Safety Guidebook for Journalists Covering Elections in Uganda







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1. BACKGROUND

The role of media in the electoral process is immense, from acting as a public educator, a watchdog, to a forum for balanced debate. However, such a contribution will fall short if the safety of journalists is threatened. Threats to their work and lives could result in selfcensorship and citizens will not consider themselves safe either to be able to speak out.

Journalists must therefore be able to work in safety, protected from threats while covering elections. A recent research dubbed *Exploring* Viable Public Private Strategies to End Electoral Violence against Journalists in Uganda unearthed multiple violations and abuses suffered by Ugandan journalists during times of heightened electoral activity. The report discovered an increase in cases of assault, wanton Arrests and detentions as well as inhumane and degrading treatment of journalists, phenomena which made it hard for journalists to execute their role. There was also a rise in media content censorship and attempts to stifle internet freedom.

The Uganda Police Force (UPF) emerged the top single violator of journalists' rights perpetrating over 65% of the aforementioned violations, followed by the military, Resident District Commissioners (RDCs) and the Uganda Communications Commission (UCC). Also pertinent in the research was the fact that majority of the media institutions studied had no institutional mechanisms in terms of technical or legal capacities to deter or respond to violence against their staff reporting on elections.

This guidebook emerged as one of the strategic recommendations by various stakeholders on ending violence against journalists in the electoral context in Uganda.

2. UGANDA: COUNTRY ELECTORAL PROFILE

2.1 Political Context

Uganda is a presidential republic, in which the President of Uganda is both the head of state and head of government. There is a multi-party system. Executive power is exercised by the government. Legislative power is given to both the government and parliament. The system is based on a democratic parliamentary system with equal rights for all citizens over 18 years of age.

The Economist Intelligence Unit rated Uganda a "hybrid regime" in 2019¹. Hybrid regimes are nations with regular electoral frauds, preventing them from being fair and free democracies. These nations commonly have governments that apply pressure on political opposition, nonindependent judiciaries, widespread corruption, harassment and pressure

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¹ The Economist Intelligence Unit (8 January 2019). <u>"Democracy Index 2019"</u>. *Economist Intelligence Unit*. Retrieved 13 January 2019.

placed on the media, anemic rule of law, and more pronounced faults than flawed democracies in the realms of underdeveloped political culture, low levels of participation in politics, and issues in the functioning of governance.

2.2 The State of Media Freedom in Uganda

The press-freedom landscape in Uganda is one of unique contradictions. Although some surveys depict Uganda as one of the most free and active media landscapes in Central and East Africa, an array of legal and extralegal mechanisms continues to limit free expression. In-depth interviews with Ugandan journalists reveal that journalists face dangers if they report critically about the president or his inner circle².

2.3 The Electoral Environment in Uganda

Elections under the NRM Government In the last 34 years of the NRM government, Uganda has held a number of national elections. These include the 1994, 1996, 2001, 2006, 2011, 2016 and in 2021 elections. But the lack of open and free campaign platforms has been a leading characteristic of all post 1986 elections in Uganda³.

The emerging voting patterns in Uganda

One very consistent voting pattern is that in most of the elections held in Uganda, the Northern part of the country has always voted against the NRM candidates and President Museveni. This is because in the early years of the NRM government, the National Resistance Army (NRA) went on a collision path with the population in Northern Uganda resulting in the proliferation of insurgency groups.

On the other hand, majority of the Western and the Central parts of the country have regularly voted in favor of President Museveni largely because of wanting to maintain the status quo of considerable peace and prosperity.

From a sociological point of view, the NRM presidential candidate has been drawing the bulk of his support from the rural voters while the urban areas have regularly voted in favor of the **Opposition.** The socio-economic factors always have always had an influence on the choice of voting especially in the urban areas. The Opinion polls (The Daily Monitor; 2016) also showed that the young voters were in favor of the Opposition while the NRM received the support of the elderly population of the voters. It is believed that this demographic divide has a historical basis embedded in the post-colonial politics of Uganda. The old aged population appears to credit the NRM for maintaining some level of stability in Uganda as opposed to the period of political and constitutional instability

² The State of Press Freedom in Uganda, Meghan Sobel Cohen, Regis University, USA 2020

³ Charles N. Bwana, Voting Patterns in Uganda: Towards a Theoretical Explanation of Elections under the NRM Government

during much of post-independence Uganda. On the other hand, the young voters judge the NRM not in comparison with Uganda's past but on the basis of international standards of good governance and democratic practice. Rather than look at Uganda's checkered past and applaud the NRM, the young generation of voters has tended to rationalize about current problems affecting them and the failure on the part of the NRM to perform to their expectation.

