of cases (or cases involving certain types of complainants or defendants)?
- ✓ Do certain types of crimes have particularly high attrition or low conviction rates?

Representation and meaningful participation in security policymaking and service provision? Decisions about security—from the policy level to the operational level and across all services—are better made when a diversity of views have been considered. Ensuring that people of every gender and diverse identities have the chance to participate meaningfully in decision-making about security, improves the effectiveness of security services as well as their management and oversight. Around the world, security sectors are overwhelmingly dominated by men, yet recruiting from a larger pool of talent that does not exclude women or other people based on identity strengthens security by including people whose background or identity gives them the ability to recognize issues, propose solutions or perform tasks that others cannot. Moreover, security sector personnel have themselves come to pose a significant danger of sexual abuses especially against women and children. While increasing diversity within the ranks of the security sector is not enough to solve this problem, it can present security institutions developing abusive sub-cultures that condone or even encourage gender-based violence.

→ **Journalists can ask:**

- ✓ How are people of diverse identities and genders represented in security policymaking, and the security services?
- ✓ What measures are in place to promote diverse recruitment, career development and promotion?
- ✓ Are minimum standards fairly weighted to promote inclusivity?
- ✓ What policies do institutions have in place to meet the needs of diverse personnel? (e.g., separate quarters/bathrooms, uniforms that fit, family care policies, appropriate measures for different religions, anti-harassment/discrimination policies)
- ✓ Do people of all identities and in particular women have access to all career paths equally within the security sector?
- ✓ What action is the security sector taking to counter negative organizational cultures and attitudes?
- ✓ How are commitments to diversity reflected in budget priorities?
- ✓ What changes have been made to institutional policies for diversity and how have their impacts been tracked?

Further resources on gender and diversity in the security sector:

- Gender and Security Toolkit, by DCAF, OSCE/ODIHR, UN Women. Available at: <https://www.dcaf.ch/gender-and-security-toolkit>
- Gender and Diversity Hub. Available at: <https://www.gdhub.ch/resources>
- Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel, by DCAF/OSCE. Available at: <https://www.osce.org/odihr/31393>

Box 14 Practical example: “Investigations launched against police and military for sexual abuse of minors”

In June 2020, soldiers from the Colombian army gang raped a young indigenous girl. Under sustained media scrutiny following the revelation of this abuse in July 2020, the Colombian Army Commander General Eduardo Zapatero was forced to publicly admit that since 2016 some 118 incidents of sexual violence against minors have been or are still being investigated. In response the Colombian deputy attorney general Martha Janeth Mancera, announced the creation of a working group aiming to develop guidelines on the rights, guarantees, and protection of minors and women to ensure less gender-based violence both in the army and the police. This example demonstrates how security sector reporting can hold security services responsible for their failures to provide security for women and girls of all identities, and to inform the public on the need for reform that will meet this objective. Similar examples of reporting about sexual abuses by security sector personnel in Uganda and the Democratic Republic of Congo have also led to investigations and reforms.

Sources: “Investigan 12 casos de violencia sexual contra niñas indígenas de Colombia”, July 2020, <https://www.dw.com/es/investigan-12-casos-de-violencia-sexual-contra-ni%C3%B1as-ind%C3%ADgenas-de-colombia/a-54056840>;

“Van 288 policías y militares investigados por abuso sexual a menores”, October 2020, <https://www.eltiempo.com/politica/congreso/abuso-sexual-de-menores-cifras-de-militares-investigados-por-violacion-544080>

“Ugandan soldiers accused of rape and assault to face court martial”, June 2017, <https://www.theguardian.com/global-development/2017/jun/06/ugandan-soldiers-accused-of-rape-and-assault-to-face-court-martial-human-rights-watch-report>

“UN report confirms nearly 200 women and girls raped by Congolese troops, rebels”, May 2013, <https://news.un.org/en/story/2013/05/439112-un-report-confirms-nearly-200-women-and-girls-raped-congolese-troops-rebels>



Image: Actress and Activist Comments on Violence against Afghan Women. Kabul, Afghanistan, 2009 © UN Photo/Fardin Waezi.

5. Stabilization and Security Sector Reform

Key definitions: why stabilization and Security Sector Reform are important security issues?

In societies that have experienced armed violence or war, international assistance to help restore peaceful political processes and the state's capacity to govern are known as 'stabilization'. These efforts can stretch across a spectrum of activities from supporting peace processes and their implementation, capacity development for public administration and assistance to civil society, including media capacity development. Security sector reform (SSR) is an important aspect of stabilization where efforts focus on creating a security sector that provides public safety and national security with respect for democratic process, rule of law and human rights. Because security is always a sensitive issue of national sovereignty, national authorities are the only actors who can competently lead and implement an SSR process. SSR can happen in any context at the initiative of national authorities who wish to improve how the security sector works with respect to rule of law, democratic processes, and human rights, but in stabilization contexts there is often significant support for these efforts from outside sources. When international actors and national actors share the same priorities for reform, SSR can create powerful change in a relatively short time. When the vision of interests of international and national reform actors do not coincide, the result is more often slow decisions and reform programs that target technical aspects of reform, but do little to enhance respect for rule of law, democratic process or human rights. Public attitudes towards the security sector are both an essential ingredient in formulating viable SSR policies, as well as a factor in their success. Security sector reporting that can explain the stakes of various policy choices and extensive coverage of the progress and outcomes of these efforts are essential in building public expectations for higher standards of security provisions and accountability.

Why stabilization and Security Sector Reform matter for security sector reporting?

Reporting on SSR is the key means by which the public is informed of plans to reform the security sector and kept abreast of progress and results. Ensuring the public is well informed on these matters is important because the public has a right to know how resources are being used to provide an essential public service that is supposed to work in their best interests. At the same time, what the public knows or does not know about SSR is also a factor in whether or not reforms succeed. For example, in a context where petty bribery has always been a common practice among security officials, training security officials not to ask for bribes and creating institutions that prevent them from doing so, will not succeed if members of the public continue to expect to be able to gain special treatment. Similarly, ensuring that police do not beat suspects or hold them for undetermined amounts of time without charge are markers of successful police reform in favor of human rights, but they will not be popular changes in places where the public expects police to beat people who are widely believed to be guilty of a crime. **Responsible security sector reporting can and should shape public expectations of SSR processes in stabilization contexts.** At the same time, responsible security sector reporting is also the best means by which security actors, government authorities and international supporters of SSR can be held accountable for progress in reforms or failures to achieve set goals.

Key issues for reporting on stabilization and Security Sector Reform

Improving security provision, management and oversight? SSR is supposed to make security sector actors both more accountable and more effective at their work, but this can only happen if reform programs go beyond the technical aspects of security provision, such as training and new equipment, to address how security providing institutions are managed and whether they are accountable. This means that government authorities responsible for managing security institutions and for overseeing them should be included in reforms. Yet

in many cases, SSR has narrowly focused on the 'hardware' aspects of security providers without looking more broadly at the legal, political and institutional conditions of their management and oversight. The results of these reform efforts are uniformly disappointing and, in some cases, dangerous because unaccountable and poorly managed security forces equipped with better training and equipment can threaten both public safety and national security.

→ **Journalists can ask:**

- ✓ What are the plans for SSR? Are they publicly available? If not, why not?
- ✓ What effects are these initiatives expected to have, including unintended consequences?
- ✓ What efforts will be made to enhance management and oversight capacity?
- ✓ What change can the public expect to see as result of reform plans?
- ✓ How will accountability and transparency of security providers increase? If not, why not?
- ✓ What are the views of parliamentarians, independent oversight authorities and civil society—including experts and scholars—on reform plans?
- ✓ What alternative plans have been considered and why was this course chosen?
- ✓ Has planning been inclusive of difference communities and points of view?
- ✓ Has sufficient critical public discussion of reform plans taken place?
- ✓ What is the history and legacy of the security sector that needs to be addressed?
- ✓ What are the human stories behind reform plans? How have people, communities, and security sector personnel been affected by past failures and what hope do they hold for the future?
- ✓ How has the lack of reform to date affected the daily life and conditions of service in the security sector?

Clear national security policy and priorities? When SSR occurs in stabilization contexts there may be disagreements between stakeholders about the desirable course of reform. Even when all sides agree that increased accountability and effectiveness are the goals and that respect for rule of law, human rights and democratic processes must be the fundamental values, there can still be contentious decisions over priorities, approach and what to act on first. It is important that a clear national vision sets the direction for reform so that changes will be sustained over time and international support is aligned to national priorities. One way to guarantee that national priorities define the reform process is to ensure there is an inclusive and comprehensive national security policy in place, which SSR and international support can align with.

→ **Journalists can ask:**

- ✓ Is there a national security policy in place or planned?
- ✓ Has national security policy been developed through an inclusive process?
- ✓ Are reform priorities clearly defined according to national values and priorities?
- ✓ How are reform choices articulated in policy?
- ✓ Are international and national actors using resources allocated for reform efficiently?
- ✓ What information is being made available to the public about plans and progress?
- ✓ What are viable policy options and their trade-offs?

- ✓ Are there likely conflicts of interest? What measures are in place to disclose or prevent conflicts of interest?
- ✓ How do expert views and analysis from across government authorities and civil society as well as community views contrast with official positions?

Meaningful participation? SSR can only succeed when it is rooted in national security priorities, yet it is not enough for executive authorities, even democratically elected ones, to decide the course of national reform alone. Inclusive decision-making on security needs to ensure that people of diverse genders and identities are consulted in security policymaking. This means looking beyond the institutions and professionals directly involved in security provision and consulting parliamentary representatives, community representatives and working with civil society experts. Across the board, women should be meaningfully represented in policy and decision-making processes at all levels.

→ **Journalists can ask:**

- ✓ How is national security policy is being made?
- ✓ Have decision-making processes about SSR included the views of people of all genders and identities?
- ✓ Are the security needs of all men, women, girls and boys adequately reflected in plans for public safety and national security?
- ✓ Whose interests are at stake in various decisions and whose interests are best served by which policy choices?
- ✓ What views do multiple national communities, international stakeholders and security experts hold about the process?

Box 15 Practical example: “Nigeria: emplacing security sector governance”

In October 2020, following weeks of widespread popular protest against police abuses in Nigeria, a journalist for This Day, a national newspaper based in Lagos, reported on a civil society meeting that brought together “lawyers, lawmakers, activists, law enforcers and media practitioners within the security space to look critically at issues that are currently undermining human security in Nigeria”. The report covers the views of all sides including external supporters of reform, such as national government representatives and international non-governmental organizations which were present. This example demonstrates how security sector reporting focused on questions of SSR can create a space for public discussion of critical choices in public security beyond the confines of a meeting that would otherwise be restricted to interested experts.

Source: Chiemelie Ezeobi, “Nigeria: Emplacing Security Sector Governance”, October 2020, <https://allafrica.com/stories/202010260555.html>

Further resources on stabilization and security sector reform (SSR):

- SSR Backgrounder by DCAF. Available at: <https://www.dcaf.ch/resources?type=publications&id=2719>
- SSSR in a Nutshell, by ISSAT/DCAF. Available at: <https://issat.dcaf.ch/download/2970/25352/ISSAT%20LEVEL%201%20TRAINING%20MANUAL%20-%20SSR%20IN%20A%20NUTSHELL%20-%2005.3.pdf>
- International Security Sector Advisory Team online resource library. Available at: <https://issat.dcaf.ch/Learn>

6. Business, security and human rights

Key definitions: How does business affect human rights and security?

Providing security in a way that protects human rights is a key responsibility of the state, but how businesses conduct themselves also has serious consequences for the protection of human rights and security. There are three main ways in which businesses affect security and human rights: The first way is when companies seek to protect their operations by becoming clients or beneficiaries of security providers (state or non-state). The second way is when businesses are themselves security providers, for example private military or security companies (see further tip-sheet 12 about private security companies). The third way that businesses affect security and human rights is by how they manage their supply chains. For example, companies should be sure that human rights abuse by public or private security forces has not been involved in the extraction or production of the raw materials they purchase for their products or operations.

Businesses have both a responsibility and an interest in ensuring human rights are protected in how they secure their operations. This can be challenging for companies that operate in complex environments, where the need for security and protection of human rights is especially great. Holding companies accountable for their respect of human rights is also difficult when businesses operate in multiple countries and may not be based in the country where violations occur.

The security implications of business and human rights can best be seen in the extractives industry. The extraction, transport, trade and export of natural resources have often exacerbated insecurity for men and women, boys and girls in the surrounding communities. This is particularly true for women and children, who tend to bear more of the negative security impacts of extraction and are less likely to be able to participate in the benefits that reach local economies, such as job opportunities. Irresponsible business conduct can lead to adverse impacts on the communities where they operate and can undermine security of people and societies.

Why business, security, and human rights matter for security sector reporting

Journalists have an essential role to play in monitoring, investigating, and reporting on business, security and human rights concerns. Where companies are clients or beneficiaries of security services, they may not be transparent about their formal or potentially informal contractual arrangements. Investigative journalism can bring to light the nature of these service relationships and inform the public and decision-makers of their impact on human rights, public safety and national security. Journalists also have the capacity to amplify the voices of individuals or communities who are negatively affected by the security forces that companies employ.

Media can demand more transparency and accountability from businesses on their record of protecting human rights in their security arrangements. Increased and informed reporting on business, security and human rights can bolster public policy discussions on how to improve regulations and businesses' security and human rights approaches. Media coverage may be the only means to hold companies accountable for their impact on security and human rights both in their "home" countries where they are incorporated and in the "host" countries where they operate. The usefulness of this work is proven by the creation of regulations compelling companies to conduct due diligence, report on, and mitigate the human rights impacts of their operations in other countries.

Key issues for reporting on business, security and human rights

Committed to human rights? The international human rights framework first developed to address the state's duty to protect human rights while companies were not held accountable for their negative impacts on human rights. Only recently, the United Nations Guiding Principles on Business and Human Rights have developed a framework that sets out the corporate responsibility to respect human rights. In addition, the Voluntary Principles on Security and Human Rights provide guidance to companies on conducting comprehensive human rights risk assessments in their engagement with public and private security providers, and membership. Responsible businesses can ensure they are respecting human rights by ensuring that they do not relying on public or private security forces that could be involved in human rights abuses either directly in their business operations or throughout their supply chains. Journalists can verify whether businesses are living up to their responsibilities.

→ Journalists can ask:

- ✓ What human rights frameworks does the company rely on to guide its security arrangements and business operations?
- ✓ Has the company applied the guidance of the Voluntary Principles on Security and Human Rights in conducting a comprehensive human rights risk assessment?
- ✓ What has the company committed to do to ensure human rights are respected by its security providers in business operations and its supply chains? What has been done so far?
- ✓ What kind of human rights due diligence has a company undertaken?
- ✓ Has the company engaged in multistakeholder dialogue to ensure respect for norms and good practices on business, security and human rights?
- ✓ What corporate grievance mechanisms does the company have in place to address allegations of human rights abuses?
- ✓ What consultation has the company initiated on respect for human rights in its security and business arrangements? Who has been consulted (e.g. communities, government, civil society, wider private sector)?

Effective regulation and oversight? Businesses may work directly with both public and private security providers, as well as security sector management and oversight bodies. Often legal and policy frameworks, accountability mechanisms, and institutional capacities are poorly adapted to oversee how these security arrangements affect human rights, public safety and even national security. As a result, the negative impacts that some business operations have on human rights and security may go unnoticed. Ensuring that businesses are living up to their responsibilities to respect human rights involves each part of the security sector playing their role in oversight: For example, parliaments, ministries and national regulatory bodies should ensure adequate regulation is in place for both providers and clients of private security services. National judicial systems and other oversight bodies should ensure accountability of security providers and their clients. Finally, civil society organizations and communities need to be informed about their rights and the responsibilities of companies in order to be able to carry out active oversight. Journalists can hold government authorities to account for establishing an effective system of regulation and oversight.

→ Journalists can ask:

- ✓ What measures has the government taken to ensure businesses respect human rights in their security arrangements and business operations?
- ✓ What legal and national policy frameworks do businesses need to respect when employing public or private security forces?

- ✓ Are the legal and national policy frameworks for public security forces working with businesses sufficient to ensure the public and national interest is not compromised?
- ✓ What accountability mechanisms are in place to ensure that businesses and their security forces respect human rights in their security arrangements?
- ✓ Which independent public authorities are responsible for overseeing the human rights record of businesses and their security arrangements?
- ✓ How has the justice system handled cases or accusations of human rights abuses by public or private security forces employed by businesses?
- ✓ How do civil society advocates for human rights view the security arrangements of businesses?
- ✓ How do local communities see the security impacts and human rights record of businesses operating in their area?

Violating human rights? A business might be the beneficiary of the work of public security forces such as police or military active in their area of operations or with whom they have formal arrangements for protection. A business can become a client of a private security or in some cases, private military company to protect its operations. In rarer cases, a non-state armed group that controls a local area can become involved in providing security for a business. Regardless of what security arrangements a business makes, it must still ensure the security providers it chooses protect human rights. Yet often public or private security providers are implicated in alleged human rights violations committed on behalf of an arrangement to secure private corporate interests. Media coverage of these violations may be the only way to expose them and create pressure to hold those responsible accountable.

➔ **Journalists can ask:**

- ✓ What kind of security forces does a company employ? Are they public or private security forces?
- ✓ What evidence is there that these forces have been engaged in alleged human rights abuse?
- ✓ How is the company being held accountable for its failure to ensure its security forces respected human rights?
- ✓ What are the reactions of communities, government, companies and civil society to the alleged violations?
- ✓ What potential solutions to prevent future abuse are most viable?
- ✓ What changes to legislation/regulation might be necessary in response to alleged violations?
- ✓ How do possible solutions reflect the security needs of the communities concerned?
- ✓ What are the reactions of communities, government, companies and civil society to possible solutions?

