



**ARTICLE 19**

GLOBAL CAMPAIGN FOR FREE EXPRESSION

# Annual Report 2008

July 2009



## **Implementation Report 2008**

## Table of contents

Executive Summary

2008 Trend on freedom of expression

ARTICLE 19 Key Successes

Outcome One - Enhance access to information and transparency in countries around the world

Outcome Two - Create a sustainable enabling legal and policy environment for freedom of the press and freedom expression

Outcome Three – Campaign against impunity and for better protection of freedom of expression

Outcome Four – Strengthen the right to know and the right to speak of the most disadvantaged and vulnerable groups

Outcome Five – strengthen organisational effectiveness and impact

Financial Report

## EXECUTIVE SUMMARY

### Key Trends in 2008

Many of the regressive trends recorded in the last five or six years have continued unabated in 2008, with the exception of the rate of killings of journalists which seem to be going down.

The protection and promotion of freedom of expression were under attack in many parts of the world, in the name of security, religion, or because of criminal activities. Freedom of expression came under renewed attacks within the United Nations when a resolution sponsored by the Organisation of Islamic Congress that constrained the mandate of the UN special rapporteur on freedom of expression in the name of religion was passed in March 2008, despite international outcry and campaigning. February 2008 saw the adoption of the charter of 'Principles for Organizing Satellite TV in the Arab World' by Arab Ministers of Information in Egypt. These principles represent a major set back to freedom of the press and freedom of expression in the MENA region.

There is increasing evidence that the anti-terrorism legislation is having a negative impact on freedom of expression, including in the Western world, and on such issues as journalists' confidentiality of sources.

In addition to the intimidations and attacks, governments use other subtle means to undermine freedom of the press, such as discriminatory allocation of government advertisement and subsidies, excessive control over national broadcasting systems especially TV, and the enactment of draconian media laws and policies that are inconsistent with international freedom of expression standards.

Countries which in previous years had repressed free speech continued to do so, particularly Burma, China, Eritrea, etc.

In **China**, the holding of the Olympics allowed the international press further freedom of movement and reporting than had been allowed in the past, but this right did not extend to local journalists. Furthermore, a few months after the Olympics, the right was relinquished. In the opinion of ARTICLE 19 and many other human rights organizations, the Olympics actually contributed to an overall deterioration of human rights protection in the country.

The situation in Africa has been deepened by the numerous arm conflicts and civil unrest, coupled with autocratic regimes. The situation particularly deteriorated further in Somalia, and Guinea. In Northern **Sudan**, journalists, media workers and human rights defenders have endured increased and sustained prior censorship, harassment and intimidation by national security operatives. Journalists and human rights defenders have received death threats and other forms of coercion from the national security intelligence operatives.

Another significant development regarding media freedom and the free flow of information was the use of information or media blockades by **Burma** and **Israel**. In the aftermath of the cyclone that hit Burma in May 2008 and resulted in the estimated death of at least 100,000 people, the Burmese authorities strengthened the information blockade, including by further risking the

lives of their populations. Relief agencies were prevented from entering the country, thus resulting in delay in the distribution of much needed relief, while journalists were unable to enter and/or approach the populations hit by the cyclone. Israel prevented foreign media professionals from entering **Gaza**. This pressure became most acute when Israel launched its military offensive in Gaza in late December, which indiscriminately targeted media buildings and led to the deaths of at least four media professionals. Media professionals in the occupied Palestinian territories continue to face attacks from all sides; Hamas, Fatah and the Israeli occupation.

On the “positive” side, as of November 2008, less journalists had been killed in 2008 than in previous years, a trend which we hope is due to the increasing security consciousness amongst media workers and their employers, increasing security measures and assessment, strong advocacy and campaigning denouncing the targeting of journalists, and a somewhat more “stable” situation in Iraq (which was responsible for the killings of dozen of journalists every year since the beginning of the hostility).

A total of 19 Iraqi media professionals were killed in 2008 including the President of the Iraqi Syndicate of Journalists, Shehab El Tamimi, compared to 82 the previous year. The significant fall in the number of deaths in 2008 is due to increased security and a reduction of sectarian violence nevertheless Iraq continues to be the most deadly place for media professionals.

Yet, journalists were particularly at risk in wars zones and conflict areas, including Iraq, Georgia, Afghanistan, and Pakistan. Countries or areas that are characterized by instability due to criminal or political violence have also continued to be particularly dangerous for media workers, with Mexico and Thailand the most dangerous countries to practice journalism, outside war zones.

**Mexico’s** public security has worsened at a fast pace. Mexican President Felipe Calderon made his first priority to “combat” organized crime around the country and ordered the military to take over security task in different cities as the levels of corruption in the police forces were too high. The result has been what some actors have described to as “generalized violence,” while others have gone as far as referring to Mexico as a “failed state”. The violence, as reported by ARTICLE 19, has had a great effect in the exercise of the media and free expression in the country, with journalists and human rights defenders routinely targeted.

There have been a few **freedom of expression victories** in 2008. Noteworthy is the passing of freedom of information law in Bangladesh and the holding of free and fair democratic elections in Nepal. Another important development in terms of standard setting on the right to information was the adoption, by the Inter-American Juridical Committee, of a set of principles on the right to information.

### **ARTICLE 19 2008 Outcomes**

In 2008, ARTICLE 19 sought to implement a range of activities and achieve a number of results pertinent to main outcomes: campaigning against impunity and for the release of persons held for the peaceful exercise of their right to freedom of expression and strengthening the right of the poorest and most vulnerable groups and communities to know and to speak.

## Outcome One - Enhance access to information and transparency in countries around the world

Our main focus of work in 2008 included:

- Adoption or implementation of progressive access to information laws,
- Development of broad based coalitions demanding access to publicly-held information and transparency, and stronger know-how amongst both the public officials and civil society.
- Stronger transparency and accountability of global actors – including IGOs – in particular through the adoption and implementation of policies that meet agreed minimum openness standards.

In 2008, some indicators of success included:

- The **United Nations Human Rights Council** recommended that **Brazil** adopts an access to information law, during the first session of the Universal Periodic Review (UPR). The lack of an access to information law in Brazil was one of the main problems highlighted by ARTICLE 19 in its submission to the UN HRC.
- In its work on a new information disclosure policy, the **World Bank** recognised the leading position of the Global Transparency Initiative and pledged to largely bring its policy into line with the GTI's Charter.
- Several **Malaysian States** pledged to adopt right to information laws following an ARTICLE 19 and partners campaign. The implementation of the **Nepalese** Right to Information Act is moving forward, with the appointment of the National Information Commissioner and adoption of regulation in 2008, both developments ARTICLE 19 supported. The Right to Information Law was finally adopted in **Bangladesh**.
- The **Inter-American Juridical Committee**, with ARTICLE 19's support, adopted a very progressive set of principles on the right to information in August 2008.

## Outcome Two - Create a sustainable enabling legal and policy environment for freedom of the press and freedom expression

ARTICLE 19 has had considerable success in terms of its provision of legal support, its legal advocacy, litigation and standard-setting on freedom of expression. The main outcome is the establishment of an enabling legal environment for freedom of expression, including press freedom, globally.

In 2008, some indicators of success included:

- **Brazil:** the Congress approved a decree to create a public television channel, following active advocacy by ARTICLE 19 and its partners.
- **Moldova:** Following a public debate on the legislative proposals of the President of Moldova concerning civil liability of journalists for defamation including ARTICLE 19's comment, the latter were withdrawn from Parliament.
- **Kenya:** The Kenya Communication Bill (2008) was heavily debated throughout the year, including with A19 experts. The Bill became an Act on 2<sup>nd</sup> January 2009. The objective of raising public awareness on the role and responsibility of media has been met as

evidenced by the robust public debates, memoranda produced and presented to post electoral violence commission hearings both in public and in private.

- **United Kingdom:** The United Nations Human Rights Committee's concluding observations on the United Kingdom's sixth periodic report also largely reflect the concerns raised by A19 in its Submission to Human Rights Committee in preparation of the report.

### **Outcome Three: Campaign against impunity and for the release of persons held for the peaceful exercise of their right to freedom of the press and freedom of expression**

Some of the main 2008 focus included:

- Initiating a major awareness campaign on violence against journalists in **Mexico** and undertaking needed training on security and monitoring for media workers and human rights defenders
- Advocacy work on **Russia, China, and Burma**, raising the alert and adding A19 voices whenever the situation deteriorated further;
- Globally, monitoring and recording abusive use of **civil defamation** lawsuits and injunctions
- Advocating against the particular abuse of defamation in **Brazil**, including through strategic litigation. In Brazil as well, Campaign for the Freedom of Expression of School Teachers in the State of Sao Paulo, following complaints by school teachers that they were censored.
- Championing the cause of the Olympics athletes and particularly their gagging under the rules and Charter of the International Olympic Committee (IOC)
- Raising the alarm regarding the adoption of the 'Principles for Organising Satellite TV in the Arab World' by member states of the Arab League, and advocating against them

Some of our **successes** in 2008 included:

- **Brazil:** As a result of the Campaign for the Freedom of Expression of School Teachers in Brazil, two State *Deputados* (Sao Paulo) presented bill proposals to the State Legislative in order to revoke the State law that restricts freedom of expression<sup>1</sup>. Having found evidence that similar regressive provisions can be found in 18 states, the campaign has been expanded in August to national level.
- **Mexico:** A19 Mexico led an international advocacy mission that brought together more than 10 international and regional organizations, to raise awareness about violence against journalists. The launch of the mission report generated huge interest and media coverage, including through CNN. As a result, A19 is now the lead NGO on the Council of the Congressional Commission for Aggressions against Journalists, bringing together a range of civil society and government actors committed to strengthen the federal responses to crimes against freedom of expression.
- **Yemen:** On September 25, 2008 Yemeni journalist Abdulkarim Al-Khaiwani, was released from prison following sustained local and international calls, led by A19 for his release. Al-Khawani acknowledged ARTICLE 19's efforts on his behalf and thanked us from his prison cell and in person after his release.

<sup>1</sup> The draft bill was adopted in February 2009, a great success for A19.

- Representatives of both equality and freedom of expression campaigners have reached a strong degree of consensus on the complex relationships between these rights.

#### **Outcome Four: Enhance protection of the right to know and the right to speak of the disadvantaged groups**

ARTICLE 19 main focus of work in 2008 included:

- Implementation of its project in Bangladesh on promoting the adoption of an FoI legislation and strengthening access to disaster-related information
- Promoting access to environmental information in Ukraine and respect of its international obligations by the Ukrainian government
- Strengthening access to information on social services in Mexico and thus the better delivery of these services
- Continuing to advocate for adoption of an FoI law in Brazil and for access to municipal information
- Global advocacy on the Right to Information in response to emerging opportunities or threats

Our main successes in 2008 included:

- The **United Nations Human Rights Council** recommended that **Brazil** adopts an access to information law, during the first session of the Universal Periodic Review (UPR). The lack of an access to information law in Brazil was one of the main problems highlighted by ARTICLE 19 in its submission to the UN HRC.
- In its work on a new information disclosure policy, the **World Bank** recognised the leading position of the Global Transparency Initiative and pledged to largely bring its policy into line with the GTI's Charter.
- Several Malaysian States pledged to adopt right to information laws following an ARTICLE 19 and partners campaign. The implementation of the Nepalese Right to Information Act is moving forward, with the appointment of the National Information Commissioner and adoption of regulation in 2008, both developments ARTICLE 19 supported. The Right to Information Law was finally adopted in Bangladesh. It reflects some of the concerns raised by ARTICLE 19 in its analysis of the draft Bill.
- The **Inter-American Juridical Committee**, with ARTICLE 19's support, adopted a very progressive set of principles on the right to information in August 2008.
- **Bangladesh:** following a series of community based consultations to examine the effectiveness of information dissemination strategies in Barisal, Barguna and Bagerhat (three of the most vulnerable cyclone SIDR hit areas in the coastal belt of Bangladesh), disaster affected communities including fishermen have decided to organise into cooperatives to promote their right to information and to come up with community based proposals for reducing environmental risks and vulnerabilities
- **Mexico:** A19 submitted 32 information requests regarding information on 63 public services that are delivered by the political delegations of Mexico City. The exercise showed a serious deficiency in the systematization and delivery of public interest information regarding the provision of public services. It also allowed A19 to identify one of the tactics (anonymity request being denied) used by the political delegations in

order to illegally delay effective access to public information and to campaign successfully against such tactics.

