

## **ARTICLE 19 QUARTERLY NEWSLETTER (AUTUMN 2004)**

THE GLOBAL CAMPAIGN FOR FREEDOM OF EXPRESSION AND INFORMATION

[www.article19.org](http://www.article19.org)

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### **1. FIRST FREEDOM OF INFORMATION WORKSHOP IN CAMBODIA**

On 23<sup>rd</sup> June 2004, Cambodia held its first international freedom of information workshop in Phnom Penh. The workshop was organised by ARTICLE 19 in collaboration with the Cambodia Human Rights and Development Association (ADHOC) and the Office of the UN High Commissioner for Human Rights

The workshop was an important landmark in the campaign to promote freedom of information in Cambodia. Although, the right to information is guaranteed under the Cambodian constitution, public information, as in many other Asian countries, can normally only be accessed through personal contacts and officials typically disclose only selected information. The right to access public information would not only promote the protection of human rights but would also act as an essential tool in tackling poverty and resolving Cambodia's ongoing political problems.

ADHOC, ARTICLE 19's local partner in Cambodia, has put together an impressive coalition in support of a national freedom of information campaign.

The coalition has been meeting monthly to push for legislation on this right. They have also been working closely with the media to raise awareness on the importance of freedom of information and with other civil society groups to produce a draft freedom of information law.

The main aim of the workshop was to further the freedom of information campaign by securing a high profile and attracting a wider range of actors to the campaign. This aim was undoubtedly fulfilled: the workshop was opened by the EC Charge d’Affairs and the event drew a wide participation from Cambodian NGO’s and civil society groups, IGO’s based in Phnom Penh, a number of MP’s and Senators and several international speakers.

A similar workshop will be held in Kuala Lumpur, Malaysia in September. Like the Cambodian workshop, this will also be the first of its kind.

For further information, please contact Toby Mendel, Asia Programme Director, [toby@article19.org](mailto:toby@article19.org)

## 2. UK AND CHINESE MEDIA RELATIONSHIPS STRENGTHENED

Seven leading financial Chinese journalists came to London this summer for a two-month training course in freedom of expression and investigative journalism.

The training project - the first of it’s kind - was the outcome of ARTICLE 19’s first mission to China earlier this year where discussions around freedom of expression were held between ARTICLE 19, the British Council and *Caijing*, China’s leading independent financial magazine.

The training was dynamic and learner led. During the first four weeks, the British Council and ARTICLE 19 gave training in investigative practices and freedom of expression standards. The journalists also had the opportunity to meet and discuss with carefully, selected guest speakers. During the remaining four weeks, the journalists undertook work placements in media organisations such as the BBC, the *Economist*, the *Independent*, the *Times* and Reuters. One of the aims of the project was to develop links and personal working relationships between the Chinese and UK media. This was clearly achieved as one trainee commented:

*“My exchange of views with UK media people increased our mutual understanding on issues concerning China and even values on journalism. I had in-depth discussions with editors and writers from the Comments section...I pointed out that they seem to always rely on Western sources when commenting*

*on topics concerning China and the one-sided source can be incomplete and inaccurate. At my suggestion, the Foreign News Editor withdrew an unworthy article about China and adopted a more serious one instead.”*

The training course will take place again next summer for the benefit of a further eight journalists from *Caijing*

For further information on the Chinese journalist project, please contact Andrew Puddephatt, Executive Director, [andrew@article19.org](mailto:andrew@article19.org)

### **3. COSTA RICAN DEFAMATION CHARGE QUASHED**

In a groundbreaking judgment, the Inter-American Court of Human Rights in July found that the criminal defamation conviction of Costa Rican journalist Mauricio Errero Ulloa violated his right to freedom of expression. Ulloa, a journalist for the daily newspaper *La Nación*, had been convicted for repeating claims published earlier in European newspapers, which alleged that a former Costa Rican diplomat was involved in corrupt activities. He was ordered to pay 60 million colones (approx. US\$20,000) in damages and fined 120 days' wages. When the Costa Rican Supreme Court refused to hear his appeal, he lodged a complaint with the Inter-American Court of Human Rights. ARTICLE 19 submitted a brief in support of Mr Ulloa's application.

This was the first case before the Inter-American Court to raise the problem of criminal defamation and its use to suppress critical reporting on matters of public interest. In an eagerly awaited decision, the Court left no doubt that the media should be left a wide margin to discuss issues of public interest – particularly with respect to public figures such as diplomats. Without such free and open debate, the Court held, democracy ceases to function and societies shift towards authoritarianism. Although the Court disappointed many by failing to rule on whether criminal defamation laws in themselves are incompatible with the right to freedom of expression, it left no doubt that in this case, the use of criminal law had been highly inappropriate, particularly given that Mr Ulloa had merely repeated reports published earlier without sanction in the European press.

The judgment was welcomed by NGOs around the world as well as by the Organization of American States' Special Rapporteur for Freedom of Expression, Eduardo Bertoni. In a statement to the press, Mr Ulloa described the Court's judgment as “a legal landmark” and urged journalists to use it as “an effective tool to defend ourselves from those who wish to silence [us]”. However, by not ruling on the question of principle whether criminal defamation law as such violate the right to freedom of expression, the Court has not gone as far as freedom of expression advocates had hoped for. Working with our partners in the

region, ARTICLE 19 will continue to argue for the decriminalisation of defamation.