Box 16 Practice example: “Petra Diamonds accused of human rights abuses in Tanzania”

The Financial Times reported allegations of “serious human rights abuses” committed by security guards at a diamond mine in Tanzania in September 2020. The security guards involved were private security contractors working to secure the mine site under the direct supervision of the mine management. The guards were accused of multiple killings, torture, degrading and inhuman treatment in a case brought before the High Court in London by a UK law firm representing 35 people who live near the mine. The mine is co-owned by a number of companies and the government of Tanzania. In response to the allegations, the main private stakeholder in the mine initiated an independent investigation by a specialist third party. The article recounts how this case was filed amidst wider allegations of killings and assault by the mine’s security forces. The article includes comments from the mining group at the center of the case, the law firm that brought the case, as well as human rights advocates knowledgeable of the issue area. This is an example of how security sector reporting can inform the public about the responsibility businesses have to ensure their own security measures do not create insecurity for others. It also demonstrates that businesses which neglect their responsibilities to protect human rights can be held accountable by the justice system even outside the country where the violations occurred.

Source: <https://www.ft.com/content/20c8c8e1-a90e-49d7-8803-cdd018f37276>

Further resources on business, security, and human rights:

- DCAF-ICRC Toolkit on Addressing Security and Human Rights Challenges in Complex Environments. Available at: <https://www.securityhumanrightshub.org/toolkit>
- Covering Extractives, An Online Guide to Reporting on Natural Resources, Natural Resource Governance Institute (NRGI). Available at: <https://coveringextractives.org/>
- Oil and Gas: A Reporter’s Handbook, Thompson Reuters Foundation. Available at: <http://www.trust.org/contentAsset/raw-data/09d41dcb-c007-4a30-84d9-8f8395d0ecdc/file>
- The Voluntary Principles on Security and Human Rights. Available at: <https://www.voluntaryprinciples.org>
- United Nations Guiding Principles on Business and Human Rights. Available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf



Image: Private security providers photographed by journalist in Indonesia, 2017 @ Ali Yahya.

Tip-Sheets for Reporting on Security Providers

7. Armed Forces

Key definitions: who are the armed forces and what makes them different from other security providers?

The “armed forces” is a collective term that refers to all the military institutions within a state that serve the purpose of self-defense. This commonly includes the army, navy, and air force, but may also include marines specialized in land-sea combat (amphibious forces), national or republican guards responsible for territorial defense or protection of the government officials, and law enforcement agencies with military status or duties, such as gendarmerie, constabularies or coast guards. Each military force is specialized in a particular kind of mission, such as land or territorial combat, air defense, fighting on water, and in some countries online or cyber warfare capabilities are being developed. What military organizations have in common is a commitment to military discipline, which means total obedience to a strict hierarchy or chain of command: the military is the only profession where a superior can order a person to endanger themselves in the course of their regular work. Militaries depend on creating a strong sense of identity among service members and creating a certain distance from civilian life and culture in order to strengthen this sense of identity and commitment. This same sense of identity can develop into institutional cultures that become abusive or detached from broader societal and national values.

Key issues for reporting on the armed forces

Who is in control? In a democracy, legitimate civilian representatives are responsible for deciding the security and defense priorities of the nation, while professionals in the armed forces and the rest of the security sector are responsible for implementing those wishes. This division of labor is known as “democratic civilian control”. Democratic civilian control can fail in several ways. In the most extreme examples, the armed forces intervene in politics and take over government by force. Even when the military does not take over government, democratic civilian control can still be endangered if any element of the security sector refuses to submit to the authority of the civilian government, tries to influence security policy in an inappropriate way, or competes with civilian oversight and management authorities for control over key decisions affecting the armed forces. Efforts by the security sector to limit democratic oversight and management are also a challenge to democratic civilian control. Cooperation and mutual respect for professional competence between civilian and military personnel is a hallmark of sound democratic civilian control.

→ **Journalists can ask:**

- ✓ How is the status of the military defined in national law and what is their relationship to civilian authority?
- ✓ How do the armed forces interact with civilian authorities?
- ✓ What do expert opinions from civilian oversight authorities, parliaments, and civil society say about the quality of civilian control?
- ✓ Where are the key policy decisions made?
- ✓ Are certain subjects avoided for fear of provoking negative responses from the military?

- ✓ Does senior leadership within the armed forces demonstrate respect for civilian authority and democratic process? (e.g., in public statements, or with respect to historical events or significant decisions that might have affected civil-military relations)
- ✓ Is the civilian Ministry or Department of Defense well-resourced and staffed with competent civilian personnel as well as military advisors?

Appropriate roles and missions? Defining the roles and missions of the armed forces is important to delegitimize military interference in politics but also to prevent confusion between the responsibilities of the armed forces and other security forces. Legitimate missions for the armed forces usually include defense of the national territory and sovereignty and tend to be focused on external threats, but armed forces may also have a role to play assisting in civil emergencies such as search and rescue, humanitarian relief, natural disasters, or backing up internal security forces when they face security threats beyond their capabilities (e.g. the police are often ill-equipped to respond to internal armed insurgencies or in some cases even gangs). When armed forces are deployed domestically, legislation should define clearly who is responsible for their command, under what circumstances they may be deployment, and what specific authorizations are required. In most cases, command over military forces would become the responsibility of the domestic authority normally responsible for civil emergency response or law enforcement.

→ **Journalists can ask:**

- ✓ Are the primary roles and missions for the armed forces defined clearly or is there room for interpretation?
- ✓ Are internal security roles defined clearly, together with circumstances, permissions and command structures for such deployments?
- ✓ What provisions are in place to protect human rights and ensure respect for rule of law during military operations and how are these overseen?
- ✓ Are there overlaps or duplications between the armed forces and other security sector institutions?
- ✓ What problems may stem from confused relationships between border authorities and domestic law enforcement? (See tip-sheets on police and border guards)
- ✓ What recourse is available for complaints (either by service personnel or members of the public) in the event of inappropriate behaviour by members of the armed forces?
- ✓ What experiences have the armed forces had in external and/or internal deployments?
- ✓ How does the public view the roles and missions of the armed forces and how might they respond to deployments?
- ✓ What do expert opinions from across government and civil society make of the roles and missions of the armed forces?

Effective training and the right equipment? Effective military forces depend on training and appropriate equipment to create a sound basis for service. All recruits go through general training for the military branch in which they will serve, and many will go on to specialize in certain functions, such as medical training, engineering, logistics, clerical duties, or special combat. Defects in the systems that provide training and equipment undermine performance and morale by putting service personnel into situations for which they may be ill-informed, ill-equipped or ill-prepared. These situations can lead to abuse of authority by military personnel including serious human rights abuses. It is the responsibility of civilian defense management authorities to ensure that military services have the resources they need to prepare adequately for the missions they have been assigned, and a system must also be in place to make sure resources provided are well used.

Box 17 Practical example: “Abuses by Nigeria’s military found to be rampant in war against Boko Haram”

In 2015 the New York Times reported on accusations of extrajudicial killings and grave human rights abuses by the Nigerian military as it waged a campaign against Boko Haram in the north of the country. The source of the accusations at the center of the story was an Amnesty International report and the article covered both the details of the accusations (which were not new) and the evidence on which the NGO based its claims. The story also covered the reaction of the government to past accusations as well as the new report, and the response from the Nigerian Ministry of Defence. This story is an example of reporting that presents details on the problematic performance and human rights record of the military in an internal security mission. It shows how a politically sensitive but important issue can be covered in a balanced way by providing context and multiple points of view drawn from a variety of sources, including civil society, defense officials and political leaders. It also shows how reporting can both inform the public of credible accusation of grave abuses and contribute to public calls for greater accountability of the military as they fulfil their mission.

Source: Adam Nossiter, “Abuses by Nigeria’s Military Found to Be Rampant in War Against Boko Haram”, June 2015, <https://www.nytimes.com/2015/06/04/world/africa/abuses-nigeria-military-boko-haram-war-report.html>

→ Journalists can ask:

- ✓ How well have service members been prepared and equipped for the missions they are asked to face?
- ✓ How is morale affected by their preparation? (e.g., are there problems with desertion as a result?)
- ✓ Is the curriculum used for training up to date and up to task? (e.g., has training been adapted to reflect changes in mission, new equipment acquisition, use of technology, and or new conditions in the field?)
- ✓ How are conditions for new recruits at military academies?
- ✓ Are personnel continually trained throughout their career?
- ✓ Is there equal access to training opportunities for personnel of all genders?
- ✓ Does training provide exposure to human rights and international humanitarian law curricula?

Box 18 Practical example: “Mali’s ill-equipped army in spotlight after coup”

The August 2020 coup in Mali by army officers brought to the forefront the need for institutional and political reforms and the fight against insecurity and impunity, and put the spotlight on conditions inside the armed forces. An AFP story reported on difficult conditions for service personnel within the military, including poor organization, lack of equipment, dangerous terms of service and poor basic conditions (for example, a lack of water in military camps). The story covers the army’s failure to perform effectively, its inappropriate mission, and accusations of corruption. It includes points of view directly from service personnel given on condition of anonymity: ‘A soldier from an elite unit, speaking to AFP on condition of anonymity, recalled a deadly ambush in the country’s center in September which killed four of his comrades when armed men on motorbikes attacked their convoy. “After that I wanted to quit the army,” he said. “But I’m still here, because there is no work. What else can I do?”. This story is an example of reporting that explains how training and equipment failures can make it impossible for the armed forces to complete an essential mission, and how these failures can ultimately undermine democratic control with dramatic results.

Source: “Mali’s ill-equipped army in spotlight after coup”, September 2020, <https://www.france24.com/en/20200906-mali-s-ill-equipped-army-in-spotlight-after-coup>



Police intervention in Schools about health measures during Covid-19 pandemic, Palestine. DCAF, Palestine, 2020.

8. Police

Key definitions: who are the police and what makes them different from other security providers?

In most places, the police are the uniformed forces responsible for public safety and law enforcement within the national territory. Often this responsibility is divided between several agencies according to geographical units (local, regional, provincial or nationwide), thematic jurisdiction (specific kinds of crimes), or administrative (control of a centralized force compared to branches that operate autonomously). Police in democracies are not usually military forces even though they do have military-style traditions including drills, elements of discipline, ranks, insignia, uniforms, and in some countries increasingly use military tactics, weapons and equipment. In some countries, some police forces may have a dual military status (gendarmerie type-forces), or the military maintains its own police force (military police) whose jurisdiction is limited to military affairs, installations and personnel. Like the military, police should fulfil their duties without political influence, yet in non-democratic political contexts, police may be subsumed within a politicized military or used as a quasi-intelligence agency for surveillance of the population

Regardless of the political context, a defining feature of policing is that police officers engage in regular contact with the public and for this reason they are sometimes known as the face of the state: public attitudes about the legitimacy or credibility of a government can fluctuate with the treatment they receive from uniformed representatives. At the same time police deal directly with the public across a range of situations, and often under difficult and stressful circumstances. Policing is an exceptionally difficult job where an officer may at any time be asked to respond to all kinds of situations which may range from offering helpful assistance to managing potentially life-threatening crises. Professional officers require skills in mediation, de-escalation, communication and use of non-lethal force when dealing with the public. The complexity of policing also makes high quality reporting on policing challenging.

Key issues for reporting on the police

Positive relationships with the public? The relationship between police and the communities they serve directly influences their ability to fulfil their mission. Police depend on positive trustful relationships with the public so that they can secure cooperation, when necessary and also information. Reports of crime from the public are the primary way that police are alerted to a crime, and can help identify and apprehend criminals. If the public does not trust the police, or fears them, the police will not have access to the information they need to do their jobs. For this reason, professional police can get to know the people of the communities in which they work and build relationships with community leaders and authority figures (for example, schools, religious institutions or community groups). Police also need to ensure they are creating trust and providing safety for all people regardless of their gender, ethnicity, religion or other identity trait.

→ Journalists can ask:

- ✓ What active measures are police taking to increase contact and communication with the public?
- ✓ Have these approaches changed? What effects are these efforts having and how are they being tracked over time?
- ✓ What makes communities or people of particular identity groups reluctant to collaborate with the police force?
- ✓ What encourages communities or people of particular identity groups to collaborate with the police force?

- ✓ What is the history of police relationship with various public groups and communities?
- ✓ Have specific incidents or histories influenced the relationship between the police and people of specific identities (e.g., gender, ethnicity, religion, etc)?
- ✓ What do police representatives have to say about building positive public relationships?
- ✓ What views do civil society groups (including traditional authorities and community leaders) have about police behavior?
- ✓ Have police been investigated by independent oversight authorities and, if so, what became of recommendations that resulted?

Protecting fundamental rights? Part of the role of the police is to guarantee public order, whether during large scale public events, or when people choose to exercise their legitimate rights to peaceful public protest. In such situations, police are required to protect the fundamental rights of the public, including the right to lawful protest, but they are also required to take action to protect the safety of crowds as well as public and private property. Such measures can involve preventing opposing groups from meeting each other, or channeling public movement away from certain areas or into others. Sometimes these tactics involve a show of force that is intended to be as intimidating as possible without becoming life-threatening, which is why police use shields and body armor, and non-lethal weapons for public order policing. In these situations, it is critical to protect the legitimate rights of the public while avoiding or defusing confrontations that can be dangerous to all concerned, especially when a confrontation with police may be part of the objective of a protest movement as a matter of political action.

→ **Journalists can ask:**

- ✓ Do police have access to appropriate guidelines and training on how to protect human rights in the course of their duties?
- ✓ Have police been provided with the necessary equipment to manage public order safely? (e.g., police who cannot protect themselves from a threatening situation may feel compelled to respond with an inappropriate level of force).
- ✓ Have adequate plans been made in advance to protect public safety in relation to specific events or conditions?
- ✓ Have existing guidelines and regulations been followed in every case?
- ✓ How are incidents of complaint or failure investigated and what action is taken as a result?
- ✓ Is there any evidence of inappropriate political influence affecting police behavior (whether through action or inaction)?
- ✓ How have protesters or crowds behaved in confrontations with police?
- ✓ Is training on appropriate behavior necessary for civil society exercising their legitimate right to protest or media covering the events?
- ✓ What precautions were taken on all sides to avoid or de-escalate confrontation and what more could have been done?
- ✓ Where confrontations have occurred, what processes exist for making complaints against police behavior?
- ✓ Does the public feel police are safe, reliable and trustworthy?
- ✓ Does the public feel police complaints mechanisms are safe, reliable and trustworthy?

Appropriate use of force? Police hold the power to deprive people of rights and even their

Box 19 Practical example: “What went wrong with The UPPs?”

In Brazil, the Globo news network decided to create a dedicated reporting capacity to cover police efforts to clear the favelas of Rio de Janeiro ahead of the Olympic Games. This reporting laid bare a litany of police abuses but also explained the challenges police faced in attempting to confront heavily armed and violent gangs. In this story (see link below) a columnist for O Globo analyses the use of Police Pacification Units (UPPs) to quell gang violence in the favelas and the need to shift to a more community focused approach. The author also raises questions about the political context of policing policies and the support police received from Brazil's military. This is an example of security sector journalism that focuses on the public service role of police, their use of force and their ability to protect fundamental rights in a democratic context.

Sources: “What Went Wrong With The UPPs?”, September 2014, <https://www.riconwatch.org/?p=17973>; “O que deu errado nas UPPs?”, September 2014, <https://oglobo.globo.com/opiniao/o-que-deu-errado-nas-upps-13821890>

lives under very specific legal circumstances, and exercising these powers with discretion and care is an essential part of professional policing. This means that there needs to be clear rules and detailed training for officers on when and how force may be used legitimately and to what degree. This is often not the case and many examples of abuse and misuse of force in policing stem from this kind of failing. In other cases, use of force by police may indicate a political or even a corrupt or criminal motive, for example, when uniformed officers are ordered by political authorities to suppress certain opponents or are bribed to misuse their authority for private gain.

→ Journalists can ask

- ✓ Is the use of force in policing adequately defined in law?
- ✓ Are national guidelines on the use of force aligned with international and regional standards, such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other relevant international norms and standards? (See Further Resources)
- ✓ Is police training transmitting these expectations to officers?
- ✓ What measures exist to hold police accountable for excessive use of force?
- ✓ What can the public know about instances of use of force, including deadly force, by the police?
- ✓ Are instances of police use of force isolated incidents occurring legitimately in the course of police duties?
- ✓ Is there a discernable pattern to the use of force (e.g., against whom, where, when, by whom)?
- ✓ What is the reaction of police hierarchy and political leadership to instances of use of force?
- ✓ Have officers been investigated or sanctioned for their actions?
- ✓ Are complaints mechanisms in place that allow for fair investigation of a case (e.g., internal review mechanisms, independent complaints authorities)?
- ✓ Are complaints mechanisms and investigators sufficiently independent both of police and of political pressure?
- ✓ What do government authorities, parliamentarians and independent oversight bodies, such as national human rights institutions and civil society activists have to say about the police use of force?

