



ARTICLE¹⁹

International Annual Report 2019

Defending Freedom of Expression
and Information around the World

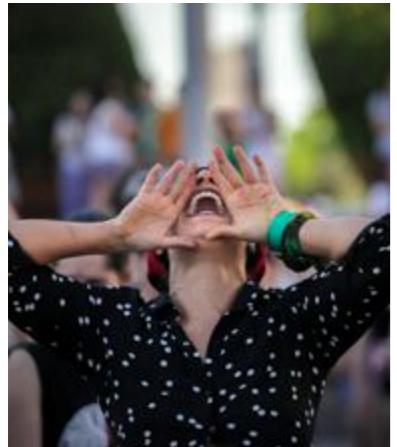
“ Economic inequalities continue to gape, discrimination continues unchecked, technology companies continue to hold extraordinary levels of power, and our environment continues to be degraded in the name of economic growth. Our need to know and understand, to refuse and to protest, are more urgent than ever – in this moment of history, the price of silence is higher than any of us can afford.”

The Global Expression Report 2018/2019

Indigenous women take part in a protest against right-wing President Bolsonaro's environmental policies and the loss of their traditional settlements. Bolsonaro wants to make greater economic use of the Amazon region in particular and allow further deforestation. 13 August 2019, Brazil. (Photo: Tuane Fernandes/dpa)



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A performance of "A Rapist in Your Path", part of the feminist movement "The Thesis", in Buenos Aires. The performance was part of the global cry of women against sexist violence that began in Chile following the armed forces' abuses during the protests. (Photo: Carol Smiljan/NurPhoto/PA Images, 6 December 2019)

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Women in El Paso chant "Ni una mas" as they march in solidarity with women across Mexico who are fighting against femicide and violence towards women. Women's March (Photo: Mark Lambie/El Paso Times/Imagn/USA Today Network/Sipa USA)

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More than 50,000 people joined the Save Your Internet demonstration in Munich on 23 March 2019. Demonstrating against Articles 11, 12, and 13 of the copyright reform, protestors fear an upload filter and censorship. Critics also say the reform could be bad for creatives. (Photo: Alexander Pohl/Sipa USA)

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Protesters demonstrate against Facebook outside Portcullis House in Westminster. London, UK, 26 April 2018. (Photo: REUTERS/Peter Nicholls)

Protesters hold a banner during a march for press freedom. Media groups and journalists' trade unions held a "Stop Police Violence, Defend Press Freedom" silent march to demand the police facilitate the work of news media and respect press freedom. The protest was called after media professionals suffered aggressions and were insulted by police officers while covering the protests against the extradition law to China. (Photo: Ivan Abreu /SOPA Images/Sipa USA/PA Images)

Protesters hold a banner during a march for press freedom. Media groups and journalists' trade unions held a "Stop Police Violence, Defend Press Freedom" silent march to demand the police facilitate the work of news media and respect press freedom. The protest was called after media professionals suffered aggressions and were insulted by police officers while covering the protests against the extradition law to China. (Photo: Ivan Abreu /SOPA Images/Sipa USA/PA Images)

From the Acting Executive Director: Quinn McKew



As I look back at the fourth year of ARTICLE 19's six-year Expression Agenda, I am struck by the bravery and dedication of those who strive to speak truth to power and the continued relevance of this Agenda to empower them.

We have made continuing, long-term commitments to work on some of the most intractable issues in difficult areas. For example, one of our countries of focus is Turkey, which continues to be one of the most dangerous places in the world to be a journalist. Hundreds of journalists and others have been imprisoned by a government that seeks control through repression of information, and any criticism of the state.

“ As I write, the world is in the midst of the consequences of a global pandemic, and what many are arguing is the failure of states to make information available to citizens. The gap between powerholders and citizens is stark and inequalities are visible to all.

The present crisis makes clear our work is more necessary than ever and ARTICLE 19 is ready to meet the challenges ahead.”

In 2017, we highlighted the pre-trial detention and trials of journalists Mehmet and Ahmet Altan, and the crackdown on the press by President Erdogan. In 2018, ARTICLE 19 attended 70 hearings across 20 cases, increasing international media attention from *The Guardian*, *Newsweek*, and Human Rights Watch. We worked in coalition with Turkish organisation P24, and others to bring a case to the European Court of Human Rights challenging the basis of the detentions in Turkey. Judgement from the court affirmed that the detention of journalists was a violation of human rights and silenced dissent. This set an important precedent for the other cases of 154 detained journalists in Turkey.

Unfortunately, for Turkish journalists, the situation remains dire. In 2019, following the re-arrest of Altan Ahmet on spurious grounds, ARTICLE 19 called for his immediate release and for his conviction to be quashed. We have continued to stand alongside Altan – during his re-trial, intervening when his case returned to court, and raising his case in our submission to Turkey's Universal Period Review, in this on-going fight for justice.

Closely related to our work on protection is our fight to ensure transparency by powerholders, which we consider an essential ingredient in holding them to account. In 2019, ARTICLE 19 Mexico's digital archive, *Archivos de la Represión* (Repression Archives), of the Mexican political police's violations of human rights from 1960 to 1985 won third place in the National Innovative Transparency Awards.

2019 saw massive progress in the protection of whistleblowers. This is crucial for all information of public interest about wrongdoing in the public and private sector. After years of hard campaigning by ARTICLE 19 and our partners, the European Council adopted new EU-wide rules on the protection of whistleblowers. This is a huge step forward in ensuring that access to information is now on the global agenda, as other countries often look to EU rules when drafting their own national guidelines.

Our progress in 2019 drives home how much more there is to fight for. As I write, the world is in the midst of the consequences of a global pandemic, and what many are arguing is the failure of states to make information available to citizens. The gap between powerholders and citizens is stark and inequalities are visible to all.

The present crisis makes clear our work is more necessary than ever and ARTICLE 19 is ready to meet the challenges ahead.

From the Chair of the Board: Paddy Coulter



These are extraordinary times, and in many ways extraordinarily dark times. As the courageous Chinese artist and dissident Ai Weiwei recently reminded us, these are the times when we need to hold more than ever to common principles, freedom of speech and expression.

ARTICLE 19 seeks to promote these principles in solidarity with our regional affiliates, our partners, and our donors. In combination with dedicated staff and Board members, this makes for a formidable global alliance to meet formidable challenges.

Our 2019 *Global Expression Report* revealed that freedom of expression had reached its lowest point in a decade - and that was before the coronavirus pandemic struck, with certain governments exploiting the crisis to further repress free media and information sharing. In face of increasing authoritarianism the need to check the spread of mass surveillance and strengthen the right to have a voice and make a protest is more urgent than ever.

In countering the spread of misinformation, “fake news” and conspiracy theories we must continue to challenge heavy-handed and oppressive measures that some states adopt to stifle media reporting and the free flow of information. In addressing “hate speech” we must ensure that governments comply with international human rights standards, encouraging them to address the root causes of hate and replace state censorship and criminal sanctions with solutions that emphasise social inclusion and media freedom.

In the following pages we can see evidence from across the globe of significant “wins” at country level, even in places like Belarus where ARTICLE 19 has helped achieve unprecedented progress on LGBTQI+ hate speech, and in Bolsonaro’s Brazil where, on ARTICLE 19 Brazil’s urging, a data protection law has been passed enshrining a right to privacy. We have been able to apply pressure on social media companies, not least from ARTICLE 19’s #Missing Voices campaign (our first truly global campaign) for greater transparency and accountability on content removals and for a right to appeal for users. And we have seen progress on ARTICLE 19’s proposals for Social Media Councils, which have been endorsed by the UN Special Rapporteur for Freedom of Expression.

For the International Board, 2019 was a year of consolidation. Total income passed the £9 million mark for the second year in a row, at £9.6 million surpassing the 2018 total of £9.1 million.

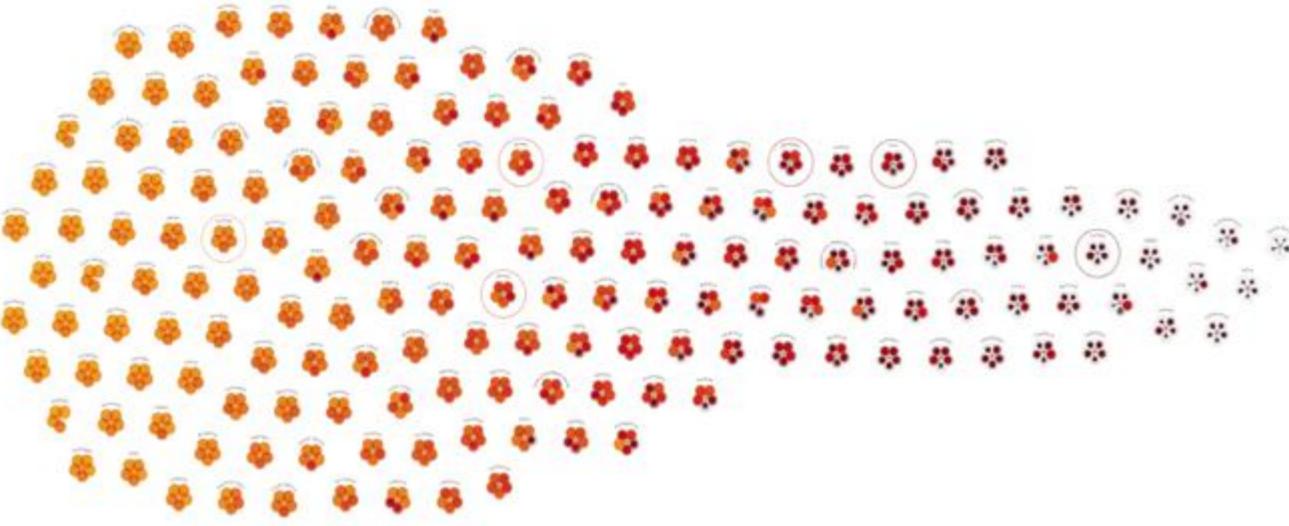
At the end of the year, Executive Director Thomas Hughes, who had presided over the growth of the organisation since 2013 stepped down to head the new Independent Oversight Board for content decisions on Facebook and Instagram. Among his many achievements I would highlight the introduction of the organisation-wide “Expression Agenda” strategy. We all – Board members and staff alike – pay tribute to Thomas for his inspirational leadership.

We are very fortunate to have Quinn McKew as Acting Executive Director. Quinn has been Deputy Executive Director since 2013 and is an experienced advocate in the field of freedom of expression, digital rights, and the defence of the environment.

I am confident that together ARTICLE 19 will continue to galvanise our collective strengths as a formidable global human rights alliance working for a future where the freedom to speak and access to information are available for all.

Global Expression Report 2018/2019:

Global Freedom of Expression at 10-Year Low



“ We must protect and exercise our freedom of expression to breathe life and legitimacy back into our governments.”

Thomas Hughes, Executive Director
2013-19



In the 70th year since the Universal Declaration of Human Rights, our [Global expression report 2018/2019](#) produced the most comprehensive global analysis yet of a key human right: freedom of expression.

The *Global expression report 2018/2019* offered rich insights into the state of the right in **161 countries**. Working with our annual partners, the [V-Dem \(Varieties of Democracy\) Institute](#), we analysed data from **39 indicators** (up from 32 in 2018) to create an **Expression Agenda (XpA) score** – a unique and innovative metric that enables us to measure freedom of expression – for each country and for each of our five pillars of freedom of expression:

1. Civic pace
2. Digital
3. Media
4. Protection
5. Transparency

Our approach interrogates not only the rights of journalists and civil society but also how much space there is for all of us, as individuals and citizens, to express and communicate – be that posting online, marching, teaching, or simply accessing the information we need.

The *Global expression report 2018/2019* found that **global freedom of expression is at its lowest for a decade**. Even countries that are usually defenders of freedom of expression are now in decline:

- **Three in every four people** on the planet are experiencing a deteriorating environment for freedom of expression.
- **Sixty-six countries** saw a decline in their overall freedom of expression environment last decade.
- This amounts to **5.5 billion people** living in countries where this crucial human right is more and more restricted.

The following trends are contributing to this erosion:

- Repressive responses to the increasing number of street protests worldwide;
- A rise in digital authoritarianism, with governments taking control of Internet infrastructure, increasing online surveillance, and controlling content; and

- An increase in the numbers of journalists, communicators, and human rights defenders being imprisoned, attacked, and killed.

Yet our report also found grounds for hope. More and more people are speaking out and making themselves heard. Young people have brought renewed energy to politics, dissent, and protest movements across the world, driving remarkable change. And solidarity with journalists and communicators has, at times, been swift and emphatic.

The *Global expression report 2018/2019* was covered in numerous news outlets internationally – from *Press Gazette* (UK) and *Columbia Journalism Review* (USA) to *Notícias UOL* (Brazil) and *The Daily Star* (Bangladesh) – reaching over **22 million people** worldwide.



