

ARTICLE 19

DEFENDING FREEDOM OF EXPRESSION AND INFORMATION

• CIVIC SPACE • DIGITAL • MEDIA • PROTECTION • TRANSPARENCY •

Annual Report 2015



ARTICLE 19 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

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

GLOSSARY

ACHPR	African Commission on Human and Peoples' Rights
BBC	British Broadcasting Corporation
CoE	Council of Europe
DNS	Domain Name System
ECOWAS	Economic Community Of West African States
FLEPS	Frente por la Libertad de Expresión y la Protesta Social
FoE	Freedom of Expression
GCHQ	Government Communications Headquarters (UK)
gTLDs	generic Top Level Domains
HRD	Human Rights Defender
ICANN	Internet Corporation for Assigned Names and Numbers
ICT	Information and Communication Technology
IETF	Internet Engineering Task Force
IRTF	Internet Research Task Force
LGBTQI	Lesbian, gay, bisexual, transgender, queer, and intersex
MDGs	Millennium Development Goals
MoU	Memorandum of Understanding
Mx	English-language honorific for use alongside Mr, Ms, etc; does not indicate gender
NGO	Non Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
Rtl	Right to Information
SDG	Sustainable Development Goal
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN HRC	United Nations Human Rights Council
UPR	Universal Periodic Review
URG	Universal Rights Group
WSIS	World Summit on the Information Society

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BRIGHT SPOTS IN THE DARK

A REVIEW OF THE YEAR

by David Kaye, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression



2015: a terrible year for freedom of expression, and not merely for the idea or the right, but for named and nameless individuals worldwide. It began with the murders at the offices of Charlie Hebdo in Paris, bringing to Europe what we had seen in 2014 with the ISIS murders of journalists in Syria and northern Iraq. For journalists, the situation was dismal, with both well-known and obscure reporters, editors, columnists and cartoonists threatened, assaulted, detained, and murdered around the world. And, as always, few were held to account for violations of the fundamental human right to free expression.

Consider just a few of the year's violations: Saudi Arabia sentenced a poet to death and flogged a liberal blogger, while its adversary Iran detained journalists, writers, and defenders. Mexican journalists faced threat after threat in the context of a catastrophic drug war. Azerbaijan kept up its systematic harassment of journalists and human rights defenders working to highlight high-level corruption. The president of Ecuador exercised his power to harass and demean bloggers and civil society. Bangladesh did little to protect its numerous bloggers murdered for their humanist and atheist writing. Dozens of rights-defending lawyers were detained – just a part of the ongoing pressure China places on civil society. Propaganda and

surveillance dominated the Russian media environment, online and offline. Egypt imprisoned journalists and defenders in unprecedented numbers. The Gambia continued to detain journalists and put pressure on civil society. Turkey blocked and censored Twitter, Pakistan continued to ban YouTube, and Thailand considered walling off its access to the global Internet. We could go on like this for pages.

Even those states that typically guard freedom of expression jealously – if not zealously – considered or adopted laws that, if implemented, could put extreme pressure on the privacy we often rely upon to enjoy free expression. France, the UK and the USA have increasingly

used the threat of terrorism to suggest new restrictions on expression; or, in the case of France, to actually impose new laws which pose real and direct threats to public debate.

In this light, it would seem paradoxical, perhaps even wrongheaded, to suggest a few bright spots in the global efforts to defend and expand freedom of expression. But I would like to do that, because although freedom of expression is under assault around the world, we can identify moments of hope and ideas for the future regarding the support of those seeking to exercise their Article 19 rights.



Photo: Press Association Images

FIRST, THERE REMAINS POWER IN LITIGATION

The East African Court of Justice, a relatively new court based in Arusha, upheld the rights of journalists in Burundi to protect the identities of their sources, and found that the country's criminal defamation law was inconsistent with international law. The Indian Supreme Court struck down Section 66A of the Information Technology Act on the grounds that it impermissibly restricted the freedom of speech, which the Court called "a cardinal value that is of paramount significance."

Litigation is not a cure-all, to be sure. For one thing, courts do not always favour freedom of expression, as the European Court of Human Rights' decision in *Delfi v Estonia* – which puts pressure on intermediaries – is likely to have negative impacts on independent media in Europe for years to come. Nonetheless, there is power in law and legal process, and we should continue to buttress efforts to shape law and policy through the courts.

The coming year will, no doubt, pose continuing challenges to freedom of expression. By thinking strategically and acting tactically, supporters of free expression – led by ARTICLE 19 and other key actors in civil society – can help change the trajectory, and reaffirm the fundamental rights to hold opinions and seek, receive, and impart ideas and information of all kinds, through any media and regardless of frontiers.

SECOND, THERE REMAINS POWER IN PUBLIC ADVOCACY

Several examples strike me from the past year. For one, the final statement of the World Summit on the Information Society (WSIS+10) preserved the multi-stakeholder principle underlying global Internet governance, the result of strong partnerships between key civil society and governmental actors. In the USA and the UK, the public advocacy for encryption – a sophisticated effort to combine human rights with economic and security arguments – has put governments on the defensive. Furthermore, ARTICLE 19 and the US Government hosted an event at the 29th Session of the Human Rights Council on artistic freedom of expression, a powerful panel that both captured a too-often-overlooked crisis and gave momentum to work around this issue.

THIRD, THERE REMAINS POWER IN EXAMPLE

Tunisia, in the face of terrorism and massive social and political change, has brought together many stakeholders to create substantive protections for journalists, online and offline. Civil society activists in South and Southeast Asia are not only building connections among themselves, but they are creating advocacy campaigns in often very difficult environments. Several countries are stepping up to support expression as a central foreign policy goal, and foundations are putting renewed energy into protecting freedom online and off.



A YEAR OF FIRSTS

Paddy Coulter, Chair of the Board

2015 was the worst of times, but, in some ways, 2015 was also the best of times. It was a year when human rights organisations like ARTICLE 19 stepped up their efforts to confront often disturbing challenges and, as the contents of this report attest, were able to make real headway, even in the face of forces hostile to their goals.

In 2015, ARTICLE 19 was able to take a lead in protecting freedom of expression in various fields, playing a central role in incorporating public access to information into the new Sustainable Development Goals approved by the UN General Assembly in September. Furthermore, we played an important role in the Internet Engineering Task Force (IETF) and Internet Corporation for Assigned Names and Numbers (ICANN) in bringing freedom of expression considerations into discussions on Internet governance, technology and standards, with ICANN agreeing for the first time to have human rights commitments in its bylaws.

Within ARTICLE 19 itself there were several other 'firsts', including the launch of the 'Expression Agenda', a new six-year strategy for the organisation, and the elaboration of progressive Right to Protest Principles which link our international policy work with 'on the ground' support in an innovative way.

This June, ARTICLE 19 also had its first General Assembly, with representatives of the organisation's regional affiliates from Africa, Asia and the Americas meeting with the International Board in London.

These are only a few of the highlights of 2015; do read on, and gauge for yourself the gravity of the challenges faced, and the commitment and courage shown by our staff, partners and colleagues around the world in confronting them.

Paddy Coulter
Chair of ARTICLE 19's International Board



The launch of the Expression Agenda featured an expert panel discussion with journalist Peter Greste, ARTICLE 19's Director of East Africa Henry Maina, ARTICLE 19's Senior Director for Law and Policy Barbora Bukovská, journalist Jon Snow, lawyer and campaigner Michelle Yesudas, ARTICLE 19's Chair Paddy Coulter, and Heather Rogers QC.

THE EXPRESSION AGENDA

Thomas Hughes, Executive Director

ARTICLE 19's vision is a world in which all people can speak freely, actively engage in public life, and express themselves without fear or discrimination. In 2015, offices and teams across ARTICLE 19 worked together bring this reality closer, by developing a new six-year strategy: **The Expression Agenda**. This strategy outlines our unique and insightful plan for tackling existing and emergent challenges to freedom of expression and information worldwide.

Our Theory of Change, which underpins the Expression Agenda, places the individual at the heart of our work. We'll make sure local knowledge impacts policy-making at the international level, which can then secure progressive change at the national and local levels. We will draw on our decades of experience to deliver activities ranging from policy and legal standards, to international campaigns and development programmes.

All cross-cut by our new approach to sex, gender, and sexuality, the Mx Method, The Expression Agenda encompasses five themes: Civic Space, Digital, Media, Protection, and Transparency.

Under the Civic Space theme, we will help secure the right to participate in public life: to engage in debate, criticise, protest and dissent, in physical and online space. Through our Digital work, we will embed human rights principles into law and process, engaging governments, businesses and the technical community. Our Media work will ensure that media pluralism, freedoms and the public interest are protected and promoted in a globalised, digitalised and converged landscape.

Our Protection work will continue to defend those on the front line, ensuring that violations are reported and perpetrators held to account. Our Transparency activities will ensure communities and individuals can enjoy their right to information and hold those in power accountable for their actions.

▶ VIDEO: THE EXPRESSION AGENDA - FREEDOM TO SPEAK. FREEDOM TO KNOW.

The Expression Agenda was presented to international experts in London in September 2015, receiving an engaged and positive response.

We're confident that ARTICLE 19 will continue to lead the global battle to defend and promote freedom of expression and the right to information for years to come.

Thomas Hughes
Executive Director



Thomas Hughes, Executive Director presenting the Expression Agenda in September

THREE PILLARS

1 Strong laws and policies

are the foundation for realising the rights of all to express themselves freely, and to seek, receive and impart information;



2 Accountability and transparency

of power-holders and challenging impunity is key for the realisation of human rights and sustainable development;



3 Active and empowered civil society

is essential for using the rights to freedom of expression and information to pursue dignity, equality, good governance and sustainable development.



LOCAL TO GLOBAL, AND BACK AGAIN

ARTICLE 19 works with local communities, then takes that knowledge to international arenas where it can help inform key decision-makers and hold states accountable for their actions. This in turn helps put in place protections, and shift discourses in national and local environments, enabling individuals and communities to fully exercise their rights to expression and information, and work towards long-term and sustainable benefits and solutions for them and their communities.

We work with the UN Human Rights Council, UN treaty monitoring bodies, regional bodies and regional courts, among other international organisations, both governmental and non-governmental.

At the national level, we target countries where impact can be achieved through sustained engagement, trend-setting, or addressing worst-case examples; ARTICLE 19 also seeks to set best-practices that can be promoted and replicated by states and civil society actors in other countries.

