



Newsletter

ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

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Protecting the belief at the expense of the Believers:

Another post 9/11 legacy?

Dr. Agnès Callamard, Executive Director

It happened quietly. There was no uprising. No emotional speeches. No angry debates. But on March 30, 2007, the UN Human Rights Council passed a resolution that violated international standards on freedom of expression. A resolution stating that freedom of expression may be

restricted “to ensure respect for religions and convictions” was passed by 24 council members, with 14 against and 9 abstentions. The resolution was sponsored by Pakistan on behalf of the Organization of the Islamic Conference (OIC). The OIC could have made a wiser choice than to hand over that responsibility to a country where still people are put to death for blasphemy. The OIC might have been given pause by China's support – a country hardly distinguished by its commitment to freedom of religion - or by Russia's, whose treatment of religious minorities and religious freedom stands as a negative example to all. But perhaps, the OIC took its comfort in South Africa's or Mexico's endorsement.

Human rights and freedom of expression activists, on the other hand, can only be left wondering... Can the human rights destruction waged by President Bush's version of America, justify undermining *the* human right that, ultimately, is among the most effective recourse and instruments against these abuses – the right to freedom of expression?

Since 9/11, as too often this newsletter has had to report, restrictions on and violations of universal human rights have multiplied all over the world, justified on the grounds of national security. At the same time there is evidence of growing intolerance and burgeoning discrimination within established democracies, especially vis-à-vis Muslims whether as residents or foreigners. There is little doubt that a number of governments have fed this intolerance through policies and laws targeting explicitly or implicitly Muslims.

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In this environment, a resolution reminding the international community of its obligations under article 20 of the UDHR, particularly as far as Muslims are concerned, could have been important and timely. The proponents of the resolution could have insisted on strengthening the protection of all people's and each individuals' rights to life, equality, and justice and on the obligations of all states to protect minorities, including religious minorities, against acts of hatred, oppression, violence. But instead, states chose to focus their efforts on protecting religion itself: NOT the believers and NOT *freedom of religion*.

For example, paragraph 10 of the resolution distorts blatantly Article 19(3) of the ICCPR, by quoting largely from it but then adding, without acknowledgment a new "respect for religions and convictions" ("*le respect des religions et des convictions*") to the otherwise carefully defined grounds that may justify a restriction on freedom of expression. The resolution's frequent use of the term 'defamation' also suggests wider restrictions are being sought than are actually permitted under international law. In particular, while certain restrictions on speech are allowed to protect reputation of individuals these are not allowed in respect to religions, which cannot be said to have a "reputation" as such and thus cannot be said, under international law, to have been defamed. While international law does not entirely rule out restrictions on speech to protect religion, it very carefully circumscribes the scope of such restrictions.

Religious believers have a right not to be discriminated against on the basis of their beliefs, but they cannot expect their religion to be set free from criticism, even in its harshest or most sarcastic form. The equality of all ideas and convictions before the law and the right to debate them freely is the keystone of democracy. As international human rights courts have stressed, freedom of expression is applicable not only to "information" or "ideas" that are favourably received but also to those that may offend, shock or disturb any or all of us.

In many ways, the Human Rights Council resolution is in keeping with a trend that has resurfaced with great strength in our post 9/11

world: protecting the belief at the expense of the believers, of all believers.

ARTICLE 19's 20th Anniversary: An organisation punching above its weight

ARTICLE 19 is twenty years old in 2007. That's twenty years dedicated to the protection of freedom of expression throughout the world through monitoring, researching, lobbying, campaigning, setting standards and litigating on behalf of freedom of expression wherever it is threatened.

During the course of our anniversary year, we will open regional offices in Brazil, Kenya, Mexico and Senegal, extend our programmes in Latin America and the Middle East, internationalise our governing system, broaden our work on conflict, post-conflict and freedom of expression and expand our projects on the right to know among the poorest and most vulnerable communities. We will launch a major publication reviewing twenty years of change in the freedom of expression world, an updated online ARTICLE 19 Freedom of Expression Handbook and a global map of criminal defamation. We will also celebrate freedom of expression through films, music and contemporary arts in Mexico, Senegal and the United Kingdom.

In this anniversary year, we will be celebrating...

Twenty years of campaigning against censorship in all its shapes and colours: From the banning of news and books to the murder of dissenters and journalists, from undisclosed environmental disasters to silencing in the name of national security, from denying the existence of famine to denying women access to information on sexual and reproductive health, from the censorship of films to blanket muzzling of the media.

Twenty years of pioneering work in applying a free speech analysis to all aspects of our lives: Through our policy research, litigation and lobbying, we have drawn links between censorship and famine, freedom of expression and

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development, access to information and the exercise of reproductive rights.