“ In 2019, our expert staff were quoted by media outlets around the world – from *The Guardian* to *The New York Times*, Al Jazeera to the BBC. The issues included specific trials in Turkey, the right of Extinction Rebellion to protest in London; Internet blackouts in Iran, Bangladesh, and Myanmar; and assaults on journalists in Mexico.”

Pam Cowburn, Media Lead,
International Communications

Spotlight on...

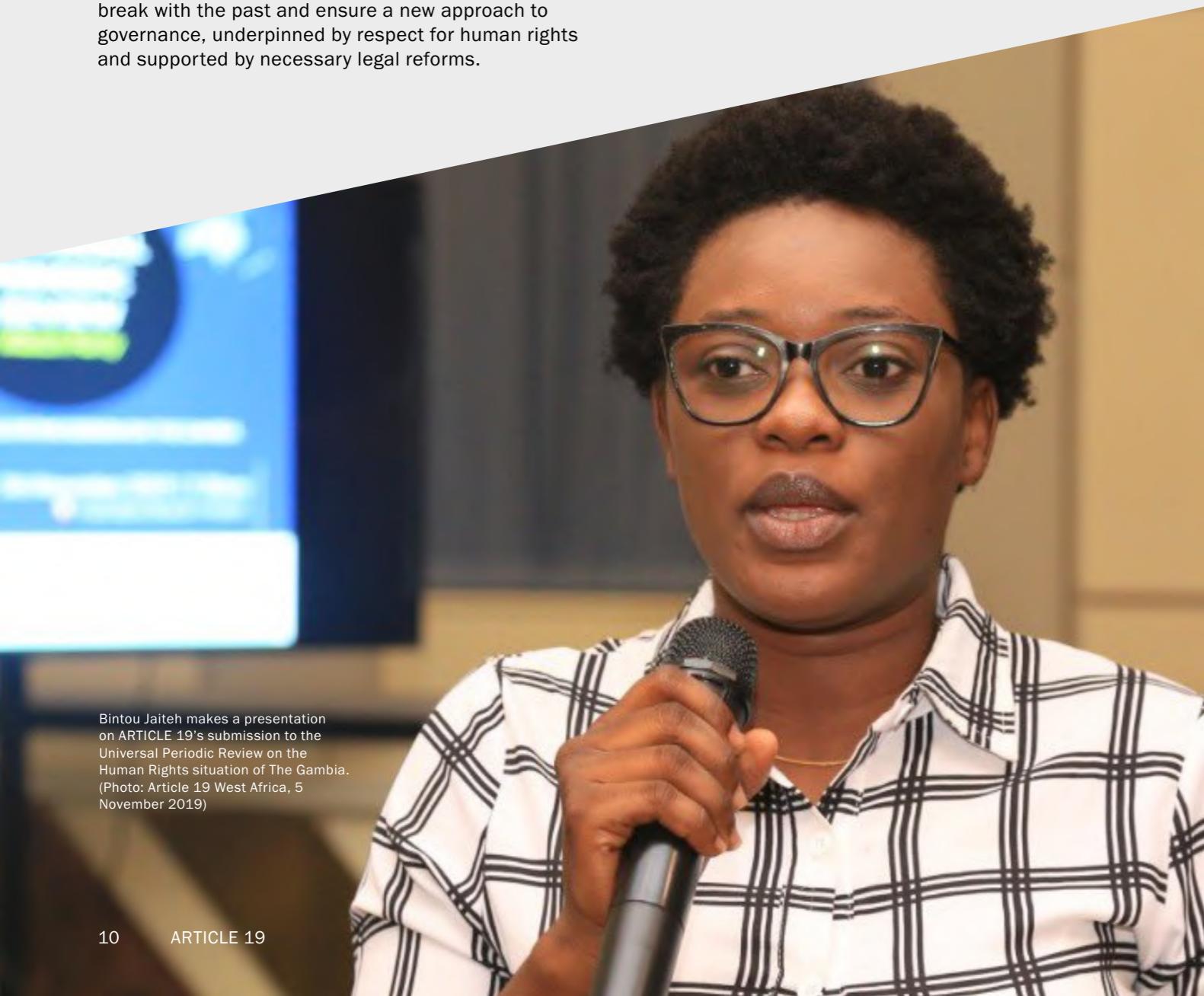
The Gambia: #1 Advancer

In each *Global expression agenda* report, we identify five “Advancer” and five “Decliner” countries that show meaningful and holistic improvement or deterioration, respectively.

The Gambia was the #1 XpA Advancer for 2018/2019. Having declined since 2008, a change of regime – from long-standing dictator Yahya Jammeh to the government of Adama Barrow – saw The Gambia leap 80 XpA positions between 2015 and 2018.

Adama Barrow’s government ushered in a period of optimism and change, with the initial release of political prisoners, the return of journalists who had long been in exile, and robust commitments to break with the past and ensure a new approach to governance, underpinned by respect for human rights and supported by necessary legal reforms.

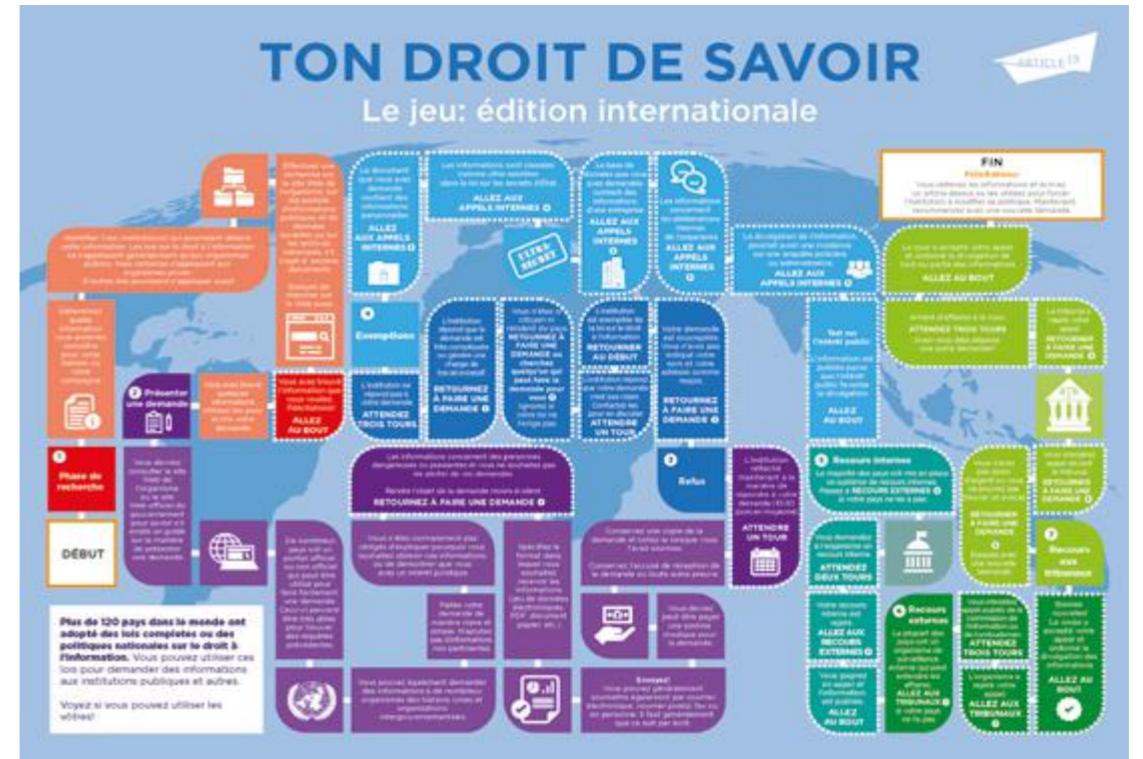
Positive steps continued in 2019, when the Gambian Cabinet endorsed the Media Services Bill and Freedom of Information Bill, which we called for in the country’s Universal Periodic Review. In 2019, ARTICLE 19 signed a Memorandum of Understanding with the fledgling government to help it develop new laws and policies that reflect the strongest international standards.



Bintou Jaiteh makes a presentation on ARTICLE 19's submission to the Universal Periodic Review on the Human Rights situation of The Gambia.
(Photo: Article 19 West Africa, 5 November 2019)

Researching Rights

ARTICLE 19 publishes original research and insightful reports – monitoring, exploring, and shedding light on freedom of expression issues. These reports not only form the basis of advocacy projects but also tackle impunity by creating visibility around violations against freedom of expression worldwide.



The French edition of ARTICLE 19's “Your Right to Know” game, which aims to help civil society, journalists, activists, and others learn to use right to information laws to guarantee their rights, gain knowledge, and challenge governments and institutions on key issues.

Two Steps Forward, One Step Back: “Your Right to Know” Game

The right to information (RTI) gives every person the right to obtain information, documents, and data from public bodies and others without having to give reason. Over 120 countries around the world have adopted comprehensive RTI laws or national policies. This means **90% of the world's population now lives in a country with an RTI law or policy**.

However, where these laws exist to embed international standards in domestic legal systems, actually using them to make requests can be challenging:

- Who do you ask?
- How long do you have to wait?
- Do you have to pay a fee?
- What do you do if the information is classified as top secret?

“[Your Right to Know](#)” is an innovative game to help people learn how to use RTI laws to guarantee their rights, gain knowledge, and challenge governments and institutions on key issues.

Originally piloted in Iran in 2018 (see last year's [Annual report](#)), this year we launched the International Edition of the game. We released the game in four new languages in September, and Arabic and Russian versions are on their way.

The Right to Protest in Kenya

In response to the growing trend of violence against protesters in Kenya, ARTICLE 19 released a report, [Right to protest in Kenya](#), examining the country's laws, policies, and practices around the right to protest.

The report revealed that people in Kenya frequently take to the streets to protest against a wide range of issues – from education to sexual violence, and corruption to environmental degradation. But although organisers take appropriate legal measures to set up peaceful protests, law-enforcement officers often violate protesters' rights, which has resulted in deadly violence.

We used the report to make proposals for public order legal reform in Kenya. During short bilateral discussions at different forums, we shared the report with the Office of the Attorney General in Kenya, National Police Service Spokesperson, Kenya National Commission on Human Rights, African Commission on Human and Peoples' Rights, and the UN.

See our [Campaign Update](#) for more information.

Rights in Extremis in Russia

In Russia, overbroad and excessive anti-extremism laws are frequently used to increase censorship and state control, silencing political opposition, journalists, and civil society.

In 2019, in partnership with the SOVA Center for Information and Analysis, we published [Rights in extremis: Russia's anti-extremism practices from an international perspective](#). We used the report to advocate against the misuse of anti-extremism laws in Russia, calling for some of the legislation to be repealed or amended, and showing how it has often been used to silence critical voices in Russia.

Partly as a result of our work, the Council of Europe highlighted the necessity of bringing Russian laws into line with international standards. The success of the project resulted in a second phase of the research to address the issues in Belarus, Kyrgyzstan, and Kazakhstan.

New Government, Old Tactics in Malaysia

On 6 May we launched a report, [New government, old tactics](#), in Malaysia. The report highlighted the successes and failures of the new government, the Pakatan Harapan coalition, in protecting and promoting the right to freedom of expression and information during its first year in power.

In its campaign manifesto, Pakatan Harapan promised to repeal repressive legislation, reform public institutions, and ratify human rights treaties. The hopes of the Malaysian people ran high, and the government's first months in power looked promising. But after a year, the government had made little progress on many of its promises and had backtracked on many others, including racial discrimination, civil and political rights, media freedom, and peaceful assembly.

Our report pointed out these failures and called on Malaysian authorities to act with principle and follow through on their human rights commitments without delay. It gained significant media attention and, since its publication, ARTICLE 19 has engaged further with the Malaysian government on its law-reform process – particularly RTI legislation.

Law and Policy

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 on freedom of expression and information 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 that 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.



Protesters hold a placard in front of Lagos State House of Assembly during a protest on the Hate Speech Bill and Social Media Bill on 27 November 2019. The proposed bill has sparked controversy in Africa's most populous country, with human rights activists and prominent figures all speaking out against the bill. (Photo: Olukayode Jaiyeola/NurPhoto/PA Images, 28 November 2019)

Legal analyses

- France:** Bill on countering online hatred ("The Avia Bill")
- Ethiopia:** Draft proclamation to prevent the spread of hate speech and false information
- Russia:** Bill obliging companies to pre-install Russian apps on electronic devices ("The Anti-Apple Bill")
- Italy:** Regulation on respect for human dignity and the principle of non-discrimination in relation to hate speech
- Bangladesh:** Digital Security Act 2018
- UK:** White paper on online harms
- France:** ARTICLE 19 comments on interim report for social media regulation
- Cambodia:** Draft law on access to information
- Iran:** Draft Data Protection Act
- Malaysia:** Submission to Malaysian communications and multimedia commission LEG
- Kenya:** Data Protection Bill

Spotlight on...