We also target specific individuals and communities at the local level to provide innovative best-practices that can be promoted and replicated.

ARTICLE 19's Engagement

To maximise impact, we work at three levels:



Law and Policy:

Developing and promoting progressive standards, principles, policies, draft legislation, and judicial processes.



Campaigns:

Advocacy and public campaigns targeting governments, states, corporations and media, with the aim of influencing policy and practice, as well as specific cases.



Programmes:

Focusing on individuals and communities: knowledge-sharing, training, capacity-building, and support, plus the development and deployment of tools and resources. We also provide emergency protection for victims of threats and violence.

Throughout the world, an individual's sex, gender, and sexuality can determine whether they are able to exercise their rights to freedom of expression and information. The barriers they may face are rooted not just in legislation and national policies, but also in economics, cultural norms, customs and traditions. These obstacles are pervasive, historical, insidious, and normalised globally.

As part of the Expression Agenda, ARTICLE 19 makes sure that sex, gender, and sexuality are brought to the fore, highlighting them as key elements in ensuring the universality of freedom of expression and the right to information. The Mx Method – named after the gender-neutral honorific – will address the needs and challenges faced by women, girls, and LGBTQI people: it will be a consistent focus over the next six years for ARTICLE 19 across all our thematic areas.

“As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. Where there is a tension between cultural attitudes and universal human rights, rights must carry the day.” Ban Ki-moon, United Nations Secretary-General



ARTICLE 19's Mx Method will address sex, gender, and sexuality in three ways: through the Expression Agenda, by incorporating these considerations in our operations, and in promoting equality and inclusivity within our internal policies and practices. We will analyse the context and origins of violations holistically, considering both institutional and cultural factors and how they affect different groups. Over the next six years, we will develop tailored initiatives to meet these complex needs, which require long-term, targeted, and strategic approaches.

The Mx Method is inclusive: barriers to freedom of expression and the right to information based on sex, gender, and sexuality cannot be effectively addressed without considering how they intersect and interact with other forms of identity, such as race or religion.

Barriers based on sex, gender, and sexuality include:

- Constraints on the ability to express and live out one's sense of self, publicly or privately;
- Violence, threats and intimidation as a result of expression, participation and activism;
- Self-censorship encouraged by fear, often in an environment of deeply entrenched impunity for violence, as well as social stigma and cultural norms;
- Lack of representation and inclusion in decision-making processes;
- Limited channels to access information, such as on sexual and reproductive health;
- Censorship of information on LGBTQI issues and gender equality.



We will shine a light on forms of discrimination that can go unseen or unaddressed in the pursuit of overarching human rights goals; ARTICLE 19's Mx Method cuts across all work, and examples of our initiatives can be found throughout this report.

WORKING WITH UN SPECIAL RAPPORTEURS

“ ARTICLE 19 has been a collaborator and a partner for me since I began the mandate.”

Professor David Kaye, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in his [video message](#) for the launch of the Expression Agenda in September

UN Special Rapporteurs play a key role in ensuring that people are free to enjoy their human rights, and also in the development of new soft law on key human rights issues. ARTICLE 19 has developed strong relationships with many Special Rapporteurs, such as David Kaye, and Maina Kiai, Special Rapporteur on rights to freedom of peaceful assembly and of association.

We have also been working with Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief, who recommended ARTICLE 19's [Camden Principles](#) on freedom of expression and equality in his [December 2015 report](#) on the relationship between **freedom of religion or belief, and freedom of opinion and expression**. We do further work with the Special Rapporteur in the field of cultural rights, and the Special Rapporteur on

extrajudicial, summary or arbitrary executions, as well as with certain Special Rapporteurs who have single country mandates, such as those for Myanmar and Iran.

We have long argued that the right to freedom of expression cannot be enjoyed without the right to privacy, and ARTICLE 19 was instrumental in encouraging a consensus among UN member states to create a new mandate for a Special Rapporteur on the Right to Privacy, leading an oral statement of 92 organisations supporting this movement. The new role, created in July, was the culmination of this hard work. We look forward to working with Professor Joseph Cannataci, the new Special Rapporteur, on the intersection of these two rights in the years to come.

THE UNITED NATIONS HUMAN RIGHTS COUNCIL

The UN Human Rights Council (UN HRC) is the UN's primary human rights body. Its resolutions help shape the development of international human rights law, and its mechanisms ensure accountability for abuses, as well as calling on states to provide redress for victims.



EXPRESSION AND BELIEF: RESOLUTION 16/18

ARTICLE 19 has led civil society's response to issues arising at the UN HRC where free expression and freedom of religion or belief intersect. The focus of this work in 2015 was the implementation of [Resolution 16/18](#), a commitment made by States in 2011 to tackle religious intolerance not through censorship, but by the promotion of free expression, freedom of religion or belief, and by creating space for genuine dialogue.

We engaged in extensive advocacy at the UN HRC to maintain consensus around the Resolution; an exceptionally difficult challenge in the wake of the attack on *Charlie Hebdo* and the ensuing rise in calls to restrict speech.

“ Recent events have brought necessary attention to the increasingly hostile environment for freedom of expression and freedom of religion or belief globally. The achievement of maintained consensus around Resolution 16/18 and the importance of maintaining a spirit of cooperation at the international level should not be underestimated.” **Andrew Smith**, Legal Officer at ARTICLE 19, in his [blog on human rights and religion](#) for the [Universal Rights Group \(URG\)](#).

Crucially, we are now moving from policy to action, demonstrating through pilot projects in Tunisia, Bangladesh and Malaysia how Resolution 16/18 can be implemented at the national level.

We also provided substantial input to a report from the URG on the implementation of Resolution 16/18, recommending the [Rabat Plan of Action](#), a framework which promotes a climate of free and open discourse, to prevent against incitement.



As well as advocacy at the UN in Geneva, we also focused in 2015 on ensuring these international standards were used as they were intended: to strengthen rights protection on the ground.

Michelle Yesudas, a lawyer at Lawyers for Liberty in Malaysia, worked with us in Geneva, and took that experience back to her work at the national level, to inform demands for change in Malaysia.



“ Sometimes, facing the assault on freedom of expression creates an impression that it is almost impossible to work hand-in-hand with state actors in implementing plans to move forward.

However, from the briefing with ARTICLE 19, I have a realistic, measurable plan to work with the government and other stakeholders in the short and the long-term: encouraging meaningful participation for all, improving current legislation and creating new government mechanisms. This plan has the potential to provide a sturdy platform for civil society to engage with the state.

Resolution 16/18 addresses live issues in Malaysia, particularly in the rampant use of the 1948 Sedition Act to arrest, detain and harass dissidents. With our government's track record on this, it is important to clarify the role of the state in protecting free speech, religion and establishing the limits of free speech/hate speech very clearly.

ARTICLE 19 has taken a lot of time in creating realistic, strategic plans in helping various stakeholders in understanding the Rabat Plan and Resolution 16/18 and they have made it easy for me to share this information in my own campaign work as well.”

RESEARCH AND REPORTS

SETTING THE AGENDA: ARTISTIC EXPRESSION

ARTICLE 19's agenda-setting work on freedom of expression was given centre-stage at our side-event on artistic expression attended by ambassadors and diplomats, as well as artists from around the world who have experienced for themselves the dangers of censorship. Cartoonist [Zunar](#) from Malaysia, painter Nadia Plesner from Denmark, artist Issa Nyaphaga from Cameroon, and theatre director Natalia Kaliada from Belarus worked with us to send a clear message to the Human Rights Council that, across all societies, art is a powerful tool to challenge the status quo, question authority, and inspire new ways of thinking.

ARTICLE 19 was recognised as a key partner in ensuring the protection of the right to express through artistic media, as well as the right to engage in creative dissent. ARTICLE 19's engagement with states has solidified our position as both expert and mobiliser of civil society, and David Kaye has committed to continue addressing the freedom of expression concerns of artists.

“ A corrupt regime does not know how to deal with cartoons – it is a special medium with a unique quality; it can reach and engage with a wider audience, crossing racial and social divides. Cartoons can help people understand what has really happened: it's very bad for the government, and very good for the people. A corrupt government is afraid of cartoons.”

Zunar, in his exclusive interview with ARTICLE 19

VIDEO: ZUNAR DRAWS FOR ARTICLE 19



IN 2015, ARTICLE 19 ALSO...

- Held our first event at the UN General Assembly: an expert discussion on whistleblowers and the protection of sources;
- Submitted to, and were cited in, Special Rapporteur David Kaye's report on [Encryption and Anonymity](#), as well as publishing our own report, [The Right to Online Anonymity](#), holding a related panel event in London with Kaye and Sir David Omand, former director of the UK's Government Communications Headquarters (GCHQ), chaired by Carly Nyst;
- Engaged on freedom of expression items at the UN HRC concerning Eritrea, Myanmar and Iran;
- Made detailed demands for action to the UN High Commissioner for Human Rights on the deteriorating situation for freedom of expression in Myanmar. The High Commissioner then launched a public statement on the issue, and we were asked to provide political support to the Office of the High Commissioner for Human Rights following the statement's release; and
- Advocated for freedom of expression in a UNESCO panel on online extremism.

UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) provides a mechanism for States to review each other's human rights records on a regular basis, and gives civil society a genuine chance to contribute to the reviews via 'shadow reports', holding States to account in an international forum.

Submissions made to the UPR of Myanmar, Nepal, Rwanda, Somalia, Tajikistan and Tanzania.

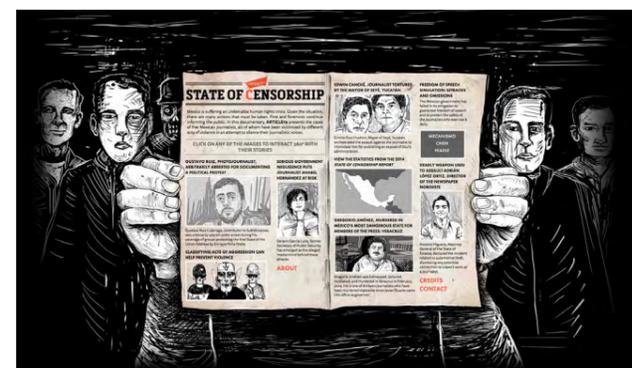
UPR outcome statements on Egypt, Gambia, Honduras, Iran, Kazakhstan, Kenya, Kyrgyzstan, Libya, and Turkey.