- **Brazil:** In 2008 Article 19 organized the first edition of **Fora do Acesso**, a program aimed at empowering community leaders in poor areas by improving their knowledge and skills to exercise their right to information, especially information on matters of specific concern to the community. We also identified more than 100 legal provisions at the state, federal and municipal level which either grant or restrict access to information from specific public institutions. We set up a website Marco de Acesso ([www.marco.artigo19.org](http://www.marco.artigo19.org)) which provides easy access to these provisions, broken down into some 20 thematic areas, including environment, health, education, sanitation and urban and rural policies.

### Organisational outcomes

ARTICLE 19 also undertook in 2008 to continue strengthening its impact, particularly through regionalisation process, and communication. In 2008, some of our key successes included:

- **Consolidating organizational infrastructure:** ARTICLE 19 took important steps towards the consolidation of its country and regional offices. A19 was able to establish its presence in Bangladesh and recruit 2 staff members, including the country director. The Brazil and Mexico offices recruited three new staff members. A19 Kenya currently has two staff members and a third recruitment is planned in early 2009. A19 also recruited a new staff member based in Nepal, responsible for running our project there supporting policy development and advocacy on access to information and freedom of expression. In total, as of December 2008, ARTICLE 19 had 30 staff members (compared to 14 in January 2005).
- **Communication:** A19 website hits have increased by 54% from January to July 2008. The length of time being spent on the website has increased since 2007, with a 135% increase in visits of +1hr. We have more visitors and more views than other NGOs compared to our website size. 75% of visitors are new, and 25% keep coming back for more. A19 press releases and statements have increased by 70% and letters to authorities by 64%. Media's reference to A19 has increased by 180% largely thanks to our local offices.
- **Norwegian Minister for Foreign Affairs:** Mr. Jonas Gore Store, the Norwegian Minister for Foreign Affairs has granted ARTICLE 19 the royalties of his recently book on human rights, entitled "*To make a difference*". The funds will be disbursed in 2009.
- **Fund Raising:** ARTICLE 19 received a three year generous core grant from Swedish Sida (for about 300,000 gbp per year) and another three year general support grant from the Dutch MFA for about 100,000 gbp per year. They are all new core grants.

## **OUTCOME ONE - Global Governance: Enhance the Right to Information in countries around the world, and amongst international actors**

In 2008, ARTICLE 19 continued to build on the success of its work on access to information, which over the last four years, is amounting to about half of the organisation's overall activities, reflecting the increasing importance attributed to transparency and better global understanding of what it can do for democracy and good governance. 2008 saw a continuing high demand for ARTICLE 19 legal services and support, particularly in the form of legal analyses and legal advocacy, at national level, but also regional: the organisation and its partners recorded a main success in September when several months of dedicated advocacy at the Council of Europe against the Convention on Access to Official Documents resulted in the Parliament requesting for the Convention to be redrafted. At national level, ARTICLE 19's work in Bangladesh, Nepal, Ukraine, Mexico and Brazil has recorded major successes in terms of activities or impact. ARTICLE 19 pioneered a third generation of RTI Activism which generated many interests.

### **Legal Work**

ARTICLE 19 analysed a number of laws focusing on access to information in 2008. We continued our deep involvement in Nepal by analysing the right to information regulations under their 2007 Right to Information Act, building on inputs provided by our partners, as well as the Chief Information Commissioner. The regulations were finally adopted in February 2008, unfortunately with few changes. We analysed a proposed Moldovan secrecy law at the request of our local partners in that country. As part of our ongoing work in Yemen to promote the adoption of a right to information law, we analysed the draft law produced by Yemeni parliamentarians supporting the idea of a right to information. Finally, we analysed the draft Right to Information Act produced by the Bangladeshi authorities, as part of our support for the local office there.

As part of our work on the right to information, we attended a number of conferences raising awareness about this issue and/or focusing on specific legislative projects. We attended a conference organised by Transparency International in Malaysia to help build support for the adoption of right to information legislation in that country, as part of a campaign that we have been closely involved in since it was initiated several years ago. We have followed this up with a wider programme of cooperation in Malaysia. We attended several conferences in Mexico on the right to information, hosted by NGOs and academic institutions, as well as by the Mexico City official information commissioner, INFODF.

The Inter-American Juridical Committee (IAJC) expressed an interest in adopting a set of principles on the right to information. They asked ARTICLE 19 to work with them to develop these principles and we worked closely with their experts on this, as well as getting involved in the civil society consultations that followed once the draft had been prepared. The Principles were adopted in August and represent one of the stronger official statements of support for the right to information. We also participated in conferences in Atlanta in February 2008 and Budapest in December 2008, both of which adopted declarations on the right to information. We made a significant contribution to both of these declarations.

### **Focus on the International Financial Institutions**

ARTICLE 19 has since 2003 been cooperating with a number of other groups around the world as part of the Global Transparency Initiative (GTI) to promote greater openness among the International Financial Institutions. This work continued in 2008 through a number of activities. The GTI engaged with both the World Bank and the EBRD over their policy reviews, urging the former to move forward with the review in 2008. ARTICLE 19 has provided legal advice on an informal basis to a number of local groups pursuing information requests and/or appeals at the Asian Development Bank. We worked with our Mexican member, FORJA, to host a Charter training workshop in Mexico City (the Charter is the GTI's statement of the standards which we believe IFI disclosure policies should reflect). The outreach programme of the GTI, based in Manila, continued to raise awareness among a range of civil society groups about the importance of openness at the IFIs, as well as to build our campaign for endorsement of the Charter. Finally, we provided grants to groups in a number of countries – including Panama, the Philippines and Ethiopia – to conduct activities in this area.

### **Council of Europe – Treaty on Access to Official Documents**

Throughout the year, ARTICLE 19 engaged with the Council of Europe that has been seeking to develop a European Convention on Access to Official Documents since last year. Alongside its partners in the field, Access Info Europe and the Open Society Justice Initiative, A19 attended a number of meetings of the Council of Europe's Group of Specialists on Access to Official Documents in 2007 and 2008. The Council of Europe's Steering Committee for Human Rights considered the draft texts adopted by the Group of Specialists on 26 March 2008. The three NGOs issued a briefing highlighting "seven key problems" which remained in the draft texts and recommended "drafting solutions"<sup>2</sup>. In an exceptional move, the Parliamentary Assembly of the Council of Europe (PACE) adopted unanimously a resolution in September expressing concern that the world's first treaty intended to guarantee public access to information had significant flaws. In a rare step, PACE called for the Convention on Access to Official Documents to be redrafted. The PACE 'Opinion' identifies a series of problems with the draft treaty, all of which had been raised by A19 and its partners for more than two years and garnered endorsements of more than 250 civil society organizations. Unfortunately, the treaty ultimately adopted remains weak.

### **Bangladesh**

In 2008, ARTICLE 19 initiated a new RTI project in Bangladesh particularly highlighting the developmental implications of transparency and access to information at grass root level. Working in collaboration with local partners and funded by the UK Department for International Development (DFID), some of the many interesting components of the project include fellowships on investigative journalism, initiating thematic studies on people's right to know on the distribution and management of state owned land and post-disaster rehabilitation.

In 2008, activities included national and grassroots consultations on the new RTI law, providing a legal analysis to the consultation process of the government on the then proposed RTI Law, 7 community based action research initiatives to raise awareness on RTI, 5 media investigations in coastal areas. Full co-ordination meetings were held with all partners in April and May and a

---

<sup>2</sup> For instance, there is no requirement that states set statutory maximum time-limits within which requests must be processed. The draft set an overly-low standard for the right of access to information and is of dubious added value for the 39 Council of Europe countries that already have access to information laws.

mini round table was held with a wide range of stakeholders to begin scoping the external environment. ARTICLE 19 and its partners launched a Website for knowledge management. Several editions of “Mukto Prakash” a project newsletter were produced and distributed to NGO partners, media institutions, and professional groups and media institutions. A19 and its partners were also active in gathering and promoting public opinion at the district and grassroots levels on the recently proposed 'Right to Information Ordinance, 2008'.

A19 and its partners submitted a Memorandum of recommendation to the Chief Adviser of the Caretaker Government and the Secretary, Ministry of Information. The Memorandum highlighted the role of local administration and law and authorities in ensuring the security and protection of journalists working at the local level, the role of strong and effective press councils in developing the skills and expertise of grass roots journalists, the need for appropriate gender policies in media houses to address the issues of female journalists and those related to reporting, the role of the media in ameliorating challenges to the implementation of the proposed RTI law and in promoting the right to know of marginalised communities.

In October 2008, the Bangladesh caretaker government passed the new FoI ordinance, a major step forward for the country, and a success for all those involved in advocating for RTI for several years.

A19 and its partners organised a meeting with advocates of the RTI movement who explored challenges and strategies for the effective implementation of the law. We urged the government to: Take immediate steps to establish the Selection Committee; Ensure the participation of civil society, journalists, and potential users of the law in formulating regulations and rules for the implementation of the law; Add an overriding public interest clause in favour of disclosure of information by the eight exempted security and intelligence agencies, for example in case of corruption or other wrongdoing; Develop a phased implementation plan; Provide training and capacity-building for public officials who will be at the forefront of implementation.

The event firmly established ARTICLE 19's presence and contributions as an important stakeholder in the RTI movement in Bangladesh. The event attracted extensive press and television coverage including headlines in the Daily Star, New Age, Ittefaq, and Prothom Alo. The meeting was also covered in local newspapers in Comilla and Rajshahi.

### **Kenya**

We have had a significant impact on the right to information environment in Kenya. Through our local partners and associates, the Freedom of Information Network which includes ICJ-Kenya, Transparency International Kenya and other leading civil society organizations, ARTICLE 19 was involved in a series of workshops, seminars and public forums on development, critiquing and lobbying for endorsement of the Right to Information Bill which was tabled in Parliament for the first and second reading, but deferred to the next parliamentary session. ARTICLE 19 was the lead agency in convening and hosting two critical stake-holders workshops on the draft Kenya Freedom of Information Bill in 2007 in which a detailed memorandum on suggested areas of improvement was submitted and adopted by the parliamentary committee.

There is a national consensus on the need for a Freedom of Information Act, as contained in the recommendations made by an international commission on post election violence in Kenya.

Members of the Freedom of Information Network appeared before the commission and called for such an act, while others were key players and resource persons with the commission. This is also evidenced by the number of specialized workshops, seminars and public forums where ARTICLE 19 was invited to offer professional support on to Freedom of Information. The objectives were to support the Kenya Freedom of Information Network to lobby and advocate for the passage of the Freedom of Information Act.

Our activities have focused on providing professional advice, resources and input to the network's activities to enable it to campaign and hold public forums in which we added value in terms of raising awareness and knowledge generation. Through our support, actors in Kenya have been given the technical ability to advocate for change.

ARTICLE 19 was the one of the three international organizations that hosted the Nairobi Roundtable on February 2008 in the wake of post-election violence. The roundtable relied on the conflict-sensitive manual for journalists and media professionals developed in 2007 by ARTICLE 19 to improving media coverage and reporting of elections in the public interest.

We learned the need to constantly review and update our risk management and assumption in light of a fluid social-political environment like that which Kenya went through in the wake of the disputed general elections, and to align our engagement strategy accordingly. In particular, that social-political and economic environment in an immediate post conflict situation like Kenya could drastically affect the outcome and impact dramatically. In Kenya's case with regard to Right to Information, the urgency and the need for such an act is well captured in the National Dialogue and Reconciliation Accord which led to the formation of a national grand coalition government, which includes the passage of a Freedom of Information Act as part of Agenda Four of the Accord and set for parliamentary schedule for 2009.

Another lesson learnt was the overriding need to engage in strategic lobbying and advocacy work to target the key actors like parliamentary select committees and specialized task forces and commissions. There is also need to engage/lobby and network with faith-based organizations, private sector bodies at the national and legislative assembly level.

### **Nigeria**

Nigeria has suffered for long under military dictatorship and basic human rights such as freedom of expression were denied to people. The transition to civilian rule brought new hopes and many civil organisations seized the opportunity to request for a profound change in the political dispensation. The demands for transparency started to take shape in 2001. Economic governance, delivery of efficient public services remains a major challenge in Nigeria despite government efforts to reduce corruption and related practices.