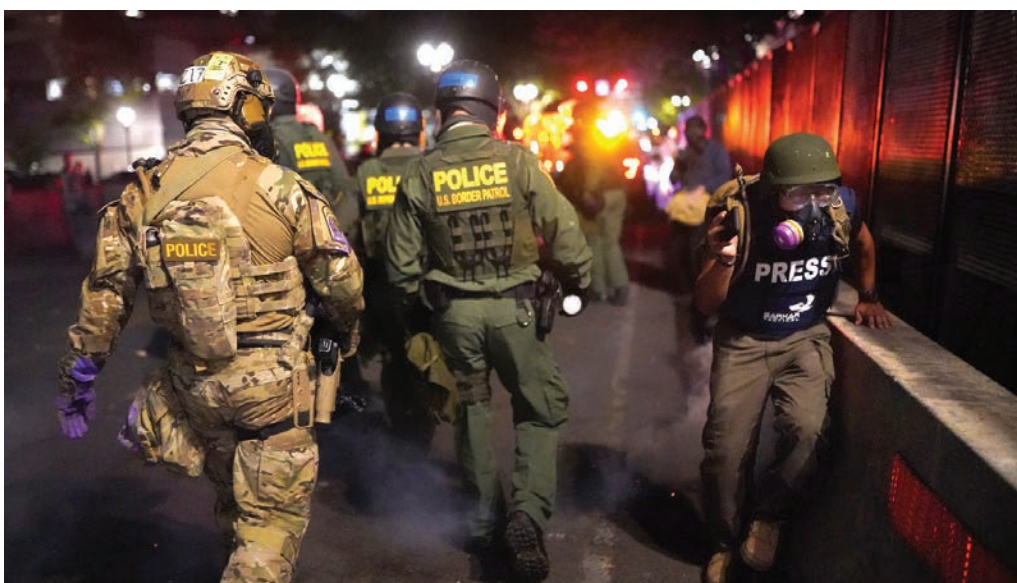
- ✓ What have been the experiences of affected individuals, groups or communities?
- ✓ What do police personnel (in service or retired) have to say about the use of force and standards of training, equipment, leadership and institutional culture in the police?

Box 20 Practical example: "Prominent Tanzanian journalist killed in scuffle with police"

In 2012 the Tanzanian TV journalist, Daudi Mwangosi, was killed by police following a confrontation over the assault and arrest of another journalist at an opposition party gathering. The opposition party gathering had been declared illegal under a ban on political demonstrations and in their efforts to disperse the crowd police used force inappropriately, beating people in attendance, firing tear gas at the crowd, and detaining a journalist without charge for photographing the event. Mwangosi's killing was witnessed by several bystanders and also photographed. Police authorities at both local and national levels initially denied responsibility. Media coverage of the killing drew global public attention, including statements of condemnations by the Director-General of UNESCO, the General Secretary of the International Federation of Journalists, and the Committee to Protect Journalists. Under pressure, the Home Affairs Minister announced a special commission to investigate Mwangosi's killing. The police officer responsible for Mwangosi's death was ultimately jailed for 15 years on a charge of accidental death based on a confession. This example demonstrates how security sector reporting can draw attention to dangerous use of force by police. It also shows the usefulness of security sector reporting in explaining how inappropriate use of force can result from both political factors (since the ban on protests police were enforcing was likely politically motivated), as well as poor training and police incompetence (the death was caused by a tear gas canister fired at close range). Further local and international coverage of official responses to the death informed the public that this was not an isolated incident, and highlighted failures in accountability and control of the use of force at the highest levels of police management and political authority.

Sources: "Daudi Mwangosi", September 2012, <https://cpj.org/data/people/daudi-mwangosi/>

"Tanzania: State to Probe Mwangosi's Death", September 2012, <https://allafrica.com/stories/201209050852.html>



A journalist runs past federal officers after during a protest against racial injustice in front of the Mark O. Hatfield U.S. Courthouse, Portland, Oregon 2020 © Nathan Howard / Getty Images.

9. Border Guards

Key definitions: who are the border guards and what makes them different from other security providers?

“Border guards” is an umbrella term that refers to security forces tasked with ensuring the security of the borders of a country. They have a responsibility to ensure a smooth and orderly movement of people and goods across borders according to national laws, while also policing trans-border crime or threats to national security. They typically confront security challenges, such as trafficking in illegal goods like weapons or drugs, and apprehend people who may pose a threat to national security such as through transnational organized crime.

Different countries organize their border forces in different ways. Border guards may consist of military forces, civilian law enforcement agencies, para-military or dual-status forces, or the responsibilities for border security may be shared among a mixture of security and non-security institutions. In some countries, border guards are a military force in their own right and are managed by the ministry or department of defense in the same way as the armed forces, or as a service branch of them. As a military force, they can be activated to defend the border in cases of war or conflict. In some places, responsibility for border security is assigned to a dual-status gendarmerie-style police force, which is also a paramilitary force and may also fulfill other missions in law enforcement. In other cases, border guards are purely civilian law enforcement agencies responsible exclusively to the ministries that control internal civilian policing, such as interior, home affairs or justice. In most cases, border guard forces are organized on a centralized national basis and work in close cooperation with the foreign authorities that police the borders they share. Border guards police points of entry across land, sea and air, and often have an important role in surveillance of terrain and people. They sometimes function as a coast guard, or share functions with coast guards that have other responsibilities.

Border guards are often responsible for controlling immigration by ensuring that people hold the correct permissions to enter or leave a country for the purposes they have declared. In such cases border guards may assess the veracity and validity of documents such as passports, or the validity of permits and visas, although responsibility for migration decisions may be made by separate authorities such as foreign affairs or immigration departments. Border guards may or may not perform customs functions, which focus on the collection of taxes, duties and tariffs related to the movement of goods across borders. Border guards also have a role in protecting against threats to public health and the environment, whether by cooperating with other agencies or through direct responsibility.

Key issues for reporting on border guards

Securing the border effectively? Border control requires both surveillance of vast territorial areas and large numbers of people and goods seeking to cross over. Identifying and apprehending criminals and criminal activities at borders is especially important in countering transnational organized crime. Illegal trafficking in people as well as internationally prohibited goods, such as arms, ammunitions, narcotics and wildlife, is often a source of revenue that fuels conflict and insecurity in the countries of origin, transit, and destination. This trade often involves extensive corruption and border crossings are often points of particular vulnerability: measures must be in place to protect the integrity of border guards, including public complaints mechanisms when the public is subjected to inappropriate behavior. The work of border guards is critical in ensuring prohibited goods and vulnerable people do not leave a country or enter it by illegal means. Often border guards will be keen to announce when they succeed in interdicting illegal goods and apprehend criminals or traffickers and this may be a “good news” story worthy of media coverage, even if the same questions about effectiveness should still be asked.

→ **Journalists can ask:**

- ✓ How effective are border guards in countering the operations of transnational organized crime at the borders?
- ✓ How effective are border guards in preventing illegal goods from entering the country?
- ✓ How is information on security threats and responses at the border tracked and what is disclosed to the public?
- ✓ What measures are in place to protect border security and what parts of the security sector are involved besides border guards?
- ✓ Is a network of checkpoints and strategies for control fit for purpose given the resources available?
- ✓ What measures are in place to prevent corruption at border crossings?
- ✓ What measures for complaints and oversight are in place?
- ✓ Is border surveillance sufficient to cover large areas while also respecting the privacy and dignity of the population?
- ✓ Are there weaknesses in territorial surveillance?
- ✓ What conditions for international cooperation are in place and how do they affect national policies and cooperation?
- ✓ Are policies in place to ensure the rights of people of all genders and identities are respected at borders?
- ✓ How are border communities affected by the work of border guards?
- ✓ What are the experiences of people whose work involves regular border crossings or the passage of goods?
- ✓ What do experts among civil society and within government make of the effectiveness of border security?

Keeping the dangerous people out? Border guards are responsible for preventing people who pose a threat to national security from entering a country, and fulfilling this mission may be part of their role in scrutinizing the permissions that people hold to cross borders. Yet in these situations, mistakes have been made whereby suspects have been falsely identified as posing a threat to national security, wrongfully detained, sometimes ill-treated, and also transferred to other national authorities who have abused their human rights. National legislation to protect against threats of violent extremism is sometimes overzealously applied in violation of rights. In some cases, border guards have applied discriminatory practices in profiling, violated rights to privacy, detained people arbitrarily, and used force illegally, including torture or sexual and gender-based violence. Viable legal frameworks ensuring states meet their international human rights obligations must be in place to ensure that borders do not become grey zones where national protections for human rights do not apply. Balancing the right to free and safe passage with reasonable measures to protect national security and public safety can be a delicate mission for border guards and one which benefits from media scrutiny.

→ **Journalists can ask:**

- ✓ Are border guards respecting the legitimate intent of laws for national security protection?
- ✓ Are national legal frameworks intended to protect human rights applied at the border in a way that meets international obligations and standards?
- ✓ Are intrusive surveillance or illegal profiling tactics used to identify suspects?

- ✓ What is the fate of people who have been detained at borders or denied entry on the basis of suspected threats to national security?
- ✓ What information is disclosed and what is withheld from the public about detentions made at the border?
- ✓ Who has responsibility for ensuring oversight of these decisions and is this authority exercised actively?
- ✓ How is use of force at the border regulated and is it overseen effectively?
- ✓ What has been the experience of people suspected of or charged with threatening national security?
- ✓ What access do those crossing borders have to national legal remedies and what has been the result of their using them?

Box 21 Practical example: “EU Border Agency Frontex Complicit in Greek Refugee Pushback Campaign”

In recent years, refugees and migrants have arrived at the borders of the European Union (EU) in large numbers and media coverage has revealed cases of mistreatment, abuse of legitimate regulations for political objectives, and violations of rights. In 2020 an international media investigation led by Der Spiegel together with the German public broadcaster ARD, journalist collective Lighthouse Reports, the investigative platform Bellingcat, and Japanese broadcaster TV Asahi, revealed Greek border guards forcing large numbers of refugees back to sea in operations that violate international law. Their research proved for the first time that officials from the European Border and Coast Guard Agency (FRONTEX) knew of illegal practices by Greek border guards and that the agency itself was also at times involved: “Breaking the law has become an everyday occurrence at Europe’s borders, and the EU is allowing it to happen.” This is an example of security sector reporting informing the public of important violations in the mandate and missions of two border guard agencies.

Source: “EU Border Agency Frontex Complicit in Greek Refugee Pushback Campaign”, December 2020, <https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7>

Protecting human rights at the border? People have legitimate and internationally protected rights to flee danger, yet border can be dangerous places, especially for people who may travelling under duress or in irregular situations. The ability of refugees to claim asylum may be limited at a border by border guard forces, either as a matter of national policy or through poor practices and low professional standards. Sometimes legal and legitimate policies or practices have been applied in such a way as to make entry unnecessarily difficult with the intention of creating a deterrent (e.g., laws against smuggling have sometimes been used inappropriately to deter migrants at borders). In extreme cases, border guards may be ordered to use force to repel people from attempting to cross borders, including with orders to use deadly force and in violation of international law and standards. Denying entry can itself be a violation of internationally protected rights, and may leave people stranded without legal status or means of survival in the country they seek to transit. At the same time border crossings are also key to the international trade in people, whether for labor, sexual exploitation, irregular migration, or other purposes. Border guards need to be sufficiently well trained to recognize people who may be in a vulnerable situation and in need of assistance, even when they are unable to ask for help or unaware that they have that option. Policies need to be in place to identify and protect people who may be victims of human trafficking, including provisions that ensure they are not charged with violations of entry or exist regulations.

→ Journalists can ask:

- ✓ Are border guards applying pertinent national and international laws and policies consistently, competently and fairly at border crossings?
- ✓ What legal standards are being applied and they politically motivated?
- ✓ Are there contradictions between national policies for border control and other policy priorities? (e.g., do measures to protect freedom of movement and human rights align with other national, regional or international security priorities?)
- ✓ Are other states, especially neighboring states, ensuring that all border control measures protect the right of all persons to leave any country (including their own) as well as the right to re-enter their own country?
- ✓ Are measures in place to ensure that force is used safely and appropriately at the border?
- ✓ Are adequate complaints mechanisms and legal recourse available to ensure the accountability of border guards?
- ✓ How do border guards ensure the well-being of people in vulnerable situations at the border?
- ✓ What is the estimated and confirmed incidence of human trafficking identified at the border and how have border guards responded to the challenge?
- ✓ Are appropriate policies and practices in place to protect victims of human trafficking identified at the border?
- ✓ What happens to victims and perpetrators of human trafficking identified at borders?
- ✓ What are the experiences of people working as border guards, those crossing borders in irregular or vulnerable situations, those who work as advocates on border issues, and of communities affected by border crossings?

Box 22 Practical example: “Lao and Thai Border Officials Team Up Against Trafficking of Young Women”

In 2015 Radio Free Asia reported on new efforts by border guards in Thailand and Laos to counter the significant challenges of human trafficking affecting the region. The report details efforts by border guards to prevent underage girls being trafficked into Thailand to join the sex industry. It explains how officials introduced new measures to identify potential victims on the basis of age and suspicious behavior (such as travelling alone without financial means or information about their destination or purpose of travel). The report also details procedures for confirming their identity, verifying their documentation, and motive for travel, while also informing them of the dangers of trafficking. The report provides background on the problem of human trafficking in the region referring to the U.S. State Department's annual report on human trafficking, the Lao Ministry of Labor and Social Welfare and Thai immigration officials, as well as Thai media reports. Views and experiences of both Lao and Thai border guards are also reported together with their own statistics about the success of the initiative (e.g., 100 underage girls turned away at the border within the first month of the “crackdown”). This is an example of how reporting on the work of border guards can throw light on larger security challenges affecting the population and hold authorities accountable for delivering results, while also raising awareness among the general public of the potential risks.

Source: “Lao and Thai Border Officials Team Up Against Trafficking of Young Women”, February 2013, <https://www.rfa.org/english/news/laos/border-officials-team-up-against-trafficking-02132015153655.html>

10. Intelligence Agencies

Key definitions: who are the intelligence agencies and what makes them different from other security providers?

Intelligence agencies are responsible for providing policymakers and political authorities with the most accurate, timely and credible information possible for the basis of decision-making in government. To fulfill this mission, they use both publicly available information and the information they may have gathered secretly. The secret aspects of intelligence work tend to attract the most attention, but public or “open-source” information is increasingly the more important source of information. Both public and secret information-gathering rely on human and technological sources, including information gathered online and from intercepted communications, but different agencies tend to specialize in different kinds of intelligence gathering: for example, “signals” intelligence focusses on intercepting communications through technological means, while “human” intelligence gathering focusses on interpersonal contacts and requires a very different skillset. Regardless of how information is acquired, the most important, resource-intensive and challenging work of intelligence agencies is analyzing the information gathered in order to arrive at credible assessments. Information only becomes intelligence once it has been through a process of analysis that gauges its reliability, puts it in a larger context, and provides a basis for prediction, and, ultimately, action.

Intelligence agencies often specialize in particular domain of security, such as threats originating from foreign sources, threats to domestic security, or intelligence relevant to military affairs, criminal activity, or financial crimes. Intelligence agencies that are too close to political power may exercise undue influence on political decisions, so most democracies divide the different intelligence functions among several different agencies to avoid this problem. Having several intelligence agencies helps to maintain a healthy distance from political power so that intelligence gathering is driven by the needs of policymaking and not the political interests of policymakers. In some cases, a state’s intelligence functions are performed by a single national agency, because centralizing these functions in a single agency saves resources and promotes information-sharing across thematic domains.

Where intelligence agencies serve the public interest within a framework of respect for rule of law and human rights, they perform functions essential to peace and democracy, such as providing information that may help resolve or prevent an escalation in conflict, identifying potential threats to the public and the nation before they become violent, and providing strategic assessments that support the best possible decisions about national security policy. Yet in many places, and especially in non-democratic states intelligence agencies function as dangerous secret police, controlled by political interests. They may spread disinformation and commit violent abuses against the population with impunity in the interests of the government of the day instead of the public and the nation. In this case, intelligence gathering is often centralized within a single intelligence agency, which may itself be a locus of power and control over other security actors including the police and the armed forces.

Key issues for reporting on intelligence agencies

Legal and legitimate? Security sector reporting focusing on intelligence agencies is difficult because their very existence, their inner workings, and much of their impact (positive or negative) may be hidden from the public. Yet in democratic contexts, these norms are changing and intelligence agencies in democracies are now typically well anchored in legal frameworks that are agreed by parliaments (not by executive decree), and increasingly subject to democratic oversight by parliamentary and judicial authorities. When this is not the case, it could be a matter of unintentional omission or tradition rather than a deliberate

attempt to shield the agencies from oversight. The legal foundations for intelligence agencies in a democracy should be mandated by acts of parliament rather than executive or presidential decrees to ensure that intelligence agencies are not at risk of political interference and for the sake of democratic legitimacy. International cooperation in intelligence should also be subject to national legal control and oversight, including through parliamentary approval. In order to balance the need for democratic oversight with the legitimate need for secrecy of intelligence agencies, parliamentary authorities (often specialist committees) and special courts are established with security clearances and protections that allow them to review the performance of intelligence agencies and in some cases to authorize certain activities. These provisions create a closed system wherein intelligence officials can be held accountable to parliamentary authorities and aspects of intelligence operations can be subject to parliamentary and judicial review without jeopardizing operational security. Access to information about the content of such a system will likely be limited for journalists, but the terms by which such a system functions and assessments of whether it is fit to purpose, can and should be publicly available.

