

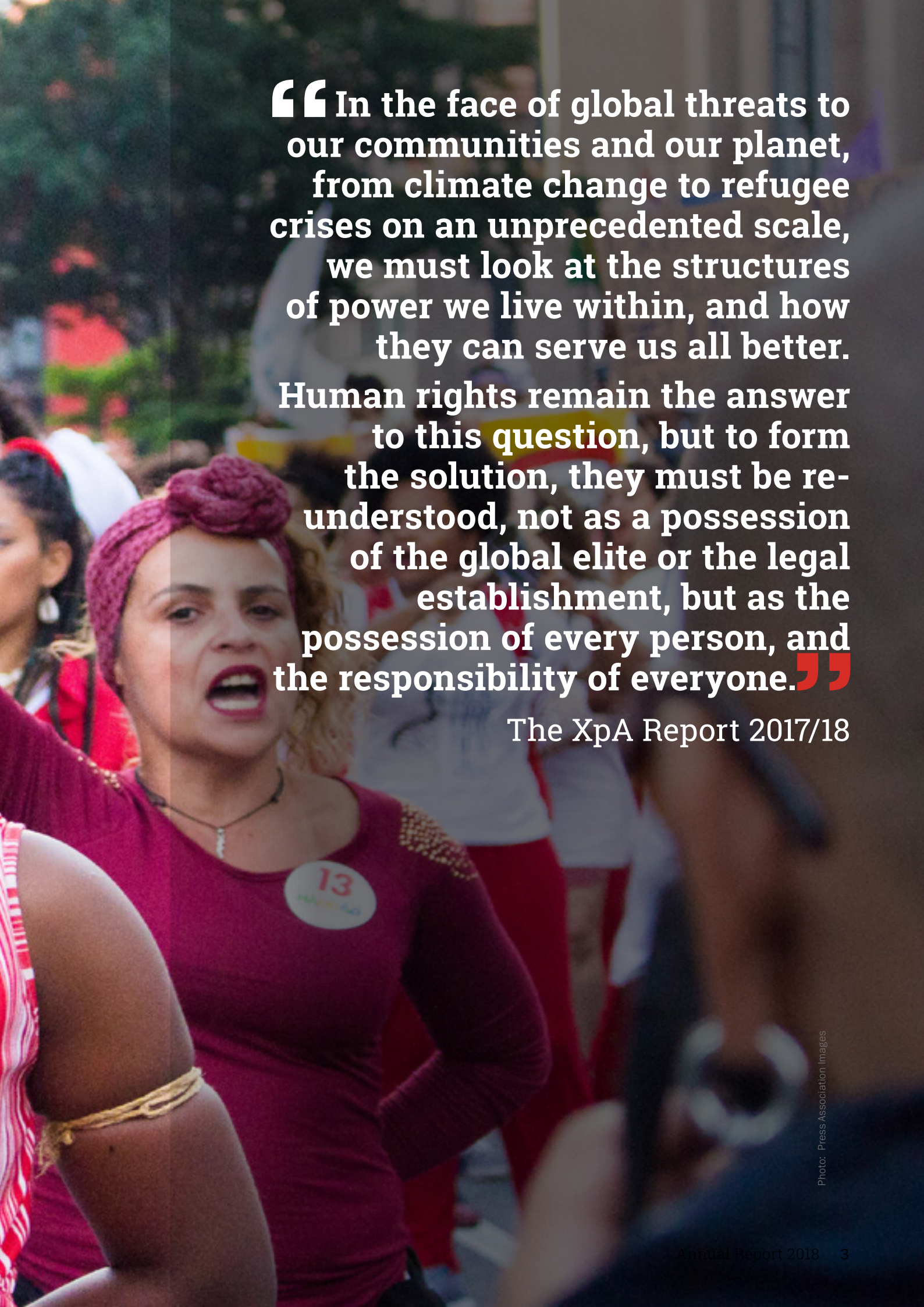


ARTICLE¹⁹

International Annual Report 2018

Defending Freedom of Expression
and Information around the World



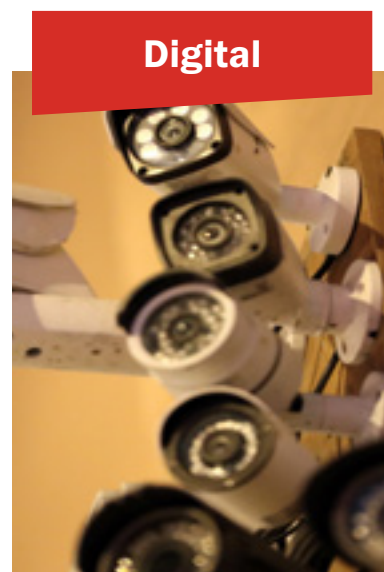
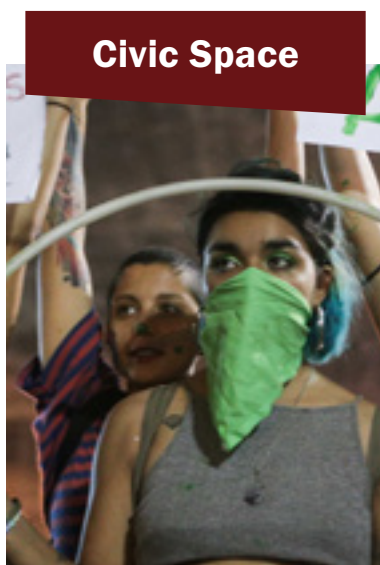
A woman with curly hair, wearing a red long-sleeved shirt and a red headband with a flower, is shouting with her mouth open. She has a circular badge with the number '13' on her chest. In the background, other people are visible, some wearing red clothing, suggesting a protest or rally.

“ In the face of global threats to our communities and our planet, from climate change to refugee crises on an unprecedented scale, we must look at the structures of power we live within, and how they can serve us all better. Human rights remain the answer to this question, but to form the solution, they must be re-understood, not as a possession of the global elite or the legal establishment, but as the possession of every person, and the responsibility of everyone.”

The XpA Report 2017/18

Photo: Press Association Images

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Inclusion is both the prevention and the cure

From the Executive Director, Thomas Hughes



“Finding the right balance will have profound implications for all of us. That is why we are forging new paths in various fields, from our new global campaign to our proposal for independent multi-stakeholder self-regulation.”

The wake-up call for expression is loud and clear. In 2018, we saw that freedom of expression and information reach their lowest point in a decade. Space for meaningful discussion and communication has come under siege, even while its defenders continue to battle and inspire.

We have seen the rise of ‘strongman’ politicians and autocracy continue : politicians who we should look to for inspiration are often engaged in xenophobic, misogynistic and homophobic rhetoric, while the number of states that we look to for leadership became fewer in number.

On the rise too, is the price of protecting the right to freedom of expression and information. Lethal attacks are just the tip of the iceberg, as enforced disappearances, arbitrary arrests and detentions, torture, unlawful surveillance, gender-based violence, and harassment and intimidation continue, all with impunity. Hatred and violence against vulnerable communities are being stirred up by nationalists and right-wing groups seeking scapegoats. These narratives are increasingly normalised, even legitimised, by mainstream politics as it lurches away from human rights.

More than ever we need informed citizens, strong institutions, and the rule of law: expression and information are the keys to this. The complex issue of user-generated content came to fore in 2018, with the role of social media platforms under scrutiny, especially as they intersect with social concerns, which range from radicalisation to violence against women.

Content moderation on social media must protect freedom of expression while preventing serious abuses. Finding the right balance will have profound implications for all of us. That is why we are forging new paths in various fields, from our new global campaign to our proposal for independent multi-stakeholder self-regulation.

Inclusion is both the prevention and cure: more speech is needed to tackle hate. Our work is making this understood at a multitude of levels, from UN advocacy to our on-the-ground trainings ranging from students to faith leaders. Hope lies in voices being raised and in demands being made - for human rights, for fair laws, for strong institutions, and for public information. We must keep faith in one another and our own power to listen, learn, and find solutions that benefit all of us.

This applies to how we work. As the NGO community continues to face the challenge of meaningful safeguarding and ethical standards in the delivery of their work, ARTICLE 19 has faced challenges resulting from our considerable growth, and the change processes we have implemented to support that growth. For all of us, upholding the values we hold dear and fight for, means addressing difficult situations head on. I applaud the efforts of all staff within ARTICLE 19 in tackling such issues and seeking to align our internal culture and our values with our role in the world.

As we continue to deliver the Expression Agenda strategy our commitment and contribution to the change we seek are more important than ever.

Grave risks and beacons of hope

From the Chair of the Board, Paddy Coulter.



“We are also ever-more conscious of the imperative of coalition-building, which has enriched and amplified our work immensely.”

In 2018, inspiring stories unfolded defiantly across the globe, despite threats to expression and human rights.

ARTICLE 19's Expression Agenda (XpA) metric revealed some discouraging global trends, but we have also seen positive action, protest, and social movement on a scale which gives great cause for optimism. Much of this, it has to be stressed, is the reward of persistent and consistent work. After years of engagement on the law, Morocco has this year passed its Access to Information Bill, and we finally saw impact after courageous investigative journalist Lydia Cacho's 13-year struggle to have her rights recognised in Mexico.

These wins, while significant, are not simply moments of arrival: they are points of departure. The implementation of the Moroccan law will be its real test, and while Cacho has gained an apology from the Mexican state, journalists in the country remain at constant and grave risk in an environment of impunity.

We are also ever-more conscious of the imperative of coalition-building, which has enriched and amplified our work immensely, from rulings in favour of Turkish journalists at the European Court of Human Rights, to the first-ever inter-agency press freedom mission to the USA.

Fostering coalitions in-country has also shown huge impact: bringing together local groups to amplify work, build momentum, and share resources is an invaluable part of our strategy. In Tunisia, we mobilised groups around a UN resolution (16/18) against hate speech, leveraging the text at a local level in order to gain commitment from politicians that they would avoid intolerance at election time.

Coalitions have also spurred and supported our pioneering innovations, from work with Privacy International to explore the human rights implications of artificial intelligence, to building brand new infrastructure called Reporting Attacks on Expression, with the International Federation of Journalists, Freedom House, the International Press Institute, and the IFEX Network.

Across the world, ARTICLE 19 has found huge strength in creating and facilitating connections between groups, some of which might have considered themselves to have distinct aims: in Belarus we proved that a simple connection can deeply enrich understanding and create new partnerships against hate speech in that country.

Together, we can make human rights – more specifically, expression and information – beacons that help to reveal what we have in common, and the means of finding our way through the challenges facing us.

For ARTICLE 19's impressive achievements in the face of daunting obstacles, I pay tribute to staff and colleagues in the ARTICLE 19 network of regional and international offices, and to my Vice Chair Galina Arapova and fellow members of the International Board.

A new campaign to address one of the most pressing expression issues of our times.

There are currently around 2.2 billion active Facebook users and 330 million Twitter users; 1 billion hours of video are watched daily on YouTube. As technologies for communication emerge and develop, finding an approach that protects human rights while preventing abuses is a challenge.