ARTICLE 19 has supported the process for the adoption of an access to information in Nigeria for the last five years, but due to lack of political will of the former executive, the draft bill adopted was not signed by former President Olusegun Obasanjo before he left office in 2007. Faced with this set back, freedom of expression advocates in Nigeria have decided to review their campaign strategies in order to get the draft bill review and passed. In light of this, a new

advocacy strategy is under discussions between ARTICLE 19 and its national partners in Nigeria.

ARTICLE 19 revisited its partnership with Media Rights Agenda (MRA) and also broadened its scope of partnership to the Center for the Right to Health (CRH), a human rights organisation working in the area of health. In November/December, ARTICLE 19, MRA and the CRH agreed to work together on RTI with a specific focus on health budget in Nigeria and to develop new strategies to review the stalled campaign on the right to information.

The lesson learned was that ARTICLE 19's skills and support is still needed in Nigeria despite the existence of many national and regional FoE organisations. Through the interaction with partners in Nigeria, we realised that we could still add value to the work of national and regional organisations and help them to review their advocacy strategy and revive the campaign for the adoption of the FoI bill. We have re-engaged the local partner to work on RTI in the last quarter of 2008 through the Hewlett project.

### **Brazil: LivreAcesso.Net**

In January, ARTICLE 19 launched an interactive web portal on access to information in Brazil. Through the website [www.livreacesso.net](http://www.livreacesso.net), civil society organisations and individuals are able to exchange information on the right to access public information in the country. Brazil's Federal Constitution protects the right to access information. However, Brazil has not yet passed federal legislation regulating a universal access to information system. Through the webportal, ARTICLE 19 is supporting the promotion of an access to information law, as well as the use of existing legislation. LivreAcesso.net webportal is updated daily with news and articles on RTI and related topics.

The web portal has been an important channel through which an increasing number of emails have been sent to our local office, asking for legislation, material on FoI, questions regarding case law, etc. The constant high number of visitors demonstrates that the portal has met its objective to inform and disseminate the right to freedom of information. The wiki tools, however, have not been fully appropriated by users. We are planning campaigns aimed at increasing their use for 2009.

In March, ARTICLE 19 and the departments of Journalism and Law at São Paulo's Catholic University (PUC-SP) held a conference on Freedom of Expression and Access to Information in Brazil, in São Paulo. More than 100 participants attended the event and discussed issues such as legitimate restrictions to freedom of expression, pluralism and diversity in the Brazilian media.

The United Nations Human Rights Council recommended that Brazil adopt an access to information law, during the first session of the Universal Periodic Review (UPR). The lack of an access to information law in Brazil was one of the main problems highlighted by ARTICLE 19 in its submission to the UN HRC. The United Nations Human Rights Committee's concluding observations on the United Kingdom's sixth periodic report also largely reflect the concerns raised by A19 in its Submission to Human Rights Committee in preparation of the report.

## **OUTCOME TWO - Create an enabling legal and policy environment for freedom of expression and press freedom.**

### **Legal Support**

In 2008, ARTICLE 19 produced a large number of legal analyses and other legal documents promoting a positive environment for freedom of expression. In addition to those already noted under Outcome One, these included the following:

- A memo on a draft press law proposed in Somalia.
- A memo on a draft press law proposed in Slovakia, particularly focusing on issues about the right of reply.
- Detained comments on draft broadcasting principles adopted by AMARC (World Association of Community Broadcasters).
- A note on changes to a draft Sudanese press law.
- A comment on Moldovan proposals to do away with moral damages for defamation.
- A comment on public service broadcasting proposals for Montenegro.
- A memo on a draft publishers law in Kazakhstan.
- A submission on appropriate standards for the digital switchover in the context of Romania efforts in this area.
- Comments to the parliamentary committee on media regulation of East Timor on their proposals in this area.
- An analysis of a draft Egyptian broadcasting law.

These inputs were backed up by our participation in a number of meetings and workshops to raise awareness, to advocate for reform and to develop our partnerships and understanding. These included, in addition to those noted under Outcome One:

- A workshop in Moldova on the broadcasting law that we had commented on in the previous year.
- A training for lawyers in Moldova on freedom of expression.
- A presentation to UNESCO's IPDC on media indicators and the issue of standard regarding attacks on journalists.
- Hosting a workshop in Indonesia on defamation law in the Southeast Asia region.
- Participation in two conferences in Montenegro on public service broadcasting (to present our analysis) and on coverage of parliament by the media.
- Attendance at the UN Human Rights Council meeting in Geneva to advocate on various issues, particularly against the idea of defamation of religions.
- Participation at a conference hosted by the Carter Center in Atlanta on the issue of media and elections.
- Participation at a meeting in Strasbourg to discuss treatment by the ECHR of freedom of expression.
- Helping to deliver a training programme on freedom of expression to national human rights commissions in the context of a Council of Europe project on this.
- Participation in a joint EU-Uzbekistan meeting on freedom of expression in Uzbekistan.
- Attendance at AMARC's 25<sup>th</sup> Anniversary Event.
- Participation in meetings in Kazakhstan on regulation of publishing activities and copyright.
- Participation in a conference hosted by OSI on digital convergence.

- Participation in a meeting on constitutional reform, organised by the OHCHR in Geneva.

A19 also produced a training manual, a *Freedom of Expression Course for Nepal*, which comprises a Participants' Manual and a Trainer's Supplement, and was used at the training of trainers. The detailed training programme focuses on freedom of expression basics (what is FoE, what restrictions are allowed, what specific rules apply in different content areas such as defamation and national security, etc.). The Manual is designed to be delivered in a training course setting but can also be used as a self-learning tool or as a reference document. It is aimed at a wide variety of audiences including media, NGO activists, officials and lawyers. One training of trainers programme was held in Kathmandu, Nepal.

As part of our wider awareness-raising efforts, ARTICLE 19 also continued to update its online Handbook of freedom of expression cases. During the year, we made progress in updating cases from previous years, as well as maintaining our 2008 case briefs up-to-date. The Handbook is an important part of the website, receiving a large number of hits.

### **The Four Special Mandates on Freedom of Expression**

On December 8, ARTICLE 19 held its annual meeting with the four special mandates on freedom of expression at the UN, OAU, OSCE, OAS. The key output of this meeting was a Joint Declaration, along the lines of what the special mandates have adopted every year since 1999. The 2008 Declaration focused on two key themes, defamation of religions and the impact on freedom of expression of anti-terrorist legislation.

### **New legal frontier: digital dividend**

A19 engaged with the move from digital to process of **spectrum and digital dividend** and initiated policy developments on the issue. The Executive Director was one of the key note speakers of the American Association for the Advancement of Science's Wireless Summit, giving A19 the opportunity to advocate for closer relationship between the wireless/scientific and the human rights community and for a human rights approach to spectrum allocation and policy.

In November, ARTICLE 19 also prepared a Submission outlining some of the international standards which should be taken into account in the legislative framework concerning digital switchover in **Romania**. Key issues raised in the submission relate to the need for a participatory process for spectrum planning and for the digital dividend to be used in the overall public interest.

### **Defamation**

At the **Inter-American Commission** ARTICLE 19 and two partners (the Center for Justice and International Law and the Brazilian Association of Investigative Journalists) raised their concerns regarding the use of **defamation** lawsuits to intimidate journalists and human rights defenders in Brazil.

ARTICLE 19 was engaged in a number of litigation efforts around defamation in 2008. We appeared before the **Indonesian** Constitutional Court as an expert witness in a case challenging, among other things, the possibility of imprisonment for defamation. Law director Mendel, who appeared before the Court via video-link, argued that imprisonment for defamation is

inconsistent with international guarantees of freedom of expression and that it is increasingly rare for democratic States around the world to impose criminal penalties, particularly imprisonment, in defamation cases. We also submitted, jointly with the OSJI, a brief in a legal case from Bulgaria before the European Court of Human Rights arguing that criminal defamation was not an acceptable restriction on freedom of expression and that the statements in issue in that case should not have attracted defamation liability. Finally, we signed onto legal briefs on defamation in two cases – one against Time Magazine in Indonesia for comments it had made about Suharto and one addressing general standards of defamation before the Brazilian Supreme Court.

On the occasion of press freedom day, ARTICLE 19 and Freedom House organized a public seminar of experts on “**Libel tourism**”—forum shopping for laws and courts that are particularly plaintiff-friendly — which has emerged as a serious transnational threat to free speech. Participants included Julia Apostle, legal counsel for the *Financial Times*; Nick Cohen, columnist for the *Observer*; Gavin Millar of Doughty Street Chambers; and Mark Stephens of Finers Stephens Innocent. Christopher Walker of Freedom House moderated the discussion. Libel tourism is not a new phenomenon, but it is gaining traction and putting greater pressure on the free exchange of ideas. In the United Kingdom, the burden of proof lies with the defendant in such cases. This factor, combined with the UK’s image as a paragon of high jurisprudential standards, makes the country an attractive venue for plaintiffs seeking to silence critics. Those who sue successfully can obtain the validation and imprimatur of the UK courts, which carry considerable weight in public relations. The experience of *Forbes* magazine highlights the challenges presented by UK libel law. In 1996, Boris Berezovsky, one of Russia’s billionaire “oligarchs,” filed a claim against the magazine for an article entitled “Godfather of the Kremlin.” Berezovsky successfully sued *Forbes* in London, even though it is based in New York and sold only a modest number of copies in the UK. More recently, powerful plaintiffs from other authoritarian settings in the former Soviet Union and oil-rich countries in the Middle East have filed similar claims in the UK in order to muzzle critics. The case of *Funding Evil: How Terrorism is Financed and How to Stop It*, a book authored by Rachel Ehrenfeld, is emblematic of the problem. Despite selling only a handful of copies in the UK, Ehrenfeld was sued for libel in a British court by Sheikh Khalid bin Mahfouz, a wealthy Saudi accused of financing terrorist groups. In 2005, he won a default judgment that ordered the author to apologize, destroy copies of her book, and pay him nearly a quarter of a million dollars in damages.

In October, ARTICLE 19 launched the **Thailand Defamation project**, which aims to build a broader constituency of support for defamation law reform in Thailand by bringing together different sectors (lawyers, editors, human rights NGOs, judges, MPs, etc.) to discuss the problems with the existing defamation law and to engage in advocacy for reform.

ARTICLE 19 has commented on the **Moldova** President’s proposal to abolish pecuniary remedies for moral damages from defamation. While the President’s concern about excessively large damage awards which have been made in defamation cases in Moldova is noteworthy, the abolishment of pecuniary remedies for moral damages from defamation is not the appropriate response. ARTICLE 19 calls on the Moldovan authorities to consider establishing a ceiling for pecuniary awards for moral damages to reputation and to abolish criminal defamation. The

Moldovan government dropped proposals to amend its defamation laws in a way that would have undermined freedom of expression.

### **Media regulation**

A19 participated in the High-Level Policy Meeting on Mass Media in **Ukraine** (organised by OSCE and IMS). The aim of this meeting with participation of OSCE, Council of Europe, the European Commission and a number of governmental bodies and NGOs was to identify main priority areas for harmonization of Ukrainian legal framework with Council of Europe standards. A result of the meeting a joint statement was adopted by participating organisations.

### **Agenda for change in Nepal**

Through its many years of engagement in Nepal, ARTICLE 19 noted that following the peace process, different civil society actors working for reform in the area of freedom of expression/right to information were calling for very different policy reforms, and sometimes even for reforms which were inconsistent with international standards. Furthermore, advocacy efforts tended to be quite divided, with some groups working largely in isolation on certain issues, without much support from other groups, in part because they may not have understood the issues well. The consensus building process, which we ended up calling the Agenda for Change, sought to address these weaknesses.

The first of three Agenda for Change meetings was held in January 2008. The meeting was, according to the participants, a great success. We managed to attract very high level participants – including editors of major newspapers, directors of NGOs, MPs and a former Attorney General – representing a wide range of different stakeholders. Despite their seniority and pressing other demands, almost everyone stayed for the entire 3-day meeting. The level of discussion was very high and we managed to reach consensus, sometimes after quite lively debate, on most issues. A number of participants specifically mentioned that they felt that the group as a whole had progressed in its understanding and commitment over the three days.

As part of this work, A19 produced background papers on Freedom of Expression Guarantees and Regulation of the Media, Content Restriction, Freedom of Information and Freedom of Expression and Commercial Issues. They were compiled together and produced in a book translated in Nepali, entitled ‘International Standards on Freedom of Expression: A Compilation’.

