

**FREEDOM OF EXPRESSION IS A  
FUNDAMENTAL HUMAN RIGHT WHICH  
GUARANTEES ALL OTHER RIGHTS,  
INCLUDING LIFE...**



# ARTICLE 19

ANNUAL REVIEW - JULY 2003





'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

*Article 19 of the Universal Declaration of Human Rights*

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Twelve months ago, the world was coming to terms with the aftermath of the conflict in Afghanistan. We are now experiencing the same pre-occupation with events in Iraq. While in both cases controversial interventions have overturned repressive regimes, a dangerous power vacuum has been created in which the struggle to create viable and enduring democracies is proving more complex and more difficult than many imagined.

Freedom of expression and access to information have long been seen as the foundation stones of a democracy that help to secure other rights and freedoms. The traditional approach has been to emphasise the importance of protecting these rights in domestic law, where independent courts can police them.

However, such a vision is a fantasy in many parts of the world, where there is no effective legal system, or that which existed has simply collapsed. Indeed, in countries where the worst human rights abuses are to be found, the state itself has collapsed – or if it survives it lacks any capacity to deliver effective public goods. There is no domestic taxation, no rule of law, no effective policing and no welfare services. In such societies, freedom of expression can seem like an unimaginable luxury.

Yet freedom of expression is a right that has to be developed and protected in every society. ARTICLE 19 has long argued that freedom of expression is essential to development and any attempts to tackle structural poverty. This thesis – which we advanced in 1991 – is now widely accepted and is instrumental in modern development policy. More recently we have identified the importance of freedom of expression in helping to tackle conflicts and stabilise post-conflict societies, and we are now developing guidelines for conflict reporting.

All of these objectives are made immensely more complex in collapsed states such as Afghanistan, or the conflict-ridden areas of West and Central Africa. It worries us that donors are increasingly reluctant to become involved in these regions – for example, only a fraction of the aid promised to Afghanistan has arrived, or looks likely to arrive. Moreover the task of nation building – whether it is in Kosovo, Bosnia, Afghanistan or now Iraq – is challenging the ability of the international community to adopt a sustained and long-term approach.

ARTICLE 19 remains convinced that guaranteeing freedom of expression and access to information is essential in this nation building process. Our experience tells us that there needs to be strong local ownership of any policy or regulatory environment, and that long-term, sustained involvement from a legitimate international authority is a pre-condition of success. NGOs such as ourselves can play an important role in developing a stable, peaceful and democratic society – but only if we operate with sensitivity and consistency, and only if those governments who so readily demonstrate the will to war, can also demonstrate the stamina for peace.



**Andrew Puddephatt**  
Executive Director

ARTICLE 19 is an international human rights organisation which promotes freedom of expression and fights censorship all over the world.

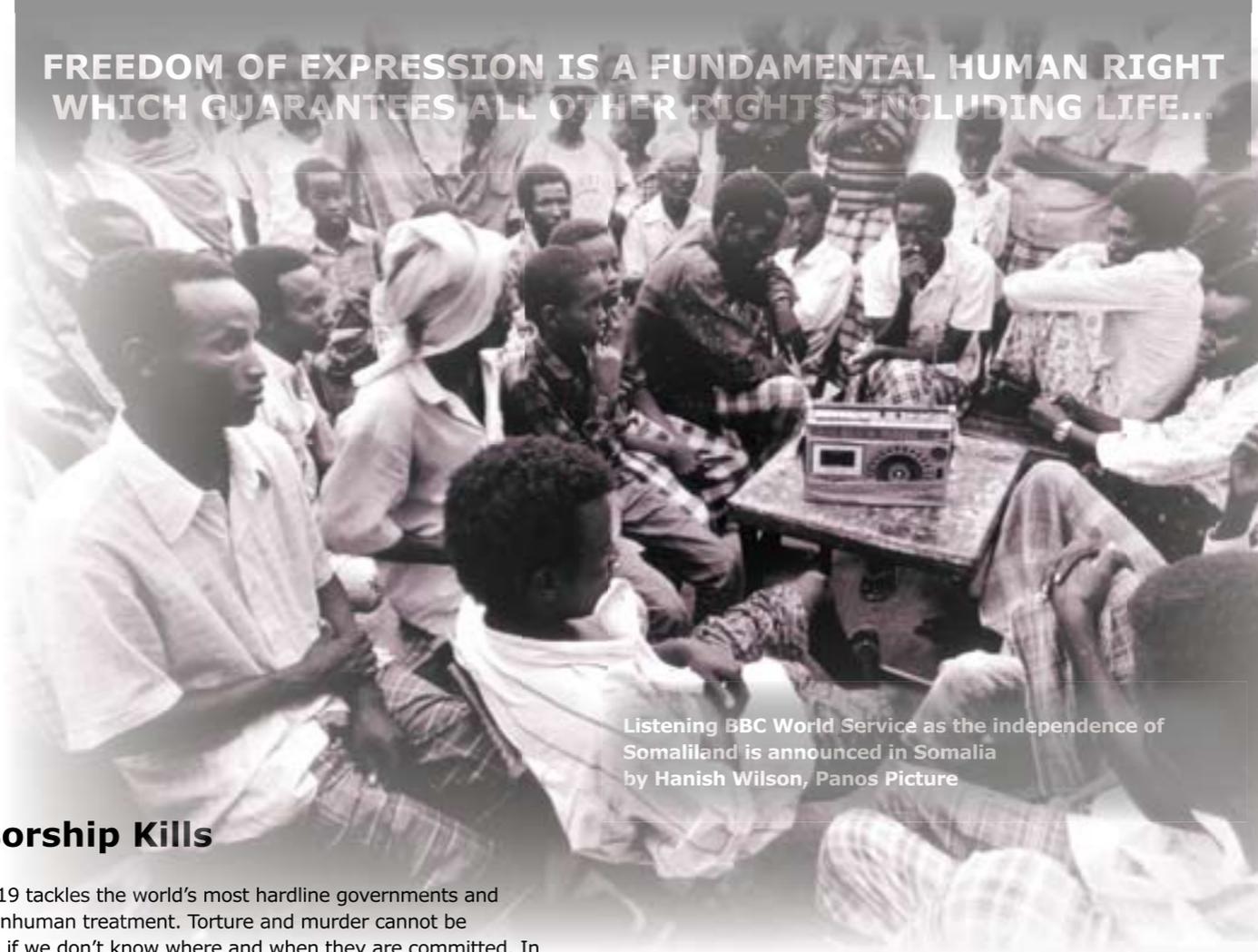
We take our name from Article 19 of the United Nations Universal Declaration of Human Rights.