Another category of voters who have been hostage to Uganda's past and therefore continue to vote for the NRM are the women. The history of women marginalization and oppression received concerted international attention at the same time that the NRM came into power in Uganda.

3. THE ROLE OF JOURNALISTS IN ELECTIONS

Journalists play an indispensable role in the proper functioning of a democracy. Discussion of the journalists' functions within electoral contexts often focuses on their "watchdog" role: by unfettered scrutiny and discussion of the successes and failures of candidates, governments, and electoral management bodies, journalists can inform the public of how effectively they have performed and help to hold them to account. Yet journalists also have other roles in enabling full public participation in elections: In today's politics and society at large, journalists are essential to the safeguarding transparency of democratic processes. This is often called its 'watchdog' role. Transparency is required on many levels including for access to information; accountability and legitimacy of individuals, institutions and processes themselves; and for rightful participation and public debate.

Transparency as required for access to information means that an electorate is provided with necessary and comprehensive information so as to make informed choices as well as be able to hold officials and institutions accountable. This includes access to legal and operational proceedings as well as information about officials and institutions. Specific to elections, an Election Management Body (EMB) for example, is obligated to inform the public on their actions, decisions, and plans.

Media acts as a mechanism for the prevention and investigation of allegations of violations or malpractice. This watchdog role extends from accountability of officials and their actions while 'in office' to entire processes. For example, journalists' presence at voting and counting centres is critical to preventing electoral fraud, given that full measures protecting freedom of speech are guaranteed, and that journalists are free to act independently and with impartiality⁴.

3.1 Journalists as Watchdogs

⁴ Michael McFaul, "Transitions from Postcommunism" *Journal of Democracy* 16 (July 2005): 11-12

3.2 Journalists as Campaign Platforms

While candidate and party campaigns are of course a form of debate, there are also other voices that are to be heard within public forums. As enshrined in the International Covenant on Civil and Political Rights, all people have the right to express opposing ideas and opinions⁵.

The role of journalists in providing this platform for debate and discussion is therefore vital. Journalists provide a mechanism for regular citizens to be heard and to therefore influence political agendas and campaign platforms, and sometimes garnering support and influencing fellow voters. Forms can include:

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- Members of the public, lobby groups, experts with different perspectives, and candidates being interviewed by journalists for their views on certain policies;
- Talkback radio and television in which the public air their opinions;
- News reports on press conferences, protests and other events held by interest groups;
- Media surveys of public opinion;
- Citizen journalism;
- Debates on blogs, Twitter, and social media sites;
- Letters to the editor.

3.3 Journalists as Public Educators

Journalists also educate through the transmission of voter information. This might be through direct negotiation with EMBs and NGOs for broadcast of educational material. It also happens indirectly. For example, when journalists report on an electoral event, details such as the location of voting sites, the necessity of voter registration, how the count will be conducted, and so forth, may be provided to the audience. This is one reason why it is very important that an EMB communicates frequently with all media, providing them with the necessary facts and figures to ensure accurate reporting.

Journalists also play an important analytical role ensuring that the public has the level of informational detail required to make informed choices or action. Journalists utilize various tools of analysis. These include:

- Opinion polls;
- Research and scrutiny of policies, records and reports;
- Investigative journalism;
- Use of expert input and opinion;
- Assess community needs and opinions;
- Measure candidates/parties deliveries against promises.

⁵ https://aceproject.org/ace-

en/topics/me/introduction/me10/me10b

4. PROFESSIONAL AND ETHICAL CONDUCT AS A REQUIREMENT FOR JOURNALISTS SAFETY

4.0 Introduction

A fundamental principle of journalism is that all information must be completely accurate. This requires great professional discipline in all circumstances, and especially during election times. A journalist must search for truth and recount it as completely as possible while exercising a critical sense that demands systematic confirmation of all facts in the article. To be considered reliable, information must meet the following conditions:

• The information must be determined to be true, not false. Manipulation, disinformation and spreading of rumors are common practices in electoral periods. Never assume that information is true. Other sources must confirm it.