The focus of the first meeting was on content restrictions (limitations on the content of what may be disseminated, such as defamation laws, national security restrictions and so on). The second meeting, held in March 2008, focused on media regulation and the right to information, while the third meeting, held in May 2008, focused on commercial pressures on the media. We also ran a Training for Trainers programme, which included participants from the Police Academy, Judicial Academy, Staff College, and National Human Rights Commission.

The third 3-day stakeholder meeting held in Nagarkot, Kathmandu finalised stakeholders’ recommendations on a number of FoE issues such as Film Regulation, Internet, Advertisement Regulation etc. The final recommendations will be published later in the year, along with

commentary. It is hoped that the document will further serve to raise awareness, to mobilise local civil society and to serve as a resource for leading local decision-makers on these issues.

### **Sudan**

ARTICLE 19 has been involved in a multi-partner project seeking to strengthen the legal and policy framework in South Sudan and at national level, in the aftermath of the peace agreement.

In 2008, A19 contributed to a consultative workshop held by the Ministry of information and Broadcasting for the Government of South Sudan. A19 senior lawyer analysed the final four drafts media bills and presented our comments to the Ministry and other stakeholders participating at the meeting. We conducted research missions to build on the Media Assessment released last year. The missions visited each district in Sudan, and assessed the capacity and media situation in Sudan at present. The findings from these missions will be published in a report which is currently at the draft stages called 'mapping the void' the missions were conducted with consortium partners. A19 launched the AMDISS Media Resource Centre, Juba.

A19 assessed the freedom of expression and press freedom situation in Khartoum which has unfortunately deteriorated. Censorship is a major problem with 'pre-censorship' and 'post-censorship' being enforced. A19 visited the Parliament to meet the Information Committee and Parliamentarians in Khartoum. We also spoke to the Press Council, various members of the print and broadcast media. We learnt that there were a series of recommendations submitted by the Press Council and by the national Union of Journalists for amendment of the existing National Press Law of 2004, although it is unlikely any of the draft media laws would be tabled at parliament for their last session before the elections in 2009

### ***Outcomes:***

The objectives of the Sudan programme of creating an enabling legal and policy framework have largely been met in South Sudan as evidenced by the four draft media bills that were developed through a stake holders' consultative process. ARTICLE 19 legal input was instrumental in analysing these draft bills to ensure they meet best international standards and benchmarks. Our contribution to the stakeholders' forum hosted by the Southern Sudan Ministry of Information and Broadcasting in May 2008 was also crucial to the process. These draft bills are now at a Cabinet Cluster Committee for discussion and consideration before being forwarded to the Southern Sudan Legislative Assembly (Juba) for enactment.

This stakeholder's forum helped to raise awareness amongst key actors within the executive branch of the ten southern states, the political parties and civil society and in the process led to better informed networks which would strengthen and improved the commitment of the government of Southern Sudan to principles of freedom of expression.

The mapping of the media/press and information in the ten states of Southern Sudan was completed and a draft report produced and is under revision and updating and will be combined with a similar report on Northern states. This improved and increased the knowledge of the current media development in South Sudan. We will inform the consortium and in particular, local partners and associates and assist them in developing and upgrading skills. We will provide a regional overview of the informational needs and gaps and make it available to the consortium,

the Southern Sudan government and donors. The report will also reduce to the knowledge gap on Southern Sudan.

National and Southern media roundtables were held in Juba to improve and strengthen partnerships and buy-in into media self-regulatory regimes, lobby and networking strategies in November 2008. An immediate outcome of these media roundtable was a joint declaration by members on the status of democratic media legislation in Sudan and call for establishment of a task force to develop a code of conduct on elections.

This increased the commitment of the media to self-regulation, improved lobbying and networking, and partnership building. From these roundtables a number of follow-up activities were agreed. These included among others: the formation of a team made up of Juba based media houses to address the electoral code, the training of members of the Southern Roundtable on election reporting, the formation of an ad hoc team to deliver a joint position on the draft media bills to select committee at the Southern Sudan Legislative Assembly. In addition, key members of the SPLM Political Bureau were invited to brief the consortium on the political situation between the two principal players. The National Roundtable participants agreed to the need to develop a national code of conduct and ethics on elections and joint position on press/media freedom.

At the national level, the objectives were partly met but greatly hampered by lack of engagement by the pro-government National Press Council, a creation of the oppressive 2004 Press Council Act. (The Press Council Act of 2004 is one of a raft of harsh legislations that will have to be abolished/reviewed). There was also lack of engagement by National Congress Party Members of the National Assembly in Khartoum who are critical in any legislation reform at the national level. The expected draft media bills developed by a pro-government think tank, Future Trends were never made available for public critique nor presented to any Parliamentary Committee.

### **Somalia: Journalist Ethics, Media Law and Conflict Reporting**

On 10 December 2007, ARTICLE 19 together with the National Union of Somali Journalists, UN Somalia, Amnesty International and the East & Horn of Africa Human Rights Defenders Network displayed solidarity with Somali journalists at an event celebrating Human Rights Day. Following the event, ARTICLE 19 and the UN Human Rights Advisor facilitated a ten day training course for exiled Somali Journalists on the ethics of journalism and self-regulation, media law and conflict reporting. ARTICLE 19 also published its analysis of a draft Somali Media Law. Despite substantial consultations, the draft Law adopted by the Parliament was still very problematical. At the request of the National Media Council, a local group whose existence would have been formalised by the new law, A19 Law Programme produced an analysis of the draft Law in early January 2008. This analysis was discussed at a national stakeholders meeting later that month, where substantial changes to the draft Law were promised, although not yet implemented as of June 08.

### **Protecting Media Diversity in West Africa**

ARTICLE 19 organised a four day workshop and training for West African francophone broadcasting regulators. The aims of the pilot training were to strengthen the capacity of regulators, assess the suitability of the French translation of the 'Broadcasting pluralism and

diversity training manual for African regulators' and ensure its appropriateness to the regulatory realities in francophone West Africa. ARTICLE 19 worked with PANOS, and the Senegalese broadcasting regulator (CNRA). The four day work-shop held from the 3 to the 6 of November 2008 determined the relevance of the translated Manual to the regulatory environment in French speaking African countries.

The workshop was well attended by all the francophone West African focal points of the African Communication Regulation Authorities Network (ACRAN). The number of participants exceeded our expectations. Most of the key players in the broadcasting regulation in West Africa took part to the workshop. The workshop provided a context for a comprehensive and open discussion of key regulatory issues, such as the reform of the regulatory frameworks for a pluralistic and diverse broadcasting environment, how to domesticate international freedom of expression standards in West Africa; the need for independence and credibility of regulatory bodies; and the challenges posed by new information and communication technologies.

### **Conflict Reporting in Russia (Northern Caucasus)**

ARTICLE 19 set up the Russian NGO *Dagestan Mass Media Defence Centre*, in 2006 as part of ARTICLE 19's project work in Russia. The Centre is the only NGO working in Russia's North Caucasian republic of Dagestan defending journalists in cases of violation of their right to free expression. The North Caucasus remains a dangerous area in which to be a journalist. Journalists who are critical of the government, risk harassment in connection with their work, and operate under threat of attack or, in the most extreme cases, murder. Equally, those who support government policies risk attack from separatists.

CMRP faces a vast array of institutional difficulties, and it is only through gradual building of respect that it will overcome them. As an NGO it is under scrutiny by authorities, and under suspicion by the public. As a recipient of foreign money this is doubly so. The organisation must also navigate the ethnic divisions of the region and consider even small decisions on where to hold events and who to invite to speak very carefully.

In 2008, the Centre held a number of seminars with the joint participation of journalists, judges and representatives from local authorities. In these events participants engaged in role play scenarios and moot courts in order for them to see the many sides of defamation cases.

ARTICLE 19 report '*Conflict reporting in Russia*' was launched in June in Moscow and in the North Caucasus. The report provides a comprehensive review of the way the Russian Media reports on the conflicts in the North Caucasus, and makes recommendations for improvement of the quality of the reporting. Journalists face unique challenges in reporting accurately on the events in the North Caucasus, and are restricted by a variety of factors, including local elites, ongoing conflict-related instability, and the difficult economic situation of the region's media.

The first CMRP seminar trained 15 journalists in the application of Russian defamation law and international standards in the context of a conflict. The second Kislovodsk seminar was attended by 24 journalists from across troubled North Caucasus region of Russia. This is twice the amount of the participants in the previous meeting, which shows that both the outreach of the project and the prestige of CMRP are growing.

In both seminars, practical sessions focussed on how to answer the questions ‘what is contentious’ and ‘do I publish?’ Many of the journalists were meeting each other for the first time. Since travel in the region is difficult and relatively expensive, people tend not to mix very much across the region, even within professions. The very fact that the seminars were held gave a positive message to journalists: that professional development opportunities, usually entirely absent in the region, are now available. The seminars were reported in the local media and by RIA Dagestan, the local branch of Russia’s largest information agency RIA Novosti. The Centre also provided legal consultations and defence to journalists.

CMRP has been approached by few journalists who felt their rights had been violated. In particular CMRP received requests for involvement in two major cases. The first one is the case of *Vremya Deystviy* (t. Derbent, Dagestan), a newspaper famous for its anticorruption investigations; the staff of the paper is currently in a dispute with the founder and owner of the paper over the editorial independence of the paper. The second case is of *Chernovik*, of Dagestan whose editor was cautioned over violation of the law on extremism. The case is ongoing and CMRP keeps monitoring it. Another high profile case is the incident of the attack on Miloslav Bitokov, the chief editor of *Gazeta Yuga* (Kabardino-Balkaria) in early September. CMRP has been approached by the newspaper and asked to represent the journalist. The Centre is closely monitoring the case and providing advice and representation as needed. Both A19 and MMDC continue to provide all necessary support to CMRP.

### **OUTCOME Three - Campaign against impunity, and for the release of persons held for the peaceful exercise of their right to freedom of expression**

The positive trend of press freedom recorded in the 1980s has slowed down in the 1990s and then reversed for the last seven years or so. Press freedom is on the decline in many countries around the world. In the Middle East, press freedom stagnated for the last two decades with the exception of Lebanon and more recently and more timidly Jordan and Qatar. In Africa changes have remained timid and not always sustained in many countries (with the notable exception of South Africa, and Ghana) and in Asia progress has been uneven (with North Korea, China and Burma on the one hand, India, Thailand and South Korea on the other). The practice of journalism is also increasingly limited in nominally democratic countries. In addition to the new problems of the decade, a number of old ones have not been addressed. In ‘transitional’ countries, the existence of old repressive policies, the absence of independent broadcast regulators or the political use of public advertisements mean that private broadcasters still operate under at least the potential threat of government interference and indeed control. Yet another worrying trend of this last period is the erosion of public service interest and broadcasting. Similarly, while these two decades have seen an explosion in community broadcasting (with the exception of the Middle East), legal protection remains very patchy, leaving community journalists and communities vulnerable to arbitrary actions. Equally disturbing is the serious climate of media self-censorship and bias in many countries, which leads to a denial of the public’s right to know. Journalists are not the only group whose freedom of expression has been slowly deteriorating over the last seven years. A similar process has been recorded for NGOs activists, human rights defenders and artists, including in countries that had shown some progresses in previous years. Across the world, acceptance of the different, the absurd, the offensive, the scary and the other has weakened, and tolerance of restrictions expanded.

#### **Africa:**

Some of the worst and most frequent instances of attacks on freedom of expression breeding in a culture of impunity came from the Horn of Africa, particularly within conflict or post-conflict states. In Somali in 2008 there continue to be an alarming number of cases of attacks on FoE and indeed human rights defenders and media practitioners. Eritrea continued to detain without charge journalists and opposition politicians, the majority for several years now. ARTICLE 19 won a law suit on behalf of the detainees before the African Commission on Human and Peoples’ Rights (ACHPR) in 2007, but the government of Eritrea refused to complaint with the decision. ARTICLE 19 issued the following statement in protest: *Eritrea: ARTICLE 19 Calls for an end to Arbitrariness and Impunity (11 December 2008)*.

