



## Promoting free expression and access to information

### 2010 Implementation Report

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## Executive summary

### Key trends

ARTICLE 19's journey over the last 12 months resembles in many ways that of the previous years, as the last decade has been largely influenced by a continued reversal of the democratic leap of the 1980s and 1990s. Yet, a few issues stand out, both positive and negative. Aung San Sui Kyi was released on 13 November, after years of house arrest, solitude and humiliation, but Burma remains to a large extent a closed society. Asian countries, led by China and India, have gained growing influence on the world scene and an increasing stake in international mechanisms such as the G20. However, these successes have not been coupled with positive change towards greater democracy and civil liberties. State-driven capitalism which promises better lives but not more freedoms has emerged as a strong alternative to the so-called "Western" model of individual freedoms and has become the Asian brand of governance.

The growth of religious conservatism, and its vie for political influence have resulted in large tensions between religion and free expression around the world, including in Western democracies, as the draft bills and debates on full face veils in France demonstrated. In Asia and the Middle East, the tensions have continued to threaten media freedom and freedom of expression, leading governments to introduce draconian censorship laws and internet regulations, and those in power to use blasphemy and criminal defamation charges to silent opponents. In many parts of the world, sexual identity has emerged as the main source of conflicts within countries, between communities and amongst nation states at the United Nations.

In Africa, the approval of a progressive constitution in Kenya and the relatively peaceful elections in Tanzania, Rwanda, Sudan, Burundi and Guinea point to some level of maturity in Africa political development and respect for freedom of association, assembly and freedom of expression. However, pockets of political incumbents misusing state mechanisms to suppress opposition and voices of dissent and incessant attacks on journalists and human rights defenders remain the black streak.

Latin America has been characterised by an increasing interest in FoE matters, especially concerning broadcasting regulations and internet use and governance. Many countries have revised or are in the midst of revising their legal framework in the area as a strategy to impose disproportional restrictions to FoE. This is the case, for example, in Venezuela, Ecuador, Bolivia and Argentina. In Central America, large scale violence and endemic impunity have continued to predominate with drug cartels and national armies imposing extremely dangerous conditions on human rights and press work.

The democratic fervour of 2003-2005 in Europe has died down, and democratic progress achieved through the colour revolutions in Georgia, Ukraine, and Kyrgyzstan has regressed. Perhaps out of fear of experiencing similar revolutions, authorities throughout our region have increased restrictions of their populations' rights, including freedom of expression. Such restrictions are likely to increase over the next five years.

In 2010 the quest for increasing equal access to information has continued and strengthened. Indeed, 2010 may be best remembered for Wikileaks and the vast amount of confidential information released in the public domain, the first time ever the general public around the world had access to diplomatic cables, including on issues related to warfare and international relations. In 2010, new laws on access to government-held information were adopted in Liberia and Bermuda. Many others have improved their laws.

In Australia, the archaic Freedom of Information Act, 1982 was substantially amended and improved. The Organization of American States adopted a model RTI bill for adoption across the Americas and the Caribbean. The adoption of related laws also continued to expand - in Uganda for example, a comprehensive whistleblowing law was adopted. Increasingly, countries are including RTI in new constitutions. The Kenyan constitution, approved in 2010 includes substantial RTI provisions while Article 19 of the Pakistani constitution was amended to include RTI. Over 80 countries have now recognised right to information as a constitutional right.

The right to environmental information was strongly advanced as a global right during the last year. The UN Environmental Programme (UNEP) released new global guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters in June 2010. World leaders in December agreed to the United Nations Conference on Sustainable Development (Rio+20 Earth Summit) in 2012, which may lead to a new global treaty on access to environmental information. Both the US and the UK governments launched new open data sites to make raw datasets of public information available for the first time.

## Sample of ARTICLE 19's achievements in 2010

### Globally:

- ARTICLE 19's conference on "Transparency, Free Flow of Information and the Millennium Development Goals" in August was the first of this kind to bring different communities of practice together. It attracted high level speakers including Aruna Roy, a social activist leading the Right to Information movement in India, the Hon. O Natty B. Davis, Minister of State for Development and Reconstruction for Liberia and Maria Leissner, the Swedish Ambassador for Democracy. Over 65 delegates attended the conference which covered topics ranging from Case for Transparency: Impact and Opportunities, Transparency and the MDGs: The Role of the Media and Technology and Discussion on Transparency Strategy at the National and Global Level: An Agenda for Transparency 2020. The result of the conference was [The London Declaration for Transparency, the Free Flow of Information and Development](#). The Declaration provides recommendations to fully implement the Millennium Development Goals (MDGs) and offers guidance to all partners in the development process on the vital role that transparency and the free flow of information can play in the fight against poverty. References for the Declaration appeared on websites and in newsletters of Publish What You Fund, Guidestar, Guardian, Obamawatch, Human Rights House, Free Word, Tax Justice Network, Bond, A4ID, Panos, Civicus, and Transparency International (including various national chapters).
- ARTICLE 19's submissions to the UPR process on the States Under Review (SUR) of Mexico, Honduras, Burma and Nepal were highly successful - all key messages were raised by country delegates during the reviews and included in the OHCHR report. In March 2010, the UN Human Rights Committee expressed its concern regarding violence against journalists in Mexico while reviewing the country's compliance with the International Covenant on Civil and Political Rights. The Committee issued seven recommendations to the Government of Mexico, actively promoted by ARTICLE 19, pertaining to the right to freedom of expression including to fully decriminalise defamation in the country.

### Legal:

- *Uganda Press and Journalists Law* - ARTICLE 19 analysed the proposal of the Uganda government to the existing - and already problematic - Press Law and carried out advocacy against it. The analysis was very well received by the media and experts in Uganda and coverage in local media. The government subsequently withdrew the plans to introduce the changes to the law.
- The Armenian Government accepted our proposal in the *Draft Laws amending defamation legislation in Armenia* and decriminalized defamation;
- In *Ukraine*, several years of legal support and advocacy resulted in the Ukraine Parliament adopting the new Right to Information Law in January 2011
- ARTICLE 19 successfully pushed for the decriminalisation of defamation in the state of Veracruz, Mexico, as part of legal defence strategy on behalf of a journalist wrongly accused of defamation. In November 2010 defamation was decriminalized in the state.
- ARTICLE 19 contributed to a successful strategic litigation case on defamation opposing the British newspaper *the Guardian* against the Iraqi Prime Minister, Nuri Kamel al-Maliki. On 28 December 2010, the appeal court overturned the first instance ruling and decided that there had been no defamation or harm to al-Maliki. The case has a great importance in Middle East since progressive decisions of this kind, in line with international principles, are rare. The decision can also be used as good comparative jurisprudence regionally and internationally

#### **Azerbaijan:**

- Our advocacy activities and materials garnered widespread national and international media coverage. We likely influenced the Azerbaijani authorities' decision to release bloggers Adnan Hajizade and Emin Milli from prison on 18 and 19 November respectively. Our lobbying efforts resulted in the inclusion by the Council of Europe Committee of Ministers of imprisoned journalist Eynulla Fatullayev's case on the agenda for its human rights meeting less than two months after the case became final. We also influenced a number of delegations to take the floor on Fatullayev's case during the meeting, resulting in a strong Committee decision calling for Fatullayev's release. We have developed a strategy for further joint advocacy work in 2011, and will seek funding to continue to support our work in Azerbaijan. OSF Media Program noted that the ARTICLE 19 led International Partnership Group for Azerbaijan should be used as a model for the partnership groups on other countries - both in response to the project and at the meeting of all advocacy groups in Paris in November 2010.

#### **Kenya:**

- Most of ARTICLE 19's proposals to the Committee of Experts overseeing the review of the Constitution in Kenya were adopted and incorporated in the new constitution. The Constitution was promulgated on the 27th August, 2010 effectively making Kenya one of the 14 African countries with Constitutional guarantees on access to information. The New Constitution also has clear and progressive provisions on freedom of expression and press freedom.
- ARTICLE 19 organised an expert meeting on hate speech in Kenya on the eve of the Constitutional referendum, in response to the fears of incitement to violence and a repeat of the violence that had characterised the 2007 elections. Co-organised with the Kenyan Commission for National Integration, the conference was a massive success. It attracted over 50 experts and 200 stakeholders and received wide coverage in both national and international media. It also brought much clarity to the debates on the legitimate limits to freedom of expression and freedom of the press.

- ARTICLE 19 successfully sought and secured support for two journalists, one from Kenya and one from Ethiopia- who were under increased threats because of their work.

#### **China:**

- ARTICLE 19 was instrumental in increasing environmental information disclosure. Following our training on access to environmental information in China, our evaluation on local compliance to access to environmental information in 7 participating cities shows significant progress in proactive information disclosure. The local environmental protection bureaus in these cities are now providing most of the 17 types of information mandated by the government for proactive disclosure. Local environmental groups have pointed out that this is a big improvement from before. In terms of responding to information requests, the evaluation also shows that local environmental officers are aware of their obligations under the Open Government Information Regulations and are willing to disclose a significant amount of information even though they often required continuous reminders.

#### **Indonesia:**

- ARTICLE 19 held the first ever training provided to 25 public officials from key ministries and national public bodies in Indonesia on right to information. The training module has been adopted by the Indonesia Information Commission as a model for its future trainings.

#### **Bangladesh:**

- The results of an external evaluation into ARTICLE 19 work confirmed the essential role that ARTICLE 19 played since the enactment of the RTI law. ARTICLE 19 has been instrumental in strengthening its implementation - through training and building an innovative consensus between civil society, government and public. One of the uniqueness of the project has been in targeting and integrating youths in the RTI issues through specific events such as school/college debates, rickshaw rally, etc. Working at the demand side it has reached over 52,000 direct stakeholders and over 853,000 indirectly, they include partners, local NGOs and CBOs, campaigners, volunteers, journalists including grassroots level women journalists and public officials in project districts and national level, etc. The evaluation report confirms, "There is no doubt that the program has certainly created demand for information among the community people in the working areas, there are strong evidences of completed transactions between information seekers and duty bearers".

#### **Brazil:**

- On 8<sup>th</sup> December 2010, a decree by President Lula summoned the 1<sup>st</sup> National Conference on Transparency and Social Participation (Consocial), to be held in 13-15 October 2011, in Brasilia. This is an official forum to discuss new or renewed legislation and policies in the areas of transparency, access to information, corruption and participation. The conference was a specific demand from ABRACCI, a Brazilian network of organisations against corruption and impunity, to which the South American office is a founding and a leading member. ARTICLE 19 Brazil has been invited to compose the national organizing committee for the Conference.
- In the course of an ARTICLE 19 workshop organized to discuss access to public information on violence against women in Rio Grande do Sul, the State Public Prosecutor's Office formally presented to the public the first data bank of cases of violence against women produced by a justice authority in Brazil, despite legal provisions requiring the compilation of this information since 2006. This was a clear

result of the long-term partnership between ARTICLE 19 and Themis, who have worked together to demonstrate the need to improved right to information in relation to women's rights in Brazil since 2008.

**Mexico:**

- On 29 April 2010, ARTICLE 19 Mexico launched the groundbreaking [Right to Information Index](#) which measures the Federal Transparency Law and 32 local RTI laws against Mexico's constitutional mandate and national legislative development. The Index showed that 19 out of the 32 local RTI laws in states such as Guerrero, Puebla, Veracruz, Yucatán, Sonora, Tabasco, Jalisco, and Querétaro failed to guarantee the constitutional RTI.ARTICLE 19.
- ARTICLE 19 was the first organisation blowing the whistle on the risk of regression in the RTI Laws. After months of work there is now an ad hoc network of grass roots local organisation using our studies for their advocacy activities.
- Following 2 years of campaigning by ARTICLE 19, the Mexican authorities announced the creation of a protection mechanism for journalists during the past fall. Human Rights organisations are seeking ARTICLE 19 assistance to elaborate a proposal of a similar mechanism for human rights defenders (HRD). ARTICLE 19 is perceived as reliable and creditable source of knowledge and information.
- ARTICLE 19 has further consolidated its media presence in Mexico through a weekly radio programme (produced by ARTICLE 19 media and conducted by Darío Ramírez) in Ibero Radio 90.9 ([www.ibero909.com.mx](http://www.ibero909.com.mx)) on FoE issues; weekly participation in the news services of the National Community Radio Network and a blog in the El universal (the largest newspaper in Mexico).
- ARTICLE 19 was instrumental in drafting a bill decriminalising defamation which was consequently passed by the state of Veracruz ARTICLE 19

## 2010 in review

### Africa

The year 2010 has been momentous in Eastern Africa's unfolding modern history. There have been two huge steps taken forward and one step backward. The majority approval of a progressive constitution in Kenya and the relatively peaceful elections in Tanzania, Rwanda, Sudan, Burundi and Guinea point to some level of maturity in Eastern Africa political development and respect for freedom of association, assembly and freedom of expression. However, pockets of political incumbents misusing state mechanisms to suppress opposition and voices of dissent and incessant attacks on journalists and human rights defenders remain the black streak. The fact that Kenya opted to invite Sudan's President Omar Al Bashir during its promulgation of the new Constitution also indicated that even though things appear to have changed they have remained the same.

One clearly discernible and negative pattern in 2010 was the continued suppression of freedom of association and assembly especially in periods before local and national elections. Consequently, national elections held in Sudan, Mauritius, Ethiopia, Burundi, Rwanda, Tanzania, and the Union of the Comoros returned all the incumbents. This was largely attributable to suppression and arrest of political opponents and massive use of state resources. Similarly, this trend may be attributed to skewed media coverage in favour of incumbents by state owned and controlled media and passing of stringent laws, policies and regulations limiting freedom of expression and press freedom especially during elections. One exception is Guinea where after years of repression, the democratic process seems going forward.

Second, the year 2010 represented a low point for journalists and human rights defenders in the region. An estimated 44 journalists were killed in Africa and 145 jailed in line of duty. In Uganda, two journalists were killed, at least 22 faced different criminal charges and over 47 incidents of physical attacks and threats on journalists were reported in 2010. Burundi had four journalists arrested in 2010. Jean-Claude Kavumbagu, editor of the online service Net Press remained in pre-trial detention for six months after his arrest in July 2010 on treason charges by law only applicable "in times of war." Thierry Ndayishimiye, editor of *Arc-en-Ciel* newspaper, was detained in August for denouncing corruption in any energy state corporation. He was later released on bail. Other two journalists from *Iwacu*, a private newspaper were detained for two days in November 2010 and released without any charges being pressed against them. In Rwanda, Jean-Léonard Rugambage a journalist with *Umuwugizi* newspaper was shot in June 2010 after he had complained of stalking and surveillance by people believed to have been state security agents. Seven journalists were jailed for different criminal offences for disrupting state security, propagating ethnic division, genocide revisionism and libel. In April 2010, the government affiliated Media High Council suspended the only two investigative and independent newspapers *Umuseso* and *Umuwugizi* from operating for six months. In Senegal the few journalists that do investigate have been constantly threatened and their media outlets constantly taken before the courts by public officials. A case in point is the investigative magazine *la Gazette* which has been taken to court 4 times in one year for charges ranging from stealing secret documents relating to financial irregularities by key public officials, defaming key public officials regarding public tenders. In most of the cases against this media outlet, the fines were so exorbitant that it could be considered as an attempt to silence it. So far, an appeal is envisaged and possible deferral to the

ECOWAS court or the ACHPR. ARTICLE 19 has supported the Gazette and follows all the cases closely.

Throughout the continent, religious groups and traditional leaders have increased their influence in the public sphere by trying to directly influence policies and government actions on critical issues such as the right of sexual minorities, emancipation of women, family planning, female genital mutilation and early marriage and child rights. Intolerance vis a vis of critical voices and their demand for greater transparency and access to public information have also reached various level of society and increased self-censorship. Journalists who venture to criticise religious or traditional leaders, investigate corruption regularly face reprisals raging from physical attacks to frivolous legal actions. Non conventional topics such as (Lesbian Gay Bisexual and Transsexuals) LGBT are not fairly reported in the mainstream media and organisations working on such issues are discredited and discouraged.

In Senegal, political and religious intolerance vis a vis of critical voices, the constant legal actions and indirect repression of critics through subtitle economic measures and victimization contributed to reducing the space of free expression. In the Gambia, the constant threats against the media and political activists have resulted in self censorship and disengagement of many human rights organisations and political actors to challenge the repressive policies of the current government. The government has zero tolerance for critics and independent media. It has become almost impossible for activists in the past six years to work freely on human rights and free press without being targeted by the regime. Many journalists have fled the country for fear for their lives.

There was a glimmer of hope in some of the countries. While the democratic space is shrinking in some countries, positive developments are taking place with the adoption of new laws on FoI<sup>1</sup>, and the amelioration of legislative framework for free expression and the general living conditions in others<sup>2</sup>. There is increased citizen demand for transparency and participation in governance. The citizens' demand for transparency has been bolstered by the re-emergence of supra-regional bodies like the East African Community (EAC) and the New Partnership for Africa's Development (NEPAD). The EAC began to discuss two critical documents the East Africa Community Charter of Bill of Rights and the Protocol on Prevention and Combating of Corruption. NEPAD on the other hand began a review of the African Peer Review Mechanism (APRM) tools with a view to making them more effective. There has been increasing civil society participation to the first cycle of the Human Rights Council's Universal Periodic Review. Key in this period was Kenya which became the 119th UN member state to be reviewed. In response to the recommendations, Kenya committed itself to passing a constitution that has a broad interpretation of rights in its Bill of Rights and covers freedom of expression, press freedom and right to information in particular. Ghana and Cap Vert have continued their path towards greater democracy and respect for human rights. Even in terms of economic and human development, the two countries have made significant impact according to development agencies.

In Guinea there is hope with the new government led by Alfa Conde, a prominent human rights activist who struggled many years to defeat the military regime. The new government is committed to continue the political reforms, and to engage in reconciliation and stabilization of the country long polarised by ethnic division and political dictatorship.