Photo: Press Association Images. Protestors hold up signs prior to the arrival of Mark Zuckerberg, Co-Founder and CEO of Facebook, who will testify before a joint meeting of the United States Senate Committee on the Judiciary and the US Senate Committee on Commerce, Science, and Transportation during a hearing to examine Facebook. April 10, 2018. Credit: Photo: Ron Sachs/Consolidated/dpa.

“The debate will have profound implications for all of society: we are making sure that we are a key voice in ongoing discussions”.

Barbara Dockalova, Senior Campaigner at ARTICLE 19

While they can have positive effects for expression, these giants also have enormous power to control the flow of information and ideas online and can deprive individuals of their rights on a large scale.

What we see, or do not see, on these platforms is decided exclusively by their algorithms, content moderators, lawyers, and executives. They control billions of pieces of information uploaded every day on their platforms without any obligation to disclose to users what is being removed, uprated or downrated, or how rules are enforced. Users have little opportunity to challenge how the tech companies operate.

Transparency and accountability are lacking, most urgently when it comes to due practice for users, whose content is removed without opportunities to appeal, and according to invisible and arbitrary systems of rules. The questions that arise from this debate include:

- What free speech standards should social media companies respect?
- Can social media companies, as private entities, be required to comply with international standards on freedom of expression?
- Does the quasi-public nature of some of these online spaces call for a different type of regulation?
- What are the minimum safeguards companies should respect to ensure freedom of expression?

In 2018, ARTICLE 19's legal experts analysed the terms and conditions and community standards of **Facebook**, **Twitter**, and **YouTube**, as well as looking at emerging global frameworks to tackle social media regulation, like our **comparative look at frameworks in Europe**. We have also been engaging at national level, analysing the new German NetzDG Law and submitting to the UK's inquiry into Internet regulation.

Finally, we published **Side-stepping rights: Regulating speech by contract** – an overall analysis of the compliance of dominant social media platforms with international freedom of expression standards. Facebook is now seeking our input on regulation, on issues like 'credible violence,' and Twitter reached out to consult us on 'dehumanising speech.' The Special Rapporteur on the promotion and protection of human rights while countering terrorism, Fionnuala D Ní Aoláin, tweeted a recommendation of our analysis of community guidelines, tagging Facebook themselves, saying it was "extremely useful to the mandate."

Experts are now coming together from across the organisation to plan ARTICLE 19's first global campaign. The campaign is timely and makes the most of the expertise and experience of our Media team, our Law and Policy team, our Digital teams, and our regional teams across the world.



Photo - Press Association Images: Facebook CEO Mark Zuckerberg testifies before a joint hearing of the Senate Committee on the Judiciary and the Senate Committee Apr 10, 2018; Washington, DC, USA; Credit: Jack Gruber-USA TODAY/Sipa USA



“Bringing together expertise from across all five themes and across our global teams, we are coming together as an organisation to tackle one of the most pressing expression issues of our times.”

Barbara Dockalova, Senior Campaigner at ARTICLE 19

Working with Intergovernmental Organisations

ARTICLE 19 shapes standards at international bodies, informing our advocacy through the local and national priorities of our regional offices and partners. In turn, our national work uses international commitments and obligations to drive local change.



Photo - Press Association Images: Geneva, Switzerland, July 2, 2018: A general view of the 38th session of the United Nations Human Rights Council at the Palais des Nations in Geneva, Switzerland. (Xinhua/Du Yang)

Addressing hatred

“Nationalists are once again stirring up discrimination, hatred and violence against vulnerable scapegoats, seeking to profit from messages of ethnic or religious supremacy. International human rights law is being violated and undermined.”

Former UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on the International Day of Commemoration in Memory of the Victims of the Holocaust, 27 January 2018

The rights to equality and expression are mutually reinforcing: both are essential to human dignity. This understanding is the basis of our approach to the rising wave of hatred and intolerance seen across the globe.

Since the landmark 2011 UNHRC Resolution 16/18 – on combatting intolerance on the basis of religion or belief – ARTICLE 19 has been pushing for implementation, seeking to revive the Istanbul Process and creating resources and tools for deepening understanding.

We launched our new guide at the UN HRC in 2018, **Tackling Hate: Action on UN standards to promote inclusion, diversity, and pluralism**, holding an event and panel including the Special Rapporteur on freedom of religion and belief.

The guide outlines international commitments and lays out actions at the national level to fulfil those commitments, as well as what can be done at the international level to drive implementation on the ground.

Our **Hate Speech Explained** toolkit also continues to be a highly effective tool, with translations requested in numerous languages, including Myanmar language and Spanish.

Policy in practice



#mediaagainsthate in Europe

With the Media Against Hate coalition, we aim to counter hate speech and discrimination in the media, both on and offline, by promoting ethical standards and respect for freedom of expression.

We published a substantial piece of research on how countries are tackling hate speech, *Responding to 'hate speech' with positive measures*, a brief which outlines international commitment and positive case in Austria, Germany, Hungary, Italy, Poland, and the United Kingdom.

We also made oral statements as part of the interactive dialogue with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

At the UN, this work also informed our interventions on hate speech in Myanmar, and became the basis for our participation in the adoption of the UN Global Compact on Migration in Marrakech at the end of the year.

“It is about better and more informed speech, allowing migrants to speak on their own terms, supporting ethical journalism, and advancing media pluralism.”

Andrew Smith, Head of UN Advocacy at ARTICLE 19, speaking at the Conference to adopt the Global Compact on Migration



Overcoming threats to multilateralism

While multilateralism faced significant challenges in 2018, especially around the US withdrawal from the HRC, institutions remained strong – with civil society and states stepping up to deliver strong outcomes.

Challenges remain, but strong action on Myanmar and the adoption of the Global Compact on Migration shows that international cooperation remains an integral component for delivering on the ground change.

Safety of journalists

A new resolution was passed this year on the safety of journalists – *Resolution 39/6* – which came at a critical time. It is the most comprehensive resolution to date, and the fourth HRC resolution on the subject.

Among numerous other commitments, the resolution provides actions for states to end impunity for attacks on journalists, cease abusive application of defamation laws to silence criticism, and bolster digital security. This resolution takes a holistic approach, underscoring that a range of threats, whether physical, legal, political, technological, or economic, must be addressed to secure a positive role for the media in our societies.

In this way, the resolution reflects much of *the 2018 Joint Declaration of international and regional freedom of expression mandates*, on media independence and diversity in the digital age, which ARTICLE 19 coordinated.

ARTICLE 19 provided input and recommendations on resolutions relating to digital security, journalists covering protest, and gender-based attacks on journalists. We submitted briefings and input, following negotiations closely, and sharing our comments on drafts as they were released in order to influence the text.



Streamlining accountability: reporting attacks on expression

When it comes to protecting journalists, there is a disparity between commitments made by intergovernmental organisations, and implementation of those commitments on the ground. ARTICLE 19 has taken action to link up organisations and freedom of expression mandates.

The 'Reporting Attacks on Expression' (RAE) Platform went live in 2018: it is a brand-new way to effectively create and coordinate structured

reports on violations of the right to freedom of expression – these can then be sent to the UN and regional representatives.

The platform is designed to facilitate efficient and detailed reports, allowing a collaborative space to prepare joint submissions, building collaboration and avoiding duplication between organisations working on safety of journalists. It is also designed to promote transparency as to treatment and process of submissions.

Photo - Press Association Images: October 20, 2018
- Sao Paulo, Brazil - A woman with a black painted hand on her face during a protest against Brazilian right-wing presidential candidate Jair Bolsonaro in Sao Paulo. (Credit Image: © Cris Faga/ZUMA Wire)



Deepening our engagement

We are engaging with more international bodies than ever, accessing more mechanisms and building collaborative relationships with mandates and institutions.

We have significantly increased our presence in New York, engaging more regularly with UN bodies there including the Third Committee of the UN General Assembly, where we held numerous advocacy events in 2018, as well as with the counter-terrorism architecture and the New York Office of the High Commissioner for Human Rights.

For the first time, we made a submission to the Committee on Economic, Social, and Cultural Rights: we highlighted failures of the Mexican state regarding sexual and reproductive health services, and Internet access for marginalised groups. We also highlighted access to information as an essential means for promoting participation in cultural and social life, in particular through guaranteeing the security of journalists and the free exercise of their profession.

Our submissions to the Council of Europe (CoE) have gained momentum, making recommendations on pluralism, which were adopted, and submitting alerts on Poland and Russia.

We also maintained our presence at the African Commission on Human and Peoples' Rights, advocating for action to address serious threats to freedom of expression in Eritrea, Ethiopia, Kenya, Tanzania, Uganda, and South Sudan, as well as engaging on the review of Togo, and participating in launch of the Guidelines on Elections and Access to Information in Africa.

Universal Periodic Review

We continued efforts to bring national experience to UN mechanisms, with Programme Officers Nalini Elumalai and Jeanne Irène Nguidjoi, and ARTICLE 19 Mexico Regional Director Ana Cristina Ruelas attending the Universal Periodic Review (UPR) Pre-Sessions taking place at the UN in Geneva, in advance of the UPRs of Malaysia, Senegal, and Mexico. Our work on UPRs this year also included Malta, Cambodia, Eritrea and Ethiopia (joint UPR)

Mainstreaming gender

We have been promoting the need for a gender-responsive approach throughout our work – whether through submissions on particular countries like Mexico, or advocating gender considerations to protection mechanisms and combating impunity.

This year, the UN HRC **passed a resolution** which, for the first time, recognises the issue of discrimination and violence against women in digital contexts, including its negative impact on women's exercise of their right to freedom of expression.

The resolution makes significant steps towards reflecting ARTICLE 19's policy – launched the month before in **Side-stepping rights: Regulating speech by contract** – on discrimination and expression, and our focus on businesses as a key partner in moving forward with this work.

We also have worked to integrate a robust gender approach into resolutions on violence against women in digital contexts, and the Safety of Journalists resolution.

Law and policy work

ARTICLE 19's law and policy work places us at the vanguard of freedom of expression worldwide. We provide analyses of national laws, submit expert opinions to courts, and shape international standards through our policy briefings.

Our legal experts engage with states and international actors, shaping standards in new areas of international law, as well as creating toolkits and resources for governments and civil society.

We analyse legal drafts and bills and create policy briefs on critical expression issues across the world, creating legal documents which civil society groups can mobilise around, informing the understanding of stakeholders, and empowering others in advocacy. Working on these documents also keeps our international experts informed about issues faced at the national level.

Legal analyses



Kenya: Copyright (Amendment) Bill 2017



Somalia: Draft Media Law



Malaysia: Anti-Fake News Act



Rwanda: Analysis of the Penal Code and Law Governing Information and Communication Technologies



Tanzania: Electronic and Postal Communications (Online Content) Regulations 2018



Kenya: Computer and Cybercrimes Bill 2017



Tunisia: Draft Law on Audio-Visual Commission

Setting standards and publishing policies, 2018

Side-stepping rights:
Regulating speech by contract

Self-regulation and 'hate speech' on social media platforms

Tackling Hate: Action on UN standards to promote inclusion, diversity and pluralism

Twitter Rules:
Analysis

Facebook Community Standards: Analysis

YouTube Community Guidelines: Analysis

Spotlight on the 'Right to be Forgotten'

The 'right to be forgotten' is the possibility of having certain unwanted results delisted from search engine results pages.