121 Advocacy Meetings with States

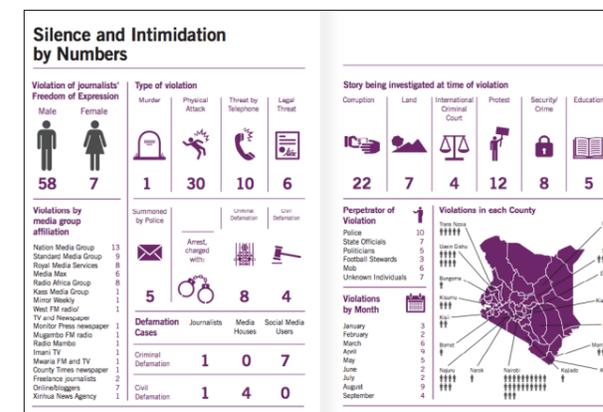
As well as submitting our own oral statements, ARTICLE 19 helped our partners bring their perspectives to the table, such as Daysi Flores of [JASS Associates](#), who delivered statements at the pre-session and the outcome session held on Honduras in 2015.

“ ARTICLE 19's support allowed us to directly denounce the situation in Honduras, speaking openly and meeting potential partners. The experience was also really educational, we got familiar with the UPR mechanism, and the benefits it can offer in improving the in-country situation.” Daysi Flores, JASS Associates.

As well as our training, campaigns, and policy work in 2015, ARTICLE 19 continued to publish insightful research and reports on a wide range of issues across our five themes, shedding light on new freedom of expression issues, as well as exploring in-depth and monitoring situations nationally and internationally. These reports form the basis for ongoing advocacy and activity, but can also tackle impunity, by creating visibility around violations of the rights of journalists, social communicators, and others.



ESTADO DE CENSURA (STATE OF CENSORSHIP)



SILENCED AND INTIMIDATED: ATTACKS ON FREEDOM OF EXPRESSION IN KENYA

VÍDEO COMO PROVA JURÍDICA (VIDEO AS LEGAL EVIDENCE)



MÁS VIOLENCIA, MÁS SILENCIO (MORE VIOLENCE, MORE SILENCE)



ANALISE DO MARCO CIVIL DA INTERNET (THE CIVIL RIGHTS FRAMEWORK FOR THE INTERNET: AN ANALYSIS)



ASIA DISCLOSED: A REVIEW OF THE RIGHT TO INFORMATION ACROSS ASIA

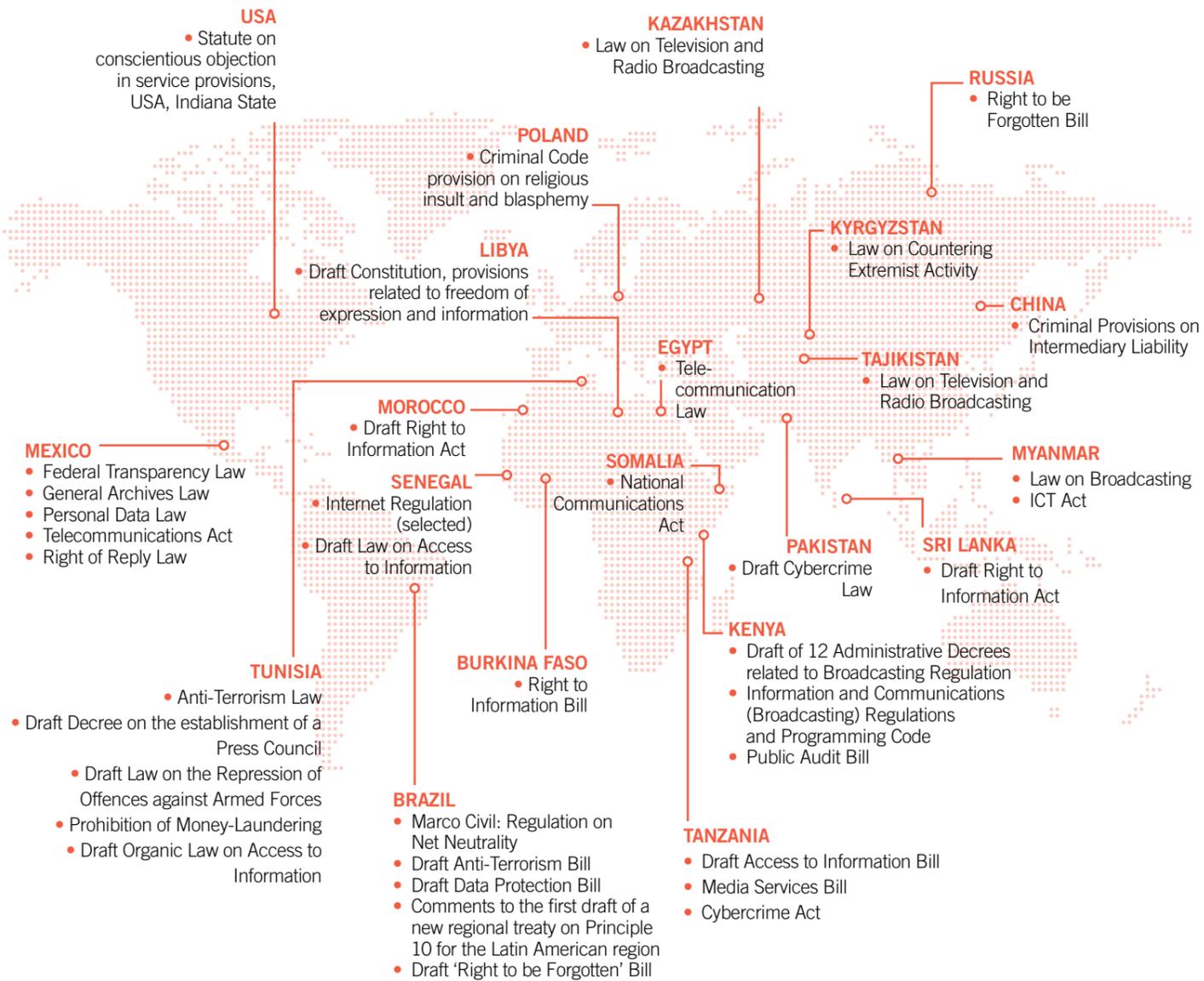


RIO 2016: VIOLAÇÕES AO ACESSO À INFORMAÇÃO NO CASO DO BRT TRANSOLÍMPICA (RIO 2016: VIOLATIONS OF ACCESS TO INFORMATION IN THE CASE OF THE TRANSOLÍMPICA BUS SYSTEM)



کنشگری در تبعید (DEFENDING FROM THE OUTSIDE)

LEGAL ANALYSIS OF NATIONAL LEGISLATION



STRATEGIC LITIGATION: SUBMISSIONS

- Contempt of court case of journalist **Karma Khayat and Al Jadeed TV**, Special Tribunal for Lebanon (an international tribunal)
- Magyar Helsinki Bizottsag v Hungary**, Grand Chamber of the European Court of Human Rights
- Magyar Helsinki Bizottsag v Hungary**, European Court of Human Rights, Panel Chamber
- Times Newspapers Limited (2) Dominic Kennedy v the United Kingdom**, Grand Chamber of the European Court of Human Rights
- Goes case on criminal defamation**, Inter-American Commission
- Desacato case against a Public Defender**, Brazil
- Estelita case**, Brazil
- Case of Judge Corciolli**, Brazil
- Claim against decree no. 2015-125**, French Conseil d'Etat
- Constitutional challenge to the Security Laws (Amendment) Act 2014**, Kenya High Court
- Constitutional challenge to Section 29 of the Information and Telecommunication Act**, Kenya High Court
- Constitutional challenge to Section 194 of the Kenyan Penal Code which provides for criminal defamation**, Kenya High Court
- Amparo regarding government advertising**, Mexico Supreme Court
- Amparo challenging the Mobility law**, Mexico Supreme Court
- San Fernando Case**, Mexico Supreme Court
- Case SK 54/13**, Polish Constitutional Court
- Regina (Miranda) v Secretary for the Home Department and another**, UK Court of Appeal

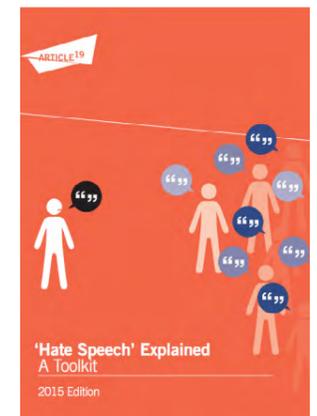
ARTICLE 19 POLICY BRIEFS:



RIGHT TO ONLINE ANONYMITY



ICANN'S CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS



HATE SPEECH EXPLAINED: A TOOLKIT

THE RIGHT TO KNOW PRINCIPLES



BURMESE

CHINESE

KHMER

BAHASA MALAYSIA

SINHALA

VIETNAMESE



TOTAL NUMBER TRAINED
WORLDWIDE IN 2015
2792

MEXICO
65 activists and journalists.

TUNISIA
248 judges, journalists, members of disabled persons' organisations, radio representatives, and activists.

TURKEY
84 journalists, human rights defenders, and municipal officers.

KAZAKHSTAN
38 journalists and citizens.

LEBANON
205 persons with disabilities and members of disabled persons' organisations.

TURKMENISTAN
5 human rights defenders.

KYRGYZSTAN
20 judges.

TAJIKISTAN
34 journalists.

BANGLADESH
332 journalists, social communicators, and CSO members.

SENEGAL
323 activists, journalists, artists, public authorities, and young people.

IRAN
64 activists and digital security trainers.

MYANMAR
260 journalists, lawyers, and Union Election Commissioners and Staff, including the Chair.

ETHIOPIA
46 journalists.

KENYA
691 journalists, bloggers, and activists.

BRAZIL
357 human rights defenders, activists, broadcasters, bloggers, social communicators, community leaders, and citizens.

RWANDA
20 activists and CSO members.

-  Right to Information
-  Freedom of Expression Regulation
-  Media Regulation
-  Protection
-  Digital Rights
-  Elections
-  Gender and/or Sexual Orientation



CIVIC SPACE

Civic space is the physical and legal place where people exercise their rights to express themselves, participate in public decision-making, associate with others, and assemble.

Across the world, civic space is shrinking. More than 60 countries have passed or drafted laws which restrict the activity of non-governmental and civil society organisations in the last three years and 96 countries have taken steps to inhibit NGOs from working at full capacity.