We believe that all people have the right to freedom of expression and access to information, and that the full enjoyment of this right is the most potent force to pre-empt repression, conflict, war and genocide.

We monitor, research, publish, lobby, campaign and litigate on behalf of freedom of expression wherever it is threatened.

With partners in over 30 countries, we work to strengthen the local capacity to monitor and protest censorship.

**FREEDOM OF EXPRESSION IS A FUNDAMENTAL HUMAN RIGHT WHICH GUARANTEES ALL OTHER RIGHTS, INCLUDING LIFE...**



Listening BBC World Service as the independence of Somaliland is announced in Somalia by Hanish Wilson, Panos Picture

**Censorship Kills**

ARTICLE 19 tackles the world's most hardline governments and combats inhuman treatment. Torture and murder cannot be contested if we don't know where and when they are committed. In some countries torture of dissenters is routine and, in the absence of a free press, international pressure is vital. ARTICLE 19 lobbies world leaders to take account of inhuman practices when dealing with offending governments, and will never let up the pressure.

If access to information was guaranteed in China, the SARS epidemic could have been brought under control much sooner.

**Censorship Starves**

If censorship were eradicated, famine would become a preventable catastrophe rather than an "Act of God". An early ARTICLE 19 cutting-edge report, *Starving in Silence*, demonstrates the links between famine and censorship. Starvation is the last stage of a long process of increasing poverty, disease and death. Effective assistance depends on uncensored information about who is starving and where. This information is all too often suppressed.

Freedom of expression is not a luxury – it is the right to speak and the right to know.

It is the right to voice political, cultural, social and economic opinions.

It is the right of access to information on government policies and actions;

It allows citizens to influence government policies and to change government in the exercise of democratic rights;

It allows people to make informed decisions about their lives;

It provides the framework in which man-made catastrophes such as famine and AIDS epidemics can be prevented;

It guarantees the right to participate in all of the above free from fear, persecution, imprisonment, torture or death.

ARTICLE 19 has also looked at the effects of censorship on women's reproductive health. We have argued that free expression and access to information is vital in tackling the spread of AIDS.

Our diverse work includes examining the role of truth commissions in bringing peace, to monitoring the media coverage of refugee and asylum seekers in the UK.

We are committed to defending free expression and access to information globally. We are convinced it is a right that underpins the realisation of other social and economic rights.

**International Board of ARTICLE 19**

Galina Arapova (Russia), Richard Ayre (UK), Param Cumaraswamy (Malaysia), Paul Hoffman (USA), Cushrow Irani (India), Jody Kollapen (South Africa), Gara LaMarche (USA), Daisy Li (Hong Kong), Jorge Islas Lopez (Mexico), Goenawan Mohamad (Indonesia), Peter Phillips (UK), Arne Ruth (Sweden), Malcolm Smart (UK), Mary-Ann Stephenson, (UK)

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### Women's Voices and African Theatre

For centuries theatre in many parts of Africa has been an important social phenomenon, playing a central role in religion, ritual and social practices, as a vehicle for passing on information and traditions, and as an art form to express ideas. Many women's groups have started to make use of this powerful expressive medium to promote equality in the home and in society, and to educate and advocate around these issues.

In February 2003, ARTICLE 19 published a report entitled *Women's Voices and African Theatre*, exploring the significance of theatre as a means of freedom of expression for women in four African countries: the Democratic Republic of Congo, Kenya, Mali and Zimbabwe. The report provides both a historical overview of the development of theatre and an examination of the contemporary theatre scene. It also looks at the extent to which women are able to access this medium, and why it is particularly important to women in Africa as a whole. Finally, it provides recommendations for reform and ways of enhancing women's access to a medium considered important for social change.

### African Charter on Broadcasting/ World Summit on Information Society

There have been significant gains in media freedom in Africa since the adoption of the 1991 Windhoek Declaration on Promoting an Independent and Pluralistic African Press. However, the declaration focused primarily on the print media and did not address issues such as broadcasting liberalisation and the globalisation of the telecommunications industry. These issues have far-reaching social and economic implications for media freedom and threaten to jeopardise the production of a media that reflects Africa's rich cultural diversity.

ARTICLE 19 worked with a representative group of African media practitioners to address these concerns at a UNESCO conference held on the 10th anniversary of the original Windhoek Declaration. As a result of the conference, the African Charter on Broadcasting was produced, serving as a modern blueprint for policies and laws determining the future of broadcasting and information technology in Africa. The Chairperson of the ACHPR formally launched the charter on 3 May 2002.