As the debate around the right to be forgotten continues, ARTICLE 19 has stayed engaged, keeping an eye on the different elements of the debate globally: we have been shaping this debate since the original 'Google Spain' ruling.

The 'Google Spain' case was in front of the Court of Justice of the European Union in September 2018: the data regulator there argued that Google should remove links from all global domains if a complaint by a French citizen is upheld. We led an intervention with eight other international organisations, giving a strong warning about the implications of this ruling for the right to access information online.

ARTICLE 19's advocacy on the day of the hearing reached an audience of 140 million: we were quoted in international press, from the Guardian to Sky News, and Senior Legal Officer Maria Luisa Stasi was interviewed on the BBC's Business Briefing, broadcast on BBC1 and BBC World.

“The Court should limit the scope of the de-referencing that search engine operators are required to carry out to the EU.”

The Advocate General, in line with our submission. Although the opinion is not binding, it often gives a strong indication of the court's judgment.



Legal Interventions



Privacy affirmed at Kenya's High Court

Kenya's High Court suspended implementation of the Computer Misuse and Cyber Crimes Act, due to concerns about its effect on freedom of expression and information online.

ARTICLE 19 was the only civil society group invited to participate in the drafting of the law, but our recommendations were not adequately adopted, so we decided to address the failings of the law in the courts: we made a submission, jointly with the Bloggers Association of Kenya.

Now, 26 of the Act's 70 articles have been suspended until the case is resolved.

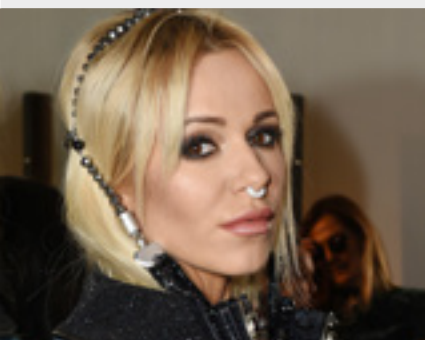


Holding our ground on blasphemy in Poland

Dorota Rabczewska, a pop singer known as Doda, was convicted of 'religious insult' under Article 196 of the Polish Criminal Code.

She challenged her conviction to the Polish Supreme Court, where ARTICLE 19 submitted a third-party intervention, but lost. She then took her challenge to the ECtHR in Strasbourg, where ARTICLE 19 submitted another intervention; we are waiting for the ruling.

'Religious insults' fall within the scope of the right to freedom of expression. Protecting the feelings of religious believers through the criminal law does not pursue a legitimate aim, and is not necessary in a democratic society. 'Religious insult' laws have a discriminatory impact on rights of atheists, minority beliefs, and dissenters within religions or beliefs.



“It is hard to believe in something that was written by someone [the authors of the Bible] wasted from drinking wine and smoking some weed.”

Doda's comments on the Bible, for which she was convicted



Defamation, sedition, and false news laws struck off in The Gambia

In February, a landmark decision was passed by the Court of Justice of the Economic Community of West African States, ruling that the government of The Gambia must repeal laws on criminal defamation, sedition, and false news.

In line with the amicus brief we submitted, the court re-affirmed that criticism of government and government officials must be given heightened protection, as it is indispensable to a free democratic society. We are now advocating for the implementation of this decision as priority.



Intermediary liability at the European Court of Human Rights

In December, the European Court of Human Rights (ECtHR) confirmed that holding media companies liable for content hyperlinked in their reports violates the right to freedom of expression under Article 10 of the European Convention on Human Rights.

In 2016, we made a submission in Magyar Jeti Zrt v Hungary at the ECtHR, arguing that inserting a hyperlink into a news article does not constitute publication or endorsement of the contents of that link, and that a person should not be liable for the content of a hyperlink where they had no reason to believe that they were disseminating unlawful content.

The case affirms that imposing liability on news outlets for unlawful content which might be contained in links impedes the free flow of information, as well as media freedom more generally.



Awards for previous legal work

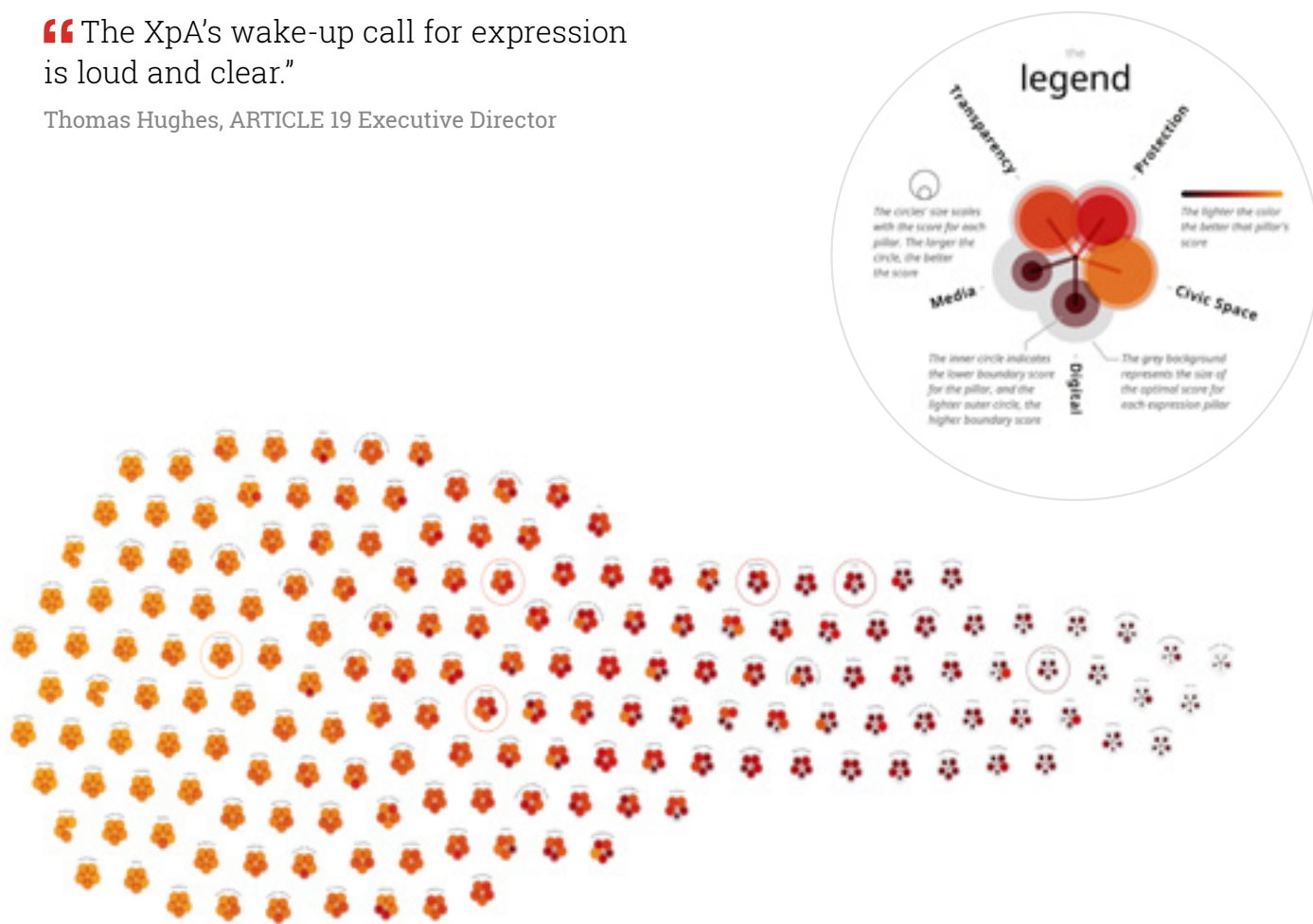
In the '2018 Justice for Freedom of Expression' awards, ARTICLE 19 received a letter of commendation from Columbia University for our legal brief in the Jacqueline Okuta v Attorney General petition. This case struck off criminal libel provisions in Kenya.

The XpA Report Reveals A Sharp Decline in Freedom of Expression since 2014.

Our XpA metric creates a multi-faceted global view of freedom of expression and information and offers rich insights into the global state of the right. Partnering annually with the V-Dem (Varieties of Democracy) Institute, we analyse 32 indicators across our five themes. In 2018 we produced our most comprehensive report yet and we are working to improve the metric for 2019.

“The XpA’s wake-up call for expression is loud and clear.”

Thomas Hughes, ARTICLE 19 Executive Director



The XpA Report 2017/18 revealed a chilling litany of abuses across a range of countries, with every element of freedom of expression under threat, compounded by impunity and weak governance.

Though it raised the alarm, the XpA Report showed that 2017 also gave hope in the huge number of people speaking up – demanding dignity and respect, wresting back control through the ballot box and beyond – through legal, media, and civic action.

The XpA report reached 79 million people during its launch, and was covered in numerous news outlets from the front page of [The Guardian](#) to [Sky News](#) and [Time Magazine](#). The XpA report was launched across the world in our regional offices, gaining influence in Brazil where it was quoted in Globo, Folha and Noticias.

The XpA metric helps us to articulate the gaps we can see between the promises of leaders, and the experience of citizens. Each year we turn the spotlight on countries that have failed to live up to the promises enshrined in their constitutions, and the international treaties to which they are signatories. Taking a snapshot of the report, we can see also see the impact of these failures, which ultimately affect the freedoms of hundreds of millions of people.

Spotlight on Russia

Population: 144 million

Freedom of expression and information is guaranteed under the Constitution of the Russian Federation, 1993 (revised 2014). Russia ratified the ICCPR in 1973.

Silencing dissent: after the annexation of Crimea in 2014, Russia saw a notable deterioration in the environment for expression. Arbitrary and politically-motivated threats, and violence, particularly against communicators and rights defenders escalated year on year since Vladimir Putin officially returned to the Presidency in 2012.

Expression and privacy: Russia has adopted a huge raft of laws restricting freedom of expression and the right to privacy online. Anonymity and the free flow of information were further undermined in 2017 with two amendments to the Law on Information.

State control of media: the government controls – either directly or through state-owned companies and allied business - all national television networks and many radio and print outlets.

Space for civil society tightens: NGOs are stifled in activities and funding sources by both the 2012 Law on 'Foreign Agents' and the 2015 Law on 'undesirable international organisations.' NGOs and human rights defenders are regularly subject to smear campaigns, legal restrictions, and attacks with impunity

Russia's Right to Information law is among the best information laws in the world, and impressive work is being done to strengthen its use and implementation across sectors - gaining information on public finances, as well as improving understanding of the mechanisms among civil society and government actors.



Pentafail for Russia

Foreign media stigmatized: foreign media operating in Russia have been stigmatized as 'foreign agents', and foreign ownership of media outlets has been restricted in law since 2016.