Senegal and Gambia continued to repress freedom of expression through use of civil and criminal defamation suits. A19 noted a significant deterioration of press freedom in particular in Senegal; *Senegal: Deterioration in Press Freedom (11 August 2008)*. The Special Rapporteur on FoE echoed our concerns and wrote to the government of Senegal and Gambia and publish her position in her report to the 44 th session of the ACHPR. In East and Southern Africa in 2008 there have been greater attempts by the government to control the media, most notably in Uganda and Swaziland. In Swaziland the Terrorism Act 2008 has been used as a justification for attacks on Swazi journalists, political opposition and human rights defenders. ARTICLE 19

issued a statement condemning the use of counter-terrorism to suppress freedom of expression: *Swaziland: Counter-Terrorism Not A Pretext for Repression (24 November 2008)*

### **Sudan**

In response to the worsening of the freedom of expression and overall human rights situation in Sudan, A19 issued a number of reactive statements condemning the authorities. A19 reactions have had the greatest attention locally and regionally in 2008. Whilst press releases on Kenya and Zimbabwe have been covered more by international English speaking press in 2008, ARTICLE 19's position and comments on Sudanese issues were reported in *allafrica.com*, Sudan Tribune, Sudan Radio Service, Sudanese Arabic Press (including Khartoum based Al Sahafa, and Al Ayam). Broadcast media for the region such as BBC Focus Africa, Kenya Television Network (KTN), Citizen Radio (Kenya), Radio Myriah (Juba, South Sudan), Catholic radio Service (South Sudan) and Voice of America also contacted ARTICLE 19 asking to interview us on (though not exclusively) this issue; as did the Sudanese Arabic speaking press (including Khartoum based Al Sahafa and Al Ayam newspapers). Information provided in interviews to Human Rights Watch and ARTICLE 19 publications/statements from 2008 have been used in a report by Human Rights Watch on Freedom of Expression in Sudan released in early 2009.

### **Kenya**

Following the debacle of rigging in Kenya's Dec 2007 elections, conflict erupted in Kenya in which the media especially the commercial local language radio stations owned by major media houses and affiliated to rival political parties were implicated in hate speech and inciting violence. ARTICLE 19, Reporters Without Borders, and International Media Support went on a fact-finding mission to Nairobi to investigate the successes and failures of the country's media in the unprecedented national crisis in order to assess media performance at the corporate, editorial and individual journalist's level with regard to defending the public interest, compliance with the code of conduct on electoral coverage and reporting. This exercise assessed the needs and gaps in the media industry and profession in terms of knowledge on electoral processes, safety and standards to help plan for future advocacy interventions. It was followed by a roundtable meeting of Kenyan media held in February. The mission and the roundtable exposed a number of shortcomings of the media during the elections and post-election conflict. It also resulted in a booklet on conflict sensitive journalism.

A19's essay '*How Far to Go? Kenya's media caught in turmoil of failed elections*', the roundtable and the booklet generated much awareness and media interest in Kenya itself. Some of this material has been subsequently used by journalist trainers in training for African media on ethics, political reporting and investigative reporting. These publications were also being used in advocacy by Kenyan Civil society toward the end of 2008 and in 2009 when media and ICT stakeholders were discussing the enactment of the Kenya Communications (Amendment) Act 2008.

### **Brazil:**

At the Inter-American Commission ARTICLE 19 and two partners (the Center for Justice and International Law and the Brazilian Association of Investigative Journalists) raised their concerns regarding the use of defamation lawsuits to intimidate journalists and human rights defenders in Brazil.

The research was also the base for the preparation of an *amicus curiae* presented in the lawsuit questioning the constitutionality of the current Press Law before the Supreme Court. In the amicus, we listed a number of cases in which the abusive use of defamation laws in Brazil is made evident. We also demonstrated the incompatibility of such provisions with international standards and called on the Court to decriminalize *calúnia*, *injúria* and *difamação* - the three crimes known in Brazil as crimes against the honour. This constitutionality lawsuit has halted all pending criminal defamation lawsuits filed under the Press Law.

In October 2007, ARTICLE 19 initiated a Campaign for the Freedom of Expression of School Teachers in the State of Sao Paulo, following complaints by school teachers that they were censored. In January - February 2008, ARTICLE 19 and its partners (the Labour Union of Teachers and Ação Educativa Active Education) presented a report denouncing a law that restricts teachers' right to speak to the press and prohibits them from referring in negative terms to the work of public authorities or public institutions. The report also highlighted individual cases where school teachers had been prohibited from speaking up or suffered restrictions after doing so. The report was presented to the Public Prosecutor's Office, Secretary for Education and some State *Deputados* (Legislative / State MPs). The findings were also presented to the UN Special Rapporteur on the Right to Education, Vernor Muñoz, on mission in Brazil. Following the meeting, Muñoz sent a communication to the Brazilian government asking for more information on the matter<sup>3</sup>. As a result of the Campaign, two State *Deputados* (Sao Paulo) presented bill proposals to the State Legislative in order to revoke the restrictive State law. In December 2008, the Legislative of the State of São Paulo approved a bill that revokes the 2 articles of the Civil Servants Statute that limited freedom of expression of school teachers. São Paulo is the first state to revoke restrictive laws after the beginning of our campaign (and the State where the campaign was first launched).

A19 documented the case of retired school teacher Maria da Gloria Costa Reis, who coordinates the edition of a small newspaper written by detainees in the town of Leopoldina, in the state of Minas Gerais. She was sentenced to four months in prison for publishing an article criticizing the conditions in the jail and the negligence of judges and lawyers regarding the rights of detainees. After ARTICLE 19 gave visibility to her case, Maria da Gloria wrote us thanking for the support and for "making her realize she was not alone". The publicity provided her with great public opinion support. Her case was halted and awaits decision in the Supreme Court constitutionality case against the Press Law.

### **Mexico**

Mexico is considered one of the most dangerous countries in the world to practice journalism. Journalists working for small media outlets who investigate organized crime or government corruption are especially at risk. To counter this, ARTICLE 19 launched a freedom of expression and journalist protection programme that aims to impact on the circle of violence, impunity, danger and self-censorship that constitute one of the weakest and most urgent human rights issues in the country.

---

<sup>3</sup> We have asked information on the developments of this communication to Muñoz' assistant at UNHCHR, but we were informed that this type of communication between SRs and State is considered confidential. We are now presenting an information request to the Federal Secretariat for Human Rights to follow up on this issue with the Brazilian Government.

A19 Mexico led an international advocacy mission that brought together more than 10 international and regional organizations, to raise awareness about violence against journalists. The launch of the mission report generated huge interest and media coverage, including through CNN. As a result, A19 is now leading the Council of the Congressional Commission for Aggressions against Journalists, bringing together a range of civil society and government actors committed to strengthen the federal responses to crimes against freedom of expression.

Through our documentation activities, ARTICLE19 detected the increasing number of aggressions against journalists where the perpetrator was allegedly police agents and soldiers (threats, illegal detentions, abuse of authorities). We sent a formal letter to the Ministry of Public Security requesting that necessary measures be taken to address this issue. The Ministry accepted the gravity of the situation and asked ARTICLE19 to undertake the training of its personnel in all matters related to freedom of expression and media relations, according to international standards.

ARTICLE 19 has provided an Expert Statement in the case of *Luisiana Ríos and Others v. The Republic of Venezuela*, currently being heard by the Inter-American Court of Human Rights. The Expert Statement argues that Venezuela breached the petitioners' right to freedom of expression – directly when Venezuela officials attacked and/or harassed them and when President Chávez incited others to attack them, as well as indirectly by failing to protect them against attacks by private actors.

In mid November 2008, ARTICLE19 provided assistance to Ana Lilia Hernández, a young journalist that uncovered a corruption network involving high level government officials and the largest gas conglomerate in Mexico. Ana Lilia and the rest of her colleagues have been facing numerous law suits from the conglomerate for “moral damages”, an equivalent legal term to defamation. She faced a number of death threats and her home and friends were under surveillance. *Contralinea*, the magazine where Ana Lilia worked did not provide her with a lawyer. Along with its national partners, ARTICLE19 provided legal assistance and a series of emergency protection measures until her legal situation had been clarified.

In the second part of 2008, ARTICLE 19 Mexico has concentrated considerable efforts in training media workers and journalists, the idea being to provide a more capable, motivated and better educated media workforce; as well as raising awareness of freedom of expression issues among media employers and NGOs.

ARTICLE 19 organized three workshops on the documentation, registration, and follow-up of freedom of expression violations, and on security in Mexico City and the western state of Oaxaca. The monitoring workshop was organised with the Mexico office of the High Commissioner for Human Rights and the security one with the Rory Peck Trust. It served to provide journalists with a heightened awareness of the security issues they are facing working in high risk zones and to provide journalists with the necessary skills. In December, a group of course participants from Tijuana used the negotiation skills they acquired during the pilot to free two of their colleagues from Telemundo 33, who were arbitrarily detained by the Federal Police.

In early October, ARTICLE 19 in conjunction with the International News Safety Institute (INSI) held a major regional conference on safety of journalists and media workers in Mexico City. It was attended by some 140 news editors and managers, reporters, unions and media support groups from 14 countries. It included special focus sessions on Colombia, Peru, Brazil and Mexico and explored safety guidelines, training, trauma and other critical issues affecting the survival of news staff working on dangerous stories, from crime and corruption to conflict and natural disasters. It is seen as a first step to a much needed stronger focus on media security issues throughout Latin America.

With the assistance of ARTICLE 19 the Mexican Government organized a forum on the hotly debated issue of federalizing crimes against journalists in September. Media workers, freelance journalists and NGO's had the opportunity to express their views on the issue. The discussion centred on the importance of giving a broad definition of "journalist", so as to extend the protection given by the State to as many individuals as possible.

In December as well, ARTICLE19 launched the permanent campaign to protect journalists called "*What you don't know can hurt you*", last December. The main objective of the campaign is to raise awareness within society through the denunciation of impunity. The campaign has been endorsed by Rory Peck Trust Fund, Reporters without Borders, FLIP (Colombia) and AMARC, along with a number of national and local journalist's organisations. The main products of the campaign to date are a website ([www.libertad-expresion.org.mx](http://www.libertad-expresion.org.mx)), *facebook* and *myspace* profiles, two TV spots, four radio spots, posters, post cards, and bracelets. Also as part of the campaign we published the freedom of expression pocketbook for Mexico, a protocol for the documentation of aggression against journalists, and the memoirs of the international seminar on methodologies techniques to document aggressions.

### **Burma**

ARTICLE 19 continued its advocacy on behalf of the people of Burma throughout the year but unfortunately without much success. The situation has further deteriorated after the saffron revolution in the fall of 2007 and the crackdown.

In May 2008, as if the people had not been battered enough by repression and poverty, a devastating cyclone hit the country, resulting in the estimated death of at least 100,000 people. Many more have seen their homes and livelihoods destroyed. Yet Myanmar's military government provided little assistance to the estimated 2.4 million survivors of the cyclone. It rejected international assistance for several weeks, blocked access to the Ayeyarwady delta at the time when survivors most needed emergency relief, and imposed an information black-out. In the next two months after the cyclone, the authorities have sought to maintain the cloak of secrecy and fear over the country *at all cost*.

November 2008 will be remembered as one of the darkest month for justice: those that participated to the 2007 revolts were tried and sentenced heavily. Three activists from the '88 Generation Students group were sentenced for up to 33 years imprisonment for inciting public unrest under the Emergency Act. Two Buddhist monks Ashin Gambira and U Kalatha were also sentenced to long prison terms of around 12 years for their part in leading the demonstrations of 2007. Following his father and grandfather who were sentenced on 11 November, Di Nyein Lin

and two other student activists were sentenced to six and a half years imprisonment for causing public alarm and insulting religion.

Comedian Zarganar, arrested on 4 June 2008 for collecting money for Cyclone Nargis victims, was sentenced to a staggering 45 years for creating “disaffection towards state and government” and violating the Electronics Act. Zarganar also has another five cases remaining against him to be tried on 27 November. Sports columnist Zaw Thet Htwe and co-accused Thant Zin Aung were sentenced to 15 years imprisonment each, and Tin Maung Aye received 29 years in prison, all for their similar roles in the same cyclone relief efforts.

ARTICLE 19 regularly denounced the repression and called on the international community (particularly China and India) and the ASEAN to take action and protect human rights in the region. A19 has dedicated its 20<sup>th</sup> anniversary celebration book to Aung San Suu Kyi and we will publish early next year a book commemorating Burmese artists.