The charter is in use by various African media freedom advocates and seen as a 'twin' document to the 1991 Windhoek Declaration. It has been distributed to media organisations and activists across Africa, as part of the campaign to strengthen the charter and develop support, in preparation for endorsement at the World Summit on Information Society (WSIS) in December 2003.

ARTICLE 19 has been playing a significant role in supporting the African Caucus during the WSIS process. In February 2003, we published a joint publication with our partner organisations entitled *Our Side of the Divide: African Perspectives on Information and Communications Technologies*. The booklet was distributed widely to government and civil society representatives at the WSIS Prepcom 2 meeting in Geneva. We have also made an important contribution to ongoing debates on the right to communicate, one of the central themes of the summit.

### Zimbabwe

ARTICLE 19's 'safe haven' project for Zimbabwean journalists under threat was completed in 2002. We identified the need for Zimbabwean human rights organisations to network with other organisations in Africa and to play a greater role in disseminating information in rural areas of the country. We have also held a number of consultations with Zimbabwean civil society leaders and supported them in their communications efforts. Our offices in London currently host the international office of the Zimbabwean Human Rights Forum.

### Ethiopia

In February 2003, ARTICLE 19 published *The Legal Framework for Freedom of Expression in Ethiopia*. The report seeks to provide guidance and recommendations for consideration by the Ethiopian government and other concerned parties, with a view to prospective law reform or the enactment of new laws. It also indicates that a number of provisions in the Ethiopian legal framework are in breach of relevant international standards relating to freedom of expression. The recommendations call upon the Ethiopian government to take appropriate measures to comply with its international and constitutional obligations, regarding the right to freedom of expression and media freedom.

### Sierra Leone - Truth and Reconciliation

ARTICLE 19 continued to work with the Sierra Leone working groups on Truth and Reconciliation. This included producing a monthly *'Truth Bulletin'*, a series of provincial consultation workshops and an innovative networking component. A Sierra Leonean delegation visited Guatemala, South Africa and Zimbabwe to explore community-level truth processes. We are now following up with our partners to discuss future work and the possibility of establishing a service provider's network of Africans with experience of truth, justice and reconciliation issues.

### Commission on Human and Peoples' Rights (ACHPR)

Over the last two years, ARTICLE 19 has been assisting the ACHPR's Working Group on Freedom of Expression. In 2002, we helped produce a draft Declaration of principles of freedom of expression, that was subsequently adopted at the end of 2002.

ARTICLE 19 will continue to assist the Working Group to refine recommendations for a mechanism to assist the ACHPR to investigate, monitor and review freedom of expression violations across Africa.

### Broadcasting Policy

In May 2003, ARTICLE 19 published *Broadcasting Policy and Practice in Africa*, as a follow-up to the conferences on broadcasting policy and public service broadcasting, held in 2002. We will continue to work on broadcasting policy issues in the future, by conducting advocacy programmes with broadcasting regulatory bodies and working with West African public broadcasters to set up a *West African Public Service Broadcasters Association*.

### Defamation

Our research has revealed that the use of defamation and insult laws is increasing in Africa, especially in countries facing political crisis or civil conflict. In most cases charges are dismissed for lack of merit, and there has been a regular and unwarranted use of criminal defamation associated with excessive and unreasonable fines.

In May 2003, ARTICLE 19 produced a campaign pack on defamation and insult laws. This pack is the result of ongoing research examining the way defamation or insult suits against journalists have been used in a number of cases brought by public officials/figures. This included a workshop in the Southern African Development Community (SADC), held in Salima, Malawi, from 27-31 October 2002. The Pack highlights the threats to freedom of expression posed by such laws, and aims to simplify the legal issues surrounding these concepts.

## RIGHTS VS REPUTATIONS

Campaign against the abuse of defamation and insult laws



Funding for our projects in Latin America has been provided by the British Foreign and Commonwealth Office (FCO), the British Council, the Regional Office of UNESCO for Communication and Information for Latin America and the Caribbean (ROCILAC), and Media en Democracia.

### Peru

Through working groups and seminars that brought together civil society groups, journalists, media owners and public officials, ARTICLE 19 and the Peruvian Press Council successfully campaigned for a freedom of information law that was promulgated in August 2002. We later commented upon, and advocated for, modifications to the law which were finally incorporated in January 2003. ARTICLE 19 and the Human Rights Co-ordinator, which represents over sixty grassroots organisations, have recently launched a nationwide survey to gauge the level of awareness of the new law and anxieties over its implementation.

We have also been participating in a new health and human rights coalition in Lima, which is working to raise awareness of access to information as a tool to realise the right to reproductive and sexual health. We helped raise the profile of this issue by taking part in the human rights session of the Health Forum's first National Health Conference, which convened NGOs, state health establishments, community groups and special interest health networks. We now intend to undertake research into the intersection between access to information, reproductive health rights and poverty in Peru.

# ¿Cuánto vale la democracia? ¿Cuánto vale la libertad de información?

¿CÓMO AYER QUE ES NECESARIO el acceso a la información para la justicia de su país en un sistema democrático? ¿Cuánto vale el derecho de tener acceso completo a la información pública? La justicia y los derechos pueden salvaguardarse solo si se tienen archivos abiertos y una administración transparente. ¿Cuánto vale que los proyectos de ley pública deben estar en línea para la transparencia de la información? ¿Cuánto vale el derecho a votar, el derecho a conocer? ¿Cuánto vale que hemos llegado a un momento crítico en nuestra historia como nuestro Estado debe en esta va a procrear la libertad de acceso a la información para que el ciudadano pueda acceder a los tribunales, y que el país pueda ser más transparente internacionalmente y el acceso a la información pública sea más fácil?



