



## ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

# Newsletter

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### EDITORIAL

#### Burma: How long will it take?

Dr. Agnès Callamard, Executive Director

Nineteen years ago, a military coup in Burma put an end to democratic elections and brought in the State Law and Order Restoration Council. In 2007, writing close to the very date of the anniversary of the coup, the sad and disturbing reality is that democracy and the protection of human rights have never seemed further away. During these past 19 years, the regime has used the full panoply of repressive and censoring measures to enclose the country as a whole inside an almost impenetrable wall of silence,

buttressed by fear and bolstered by repression.

Burma is ruled by one of the most brutal and corrupt regimes of our times, responsible for the killings, forced displacements, forced labour, imprisonment, house arrest and torture of all and any of those who would hold it to account. There are 1.5 million displaced people; nearly half of Burma's budget is spent on the military and the country is the largest world supplier of opium, illicit amphetamines etc.

It is within this misanthropist environment that Daw Aung San Suu Kyi, the leader of the National League for Democracy and Noble Laureate, has been detained, under house arrest, for 11 years and 330 days. Let's pause for just a moment. Reflect. Think. And then what? Cry out in disbelief? **11 YEARS AND 330 DAYS IN DETENTION FOR REASON OF HER EXERCISE OF HER PEACEFULLY HELD BELIEF IN HUMAN RIGHTS AND DEMOCRACY. THAT'S 11 YEARS AND 330 DAYS PASSED ALONE.**

Why has the international community failed so miserably? Because it is nothing short of failure – the failure to bring an end to the dictatorship and restore human rights protection in Burma. And it is this failure, the product of a deadly combination of indifference, complicity, tactics, perhaps even loss of confidence that has allowed the regime to continue its oppression of the

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people of Burma and the unrelenting detention of Aung San Suu Kyi.

How has this happened? Did we lose sight of the simple reality of dictatorship while we were busy analysing and researching the complexities of Burmese multi-ethnic society? Did we imagine that if we focused our efforts on a single and straightforward demand – the freeing of Aung San Suu Kyi and reestablishment of constitutional democracy – we would be seen to be ignoring the widespread privations suffered by millions of Burmese? Are we to conclude that because the US has called for democracy and human rights in Burma others of us have been reluctant to join our voices to the same call? Or is that we all believe no change will ever occur in Burma as long as the Chinese and Russian authorities support the regime? Have we become convinced somehow that the burden of effective intervention has shifted to the people and civil society actors of China and Russia whose initiative is essential if their governments' support is to end?

Recent events may lend some credence to these possibilities. In January 2007, the United Nations Security Council moved to pass a resolution on Burma. The resolution was vetoed by China and Russia. In early May 2007, a letter from 59 world political leaders, including the former UK Prime Minister Margaret Thatcher and former US President Bill Clinton, was sent to Than Shwe, the Burmese dictator, calling for Aung San Suu Kyi's immediate release. That same month, the UN Working Group on Arbitrary Detention determined that Aung San Suu Kyi is being detained illegally by the military junta in Burma. On 27<sup>th</sup> May 2007, Aung San Suu Kyi's detention was extended for yet another year. And, in an apparent reward for China's veto of the resolution, the Burmese authorities recently agreed to sell gas to China.

China's and Russia's position on Burma is inexcusable. The Chinese government's readiness to fund the Burmese regime and shield it from international pressure is

shameful and nothing short of complicit in the execution of grave human rights violations.

But the Chinese or Russian stands should not exonerate other actors, allowing them to excuse their ineffectiveness because "as long as China/Russia take the approach..." etc. Let's face it, the evidence is clear that in regard to the protection of human rights in Burma, the accountability of the regime for their abuses of human rights and the violations of Suu Kyi's rights, our leaders' stands are weak.

Gordon Brown profiles Suu Kyi as one of his eight "all-time heroes", seeing in her the very meaning of courage. His recent call for UN Security Council action and an EU common position set him apart.

But complicity or failure to take action is never far away. Targeted sanctions against the regime have not been tried, with the exception of those enforced by the US. The EU has not imposed any sanctions as yet and has limited its actions to restrictions such as an arms embargo, a limited investment ban and a few other, rather ineffective, measures. There have been no serious common attempts to strengthen measures against Burma, partly because some European governments are actively working against them, in particular Austria, France, Germany, Poland and Spain. French oil giant *Total Oil* is the fourth largest oil company in the world and happens to be one of the biggest foreign investors in Burma.

And to this the lethargy in the face of absolute cruelty that has taken hold of too many. For campaigning for Aung San Suu Kyi and against Burmese repression appears to be unlike campaigning against Pinochet or for the release of Nelson Mandela. Voices of protest against Burma's policies are weak. Where they do exist they are not captured and publicised by international media. There are few globally organised, large scale international protests, with the exception of those organised by our friends from the

Burma Campaign<sup>1</sup>. Why don't we mass-rally? Why don't we generate thousands of people chanting public demands, buoyed by all the anger, faith, commitment and energy we put into demanding for disinvestment in South Africa, for an end to apartheid and for Mandela's unconditional release?

For the world has become such a better place thanks to the campaign against apartheid and for Nelson Mandela's freedom. Apartheid ended. One of the world's greatest leaders in a world starved of great leaders was freed to bring his country and his people to freedom's dawn, a peaceful future, and a completely new vision of post-conflict politics, dignity through reconciliation made real by a constitution that has still no equal. I am not idealising the reality of the new South Africa nor of the last seventeen years. But there can be little doubt, indeed, there is NO doubt, that the whole world has benefited from a free South Africa. And, there is no doubt that the whole world has benefited greatly from Nelson Mandela's leadership of South Africa and globally.

