

The logo for ARTICLE 19, featuring the text 'ARTICLE 19' in white on a red, arrow-shaped background.

ARTICLE 19

The Expression Agenda Report 2017/2018

The state of
freedom of expression
around the world

First published by ARTICLE 19, 2018

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ISBN 978-1-910793-41-1

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Acknowledgements:

ARTICLE 19 would like to thank Emily Hislop of Writing Rights for helping us to draw out the major developments of 2017 from a wealth of sources, and to statistician, Nicole Steward-Streng for providing expert statistical analysis of the V-Dem data. We would also like to thank Nadiyah Bremer of Visual Cinnamon for the creation of the beeswarm and pentafoils that have helped us to visualize freedom of expression.

Designed by Lucy Peers
Typeset by Ana Zarraga
Printed by Pureprint, England.

ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. We do this by working on two interlocking freedoms, which set the foundation for all our work. The Freedom to Speak concerns everyone's right to express and disseminate opinions, ideas and information through any means, as well as to disagree from, and question power-holders. The Freedom to Know concerns the right to demand and receive information by power-holders for transparency good governance and sustainable development. When either of these freedoms comes under threat, by the failure of power-holders to adequately protect them, ARTICLE 19 speaks with one voice, through courts of law, through global and regional organisations, and through civil society wherever we are present.



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Part 1:
Thematic Overviews

The wake-up call for expression is loud and clear

Foreword by Thomas Hughes

The Expression Agenda (XpA) metric illustrates with alarming clarity that freedom of expression and information is at its lowest point for ten years. 2017 was a year in which journalists and activists were murdered with impunity in record numbers, protests were met with violence, and our online behaviour was ever-more watched and restricted.

Although a few of the world's authoritarians fell from power in 2017 a broader trend is clear: men with autocratic regimes and little tolerance for criticism or even curiosity, are at the helm of countries across the globe, charting a course towards nationalism and isolation often through populist politics which rely on new forms of manipulation to claim legitimacy. We are witnessing a period where strongman politics are on the rise.

Excluding and attacking those who look, speak, pray, or think differently, is having a grave effect across the world. In 2017 we saw devastating conflicts rage in countries like Yemen and Syria, ethnic cleansing in Myanmar in part fostered by hate speech and online abuse, and a rising tide of ethnic nationalism. Power-holders across the world are increasingly seeking to promote a vision of opposition and dissent as treason, as anti-security, anti-development, or anti-national interest.

The global state of freedom of expression in 2017: the XpA

The price of protecting the right to freedom of expression and information has become extremely high: death, detention, and fear loom large for communicators and activists across the globe, and the space for meaningful discussion and communication is under siege. More than ever we need informed citizens, strong institutions, and the rule of law.

Global statistics remain chilling: 78 journalists, and 312 rights-defenders were murdered in 2017. A record 326 journalists were imprisoned for their work

and more than half of those are behind bars in Turkey, China, and Egypt. We see the most vulnerable voices under attack, such as regional reporters, local and indigenous campaigners: indeed 97% of jailed journalists are local reporters.

Yet, even these numbers do not communicate the full scale of the assault on freedom of expression and information. The climate of fear caused by these crimes, which are often committed with total impunity, if not the tacit consent of authorities, is immeasurable and the number of voices and stories silenced by fear is a loss we cannot begin to calculate. The most chilling form of censorship: invisible and noxious to our rights to speak and know runs rampant in parts of the world, feeding on an atmosphere of hostility, of violence and impunity, and through prosecution and harassment by governments. Often it takes place out in the open, creating an insidious cycle of fear in which the costs of reporting and sharing are simply too high.

XpA data shows that the statistical decline in media freedom is strongly driven by media self-censorship; this can come as no surprise. Deterioration of media freedoms and transparency is accelerating: eight countries saw a decline in these areas between 2014 and 2017, including the world largest democracy, India and three EU countries, Poland, Croatia and Romania. The data for freedom of discussion, media self-censorship, and civil society activity look particularly dire, driving national declines in our measurement of freedom of expression and information between 2014 and 2017.

societies.

Shifting sands

In ARTICLE 19's thirty years campaigning to protect the right to freedom of expression and information, we have witnessed huge changes, from globalisation and international integration which followed the fall of the Berlin Wall, to the radical change that technological developments have brought to communications and society.

Though the commitments of the late 20th century set the terms of the discussion, it is important to acknowledge that structures of privilege, exclusion, and violence were never truly dismantled, and it can be argued that through the rise of populism we are now seeing the effects of residual resentment and inequality. Geopolitical shifts and the consequences of the 2008 crash have contributed to the growth of populism. In the two short years since we launched the XpA metric, we have witnessed - at a rate which might have been unimaginable only a few years ago - voters turn to populism and demagoguery, as some leaders choose to turn their backs on debate, democracy, and accountability.

Significant geo-political shifts are also underway: two of the major military and economic powers of the world, Russia and China have increasingly sought greater influence outside their respective regions. The leadership of the USA has attacked globalism from within the very halls of the UN and is pursuing a protectionist agenda. Europe meanwhile has descended into a populist crisis with alarming consequences for freedom of expression.

The very basis of the international rights system is being called into question, as a loss of faith in institutions - national and international - and a narrative of anti-globalism takes hold and countries turn inwards. We are seeing prolonged states of emergency like that in Turkey, and false dichotomies that pit human rights against economic development, against security, or against the authentic culture of the nation, as something imposed by the West.

Expression and information are the first casualties of these discourses, but they must be protected and promoted more fiercely than ever: they are the solution, the route to healthy, informed, diverse civil

Human rights, expression and Big Tech

Communications technology has given us more opportunities to speak and to know than any known period of human endeavour, yet globally free speech is declining. Why is this happening?

There is clear evidence to argue that as new ways to express emerge, new ways to silence rise up to meet them. In 2017 Internet censorship emerged as a significant driver of decline in national XpA scores. Iran, Russia, and China continue to pioneer blocking and filtering of content and harsh penalties for those who criticise or share inconvenient information. Some regimes have resorted to total shutdown, for instance in Cameroon and Ethiopia, where Internet shutdowns have targeted the protests by particular ethnic groups.

One of the most significant issues we face is that a small number of very large tech and social media corporations continue to dominate communications between individuals, and civil society. The root of the problem is an asymmetric power relationship with limited transparency fuelling distrust. The Cambridge Analytica data scandal, and Facebook being called to explain their actions in front of the US Senate, demonstrate the glaring gaps in oversight and accountability. This should serve as a wake-up call.

Every country which measured a decline in freedom of expression and information between 2014 and 2017 also measured a decline in transparency. When transparency is limited, leaders and institutions are less accountable, and civil society is less able to hold them responsible for the fulfilment of fundamental rights, and the functioning of democracy.

However, laws which codify the right to information are on the rise worldwide, with 90% of the world's population living in a country with a dedicated law on access to information. Implementation and engagement remain the core of the problem. With access to information being widened and the right applied to more areas, particularly when it comes to improving governance, there is a responsibility to use those rights, and a responsibility for governments to protect them. As we have seen over the course of the last few years, even in the most hostile of

environments, transparency can shine a light on the abuse of power, mismanagement, and corruption.

Exercising that right can ensure that powerholders hold their power justly, in ways which serves the public. Nobody should be above the law: powerholders need to allow space for criticism, discussion and questioning. Laws across the world which work against the role of civil society, and which criminalise 'insult' to public figures, monarchs, and institutions, and criminal defamation often used to prevent journalists stepping away from the government line, must be challenged and replaced. The legitimacy of any government depends on the people they serve, not the interest of a few.

Challenging a global threat

In the face of global threats to our communities and our planet, from climate change to refugee crises on an unprecedented scale, we must look at the structures of power we live within, and how they can serve us all better. Human rights remain the answer to this question, but to form the solution, they must be re-understood, not as a possession of the global elite or the legal establishment, but as the possession of every person, and the responsibility of everyone to protect and uphold. We need to reconnect these principles with local realities: human rights must be democratised and decolonised - and expression and information must be at the forefront of this.

Stronger institutions, better debate, and an informed public can pave the path to meaningful democratic rule, and a world where everyone has dignity and freedom. The last year, 2017, though raising the alarm in terms of expression and information, gave hope in the huge number of people speaking up – demanding dignity and respect, wresting back control through the ballot box and beyond - through legal, media, and civic action.

No strongman has a chance against a truly empowered population with the rule of law behind it: we are already seeing this: people are on the streets, the judiciary is checking the executive, and there are global leaders pushing back against the demands of an authoritarian few, including nations calling for a reinvigoration of the international community.