“*Shrinking civic space is a form of mass censorship, an insidious and concerted effort to restrict our ability to come together, share information, act and participate in governance – whether in person or online, individually or in groups. Freedom of expression – individually or collectively when we peacefully assemble – is often the first freedom that repressive governments target, because of its pivotal role in animating the concept of civic space.*”

This is why ARTICLE 19's work is so critical. If we can't speak out, power goes unchallenged, and democracy dies.”

Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

ARTICLE 19, as part of the Sida-funded Civic Space Initiative, spent much of 2015 ensuring that international standards and policies advance progressive interpretations of human rights laws that allow people to gather, speak, and seek information. We worked to ensure these international principles were applied in regional and national policy and law, and implemented projects on the ground which directly promote people's ability to achieve their rights to freedom of expression and information.

Starting a Conversation: LGBTQI in Kazakhstan

In the face of the pervasive discrimination faced by LGBTQI people in Kazakhstan, including physical intimidation, verbal abuse, weak legal protections, and negative media portrayals, ARTICLE 19 managed to open a space for dialogue around these vital issues.

The treatment of LGBTQI individuals in Kazakhstan has bred silence, self-censorship, and impunity, with many opposing sexual and gender equality on the grounds of protecting morality. In 2015, despite the prevailing atmosphere of fear and censorship, ARTICLE 19 managed to create an opportunity for dialogue within civil society about the universality of human rights. The conversation was based around our pilot research into obstacles faced by LGBT people* in urban areas as they try to exercise their right to freedom of expression: [Don't Provoke, Don't Challenge: the Censorship and Self-Censorship of the LGBT Community in Kazakhstan](#).

42% of interviewees reported feeling threatened in social networks because of their sexual orientation.

51% spoke of concealing their sexual orientation or gender identity online, in order to avoid harassment or intimidation from friends and colleagues.

Some of the representatives in our dialogue even agreed to sign a memorandum of cooperation to promote freedom of expression for LGBT people and to challenge hate speech.

To support this, and to start improving the public narrative around LGBTQI rights, ARTICLE 19 ran a training programme for 15 Kazakh-speaking journalists on equality and non-discrimination. Initially, the majority opposed the idea that LGBTQI people should have equal rights, believing that non-normative sexual identity was caused by psychological disorders or diseases. We managed to successfully challenge this perspective, and gained the support of the journalists, with four participants committing to produce positive publications on LGBTQI issues. We also ran a social media campaign, publishing numerous mini-blogs and statements which were widely, and on occasion positively, covered by local media, helping promote and entrench the debate we had initiated. To bolster the safety of LGBTQI activists, and enhance their potential impact, we also gave training on legal and digital security, and effective advocacy tools.

51% reported having more than one account, using pseudonyms to participate in online discussions on LGBT issues.

Only 18% of interviewees communicate on LGBT forums without using pseudonyms or being anonymous.



* No individuals identifying as queer or intersex answered the survey

The Right to Protest Principles:

An Interview with Barbora Bukovská ARTICLE 19's Senior Director for Law and Policy



In June 2015, ARTICLE 19 launched public consultations on the [Right to Protest Principles](#), following presentation at the UN HRC. The Principles, available in seven languages, will form the basis of upcoming advocacy and global campaigning aimed at protecting protest in all its forms.

WHAT ARE THE RIGHT TO PROTEST PRINCIPLES?

The Principles elaborate a set of minimum standards for the respect, protection, and fulfilment of the fundamental rights engaged in protest.

The *right to protest* is not defined in international law, despite the phrase being used frequently in legal and non-legal settings. Protest is the expression of oppositional, dissenting, or reactive views or values: it can be an action taken alone or as a group, including digital action or civil disobedience. It can be expression, performance, or movement, taking place in any location and for any period, with any level of planning or preparation.

The right to protest involves the exercise of a number of interconnected human rights, in particular the right to freedom of expression and opinion, the right to freedom of peaceful assembly and association, and the right to public participation. As the protest environment shifts, we need to make sure we can protect it and those who take part.

HOW HAS PROTEST CHANGED IN RECENT YEARS?

Protests continue to be a global force for social change and strengthening participatory democracy. Protests are important in all societies as they provide individuals and groups with an effective opportunity to have a say in public life.

The expansion of digital technologies has brought new opportunities and challenges to protests. First, digital technologies are used as a medium in protests: they enable protests to take place in physical spaces, as they help individuals and groups to effectively and quickly plan and organise gatherings, respond to events, or document and report on protests.

“ The expansion of digital technologies has brought new opportunities and challenges to protests.”

At the same time, Digital technologies can also be used as a platform for protests. Protests no longer need to take place in the physical world: technology makes it possible for people to “gather” in online spaces and engage in new forms of “virtual” protest. For example, the Anonymous movement have carried out several Distributed Denial of Service actions (DDoS), such as Operation Payback, which has targeted the Motion Picture Association of America, the Spanish police, the Tunisian, North Korean, Myanmar and US governments, PayPal, and the Church of Scientology, among others.

WHAT ARE THE THREATS TO PROTEST IN NEW DIGITAL ENVIRONMENT?

Attempts to curtail the use of digital technologies in relation to protests have been increasing, both to undermine the organisation and reporting of protests. These include shutting down public access to the Internet, suspending some digital services, blocking and filtering websites, prohibition of social media use during protests, or attempts to introduce obligations for companies to comply with censorship measures. Law enforcement authorities also frequently use both overt and covert surveillance techniques against protesters. Surveillance techniques can result in large scale “preventative” arrests under vague references to internal security and public order. They often have a *chilling effect* on protesters who may fear to hold further protests, and represent a *function creep*, especially when police or intelligence agencies use powers under anti-terrorism legislation to restrict protests.

AND WHAT INSPIRED THIS PROJECT?

In the context of shrinking civic space, and with online spaces increasingly subject to surveillance, censorship, and corporate ownership, we must push back against encroachment on our fundamental right to participate in public life, to dissent, and to be able to express ourselves either individually or collectively.

At the same time, there has been no let-up by many States who traditionally see protest as an inconvenience or a threat, with many willing to use brutal and unlawful means to stamp it out. We hope that the Principles will play a crucial role in helping civil society organisations, activists, human rights defenders, lawyers, judges, elected representatives, public officials, and other stakeholders in their efforts to strengthen the protection of the right to protest locally, regionally and globally.

Importantly, the Principles were developed in collaboration with many partners around the world. Following the original draft, ARTICLE 19 organised a meeting of experts, followed by many regional consultations organised by our regional offices and programmes and public consultations through a dedicated website. The final version of the Principles are the result of these collective efforts.

WHAT'S NEW ABOUT THE PRINCIPLES?

The Principles present an innovative and nuanced framework for understanding and protecting a whole set of rights engaged in protests.

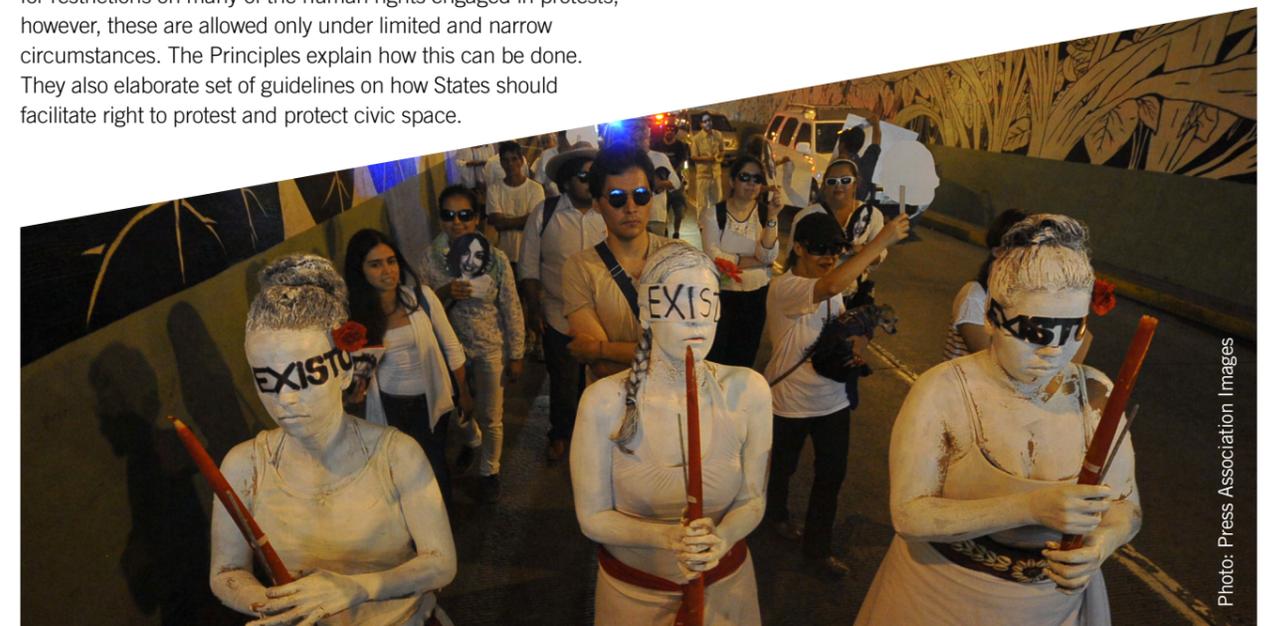
They are a progressive interpretation of international human rights standards and of evolving state practices in this area. While important in all societies, few protests are completely free of risk of harm to others. Hence, international standards allow for restrictions on many of the human rights engaged in protests; however, these are allowed only under limited and narrow circumstances. The Principles explain how this can be done. They also elaborate set of guidelines on how States should facilitate right to protest and protect civic space.

SO WHAT'S NEXT FOR THE RIGHT TO PROTEST?

Now that the Protest Principles have set our standards on these issues, we will work to get those in power to implement them. The Principles clarify our position to government and authorities on what they should do to protect rights during protests, as well as protecting the act of protest itself. We will work with all relevant bodies at international, regional, and national levels, as well as private actors, to ensure broad dissemination and uptake.

“ The digital world is expanding the horizons of protest, both off and online. However, characterised by surveillance, censorship and corporate ownership, the Internet is failing to live up to the great hopes of providing a democratising force, or a fast and secure means to create and communicate data. It may yet meet its potential if its expressive capacity is not constrained by government, and if its democratic potential is explored, acknowledged, and protected.”