 If doubt exists, the most prudent course is to withhold the information.
Do not rely on grammatical constructions to imply doubt.

• Every element of a news article must be accurate: the events, the dates, the places, the quotes, etc. One error in one basic fact can cast doubt on the accuracy of an entire article.

• When a journalist realizes, or is informed, that he has used inaccurate information, he must correct it rapidly and with the same prominence given to the original article.

4.1 Rights and responsibilities

During an election campaign, a journalist has every right to speak with all parties and candidates. This right extends to parties and politicians who strongly oppose the government and applies to all campaign issues that the journalist considers important for citizens and for the future of the country.

The 1966 covenant recognizes that every individual enjoys freedom of expression. Thus, the right to free expression during political campaigns must be guaranteed to all parties and candidates, as well as to all citizens. This freedom can be expressed through:

 The right of access to media to present programmes and/or to express opinions;

• The exposure of attempts to hinder freedom of expression.

Examples of the latter include a government preventing a candidate from holding a campaign rally, or a political party pressuring a citizen not to reveal first-hand knowledge of election fraud.

To ensure responsible election reporting, a journalist must be guided by the following principles:

★ Honesty: Be honest. Tell the truth or what you strongly believe is the truth.

★ Balance: All political sides, politicians as well as citizens, should have access to your media outlet. Avoid covering only one side of the political parties. Keep the balance and reflect a diversity of opinion.

★ Fairness: Treat every political candidate fair and always remember to give anybody who is attacked or criticized by others the opportunity to comment. Fairness is to loyally disseminate the main points of the candidates, but don't just hold the microphone. It is also your duty to ask critical questions on behalf of the

citizens and challenge the opinions of the candidate. Not necessarily because you mistrust the candidate, but to help the candidate qualify his arguments to make it easier for the citizens to understand these arguments.

★ Impartiality: Try whatever you can to be impartial. Report election news in the language of the candidates unless they use inflammatory language, and separate facts from comments you quote. Remember to clearly emphasize comments with quotation-marks and the name of the person behind the comment.

★ Facts-based: Do not report rumors, check allegations etc.

Don't be too selective with the facts and only present one side of the facts.

★ Neutrality: Take a distance from the story and forget your personal opinions and feelings, be non-partisan and don't openly identify yourself with any politicians. Naturally you can vote as a journalist and have political sympathies, but you must have a professional attitude and not ignore election stories that are important for all or some of the voters. Also remember to leave out your own opinions from your election news coverage.

★ **Responsibility:** Think of the possible consequences of your reporting. Will your reporting ignite hatred? Will your reporting damage ordinary citizens who are just expressing their views? If this is the case then skip your report.

5. THE LEGAL FRAMEWORK ON MEDIA IN UGANDA

Uganda has a number of laws that regulate freedom of expression, and unfortunately these laws have often been used by the state to stifle freedom of the press especially during elections⁶.

5.1 The Normative Framework of Freedom of Opinion and Expression Including the Media

Article 29 (1) (a) Constitution of the Republic of Uganda, 1995 (as amended). Every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media.

5.2 Public Order Management Act 2013

Meant to govern modalities surrounding holding of peaceful demonstrations and processions, the law contravenes Articles 29 (1) (a) (b) (c) (d) and (e) of the Constitution of Uganda that guarantee the freedom of speech and expression; freedom of thought, conscience and belief; freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition; freedom of association which shall include the freedom to form and join associations or unions, including trade unions, political and other civic organizations respectively.

5.3 The Press and Journalist Act (2000)

It entails restraining provisions surrounding the debatable question of who is a journalist; and the attendant qualifications modalities. The law obliges a journalist to enroll and possess a practicing certificate upon registration with the responsible statutory Media Council established within the Act. The certificate is subject to suspension for six

⁶ https://www.hrnjuganda.org/media-legalenvironment

(6) months in alignment with a proviso of finding the certificate holder guilty of professional misconduct.