→ **Journalists can ask:**

- ✓ Is the existence of one or all intelligence agencies publicly acknowledged?
- ✓ What are the legal foundations for intelligence agencies?
- ✓ What are the legally defined missions of intelligence agencies?
- ✓ Are the legal foundations for intelligence agencies mandated by Acts of parliament, or executive or presidential decrees (which may not be subject to parliamentary scrutiny or control)?
- ✓ Does the law include provisions for a democratic oversight?
- ✓ What information is available to the public about the oversight of intelligence?
- ✓ Is there a closed system of democratic oversight in place?
- ✓ What options exist for intelligence personnel to make complaints?
- ✓ What protections on whistleblowing exist?
- ✓ What measures are in place to provide the public with credible assurances that rights are respected, and resources well used in the course of their duties?
- ✓ What are the limitations on access to information and for how long are they in force?
- ✓ Who has the authority to challenge decisions about the release of information?

Keeping too many secrets? The work of intelligence agencies is by necessity often secret and for good reason. Yet there is a tendency to use justifications of national security to classify more information than is necessary. Intelligence agencies performing a mission for public and national security using public resources and in possible contravention of fundamental rights have an ethical responsibility to be accountable for their performance in the same way as every other public service, even if their work is secret. Classification laws should lay clear guidelines for what can legitimately be classified, to what level, and how access will be managed. This should also include a timeline for declassifying information once time has made secrecy irrelevant. The presence of classified information in a document should not necessarily be a reason to limit public access and there should be a process and standards for redacting sensitive information so that it can be made more accessible.

Box 23 Practical example: “U.N. investigators say Burundian forces still torturing, killing opponents”

In 2017 Reuters reported on accusations made by United Nations investigators against the National Intelligence Service of Burundi. The story detailed allegations of politically motivated torture and killings following a political crisis that began in 2015. The report focused on the contradictions of Burundi’s membership of the United Nations Human Rights Council at the same time as the country’s Foreign Ministry had failed to reply to enquiries from investigators, thereby denying them access to the country. The article presents background on the allegations in the context of the ongoing political crisis in the country, as well as the points of view of Burundi’s ambassador to the UN, the UN Commission of Inquiry responsible for the investigations, and civil society organizations monitoring human rights in the country. It is based on combined reporting from journalists within Burundi and those covering events about Burundi outside the country. This is an example of reporting that raises public awareness about how dangerous intelligence agencies can become when they function outside legal and legitimate missions. It also shows how journalists can leverage sources and partnerships outside the country in question to report on secretive agencies which might otherwise be difficult, or too dangerous at a national level.

Source: “Attackers kill three in heavily guarded district of Bujumbura”, November 2019, <https://www.reuters.com/article/us-burundi-violence-idUSKBN196175>

→ Journalists can ask:

- ✓ Does a classification schedule exist?
- ✓ Is it fit for the purpose of protecting operational security while guaranteeing accountability and transparency?
- ✓ Do clear guidelines and protections for journalist handling classified information exist?
- ✓ What is the legal basis for limiting access to information and how is this right weighed against the need for classification?
- ✓ Are the terms of classification being fairly applied in good faith?
- ✓ Is a legal remedy available through the courts when abuse of process is suspected?
- ✓ What does experience from the past with whistleblower protections and provisions for secure internal complaints suggest about cultures of secrecy inside intelligence agencies?

Obeying the law? In a democratic setting, intelligence agencies do not have law enforcement powers and they do not have the authority to break the law in the regular course of their duties: aspects of intelligence gathering that may violate civil or political rights in the domestic context, such as surveillance or the interception of communications, are supposed to be approved by political and judicial authorities within a legal framework that protects the rule of law and human rights. In practice, these systems have often failed to place adequate controls on intelligence agencies and violations of privacy and other fundamental rights have occurred. Even if journalists are limited in what they can know about the content of intelligence work, they can and should be able to know everything about the system in place to assess whether intelligence agencies are following the law.

→ Journalists can ask:

- ✓ What provisions are in place to ensure intelligence agencies are complying with human rights protections in their work?

- ✓ Whose human rights are protected by such provisions (e.g., citizens, legal residents, activities abroad)
- ✓ How is the need to protect fundamental civil and political rights weighed against security imperatives in operational decision-making?
- ✓ What processes are in place to guarantee that people are not targeted for surveillance or otherwise on the basis of their gender or other aspect of their identity?
- ✓ Do the intelligence agencies have diverse personnel?
- ✓ How is information stemming from international cooperation handled and what is shared? What mechanisms are in place to ensure that international intelligence cooperation does not result in human rights abuses abroad?

Box 24 Practical example: “NSA collecting phone records of millions of Verizon customers daily”

Large scale illegal data collection by a group of five intelligence agencies known as the Five Eyes (the United States, the United Kingdom, Australia, Canada and New Zealand), was revealed by a former defense contractor and whistleblower, Edward Snowden. Snowden did not make the evidence he had stolen public directly but instead worked with journalists at UK’s The Guardian newspaper. The Guardian journalists verified the information to ensure that the story published as result of the illegally obtained information would be published in the public interest without jeopardizing any aspect of public safety or national security. The first report provided evidence that the US National Security Agency had been secretly conducting domestic surveillance on a large scale. That story and those that followed created a scandal that led to wide-spread changes in laws governing intelligence gathering and data protection in a number of countries. This example highlights how informing the public of the failures of security sector agencies to function within their mandates and legal powers can create useful change without jeopardizing operational security.

Source: “NSA collecting phone records of millions of Verizon customers daily”, June 2013, <https://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>



Image: The logo of the General Directorate for Internal Security, France's domestic intelligence agency, is seen at its headquarters in Levallois-Perret on July 13, 2018. The agency has recently summoned reporters for questioning in a leak investigation. © AFP/Gerard Julien.

11. Prison Services

Key definitions: who are the prison services and what makes them different from other security providers?

Prison services guarantee the safety and basic rights of prisoners in penal institutions. Depending on national laws and policies, they can be of public, private, or a blended nature. Penal institutions are places where people are imprisoned not only because they have received a conviction and have a sentence to serve, but also when awaiting trial, or in the process of being tried. In many countries, where judicial systems cannot keep up with demand, the number of people in pre-trial detention might well exceed the number of people serving a sentence. Penal institutions go by a variety of names depending on context and precise function: they may be called prisons, penitentiaries, jails, corrections or rehabilitation centers, reformatories, detention centers among others.

Prison services are responsible for managing penal institutions in such a way that provide for the health, safety and well-being of prisoners while ensuring their basic human rights are protected and also protecting society from security threats they may pose. Across all systems, prison services tend to be hierarchical and disciplined in their function, even though they are usually not military organizations. There are a few cases where national militaries administer prisons for civilians, or the head of the national prison service is a serving member of the military. Yet for the most part, prisons are run as civilian security installations that are also separate from civilian police and law enforcement functions - although they may be administered by the same ministry (interior or justice). Prison services are sometimes centralized national services and run as a sub-national (regional, provincial or national) authority.

Key issues for reporting on prisons

Preventing torture and abuse? The rights of prisoners to be treated with dignity is protected under Article 10 of the International Covenant on Civil and Political Rights

(ICCPR) and as well as a several regional human rights instruments and international agreements specific to the treatment of prisoners (see Further Resources). In all cases, international protections provide for a total prohibition of torture and deliberately inflicted cruel, inhuman or degrading treatment in prisons. Further protections are designed to prevent sexual abuse both by prison staff and among prisoners. Prison services need to ensure that their standard training and management procedures are preventing torture and abuse. Establishing standards for minimum use of force, providing non-lethal weapons (such as truncheons or batons), and providing an open set of procedures for complaints about torture are all part of meeting these standards, yet around the world abuse and torture in prisons remains common. Lack of training and resources may be the cause of some abuse, but institutional cultures and poor oversight and management may also contribute.

➔ **Journalists can ask:**

- ✓ What are the rights of prisoners guaranteed under national law and policy?
- ✓ Are national guarantees aligned with international standards and best practices?
- ✓ Are prison services meeting their obligations to protect the rights of prisoners and meet standards of treatment?
- ✓ What regulations are in place to ensure private security companies working with prison services respect human rights and standards of treatment?
- ✓ What measures are in place to ensure the needs of all prisoners are met without discrimination by gender, age, or other aspects of identity?

- ✓ What recourse do prisoners have to complain about abuse, poor treatment or torture?
- ✓ What measures are in place internally and externally to oversee performance by prison services and protection of prisoners' rights?
- ✓ What information is available to media and the public to back up these claims?
- ✓ How are prisoner admissions, registration and management procedures handled and are they calibrated to minimize harm and protect rights (e.g., tracking detainees has been shown to reduce torture)
- ✓ What access do independent observers as well as friends and family, have to penal institutions?
- ✓ What do present and former detainees report about their experiences?
- ✓ How have conditions within penal institutions changed over time (improved, deteriorated)?

Protecting society? Prisons can become dangerous places, for example, as sites of radicalization among people who feel they have been persecuted based on religion or politics, or when gangs control prisoner populations and can manipulate the situation for recruitment purposes. Occasionally, these situations have resulted in riots that endangered prisoners, staff and public property, and have sometimes resulted in escapes that threaten public or national security. Corruption may be a factor in how prisons become dangerous places, but inappropriate security procedures may also be a contributing factor.

→ **Journalists can ask:**

- ✓ What procedures for security assessments have prison services put in place?
- ✓ How are different risk levels managed within penal institutions?
- ✓ How are staff trained and equipped to deal with potentially dangerous prisoners or situations?
- ✓ Are staff numbers, training and equipment adequate?
- ✓ Are private security companies also involved in prison services and what rules and processes are in place to regulate their work?
- ✓ What measures are in place to prevent corruption and protect integrity within penal institutions?
- ✓ How have security measures within penal institutions changed over time (improved, deteriorated)?
- ✓ What measures have been taken to strengthen systems in light of possible weaknesses?

Providing basic welfare? Prisons services administer the smallest detail of daily life for large numbers of people and the conditions they provide are expected to meet basic standards. The principle of imprisonment, as defined in international standards, is to punish a person by depriving them of their liberty; not by subjecting them to humiliating, unhealthy, or unhygienic conditions. Unfortunately, in many parts of the world, prisons services do not receive the resources they require in order to provide satisfactory basic welfare, resulting in hunger and ill health. Sometimes, however, poor management rather than lack of resources may be the cause of the problem: for example, when prisoners spend longer than necessary in cells because staff are ineffectively distributed, or overcrowding results from a failure to allocate space efficiently.

Box 25 Practical example: “75 Drug Cartel Members Tunnel Out of Paraguay Prison”

In Paraguay, 75 members of a dangerous Brazilian gang were able to escape through extensive tunnels that had been built in plain sight. Evidence suggested widespread corruption made the escape possible because officials had known for more than a month that the escape was planned but were unable to stop it. Paraguay’s Justice Minister, Cecilia Pérez, explained that, “This is a prison break without precedent. This is the biggest prison break from our facilities.” Members of the prison staff were suspended following the escape, which was also made possible because of poor conditions. At the time of the escape, the prison held approximately twice as many prisoners as it was intended to. Underfunding and understaffing had made the system prone to corruption and the influence of drugs cartels, which used the prisons as hubs for recruitment and to plan operations. This example shows how reporting on conditions in prisons can link incidents that threaten security immediately to systemic challenges that endanger public safety and national security.

Source: “Paraguay: Corrupt Guards May Have Helped 75 Prisoners to Escape”, June 2020, <https://www.occrp.org/en/daily/11475-paraguay-guards-may-have-helped-75-prisoners-to-escape>

→ Journalists can ask:

- ✓ Are welfare conditions within penal institutions up to standard?
- ✓ Are private security companies working with prison services to meet basic welfare needs rules and processes are in place to regulate their work?
- ✓ Are people of every age and gender treated appropriately, including having their basic needs met?
- ✓ What do present and former detainees report about conditions and welfare?
- ✓ How have welfare conditions within penal institutions changed over time? (e.g., improved or deteriorated)?
- ✓ What recourse do prisoners have to complain about poor conditions?
- ✓ What is the record of past complaints?
- ✓ Have the results of previous investigations or reports of complaints led to improvements?
- ✓ Is there evidence that unsatisfactory welfare is the result of systemic problems?
- ✓ Are prison services and penal institutions sufficiently resourced to meet their obligations?
- ✓ What are the experiences and opinions of people working in close proximity to prisoners? (e.g., justice sector personnel, lawyers or civil society advocates)

Box 26 Practical example: “Viola, 12-year-old, freed from a prison in Juba”

In March 2010, Radio Miraya, media of the United Nations Mission in Sudan and Fondation Hironnelle, told the story of Viola, aged 12, who had been detained for 2 years in Juba. Viola was accused of murder and did not have access to an attorney to conduct her defense. The journalist visited the prison where other children, often very young, were also detained. “I didn’t realize that a child could be imprisoned with criminals, even though the government of South Sudan had recently passed a law prohibiting the detention of minors”, reported Chance Baniko. When he finished his interview with Viola, the prison guard told him that many children were incarcerated for minor offenses that could in most cases be handled outside of the justice system. Less than a week after the report broke the government set the young girl free. A few months later, Radio Miraya reported on four other imprisoned children, three of whom were set free. This example shows how reporting on prisons can draw attention to inappropriate treatment and the need for wider systemic change.

Source : Fondation Hironnelle, “Independent information for peace”, <https://www.hironnelle.org/images/pdf/Presentation/presentationang.ppt>



Image: Libye : reportage dans la prison de haute sécurité de Guernada, 2019 @ Capture d'écran France 24.

12. Private Security Companies

Key definitions: who are private security companies and what makes them different from other security providers?

Private security companies (PSC) are businesses that provide security services on a for-profit basis to paying customers. They come in a great variety of forms from small local businesses to large multinational corporations and are hired by members of the public, other businesses, and also the state. The demand for PSC services has increased significantly over the last decades and PSC employees now outnumber public security forces in a significant number of countries.

PSC can be contracted for a wide range of services, for example: as security guards, protecting people or property and regulating access to private property or commercial premises; conducting online and in-person surveillance and investigations (private detectives); improving site security through physical measures (such as locks, fences, surveillance equipment, etc.); and providing security training for state security services or other PSC. PSC are also often contracted to supplement state security providers, such as working with police in public order and crowd control tasks at large public events or guarding critical infrastructure; working in penal institutions with prison services or providing logistical support; working with border authorities in immigration or border management; or working with intelligence agencies in supplying open-source data and analysis or cyber security services. Although they often work hand-in-glove with the state security sector, PSC have no special powers of law enforcement or state authority, and their work is restricted to the tasks that they are contracted to perform.

Some private companies offer military services to both state and non-state actors in conflict and post-conflict zones. Military services range from support on and off the battlefield and direct involvement in combat, and have sometimes resulted in allegations against companies for escalating conflict, entrenching corrupt interests, and violating human rights. These companies are often referred to as “private military-security companies” (PMSC), “private military companies”, or more controversially, “mercenaries”. The United Nations International Convention against the Recruitment, Use, Financing and Training of Mercenaries outlawed mercenaries in 2001 and many countries have since introduced national licensing regimes to regulate the operations of PMSC with respect for international law.

A robust legal and policy framework is required in order for states to regulate the activities of all kinds of private security providers and to ensure their work respects the rule of law and respect for human rights. Insufficient regulation of private security companies has resulted in significant security and human rights challenges. However, well-regulated PSC that are committed to respecting human rights and rule of law in the conduct of their business provide valuable services that enhance public safety and national security. Security sector reporting on PSC is critical to draw attention to problematic cases, unscrupulous actors or lack of regulation and oversight, as well as analyzing and informing the public about public-private cooperation in public safety and national security.

Key issues for reporting on private security companies

Clear rules for respect of human rights and the rule of law? As with other security sector actors, the activities of PSC can undermine rule of law and respect for human rights if not regulated by a clear and robust legal and policy framework. Yet the regulation of private security companies is often insufficient at the national level; in particular on issues of personnel selection, recruitment and vetting, training requirements, use of force policies, internal control procedures within companies, and oversight and sanctioning by public regulators. A lack of clear regulatory standards is detrimental to public safety and national

security, exposes the public to risks of abuse, and fails to protect the rights of employees who work for PSC. States have a responsibility to protect people from human rights abuses by security sector actors, which means there is a need to regulate and monitor the activities of PSC whether they operate within a state's borders or beyond them. International standards, such as the Montreux Document and the International Code of Conduct, provide guidelines for states on how to regulate PSC (see Further Resources).

→ **Journalists can ask:**

- ✓ What national procedures and licensing regimes regulate the activities of PSC?
- ✓ Are national regulations aligned with international standards, such as the Montreux Document and the International Code of Conduct?
- ✓ What do experts (e.g., civil society, government regulators, judicial specialists, private sector associations) make of the legal and policy frameworks for regulating and overseeing the activities of PSC?
- ✓ Have PSC created their own standards of conduct and are they publicly available?
- ✓ Have PSC established and made accessible company grievance mechanisms?
- ✓ Have alleged victims of human rights abuses been able to access company grievance mechanisms and to what effect?
- ✓ Do PSC raise awareness of and cooperate with the International Code of Conduct Association's complaints mechanism?
- ✓ How does the conduct of PSC affect the lives of diverse individuals and groups within the population?
- ✓ Is there legal recourse available to people who feel they have been adversely treated or affected by PSC?
- ✓ Are there patterns of abuse or malpractice visible in complaints made against PSC?
- ✓ What role do PSC play in supporting state security services?
- ✓ Are legal frameworks adequate to govern PSC activities and contractual relationships with state security providers?
- ✓ Who is responsible for monitoring and oversight of PSC work with state security providers?
- ✓ What needs to change in PSC regulations or current practices to better serve public safety and national security?