Andrew Puddephat, director de la organización "Artículo 19" de Inglaterra: ¿Cuánto vale la democracia?

### Mexico

Mexico's freedom of information law was passed in April 2002, following a high profile campaign, led by the Oaxaca Group and supported by ARTICLE 19. In November 2002, ARTICLE 19, the OAS Special Rapporteur for Freedom of Expression and our partner organisation, Article 13, met with President Vicente Fox to encourage him to support the implementation of the law and to consider the reform of the criminal defamation legislation. In January 2003, ARTICLE 19 participated in an international conference organised by Article 13, to discuss the issue of defamation in more detail. We will now work with Article 13 to launch a campaign for the decriminalisation of the defamation law.

### Argentina

Over the past year, ARTICLE 19 has made three visits to Argentina to participate in international seminars and meetings with legislators and members of Congress to discuss the need for, and content of, proposed freedom of information legislation. In May 2003, the draft freedom of information law was passed to the Senate. We will continue to work with the British Council and a range of national NGOs to support their continued advocacy.

In November 2003, ARTICLE 19 will take part in a conference on public service broadcasting in Argentina. This conference will be organised by the British Council and will produce an advocacy document to promote the reform of the public service broadcaster.

### Paraguay

In March 2003, ARTICLE 19 was invited to visit Paraguay by the Freedom of Expression Forum, in order to meet with key Presidential candidates prior to the April elections. These meetings were integral to placing draft legislation back on the political agenda and helped secure public commitments from all four candidates to the approval of the

law. We also met with President Gonzalez Macchi, the Chancellor and Government Secretary, the President of the Supreme Court President, NGOs, journalists and trade union leaders. We will now work with the Freedom of Expression Forum to produce a survey of media legislation in Paraguay.

### Regional Freedom of Information Electronic Bulletin

In April 2002, we initiated a bi-monthly regional freedom of information bulletin that compiles articles from public officials, human rights activists, journalists and lawyers from twelve Latin American and Caribbean countries. This bulletin is published in English, Spanish and Portuguese and is sent to a network of over 600 members. The bulletin provides updates on freedom of information campaigns and the implementation of recently adopted freedom of information laws.

### Regional Freedom of Information Seminars

In November 2002, we convened a large regional seminar in Mexico City in order to bring together freedom of information advocates from Mexico, Peru, Argentina, Paraguay, El Salvador, Guatemala, Ecuador, Panama, Jamaica, the United States, South Africa and Bulgaria. This provided a forum to exchange ideas and experiences, to identify a set of 'lessons learned' and to agree on ways in which groups can work together co-operatively on a regional level.

### Media Law Analyses

In response to requests from national NGOs, the Law Programme carried out media law analyses in Costa Rica and Guatemala in order to provide them with tools to campaign for legislative reform. The Latin America Programme has kept in close contact with domestic organisations and has been informed that the analyses have been used in national seminars as a point of discussion and to assist NGOs to redraft freedom of information legislation for consideration by Congress.

### Assessment Trip to Brazil

In December 2003, ARTICLE 19 visited Brazil to meet with members of UNESCO, independent journalists and NGOs. The use of repressive press laws to silence journalists and the continued harassment, intimidation and assassination of journalists continues to be of grave concern.

ARTICLE 19 has focused on freedom of information (FOI) for a number of years and it has now become our most prominent programmatic activity. By-and-large, our activities have worked to promote the adoption of progressive national FOI laws guaranteeing the right to access information held by public bodies, and we are now starting to work on the implementation of those laws.

More recently, however, ARTICLE 19 has been exploring the idea of a much broader, more global approach to this key governance issue. We have focused on promoting access to information at all levels, among global governance actors, particularly the international financial and trade institutions (IFTIs), and among transnational corporations. We have also addressed changing notions of national security and how these affect secrecy paradigms, and the idea of developing authoritative international standards in this area, based on our own standard-setting work, for example in the form of a UN declaration on freedom of information.

Over the past year, we have taken significant steps to translate some of these ideas into concrete plans, often working with consortia of other organisations committed to the goal of openness.

### International Financial and Trade Institutions (IFTIs)

Our work on promoting openness within IFTIs began with a submission to the World Bank in 2001, criticising their Policy on the Disclosure of Information, under review at the time. Many NGOs whose work focuses primarily on the Bank had asked for a greater number of documents to be subject to disclosure. In contrast, our submission criticised the very system of openness, calling for a presumption in favour of disclosure, subject to a limited regime of exceptions and with a right of appeal to an independent body.

Our submission caught the eye of some of the leading NGOs working on World Bank openness and we started a dialogue ultimately leading to a meeting in Georgia, USA, in February 2003, focusing on the issue of promoting openness within the IFTIs. This meeting brought together, for the first time, two different NGO communities, namely those focusing on global financial bodies and those working on freedom of information.

After two days of discussions, we agreed a number of strategic activities. First, the group agreed the need for a Charter-type statement regarding openness at the IFTIs, setting out the standards to which their disclosure policies should conform. Based on our previous work in standard-setting and policy, ARTICLE 19 was asked to take the lead in drafting this Charter. This will form the centrepiece of a broad, global openness campaign, mobilising a wide range of actors from many different countries around a coherent set of common objectives. To supplement this work, ARTICLE 19 is undertaking research on the extent to which IFTIs are bound by international human rights law, including the right to freedom of information.