Twenty years setting legal standards: Through our legal expertise, ARTICLE 19 has produced reference work and contributed to in-depth change at all levels. Our influential publications are used all over the world by civil society, governments, courts and international bodies. They have included *the Johannesburg principles* on national security and freedom of expression; *The Public's Right to Know* on freedom of information legislation and; *Access to the Airwaves* on freedom of expression and broadcast regulation. Over its twenty year lifespan, ARTICLE 19 has provided countless legal commentaries and analyses to civil society that have strengthened their lobbying and advocacy work resulting in the enshrinement of freedom of expression in national laws and constitutions.

Twenty years of partnership: The protection and defence of freedom of expression is first and foremost achieved through and by national civil society, and national, regional and international coalitions. We believe that the most effective and principled way to promote and implement institutional, cultural and legal change is to work in partnership with others. Our key stakeholders are our local partner organisations (52 in 2007 across 40 countries) and through them the beneficiaries of our collective interventions. In 2007, ARTICLE 19 will be celebrating our partnerships and collective efforts to protect and defend human rights and freedom of expression the world over, against new and old censors, aggressors and silencers.

ALERT: MEXICO

On 6 April 2007, journalist AMADO RAMÍREZ DILLANES was shot dead at close range with three bullets in the city of Acapulco, Guerrero, as he was leaving the offices of broadcasting station Radiorama, where he conducted his daily news programme *Al Tanto*. State authorities have not speculated on the possible motive of the murder. However, it was well-known that Ramírez Dillanes was investigating the alleged links

between the local police force and drug traffickers.

This killing is the latest of a string of similar attacks on and assassinations of journalists in the last twelve months in Mexico, and demonstrates the precarious and alarming climate in which journalists are doing their job in the country. In the last twelve months, up to 10 media workers have been murdered in Mexico and 3 have “disappeared”. A coalition of free media organisations including ARTICLE 19 Mexico has recorded a total of 90 incidents against the media. Few have been brought to justice so far for these crimes and an overall climate of impunity predominates in the country.

While the federal government is taking active steps towards decriminalizing defamation, 31 states have criminal defamation on their books carrying average sentences of 2 to 4 years and exorbitant fines.

There is no appropriate legal framework for community broadcasting thereby rendering them particularly vulnerable to threats and the abuse of power, and insufficiently protected by the state and federal judicial systems.

In March 2006, the Congress passed the *Federal Law on Radio and Television* that sets new rules of operation for the television and radio. The law constitutes a major set back, in particular by failing to comply with the principle of equitable share of frequencies, thus threatening the existence of a diverse and independent media.

These are some of the key conclusions of a fact-finding mission conducted by ARTICLE 19, to coincide with the one year anniversary of our presence in Mexico, and our participation to an international film festival (FICCO) in Mexico City. ARTICLE 19 called upon the Mexican state to take all measures necessary to promptly and effectively investigate attacks against journalists and to amend the laws that do not meet international standards, in particular the so-called *televisa law*. We also called on the international community to lift the veil of silence over Mexico's treatment of its media and the blatant dis-functioning of the country justice system.

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(For further information, please contact Dario Ramirez: dario@article19.org)

Country and thematic snapshots

Al Jazeera Training: In September, A19 conducted a five day training course on comparative media law at the Al-Jazeera Media Training & Development Center in Doha, Qatar. The Center was established in early 2004 and, like the parent group of satellite TV stations, has rapidly built a reputation for itself in the Middle East and beyond. The participants were drawn from across the news, sports and children's channels as well as charitable associations in Doha, and included both lawyers and non-lawyers. The course, the first on this subject offered in the Center, was well received and discussions are underway to organise follow-up training in early 2007.

Anti-corruption: In conjunction with Transparency International, ARTICLE 19 has been providing expert advice on the implementation of the UN Convention Against Corruption (UNCAC) on the role of access to information and the protection of 'whistleblowers' in the fight against corruption – two measures which State parties are expressly required to give effect to by UNCAC. In December, in Jordan, the First Conference of State Parties to UNACC agreed for a strong monitoring and implementation mechanism to ensure the success of UNCAC. ARTICLE 19 has participated in a UNCAC Experts Meeting in Jordan, an ongoing coalition group of civil society experts in London, and a workshop with government representatives in Kuwait.

Argentina: In December, ARTICLE 19 organised an international meeting in Buenos Aires on the role of access to information as a channel to enhance the exercise of access to social rights, strengthen democratic institutions and achieve sustainable development. The international seminar provided a forum for different actors to share their experiences of campaigning for access to information legislation, designing environmental and social programmes based on public information and analysing common themes. Participants agreed that a new generation

of FoI activism was now required, building on the successes and learning of the previous decade.

Brazil: ARTICLE 19 has established a new office in Sao Paulo in order to implement a project on access to information and poverty reduction strategies in Brazil.