5.4 The Penal Code Act (1950 amended in 2007)

This Act still maintains some provisions that are restrictive to free speech such as sections 41, 179 and 180 among others. Section 41 provides that : a person who prints, publishes, makes or utters any statement or does any act which is likely to (a) degrade, revile or expose to hatred or contempt; (b) create alienation or despondency of; (c) raise discontent or disaffection among; or (d) promote, in any other way, feelings of ill will or hostility among or against any group or body of persons on account of religion, tribe or ethnic or regional origin commits the offence of promoting sectarianism and is liable on conviction to imprisonment for a period of no more than five years.

Additionally, section 53 provides, 'Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Uganda and the country to which such prince, potentate, ambassador or dignitary belongs, commits a misdemeanor.'

5.5 The Access to Information Act (2005)

Enacted to operationalize Article 41 of the Constitution which provides for

right of access to information within government agencies' confines, the law provides for access to information and records in possession of government and its agencies both at the central and local government level as directed by Article 41 of the Constitution of the Republic of Uganda. The foremost rationale of the Act is: 'to empower the public to effectively scrutinize and participate in Government decisions that affect them.' Despite its well meaning provisions, the law has been rendered ineffectual by the Official Secrets Act of 1964, which encourages concealment of official information amongst public officials.' To circumvent this, journalists have to undertake investigative journalism to unearth issues of bad governance.

5.6 The Anti-Terrorism Act (2002)

Section 9 (1) criminalizes the publication and dissemination of news materials 'that promote terrorism', an expression that is obscurely defined and is predisposed to misuse and exploitation by the echelons of power. The Act provides that journalists' material can be subjected to terrorism investigations and cannot profit from exclusion/immunity. This offends the journalistic doctrines of confidentiality and fortification of sources.

5.6 The Regulation of Interception of Communications Act (2010)

The Act is meant to be a framework to legitimize surveillance, tracking, intercepting and monitoring communications (telecommunications and any other related mode of communication) of persons injurious to national security.

It provides for the issuance of an 'interception warrant' by a Judge on receipt of an oral application from a government agency that has 'reasonable grounds' to believe that: a) felony has been or will probably be committed; b) the gathering of information concerning an actual threat to national security or any national economic interest is necessary; c) the gathering of information concerning a potential threat to public safety, national security, or any national interest is necessary; or d) there is a threat to the national interest involving the State's international relations or obligations. With such over sweeping provisions for surveillance, there is fear that sources of journalists shall be prone to disclosure, a negative precedent in the quest for media rights.

5.7 The Anti-Pornography Act 2014

Sections 3 (1) provides that; "A person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography." Under Section 3 (2), on conviction, the offences attract a fine up to Uganda shillings ten (10) million (about USD 3,000) or imprisonment not exceeding 10 years or both.

6. SAFETY GUIDELINES FOR JOURNALISTS COVERING THE ELECTIONS

Uganda's elections continue to pose threats to journalists due to the sensitivity of the elections and government's violent approach towards opposition.

Journalists face escalated dangers. Journalists' freedoms have always been compromised, following physical attacks against journalists, media crackdowns and arbitrary. Campaigns of the different political groups and candidates usually lead to tensions that increase the risks for journalists.

6.1 Risk Mapping

Geographical Mapping: While it can be dangerous to work as a journalist in all parts of Uganda, there are certain areas, where the risk is particularly higher. Kampala, Jinja, Masaka, Arua, Wakiso and Entebbe, have exhibited more and graver incidences of the recent violence against journalists covering elections.

Political and Social Context Mapping: Surveys indicate that violence against journalists in Uganda is more prevalent in situations of high political sensitivity and heightened political activity. Such contexts may include but are not limited to: opposition strongholds, ruling party strongholds, politically sensitive subjects/issues, racial and religious conflicts, etc.

Security: Journalists covering issues the state deems detrimental to national security have faced arrests for alleged subversion.

Identity and Qualification: Individual journalists who fail to adequately identify themselves have had trouble covering elections, as state-leaning security operatives have arrested and sometimes tortured them for misinterpreting them as spies.

6.2 How to Reduce Risks

★ USE SAFETY MANUALS

Safety manuals like this have guidelines for minimizing risks. ★ RISK ASSESSMENT AND MANAGEMENT

Media houses should assess risks in advance before assigning their staff to the field. They should also be able to act on incidents where their staff is exposed to risks.