A second strand emerging from the Georgia meeting is to develop a network of national organisations working on freedom of information and to foster a co-ordinated campaign to work together to promote greater openness within the IFTIs. A pilot project involving 10 different countries from all regions of the world has been initiated, with co-ordinated requests for key documents from the World Bank, World Trade Organisation (WTO), International Monetary Fund (IMF) and the regional development banks. The campaign will build on this pilot work, incorporating more national groups and expanding the scope of the advocacy efforts.

Finally, the group agreed to target the disclosure review processes currently underway at both the Inter-American

Development Bank (IDB) and European Investment Bank (EIB), and the upcoming disclosure review process at the Asian Development Bank (ADB). ARTICLE 19 prepared a submission for the IDB policy review, focusing on the system of exceptions, the need for better process guarantees and the lack of an independent review mechanism. Our submission was endorsed by 26 leading freedom of information and bank-focused organisations. We also contributed to, and signed, a letter to the ADB urging them to ensure appropriate opportunities for consultation in their upcoming review.

### Transnational Corporations

ARTICLE 19 has recently started examining how to promote access to information provisions for companies, particularly large multi-national companies whose activities and policies have a considerable effect on public life. We are currently reworking our leading standard-setting publication, *The Public's Right to Know*, to make it relevant and applicable to the corporate world, drawing on some of the more progressive corporate disclosure practices and policies. Based on our work, the Geneva-based International Council on Human Rights Policy has already argued that companies are, under international law, obliged to disclose information where their work affects public interests.

ARTICLE 19 will consult widely with corporate actors and other interested parties before finalizing the document. Based on this final document, we hope to host a workshop involving representatives of transnational corporations to discuss the issue of openness and our proposed principles. We also plan to undertake an 'audit' of several companies' transparency policies, to assess the extent to which they comply with our standards. The audit would be used both as background research and as an advocacy tool.

### National Security

*The Johannesburg Principles: National Security, Freedom of Expression and Access to Information*, published by ARTICLE 19 in 1996, were adopted by a group of leading international experts and endorsed and relied upon by a wide range of academics, civil society actors, journalists, judges and lawyers, among others. However, since that time, and particularly since the events of 11 September 2001, notions of security, and of openness, have changed significantly.

Security communities in many countries, largely with their governments' blessing, have taken advantage of these events to operate in ever greater secrecy. ARTICLE 19 has been involved in efforts to promote a coherent civil society

response to these developments, in particular through meetings in Washington in May 2003, organised by The Campbell Public Affairs Institute of Syracuse University. We submitted the leading overview paper as part of the preparations for the meeting. The meeting led to an agreement, in principle, to both challenge the dominant security secrecy paradigm and to identify best practices in this area, with a view to promoting them around the world. This builds on ongoing ARTICLE 19 efforts in this area, particularly in Eastern and Central Europe.



## Media Freedom in Belarus, Moldova and Ukraine Belarus

ARTICLE 19's project promoting freedom of expression in Belarus, concluded in May 2002. We posted a consultant with the Belarusian Association of Journalists in Minsk, to monitor freedom of expression abuses, campaign for legislative reform and strengthen the local partner organisation in such actions. Throughout the project, we regularly published a bulletin monitoring freedom of expression. A collection of legal analyses was published and launched in April 2002 under the title '*BELARUS: Instruments of Control*'. The project was funded by the Open Society Network Media Programme, and the British Foreign and Commonwealth Office.

### The Regional Project

In 2002, we extended the scope of our work in the region, from a focus on Belarus, to Moldova and Ukraine. Funding for the project is again provided by the Open Society Institute and the British Foreign and Commonwealth Office. Activities include advocating for legal change; analysing draft laws or proposed amendments to laws; the bi-monthly publication of bulletins on each of the three countries, monitoring and analysing political and legal developments affecting media independence, as well as documenting serious infringements on freedom of expression as they occur. The bulletins include recommendations to the authorities of the three countries on how to redress negative developments.

A regional conference was held in Kyiv on 12/13 May 2003, entitled '*Strategies for Change – Challenges and Opportunities of Co-operation between State and Civil Society to Further Freedom of Expression*'. ARTICLE 19 also conducted research for a comparative analysis of developments in media freedom in the three countries over the past two years. These findings will be published in Summer 2003.

The Ruben and Elisabeth Rausing Trust granted funding for a new regional project in Belarus, Moldova and Ukraine starting in 2003. We work with four partner organisations in the region, to further build legal guarantees for freedom of expression and strengthen journalist's capacities to defend themselves, while improving their own standards of professional ethics.

### Access to Justice in Russia

This project, undertaken in partnership with the Mass Media Defence Centre in Voronezh and funded by the British Department for International Development, ended in February 2003. It included supporting the Mass Media Defence Centre's legal advice services that assists local journalists charged with defamation, and educating lawyers and judges on international standards relating to defamation. Training seminars were held in St Petersburg and Moscow.

In February 2003, we published a report entitled *The Price of Honour: A Guide to Defamation Law and Practice in Russia*, produced in both English and Russian. The report analyses of Russian defamation provisions in relation to international standards and Russian court practice, and is designed to serve as a reference for both journalists and legal practitioners alike.



## Promoting Practical Access to Democracy in South East Europe

### Freedom of Information

Since September 2000, ARTICLE 19 has, with funding from the European Commission, supported local initiatives in Albania, Bulgaria, Croatia and Romania on the adoption and implementation of access to information laws. Activities have involved legal analyses, campaigning, the translation and dissemination of ARTICLE 19 publications, and training seminars for public officials in Bulgaria and Romania on the implementation of access to information legislation. The training seminars in Bulgaria received an overwhelmingly positive response from the public officials who participated, and has prompted further training programmes by other organisations in the country, and the creation of an email group to exchange information and materials between various local authorities in Romania.