Censorship and violence against LGBTQ+ communities: between 2014 and 2017, the most rapidly deteriorating indicator for freedom of expression in Russia was inequality related to sexual orientation.

Spotlight on USA

Population: 324 million

Freedom of expression is enshrined in the First Amendment to the 1789 Constitution (revised 1999). The USA ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992.

Strong tradition of freedom of expression: some of the world's oldest and strongest protections set out in the Constitution's First Amendment, dating back to the 18th Century.

Pluralist media: the country's media environment has maintained great diversity despite a declining print sector.

Slide in popular support for expression: the atmosphere for expression saw a dramatic shift in 2017 with diminishing popular support for free speech and a slide towards the right of the political spectrum.

Protection of journalists: populist rhetoric at the highest level of government saw echoes at local level – 34 journalists were arrested in the USA in 2017, and two reporters were assaulted by politicians. Digital surveillance is on the rise, especially for journalists.

Whistleblowers: continue to face charges under the Espionage Act, and journalistic sources remain under protected.

Protest: protests concerned with women's rights and the inauguration of the new President in January 2017 were huge and unprecedented. Protests were sparked across the country by racially-motivated police brutality and structural violence against the USA's African-American population. Early in 2017 Arizona senators passed a law allowing police to arrest people simply for planning a protest, and extending the definition of rioting to include damage to private property. In the aftermath of January protests, politicians in at least 19 USA states moved to introduce bills to criminalise common protest tactics, such as the blocking or obstruction of traffic, the wearing of masks, and non-violent resistance towards police forces.



Pentafol for the USA

Transparency in peril: the Trump administration has moved to halt independent government oversight, to roll back transparency reports, and to remove data which is politically inconvenient, resulting in a frantic effort by scientists worldwide to preserve data which was being deleted from government websites.

Growing public concern: against a hostile context, the USA has seen strong and independent coverage and growing public concern about pressure on media freedom: digital subscriptions for leading newspapers have increased, and ratings for cable news networks have risen. ~

Digging Deeper:

Highlights from ARTICLE 19's research and reporting

ARTICLE 19 publishes original research and insightful reports – monitoring, exploring, and shedding light on freedom of expression issues. These reports form the basis of advocacy and projects, but also tackle impunity by creating visibility around violations of the rights of communicators worldwide.



Making a game of the Right to information

To aid training on the right to information in the Middle East and North Africa (MENA) region and help create behavioural change, we created **a game**. Creative tools like this one help enormously in conveying the complexities of information requests and play a central role in our training.

“You guys open our eyes to Freedom of Information and its platform. We would love to write about this in [the] near future and we are definitely looking forward to collaborating with ARTICLE 19. I also loved the way you guys organised [the] workshop.”

Kayvan Hosseini, Senior journalist for Radio Free Europe

Artificial Intelligence, Expression, and Privacy

Artificial Intelligence (AI) has potential to revolutionise society in positive ways, but there is a real risk that its use by states or corporations will have a negative impact on human rights.

Facing this new frontier for rights concerns, **ARTICLE 19 and Privacy International** researched the impact that machine learning – a particular form of AI – will have on the rights to expression, information, and privacy.

The report was quoted by the Special Rapporteur on freedom of expression in his **report to the UN General Assembly**, and was **named by The Outline** magazine as ‘The 30-page document which contains all you need to know about AI.’

Opening up Russia

Our report on the right to information in Russia presented positive examples of the right being used in Russia, creating accountability and empowering journalists to keep the public informed, and demonstrated how vital it is to keep it active through implementation.

The report was accompanied by **videos** to help spread the message of the report and promote stories from Russian activists, journalists, and lawyers who contributed to right to information mechanisms or have benefited from them in their work.

Russia’s legal framework contains the potential for progress and work on transparency in the country, but implementation fails to ensure that the right to information is fully enjoyed by Russian people. Furthermore, the current political climate has created an environment in which rights are being eroded and people are fearful of expressing themselves openly.

Tightening the Net

2018 began with nationwide protests in Iran, and **we analysed** how Iranian authorities responded to the popular movement with online, as well as offline, repression, surveillance, shutting down of international traffic, and temporary bans on Telegram and Instagram platforms.

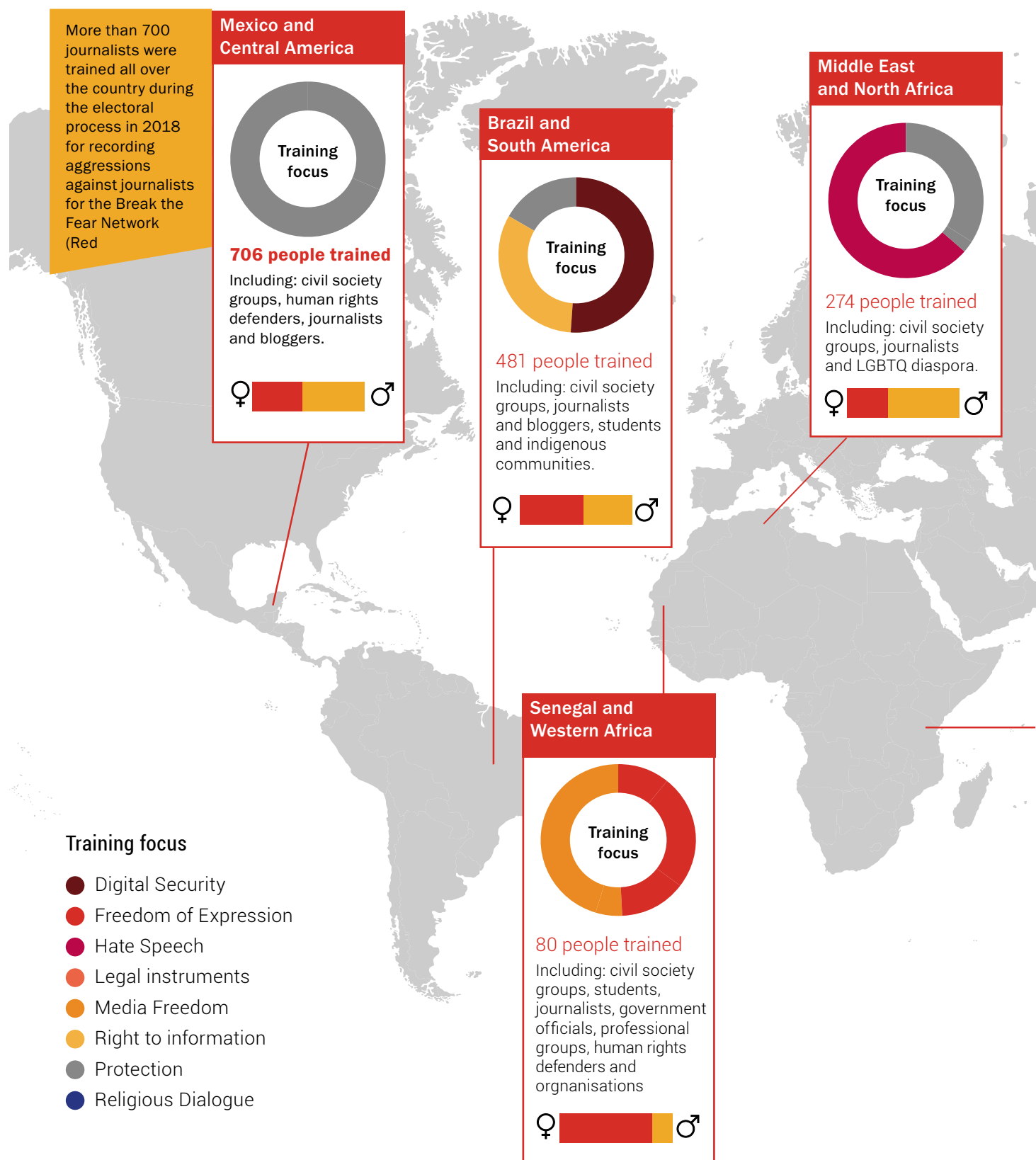
Our **second instalment** of 2018 detailed how online freedoms intersected with Iran’s currency crisis, particularly after the USA’s decision to withdraw from the 2015 nuclear deal, weakening an already unstable economy.

These reports continue to have huge readership both in and outside Iran: Programme Officer Mahsa Alimardani was invited to present her research at Mozilla’s annual festival ‘Mozfest’, as well as being interviewed on **BBC Persian** and being featured on The Guardian’s podcast **Chips with Everything**, **Vice**, BBC World News, Channel 4, Aljazeera, and **Newsweek**.

These reports also formed the bases of our interventions at the United Nations (UN) Human Rights Council (HRC) 37 and at the World Summit on the Information Society.

ARTICLE 19 continued to build our digital rights profile with the Tightening the Net report series, which monitors and analyses freedom of expression online in Iran.

Building capacity and sharing resources: Training and workshops 2018



Europe and Central Asia



57 people trained

Including: civil society groups, human rights defenders, journalists.



Bangladesh and South Asia



225 people trained

Including: civil society groups, human rights defenders, journalists and bloggers.



Asia-Pacific



492 people trained

Including: civil society groups, human rights defenders, journalists and bloggers.



Eastern Africa



231 people trained

Including: civil society groups, journalists and bloggers, judiciary, professional groups, and students.



Youth against hate in Malaysia

We created and ran training for conservative groups in Malaysia on hate speech in partnership with Projek Dialog. Aspiring youth ministers from a variety of Christian denominations and ethnic groups were brought together to discuss the rights to expression and religion and the boundaries of hate speech, using standards and case studies from both the international and the Malaysian context.

“I can assist by preaching and teaching about human rights issues in the church.”

A participant

“The six steps to identify hate speech is very useful. As a journalist, this training has answered a lot of my questions, and it also has fortified my knowledge about hate speech and free speech. It will definitely help in terms of writing news reports. The next time I will use the framework.”

Journalist, attendee at a training on hate speech in Malaysia

Training Somalian judges and prosecutors

We trained a number of key judiciary members on how to incorporate international standards on the right to freedom of expression in their judgments, particularly on rights in the digital age. We used a number of tools from our UPR submission to the African Declaration on Internet Rights and Freedoms as a template for Internet governance in Africa.

“I now feel more confident and ready to pursue some of the stories I feared doing before because of lacking these basic security skills.”

Mose Mogeni, a Kenyan journalist, after comprehensive training by ARTICLE 19 in East Africa

Civic Space

Civic space is where individuals realise their rights: it can be a physical, virtual, or legal place.

It is the space where we engage and participate in politics, and exercise our freedoms to speak and to protest. It is the cornerstone of democratic and accountable society.



Protecting the right to protest in Brazil

The environment for protest in Brazil deteriorated radically in 2018 during the rise to power of President Jair Bolsonaro, and the country's lurch towards far-right politics.

We have been working on a number of levels to protect the right to protest, from the laws and protocols through to working directly with the journalists who work on protest issues.

“Based on my experience with ARTICLE 19, I see their role as fundamental in several areas as well as in my own case. The work that they have been developing here in Brazil is humanised: they build relationships with a humanised approach, and provide us with a better understanding of our justice system.”