Regulating Social Media Platforms

A decade ago, social media was widely seen as a possible force for good, enabling free expression, but it has come to be viewed as a hotbed of “hate speech”, conspiracy theories, and propaganda. In the dock is the repeated failure of the biggest social media platforms to grasp and address the concerns of their users and governments – from the Cambridge Analytica scandal at Facebook to YouTube’s struggle to shut down the video of the Christchurch terrorist attack in New Zealand, along with overbroad restrictions on nudity, discussions of suicide or anorexia, and offensive expression.

Given the power and control of these companies over their users, their responses to these problems look weak and below par, and they have yet to make an impact on the problem.

Currently, under their community guidelines, social media companies can restrict a lot of content – not just content that is illegal but also content they deem distasteful or unpopular. Governments are increasingly moving towards regulating what companies can remove under community guidelines, and are planning to adopt regulations on vaguely defined “legal but harmful” speech. This is extremely problematic because such speech is protected under international human rights standards. Although states have a role to play in redressing the power imbalance between digital companies and users, **ARTICLE 19 is concerned that such interventions will have an adverse impact of freedom of expression and information.**



Barbra Bukovska, Senior Director of Law and Policy

“Proposals to force companies to remove ‘legal but harmful’ speech are misguided and dangerous for freedom of speech. Instead of addressing the unbalanced relationship between two unequal powers – an individual and a huge company – they give companies even more censorship powers, and could require the bulk surveillance of our communications through upload filters.”



Legal Interventions



The “Right to Be Forgotten”: Victory at the European Court of Justice

ARTICLE 19 led a coalition of free speech organisations that intervened in the Court of Justice of the European Union (CJEU) case, *Google v Commission Nationale de l’Informatique et des Libertés*, concerning the global “right to be forgotten”. The CJEU was asked to clarify whether a court or data regulator could require search engines to de-list websites only in the country where it has jurisdiction or across the entire world.

We warned that forcing search engines to uphold such a global “right to be forgotten” would be disproportionate and could harm Internet users’ right to access information. We also welcomed the Advocate General’s opinion on the case and his recognition that the “right to be forgotten” must be balanced against other fundamental rights, as well as the legitimate public interest in accessing the information sought.

The CJEU followed our recommendations and, in September, ruled that search engines will not be compelled to apply the “right to be forgotten” across the world. Globally, more than 630 media outlets published our comments on this case.



Defending the Freedom to Joke in France

On 11 October, ARTICLE 19 submitted a third-party intervention before the European Court of Human Rights (ECtHR) in the case of *Z.B. v France*. The case concerns the applicant’s freedom to joke, and we argued that it constitutes a protected expression – even if the joke was made in bad taste.

“This ruling is a victory for global freedom of expression. Courts or data regulators in the UK, France, or Germany should not be able to determine the search results that Internet users in America, India, or Argentina get to see.”

Thomas Hughes, Executive Director 2013-19
on the “Right to Be Forgotten” ruling



Europe’s top court, the European Court of Justice, ruled that individual countries can force Facebook to take down illegal content, including hate speech, both inside the EU and across the world. (Photo: Arne Immanuel Bänsch/DPA/PA Images, 15 June 2019)

Criminal Defamation: A Freedom of Expression Issue

ARTICLE 19 submitted an amicus curiae brief to the Inter-American Court of Human Rights in the case of *Tulio Alberto Álvarez v The Bolivarian Republic of Venezuela*. Álvarez, a journalist for the newspaper *Así Es La Noticia*, was prosecuted for “ongoing aggravated defamation” in a case brought against him by a former congressman and president of the National Assembly of Venezuela.

We were particularly concerned at this use of criminal defamation to punish and prevent legitimate political debate and criticism of public figures. We argued that the prosecution of Álvarez violated the American Convention on Human Rights (“the Convention”) on a number of grounds, including freedom of thought and expression. This case was particularly significant because it addressed whether criminal defamation liability can properly coexist with the protection and promotion of human rights within the Convention system.

The decision was issued on 30 August 2019. The court found that Venezuela had violated Álvarez’s right to freedom of expression and political rights, as well as his right to freedom of movement, all of which violated the Convention. The court requested a revocation of the criminal conviction imposed on Álvarez and all consequences resulting from it, including the elimination of any criminal record that prevents him from developing his rights as a citizen.

“The state must adopt all the necessary measures to render the sentence against Mr Álvarez and the consequences that derive from it void, as well as expunge the judicial or administrative, criminal, electoral, or police records that exist against it as a result of said process. To this end, the state has a term of one year from the notification of this judgment.”

Inter-American Court of Human Rights order,
Tulio Alberto Álvarez v The Bolivarian Republic of Venezuela

Journalist Acquitted of Insulting Erdogan

After publishing an article questioning the murky relationship between members of President Erdogan’s family and certain businessmen, journalist Fatih Polat was put on trial in Turkey for “insulting the President”.

ARTICLE 19 submitted an expert opinion to his hearing on 14 May, arguing that the charge of insulting the President of the Republic (Article 299 of the Turkish Criminal Code) does not comply with international and European standards of freedom of expression, and that Polat’s publication was of the utmost public interest.

Polat was acquitted on 14 November.

Government Hacking Incompatible with Rights to Privacy and Freedom of Expression

On 16 September 2019, ARTICLE 19 and the Electronic Frontier Foundation submitted a [third-party intervention](#) before the ECtHR in the case of *Privacy International v the United Kingdom*.

We argued that the use of government interference or “hacking” represents one of the greatest threats to fundamental rights in the digital age. Not only does it have a “chilling effect” on the rights to privacy and freedom of expression, but it also has the potential to impact other fundamental rights.

This followed our [third-party intervention](#) in April in the case of *Big Brother Watch and Others v the United Kingdom*, in which we urged the Grand Chamber to affirm that mass surveillance is inherently incompatible with the European Convention.

The UK is renowned for its intelligence capabilities and the way in which it regulates surveillance is often replicated around the world. The decision in this case will therefore have a significant cascade effect on global standards of surveillance.

Twentieth anniversary joint declaration: Challenges to freedom of expression in the next decade

On 10 July, at the Global Conference for Media Freedom in London, the four special rapporteurs on freedom of expression released their [Twentieth anniversary joint declaration: Challenges to freedom of expression in the next decade](#).

The declaration sets out the actions that states and other actors must take to implement core standards on the right to freedom of expression in response to new and long-standing threats to the right. It focuses on three main challenges for the next decade:

1. Creating an **enabling environment** for exercise of freedom of expression;
2. Building and maintaining a **free, open, and inclusive Internet**; and
3. Addressing **private control** as a threat to freedom of expression.

ARTICLE 19 [welcomed](#) this joint declaration. We have coordinated the drafting of these declarations since 1999, and this twentieth anniversary joint declaration acknowledges our input.

Featured Standards and Policies

5G deployment and regulation:
Submission to body of European regulators for electronic communications

Artificial intelligence:
Proposed EU guidelines fail to protect human rights

Blockchain:
Warning that blockchain technology is not a solution to censorship

Religious extremism:
Building awareness in Bangladesh of standards

Media independence:
International standard on the influence of public funding, including public advertising, over media independence

International Advocacy

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.



The United Nations General Assembly holds a meeting on the observance of the annual Nelson Mandela International Day at the UN headquarters in New York, where the UN leadership called for actions on hate speech. (Photo: Li Muzi/Xinhua News Agency/PA Images, 18 July 2019)

Spotlight on... “Hate Speech”

ARTICLE 19’s work to tackle “hate speech” continues apace. In 2019, consensus was maintained on Resolution 16/18 (on combating intolerance on the basis of religion or belief), and hard-won progress was made on tackling hate internationally.

UN Strategy and Plan of Action on Hate Speech Launched

On 18 June 2019, the UN Secretary-General [launched the UN strategy and plan of action on hate speech](#). His comments at the launch reflected ARTICLE 19’s key policy position: that combating “hate speech” should focus on the root causes of hate and discrimination – not on restricting speech.

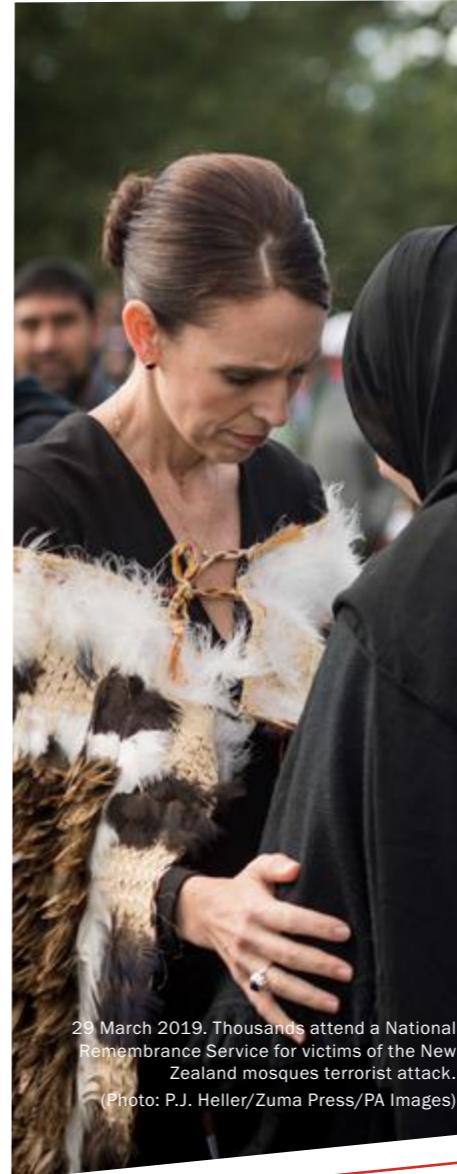
ARTICLE 19 [called](#) on world leaders at the UN General Assembly (UNGA) in September to recognise and act on their commitments to tackle “hate speech”, and on states to translate those commitments into on-the-ground changes.



UN Secretary-General Antonio Guterres briefs reporters following the launch of the UN Strategy and Plan of Action on Hate Speech, at the UN headquarters in New York, 18 June 2019. The strategy and plan of action is a program to coordinate efforts across the UN system to identify, prevent, and confront hate speech, using all the means in its power, according to the UN chief. (Photo: Xinhua/Li Muzi)

“Addressing hate speech should never be confused with suppressing freedom of expression.”

António Guterres, UN Secretary-General, at the launch of the UN strategy and plan of action on hate speech, 18 June 2019



29 March 2019. Thousands attend a National Remembrance Service for victims of the New Zealand mosques terrorist attack. (Photo: P.J. Heller/Zuma Press/PA Images)

After Christchurch: Addressing Hate Online

Terrorists and violent extremists increasingly use the Internet to spread hate. This was tragically highlighted by the terrorist attacks of 15 March 2019 on the Muslim community of [Christchurch](#), New Zealand – attacks designed to go viral.

Addressing hate online requires social media companies to be responsive to the victims of hate (which we are calling for in our new global campaign, #MissingVoices; see [Campaign Update](#)) and establish real accountability mechanisms (which our proposed Social Media Councils would do; see [Digital section](#)).

Update: Hate speech toolkit

We continued to receive positive feedback on our [Hate Speech Toolkit](#) throughout the year, including from civil society organisations in Myanmar, Malaysia, Bangladesh, and Tunisia.

In 2019, the Office of the UN High Commissioner for Human Rights joined forces with faith-based groups to [launch](#) a toolkit to combat growing “hate speech” and intolerance. This toolkit incorporated and referenced ARTICLE 19’s work.

Revival of the Istanbul Process

Movement on the Istanbul Process, a series of intergovernmental meetings to encourage and guide implementation of Resolution 16/18, had stalled after 2016. In a significant achievement – and one ARTICLE 19 pushed hard for – the Istanbul Process was revived in 2019. The Dutch delegation hosted the meeting at The Hague in October and our regional offices also attended.

The UN selected ARTICLE 19 (along with the Universal Rights Group) to create an online repository of documents relating to the Istanbul Process, including good practices of state implementation. ARTICLE 19 were approached to feed into this process as a result of our long-standing work on “hate speech”, for which we are renowned in the non-governmental organisation (NGO) sector.

New ARTICLE 19 Resources

In March 2019, we released short [videos](#) in English and Arabic on the UN standards to tackle hate, complementing our earlier [Tackling hate](#) report.

Policy in practice: UN “hate speech” standards “trickling down” in Malaysia

In 2019, ARTICLE 19 organised a conference with Malaysia’s government and civil society on how to develop an action plan to combat “hate speech” in the country. Andrew Smith, Head of UN Advocacy, attended the conference, bringing our expertise on UN “hate speech” standards to a national context.

Matthew Bugher, Asia-Pacific Lead, said:



“The UN standards are trickling down and beginning to influence dialogue about hate speech and intolerance in Malaysia. We’re working hard to ensure that these conversations lead to policy reforms and impactful initiatives to promote a more open, tolerant society.”

Freedom of Peaceful Assembly

In 2019, the UN Human Rights Committee (the Committee) initiated its development of *General Comment No. 37 on Article 21 (Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights*. We have long advocated for the Committee to develop further guidance on state obligations related to peaceful assembly, alongside other civil society organisations, particularly the Civic Space Initiative.