Thomas Hughes, in his blog for the Huffington Post, [Hactivism to Balaclava Punk](#)



Street protest held for murdered journalist Ruben Espinosa in Mexico, August 2015

Making Headway: Protest in Mexico

In 2015, ARTICLE 19 rose to meet the challenges faced in Mexico: making violations visible, challenging impunity, and continuing work with partners to reduce restrictions on protest. The country has seen a rise in protest as the public responds to the government's acts, and failures to act, in the face of an escalating human rights crisis. Political non-conformism and social discontent are fuelling the protests, but authorities and police respond with increasing violence, repression, and the criminalisation of those who occupy civic space to express their dissatisfaction. We are working to effectively expose arbitrary detention, abuse of power, and disproportionate use of force, which often occur without safeguards, controls over police, or accountability.

BREAKING THE FEAR

We kept pressure on the authorities in 2015, and achieved real impact on the ground through ARTICLE 19 initiatives such as [#RompeElMiedo](#) ('Break The Fear'), a network of media groups and human rights defenders, monitoring police behaviour at protests in real time using radios, social media and phone technology. The network gathers and analyses the data, posting verified information on our social networks. It offers a fast response to cases of attack or arbitrary arrest of those documenting protests. Through this, we can ensure the release of journalists, and provide increased protection for protesters, as well as providing protective equipment including helmets and gas masks for the monitors themselves.

This network was repeatedly activated in 2015, including during the protests on the one-year anniversary of the disappearance of 43 students in Ayotzinapa, and during the Mexican mid-term elections. Thanks to this increased flow of information across social media, we were able to document 37 acts of aggression against media professionals covering the mid-term elections.

Despite [#RompeElMiedo](#) recording its highest ever number of violations against its own members in 2015, the network grew substantially in capacity and range, launching its [website](#), and a new grant scheme for media network members, to fund equipment and assignments.

ARTICLE 19 VIDEO: #PROTESTALIBRE (#FREEPROTEST)



UNITED IN PROTEST

ARTICLE 19 continued to work successfully as part of the Frente por la Libertad de Expresión y la Protesta Social (FLEPS), a civil society coalition concerned with the recurrent violation of the rights of demonstrators, by action or by omission.

The FLEPS report [Control del espacio público 3.0](#) (Control over Civic Space), drew attention to the current administration's violations of freedom of expression, including punitive legislation and the authorisation of lethal force. The findings appeared repeatedly in the national media, including in [La Jornada](#) and [Animal Político](#).

With FLEPS, we challenged some of the laws restricting protest at the state level, using 'amparos' (constitutional claims). Of the 32 challenges we made, nine judgments declared the unconstitutionality of the provisions.

We successfully challenged:

- Requirement of a **written notice** indicating the aim of any protest 48 hours prior to any protest which could disturb transit on roads, or the peace or tranquillity of the population;
- Prohibition of the **use of main roads**;
- Permission for security forces to take **any measure necessary** to avoid blockages of roads with continuous circulation.

We also worked with Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and his counsel, collaborating on the amicus brief which he presented to the Mexican Supreme Court, which argued, as our amparos did, that certain legal restrictions do not comply with international standards on peaceful assembly.

Although the environment remains extremely challenging for protest in Mexico, ARTICLE 19 showed again that with the combination of our legal expertise, our innovative approach to accountability, and our media and civil society partnerships, the fear can be broken, civic space can be reopened, and restrictions can be challenged.

Mind the Gap!

Iran's Human Rights Defenders in the Diaspora

“*These individuals form an international Iranian civil society whose commitment to the promotion and protection of human rights in Iran remains undaunted by distance.*”

Dr Ahmed Shaheed, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, in his foreword to our report, [Defending from the Outside](#).

In November, ARTICLE 19 published our report on the hurdles faced by activists of the Iranian Diaspora as they strive to continue their work outside Iran. This report was the first of its kind, and provided a much-needed mapping of the needs of this group of human rights defenders, and the 'gaps' in their resources.

“*A very valuable report: it provides a series of useful recommendations for the development of the community's digital security, campaigning, and project management skills through community-building and skill-sharing initiatives.*”

James Marchant, Research Manager at [Small Media](#)

Giving Human Rights a Sporting Chance: The European Games in Azerbaijan

In June, Azerbaijan hosted the European Games in Baku. Working with human rights defenders across Europe and in the USA, ARTICLE 19 harnessed media interest in the sports event to highlight the country's deteriorating human rights situation, and its repeated violations of freedom of expression.

After the Games, following campaigning efforts by organisations like ours across Europe, the Council of Europe's Secretary General Thorbjørn Jagland, launched an investigation into Azerbaijan's compliance with its commitments under Article 52 of the European Convention on Human Rights.

This success in drawing attention to human rights in Azerbaijan was due in large part to initiatives such as the press briefing we organised in April with Human Rights Watch, Index on Censorship and Sport for Rights, at the Frontline Club in London, where

we provided information to foreign journalists covering the Games. A number of these journalists went on to write critical articles about the human rights situation in Azerbaijan, including the UK's Guardian newspaper and the BBC. To keep the pressure up throughout the Games, ARTICLE 19 also organised an expert panel at Chatham House, joined civil society advocacy statements, and protested outside Azerbaijan's London embassy (below).



DIGITAL

Shifting the Discourse: Human Rights and Internet Infrastructure

There is a black hole in the Internet universe: a perception that human rights have no space in the worlds of engineering and business, which underpin the very function of the internet. This misconception has created a chasm between the technology and the human rights communities.

ARTICLE 19 is working to close this gap by radically altering the discourse around the relationship between human rights and the Internet, both in terms of governance and the architecture itself: we're doing this through analysis and advocacy at the major power-centres of technology.

PERSUADING THE POWER-HOLDERS

“ I don't see the connection between ICANN and Human Rights.” Steve Crocker, Chair of the Internet Corporation for Assigned Names and Numbers (ICANN) Board, June 2015.

ARTICLE 19 spent 2015 in focused advocacy around ICANN, and within eight months of this quote, the board of ICANN agreed to include human rights commitments in its corporate bylaws. ICANN creates policies governing the introduction of new generic Top Level Domains (gTLDs) into the Domain Name System (DNS), coordinating the assignment of technical Internet protocol parameters, and allocating Internet numbering resources.

“ It is difficult to overestimate ARTICLE 19's input here. This is a huge step forward in recognising the role of human rights in ICANN's core values. ARTICLE 19 played a very active role in pursuing the inclusion of this commitment, at the Cross Community Working Group on enhancing ICANN Accountability, and in mobilising the community to make human rights a part of the ICANN agenda.” Tatiana Tropina, Senior Researcher at the [Max Planck Institute for Foreign and International Criminal Law](#).

Chaired by ARTICLE 19, The [Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights](#) presented its [policy brief](#) in October at ICANN54. The ICANN community has now agreed to continue with the development of a human rights policy, and has agreed on the period of a year to make this a reality. The development of a human rights statement will be based on the UN Guiding Principles on Business and Human Rights (the Ruggie Principles), which were introduced to the board by ARTICLE 19.

A NET OF RIGHTS? EXPRESSION AND PROTOCOL

The Internet aspires to be the global 'network of networks', providing connectivity for all users, at all times, to any content: this connectivity increases the capacity for individuals to exercise their rights, meaning that the architectural design of the internet is, necessarily, intertwined with the human rights framework.

We're fostering an understanding of this intrinsic link within the technical community, with visible success. ARTICLE 19's documentary, [Net of Rights](#), premiered at the plenary session of the 94th Internet Engineering Task Force (IETF) at Yokohama in November, and Jari Arkko, Chair of the IETF, referred to it in his blog about the event.

Recognition that human rights have a role in Internet policy is gradually being seen in technology communities, but concretely mapping the relationship between the two is a new and crucial challenge. In 2015, ARTICLE 19 was made co-chair of the new Internet Research Task Force's Human Rights Protocol Considerations Research Group, holding our place at the forefront of this movement.

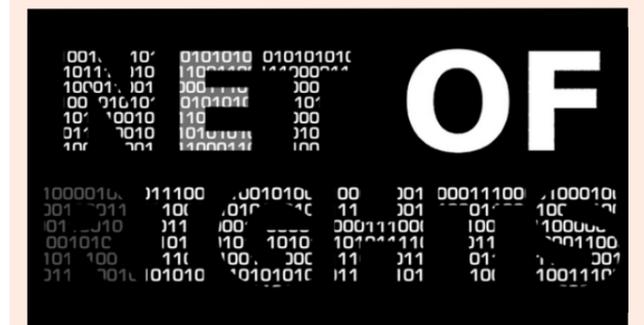
In the digital space, the interplay of interests and tensions between states, the private sector, and users increasingly exposes the gap between the ideals of the Internet and the current reality.

ARTICLE 19 worked on two key areas in 2015: ensuring the Internet is a truly enabling environment for human rights at a structural level, and continuing to develop and provide the tools activists need to protect human rights in the digital era.

While people often view the Internet, and digital communications more generally, as powerful enablers of freedom of expression and information, control over the exercise of rights online is held by the private sector and the state, often without public oversight or accountability. It is vital that this public space, even if largely built on private infrastructure, becomes a safe haven for human rights.

Translating human rights into Internet governance policies, and understanding the implications for protocols, standards and code, is crucial to making the Internet a free space. This cannot be done by civil society alone: formulating a shared comprehension of human rights in the digital era, and finding the best policies, procedures and practices to ensure these rights, will require close collaboration between all stakeholders, including the technical community, businesses, and governments.

▶ ARTICLE 19 AND CODING RIGHTS DOCUMENTARY



Amenable to Amendment: Bangladesh's ICT Law

For nine years, ARTICLE 19 have demanded reform of the controversial 2006 ICT Law in Bangladesh, documenting the rights abuses stemming from its highly regressive and broad speech restrictions.

Finally in 2015, following our advocacy and [report on freedom of expression](#) in Bangladesh, government ministers expressed support for amending the law.

Based on ARTICLE 19's legal analysis, Anisul Huq, the Minister for Law, Justice and Parliamentary Affairs, said the ICT Law

“ contains certain offences, such as obscenity and expression of false information, which are vague: laws like this cannot be permanent. Any law should be reviewed every two to three years.”

Junaid Ahmed Palack, State Minister for Posts, Telecommunication and ICT, also welcomed ARTICLE 19's consultation on the law as timely, in the light of plans to develop a new cyber-security law in 2016.

Our analysis was also cited in the Supreme Court in the case of *Arafat Hossain Khan and others vs Bangladesh* to support arguments regarding violation of the right to freedom of expression.