Burma: In November 2006, ARTICLE 19 submitted a letter to all fifteen members of the United Nations Security Council urging them to adopt a binding resolution on Burma, calling for the immediate release of honorary ARTICLE 19 board member Daw Aung San Suu Kyi, a comprehensive review of the laws and practices restricting freedom of expression and the holding of democratic elections. The resolution was vetoed by both China and Russia in January of this year but ARTICLE 19 is nevertheless encouraged that the UN is now at least beginning to take the horrendous violations of human rights in Burma more seriously. ARTICLE 19 continues to campaign for fundamental change in Burma including the guarantee of freedom of expression and will soon be publishing a compilation of works from Burmese writers.

China: In December 2006, ARTICLE 19 participated in the Berne Process meeting (a process by which governments agree human rights concerns to be raised during individual negotiations with China). ARTICLE 19 is currently working on legal analyses of Chinese press and Internet legislation and exploring work with a local partner on access to information and the environment. ARTICLE 19 will also hold an event in London on Censorship in China in spring 2007.

Council of Europe: In November, ARTICLE 19 joined two other NGOs – Access Info Europe and the Open Society Justice Initiative – in submitting a briefing to the Group of Specialists on Access to Official Documents, recommending important changes in the direction of the work. The briefing argued that the treaty should guarantee a right of "access to information" held by public authorities rather than the narrower right of access to "official documents" currently envisaged. It also suggested extending the scope of the treaty beyond the executive branch of government to legislative bodies and judicial authorities. Currently, these

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bodies are covered only insofar as they perform administrative functions. A thorough comparative study appended to the briefing showed that these recommendations reflect the practice of a majority of CoE Member States.

Defamation ABC: In November 2006, ARTICLE 19's Law Programme published a *Defamation ABC*, the first in a series of three planned pamphlets on defamation law. The ABC is intended both as an accessible introduction to the law of defamation, and as a tool for those interested in progressive reform of defamation statutes, whether lawyers or non-lawyers. The Defamation ABC is available in English on ARTICLE 19's website (<http://www.article19.org/pdfs/tools/defamation-abc.pdf>) and will shortly be published in print and online in Arabic, French, Russian and Spanish. The other planned publications in the 'Defamation Campaigning Tools' series are a pamphlet on the dangers of criminal defamation laws and a commentary to ARTICLE 19's July 2000 standard-setting publication *Defining Defamation: Principles on Freedom of Expression and Protection of Reputation*.

Jordan: Continuing a long history of involvement in Jordan, ARTICLE 19 conducted a roundtable on reform of the country's Press and Publications Law in November in Amman, in cooperation with local NGO the Adaleh Centre. Several MPs from different political parties attended the roundtable, which also considered the draft Law on the Guarantee of Access to Information, set to become the region's first law of its kind.

Mexico: On November 23rd, ARTICLE 19 and Coparmex, an umbrella business organisation, signed an agreement to work together to promote the use of the access to information legislation among private sector companies in Mexico. Coparmex has already acted on this agreement by placing transparency and access to information at the top of its agenda for its Annual Assembly. A working group has now been established, consisting of ARTICLE 19, a representative of Coparmex and fifteen companies, to carry out a monitoring exercise to lever greater openness within government departments, particularly those dealing with public procurements.

Nepal: In September, ARTICLE 19 participated in the third International Mission to Nepal to secure commitment to bring the legal framework for the media inline with international standards. Following on from the mission, we produced a submission for the High Level Media Recommendations Commission, which had been set up to make recommendations for reform, and an analysis of Nepal draft freedom of information law in December. A follow-up mission was undertaken in early February 2007 to advocate for law reform and further build our network of contacts in the country. We also took advantage of the timing of the mission to participate in the UNESCO film launch: *I am Nepali, hear my voice*. ARTICLE 19 produced an analysis of the provisions affecting freedom of expression, the media and information in the Interim Constitution, adopted in January 2007.

Niger: In December, the Africa Programme led a workshop in Niger where more than 30 participants gathered to discuss freedom of expression in the country. Participants were drawn from a diverse range of backgrounds including the media, human rights organisations, the Bar Association, the Association of Judges, the National Broadcasting Regulator, the National Human Rights Commission to the Department of Communication of the Office of the Prime Minister. The meeting concluded with participants poised to mobilise for freedom of expression and information using available African mechanisms on human rights to intensify campaign efforts.

Special Rapporteur on Freedom of Expression in Africa: ARTICLE 19 hosted the Special Rapporteur in January 2007. Ms. Pansy Tlakula came to London where she met with various government and non-government advocates as well as donor representatives to discuss opportunities within the African Commission on Human Rights for addressing violations and promoting an enabling environment for freedom of expression in Africa. During her presentation to NGOs, Special Rapporteur Tlakula emphasised the need to engage with the Commission in promoting best practice.