In Kenya, the Supreme Court nullified the results of

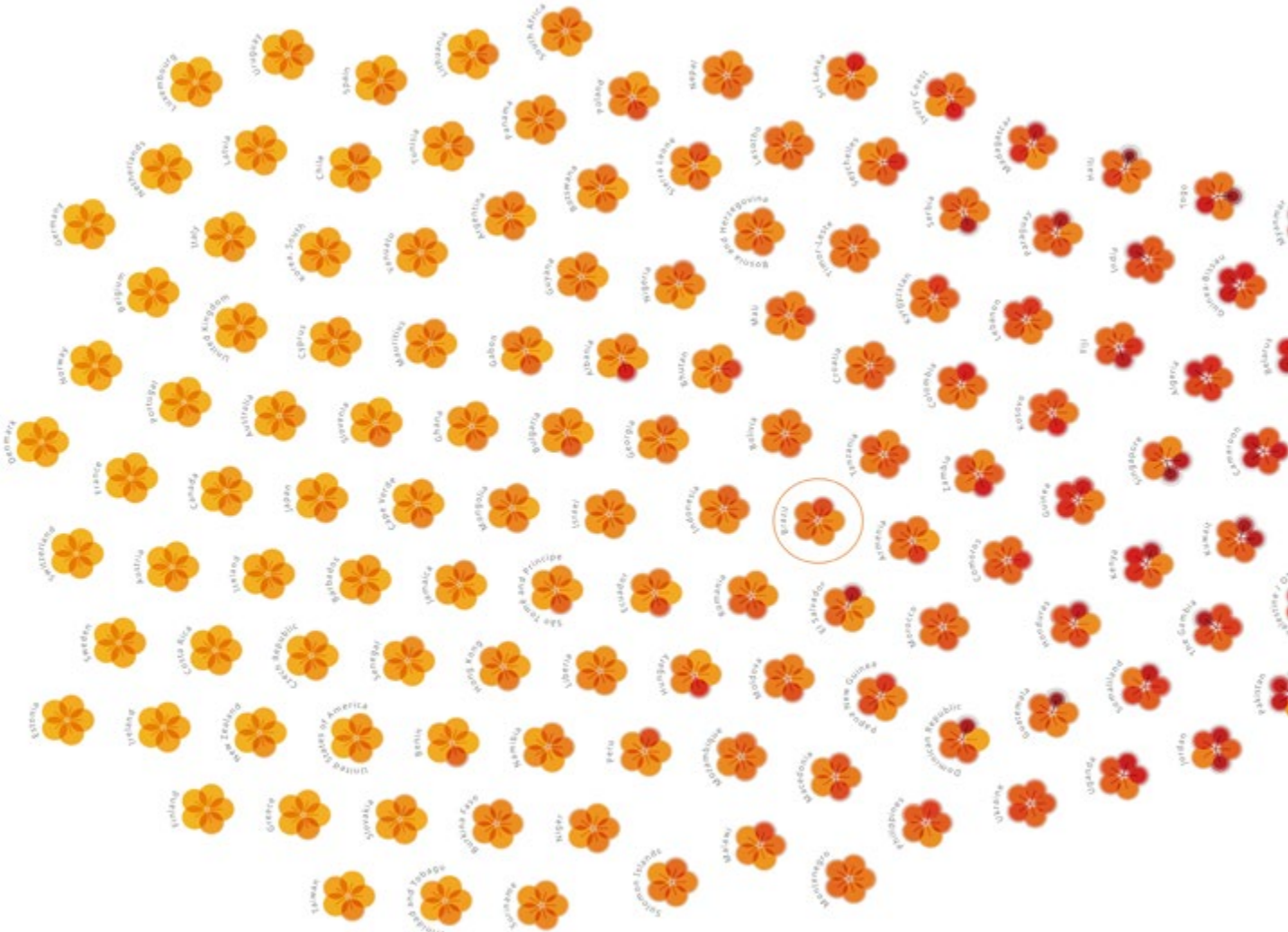
2017's presidential election, which had appeared to grant President Uhuru Kenyatta a second term in office. The court ordered a new vote within 60 days. In Guatemala, the constitutional court barred President Jimmy Morales from expelling the leader of un-backed anti-corruption mission. In Brazil, despite serious concerns emerging from the 2018 presidential election, a federal judge stood up for the rights of indigenous communities against corporate interests, putting a temporary block on a presidential decree which might have opened huge areas of the Amazon forest to mining.

Journalism continues to provide a keystone of accountability and whistleblowers continued to risk their own safety to provide essential sources for public interest journalism. Investigative journalism had an extraordinary year, with cross-border coalitions of reporters revealing widespread corruption from the Panama Papers to "Big Pharma", the illegal arms trade, and the Odebrecht corporation.

2017 was also a year of huge global protest movement, from the enormous scale of the women's marches worldwide, to the protests around elections in Kenya, and to the global wave of activity and discussion around the #MeToo movement.

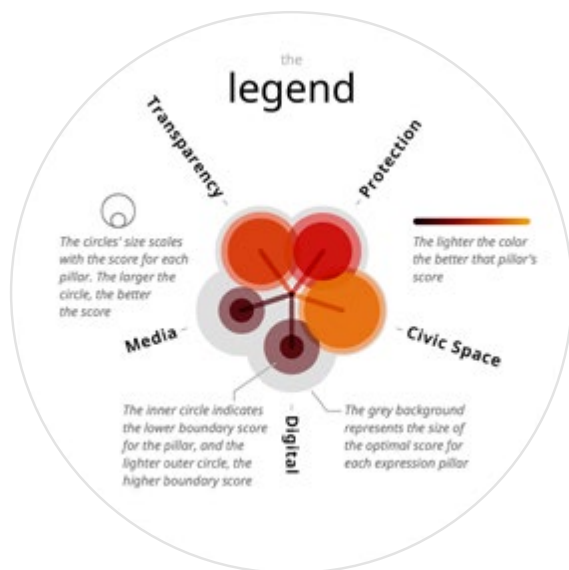
These movements were sparks of hope during a very troubling year in 2017 (from which the data is drawn) and during 2018.. I believe we are at a crucial juncture where the civic movements are growing in strength and have momentum enough to challenge the current wave of strongman politics which threaten values of respect and tolerance. We can only do this through expression, through discussion, by demonstrating solidarity, and providing vocal opposition to injustice; on the streets through peaceful protest, in the corridors of powerful institutions, through combatting hate speech online, and dis-information through mass media.

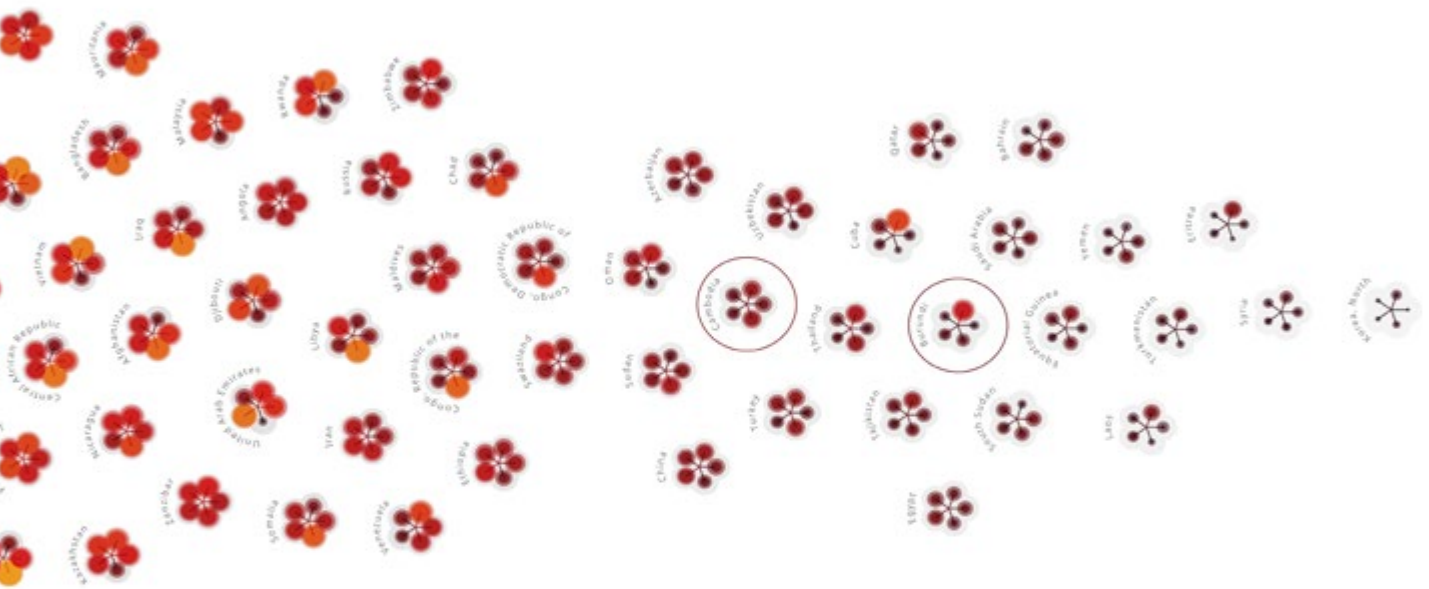
Hope lies in our voices and in our demands for fair laws, strong institutions, and public information; we must keep faith in one another and our own power to listen, learn, and find solutions which benefit all of us.