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<sup>1</sup> Liberia and Sierra Leone are showing the way on access to information. Liberia has now an ATI law and Sierra Leone has a draft approved by cabinet.

<sup>2</sup> Ghana and Cap Vert have made progress on political as well as political governance.

Another positive trend on the continent is the fact that an increasing number of Eastern Africa citizens are now connected to mobile telephony with a resultant use of mobiles as a platform for a number of issues. For example, 42 per cent of Kenyans, 50 per cent of Tanzanians have access to mobile telephones which are in turn serving as a tool for banking for those who do not have access to bank accounts

2010 ended as the region remained expectant with cautious optimism that the referendum in Sudan will come to pass and that the will and the voice of the people will be respected.

## Asia

In 2010, Asian economies, led by China and India, have brought greater material wealth to the region. This has in turn led to growing influence on world politics with Asian countries having increasing stake in international mechanisms such as the G20. However, Asia's economic success has not been coupled with positive change towards greater democracy and civil liberties. In particular, the alternative model of state-driven capitalism as demonstrated by China, which promised better lives but not more freedoms - especially freedom of expression, is particularly attractive to autocratic governments in Asia and is increasingly becoming the Asian brand of governance. But there has been more positive sign with improving the right to information as more Asian countries have acknowledged the right by adopting or drafting RTI legislation.

The growth of Islamic conservatism and its vie for political influence has threatened media freedom and freedom of expression in Asia, leading governments to introduce draconian censorship laws and internet regulations, and those in power to use blasphemy and criminal defamation charges to silent opponents. Asian countries such as China and Pakistan have also banned social media such as Facebook and Twitter permanently or on an ad-hoc basis, to suppress the mobilisation of people for social movement.

Regionalization was another notable political trend as Asian states join together economic and security interests. Domestically, decentralization has granted greater local autonomy but has also enabled interest groups seeking to redefine their identities along conservative religious lines by passing bylaws that discriminates against women and freedom of expression.

In 2009, the Awami League unanimously won power in Bangladesh, following two years under a caretaker government that suspended most human rights in Bangladesh. A major part of its platform was to ensure the "freedom of expression and free flow of information". The Awami League Manifesto of 2008 declared it would to promote the free flow of information from the media. In order to do this, it promised that it would crack down on the use of criminal activity used to censor journalists - those who murdered or injured journalists would be prosecuted and false cases filed against journalists would be dropped. In reality, the freedom of press in Bangladesh has had many constraints, journalists and editors regularly face threats, destruction of personal property, false allegations, violent attacks against themselves and their family, and even death. The threats and attacks are used by businesses, government agencies, and other powerful individuals as a tactic to censor a news story. Those responsible for the attacks are rarely prosecuted, giving the perpetrators a sense of impunity. Further, the fear of an attack cause many journalists to self-censor.

However the Government of Bangladesh as a mark of its commitment to implementing recommendations emerging from the country Universal Periodic Review Process has recently initiated regional discussions on UPR Follow Up and Implementations for Asia and

Europe. Another development is the appointment of the new Chief Commissioner for the Human Rights Commission this year along with six other Commissioners; the Commission has embarked on the formulation of strategic plan with the launch of a draft for consultation, which is being finalized. Other developments have included the setting up of the tribunal for crimes with investigations and hearings underway. The implementation of the government's declared policy for a "digital Bangladesh" by 2021 has encountered several challenges including a lack of coordination and specific roadmap.

## Central America

Public insecurity and endemic impunity have characterized the Central America context. In Honduras, the political crisis that had erupted after the overthrowing of President Zelaya has somehow receded. But the tensions remain very high as demonstrated by the very high number of killed journalists. Guatemala, Nicaragua and El Salvador are still confronting the structural obstacles for free expression and access to information.

In Mexico, the security policy of Mexican President Felipe Calderon to combat organized crime has impacted negatively on the overall human rights situation. Officials recognised that there had been 15,000 civilian deaths and 35,000 injured since President Calderon took office in December 2006. The high numbers of casualties are, according to the Government, related to the fight against drugs cartels. They have argued that the majority of the victims are people operating for the drug cartels. According to independent sources, many of the victims were not taking part in any illegal action. The bottom line is that impunity and access to justice in this context are almost impossible to achieve. There is no judicial investigation on the high numbers of death, leaving the path open for further violence and a weakening of the rule of law.

Freedom of expression and access to information has been severely affected due the context of generalized violence. The state of impunity resulting from the crippled national justice system permeates in almost all cases of infringement of Article 19 of the ICCPR. Violence against journalists, media workers and media outlets, occurs almost throughout the territory. Although the Mexican government announced in autumn that special measures were on their way to address the situation, the number of "information black holes" are increasing throughout the country. President Calderon's crime policy has impacted negatively on the level of transparency and openness of his administration, on top of an ongoing repressive wave in the RTI laws at the local level, which are currently posing an imminent threat to full enjoyment of the right.

As the technologies of information and knowledge are consolidating as a tool of the Mexican audiences, public debates have been invigorated. Cases of corruption, discriminatory remarks by politicians and other public interest information were disclosed and discussed. We have witnessed the proliferation of incipient citizen journalism as way to surpass the generalized self censorship in some regions, the lack of pluralistic voices in mainstream media and the consequent scarcity of public interest information. The reform of the broadcasting public system is still pending in Congress together with the new law on telecommunications that still awaits approval after reaching political support and consensus from the major parties. It is our opinion that it will be difficult to enact a new law as the 2012 presidential elections gets closer.

The democratization process has not yet reached the media landscape or the legal framework for its operation. In fact, there has been a periodic eruption of alleged hate speech cases, attracting much attention. These have included homophobic discourses, discriminatory remarks against foreigners, indigenous people and disabled persons.

Specialists have noticed that public debate in Mexico is currently been driven by issues and not principles as it used to be. This has allowed citizens to confront the discriminatory patterns and models that have been traditionally invisible.

The adverse context for the exercise of freedom of expression and in general the rest of the fundamental rights shows of the pertinence of A19's work in Mexico, but at the same time demands a conscious evaluation of its impact to procure its sustainability.

## South America

At the regional level, we have seen an increasing interest in FoE matters in South America, especially concerning broadcasting regulations and internet use and governance. Many countries have revised or are in the midst of revising their legal framework in the area. Some of these countries have faced recent threats to their democratic institutions and, in a couple of cases, new media regulations have been seen by some as a strategy to impose disproportional restrictions to FoE. This is the case, for example, of Venezuela, Ecuador, Bolivia and Argentina. Deeper analysis of different theories and the social and political context behind these legislative reviews is essential to differentiate between legitimate and illegitimate initiatives, meaning between those that seek to improve pluralism and diversity in the media and those that serve specific political or economic interests.

In Brazil, Presidential and Congress elections were the main fact impacting on the country's political and economic agenda during 2010. Freedom of expression was a major topic during Brazilian general elections, involving candidates, media, courts and government. Electoral coverage by mass media outlets was perceived by many as biased and imbalanced, while politicians showed poor tolerance to public scrutiny. There were exchange of accusations between former President Luiz Inácio Lula da Silva and the largest media outlets in the country. Former President Lula seriously questioned the role of these outlets during the campaign and many outlets responded in turn, accusing the President of having plans to put in place laws and policies to restrict freedom of press in Brazil. In addition, court decisions on cases regarding equal opportunities for candidates in some cases amounted to censorship. In relation to freedom of information, the elections had a serious impact on the progress of the Rtl Bill currently under review by the Senate. Due to the focus on electoral campaigns, most bills that were not considered urgent suffered a halt in their legislative process. After elections, due to the new composition of Congress and its commissions, the bill continues to await designation of a new rapporteur.

The Ecuadorian democracy passed through hardships in 2010 when members of the armed forces and police rose up against austerity measures adopted by the government. At least 22 media professionals were injured during demonstrations. President Rafael Correa declared a state of emergency. The government assumed control of broadcasting outlets and issued an order according to which all private radios and televisions had to broadcast the news of Ecuador's public TV channel. Some private broadcasters have refused to comply with the official decision to only broadcast official content. The Ecuadorian Congress is currently holding consultations about different proposals for the revision of the country's media laws.

In Venezuela, as electoral results showed that the President would lose his qualified majority in the National Assembly, Chavez pushed for the approval of the Ley Habilitante (Enabling Law), which delegates to the Executive the power to sanction laws for a period of one year. According to the provisions of the Enabling Law, the president is given imprecise and ambiguous powers to intervene in nine important areas, including

international cooperation, and the regulations of the telecommunications and information technology sectors. The Venezuelan National Assembly has also approved a revision of the Ley Resorte (Law for the Social Responsibility of Radio and Television), in order to extend its application to the electronic media. This law applies to broadcasting, paid-for TV and the Internet. It prohibits all media outlets from issuing messages that may constitute "media manipulations aimed at promoting confusion among citizens or at altering the public order" or those that "ignore the authorities". The law also gives power to a non-independent commission to allocate frequencies and apply sanctions, including fines to those that do not broadcast the national anthem and to those that do not comply with obligations concerning dissemination of official messages. The latest version of the law also includes several new provisions concerning internet service providers, and in particular, it establishes the liability of internet service providers for the expressions of third-parties.

In Bolivia, the Law against Racism and All Forms of Discrimination passed in early October 2010 established sanctions on media organisations that print or broadcast racially discriminatory statements, even if made by third parties. Sanctions include withdrawal of operating licenses and possible jail time. The passing of this law gave rise to protests by media organizations, who considered the text of the law too restrictive and imposing a chilling effect on press freedom. A local think-tank / academic institution is currently drafting a new Law on Information and Communication Technologies at the request of the country's presidency, to be presented for public consultation before being submitted to Congress. According to local contacts, the government is also preparing a review of the Telecommunications Law and drafting a new law on audiovisual production.

## Europe

The democratic fervour of 2003-2005 in the region has died down, and democratic progress achieved through the colour revolutions in Georgia, Ukraine, and Kyrgyzstan has regressed. Perhaps out of fear of experiencing similar revolutions, authorities throughout our region have increased restrictions of their populations' rights, including freedom of expression. Such restrictions are likely to increase over the next five years.

There has been a marked decrease throughout the region in interest in Western structures. As Turkey's bid for EU accession remains at an impasse and Ukraine and Georgia's chances for eventual EU and NATO accession seem increasingly unlikely, governments and populations throughout the region have indicated a decreased willingness to implement political reforms in the hopes of eventually becoming part of these structures. Non-execution of decisions by the European Court for Human Rights has become a serious problem in the region, particularly in Russia and the South Caucasian states of Armenia, Azerbaijan, and Georgia.

Kazakhstan's success in its bid for the OSCE Chairmanship despite its poor human rights track record has fostered doubt throughout the region as to the body's seriousness about its human rights mandate.

As a result of the growing impunity for acts of violence, a pervasive culture of self-censorship has taken root throughout much of the region. Fewer journalists, civil society activists, and ordinary citizens are willing to criticise oppressive regimes in light of the high risks of doing so. Until the root causes of self-censorship are addressed, it will continue to permeate societies in the region.

In 2010, conflicts between human rights ideals and religious principles have continued to rise throughout the region. There has been a growing body of cases filed with the European Court for Human Rights regarding clashes between freedom of expression and freedom of religion and continued disputes among UN Member States surrounding the idea of defamation of religions.

Minority groups, especially LGBTT, Roma, refugees and certain religious denominations, such as Muslims and Jehovah's witnesses are unable to enjoy the right to freedom of expression, because of legislation specifically used against such groups, racist or stereotypical reporting, as well as their lack of access to mainstream media, and therefore their inability to voice their opinion or position.

As interest in, accessibility to, and capacity to use new media technologies continued to spread in the region, we can expect authorities to tighten their legal and political control of such technologies. New media, and specifically internet is now being scrutinized throughout Europe, and governments are slowly catching up - and legal regulation.

The emergence of social networking sites has allowed dissident groups to communicate with one another and to form online collectives. While many networking sites are blocked by authoritarian regimes they facilitate a quick, accessible flow of information. With the use of new media, nascent attempts at creating networks, 'virtual' coalitions and direct action are emerging throughout the region, whereas in areas where internet is not yet widely available, this is covered through sms. Another trend is the development of independent internet and satellite TV, such as the TV channel K+, which broadcasts independent news programs about Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, available through internet and satellite. The internet remains the most promising channel for dissent in the region. Independent analysis continues to show massive gains in the numbers of Internet users every year.

There has also been a significant shift to new, internet-based media. This is both because it significantly reduces costs, and because it allows for independent/ opposition media to by-pass the state, as throughout the majority of the region the big corporations are either owned or tightly controlled by the state, making independent media very difficult. Moreover, the growth of electronic media has changed the landscape for journalism in the region. There is a battle for the airwaves and internet bandwidth. Al-Jazeera, BBC, and now France 24 are all competing for viewers, just as Radio Moscow, Radio France and Radio Beijing fight for listeners.

The local and regional economy has been affected by the global economic slowdown although Russian media, predominantly state-biased, tends to provide an overly enthusiastic outlook for the Russian economy. Russia is said to be recovering at a decent pace, there is tight state control on resources and Russia does not welcome a lot of outside interference in its development affairs.

Countries in Central Asia, traditionally worse affected by unemployment and resulting poverty, have been arguably the hardest hit by the crisis. This was exacerbated by increasing regional state fragility and outbreak of violent conflict in Southern Kyrgyzstan.

In early April, tension between the government of Kyrgyzstan and opposition supporters over rising energy prices and official corruption, escalated into violent confrontations between security forces and protestors in several cities throughout the country. Violent protests in the capital Bishkek on 7 April reportedly left 85 people dead and hundreds injured. Opposition supporters took control of the Presidential administration on 8 April and a group of 14 opposition party leaders formed an interim government.

Central and Southern Europe has also been affected, and special attention should be paid to Kosovo, with rapidly developed state institutions and the ICJ verdict on its independence. South Caucasus's regional economy continued to be dominated by Azerbaijan's oil giant, and is currently affected by ongoing territorial dispute with Georgia's breakaway Abkhazia and South Ossetia. However Russia's relationship with Georgia has seemed to improve, as the border was re-opened in 2010 and trade links were slowly being re-established.

## Middle East

Looking back at 2010, it was difficult to predict that a wave of democratic protests and upheaval will shake the region to its bones in early 2011.

In Egypt, the renewal of the longstanding state of emergency was pushed through parliament for a further two years. Emergency powers continued to be used to clamp down on dissent. Some protests were dispersed using apparently excessive force. Political tensions were heightened by the recent illness of President Hosni Mubarak and questions about the succession to his rule, as well as the return to Egypt of Mohamed El Baradei, the well-known former head of the International Atomic Energy Agency, amid speculation that he may stand as a candidate in next year's presidential elections.

In Iran, even though the number of anti-regime rallies declined in 2010, the dissidents have continued to show their disagreements through such channels as the media and the internet. As a result, journalists, activists and bloggers have faced unfair trials, torture and lengthy prison sentences for criminal offences such as mutiny and disruption of public order. Since the 2009 elections, 216 political cases have been cumulatively sentenced to 1100 years in prison, with some individuals being sentenced to as long as 20 years jail. Another rising change is the resurfacing of executions of anyone called an 'enemy of God' and also a fast track version of the death penalty. Sadly, literally anyone can be dubbed an 'enemy of God' under the unclear current circumstances. An individual criticizing the ways of the regime can be executed simply because that individual has propagated false information against the government on the cyber space.

With no room for an independent traditional media, people have more than ever turned to the social media to voice their dissent, along with occasional street protests. Hence, a web crime unit has been established to reinforce internet censorship and fight cyber crime. This unit has reportedly raided homes, confiscated computers, tracked and blocked websites, and arrested bloggers who may be attempting to raise critical views.

In Iraq, deadly attacks including suicide and other bombings targeting civilian areas were carried out throughout the year, particularly in the run up to and following national elections held on 7 March. People were also targeted for their religious affiliation, their ethnic identity, their gender, or their professional or other activities, such as journalists and human rights defenders. Tensions also rose in the semi-autonomous Kurdistan Region in northern Iraq, where both independent journalists and supporters of a new opposition party that contested the elections against the two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), were targeted for assault, murder or other abuses.

## Goal One in 2010 - Improved global governance: Enhance the Right to Information in countries around the world, and amongst international actors

Under this goal, ARTICLE 19 sought to:

- deliver improved legislation, promoting the adoption and implementation of progressive access to information legislation and policies globally
- campaign for the right to information and increased transparency and accountability of governments, international governmental organisations and multi-nationals, building broad-based coalitions of actors both nationally and globally and supporting large awareness raising activities
- build civil society and government capacity to deliver and demand effective RTI policies and laws

Some of the main projects included at global level, the provision of legal analyses, amicus brief and UPR reports, and a Global FOI legislation Index. At country level, ARTICLE 19 planned to focus on strengthening the RTI legal framework or the practice of transparency in Kenya, Senegal and Nigeria, Mexico, Brazil, Bangladesh, Armenia, Azerbaijan, and Ukraine.

As the report demonstrates, the vast majority of these objectives were implemented, and a few more were achieved, including in Indonesia, Uganda, and Tanzania. We did not work on Armenia as planned while the Global FOI Index was initiated but will not be finalised before the end of 2011.

### **1. Protecting and enhancing legal and policy framework for transparency**

In 2010, ARTICLE 19 produced 10 legal analyses or statements regarding of laws or draft laws on right to freedom of information in countries including Iraq, Senegal, Ghana, and Kazakhstan. We filed an amicus brief in Azerbaijan in the case of *Public Association for Assistance to Free Economy vs. Baku City Executive Office* (Azerbaijan). On 19 November 2010, we filed a request with the Metropolitan police regarding the removal of the website *fitwatch* under the UK RTI Law and requesting a series of documentation related to the decision on the case. We will tailor our follow-up action depending on the response from the Metropolitan police. ARTICLE 19 also prepared twelve advocacy submissions/statements to national authorities and international and regional organisations, advocating for a stronger protection of right to information internationally and in target countries.