Accountable and appropriate use of force? PSC personnel are sometimes mandated to use force in the course of their duties, and this can mean they may also be armed. Armed PSC personnel might carry firearms, or less lethal weapons such as batons or sprays. The conditions under which PSC personnel may carry weapons, what kind, and how they may be used should be carefully regulated and must be guided by the personal right to self-defense unless explicitly authorized by law to perform wider tasks. The authorization to use of force for PSC personnel should be aligned with (and must not exceed) international and national standards for appropriate use of force that apply to security sector personnel, including human rights law and international humanitarian law. This is especially important in contexts where PSC work in direct cooperation with state security forces, or when security sector personnel may also work for PSC when off-duty or out of uniform. PSC need to function within mechanisms guaranteeing oversight and accountability for the use of force in the course of their activities.

→ **Journalists can ask:**

- ✓ What legal conditions determine how PSC use force?
- ✓ What conditions are in place for monitoring, oversight and review?
- ✓ What weapons are PSC authorized to use and are guidelines and conditions clear?
- ✓ How are PSC personnel trained in the use and non-use of force?
- ✓ Is their preparation for contact with the public adequate?
- ✓ Are PSC adequately prepared for roles in complex security situations?
- ✓ What processes are in place to receive and act on complaints about PSC conduct in their work with state security providers?
- ✓ How are suspected cases of abuse handled by companies?
- ✓ How are suspected cases of abuse handled by the security and justice sector? What is the record of prosecution against personnel and companies?
- ✓ What can testimony from PSC personnel (current or former) reveal about the use of force by company employees?
- ✓ What can testimony from members of the public, current or former clients, of affected communities reveal about the use of force by company employees?

Responsible conduct and fair contracting? The market for private security services has become lucrative both globally and in national settings where public security is not meeting public demand. Consequently, the process of contracting private security (especially tenders for services conducted by governments) can create risks of corruption that endanger public safety and national security: for example, if PSC are unable to perform the services they have been contracted for effectively and accountably, if they do not respect human rights and rule of law in doing so, or if corruption in competition for contracts spreads into other parts of government and the security sector.

→ **Journalists can ask:**

- ✓ Who is responsible for contracting decisions?
- ✓ On what criteria or basis are contracting decisions made?
- ✓ Are contracts with the state tendered appropriately, subject to financial audit, and publicly available?
- ✓ Are ownership records and beneficiaries of PSC known publicly?
- ✓ Do key actors on the public or private side of a contracting decision have pecuniary interests in that decision or a conflict of interest?
- ✓ What processes are in place to reveal conflicts of interest?
- ✓ What internal policies and measures do PSC have in place to prevent and avoid corruption, harassment and abuse, sexual or gender-based violence?
- ✓ What internal policies and measures do PSC have in place to protect human rights, and to ensure they are meeting international standards for responsible conduct (such as the International Code of Conduct for Private Security Service Providers, ISO 18788: 2015 Management system for private security operations, or the UN Basic Principles on Business and Human Rights).
- ✓ In stabilization contexts where PSC are contracted to provide protection services to international staff, journalists can ask whether PSC, contracting states, and organizations are complying with relevant organizational and international standards? (e.g., the United Nations Policy on Armed Private Security Companies, and the Guidelines on the Use of Armed Security Services from Private Security Companies)

Box 27 Practical example: “Mining company acts on accusations of grave human rights abuses against its private security contractor”

An extensive investigation by an NGO revealed grave human rights abuses at a Tanzanian diamond mine, including claims that people were shot with little or no warning, stabbed, detained, beaten and incarcerated for days, and deprived of food or medical treatment. The accusations were directed at a nationally based PSC, which worked together with Tanzanian police at the site. The revelation of these claims in an industry specific publication (Mining Weekly) triggered a promise by the international mining company that runs 75% of the mine to conduct its own investigation, and to conduct interim human rights training for on-site security personnel while the investigation was completed. Two mining staff responsible for oversight of security were also suspended as a result of the accusations. This story is an example of how security sector reporting on PSC and their relationships with national security forces is a matter of pressing public interest. It also shows how journalists can usefully draw on PSC clients and civil society expertise in their reporting.

Source: “Petra acknowledges Raid human rights abuse claims report, takes interim remedial action”, November 2020, <https://www.miningweekly.com/article/petra-acknowledges-raid-human-rights-abuse-claims-report-takes-interim-remedial-action-2020-11-13>



Security guards doing their job, 2020 © Mriganka Manna.

Tip-Sheets for Reporting on Security Management and Oversight

13. Executive Authorities

Key definitions: what are executive authorities and what is their role in security?

The executive is the part of the state that holds direct responsibility for governing on a daily basis: it is what people usually mean when they say “the government”. Whether a presidential or a parliamentary political system, the head of the executive typically has ultimate decision-making authority for matters of public safety and national security (together with a cabinet and subject to legal limitations). Executive authority for every aspect of security and justice at a national level is divided up among ministries, agencies or departments (depending on the government system): for example, ministries of defense are responsible for the armed forces, ministries of internal affairs or interior (terms vary) are responsible for police, ministries of justice are responsible for the court system etc. Some executive authorities are responsible for aspects of state affairs that may affect security, for example: ministries of finance involved in budget, procurement and audits, or ministries of foreign affairs involved in decisions about overseas deployments or relationships with foreign security actors. These authorities advise on policy relevant to their area of responsibility and use their delegated authority to ensure that security institutions implement the policies governments make as a result or the laws that were already in place.

Executive authorities are civilian actors who may have been elected, or appointed by a democratically legitimate authority to serve as long as that administration holds public office, or may be members of a professional public service; but who serve all administrations in a politically neutral way based on their professional and technical competence. In systems where executive authorities are managed by political appointees, the support of a professional public service is necessary to ensure competent and continuous service provision even as new government administrations are elected. In this way, there is a direct and continuous hierarchy of authority and responsibility that runs from the head of state or government (they may not be the same) through to the relevant ministries, agencies or departments responsible for managing and overseeing the work of each security provider. This system is important for security because it guarantees that key decisions such as the decision to go to war, to declare a state of emergency, or to change the way security providers operate, should be made by elected civilian representatives and not by the security providers whose role should be limited to implementing those decisions.

Key issues for reporting on the security role of executive authorities

Sufficient political distance? There is always a danger that security forces dominate government decisions, either because they use violence to gain political power or because they have too much indirect influence over the process of government decision-making (for example, based on technical competence). The flipside of this danger is that executive authorities politicize the security sector in order to conserve their hold on political power through violence. In practice, this kind of inappropriate political control of security institutions could mean direct orders to use violence or requiring security forces to perform illegitimate or illegal activities such as surveillance, harassment, detention, physical abuse or even murder of opponents. In these cases, security personnel, especially at lower levels, may feel they have little choice but to follow orders - both against their will and against the law. Sometimes

influence comes through off-record payments, corruption, or abuse of recruitment and appointment processes. In this way, the security forces can become politicized and abuse, repression, corruption, and even conflict result.

→ **Journalists can ask:**

- ✓ Do executive authorities demonstrate respect for the mandates and professionalism of security providers in their policies and their deeds?
- ✓ Where do abuses by the security forces originate?
- ✓ Are there patterns of personnel recruitment, appointments or dismissals that suggest political interference, or alternatively, the need to intervene to stem abuse?
- ✓ What do records of movement of funds, audits and resource decisions suggest about the center of decision making?
- ✓ Are public platforms or pronouncements aligned with the legitimate legal role of security providers?
- ✓ How are different parts of society affected by political attitudes to security?
- ✓ How does the politicization or political independence of the security sector affect different groups in society or different communities?

Balance of power in civil and military relations? In a political system that serves the public good, there is a healthy division of labor between political authorities and security providers. Democratically legitimate decision-makers decide what kind of approach to public safety and national security best serves the public interest, and the security forces advise on plans to realize those objectives. This division of labor should be evident in how decisions are made about policy, strategy, resources, and implementation across each part of the security sector. When this division of labor is imbalanced, security and especially military advisors may acquire undue influence over policymaking. This can happen because access to information within government is restricted so security officials hold an upper hand. It can also happen when civilian officials are not sufficiently knowledgeable about security affairs to challenge the positions of professionals with years of experience and training. It can also happen when the legal framework is outdated or not fit for purpose so that authority for some decisions falls in the wrong places: e.g., active members of the security forces holding political appointments, especially at ministerial levels.

→ **Journalists can ask:**

- ✓ Are flawed or outdated legal frameworks creating an imbalance of power in the relationship between security providers and executive authorities?
- ✓ What potential abuses of power might be disguised by an apparently banal administrative process?
- ✓ What mechanisms are in place to prevent corruption and inappropriate influence?
- ✓ Whose interests are best served in national security policy and strategy-making processes?
- ✓ Are resource sensitive decisions unduly influenced by vested political interests or security sector stakeholders?
- ✓ Have decision-making processes been inclusive and consultative?
- ✓ To what extent are the processes, content and decisions made accessible to the public?
- ✓ What legitimate arguments best explain a lack of transparency?

Providing competent management? Ensuring that staff within executive authorities are competent, knowledgeable and efficient is essential to ensure governments create the best possible policies for safety and security, and that security providers implement those policies to the highest possible standard. This requires both technical competence and knowledge of the work of each security provider, as well as processes that provide for thoughtful long-term planning. Poor training, incompetence, insufficient resources, and mismanagement within the executive authorities directly responsible for management and oversight of security providers may make it impossible for them to fulfil their missions.

→ **Journalists can ask:**

- ✓ Are the agencies, ministries and departments responsible for national security and public safety staffed, trained, and resourced in a way that enables them to perform their duties with competence?
- ✓ Do staff have access to effective and appropriate training?
- ✓ How is staff performance managed and reviewed?
- ✓ Are staff numbers appropriate to institutional missions?
- ✓ What internal measures are in place to prevent corruption and promote integrity?
- ✓ What evidence suggests that appointments made by executives might be biased or subject to conflicts of interest?
- ✓ Are competent personnel appointed to serve in leadership positions within the security sector?

Box 28 Practical example: “Mozambique Tuna Bonds Fund Anti-Pirate Fleet in Surprise”

In Mozambique, state companies took on debt equivalent to approximately 13% of national Gross Domestic Product (GDP), more than half of which was borrowed in secret, without public or parliamentary knowledge or approval. The colossal scale of the debt was revealed in 2016 when it was also revealed that executive authorities had misused large portions of the \$2bn in bonds intended to develop the fishing industry to bribe officials and buy unnecessary military equipment. The illegal loans caused a national financial crisis leading the country to the brink of national default. A US indictment describes an unnamed official stating: “There will be other players whose interest will have to be looked after e.g., ministry of defence, ministry of interior, air force, etc...In democratic countries like ours people come and go, and everyone will want to have his/her share of the deal while in office, because once out of the office it will be difficult”. This example shows how security sector reporting could inform the public of critical failures in executive security management that were able to bankrupt a nation.

Sources: “Mozambique to refit tuna fleet, compounding debt crisis”, May 2016, <https://www.reuters.com/article/mozambique-debt-idUSL5N18K4ME> ;

“Mozambique’s ruling party closes ranks over ‘tuna bond’ scandal”, <https://www.ft.com/content/4c7e8b30-15ab-11e9-a581-4ff78404524e> ;

“A \$2bn loan scandal sank Mozambique’s economy”, August 2019, <https://www.economist.com/middle-east-and-africa/2019/08/22/a-2bn-loan-scandal-sank-mozambiques-economy> ;

“Mozambique Tuna Bonds Fund Anti-Pirate Fleet in Surprise”, November 2013, <https://www.bloomberg.com/news/articles/2013-11-13/mozambique-tuna-bonds-fund-anti-pirate-fleet-in-surprise>

14. Parliament

Key definitions: what role does parliament play in security?

Parliaments draft, amend and approve the laws that determine what the public and the nation expect of its security providers and how they will operate. But this is not their only means of influence: parliaments also represent the constituents' views on security in debate, raise awareness and inform the public of critical decision points, make critical budget decisions, and oversee the work of security providers directly. Parliaments may discuss or be asked to approve national security strategies, decisions on states of emergency, war, and peacemaking, as well as international treaties and alliances. Because plenary sessions are a space of public discussion, the speeches, debates and questions about security are important in making the public aware of important issues and developments. Since most systems provide some kind of legal immunity to representatives (e.g., parliamentary privilege, congressional or legislative immunity), plenary sessions of parliament can also become places where information about security is revealed that may not otherwise be made publicly available.

Parliaments also have the power to call ministers responsible for security policy, and sometimes officials of security institutions, to account for their decisions and performance. Journalists are essential to this process because the public is most likely to learn of these issues through their reporting; press galleries were designed to give journalists direct access to parliamentary sessions (although much of the substantive work of legislators often happens outside parliamentary chambers).

Parliaments also influence security through their authority to create laws and regulations, determine budgets, demand audits and oversee the workings of the security providers under special provisions, much of which takes place in specialized committees (or commissions). Specialized committees usually exist to deal with issues of defense, the armed forces, veterans' affairs, intelligence, police, prisons or justice among others. In a system where there is more than one chamber of parliament, there may be multiple committees dealing with the same issues or actors. Aspects of security also feature in the work of other parliamentary committees, such as budgets and appropriations, foreign affairs, national development, public health or education. Although the responsibility for managing security institutions belongs to executive authorities, parliaments can influence decisions about public and national security by withholding approval where they considered there is just ground to do so or to challenge executive policy. In some cases, parliaments can reallocate funds according to their priorities, or even launch their funding initiatives. To serve the public interest, parliamentarians should be elected, rather than appointed, and security sector personnel should not be sitting members of parliament.

Key issues for security sector reporting on parliament

The right laws? If the law does not reflect the values and operational realities in which security providers work, security officials will find themselves forced to choose between either upholding a bad law or acting against their values or missions. This happens often when human rights commitments are not adequately reflected in security sector legislation, and when the law is out of step with current administrative processes or changes to work or organization of security institutions. Around the world, many security providers operate under laws that have not been updated in years or decades. Parliaments are responsible for ensuring security sector legislation is working well, and for revising laws that may be outdated or no longer appropriate. If the laws that determine how the security sector works are causing problems in security provision or oversight, it is the responsibility of parliament to pass new and better laws. In some cases, the failure of parliaments to update legal frameworks reflects their weakness in a political system where they may only function as a rubber stamp for executive power. Even when parliaments are not beholden to the executive,

new legislation for the security sector will be worked out in consultation with the executive. This is because the executive leads the parliamentary agenda in a fusion of powers system, while also ensuring new laws avoid an executive veto in a separation of powers system. Moreover, security institutions can work with parliaments to consult on draft legislation that will best fit needs.

→ **Journalists can ask:**

- ✓ Do problems in security provision or policy stem from poorly made or outdated legislation?
- ✓ Is parliament aware of these issues and taking action to solve them?
- ✓ What is preventing security law reform projects from advancing?
- ✓ Is democratic civilian oversight across all relevant parts of government adequately provided for in law?
- ✓ Are human rights protections adequately included in security sector legislation?
- ✓ How do existing protections or exclusions affect people's experiences of security?
- ✓ Are there differences in the security and safety people are provided because of differences in legal status (e.g., due to gender, age, ethnicity, religion, migrant status or any other factor)?
- ✓ How are competing interests within the security sector reflected in new legislation?
- ✓ What plans are in place to implement new legislation and monitor impact and effectiveness?
- ✓ What have investigations or reports by independent oversight bodies, civil society or security experts revealed about the adequacy of existing laws?
- ✓ What is the experience of communities or individuals affected by specific aspects of security legislation?
- ✓ What are the views and experiences of security sector personnel in implementing current or past law and what does this suggest about the need for reform?

Active oversight? Parliamentary committees are responsible for ensuring that security providers are fulfilling their missions effectively, efficiently, and with positive benefits for the public and the nation. This means they may conduct detailed and thorough investigations into the way security providers work, or sometimes specific events (often scandals or instances of failure, or suspected abuse). They are usually equipped with legal powers that give them special access to information (including classified information) and can compel security sector actors to cooperate with their enquiries. The quality of oversight that committees provide depends on the powers the law provides for representatives but also their willingness to use it. The relationship with security providers is an important aspect: they should not hold seats in parliament, but they do need to work with respect for parliamentary authority which will be reflected in the degree of cooperation and openness they show in working with committees e.g., through testimonies and site visits.

→ **Journalists can ask:**

- ✓ What are security-relevant parliamentary committees working on and is their work serving the public interest?
- ✓ How is the work of security-relevant parliamentary committees politically influenced and how does this affect outcomes?
- ✓ What influence do special interests have over the work of parliament, e.g., foreign interests, or private sector lobbyists?

- ✓ Are parliamentary committee members and members of parliament asking the right questions in their work?
- ✓ Are parliamentary committee members and members of parliament using their powers in a way that is proactive and assertive?
- ✓ What measures are in place to strengthen the power and position of security-relevant committees that might lack power or motivation?
- ✓ Are security providers cooperating with parliamentary enquiries?
- ✓ Are security institutions providing all the access and information the law requires from them?
- ✓ Is the law limited or flawed in the powers it provides parliamentarians for investigating the security sector?
- ✓ What assessment of the quality of parliamentary security oversight do independent oversight bodies, civil society and security experts make?
- ✓ Are the public aware of, and do they understand the processes of parliamentary oversight of security?