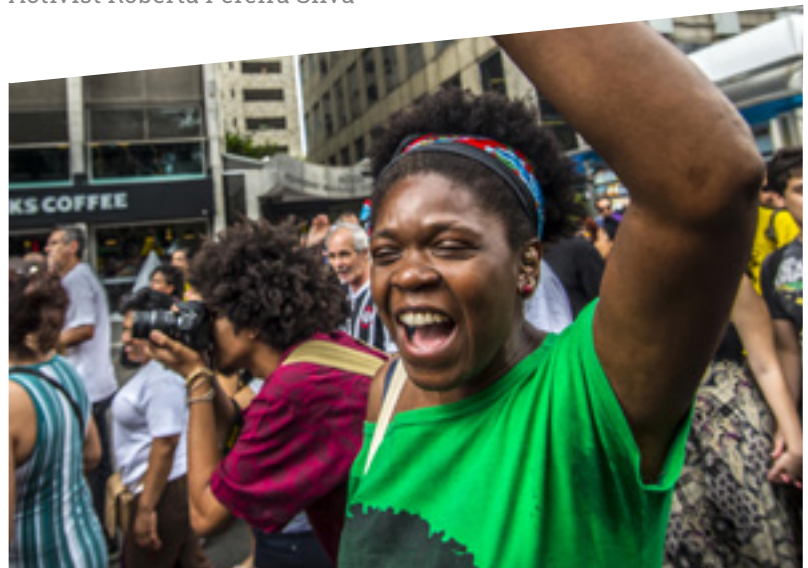
Activist Roberta Pereira Silva

Attending and reporting on protests

ARTICLE 19 provided legal assistance for two journalists arrested by the Military Police of São Paulo under false accusations of causing a fire at a protest.

“I have needed the help/support of ARTIGO 19 at various times, especially when my rights as a citizen and an independent photojournalist have been violated. It was of great importance to me and colleagues that I could work with such a fantastic group that supports us so carefully.”

Journalist André Lucas de Almeida



Woman with raised fist in Protest against Jair Bolsonaro

André Lucas de Almeida and Gustavo Ferreira were photographing a block of burned tyres at a protest against the increase of the transport fare in the city of São Paulo. The two communicators were arrested and accused by the military police of causing the fire.

We articulated their defence with the State Public Defenders and the investigation was subsequently closed.

Roberta Pereira Silva is a feminist activist who was convicted of an obscene act for showing her breasts in a protest for women's rights. We have followed this case since her conviction, increasing visibility and intervening legally where possible.

We filed an amicus curiae submission before the Supreme Court in her case.

Photo on page 24 - Press Association Images: Protesters participate in demonstration as part of the Latin American and Caribbean Day of Struggle for Legalization of Abortion, in the open space of the São Paulo Art Museum Assis Chateaubriand (Masp) on September 28, 2018. (Photo by Dario Oliveira/NurPhoto/Sipa USA)

Advocating against counter-terrorism laws

In 2018, a number of bills arose in Brazil which threatened the right to protest: one aimed to reintroduce political and ideological motivation as the definition of terrorism without safeguards for social movements. Another of these laws aimed to define occupation of urban and rural real estate as terrorist actions.

ARTICLE 19 targeted information and discussion at key congressmen and sought the support of academics, civil society, and individuals concerned with these bills.

During 2018, 12 bills stalled which we had worked around, each of which would have had serious consequences for protest in Brazil.



Photo - Press Association Images: 30 October 2018, Brazil, Sao Paulo: Police arresting a man during a demonstration against the new president Bolsonaro. Photo: Andre Lucas/dpa

Promoting protocols on the use of force

In 2018, we worked to promote protocols on the use of force in the context of protest and assembly.

With the National Human Rights Council, we drew up a draft standard protocol on the use of force, then filed two legal opinions on judicial actions seeking to implement it, as well as holding meetings and discussions with members of the judiciary, civil society, and the public to discuss the issue and disseminate materials.

States agreed to implement our draft protocols: their adoption by security forces will help reduce violence and repression around protests, and will contribute to protecting and promoting a vibrant and safe civic space.



Collaboration and momentum in The Gambia: the long view with Fatou Jagne Segnhor



Our Director of ARTICLE 19 West Africa, spoke about another packed year, and how direct engagement with the new government is seeing strong results.

Since the constitutional crisis at the end of 2016, ARTICLE 19 has played a central role in rebuilding legitimate laws and institutions in The Gambia: we have been working closely with ministries in the new government to ensure that freedom of expression forms a keystone of the new democracy there.

What were the highlights of 2018 for your team?

At the request of the Constitutional Review Committee, we provided initial comments around the drafting of the new constitution.

During the year, we also continued building consensus towards a substantial law reform programme, culminating in the first comprehensive Media Services Bill, covering regulatory issues with a focus on the broadcasting sector; ARTICLE 19, with partners from the Ministry of Justice and The Gambia Press Union, have now finalised the text.

What were 2018's big innovations?

We have started to work to support people with disabilities, to enable them to be heard. We are advocating for an enabling and inclusive legal framework, which would also support those with disabilities to develop income-generating activities.

Where are you seeing the greatest impact?

Our work with the National Assembly has yielded big results and enabled us to influence both the mandate and composition, which takes into account gender and

party affiliation. A Memorandum of Understanding was agreed and a framework for the implementation of activities was designed together with the Parliamentary Technical Committee.

How have you kept up momentum with this type of work?

It is difficult work, especially during this transition period: the priorities and demands from national and international partners are conflicting and resources are limited for the government to give adequate time and attention. Sometimes, the political agenda tends to slow down the longer-term reform plans.

Patience and steadfastness are key to keep some momentum, and it is important to stay focused, and encourage partners and relevant actors to remain focused too.

“Adding value by consistently being present and able to provide necessary support have proven central to building trust with the government and other stakeholders.

What can we look forward to seeing in 2019?

We have been advocating for an access to information law in The Gambia, which we will keep pushing forward with this year – watch this space!



ARTICLE 19 West Africa engaged with German Chancellor Angela Merkel about the human rights situation in Senegal. We were one of five organisations to meet with Merkel on her trip – and the only face-to-face meeting with a non-governmental organisation (NGO).

Hate Speech and Conflict in Myanmar

Myanmar's Army operations in Rakhine State led to an estimated 700 thousand refugees fleeing the country in 2017, with UN Bodies reporting credible allegations of genocide, crimes against humanity and war crimes against Rohingya Muslims.

Hate speech, including incitement to violence, were rampant during the conflict in Rakhine state. With restrictive laws, the government has been active in limiting access of journalists to conflict affected areas – as well as prosecution of journalists – while itself spreading misinformation and propaganda.

We engaged with UN bodies considering the human rights situation in Myanmar, attending meetings with Special Procedures, making an oral statement before the HRC, and **preparing a briefing for diplomats in Geneva.**

We also provided important information concerning the spread of 'hate speech' and government misinformation to a UN fact-finding mission investigating attacks on the Rohingya, meeting with investigators and providing a formal written submission.

The UN fact-finding mission's final report incorporated many of our concerns and recommendations, establishing a pattern of violations. The report ultimately recommended the prosecution of military leaders for genocide, crimes against humanity and war crimes.



10 y/o Rohingya refugee

Photo: Panos Images

Driving forward: Tunisia's 16/18 Coalition

Brought together for the first time in 2017, the 16/18 Coalition in Tunisia is named after the resolution at the UN HRC which promotes open dialogue as the best response to discrimination.

Municipal elections were held in Tunisia in 2018, and the coalition joined to monitor levels of discrimination: the group designed 'My Pledge' – a commitment for candidates to avoid hate speech and discrimination during campaigns. 470 signatures were gained.

In 2018, the coalition strengthened and solidified its work, forming a memorandum of understanding and working groups to harness expertise and drive forwards its work in Tunisia. The group also met with the Special Rapporteur on freedom of religion and belief during his visit to Tunisia, which we helped facilitate.

Bringing together faith leaders against hatred in Bangladesh

“To reduce hate speech from the society, we have taken some important points from the participants to address hate speech in a broad manner while upholding principles of freedom of speech.”

Bangladesh Islamic Foundation secretary Kazi Nurul Islam said to the Asian Age

Bangladesh is currently witnessing unrest and violence due to intolerance and extremism: violence is being perpetrated against Hindu and Buddhist minority communities. Politicisation of religion by the major political parties is partly culpable for fuelling this tension.

We brought together 29 Muslim faith leaders in July, to build awareness around national and international standards, create a space for ideas exchange around hate speech, and to try to build some consensus on its intersection with religion. This workshop also aimed to create recommendations which might feed into a state policy to mitigate this critical issue in Bangladesh.

Muslim clergy leaders from all over the country, including senior and prominent faith leaders, brought their ideas on how to mitigate hate speech, and created a list of concrete recommendations on how to move forwards.

Those at the workshop committed to apply the recommendations discussed at the event to the work of the Madrasah (Islamic Religious Education Institutes) network, and countrywide Muslims clergies.

This work, along with workshops held with students and other faith groups, will feed into a dialogue with faith leaders, civil society, media, and government officials, aiming for holistic policy commitments.

Digital

Digital rights are human rights; the right to freedom of expression and information exists in networked spaces just as it does offline. The exercise of human rights online depends on an open and free Internet.



Pioneering human rights in Internet infrastructure

The open flow of information has been key to the Internet's transformative effect on expression: in order to safeguard those benefits, the promotion and protection of our rights must be embedded in laws and policies which relate to online spaces and emerging technology. We must also address and foresee risks created by technological development, particularly around privacy and surveillance, and explore and mitigate them.

ARTICLE 19 has become a pioneer at several bodies which manage the governance and evolution of the Internet itself, including the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Engineering Task Force (IETF), the Institute of Electrical and Electronics Engineers (IEEE) and the International Telecommunications Union (ITU). For five years, we have been cultivating human rights considerations in discussions where they have often been lacking.

We are the bridge between the technical and the policy audience, bridging a crucial gap and mainstreaming discussions about freedom of expression and privacy, as well as intersecting right issues like gender, in conversations about the way digital technologies function.

Our June 2018 report [Public interest, private infrastructure](#) examines in detail the most influential catalysts and barriers that shape Internet infrastructure providers' behaviour regarding human rights. It also provides recommendations.

Big step towards privacy at the IEEE

“It's a display of serious ethical commitments to human rights in the IEEE that we took on this challenge together. I am very proud of my community.”

Mallory Knodel, Head of Digital at ARTICLE 19



In 2018, we made strong progress at the IEEE, taking a big step towards a culture of privacy as default. A new standard introduced will now ensure that the identity of a device is not shared with Wi-Fi networks it connects to.

Media Access Control (MAC) addresses are permanent identifiers attached to all electronic hardware, which are broadcasted into the air even when the device is not connected. Each device (phone, laptop, etc) can be identified over time by different networks, using its MAC address.