Photo: Press Association Images

Leading the Pack: Brazil and the Marco Civil

The Marco Civil, the Civil Rights Framework for the Internet in Brazil, is a beacon for human rights online: in a world where governments are increasingly moving to restrict rights online, this Bill sets out a progressive charter for ensuring and protecting rights in the digital space.

In November 2015, we were the first civil society organization to analyse and publish [a report on the implementation of the Marco Civil](#). It is a critical element of the global battle to positively define the rights to expression and information online, and ARTICLE 19 continues to lead on action and oversight to ensure that its implementation fulfils its promise.

Stuck in the Middle: The Manila Principles

We all experience the digital world through intermediaries, including Internet service providers, search engines and social media platforms. These are predominantly owned and operated by the private sector, and are regulated by states in an increasingly restrictive manner.

Intermediaries often block and ban certain types of content, without any transparency around what gets blocked and when, and there is a concerning absence of mechanisms for appealing these decisions. This regulation, which can amount to censorship, is often carried out via private contracts, further hindering accountability.

In 2015, ARTICLE 19 joined a global coalition of leading digital rights organisations to create [The Manila Principles](#) for Intermediary Liability, which aim to counter this censorship of user-generated content, and provide a roadmap for the global community to protect online freedom of expression and innovation. The Manila Principles incorporate our policy position on Intermediary Liability, as set out in the [Dilemma of Liability](#).

OUR PARTNERS FOR THE MANILA PRINCIPLES:

Asociación por los Derechos Civiles
The Center for Internet and Society
Derechos Digitales
The Electronic Frontier Foundation
Kenya ICT Action Network
Open Net Korea



ARTICLE 19 and Manila Principles partners

“ For years we have desperately needed a common reference point for advocacy that links intermediary liability principles to the rights of Internet users. The Manila Principles fill that gap, and will be a catalyst for effective advocacy and protection of Internet user rights around the world.” Daphne Keller, Director of Intermediary Liability at the [Center for Internet and Society at Stanford Law School](#).

As well as being endorsed by nearly 300 leading press freedom and technology policy organizations and individuals, the Manila Principles have been referenced repeatedly, and by a wide range of individuals and groups, from governmental to academic:

- Dunja Mijatović, OSCE Representative on Freedom of the Media in Communiqué No.1/2016; 3rd [Communiqué on Open Journalism](#).
- David Kaye, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in his [May 2015 Report](#).
- Centro de Estudios en Libertad de Expresión y Acceso a la Información (CELE), who presented them to the Parliament of Argentina.
- The Center for Internet and Society at Stanford Law School Blog, Inform, and OpenNet Korea.

Cybercrime and Censorship: Pakistan's Electronic Crimes Bill

Our [legal analysis](#), published jointly with Digital Rights Foundation Pakistan, voiced serious concerns about Pakistan's proposed Prevention of Electronic Crimes Bill, which contains a number of provisions which would violate the rights to freedom of expression and privacy.

In the light of this, David Kaye [voiced concerns about the Bill](#) directly to the Government of Pakistan in December 2015, expressing concern that the draft legislation could result in censorship and self-censorship in the media.

Amnesia Online: Russia's 'Right to be Forgotten'

Russia's 'Right to be Forgotten' Bill gives citizens the right to request that search engines remove or 'delist' links about them that are in violation of Russian law, inaccurate, out of date, or irrelevant. This 'right to be forgotten' is similar to that created in Europe by the [Google Spain Case](#), which was confirmed in an appeal at the European Court of Justice in July.

Cited in the [Moscow Times](#) in an article by Andrei Soldatov, our [legal analysis](#) of the Bill demonstrated clearly that the law fails to provide crucial safeguards for the protection of the rights to freedom of expression and to information, especially when it comes to information on public figures, or public interest issues.

This analysis fits into our wider thought-leadership around the Google Spain case and the 'Right to be Forgotten', a debate we have been shaping throughout the year, with advocacy in November directed at European policy-makers on the [EU General Data Protection Regulation](#), as well as global advocacy in Asia, Africa, and South America.

“ If search engines cannot hold the personal information of third parties for any longer than necessary for their business purposes, aren't vast swathes of perfectly legitimate information going to disappear from the Internet? No doubt the Court's judgment (in the Google Spain case) was well-intentioned, but it also poses a serious risk to freedom of expression online.”

Gabrielle Guillemin, Senior Legal Officer at ARTICLE 19, in her [blog](#) for the International Forum for Responsible Media.

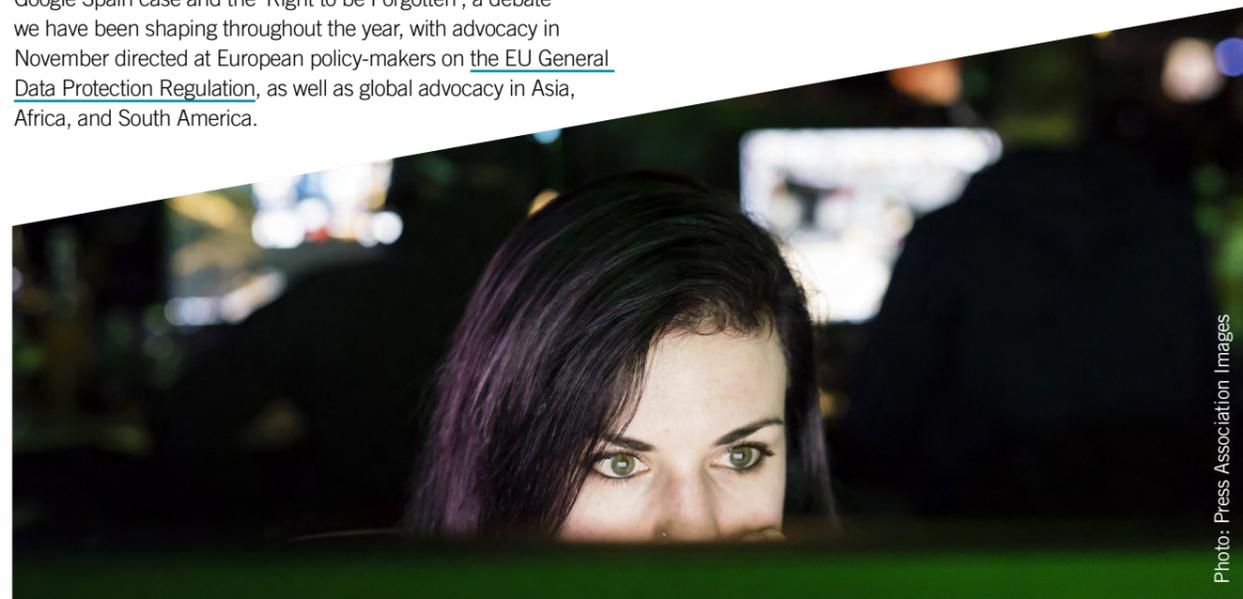


Photo: Press Association Images

Throw the Dice: Online Safety in Iran

Across the world, online activity is a game with three players: the user, business, and the state, but the user often loses. Our 2015 report, [Risky Online Behaviour](#), revealed the online behaviours which too-often result in imprisonment in Iran.

“ What's unique about this report is that it highlights the impact of laws and policies on individual human beings.” **Ali Bangi**, Co-Director of [ASL19](#)

As well as highlighting government violations, we wanted to convey our message about risk-calculation to activists, so we created the [Iropoly](#) board game, which formed the centre of a set of short films, in which four experts play the game, discussing online activism.

In December, we built on the success of Iropoly and expanded our advocacy work into the world of mobile phones, creating a set of stickers which were shareable via Iran's most-used messaging app, Telegram. These stickers warned against risky behaviours identified by the report, and advised on staying as safe as possible. In the first month online, the stickers were shared 125,000 times and installed 30,400 times.

“ Iropoly is a creative idea which is useful for Iranians, especially trainers, to explain the importance of digital security in a fun and an interactive way.” **Amin Sabeti**, Digital Security Evangelist, Information Security Analyst and IT Researcher.

10.8k impressions for Iropoly across social media

30.4k installations of the sticker set

125k shares of the sticker set



Our Iropoly board game



Risky Online Behaviour Stickers

MEDIA

One Small Step for Media Freedom: Ban Lifted in Tanzania

ARTICLE 19 challenged a long-standing tool of media censorship in Tanzania in 2015, and won. Under the 1976 Newspaper Act, the Minister for Information has powers to ban or close down newspapers “in the public interest” or in the interest of “peace and good order”. This piece of legislation has been used to suspend four publications in the last decade.

Newspaper *MwanaHalisi* had been under an indefinite ban since 2012, justified by vague claims that certain 2012 editions of the newspaper were seditious, but more likely due to the newspaper’s suggestion that state security forces might be complicit in the abduction of Dr Steven Ulimboka, a medical trade unionist who was part of a significant strike action at the time.

We were instrumental in getting the ban on *MwanaHalisi* lifted. The High Court found that the Minister for Information had

violated due process, as the newspaper had not been given the right to be heard when the ban was put in place. This judgment ended a three-year battle, during which ARTICLE 19 supported the lawyer litigating the case, including with training on how to use constitutional and international law in national and regional strategic litigation to safeguard freedom of expression.

We had advocated for the lifting of the ban, mobilising other organisations in support of the cause, and also campaigned against the 1976 Newspapers Act at the international level, submitting to Tanzania’s UPR Session, and delivering training on the UPR process, empowering other organisations to participate.

This seemingly small step for media freedom forms a strong basis for ARTICLE 19’s future work around this piece of legislation, and other laws which infringe on media freedoms in the country.

Digital technologies and the existence of an open, universal network have brought turmoil to the traditional media landscape. The Internet has begun to bring all categories of media into one infrastructure, a phenomenon known as *convergence*.

Despite these global shifts, traditional mass media remain dominant in many places: community radio has even

re-emerged as an important means of reaching audiences and of reinforcing local civic space.

ARTICLE 19 works to ensure that media pluralism, media freedom and the public interest are protected and promoted in this increasingly globalised, digitalised and converged media landscape.

“ The audience is now participating in making and distributing news and a growing number of alternatives to traditional media actors are all contributing to the public debate. They have the reach, impact and perform the role of a public watchdog and therefore need to have the protection and privileges that were in the past only granted to traditional media.

It is essential that all actors involved in the media and protection of freedom of expression are part of the debate on preserving our fundamental human rights in the digital age. My office has been working closely with ARTICLE 19 and other international NGOs on many of the issues affected by these changes, such as the safety of journalists, the protection of sources, privacy, defamation, access to information and media regulation.”