Likewise be in no doubt that a free and democratic Burma and a free Aung San Suu Kyi would benefit us all, paying benefits locally and globally through freedom's premium. There is also no question we are all made the lesser by her continued detention and by the continued denial of freedom to the people of Burma.

### ALERT: ATTACKS AGAINST JOURNALISTS IN SOMALIA

ARTICLE 19 is alarmed at the current level of danger for journalists working in Somalia. Since the beginning of this year, seven journalists have been killed, including from *Radio Warsan*, *Radio Voice of Peace*, *Radio Johwar*, *Somalia Broadcasting Corporation* and *Radio Quran Kariim*. The media community is still in shock over the deaths of three Somali radio journalists all murdered in

<sup>1</sup> <http://www.burmacampaign.org.uk/index.php>

August. ARTICLE 19 condemns the murder of these journalists and calls on the government to thoroughly investigate these deaths and ensure the perpetrators are brought to justice.

The continuous pattern of harassment and terror towards media workers has compelled numerous Somali journalists to leave the country, which does not bode well for the country and the Somali people's right to access information. The National Union of Somali Journalists (NUSOJ) estimates that more than 30 journalists have been exiled to Kenya, and that many were detained at the border.

The number of violations against press freedom is increasing every day within Somalia, including raids and violent attacks. ARTICLE 19 urges the international community to support NUSOJ in its efforts to protect journalists and report on the hostile environment the media community is facing in Somalia.

### ARTICLE 19 - Country Snapshots

**Access to Information and its Impact on Peoples' Lives in Abkhazia:** In June 2007, ARTICLE 19 published "A Survey on Access to Information in Abkhazia and its Impact on People's Lives". Abkhazia broke away from Georgia in the early 1990s but has never been recognised internationally as an independent state. With a particular focus on women and gender issues, the report explores how isolation and the lack of access to information, particularly in rural areas, affects people's ability to realise their social, economic, civil and political rights. <http://www.article19.org/pdfs/publications/abkhazia-conflict-report.pdf>

**Advocacy for Freedom of Expression Improvements across Africa:** In May, ARTICLE 19 participated in the NGO Forum of the 41<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' Rights in Accra. ARTICLE 19, jointly with partners

including Media Foundation West Africa (MFWA), Media Rights Agenda, and Network for Freedom of Expression Organisation (NAFEO) facilitated a Special Interest Working Group on Freedom of Expression. The forum generated an advocacy document with recommendations for the improvement of the state of freedom of expression in the continent. ARTICLE 19 and MFWA were also able to use this opportunity to hold a meeting with the Special Rapporteur on Freedom of Expression to discuss how best to make progress on the most difficult freedom of expression situations, such as in Eritrea.

**ARTICLE 19 Media Law Working Groups – Iraq and Yemen:** ARTICLE 19 has pioneered a promising new working format - the Media Law Working Group (MLWG) - to facilitate constructive cooperation between civil society, media and parliamentarians on a key free expression issue – the development of an independent and pluralistic media environment. ARTICLE 19 has set up and facilitated two MLWG in Iraq and Yemen. So far this year, both groups have reviewed and assessed the domestic legislative landscape for media regulation and identified key issues hindering the development of the media. Each MLWG will continue to meet over the coming months to draft progressive legislative proposals to address these issues, which will then be circulated for greater public consultation. Finally, they will be presented to parliament for consideration.

**Election Reporting in Nigeria:** In late March, as the Nigerian Presidential elections neared, ARTICLE 19 held a meeting of Nigerian media owners and top executives with its partner Media Rights Agenda (MRA). The aim of the meeting was to refocus the media on covering issues affecting the electorate rather than the personalities and disagreements between the President and Vice President. Relevant election and broadcast codes and the media code of ethics were reviewed and a series of recommendations were made on how to improve the media's elections reporting.

**Freedom of Expression Action Plan for Mauritania:** ARTICLE 19 has published a report and country action plan in French for Mauritania which identifies key problems and provides a series of recommendations on how best to improve the shortfalls in these areas. One major problem identified was the domination of the broadcast sector by the State. Mauritania is the only country in West Africa without privately-owned radio or television.

<http://www.article19.org/pdfs/publications/mauritania-action-plan-english.pdf>

**Freedom of Expression Pocketbook Launched:** On 13<sup>th</sup> March, ARTICLE 19 unveiled a significant new publication, the *Central Asian Pocketbook on Freedom of Expression*, during a press conference at the Almaty Press Club in Kazakhstan. The Pocketbook is intended as an aid for anyone with an interest in promoting freedom of expression in Central Asia and beyond. Available in English and Russian, it provides a concise overview of international standards in the areas free speech advocates will need to be familiar with. The areas include regulation of the media, the rights of journalists, the law of defamation and privacy, national security and the right of access to information.

<http://www.article19.org/pdfs/tools/central-asian-pocketbook.pdf>

**Freedom of Information Campaign in Iraq:** In June, ARTICLE 19 and the UNDP held two day training in Jordan on freedom of information and investigative journalism for Iraqi journalists. All participants agreed that a sharp improvement in the security situation and the rule of law are essential preconditions for the media to be able to operate freely and perform its function. The participants recommended initiating a campaign for promoting an access to information law in Iraq. They also agreed, as a first step, to organise workshops and discussions in several parts of Iraq for journalists, lawyers, civil society organisations, members of Parliament and government officials.