Between September 2002 and March 2003, the work was extended, with funding from the Open Society Justice Initiative, to include the remaining South East European countries that do not yet have FOI legislation (e.g. Kosovo, Macedonia, Montenegro and Serbia). Two regional meetings were held, one in the autumn of 2002 in Macedonia, and a follow-up conference in Croatia in March 2003, to assist local initiatives in planning and advancing their national campaigns for freedom of information. Legal analyses of FOI drafts were provided for Montenegro and Croatia.

In April 2003, the German government approved further work in this field under the Stability Pact for South East

Europe. The recently-approved one-year project foresees more training for public officials, the piloting of a freedom of information training manual, and work with civil society groups in Albania, Bosnia-Herzegovina, Bulgaria, Moldova and Romania.

### Decriminalisation of Defamation

Since September 2000, ARTICLE 19 has, in co-operation with its local partner organisations in Bulgaria, Montenegro and Romania, undertaken activities aimed at the abolition of criminal defamation. International campaigning has involved issuing press releases and statements, and meeting with MEPs, and European Commission and NATO officials, to discuss the accession requirements of candidate countries to the EU and NATO. Within this context, more general freedom of expression concerns, and problems surrounding criminal defamation, have been raised. As a result, the Romanian Justice Ministry withdrew their controversial proposals for reform of the penal code.

In Montenegro, a sustained campaign by the Montenegrin Helsinki Committee, with the support of ARTICLE 19, led to the introduction in June 2002, of two significant amendments to the Penal Code. A high profile conference on problems related to defamation and hate speech was held in Montenegro, on 30 April and 1 May 2003, and received country-wide media coverage. Our work on this subject was supported first by the European Commission and more recently by the German Government under the Stability Pact for South East Europe. The project will continue until late August 2003.

### Strengthening Democracy through Free Expression in the South Caucasus

ARTICLE 19's Europe Programme has secured funding from the Open Society Institute and the British Foreign and Commonwealth Office for a new project in the South Caucasus. A programme officer was recruited to work exclusively on the Caucasus project, which includes activities in Armenia, Azerbaijan and Georgia, as well as the conflict regions of Abkhazia, Nagorny Karabakh and South Ossetia. This 3-year project began in April 2003, and is based on a partnership with six organisations from the region. The main areas of activity include; support for legal reform, education of students on freedom of expression concepts and standards, freedom of information monitoring and awareness raising, and research on the relationship between freedom of expression and the peaceful resolution of conflict.



The immigration and asylum issue has been the focus of intense media interest in the UK in recent months and shows little sign of abating. ARTICLE 19, in co-operation with Cardiff University, initiated this research in 2001 in order to assess the ways in which refugees and asylum seekers are represented in the national press and on television



A panel debate brought together editors, journalists, academics and the BBC's controller of editorial policy.

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Forty-five interviews with asylum seekers and refugees were conducted by researchers, who were themselves refugees or asylum seekers, in London, Kent, Leeds, Glasgow and Edinburgh. Interviews based on a different questionnaire were also undertaken with asylum seekers in several detention centres in the UK.

A media monitoring exercise was carried out over a three-month period, which included six national newspapers and six news bulletins. Journalists from all the national

newspapers were interviewed by ARTICLE 19 along with press officers from a range of refugee organisations and representatives from the Home Office, to ensure that the research reflected the concerns of all sectors.

At a seminar held at Westminster in May 2003, ARTICLE 19 presented a case study of the media coverage of the Red Cross centre at Sangatte which highlighted some of the research's initial findings. The findings related to the inaccurate and sometimes pejorative language and labels used to describe refugees and asylum seekers in the media and the presentation of statistics in ways that are often contradictory and misleading. There was also concern over the representation of refugees and asylum seekers in photographs and footage that recycle stereotypical and threatening images.

A panel debate brought together editors, journalists, academics and the BBC's controller of editorial policy. A working group was also attended by the director of the Press Complaints Commission, who was amenable to the idea of exploring the possibility of issuing soft guidelines to editors which emphasise the need to employ appropriate labels and to refrain from using inaccurate language. ARTICLE 19 will meet with refugee organisations to discuss how this research can be taken forward to affect change in the reporting of the asylum and immigration issue. We also attended a BBC editorial policy meeting in June to discuss how producers and reporters could take the findings of the research into account when producing news and other programmes relating to asylum.

The research and seminar were sponsored by BBC News, Oxfam, the Body Shop Foundation and the Barrow Cadbury Trust.

### Rebuilding the Media in Afghanistan

In late 2001 and early 2002, ARTICLE 19 undertook assessment missions to Peshawar, Western Pakistan, and Kabul, Afghanistan. As a result of these missions, ARTICLE 19 launched an Afghan Project in April 2002, which has now been completed. The main goal of the project was to provide a structured forum, through the development of a Civil Society Steering Committee and regular meetings, in which exchanges between Afghan media stakeholders took place, and to promote the establishment of an independent national journalist's union.

### Freedom of Information in South Asia

This regional project was designed to lever all countries in the region into having freedom of information laws that correspond to international standards. The main regional partners are the Centre for Policy Alternatives (Sri Lanka), the Commonwealth Human Rights Initiative (India) and the Human Rights Commission of Pakistan. A regional publication entitled *Global Trends on the Right to Information: A Survey of South Asia*, issued in July 2001, provides a comprehensive update on international developments and the basis for the right under international law. Both India and Pakistan have now adopted freedom of information laws and one is currently being considered in Sri Lanka.