ARTICLE 19 submitted an [initial response](#) that captured the key standards we wanted the Committee to address in its General Comment. We also undertook in-person advocacy in Geneva, and our Senior Director of Law and Policy gave an oral intervention to influence the first draft. Together with partners within the Civic Space Initiative, we organised a series of regional workshops, with members of the Committee and regional experts, on the draft General Comment, including consultations in Mexico and Bangkok. Our advocacy on the General Comment will continue as the Committee continues its revision of the draft in 2020.

Counter-terrorism

ARTICLE 19 undertook significant work on counter-terrorism at the UN in 2019, including safeguarding the integrity of the UN Global Counter-Terrorism Strategy and the mandate of the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism.

In March, we mobilised to prevent attempts to dilute and distort the mandate of the Special Rapporteur, whose work has been essential to highlighting the global trend of states’ misuse of overbroad counter-terrorism measures to restrict civic space. ARTICLE 19, together with the International Court of Justice, undertook extensive advocacy to prevent amendments to the mandate’s work, proposed by Egypt, from being adopted.

In September, we again mobilised to prevent new attempts to undermine the work of the mandate, and to push for the UN Human Rights Council (UNHRC) to renew its focus on the need to curb human rights violations perpetrated in the context of counter-terrorism, restoring essential human rights language to the resolution. We raised our concerns in a joint letter to the UNGA, questioning the role of Egypt – where abuse of counter-terrorism measures to suppress civil society is rife – in co-leading the resolution.

Protecting Rights in the Digital Age



In 2019, the UNHRC continued to ramp up its focus on the promotion and protection of human rights in the digital age – an issue that crosscuts all our engagement at the UN.

In September 2019, ARTICLE 19 advocated for the adoption of a strong resolution on the right to privacy in the digital age ([UNHRC Resolution 42/15](#)). We brought together experts on artificial intelligence – the focus of the resolution – for a side event, which was reported by member states to be essential in aiding their understanding of the human rights issues at play. The resolution set important standards in emphasising the application of international human rights law to the “design, development, and deployment” of new and emerging technologies and, in particular, to the use of biometric identification systems. In 2018, member states made significant commitments to protect against gender-based violations of the right to privacy at the UNGA. We pushed for those commitments to be built upon at the UNHRC, including recognising, in particular, the importance of privacy to combating tech-related violence against women (VAW; see [Digital section](#)).

In preparation for an upcoming resolution on human rights and the Internet in 2020, ARTICLE 19 placed a focus on state attempts to restrict the free flow of information online by shutting down the Internet. This included an [oral statement at the 42nd Session](#) urging the UNHRC to take action on the worrying increase in Internet shutdowns worldwide, including in Myanmar, Kashmir, Iran, West Papua, Cameroon, and Bangladesh. We also successfully advocated for the Council to call on the government of Myanmar to lift its targeted Internet shutdown of conflict-affected townships, in its [Resolution 42/3](#) on the situation of human rights of Rohingya Muslims and other minorities in Myanmar.

Kashmiri journalists protest against the continuous Internet blockade for the 100th day outside Kashmir Press Club, Srinagar, Indian Administered Kashmir, on 12 November 2019. Journalists held their laptops and placards during the protest against the continuous gag on the Internet after the Indian government stripped Jammu and Kashmir of their autonomy on 5 August 2019. (Photo: Muzamil Mattoo/NurPhoto/PA Images, 12 November 2019).

Universal Periodic Review

Universal Periodic Reviews assess the extent to which countries have implemented human rights recommendations accepted during their previous Universal Periodic Reviews. The reviews also raise outstanding human rights concerns and make recommendations to governments.

ARTICLE 19 made numerous Universal Periodic Reviews submissions to the UN in 2019, including on Iran, Turkey, Myanmar, Kyrgyzstan, Kazakhstan, Tajikistan, Kenya, and Spain.

Policy in practice: UNHRC review of Tajikistan

ARTICLE 19 participated in the UNHRC’s review of Tajikistan in 2019, including making a [written submission](#) with a regional partner that focused on media restrictions and the safety of journalists. We supported our regional partner in conducting in-person advocacy with members of the UNHRC in Geneva.

The UNHRC put [two specific questions](#) on independent media freedom to the state. In another significant victory, the UNHRC, which had previously made no detailed recommendations on media restrictions and the safety of journalists, included our recommendations verbatim in its [final report](#).

Beyond the UN

“ The potential impact of this Directive is massive. It means that every country in the EU will have a whistleblowing law within the next two years – and it will probably also set an international standard, in that other countries will take this as their own baseline, as we've seen with the old Directive on data protection, and more recently with the General Data Protection Regulation (GDPR).”

Dave Banisar, Head of Transparency

Frans Timmermans, First Vice-President of the European Commission for Better Regulation, Inter-Institutional Relations, the Rule of Law, and the Charter of Fundamental Rights (L) and Věra Jourová, EU Commissioner for Justice, Consumers and Gender Equality (R), hold a press conference on a new initiative of the European Commission to protect whistleblowers in Brussels, Belgium. (Photo: Wiktor Dabrowski/DPA/PA Images, 23 April 2018)

EU: Major Step Forward on Protecting Whistleblowers

In October 2019, the EU [adopted](#) new EU-wide rules on the protection of whistleblowers – a major step forward. ARTICLE 19 was active in the coalition of civil society organisations advocating for the Directive, which will substantially improve whistleblower protections in the EU.



Africa: Improved Freedom of Expression Principles

In 2019, the African Commission on Human and Peoples' Rights approved an updated set of freedom of expression/information principles to better elaborate these rights. New additions, which ARTICLE 19 welcomed, included data protection.

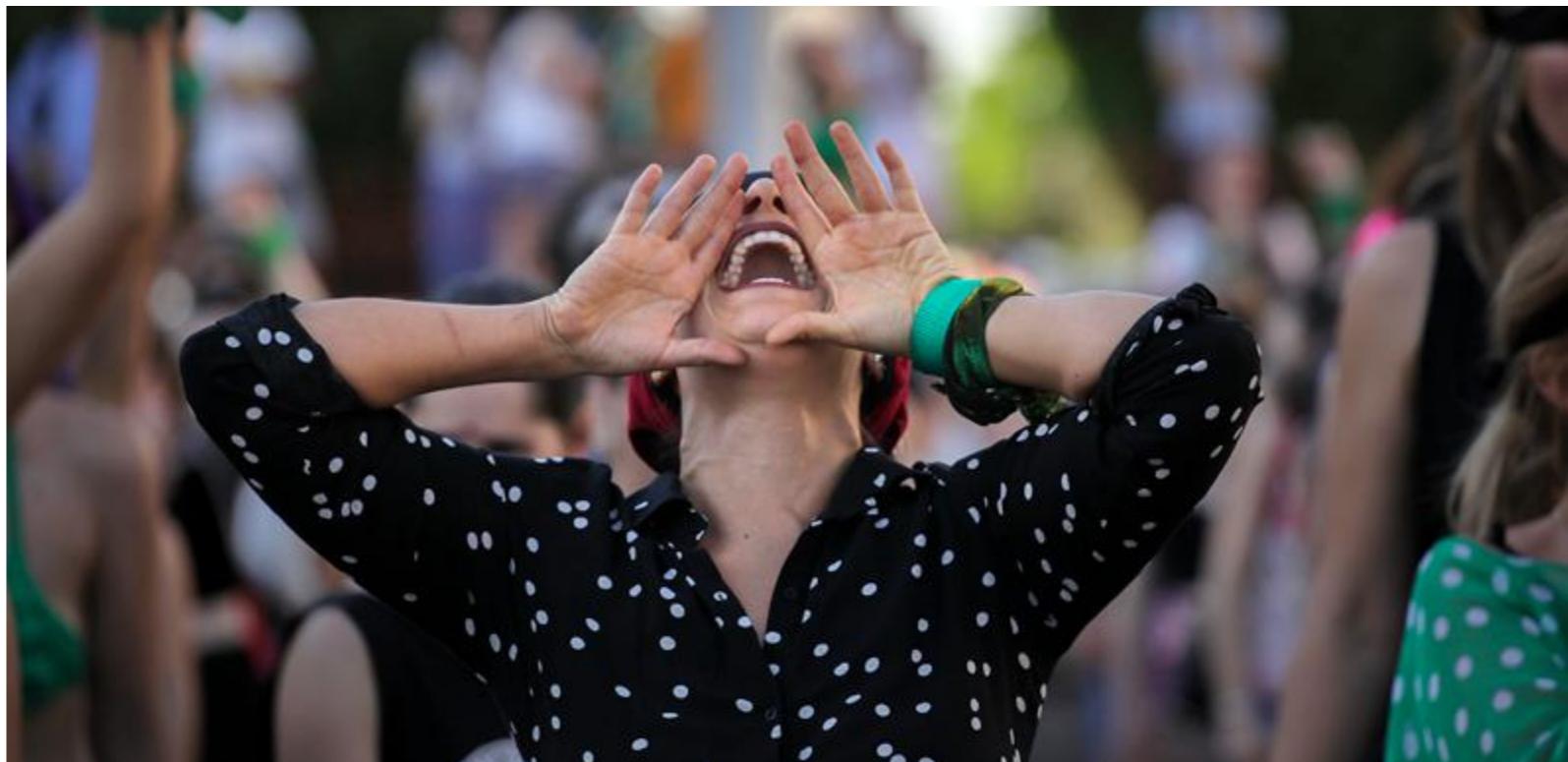
Americas: Tackling “Hate Speech” from a Human Rights Perspective

On 26 September 2019, ARTICLE 19's Digital Rights Programme Officer, Vladimir Cortés Roshdestvensky, participated in the 173rd Session of the Inter-American Commission on Human Rights (IACHR) in a hearing entitled “Judicial protection of victims of terrorist acts inspired by hate speech” to position the discussion from a rights and freedom of expression perspective.

The IACHR accepted a number of fundamental commitments regarding the application of the convention on “hate speech” (Article 13.5), special judicial status for authorities, and the protection of rights online and offline.

“Women Know Best What Women Need”: Gender Programme Highlights

The Mx Method is ARTICLE 19’s cross-cutting approach to gender and sexuality, which informs every element of our work.



A performance of “A Rapist in Your Path”, part of the feminist movement “The Thesis”, in Buenos Aires. The performance was part of the global cry of women against sexist violence that began in Chile following the armed forces’ abuses during the protests. (Photo: Carol Smiljan/NurPhoto/PA Images, 6 December 2019)

#SpeakingUp: Tackling Tech-Based Violence Against Women (VAW)

Judy Taing, Head of Gender and Sexuality, tells us about the process of creating the Circulo app and the Anatomy – two flagship initiatives from our #SpeakingUp project (see the [Digital section](#) for a full profile of this new campaign).

“Not the Architects but the Facilitators”: The Circulo App

“We launched the Circulo app in 2019 to provide women journalists facing attacks with a safe space online.

“What was innovative wasn’t even the tech itself so much as the process, which was entirely consultative: we asked women journalists if they wanted it and, if so, what they wanted it to include. It was about trust-building, being not the architects but the facilitators, enabling women journalists to have the chance to create an app that suits themselves and their needs.

“Circulo has been a big learning curve, especially in terms of the limitations of tech, but also in the process of building trust and understanding what women journalists need – and supporting women-led tech. All the project officers have been women; I’m a woman; all the journalists were women. We’re not relying on others to create this for us – women know best what women need.”



Judy Taing, Head of Gender and Sexuality

"Showing Complexity in a Simple Way": The Anatomy

"The Anatomy maps all the work we've done globally with women journalists and groups working on women's rights, human rights, and digital rights on what exactly constitutes tech-related VAW.

"In the Anatomy, again, the process mattered: building cohesion with different groups. The challenge was trying to simplify it while also doing justice to it – showing complexity in a simple way.

"We've had a great reaction to it. Tonnes of human rights and women's rights groups told us: 'Finally! Thank you! We've been waiting for something like this for so long.'

Masculinity Detox: Learning from our Regional Offices

Judy Taing tells us about a new initiative to mainstream the Mx Method within ARTICLE 19.

"The Mx Method is not just an external programme; it's also about fostering a positive culture and environment internally.

"Of their own volition, the Mexico office implemented a process in 2019 called the Masculinity Detox, which was so successful that ARTICLE 19 is now looking to learn from it and adopt it for our international offices. The whole office in Mexico has shifted its paradigm in terms of how to treat each other, being aware of our own privilege, and what to do when working with others who are less privileged to ensure we are respecting them. It's involved changing the design of projects and their engagement with partners, as well as being more empathetic with other organisations.

"This was a big achievement. Internal reflection on how we work as an organisation is so important – it's not just about the work we do outside. And it's important to do this work not only when we're firefighting but because this is something we intrinsically value."

“The Masculinity Detox was a three-day training event looking at society in general, in Mexico and elsewhere, and also looking at it from where we stand and our own interactions. We looked at all the different power dynamics with the people we work with. One of the results of the workshop was the creation of the Committee on Gender, which is made up of representatives from each programme and area of the regional office. The Committee's mandate is to look critically and incisively at the regional office's activities from a gender and intersectional perspective.”