Sudan: In September 2006, ARTICLE 19 and local partners addressed the Cabinet of the government of Southern Sudan, to raise awareness

on a number of draft bills that had been submitted to the ministry of Information. The drafts have since been reviewed and we will be facilitating a meeting with government officials and civil society representatives in April 2007, with the aim of finalising the bills for submission to the legislative assembly. ARTICLE 19 has undertaken a similar review procedure at national level although, not surprisingly, the process has been more difficult. While no official (or unofficial) draft has been published as yet, an early draft obtained by us showed a proposed new regime that would be as susceptible to government control and abuse as the current oppressive national legislation. Currently this legislation is not enforced in Southern Sudan, which has autonomous competence in the area of media regulation. In March 2007, ARTICLE 19 also submitted a Report on Sudan to the UN Human Rights Committee, highlighting the problems of violence against journalists and the restrictive regulatory regime for the media.

South East Asia: We organised in November 2006 two day training on freedom of expression law for the Southeast Asia regional media freedom group, SEAPA. SEAPA was conducting the training as part of its ongoing training programme for its members on preparing Alerts for IFEX distribution. This was the first time they had included a freedom of expression law component in their training, and it was very well received by participants.

Togo: In January 2007, ARTICLE 19 assisted the Togolese Media Observatory and other local partners to develop and agree on a programme of activities for the upcoming national media conference scheduled to take place in March. The conference aims to address issues regarding the media policy environment and safety of journalists especially in the period leading up to the elections in June. ARTICLE 19 will attend the conference and provide advice on media policy issues.

Supporting freedom of expression in Iraq

In February, ARTICLE 19 facilitated the first meeting of the *Media Law Working Group* for Iraq. With the support of the UNDP, we have

brought together MPs, media regulators, civil servants and media and civil society representatives to look at the current regulatory framework for the media in Iraq and make recommendations for reform. The first meeting looked at print and broadcast regulation as well as criminal law restrictions on freedom of expression. Members of the group will be consulting with stakeholders in Iraq and return for a second session in April, when priority areas for reform will be identified and draft reform proposals prepared.

In the first week of March, we also conducted a four day training session on freedom of expression principles for senior Iraqi judges, civil servants and media regulators. The participants debated general principles of international human rights and freedom of expression law, and also discussed the difficult question of the extent to which freedom of expression may be appropriately limited in a conflict situation. The project, supported by the FCO, also included activities run by our partner the Media Diversity Institute which brought together seven talented radio journalists from Iraq from different ethnic, religious, gender and professional background to work on a radio piece on Iraqi exiles in Jordan. The final product combined the four stories produced by the teams on what Jordanians think about Iraqi refugees and on different cases of Iraqi refugees. The programme has been broadcasted on Radio Dijla. Amman net and may be broadcasted on more stations in the upcoming weeks. *(For further information, please contact Sarah Richiani: sarah@article19.org)*

Colombia: Could You Talk with a Gun to Your Head?

The freedom of expression situation in Colombia was the object of an international mission and conference in which ARTICLE 19 took part in October 2006. Whether reporting the alleged impunity derived from the government's "Justice and Peace" initiative or the latest local corruption scandal, Colombian journalists very often find themselves threatened by government, paramilitary or guerrilla forces, local criminals gangs or drug lords.

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During a visit to Barranquilla, ARTICLE 19 met with representatives of the local and regional governments and with twenty journalists. We heard that press violations are normally left uninvestigated, and that many reporters face threats and practice self-censorship as a means of protection. We also found out about their poor working conditions and the abuse of official advertising which together prevent the growth of independent media in the country.

An international meeting in Bogotá followed the mission. Journalists and representatives of local and international organisations discussed the strategies necessary to promote an independent media, and protect journalists and freedom of expression in Colombia. The agreed key priorities include revising the legal framework, particularly in relation to libel laws, public advertising and the adjudication of community radio licences; building the professional and entrepreneurial capacity of journalists; and promoting a code of ethics.

In addition, participants agreed to work on a road map for stronger protection, addressed to the donor and international NGO community, and to develop a campaign to promote journalists safety and combat impunity. ARTICLE 19 was asked to coordinate the development of this campaign.

In January 2007, a follow up meeting was held in Bogotá to design the campaign against impunity, including its objectives and the different activities to be carried out during this year to lever justice. The campaign will be formally launched on May 3 2007, UNESCO World Press Freedom day, to be commemorated in Colombia this year. (*For further information, please contact Rafael Barca: rafael@article19.org*)

Africa: Journalists and Human Rights Defenders Push for Freedom of Expression

Through its Right to Know Project in Africa, ARTICLE 19 serves as a resource for local partners, providing strategic and technical assistance to groups. In recent months, such activities have included a three day *East and Horn of Africa Human Rights Defenders' Sub-regional Conference for Journalists*, with participants from countries with some of the worst human and

media rights violations -- Eritrea, Ethiopia, Somalia, North and South Sudan, and Somaliland. There were also representatives from Kenya, Tanzania and the host country, Uganda. The recurring theme was the dissonance between governments and media organisations in understanding the human rights imperative of press freedom.