For further information, please contact Peter Noorlander, Legal Officer, [peter@article19.org](mailto:peter@article19.org)

The court's ruling is available here, in Spanish only:

<http://www.corteidh.or.cr/juris/index.html>

For ARTICLE 19's written comments submitted to the Court, see

<http://www.article19.org/docimages/1739.doc>

#### **4. NEW FREEDOM OF INFORMATION TRAINING MANUAL FOR PUBLIC OFFICIALS PUBLISHED**

ARTICLE 19's Freedom of Information Training Manual for Public Officials was published in July, following piloting of a draft version at training workshops in five countries of Southeast Europe. The manual is designed for use by participants and trainers in workshops on freedom of information and as a resource for officials to refer to in their daily work.

The manual includes Notes for Trainers, a suggested Agenda for a two-day training workshop, case studies from around the world and role-plays. It is easily adaptable for use in any country, provided that a local resource person with knowledge of the domestic freedom of information regime is present during the training.

The first part of the manual (Chapters 1-4) deals with the concept and basic principles underlying freedom of information. This section could be used equally for members of the public, civil society organisations, or for officials not directly involved in handling requests for information. The second part (Chapters 5-7) is directed specifically at officials responsible for responding to requests for information. It deals with the public bodies that are obliged to provide public access to information, the requesters who are entitled to information, and the process whereby information requests are handled.

The manual is currently available in English on the ARTICLE 19 website and will soon be available in Spanish. The manual will also be available in Russian, Turkish and several Southeast European languages in the coming months.

For further information, please contact Sara Buchanan, Europe Programme Officer, [sara@article19.org](mailto:sara@article19.org)

For an electronic download of the manual, please visit  
<http://www.article19.org/ViewArticle.aspx?ArealD=43&SubArealD=128&PageID=277&ElementID=269&ArticleID=1721&FromSearch=true>

## **5. RESEARCH ON ACCESS TO INFORMATION AND REPRODUCTIVE AND SEXUAL HEALTH IN PERU**

We have now completed two research trips in Cusco and Tarapoto as part of our project *Access to Information and Reproductive and Sexual Health: A New Platform for Change in Peru*. The findings from these trips, and our one remaining trip to Piura, will feed into a report to be published in early 2005; this report will also include chapters on the theoretical and legal framework behind the convergence of these two issues at both a national and international level.

During our research trips we interviewed public officials from different levels of the Health Ministry's regional and local structure in order to gain an insight into the way in which official information is generated, processed, and disseminated. We also aimed to gauge the extent to which the Transparency and Access to Information Law is being incorporated into working practice, as well as the attitudes and understanding of this right among public officials.

We interviewed many non-State actors, including representatives of NGOs, grassroots organisations, those providing alternative health services as well as service users themselves. In these interviews we were able to identify the many issues that arise when attempting to access official information that relates to reproductive and sexual health, from the point of view of individual women and organisations that represent them and advocate for their rights. We also examined the accessibility of administrative information relating to budgets, resource allocation and policy implementation.

Through a series of group sessions we have identified the key concerns of local grassroots organisations keen to incorporate strategies based on access to information into their work that will form a basis to the training we will provide following the publication of the research report. The process of decentralisation underway in Peru should create an important opportunity to consolidate change at a local level.

For more information please contact Bethan Grillo, Head of the Latin America Programme [Bethan@article19.org](mailto:Bethan@article19.org) or Louise Finer, Latin America Programme Officer, [Louise@article19.org](mailto:Louise@article19.org).

## **6. ARTICLE 19 OFFICE MOVE**

ARTICLE 19 has recently moved and we are now based at

6-8 Amwell Street  
London  
EC1R 1UQ  
Tel: 44 20 7278 9292  
Fax: 44 207278 7660

Our main telephone number, website address and email addresses will remain unchanged. Our address, fax number and direct line telephone numbers however will change.

Our new premises are bright and modern and the move has given us the opportunity to dispose of a lot of junk. We are therefore looking forward to establishing a fresh, revitalised presence.

We will be sharing the building with English PEN [www.englishpen.org](http://www.englishpen.org) and Index on Censorship [www.indexonline.org](http://www.indexonline.org). We plan to work in partnership with these organisations to establish a Freedom of Expression centre.

More news on this in the coming months!

## **7. VACANCIES**

### **International Human Rights Lawyer and Asia Programme Officer**

ARTICLE 19 is a leading international human rights organisation working to promote freedom of expression and access to information. We have two new employment opportunities.

#### **Legal Officer**

The Legal Officer is a full-time position based in London, salary £23,000-26,000 pa. Duties include analysing laws, preparing policy and research documents and attending meetings and conferences. This is an exciting and demanding position that would suit someone keen to make his or her mark in the field of international human rights law.

Candidates should have a law degree with a specialisation or proven experience in international human rights law, together with good research, analysis, writing and policy development skills.

**Asia Programme Officer**

The Asia Programme Officer is a part-time (3 days/week) position based in London, salary £22,500-25,500 pa. The position will involve working in all parts of the region including Central Asia. Duties will involve managing and co-ordinating our existing Asia projects, including reporting to funders, as well as helping to further develop the Asia programme. Experience of the region is desirable and candidates should have good language skills.

Some travel is required for both positions.

For further information see [www.article19.org](http://www.article19.org). No calls please. Applications should include a CV, covering letter, writing sample and at least two referees, to reach ARTICLE 19 by 5pm on 22 September. Interviews will be held in early October. Unsuccessful candidates will not be contacted.