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ARTICLE 19

PRESS RELEASE

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Defamation Mapping Tool Charts a Chilling Reality Spanning the Globe

ARTICLE 19, Global Campaign for Free Expression, today launches a [global mapping tool](#) that reveals the widespread use of criminal defamation and other insult laws around the world and unacceptable numbers of people imprisoned there under.

Howaida Taha, al Jazeera journalist, was sentenced in absentia on the 2 May by al Nozha Felonies Court in Egypt to six months in prison and hard labour for ‘possessing and giving pictures and recorded material that undermine the image of the country...’ Her crime: making a documentary on torture in Egypt.

Francisco Vivanco Riofrío, the President of the daily newspaper La Hora is facing up to 2 years imprisonment for publishing an editorial which Ecuador’s President Rafael Correa claimed to be defamatory and of “moral damage” to his reputation. His crime: asserting that the President ruled “with turmoil, rocks and sticks”, following violence in the street in the midst of a referendum.

Rojda Kızgın, a reporter for pro-Kurdish News Agency Dicle (DİHA), currently is being tried under Article 301 (2) of the Turkish penal code for ‘degrading the state’s military and security forces’. Her crime: reporting in 2005 that soldiers were using grenades for fishing, and damaging the environment.

In Senegal, the newspaper Walf Grand-Place was sentenced to an exorbitant fine of 10 million CFA Francs or US\$ 21,000 while two of its journalists, Faydy Drame and Jean Meissa Diop, reporter and editor-in-chief respectively, were sentenced to 6 months prison with bail. Their crime: reporting that a model of car sold by Matforce, a Hyundai dealership, was defective.

These are the stories of just 4 of the hundreds of journalists, writers, human rights defenders and others that have faced charges for defamation since January 2005, 146 of whom have received custodial sentences. Countless others have been charged or are facing trials, possible imprisonment or large fines under criminal or civil defamation law.

ARTICLE 19’s defamation mapping tool reveals, in the sharpest way possible, the unacceptable and widespread use of outdated and destructive laws that through enforced silence and imprisonment, stifle, censor and suppress freedom of expression.

Defamation has long been denounced by human rights defenders and freedom of the press activists as a grave threat to freedom of expression, yet, there has been little comprehensive or cross-comparative information available for global campaigning. ARTICLE 19’s defamation

mapping tool plugs this gap. It offers a user-friendly web tool that demonstrates the true and global extent of the problem by way of visual maps connected to campaigning and advocacy actions. Interactive, the toolkit allows users to share information about new cases, changes in laws, and campaigning successes, thus building a global movement against abusive defamation.

Dr Agnès Callamard, Executive Director of ARTICLE 19 said *“On this day, alike all others, journalists, human rights defenders, political opponents, and other citizens will be forced to mark Human Rights Day in prison merely because they have reported on abuse of power, or corruption, or criticised a public figure. Countless others will refrain from speaking out about issues of concern for fear of a similar fate. Defamation, both civil and criminal, is one of the greatest threats to freedom of expression in the world today. It is a global problem that requires global action”*.

Of the 168 countries surveyed, 158 have criminal defamation laws. That means that 94% of the world’s countries are subjected to laws that human rights defenders the world over have condemned as inappropriate, abusive, and misused.

113 countries have special laws offering special protection to the most powerful and privileged figures in public life. These laws shield public figures from criticisms and investigation by virtue of the power they hold in society – eating at the very heart of global efforts to promote good governance and combat corruption.

Only 10 countries have eliminated criminal defamation laws and a further 9 have done away with imprisonment as a penalty for defamation. The successful State leaders of this small, fragmented movement for defamation reform can be found in such countries as Ghana, Mexico, Sri Lanka and in a number of Eastern European countries namely Bosnia and Herzegovina, Estonia, Georgia and Ukraine.

Although largely fallen into disuse across Western Europe, the existence of criminal defamation on the statute books provides many other governments in Africa, Asia and the Middle East with the excuse they need not only to refute repeal of defamation laws but also to actively make use of such laws to imprison journalists from periods of a few months to several years. Such cases are often used to make an example of journalists, thereby demarcating a line which few others dare to traverse, creating “no go” topics and rendering politicians and other powerful actors free from the public scrutiny so essential to holding them accountable.

Since January 2005, at least 146 people have been imprisoned for criminal defamation the worst offenders being Iran (10), Uzbekistan (9), Democratic Republic of Congo (7), China and the Philippines (both 6). Crippling fines and damages awarded in defamation cases add a further restriction to freedom of expression. Many journalists have seen their careers and even their lives crushed by bankrupting fines and damages incurred in defamation cases.

ARTICLE 19’s list is not exhaustive. There are gaps caused by impeded communication, censorship and fear of the consequences of disclosure. The actual number of people affected by abusive defamation is therefore likely to be much greater.

ARTICLE 19 calls on all governments to review their defamation legislation and practices and to bring them in line with international standards on freedom of expression, including by ensuring that:

- No one should be imprisoned for defamation or libel;
- All criminal defamation laws are abolished and replaced, where necessary, with appropriate civil defamation laws;

- Under no circumstances should defamation law provide any special protection for public officials, whatever their rank or status;
- Courts should prioritise the use of non-pecuniary remedies to redress any harm to reputation caused by defamatory statements such as the issuance of an apology, correction and/or reply, or publication of any judgment which finds the statements to be defamatory;
- Pecuniary compensation should be awarded only where non-pecuniary remedies are insufficient to redress the harm caused by defamatory statements. Pecuniary awards should never be disproportionate to the harm done;
- The level of compensation which may be awarded should be subject to a fixed ceiling which should be applied only in the most serious cases.

NOTES TO EDITORS

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The defamation mapping tool can be accessed at the following general link:

<http://www.article19.org/advocacy/defamationmap/map/>

Maps

- **Legislation**: Charting the existence of criminal and civil defamation legislation across the globe as well as the provision of special protection for public officials.
- **Imprisonment**: Charting the number of people imprisoned in each country since January 2005.

Other resources

- A narrative [overview](#) of the maps;
- [Human stories](#) profiling cases from all regions;
- A table of [fines and damages](#) (to be further developed and converted into a third map and relaunched in 2008);
- A [submit info](#) button for users to send information to ARTICLE 19 on imprisonments, legal changes and cases for future incorporation into the maps.

ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of expression.