ARTICLE 19 organised three trainings on right to information for lawyers, public officials, civil society and journalists. On 29 and 30 July 2010, we gave a seminar on access to judicial information in *Albania*. The seminar trained future monitors of the Supreme Court of Albania on judicial transparency. From 3 to 5 December 2010 we organized three day training on RTI for Iraqi legislators (supported by the UNDP and UNESCO). The objectives of the seminar were to promote the adoption of a law on the right to information that meets international standards on RTI.

### **2. Africa: supporting the right to information at regional level**

ARTICLE 19 in collaboration with the *Economic Community of West African States* (ECOWAS) and the West African Journalist Association (WAJA) launched a regional initiative to develop a regional Protocol on RTI on the occasion of the WAJA Congress and strategic planning meeting held in Dakar in May 2010. The protocol aims to serve as a

model/blue print for the 15 countries members of the regional organisation. This partnership demonstrates the credibility of our work in the region. It will also strengthen and legitimise our advocacy work at national level within the ECOWAS region and beyond. In 2011, ARTICLE 19 will provide a first draft that will be discussed and revised by regional stakeholders.

A19 also contributed to the development of a continental model law and an explanatory memo on RTI in Africa with the *African Commission Special Rapporteur on FoE and freedom of Information*. The key impact of this activity was a resolution of the ACHPR in November 2010 to approve the development of the RTI model law.

### **3. Senegal: supporting the right to information**

At the end of 2009, ARTICLE 19 and its partner had organised a national conference on RTI, which resulted in the establishment of a national coalition to spearhead the advocacy work on ATI in *Senegal*. In August 4 and 5<sup>th</sup>, 2010 we organised in partnership with the forum civil a second consultation on RTI. The meeting was attended by PMs, members of regulatory bodies, anticorruption and media experts. The meeting examined the draft access to information law and made recommendations on how to strengthen the advocacy work and build a sustainable coalition. On 25 of August 2010, we held a working meeting with the Minister of communication who reiterated support and interest in the adoption of an RTI law in Senegal. ARTICLE 19 was requested by the Minister to assist with a briefing paper on the advantages of an RTI law to facilitate his work and argument in cabinet. The Director of Communication was designated by the Ministry to be the focal point on RTI and to work with ARTICLE 19 and Forum Civil to further sensitize key actors and get their buy in before the draft is submitted to cabinet.

### **4. Right to Access Information and Parliaments in East Africa**

ARTICLE 19 stirred up the hornets' nest by investigating parliamentary openness in East Africa under the project, Right to Information and Parliaments in Eastern Africa. Parliaments, quite inexplicably, have escaped public scrutiny yet they are the single-most important institutions that have encumbered us sometimes with ignoble laws some of which have been akin to necklaces of stone around the necks of groaning nations. The project made a comparative assessment of the extent of openness of parliaments to the citizens they represent-... We assessed how easily accessible parliamentary records are to the electorate with a view to show custodians of those records that proper communication can enhance the profile of the August House.

Key activities included research on access to information and Parliaments by sending information requests and follows up activities, desk review of existing legal and administrative codes promoting or hindering access to information, compilation of reports for Kenya, Uganda and Tanzania and a range of advocacy meeting promoting access to information in general and parliamentary accountability and accessibility in the three countries. The outputs of the project included three reports on Kenya, Uganda and Tanzania on access to information and Parliaments practice.

This project, allowed ARTICLE 19 to establish a lead role on a largely unchartered issue. It allowed us to understand better the reasons why it has been difficult to pass and implement access to information laws in the East African region. ARTICLE 19 has been given virtual space as a knowledge partner within the African Parliamentary Knowledge Network (APKN), where it is hoped we will influence future FOI legislation by offering our expertise and best practices in the legislative processes in Africa. The network is meant to support African Parliaments to effectively carry out their constitutional mandates, address the continuously emerging issues from modern and rapidly evolving societies and technologies as well as become active players of the African integration process. The

APKN intends to bring specialised expertise, skills and services to parliaments in Africa. Knowledge Partners are institutions, organisations, associations that, under the guidance of APKN Executive Committee, may bring to APKN members specific expertise and develop activities to deliver capacity building activities in the context of APKN Plan of Actions.

#### **5. Defending Right to information in Europe: Ukraine**

Throughout 2010, A19 advocated for the improvement of the FOE and FOI legal framework in Ukraine, in particular following the inauguration of the new President, Viktor Yanukovich. In January 2011, A19's and its partners' hard work resulted in the Ukraine Parliament adopting the new Right to Information Law for which ARTICLE 19 had advocated for a number of years.

One key activity related to RTI in Ukraine included a very successful panel-discussion in Baku on freedom of information, which was attended by about 30-35 participants, including representatives from all of the main Azerbaijani newspapers, several NGOs, the OSCE, as well as three Members of Parliament and a spokesperson for the Human Rights Ombudswoman's office. A19 interventions in Ukraine were evaluated in 2010 and demonstrated that stakeholders involved in our activities had gained the confidence to request information from government bodies, knowing that they have this right as part of the national legislation. Equally local government officials are now setting up ways to provide better access to information.

#### **6. Defending Right to information in Europe: Azerbaijan**

2010 marked the last year of a three year project defending RTI in Azerbaijan. The final activities carried out included a successful round-table on freedom of information, which was well-attended. ARTICLE 19 opened and closed the event, and highlighted the findings of the project and recommendations moving forward. Yaman Akdeniz, Associate Professor in Law at Istanbul Bilgi University and Director of Cyber-Rights.org shared his perspective on FOI in Turkey, and gave a live interview with Radio Liberty after the event. Arif Aliyev spoke on the "new relationship" between the media and information-owners. About 10-15 of the participants engaged in a robust discussion, many noting the need to develop an "information register" so it is clear to which public bodies citizens should turn for which topics of information. Throughout the year, local partners continued with the last trainings on the right to information, using the RTI manual developed by A19 and the Media Rights Institute at local level- with several TV/print media covering the regional trainings. A total of 10 such trainings were held throughout the project in different parts of Azerbaijan.

The project evaluation shows that these trainings have had a lasting effect. One editor of a local paper reported that where his staff previously would never send any information requests, since the training they sent 20 requests. Even though responses have been limited, they will continue to push for responses and insist on proper implementation of the legislation.

#### **7. Supporting RTI in Asia**

ARTICLE 19 organised an RTI workshop bringing together Asian and European RTI experts to look at RTI development and to facilitate greater collaborations between the two regions at the official side event of the 8th Asia-Europe Meeting (ASEM 8th Summit).

In addition, A19 has raised the lack of access to information in **Nepal** and **Burma** in the submissions to the UPR of the two countries, has given interview to the media on the subject of the draft RTI bill in Vietnam, and signed on to letter supporting adoption of RTI legislation in the Philippines.

### **8. Indonesia: Support to the newly enacted RTI law**

The Indonesia Freedom of Information Act (FOIA) was promulgated in May 2010. Despite having two years to prepare for the implementation of the Act following its adoption in 2008, most public bodies have yet to develop measures to implement the law. The National Information Commission, in particular, has limited capacities to raise understanding among public bodies of their obligations to provide access to information, as well as to provide oversight to the implementation of the law and dispute settlement. At this formative phase, ensuring the Commission has the capacity to fulfil their mandate and that public bodies understand the Act is critical to the effective implementation of the Act and the realisation of the public's right to information.

ARTICLE 19 sought to support the implementation of the new Freedom of Information Act (*Undang Undang No. 14 Tahun 2008 tentang Keterbukaan Informasi Publik*, hereafter FOIA) in Indonesia through two set of activities: (i) Establishing a partnership between ARTICLE 19 and the National Information Commission and providing technical assistance to the Commission through a range of trainings and meetings; (ii) Conducting a baseline assessment on access to public information in the province of East Nusa Tenggara (NTT) in partnership with the Tifa Foundation (see Goal 4).

Around 25 public officials working on information service provision in key ministries - including Ministry of Home Affairs, Ministry of Health, Ministry of Public Works, Ministry of Communication and Information, Constitutional Court, and National Archive - participated in the training. The trainees displayed visible improvement in understanding of FOI towards the end of the training. There was also a distinct improvement in their involvement and interest in the topic throughout the course. In addition, the Information Commissioners and their support staff also benefited from the training.

The main impact of ARTICLE 19 intervention has been the formation of a Network of Indonesian FOI officers and a mailing list to facilitate sharing of information and experiences. The establishment of the network was a great step forward, and there was visible enthusiasm in the group concerning this proposal. The Information Commission also announced the formation of a FOI Taskforce consisting of civil society representatives to support the the strengthening of FOI capacity among national and local public bodies. PATTIRO also started a blog for the Indonesia FOI Taskforce: <http://taskforce14.wordpress.com/>.

### **9. Brazil: A Informação é um Direito Seu! (Information is your right)**

The project carried out several activities focused on advocacy and training, the main ones are highlighted below:

- On World Press Freedom Day (May 3<sup>rd</sup>), ARTICLE 19, UNESCO, Transparência Brasil, and Transparência Hack co-organized a seminar on freedom of information and freedom of expression at the Catholic University of São Paulo.
- On September 2nd, GIRA Solidário and ARTICLE 19 co-organized a roundtable with scholars and representatives of civil society organizations to discuss the situation of the right to information in the Mid-Western region of Brazil.
- During elections, ARTICLE 19, Transparência Brasil and Associação Brasileira de Jornalismo Investigativo - ABRAJI requested candidates to the Senate to commit to the approval of the right to information bill if elected. Among the newly-elected Senators, 18 have manifested support to the current wording of the draft bill. On the International Right to Know Day, September 28th, ARTICLE 19 and Transparência Brasil released the summary of responses from Senate candidates on their positions on the right to information bill during a seminar at Getúlio Vargas University.

- On September 30th, 2010, ARTICLE 19 and Centro de Cultura Luiz Freire brought together over 30 organizations from Northeastern cities of Olinda and Recife to discuss how to enforce the social control of public policies.
- On November 23rd, ARTICLE 19 met with the OAS Special Rapporteur for Freedom of Expression in Rio de Janeiro and expressed its concern on the situation of indigenous peoples affected by the Belo Monte power plant.

In addition to this, ARTICLE 19 was invited to Rtl conferences in Venezuela, Argentina and Ecuador to discuss both the implementation of existing Rtl Laws and the adoption of new norms in countries that still do not have dedicated RTI legislation.

Some of the key outputs included: an information request to the Foreign Ministry requesting their official position concerning the current wording of the Access to Information Bill; an information request to the Education Ministry requesting data from a 2009 evaluation of all public schools in Brazil; a leaflet on the right to information addressed to companies / private sector; a radio spot promoting the right to information circulated to radios and news agencies; a report on freedom of expression and information and climate change in Brazil; a report on the situation of access to information on violence against women in Brazil

The main results of the project were undoubtedly:

- The approval, in April 2010, of the access to information bill by the Brazilian Chamber of Deputies;
- The public commitment by 18 elected senators to support the rapid approval of the right to information bill;
- Partners using access to information as an instrumental right to advance the protection of a number of human rights in different regions of Brazil, and the improved mobilization / articulation among freedom of information advocates in Brazil.

Despite the many successes of this project, we have learned that campaign and advocacy efforts to engage civil society actors not traditionally related to the freedom of information movements in the approval of a specific legal framework have only limited results. Organisations welcome and support an access to information law, but they won't actively and directly engage in campaigning for its approval. They will focus on how the right to information can help their work. They may even start advocating for the realisation of the right within their specific areas, but they won't engage in broader efforts for a new law.

### ***10. Mexico: Right to information Index***

In September 2010, ARTICLE 19 Mexico launched The Right to Information Index which reviews Mexican RTI laws (State level and federal) against a best practice benchmark. The Index confirmed that 17 local legislations out of 33 failed to guarantee the rights provided in the Mexican Constitutional provisions.

The index was well received by many relevant stakeholders such as academia, NGOs and RTI officials. ARTICLE 19 was contacted by 17 local assemblies requesting a legislative analysis in order to reform local legislation. Some local transparency institutes have agreed with the results and requested that ARTICLE 19 provides further orientation and training on RTI. Some of the key impact of this project includes:

- The Access to Information Law in the southern state of Yucatán incorporated the highest standards as advised by ARTICLE 19.
- The local legislation of Puebla, Veracruz, Morelos and Yucatán requested that ARTICLE 19 conducts advisory meetings with their technical staff in order to

determine which articles of the local law had to be amended in order to fulfill international standards.

- ARTICLE 19 also made a baseline document to push for the effective reform of the Federal RTI law. The main aspects of the document have been incorporated in the draft legislation by the chamber of Deputies.

### **11. Campaigning for RTI in El Salvador**

El Salvador was the last country in the sub-region which did not have a RTI law. After almost two years of intense campaigning by ARTICLE 19 and many other organisations, the President, Maricio Funes presented an initiative before Congress to enact the Access to Information Law. During the process ARTICLE19 played a central role providing information and in-depth analysis, as well as facilitating the exchange of information between Salvadoran organisations and other members of the Joint Action Platform. The passing of the law is the first step and there are many issues pending after that. The office of the President Funes, called ARTICLE 19 for permission to “cut and paste” parts of the A19 model law into the draft law prepared by the office.

### **12. Bangladesh: supporting the implementation of the law on access to information**

This was the final year of a three year project on access to implementation in Bangladesh. In Year Three, focus was placed on supporting the implementation of the law finally enacted in 2009. This support included training and capacity building of information officials. With the enactment of the law in 2009, the Information Commission (IC) got to a very slow start. In an effort to make some headway, A19 Bangladesh initiated dialogue with the IC and successfully negotiated A19 trainings. In September and October, over 200 mid to senior level designated officials from various ministries were provided with an intensive training on various aspects of the RTI Act 2009, duties and obligations and compliance to international standards.

ARTICLE 19 with its partner organisation Sushashoner Jonno Pracharavijan (SUPRO) and its network organizations continued activities for raising public awareness on the right to information (RTI) in project districts, during the year. The campaign included refreshers training on RTI; Rickshaw Rallies on RTI in 5 Districts; and School College Debates on RTI in 4 Districts.

- *Refreshers Training on RTI:* Twenty executive directors of local partners from SUPRO network were provide with day long training on RTI conducted by the A19 country director. The training focused on international principles and standard on RTI, various provisions of the RTI Act, and weaknesses in the law.
- *Rickshaw Rallies on RTI in 5 Districts/sub-districts:* During the year rickshaw rallies on RTI were organised in the districts of Comilla, Dinajpur, Kurigram, Khulna and Patuakhali. Participants included SUPRO’s focal points, civil society members, teachers and students of local educational institutes, representatives of local government, representatives of law enforcing agencies, local policy makers, local level public officials, cultural activist, development workers, rickshaw pullers and people from all walks of life.
- *School College Debates on RTI in 5 Districts:* 4 School/College debates on RTI were organised. Districts focal points, campaign organisers arranged the programmes. Topics for debate included ‘Only Right to Information can bring changes in grassroots peoples’ life’, “The Right to Information is a significant tool for combating corruption”, and ‘The Right to Information can bring significant change to the lives of farmers’.

According to the external evaluation of the project conducted at the end of 2010, A19 has made far-reaching contributions to the implementation of the RTI law and access to information, both at the demand and supply side through innovative methods and activities (such as school college debate and rickshaw rally). One of the uniqueness of the project has been in targeting and integrating youths in the RTI issues through specific events such as school/college debates, rickshaw rally, etc.

Working at the demand side, the project has reached over **52,000** direct stakeholders and over **853,000** indirectly, including partners, local NGOs and CBOs, campaigners, volunteers, journalists including grassroots level women journalists and public officials in project districts and national level, etc.

Early signs of success in relation to promoting the RTI Law include evidence of demands for information from vulnerable groups, campaign organisers, students seeking information from hospital and school authorities, district administration and women's affairs directorate, on issues of hospital budgets, widow's pension, shelter for the homeless, school immunization programme. Other signs include RTI Transactions taking place, emergence of active coalitions of information seekers and networks, action plans of CBO/NGO Alliances, and emergence of RTI champions and advocates and volunteers. Another positive impact of the project has been to forge an effective and trusted partnership with the Commission.

## Goal Two in 2010 - Create an enabling legal and policy environment for freedom of expression and press freedom

Under this goal, ARTICLE 19 sought to:

- Promote and contribute to media law reform and the legal protection of freedom of expression, with a particular focus on defamation, hate speech, and anti-terrorist laws.
- Promote freedom of information and expression through regional and international mechanisms

Some key projects included providing up to 25 expert analyses of national laws or draft affecting freedom of expression, in response to requests for support by local CSOs or media; launch 3 cases on FoE issues and 10 submissions to international/regional instruments, train up to 500 individuals so that they are equipped with FoE knowledge, develop policy paper on digital switchover and broadcasting legislation and advocate for legal reforms in a range of countries, including Senegal, Kenya, and Uganda, Bangladesh, Azerbaijan and Poland and Brazil.

As the implementation report below demonstrates, A19 implemented the majority of these activities, with the exception of those planned for Bangladesh (linked to the digitalization program of the government) postponed to 2011.

### 1. Global legal work

In 2010, ARTICLE 19 provided 13 specific analyses of laws and draft laws related to media, including broadcasting, defamation, new media and related FOE issues. Some of the countries covered included Kenya, the UK, Ethiopia, Moldova, Kazakhstan, Uganda and Somalia. We also reviewed and analysed 25 legal cases uploaded them on to A19 online handbook on media law.

We produced a set of standards on *Public Service Media Governance* that identified the key issues of PSM governance to be addressed by legislative regulation. We contributed a chapter on legal developments and trends on FOE and FOI in the Middle East and North Africa region.

Throughout 2010, we produced 16 advocacy statements and submissions to international and regional instruments on media and FOE issues.