**Freedom of Information Guide for Latin America:** ARTICLE 19 has launched a multi-lingual freedom of information guide for the Latin America region and beyond. Available in English, Portuguese and Spanish, the guide aims to be a one-stop, definitive information point for anyone with an interest in promoting legislation on access to information. Written in a manner that is accessible for non-experts, the Guide addresses the importance and the definitions of freedom of information. It also covers international standards on access to information, the key elements of an access to information law and an interactive map with an overview of pending and existing legislation in Latin American countries. The Guide also provides information on launching a campaign on access to information and outlines the role of NGOs in implementing access to information.

<http://www.article19.org/work/regions/latin-america/FOI/>

**Media Freedom in Decline in Mexico:** 2006 has been the worst year on record for the media in Mexico. Federal and state authorities, violent groups, and drug cartels have colluded to make Mexican journalism one of the most dangerous media occupations in the world. ARTICLE 19 and its partners (CENCOS, Fundacion Manual Buendia, and the SNRP) have launched a report *Counting the Cost: The State of Freedom of Expression and Information in Mexico* providing an overview and analysis of attacks on the press in 2006.

<http://www.article19.org/pdfs/publications/mexico-counting-the-costs.pdf>

**Mexico - Freedom of Information in the Private Sector:** Through a series of working group meetings during 2007 with members of private companies in Mexico and the targeted release of information requests to government, ARTICLE 19 has aimed to raise awareness of the right to information among private bodies. This exercise has had a trickledown effect as some actors have increasingly used the access to information law to their benefit.

## ARTICLE 19 - Spring 2007 Success Stories

**Afghanistan:** Further to ARTICLE 19's analysis, legislators in the Afghan lower house have substantially revised the Media Law very much in line with our recommendations.

**Africa:** In April, ARTICLE 19 held a meeting in Johannesburg, South Africa which brought together African media academics from all corners of the continent and established a Network of African Academics on Policy and Regulation for Media Pluralism and Diversity (NAPRMPD).

The meeting was successful in kick-starting the process of setting up an ARTICLE 19 Centre of Excellence on Media and Broadcasting Policy, which will aim to improve the quality and training of broadcasting in the continent. NAPRMPD aim to have the first centre at the University of Witwatersrand, and then a succession of centres throughout Africa in the future.

**Austria:** Following an ARTICLE 19's report on freedom of expression in Austria, the UN Human Rights Committee has recognised that the existing ownership concentration in the Austrian media is a potential threat to pluralism and freedom of expression. The Committee has requested Austria to provide them with information on measures taken to prevent media concentration from negatively affecting plurality of opinion, with particular emphasis on print media.

**Bulgaria:** In May, our longstanding partners in Bulgaria, the Access to Information Programme (AIP) sent out a distress signal noting that the government was planning to roll back their access to information legislation in a number of areas. ARTICLE 19 drafted a letter to MPs protesting the changes, and took the lead in getting 68 organisations from

around the world to endorse it. In the end, every single one of the changes we protested against was dropped.

**Mexico:** In June 2007, the Mexican Supreme Court of Justice ruled that amendments to the Law of Radio and Television, which had been enacted by the parliament, violated the constitution and international human rights standards. ARTICLE 19, together with a group of NGOs, had produced a working document outlining each violation of the law and organised a series of meetings with the Supreme Court Judges and other actors. The ruling is a clear victory for press freedom and paves the way to the reopening of the public debate on the topic of media diversity in Mexico.

**Russia:** Working closely with our partners in Russia, ARTICLE 19 has provided assistance and advice in setting up a new organization, the Mass Media Defence Centre of the Republic of Dagestan (MMDC-RD), in Dagestan, North Caucasus. MMDC-RD provides free legal consultation and representation to journalists and has so far been successful in reducing the financial compensation imposed on individual journalists in two recent cases.

**Thailand:** ARTICLE 19 has provided input into the draft Public Service Broadcasting Law in Thailand. The law is the first of its kind in Asia and it is hoped it will set a precedent for other countries in the region. The draft is part of a broader package of reforms into which ARTICLE 19 has provided advice and expertise, including on the reform of the press law, broadcasting law and defamation law.

### Promoting Freedom of Expression in Southern Sudan

Freedom of Expression, access to information and the media in Sudan, have been severely

affected by the social and political turmoil that has engulfed the country; particularly in the Darfur region. ARTICLE 19 is contributing to a drive by the international community to protect and promote the fundamental human right to freedom of expression in Sudan.

Together with its partners, Olof Palme International Centre and International Media Support (IMS), ARTICLE 19 collaborated on a Media Assessment programme in South Sudan in April and June. Information collected from the mission formed the basis of understanding media capacity building needs to improve the quality of reporting and information access in Sudan.

In keeping with this aim, a coalition of non-governmental organisations including ARTICLE 19, the Khartoum Centre for Human Rights and Environmental Development (KCHRED), the Olof Palme International Centre, International Media Support (IMS) Norwegian People's Aid (NPA) and the Association for Media Development in South Sudan (AMDISS), met for the first time in Juba, Southern Sudan, in June 2007 to create a National Media Law Taskforce.