XpA: An introduction

During the development of the United Nations Agenda 2030 (formerly called the Sustainable Development Goals), freedom of expression was excluded on the grounds that it is not measurable: it was considered to be too abstract a concept to evaluate comparative progress rigorously.





The lack of a global measure has been an impediment to mobilising resources to protect this fundamental right around the world. V-Dem's pioneering work, now the largest social science data collection project in the world, has at last made it possible to evaluate the state of freedom of expression effectively.

The Expression Agenda (XpA) metric was first published in 2017 when ARTICLE 19 partnered with the V-Dem (Varieties of Democracy) Institute to develop a new tool to measure the global state of freedom of expression and information.

In order to create a multi-faceted global view of freedom of expression and information that would offer rich insights into how freedom of expression is threatened or protected, ARTICLE 19 selected 32 indicators of the 350 aspects of democracy and human rights measured by V-Dem. (We have used data set v.7.1.) The aim is to use the metric to track changes, identify trends and target advocacy more effectively. We intend to increase the range of indicators in order to provide reliable insights for journalists, activists, and policy-makers to address impunity, and improve the rights of citizens where ever they are.

As such the metric is a work in progress: some of the indicators that ARTICLE 19 considers relevant for assessing the state of freedom of expression have not yet been measured by V-Dem. This includes restrictions on the right to protest, the impact of Internet governance, and financial transparency. However, ARTICLE 19's partnership with V-Dem will see the development of additional, relevant indicators in the global dataset.

Five elements of expression: global trends

Uniquely, the XpA metric measures the right to freedom of expression and freedom of information by examining five inter-related elements: civic space, digital, media, protection, and transparency. We know that these five elements combine to create an enabling environment for expression and information and moves us closer to a world where everyone has the right to speak and the right to know.

The XpA Report 2017/18 reflects a global crisis of expression, witnessed by us all through impunity, intimidation, and weak governance. It reveals a

chilling litany of abuses across a range of countries, with every element of freedom of expression under threat.

The table below shows the global scores (from all countries measured by V-Dem), separated by element, and their annual rate of decline as a percentage over one year (2017), three years (2014-2017), and ten years (2007-2017).

Annual rate of decline as a percentage of scores

	1 year	3 year	10 year
Civic space	-0.53	-0.30	-0.11
Digital	-0.67	-0.74	-0.23
Media	-1.57	-1.09	-0.38
Protection	-0.80	-0.81	-0.26
Transparency	-0.66	-0.36	-0.18

The XpA Report data reveals that the overall decline in freedom of expression and information has accelerated over the last three years, with the media showing the largest fall, followed by protection and digital.

Civic space

Civic space is the place, online and offline, where individuals realise their rights; where we participate, express, assemble, and inform ourselves. Robust civic space forms the cornerstone of accountable, responsive governance and stable open societies.

The XpA metric looks at indicators which relate to the ability of citizens and civil society organisations to associate and be active, including the participatory environment outside elections, and how equality and tolerance are practiced and perceived.

Across the world, governments are implementing laws, policies, and practice which shrink this crucial space, both on- and off-line. 2017 saw combative rhetoric against civil society as well as attempts to use laws to control dissent. Online civic space has been, and will remain, a critical battleground.

The adoption of resolutions on civic space at the UN Human Rights Council is a sign that there is commitment to support civil society, even if some governments continue to fall short of meaningful implementation¹. Progressive governments continue to lead by example and promote civic space at intergovernmental fora, even when democratic values are being challenged in their own countries.

Positive change is being seen in countries like **The Gambia**, where a change in the regime has opened up opportunities for securing civic space rights: these shifts need to be supported and encouraged by an engaged civil society ready to lend expertise to new governments.

The visible rise of individuals and organisations coming together to demonstrate, collaborate, and protect their rights is clear: the potential of coordinated pressure exerted through a global community of civic space actors is vital to maintaining the freedom of expression.

The right to protest

The right to protest is integral to civic space, but there has been a consistent trend towards the criminalisation of this key form of expression through excessive restrictions on protests and through the 'management' of protest events.

From the excessive use of force against protesters in **Spain** following the Catalan independence referendum, to the banning of protests in **Kenya** in the lead up to the contested elections, governments sought to silence dissenting voices with disproportionate measures throughout 2017.

Across the world, protesters were subject to violence at the hands of law enforcement, and journalists covering protests were increasingly targets too. Authorities have also sought to skew the narrative of protest to undermine the cause and generate societal divisions.

Civic space online

The Internet – in particular social media – provides tools for engaging in civic space offline, but can also serve as an extension of that space. Increasingly, constraints on civic space offline mimic and intersect with online restrictions, like Internet shutdowns

in **Cameroon** and **Iran** carried out in response to demonstrations, aiming to limit communication, organisation, and reporting around protest.

Individuals organise themselves online, exchange information, and use social media platforms for activism. Emblematic campaigns on key issues have been far-reaching, from the international #MeToo campaign, to country-specific initiatives such as **Mexico's** #NiUnaMas ('not one more'), bringing to light the prevalence of violence against women and creating momentum for change.

Across the world, online debate and activism have brought new dangers to those who speak out: this has been reflected in the rise of hate speech online in particular against women, religious groups, LGBTQ individuals and groups, and other minorities. Responses from states have repeatedly been at odds with freedom of expression failing to understand the complexity of the issue and the holistic approach required, i.e. tackling the speech where it causes harm, as well as underlying intolerance and social tensions.

Stifling NGO activity

Authoritarian treatment of civil society was a strong trend during the year. One of Europe's most repressive laws regarding the activity of non-governmental organisations (NGOs) was introduced in Hungary, while Russia and other countries continued its use of the 'foreign agent' and 'undesirable' laws against civil society organisations, and the closure of civil society groups, media houses, and academic institutions worsened in Turkey.

Despite these negative trends, there is resilience and energy from civil society to counteract attacks on civic space across the world.

The top advancer and decliner countries in the data for civic space in 2017 are:

Top 5 Countries 2017	Bottom 5 Countries 2017	Top 5 Advancers 2014-2017	Top 5 Decliners 2014-2017
Norway	South Sudan	Morocco	Dominican Republic
Denmark	Yemen	Central African Republic	Brazil
Germany	Korea, North	Somalia	Uganda
Luxembourg	Saudi Arabia	Zimbabwe	Nicaragua
Switzerland	Qatar	Tanzania	Turkey

Digital

Technology and the Internet enable expression in near real time, but are also used to block communication and prevent access to content, and facilitate electronic surveillance on an unprecedented scale.

A vast amount of the world's content is now online, regulated by the community standards of a handful of Internet companies, whose processes lack transparency and are not subject to the checks and balances of traditional governance. The bodies which manage Internet resources play a critical role in developing technological standards that incorporate human rights values and enable the free flow of information.

The XpA metric measures online censorship and freedom of online discussion as sub-indicators.

Technology has enabled huge expansions of the capacity of citizens and groups to communicate, express, and assemble: these continue to grow worldwide. However, growing in parallel are the methods used by governments to restrict

these opportunities, as well as to harness these technologies to monitor, limit, and penalise expression – online and off.

Online expression attacked, blocked, and penalised

2017 saw an unprecedented number of attacks on bloggers and online communicators across the world: those who spoke on sensitive topics like religion or LGBTQ issues were particularly targeted.

Online communicators are increasingly penalised, with prison sentences handed out worldwide on the basis of Facebook posts, shares, and messenger group administration activities. Similar trends have occurred relating to video services: as live streaming gained popularity in the last year, incorporated into platforms like Facebook and Snapchat, governments have attempted to restrict it, particularly during political protests, by blocking applications.