With regard to ICT and social media, ARTICLE 19 produced three analytical statements related to *Wikileaks* and analysed the EU's **E-Commerce Directive** (within the EU consultation process) focusing on whether the Directive's rules regulating the liability of internet companies acting as intermediaries are adequate to promote ecommerce while protecting intellectual property and other rights. A19 called on the Commission to revise the Directive and require all EU Member States ensure a court decides on takedowns, instead of hosting companies.

ARTICLE 19 also produced a policy paper on **Public Service Media (PSM) Governance**. The document identifies the key issues of PSM governance and the international standards on freedom of expression and public broadcasting. The paper is aimed not only at media experts but also at public officials, advocates for reforms of public service media and everyone interested in the future of public service media. It identifies the key issues to be addressed by the legislative framework related to PSM and provides normative and

comparative criteria for legislative regulation. The examples in the guide can be used by legislators across the world.

ARTICLE 19 also organised 10 trainings for lawyers, civil society activities, media, public officials and human rights defenders on freedom of information and freedom of expression issues. We have organized these either independently or in cooperation with regional offices and some also in cooperation with international organizations, especially UNDP and UNESCO.

The impact of ARTICLE 19 legal analysis or statements was largely determined by the capacity on the ground to make use of the analyses.

- In Kenya, our analysis of the 2009 Communications Regulations of Kenya was incorporated to the final text of the regulations.
- In the UK, we were an important partner in drafting the *Libel Reform Private Member Bill* where we developed a section of the law.
- Our analysis of the *Draft Law on Freedom of Expression of Moldova* was extensively used by the OSCE in their discussions with the Governments.
- The Armenian Government accepted our proposal in the *Draft Laws amending defamation legislation in Armenia* and decriminalized defamation.
- Our three analytical statements of the freedom of expression issues in the Wikileaks controversy have been very influential. We have received widespread coverage of the analyses and we have been regularly asked for interviews and comments. The analysis was also used by international bodies such as the Council of Europe and the Special Rapporteur on Freedom of Expression of OAS, who used them as basis for their own statements.

## **2. Strengthening the legal framework for press freedom: Universal Periodic Reviews of Rwanda, Uganda and Kenya**

ARTICLE 19 participated in activities ahead of the submission of shadow and state reports on the Universal Periodic Reviews (UPRs) in Rwanda and the adoption of the review report on Kenya.

During the UPR state review of *Kenya*, ARTICLE 19 and its partners made a total of 150 recommendations. During the adoption of the working group report, Kenya voluntarily accepted 128 of those recommendations, postponed the consideration of 15 others and did not support 7 that were on same sex unions. However, by the adoption of the report in September 2010, Kenya delegation indicated that it had considered the seven recommendations.

ARTICLE 19 organised a range of capacity building sessions for civil society organizations on the UPR mechanisms in Uganda and Rwanda.

- In Rwanda, ARTICLE 19 organized and held advocacy meeting for non state actors in November 2010 to map out key human rights issues in the country, prepare an advocacy charter and sharing it out to key delegations. We participated in the preparation and dissemination of the advocacy charter to Embassies in Kigali and outside including Netherlands, Sweden, Germany, France, Japan, Switzerland, USA, Finland, and Norway among others.
- In Uganda, ARTICLE 19 organized a round table discussion on freedom of information and expression which brought together over 41 participants.

## **3. Strengthening the legal framework for press freedom in Uganda**

ARTICLE 19 also produced an influential Memorandum on *the Press and Journalist Act and the Press and Journalist (Amendment Bill) of Uganda*. Along with other factors and actors, it resulted in the restrictive law not being passed. ARTICLE 19 East Africa relied on the

analysis to engage in active advocacy that resulted in the proposal being defeated. The analysis was also very well received by local partners, international human rights organisations and the donor community in the country. For example, during the workshop on the law in Kampala in April 2010, Hon Justice Prof Kanyihamba commented: *"Yesterday, I received three documents, two of which were alarming. The first was entitled, Principles for a Bill to amend the Press and Journalist Act. The second was a draft Bill called the Press and Journalists. At first I thought that these two documents were a kind of a joke emanating from some previous authoritarian or dictatorial regime where the population had never heard of the words, democracy, freedom rule of law or freedom of the press. On closer examination, I discovered the documents originated from Uganda government. I was astounded. My political sanity began to return to its original position when I read the third document - analysis of the drafts from ARTICLE 19 Global Campaign for Free Expression. It turned out to be a critical and constructive memorandum on the two documents I had first read. This third document was a sobering relief to the internalisation of the first two."* We also received broad coverage of our analysis in the local electronic (TV & Radio) and print (monitor Newspaper).

#### **4. Strengthening the legal framework for press freedom and freedom of expression in Kenya**

ARTICLE 19 Eastern Africa participated in reform activities under the National Peace and Reconciliation Accord that ended Kenya's post-election violence in 2008. ARTICLE 19 presented its input to the monitoring process by engaging South Consulting on Agenda 1 and 2 of the accord with a focus on the restoration of fundamental rights and freedoms.

ARTICLE 19 and the National Cohesion and Integration Commission (NCIC) pulled together over 25 experts and 150 stakeholders from key national reform agencies, the United Nations, and civil society organizations to debate the values and limits of freedom of expression and regulations against harmful speech in Nairobi, Kenya. The conference that coincided with the launch of ARTICLE 19 Camden Principles in Kenya came on the heels of prosecutions against political leaders charged with hate speech and incitement to violence in the conduct of their campaigns against the proposed Constitution of Kenya. The Conference sought to move the acrimonious debates to a sounder international human rights basis, through a focus on Article 19 and Article 20 of the International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the African Charter on Human and Peoples' Rights. The conference created a platform for technical readings and debates on freedom of expression and its permissible restrictions under international human rights law. It also offered an opportunity to assess whether Kenyan hate speech regulations - particularly the National Cohesion and Integration Act, Section 13, Penal Code, Media Act, Kenya Communications Act and the Broadcasting Regulations adhered to international standards.

Similarly, ARTICLE 19 released a comprehensive analysis of the legal and administrative regime on hate speech in Kenya. In the analysis, it was established that the legal framework regulating hate speech in Kenya falls short of international human rights standards and raises serious concerns regarding the protection of the right to freedom of expression. The analysis examined the current legal framework on the regulation of hate speech. It showed that Kenya's existing laws on the regulation of hate speech go beyond what is required under international human rights law and have the potential effect of restricting legitimate forms of expression.

ARTICLE 19 also held talks with Internews as part of the ongoing efforts to shape up media matters in Kenya, especially relating to pluralism and diversity. We agreed to engage the Government to consider moving fast to ensure this is practiced. At the invitation of Internews, we participated in an open forum themed on Human Rights and the Media,

which gave us an opportunity to mingle and network with an array of partners working in the field of human rights and the Kenyan media. Dr Jeremy Sarkin, a South African human rights lawyer and the current U.N. Special Rapporteur on Enforced or Involuntary Disappearances addressed the meeting. Important contacts were made and we used the event to introduce the ARTICLE 19 work.

#### **5. *Strengthening the legal framework for press freedom in the Middle East and North Africa***

In 2010, ARTICLE 19 produced the main principles and text of the Law on Protection of Journalists in Iraq in partnership with the Iraqi Union of Journalists and organized training on protection of journalists in Iraq (with the IFJ and the Turkish Union of Journalists). The draft law received a great deal of attention on the part of Iraqi policy makers and journalists themselves. It also showed the need for ARTICLE 19 to produce standards in this area; we will consider developing model laws on journalists protection, especially following the countries that undergone transition or are in post-conflict situations.

In December, we produced two booklets in Arabic for Iraqi media lawyers and journalists. The first booklet, *Protection of Sources*, discusses various aspects of the right to protection of sources from the perspective of international law and offers guidance in nine hypothetical situation of what should be the argument in favour of the journalists claiming the protection. The second one, on *Defamation*, identifies existing problems with the defamation provisions in Iraq and provides international legal arguments which inform the responses of Iraqi media lawyers and journalists in defamation actions. It also provides possible defenses in 14 hypothetical situations.

ARTICLE 19 filed a third party intervention in high level case *President of the Intelligence Services vs. Alan Rusbridger and Gaith Salim Abd al Ahad* (“Guardian case”) - a high level defamation case in Iraq. The case concerned journalists working for Guardian who were sued for defamation, for an article published in April 2009 in the Guardian. The article quoted three anonymous members of the Iraqi Intelligence Services who alleged that the Prime Minister was running Iraqi affairs with a totalitarian hand, that the Iraqi government was close to the United States and that officials attached to the Iraqi national intelligence service were monitoring intelligence and military activities within the government itself. The journalists were prosecuted under the Saddam-era Publications Law for reportedly defaming the Prime Minister and the Iraqi Intelligence Services. The court had also asked the newspaper and the journalist to disclose the names and contact details of the three officers which the journalists refused. In November 2009, the first instance court ordered the Guardian to pay a 100m dinar (£52,000) fine to the Prime Minister. When the case reached the appeal court in Baghdad, ARTICLE 19 prepared a third party intervention. The amicus brief reviewed international standards for freedom of expression and argued that the court ruling disregarded well-established international law which guarantees the rights of the media to critically evaluate the activities of governments and their elected leaders. The appeal court subsequently considered the amicus and set aside the ruling after taking testimony from nine experts nominated by the IUJ. On 28 December 2010, the appeal court overturned the first instance ruling and decided that there had been no defamation or harm to al-Maliki. The Guardian was released from the obligation to pay the damages.

#### **6. *Strengthening the legal framework for press freedom in Brazil***

In 2010, ARTICLE 10 focused on coordinating civil society efforts towards a greater respect for freedom of expression in broadcasting regulation. Our activities included: Creation of the Sao Paulo Front for Freedom of Expression and Democratization of Communications with 48 formal participants and about 20 social organizations actively involved. We also organised 3 roundtables with community broadcasters and

representatives to discuss the legal situation of community radios in Brazil and their platform for the new broadcasting regulations under development by the Executive. We also held one roundtable with FoE advocates to discuss how to use legal strategies to address media concentration. As a result of our efforts, a draft bill regulating internet use and governance (Marco civil da internet) received more than 1700 comments during the public consultation. Based on these suggestions, a final bill will be sent to the Congress in 2011.

ARTICLE 19 held two strategic meetings with experts in communication and law to discuss the creation of a future Centre of Legal Reference on Freedom of Expression in Brazil. Concrete experiences presented during the meetings provided thematic priorities to the Centre and its framework.

In 2010, ARTICLE 19 took part in the Frente Paulista pelo Direito à Comunicação e a Liberdade de Expressão - a regional civil society group that discusses freedom of expression and communication policies. The group is now following up on the results of municipal, state and national conferences on communications. ARTICLE 19 reviewed and systematized all conference proposals to develop with partners a policy agenda for electoral candidates. Throughout the year, ARTICLE 19 took part in the Third Regional Preparatory Meeting for the Internet Governance Forum (IGF). A19's participation was essential to include FOE concerns in the discussions, as these tended to cover only technical issues. A19 highlighted the fact that there are legitimate limits to freedom of expression, including for the protection of other human rights. We clarified that such limits already apply, having as legal basis existing international treaties. Justice systems and international cooperation need to be adjusted to allow application of existing standards to the internet. These ideas were taken on board for further discussion by the South American Group to the Global Internet Governance Forum, which took place in Lithuania. On 16 November, ARTICLE 19, with UNESCO in Brazil, Ford Foundation and Konrad Adenauer Foundation, held the workshop Broadcasting Regulation: Building the Brazilian Model, in Brasília. During the event, 29 experts commented on regulatory standards around the world and how they could be adapted to the Brazilian reality. Participants pointed out that the main topics on broadcasting regulations to be addressed in Brazil are: content regulation, media concentration and social participation in the planning and drafting of broadcasting policies and regulation. A workshop report provides an overview of discussions and was published on-line. It will serve to base some of our future actions in this field.

### ***7. Strengthening the legal framework for press freedom in Mexico***

In Mexico, criminal defamation has been used by both officials and private individuals to hinder journalistic investigations. Following the litigation strategy to push for the decriminalisation of defamation, ARTICLE 19 legally represented a journalist who was arbitrarily detained, retained incommunicado and then accused of defamation by the Mayor of a village in the state of Veracruz. After consultations with ARTICLE 19, on 2 June 2010 the local executive branch of Veracruz presented a draft bill to the State Congress to decriminalise defamation. On 22 July 2010, the bill, which decriminalises defamation and regulates financial "damages" resulting from its misuse, was approved unanimously by the local congress. It conforms to international human rights standards, as it clearly is in line on forbidding prior censorship, setting limits on "damages" awarded, and insisting public officials prove actual malice when demanding compensation. The bill includes further notable solutions, such as the right to rectification and reply before condemnation<sup>3</sup>.

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<sup>3</sup> Press release available at: <http://www.articulo19.org/articulo/node/109>

## Goal Three in 2010 - Campaign against impunity and for the release of persons held for peaceful exercise of their right to Freedom of Expression

ARTICLE 19 planned a range of activities under this goal, including:

- To strengthen the safety of journalists and human rights defenders, particularly in Mexico and Central America (Honduras, Guatemala, Nicaragua and El Salvador), and Tunisia
- To strengthen its capacity and that of its partners to record, document and draw attention to cases of individuals who have been the victims of censorship or violence in Bangladesh and Kenya.
- To continue its campaign against criminal defamation and disproportionate and abusive civil defamation. ARTICLE 19
- To monitor and report FoE violations on China, Iran, Russia, Azerbaijan, Turkey, Central Asia, Belarus, Georgia, Iran, Burma, Yemen, Senegal, Gambia and Nigeria
- To continue its advocacy against defamation of religion, particularly within the United Nations, and
- To campaign for the wide use of the Camden principles seeking to achieve an appropriate balance between free speech and protection of equality and respect for differences.

As highlighted below, ARTICLE 19 implemented all its planned activities, and more, with the exception of the planned activities in Sudan (our project was cancelled by the donor).

### *1. Global protection work*

In 2010, ARTICLE 19 issued a number of legal statements on the protection of journalists including:

- UN HRC: statements on the protection of journalists in armed conflict, calling on the states to hold accountable all persons found to have committed abuses against journalists, prevent, punish and redress the harm caused by state or private actors, including unidentified armed groups, to journalists during conflict situations;
- PACE - report/ comments to the PACE committee on draft report on protection of sources, that highlighted issues relating to adequacy of national laws, Sanoma case, and surveillance of journalists.
- Statement on Human Rights Day on Human Rights Defenders, calling on governments to protect the freedom of expression of human rights defenders speaking out against discrimination and other human rights abuses (10 December 2010);

ARTICLE 19 monitored the situation of media in Uganda and together with international and national partners (the Committee to Protect Journalists, Freedom House, the Media Foundation for Western Africa, and the Media Institute of Southern Africa) issued statements on the deterioration of the situation. We held a press conference to denounce the physical attacks on journalists while in the course of their duties in Kenya during the referendum campaigns for a new Constitution and released a press release on attacks on journalists in Uganda.

ARTICLE 19 got directly involved in the protection of three journalists (Maseme Machuka, Robert Nyasato and Fred Moturi) who had received threats after they had covered a story on corruption allegations on Free Primary Education (FPE) involving the Minister for Education Prof Sam Onger. ARTICLE 19 worked with Frontline Human Rights Defenders

based in Ireland to rescue the three. We successfully secured support for Maseme Machuka who went into hiding outside Kenya.

In December, we produced two booklets in Arabic for Iraqi media lawyers and journalists. The first booklet, *Protection of Sources*, discusses various aspects of the right to protection of sources from the perspective of international law and offers guidance in nine hypothetical situations of what should be the argument in favour of the journalists claiming the protection. The second one, *Defamation*, identifies existing problems with the defamation provisions in Iraq and provides international legal arguments which inform the responses of Iraqi media lawyers and journalists in defamation actions. It also provides possible defences in 14 hypothetical situations.

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### ***2. Protecting journalists and press freedom in Kenya***

In addition to ARTICLE 19 active involvement in strengthening the legal and policy framework for press freedom in Kenya (see goal 2), ARTICLE 19 got directly involved in the protection of three journalists (Maseme Machuka, Robert Nyasato and Fred Moturi) who had received threats after they had covered a story on corruption allegations on Free Primary Education (FPE) involving the Minister for Education Prof Sam Ongeru. ARTICLE 19 worked with Frontline Human Rights Defenders based in Ireland to rescue the three. We successfully secured support for Maseme Machuka who went into hiding outside Kenya.

### ***3. Other activities to protect Journalists and Human Rights Defenders in Africa***

ARTICLE 19 held a training workshop in Nairobi on media law and freedom of expression for 30 lawyers, judges, prosecutors and state officials from **Ethiopia** and Kenya. This was held with support from IREX against the background of increasing restrictive laws being passed in Ethiopia to control civil society organizations and other human rights defenders coupled with a mounting sense of foreboding over Ethiopia government's commitment to freedom of expression. The training, emphasized the importance of concrete steps towards effective implementation of international freedom of expression obligations, as ratified by the Ethiopian government.

ARTICLE 19 monitored the evolving situation in **Guinea** and conducted a fact finding mission in early 2010, to support and complement the ECOWAS international mission. The mission report, launched in July, highlighted the attacks on freedom of expression, the right to information and made a number of recommendations for long lasting and structural solutions to ensure risks for occurrences of such clampdowns on media and abuses of FoE are minimised.

In November 2010, ARTICLE 19 mobilised Journalists to attend the **African Commission for Human and People's Rights session** and the NGOs forum and coordinated the first panel on FoE with journalists around Africa. ARTICLE 19 West Africa chaired the session. The event was covered by media around the continent and beyond. We took part in a high profile meeting with the Minister of justice of the Gambia to raise concerns over repression of the media in Gambia (murders, disappearances, illegal detentions and continue harassments and undue legal actions) and suggested key areas of reforms.