Four media laws have been presented to the Sudanese Parliament: the Press Law, the Broadcasting Bill, the Public Broadcasting Law and the Access to Information Law. These draft laws were drawn-up by the think tank Future Trends Foundation at the request of UNDP-Sudan. These laws are likely to be adopted in September this year, therefore showing an exciting and positive progression for media freedom in this war-torn country. The Task Force aims to review these laws and any amendments made to them.

In June, a Southern Sudan Roundtable of editors from the region showed further progress toward higher standards of freedom of expression, and it culminated in the approval and signing of a *Code of Ethics of the Print Press Media in Southern Sudan*. Representatives from the print press in Southern Sudan, including a group of editors

from newspapers such as the Sudan Mirror, the Sudan Tribune, and the South Sudan Post agreed to abide by the terms of the code. The terms include adhering to a self-regulatory regime, and promotion of accuracy and fairness. ARTICLE 19 sees this development as pivotal in paving the way for the abolition of the Press and Publications Act, 2004.

Although there is visible progress in the legislative paths for protecting freedom of expression in Sudan, there are still numerous accounts of harassment and violent attacks on the media. Both local and foreign reporters based in Sudan are regularly arrested and detained, often interrogated for several hours. Those critical of the government are frequently charged for defamation or sedition.

In June this year, ARTICLE 19 published a Submission to the United Nations Human Rights Committee expressing its 'Concerns on Respect for Freedom of Expression in Sudan'. Since then, four journalists and three human rights lawyers have been detained incommunicado by the Sudanese authorities. They had been travelling to report on a violent clash between the security forces and protesters over the construction of a dam. Although many media workers and critics of the government are detained in Sudan, often the charges do not result in a sentencing. In the case of foreign reporters, they are sentenced but deported rather than held in Sudanese prisons. Two journalists for *Al Sudani* newspaper were briefly imprisoned in May 2007 following the publication of an investigation conducted by the newspaper in February into the September 2006 murder of former editor-in-chief of *Al-Wafaq* newspaper, Mohammed Taha. *Al Sudani* was also suspended. Even though cases don't often end up in court, ARTICLE 19 is deeply concerned with the effect the frequent arrest and detention of journalists is having in both forcing and encouraging censorship of the media. (Please contact John Barker, Africa Programme Director, [johnb@article19.org](mailto:johnb@article19.org) )

### Gender Sensitive Reporting in Iraq

The Gender Sensitive reporting workshop conducted in Amman, Jordan in March proved to be an invaluable learning experience on gender sensitive reporting issues in Iraq for the group of Iraqi journalists and ARTICLE 19 staff members. ARTICLE 19 facilitated the workshop on issues ranging from the overall situation of freedom of expression in Iraq, to the status of women, threats on the media, and gender sensitive reporting on taboo issues such as rape and other forms of gender based violence. The workshop relied on a participatory training method, with emphasis on practical exercises and group discussions supplemented with brief presentations on key topics.

In the discussion on the status of women in Iraq, participants raised important issues and recommendations, including: (i) Voting on the constitutional amendments should be postponed at the present time, because voting on a decisive document such as the constitution cannot be genuine and representative in the current deteriorating security situation; (ii) It is important for the international bodies and institutions to provide support for consolidating Personal Status Law 188 because this law embodies the unity of Iraqi society and ensures women's civil rights and equality; (iii) the new Iraqi constitution does not mention international agreements and binding obligations particularly with regard to women's rights; (iv) consultative committee with the participation of NGO should be set up to provide help for the Constitutional Amendments Committee established by the Iraqi parliament.

The workshop's primary goal was to build the professional capacity of women in Iraq and strengthen their access to the media. The workshop, funded by the FCO, complemented the objectives of another capacity-building joint venture (ARTICLE 19 and UNDP) by setting out objectives to ensure a more diverse and pluralistic media environment in Iraq, in addition to the nurturing of a fully gender sensitive media. (For further information, please contact Hoda Rouhana: [hoda@article19.org](mailto:hoda@article19.org))

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## United Kingdom: Freedom of Expression and Transparency

ARTICLE 19 has stepped up its work within the United Kingdom. On 27 June, the day that the new Prime Minister Gordon Brown came into power, we published an [open letter with English PEN and Index on Censorship](#) urging Brown to take immediate action to improve the free speech climate in the UK. Separately, we have also been working to resist both government and opposition attempts to water down freedom of information legislation.

ARTICLE 19 has called on Gordon Brown to act on the following points within 100 days:

- To defend freedom of expression internationally, including by taking the lead in the new UN Human Rights Council;
- To safeguard freedom of information domestically by dropping proposals to water down the Freedom of Information Act;
- To scrap outdated and undemocratic laws on criminal defamation, sedition and blasphemy, to reform official secrets legislation, and to repeal restrictions on the right to free speech and protest introduced in the Blair era;
- To commission an independent inquiry into the state of media freedom, particularly in view of recent developments in privacy and copyright law;
- To repeal legal restrictions on the ability of NGOs to campaign for human rights;
- To set aside spectrum space freed up by the digital switchover for community use.

We will be assessing progress on these points in October, the results of which will be published in a report.