Technical attacks on expression: blackouts, blocking, and filtering

An increasing number of technical attacks targeted connectivity in 2017, and there were many cases of Internet blackouts and bandwidth throttling, particularly in areas populated by minority ethnic or religious groups that have challenged the authority of the central government or sought greater rights: examples include Tibetan areas in **China** and Oromo areas in **Ethiopia**.

Technical attacks were the second most common form of internet control in 2017, behind arrests of users for content.²

Private body, public function?

'Fake news' and disinformation

Panic around 'fake news' is a dangerous and telling symptom of our political and media culture, used by authoritarian regimes worldwide to silence or undermine the legitimacy of critical media actors (see **USA**, page 26). The debate around social media in 2017 was dominated by 'fake news' and concerns over disinformation, particularly around elections. These concerns have undermined trust both in democratic processes and in certain types of journalism.

With increasing calls to regulate social media platforms, Facebook, YouTube, and Twitter, among others, have attempted to address concerns through internal mechanisms. Facebook started working with fact-checking organisations in order to put in place a 'fake news' flagging system, under which users were able to alert Facebook to potentially false stories.³ Following criticism that this was not effective, Facebook replaced flags with 'related articles' to provide more context to stories reported as inaccurate.⁴

Trust in journalism is low, and debates rage around artificial intelligence and automated tools in the distribution and amplification of news or rumours.⁵ The development of fact-checking initiatives can also be seen as a challenge to the media's traditional role, i.e. bringing reliable information to the public and debunking rumours and propaganda.

Authorities are keen to be seen to be acting on this issue: legislation is being passed across the world. The European Union Commission reaffirmed international standards as expressed in the joint declaration on 'fake news,'⁶ disinformation, and propaganda, but it remains unclear whether self-regulatory efforts will manage to establish an open, transparent, participatory, and accountable system.⁷

Several governments, including **France**, **Malaysia**, and the **United Kingdom**, are considering the adoption of anti-fake news laws which would regulate social media platforms and the dissemination of content online. The EU has also launched an inquiry into fake news and how best to tackle the problem, particularly the role of social media platforms.⁸

Hate speech and extremism

Meanwhile, social media companies, especially Facebook and Twitter, continued to come under fire for not doing enough to tackle 'hate speech' and 'extremist' content in 2017.

In Europe, the European Commission published a communication that strongly encourages Internet companies to be more proactive in detecting and removing illegal content. Companies are invited to use automatic detection and filtering technologies to be more effective, i.e. remove 'illegal' content more swiftly or prevent its re-appearance online. The Commission's proposals severely undermine a

cornerstone of Internet freedom: hosting providers' immunity from liability. They also demonstrate that governments see algorithms or artificial intelligence as key in preventing the dissemination of illegal content.⁹

This approach sets a poor example for global approaches, driven by the assumptions that companies should take responsibility for illegal content online, that all content flagged by police or 'trusted users' is illegal (despite the lack of independent assessment), and that all flagged content should be removed as quickly as possible.

Companies such as Facebook and YouTube have been responsive, and are increasingly open about their use of filtering technology in removing illegal or simply harmful content.¹⁰ However, artificial intelligence remains very much a 'black box': significant questions remain as to how it is being used to moderate online content and its role in the distribution of content.

Surveillance and security

Security legislation and surveillance technology continue to proliferate worldwide. However, the UN Human Rights Council passed a key resolution in 2017 speaking out against these violations of privacy. The resolution makes clear for the first time that sweeping surveillance powers are neither necessary nor proportionate, and violate international human rights law.¹¹ This is crucial for investigative journalists, human rights defenders, and whistleblowers, who require secure communications to investigate and inform – and protect their sources.

Internet infrastructure and governance bodies

The movement to incorporate human rights into the infrastructure of the Internet is growing. Discussions are more common within Internet governance bodies around mainstreaming human rights in value statements, risk assessment, and development policies of crucial institutions. From ICANN (The Internet Corporation for Assigned Names and Numbers) to domain name managers like SIDN, civil society continues holding meetings, hackathons, and fora across the globe to promote and mainstream human rights in technology.¹²

The top advancer and decliner countries in the data for digital in 2017 are:

Top 5 Countries 2017	Bottom 5 Countries 2017	Top 5 Advancers 2014-2017	Top 5 Decliners 2014-2017
France	Korea, North	Sri Lanka	Cambodia
Switzerland	Burundi	The Gambia	Turkey
Denmark	Eritrea	Central African Republic	Yemen
Chile	Turkmenistan	Mauritius	Togo
Portugal	Equatorial Guinea	Botswana	Rwanda

Media

Diversity of information and ideas, especially on issues of public interest, enables individuals to act as informed citizens, to play their role in political life, and to hold governments to account.

States should not only refrain from restricting freedom of the media, but also have a duty to create an enabling legal and regulatory environment that allows the development of a free, diverse, and pluralistic media. It is only in such an environment that all media operators can fulfil their democratic role.

The XpA metric measures factors such as government censorship and self-censorship.

XpA data reveals that media self-censorship is the second biggest driver in the decline of freedom of expression between 2014 and 2017. Self-censorship is among the most insidious and damaging limits on expression, as it denies both the expression rights of the communicator and the information rights of the readers – and public more widely – often on issues of public interest.

Challenges to media freedom continue to take place amid the perpetual flux and uncertainty which has defined the media landscape in recent years. This uncertainty has a strong financial element: media outlets are desperately in search of the model to ensure the sustainability of news production. The contemporary economic crisis of news media has invited debate around the state's role as facilitator of pluralism and diversity, and has highlighted the need for caution around public intervention.

Despite dramatic changes in the technological and economic contexts, the mechanisms of censorship of certain public authorities have not changed: authoritarian governments (like those of **Poland** and **Turkey** – which are both decliners over the last three years according to XpA data) are determined to seize control of media and to restrict the capacity of journalists to speak with a critical voice. Where legacy media are already tamed, attention of censors is directed towards online and social media.

Transition and convergence

Particularly in authoritarian regimes and countries transitioning towards democracy, media actors face numerous limits to their independence and editorial freedom. These challenges come in combination with the necessity of navigating and adapting to the context of convergence, i.e. the fusion of media and Internet services, and the progressive disappearance of traditional distinctions between traditional types of media.

People have moved toward a smaller number of social media platforms, which serve as gateways – offering links and access to a broad diversity of content through newsfeeds and suggested posts. This has been partly by market capture, and partly by design of technology companies, like Google AMP, which actually impedes individuals from knowing the source of the material they receive, posing concerns in terms of transparency, and undermines media plurality.¹³

Amplification and variety: social media as news outlet

Many have begun to turn to social media platforms as their key, or even sole, source of news. However, media literacy remains low and many readers are not capable of identifying or making a judgment on the reliability of the source of the news they read.

Mainstream media businesses have lost some of their legitimacy and authority as facilitators of public debates, with both positive and negative consequences. Ideas and opinions in the margins of the public sphere are now more visible, with a chance to influence the public agenda; however, these voices include extremists and populists, and open expression of hatred.

On a more positive note, it seems that using social media as a source of news leads to a more varied 'news diet' than directly consulting websites of news outlets.¹⁴

Moderation, concentration, and big tech

The power of tech giants over the public sphere is a topic which has come to dominate the public agenda. Online content regulation which respects freedom of expression is a complex challenge which remains in the hands of private companies – many initiatives to deal with disinformation or incitement to hatred still consist of unilateral decisions by companies, with little transparency.

An increase in vertical and horizontal concentration and the emergence of new forms of cross-ownership threaten to limit the availability and diversity of content, both online and offline.¹⁵

The top advancer and decliner countries in the data for media in 2017 are:

Top 5 Countries 2017	Bottom 5 Countries 2017	Top 5 Advancers 2014-2017	Top 5 Decliners 2014-2017
Estonia	Eritrea	The Gambia	Burundi
Senegal	Laos	Korea, South	Poland
Belgium	Korea, North	Fiji	Yemen
Norway	Cuba	Macedonia	Croatia
Sweden	Turkmenistan	Namibia	India

Protection

Journalists, communicators, and human rights defenders around the world faced major risks during 2017 as a result of their work. Governments and other powerful actors, seeking to escape scrutiny and stifle dissent, responded to critical reporting with attempts to silence. Too often, threats, surveillance, attacks, arbitrary arrest and detention, and in the most grievous cases enforced disappearance or killings, were the price of reporting the truth.