Committee on Gender, Mexico & Central America

Accessing Information, Overcoming Gender Inequality

ARTICLE 19 presented a new briefing, [Tackling gender equality through access to information](#), at the 2019 Global Summit of the Open Government Partnership (OGP). Ilaria Fevola, Legal Officer (Transparency), tells us more.



"We presented our gender briefing at the [Feminist Open Government Initiative](#), a day totally dedicated to gender equality at the OGP summit in Ottawa.

"We'd discovered that no one had worked on gender issues in the RTI with an international outlook, as well as its limitations and women's needs. We focused on women's empowerment, rather than on discrimination and violence, as there is more research on the latter. We took this new angle to show how access to information is a tool women can use to make informed choices on their lives, push their governments and other power holders to guarantee their rights, have greater agency and control over their lives, and engage in public life. We also assess how women face structural obstacles and barriers in accessing information that is relevant for them, especially in certain regions.

"We focused in the briefing on existing international platforms for states' commitments: the Sustainable Development Goals (SDGs) and the OGP. With the SDGs, we tried to link Goal 16 (on access to information) and Goal 5 (on gender equality) with other goals, for example the right to education, land rights, and sexual and reproductive rights.

"This is a work in progress; it started in 2019, and we will continue to advocate in this area in 2020 – the year of the Beijing Platform for Action review (Beijing +25)."



Campaign Update: #MissingVoices

Although social media platforms offer valuable spaces to connect, they also hold immense power over the information we see online.

By using algorithms and human moderators, both of which are prone to mistakes and bias, they are removing large amounts of content in error, silencing millions of people. This impacts women; lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) people; and minorities in particular, who are already often denied a voice in society.

Censorship by social media platforms reduces dialogue, shrinks public knowledge for everyone, and prevents us all from holding those in power to account.

ARTICLE 19 is speaking up for these missing voices – from journalists to artists, activists, and marginalised groups.

#MissingVoices is ARTICLE 19's first global campaign, which we announced plans for in our last annual report. It builds on our previous social media campaign, and makes the most of the expertise and experience of our Media, Law and Policy, Digital, and regional teams.

“ #MissingVoices humanises the work we are doing on freedom of expression. It builds on our policy work by bringing in new voices and sharing people's stories. This approach has enabled individuals in similar situations to those whose stories we share to get in touch with ARTICLE 19. We are reaching a new audience with this campaign – individuals who are directly affected and marginalised by content takedowns.”

Barbara Dockalova, Senior Campaigner

Our Demands

We have two simple demands for **Facebook** (which has 2.2 billion active users – nearly 75% of the world's population), **YouTube** (2 billion), and **Twitter** (330 million):

- **Right to appeal:** Give users the right to challenge decisions when their content is removed – and clearly explain how to do so.
- **More transparency:** Publish data on the number of content removals, the types of flaggers, reasons for removal, number of appeals received, and the outcome of the appeals.

These demands will mean that companies are more transparent and accountable to users for what they do and that better safeguards exist to protect free speech online.

“There's Censorship Going On”: Feminist Art Removed from Facebook

An estimated **22%** of all violations of women artists' free expression happen online. Borghildur Indriðadóttir, an Icelandic artist and a #MissingVoices case study, shares her story.



“My project Demoncrazy depicts young, strong women topless, standing in front of men in powerful positions. Part of the project was to live-stream the actual performance through social media to the Reykjavik Art Museum, but the live-stream got cut off because it was censored by Facebook. And I just found out after the performance that their page had also been blocked.”

Prior to this, Borghildur's personal Facebook account had also been blocked:

“We all thought it was some kind of mistake. My friends all got deleted from my account, and my private pictures as well. ... My private content had a lot to do with my actual work, which made me question a lot of things.

“There was really no way to appeal. There are some different forms with answers to questions, there seems to be a lot of cases where people are being blocked out or deleted for some specific reasons, for reasons of hate speech or content-related things. I tried many times in this way but I never got a response.

“I would just really hope that people are aware of the fact that there's censorship going on. ... People should have a voice when they're using a platform – we should have a voice in how it's actually operating and who sees what content, what is private and what is public.”

Barbara Dockalova, Senior Campaigner at ARTICLE 19, adds:

“We are now seeing a huge amount of artistic expression being shut down. ARTICLE 19 published Borghildur Indriðadóttir's work on our own Facebook page, and we were shut down as a result. Platforms like Facebook say they support artistic expression, but in reality, they are censoring it.”

This is despite Facebook's [Community Standards](#) stating that the platform now allows “photographs of painting, sculptures and other art that depicts nude figures.” From July–September 2019, Facebook reinstated 860,800 pieces of content they had wrongly identified as breaching their content rules on nudity and sexual activity.

Building Capacity and Sharing Resources: Training and Workshops

In Mexico, Brazil, and Kenya, we developed holistic methodologies for protection training – including legal, physical, digital, and psychosocial elements – with very positive results when training journalists. In Iran, we developed a tailored methodology for digital security training. We also trained civil society organisations in Cambodia on digital security, regional government officials in Malaysia on “hate speech”, and parliamentarians in The Gambia.

In 2019, we continued to train journalists, human rights defenders, community groups, government officials, broadcasters, and others in freedom of expression and protection strategies.

Uganda: Strategising with Human Rights Defenders



In June 2019, ARTICLE 19 East Africa convened a group of **14 human rights defenders** from across the region in Kampala, Uganda, to strategise for meaningful engagement with regional human rights mechanisms. Participants discussed the challenges they faced and celebrated their successes.

At the session, ARTICLE 19 also developed a resolution, in partnership with Burundi civil society organisations, calling on the African Commission on Human and Peoples' Rights to establish a special mechanism to document human rights violations in Burundi. The resolution was adopted by the NGO Forum and forwarded to the main session.

Tunisia: Training Broadcasters on Free Speech v “Hate Speech”



Our Middle East and North Africa team delivered bespoke training to **30 monitoring personnel from the Tunisian Broadcasting Regulatory Body (HAICA)** on distinguishing between free speech and “hate speech” in media content, addressing controversial cases the monitors have worked on.

As a result of the training, journalists, the media, civil society, and HAICA better understood the principles and legal standards protecting the freedom, diversity, and independence of the media – as well as international standards of freedom of expression, its restrictions, and how to distinguish it from “hate speech”.

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.



Women in El Paso chant "Ni una más" as they march in solidarity with women across Mexico who are fighting against femicide and violence towards women. Women's March (Photo: Mark Lambie/El Paso Times/ImagineUSA Today Network/Sipa USA)

#FreeToProtest / #LivreParaProtestar

“The real strength from this campaign has been building coalitions, and witnessing the power of movements and causes coming together and benefiting from this work.”

Patricia Meléndez, Head of Civic Space



ARTICLE 19 has launched new dynamic campaigns in Kenya and Brazil. Using research to understand public attitudes towards protest and protesters, and capitalising on social media interaction using the hashtags #FreeToProtest (Kenya) and #LivreParaProtestar (Brazil), we are:

- Raising awareness of the right to protest;
- Warning about restrictions that threaten that right;
- Destigmatising protests and protesters; and
- Emphasising the positive social impacts of protest.

In 2019, we worked with numerous partners – from Social Justice Centres in Kenya to award-winning slam poet Piete Poeta in Brazil – on creative activities for these campaigns, including interactive theatre, films, documentaries, and concerts.

In Figures Campaign Achievements

Kenya



People reached on campaign launch
15 Million
using the #FreeToProtest hashtag



Viewers reached
130,000
through blog posts on campaign's website



Awareness-raising events attended by
1,200
people



Campaign reached
3 Million
Twitter users

Brazil



Three public consultations with
60+
partners



Page views
8,387
on campaign's website



People reached through campaign's video
200,000
(Facebook & Instagram)



Instagram users reached through artists' visuals
2,000
(Urban intervention on the importance of the right to protest)

“People have been mobilised and are ready to challenge the system.”

Barbara Dockalova, Senior Campaigner tells us why Brazil and Kenya were chosen for this campaign.



Kenya: Reaching New Audiences

"In Kenya, we undertook a lot of media monitoring and found that newspapers almost always present protests in a negative light. When you type 'Protests are ...' into Google, the automated text is always negative; 'Protests are brutal', for example."

"The campaign in Kenya has been able to reach places, people, and expertise that we usually couldn't. We collected over 700 signatures in three weeks; people have been mobilised and are ready to challenge the system. I'm really proud of the coalitions we have built, and also our media interactions – it's incredible the amount of people we have reached and mobilised. Social media is a really good means of communication in places like Kenya, where everyone, whether they live in a big town or a tiny village, uses social media to access diverse news that isn't controlled by the government."

Unprecedented Progress on LGBTQI+ “Hate Speech” in Belarus

Early in 2019, ARTICLE 19 coorganised a meeting with our partner, Journalists4Tolerance, an LGBTQI+ rights group, on tackling “hate speech” in Belarus. The meeting brought together LGBTQI+ activists, and the civil society organisations that represent them, with the commission on ethics of the Belarusian Association of Journalists (BAJ).

LGBTQI+ groups in Belarus have found it difficult or impossible to find partners to work with, but this meeting was well attended by civil society organisations interested in doing just that. ARTICLE 19’s ability to guarantee quality and act as a “neutral” outsider enabled us to attract partners to work with Journalists4Tolerance, who identified our support as crucial.

After the meeting, the BAJ commission promised to cooperate with civil society in tackling “hate speech” in the media and to explore a joint project with ARTICLE 19 and Journalists4Tolerance. The BAJ then acknowledged that “hate speech” is an issue that they, as journalists, should address. They also published a long article, [How to avoid hate speech in the media? Tips for colleagues from the BAJ Commission on Ethics](#), which explicitly mentions ARTICLE 19, the Rabat Plan, and the Johannesburg Principles – all of which we presented many times during meetings.

This was truly unprecedented. Just five years ago, BAJ refused to work on homophobic and transphobic “hate speech”, and its members – and even president – criticised the commission for wanting to do so.

Our partners in Belarus have thanked ARTICLE 19 for our belief in them in such a restrictive environment. They think it will now be much easier to criticise “hate speech”, and that these criticisms will raise awareness of discrimination against marginalised groups. Journalists4Tolerance are now leading the discussion on “hate speech” in Belarus – with broader civil society organisations and human rights defenders that previously excluded them.

Raising Awareness of “Hate Speech” in Myanmar

Throughout 2019, ARTICLE 19 hosted panel discussions, training, and workshops in Myanmar in line with international standards on how to recognise and respond to “hate speech”.

We were also at the centre of efforts to improve the Myanmar Government’s proposed, wholly inadequate, and potentially damaging anti “hate speech” law, meeting with the Myanmar National Human Rights Commission and the Attorney General’s office to raise our concerns.

This in-country work was complemented by international advocacy: we [fed into](#) the UN Special Rapporteur for Myanmar’s report, met with the [Independent International Fact-Finding Mission on Myanmar](#), and highlighted Myanmar’s worsening climate for free expression at the [UNHRC](#) and [Universal Periodic Review](#).



Thousands took to the streets in Berlin to protest censorship in the arts and stand in unity for tolerance and respect. Particularly cited was censorship in Poland and Turkey.
(Photo: Sean Smuda/Zuma Press/PA Images, 19 May 2019)

Documenting Censorship in Turkey

ARTICLE 19 launched the Susma! project in Turkey in 2019 to create a network of civil society and artists to fight against censorship. We successfully created a broad network of civil society organisations, journalists, writers, publishers, artists, academics, and lawyers, and supported the network’s members to challenge, counter, and resist online censorship, self-censorship, and violations of media freedom.

By highlighting Turkey’s censorship of arts and information online during key moments of 2019, we raised awareness of numerous cases – not least the countrywide Wikipedia ban (which has been in place since 2017) and the case of Turkish journalist, Sibel Hurtas, who was accused of spreading terrorist propaganda because she tweeted about Turkey’s military operations in Syria.

ARTICLE 19’s work brought international visibility to censorship in Turkey. We achieved this not only through our extensive social media reach (and particularly our new global campaign, #MissingVoices; see [Campaign Update](#)) but also through offline events with international audiences. We organised an event in London in November 2019 that explored Turkey’s online censorship of art and the press, and raised our concerns at events in Columbia University, the Organization for Security Co-operation in Europe (OSCE) Human Dimension Implementation Meeting (HDIM), and the European Parliament.

Deepening Understandings of Freedom of Expression in Morocco

In Morocco, ARTICLE 19’s Middle East and North Africa team made progress in 2019 on strengthening civil society’s understanding of how important it is to promote freedom of expression, not only in itself but also as a means of promoting other fundamental human rights and fighting against “hate speech”.

As a result, the civil society organisations we worked with demonstrated a clear deepening of their knowledge of these fundamental rights, as well as increased knowledge of, and interest in, the legal framework regulating freedom of expression in Morocco.

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.