Over the last few months, we also responded to two unfortunate attempts by both the government and opposition parties to weaken the right to access to information. Last December, the government started a consultation on proposals allow requests to be refused once they reach a certain cost

threshold. The government argued that this was necessary because of the disproportionate burden placed on departments by requests from certain 'heavy' users, including newspapers and NGOs. ARTICLE 19 submitted [a detailed response](#), arguing strongly against the proposals. We pointed out that the Freedom of Information Act (FOIA) is responsible for only a tiny fraction of total public expenditure (0.0064%), and that there is no evidence that the requests which the government argues are 'expensive' are so frivolous that they can be refused. The consultation has currently closed, and we are expecting to hear the government's response in the autumn.

Then, in February, a senior conservative Member of Parliament (MP) introduced a draft Bill in which he proposed to withdraw Parliament from the ambit of the Freedom of Information Act altogether, as well as providing an absolute exemption for all parliamentary correspondence. Immediately on learning of the Bill, and in partnership with English PEN and Index on Censorship, we worked with opposition MPs to halt the Bill's progress in Parliament. The bill had silent government support, and it was run by a very experienced Tory MP who exploited little-known parliamentary procedures to advance his proposal. This allowed the Bill to progress to its final stages in the Commons, despite having formally run out of parliamentary time when two Liberal Democrat MPs managed to filibuster through five hours of parliamentary time. Finally, however, and following a sustained media campaign, the Bill stalled when it failed to find a 'sponsor' in the House of Lords. The government has now made it clear that it does not support the Bill and will publish new proposals to indicate the correct balance between protecting aspects of parliamentary correspondence and the public's right to know. *For further information, please contact Daniel Simons, Legal Officer: [daniel@article19.org](mailto:daniel@article19.org)*

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## Bangladesh: Empowerment of Poor Communities through Information

ARTICLE 19 is embarking on a new three year project on access to information as a tool for development and poverty eradication in Bangladesh.

Bangladesh is one of the world's poorest countries with 83% of the population living on less than \$2 US per day and the lowest literacy rate in South Asia (50% of male adult and 31% of female adult). Poor people are given little exposure to essential information which could otherwise empower them to help address these development challenges. Due to its low-lying position, Bangladesh is prone to cyclones, floods and other disasters, all of which are predicted to worsen with the deepening of global warming and other forms of climate change. Access to information is quite literally a matter of life or death in disaster prone areas as without it, people are left fully exposed and vulnerable to the onslaught of such disasters.

The project aims to work with all sectors of society from the government to grassroots communities to create an enabling environment for freedom of information as a robust tool for development. Specifically, the project will work towards the adoption of right to information (RTI) legislation and to build an effective implementation strategy. ARTICLE 19 and its partners will revitalise the freedom of information campaign among the media and civil society and will lobby for the adoption of a progressive Right to Information Act.

Corruption presents a major barrier to transparency and further exacerbates the free flow of information. ARTICLE 19 and its partners will seek to address this by providing implementation capacity building assistance through the training of local officials. The ability and adequacy of public officials to respond to information requests will also be assessed and fed back to the government through the monitoring of information requests.

A series of thematic studies drawing on the links between access to information and poverty and disaster will be published with the aim of raising awareness of the very real impact of access to information or the lack thereof at a grassroots level.

Over the course of the next three years, we hope the project will make a real difference by setting a legislative and attitudinal framework for transparency within the government. In addition, it should empower poor people on the ground to know about their rights and in doing so find pathways out of poverty.

Funded by the UK Department for International Development (DFID), ARTICLE 19 will be working on the project in collaboration with our local partners, Bangladesh NGOs Network for Radio and Communication (BNNRC), Massline Media Centre (MMC) and SUPRO – Campaign for Good Governance. *(Please contact Catrina Pickering at: [catrina@article19.org](mailto:catrina@article19.org))*

## Ukraine: Access to Environmental Information

ARTICLE 19 is currently finalising a study on access to environmental information in Ukraine, highlighting the importance of the people's right to know.

Ukraine has ratified the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, commonly known as the Aarhus Convention. This places a number of responsibilities on Ukraine to actively disseminate information in the public interest and engage its people in decision-making. Yet, ARTICLE 19's findings demonstrate that there are no appropriate procedures for genuine public participation and very little awareness within public institutions of their obligations under both the Aarhus Convention and domestic law. Although there have been some examples of public consultation, in the majority of cases they bear no influence on decision-making

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processes, and are simply 'symbolic'. There are two main reasons for this. First, there has been no systematic training for public officials on open governance. Second, Ukrainian domestic legislation does not have a specific freedom of information law, and access to information provisions that exist in other laws are insufficient for a functioning freedom of information regime. At the same time, there are some positive domestic provisions specifically on the dissemination of environmental information, but these are hardly applied.

Chernobyl continues to receive international attention, as a disaster of such magnitude requires. However, there are other grave environmental hazards in Ukraine, such as pollution and toxic and radioactive waste stored in unsafe locations across Ukraine. Unfortunately, there is still little public discussion and even awareness of these and related environmental issues, such as the risks they may pose to people's health. Not only are the authorities not sufficiently active, but the media also lacks the capacity to adequately inform people of environmental concerns. Moreover, covert – sometimes illegal – business deals involving toxic and radioactive waste go largely unnoticed. For instance, radioactive waste has been imported from 'new EU countries' to Ukraine, where EU regulations do not apply.

Lack of information has a negative impact on people's health and quality of life. Our research reveals cases in which people were unable to take precautions (e.g. moving from an area that is highly polluted) because there were not aware of the risks involved. This has led to illnesses that could have been otherwise avoided. The lack of information also causes a general feeling of insecurity and seriously undermines peoples' trust in the authorities.