Dunja Mijatović, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media 2010-2016



Photo: Mark Henley / Panos



Post-Revolution Regulation: Media in Tunisia

Civil society continued to shape post-revolutionary Tunisia in 2015, with ARTICLE 19 playing a crucial role in the movement to embed freedom of expression in the infrastructure of governance, and in checks and balances on important actors across the media.

ARTICLE 19 is a vital player in the movement towards media self-regulation in Tunisia. Our provision of expertise and training, as well as our mediation role, is ensuring an informed and constructive debate around new media bodies. We also enhance the legitimacy of these bodies, by ensuring decisions and developments are collaborative.

In 2015, ARTICLE 19 facilitated the Union of Journalists and the Federation of Editors in beginning to set up a new self-regulatory

body, the Tunisian Press Council. We also involved a committee of experts and key stakeholders from the media sector and helped ensure a transparent and inclusive process. A public consultation has now been launched around the composition, competencies, financing, and mode of operation of the Council.

In December, we organised a mission to Belgium for key Tunisian stakeholders to study the media regulation (and self-regulation) model there. This led to the creation of the Association to support the Press Council, which will follow the Belgian model in developing the Tunisian Press Council. We supported the process of the drafting of the agreement, providing legal and technical advice.



Photo: Mark Henley / Panos

Advocacy and Analysis: Myanmar's Media Laws

In Myanmar, media laws are particularly important: television and radio broadcasters are an important source of information particularly for rural communities, where the printed press is unaffordable, inaccessible, or unavailable.

During this time of political transition, it is vital that Myanmar establishes an independent, reliable and diverse broadcast media, a strong foundation for media freedoms in its developing democracy. The regulation of broadcasting protects the right to freedom of expression by ensuring that wavelengths are shared out independently and fairly.

Two pieces of draft legislation raised serious concern for freedom of expression in Myanmar in 2015: the Broadcasting Bill and the Public Service Media Bill. Publishing detailed legal analyses and recommendations on both Bills, we worked with media unions to hold two conferences in different regions of the country, attended by 200 media workers, building support and legitimacy for reform of the proposed Bills.

We also held meetings with policy advisors from Myanmar's political parties, the National League for Democracy, National Democratic Force, National Union Party and representatives of the ethnic parties, as well as with the Parliamentary Committee on Culture. In addition, we submitted a note to Parliament which formed the basis of a subsequent Parliamentary debate.

The withdrawal of the Public Service Media Bill was announced in a news report on a national TV bulletin that showed ARTICLE 19's legal analysis alongside the Minister.

After extensive advocacy around our legal analysis of the original Broadcasting Bill, there were a total of 60 amendments before the final Law was published. Our analysis of the Law was read by members of Myanmar's government, and reported on the BBC's Burmese Morning Broadcast.

“ ARTICLE 19, an international freedom of expression organisation, criticised the Broadcasting Law which was enacted in August as it still retains the government's control of the media. Although the basic principles of freedom of expression are shown in the Law, it does not establish the specific independent media institutions necessary in a democracy,”

Thida Lwin, BBC Burmese Morning Broadcast



Ye Htut, then-Minister of Information, reading ARTICLE 19's legal analysis at our Myanmar Media Development Conference

PROTECTION

Worldwide, the security situation for social communicators is worsening. As well as facing violence and intimidation directly from state officials, threats to freedom of expression are increasingly posed by organised criminal groups, religious militant groups, and corporations. State censorship often operates through these groups, with the state giving silent permission, or 'turning a blind eye': fostering this impunity for violence creates a culture of fear, encouraging communicators to censor themselves.

One of the key ways we do this is by providing training on self-protection and risk management; legal safety; ethics and information management; first aid; and emotional and psychological support.

This is addition to our structural work to develop or improve national protection mechanisms and legislation, and push for improved and forward-thinking standards at international bodies, or in laws at regional courts.

In this challenging context, ARTICLE 19 seeks to create an environment where people are empowered to protect themselves.

“Freedom of speech is the right which underpins and protects all other rights, but press freedom is under attack in a way we haven't seen in a generation. We're increasingly seeing assaults on the messenger rather than meaningful engagement with the message, making the environment for crucial journalistic work unsure. The current geopolitical climate, and the war on terror in particular, is eroding the neutral ground where journalists were once able to operate, and there is diminishing acceptance of the role of the media as a watchdog.”

The work of ARTICLE 19 is crucial in the effort to create a safe and enabling environment for journalists and journalistic work, to ensure freedom and protection for communicators. Freedom of the press cannot come without loud and sustained pressure from human rights and civil society groups, individuals, and governments who understand that stability depends on the ability to hold open honest conversations among the people, and with the world more widely.”

Peter Greste, journalist and winner of 2015 Human Rights Medal

A New Charter of Rights: Bloggers in Bangladesh

Following a series of murders of communicators, including media-workers, publishers, and activists, in Bangladesh, in 2015 a police chief warned bloggers that **'no one should cross the limit'** and urged bloggers to self-censor. **Self-censorship is among the most insidious forms of restriction on expression.**

State involvement in crimes against free expression is also on the rise, as we explicitly showed in our 2015 study revealing that state actors were the perpetrators in a third of all attacks on bloggers and media workers in Bangladesh.

After a year-long engagement with bloggers and online activists on the issues, as part of our wider response to the murders and attacks, ARTICLE 19 created our [12-point Charter of Rights for the Protection of Online Expression](#) in Bangladesh, based on our [Right to Blog](#) policy, supported by the UK's Foreign and Commonwealth Office Human Rights and Democracy Programme. This new charter demands that all laws on ICT comply with international standards, to provide a safe and robust space for bloggers.

“The Charter will act as a safeguard for the protection of bloggers, citizen journalists, and all those who express their views and opinions online; I hope the Government will take it into cognizance for upholding online freedom of expression.”
Professor Ajoy Roy, father of murdered blogger, Abhijit Roy, who launched the Charter at our Dhaka event.

The Charter sets out rights including protection from violence and harassment, non-disclosure of sources, and refusal to register with the government or other oversight body. It encourages bloggers to self-regulate, developing codes of conduct or abide by existing codes of traditional media.

“This charter provides a stepping stone to creating a more secure and robust environment for bloggers and those who express themselves online.” **Adrian Jones**, Head of the Political Section, British High Commission in Bangladesh.



Mahbubur Rahman, University of Dhaka, Ireen Sultana, bdnews24, Ajoy Roy (see left), Tahmina Rahman Director of ARTICLE 19 Bangladesh and South Asia, Adrian Jones (see above), and Fatema Abedin Nazla, journalist at the Bangla Tribune, at the launch of the Charter in July

Direct Engagement: Legal Protection in Honduras

As the leading organisation working on freedom of expression in the country, ARTICLE 19 spent the run-up to 2015 helping develop a draft legal mechanism to protect human rights defenders, journalists, social communicators and legal practitioners in Honduras. Our unique position led to direct engagement with the government, who consulted us over the new law.

The final structure of this new mechanism is based on our recommendations, including the incorporation of a risk assessment conducted according to the profile of the individual in need of protection. Following our guidance, cases will also be dealt with under one of two procedures, extraordinary or ordinary, to guarantee a proper and timely response.

The Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Providers was passed by the Honduras legislature in May.



Law and Order in Mexico: Justice for Pedro Canché

Journalist Pedro Canché was detained for nine months on accusations of sabotage, after he covered protests against a local Water Commission. He was released in May, having been legally represented by ARTICLE 19.

Canché is well-known in the state of Quintana Roo for his two decades covering social movements and government abuses, and for his criticism of state governor Roberto Borge Angulo. His work has included reporting on demonstrations against water fees imposed on indigenous communities, and denouncing the repression of social movements.

In August 2014, Canché was arrested for sabotage. He was detained and charged following the violent dispersal of a demonstration outside the offices of the Commission on Water Supply and Sewerage in the town of Felipe Carrillo Puerto, despite evidence that he was neither present at the protest, nor involved in the closure of the water services. Furthermore, the charge was based on an extremely vague law regarding 'sabotage'.

ARTICLE 19 took on the legal representation of Canché, and brought the case to a number of international organizations, including the UN Working Group on Arbitrary Detentions, who later determined that Canché was arbitrarily detained for exercising free expression and on grounds of ethnic discrimination. We also took the case to the Inter-American Court of Human Rights, further increasing its visibility in local and national media.

The current environment for expression in Mexico is an extremely difficult one: in fact, we documented 397 'acts of aggression' against journalists in 2015. In this context, the release of Canché is worth celebrating: the court's public recognition that the imprisonment only served to restrict his freedom provides an excellent precedent for protection of journalists in the future.



Pedro Canché

Holistic Support: Journalists in the Gambia

In the Gambia, we continue to offer protection to journalists and their families who are increasingly subjected to violence and arbitrary detention.

In 2015 ARTICLE 19 provided medical, administrative, and financial support to two women in exile who had alleged sexual abuse by the Gambian president, and had been subsequently forced to testify against a persecuted journalist.

ARTICLE 19 also supported the detained manager of Gambian radio station Taranga FM, referring his case to the African Commission on Human and Peoples' Rights (ACHPR), who raised it at a public session with the Gambian government. We also prepared legal propositions and mitigated potential risks for three Gambian journalists, who were challenging the Gambian regime, at the Court of the Economic Community of West African States (ECOWAS).

Blazing a Trail: Myanmar's Censored Gender

Censored Gender is ARTICLE 19's first report specifically focused on gender in South East Asia, and revealed a number of worrying trends around women and expression in Myanmar, including expression-related violence, exclusion, and media stereotypes.

Women have become political leaders, reported fearlessly on current events, and played vital roles in civil society in Myanmar. However, often even as a result of this, they have faced a multitude of restrictions on freedom of expression. For men, these restrictions tend to come from the government, whereas for women they are reinforced and exacerbated by society in the form of discrimination and gender-based violence.

Freedom for five of Ethiopia's Zone 9 Collective

After more than a year of international advocacy by ARTICLE 19, five members of the Zone 9 collective (three journalists and two bloggers) were released by the Ethiopian government in June.

These members of Zone 9 had been arrested and charged with incitement and terrorism, just two days after Zone 9 announced a return to activism. We were instrumental in the creation and facilitation of the legal team which represented the incarcerated members of the collective.