Democracy, which many African governments increasingly embrace, creates an impetus for access to information. At the same time information workers are vilified and persecuted for doing their work. The public is clamouring for access to information, but the authorities seem to line up alongside secrecy, public order and criminal defamation laws using one or a combination of these laws to suppress information and antagonize media workers. ARTICLE19 receives daily a large volume of alerts about news organisations raided and journalists and media workers attacked, arrested and detained, some indefinitely. Many journalists pay the ultimate price of being killed for doing their jobs. With the scale of intolerance for media information access, democracy and therefore, development can only happen in drips and drops.

Therefore, the *Human Rights Defenders' Sub-regional Conference* participants sought solutions to a checklist of occupational hazards and tools for handling the risks. There were debates about national versus public interests, and how to make distinctions without compromising either. There were also discussions on how to mitigate against specific threats to human rights defenders and media workers such as:

- Restrictive laws hinged on security and public order
- Torture, abduction and murder of journalists
- Untrained journalists and their lack of professionalism
- Regulation by licensing and accreditation of journalists
- Poor coverage of women and children's issues

ARTICLE 19 led a skills-building session on improving journalistic ethics and standards of reporting in conflict and post-conflict areas using the provisions of regional and international human

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rights instruments such as the African Charter on Human and People's Rights and the International Conventional on Civil and Political Rights. Participants also learned tips on understanding laws that regulate press freedom and media content in their countries. At its close, the conference issued a communiqué urging governments to be more tolerant of freedom of expression by giving greater consideration to the public interest served by access to information. (For further information, please contact Cece Fadop: cece@article19.org)

Some Success Stories

Abkhazia: The de-facto President of Abkhazia and a number of parliamentarians have expressed their support to create a framework for public access to information, following interventions and meetings by ARTICLE 19 and its partner – the Media Club.

Marcel Claude Reyes and Others v. Chile: The Inter-American Court of Human Rights issued a landmark decision in a case claiming a right to access information held by public bodies as part of the general right to freedom of expression. ARTICLE 19 filed *amicus curiae* briefs in the case, jointly with the Open Society Justice Initiative, at both the Commission and Court. In a very strong and unanimous decision on this point, the Court upheld the claim, ordering Chile not only to provide the information requested, but also to adopt domestic legal measures to guarantee the right and to provide training to public officials. Although the right to access information is widely recognised in law and in many modern constitutions, this is the first time an international court has recognised it is a basic human right, based on the right to freedom of expression.

Moldova: The Moldovan Audiovisual Code was substantially improved in line with recommendations we made in April 2006. Amongst other things, civil society can now nominate members for the new broadcast regulator, and the mandate of

the public service broadcaster has been improved.

Nepal: The Nepalese draft Right to Information Bill has been substantially improved following detailed comments provided by ARTICLE 19. Key among these are better regime of exceptions, the right to an independent administrative level of appeal, and protection for good faith (but mistaken) disclosures.

Peru: Sixty-nine local organisations participated in capacity building workshops on the use of access to information. Three local advocacy plans on sexual and reproductive rights (SRR) were developed in Piura, Cusco and San Martin, which included the production of regional diagnoses on SRR for use as advocacy tools.

Ukraine: The environmental Hotline set up in the office of our partner *EcoPravoin* Kiev has provided advice and representation to over 160 individuals and organisations on issues of access to environmental information. Hotline workers were involved in 5 lawsuit cases, 2 of which have been successful already.

Spotlight on Lyudmila Gryaznova, human rights defender

In December last year, ARTICLE 19 had the honor to meet and interview Ms Lyudmila Gryaznova, Head of the Belarusian NGO 'Human Rights Alliance' and Vice-Chairperson of the United Civil Party of Belarus. Ms Gryaznova actively writes on political and social issues in Belarus and has published over 150 articles in various newspapers and websites. She has been a victim of persecution from the Belarusian government and has been on trial for her political activities. In 2003 she was sentenced to 15 days in detention for organising public protests.

Ms Gryaznova told us about the deteriorating conditions for freedom of expression in Belarus

and set forth her conviction that the international community can and must help.

“[The situation with the freedom of expression in Belarus] is generally very bad. Only a few independent media outlets are still operational, with their existence still under question. As of 2007 they will be excluded from the subscription catalogue, through which newspapers are distributed in Belarus. [This] is a very effective method used by [Belarusian President] Lukashenka’s authoritarian regime to suppress the independent media...” It has already been used against private newspapers, such as oppositional *Narodnaya Volya*.

“The number of media outlets is constantly decreasing and the Internet remains the only alternative. Although the Internet at present is relatively free, the authorities are trying to monitor it...Sometimes we have to travel outside the country to send an email to foreign partners”.