In November as well, ARTICLE 19 prepared and attended a high level panel discussion with the **African Union** and the Federation of African journalists on safety and security of journalists in Africa. ARTICLE 19 co organised and chaired the 1<sup>st</sup> panel discussion on FoE during the 48 session of the ACHPR and contributed to the draft resolution on safety and security of journalists in Africa

#### ***4. Protecting freedom of the press in the Middle East and North Africa***

We made a number of advocacy submissions to international and regional organizations, including:

- March 2010 - UN/Bahrain: Joint letter to Navanethem Pillay, United Nations High Commissioner for Human Rights, about ongoing violations of freedom of expression in Bahrain, concerning harassment, prosecution, indictment and imprisonment of human rights defenders in the country.
- Morocco: we signed the joint statement calling on the Morocco government to stop politically-motivated prosecution of journalists, particularly the cases of Taoufik Bouachrine, managing editor of the daily "Akhbar Al-Youm" and Ali Amar, former managing editor of the suspended weekly "le Journal Hebdomadaire" (28 June 2010).
- Egypt: we signed the IFEX statement asking for charges to be dropped against prominent Egyptian human rights activists and blogger (26 August);

ARTICLE 19 led an international fact-finding and monitoring mission to **Tunisia** in April 2010. Meetings were held with human rights advocates and defenders, journalists, former prisoners, lawyers, judges, academia, trade unionists to investigate detention of Tunisian prisoners of opinion, the use of administrative sanctions to punish dissident views and the obstruction of the emergence of an independent judiciary. The fact-finding mission to Tunisia was the first milestone in the activities of the international press freedom organisations (The Tunisia Monitoring Group) after a gap of three years. It was the seventh TMG mission and was deemed to have resulted in the "most comprehensive" report of the group so far by members - both broadening its reach to new elements of Tunisian society and covering impediments to judicial independence more thoroughly than ever before. The 32-page report, available in English, French and Arabic, was launched in Beirut in June at the Arab Free Press Forum, in an effort to attract attention from hundreds of journalists across the MENA region. It highlights and documents recurring cases of harassment, surveillance, and imprisonment of journalists and human rights activists, the potpourri of administrative sanctions used to limit the already narrow alleys of freedom and the ploys used to hinder the emergence of an independent judiciary all point to Tunisia's dismal human rights record.

#### ***5. Protecting free expression in Iran***

In 2010, ARTICLE 19 continued the implementation of its project which seeks to raise awareness of Iran's censorship structure, support Iranian civil society to network and campaign against censorship, especially online, and encourage and support civil society activism to diminish self censorship. The project's main tool and output is a bilingual English and Farsi website and blog called the Azad Tribune.

In 2010, we continued to regularly monitor the situation in the country and produced an updated database of harassed and detained individuals to inform campaign actions - the programme tries to monitor the arrest and sentences of any individual in Iran who is detained on grounds related to free speech/information. In 2010 alone, our database showcased 182 individuals who experienced detention.

On 19 March 2010, Azad Tribune posted an exclusive article written by Shirin Ebadi where she explores how political, economic, legal and social factors contribute to the denial of free expression and access to information. On 3 May 2010, we held an exclusive interview

with Maziar Bahari, a Canadian-Iranian journalist who was arrested for 9 days after the controversial 12 June elections. In his interview, Maziar Bahari described his ordeal, the current situation in Iran and the recent threats against him and his family.

We also established a parallel Facebook page in Farsi and English to compliment our work on Azad Tribune enabling members to share campaign ideas, experiences, opinions and post articles and reports of violations.

ARTICLE 19 also introduced and shared two ways to get around internet censorship among users by introducing softwares and tools on the website. We also produced a number of press releases, alerts, statements, and petitions condemning the ongoing violations of freedom of expression issued.

In conjunction with the anniversary of the 2009 controversial presidential elections, ARTICLE 19 joined with Amnesty International UK, Human Rights Watch, Exiled Writes Ink, International Campaign Against Violence in Iran, One Million Signatures Campaign, and United 4 Iran in a week of events (12<sup>th</sup> June to 18<sup>th</sup> June). Over the course of the week, the events had more than 300 Iranian and non-Iranian participants who sought to exert pressure on the government of Iran and to express concern about the ongoing violation of human rights in Iran by raising the awareness of the international community

The impact of our interventions is difficult to assess and probably best described as amounting to planting one amongst many seeds that eventually will bring about much needed changes in the country. Still, a few indicators may be highlighted. The online network of individuals using and sharing information provided to campaign against censorship in Iran, and discussing FoI/FoE issues in Iran is very active and growing and feedback from bloggers indicate that they feel empowered. The organisations working on Iran have worked well together and they are becoming more effective in advocating. The Azad Tribune had 8676 visitors from 106 different countries in 2010, including 1711 from Iran from 62 different cities. Furthermore, 535 visitors have checked the website between 10 and 100 times.

#### ***6. Protecting media workers and human right defenders in Asia***

2010 saw the release of honorary board member, **Aung San Suu Kyi**, and the creation of a new constitution and elections in Burma. While ARTICLE 19 heartedly welcomed Suu Kyi's release, we also focused on a programme of work to pressure the international community to reject the elections as unfair and not free. Statements and letters included: 'Burma: Aung San Suu Kyi Calls Upcoming Elections Illegitimate', 'Burma: Final Condemnation for Upcoming Elections as NLD Ceases to Exist as Political Party', 'Burma: Elections Without Free Expression', and 'Burma: Aung San Suu Kyi free'. ARTICLE 19 also delivered an official submission to the UN Office for the High Commissioner of Human Rights on the situation in Burma. The submission formed part of the review documents for the Universal Periodic Review, a four-yearly UN Human Rights Council mechanism to hold governments accountable. The submission was well received and ARTICLE 19 analysis formed a significant part of the reports written for the review.

A19 also campaigned for **Le Cong Dinh (Vietnam)** and participated in joint statements campaigning for justice for the victims of the **Maguindanao massacre** in southern Philippines. Other key outputs of ARTICLE 19 interventions included the **Cambodia Freedom of Expression Report**, Amicus brief for constitutional review of the defamation of religions law, 2 submissions for UPR of **Burma and Nepal** which covered issues on FOE and press freedom and around 11 press releases and statements. All key messages in ARTICLE 19's submissions to UPR of Burma and Nepal were raised by country delegates during the reviews and included in the OHCHR report. ARTICLE 19 was the only European

organisation invited to speak at the **Vietnam-EU workshop** on the press and media. Most importantly, thanks to the advocacy by a number of national and international actors, book banning law in Indonesia was ruled as non-constitutional

ARTICLE 19 can play an instrumental role in supporting domestic campaigns and raising FOE issues in specific countries at the international level. By establishing good partnership with a number of national human rights organisations, ARTICLE 19 can extend its influence in the region. Successes at the UPR of Burma and Nepal also demonstrated that advance planning and good team work could yield positive outcomes with minimal resources.

### **7. *Protecting media freedom and human rights work in Europe***

ARTICLE 19 activities in Europe focused on Russia, North Caucasus, Azerbaijan and Central Asia.

In **Russia**, together with partners MMDC and CMRP, we held a conference in Moscow in February bringing together over sixty media, civil society and human rights representatives from the North Caucasus together with leading Russian NGOs to discuss joint actions for improving the state of freedom of expression in the North Caucasus. The high level of expertise and authority of many of the participants allowed for an exciting, professional debate, and as one of the participants acknowledged, the conference was a rare opportunity for such a discussion, which had only taken place once or twice in the last two years. In February 2010, ARTICLE 19 and its partner won a case of unfair dismissal on behalf of the editor-in-chief of the municipal newspaper *Golos Vremeni*, in the Novolakskii district of Dagestan. The case was widely publicised in the regional press and included in the digest of the Glasnost Defence Foundation.

In **Azerbaijan**, ARTICLE 19 was a lead international actor in protecting freedom of the press and journalists. Some of the key activities included the launch of the report, *Living as Dissidents: Freedom of Expression in Azerbaijan*, in Baku on 10 September. The event was a notable success. It was attended by approximately 40 journalists and other media workers, family members of imprisoned journalists, civil society activists, representatives of political parties, and representatives of the Baku-based international community. Participants engaged in a robust debate on the issues contained in the report, and were particularly interested in the report's angle, focusing on broader freedom of expression issues, rather than only media issues. It was clear that many participants had not previously considered cases of violations of freedom of political expression as freedom of expression issues, and the report and launch event planted the seeds for greater solidarity between the media, human rights, and political communities in Azerbaijan by introducing a common ground. The report and launch event attracted a good amount of domestic media coverage, including an extensive piece by the Voice of America's Azerbaijani service and an interview with Rebecca on online Azerbaijani TV station Obyektiv TV.

ARTICLE 19 also led a successful joint freedom of expression mission to Azerbaijan with eight other NGOs from 7 to 9 September 2010. The mission has been a great success in terms of cementing the relationship between the participating organisations in the context of the International Partnership Group for Azerbaijan; and making a notable impact domestically, providing support for those working to promote and protect freedom of expression in the country, including victims of freedom of expression abuses and their families. The mission attracted widespread media coverage, most notably in getting a story in the Association Press. We likely influenced the Azerbaijani authorities' decision to release bloggers Adnan Hajizade and Emin Milli from prison on 18 and 19 November respectively. Our lobbying efforts resulted in the inclusion by the Council of Europe Committee of Ministers of imprisoned journalist Eynulla Fatullayev's case on the agenda for its human rights meeting less than two months after the case became final. We also

influenced a number of delegations to take the floor on Fatullayev's case during the meeting, resulting in a strong Committee decision calling for Fatullayev's release. We have developed a strategy for further joint advocacy work in 2011.

On 16 September 2010, we held a successful event, a conference on **impunity for killings of journalists in Ukraine, Belarus and Russia**, to mark the ten-year anniversary of the disappearance and killing of journalist Georgiy Gongadze. The conference had a regional perspective, focusing on the situation for journalists in Russia and Belarus, as well as Ukraine. It was well attended, bringing together more than 70 experts, journalists, government officials, and representatives of international organisations, who discussed new ways to fight impunity for the killings of journalists. The conference received a good amount of domestic media coverage, including an interview with ARTICLE 19 on national Ukrainian television station, Press TV. The event enabled the participants to establish links with others working on similar issues in their own countries and regionally, and provided a good foundation for future project activities. It also furthered A19's reputation as an international expert on freedom of expression in Ukraine.

We also started to do more work on use of social media in freedom of expression in **Ukraine**. In December 2010, we held an advocacy workshop with 20 Ukrainian NGOs, journalists, state officials and social media activists, in order to share experience on advocacy via social media in Ukraine and abroad, point to the opportunities for online campaigns for freedom of expression, and explore ideas for a policy paper on the use of social media for protection of freedom of expression in Ukraine. This work was done in cooperation with Internews, Kyiv-based. The meeting was also attended by the member of the Ukraine Parliament, Vesna Oborets. The workshop was positively received by the participants who in their responses in the assessment questionnaire participants said that they obtained useful information on advocacy, freedom of expression standards, and how social media can be used for advocacy.

Other envisaged outcomes include the identification of the immediate needs for social media-based advocacy for freedom of expression and areas for future intervention of international and national NGOs in Ukraine, including types of specific assistance and target groups, and the creation of a network of activists, journalists and NGOs to campaign via social media for freedom of expression issues. The first of these two outcomes will be achieved with the production of a policy paper on the building of a social media network and platform for debate and advocacy of freedom of expression in Ukraine

#### ***8. Defending media workers in Brazil***

ARTICLE 19 is a member of the steering committee of ABRACCI, a Brazilian network of organisations fighting against corruption and impunity. An important output was a letter to President Lula requesting a Conference against corruption and impunity. On 8<sup>th</sup> December 2010, a decree by President Lula summoned the 1<sup>st</sup> National Conference on Transparency and Social Participation (Consocial), to be held in 13-15 October 2011, in Brasilia. The work of ABRACCI is in a very initial phase, but it has already proven itself as an important space to collect information and document cases of corruption whistleblowers (many of whom are journalists) facing threat and violence. The network has connected us to activists working at the municipal level and in the countryside, normally in remote and small towns. This will serve to allow us, in the future, to develop projects concerning the security of these human rights defenders. ARTICLE 19 has also reported on important freedom of expression threats, especially those related to court decisions, such as the recent Falha de Sao Paulo case, where a blog was removed from the internet for parodying a major newspaper.

#### ***9. Whistle blowing on the regressive threat of RTI Laws in Mexico***

Through the *Colectivo por la Transparencia*, we received 15 urgent messages from local organizations pointing to specific examples of violations of the RTI. From those cases we issued 10 alerts and litigated 3 cases. ARTICLE 19 researched and launched an in-depth analysis on the lack of sanctions of public servants who have breached the Access to Information Law. The document exposes a huge discrepancy between the sanctions identified by the IFAI and the actual number of sanctions distributed by the Secretary of Public Function. This issue remained unknown to the public until the information was released by ARTICLE19, the IFAI. The Secretary for Public Function is now under tremendous pressure to explain why more than 80% of the violation to the RTI Law remained unpunished.

#### **10. Protection of media workers in Mexico**

ARTICLE19 was the first organisation in the country to propose a protection mechanism for journalists back in 2008. We gained the support of both national and international organisations. After almost three years of intense advocacy and campaigning activities, the Mexican government announced the creation of a mechanism that will protect journalists from increasing targeted violence with sufficient resources and the support of the EU Embassies. The mechanism will assess journalists at risk and define prevention and protection measures on a case-by-case basis. We are now preparing to assist the government in the design of the operational guidelines and setting an access to information monitoring system.

A cornerstone in our national strategy is to provide legal protection, advice and/or legal representation on freedom of expression violation cases. A19 is filling a gap that needed to be urgently addressed, as more that 95% of the cases do not reach the courts due to lack of political will or incompetence of the authorities in charge of the investigations (*ministerios públicos*).

In 2010, ARTICLE 19 continued litigating cases of violations to the right to freedom of expression of those exercising journalism under three levels of intervention: legal representation, counselling and immediate legal defense.

Throughout the year, we documented, coordinated, prepared and filed lawsuits and evidence and followed up on criminal investigations in order to denounce crimes committed against journalists or demonstrate the innocence of a journalist that has been accused of a crime of defamation for exercising their right to freedom of expression. ARTICLE 19 took on the legal cases of 27 journalists and 10 media outlets under its litigation project. Some of the key dimensions of our work included:

- As part of the legal counselling and immediate legal responses, ARTICLE 19 played a key facilitation function by ensuring that the journalists victims of aggressions or the families of those “disappeared” or killed, were able to access their files and obtain information regarding the state of the investigations for the first time in the whole process. The authorities previously denied them access to the files.
- ARTICLE 19 presented a joint request of 8 local and national media (similar to a class action suit) before the Inter American Commission on Human Rights (IACHR) for precautionary measures. This is the first request of its kind by a group of media presented before the IACHR.
- After the National Human Rights Commission granted precautionary measures for Simon Tiburcio and the journalists and witnesses in Alvarado case, the Judge in charge of Tiburcio’s case, opened an incident file - a judgment inside the main judgment - and issued a judicial decision regarding the journalists and witnesses

protection. By so doing, the Judge raised a non-binding recommendation by the National Human Rights Commission, to the level of a judicial decision ordering the State General Attorney and the Local Secretary of Public Security to take all the necessary actions to protect the beneficiaries of the measures. This is the first decision of its kind and it will serve as a precedent on precautionary measures matters.

- ARTICLE 19 requested Lydia Cacho's file (27 volumes) from the General Attorney's Office. When the request was denied (as was projected), we were then able to present an *Amparo* to repeal a recent reform which denies access to a complete judicial file and thus flagrantly violates the right to information<sup>4</sup>. The Judge ruled in favour of ARTICLE 19, thus allowing us to access the 27 volumes, which had been previously denied to Cacho's former lawyers by the Attorney General Office while the Supreme Court conditioned their access to no less than two years and after a payment of approximately 10,000 USD.

The key achievements of our work in Mexico in 2010 included:

- The decriminalisation of defamation in the state of Veracruz;
- The reform of the federal body responsible for protecting journalists and the establishment of the new institution: the Special Prosecutor Office on Crimes against Freedom of Expression (FEADLE);
- Close work with the *Ministerios Públicos* (in charge of the investigations) so as to provide witnesses and victims with an adequate environment (legally, safety and psychologically) thus, contributing to guarantee the free flow of information and a fair trial.

After various calls from international and national organizations, on July 5<sup>th</sup>, the Mexican Government announced the restructuring of the Office of the Special Prosecutor for Crimes against Journalists (FEADP), now called the Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE). This is a first step in the right direction, but still insufficient to break down impunity as the FEADLE's mandate to investigate continues to be limited, ambiguous and clearly insufficient. The Special Prosecutor formally requested ARTICLE 19 to provide comments on a protocol to investigate assassinations of journalists.

Following ARTICLE 19's intervention, the FEADLE reopened the files of aggressions of journalists, including the case of Lydia Cacho and some of the disappeared journalists. As we are regularly monitoring their cases, the *Ministerios Públicos* are forced to carry out the investigations with due diligence, without dismissing cases or putting them "in reserve" before they even reach the courts. They are also taking into account the fact that the crime involved violation of the right to freedom of expression.

Following ARTICLE 19's intervention in the case of a disappeared woman journalist, the media outlet where she used to work contacted us when another journalist disappeared. This enabled ARTICLE 19 to immediately issue an alert and to contact the authorities at

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<sup>4</sup> *The reform flagrantly violates the right to information, and strengthens the impunity which reigns in the country, by rendering legal files regarding all legal investigations indefinitely secret, with the sole exception of decisions not to prosecute, which may only be released after a period equal to the statute of limitation for the crime, or up to 12 years. The reform also violates the principles of legal certainty and security, insofar as a victim may not be informed of the bases and motives for a failure to prosecute for many years.*

local and federal level in order to initiate and speed up the search, localization and investigation. This set the precedent for the FEADLE to issue search and localization alerts of all those missing journalists all around the country and follow the same procedure in case of another disappearance.