ARTICLE 19 was a consistent presence in IEEE meetings and a strong contributor to the newsletter, which is the key medium for the sharing of materials and advocacy. What we achieved at the IEEE is a commitment to MAC randomisation – the address of the device will now arbitrarily change, meaning that networks will not recognise it again.

Now that a MAC will no longer be permanent or fixed, geolocational privacy will be improved – particularly in situations of ad-tracking, stalking, and monitoring individuals in public places.

This new standard is a huge win and could pave the way to better privacy standards in other areas of IEEE work, like the Internet of Things, which poses new threats for privacy and data protection both in homes and public spaces.

Mainstreaming human rights at the ITU

In Dubai in 2018, we had huge success in negotiations at the ITU, the agency of the UN responsible for issues that concern information and communication technologies. At the ITU, we secured positive outcomes on every resolution in which we played a strong role.

Having secured the role of lead negotiator on privacy and data protection, gender, access and accessibility, and consumer protection, we took strong steps towards incorporating human rights considerations into crucial technical debates.

We successfully pushed back against resolutions which expanded the mandate of the ITU over human rights issues like privacy: the ITU does not have the expertise or structural transparency, neither the appropriate level of participation by privacy experts, or civil society, to govern these areas.

We also saw particular success on gender with Resolution 70, which, after some controversy and much negotiation, recognised the issues of intersectionality, inequity, and disproportionate impacts.



The Attorney General of Veracruz, Jorge Winckler Ortiz, blocked Miguel León Carmona on Twitter: the journalist could not see posts from his personal account.

ARTICLE 19 and lawyer Adriana Fuentes represented Carmona, arguing that Ortiz was posting information relevant to his office from that account, and that blocking Carmona from seeing his posts was therefore a violation of his right to information.

Our submission was successful: the judge ruled that the blocking was a violation of the rights to freedom of expression and information, and ordered the Attorney General unblock Carmona.

This reinforces resolutions in the Mexican state of Sonora which state that public officials blocking the accounts of citizens or journalists is an act of discrimination in deciding who can or cannot obtain information of general interest, as well as violating their rights to freedom of expression and information.

Twitter blocking challenged in Mexico

“By blocking a follower on the social network Twitter, The Attorney General of the State of Veracruz violates that person’s human right to be informed.”

The judgment

Battling government surveillance in Kenya

In February 2017, the Communications Authority directed all telecommunications business operators to allow the installation of a ‘Device Management System’ (DMS) to enable the authority to monitor problematic speech ahead of and during the upcoming 2017 general elections.

After some controversy, the Communications Authority then argued the measure was intended to tackle the problem of stolen phones, but the DMS was capable of spying on calls and texts and reviewing mobile money transactions.

After our intervention with activist Okiya Omtatah Okoiti, Kenya’s High Court ruled that the demand that mobile service providers install a surveillance tool was unconstitutional.

ARTICLE 19 was an interested party in the case, arguing that this was a violation of the right to privacy, and setting out the links between the right to privacy and the rights to expression and information.

Our petition was repeatedly referred to in the judgment, in which Judge John Mativo found that the DMS would likely violate citizens’ privacy rights.

Data Protection Bill adopted in Brazil

After six years of advocacy and engagement by ARTICLE 19, Brazil’s Federal Senate adopted the General Data Protection Bill in July 2018.

From the early stages of the discussion in 2011, we presented suggestions and contributions. We were a key part of the drafting of the law, present for various high-level roundtables to finalise the text of the law. ARTICLE 19 made five key recommendations for the law, three of which are part of the final law.

The law reflects many of the protections of international best practice and received broad civil society support. It greatly strengthens the public’s ability to freely express themselves online and offline, and access information.

Especially given Brazil’s current political climate, these were strong achievements in 2018.

ARTICLE 19's Internet of Rights fellowship

As well as ground-breaking work at international digital governance fora, we want to pave the way for better and more effective civil society participation.

The world of Internet governance is plagued by a stifling monoculture, so we are pushing to create a diverse stakeholder group, fostering a diversity of voices, expertise, and cultural perspectives.

The Internet of Rights Fellowship is now in full swing in its third year of work. We are building and equipping that community with our fellowship – a collective of experts and policy voices whom we lend strategic assistance, logistical support, and tailored mentorship.

Our current fellows are Dessalegn Yehuala, Maureen Hernandez, Shivan Kaul, and Ihtisham Khalid, working on issues as diverse as domain names, spectrum management, privacy, and technical standardisation issues.

“The fellowship is paving the way for techies or enthusiasts to join forces to push the limits of freedom of expression.”

Dessalegn Yehuala, Internet of Rights



Photo: Associated Press

Media

For meaningful freedom of expression and information, we need the broadest possible diversity of sources, information, and ideas; this enables individuals to inform themselves, participate in society, and hold the powerful to account.



Boundaries between print, online, and broadcast media are increasingly blurred, and search engines and social media platforms hold a huge influence over the searchability, visibility, and accessibility of information.

We must now work against traditional forms of restrictions and censorship, but also adapt to new challenges like the control of information and ideas by private entities and power-holders.

Self-regulation for social media platforms: proposing a new way forward

“Among the best ideas for such programmes is an independent ‘social media council’, modelled on the press councils that enable industry-wide complaint mechanisms and the promotion of remedies for violations.”

David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, referring to our policy document on self-regulation in his 2018 Annual Report



ARTICLE 19 is leading the debate on social media platforms and human rights, with original research and our pioneering proposal for the creation of effective, transparent, and participatory self-regulation, based on a new charter of ethics for social media rooted in international standards. It would be an oversight mechanism for content regulation on social media.

The Social Media Council will sit at the nexus of industry, media, expertise, and civil society. It will meet high standards of effectiveness and openness to broad participation which includes the whole diversity of society, as well as being independent and financially sustainable, as well as accountable to the public – publishing decisions and reports.

Our proposal is distinct from the spurious self-regulation as advocated by the European Union (EU) or some of the harsh national legislation which is emerging. It avoids the pitfalls of self-regulation demanded by public authorities, which too often takes the form of legal concepts privatised with no protection of user rights.

It is also a far better solution than ‘quick-fixes’ like artificial intelligence or ‘trusted flaggers’, which provide extremely low levels of transparency. The council would require the due process and accountability which is lacking from platforms’ content moderation practices.

Our proposal on the topic was endorsed in the Joint Declaration on **Media Independence and Diversity in the Digital Age**. The Reuters-University of Oxford report by Timothy Garton Ash and others, *Glastnost!* cites ARTICLE 19’s work.

Implementation will be complex, but we are determined to continue to work with academics, international institutions, civil society, and social media platforms to design the best possible solution for a first pilot implementation of the Social Media Council.

Our work on the Social Media Council complements our Global Campaign.

Supporting self-regulation in Europe and Central Asia

Ethical code amended in Kyrgyzstan

“It is inadmissible for a journalist to use the mass media to the detriment of the interests of society, human rights and citizens, for propaganda of war, violence, racial, national, sexual, gender, regional, religious, sexual and social intolerance.”

New Article of the Ethical Code

Kyrgyzstan's media self-regulatory body added an article to their ethical code in May 2018, which will work against discrimination in the media. The article was a result of partnership with and support of in-country group Labrys.

The code is the basis for self-regulation of the media, and this can provide the basis for more effective response to hate speech related to sexual orientation and gender identity.

The new article includes sexual orientation and gender identity as a 'protected characteristic' in Article 6 of the Ethical Code of Journalists, relevant to 'hate speech.' This would have not happened without our long-term cooperation, Labrys stressed: they had previously not considered engaging on this topic and they did not know how to begin.

ARTICLE 19 built their capacity on 'hate speech' and freedom of expression issues, including introducing them to the concept of self-regulation and encouraging them to engage with Kyrgyzstan's media self-regulatory body.

Uniting against discrimination in Belarus

In Belarus, ARTICLE 19 has been bringing together key groups to discuss hate speech and journalistic ethics together with the independent Commission on Ethics of the Belarusian Association of Journalists.

It was the first time these groups had met, and the meeting resulted in discussions of future cooperation to address cases of hate speech in the media. Sergey Vaganov, Head of the Commission on Ethics, stressed that he had not been aware that there are so many civil society organisations (CSOs), and had not been aware of the scope of issues in the country: this seemingly simple meeting established a strong basis for cooperation.

The commission committed to consult CSOs when there is a need for external expertise, and CSOs agreed to submit complaints to the commission more regularly than before.

We have also been bringing together marginalised groups and media to improve reporting and deepen inclusion. We ran a Media Hackathon, gathering people from media and CSOs, who consequently agreed on a list of topics relating to marginalised groups which will be covered by media outlets.

We facilitated consultation and collaboration on stories which relate to sensitive topics. It was Belarus' first ever initiative to bring together media and CSOs to jointly produce articles on marginalised groups.

All 20 of the planned articles will involve consultation with marginalised groups and will reflect the perspectives of those groups.

Pushing back against backwards broadcasting law in Tunisia

Following an advocacy campaign headed by ARTICLE 19, the Tunisian Parliament postponed discussion of the draft law on the regulatory body for more than a year.

The government's bill on broadcasting regulation represents a serious step back for regulation in the country: as well as including vague terms like 'public morality', it seeks to limit the independence and function of regulation body (HAICA) – even placing some of its mandate in the hands of the government itself.

The government's draft would make themselves responsible for the appointment of directors of public media institutions, as well as for media balance during electoral periods.

HAICA itself, with civil society, has drafted an alternative broadcasting law, for which ARTICLE 19 has been advocating, which contains better guarantees for accountable and independent regulation.

We met with various groups, including the Parliamentary Commission of Freedoms and Rights, to **explain to them** that the draft prepared by HAICA creates stronger protections for the right to freedom of expression than the governmental draft.

Ultimately, we will push for the government draft to be withdrawn entirely.

Protecting community radio in Brazil

Community radio stations are too often criminalised in Brazil, though they are a key tool for expression across the region, used by minorities and marginalised communities to promote fundamental rights and justice.

In the face of diminishing state engagement on this issue, ARTICLE 19 has been training media workers on their legal context, and creating networks so that they can better protect themselves and their work from harassment and repression.

The Public Defender of the Union attended a workshop, and later undertook to act directly in the administrative and judicial processes of the community radios.

Building on the success of 2017's networks, we increased legal support and political advocacy around cases of violations in the context of community radios. These networks have also provided crucial spaces for groups to discuss and debate the challenges of the context they work in, and have also provided ways for groups to coordinate advocacy.

Radio Coité's broadcasters were facing criminal charges, and we worked to provide legal opinions with the aim of gaining their acquittal. In 2018, one of the broadcasters was acquitted of the criminal charges by the second instance court, which recognised the expiry of the statute of limitations.

We also started work with lawyers Siqueira Castro, supporting Radio Coite in the process of obtaining a license from the Ministry of Communications to run a community broadcasting service in the region of Conceição do Coité in the State of Bahia.



Rebecca Vincent, UK Bureau Director, Reporters Without Borders, speaks during an event to discuss the findings of the US Press Freedom join mission findings. The discussion was hosted by international media expert Paddy Coulter, and included Jodie Ginsberg, Chief Executive of Index on Censorship, and David Banisar, Senior Legal Counsel ARTICLE 19.