### ASEAN Project

In April 2002, ARTICLE 19 launched a major 3-year project in the ASEAN region to promote both freedom of expression and information. The project, now in its second year, is being undertaken in partnership with Forum Asia, and has activities in all 10 ASEAN countries, as well as East Timor. The project provides an in-depth focus on six particular countries; Cambodia, East Timor, Indonesia, Malaysia, the Philippines and Thailand. To staff the project, ARTICLE 19 recently hired the first person specifically dedicated to Asia work. The project includes a variety of activities including advocacy, baseline studies on freedom of expression in the six key countries, a series of training and promotional workshops, a number of media law analyses and a major international conference. We held two workshops earlier this year and several of the studies are progressing well towards publication.



### Indonesia

ARTICLE 19 remains actively involved in media law reform work in Indonesia, including in relation to the Broadcasting Law adopted in late 2002 and the freedom of information law currently before the legislature. We have provided a number of technical submissions on both laws, as well as attending meetings to discuss international standards.

### Hong Kong and China

In July 2002, ARTICLE 19 and the Hong Kong Journalists Association published its 10<sup>th</sup> joint Annual Report on freedom of expression in Hong Kong. We were involved, through the EU-China human rights dialogue process, in exchange meetings, held in China and in Ireland, on media regulation. As part of this process, all four of ARTICLE 19's major sets of principles – on national security, freedom of information, defamation and broadcasting – were translated into Chinese. We hope to build on this work by undertaking a diplomatic mission to the region, and hosting a seminar in China on freedom of expression and information.

### Mongolia

In early 2002, The Globe International, a Mongolian-based NGO working on media law reform in the region, approached ARTICLE 19 for assistance. We worked closely with them to draft a comprehensive report on laws affecting the media. Meetings with senior government figures in Ulan Bator led to agreement to prepare a freedom of information law and ARTICLE 19 remains actively involved in providing legal advice and advocacy regarding the draft law now being prepared.

### Nepal

ARTICLE 19 has, for the first time, started to work more intensively on Nepal. In November 2002 we undertook an assessment mission there, and produced a report on the situation regarding freedom of expression. We are currently looking into possible future options for working in Nepal.

### Central Asia

ARTICLE 19 has become increasingly active in Central Asia, largely through our co-operation with the OSCE. In 2001, we published a major study on laws affecting freedom of expression in Kazakhstan, leading to our participation in a series of OSCE conferences in the country throughout 2002, as well as more in-depth analysis of laws on elections and advertising. In late 2002, we carried out a similar study on Tajikistan and in November we participated in an OSCE conference to launch it. A new project has recently been approved, involving the publication of a regional report on standards and the capacity to become involved in litigation there (four of the five countries have signed the Optional Protocol to the ICCPR).

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### Model Freedom of Information (FOI) Law

In 1999, ARTICLE 19 published *The Public's Right to Know: Principles on Freedom of Information Legislation*. This document, setting out the standards to which FOI legislation should conform, has been reprinted several times and translated into a number of languages. To further assist those seeking to translate our Principles into law, in July 2001 we published a *Model Freedom of Information Law*, as part of our regional project on freedom of information in South Asia. In 2002, we secured funding to promote awareness of this model law throughout our regional programmes.

### The Virtual Handbook

We continue to update the *Virtual Handbook*, launched in 2001 to supplement and update our flagship handbook, published in 1993. The Virtual Handbook provides on-line, searchable access to all cases on freedom of expression decided by key international courts and tribunals, as well as a number of leading national cases (now over 250 cases), updated to March 2003. The *Virtual Handbook* also provides links to a number of key standard-setting documents, such as International Standards Series sets of principles, case briefs and various thematic papers and submissions. A new project has recently been approved which will allow us to publish a second edition, as well as significantly expand the scope of the Virtual Handbook.

### Media Law Analysis Unit (MLAU)

The ARTICLE 19 MLAU completed its fourth full year of operation in 2002 and it is now a well known and much called upon resource for those working in media freedom. This year, for the first time, the geographic ambit of MLAU was extended beyond Europe/CIS and it now works globally.

The MLAU continues to produce numerous media law analyses, providing campaigners, lawyers and legislators with quality legal analyses of pending or recently adopted legislation. These analyses, which are designed to have an impact on draft legislation, have in some cases led to laws being substantially changed before final adoption.

In 2002, we analysed 40 media laws from 20 countries, along with submissions to the Council of Europe and the UN Human Rights Committee. We also issued a number of statements and press releases on media law issues.

We have achieved several concrete improvements to draft legislation and our recommendations have been actively sought out by government officials and parliamentarians. For example, in Montenegro our recommendations on broadcasting and public

information legislation have been incorporated into draft legislation soon to be introduced into Parliament, and our analysis of Russian anti-terrorism amendments to the Press Law contributed to these being withdrawn by the authorities.

### International Standards Series

The latest publication in our International Standard Series is *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*. Published in April 2002, the report is available in all six official UN languages – Arabic, Chinese, English, French, Russian and Spanish – and sets out standards relating to broadcast regulations. It deals with a range of topics, including the right to diversity in broadcasting, the need for independent regulatory bodies and public service broadcasting.

### Litigation

ARTICLE 19 has continued to be actively involved in litigation in Zimbabwe this year. In 2001, we provided a brief in a challenge to the Broadcasting Services Act and attended the hearing on this case in July 2002. Our brief critiqued several aspects of the law, including control by the government over licensing and content regulation, a limit of one on national broadcasting licenses and excessive content restrictions. In November 2002, we worked closely with local lawyers in a challenge to the requirement for individual journalists to register under the Access to Information and Protection of Privacy Act. A decision in this case is expected imminently. We also submitted a brief in a defamation case involving public officials in Bulgaria and expect to work on an *amicus curiae* brief for a defamation case before the Inter-American Court of Human Rights.