ARTICLE 19 has increased its profile through the release of statements, press releases, open letters and other tools of communications. ARTICLE 19 is currently exploring the technologies of communication and information: we have more than 1,300 followers on Twitter and Facebook respectively; we have a blog (Anticensorship) in the website of the largest newspaper in México, El Universal. All these tools are allowing us to gain more control over the timing and content of the information we want to deliver, we are now not only a source of opinion but also of information.

### ***11. Protecting media freedom in Bangladesh***

ARTICLE 19 established a countrywide network of 10 journalists who tracked and reported incidents of censorship and violent attacks against journalists. This network also serves as a first point of contact for local level support and solidarity. They also worked with local female journalists to document silent voices; they record each incident using a customised checklist which is then shared in regular meetings with other trackers

The regular monitoring of individual cases allows us to identify patterns of attacks. In particular, we found that journalists who work for a newspaper are the most likely to be attacked (as compared to other kind of media), and that the attack is likely to be more direct and severe at local level. National newspapers are more prone to indirect attacks against the editors and publishers. Attacks are significantly more likely to occur after a report has been published rather than when investigation is taking place. The most common forms of censorship are threats, physical assaults, false accusations, and destruction of physical property, all of which leave the journalists fearing for their own safety. When examining issues pertaining to female journalists, the ARTICLE 19 monitoring network concluded that censorship attacks discouraged women from working as investigative journalists. It also identified recommendations including increased protection to newspaper journalists after the publication of a controversial article, especially against extortion; organizing reporters to take a stand against censorship; and encouraging news organizations to develop strict sexual harassment policies to protect female journalists. The ARTICLE 19 network has also proposed to put together a journalists' charter of safety against attacks. The initiative is still at its early stages and would require further financial and capacity building support for it to develop into a fully fledged project/programme that could provide a sustainable platform for journalists to predict, record, document and draw attention to cases of attacks and censorship and advocate for journalists' safety and security.

### ***12. Defending women journalists in Bangladesh***

The Grassroots Women Journalists Fellowship Programme introduced by ARTICLE 19 in 2009, awarded fellowships to 12 grassroots female journalists working at the district and upazila (sub-district) levels of the country. They were each provided with a stipend for three months to produce and publish investigative reports on access to information, development and human rights issues relevant in their own districts. ARTICLE 19 in conjunction with the journalism department of Dhaka University conducted an orientation on investigative journalism including definitions and concepts, process of developing an investigative report, the goals and objectives of A19 fellowship and terms and conditions of the fellowship.

The 2010 fellows and their selected topic of work included: Gas Crisis and its impact on day to day life: Ishrat Jahan; Dhaka Medical College Hospital and Services: Imrana Ahmed;

Women in Decision Making, post`90's: Kanchan Rani Das; Brickfields and their impacts on people in Bogura: Salina Sheulee; Ship Breaking Industry and relevant issues in Chittagong: Ismat Marjida Eti; Livelihoods of Snake Charmers of Bhatpara, Jannatul Ferdous Panna; Sirajganj Embankment: An Investigation, Shamsunnahar Nre Elahi; Application of Fishing Laws in Borguna: Tajmun Nahar; Hindu Marriage Registration, Smriti Chakrabarty; Destruction of Lalmai Hills: Yasmeen Rima; Gas Recovery Contracts with multi national companies, Banani Mallick; Causes of low literacy in Kurigram: Laili Begum.

The 12 reports were published in newspapers and the reporters have become champions of human rights and advocates of freedom of expression. They investigated and unearthed stories of violations of rights, discrimination, deprivation and marginalisation due to extreme poverty. They reported on lack of access to information, education and public services. These reports have caught the attention of policy makers, authorities and MPs, government and the community, in some cases there has been corrective measures that have improved the lives and livelihoods of poor people and public service users, particularly in relation to health and education.

Selina Sheuli, while investigating the negative affects of brick fields in the district of Bogura, found that carbon emissions from the fields were having devastating effects on the communities. She highlighted that the brick fields were operating in violation of the provisions of the Environment Act. Local communities organised and were able to bring the owners of the brick fields to the negotiating table to take some corrective actions; the Directorate of Environment became involved to ensure the factory owners complied with the regulations.

When Imrana Ahmed's report revealed that there was no information desk at the capital's largest hospital, Dhaka Medical College, it raised a furore amongst doctors and the hospital's administration. Her report highlighted the sufferings of all patients, in particular poor patients seeking treatment at the hospital as they were captive in the hands of professional dalals (brokers), who exploited their inability to access information relating to the services offered by the hospital, costs involved and availability of doctors. Since the publication of her report, in a post visit she found that the authorities are in discussion of putting out a comprehensive citizen's charter at the main entrance of the hospital and in other appropriate parts of the hospital;

### 13. *Protecting the freedom to create*

In 2010, ARTICLE 19 continued to monitor violations of artists' right to free expression and created public awareness through six *Artist Alert* newsletters. The Alert remains one of the most popular ARTICLE 19 outputs with a regular readership via our mailing lists. Because of the Alert, we were invited to take part in an international conference in Canada, bringing together the arts and human rights communities. The result of the conference was the creation of the International Coalition for Arts and Human Rights, [www.artsrightsjustice.net](http://www.artsrightsjustice.net), which has 17 member networks from every region of the world, and in which ARTICLE 19 is one of the three organisations in the steering committee. The Coalition, which applied for start-up funding in 2010 from the EU, has already begun to campaign, including work on Belarus and Guatemala. Robert Palmer, Director of Culture for the Council of Europe, in a long letter to the Coalition regarding the situation for artists in Belarus, stated: *"As far as artists and cultural organisations are concerned, the situation in Belarus will be a key issue for Culture Watch Europe; we will try to monitor what is going on ... Be assured that many of us are still reading emails, and doing what we can."* In 2011, ARTICLE 19 will strengthen the Coalition and begin to utilise the new network to advocate for more protection of artists.

## Goal Four - Protect, strengthen and promote vulnerable, marginalised and excluded communities' freedom of expression and access to information particularly with regard to social services like health and education

ARTICLE 19 planned a range of activities under this goal, including:

- To build on its achievements to date in this area - recognized as an ARTICLE 19 cutting edge contribution to partners around the world - with a specific focus on indigenous communities in Mexico, women in Africa and the Middle East, and people affected by global climate change in Bangladesh.
- To create an enabling environment for the realisation of human rights, including the right to health in Nigeria and Kenya, the right to a clean environment in Bangladesh, the right to equality for LGBT in Turkey.
- To promote the ARTICLE 19 Camden Principles on equality and freedom of expression, and set standards on freedom of expression for people with disability.
- To bring the RTI perspective, importance and use into climate change debate through a new position paper.
- To develop a Progressivity Index on Access to information laws, and provide policy and legal inputs, in the form of 10 expert analyses, in response to requests for assistance from local CSOs, and strategic litigation support.

As highlighted below, all the planned activities were implemented. The one exception was the proposed objective regarding the right to equality for LGBT which was implemented on a generic and global fashion rather than with reference to Turkey.

### ***1. Protecting the rights of minorities and equality through freedom of expression: defamation of religion***

ARTICLE 19 continued to lead global efforts and work on the relationship between the right to equality and freedom of expression. One particular focus of our work has been on defamation of religion.

ARTICLE 19 analysed two UN Human Right Council Resolutions on “combating defamation of religions” and on “vilification of religions” which has been circulated to the Organisation of Islamic Conference. We argued that the term vilification of religions’ is even broader than ‘defamation of religions,’ that it will have far reaching negative implications for freedom of expression and that, if adopted, it will provide international support to national laws on blasphemy and defamation of religions which are often used by repressive states to silence religious and political opponents, government critics, dissidents as well as religious minorities and critics of religions.

To support the analyses, we issued three advocacy statements related to defamation of religion, one of which was a joint statement with our main partner, the Cairo Institute for Human Rights, urging UN Member States to Vote Against Proposed Resolution on defamation of religion and Vilification of Religions. We also advocated in person at three sessions of the UN HRC (March, June and December) against the resolutions, supported the work of the Special Rapporteur on Freedom of Opinion and Expression, and held a large number of bi-lateral meetings with national delegations and partner organizations.

ARTICLE 19 filed amicus briefs in two high level cases, one in March with the Indonesian Constitutional Court in the case of judicial review of the Law Concerning the Prevention of

Religious Abuse and/or Defamation. The brief provided an argument on why the law goes against international freedom of expression standards as well as legally binding provisions on freedom of religion and equality and provides a comparative overview of international and national jurisprudence. The brief was joint with Amnesty International, Cairo Institute and Egyptian Initiative for Personal Rights. Unfortunately, the Constitutional Court upheld the Law in May.

The other was filed with the European Court of Human Rights in the case of *Yuri Samodurov and Lyudmila Vasiolovskaya vs. Russia*. The case concerned two Russian art curators who organized an exhibition, in January 2003, called “*Caution, religion!*” in the exhibition hall of the Sakharov Museum. A group of self-professed Orthodox believers broke into the exhibition hall and destroyed a significant number of exhibits by tearing them down or daubing them with spray paint. At the same time, a member of the Parliament for the Communist Party filed a criminal complaint against the two curators, concerning the anti-religious nature of the works that had been exhibited. She claimed that the exhibits had offended the sensitivities of religious believers, incited religious hatred and undermined respect for religion. After lengthy proceedings, the two curators were found guilty of incitement and were fined 100,000 Russian roubles (approximately 3,000 EUR) each. The sentence was in 2005 upheld by the appeal court. ARTICLE 19’s intervention focused on the degree to which freedom of expression may be restricted in order to protect individuals and groups against incitement to religious hatred and also provided comparative jurisprudences on the subject. The proceedings are still pending with the European Court.

ARTICLE 19 organised a number of events on FOE and equality. Particularly noteworthy were:

- *Event in the House of Lords*: on 25 March 2010, we hosted a panel discussion in the British Houses of Parliament to explore the balance between the right to freedom of expression and the right to equality. The debate was hosted by Lord Anthony Lester, QC, who is a well-known human rights barrister and a long-standing associate of ARTICLE 19, and chaired by Agnes Callamard, ARTICLE 19’s Executive Director. Other panellists were Anastasia Crickley (former chairperson of the European Fundamental Rights Agency and now a member of the UN Committee on the Elimination of Racial Discrimination), Githu Muigai (UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), Miklós Haraszti (former OSCE representative on freedom of the media) and Maajid Nawaz, Director of the Quilliam Foundation.. The event was attended by approximately 50 participants and provided a thorough debate on various issues related to the topic. It was also an opportunity to contribute to the debate on the topic within the UK audience and to raise profile of ARTICLE 19’s Camden Principles in the country.
- Round table on incitement and the First Amendment: on 5 November, in cooperation with Lee Bollinger, the President of Columbia University, ARTICLE 19 organised a roundtable meeting of fifteen US and international scholars, experts and human rights activists to explore the areas of convergence and divergence on the regulation of hate speech between the approaches of international human rights law under Article 20 of the ICCPR, and the jurisprudence of the First Amendment to the US Constitution, The theoretical possibilities and practical prospects for reconciling these two legal approaches were assessed during the meeting. It proceeded on the basis that the traditional, antagonistic view of the relationship between US constitutional law and the international human rights regime on the regulation of hate speech is outdated and ought to be reconsidered at this time. The outcome of the meeting was a brief on the issues discussed and those identified as needing development on the standard of incitement under Article 20 of the ICCPR. The meeting identified a number of key themes and issues including: the public private

distinction, the scale of speech ranging from advocacy to incitement, the elements of incitement, severity, intent, harm, concepts of imminence, the difference between hostility and hatred and the different levels of scrutiny under the First Amendment. This analytical work will provide the basis for future work of ARTICLE 19 on Article 20 ICCPR.

### **2. *Sexual identity as a freedom of expression issue***

ARTICLE 19 continued its work on sexual identity and freedom of expression initiated in 2009. We participated in a 2 days training session on 24-25 October 2010, organized by International Lesbian Gay Association Europe and their member organizations in London. We also took this opportunity to discuss their cases and problematic issues related to freedom of expression and freedom of associations. During the one day meeting, we discussed freedom of expression violations faced by LGBT people and communities in various jurisdictions and sought their input to ARTICLE 19 research. We have also clarified their positions on the conflict between the violations of freedom of expression of LGBT people on one hand and raising the scale of homophobia and failure of the governments to adopt appropriate measures to address these problems.

### **3. *The fight against poverty and freedom of expression***

In 2010, ARTICLE 19 up-scaled its policy work on the links between freedom of expression, access to information and development.

The key activity included an international conference on MDGs and Transparency in London on August 24<sup>th</sup> and 25<sup>th</sup> 2010. The main objective of the conference was to ensure the full integration of transparency and the free flow of information in the fight against poverty and in the remaining five year road map and global action agenda for the MDGs. By so doing, it also sought to re-focus transparency initiatives and transparency calls, and energize the global political momentum for transparency and accountability. The two-day event featured high-level presentations and debates as well as workshops and discussions. It was attended by nearly 70 delegates from 13 countries and was held four weeks ahead of the UN MDGs Summit in New York.

The main output from the conference was the London Declaration for Transparency, the Free Flow of Information and Development. (<http://www.right2info-mdgs.org/wp-content/uploads/London-Declaration.pdf>), released in September 2010 in cooperation with other advocacy groups. The declaration sets out a roadmap for ensuring transparency in the development process just prior to the UN MDG Summit. A specialised web site was developed to host the declaration and related discussions on the MDGs (<http://www.right2info-mdgs.org/>). ARTICLE 19 delivered the Declaration to UK Development Minister Andrew Mitchell prior to the New York MDG Summit and advocated widely, including with the MDG Summit co-chairs, the Ambassadors from Senegal and Denmark.

The Declaration was also widely distributed to policymakers both directly and through 15 civil society networks and was viewed over 500 times on the web site in the first month alone. References for the Declaration appeared on websites and in newsletters of Publish What You Fund, Guidestar, Guardian, Obamawatch, Human Rights House, Free Word, Tax Justice Network, Bond, A4ID, Panos, Civicus, and Transparency International (including various national chapters).

Other advocacy interventions included letters to development banks and ministers calling on them to support improved International Aid Transparency Initiative (IATI) (28 June 2010); a joint NGO letter on DFID Multilateral Aid Review, highlighting the three areas that we believe should be the main basis for assessing multilaterals: the views of recipient

countries; poverty reduction results; and democratic accountability and transparency (10 August 2010); a statement urging governments to strengthen commitment to transparency and free flow of information in the MDG Outcome Document (13 August 2010) and another statement on the conclusion of the MDG Summit, expressing disappointment at the lack of progress made and failure to acknowledge the necessity for accountability and transparency in MDG process (24 September 2010).

ARTICLE 19 also submitted evidence to the International Development Committee of the UK Parliament review of the “The 2010 Millennium Development Goals Review Summit” which were adopted in their report. ARTICLE 19 helped produce two joint statements with BOND and GCAP for the summit. Going forward, we are now a better part of the international development community conversation and are working towards Rio+20 Earth Summit in 2012.

ARTICLE 19 produced a video in September on the links between transparency, free flow of information and local government which won second prize in the UN’s Global Forum on Local Development Video Contest. It was posted on the Global Forum website and presented to all participants during the Global Forum in Uganda, and has also been added to a mini-library of United Nations publications

#### **4. Access to Information and Health in Kenya**

The main focus was the finalization of the research and advocacy project on RTI and health information. During the period, ARTICLE 19 undertook field research into the extent of access to information and health in Kenya and Senegal, key information gaps and case studies that show how accessing vital information would improve service deliver in the sector.

In Kenya, ARTICLE 19 held a range of consultative meetings with health organizations- Health Rights Forum, Health NGOs Network (HENNET) to induct them on how the use of RTI tools can enhance realization of right to health. We attended a meeting organized by the Kenya Aids NGO Consortium (KANCO), a national membership network of NGOs, CBOs, FBOs, private sector actors and research institutions working on HIV/AIDS and TB activities in Kenya and presented a paper titled: “The place of Access of Information in improved health delivery: prospects and challenges”.

As part of the preparation to expand the agenda of access to information in the health sector in Kenya, ARTICLE 19 Eastern Africa reached out to many organizations and networks involved in health issues. In addition to formal meetings with Health Rights Advocacy Forum (HERAF) and agreement to partner, ARTICLE 19 attended civil society organisations consultative meeting on financing of public health in Kenya and made contributions on the issue of perennial under-financing. This is in line with earlier observations that despite the increasing health budget allocations in Kenya, the overall health budget is less than a quarter of the social sector budget as agreed in the Abuja Declaration... It was against this background that ARTICLE 19 participated in pushing the agenda for increased openness in budget-making by making recommendations on the civil society generated budget that was sent to the Ministry of Finance for consideration in the 2010/2011 national budget.

ARTICLE19 also raised awareness on FOE & FOI through a number of commentaries in national newspapers and by attending public meetings: ARTICLE 19 was part of a group discussing the place of FOI in Kenyan reforms and organizing events aimed at popularizing Section 35 of the Constitution of Kenya during the International Right to Know Day celebration. With the support of the Canada High Commission in Kenya, we organized a public forum on access to information as provided for in the Kenya Constitution 2010. The

forum evaluated existing legal framework for access to information, identified advantages and major challenges of implementing ATI in Kenya and provided recommendations to advance access to information agenda. The forum was also attended by His Excellency, David Collins, the Canadian High Commissioner to Kenya and Commissioner Hassan Omar Hassan- Kenya National Commission on Human Rights (KNCHR).

ARTICLE 19, along with other partners successfully convinced policy makers to include an Access to Information provision in the Constitution of Kenya 2010. The clandestine inclusion of broad national security provisions as general limitations on the Bill of Rights was detected and removed from the final draft of Constitution approved by 67 per cent of Kenyans in the referendum. The work also increased awareness of the importance of RTI in good governance within the Eastern African region, both amongst policy makers and citizens.

#### **5. Right to speak and right to know in Mexico**

ARTICLE 19, alone or with its partners implemented a range of activities throughout the year to strengthen the right to know/the right to speak of the most vulnerable groups in the population. These activities built on ARTICLE 19's interventions of the last three years.