She added that: “...in Belarus, journalists are killed, the opposition has completely lost access to the electronic media, and independent newspapers are being closed by legal and economic methods. The same is happening in Russia now. Unfortunately, Belarus is used as a testing ground for these repressive policies and if government gets away with it here, they use the same tactics in Russia.”

On the role of international NGOs Ms Gryanznova said: “Along with support to independent media and oppositional parties, the international community can help us to revive the Belarusian intellectual elite. Representatives of this elite should be acknowledged by the international community, for example through support and awards that help to raise their profile within Belarus. This would also help keep the world’s attention on Belarus and provide international pressure in supporting of freedom of expression [in the country].... The worst thing is when they don’t react at all. It gives Lukashenka the opportunity to do whatever he wants to. When the spotlight is on the country, when people abroad talk about us, it spawns hope and optimism for the future.”

A couple of months after the interview, in February 2007, the Belarus authorities introduced new internet regulations which require internet cafés users to register, and internet café owners to keep records of their customers and the websites they visit for at least one year. (*For more information, contact Anoush Begoyan: anoushb@article19.org*)

Malaysia: Building a Culture of Openness

Two and a half years ago, ARTICLE 19 hosted a key meeting in Malaysia, which aimed at motivating local groups to initiate a campaign to advocate for the adoption and proper implementation of access to information legislation. In 2007, following a concerted campaign by ARTICLE 19 and its key local partner in this work, the Center for Independent Journalism (CIJ), much has changed.

An important initial goal of the campaign has been to raise awareness and build a coalition of groups advocating for the adoption of a right to information (RTI) legislation. Trainings, which have focused on how RTI is relevant to people’s everyday lives, have been accompanied by a mass awareness-raising campaign. Thousands of “right to know” leaflets in Chinese, English and Malay have been distributed and a number of public events, often attracting significant media attention, have been launched. Efforts have been made to involve MPs, and discussions and meetings with parliamentarians have led to a request from the backbenchers for more formal engagement.

A key focus of the campaign has been access to environmental information, which strikes a strong chord with many Malaysians. Home to one of just twelve areas of mega-biodiversity worldwide, Malaysia faces many challenges in preserving its environmental heritage. The environment has often been neglected in the push for economic growth and commercial development, and natural habitats are being destroyed at an alarming rate. Government investment in biotechnology is significant and yet information disclosure around the potentially detrimental health effects is scarce. Indeed, even the draft biotechnology bill is

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classified under the Official Secrets Act. In general, there is a paucity of information on issues of environmental concern and citizens often face considerable hurdles in their attempts to access information, often with limited success.

To highlight the need for greater access to information, in particular in regarding the environment, ARTICLE 19 and CIJ have produced a report entitled [*A Haze of Secrecy: Access to Information and the Environment in Malaysia*](#). The report sets out international standards binding on Malaysia in this area, together with the national legal framework pertaining to RTI. Access to information on environmental issues of particular relevance in the Malaysian context, such as biotechnology, environmental disasters and conservation, are examined. The report also highlights the experiences of indigenous communities in accessing information, an important topic given that their land rights are being sidelined. Perhaps most importantly, the report makes recommendations to reform the legal and cultural framework of access to information in Malaysia.

Efforts to raise awareness on RTI are bearing fruit: the media are increasingly covering the campaign and voicing their concerns over secrecy legislation such as the Official Secrets Act and the coalition is growing. One of the most major successes of the campaign has been the commitment by the state of Kelantan to adopt RTI legislation. A working group has been set up to prepare draft legislation and the coalition has played a leading role in this process. ARTICLE 19 has provided significant support to this process, which has taken our model law as a starting point, and comments have been provided by ARTICLE 19 throughout the process. The final draft itself is very progressive and, if adopted, would do much to advance the cause of RTI in Malaysia.

The campaign is ongoing, and efforts to build a greater base of support for this work are essential. It may be several years yet before progressive national access to information is passed and actively implemented in Malaysia, but we are confident that the campaign will not cease until it achieves this ultimate goal.

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ARTICLE 19 New Campaign The Persian Impediment

On December 18, ARTICLE 19 launched *The Persian Impediment*, an interactive campaign against internet censorship in **Iran**, and in support of freedom of expression on the internet. ARTICLE 19's campaign website exposes the organisational structures behind Iran's censorship system, assesses recent trends in Internet related detentions, and provides an opportunity for an online discussion on, and action against, censorship. The website can be accessed on the following link: <http://www.persianimpediment.org/>

Hate Speech and Freedom of Expression

In April 1991, ARTICLE 19 and the University of Essex convened an international conference on hate speech to examine the rise in racism and racist violence, and the measures taken to curb racist speech. A book was subsequently published, entitled "*Striking the Balance: Hate Speech, Freedom of Expression and Non-Discrimination*," which examined the laws regulating hate speech in 14 countries.