Press in Crisis? International mission to the USA

The atmosphere for expression saw a dramatic shift in 2017 with inauguration of President Donald Trump, who continued his election campaign's virulently anti-media rhetoric into his presidency, repeatedly referring to the media as "the enemy of the American people."

This rhetoric saw echoes at local level and journalists saw a worsening environment nationwide – 34 journalists were arrested in the USA in 2017, and two reporters were assaulted by politicians.

In January 2018, one year after the inauguration of Donald Trump, ARTICLE 19 and a coalition of press freedom groups conducted an unprecedented mission to the USA to investigate the rising threat to freedom of expression. The **report was published** on World Press Freedom Day in May.

We were able to reveal that the challenges against the USA media are growing, including record numbers of prosecutions of whistleblowers; restriction of public information on the grounds of national security; direct stigmatisation of media workers by politicians; and physical attacks and arbitrary arrests of journalists by law enforcement officials.

Interviews with journalists across the USA provided a deeper understanding of the issues media workers face locally and nationally, painting a perturbing picture for press freedom in the USA.

Protection

Worldwide, attacks on communicators and human rights defenders are perpetrated with impunity – creating a toxic cycle of intimidation and self-censorship.

Increased citizen journalism, blogging, and information activism have placed more individuals and groups on the front line than ever before: they must be supported and protected holistically, with tools, training, and effective networks with strong legal frameworks.



Turkey: The world's largest prison for journalists

Turkey has imprisoned over 150 journalist. The prolonged State of Emergency combined with a number of amendments to the constitution enabled an unprecedented repression of critical voices.

In 2018, we maintained focus on the criminal trials of journalists and media workers in Turkey, deepening our engagement with local groups of lawyers, as well as intervening at regional bodies.

Keeping an eye

“This is not a statement for my defence, because I would consider doing so an insult to journalism and to the ethical values of my profession: journalism is not a crime.”

Ahmet Şık, statement in court



International advocacy and European Court of Human Rights

ARTICLE 19 maintained international scrutiny on Turkey's political trials, attending 70 hearings over 20 cases in 2018, with partners P24. With partners including PEN International and the Bar Human Rights Committee, we were present in court to monitor the trials of Cumhuriyet and Zaman newspapers as well as the trials of the Altan brothers, Ahmed and Mehmet.

These trials are hardly reported in the mainstream pro-government Turkish media, but P24's trial monitoring gained thousands of readers within months of its launch: defendants, families, and domestic and international NGOs depend on this source for reliable information.

Attendance at hearings helped bring public attention to not only the large, high-profile cases but also on isolated trials. We increased our presence in the courtroom during 2018 by partnering with the Bar Human Rights Committee.

Work supported by the project has been cited internationally, including by Newsweek and The Guardian as well as by international NGOs like Human Rights Watch.

We also sent expert opinions before Turkish courts on the cases of the Bakur documentary and Academics for Peace, highlighting international and regional standards on freedom of expression.

A coalition in which ARTICLE 19 is a leading voice also coordinated the third-party interventions in ten journalist cases which were given priority status before the ECtHR.

In March 2018, the court ruled on the first of these ten cases in their judgment on journalists Mehmet Altan and Şahin Alpay. They found that criticism of governments should not attract criminal charges since, in addition to pre-trial detention, this would have a chilling effect on freedom of expression, and would silence dissenting voices.

While acknowledging the threat posed to Turkey by the attempted coup, the court noted that the state of emergency declared in 2016 “must not serve as a pretext for limiting freedom of political debate, which is at the very core of the concept of a democratic society.”

The judgments affirm that the detention of journalists was a violation of human rights. They set an important precedent for the other cases of 154 detained journalists in Turkey. Judgments on the eight other cases before the court are pending.

Safety in networks: Communicators in Brazil

In our report, *Cycle of silence – Impunity in homicide of communicators*, we revealed the varied profile of communicators from all over Brazil suffering serious crimes against their right to freedom of expression.

In 2018 the Brazilian government expanded the Program for the Protection of Human Rights Defenders mechanism to include social communicators and environmental protectors. For some years, ARTICLE 19, as part of the Brazilian Committee of Defenders of Human Rights (CBDDH) and a member of the Freedom of Expression and Right to Communication Commission in the Brazilian National Council of Human Rights, has been advocating for this.

However, with the arrival of Bolsonaro's new government and a changed political environment, government focus has diminished, as has focus on this mechanism. In response, ARTICLE 19 led the formation of a network, not only to advocate for the implementation of this mechanism, but also to increase protection measures for communicators.

With the National Meeting on Protection of Communicators, we brought together more than 70 people from 11 Brazilian states in December in São Paulo. The network aims to understand the violations, exchange experiences, and strengthen resistance, prevention, and accountability.

The Public Defender of the State of São Paulo participated in the meeting, as well as the Federal Public Ministry and the Ministry of Human Rights.

Women of Expression

Since 2016, ARTICLE 19 has held meetings among women communicators around the country as part of a project carried out in partnership with the Women's Network of AMARC (World Association of Community Radios) to learn about the violence and discrimination suffered and to jointly develop strategies to face these situations. Deepening this engagement and amplifying the voices of the women's network, we collected testimonies in our 2018 documentary *Women of Expression*.

“This space is extremely important. If you ask me, ‘Have you ever had any difficulty being in media, being a radio broadcaster, working on television?’ I’d have to answer ‘Yes: because I’m a woman, I’m black and for these reasons you might imagine the difficulties I had to go through to get where I am today.’

We have to take the opportunity to spread the voices of our sisters who often do not have training. This is the space that we can use, as communicators, to train these women, to provide information, especially in the moment that we are living through.”

Therezinha Ferreira, City of Viçosa, State of Minas Gerais, Brazil

Photo on page 40 - Press Association Images: May 4, 2018 - Journalists covering the Great March of Return demonstrations east of Khan Yunis, near the Gaza Strip border with Israel, are directly targeted by tear gas canisters fired by the Israeli army. In spite of wearing clothes clearly marked with the word PRESS, which identify them as journalists and camera operators, (Credit Image: © Ahmad Hasaballah/IMAGESLIVE via ZUMA Wire)



Photo - Press Association Images:
Hundreds of women took to the streets
in Mexico City, on 25 November 2018
as part of the international day against
violence against women, demanding more
security for all of them and justice for cases
of femicide in the country. (Photo by Jair
Cabrera/NurPhoto/Sipa USA)

100% of the
journalists in the network
reported that they have
suffered one form of violence
related to their work during
their work lifetime

Mexico recognises Lydia Cacho's rights

“This is a very clear message to the Mexican state: violence against the press, against women, against female journalists is unacceptable.”

Leopoldo Maldonado, Deputy Director of ARTICLE 19 Mexico



“Thank you to all of the ARTICLE 19 team. Without their legal defence, I would surely still be silenced and imprisoned or already dead like certain friends who we have already lost.”

Lydia Cacho at the Mexican government's public apology

In August 2018, the UN HRC demanded that the Mexican government take action to remedy the violation of rights suffered by journalist Lydia Cacho, after ARTICLE 19 submitted a communication. ARTICLE 19 then represented Cacho in the dialogue with Mexican authorities.

After the release of her investigation 'The Demons of Eden', which uncovered a ring of paedophiles in the state of Cancun, Cacho was arrested for defamation – a criminal offence in Mexico – and transported to Puebla.

During a journey lasting around 20 hours, she was subjected to psychological and physical torture, sexual assault, and death threats. These continued during her detention at the Attorney General's Office in Puebla.

The UNHRC's resolution – its first ever against Mexico – determined that Cacho was arbitrarily detained, subjected to torture and gender-based violence, and that her right to free speech had been violated. It demanded that the Mexican government:

1. Carry out an impartial, prompt, and thorough investigation into the crimes revealed by Cacho;
2. Prosecute and penalise the persons found responsible for the violations committed;
3. Offer adequate reparation; and
4. Adopt necessary measures to prevent similar violations from occurring in the future, ensuring that all journalists and human rights defenders can exercise their right to freedom of expression in their activities, by decriminalising the crimes of defamation and slander in all the Mexican states.

The Mexican state has now issued an official apology, but the decision is just the beginning. 13 years after the violations of Cacho's rights, torture, arbitrary detention, gender violence, impunity, and collusion between business and politicians continue in Mexico.

Lydia Cacho in Artículo 19 conference



Electoral violence towards journalists in Mexico

Mexico's 2018 elections had a greater citizen participation than any in the country's history, but were also the most violent this century, both for political actors and for the press itself.

Rompe el Miedo ('Break the Fear') is a real-time monitoring system which uses key individuals to monitor and report police activity during protests in Mexico, via social media. The network reached its fifth year in operation in 2018.

ARTICLE 19 revealed that **aggressions against the press increase during election periods**, clearly constituting attempts to restrict freedom of expression and information during key moments of public participation.

The network documented 185 aggressions around elections, 63 of which were registered on election day itself. Attacks were mostly carried out by members or sympathisers of political parties, and by public servants. In 2018, every individual who documented attacks as part of the network was trained on how to integrate a gender perspective into documentation. Aggressions against women communicators represented 34% of incidents.

The tool proved its flexibility in 2018, responding to some of the most significant news of 2018: the network was activated to monitor the migrant caravana which passed through Mexico during the latter part of the year.

The network provides mapping and visibility for violations, as well as creating and distributing information on emergency procedures, warnings, and trainings across Mexico. This work feeds into ARTICLE 19 Mexico's broader monitoring work: **the annual report on violations in Mexico** provides a detailed overview of a wide range of violations against the right to freedom of expression in the country.



Photo - Press Association Images: Students of Universities of UNAM, UAM, IPN and more participating a march to commemoration of the 50 anniversary of the massacre of students in Tlatelolco, on October 2, 2018 in Mexico City, Mexico. On October 2, 1968 Students was killed while they were protesting against the government of Gustavo Diaz Ordaz at 'Plaza de las Tres Culturas'. (Photo by Carlos Tischler/Sipa USA)

Looking for love, finding danger: Apps and traps in the MENA Region

Dating apps have revolutionised the way we date, hook-up, and find love, but they are also being weaponised against lesbian, gay, bisexual, transgender, and queer (LGBTQ) communities in high-risk contexts, especially in the Middle East and North Africa (MENA) region. Building on the momentum of last year's work, advocacy continued around LGBTQ dating apps: target companies were informed of threats to their users, and we met with businesses and apps to discuss mitigation and solutions.

Grindr (which has around 3 million active daily users), and four other major dating apps have actively worked on the threats we highlighted, and implemented a number of changes showing an active change in their security and human rights perspectives.

Throughout 2018, Programme Officer Afsaneh Rigot was invited to participate in numerous panels and conferences to present our new and nuanced perspective on corporate responsibility and digital security for marginalised groups.

During 2018, the work was also featured and turned into a permanent installation at the [Lush Summit](#), and appeared in [Verge](#) and [Slate](#), as well as having our recommendations featured on [Buzzfeed](#). It also gained an honourable mention at the [Innovation by Design competition by Fast Company](#).