#SpeakingUp About Tech-related VAW

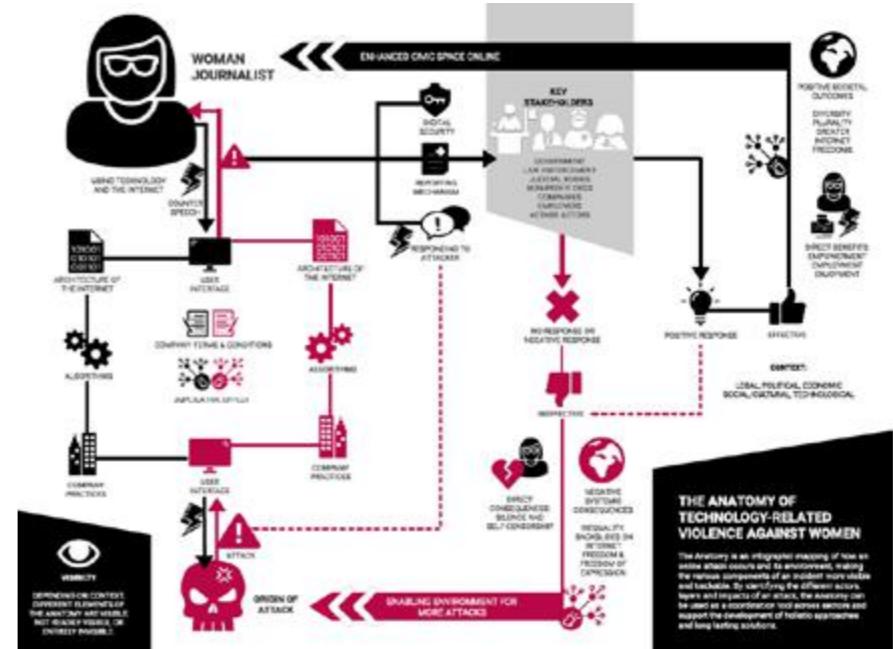
Our #SpeakingUp project, launched in 2019, aims to enhance freedoms by combating tech-related VAW through strong online feminist counter-speech and safety and solidarity apps.

Two flagship initiatives characterise the project:

- The Anatomy, a comprehensive overview of all aspects of tech-related VAW; and
- Circulo, a safety app for women journalists.

ARTICLE 19 is complementing these initiatives with legal standards research in Mexico and Brazil, a review of specific legislation on tech-related VAW, and an overview of how the justice system is handling it.

#SpeakingUp is a truly international initiative. The project is being implemented in Mexico, Brazil, Kenya, and Uganda; our South Asia team has delivered training on tech-related VAW to female journalists, bloggers, artists, and students in Bangladesh; and the Anatomy will be a key tool in our international advocacy.



"The Anatomy of technology-related violence against women"

The Anatomy: What We Talk About When We Talk About Tech-related VAW

“The purpose of the Anatomy is to clarify what we're talking about when we talk about tech-related violence against women – to show what actually happens and how severe it is. In some spaces, it's trivialised as just women being sensitive or unable to handle jokes online. Now, when we go to the UN, we can show them the Anatomy and say, this is what we're talking about.”

Judy Taing, Head of Gender and Sexuality

In December 2019, ARTICLE 19 launched the Anatomy – an infographic that maps how an online attack occurs and its environment, making the various components of an incident more visible and trackable. By identifying the different actors, layers, and impacts of an attack, the Anatomy can be used as a coordination tool across sectors and to support the development of holistic approaches and long-lasting solutions.

Circulo: A Safe Online Space for Women Journalists

“ Part of what we do with Circulo is training and network-building – it’s not just an app. We deliver training with women journalists and human rights defenders who have faced violence or aggression online as a result of their work, so it’s also about building those networks and creating safe spaces for women to share their experience.”

Rebecca Finnegan, Reporting Coordinator, Mexico and Central America

In November 2019, we launched the mobile app Circulo in Mexico City. Circulo provides women journalists who are facing attacks with a safe space online. Created in collaboration with the Guardian Project and Tech4Good, it was adapted from Circle of Six, a previous Tech4Good app created to tackle sexual violence on university campuses in the US. Circulo is open source, encrypted, and secure, and we worked very closely with women journalists in Mexico in its development to make it relevant, meaningful, and safe for them.

We presented Circulo to key stakeholders at, for example, the international conference “Lessons for Mexico: Freedom of expression and transition processes”, which gathered together women human rights defenders, women journalists, and representatives of digital platforms, including Google, Twitter, and Facebook.

Following this successful pilot in Mexico, we are working to expand and improve Circulo – taking it to other regions, launching an iOS version for iPhones, and providing community developers with the code to ensure it becomes sustainable.



“Brazil’s GDPR” Finally Passed

On 8 July 2019, Brazil’s data protection law was finally passed in the House of Representatives. ARTICLE 19 welcomed the new law, which will greatly strengthen the public’s ability to freely express themselves – online and off.

The General Data Protection Law, or Lei Geral de Proteção de Dados Pessoais (LGPD), regulates the processing of personal data in Brazil. Widely hailed as “Brazil’s GDPR”, it was inspired by the EU’s data protection regulation and reflects many of its protections, including:

- The right to privacy;
- Preventing the misuse of sensitive personal data, including protecting the personal information of those who utilise Brazil’s Access to Information Law;
- Establishing an independent regulator to oversee the protection of personal data; and
- Subjecting all data held by the state to strict regulations.

ARTICLE 19 has pushed for the improvement and passing of the LGPD for several years, including providing [recommendations](#) during the drafting process and [urging](#) the president to pass the bill to demonstrate his commitment to rights protections in Brazil.

We welcomed the inclusion in the final law of four key ARTICLE 19 recommendations on:

- The balance between data protection and access to information;
- The “right to be forgotten”;
- Exceptions to statistical research; and
- Setting up a data protection authority.

In October 2019, a Data Protection Commission was established in Brazil. Although the commission is still not fully independent, the fact that a body exists at all to provide oversight of the law is a definite improvement; the lack of such a body often means data protection laws fail and citizens have little right of appeal.

Brazil’s new law will come into full effect in August 2020, and ARTICLE 19 will monitor its implementation closely.

Punitive and Damaging: Bangladesh's Digital Security Act

ARTICLE 19 continued to raise awareness of the harmful nature of the Bangladesh Digital Security Act 2018 throughout 2019.

The Bangladesh Government claimed the act would improve digital security, prevent digital crime, protect people against “hate speech” and “fake news”, and include provisions for news agencies to coordinate digital safety and security.

However, ARTICLE 19 and other human rights groups see the act as damaging and excessively punitive, expanding already-restrictive provisions in Bangladesh. We produced a [legal analysis](#) of the act, reviewing it for its compliance with international standards on freedom of expression. The act contains several speech offences – including criminal defamation, defamation of religions, and sending “offensive” information – that criminalise a wide range of legitimate online expression. It also gives the government (rather than the more appropriate Bangladesh Parliament) carte blanche to make rules about collecting, preserving, or decrypting data. Such provisions breach international human rights law, and we offered concrete recommendations to urgently remedy this situation.

ARTICLE 19’s South Asia office also produced a fact sheet on how the act is being used to harass journalists and other citizens in Bangladesh. We will continue to monitor this unsettling trend and to press for the act to be reviewed – and its worst provisions urgently repealed.

Iran: Internet Shutdowns Used Against Protesters

“We’ve been very effective in leading some advocacy around Internet shutdowns, and in working with civil society to bring international attention to them. We’ve guided the media on Internet shutdowns, showing how unacceptable they are in terms of international human rights and standards.”

Matthew Bugher, Head of Asia-Pacific

ARTICLE 19 continued to monitor and speak out about the Iranian government’s repression of protests, which led to the deaths of at least **106** people and over **1,000 arrests** in November 2019.

The government’s draconian measures to quash dissent included a near-total shutdown of global Internet connections on at least four occasions from June to November 2019.

We [called on](#) the Iranian government to uphold Iranians’ rights to protest and to immediately resume global Internet and satellite connections. We also advocated for action on Internet shutdowns to the UNHRC, including in [Iran’s Universal Periodic Review](#) and our [oral statement](#) to the Council’s 42nd Session.

UN Intervenes in Myanmar Mobile Internet Blackouts

“Our colleagues in Myanmar produced an excellent briefing, which we adapted for the UN. We were the only organisations really pushing on this issue.”

Lucy Bye, UN Advocacy Officer



ARTICLE 19 also [spoke out](#) about the Myanmar Government’s imposition of a mobile Internet blackout in western Myanmar. On 20 June 2019, Myanmar authorities ordered telecommunications companies to “stop mobile Internet traffic” in nine townships in Rakhine and Chin States – areas that were home to many of the oppressed Rohingya minority.

Our [analysis](#) concluded that the ban violated the rights to freedom of expression and information. We urged the government to end the shutdown and telecommunications companies to resist government orders.

In September, alongside other organisations, we [called on](#) the UNHRC to take action. The Council adopted a resolution that included a paragraph calling for an end to Internet shutdowns in Rakhine State – the first time the UN had ever mentioned Internet shutdowns in a country-specific situation.



Hundreds of people from the European Rohingya Council and Myanmar Muslim Association Netherlands (MMAN) organized a rally in front of the International Court of Justice to seek justice for the persecuted Rohingya community while Aung San Suu Kyi was scheduled to lead a delegation to the International Court of Justice to defend Myanmar against accusations of genocide. 11 December 2019 (Photo: Ana Fernandez/SOPA Images/SIPA USA/PA Images)

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.



Social Media Councils: Protecting Freedom of Expression in the “Online Public Square”

“The workshop was a really key moment. It was like we'd put Lego bricks on the table and everyone started to play with them. We saw that as validation of the concept of SMC.”

Pierre François Docquir, Media Lead, on the SMC workshop at Stanford University, California

Social media companies' content-moderation practices have a huge impact on public debates and on users' human rights (including freedom of expression), but they are often opaque and unaccountable.

That is why we are calling for the creation of Social Media Councils (SMCs): a transparent, inclusive, independent, and accountable mechanism to address content-moderation problems on the basis of international human rights law.

In February 2019, we coorganised a seminar with the UN Special Rapporteur on Freedom of Expression (who strongly endorsed our SMC proposal in his [report](#) and articles) and Stanford University's Global Digital Policy Incubator to submit the SMC proposal to academics, civil society organisations, and tech giants, including YouTube, Twitter, and Facebook.

In June, we launched a public [consultation](#) on our roadmap for the creation of SMCs. We promoted the consultation broadly, translating the materials into Spanish, Arabic, and French, and also produced a short [video](#).

Our work on SMCs has established ARTICLE 19 as a vital interlocutor in a field where we previously were not present, allowing us to enter a new policy area with strong credibility and excellent connections. As a result, SMCs have been [discussed](#) worldwide in public, academic, and policy debates around the regulation of social media platforms.

Inspiration from Tunisia



Attendees meet at RightsCon, Tunisia, in 2019. (Photo: Creative Commons, 27 November 2019)

One of the sources of inspiration for the SMC is the existence of press councils, a self-regulatory mechanism for the press. ARTICLE 19 has supported efforts to create a press council in Tunisia.

We also held an initial meeting with key stakeholders in June 2019, during RightsCon week, to discuss the possibility of creating a national SMC in Tunisia.

Our Work on SMCs is Starting To Bear Fruits

“National SMCs are a way to empower actors who currently feel totally powerless in relation to these huge California tech companies. For example, when I meet journalists from certain African countries, they understand their work is being impacted by social media to a very dramatic degree, but they complain that they have absolutely no way to even talk to Facebook, who may have one representative for a whole continent. The same is true of lots of civil society organisations.

“A national SMC would give people an open and transparent forum where they have a chance to regain some control over something that has lots of impact on their business, lives, and capacity to act as informed citizens.”

Pierre François Docquier, Media Lead



Facebook has acknowledged the problem of a lack of oversight. In January, they published a [Draft Charter](#) on a proposed Independent Oversight Board. ARTICLE 19 believes the national SMCs to be a stronger approach to protecting human rights in content moderation. Operating at the local level (rather than internationally, which Facebook prefers), their decisions would be informed by an in-depth understanding of the complexity of local context.

Still, Facebook's proposal is an important first step in acknowledging the need for mechanisms to protect human rights on social media. We [responded](#) to their proposals and offered [recommendations](#) during Facebook's regional consultations.

We are now gathering the responses to our consultation and conversations with stakeholders into a practical guide on creating an SMC. We have also been awarded a grant from the Open Society Foundation to facilitate a pilot experiment for an SMC in an EU country, enabling us to start turning our ambitious vision into a concrete reality.



Media Plurality in Mexico

“This law legalises the historic bad practices, creating a gap in the regulation of social communication. It does not establish budget ceilings, or objective allocation criteria; it does not encourage media plurality; it does not prevent the concentration of spending, and so this law is clearly contrary to freedom of expression and the right to information.”