ARTICLE 19 implemented a two tier permanent monitoring system on transparency and access to information related to the *provision of public services*, and to the social security programmes addressed to vulnerable groups in Mexico City.

The first output is the Public Services Web Page which includes information on how to demand public services, using a human rights perspective. The second output is the Observatory of Transparency in Public Services Provision in Mexico City that seeks to promote accountability for the public resources allocation of public services. In 2010, ARTICLE 19 further developed the Public Services Observatory by including a map of public resources allocation for the provision of public services in Mexico City in order to promote transparency and accountability, released on August 30<sup>th</sup>.

We developed in collaboration with Fundar, Cultura Ecológica, CEMDA, Mexico City's public authorities and INFO DF a web page related to the proactive disclosure of relevant information regarding the right to a healthy environment. This will be replicated in all sectors of public administration on Mexico City under the name of "Targeted Transparency." This work sets a national and international precedent because it is a different and accessible way to disclose public interest information organized by theme. This allows society to identify the different State responsibilities on different issues such as public security, health environment and social programs addressed to vulnerable groups in Mexico City <http://www.transparenciamedioambiente.df.gob.mx/>

ARTICLE 19 enhanced the capacity of public officials to respond effectively to the demand for information created by civil society organizations that work on the issue of a right to a healthy environment and social security benefits provided by the Mexico City's government. We have strongly and successfully advocated for the proactive disclosure of relevant information.

In 2010, ARTICLE 19 Mexico also completed an advocacy document and in depth analysis on the level of transparency and access to information required to ensure equality to social security benefits provided by the federal and Mexico City's government.

After concluding the project on Transparency and Access to Information policy regarding public services in Mexico City, ARTICLE 19 had a web-based observatory monitoring the release of information by authorities. The site has proved to be useful for both the general

public and the authorities. The diffusion of information on public services has been supported by public opinion to push for the adoption of a participatory budget for Mexico City, which will eventually have a positive impact in the lower income families.

ARTICLE 19 provided technical assistance in the subject of transparency to 5 grassroots organizations from the municipality of Iztacalco in Mexico City. On October 6<sup>th</sup>, in collaboration with GESOC, ARTICLE 19 provided a workshop on budgetary transparency and access to information as means for demanding effective accountability. The grassroots organizations that participated on the workshop are part of a permanent monitoring project on the municipal government performance. They asked for advice in order to be able to include the exercise of the right to information as an advocacy tool for the demand of a better public services provision.

#### **6. Defending the right to know and the right to speak in Bangladesh**

ARTICLE 19 Bangladesh developed innovative programme interventions to ensure and protect the “right to know” and “to be heard” of vulnerable groups and poorest communities.

ARTICLE 19 produced a resource book on Reproductive Health and RTI (*Projonon Shasthya O Tathya Adhikar*). Three national level journalists undertook investigative research which was subsequently printed in national newspaper. These included: *The affects of shrimp cultivation on the environment: Case*: by Nikhil Vodro, published in The Daily JaiJaiDin; *Land Registration and lack of information among the poor* by Harun-Al-Rashid, Staff Reporter, published in The Daily Kaler Kantha; and *Use of chemical fertilizer and pesticide and their affects on the environment* by Sheikh Mehedi Hassan, Feature Editor and published in The Daily Prothom Alo.

Vodro’s report exposed the negative impacts of shrimp cultivation in the south west parts of Bangladesh including Khulna; they include reduced fertility of cultivable land, salinity in drinking water and weakening of culverts and barrages making huge areas vulnerable to floods and water logging. His report helped generate public discussion and mobilised local level advocacy groups demanding that the government should expedite the formulation and development of a national policy on shrimp cultivation with specific guidelines;

ARTICLE 19 also commissioned a mini research study by Ismail Hossain on the Causes of drop-out in the primary education system. He gathered data from 6 focus group discussions including school teachers, affected children and their parents, members of the school management committees, education officers, NGO representatives, political leaders and members of the civil society. One Meet the People event was held in Jhalokathi in June this year on the basis of the research findings of the mini study.

A video on reproductive health of the Manta community was produced, which included interviews of Manta women and men, representatives from local administration, local journalists, medical practitioners and government doctors. The documentary was aired on national television and generated much public discussion.

The project has engaged with disadvantaged and marginalised communities especially in the Southern Districts of Bangladesh - Noakhali, Patuakhali and Borguna. Participation and engagement of the poor through field based mini-studies as well as in the participatory consultations improved their knowledge, awareness and practice. The communities participated in the different events of the project as well as in the evidence based research process and advocacy programs. The entire engagement and participation process has enhanced knowledge and information for specific stakeholders such as the

nomadic Manta (fishermen) communities, marginalized farmers, adolescent boys and girls, seekers of reproductive health care.

The ARTICLE 19 project has played a pioneering role in demonstrating successfully the connectedness of RTI with other rights and development issues such as necessity of access to information in ensuring and protecting the right to reproductive health and environment. The publication on reproductive health and RTI (*Projonon Shystha O Tathya Adhikar*) describes in detail the Citizen's Charter and the Client's Charter of Rights as effective mechanisms for attaining information on reproductive health services especially for women, adolescents, the poor and marginalised. The Book is regarded to have, "broken the silence existing in one of the most tabooed areas where little information is available especially to women and adolescents".

The Meet the People events have promoted greater public accountability and openness in very direct ways. The public hearings generated huge interest in the communities and were often attended by local public officials and the media. Findings on causes of drop-out in primary education system was shared at an event held in Jhalokathi in Barishal, the event was attended by district level education officers, school drop-out children, parents, teachers, local journalists and members of civil society. The research revealed the reasons for high propensity of high drop out was identified as household poverty, long distance to schools and lack of access to stipends and financial support due to corruption, early marriages of girl children were highlighted to the local stakeholders. Parents urged the school authorities to display procedures for accessing stipends and scholarship openly so that the poor students know how to access the benefits. This would reduce the opportunities for corrupt practices in selection of candidates for scholarship. The Meet the People events revealed that the education office had little understanding regarding their roles and responsibilities of disclosure under the RTI Act.

### **7. China: access to environmental information**

In 2008, China adopted the *Regulations of the People's Republic of China on Open Government Information* ("OGI Regulations") and the *Measures on Open Environmental Information (for Trial Implementation)* ("OEI Measures"). To support the implementation of these legislations and to increase transparency in environmental governance, ARTICLE 19 and the Center for Legal Assistance to Pollution Victims (CLAPV) at the China University of Political Science and Law launched the *Access to Environmental Information in China* project which will continue until April 2011.

One key activity included an evaluation study on local compliance to Open Environmental Information Measures in seven regions in China. Following an intensive training, local environmental NGOs from 7 regions across China (Hebei, Gansu, Beijing, Yunnan, Chongqing, Henan and Shanghai) were mobilised to assess the extent to which, local Environmental Protection Bureaus (EPBs) are meeting their obligations to provide environmental information under the OGI Regulations and the OEI Measures. The study aimed to identify the existing conditions and challenges in accessing environmental information, promote transparency in environmental governance and encourage civil society organisations to exercise the right to information.

The participating NGOs first examined the websites and publications of local environmental protection bureaus to find out which of the 17 types of environmental information listed in the OEI Measures have been proactively disclosed. A similar review was then carried out on local large-scale enterprises to determine if they publish relevant environmental information. Finally, the participating organisations made requests to their local EPBs for information that were not proactively disclosed.

The findings of the evaluation study are published in a report *Access to Environmental Information in China: Evaluation of Local Compliance*, launched in December 2010. Overall, the study indicates an improvement in the mindset and performance of environmental authorities with regards to the disclosure of environmental information. However, current practices are still far from meeting the environmental information needs of the public, and do not fully comply with the OGI Regulations and OEI Measures.

One particular information difficulty was to obtain a list of enterprises involved in major or serious environmental pollution incidents or which have exceeded emission control targets. Another information gap was the output and treatment of hazardous waste and pollutants. In addition, very few large enterprises provided environmental information, which could be attributed to the lack of legal requirements for enterprises to provide information on their environmental impact to the public.

On the positive side, local environmental protection bureaus that have participated in the China project have displayed improvement in proactive information disclosure. Local NGOs have also said that their ability to request for information and exercise RTI has increased after participating in this project. The findings of the evaluation study have been acknowledged by environmental officials in the surveyed regions who admit that they are still falling short of fulfilling their obligation to give access to environmental information.

#### **8. Indonesia: Support to the newly enacted RTI law**

The assessment used qualitative research methodologies including review of published information, secondary data collection, focus-group-discussions, in-depth interviews, and participative observation, to study existing practices and standards of public information service in the region, public servants' understanding of their responsibilities to provide access to information, and general public awareness of their right to know. The assessment found that the targeted public bodies at all three administrative levels are not yet fulfilling the requirements under the FOIA and lack the capacity to fully implement the Act. This assessment has also identified existing mechanisms that can be maximised for improving public information access. For example, with improvement in data gathering and coordination across the public bodies through the Electronic Data Management Office, the official websites of the three governments can serve as the main platform for proactive disclosure of information on local regulations, policies, programmes, budgets, expenditures and so on, as required by the FOIA. The implementation of the FOIA is limited to the setting up of a selection team for the establishment of the Provincial Information Commission, which has yet to receive the official approval from the Governor of NTT. In addition, public bodies have not put in place mechanisms required to implement the FOIA, including the appointment of Information and Documentation Officers. There is also a lack of resources for the training of government officials and public education.

The baseline assessment on RTI in East Nusa Tenggara province in Indonesia successfully engaged the local government, a national NGO and a local NGO throughout the process, which led to a public recognition by the local government of the lack of progress in implementing the FOI Law through a press release and the foreword in the baseline assessment report. The assessment and the workshop that presented the findings also mobilised local NGOs to collectively demand the authorities to improve implementation of RTI and generated a strong sense of ownership among local stakeholders.

#### **9. In Brazil: RTI outreach to vulnerable communities**

ARTICLE 19, NGO A Barca and Radio Z held a workshop with slum dwellers in a community in the city of Maua, located 1 hour from downtown Sao Paulo. In the workshop, the members of the community discussed the serious risks posed by landslides frequently

occurring during the rainy season in the region. Five people have been killed by floods and landslides in January of 2011, no reliable data could be found for 2010. A Barca and ARTICLE 19 discussed with members of the community about the impact of climate change in the area, especially in vulnerable communities already suffering from poor living conditions.

The workshop was recorded and used for the creation of a radio program on climate change and access to information. The program debated why communities had not been informed of the existence of environmental studies carried out in the region that had mapped their community as a risk area, prone to natural disasters and recommended for removal. The programme was broadcasted by Radio Z and other ARTICLE 19 partners are already developing plans to replicate the initiative in other communities.

The main impact of this project is to raise awareness among the Maua community to request information from relevant authorities to be less vulnerable to landslides, floods and other disasters caused by natural causes, such as climate change, and through poor access to information and redress.

During the project we learned that one cannot raise awareness without connecting one's theme to the local reality. Although the threat of landslides is frequent in that community, and will become more frequent with climate change, the participants main concern was with land regularisation. The discussions on their right to know the degree of their vulnerability to natural disaster could only advance after they realised that a clearance from the Civil Defence is essential to obtain tenure.

## Goal Five - A Strong Agent of Change

Under this goal, ARTICLE 19 intended in 2010 to increase the effectiveness and efficiency of impact through the provision and management of relevant policies, procedures and support mechanisms. The organisation also sought to ensure that its regional offices emerge as a leading brand in protection and promotion of freedom of expression and freedom of information.

Some of the key projects under this goal included: to finalise ARTICLE 19 registration in Bangladesh and Senegal; Recruit additional staff members for ARTICLE 19 Kenya and ARTICLE 19 in the Middle East; Implement sustainability strategy for all regional offices; Continue to integrate results-based management throughout the organisation; Initiate the development of the new strategic plan (2010-2015) and host our yearly organisational week-long strategic and learning meeting; Launch a new website; Strengthen the effectiveness and timeliness of ARTICLE 19 funding mechanisms and ensure full integration of procedures across all offices.

ARTICLE 19 implemented these projects with one exception: the office in Jordan did not materialise as expected for a variety of reasons, including limited support and resources in London to support another office development; resignation of the initial director in Jordan, and overall difficulties with finding alternative directors. We decided to wait for 2011 before deciding where to establish an office for the sub-region.

- ARTICLE 19 was officially registered in Senegal and an office was opened in Dakar.
- In Bangladesh, all the necessary paper work and registration have been undertaken. We are still awaiting for the government's final decision regarding the official registration of the organisation.
- Two new staff members were recruited in Kenya and in Brazil
- In July 2010, ARTICLE 19 international board approved A19 development policy with regard to the offices and a set of benchmarks to be assessed regularly.
- The fund-raising by regional offices have gone from strength to strength, as demonstrated by the fact that A19 Mexico is fully funded while A19 Kenya, A19 Bangladesh and A19 Brazil are almost fully funded (about 80%). We are hopeful that the offices will be both able to fund all their operations and contribute a small percentage to the international budget within a couple of years. Over the last three years, all offices have made much progress with regard to the number and the quality of their fund raising applications although more needs to be done in the years to come.
- RBM and Planning: ARTICLE 19 continued to progress with regard to RBM and strategic and operational planning, as demonstrated by the quality of the 5 year plan, the five year timescales, and the development of the new global indicators. (More in the distinct 3 year report).
- Branding and a new website: In 2010, ARTICLE 19 implemented two very large global projects. The first focused on the re-branding of the organisation, to take into account its transformation over the last 3 to 5 years, from a London-based organisation to an international one with regional offices. Involving all staff and board members, the extensive exercise has resulted in a new logo, a new colour scheme, and a range of branding guidelines, all of which will be launched in 2011

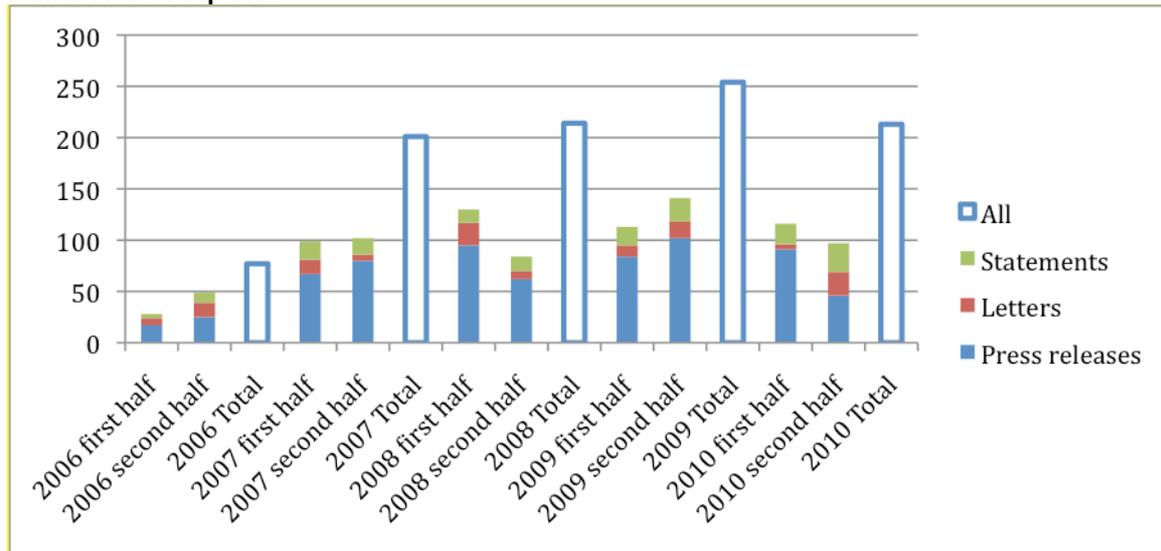
A second project, as extensive, has consisted in the development of a new website for the organisation. Based on in-depth consultation with all regional offices and staff, and external stakeholders, the new website has moved A19 into the 21<sup>st</sup> century, according to one important stakeholder. The new website will be launched with the brand in 2011.

- Communication: please see annex one

## Annex One: ARTICLE 19 Media and communication 2010

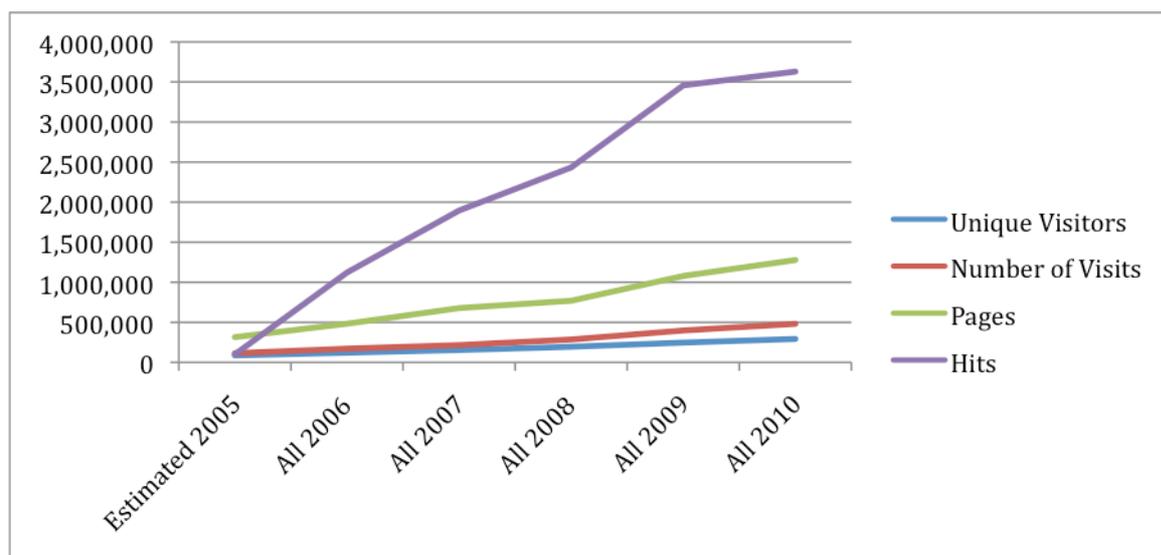
In 2010, the organisation continued to issue press releases, statements and letters relating to a number of freedom of expression issues, targeting an ever increasing and wide ranging audience. Although there is a very slight decrease in the number of press releases compared to 2009, the organisation continued to publish a high number of reports and legal analyses, and increased the number of statements issued.