Some fifteen years later, hate speech has once again become a crucial topic on the contemporary freedom of expression and anti-racist agenda. Organisations working in both sectors have monitored increasing instances of violations of freedom of expression, occurring alongside a growing number of racist attacks, and the acceptability of traditional forms of racism. Unfortunately, the two sectors have tended to oppose each other, sometimes acrimoniously, accusing each other of condoning the "censor" or the "hatred". ARTICLE 19's position to "strike the right balance" is therefore particularly necessary and timely in that charged atmosphere. Over the last 6 months, we have sought to build bridges amongst communities and insist on the universality and indivisibility of all human rights.

In a key note speech to the expert seminar of the European Commission against Racism and

Intolerance of the Council of Europe (ECRI), ARTICLE 19's Executive Director, Dr Agnès Callamard argued that the anti-racist and tolerance powers of freedom of expression must be fully unleashed. Participants to the ECRI seminar sought to approach the issue in a way which minimised conflict but emphasised complementarity. At the same time, an inherent tension between the two freedoms was noted and experienced, which had to be managed sensitively and creatively. The rapporteur, Michael Head, concluded that a combination of factors is required to achieve synergy between these two basic human rights, including restrictions based on law and applied with adequate safeguards; appropriate mechanisms of self-regulation backed up by firm Government action in the area of social policy, and above all a consensus within society making possible the sensitive policing of the boundaries between freedom of expression and the measures necessary to fight racism.

The Organisation of America States (OAS), for its part, had invited ARTICLE 19 to comment on the first draft of a regional anti-discrimination convention, to fulfil commitments arising out of the 2001 World Conference against Racism. ARTICLE 19 Law/Asia Programmes Director attended an *Expert Seminar* convened by the UN Independent Expert on minority issues, Ms. Gay McDougall, in Washington from 20-30 January 2007. Toby Mendel gave a presentation highlighting some of ARTICLE 19 concerns with the first draft Convention, including the fact that the hate speech provisions are vastly overbroad and poorly written. We have subsequently produced an analysis of the provisions, which we have forwarded to the Working Group and UN Independent Expert.

During this period, ARTICLE 19 also criticised the French Parliament draft bill prohibiting any denial of the 1915 Armenian genocide, arguing that by effectively elevating history to dogma, such a law has no place in a democracy and that existing hate speech regulations are far better legal instruments. We also criticised a German proposal to push for an EU-wide ban on denying or trivialising the Holocaust, other genocides and a range of other war crimes. ARTICLE 19 called for any agreed standards for combating extremism in Europe to strictly adhere to international

principles and, in particular, to criminalise only speech which constitutes incitement to hatred. We also recommended that a broad plan of action be instituted to combat racism, focusing mainly on non-judicial and proactive measures, including the media. *(For further information, please contact Agnes Callamard, agnes@article19.org)*

ARTICLE 19 Main Publications Sept 06 – March 07

- **Argentina:** Cartoon booklet on access to information in Argentina, Nov 06
- **Abkhazia:** Memorandum on the draft law of Abkhazia on the right of access to information, Sept 06
- **Africa:** Checklist on implementation of the African Union's 'Declaration of Principles on Freedom of Expression in Africa', Nov 06
- **Armenia:** Statement of Support for a set of regulations drafted by Armenia's FOI Center to implement the Freedom of Information Law, Sept 06
- **Azerbaijan:** Memorandum on the draft Law of Azerbaijan on Defamation, Oct 06; Second Memorandum on the draft Law of Azerbaijan on Defamation, March 07
- **Burma:** Letter urging UN Security Council to adopt a resolution on Burma, Nov 06
- **Chile:** Submission on the 5th Periodic Report to the UN HRC on FOE, March 07
- **Cook Islands:** Memorandum on the draft Media Bill, Nov 06
- **Council of Europe:** Memorandum on Treaty on Access to Official Documents, Nov 06
- **Defamation ABC:** Campaigning tool providing an introduction to defamation law, Nov 2006
- **Eritrea:** Statement to the Special Rapporteur on Freedom of Expression to investigate human rights violations, Nov 2006
- **European Bank for Reconstruction and Development:** Briefing note on the Bank's Public Information Policy, Dec 06
- **Ghana, Cote d'Ivoire:** Support for Kimberley Process, Nov 06
- **Iran:** Unveiled: Art and Censorship in Iran: a report on FoE and artistic freedom in Iran, Sept 06
- **Ireland:** Memorandum on the Irish draft Defamation and Privacy Bills, Sept 06
- **Israel:** Memorandum on the 1965 Broadcasting Authority Law, Feb 07
- **Kazakhstan:** Memorandum on Kazakhstan's Media Law, as amended in July 2006, Sept 06
- **Kyrgyzstan:** Memorandum on the draft Freedom of Information Act, Oct 06