Attacks often occur with impunity, creating a cycle of intimidation and self-censorship which erodes freedom of expression and information.

New threats to the safety of communicators have emerged alongside traditional ones: state repression, organised crime, business interests, and religious fundamentalism with numerous other factors. An increase in citizen journalism, blogging, and information activism, while welcome, has placed more individuals and groups at risk – from imprisonment and murder but also increasingly sophisticated coercion, repressive laws, and aggressive litigation, particularly for defamation.

Murders monitored

In 2017, 78 journalists were murdered.¹⁶ Those on the frontlines of the right to freedom of expression continue to pay an unacceptable price. While there are moderate improvements in some regions, significant regression is being seen in others; although the number recorded has fallen, from 102 in 2016, this belies the dire situation for the safety of communicators globally. The murder of journalists is widely used as a barometer for attacks on freedom of expression, but provides an insight into only the gravest examples.

International monitoring often fails to capture all cases, and the murder of journalists is only the tip of the iceberg: a huge number of 'communicators' are also killed – those using their rights to freedom of expression and information to uncover and denounce the wrongdoing of the national or local state actors and other vested interest groups. This often occurs in remote, small, or marginalised communities, and usually relates to construction, the environment, religion, or organised crime.

Countries such as **Mexico, Afghanistan, Syria, Iraq, Pakistan, India, the Philippines,** and **Yemen** recorded the highest numbers of murders of journalists. For some, like **Mexico**, 2017 was simply a repetition of the story of previous years; for others, like **India**, it marked a new downturn.

Furthermore, in a number of countries, attacks – coupled with a steadily worsening environment for freedom of expression – caused their ranking in the XpA metric to noticeably drop. These included countries such as **Cambodia, Burundi, Brazil,** and **Turkey**.

Life and liberty – the price of dissent?

2017 was a dangerous year to protest, disagree, or express – especially if that expression contradicted the interests of those in power, including governmental, business, and theocratic interests.

Those protesting and speaking out against unfair elections and unconstitutional behaviour by their leaders faced violence and imprisonment globally, from **Cambodia** (see page 85) to **Burundi** (see page 60). **Kenya's** disputed elections saw mass protests, which were met by excessive force and dozens of

violations against journalists and media workers trying to report on political issues and protest; harassment continued throughout the year

Brazil saw a particular deterioration of safety, particularly for the most vulnerable: bloggers, journalists working for small outlets, and radio broadcasters (see page 33).

Land and environmental defenders – those taking peaceful action, to protect environmental or land rights – were particularly at risk. At least 207 defenders were murdered in 2017 – the worst year on record, with agribusiness being the most dangerous sector to protest: 46 defenders were killed protesting the way goods are produced.

More massacres than ever took place in 2017, with seven cases recorded in which more than four defenders were killed at the same time.¹⁷ Latin America remains the most dangerous region for this activism: 60% of the murders registered in 2017 were from Latin America, with **Brazil** having the highest number of deaths ever registered in one year for any country, with 57. The **Philippines** saw 48 killings in 2017 – more than have ever been seen in an Asian country.¹⁸

In 2017, 326 journalists were imprisoned for their work, more than half in **Turkey, China, and Egypt**. 194 journalists are imprisoned on anti-state charges; 36 do not have any publicly disclosed charge. It is the most vulnerable voices under attack: regional reporters, local and indigenous campaigners; 97% of jailed journalists are local reporters.

International standards and the 'implementation gap'

Despite the continued ferocity of attacks on journalists and human rights defenders worldwide, awareness and resolve to address these challenges has grown. The safety of journalists has seen 12 dedicated resolutions adopted by UN bodies, including the UN General Assembly, the UN Security Council, the UN Human Rights Council and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the last six years.

UN Human Rights Council Resolution 33/2 on the safety of journalists offered the strongest standards to date, setting out the steps states have to take to

prevent violence against journalists, protect them from attacks, and prosecute perpetrators.¹⁹ In 2017, UN General Assembly Resolution 75/152 on the safety of journalists and the issue of impunity brought a focus on tackling attacks that target or disproportionately affect women journalists. It also reiterated crucial commitments states have made to release all arbitrarily detained journalists, reform legal frameworks so they do not undermine media freedom, protect digital security, cease Internet shutdowns, and end the forced closure of media outlets.

The discourse during 2017 at the international level was dominated by the need to close the 'implementation gap' - to see that the standards are realised on the ground. The resolutions only stand a chance of being implemented if national and local actors working to enhance journalists' safety know about and leverage these standards to effect change.

UNESCO and the Office of the UN High Commissioner for Human Rights (OHCHR) hosted a convention which underlined the relevance of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, and encouraged implementation at the national level. Attacks on journalists were also incorporated into the measurement of the UN's 2030 Agenda for Sustainable Development – Target 16.10 on ensuring public access to information and protecting fundamental freedoms.

Commitments made at international government level are easy to criticise, especially when publicly supported by the governments of countries with the highest levels of attacks and impunity. Nevertheless, they remain essential for raising awareness, and can be the precursor of successful engagement with media, civil society, and government officials at local level.

Cooperation between international civil society organisations working on the safety of journalists was visibly strengthened in 2017, through a variety of groups improving their joint advocacy and providing support to their counterparts at the national and local levels.

Gender-based threats

Specific and discriminatory threats and attacks were made against women journalists throughout 2017, in particular online, including but not limited to blackmail, threats of sexual assault, intimidation, stalking, surveillance, and dissemination of private content without consent. Addressing impunity for attacks and violence must take gender-sensitive strategies: a particular barrier to justice for women journalists is the failure of public authorities to take sex- and gender-based threats seriously, particularly online.

Sex- and gender-based discrimination against women journalists and human rights defenders is also underreported, making it challenging to develop an accurate picture of the scale of the situation. It is also clear that the environment fails to facilitate women journalists to report attacks against them, and provide adequate support, including psychosocial support.

Impunity and the rule of law

The murder of a journalist is a tragedy and a grave violation of their right to life: in 2017 there were 16 cases of journalists killed with total or partial impunity.²⁰ Impunity in these cases creates a chilling effect on freedom of expression, preventing others from speaking out on controversial topics. However, with an average impunity rate of 90% worldwide, and in some countries such as **Mexico** close to 100%, impunity was one of the most devastating trends for freedom of expression during 2017.

Five years after the murder of journalist couple Mehrun Runi and husband Sagor Sarwar in **Bangladesh**, the final police investigation report into the crime has still not been released.

The rule of law was eroded globally during 2017, with due process abandoned or ignored and accountability at historic lows. In **Iran**, Nazanin Zaghari-Ratcliffe was held in detention under a new charge of 'spreading propaganda against the regime' and charged twice for the same offence which is illegal under the Iranian legal system. Without access to judicial and non-judicial remedies, as well as proper investigations and effective remedies for victims and their families, the structures of impunity cannot be dismantled.

The murder of investigative journalist Daphne Caruana Galizia in **Malta** ignited a debate about the culture of corruption and impunity in the country, which both enabled the environment for her murder, and limited the scope for justice in the aftermath (see page 38).

Digital threats against journalists and the media

Digital security is essential to the safety of journalists and human rights defenders, ensuring the confidentiality of communications. Anonymity and encryption tools are vital, but many regimes are seeking to put limits on their use. In 2017, mass and illegal targeted surveillance of communications of academics, journalists, and civil society was exposed in **Mexico** (see page 29).

The top advancer and decliner countries in the data for protection in 2017 are:

Top 5 Countries 2017	Bottom 5 Countries 2017	Top 5 Advancers 2014-2017	Top 5 Decliners 2014-2017
Denmark	Korea, North	Sri Lanka	Yemen
Germany	Eritrea	Central African Republic	India
Norway	Syria	Guyana	Cambodia
Estonia	Bahrain	Macedonia	Burundi
Switzerland	Yemen	Korea, South	Turkey

Transparency

The free flow of information is essential for democracy, enabling strong and engaged citizen participation and the exercise of socio-economic and political rights. It also fosters sustainable development, improves economic performance, and makes national authorities accountable for their actions, particularly key around the management of public finances and public services. Transparency and accountability concern the ability to obtain information about the activities of public bodies (such as budgeting or decision-making processes), along with important actors in society, and to hold them to account.

The right to information promotes accountability on development issues as well as on more political matters. Information on budgets, spending, regulations, and decision-making means people can work from a position of knowledge and participate in important decisions that affect their lives. The right to information is about more than government commitments. It empowers people to participate, advocate, and monitor for meaningful progress towards development goals.