★ PREVENTION AND RESPONSE

Media houses should train their journalists covering elections in order to equip them with skills such as first aid, basic rules to follow, use of communication systems, dressing behavior and offer psychological support when needed.

★ CONSIDER GENDER

Establish special protection measures to address gender sensitive issues in order to be able to assign female reporters to the field, which can give a more equal coverage of women.

REPORTER, REMEMBER THIS

★ Ethical standards: Know the ethical standards and code of conduct for journalists. If not you risk biased or incorrect reporting that can put yourself, your media house and your colleagues at risk.

★ Truth: Always seek the truth or what you deep in your heart believe is the truth and report these truthful facts.

★ Serve your fellow citizens: Remind yourself that an election is about politics, and that this comes from the Greek word 'politicos', which means 'for the citizens'. Your election reporting should always be in the interest of the citizens.

6.3 Covering Elections in Conflict Zones

Uganda's elections take place in crisis conditions. Journalists have been caught up in clashes between government forces and the opposition. Coverage of an election taking place under these conditions is a complex undertaking that poses many dangers to journalists. It demands especially strict observance of professional ethics – precision, impartiality, responsibility. And a number of safety rules apply to field reporting.

Prudence, neutrality and balance

• Be extremely careful concerning information and sources, given the high risk of manipulation; disinformation is an important weapon of war.

• Observe strict neutrality. This allows a journalist to do his or her job as safely as possible.

• Be sure to pay close attention to balance. A journalist reporting from a region where the opposition has called on inhabitants not to vote can base his work on four types of sources: a person who has cast a ballot out of conviction; a person who stayed away from voting for fear of reprisals by the authorities; a person who has not voted in order to support the opposition cause; a person who stayed home for fear of violence at polling stations.

Safety rules

• Be sure to always carry the necessary documents – identification, press card, official accreditation, travel authorization and any other required papers.

• Never carry a weapon, nor any objects or clothing that might lead to misidentification – military garb, khaki jacket, leather boots, binoculars and the like.

• Never travel alone, but with colleagues or NGO members. Do not move about in the entourage of candidates or political leaders.

• Plan itineraries carefully to avoid combat zones. Regularly transmit information on location to home office, a friend or a family member.

• Avoid night-time travel, and be aware of curfew hours.

• When covering a political gathering or a big rally, check out the site and identify where to take cover in case of violence.

• If trouble breaks out, do not run, as that raises the risk of being targeted. Do not cross directly from one side of a confrontation to another.

6.4 Covering Elections in Volatile Situations

Journalists can play an important role in consolidating peace and democracy. Alternatively, they can help cause a conflict to break out by spreading rumors, propaganda, distrust and hatred between people and communities.

Another danger is that news organizations with little professional training may resort to loaded terminology without realizing the effect it can have. An election campaign is a perfect setting for overheated language that can spring from political debates and degenerate into violent verbal contests.

The risk of this happening is all the greater when an election takes place in a country transitioning from conflict, or one in which the political climate is a state of tension or latent conflict. An election can deepen divisions.

6.2.1 Stay aware of the political context

A journalist's role in strengthening democracy and peace is even more important in sensitive circumstances. A journalist must sharpen his powers of observation and analysis in order to understand the complexity of the sociopolitical environment and the issues at stake in an election.

A journalist should do everything possible to avoid worsening the crisis, and should instead try to lessen it. This approach centers on strict observance of the rules of accuracy, verification, impartiality, neutrality and honesty in gathering and reporting news. Considerable preparation and deep knowledge of the potential sources of tension that could break out at election time are also essential.

Essential questions:

 Who were the figures in the conflict or crisis, what were their motivations, and what were the underlying issues? What were the causes or factors of resolution, and who were the people behind it? If an accord has been signed, a journalist should know its general structure and major points.

• When ethnic or communal divisions play a significant role in a crisis or conflict, a journalist should have a deep understanding of each community's sociological realities. A journalist should also understand the ways in which each community has been affected by the events.