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- **Malaysia:** A Haze of Secrecy: Access to Information and the Environment, Feb 07
- **Maldives:** Joint letter to Minister of Information on lack of progress on schedule of democratic reforms with particular reference to FoE (4 Dec); Note on the Draft Broadcasting Bill of the Maldives, March 07
- **Mexico:** Letter to Mexican Presidential Candidates regarding FOI legislation; Campaign letter to Mry of Education on the proposed banning of textbooks in secondary schools used for sex education; Letter to President Fox and IFAI Commissioners asking for a reinforced commitment to the independence and autonomy of the IFAI (published in Mexican newspaper); User-friendly guide to access to information, Feb 07; Guide to access to information and the private sector, Feb 07
- **Nepal:** Comment on the 2007 Interim Constitution, March 2007; Memorandum of the draft Freedom of Information Act, December 2006; Nepal: Submission to the High Level Media Council, Sept 06
- **Tanzania:** Memorandum on draft Media Services Bill, March 07
- **United Kingdom:** Submission to the UK Constitutional Affairs Committee on the Draft Freedom of Information and Data Protection, Feb 2007
- **Nigeria:** Call for enactment of Freedom of Information Bill ahead of elections, Jan 07
- **Panama:** Press release on proposed changes to Panamanian Criminal Code, Feb 07
- Pocketbook on Freedom of Expression Standards, March 07
- **Russia:** Letter to the President, defamation charges against journalist from *Noviye Kolesa*, Kaliningrad, Letter to the president on Anna Politkovskaya's murder, Oct 06; *The Forbidden Zone: Access to Environmental Information Denied*, November 2006; The Closure of the Russian-Chechen Friendship Society is a Violation of the Right of Freedom of Expression, Oct 06; Statement on Proposed Amendments to Russian Environmental Legislation, Nov06; Statement on the Conviction of Russian Newspaper Editor Boris Stomakhin, Nov 2006; Statement on 'Russian-Chechen Friendship Society under Threat, Jan 07
- **Senegal:** Country Report on freedom of expression in Senegal, Jan 07
- **Sudan:** Submission to the United Nations Human Rights Committee ahead of the 4th periodic report on the implementation of the ICCPR, March 07
- **Sri Lanka:** A Struggle for Survival (International Press Freedom Mission Final Report), Feb 07; Joint letter to Donor Countries on Shortage of Printing Ink in advance of Donor Meeting, Jan 07;

Newsprint Shortage Undermines Freedom of Expression Jan 07

- **Tunisia:** IFEX-TMG joint letter to the incoming UN Secretary-General Ban Ki-moon, Jan 07
- **Turkey:** Statement denouncing the killing of Turkish-Armenian Journalist Hrant Dink, Jan 07

COMING UP...

Iraq/Jordan: From March to June, ARTICLE 19 will convene the *Media Law Working Group* consisting of Iraqi public officials, legislators, media and civil society representatives to debate and draft new legislation for the regulation of the media. ARTICLE 19 will also run a new programme of capacity-building for Iraqi journalists on gender-sensitive reporting in armed conflicts. (*For information, please contact Peter at peter@article19.org*)

Sudan/Kenya: ARTICLE 19's work in Sudan will gain further momentum over the next few months with the opening of a new ARTICLE 19 office in Nairobi from where the Sudan project will be managed, in coordination with dedicated project staff recruited by our local partners in Juba and Khartoum. (*For information, contact John Barker at johnb@article19.org*)

Thailand: ARTICLE 19 will release a report in April on the challenges to freedom of expression in Thailand, in the aftermath of the September 2006 coup. ARTICLE 19 has voiced its concern about the interim military government's recent attempts to muzzle the media, including by issuing an order to the broadcast media to desist from reporting statements by former President Thaksin and his supporters. Although the government has promised to uphold and promote democracy and human rights, the future of freedom of expression is still very much uncertain. (*For information, contact Catrina at catrina@article19.org*)

Yemen: ARTICLE 19 is embarking on a project seeking to create an environment for Free Media in Yemen. Over the next 6 months, we will engage government officials, lawyers and journalists and discuss and draft a new press and publications law in line with international standards. The project will also feature a two-day training course for journalists from the Yemeni

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Journalists' Syndicate on the best practices of freedom of expression and will culminate in a report on freedom of expression in Yemen for the year 2007. *(For information, contact Sarah Richani at sarah@article19.org)*

New Staff Members

Emmanuel Trépanier from Canada has joined as Law Programme Assistant. Emmanuel holds an M.A in Gender and Development from the University of Sussex, and a B.A. Hons. in International Development Studies from the University of Toronto. Emmanuel has worked for Muscular Dystrophy Canada, the Association for Women's Rights in Development, Plan International (in Indonesia and Sri Lanka), the Free Burma Coalition and the Pay Equity Commission.

Roxanne Abdulali has taken up the position of Africa Programme Administrator. Roxanne was previously Assistant Organiser for the Independent Asylum Commission. She has a MA in International Studies and a BA in International History & Politics both from the University of Leeds.

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