ARTICLE 19's partner in this project, Ecopravo-Kyiv, as well as other Ukrainian environmental organisations, have engaged in strategic litigation, which has led to some positive judgements on freedom of information. This demonstrates that it is

possible to push the boundaries of transparency through legal measures. However, there is a need to train civil society and public institutions, to advocate for legal and policy change, and to engage in further litigation to bring about long-term improvements of institutional practice. The report, to be released in October, provides practical recommendations to the Ukrainian authorities and other stakeholders on how to enhance transparency, particularly in the environmental sphere *Please contact Anoush Begoyan, [anoushb@article19.org](mailto:anoushb@article19.org)*

### **Brazil: Right to Know Campaign and Advocacy for Community Broadcasting**

Like many countries in Latin America, the right to public information in Brazil is protected under its Constitution, promulgated in 1988. However, without specific right to know legislation, Brazilians face significant difficulties in attempting to access public information.

Initiatives by public institutions to facilitate access to information are still very few and those which do exist are plagued by problems. These problems include: provision of information that is not updated or contextualised; creation of different public databases that do not "talk to each other"; provision of raw data with no analysis or explanations; and excessive use of technical language, rendering it virtually indecipherable to the general population. As most information is provided over the internet, the 20% of the population still without internet access face an additional barrier in accessing information.

The above problems were identified and highlighted by the members of 45 key Brazilian organisations that participated in the international meeting '*Access to information as an instrument for social change*', that took place in Sao Paulo in March. The main goal of the event was to highlight, among civil society organisations, the importance of access to information as a working tool, share what has already been achieved in this area and agree possible

actions to promote effective openness within Brazilian public institutions and bodies.

The group agreed on the following methods to promote the right to public information in Brazil:

- Campaign for an access to information law at the national level;
- Promote a culture of rights with an effective exercise of citizenship;
- Mobilise the general public to demand information and to use the methods,
- Assist NGOs in making better use of the right to access public information and disseminate the information they have access to in more democratic ways;
- Make public officials and civil servants capable of producing and managing information;
- Support the creation of a public broadcasting system in Brazil;
- Create unified databases that facilitate effective searches and other ways of getting information of public interest.

At the end of the event, ARTICLE 19 committed to facilitating communication between the new NGO network created in the event and to foster further debate on the topic. Since then, we have organised a number of meetings in different cities around the country and produced and distributed reference and campaign material on the right to public information.

Alongside this work, ARTICLE 19 has also been supporting the work of the National Forum on Access to Information, which was influential in launching a Congressional Front for Access to Information within the Brazilian Congress. MPs participating in the Front have committed to championing the adoption of right to know legislation, especially by raising the debate within Congress around the draft bill that has been pending since 2003 in the Senate.

**Community broadcasting under duress:** As of July 2007 ARTICLE 19 Brazil is also following up the registration procedures for the licensing of community broadcasters in the city of São Paulo. Community

broadcasting was regulated in Brazil by Law 9612/98 that set up a decentralised registration process for the granting of licenses carried out by each municipality. In the case of Sao Paulo, the registration was opened to applications last December, 8 years after the entering into force of the law. Meanwhile, the operation of community radios without licenses has been considered a crime and many radios have been closed down by the police, their equipment confiscated and criminal procedures opened against broadcasters.

But length is not the only problem with Law 9612/98. It also allocates only one frequency, throughout the territory, for the operation of community radios, establishes a maximum broadcasting power of 25 watts and coverage of one kilometer; in addition, it requires a minimum distance of four kilometers between community radios. Excessive bureaucracy and lack of personnel for reviewing applications have also contributed to a situation where radios in some municipalities have been waiting for years for a broadcasting license. In September community radios will be presenting proposals for the revision of Law 9612/98 to the Science, Technology and Communications Commission of the lower chamber of Congress. ARTICLE 19 will support this initiative. (Please contact Paula Martins, [paula@article19.org](mailto:paula@article19.org))

#### ARTICLE 19 Publications April – August 2007

**Abkhazia:** Report on access to information in post-conflict settings, July 2007.

**Afghanistan:** Presentation on the development of freedom of expression principles and the draft media law, March 07; Press release on freedom of expression principles and the draft media law, May 07.

**Africa:** Press release calling for greater pluralism and diversity, April 07.

**Americas:** Joint press release on broadcast regulation, July 07; Submission to the Inter-American Commission on International Standards on Broadcast Regulation, July 07.

**Angola:** Report on the electoral and media laws of Angola, Aug 07

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**Armenia:** Statement on the new provisions for the Appointment of Members of the National Commission on Television and Radio, May 07.

**Austria:** Press release urging the UN Committee to address defamation and other freedom of expression concerns, March 07; Submission to the UN Human Rights Committee regarding freedom of expression in Austria, March 07.

**Azerbaijan:** Letter to the President of Azerbaijan concerning journalist Eynulla Fatullayev, May 07; Press release condemning the sentencing of journalists for defamation, May 07; Statement protesting the sentencing of journalists for incitement of religious hatred, May 07; Memorandum on draft defamation law, August 07; Letter to the Council of Europe highlighting freedom of expression concerns, September 07;.

**Brazil:** Press release announcing the release of a report on the seminar "Access to Information as a Tool for Social Change", April 07; Press release protesting defamation sentencing of academic, June 07; Report - August 2007 fact-finding mission on the state of freedom of expression in Brazil, August 07.