Up to the task? For parliaments to provide effective oversight, representatives need to be well informed about the policy areas they are scrutinizing. Representatives serving in committees usually bring very little personal experience or understanding of security to their role, so they depend on staff to understand the issues at stake and the work of the security sector institutions under examination. Staff turnover (whether because of resource constraints or political changes) can undermine the effectiveness of committees. Lack of access to information and resources necessary for effective investigations might also undermine effectiveness. When staff are not up to the task of supporting representatives, parliamentary oversight can be compromised. Depending on the system, staff may be members of a professional public service who work for a committee and become subject area experts, or they may be generalists hired directly by representatives with the task of achieving that representative's legislative agenda. Understanding how the staff organization of parliament affects law making about security is a key first step for reporting on the role of parliament in shaping public safety and national security.

➔ **Journalists can ask:**

- ✓ How is parliamentary support for representatives organized and resourced?
- ✓ Are parliamentary staff sufficiently well trained, experienced, informed, paid and supported to provide expert support for parliamentarians on security matters?
- ✓ Are staff supporting enquiries affected by political bias?
- ✓ How are parliamentary staff decisions made?
- ✓ What use do parliamentary staff make of expert opinions outside government such as civil society or independent security experts?

Box 29 Practical example: “Australian federal police to be grilled over media raids when parliament returns”

In 2019, the Australian Federal Police raided the home of a Canberra journalist, and raided the Sydney offices of the Australian Broadcasting Corporation the following day. Further raids were cancelled in response to public outrage that followed reports of the operations. The Australian federal police were called before a parliamentary committee. The reporting surrounding this incident covered aspects of parliamentary oversight that potentially need to be strengthened, as well as the nature of secrecy laws and the use of police powers. This example shows how coverage of parliamentary scrutiny of the security sector can provide information that widens and deepens public knowledge of the security sector and discussion of its roles and powers.

Source: Australian federal police to be grilled over media raids when parliament returns”, June 2019, <https://www.theguardian.com/media/2019/jun/07/australian-federal-police-to-be-grilled-over-media-raids-when-parliament-returns>



Image: Southern Sudan
Legislative Assembly Speaker
Briefs Media, 2008 © UN
Photo/Tim McKulka.

15. Judicial Systems

Key definitions: what is the judicial system and what role does it play in security?

The judicial system refers to the system of courts that pass judgement on whether a person or legal entity has broken the law and impose appropriate punishments. It includes a variety of professionals, who work as judges, lawyers, defense and prosecution services, paralegal practitioners, court personnel (such as bailiffs and ushers). Some organizations work closely with courts, such as bar associations and legal aid bodies. There may also be systems of alternative dispute resolution mechanisms such as tribunals, mediation services, and community-based resolution mechanisms. There may also be military judicial systems that have jurisdiction over armed forces personnel and operate in parallel to civilian judicial systems. Some of these elements may be directly employed by the state and/or they may work independently with state institutions, or they may be part of a traditional, community or religious justice systems. But in all cases, how they do their jobs still has a direct impact on security.

The judicial system is critical for ensuring the rule of law and this affects both public safety and national security in two separate ways. The first role of the courts is to administer justice by ensuring that people accused of crimes are appropriately judged in a timely manner and fairly punished accordingly. This justice function is essential to the work of security providers in preventing impunity and also means the judicial system works closely with both police and prisons. The process whereby a suspect is apprehended, charged, judged and punished involves all of these state security institutions and is sometimes called the criminal justice chain.

The second role of the courts is to provide a check on government power by ensuring that all of the laws passed by governments and parliaments respect the fundamental principles and rights set down in a country's constitution, and its other organic laws. This oversight function can protect from violations of rights and abuse of power both by security providers and the political authorities that control them. The courts may be the last line of defense when governments enact laws or policies that do not respect the fundamental principles of human rights or try to politicize the security institutions. Failings in the judicial system result in violations of rights and insecurity, to which journalists can draw attention.

Key issues for reporting on judicial systems

Political neutrality? Because judicial oversight is a critical check on government abuse or violation of freedoms, it is imperative that the court system does not become politicized or corrupt. This is especially important for the highest judicial authorities which may be called to decide on legal matters that will directly affect the safety and security of the nation e.g., disputed election results, laws that infringe on fundamental civil and political rights, or laws that give the security providers invasive powers under states of exception (emergency or martial law). Political neutrality is especially vulnerable when personnel depend on political decisions for their appointments and their terms of service can be terminated either because only personnel sympathetic to a particular political ideology or actor will be appointed, or people may feel their jobs are in jeopardy if they act against political power holders. Low rates of pay also expose judicial systems to corruption, since personnel may be forced to choose between professional integrity and poverty. The inability of the judicial system to work in an impartial way undermines security and creates the impression of impunity, especially because they may not be willing to prosecute cases that involve security providers or security issues.

→ **Journalists can ask:**

- ✓ Does the record of judicial appointments, trials and decisions suggest the law is being applied in a fair, impartial and politically neutral way?
- ✓ How will certain judicial proceedings and decisions affect public safety and national security?
- ✓ How will certain judicial proceedings and decisions affect the powers security providers hold and the conditions for oversight and control?
- ✓ How can judicial personnel identify whether the security system is exposed to risks of corruption?
- ✓ What aspects of the judicial system might expose it to the risk of corruption and what measures are in place to promote integrity?
- ✓ How do independent justice sector stakeholders (such as lawyers, paralegals, rights advocates, community stakeholders, or other civil society) assess the fairness and impartiality of the justice system?
- ✓ What do the experience of those who have been to trial suggest about the fairness and impartiality of the justice system?
- ✓ Are patterns of discrimination on the basis of gender or other aspects of identity evident in the working of the justice system?

Fast and fair? Judicial systems have to work hand-in-hand with both police and prisons. When courts cannot keep up with the number of suspects police deliver for trial, this can lead to emergency hearings that don't allow for a fair trial, or alternatively long waiting periods during which time suspects may be imprisoned without being charged or without seeing their cases progress. This undermines public safety if suspects are released without trial because it can create the impression of impunity and undermine public confidence in the police and the state. At the same time, if suspects are held for long periods without charge or trial, this is a grave violation of fundamental human rights to liberty and also a violation of the law. Delays in court processes contribute to overcrowding in prisons and detention centers, which can lead to people being detained in sub-standard conditions and contribute to insecurity inside prisons.

→ **Journalists can ask:**

- ✓ Does the caseload within the judicial system suggest a lack of resources?
- ✓ How is the rate of progress in court cases affecting policing and prisons?
- ✓ Are parliamentary budgets for judicial systems sufficient, and are they being efficiently administered by a department or ministry of justice?
- ✓ Is the judiciary sufficiently independent of the executive?
- ✓ Who controls decisions about judicial procedures and regulations, and are they competent and accountable in their work?
- ✓ Are regulations determining how courts work up to date and fit for purpose?
- ✓ How do independent justice sector stakeholders (such as lawyers, paralegals, rights advocates, community stakeholders, or other civil society) assess the efficiency of the justice system?
- ✓ What do the experience of those who have been to trial suggest about the efficiency of the justice system?
- ✓ Are patterns of discrimination on the basis of gender or other aspects of identity evident in the working of the justice system?

Losing public trust? Failures in judicial systems might be due to corruption or political interference, but they can also be straightforward administrative failures, whereby access to justice is hampered by unaffordable judicial fees, difficulties with access (e.g., when courts are located far away or transport costs are high), a lack of institutional resources for record-keeping, management and planning, a lack of trained staff, and inefficient and burdensome legislation. Inefficient judicial systems are easily perceived as corrupt, and in this way, they can lose credibility, legitimacy and the public's trust. Loss of trust can translate directly into insecurity because people become less willing to report crimes, press charges, or trust in decisions. They may instead turn to alternative systems of dispute resolution, which may or may not respect the rule of law and human rights (e.g., traditional authorities and leaders, religious courts, or even violence).

→ **Journalists can ask:**

- ✓ What is the public perception of the integrity of the courts?
- ✓ How has media coverage of the judicial system affected public trust?
- ✓ Do administrative failures explain a lack of public trust and how could the problem be overcome?
- ✓ Why are courts under-resourced or poorly run?
- ✓ What are ministries of justice (responsible for managing judicial systems) and judicial authorities doing to remedy problems and build public confidence?
- ✓ Are justice outcomes equally legitimate, fair or efficient for all members of the population regardless of identity factors such as gender, sexuality, ethnicity or religion?
- ✓ What alternative dispute resolution mechanisms or traditional justice systems are available to the public?
- ✓ Do the public have greater faith in alternative justice mechanisms?
- ✓ Do alternative justice mechanisms more transparent, faster or cheaper in their functions?
- ✓ Are alternative justice mechanisms equally legitimate, fair or efficient for all members of the population regardless of identity factors such as gender, sexuality, ethnicity or religion?
- ✓ Do the justice sector or alternative justice mechanisms offer adequate protection for human rights?

Box 30 Practical example: “Sri Lanka Top Court Rules Parliament Dissolution as Illegal in Setback for President”

In 2018, Sri Lanka experienced a constitutional crisis when the President appointed a new Prime Minister before formally dismissing the incumbent, resulting in a situation where the country had two concurrent Prime Ministers. Media reports of the crisis described how the President’s new Prime Minister was seen as an ethnic nationalist, and that members of other ethnic groups feared his appointment would embolden the security sector to use greater force to suppress dissent. The incumbent Prime Minister—supported by the majority of the Parliament, and opposition parties—refused to acknowledge his removal and the appointment of the new Prime Minister, stating that the President’s decision was unconstitutional. In response the President tried to dissolve the Parliament, but the Supreme Court ruled against the attempt. This example shows how security sector reporting can raise public awareness of the judicial system’s role in security sector oversight. It also illustrates how the court’s role as a politically neutral check on executive power can prevent attempts to politicize the security sector.

Sources: Sri Lanka Top Court Rules Parliament Dissolution as Illegal in Setback for President”, December 2018, <https://thewire.in/south-asia/sri-lanka-top-court-rules-parliament-dissolution-as-illegal-in-setback-for-president>

Sri Lanka in political turmoil after prime minister Wickremesinghe sacked”, October 2018, <https://www.theguardian.com/world/2018/oct/27/sri-lanka-in-turmoil-after-prime-minister-wickremesinghe-sacked>

Sri Lanka MPs hurl ‘chilli powder’ and chairs in fresh chaos”, November 2018, <https://www.theguardian.com/world/2018/nov/16/sri-lankan-mps-chilli-powder-chairs-clashes-parliament>



Image: Secretary-General and Assembly President Speak to Media in Khartoum, 2011 © UN Photo/Eskinder Debebe.

16. Independent Oversight Authorities

Key definitions: what are independent oversight authorities and what role do they play in security?

Independent oversight authorities are all the institutions and organizations established by the state with an independent legal mandate to oversee certain functions of government, service provision, and public life. Independent oversight authorities typically conduct investigations based on complaints from the public and produce reports that pronounce on wrong-doing or service failures and make recommendations to government or the institution involved about how to avoid repeating their mistakes. Independent oversight authorities may have general mandates around issues as human rights (national human rights institutions), corruption and financial probity (corruption commissions), or public service complaints (ombuds-institutions). Investigations of the conduct of either security providers or security management bodies could fall within these mandates as long as the investigations touch their area of responsibility. There may also be independent oversight authorities with a specialized mandate to investigate complaints against security providers e.g., ombuds-institutions for armed forces, or independent police complaints commissions. These bodies have specialized knowledge, experience and access to investigate complaints against security providers but the rules about what can be investigated and how to bring a complaint can be narrow and limiting.

Key issues for reporting on independent oversight authorities

Credibility and political independence? Although they are state organizations whose roles and responsibilities are guaranteed by law and paid for from the public purse, the effectiveness of independent oversight authorities depends on their being independent from other branches of the state and the political administration in government. The terms of appointment for leadership positions, and the choice over what cases to investigate, are critical elements of their independence.

→ **Journalists can ask:**

- ✓ How are leadership decisions for oversight authorities are made?
- ✓ What do formal or informal relationships between appointees and political authorities indicate about the independence of oversight authorities?
- ✓ Does the law provide sufficient political distance in the work of oversight authorities?
- ✓ Are sufficient financial resources, and adequate competent staff provided to ensure oversight bodies can function independently?
- ✓ Are governments respecting the spirit of independence of oversight bodies in making appointment choices?

Powers of investigation? To conduct effective investigations, independent oversight authorities require legal rights to access information (including classified information), require testimony from officials, and be granted access to sites and installations that otherwise might be off-limits. Legal frameworks should define these powers clearly, but even the clearest powers can be subverted if the legitimacy and authority of the investigation are not respected by those asked to cooperate. The full cooperation of security providers and their management institutions is essential for independent oversight authorities to accomplish their missions.

→ **Journalists can ask:**

- ✓ What formal powers do independent oversight authorities have?
- ✓ Are they their powers sufficient to their assigned mandate?

- ✓ Are investigators using the powers they have to their full effect?
- ✓ Has the security sector always been fully cooperative in investigations that concern their conduct or operations?
- ✓ What weaknesses are visible in the legal powers of independent oversight authorities and how should they be addressed?

Recommendations that make a difference? Independent oversight authorities typically make recommendations based on the outcomes of their investigations, but it depends on their specific legal mandate and status as to whether or not the recommendations they make are legally binding. If the work of an independent oversight authority is well regarded in the public sphere, the moral authority it wields can be significant in creating pressure for change. Independent oversight bodies may also have the power to present annual assessments or reports to parliament or the public. The weight of their moral authority as well as the public attention they can draw to specific issues can create considerable pressure on governments to take up recommendations even without a legal requirement to do so.

→ **Journalists can ask:**

- ✓ What is the level of public knowledge and interest in the work of independent oversight authorities?
- ✓ Are their recommendations legally binding?
- ✓ How much moral authority do the findings of independent oversight authorities carry?
- ✓ What kind of investigations do independent oversight authorities produce to support their recommendations?
- ✓ To what extent is information about an investigation or its findings made available to the public?
- ✓ Are there failures in the way the system is legally set up and how could they be remedied?
- ✓ What are the views of those whose performance or institution has been the subject of investigation?
- ✓ Are the security concerns of people of all identities given equal weight in the work of independent oversight authorities, including in the complaints they choose to investigate and the findings they make?
- ✓ What weakness are visible in the work independent oversight authorities?

Box 31 Practical example: “Mexico: Case Unravels in Disappearance of 43 Students”

In Mexico, there have been extensive violations of human rights by the security sector in their fight against the drug cartels. The forced disappearance of 43 students from Ayotzinapa, Guerrero in September 2014 became emblematic of the situation and attracted widespread international media attention. Under pressure to provide accountability, a team of five independent experts was appointed to work on the case, and with the assistance of an Interdisciplinary Group of Independent Experts, from the Inter-American Commission on Human Rights (IACHR), uncovered strong evidence implicating several security forces from three levels of government in the disappearance of the students. One of the Group of Experts' major findings was that members of the municipal police forces that detained and disappeared the students were working on behalf of the organized criminal group. This example shows how independent oversight and investigation can be effective in holding security sector officials to account for abuses, even in contexts where government or the justice system is compromised by corruption, and other security sector actors are themselves part of the problem.

Sources: *Mexico's national anti-corruption system: A Historic Opportunity in the Fight against Corruption*, May 2018, <https://www.wola.org/wp-content/uploads/2018/05/ENGL-Corruption-Report.pdf>

“Hosts of iguala - Mexico: Case Unravels in Disappearance of 43 Students”, May 2015, <https://theintercept.com/2015/05/04/mexico-ayotzinapa-43-students-disappeared-part-2/>



Image: Brazil's supreme court is seen in Brasília. A judge in Goiás state recently delayed the trial of a journalist's murder because he said he had inadequate facilities, 2019 © Reuters/Adriano Machado.

17. Civil Society

Key definitions: who are civil society and what role do they play in security?

Civil society refers to individuals and groups who have a vision for an aspect of society or politics that they wish to promote in what they consider the public interest. Civil society takes many forms: for example, civil society advocacy might focus on solutions to certain policy issues, a commitment to values-driven political decisions, or representation of the rights or interests of a people who share an identity, a set of concerns or an experience. Civil society actors may be individuals or groups who agree on an issue, but they differ from political parties because they seek to influence government without holding office or political power.

Civil society, especially interest-based civil society organizations, plays a positive role in security when their views and aspirations align with the principles of respect for rule of law, protection of human rights, and a commitment to non-violent democratic politics. Civil society's engagement with security issues is likely to include individual actors or advocates who argue for the protection of human rights or policy changes on certain issues or experiences (such as police brutality, women's representation, survivors' rights). They may also be people who share an advocacy position based on a common interest or identity (women's groups, community groups, faith-based or religious groups). Some base their advocacy on professional affiliation (such as associations for police, veterans or lawyers), or subject area expertise (such as academics and think tanks). While many of the most well organized civil societies take the form of not-for-profit non-governmental organizations, some may be membership-funded or volunteer-based.

Journalists are sometimes considered part of civil society because their work also concerns the public interest. However, it is useful to separate media and journalism from civil society, because journalists maintain a professional commitment to neutrality and to represent all views fairly in the service of the public interest. Civil society in contrast exists to advocate for a particular set of values, a specific vision of public life, or a change in government position on a particular issue.

The variety of security issues around which civil society advocates and the way they organize their advocacy affects how journalists engage with them. Civil society can be a powerful source of public accountability by drawing public attention to security issues that affect the lives of many people and demanding higher standards of service from security providers. Yet civil society can also adopt advocacy positions that do not ensure the security of everyone equally or become co-opted by political or commercial interests.

Key issues for reporting on civil society

The voice of the people? Civil society actors demanding accountability from government for the conduct and standards of security providers is one of the most powerful forces for promoting protection of human rights and respect for rule of law. Part of the reason this so-called "watchdog function" is so effective for security sector accountability is that civil society actors working on security tend to deal with the concerns that directly reflect large segments of the population: this makes their demands especially relevant. At the same time, the fact that these demands for accountability come from people directly affected makes them especially legitimate.