Regarding transparency, the XpA looks at issues including whether laws are transparent and enforced in a predictable manner; whether there are effective oversight bodies; the extent to which public administration is carried out in a rigorous and impartial manner; and access to justice. According to XpA data, every country which declined in freedom of expression between 2014 and 2017 also declined in the transparency element.

The right to information: more and better laws

Three more laws have been passed in 2018 – 124 laws are in place, and 90% of the world's population now lives in a country with a right to information law. **Lebanon, Malawi,** and the **Bahamas** passed freedom of information legislation in 2017, and **Pakistan** replaced a regulation with a law.

Globally, progress on the right to information was strong: with four new laws in 2017, and nearly 30 in the last six years. These laws are also improving – providing stronger protection, learning from international and regional best practices, including independent oversight agencies, public interest tests,

and more limited exemptions. Developments are now often in the Global South.

More countries are also adopting protections for whistleblowers, data protection laws, beneficial ownership laws, open data regulations, and other means of facilitating access to information.

Negative trends are also emerging, including attacks on requesters and other threats they receive for making requests, especially in **India**, and over-classification of information, often compounded by issues with official secrets acts.

Public procurement and open contracting

There is increasing movement towards open contracting when it comes to public procurement (government contracting), and these initiatives are making a huge difference in the battle against corruption.²¹ In 2017, seven government agencies published open contracting data for the first time, including **Georgia** and **Zambia**. In **Mexico**, besides new open contracting data at the federal level, the Institute for Access to Information has started publishing open contracting data.²²

In **Paraguay**, open contracting data helped expose fraud and cronyism in the education sector, leading to a new ministerial team and better rules on value for money in basic goods and services.²³ In **Ukraine**, competition has grown so much that unique suppliers for each procuring entity have increased by nearly 50%.²⁴

Transparency in the UN's Sustainable Development Goals

In 2015, all 193 UN Member States agreed to adopt Agenda 2030 – the Sustainable Development Goals (SDGs) – an ambitious effort to improve the lives of the world's poorest people, globally, within 15 years. The agenda set goals to tackle environmental degradation, gender inequality, corrupt governance, and barriers to healthcare.

One of the SDGs' most significant commitments is Goal 16, which calls for all countries to 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.' This includes important targets for

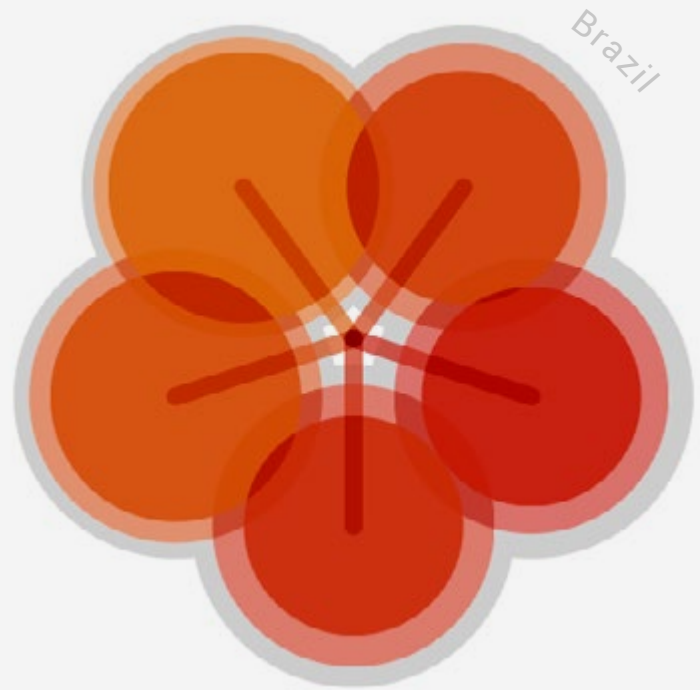
fighting corruption, improving public participation, and public access to information.

The top advancer and decliner countries in the data for transparency in 2017 are:

Top 5 Countries 2017	Bottom 5 Countries 2017	Top 5 Advancers 2014-2017	Top 5 Decliners 2014-2017
Norway	Korea, North	Sri Lanka	Turkey
Denmark	Syria	The Gambia	Yemen
Switzerland	Eritrea	Fiji	Burundi
Germany	Equatorial Guinea	Central African Republic	Romania
Finland	Turkmenistan	Somalia	Zanzibar



Part 2:
Regional Overviews



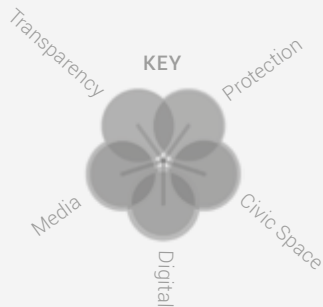
Brazil



United States

The Americas

Violent censorship continued across the region, with killings and forced disappearances amid ongoing impunity. The crisis of freedom of expression has deepened for many, with indigenous groups, women, and human rights defenders facing huge risks for speaking out: at least 212 human rights defenders were killed in the Americas in 2017.²⁵



Militarised police tactics and armed security forces were increasingly employed to suppress dissent across the region, and violence was exacerbated by corruption and organised crime. Political will to address rights violations, recent and historical, is lacking in many countries.

Huge uprisings of grassroots and political opposition, and regional movements like #NiUnaMenos, denouncing femicide and violence against women, provided beacons of solidarity and hope.

Protest brings hope in spite of repression

2017 was a year of strong movements, but brutal suppression in response. It did, however, demonstrate the hope and potential of citizens standing in solidarity, both nationally and across borders.

Protests in **Argentina** in December provided a particularly brutal example of protest crackdown, with dozens left injured by a repressive police response, and 22 detained. Demonstrators had taken to the streets in protest of pension reforms which would reduce benefits and affect social programmes.²⁶ It is not only the protesters themselves who regularly face violent crackdown in this region, 40 photographers were injured by rubber bullets and tear gas during the protests.²⁷

This situation occurs across the region: in **Bolivia** in August, radio journalist Agustín Aldo Mamani was arrested on charges of destruction of property while covering a protest, despite having been more than 500 metres away from the protesters; police also confiscated his video camera.²⁸

In **Guatemala**, Jerson Xitumul Morales, a reporter with the independent digital media outlet Prensa Comunitaria, was covering local fisherman's guild's protests against the Guatemalan Nickel Company when he was charged with incitement to commit crimes, despite not participating in protests and having clearly identified himself as a reporter.²⁹

Honduras saw use of force against protesters which resulted in 12 dead and hundreds detained after the counting of votes was suspended in November's presidential election. Many of those detained were transferred to military installations, where they were subjected to beatings and torture.³⁰

A tradition of violence: journalists in danger in Latin America

More journalists were killed in Latin America than any other region in the world.³¹ Journalists are often subjected to intimidation or abusive judicial proceedings when they try to cover the interests of politicians and elected officials, particularly in areas far from the major cities, where independent and community media lack public support and struggle to survive.

On 27 February, the body of a former editor and producer of two of Peru's biggest broadcast news shows, *América Televisión* and *Frecuencia Latina*, José Feliciano Yactayo Rodríguez was found outside Lima in a suitcase which had been torched. Farmers found Yactayo's body as they tried to extinguish the fire.³²

Just one day before Yactayo's body was found, the body of Julio César Moisés Mesco, 27, was discovered in Ica, in southern Peru, 16 days after he went missing. These deaths came just three months after the November murder of another journalist in **Peru**: Hernán Choquepata Ordoñez was shot dead while presenting his radio program *Habla* in Camaná, in southern Peru.³³

In the **Dominican Republic**, presenter Luis Manuel Medina Pérez and producer Leónidas Antonio Evangelista Martínez were shot by a man who had walked into the studios of Radio 103.5 FM in the south-eastern city of San Pedro de Macorís. The gunman also shot and seriously injured the station's secretary Dayana García.³⁴

Environmental defenders are particularly at risk

Of the 207 environmental defenders murdered in 2017, almost 60% were in Latin America. **Brazil** recorded the most killings of any country ever, with 57 killed, 80% of whom were protecting the Amazon.

In **Colombia**, 24 defenders were murdered in 2017, as conflicts over land raged. **Mexico** and **Peru** saw an increase in killings from three to 15, and two to eight respectively. There were fewer murders in **Honduras** – five compared to 14 in 2016 – and **Nicaragua** had the most murders as measured *per capita*, with four dead.³⁵

Indigenous activism is brutally suppressed

Property rights, industry, and ecological concerns often intersect with indigenous activism where land is taken over for development projects at the cost of the rights of those living on it, and the health of the environment.