### Number of outputs:

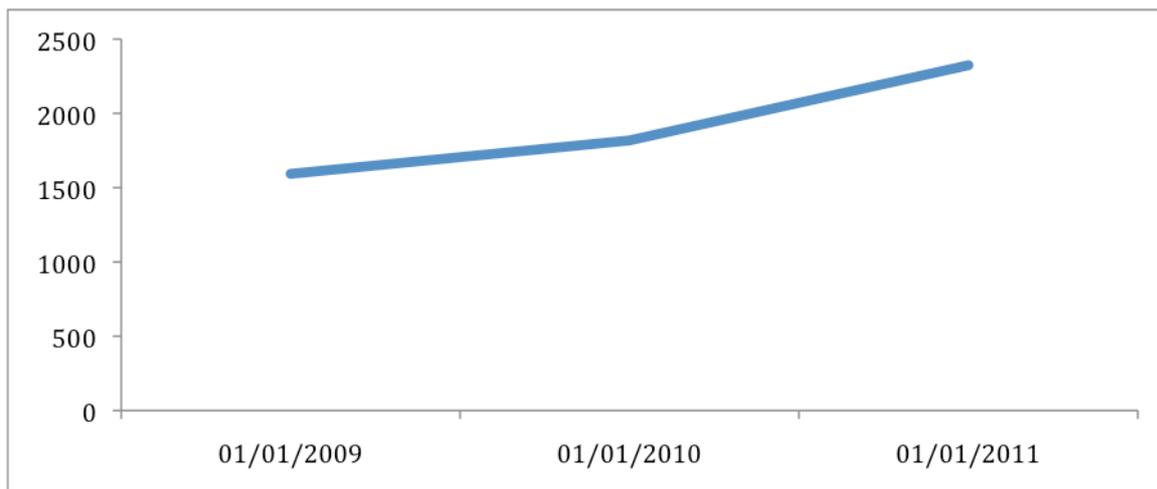


### Audience size

2010 saw another annual increase in all measures of people visiting the ARTICLE 19 website. In particular, the number of people that visited grew by 19 per cent over the previous year, the number of overall visits grew by 21 per cent, and the number of pages viewed grew by 18 per cent, to a total of 1.3 million.

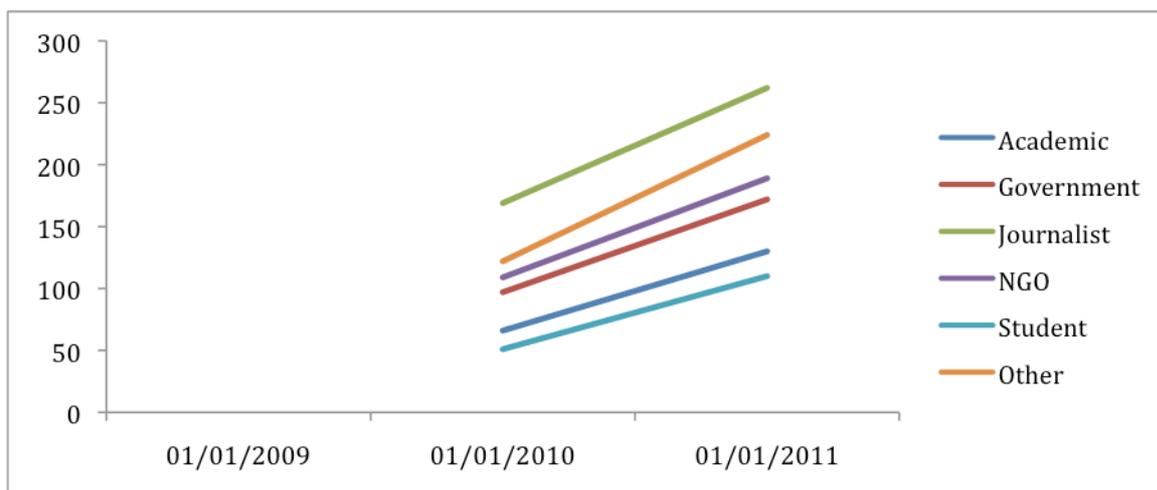


Meanwhile, growth in mailing list subscribers continued at a slow pace.



To address the slow mailing list growth, and as part of the website redevelopment project, the communications team began in 2010 a process of audience segmentation and developed a new mailing list system, including a new e-newsletter, to shift focus from informing to building a stronger community. The new system has already been developed and is ready for launch alongside the new branding and website in the first quarter of 2011.

In regards to our strategic audiences, all continued to grow at roughly equal speeds.



The growth of these audiences is reflected in the most popular content. This demonstrates a clear demand for international, cutting edge and timely information, and in particular information that conforms closely to our USP of delivering quality analysis on precedent-setting issues relating to freedom of expression.

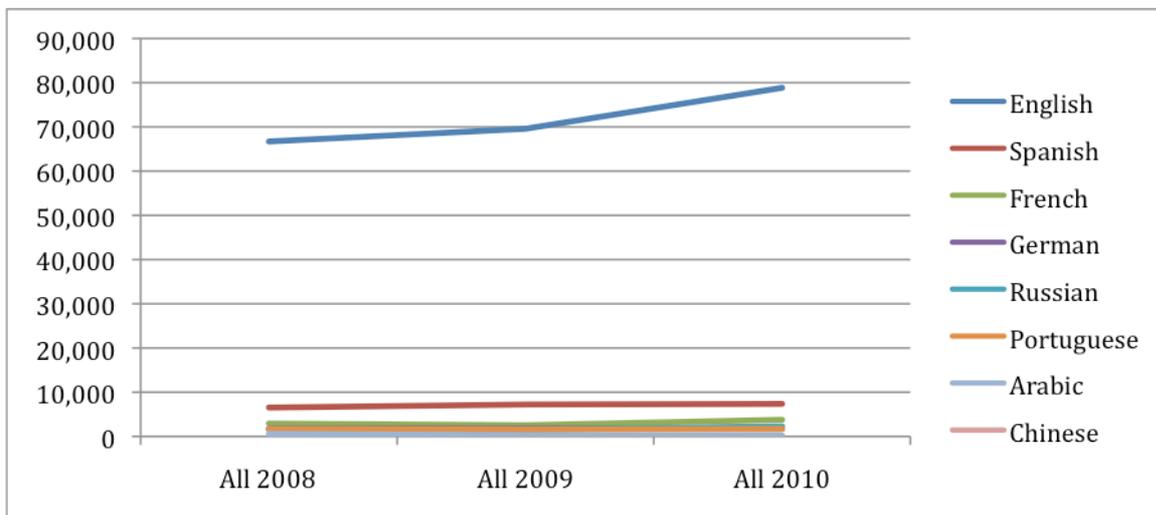
Top 10 most read mail outs in 2010	
1. Right to Information: Global Index Released For Comment	6. European Court Ruling Bolsters Media Freedom Decision Sets High Bar for Disclosure of Sources
2. WikiLeaks and Internet companies	7. ARTICLE 19 welcomes UNESCO declaration on Right to Information
3. Wikileaks and the US Embassy Cables	8. UN Human Rights Council: 47 Human Rights Organisations Urge States to Reject Draft Resolutions which Threaten to Undermine
4. WikiLeaks and Internet Disclosures	

<p>5. UN General Assembly: UN Member States Should Vote Against Proposed Resolution on “Vilification of Religions”</p>	<p>Freedom of Expression                  9. Transparency and Free Flow of Information Vital to MDGs                  10. Mexico: International Mission Attacked in Oaxaca Human Rights Defenders Killed or Missing</p>
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The communications team identified the need for greater segmentation of audiences in order to develop our region and country-focus audiences so as to ensure that they are as well read, and our resulting strategy will be launched as part of the new website.

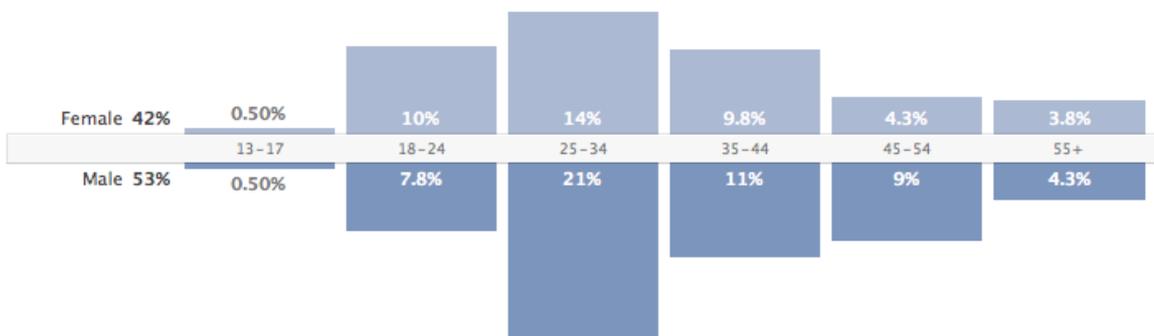
**Audience diversity**

Audience diversity remained an issue for ARTICLE 19 in 2010. New visitors continued to be primarily English-readers, although for the first time Chinese-readers grew substantially and will shortly overtake German and Portuguese-readers. Geographic location also remained roughly similar, with the introduction of India into the top ten (USA, UK, Russia, Germany, EU, Canada, France, Mexico, Netherlands, and India).



**Demographics**

**Gender and Age?**



Aside from language diversity, the numbers of people that have interacted with us are comparatively diverse in terms of gender and location. Although a good number of our audience is based in Europe, there is a steady increase in the number of people in all regions, particularly Asia. What is clear is that we must improve our language diversity in order to reach more people, especially MENA which remains weak. The communications

team have been working to address this in the new website and mailing list, and have prioritised in 2011 the development of non-English translation and content, which will be rolled out with the release of the new website and mailing list systems.

### Campaign and community focus

The popularity of our publications and their availability in non-English languages becomes clear in the list of top 10 publications downloaded from the website.

Top 10 publications in 2010	
1. Defamation map	6. Defamation ABC (Spanish)
2. Philippines Baseline Study	7. Singapore Baseline Study
3. Defining Defamation	8. Wikileaks and internet disclosures
4. Press Freedom in Mexico: Shadow of Impunity and Violence (Spanish)	9. Iran Art and Censorship
5. Right to know	10. UK Media Regulation

What this list also indicates is that our most commonly utilised outputs are those that enable others to learn campaign and enact change within their own environments. Timely reports are also very well read, in this case on Mexico, Iran and Wikileaks, and contribute towards the timely debates on those issues.

Similarly, many of the routes which our visitors come from tend to be more campaign-focused rather than information-focused.

Top 10 links to ARTICLE 19 in 2010	
1. Openfreedom.info	6. Flashback.se (Sweden)
2. Facebook.com	7. Wikipedia.org
3. Ethiomedia.com	8. Twitter.com
4. Cearta.ie (Ireland)	9. Order-order.com
5. Wikileaks.org	10. Internews.com

### Social media

In 2010, ARTICLE 19 initiated a new work with social media and we have now developed a range of social media platforms and strategies that include Twitter and Facebook.

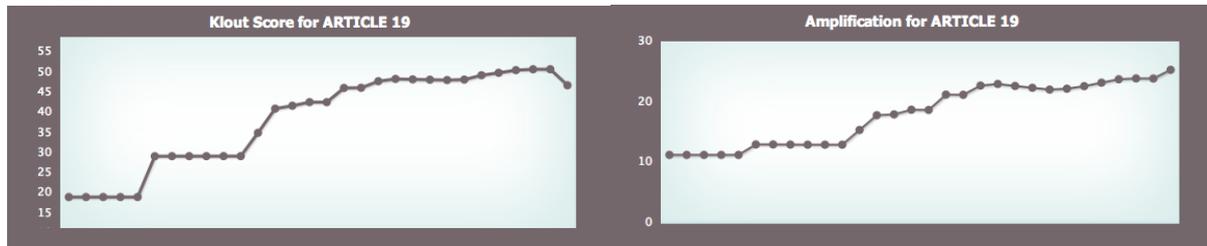
By the end of the year, we were monitoring such platforms hourly, responding to developments and debates at least daily, and beginning to integrate social media into broader programmatic work. We have worked out a system to ensure that our social media work is both rapid reaction and proactive. It supports others that share our messages, and we make sure that all communications is both accountable (through signing ^) and cataclysmic (through always delivering follow through actions such as URLs). Twitter and Facebook are now for the first time in the top 10 referrers to ARTICLE 19's website.

Top 10 most influential tweets in 2010	
1. #UK police takedown of #fitwatch.org.uk illegal under HMA and EConvHR - read more @Fitwatcher <a href="http://ow.ly/3ay11">http://ow.ly/3ay11</a> ^OS	6. *New* report on #freepress in #Azerbaijan <a href="http://ow.ly/2XDI2">http://ow.ly/2XDI2</a> "Free Expression Under Attack: Azerbaijan's Deteriorating Media Environment" ^OS
2. Check out the new 'London Declaration for Transparency, the Free Flow of Information and Development' <a href="http://ow.ly/2A00V">http://ow.ly/2A00V</a>	7. #UNHRC resolution adopted. There will now be a special rapporteur on freedom of association and assembly <a href="http://ow.ly/2MkLo">http://ow.ly/2MkLo</a>
3. Read dave banisar in Guardian on	

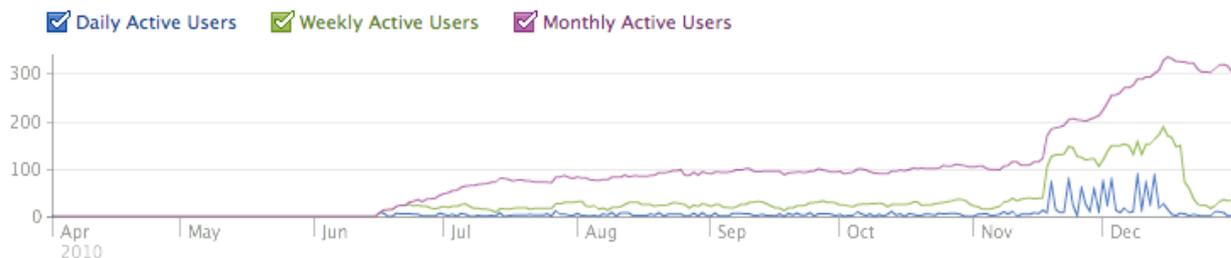
<p>legality of US threats against @wikileaks #cablegate <a href="http://ow.ly/3i1r4">http://ow.ly/3i1r4</a> ^OS</p> <p>4. @JoeLieberman freedom of information is democratic - its not 'illegal' - read <a href="http://ow.ly/3gGUS">http://ow.ly/3gGUS</a> #cablegate ^OS</p> <p>5. Read joint letter calling for #transparency &amp; #freedom of info in #MDGs doc that #Senegal &amp; #Denmark #UN reps drafting- <a href="http://ow.ly/2nXXM">http://ow.ly/2nXXM</a></p>	<p>8. 2nd #Azerbaijan blogger Emin Milli released from prison. Keep up the pressure for Eynulla Fatullayev's release! <a href="http://ow.ly/3cmWz">http://ow.ly/3cmWz</a> ^OS</p> <p>9. So, want to know what @DFID_UK spends its money on? Its all here <a href="http://ow.ly/3coch">http://ow.ly/3coch</a> #openuk #transparency ^OS</p> <p>10. #Burma's military-aligned party USDP has "won" 76.5% of vote <a href="http://ow.ly/3bNQb">http://ow.ly/3bNQb</a> #election ^OS</p>
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According to Klout, the measure for online influence in social media, after five months of integration, we are now classed as an "Explorer": 'You actively engage in the social web, constantly trying out new ways to interact and network. You're exploring the ecosystem and making it work for you. Your level of activity and engagement shows that you "get it", we predict you'll be moving up.'

Twitter:



Facebook:



In five months of engaging with social media, we have developed a good number of influential followers, know as 'Twitterati'.

Top 20 most influential Twitterati followers in 2010	
1. PBS Newshour	11. Washington Times
2. Evgeny Morozov (author of <i>The Net Delusion: The Dark Side of Internet Freedom</i> )	12. Ibnkafka (Moroccan lawyer)
3. Steffen Konrath (Tweeting About the Future of Journalism)	13. Charlie Beckett (media think tank)
4. Gabriela Warkentin (Mexican radio journalist and professor)	14. Elia (Mexican journalist)
5. CPJ	15. William Easterly (economics professor)
6. Non Profit Orgs (sector portal)	16. Maha Al Aswad (Egyptian activist)
7. Luis Carlos Díaz (Argentinean, new	17. Sudan Monitor
	18. Maryam Alkhawaja (Bahrain activist)
	19. Paul Bradshaw (journalist, professor)
	20. Press Gazette

tech professor, journalist) 8. The Jordan Times 9. Sami ben gharbia (Tunisia, online free speech, digital activist) 10. Sonja Jo (Iranian human rights activist)	
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Towards the end of the year, the focus for the communications team was how best to ensure that people engaging with ARTICLE 19 using social media are responded to in a timely manner.

### **Audience development**

Throughout 2010, ARTICLE 19's audience has diversified in terms of the ways it links or interacts with us. This can be seen in RSS feeds now being the primary port of call for information.

Top 10 visited pages in 2010	
1. RSS	6. Defamation map
2. Search	7. Publications index
3. About	8. Spanish
4. Work	9. Contact us
5. Employment	10. Speaking out (microsite)