**Bulgaria:** Letter opposing the amendments to the Bulgarian Access to Public Information Act, May 07; Press release calling on members of the Bulgarian National Assembly not to pass proposed access to information amendments, May 07.

**Burma:** Press release marking the renewal date of the house arrest of Aung San Suu Kyi, May 07; Press release marking the 62nd birthday Aung San Suu Kyi, June 07; Press release urging the international community to unite in taking action for freedom of expression in Burma, Sep 07.

**Chile:** Legal analysis of the draft Chilean access to government held information bill, August 07; Joint Statement on the draft Chilean Access to Government-Held Information Bill, August 07.

**China:** Press release protesting the conviction of Uighur activist Ablikim Abdiriyim, April 07; Note on the draft Measure for Public Environmental Participation, May 07.

**Congo:** Press release on attempt by Congolese President's son to remove incriminating documents from the public eye, Aug 07

**Council of Europe:** Note discussing the need for a new mechanism to ensure respect for the right to freedom of expression, June 07; Second briefing on Access to Official Documents, June 2007.

**Egypt:** Press release calling for the acquittal of Al Jazeera journalist Howaida Taha, June 07.

**European Union:** Press release calling on the EU to bring EU rules on access to information in line with international standards, July 2007; Response by ARTICLE 19 to the European

Union's Green Paper on the review of Regulation 1049/2001, on public access to documents, July 07.

**Global:** Report on access to information as an instrumental right for empowerment, July 07.

**Iran:** Joint Letter and Press release calling for the immediate release of three U.S.-Iranian citizens charged with espionage, June 07; Joint press release welcoming the release on conditional bail of US-Iranian citizens, August 07; Joint open letter to the Iranian Ambassador to the UK calling for the immediate release of three US-Iranian citizens held on charges of espionage, June 07.

**Iraq:** Press release - media regulatory policy in Iraq, March 07; ARTICLE 19's commitment to securing freedom of expression in Iraq, May 07; Murder of ARTICLE 19's colleague and friend Sahar Alhaydarey, June 07; Statement on the necessity of securing rule of law and security in Iraq, June 07; Gender-sensitive reporting and the Media in Iraq, June 07; Free Speech in Iraq: Progresses and Concerns in 2006 and 2007, August 07;

**Jordan:** Press release on prior censorship, May 07; Letter to the King of Jordan concerning the amendments made to the draft Access to Information law, April 07;

**Kenya:** Press release on difficulties of accessing development funds, April 07.

**Kyrgyzstan:** Statement on initiatives to enhance freedom of expression in Kyrgyzstan, April 07.

**Latin America:** Online guide to the right to access to information in Latin America, May 07.

**Maldives:** Joint letter to the Minister of Information and Arts urging action on media reform, May 07; Letter to the Minister of Culture and Arts outlining ARTICLE 19's concerns regarding the draft Broadcasting Bill, March 07; Note summarising ARTICLE 19's principal concerns with the Draft Broadcasting Bill of the Maldives, March 07.

**Mauritania:** A report and country action plan identifying key areas for improvement on freedom of expression, June 07.

**Mexico:** Press release condemning the assassination of Mexican journalist, Amado Ramirez Dillanes, April 07; Counting the Costs: Report assessing the attacks on journalists in Mexico in 2006, May 07; Press release expressing concern about the kidnapping of journalist Saúl Martínez Ortega, April 07; Press release condemning the attack against Mexican journalist Misael Sánchez, June 07; Press release welcoming the Supreme Court's decision to strike down the proposed amendments to the TV and Radio law enacted by parliament, June 07;

**Moldova:** Comment analysing the Audiovisual Code of Moldova, July 2007.

**Montenegro:** Memorandum on the draft Constitution, May 07.

**Nepal:** Statement of the International Press Freedom and Freedom of Expression Mission to Nepal calling for an end to attacks on the press, Aug 07.

**OAS:** Memorandum on the Preliminary Draft Inter-American Convention Against Racism and all forms of Discrimination and Intolerance, April 07.

**Palestine:** Press release welcoming the release of BBC Journalist Alan Johnston, July 07.

**Russia:** Press release - successful outcome of the Defamation Case against Russia held in Strasbourg, August 07; Proposed amendments to extremism legislation, July 2007; Deteriorating freedom of expression situation in Russia, July 2007; Harassment and seizure of computers of the Nizhny Novgorod Foundation to Support Tolerance, August 07; New measures taken against human rights activist Stanislav Dmitrievsky, August 07.

**Sierra Leone:** Memorandum of Understanding and Cooperation among the members of the Freedom of Information Coalition of Sierra Leone, April 07.

**Somalia:** Notes on the Draft Media Law of Somalia, May 07

**Sudan:** Signed statement on self-regulation in Southern Sudan and code of ethics of the print media, June 07; Comments on freedom of expression in Sudan, June 07; Press release outlining the progress of the media law task force first session, June 07; Memorandum on a set of four draft freedom of expression laws, July 07; Press release: code of ethics for the media in Southern Sudan, July 2007; Press release calling for the improvement of four draft media laws in Sudan, July 07.

**Sri Lanka:** Press release condemning the government's blocking of the news website TamilNet, June 07.

**Tajikistan:** Report on the freedom of expression situation, July 2007.

**Thailand:** Memorandum examining the draft Thai Public Service Broadcasting Service Agency Act, July 07; Press release announcing the release of an analysis of the draft Thai Public Service Broadcasting Agency Act, July 07; Memorandum on the draft Computer-Related Offences Commission Act, April 07; Press release urging reform of the draft Computer-Related Offences Commission Act, April 07; Press release urging reconsideration of the adoption of the Computer Related Offences Act, May 07.