In **Colombia**, Efigenia Vásquez Astudillo, a reporter and presenter for community radio station *Renacer Kokonuko*, was shot while covering demonstrations by the Kokonuko community's 'Mother Earth' movement, of which she was also a part.³⁶ Tear gas and firearms were deployed by security forces in the crackdown on the protest, part of a pattern of attacks on the community.³⁷

The Mapuche, **Chile's** largest indigenous group, are campaigning to defend their traditional lands from encroachment by forestry companies, and calling for the release of their political leader, Francisca Linconao, who they claim is a political prisoner. In January 2017, community members protested in Santiago, and when violence broke out, water cannons were used against protesters and many were detained. Members of the Mapuche community are routinely subject to discriminatory use of the dictatorship-era Anti-Terrorism Law.³⁸

Mobilisation and solidarity for women on the move

In 2016, women's marches were sparked on a huge scale across **Argentina**, **Peru**, and **Brazil**, and the momentum continued into 2017, spreading to the Caribbean where thousands of **Jamaicans** mobilised in protests against gender-based violence in February and March.³⁹

In **Argentina**, an isolated incident of violence during the International Women's Day protests in March was met with use of teargas and arbitrary arrests.⁴⁰

Women human rights defenders face rising threats, from **El Salvador** and **Nicaragua** to **Colombia** and **Peru**: threats of violence, sexual torture, and defamatory content on social media, as well as attacks directed at family members or close relatives. In **Colombia** in April, a friend of campesino leader Marylen Serna Salinas was abducted and sexually assaulted by three men who stated that the reason for the attack was Salinas' work. In the same month, in **Nicaragua**, the son of Francisca Ramirez was assaulted in April in reprisal for her work.⁴¹

Venezuela in crisis: media choked and citizens stifled

Venezuela made headlines throughout 2017 due to a dramatic democratic collapse: independent media disintegrated, and expressions of dissent in public spaces descended into chaos and violence. From 2016 to 2017, the government of President Nicolás Maduro carried out a systematic policy of repression against peaceful demonstrators, resulting in arbitrary detentions and arrests, with thousands of people injured and more than 100 dead.⁴²

After what many see as a 'self-inflicted coup' by Maduro's regime, the crackdown of recent years worsened, with closures of outlets, suppression of journalistic material, and arrests and imprisonment of journalists in military prisons, against a backdrop of escalating violence and rioting in which thousands have been detained for protesting – at least 400 protesters have been tried in military tribunals for crimes from 'rebellion' to 'treason'.

56 media outlets were closed in 2017 (47 radio, three TV, and six print), while regulations were applied arbitrarily, with a near-total lack of transparency. A new online censorship law passed in November, with sentences of up to 20 years. The National Telecommunications Commission gave an order on 19 April for the censorship of broadcasting by television channels *Todo Noticias* of Argentina and *El Tiempo Televisión* of Colombia.

In October, daily newspaper *La Verdad* announced that it would no longer be printing, simply due to a shortage of paper. It was the fourth newspaper to indefinitely halt production for this reason in 2017.

Insufficient support for people power on the airwaves

Radio is a key tool for expression in the region, used by minorities and marginalised communities to promote fundamental rights, education, and justice. In some regions, radio is often the only link with the outside world, particularly for remote Amazonian regions and rural indigenous groups such as *La Voz de Zacate Grande* in **Honduras**, or *Voces de Nuestra Tierra* in **Colombia**.

This work is, however, rarely supported by governments, often with difficult registration and legal processes, effectively forcing groups to broadcast illegally, and limiting the available legal protection for radio journalists.

Peace deal for Colombia – but no freedom from violence

Despite 2016's peace accord and the demobilisation of ex-guerrillas from the Revolutionary Armed Forces of **Colombia** (FARC) in August, violence towards activists and communicators continued across the country, with widespread impunity. 105 activists were killed in 2017: many crimes against communicators were attributed to successor groups to Colombia's notorious paramilitaries seeking to expand their territory following the FARC's demobilisation.⁴³

Impunity loosens its grip in some contexts

In **Guatemala**, Sergio Waldemar Cardona Reyes was sentenced to 30 years in prison for the assassination of journalist Danilo López, a small gain in the fight against the impunity that reigns in the country.⁴⁴ Additionally, the Supreme Court accepted a petition made by the public prosecutor and the International Commission against Impunity in Guatemala to hold a preliminary hearing of the congressman who is accused of ordering the killings of journalists Danilo López and Federico Salazar Gerónimo in March 2015.⁴⁵

In December, authorities in **Mexico** arrested the mastermind behind the murder of journalist, Miroslava Breach Velducea, killed in March.⁴⁶

These events remain the exception and not the rule, however: impunity reigns across the region. **Honduras**, which suffers severe levels of violence against communicators sees total impunity in 90% of cases. Since 2001, 69 people with links to the media have lost their lives in violent circumstances, but sentencing of those responsible has only taken place in six cases.⁴⁷

Guatemala's situation as a whole remained dire: President Jimmy Morales tried in August to expel Iván Velásquez, the head of the International Commission against Impunity, an independent body established by the UN and the government in 2006; he himself had come under investigation.

Though the Constitutional Court almost immediately blocked the move, a year later in August 2018 – just days after Congress announced they will move forward with a corruption investigation against him – Morales announced that his government would not renew the work visas of the Commission.⁴⁸

A new era for Ecuador

In his first month in office, **Ecuador's** new President Lenín Moreno engineered a ceasefire in a decade-long battle between government and media, inviting radio, TV, and newspaper editors to the presidential palace for a meeting at which he promised a new era of press freedom. He even encouraged journalists to act as watchdogs and report on government corruption.⁴⁹ Moreno also reduced the role of the government body charged with sanctioning news outlets, and promised to remove restrictive provisions from communications law.

This tone constitutes a huge change from Moreno's predecessor, Rafael Correa, who stepped down in May. During his decade as President, Correa was known to rip up newspapers live on television, sue news outlets for slander, and denounce journalists as corrupt liars.⁵⁰

USA

Population

324 million

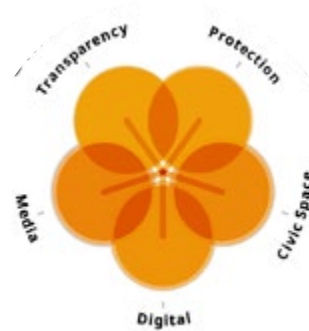
Capital

Washington, DC

GDP per capita

\$56,054⁵¹

Expression pentafoil for the USA



The right to freedom of expression is enshrined in the First Amendment to the 1789 Constitution (revised 1999):

Amendments, The Bill of Rights, Preamble, First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.⁵²

The USA ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992.⁵³

The United States of America (USA) has a strong tradition of freedom of expression, with some of the world's oldest and strongest protections set out in the Constitution's First Amendment, dating back to the 18th century. The country's media environment has maintained great diversity despite a declining print sector.

The atmosphere for expression saw a dramatic shift in 2017 with diminishing popular support for free speech and a slide towards the right of the political spectrum. This culminated in the inauguration of President Donald Trump, who continued his election campaign's virulently anti-media rhetoric into his presidency, calling journalists "among the most dishonest human beings on earth" in an address to the Central Intelligence Agency on his first day in office,⁵⁴ and repeatedly referring to the media as "the enemy of the American people."⁵⁵

This rhetoric at the highest level of government saw echoes at local level – 34 journalists were arrested in the USA in 2017, and two reporters

were assaulted by politicians.⁵⁶ Digital surveillance is on the rise, especially for journalists.⁵⁷

"People feel more empowered to tell us that they don't trust us, believe us. It's not anything that's organized. It's pushback against what we represent." Reporter, Houston.⁵⁸

Digital rights in the USA took a blow in 2017 when net neutrality rules were abolished: this will severely affect freedom of access to the Internet, and navigation speeds will be tied to the service provider and payment level.⁵⁹ This shift will also allow increased censorship of content on social media platforms, and increase the ability of the internet service providers (ISPs) to monitor customers, thanks to weakening broadband data protection rules.

In fact, the XpA shows a decline in the overall level of freedom of expression in the USA across all five elements over the last three years (significant declines in digital, media, and transparency), as well as during 2017.