→ **Journalists can ask:**

- ✓ What does civil society see as the most relevant security issues?
- ✓ What arguments are civil society making on an issue concerning the security sector?
- ✓ Is the evidence credible?
- ✓ What counterarguments or rebuttals come from the point of view of authorities?
- ✓ What aspects of civil society's work enhance their credibility or reveal room for improvement?
- ✓ What is the relationship between civil society and populations whose interests they claim to advocate for or represent?
- ✓ What is the point of view of the populations affected by civil society efforts?
- ✓ Can the sources and arguments behind the views that civil society present be verified?

A force for peace and security? Civil society sometimes argues for policies or issues that may be beneficial to those whose interests they represent, while harmful to the interests of others. Civil society advocacy around sensitive topics, such as resource distribution, access, or rights, can inflame tensions and escalate into violence, especially in contexts affected by conflict. At the same time, civil society might be a key actor in peace and reconciliation by creating a space for public discussion and non-violent resolution of conflict.

→ **Journalists can ask:**

- ✓ Whose interests are served by the advocacy agenda a civil society actor is promoting?
- ✓ Who would be harmed by its implementation, and would those interests be taken into account?
- ✓ What do alternative points of view reveal about the situation?
- ✓ How do government policy positions fare against alternative proposals from civil society?
- ✓ Has government attempted to limit civic space available to civil society and how has the security sector been implicated in these limitations? How are these efforts justified?
- ✓ Is civil society the target of violence? Why and by whom?
- ✓ Is civil society subject to abuses and repression? Is it recorded?
- ✓ Are all civil society actors targeted equally or are there discernable patterns to repression that reveal something about political agendas?
- ✓ What action is necessary to help protect freedom of expression?
- ✓ What can be done against official harassment of civil society?
- ✓ What proposals for constructive engagement with the security sector can civil society bring?

A source of credible, independent information? Civil society organizations can become experts on any aspect of security and may become invaluable sources of credible authoritative information. This is especially true of civil society organizations whose advocacy is rooted in their professional knowledge, such as former service careers in the security sector, or academics who specialize in a subject. Civil society organizations that specialize in security-relevant issues can also develop a deep knowledge of their focus area. The level of expertise of civil society can make them useful sources for journalists but does not change the fact that their advocacy position may or may not align with the value of protecting human rights, respecting the rule of law, and strengthening democracy.

→ **Journalists can ask:**

- ✓ Is information provided by civil society organizations reliable?
- ✓ Does information provided by civil society debunk disinformation?
- ✓ What is the history, context, and track record of civil society experts and organizations with strong views about security?
- ✓ What biases, interests or conflicts of interest shape certain positions, or opinions about civil society actors?
- ✓ What biases, interests or conflicts of interest shape the positions, or opinions of civil society actors?
- ✓ How is civil society funded and how does this affect their independence or advocacy strategy?
- ✓ How does civil society source the information cited in its reports?
- ✓ What do the methods civil society uses in investigation or advocacy say about the objectives or values they claim to support?

Box 32 Practical example: “Tripoli government aligned forces violently quell peaceful protests, arbitrarily detain and torture: HRW”

In September 2020, the Libya Herald reported accusations against security forces associated with Libya’s internationally recognized government of excessive violence, lethal force, and arbitrary detentions targeting protesters. The accusations were made by the international civil society organization, Human Rights Watch, which had issued a report following an investigation of events. The article detailed the accusations contained in the report as well as the evidence presented by Human Rights Watch to substantiate its claims. The article recounted witness testimonies gathered in interviews with people who were present and relayed accounts provided by other local media, and on social media, as well as the assessments of international experts with knowledge of the situation. The report also dove deep into the origins of the crisis to give context to the protest at the center of the accusations, and detailed relevant international standards and legal norms against which the actions of security forces should be judged. Responses from officials, including statements from the interior ministry, were also provided to cover both sides of the story. This is an example of how civil society advocacy for human rights can catalyze public attention and provide both a source and a focal point for reporting on the security sector. It also demonstrates how high quality reporting does not take any claim at face value (even those from a reputable source), but instead guarantees fair and balanced reporting by providing context, verification, and a variety of sources that reflect the views of all sides.

Source: Tripoli government aligned forces violently quell peaceful protests, arbitrarily detain and torture: HRW”, September 2020, <https://www.libyaherald.com/2020/09/11/tripoli-government-aligned-forces-violently-quell-peaceful-protests-arbitrarily-detain-and-torture-hrw/>

18. Non-State Security and Justice Actors

Key definitions: who are non-state security and justice actors and what makes them different from state security actors?

Public safety and security are important for communities and for this reason people sometimes join together to provide for their own safety and security, for example, by forming neighborhood watch associations, community patrols, self-defense groups, or guard systems to deter theft in markets and shopping areas, trade associations, among others. In a similar way, communities sometimes have their own processes and authorities who can deal with community problems that might otherwise involve courts of law or other parts of the justice sector, for example, dealing with issues of minor crime, resolving disagreements within families or between community members, or mediating between groups or individuals with competing claims to local resources. When arrangements to provide security and justice are established outside a state mandate or public authority, they are sometimes called non-state, hybrid, informal, or community security and justice actors.

These types of non-state security and justice actors exist in every society in one form or another. Their forms and roles vary enormously from one place to another, including within a single country. Where they exist, they usually serve populations at the local level and are often important sources of authority wielding considerable power over the lives of people who live or work within the sphere of their influence. In some contexts, they may have more legitimacy in the eyes of the community than state security and justice providers. They may be the preferred providers of security and justice for local communities, perhaps because of their cultural proximity to the communities they serve (for example, through language or religion). They may also be favored at the local level because they can provide security and justice services more quickly and more affordably than formal state security or justice services. Sometimes they are (or are thought to be) more reliable and less corrupt than formal state security and justice systems.

In some contexts, non-state security and justice actors may work in close cooperation with state security and justice systems, helping to uphold rule of law, protect human rights and provide public safety and security. Where this is the case, non-state security and justice actors can help extend the reach and legitimacy of democratic security provision to places where weak institutions might not otherwise be able to reach, such as remote rural areas, or within communities of a distinct language, culture or religion. In other cases, non-state security and justice actors may work according to principles that fail to protect human rights for all or that conflict with the law. In these cases, non-state security and justice actors can come to pose a



Image: Voter Registration for Southern Sudan Referendum, Sudan © UN Photo/Tim McKulka.

threat to their community and wider society by creating a double-standard and even posing a danger to some members of society or the political order of the state. Some non-state security and justice actors may have political or criminal motives that threaten the political order and may lead to violence against the population. For all these reasons, it is essential for journalists to report on non-state security and justice actors to ensure the general public is well informed about their activities and their relationship with these entities. Reporting on non-state security and justice actors is especially important because media coverage is often the only form of transparency or accountability that may apply to their activities.

Key issues for reporting on non-state security and justice providers

Providing security and justice? Non-state security and justice actors can sometimes become a danger to the security and safety of the local populations they were created to protect. This can happen when non-state security and justice actors come to favor their own economic or social interests over those of community or the people affected by their decisions. For example, non-state security and justice providers that may be mobilized by community initiative to solve a specific problem such as preventing theft and robbery, sometimes evolve into protection rackets or practice extortion. They may also become involved in organized crime and other illegal activities, and they may also be vulnerable to corruption or political influence. In such cases, non-state actors may become a source of insecurity and danger for some or all of the population. The negative impacts of non-state security and justice actors on local security and justice may or may not be common knowledge to the wider public, and journalists can play a critical role in drawing public attention and scrutiny to their activities.

→ Journalists can ask:

- ✓ How do the activities of non-state security and justice actors affect local communities and to whose benefit?
- ✓ What values do non-state security and justice actors defend?
- ✓ Who is affected positively and negatively by the work of non-state security and justice actors?
- ✓ Are non-state security and justice actors engaging in corrupt, criminal or other illegal activities?
- ✓ Do non-state security and justice actors use violence against the population?
- ✓ Do non-state security and justice actors have political motivations or allegiances?
- ✓ Do local communities trust and respect the non-state security and justice actors who affect their lives? Why or why not?
- ✓ Do local communities have a viable choice to turn away from non-state security and justice actors?
- ✓ Why do local communities support or not the activities of non-state security and justice actors?

Undermining or upholding the rule of law? Non-state security and justice actors can work in complementarity with state security and justice systems. For example, police that work with a community policing ethos can engage community based security and justice actors to cooperate in improving local security, especially by addressing social issues and sharing information. Police can help non-state security and justice actors to understand what actions they can take within the limits of the law: for example, mounting community watches and informing state security services of dangers and threats. In some cases, non-state security and justice actors may have an official status of cooperation or subordination to state security and justice providers, such as when legal provisions regulate the activities of commercial security companies. Through cooperation and regulation non-state security and justice actors can make a valuable contribution to public safety and even national security. However,

their activities can undermine the rule of law if they do not understand and respect the limits that the law places on them. Non-state security and justice providers must understand the limits of the legal rights, such as referring certain types of crime (especially violent or serious crimes) to state authorities. Journalists have a critical role to play in investigating and drawing public and official attention to cases where non-state security and justice actors may be overstepping their authority and undermining the rule of law.

→ **Journalists can ask:**

- ✓ What is the status of non-state security and justice actors under the law?
- ✓ What rules and regulations exist to guide or limit the activities of non-state security and justice actors?
- ✓ What government authority is responsible for overseeing their activities?
- ✓ What kind of cooperative relationship do non-state security and justice providers have with state security and justice authorities?
- ✓ Do non-state security and justice actors as well as the community or public at large understand the limits of their powers and the legal context for their activities?
- ✓ What recourse is available for people who disagree with the decisions or activities of non-state security and justice actors?
- ✓ What measures are in place among non-state security and justice providers to ensure they respect the limits of the law and work in fairness to all members of the community equally?

Security and justice for all? Communities often develop their own responses to local security and justice issues because there is a need that state security and justice actors are not meeting. Non-state security and justice actors are often the product of traditional cultures, religion, or local political history as well as an immediate demand for safety, security or justice. Sometimes the measures for providing security or justice that communities develop might not align with the protection of fundamental human rights, such as the right to life, the right not to be tortured, or the right to equality: for example, when community security initiative function as vigilante groups, or when informal justice mechanisms exact violent corporeal punishments. Sometimes the rights of women or minorities might not be respected, for example, in judgements related to intimate partner violence, family disputes, or inter-communal disagreements over property or tradition. Reporting on the attitudes and activities of non-state security and justice actors can help create an ethos of respect for the human rights of all members of society equally.

→ **Journalists can ask:**

- ✓ Who are the direct beneficiaries of the activities of non-state security and justice actors?
- ✓ Are the rights of all members of the public respected in the work of non-state security and justice actors?
- ✓ Can all people access their services regardless of their age, sex, ethnicity, religion, gender identity, etc? Who is excluded and why?
- ✓ What recourse do community members have against the decisions or activities of non-state security and justice actors?
- ✓ When their activities do not affect all members of the community directly, do they create an atmosphere conducive to the security and justice of all people equally?
- ✓ Do non-state security and justice members practice discrimination or do they believe in and protect human rights for all equally?
- ✓ Are the fundamental rights of all men, women, boys and girls respected and protected by non-state security and justice actors?

Box 33 Practical example: “Insecurity: Interrogating the gradual slide to unmitigated self-help”

This article describes a number of security-related challenges in Nigeria over the first weeks of February 2021 and uses these events to analyze how and why non-state security actors are becoming increasingly active in many regions. It describes in detail the need communities and regions feel for self-defense, and the failures of state security services to meet this need. It also describes how a range of non-state groups have become exploitative, criminal and dangerous to the public. Drawing on a range of official and civil society sources, the article describes why many see these developments as problematic for stability, public safety and national security in Nigeria. The article describes the relationship between non-state security actors and state security forces, quoting at length from multiple sources. This example demonstrates how reporting on the activities of non-state security actors can highlight the need to hold these groups accountable for their violations of human rights and the law, as well as the deficiencies in state security and justice provision that their activities expose.

Source: Onyedika Agbede, Tobi Awodipe, “Insecurity: Interrogating the gradual slide to unmitigated self-help”, February 2021, <https://guardian.ng/saturday-magazine/insecurity-tension-concerns-as-nigerians-resort-to-self-help/>



Image: Koglweogo patrolling around a religious function, Ouagadougou' suburbs, Ouagadougou, 2017 @ Tanguy Quidelleur.



Sources and Resources for Security Sector Reporting







III. Sources and Resources for Security Sector Reporting

Sources and information-gathering for reporting on the security sector

High-quality journalism depends on a journalist's ability to examine all sides of the story but when it comes to the security sector, access to information, facilities and personnel is often difficult or impossible. This section details some potential sources and strategies for accessing, verifying and triangulating information in security sector reporting.

Using policy documents and official records

Policies, strategies and operational doctrines, without having the force of law, can provide journalists with **insights into the workings of the security sector**. Relevant sources include:

- National security strategy and/or policy documents
- Sectoral policies for defense, policing, justice etc.,
- Annual or ad hoc issue reports
- Standard operating procedures, internal regulations, rules of engagement
- Policies on recruitment and personnel management
- Procurement records
- Public complaints records
- Public information campaigns

Not all of such sources are publicly available. Indeed, much of the internal workings of security institutions may be subject to **legitimate exclusions from Freedom of Access laws** on the basis of operational security, national security or public safety.

In other cases, **bureaucratic inertia** or inefficiency might explain why information is not made available. It may be that older, even historical records or documents are available, or that important details can be gleaned or inferred from other sources about the effectiveness and accountability of security actors. Sometimes useful sources on a specific security actor may come from an alternative institutional source, for example:

- Parliamentary budget allocations and audit reports
- Court proceedings

- Reports or investigations conducted by independent oversight bodies
- Reports from institutions with shared jurisdiction
- Reports or investigations by civil society organizations both national and international
- Reports to international organizations under regional or international agreements

In some contexts, the work of international experts such as special rapporteurs, independent experts, and working groups, fact-finding country missions could be relevant.

For PSC, which may be operating nationally and internationally, market analysis, financial reports about the value of the market and commercial registries that show ownership or licensing of PSC could be relevant.

When investigating management and oversight bodies, insight into their working may come from:

- Organigrams
- Schedules
- Regulations
- Budgets and audits
- Procurement records
- Personnel regulations and records

Parliaments often record all of the plenary and some committee discussions as an official record, which the public can access. Committees often publish reports on their proceedings and the outcomes of investigations. Where issues of national security are concerned, there may be limits on public access to some material since representatives themselves may require security clearances to handle classified materials in the context of committee enquiries (this protects the legitimate secrecy of some security operations while ensuring that parliament is still able to provide oversight). Redacted versions of committee reports may be available in these cases.

Judicial systems themselves usually produce copious records of their proceedings, which may only be available once a judicial process is over, or after some statutorily mandated amount of time. Records, policies and strategies from related authorities, such as departments or ministries of justice show how the judicial system is—or is supposed to be—organized. Parliamentary and finance ministry records and budgets can show what resources are made available to them allowing for reporters to investigate how these resources are used. Regulations governing court proceedings and administration may also be useful. Police and prison records can also give indirect insight into the performance of the judicial system.

Independent oversight authorities do not usually make the proceedings of investigations public, but they typically result in detailed reports that should provide a sound basis for the credibility of the findings. Public records of hearings and Freedom-of-Information requests concerning organizations under investigation might be useful in assessing the quality of oversight or the workings of the security actor under investigation.

Reporting on **civil society organizations**—whether as sources or subjects of the story—should verify and clearly state the nature of the organization. For this purpose, records of registration, incorporation, internal budgeting documents, membership terms, manifestos, and public campaign materials could all give insights into the motivations and credibility of civil society organizations. Their research or advocacy products can be a valuable source

of information on security issues while also revealing the potential biases under which the organization works.

Accessing institutions

Ideally, security sector institutions understand the importance of engaging with journalists in a professional and constructive way and have developed **public relations or affairs** capacity for this purpose. Their role usually involves:

- making press releases,
- holding press conferences,
- responding to requests for comment,
- granting or organizing interviews,
- organizing site visits or open-door days.

Public relations can involve organizing **press access to security installations**, from military bases to police stations or ministry buildings, where possible, is likely to be helpful in gaining a clearer sense of conditions and how the institution works. Yet such visits may involve long time-lags and be heavily supervised by public relations personnel. In some situations, it may be possible to organize “embedded” assignments, for example with the armed forces, which allow journalists to travel, live and work alongside service personnel in order to better understand the work of the armed forces. Police may conduct station visits, or “ride-alongs” where journalists can accompany police on duty. Prison services may also allow media visits in similar ways.

Although the role of public relations is to communicate the point of view of the institution on any given question, this does not mean that information provided is necessarily false or that essential details have been omitted, although this may be the case. Journalists have a professional responsibility to **balance conflicting points of view** in their reporting but also to verify as much as possible whether information they have been provided with is full, complete and accurate.

Public relations within the security sector sometimes misunderstand the role of **media as a mouthpiece for official messages**, rather than a critical partner in effectiveness and oversight. When security sector spokespeople simply decline requests to comment on a story, there can be many reasons for this, for example, designated spokespeople may:

- lack the authority of their hierarchy/chain of command to speak to journalists;
- be ill-informed of a situation;
- wish to limit interaction with journalists because they do not see the usefulness of it or fear public scrutiny.