Ricardo Reyes, Legal Coordinator for the Right to Information Programme, Mexico and Central America, on the Social Communication Law



On 16 August 2019, the Mexican government and the UN Educational, Scientific and Cultural Organization (UNESCO) signed a collaboration agreement – which ARTICLE 19 facilitated – to implement Media Development Indicators, with the aim of promoting media plurality and freedom of expression. The government also committed to creating a fund for media plurality, although there have been no concrete developments on this yet.

ARTICLE 19 has long advocated for media plurality in Mexico, and this is a formal commitment towards ensuring government advertising funds are distributed to a plurality of media in an unbiased, fair, and just manner. Our work has included legal analysis; advocating for federal and state governments to adopt legislation in line with international standards on freedom of expression and information; and a successful action before the Constitutional Court in 2017 when the Supreme Court ruled that Congress had to approve a law to regulate government spending of public funds on media advertising.

However, the current Social Communication Law does not meet minimum freedom of expression or RTI standards, and the drafting process was neither inclusive nor participatory. ARTICLE 19 raised these concerns in our joint [submission](#) with PEN International and the Committee to Protect Journalists to Mexico's Universal Periodic Review, and has presented various legal challenges to the law. The Supreme Court of Justice was due to reach a decision regarding the constitutionality of the law in March 2020; however, the decision has been postponed on numerous occasions and, most recently, all court sessions have been suspended due to the COVID-19 pandemic. The court's decision will be crucial and decisive with regard to freedom of expression, RTI, and media plurality in Mexico.

“We are concerned that the government is undermining the media's editorial independence, and pluralism in the sector, through viewpoint-based discrimination in its allocation of the public advertising budget, which, with many media in financially precarious positions, is a significant revenue source.”

ARTICLE 19's joint submission to Mexico's Universal Periodic Review (with PEN International and the Committee to Protect Journalists)

Building Consensus on Media Self-regulation in South Sudan

South Sudan, the world's youngest state, has been ravaged by human rights violations. ARTICLE 19 has widely condemned these war crimes and crimes against humanity, with a [specific focus](#) on how violations of freedom of expression contribute to a cycle of violence and erode nascent peace-building efforts.

Media freedom is an essential component of peace-building and democratic development. We have [advocated](#) for self-regulation as a legitimate means of governing the media in South Sudan – one that can ensure media rights are respected in accordance with international guarantees.

As part of this work, ARTICLE 19 East Africa produced a guide in 2019 on media self-regulation in South Sudan, which has been adopted by key stakeholders.

Tajikistan Questioned on Media Restrictions

“The state party should ... promote plurality of opinions in the media, and ensure that the media and media workers can operate free from undue state interference.”

UNHRC recommendations to Tajikistan, 2–3 July 2019



New Law on Media Freedoms in The Gambia

“We have also had the opportunity to advance, through legislation, our freedom of expression agenda. Cabinet has today endorsed the draft Freedom of Information Bill and the Media Services Bill; both of which will go a long way to strengthening the media in this country, but also to promoting and facilitating the exercise of the right to freedom of expression.”

Abubacarr Tambadou, Minister of Justice, The Gambia



Abubacarr Tambadou, Minister of Justice and Attorney General, The Gambia, in his role as Agent for The Gambia at the International Court of Justice on the day the court delivered its order on the request for the indication of provisional measures submitted by The Gambia in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v Myanmar*). (Photo: Shafiqur Rahman via Wikimedia Commons)

In November 2019, the Gambian Cabinet, under the leadership of President Adama Barrow, approved and endorsed a Media Operations Bill – one of a raft of new laws intended to bring the country in line with international human rights standards.

ARTICLE 19's West Africa office has worked closely with the Gambian government during its reform process, including the Ministry of Communication and Infrastructure, and also with the Gambia Press Union on drafting the Media Operations Bill.

The Gambia's Universal Periodic Review took place just a few weeks before the announcement of these new laws. ARTICLE 19's submission, made with Access Now and the Committee to Protect Journalists, called for The Gambia to make media freedom a priority in its reform process. As such, we welcomed the introduction of the new bill and also the Minister of Justice framing it in the context of freedom of expression.

Regional Director of ARTICLE 19 West Africa, Fatou Jagne Senghor, addresses the need to speak with one voice as “victims” in fighting for justice. 6 August 2019 (Photo: ARTICLE 19 West Africa)



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.



Uniting for Protection: The Power of Coalitions

“ Coordination is fundamental to leverage our impact by bringing our expertise and knowledge together, providing support to each other, and strengthening a culture of solidarity among organisations. This contributes to a safer environment for journalists and human rights defenders.”

Silvia Chocarro, Protection Lead



Tackling Impunity Against Journalists in Mexico



In 2019, ARTICLE 19 dedicated great efforts to coordinating the **International Civil Society Organisation (ICSO) Safety of Journalists Coalition**, a group of 25 civil society, media development, and media and journalists' groups that we co-facilitated with Free Press Unlimited and International Media Support. We achieved some important successes, including:

- Improved coordination around international standards and initiatives, such as the Media Freedom Council;
- Engaging at the African Commission on Human and Peoples' Rights to create a working group on the safety of journalists; and
- Enhanced coordination with the UN focal points on the safety of journalists.

We also actively participated in the international networks ACOS Alliance (A Culture of Safety Alliance) and Journalists in Distress, and facilitated the creation of the Media Freedom Coalition non-governmental advisory network.

The ICSO Safety of Journalists Coalition undertook an international mission to Mexico in November 2019 during the commemoration of the International Day to End Impunity for Crimes Against Journalists (2 November). International and Mexican organisations worked hand in hand to make this happen. Everyone involved agreed that this was an example of truly equal collaboration between international and local organisations on an international mission, and the involvement of local organisations allowed them to have an equal voice before the Mexican government.

Mexico is the most dangerous non-conflict country in the world for journalists, and the level of impunity for these crimes is scandalous. We coordinated our visit with a UNESCO conference held with the Mexican government on this issue, and met with the government multiple times to discuss it.

David Kaye, UN Special Rapporteur on Freedom of Opinion and Expression, speaks during the opening of the #EndImpunity International Seminar in Mexico City (Photo: ARTICLE 19 Mexico and Central America, 7 November 2019)

A Safe Environment for Journalists in Kenya

A crucial part of ARTICLE 19's Protection work is ensuring there are national protection mechanisms for journalists. In November 2019, after more than a year of multi-stakeholder coordination via the Kenya Media Sector Working Group (KMWG), the first such mechanism was created in Kenya.

ARTICLE 19 coordinated civil society's contributions to the KMWG, which succeeded in its goal of creating a mechanism to ensure a safe and secure environment for journalists and media practitioners in Kenya. We will monitor developments closely to ensure it is implemented effectively.

"Unite and Work Together": Protecting Communicators in Brazil

“The situation of attacks against journalists and communicators in Brazil has been developing for years. After the change in government in Brazil, these attacks intensified, and now the top authorities in the country work daily to delegitimise the work of communicators and civil society. If the government can't be trusted to protect anyone, civil society must take on the task. That's why we worked to create a coordination network. The situation in Brazil is really very difficult now. The only way to fight it is if we're all there together.”

Thiago Firbida, Protection Lead in Brazil



An indigenous woman speaks at a parliamentary session in protest against President Bolsonaro's government. Women from numerous indigenous communities gathered in the Brazilian capital under the motto "Territory – our body, our spirit". The communities demand that their territories be respected. (Photo: Tuane Fernandes/DPA/PA Images, 13 August 2019)

Solidarity with Journalists in Turkey

“In a country like Turkey, it's so much about solidarity, pushing international mechanisms, and being there with these journalists throughout their cases.”

Sarah Clarke, Head of Europe and Central Asia



ARTICLE 19 supported Turkish lawyers throughout 2019 in their defences of journalists, academics, writers, and artists. They told us our expert opinions have been particularly helpful, and are a persuasive tool before judges, reinforcing the importance of international standards at a time when the judiciary is under increasing political pressure.

We conducted sustained advocacy to push the Turkish government to stop harassing journalists. We monitored six trials of journalists and civil society figures:

- Ahmet Altan
- Cumhuriyet newspaper
- Gezi Park protesters
- Cagdas Erdogan
- Cansu Piskin
- Erol Onderoglu

Throughout this vital work, we stood in solidarity with our Turkish partners and conducted national and international advocacy, including at the UNHRC, OSCE HDIM, European Parliament, and Council of Europe.

“Motivated by political revenge”: The case of Ahmet Altan



Turkish journalist Ahmet Altan attends a press conference of the Leipzig Media Award 2009 ceremony in Leipzig, Germany. (Photo: Jan Woitas/DPA/PA Images, 8 October 2009)

On 4 November 2019, having already been in detention for three years on bogus terrorism charges, Ahmet Altan – a Turkish journalist, and perhaps the country's most famous novelist – was convicted of “aiding a terrorist organisation without being a member” and sentenced to 10.5 years in jail.

He was released on bail, but had been free for just a week when another panel of judges ruled he should be re-arrested. Altan was detained and sent to Silivri Prison the next day.

This re-arrest was an extraordinarily low blow in a case marked by political interference – and one emblematic of the crackdown against writers and journalists in Turkey. ARTICLE 19 called for Altan's immediate release and for his conviction to be quashed. We stood alongside Altan throughout his case – intervening when he was in court, leading on advocacy, and raising his case in our submission to Turkey's Universal Period Review.

“The entire process of Ahmet Altan's trial and retrial, including his prolonged detention, his release and then re-arrest on spurious grounds, has been completely arbitrary. ... Political revenge rather than justice has dominated the proceedings.”

Thomas Hughes, Executive Director 2013-19

"Offence Against Honour" Law Repealed in Hidalgo

On 30 July 2019, the Congress of Hidalgo [repealed](#) the state law regarding offence against honour (*delito de honor*) – a huge step forward for the right to freedom of expression and the protection of journalists in Mexico because such laws were used to silence dissenting voices.

Back in 2014, the UNHRC issued a [resolution](#) to the Mexican state urging the necessity of repealing this law. This resolution was derived from a petition ARTICLE 19 presented on behalf of journalist and human rights defender, Lydia Cacho, who suffered reprisals following the publication of her book. More recently, the Supreme Court of Justice declared the crime to be invalid in a 2018 resolution.

This repeal was particularly triumphant for ARTICLE 19 because we accompanied the case of citizen journalist, Leonardo García Vázquez, who had been charged with this *delito de honor* offence (see [our interview](#) with him).

We are delighted that the offence no longer exists in Hidalgo. However, seven other states still have the law of crimes against honour, and ARTICLE 19 continues to urge for their repeal throughout Mexico.

Lawsuit Against Polish Professor for Tweeting



Professor Wojciech Sadurski, who was sued for defamation in Poland. (Photo: Image supplied to ARTICLE 19 by Professor Sadurski)

In Poland, the ruling Law and Justice Party (PiS) and public broadcaster TVP [brought](#) criminal and civil defamation lawsuits against distinguished law scholar and public intellectual, Professor Wojciech Sadurski. His crime? Two tweets that criticised the party and broadcaster.

These cases – which constitute Strategic Litigation Against Public Participation (SLAPP) lawsuits – were brought in bad faith against Sadurski with the aim of clamping down on dissenting voices.

ARTICLE 19 supported Professor Sadurski, including submitting an [amicus curiae](#) to the first hearing in November. The case continues – [as does our support](#).

“ Regardless of the outcome of the process (and I am not too optimistic at this stage) I just wanted to say how enormously grateful I am to you all for the amicus. It is a splendid document: analytically tight, deep, and convincing. An exemplar of an impeccable legal argument. I will treasure this text long after the judgment is handed down.”

Professor Wojciech Sadurski, email to ARTICLE 19

New Project to Safeguard Journalists in Bangladesh

ARTICLE 19's South Asia team launched a new project in 2019, "Securing safeguard for media workers in Bangladesh".

As part of this project, we accelerated the process of providing support to at-risk journalists, and distributed emergency funds to 12 journalists for legal and medical fees. Most have since been able to return to their vital work.

The South Asia team has also trained women journalists in Bangladesh, linking to our global campaign #SpeakingUp (see [Campaign Update](#) section) and our work on tech-related VAW (see [Digital](#) section).



A human chain is staged in front of the national press club, seeking help from the government to find missing journalist Shafiqul Islam Kazal in Dhaka, Bangladesh. Shafiqul Islam Kazal went missing a day after defamation charges were lodged against him by an influential governing party legislator. (Photo: Syed Mahamudur Rahman/NurPhoto/PA Images, 15 March 2020)

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 RTI is an important tool for holding governments to account, requiring them to be more transparent in crucial activities, such as public finances. This helps to not only fight corruption but also build stable, resilient democracies where the powerful are genuinely accountable.

The number of countries adopting RTI laws has declined from previous years – only **Ghana** adopted such a law in 2019 (which ARTICLE 19 had advocated for two decades) – although a number of other countries in transition, such as the **The Gambia** and **Myanmar**, are now considering them.