### **China and the Olympics**

Throughout the year, ARTICLE 19 took opportunity of the Olympics in China to advocate for lasting changes in the country. As the campaign progressed, we realised that ARTICLE 19’s added value may reside in highlighting aspects of the Olympics that were not picked up by other campaigning organisations, and in particular the working of the Olympics itself and how its official bodies and constitutions may violate the fundamental right of freedom of expression. ARTICLE 19 approached Reporters Without Borders (RSF) and together, the organisations championed the cause of the athletes and particularly their gagging under the rules and Charter of the International Olympic Committee (IOC). The campaign was originally initiated in response to a contractual agreement which the British Olympic Association (BOA) was imposing on athletes partaking in the Olympics. The agreement contained a clause that could ban athletes from commenting on “any politically sensitive issues” during the games. We called for the BOA and the European Olympic Committees to withdraw the clause and refrain from violating athletes’ freedom of expression. This initial action with RSF led to a number of others targeting the IOC, and various national Olympic committees requesting that full respect for human rights reside at the heart of the running of the Olympics, and focusing on the media as well, to raise awareness about aspects of the Olympics which are not brought to the attention of the public. ARTICLE 19’s international campaign is to continue in the preparation of London 2012.

### **China and the Media**

Another area of work has been to target the British media covering the Beijing Olympics. Together with Amnesty UK, Index on Censorship and English PEN, A19 held a workshop for journalists to provide them with background information on the situation of human rights in China, an introduction to China’s media law and its implications for international journalists, as well as practical tips to conduct journalistic works in China. The workshop also motivated journalists to adopt a human rights stance in their reporting of the Olympics such as on the number of Chinese who lost their livelihood to make way for the preparation for the games. It is likely that hundreds of people who lost their homes to Olympic venues have not received any or sufficient information and compensation. ARTICLE 19 also organised a visit to the UK by Chinese democratic activist Ren Wanding, which included meetings with other NGOs and with

the Foreign and Commonwealth Office, including China Researchers, China Desk Officers, and the China Team Leader.

### **Arab League**

A19 was the first organization to raise the alarm regarding the adoption of the ‘Principles for Organising Satellite TV in the Arab World’ by member states of the Arab League. The meeting was convened in Cairo on Tuesday 12 February 2008 at the request of Egypt and with the support of Saudi Arabia. The final non-binding document, adopted by all member states of the Arab League with the exception of Qatar and Lebanon, requires Satellite TV broadcasting in the region and not to offend the leaders or national and religious symbols in the Arab world, to refrain from broadcasting anything which calls into question God, etc. The information was subsequently picked up by Al-Jazeera and numerous other media organizations and other NGOs. Altogether, these organizations advocated against the incorporation and implementation of these principles at national level. According to the latest information received, only one country (Egypt) may have incorporated the standards and this is still not fully confirmed.

### **Middle East Advocacy work**

We issued two statements on **Syria** which condemned the recent crackdown on political opponents and dissenting voices. ARTICLE 19 also issued a statement on **Egypt** condemning the government’s attempt to silence the Egyptian media by imprisoning three newspaper editors. We also responded to positive developments and issued another statement welcoming the Presidential Pardon of Ibrahim Eissa, Egyptian Editor in Chief of the opposition newspaper Al-Dustour. Two statements were issued on the **Palestinian Occupied Territories**, condemning the Israeli authorities’ decision to ban foreign journalists from entering Gaza.

ARTICLE 19 has monitored closely the situation in **Bahrain** throughout the year, reacting to negative and positive developments. Worth emphasising is A19’s work following a statement by the Bahraini Interior minister warning its citizens against attending meetings, conferences or seminars abroad or meets with representatives of foreign countries, organizations or bodies to discuss the internal affairs of Bahrain, without government authorization. As a result of our work, the Bahraini Ministry of Information initiated a meeting with ARTICLE 19 when we discussed the state of freedom of expression and recent attacks against human rights defenders with the Assistant under Secretary for Press and Foreign Media affairs. We were able to clearly communicate that they could not act with impunity and that international human rights NGOs were monitoring the situation and would continue to alert the international community to violations. ARTICLE 19 was also invited by the ministry to visit Bahrain and meet with governmental bodies and human rights groups in order to get the ‘real’ picture of freedom of expression in Bahrain.

ARTICLE 19 developed the ‘Persian Impediment’ project on **Iran**; an online campaign aimed at raising awareness of censorship in Iran, supporting Iranian civil society to campaign against censorship and encouraging activism in civil society in order to diminish self censorship. The campaign will be launched in 2009 and is funded by the FCO.

In partnership with the Tunisia Monitoring Group (TMG), ARTICLE 19 developed a programme of work on advocacy in support of prisoners of opinion in Tunisia, funded by EC. The project, to

be launched in 2009, includes a number of training courses for local groups on monitoring, reporting and advocacy on detention of prisoners of opinion, the use of administrative sanctions to punish dissident views and the obstruction of an independent judiciary.

The Tunisia Monitoring Group, of which ARTICLE 19 is a member, continued its close monitoring of abuses of freedom of expression in Tunisia. The TMG have released a number of statements on the recent violations against human rights defenders in Tunisia.

Press releases, statements and letters to government officials issued by ARTICLE 19 have maintained the pressure for rights to freedom of expression and information in the region. These activities also increase ARTICLE 19's visibility in the region and have enabled us to strengthen partnerships with local groups and activists in dire need of support.

### **Russia:**

Freedom of expression and in particular independence of the media are threatened throughout Europe and Central Asia, with many cases of violence against journalists, censorship and self-censorship, oppressive laws, harassment and prosecution of journalists, and undue political and commercial pressures. One cross-cutting issue is the use of anti-terror/extremism laws throughout the region to stifle open debate or silence dissenting views. In the Russian Federation, amendments to the extremism law in 2007 allow any politically or ideologically motivated crime to be designated extremist. The Russian authorities apply these provisions to silence government critics, and in 2008 initiated cases against NGOs, activists, and independent media, including internet sites and blogs. A high-profile case from Russia involves the closure of the well-regarded and independent Russian-Chechen Friendship Society based on provisions in the NGO Law and the Law on Countering Extremist Activities. Physical attacks and threats against journalists are widespread throughout the region; however those responsible are rarely brought to justice, in particular where there is apparent government involvement. On August 31 Magomed Yevloev, owner of the website Ingushetiya.ru, was shot in the head while in police custody after being detained at Nazran airport. The website is known as the main non-governmental source of information in the North Caucasian autonomous republic of Ingushetia, and is strongly critical of local authorities. The investigation into the murder ruled it accidental, and no further steps were taken. ARTICLE 19 responded to these developments through press releases, statements and letters. Some of the **advocacy activities** initiated by ARTICLE19 received a broad coverage and had important impact. The statements of Armenia and Azerbaijan for example were reproduced by news agencies of countries and published on their websites. They also appeared on some of the blogs and provoked online discussions on those important topics.

### **Yemen**

ARTICLE 19 continued its close monitoring of the freedom of expression abuse in Yemen. We released 5 statements and PR on the situation in the country, such as the six-year sentence handed to Al-Shoura editor, Abdelkarim Al-Khaiwani, and the 18-month prison sentence handed to artist Fahd al-Qarni. ARTICLE 19 also headed a joint letter to President Ali Abdullah Saleh condemning recent violations of freedom of expression. The letter was signed by 27 fellow members of the IFEX network.

In January, ARTICLE 19 released its Report ‘Yemen: Freedom of Expression’ in Peril in both English and Arabic. The Report examines the extent to which the right to freedom of expression is enjoyed by individuals and different sectors of society in Yemen, including the media, political parties, non-governmental organizations and women. It documents the findings of a fact-finding mission carried out by ARTICLE19 in Yemen in August 2007. The report was covered extensively in the Yemeni press and has been used by national partners to add legitimacy to their national campaigns

On September 25, 2008 Yemeni journalist Abdulkarim Al-Khaiwani, was released from prison after receiving a presidential pardon following sustained local and international calls, led by A19 for his release. Al-Khaiwani was sentenced to six years in prison in June 2008, after being tried as a terror suspect for his coverage of the war in the Sa’ada province. His imprisonment was perceived to be politically motivated and caused an international outcry. Al-Khawani acknowledged ARTICLE 19’s efforts on his behalf and thanked us from his prison cell and in person after his release.

### **Civil Defamation:**

Throughout 2008, ARTICLE 19 staff revised the criminal defamation findings and researched the state of civil defamation across the world. We also started designing an interactive and user friendly map on civil defamation. The research on civil defamation has been far more difficult than anticipated and resulted in some delays. In particular, we experienced many difficulties finding information about the number of civil defamation cases in all countries and assessing the proportionality of the fines or damages. There is no national central gathering of civil defamation and the number of cases per year may reach the 1000’s as we found out in Brazil for instance. However, A19 is satisfied that we have gone as far as was possible in the current state of global data on the topic and that the maps will offer an invaluable source of information. (Indeed, the first two on criminal defamation are amongst of the most visited pages on our website.) The web pages on civil defamation are currently being developed and will be launched in April 2009.

### **Protection of the freedom to create**

A19 and Art Venture successfully organized the inaugural ArtVenture Freedom to Create prize. The prize giving ceremony on 26 November 2008 in London was a successful event, attended by a wide range of stakeholders. The Main Prize was awarded to Cont Mhlanga of Zimbabwe, with the Belarus Free Theatre and Pakistani musician Deeyah as runners-up. The Imprisoned Artist Prize went to Zarganar, a Burmese satirist who has been jailed for 59 years, and the Youth Prize was awarded to Brazilian hip-hop group, City of Rhyme. In 2008, ARTICLE 19 also initiated a new campaign on behalf of artists around the world, whose freedom to create is under attack. We are issuing every two months a new publication the [Artist Alert](#) which document every 4 to 6 weeks, the repression of artists around the world and bring their cases to the attention of the global community.

### **Defamation of Religions and defending the mandate of the UN Special Rapporteur on Freedom of Expression**

In March, ARTICLE 19 was the first organisation to react to the attacks at the Human Rights Council, and to launch an international campaign to defend the mandate of the UN Special

Rapporteur at the UNHCHR and against the development of a defamation of religion norm, initiated by the Organisation of the Islamic Congress. This campaign was very well received amongst the free speech and human rights community and generated vast interest as well within the Middle East region. A19 was able to generate a petition with our partner in Egypt, circulate it amongst our Middle East partners and receive about 40 MENA NGOs endorsement, all of these within 48 hours. In the summer of 2008, A19 and Egyptian partners worked together and prepared a statement on the issue for the 6<sup>th</sup> session of the HRC (September) and organised a seminar on hate speech and religious intolerance during the session. The Executive Director participated to a number of meetings on the issue, including an expert meeting organised by the High Commissioner for Human Rights (HCHR) in Geneva in October.

### **Equality and Freedom of expression**

ARTICLE 19's work on equality and freedom of expression has started to forge closer links between these two communities and to build greater understanding between them on the relationship between these two foundational rights. This, in turn, is essential to presenting a coordinated front against the idea of defamation of religions, as well as to promote a framework which supports the mutually reinforcing role of these rights.

## **OUTCOME FOUR - Strengthen Vulnerable groups' and poorest communities' freedom of expression and access to information**

Human rights and development are largely dependent on the growth of an informed citizenry demanding that their rights be upheld. Access to information and freedom of expression are vital to effective strategies to promote and protect the right to reproductive and sexual health and to a sustainable environment. ARTICLE 19 first made this policy link through cutting edge research and publications<sup>4</sup>, which have since been tested in practical contexts, including in Malaysia and Ukraine, to empower civil society to exercise their right to access environmental information; in Mexico and Brazil, to strengthen poor communities' access to public information to improve government transparency, and in Abkhazia, to promote the development of consultative and responsive people-centred decision-making, with a focus on issues of particular relevance to women. In its 2008-2010 proposal, ARTICLE 19 planned to continue support the universality of the right to freedom of expression, particularly its use and exercise by and for vulnerable and disadvantaged groups and communities, including poor people, women and people affected by global climate change and who live in fragile environments. In particular:

As indicated below, all outputs and objectives were met, with the exception of two of our fund raising goals which have not yet been successful. The summary focuses on indicators of success.

### **Bangladesh / disaster-affected communities:**

In November 2008, the Bangladesh caretaker government published the Right to Information Ordinance, 2008, a progressive and much needed piece of legislation, in response to advocacy by ARTICLE 19, its partners, and an FOI Coalition of NGOs (*Supro*). ARTICLE 19, its partners, and an FOI Coalition of NGOs (*Supro*) were all responsible for the successful outcome of several years of advocacy. ARTICLE 19's press releases issued at critical junctures, calling on the government to approve a strong RTI Ordinance, were instrumental in keeping the issue alive at times when there was little movement from the government. ARTICLE 19 was one of the first organisations to draw attention of civil society organisations, government and other stakeholders, to issues of implementation. The workshop on RTI law implementation strategies was successful in this regard and has chalked out future directions for both ARTICLE 19 and others.