We continued to [create resources](#) which inform app users and communities in the MENA region more broadly, through providing emergency procedures, legal rights and resources, and factsheets on sexual health. Our digital security manual has been used and implemented in Grindr's security manual and is being adopted by two other apps.

Transparency

Transparency empowers us to hold leaders accountable, ensures that human rights are being protected, and enables us to develop a fuller understanding of the world.



The right to information is an important tool for holding governments to account: it requires them to be more transparent in activities like public finances. This not only helps fight corruption, but it helps build stable and resilient democracies, where the powerful are genuinely accountable. The freedom of whistleblowers to be able to reveal information of public interest is also crucially important.

Globally, there are now 120 countries with laws and six countries with regulations. New laws are generally adopting international standards, and opportunities are arising in countries like The Gambia and Malaysia where new governments have started moving towards adopting law.

Challenges to implementation remain widespread, including inadequate resources, lack of political leadership, and outright obstruction.

Key regional agreement on information and environment signed at ECLAC

After nearly six years of negotiations, the Regional Agreement on Access to Information, Public Participation and Access to Justice on Environmental Issues in Latin America and the Caribbean was signed by 14 countries. This is critical for civic space in this region, which is the most dangerous region in the world for environmental activists.

The agreement, known as the Escazú agreement, was drafted with regional civil society organisations – ARTICLE 19 was a leading voice, closely following the process and pushing for international standards. We participated in at least nine of the official meetings, provided comments on numerous drafts of the instrument itself, issuing statements and responding to national and regional questionnaires, holding side events and other activities.

We also engaged in awareness-raising and held the first ever side event on threats to Environmental Human Rights Defenders at the second ever UN Environmental Assembly.

One of the main strengths of the agreement that it is binding, which was one of our main advocacy points: we organised a public petition to ask for a legally binding agreement, directed to the Brazilian and Argentinian governments. The instrument has the status of law in the countries which have ratified it. The agreement is also the first international treaty that determines specific actions to be carried out by states, aimed at protecting environmental defenders.

Signatory states are obliged to adopt measures to hold the perpetrators of attacks against defenders accountable, and to ensure a safe environment for the promotion of human rights in environmental matters.

We will continue to follow the agreement's implementation to ensure that the rights to access to information, access to justice, and social participation in environmental matters are respected.

Photo on page 47: Rio de Janeiro -January 28th 2018. Manifestacao Ocupa Vale - Demonstrators with their bodies covered with mud and representing the figure of death perform during protest against the mining company Vale in front of its headquarters in the south zone of the city. On January 25, the Feijinha Mine dam, operated by the mining company Vale, located in the city of Brumadinho in the state of Minas Gerais, broke off about 12 million meters of tailings in the region. Alex Ribeiro / AGIF/Sipa USA

Mexico takes steps towards historical justice

ARTICLE 19 participated in official discussions around the General Archives Law, ultimately achieving provisions which consider all historical archives as a public interest source, and can therefore have no personal data protection.

This is an important achievement: the previous regulation restricted access to information about names and identities in historical documents related to gross human rights violations.

Access to truth, shining light on repression

ARTICLE 19 has created a window into state repression during the 1960s, 1970s, and 1980s: **Archives of Repression** allows us to see the extent of illegal surveillance and systematic torture, as well as forced disappearances, and allows anyone to access all documents online.

The impunity of those years has led to the human rights crisis faced in Mexico today: it is still not clear how many were detained and disappeared, who these people are, who is responsible, and in what context it was possible.

It is a tool for investigators, journalists, students, families of the victims of human rights violations, and society more widely. It was built with partners Center for Research Library and Northwestern University.

Archives which were originally built by previous Mexican governments, in order to repress and stifle dissent, often gathered by torture, surveillance and espionage, are now available and contributing to the visibility of injustice, and the hope that it will not occur in the same manner again.

We also participated in the drafting process of the General Archives Act which finally recognises that the archives currently held in the nation's general archives should be of unrestricted public access. The law comes into effect in June 2019.

“Archivos de la Represión is an apt name: when the archives are opened, one can appreciate the thorough way in which the Mexican State has operated, to persecute leaders, activists, social organizations, politicians and even public officials.

Archives of repression is useful for a society which has the right to truth, to the search for justice and to build a collective memory in order to arrive at a more just society.”

Aicela Fernández Zamora, sister of Abelardo Valentín Fernández Zamora, who was kidnapped and disappeared in 1978

Breaking 50 years of silence

Furthering Mexico's rights to truth and memory, ARTICLE 19 supported the opening of an online archive and exhibition **M68** – an online archive which promotes the documentation and visibility of student movements, dissent, and violent crimes by the state.

This archive includes all documents regarding the 1968 student massacre of Tlatelolco, which are now available without data protection, thanks to the efforts of the M68 Collective: we made a series of submissions to Mexico's Data Protection Agency on the clear public interest in the release of the documents, which were accepted.

310,000 scanned documents
7,500 scanned documents catalogued so far
7,000 individuals mentioned
2,373 documents catalogued
900 organisations mentioned
900 public servants named

Expanding access to information in Tunisia

After three years of advocacy and close advisory support from ARTICLE 19, Tunisia adopted its right to information law in 2016: it is one of the strongest in the world.

In 2018, the ATI authority started making and publishing decisions on requests from citizens, following ARTICLE 19's international expert mission to support implementation.

The experts presented different aspects and success stories of a transparent authority, including key principles, comparative experiences, and approaches to sensitive requests. We also created a guide on how to use the law in partnership with the ATI Commission.

Making access universal

“This is a unique experience in Tunisia.”

President of the Information Authority, Imed Hazgui, reported in HuffPost

For the first time in Tunisia, and in the region, the provisions of the law are now available in braille and sign language.

On the International Day of Persons with Disabilities, we held a conference to highlight the needs of people with disabilities in regard to exercising information rights, and it presented an opportunity to issue recommendations on universal access, which were accepted by the Information Commission.

Press Association Images: A plenary session at the Tunisian National Constituent Assembly (NCA) in Tunis.



Open government from Senegal to Kenya

The Open Government Partnership (OGP) has been now joined by 75 countries, each committing to foster a culture of open government that empowers citizens and advances the ideals of open and participatory government.

Senegal joined the OGP in July 2018 after years of ARTICLE 19 advocacy: we are now taking part in the drafting of the national action plan, forming part of the OGP Committee.

We also continued work with Kenya's OGP process – the 3rd National Action Plan. The plan was adopted in December, and **contained numerous commitments we advocated for**, including on open contracting, open data, and public participation. The plan commits the country to protect civic space, which had been one of our priorities.

Information law passed in Morocco

In 2018, Morocco finally signed into law its Access to Information Law, after many years of advocacy and discussion. In the face of numerous unexpected changes and setbacks, ARTICLE 19 persistently engaged in this process over a number of years and numerous of drafts, providing legal analyses and recommendations.

After years of work on a draft for access to information by civil society and the World Bank, the government themselves proposed a draft, which was a big step back in terms of international standards. In response, ARTICLE 19 entered into major advocacy efforts, meeting with ministries, MPs, and academics.

Our legal analysis was a key tool, not just in our own work but in mobilising different groups around the draft, from local groups involved in advocacy to state institutions who reflected our concerns in their interactions with the government.

The final law shows amendments proposed by ARTICLE 19's analysis, including provisions which allow the reuse of information gained by request. The law, however, still lacks harm and public interest tests.

Information and identity in Brazil

“ARTICLE 19’s efforts were fundamental for the defence of protection of public information requester’s identity. In addition to the dialogue with the Office of the Comptroller General regarding the topic, the Report ‘Identity Revealed’ was a contribution of relevant knowledge in order to overcome resistance to implementing measures to protect the identity of those requesting information via Brazilian Access to Information Law.

The presentation of actual cases demonstrated the importance of these measures to the public body and population and certainly contributed to the inclusion, in November 2018, of an option to hide personal data in requests for information made through the federal electronic system.”

Marina Antoji, Abrajji (The Brazilian Association of Investigative Journalism)

ARTICLE 19 has revealed multiple cases in which individuals have been penalised for exercising their right to information across Brazil: the issue is both widespread and institutional.

Our report detailed 16 cases in the five regions of the country in which those who requested information from public agencies had their identities exposed as the authors of the requests, and suffered intimidation and humiliation as well as difficulties in the processing of requests for information. The report proved that the culture of secrecy is institutionalised.

The report sparked a public debate, and we used our research to promote our legal opinion and recommendations about freedom of information processes, including electronic tools to protect the identities of the requesters, limited access to data by public servants, and training of those who handle requests.

The Federal Controller’s office has now implemented the possibility of identity-protection in information requests if the user wants to remain unidentified.



Photo - Press Association Images - 28 October 2018, Brazil, Rio de Janeiro: A service dog trying to bite a journalist at a polling station. The presidential election has begun in Brazil. The ultra-right-wing ex-military Bolsonaro was 55 to 54 percent ahead of its competitor in the most recent surveys. Photo: Fabio Teixeira/dpa

Governance Update

In December 2018 the International Board held their meeting in Sao Paolo and took the opportunity to meet staff and partners in the region. The visit was warmly welcomed as an expression of solidarity at a time of concern at the imminent inauguration of a president who had declared open hostility to many aspects of civic space that intersect with our work in the region.

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In June 2018 important work on the development of a new regional boards took a major step forward with the first meeting of the MENA advisory board in Tunis.

Meanwhile the International Board sub-committees continued to meet regularly and manage the financial and governance responsibilities of the Board. The Finance and General Purposes Committee (FGPC) shepherded revised organisational policies to conclusion, such as the sexual harassment policy.

The Trustees agreed a new process for evaluating the International Board's performance, to be undertaken in early 2019. The Fundraising taskforce also outlined a new approach to diversifying our funding base through engaging high net-worth individuals.

The Board and Management jointly commissioned an independent review by a well-known external expert concerning a serious incident in Bangladesh. Full disclosure has been made to our auditors, donors, partners and the Charity Commission. Appropriate action has been taken regarding the individual at the centre of the incident, and the learnings and recommendations of the review are currently being implemented across the organisation.

Farewells and welcomes

We would like to say thank you to all our trustees for their guidance and support this year. Our special thanks go to Evan Harris who has sat as Trustee on the International Board since 2009. We also extend our warm thanks to Kamal Labidi for his work with us. Kamal resigned from the Board early in 2018.

Meanwhile the General Assembly confirmed the appointment of new trustees at the June Board meeting. We warmly welcome Mark Salway, currently Director of Sustainable Finance at Cass Business School, University of London; Bob Latham currently a Partner and Chair of Jackson Walker L.L.P.'s media law practice group in the USA; and Caterina Botero, currently a professor of Constitutional Law at the Externado de Colombia University.



Photo - Press Association: Rabat, Morocco 2nd January 2018: People with Moroccan flags protest against forced displacement outside the building of the Parliament of Morocco in capital Rabat. Valery Sharifulin/TASS

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