**United Kingdom:** A 10 Point Plan for Open Government in the United Kingdom, June 2007; Press release condemning the imprisonment of whistleblowers, David Keogh and Leo O'Conner, May 07; Submission on the Draft Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007, March and June 07;

**Uruguay:** Press release calling on the Senate to confirm the adoption of the Community Broadcasting Bill, August 07.

**Uzbekistan:** Press releases: imprisonment and sentencing of Uzbek journalist and human rights defender Umida Niyazova, May 07;

**Western Europe:** Letter to the OSCE expressing concern over risks to freedom of expression in Western Europe, April 07.

**Yemen:** Final statement from the first meeting of the Media Law Working Group, March 07; Press release condemning the abduction and physical assault of journalist Abdul Karim al-Khaiwani, August 07; Press release announcing the second meeting of the Media Law Working Group, August 07.

**Yemen:** Press release calling for the immediate release or charge of detained journalist, July 07.

**Zimbabwe:** Press release condemning the Zimbabwean government's decision to cancel all registration certificates of non-governmental organisations (NGOs), April 07; Testimony of the Law Society on attacks outside the Zimbabwean High Court, May 07; Joint thematic report on human rights violations in Zimbabwe between 1996 and 2006, May 07; Joint press release condemning the appalling attacks the Zimbabwean Law Society, May 07;

COMING UP...

**Albania:** ARTICLE 19 senior lawyer, Peter Noorlander, will be traveling to Tirana to train Albanian media lawyers. This intensive two-day course will focus on European Court of Human Rights jurisprudence in areas such as defamation and public order restrictions, with the aim of familiarizing Albanian lawyers with the relevant case law and principles and providing them with the tools they need to appeal domestic cases to the Strasbourg human rights court. As yet, few Albanian cases have been taken to Strasbourg. Through this course, we hope to stimulate appeals and help bring Albanian freedom of expression law and practice in

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line with international standards. *(For more information, please contact the Law Programme at [law@article19.org](mailto:law@article19.org))*

**Brazil web-based help point:** ARTICLE 19 Brazil will launch at the end of September a web-based help point on FoE/FoI. The web-point is a thematic web portal that will provide practical information on how civil society organizations and the general public can exercise the right of access information in Brazil. The portal will also provide news, articles, legislation and a data bank of initiatives in the area. Part of the portal will be accessed by members of a network of civil society organizations interested in carrying out work on access to information and with which A19 Brazil has been establishing some degree of partnership. This part of the site will provide interactive tools that will facilitate exchange of ideas, articulation and joint initiatives. The web-point will be an important instrument to inform and mobilize anti-poverty and development organizations in the campaign for a FoI legislation and their involvement in activities aiming at implementing ATI legal provisions already available in existing legislation – the main goal of our Access to Information in Brazil Project, funded by DFID.

**Conflict and Media:** In September 2007, ARTICLE 19 will start the monitoring of Russian media coverage of information related to conflict and peace in the North Caucasus, as part of a project funded by the FCO under the Global Conflict Prevention Fund. The objective of the monitoring is to analyse Russian national and regional (Chechnya, North Ossetia and Dagestan) media's performance and ability to satisfy the public's right to know about conflict and peace issues in the North Caucasus from a plurality of sources and viewpoints; and to identify factors facilitating or hindering the media's fulfilment of its role. The monitors were trained over the summer in using the methodology developed by ARTICLE 19. The findings of the monitoring will be included in a report on the interrelationship between freedom of expression and conflict in Russia, due to be published early in 2008.

**Council of Europe:** A Group of Specialists at the Council of Europe is in the last stages of preparing a draft "European Convention on Access to Official Documents", and will hold its final meeting from 9-12 October. ARTICLE 19 and other NGOs with observer status on the Group share concerns that the draft Convention lacks important safeguards of the right of access to information which are already found in many domestic laws. In the run-up to International Right to Know Day (28 September), we are conducted a joint campaign to raise awareness of these shortcomings and ensure they are addressed in the last remaining meeting. *(For more information, please contact Daniel Simons at [daniel@article19.org](mailto:daniel@article19.org))*

**Dagestan:** ARTICLE 19 and the 'Mass Media Defence Centre of the Republic of Dagestan', in Makhachkala, Dagestan, are organising a seminar on Russian media law and international standards of freedom of expression, in early November. The event will bring together journalists, lawyers and judges. In addition to the training there will be a discussion between the three groups on the implementation of measures to enhance freedom of expression in the region.

**OSI meeting on FOE in the Americas:** ARTICLE 19 Mexico will be participating to a meeting organized by OSI to review the main obstacles for freedom of expression in Latin America. Several specialists from Venezuela, Colombia, Argentina, Peru, Honduras, Guatemala and Mexico will be present. ARTICLE 19 will make presentations on Televisa Law in Mexico and on the impunity characterising the murders, aggressions, and harassments of journalists in Mexico.

**Oaxaca Mission:** ARTICLE 19 Mexico will carry on a fact-finding mission to the state of Oaxaca, where a local journalist was recently gun down after publishing a piece on local corruption. Several newspapers put out a press release underlying the lack of security in the state and the negative attitude towards the problem from the Governor. ARTICLE

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