Following a series of community based consultations organised as part of A19 project, to examine the effectiveness of information dissemination strategies in Barisal, Barguna and Bagerhat (three of the most vulnerable cyclone SIDR hit areas in the coastal belt of Bangladesh), disaster affected communities including fishermen came up with local level solutions such as targeting messages for especially vulnerable groups such as women and children, elderly and sea faring fishermen, use of schools and mosques and teachers and imams (Muslim clergy). In some cases, fishermen communities have decided to organise into cooperatives to promote their right to information and to come up with community based proposals for reducing environmental risks and vulnerabilities

---

<sup>4</sup> These include: *Starving in Silence, A report on famine and censorship*, 1990; *Fatal Silence: Freedom of Expression and the Right to Health in Burma*, 1995; *The Right to Know: Human rights and access to reproductive health information*, 1995; *Left to their own devices: the impact of informal information and communication networks on security in Tanzania refugee camps*, 2003

**Kenya:**

We identified and met with civil society organizations representing the marginalized populations, including Kenya Community Media Network (KCOMNET), Para-legal Support Network (Pasune), Constituency Development Fund Committees, Human Rights Network. We initiated discussion on grassroots engagement to maximize the use of the RTI to address needs of marginalized groups. These organizations will be linked to the FOI network and integral in FOI awareness raising and broadening the FOI campaign to the grassroots. Through support offered by these organizations/ networks we can empower marginalized to use ATI rights to improve their livelihoods. ARTICLE 19 – Kenya will include these organisations in FOI network strategizing, and advocacy and involve them in our public forums, and other dialogue with civil society actors and government – giving the marginalized a voice in the FOI campaign that has so far been absent, and broadening FOI and FoE knowledge nationwide.

**Mexico:**

ARTICLE 19 continued to monitor the provision of public services in Mexico City. In 2008, A19 submitted 32 information requests regarding information on 63 public services that are delivered by the political delegations of Mexico City. The results of this monitoring exercise showed a serious deficiency in the systematization and delivery of public interest information regarding the provision of public services. The general level of compliance of this monitoring exercise corresponds to less than 10%; only in one case did we receive the accurate information requested on time.

Through the implementation of the public services monitoring was also able to identify the tactics used by the political delegations in order to illegally delay effective access to public information. In particular, they require the identification of information seekers, even though the new law and procedures put in place by INFO DF promote anonymity of the requestors. We also observed that public authorities inhibit the exercise of RTI by providing information that is difficult to understand and process. The identification of these problems has allowed us to define new strategies to reverse this negative trend.

ARTICLE19 documented the attempt to shut down *Radio Ñomndaa*, located in Xochistlahuaca, Guerrero. This municipality is in one of the poorest regions of the country. It ranks at the same level of a number of African countries such as Malawi, on the Human Development Index. The station plays an important social role in the community is obvious, despite this fact that it doesn't have a licence. It broadcasts information on issues that are crucial to the community, such as those relating to health, human rights and agriculture. A19's special report was submitted to the OAS and UN Special Reportuors on Freedom of Expression. Since then, ARTICLE19 have supported *Radio Ñomndaa*, providing legal and security assistance. We are also supporting their access to information programme in which the main objective is to combat corruption in the community. Along with AMARC, ARTICLE19 has conducted a series of meetings with the federal authorities in order to find an alternative that would allow *Radio Ñomndaa* to operate.

**Brazil:**

Inequality is a chronic problem in Brazil's society. Promoting and defending the free expression and information rights of marginalised communities is a relevant strategy to ensure their

participation in public matters, to combat exclusion and to promote the fulfilment of their human rights.

ARTICLE 19 has launched a project aimed at promoting access to information for vulnerable communities. A19 Brazil and its local partners identified young participants within communities in the periphery of São Paulo who took part in a capacity-building programme on access to information on poverty-related topics. They also developed broadcast material on freedom of information which will multiply the reach of the project. The programmes can be broadcasted by community and web radios. They map out priority issues with participants and advise in the use of existing RTI legal avenues. The focus is how to use RTI to advance these rights.

In 2008 Article 19 organized the first edition of **Fora do Acesso**, a program aimed at empowering community leaders in poor areas by improving their knowledge and skills to exercise their right to information, especially information on matters of specific concern to the community.

The program is structured as a capacity building program designed to take the discussions we normally carry out with NGOs to the peripheries of Brazilian urban centers. The first **Fora** was carried out in the Center for Youth Culture, a center maintained by the municipality in an area bordering a number of very poor communities in the northern part of the city of Sao Paulo.

We had 10 meetings with young community leaders. In the second meeting they elected 2 priority areas in which they wanted to have specific discussions. Elected areas for the first edition were education and culture. In relation to these 2 areas we tried to bring specific ATI information: types of info that should be pro-actively publicized by the State; who is the authority competent for information production / collection, etc.

By the end of the program, participants prepared a radio program – commenting on the content of the course - that is available on-line. They also prepared an information request. Reference material for **Fora do Acesso** was carefully prepared by the local team, with specifically drafted fascicules distributed in every meeting.

### **Nigeria:**

A19 has identified a new partner - the Center for the Right to Health, (CHR) - an NGO that advocates for the full realization of the right to health in Nigeria and promotes respect for ethics and human rights in healthcare policies and practices, especially for vulnerable groups such as People Living with HIV/AIDS, women, youths and children. CHR and our well established partner the Media Rights Agenda (MRA) have agreed to work with ARTICLE 19 on the RTI and the right to health in Nigeria. We will be in Nigeria in February 2009 for a stakeholders' consultation to meet the new partners and other relevant stakeholders to agree the best approach to strengthen the right to know amongst the most disadvantaged groups.

### **Kenya and Nigeria:**

We analysed a number of legal and policy regulations in both countries, with the view of identifying entry points into the right to information, in the absence of an actual FoI law. In Nigeria, our work has shown that the 2007 National Gender Policy 2007, The 2003 National

Policy on HIV/AIDS of 2003 and a few others include all information disclosure requirements which we will make use of in 2009. In Kenya, along with the second National Health Sector Strategic Plan 2005-2010 (NHSSP II) and The National Reproductive Health Policy 2007 including transparency requirements, A19 has also noted the recommendations from the Commission of Inquiry on Post Election Violence (CIPEV) as another avenue for advocating greater transparency, including on the right to truth.

### **Ukraine:**

In 2008, the Europe Programme finalised its two year project on access to environmental information. One key outcome of the project was achieved: during the third meeting of the Parties to the Aarhus Convention in Riga, 11-13 June 2008, the Ukrainian government was cautioned for non-implementation. In its defence, the government referred to the report produced by A19 and partners and said they had accepted the recommendations of the report. Following the meeting in Riga the government has developed a strategy, which is largely based on the recommendations of A19 report. During two years of engagement in the country we also managed to raise awareness and provide some specific examples to demonstrate the poor implementation of the requirement of the Aarhus Convention, thus equipping local civil society in their fight for access to environmental information in the country. It is of course yet to be seen if long term impact will ensue from these successful outcomes, and particularly whether a new strategy and new policies will be enforced or just drawn up to comply with international requirements.

### **Indicators of success – gender mainstreaming**

#### **Bangladesh**

ARTICLE 19 sought to increase the profile of grassroots level women journalists and their role as advocates of FoE and FoI and awareness amongst media houses, authorities, CSOs/NGOs and public institutions of the barriers for grassroots women journalists and their role in protecting FoE and FoI. To achieve this outcome, we did the following:

- ARTICLE 19 supported the participation of women journalists from 64 districts of Bangladesh at a 2 day national Round Table. Grass roots level women journalists met with A19 and our partners and raised challenges faced by them in the course of their work and institutional barriers to their career development. A19 Bangladesh Director then raised these issues in her presentation at a session in the presence of the Minister for women and cultural affairs who then joined in the call for advocacy with media houses and newspaper owners, being a journalist herself.
- As part of ARTICLE 19 's communication and advocacy efforts a lead article on grassroots women journalists highlighted that journalism by women at the grassroots is regarded as a “*high risk*” profession because of the loose contractual arrangements with the newspapers, low pay, lack of protection from vulnerability to threats and harassment and vexatious litigations. The article also raises issues limited opportunities for their capacity building and training. It identified four categories of barriers for women journalists at the grassroots, such as institutional, social and cultural, and organisational; It concludes that grassroots women journalist will enjoy social and family support only when their profession is regarded as a safe and secure one. It urged media houses, along with other stakeholders to take the necessary steps in improving their standing and increasing their representation in the mass

media. Grassroots women journalists have a critical role to play in ensuring freedom of expression for women, access to information with diverse perspective from various parts of the country.

- ARTICLE 19's Press Releases have called for changing attitude toward women journalists, they pointed out many challenges faced by them including harassment, intimidation, threats and vexatious litigations aimed at "shutting them up". They also highlighted institutional barriers in career development and lack of opportunities for women journalists to organise at the grassroots level.
- Issues of personal and professional security were also raised by A19 director with the Minister for Women and Cultural Affairs who fully endorsed A19 views and joined in the call for advocacy with media houses and newspaper owners;
- Women journalists from 64 districts of the country who were part of these communication campaign have created a forum to address the challenges they are confronting;
- Another output has been the establishment of a fellowship programme for grassroots women journalist and a national award for investigative journalism which were added as components to the DFID funded, Article 19 project; The project was making revisions to the design at the time.

### **Mexico**

Women journalists are facing a different type of threat to their male counterparts and ARTICLE19 placed special attention to this issue and to the integration of a gender perspective in all its activities. Worth highlighting are the following:

- During the training on monitoring violation of FoE that we carried out with the media in Mexico, the participation of men was particularly encouraged for the workshop on documentation, registration, and follow-up of gender-based freedom of expression violations. The gender quota was practically even and we had the participation of a transgender activist and journalist which allowed a more diverse and plural debate.
- In relation to the safety training that we carried out with the Rory Peck Trust Fund, special attention was placed on the incorporation of a gender perspective in the syllabus. Although the participation of female journalists was also encouraged we were not able to get an equal participation of men and women. This is due to the fact that a number of the female journalists interested in attending were not able to leave their children in order to travel to Mexico City for a whole week. We are now trying to create a summarized version of the workshop to tackle this issue, and to hold other workshops around the country to address this problem. As a follow up activity from last years workshops we plan to set up a joint action platform on gender and freedom of expression.
- A19 Mexico has worked closely with the Centre for Communication and Information for Women (CIMAC). They have been very helpful in providing us with information on cases of aggressions against female journalists. Needless to say, it has been important to document how violence towards journalist is affecting women, as some of the threats have special elements, such as targeting family members or elements of sexual aggression.

### **Brazil:**

ARTICLE 19 Brazil has ensured that women and minorities are properly represented in all stakeholder discussions and all capacity building programs carried out by A19 in Brazil. In

addition, we have been addressing the issue of media content and programming with women's groups. We have joined some activities organized by the coalition *Mulher e Midia* in 2008. On the occasion of Women's Day in March we released a special bulletin with a series of interviews with women's activists discussing the issues above. Also, for Press Freedom Day, A19 launched a small video called *What is Freedom of Expression to You?* which contained testimonials of women's rights defenders talking about how the media portrays women and how it covers issues that are of particular interest to women.

**Yemen:**

ARTICLE 19 MENA and the Yemeni Media Women Forum held a three-day training on media monitoring and gender: 11 journalists were trained on an ARTICLE 19 media monitoring methodology adapted to the Yemeni context. The monitors were exposed to the rationale of media monitoring, the type of information that can be gathered from this process and practiced on the methodology to be used over the seven-week monitoring period that followed the training session. The monitoring aimed to provide qualitative and quantitative data on the current state and nature of media work on women and gender issues. Based on these findings, we have identified recommendations to address weaknesses and biases, and launched a public campaign to promote change. This project also sought to build the capacity of media professionals to report in a gender-sensitive manner through training of trainers.

**Development work:**

- A19 develop a project proposal on access to information, mining Industry, and the Extractive Industries Transparency Initiative (EITI) in Nigeria. At the time of writing this report, the outcome of this proposal is not known (a first concept note was approved)
- A19 developed a project proposal on campaigning for the Right to Information (RTI) in Middle East. It was rejected by one donor. Another is still considering the proposal.
- In December 2008, A19 proposal on promoting and campaigning for access to information legislation and practices in China, with a focus on environmental information, was approved.