Transparency in 2019 A Global Perspective

121
Countries have RTI laws

6
Countries have RTI regulations

52
Countries are members of the Extractive Industries Transparency Initiative



79
Countries are members of the OGP

95
Countries have constitutional guarantees on RTI

121
Countries have comprehensive data protection laws

46
Countries have laws that broadly protect whistleblowers

But while the adoption of RTI laws has slowed down, data protection laws have exploded. Nine countries adopted data protection laws in 2019 – the most in any year, ever. Our Head of Transparency, Dave Banisar, explains why:

“There are a couple of reasons for this huge increase in data protection laws. First, there was the GDPR; second, there is increasing recognition that we’re all in this digital world now, so we need the kind of protection we had in the physical world to be extended there, including comprehensive protection of our data.”

ARTICLE 19 continues to be impactful in providing legal advice to drafters of laws and providing assistance to those implementing them.

Huge progress in the protection of whistleblowers



The protection of whistleblowers to reveal information of public interest about wrongdoing in the public and private sector is also crucial to transparency. In 2019, the European Council adopted new EU-wide rules on the protection of whistleblowers – a huge step forward.

A woman blows a whistle during a vigil for Dr Li Wenliang at Dolores Park in San Francisco on 15 February 2020. The vigil is held by people to commemorate the doctor, who passed away on 7 February 2020 in Wuhan, China, due to novel coronavirus. Dr Li Wenliang was a Chinese ophthalmologist at Wuhan Central Hospital who warned colleagues about COVID-19 on 30 December 2019, becoming a whistleblower when his warnings were later shared publicly. (Photo: Yichuan Cao/SIPA USA/PA Images, 15 February 2020)

The World is Watching: Global Review of the RTI

SDG 16.10: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

UN Sustainable Development Goals

In 2019, the UN evaluated progress on SDG 16.10 for the first time, specifically in relation to governance. ARTICLE 19's Transparency team therefore spent much of 2019 working to ensure RTI was an integral part of this review – and we achieved our aim. Throughout the year, significant discussions took place on RTI, both internationally and nationally. Highlights included:

- The **UN Secretary-General** reported on the state of RTI adoption globally in his annual report to the UNGA on SDGs.
- UN bodies held a specialised meeting on SDG 16 in Rome, while most of the **regional forums** included recommendations on improving RTI.
- Key UN bodies **highlighted RTI in their reports**, including the UN Development Programme and UN Committee of Experts on Public Administration.
- The High Level Political Forum reviewed SDG 16 in July, and its Political Declaration **called on states to make their institutions transparent**.
- UNESCO launched a **monitoring tool** on implementation of SDG 16.10, to which 43 countries responded.
- Many countries (16) included RTI in their Voluntary National Reviews; some, such as South Africa and the UK, in extensive detail. The **UK mentioned ARTICLE 19**.
- The UN High Level Meeting on Universal Health Coverage called on states to **increase access to health information and affordable health services** for persons with disabilities, and to ensure access to information about sexual and reproductive rights.

“ Ultimately, we got the impact we wanted, which is that access to information is now on the global agenda. And that really is because we have spent years doing this work.”

Dave Banisar, Head of Transparency



- In October, the UNGA agreed to create an **International Day for Universal Access to Information** on 28 September annually, following the long-standing civil society organisations initiative, the Right to Know Day, held on the same date.

Our regional teams also worked hard to get transparency into their SDG National Action Plans. For example, in **Kenya**, ARTICLE 19 East Africa:

- Facilitated two working retreats for key stakeholders, including government bodies, the Ombudsman, and the National Law Reform Commission to draft regulations;
- Was elected co-chair of the SDG 16 Working Group under the Secretariat;
- Convened an Africa Regional Forum on Sustainable Development with the SDG Kenya Forum, bringing together different partners to monitor the goal's implementation; and
- Was shortlisted as a pilot country for UNESCO's monitoring and reporting on the goal.

The 2019 review of SDG 16.10 was the culmination of a very long process of working to get RTI onto the world stage – a process ARTICLE 19 has spearheaded since before the SDGs even existed.

Defending the Defenders in Latin America

The Economic Commission for Latin America and the Caribbean (ECLAC) Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters (“the Escazú Agreement”) deepens the link between environmental protection and human rights in Latin America and the Caribbean. In 2019, the agreement gained 22 member signatures and five ratifications. Six more ratifications are now required for it to become effective.

The Environmental Assembly in March 2019 agreed to two resolutions on extractives, including some transparency commitments. The UN Environment Programme's first **Environmental Rule of Law** report also highlighted access to information and cited ARTICLE 19.

Kenya Sets a High Bar for Data Protection in Africa

“ Kenya has joined the global community in terms of data protection standards.”

Joe Mucheru’s (Minister for Information, Technology and Communication), [statement to Reuters](#)



(Photo: ITU Pictures, Geneva, via Wikimedia Commons)

In November 2019, Kenyan President Uhuru Kenyatta approved the Data Protection Bill – a law that complies with the EU’s GDPR and is part of Kenya’s efforts to attract investment in its information technology sector.

The new law:

- Provides citizens with **legal recourse** following the breach of their personal data by individuals, state and non-state entities;
- Gives effect to the constitutional **right to privacy**;
- Provides guidance on the **handling and sharing of data** – for the first time; and
- Provides for the establishment of an **Office of the Data Protection Commission** to investigate violators.

This is a huge success for ARTICLE 19 and other civil society organisations, which have long [called](#) for increased data protection across Africa – particularly given [concerns](#) around tech giants’ freedom to collect unlimited user data in African countries. In Kenya, for example, digital lending apps have [accessed borrowers’ smartphone data](#) to determine whether to grant them credit and messaged their contacts if they have defaulted on a loan, and the Kenyan government’s plans to store its citizens’ personal data, including DNA, have been heavily [criticised](#) for inadequate data protection processes.

ARTICLE 19 was heavily involved in the Kenyan government’s adoption of this law from the outset, starting in 2012. We had a seat on the government commission and actively participated in negotiations over how the law would be adopted. As a result of our advocacy, the government incorporated some of our recommendations into the law.

But although we [welcomed](#) the new law, ARTICLE 19 East Africa is [calling](#) on the government to ensure the Office of the Data Protection Commission is made operational – and operates independently – and that implementation of the act complies with international standards. Our [legal analysis](#) raised these and other concerns.

Making Information in Tunisia Accessible to All

This year saw progress towards ensuring vital information in Tunisia is accessible to all. The Access to Information (ATI) Commission accepted several recommendations made by Tunisian organisations for people with disabilities to improve their guide on access to information law, and agreed to produce this guide in Braille, voice, and sign language. Their announcement followed a conference and two workshops, organised by ARTICLE 19, on how people with disabilities can access information. This brought together people with disabilities and their organisations with the ATI Commission.

Producing the guide in accessible formats will finally place people with disabilities in Tunisia on a par with other citizens when it comes to knowing about their rights and services – and holding their government to account for providing them.

Putting Transparency at the Heart of Gambian Reform

The Gambia’s reform process continued apace in 2019, with ARTICLE 19 at the forefront of civil society organisations’ work to ensure the fledgling government had transparency at the heart of its policies and processes.

ARTICLE 19 signed a Memorandum of Understanding with the government to assist it in developing new laws and policies that reflect the strongest international standards (see [Researching Rights section](#)). As part of our work on transparency in The Gambia, we:

- Assisted in drafting the country’s Access to Information law;
- Trained the Parliamentary Select Committee on Human Rights and Constitutional Matters on the role of parliament in safeguarding human rights (in partnership with international human rights defenders and funded by the EU);
- Actively participated in the first hearing of the Truth, Reconciliation and Reparations Commission, which the Gambian government set up to investigate human rights abuses committed during the Yahya Jammeh era (1994–2017); and
- Contributed to the Anti-Corruption Bill, which was passed into law.

We will continue to work to ensure freedom of expression is at the forefront of The Gambia’s reform.



Fatou Toufa Jallow, former Gambian beauty queen, [testifies](#) before the Gambian Truth, Reconciliation and Reparations Commission, November 2019. (Photo: Mustapha K. Darboe/ Justicelinfo.net, Creative Commons)

Governance Update

ARTICLE 19 wins National Innovative Transparency Award

Last year's annual report profiled ARTICLE 19's Archivos de la Represión (Repression Archives) – a digital archive of the Mexican political police's violations of human rights from 1960 to 1985.

We were delighted when, in 2019, the platform was awarded third place in the National Innovative Transparency Awards.

The project continued to develop and to attract public attention throughout 2019:

- The digital library now receives an average of **1,200** visits every day.
- From 13 July to 13 August alone, **11,713** unique visitors accessed the platform.
- During the same period, we received **415,465** access requests to our server from Mexico, the US, France, Switzerland, and Spain.



Ana Cristina Ruelas, Regional Director of ARTICLE 19 for Mexico and Central America, receives 3rd Prize on Innovation in Transparency 2019 from the National Institute for Transparency, Access to Information and Personal Data Protection. (Photo: ARTICLE 19 Mexico and Central America, 25 November 2019)

As reported in our last annual report, the development of a new advisory board in the Middle East & North Africa (MENA) region was one of the high points of 2018. The strength of that work resulted in the International Board accepting an invitation from the MENA regional office to host the December board meeting in Tunis, offering an opportunity to see at first hand some of the exciting work the ARTICLE 19 MENA team are doing in the country and surrounding region.

International Board members welcomed the opportunity to visit the office and meet with the team and were deeply impressed by the expertise, resilience, and creativity of staff working under often difficult circumstances.

Our Trustees

Arturo Franco
Bob Latham
Caterina Botero
Frank Ledwidge
Galina Arapova (Vice Chair)
Gayathry Venkiteswaran
Lesley Swarbrick
Mark Salway (Treasurer)
Paddy Coulter (Chair)

The International Board's sub-committees continued to meet regularly throughout the year to manage the financial and governance responsibilities of the Board. The Finance and General Purposes Committee (FGPC) devoted a great deal of time to several operational challenges resulting from a rapid period of growth.

The Trustees undertook a review of the Board's performance including the evaluation of the Chair. The findings of the review were overall very positive, although the Board accepted the need for greater flexibility over holding an extra virtual meeting in addition to the two established major (face-to-face) Board sessions in the annual calendar.

The Trustees unanimously requested the Board Chair, Paddy Coulter, to stay on for a further three-year term which he accepted. This is viewed as especially welcome to see the organisation through the transition of a new Executive Director (following the resignation of Thomas Hughes in November 2019) and the oversight of the last two years of the Expression Agenda.

Following the ongoing process of embedding policies and practice across the organisation the International Board and Management were required to liaise closely with our Eastern African affiliate over two serious incidents in Kenya, both of which resulted in the summary dismissal of senior staff. Full disclosure has since been made to our auditors, donors, partners, and the regulatory bodies. The International Board welcomes the appointment of the respected human rights advocate Mugambi Kiai who, as Regional Director, is charged with restoring the office in Nairobi after a period of strain for staff and partners.

Farewells and Welcomes

Our special thanks go to Board members who stepped down during the year, Tamar Ghosh and Jacob Akol, both for personal reasons, and Jennifer Robinson, a Trustee on the International Board since 2013, on the expiry of her term of office.

The appointment of Human Resources specialist Lesley Swarbrick to the Board has been warmly welcomed. A former journalist with a strong interest in human rights and freedom of expression issues, Lesley had a long and distinguished career in human resources at the BBC spanning two decades and has run a successful human resource consultancy business, where her clients included the Financial Conduct Authority, Amnesty International, and Fox International.

The Governance sub-committee are currently reviewing a number of potential new Trustees to recruit to the Board in 2020.

Our Donors

Our work is made possible through grants from the following institutions:

Governmental

- Canada Ministry of Foreign Affairs - Canada Local Initiative Funds

- Global Affairs Canada

- Canadian Embassy in Brazil

- Agence française de développement medias (CFI)

- French Embassy to Senegal

- German Embassy to Senegal

- Irish Aid

- Swedish International Development Cooperation Agency (SIDA)

- Embassy of Switzerland to Mexico

- Embassy of the Netherlands to Turkey

- UK Department for International Development (DFID)

- Embassy of UK to Bangkok

- Embassy of UK to Cambodia

- UK mission in UN

Private

- Angelica Foundation

- Access Now

- American Jewish World Service

- Arcus Foundation

- Böll Foundation

- Dinning for Women (Brazil)

- DW Akademie

- European Commission – European Instrument for Democracy and Human Rights (EIDHR)

- Ford Foundation

- Friedrich Newman Foundation

- Fritt Ord

- Internews

- Joseph Rowntree Charitable Trust

- INDELA (Mexico and Brazil)

- HIVOS

- Limpman Family

- MacArthur Foundation

- Media Development Fund

- National Endowment for Democracy (NED)

- Netherlands Embassy to Turkey

- Netherlands MFA

- Netherlands MFA – Dutch Representative to the OSCE

- Knight Foundation

- Open Society Foundations

- Open Technology Fund (OTF)

- Journalist and media International Centre – OsloMet (JMIC)

- Overbrook Foundation

- Psiphon

- Sigrid Rausing Trust

- Tinker Foundation

- The William and Flora Hewlett Foundation

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