This research is essential because it makes a journalist aware of the actions and discourse that may signal a return of tensions, and thereby enables him to report on looming danger. He can then

get leading figures or civil society organizations to remind parties and candidates of their commitments and of the accords they may have signed. • Focus coverage on the major challenges facing the entire society, in order to de-emphasize the issues driving crisis or conflict. Possibilities include access to drinking water, the state of the public health system or the state of the educational system. The objective is to help bring society together by showing citizens that they all face the same problems, unrelated to their ethnic, community or religious affiliations.

• Give ordinary citizens a chance to speak for themselves. This approach could take the form of debates or phonein programmes that encourage members of the public to express their views. But take great care not to let these sessions degenerate into forums for aggressive, incendiary speech.

• Be extremely careful with the terms used in news reports. Make a point of using factual, balanced and neutral language.

7. SUMMARY: TIPS FOR JOURNALISTS' SAFETY WHEN COVERING ELECTIONS

Journalists play an integral role in the implementation of free and fair elections—but election coverage can be highly demanding, stressful, and dangerous for media practitioners. Here are 10 tips compiled from our research and policy dialogue recommendations that can help local and international journalists navigate covering elections in Uganda:

1. Situational awareness

Know that political, racial and religious conflicts exist in Uganda. Try to avoid routine and change daily routes. Notify your colleagues or editors if you believe you may be under surveillance. Examine the scenes/locations of electoral activities such as campaign meetings, rallies and polling stations in advance and know the exits. Also know areas of unrest. as well as locations of hospitals and police stations. If you are covering a major protest march or political rally, survey the route or venue beforehand. Learn some first aid knowledge and bring basic first aid supplies as well as water and food.

2. Personal

Before leaving for a potentially stressful assignment or coverage, make sure all personal matters and plans at home are taken care of. This will help you reduce your anxiety or stress while in the field and will allow you to focus more clearly on your own physical safety and psychosocial care while reporting.

3. Press card and attire

Use local laws or your own judgment when deciding whether to keep your press card visible. If your card is not visible, keep it where it is easily accessible, such as your shirt pocket. Do not put your press card in your wallet. Wear comfortable, neutral clothing and footwear that is not associated with a political party. If you do not have access to a gas mask, bring swimming goggles and handkerchiefs to cover your face and eyes in case of tear gas.

4. Equipment and data

Age your cameras and other electronic equipment with brown repair tape to make them look older, broken, or repaired. This will help prevent thefts during civil unrest situations. Back up and clean up all data storage hardware before the elections. Identify different internet access points and bring extra batteries and storage, as well as a lowcost emergency phone with emergency numbers.

5. Stress management

Election coverage is often an intense and stressful job. Practice daily stress management and anxiety techniques, such as meditation, to assist in reducing these effects. Make sure you are sleeping and eating well. Form networks with other journalists who you can talk to and who can relate to the work you are doing.

6. Interactions

Do not be seen being too friendly with security forces. Remain neutral and avoid confrontations or arguments with both protestors and police. Try to watch conflicts from aside. Do not move physically from one side of the conflict directly to another side or cross a police line. If you find yourself in the middle of a disturbance, move away without running, as people who are running are often seen as targets.

7. Emergency communications

For smartphones, install

emergency/SOS button apps and put emergency contacts on speed dial. Memorize an emergency number in case you lose your phone.

8. Debrief and relax

Following coverage of elections in the field, schedule debriefs with editors, solidarity groups, and a counselor. It is important for your mental health to be taken care of during and after assignments. Debriefs allow you to work through anything disturbing that you may have witnessed or any feelings of anxiety, stress, and anger. Do things you enjoy—keep social contacts, walk, exercise, nap, cook, etc. These are positive coping mechanisms and do no harm in the long run.

9. Solidarity

Never travel alone. Always inform your colleagues, editors, and family of your travel locations and when you expect to return. Set up a security check-in system within your media outlet or with other freelance journalists covering the election.

10. Evacuation Plan

Have an evacuation plan. Every member of your team must know what to do in case of an emergency. During a heightened state of alert, you must know who to contact, what procedure to follow, and if necessary, where and when to meet.

- Carry a local map and consult it often.
- Know which areas to avoid.
- Never walk alone and always remain alert.

• Know the location of taxis or other means of transport.

- Have your travel documents and cash ready.
- Expect the unexpected.