## **OUTCOME FIVE - STRENGTHEN ORGANISATIONAL EFFECTIVENESS AND IMPACT**

### ***Regionalisation process***

As a result of a major review in 2005/6 of the key trends in our field of work and of our organisational strengths and weaknesses we set strategic goals for 2005-2010, designed to sharpen and focus our impact, and to establish a new management structure. One of key goals is to strengthen our international reach by consolidating our presence outside London.

Being based in the countries and regions on which we work, we will have a better understanding of regional and national realities and local needs and thus have greater impact on freedom of expression developments. We will also be able to respond more swiftly to opportunities or crises. We will be closer to our partners, work more closely with them, and thus be more capable to respond to their demands and strengthen interactions and capacities. ARTICLE 19 national offices will be able to rely on the organization's international work, and expertise and its reputation for delivery and impact, and bring all of these qualities and characteristics to national debates for a stronger protection of the right to access to information and freedom of expression.

Since then, ARTICLE 19 established four national offices: **ARTICLE 19 Mexico**, following the implementation of a project in Mexico funded by Hewlett. Legal registration was completed in 2008. A19 Mexico is currently carrying 4 large projects and at the end of 2008 initiating a Central America project. **ARTICLE 19 Brazil**, as part of the implementation of a project funded by Dfid. Legal registration was completed in 2008; **ARTICLE 19 Kenya**, as part of the implementation of a project on Sudan funded by the EC and Norway. Legal registration was completed in 2007; **ARTICLE 19 Bangladesh** in 2008, as part of the implementation of a project on RTI funded by Dfid. Legal registration should be completed in 2008; A one person presence in **Nepal**.

We have had a one person presence in **Senegal** for 4 years and for two years a one person presence in **Lebanon** (2007/2008).

We set up the Operational Team in 2007, made up of the senior operational director, the accountant, a finance assistant, an HR manager, and an administrator,

In 2008, ARTICLE 19 took important steps towards the consolidation of its country and regional offices.

A19 established its presence in **Bangladesh**, recruited 2 staff members, including the country director, and started implementing its project with great success.

A19 Brazil and Mexico offices recruited three new staff members. A19 Kenya currently has two staff members and a third recruitment (A19 Director) is planned early in 2009. A19 also recruited a new staff member based in Nepal, responsible for running our project there supporting policy development and advocacy on access to information and freedom of expression.

Members of the Senior Management team undertook support missions to Mexico (March), Kenya (August), Bangladesh (September), Nepal (August), Brazil (October) and Senegal (November).

### ***Internal Communication***

We have also improved the quality, quantity, clarity and transparency of internal communication across the organisation. In particular, we have:

- Issued regular memo on various issues regarding the organization, such as planning, finances, developments, etc
- Circulated minutes of all meetings, from board, senior managers, team meetings, etc.
- Set up an internal communication working group responsible for identifying best practices for strengthening internal communication and learning
- Developed a Central Desktop system which will be launched later in 2009, In order to meet the demands of a de-centralising organization. The software is web based, which allow for access by staff and partners in low bandwidth countries. It provides a number of tools for teams and workgroups utilising Secure Sockets Layer (SSL) cryptographic protocols that provides security and data integrity for communications over the Internet.

The first phase of the introduction of Central Desktop will be launched in mid-2009. It includes:

- An intranet to allow all staff to access to important policies, forms and tools , as well a comprehensive staff/partner directory;
- An organizational blog, with discussion threads to encourage cross team communication;
- Team collaboration areas to allow for document sharing and management as well as task and project management; and
- Integration with Skype calls and live chat

### ***Professional Human Resources***

We agreed that we needed to professionalize our Human Resources work and support, both in London and in the regions.

- We recruited in July a Human Resources Manager. This was the first such position in the history of A19.
- We developed a number of HR policies concerning Staff Terms and Conditions, Salary review, Performance Assessment, etc. We have reviewed all staff contracts, including in the regions, with the view of ensuring that everyone is working under optimal conditions. In 2009, our two main priorities are an A19 “Code of Ethics” which will identify A19 values and accompanying behaviours within and outside the organization, and a Minimum set of Staff terms and Conditions for all regional offices and locally recruited staff.
- 5.3. The Senior Management team has also engaged in several leadership training throughout the year to strengthen the team’s unity and effectiveness thus strengthening leadership.

### ***External communication***

During this period, ARTICLE 19's focus on effectiveness has also included a focus on strengthening the quality of our external communication.

ARTICLE 19 sent out regular press releases and statements, with an average number of 9-11 distributed each month to a list of over 1,500 email subscribers most of whom have subscribed through the website at [www.article19.org](http://www.article19.org).

The total number of PR or statements issued by ARTICLE 19 has increased from 56 in 2006 to 181 in 2007 and 184 in 2008, or a growth of 200%

44 per cent cover issues relating to harassment or violence (including detention and imprisonment) against civilians (mostly journalists, but also activists). ARTICLE 19 responds promptly in speaking out against governments or criminal actors who suppress journalists, media workers and others.

Another 26 per cent of press releases relate to public policy or legal reform, either at national or inter-governmental level. This reflects the continuing, excellent legal work for which ARTICLE 19 is well known.

The remaining percentage of press releases can be broadly divided into general categories of ongoing concerns about freedom of expression in some countries, and reporting on various conferences, training courses or workshops that staff members have either organised or attended.

The subscription on A19 mailing list has increased by about 7% over the last 12 months.

According to our internal tracking systems, ARTICLE 19 was referenced approximately 278 times in 2008, 40% of which were by news agencies and 8% by printed newspapers. In terms of reference location, 22% were based in Asia, 18% in the Americas and 16% in MENA. Thematically 31% of the references were based on censorship of the media, 16% on violence against journalists and 16% on access to information.

The reference to A19 in the media increased by 41% from 2007 to 2008 (2007: 209 references tracked against 295 references tracked in 2008); an increase which demonstrates amongst other things the increased quality and effectiveness of our communication work.

Over the past 6 months, there has been an increase in people registering for ARTICLE 19 the mailing list by 25%.

ARTICLE 19 publishes a six-monthly print newsletter, which has a small distribution and is mainly used as a supplement to materials which staff members take to meetings and conferences. It contains a useful editorial space, in which the Executive Director provides comment on relevant topics, as well as round-ups of programme work and events in various regions.

In addition, ARTICLE 19 published two electronic newsletters, *Around Africa* and *Artists Alert*, which come out roughly monthly and bimonthly respectively and contain briefs about unfolding

news events. These are valuable tools through which to reach audiences that have particular regional or thematic interests.

The website at [www.article19.org](http://www.article19.org) is the organisation's "shop window" onto the world and is a key element in our communications strategy.

From 2007 to 2008, according to A19 server,

- The number of individual people visiting the site rose by 17%
- The total number of overall visits to the site rose by 23%
- The total number of pages opened rose by 7%
- The total bandwidth used rose by 11%
- The average time spent on the website has grown over the period by approximately six per cent.
- The length of time spent on the website has increased since 2007, with a 135% increase in visits of more than 1 hour.
- A19 website hits have increased by 54%
- We have more visitors and more views than other NGOs compared to our website size and 75% of visitors are new, 25% are returning visitors.

The most popular publications in 2008 were:

1. Protect Special Rapporteur on FoE Mandate (Press Releases)
2. Iran Art Censorship
3. Defamation ABC Spanish
4. Defining Defamation
5. Right to Know Standards
6. 1993 Handbook
7. Singapore Baseline Study
8. Johannesburg Principles
9. Defamation ABC

### ***Integration of Result-Based Management***

This was a very fruitful and busy year for our work on result-based management. We are seeking to integrate results-based management throughout the organisation, to develop and implement systems and policies for results monitoring, evaluation and reporting, and to report routinely on our impact – short term and long term - according to a set of indicators regularly reviewed and agreed. The ultimate long term objective is to strengthen ARTICLE 19's overall impact on the protection of freedom of expression.

At the beginning of 2008, as ARTICLE 19 was about to embark in its institutional change around impact and RBM, most programme staff were lacking in project design and management skills. In particular there was a tendency to look at the activities we wanted to under take and then work back towards the impact we wanted to make, rather than the other way round. ARTICLE 19 privileged far too much a focus on activities at the expense of outcome and impact.

By endorsing RBM, A19 was seeking to shift mind set and practices. We recognized that clarification and awareness building around strategy will help to change this but that training was

also needed to create a systematic approach to project design and program development which would help ensure that we focus on impact at the start and throughout the life cycle of our project and program work.

**In 2008, we have done the following:**

- Prepared and hold the annual Organizational Week, which included a one day training on results based management – externally facilitated – to ensure common understanding amongst all staff and management of results concepts as well as one day work on programmatic indicators
- Reviewed indicators for outputs, outcome and impact assessment within each program for 2009 – this was achieved in two phases. Each team submitted a first report in September 2009, which was then reviewed and assessed on the basis of the alignment between impact, outcome and outputs, and indicators. They then had to develop a second 2009 plan on the basis of the comments, and feedback.
- Developed guidelines and template for strategic and operational RBM plan;
- Developed template for 2008 implementation report – Each team provided feedback on their implementation on the basis of the template which places the emphasis on results, impact and learning.
- Revisited the format for quarterly report to the executive director and the board, to ensure better result-based monitoring;
- Commissioned external evaluations
- Developed draft gender sensitive policy
- Increased our communication and media outputs and impact

## **FINANCIAL REPORT**

ARTICLE 19's income in 2008 amounted to **2,086,213 gbp** and expenses to **1,780,500**. These were less than originally budgeted. The differences between ARTICLE 19 projected and actual budget is due to the following factors:

1. A number of project grant applications including three to DFID passed through the initial stage of the bid and were thus included in our projected income for the year. Unfortunately, they did not pass the final hurdle. We were not informed of the decisions until well into the financial year.
2. A 50% reduction of the expected Sigrid Rausing Trust grant – from the expected Euros 210,000 to the actual 102,000, amounting to a drop of **Euros 108,000**
3. One of our major grants from the EC (for our work in Sudan) was delayed. The funds amounting to **Euro 380,000** are only in the process of being disbursed (April 2009). This delayed project implementation including planned staff recruitment and project activities. The delay was due to factors outside our control.
4. Some planned projects in particular a major RTI and transparency project in the Middle East were not ultimately successful.

As at 31 December 2008, the general fund had increased in comparison to the previous year, but it still fell short of the trustees' six months target. Free reserves (net of amounts represented by fixed assets

of £3,152) amounted to a general fund of £420,00. The surplus of 2008 of £307,587 included non-cash currency gains of £60,821, self generated income held overseas of £30,041 and investment income of £9,821. The remaining surplus is largely due to over-prudent financial management resulting from late disbursement of funds (restricted and unrestricted), which led to a number of delayed activities and delayed recruitments (such as senior media officer, senior director for law, directors of regional offices, etc.) Some of these general funds are thus committed to be used for activities that could not be implemented in 2008 due to time constraints, and the fast tracking of regionalisation in 2009/2010, including:

- 1) Regionalisation and strengthening of regional offices (circa gbp 80,000)
- 2) Capital/Move to new offices, and dilapidations (circa gbp 73,000)
- 3) Recruitments planned in 2008 (circa gbp 50,000)

### **Income success**

- ARTICLE 19 received a three year generous core grant from Swedish Sida (for about 300,000 gbp per year) and another three year general support grant from the Dutch MFA for about 100,000 gbp per year. They are all new core grants.
- The Norwegian Minister for Foreign Affairs has granted A19 the royalties of its forthcoming book on human rights. The funds will be disbursed in 2009.
- ARTICLE 19 was selected by the Cooperative Bank for its annual human rights fund raising work. The fund will be disbursed in 2009 for the Africa program.
- We have received a new global grant from the Hewlett Foundation for A19's work on Right to Information (RTI) in Africa and in Mexico, which was initiated at the end of 2008.

- After about 24 months in existence, A19 Mexico has raised funds from the FCO for its work against violence against journalists in Central America. Also noteworthy are our successful fund raising with the FCO for a project on Iran, with the NED for a renewed project in Yemen.

### **Income disappointment**

- The main funding disappointments in 2007 came from our failed applications to Dfid Civil Society Funds for possible work in Ghana, Sri Lanka and India.
- As with previous years, maintaining and strengthening core or unrestricted support remains a major concern for the organisation. Funding for **cutting edge** or controversial projects (e.g. our projects on the expression of sexual identity or on freedom to create) has also been difficult.