(known as contempt laws in common law countries). The publication was profiled at the annual IBA meeting in Durban in October 2002, and is expected to be finished later next year.

### Legal Drafting

This year, the Law Programme has participated in a number of legal drafting exercises, including through the MLAU. We have been working closely with a group of stakeholders in Tanzania, including the government, to prepare a package of draft laws on national media policy. This includes laws on freedom of information, broadcasting, national security, defamation and the protection of sources, as well as proposed constitutional amendments. These have been the subject of an active advocacy campaign throughout 2002 and 2003.

We worked closely with a team of Armenian NGOs to help them redraft their freedom of information law so that it more closely meets international standards. This project included advocacy meetings with the Armenian MPs who are sponsoring the legislation. We similarly worked with a group of Georgians who are involved in preparing new legislation on broadcasting and public service broadcasting, advising them and contributing to their drafting process.

### Conference Participation

Members of the Law Programme are increasingly being asked to attend conferences to provide legal expertise at these meetings, by international bodies such as the Council of Europe (COE). We have, for example, participated in a series of conferences on public service broadcasting, organised jointly by UNESCO and the Asia-Pacific Institute for Broadcasting Development, as well as several COE and OSCE conferences.

### Inter-Governmental Organisations (IGOs)

ARTICLE 19 has continued to participate actively in the work of several IGOs. In 2002, we brought together the three Special Rapporteurs on freedom of expression from the UN, OAS and OSCE for their fourth annual meeting. The purpose of the meeting is to exchange ideas with selected NGOs, co-ordinate their work and issue a Joint Declaration. We are active members of two Council of Europe Groups of Specialists, one on freedom of expression and one on freedom of information. We have also taken part in the Commonwealth Expert Working Group on freedom of expression and freedom of assembly, which is producing practical guidelines for Commonwealth countries in implementing international standards. We continue to provide submissions to the UN Human Rights Committee, including this year on Moldova. We were also active participants in the UNESCO World Press Freedom Day seminar, held in Manila in 2002 and Kingston, Jamaica in 2003, and played a leading role in drafting the declarations for both of these events.

### Publications

ARTICLE 19 has produced a number of comparative works in various thematic areas, including hate speech, press laws and election broadcasting. This work is ongoing at present, in a joint project with the Human Rights Institution of the International Bar Association (IBA). The aim is to produce a comparative publication on the legitimate scope of restrictions on freedom of expression, and to maintain the independence and impartiality of the judiciary

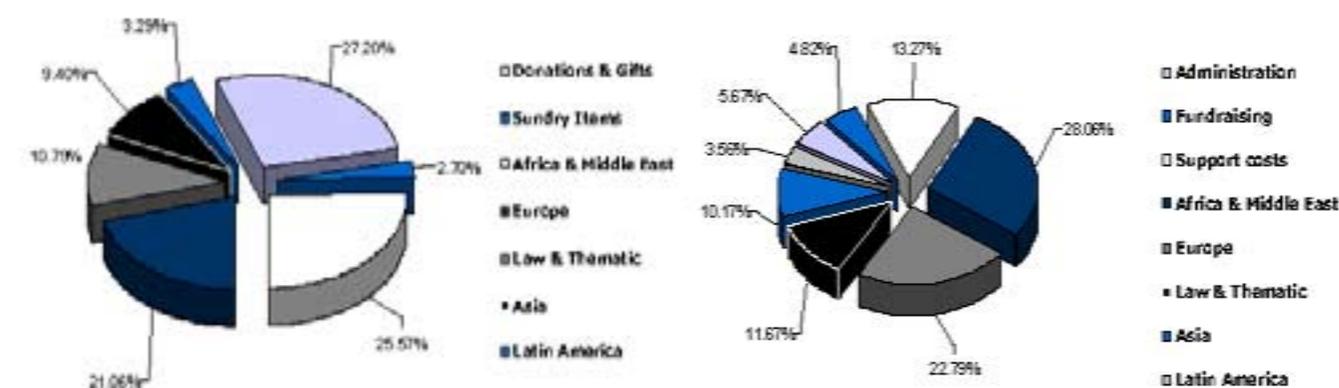
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INCOME			EXPENDITURE		
	amount	percent		amount	percent
Donations & Gifts	£ 375,748.00	27.2%	Management & Administration	£ 72, 401.00	5.67%
Sales & Sundry items	37,311.00	2.7%	Fundraising cost	£ 61, 526.00	4.82%
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PROJECT INCOME			PROJECT EXPENDITURE		
Africa & Middle East	£ 353, 202.19	25.57%	Africa & Middle East	£358,202.67	28.06%
Europe	£ 290,901.19	21.06%	Europe	290,901.19	22.79%
Law & Thematic	£149,000.87	10.79%	Law & Thematic	149,000.87	11.67%
Asia	129,804.33	9.40%	Asia	129,804.33	10.17%
Latin America	45,502.56	3.29%			
<b>Total</b>	<b>£ 1, 381, 470.14</b>	<b>100%</b>	<b>Total</b>	<b>£1,276,708.62</b>	<b>100%</b>



**'Everyone has the right to  
freedom of opinion and  
expression; this right includes  
freedom to hold opinions without  
interference and to seek, receive  
and impart information and  
ideas through any media and  
regardless of frontiers.'**

*Article 19 of the Universal Declaration of Human Rights*

# ARTICLE 19

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