ARTICLE 19 campaigned around the case at many levels, including directly appealing to the US Secretary of State, John Kerry during his visit to Nairobi, who later addressed the issue himself when in Ethiopia. These members of the collective were released only days before an official visit to Ethiopia by US President Barack Obama later in the year.



Members of the Zone 9 Collective

Safe Spaces for Women: Tech-forward Training in Brazil and Mexico

Forging new paths in the worlds of digital security and holistic protection, as well as demonstrating our gender-sensitive and tech-savvy approach to protection, in 2015 we piloted virtual

safe spaces specifically for women, using an open source and secure platform. This allowed for secure follow-up exchanges between participants of ARTICLE 19 protection training.

See No Evil: Impunity on Film

In 2015, ARTICLE 19 launched a trilogy of documentaries in Brazil: *Impunity Blinds*, *Impunity Kills*, and *Impunity Silences*. The films are a response to the experiences of: Alex Silveira, a photographer found legally responsible for his own loss of sight due to a rubber bullet fired during a demonstration; Rodrigo Neto, for whose death not all of those accountable have been tried; and journalists and communicators on the Brazil-Paraguay border, whose work is inhibited by violence and impunity, hindering public interest stories, and often preventing accountability for power-holders and decision-makers.

The trilogy has proven to be an effective advocacy tool, screened at cinemas, community centres, and even public hearings with the State Assembly, raising awareness and creating visibility and inspiring debate around impunity. The documentaries complement our [annual report on violations](#), launched in March, which documented 21 violations against communicators in Brazil the previous year.

▶ ARTICLE 19 DOCUMENTARY: IMPUNIDADE CEGA (IMPUNITY BLINDS)



TRANSPARENCY

Paved with Information: The Road to Development

ARTICLE 19 achieved a major win in September 2015 when the United Nations General Assembly adopted the Sustainable Development Goals (SDGs): a new set of goals to end poverty, protect the planet, and ensure prosperity.

For the first time, the right to information has been recognised as a key component of these international efforts. The goals include a specific target regarding ‘access to information’ and protecting ‘fundamental freedoms’ (including freedom of expression) under the goal relating to good governance. This had been a major advocacy focus for ARTICLE 19 and our partners since 2012.

Working with the Friends of Governance in Sustainable Development, in July 2015 we published an e-Book, [Governance for Sustainable Development](#), as well as launching a [website](#) for the group to publish reports and documents, including our key advocacy documents.

Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

Target 16.10: ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

“ The road to human rights is paved with information. This recognition of access to justice and information, with transparent and accountable institutions, is a huge leap toward creating a framework that enables individuals to pursue fair and sustainable development, as well as their human rights.”

David Banisar, Senior Legal Counsel at ARTICLE 19, in his [blog](#), part of a series produced by The Huffington Post, What’s Working: Sustainable Development Goals

The world is entering an era of transparency, its importance now recognised in international and domestic laws and numerous international and national initiatives, with over 100 countries having adopted comprehensive national laws and policies.

The basis of transparency is the right to information (RtI): the right of individuals to obtain information from bodies, public and private, about policy and actions which relate to how government operates, or which affect the public interest.

It is a tool of empowerment: a means to understand and engage effectively with the institutions which hold power and affect our lives.

For over 20 years, ARTICLE 19 has been at the forefront of developing new international standards and principles on the right to information: this influence culminated in our crucial role in getting the right to information included in the new Sustainable Development Goals (SDGs).

Both Sides of the Coin: Investigative Journalism in Turkey

Joined by high-profile individuals including Heather Brooke and Yaman Akdeniz, we carried out training throughout 2015 on right to information requests as a tool for investigative journalism, accompanied by a pocketbook guide for journalists on using the Turkish right to information law. Enhancing transparency in Turkey from both angles, we also trained municipal officials on how best to respond to right to information requests.

Training in Action: Public Interest Journalism in Uganda

Edward Ronald Sekyewa, a journalist trained by ARTICLE 19 in making information requests under Uganda’s 2005 Access to Information Act, won two cases against a government agency in February. The National Forestry Authority’s refusal to grant information was declared illegal, and the court ordered that the authority grant Sekyewa access to all the information he had requested.



Consultation and Collaboration: Information in Tunisia

As part of our memorandum of understanding with the Tunisian government, the Liberties and Rights Commission in the Tunisian Parliament invited ARTICLE 19 for a consultation about the new Fundamental Law on Access to Information.

This invitation was a recognition of our extensive work over the last two years on Tunisia's legal framework for the right to information, and we presented our recommendations on the draft to the 25 members of the Liberties and Rights Commission who attended. Most of the recommendations were subsequently adopted and the final law is deemed to be one of the best in the world on Rtl.

The process was not always easy. The government withdrew the draft law in July after nearly two years of discussion, but the setback proved only temporary: following an intense advocacy campaign, the draft bill was reintroduced the following month.

By November, ARTICLE 19 agreed to develop an 'orientation document' for its implementation, and a 'guidance document' on the creation of a new Information Commission for the General Directorate of Administrative Reforms (DGRPA).

Partnered with the DGRPA, we have also been working to identify barriers to Rtl by analysing contradictory laws and policies, and providing assistance on the existing Decree on access to information, including a manual for officials. We have also held conferences, training and information-sharing events, including with the National School of Administration, and study visits from leading global experts.

Breaking the Silence: Obstetric Fistula in Senegal

In Senegal, the high instance of obstetric fistula, and the scarcity of information about preventing and treating it, demonstrates clearly why access to information is crucial. Obstetric fistula is caused by prolonged obstructed labour, creating a hole between the vagina and rectum or bladder, which leaves a sufferer incontinent; it is estimated that around one million women worldwide suffer from this injury, often untreated.

Our research in Senegal revealed a lack of understanding of the treatment options available to sufferers of this childbirth complication. Harnessing the power of access to information, ARTICLE 19 helped health-care providers reach more women to educate them about their treatment options: increasing the flow of vital health information to those who need it most.

“ We are grateful to ARTICLE 19, as we didn't know about the existence of fistula: it was my mother who went to the training, and returned to share the information with us.”

A beneficiary of ARTICLE 19's work on obstetric fistula.

In 2015, ARTICLE 19 gained political backing for our work on fistula and the right to information: local authorities pledged their support for our work on the right to information around fistula in Tambacounda province, and we expanded into another region: Kolda. Our work in this topic has brought a new urgency to the issue of access to information in Senegal, resulting in the Minister of Good Governance agreeing to work with us towards the passing of a right to information law.

“ After the ARTICLE 19 training, I spread the message here, in my own area.”

Aminata Diallo, Community Leader

▶ ARTICLE 19 DOCUMENTARY: BRISER LE SILENCE SUR LA FISTULE (BREAKING THE SILENCE AROUND FISTULA)



Information in Drought: The Right to Water and Rtl in Brazil

Throughout 2015, the 20 million people living in the São Paulo area suffered a potentially avoidable drought. Based on our 2014 report analysing the transparency of public agencies, and the relationship between the right to water and the right to information, we have begun advocacy around the drought.

In 2015, ARTICLE 19 pushed to highlight the absence of transparency in government. We submitted numerous information requests regarding the water crisis, and had particular success regarding SABESP, the state-owned company which coordinates the water supply in São Paulo whose contracts with companies and corporations has routinely been classified. After we filed the request, SABESP failed to send the contracts, then disclosed them, but with the names of companies, value and amount of water consumed blocked out.

Through a partnership with the Public Prosecutor's Office, we instigated a legal demand, even having our reports used as evidence: finally, we were able to view and publicise the contracts.

The contracts exposed major discounts on water being received by large corporations, in exchange for large high minimum monthly consumption rates, some of which were even signed after the start of the water crisis. This meant that while regular citizens were paying more if they used more water, companies were rewarded for doing the same: some discounts on bills reached 40% of the total value.

Following our work and legal success, the information which had been uncovered was reported widely by Publica and other media

outlets, and corporate consumers' discounts were reduced, with changes being made in the water management administration.

We continue to face difficulties in accessing information in the state of São Paulo in regard to the water crisis, exacerbated by the concentration of media-ownership in Brazil and its relationship with the government of São Paulo. We have, however, set a precedent regarding the exercise of the right to information in Brazil, and following the judgment, we discovered further unjustly classified documents relating to public security and transport.

▶ ARTICLE 19 DOCUMENTARY: A SECA E O SILÊNCIO (DROUGHT AND SILENCE)



Information is Empowerment: Lowering Barriers in Lebanon

People with disabilities in Lebanon continue to face attitudinal and environmental barriers to participation in many areas of life. Any political action or demand for change needs accurate and detailed information in order to effectively make a case; ARTICLE 19 worked throughout 2015 to empower individuals to use their right to information for meaningful public participation.

Accompanied by our report, Lebanon: Disability and Access to Information, we worked on capacity-building for members of local disability groups from three regions in Lebanon: we delivered training on monitoring and techniques for access to information, as well as on advocacy principles and strategies. These principles formed the foundation of the beneficiaries' subsequent campaigning on inclusive education, employment and vocational education.



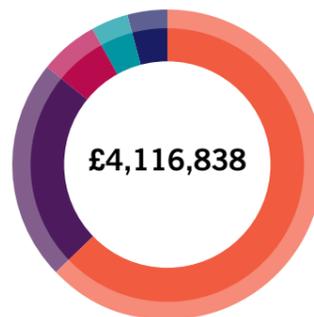
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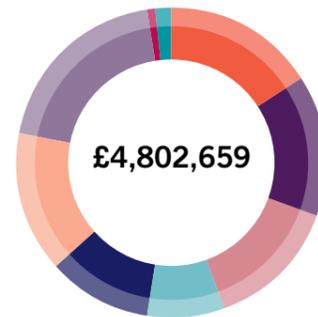
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FINANCIAL INFORMATION

INCOME



EXPENDITURE



● Governments	2,608,232
● Trusts and Foundations	944,845
● NGOs	234,198
● Regional and multinational	179,293
● Others	150,270

Total Income 4,116,838

Total brought forwards 2015 1,731,161

Total resources 5,847,999

● Africa	771,565
● Asia	703,872
● Latin America	670,959
● Law & Policy	385,035
● Europe and Central Asia	520,921
● Middle East and North Africa	700,401
● Global	938,808
● Cost of generating voluntary income	46,410
● Governance cost	64,688

Total resources expended 4,802,659

Total funds carried forward 2016* 1,045,340

* Accumulated Unrestricted and Restricted Reserves (Projected)

Disclaimer: The figures presented above are subject to an external audit, and will be updated in July 2016.

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