Ideally, **media training and preparation for press engagement** will be provided not only to the public relations professionals within a security institution, but also to a broader cross-section of security sector officials, in order to support the provision of timely and accurate information to journalists and the public at large. Senior personnel, in particular, should be prepared to respond to journalists’ requests in the course of their duties. An officer for media liaison may also be assigned to address journalists at locations of interest, for example, crime scenes or checkpoints.

Police, for example, depend much more on public cooperation to accomplish their mission than intelligence agencies, and this difference will shape their approach to journalists.

“ Public outreach is a higher priority for some security sector actors than others, so media engagement will differ markedly between security actors.

Given the nature of their work and secretive institutional cultures, few intelligence agencies have active communications strategy or highly visible public relations. Exceptions to this have to do with dispelling suspicion, winning public credibility, and often spurring recruitment. Often intelligence officials do foster direct relationships with journalists because it is valuable, and sometimes an objective of their work is to be able to influence public discussion and narratives about certain issues. At the same time, posing as journalists or media is sometimes a useful cover for intelligence operatives. Journalists may or may not be aware that they are dealing with a source who has been recruited by intelligence or maybe working directly for them. Working with such sources can sometimes bring valuable information to public attention but is also highly sensitive for journalists given the difficulties of verifying information and the risks of manipulation.

Police, in contrast, have a vested institutional interest in a more open relationship with the public, including through media engagement. Police stations are places of limited public access that journalists can visit: the daily log of incidents and reports may be a valuable source of potential news. Police also sometimes offer specialist press passes that allow journalists privileged access. This arrangement where police open doors and collaborate does not exempt journalists from being independent and impartial towards security officers.

Penal institutions and the services that manage them are also more public-facing security institutions. They must manage their relationship with the public on a regular and ongoing basis by allowing visits to prisoners, especially if visitors are supplementing insufficient services, such as by bringing food regularly. Media visits to prisons and contact with prisoners may or may not be allowed and may require official permission.

PSC have an interest in addressing journalist's enquiries in order to protect their reputation and credibility in the public sphere. If they are larger businesses, they may have communications professionals and corporate publications detailing their activities, such as annual reports. Smaller, local businesses may have little or no experience with the media. Journalists may also learn from the policies and processes by which client companies contract PSC.

At the highest levels of government, political actors facing re-election may see an interest in engaging journalists, including in covering matters of safety and security, hence the challenge in reporting may lie more in critiquing a presentation of matters that favors political decision-makers. At lower levels, executive authorities usually have official channels for engaging with journalists, but Freedom-of-Information requests, as well as informal sharing of information from sources journalists have cultivated, can also be useful.

Parliaments depend on complex rules and regulations which also affect how they interact with the media. Typically, there is a system of press credentials in place which allows accredited journalists special access to plenary sessions and sometimes committee hearings

and proceedings, although rules about privileges, access, use of cameras and recordings may be quite specific and, in some cases, limiting. Often these processes are handled by a department responsible for public communication or media relations.

Reporting on judicial proceedings is a complex issue because courts impose many rules to protect the identity of the accused and witnesses, as well as the integrity of the trial process. As a result, there are strict limits on what media can report and when, which journalists will have to find out about in each context they work in. Reporting on how judicial systems work is not necessarily subject to the same restrictions as reporting on specific cases, and journalists can turn to ministries of justice and court authorities for information.

By their nature, independent oversight authorities tend to be public-facing organizations that actively solicit contact with the public, and this can be useful to journalists, even if there are limits on what information about current investigations can be shared.

Civil society actors are by definition public and tend to be open and receptive to journalists' enquiries. Although they may not have means to operate professional or dedicated communications or public relations efforts, they are still likely to present an issue according to their advocacy narrative, so their claims are not necessarily to be taken at face value.

“ *The human stories at the heart of public safety and national security are often what make reporting on the security sector most compelling.*

The human dimension: Witnesses and personal experiences

Referring to people's experiences both within the security sector and outside it—whether as beneficiaries or victims—humanizes the sometimes remote and technical details of security policy and politics. Journalists can use witness testimony and personal experience to raise questions, verify information and substantiate claims. Access to people with this knowledge and experience differs depending on their relationship to security providers.

Outside the role of official spokespeople, it is often difficult to access **security sector personnel** directly: it is typically a condition of service in security institutions, including the police and military, not to speak with journalists without prior authorization (which is often difficult and time-consuming to obtain). These restrictions may continue to apply to security personnel even after they have left active service or retired. Similar restrictions usually apply to public sector professionals working for civilian management and oversight authorities. Journalists can work to build a network of informal contacts with security sector personnel but should be aware that promises of anonymity are difficult to keep (surveillance) and may expose both the source and reporter to undue risk. Working with stakeholders close to the security sector may also provide an alternative insight into dimensions of security, such as local government authorities, traditional leaders or civil society.

The conditions of service in the security sector usually prevent serving personnel from speaking directly with journalists, and disobedience can lead to sanction, dismissal, and even criminal charges. **Retired service personnel or veterans** may not be subject to the same restrictions, but this varies by context so journalist must verify whether their questions are exposing a former service member to risk.



Image: Sierra Leone – women interview 2008 © Jean-Claude Capt / Fondation Hirondelle.

Public servants, both present and past, can be valuable sources who can sometimes address the inner workings of security decision-making. However, like security personnel, public servants often serve under legal restrictions on their freedom to comment publicly about their work, especially if they have worked on sensitive security issues or under the terms of a security clearance. They may be willing to speak off the record, within the bounds of certain subject areas, or once sensitive information is already in the public domain.

Politicians are typically eager to showcase their competency to the electorate and cultivate relationships with journalists for this purpose. Those who previously served on specialized committees may be able to provide insight into the functioning of these bodies, the challenges they face, the relationships with security providers, and the competency of staff and other representatives.

Professionals working within the judicial system can give insight into experiences, conditions, and the challenges courts face. Professionals in state employment are likely to be subject to restrictions in talking to journalists, but those who work within the system but independently, such as lawyers or community advocates, may have as much access and insight as insiders without being subject to contractual restrictions. On the other hand, they may face professional repercussions for engaging with journalists so discretion will be necessary. Current and former staff as well as those involved in or targeted for investigation might be able to give insight into aspects of past and future enquiries as well as the workings of the authorities involved, although staff likely face constraints in sharing with journalists.

The **experiences of families and communities of security sector personnel** may be relevant, as well as the wider experiences of the communities where major security installations are based, such as prisons, military bases, border posts or police stations. Similarly, the testimony of people who have experienced security institutions from the wrong side the law

can be invaluable sources: for example, **victims, suspects, defendants, convicted criminals or prisoners**. Human rights advocates, lawyers and civil society organizations supporting victims, survivors or communities affected by insecurity may also provide insight into the security sector whose work they witness first-hand. **Civil society experts** can provide valuable information and perspectives on security and justice issues. Civil society organizations can also facilitate access to a wider range of members of the public who have been affected by an aspect of security.

In cases of **grave abuses**, some security personnel may be prepared to speak on the basis of anonymity and their experiences can give invaluable insight into unofficial policies or practices. Personal experiences with abuses by security sector actors are most likely to be exposed in the news as a matter of whistle-blowing or public denunciation. Understanding in detail the legal restrictions that apply both to journalists and sources when handling sensitive, potentially secret information related to national security is essential. Equally important will be taking steps to protect sources, while respecting the law.

International partners or local civil society organizations supporting security sector development or reform may be useful sources of information as many conduct assessments, regular visits, or provide supplies and training. For these actors, their continuing ability to work with the security sector depends on maintaining favorable relationships with authorities and is often subject to terms of confidentiality. If they are revealed as the source of a potentially embarrassing or unfavorable report, their access and thus their work, could be jeopardized. Journalists must weigh carefully the public interest element of their work against the damage that might result if a source is revealed and the working relationship with a security institution ends as a result.

Journalists can approach **PSC personnel**, who may or may not be allowed to comment on the record about their views and experiences, or who may feel their employment could be at risk if they do. Journalists can also address questions to clients of PSC, as well as communities where they operate. Additionally, they can reach out to governments or security sector actors who contract or work with PSC, as well as oversight authorities and local or international civil society experts whose work involves private security.

Further Resources

Selected open access sources potentially useful for journalists reporting on the security sector.

Security sector resources

Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice

United Nations Office on Drugs and Crime (UNODC), Third Edition: United Nations. New York: 2016

https://www.unodc.org/documents/justice-and-prison-reform/English_book.pdf

The United Nations standards and norms in crime prevention and criminal justice provide flexible guidance for reform that accounts for differences in legal traditions, systems and structures while providing a collective vision and values for criminal justice systems. In national contexts, these standards can be adapted to foster in-depth assessments leading to the adoption of necessary criminal justice reforms. They can also help countries to develop subregional and regional strategies. Globally and internationally, the standards and norms represent “best practices” that can be adapted by states to meet national needs.

Resource Book on the Use of Force and Firearms in Law Enforcement

United Nations publication issued by the United Nations Office on Drugs and Crime (UNODC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Vienna: 2017.

https://www.unodc.org/documents/justice-and-prison-reform/17-03483_ebook.pdf

This resource book relates to the use of force and firearms by law enforcement officials. It offers guidance on how to implement international standards for the use of force in law enforcement, and international human rights law commitments, in national law, policy and practice. It also outlines good practices for accountability in the use of force and firearms by law enforcement officials. This resource book focuses on four aspects of the use of force in law enforcement operations:

1. How to use force in conformity with applicable United Nations standards and norms and international human rights law
2. What can be done to reduce the need to resort to force
3. How the abuse of force can be prevented
4. What measures should be taken when unlawful, excessive or arbitrary use of force occurs

Recommended Principles and Guidelines on Human Rights at International Borders

Office of the High Commissioner for Human Rights (OHCHR). Geneva: N.D.

https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

A guide to applying human rights principles at borders based on three core principles and ten recommended guidelines. The guide presents practical and detailed ways states can increase capacity and protect human rights at borders. It covers issues of rescue and interception operations, screening, avoiding detention, and human rights-based return or removal. Each Guideline addresses independent monitoring mechanisms for borders to ensure accountability and that all people crossing border will be able to access effective remedies.

Gender and Security Sector Reform Toolkit

Dcaf.link

The toolkit presents best practices and recommendations for strengthening a gender perspective within the security sector. It addresses a broad pool of security sector institutions, including the armed forces, police and national parliaments, as well as providing insight on gender within the context of national security policy-making, justice reform, and border management. It considers gender training for security sector personnel and SSR assessment, monitoring, evaluation and gender. The toolkit comprises:

- User guide
- 13 tools (20 pages each)
- 13 corresponding shorter practice notes (4 pages each, based on the tools)
- Annex on International and Regional Laws and Instruments related to SSR and Gender

All tools and practice notes are available in English, French and Russian. Unofficial translations of selected titles are available in Albanian, Georgian, Macedonian and Serbian.

The Private Security Network

<https://www.privatesecurity.network/>

The Private Security Network (Privatesecurity.network) is an online platform devoted to journalistic investigations into the private security industry. Investigative journalists from all over the world are members of the Private Security Network. The network monitors and investigates the private security industry and shares factual content on the website.

The International Code of Conduct Association – ICoCA

<https://icoca.ch>

ICoCA is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect human rights and humanitarian law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers, which sets out the responsibilities of private security companies under human rights and international humanitarian law to ensure the responsible provision of private security services, particularly when operating in complex environments.

The security sector and the media

Strengthening police and media relations for the safety of journalists and peaceful, free and fair elections in West Africa

Michelle Betz. Media Foundation for West Africa/ International Media Support. Ghana: 2018.
https://www.mediasupport.org/wp-content/uploads/2018/04/Police-media-relations_IMS_2018_ENG_WEB.pdf

Drawing on the experience of Media Foundation for West Africa and International Media Support in West Africa, this report provides guidance and best practices on promoting a constructive working relationship between the media and the security sector with the goal of creating conducive environments for peaceful, free and fair elections in maturing democracies. The report reviews experiences from Ghana, Liberia and Sierra Leone and presents concrete suggestions, including sample agendas for workshop events designed to build trust between the media and security authorities, as well as sample press communiques used in each context.

Freedom of Expression and Public Order: Fostering the Relationship between Security Forces and Journalists,

United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris: 2018.
https://en.unesco.org/sites/default/files/freedomofexpressionandpublicorder_english-final_toprint_0.pdf

Offers a succinct overview of the relationships between the security sector and media based on the UNESCO training programme for security forces to support them in their mission of maintaining order while respecting human rights, freedom of expression and the safety of journalists. Details challenges in improving the sometimes tense relationships between security forces and journalists, and ensuring a safe environment for journalists to work freely in support of the right to freedom of expression and access to information.

Defence Handbook for Journalists and Bloggers on Freedom of Expression and Freedom of Information Principles in International Law

by Thomson Reuters Foundation, Reporters Without Borders and Paul Hastings LLP, 2015.
<https://www.trust.org/publications/i/?id=dceec155-7cb8-4860-a68e-4b463e562051>

The Defence Handbook for Journalists and Bloggers focuses specifically on the application of international legal principles to the work of journalists. It includes decisions and

recommendations made by international and regional bodies and courts in relation to various aspects of freedom of speech, including: international sources of law giving rise to freedom of expression and freedom of information principles; defamation; the right to privacy; protection of public order and morality; and national security and state secrets.

Engagement and communication: Media relations, United Kingdom College of Policing, 2017.

<https://www.app.college.police.uk/app-content/engagement-and-communication/media-relations/#arrests-charges-and-judicial-outcomes>

This authorized professional practice (APP) is designed to assist those working in police forces who engage with the media. An update on earlier versions and guidance it provides links to other useful publications produced by the UK College of Policing. Accessible online in a clickable format, it includes sections on police and the media, arrests, charges, and judicial outcomes, police under investigation, and freedom of information.

Guide on communication with the media and the public for courts and prosecution authorities

Prepared by the CEPEJ Working Group on quality of justice (CEPEJ-GT-QUAL) on the basis of a contribution from Mr Pierre Cornu, scientific expert, (Switzerland)

<https://rm.coe.int/cepej-2018-15-en-communication-manual-with-media/16809025fe>

This guide deals with external communication between the judiciary and the media and is intended for the use of courts and criminal prosecution authorities (public prosecutors and where applicable, investigating judges). Its objective is to help them managing communications with the public and the media, mainly on the general performance of judicial institutions, existing queries about the institutions' activities, specific claims and emergency situations.

Reporting on Corruption: A Resource Tool for Governments and Journalists

United Nations Office on Drugs and Crime (UNODC), 2013

https://www.unodc.org/documents/corruption/Publications/2013/Resource_Tool_for_Governments_and_Journalists_COSP5_ebook.pdf

Guidance for governments and journalists developed by UNODC and designed to examine and highlight good practices – both in the journalism profession and in legislation promoting broader freedoms of opinion and expression – that can support anti-corruption efforts. It showcases examples of investigative reporting on corruption, and explains how the stories were produced. It highlights legal frameworks and good government practices that could serve as sources of inspiration or models for states seeking to unleash the potential of investigative reporting in their fight against corruption.

Legal Leaks: A Guide for Journalists on How to Access Government Information

Access Info Europe, n-ost, Organization for Security and Co-operation in Europe (OSCE).

<https://www.legalleaks.info>

The Legal Leaks Toolkit is designed for journalists working in any media – newspapers, radio, and television – as well as bloggers and other information professionals who need to get access to information held by public bodies for their stories. It is based on a comparative analysis of the access to information of the 42 countries of the Council of Europe region. In text references detail where national law or practice deviates from the normal access to information standards. The toolkit is intended for journalists making requests in their own country or considering filing a request in another country and the international version can be adapted to the legal framework of any country. National versions have been created and translated into more than a dozen languages and are available on website.

Conflict sensitive journalism

Conflict sensitive journalism: A handbook.

Ross Howard, IMS (International Media Support) and IMPACS (Institute for Media, Policy and Civil Society). Copenhagen: 2004

<https://www.mediasupport.org/wp-content/uploads/2012/11/ims-csj-handbook-2004.pdf>

Presents principles of conflict analysis useful for journalists and explains how they apply in professional reporting. Provides checklists and examples so journalists can apply these methods in their own work.

Conflict sensitive journalism: best practices and recommendations.

Buromensky Mykhailo, Shturkhetsky Serhiy, Beals Emma, Kazanji Zoya, Betz Michelle, Schuepp Chris, OECD. Kyiv, 2016.

<https://www.osce.org/files/f/documents/8/b/254526.pdf>

Gives a detailed overview of international standards and best practices for conflict sensitive reporting based on the authors' experiences in general and specifically in the case of Ukraine. Includes guidance for journalists on how to prepare for reporting on issues that might expose them to risk as well as advice on how their reporting can influence conflict. Provides detailed guidance for reporting on displaced populations and people affected by humanitarian crises.

Conflict-sensitive reporting: State of the Art; A Course for Journalists and Journalism Educators

Ross Howard. United Nations Educational, Scientific and Cultural Organization (UNESCO). Paris: 2009.

<https://unesdoc.unesco.org/ark:/48223/pf0000186986>

A curriculum or course outline designed to be adaptable for programs introducing journalists to the principles of conflict sensitive reporting (especially within their own communities, countries and regions) for the first time. It includes observations and recommendations for trainers presenting the course in conflict-affected environment, as well as Case Histories of such training from Kenya and Somalia and an extensive resource list to support trainers.



Image: Media Crowds at Côte d'Ivoire's Presidential Elections, Abidjan, Côte d'Ivoire, 2010 © UN Photo/Basile Zoma.



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