Arrest and violence: protest in the USA

The size of protests around women's rights – the Women's March – and the inauguration of the new President in January 2017 was unprecedented, with hundreds of thousands assembling in Washington DC, and as many as 750,000 in Los Angeles, 600,000 in New York and 200,000 each in Boston, Chicago, and Denver. More Women's March demonstrations were held outside the USA, including in a number of African and European countries, **Australia** and **New Zealand**, and neighbouring **Mexico**.⁶⁰

More US demonstrations followed, protesting the 'Muslim travel ban', domestic policies, and attitudes to women and science.⁶¹ Protests were sparked across the country by racially-motivated police brutality and structural violence against the USA's African-American population.

This civic upsurge was met with attempts at suppression: there were allegations across the country of local police using excessive force against protesters. Authorities in Washington DC were also criticised for bringing serious criminal charges against those who protested Trump's inauguration.

Journalists covering protests also faced serious risk of arrest and harassment: nine journalists were arrested while covering protests against Trump's inauguration,⁶² while reporter Dalton Bennett was thrown to the ground by police while covering the arrests of protesters,⁶³ and photographer Hyosub Shin was pepper sprayed in the face covering the same demonstrations.⁶⁴ A further six were arrested at the Standing Rock demonstrations, and ten while covering protest marches in St Louis, Missouri.⁶⁵

In February, Arizona senators passed a law allowing police to arrest people simply for planning a protest, and extending the definition of rioting to include damage to private property. In the aftermath of January protests, politicians in at least 19 US states moved to introduce bills to criminalise common protest tactics, such as the blocking or obstruction of traffic, the wearing of masks, and non-violent resistance towards police forces.⁶⁶

This hostility to protest was mirrored in Trump's own hostility to protest by National Football League players at games across the country, who knelt during the national anthem to protest the USA's structural

marginalisation of African-Americans: in September, he referred to a protester as "a son of a bitch."⁶⁷ There are numerous reports and ongoing disputes around Trump supporters committing violent acts against protesters – including accusations that the President himself committed incitement to violence.⁶⁸

Transparency in peril

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

Even against this hostile background, the USA has seen strong and independent coverage and growing public concern about pressure on media freedom: digital subscriptions for leading newspapers have increased, and ratings for cable news networks have risen.⁶⁹

Whistleblowers still face charges under the Espionage Act, and journalistic sources remain under protected.⁷⁰

Global echoes: 'fake news' goes viral

One of Trump's major innovations in the media environment – with global reverberations – was the popularisation of the allegation of 'fake news' levelled at critical or opposition media outlets.

Venezuelan leader Nicolás Maduro turned to Trump's 'fake news' defence to brush off criticism of constitutional amendments; Syrian President Bashar al-Assad dismissed an Amnesty International report on the torture and execution of thousands of detainees as a product of the 'fake news era'; Aung San Suu Kyi's government in Myanmar sought to deflect accusations of ethnic cleansing of the Rohingya people with the claim of 'fake news'; and China's State news agency Xinhua also called the *New York Times* report on torture of Chinese lawyer Xie Yang 'fake news.'⁷¹

Experts and special rapporteurs (for the UN Organization for Security and Co-operation in Europe, the Inter-American Commission on Human Rights,

and African Commission on Human and Peoples' Rights) came together in 2017 to address 'fake news' in a joint declaration.⁷²

'Fake news' was even Collins Dictionary's Word of the year in 2017, but a buzzword should not distract from the threat posed by the demonisation of independent and critical media actors, state-controlled information, or selective sorting of media content.

MEXICO

Population

129 million

Capital

Mexico City

GDP per capita

\$8,981⁷³

Mexico's 1917 Constitution, amended 2015:

Title One, Chapter I, Article 6

Expression of ideas shall not be subject to judicial or administrative inquiry, except for those cases when such expression of ideas goes against the moral, privacy or the rights of third parties, causes perpetration of a felony, or disturbs the public order. The right of reply shall be exercised according to law. The State shall guarantee the right to information.

Every person shall be entitled to free access to plural and timely information, as well as to search for, receive and distribute information and ideas of any kind, through any means of expression.

Title One, Chapter I, Article 7

Freedom of speech, opinion, ideas and information through any means shall not be abridged. Said right shall neither be abridged through any indirect means, such as abuse of official or private control over paper, radio electric frequencies or any other materials or devices used to deliver information, or through any other means or information and communication technologies aimed at impeding transmission or circulation of ideas and opinions.⁷⁴

No statute or authority shall establish prior restraints, nor shall it abridge freedom of speech, which shall be subject to no other limitation than those foreseen in the first paragraph of Article 6 of this Constitution. Under no circumstances shall the assets used for the transmission of information, opinions and ideas be subject to seizure on the grounds of being an instrumentality of a felony.

Mexico ratified the ICCPR in 1981.⁷⁵

Mexico is the most dangerous country in Latin America for journalists; globally, it is at the level of countries officially at war. 2017 was the deadliest year for journalists since 2000, with 12 murders and one forced disappearance. Though it is often seen as a functioning democracy with institutions and the rule of law, this does not match the reality in the country.

President Enrique Peña Nieto's administration began in 2012 with a promising set of reforms, accompanied by slowing homicide rates. However, from 2014 the government's narrative of progress was undermined by corruption scandals and widespread rights abuses.

These problems continued in 2017, with widespread murders and attacks on journalists, and growing doubts about political will to tackle corruption, some of which has involved ruling party (PRI) officials. Overall, there were 1,986 violations of freedom of expression during Nieto's presidency.⁷⁶

In July 2018, Mexican voters elected a new President: Andrés Manuel López Obrador.

Fear remains the most effective censor as violence continues

There were 507 aggressions against freedom of expression in 2017, including 12 murders and one forced disappearance. There were 51 aggressions in the context of protest, and other violations including the closure of historic archives on grave human rights violations and atrocities, discriminatory denial of access to information, bills criminalising protest, and targeted surveillance.⁷⁷

State actors were directly or indirectly involved in the perpetration of approximately half of the 507 attacks against journalists documented by ARTICLE 19 in 2017.⁷⁸

Salvador Adame, director of *Chanel 6tv*, a local outlet of Michoacán State, was abducted on 18 May by several unidentified heavily-armed individuals. Adame was the 24th journalist to have been forcibly disappeared in Mexico since 2003. Though authorities have claimed that his body has been found, this is contested and, despite demands, no independent forensic analysis has been conducted.⁷⁹ On 21 June, a suspect was detained, though proper investigation and due diligence standards were not followed.⁸⁰

The most serious forms of attack, such as killings, enforced disappearances, and torture, have risen over the last five years. There was a 144% increase in attacks against the press between 2012 and 2017: in addition to 49 murders, there were eight enforced disappearances, 404 credible threats made, 132 attacks on media outlets, 660 physical attacks, 132 acts of harassment, 376 of intimidation, 241 deprivations of liberty, and 96 acts of institutional violence, including judicial harassment.⁸¹

Impunity reigns in the face of inadequate state protection

The overall rate of impunity for attacks on journalists is over 99%.⁸² Mexico has a number of human rights institutions, including CNDH, the Federal Protection Mechanism for Journalists and Human Rights Defenders, and special prosecutor FEADLE – which was specifically created to address violations of the right to freedom of expression. All lack capacity,

resources, and political will to address Mexico's critical human rights situation; FEADLE's budget was cut to 18 million MXN in 2017, from 38 million in 2013.

Protection measures are routinely withdrawn based on flawed risk analysis processes: the Federal Protection Mechanism withdrew protection measures from crime reporter Cecilio Pineda Birto before he was killed in Guerrero on 2 March.⁸³

A narrow interpretation of 'journalist' is often used by authorities to avoid dealing with cases sent for investigation at federal level, where crimes against journalists must be dealt with by law. This leaves many journalists unprotected – photographer Edwin Canché was among them. In 2014, Canché was arbitrarily detained and tortured by five police officers for covering a crash caused by the nephew of the mayor, who was both inebriated and a minor. Though justice for crimes against him remains elusive, his case has been the cause of huge developments in legal protection of freedom of expression in Mexico.

Following ARTICLE 19's legal submission, the National Supreme Court endorsed a broad and functional definition of 'journalist', allowing the investigation of the case at federal level. This wider definition sees journalism as an exercise of the right to freedom of expression, without requirement of accreditation or affiliation with a media outlet, bringing more communicators in Mexico under stronger legal protection.⁸⁴

Civic space attacked but resilient

2017 began with a 20% rise in petrol prices, causing protests across 28 states. These demonstrations were met with violence, arbitrary arrests, and militarised tactics, ultimately leading to five deaths, including a police officer.⁸⁵

In the last decade, the National Commission for Human Rights has received almost 10,000 complaints about abuses perpetrated by the army. The Internal Security Law, passed in December, allows the military to participate in internal security operations: given the extremely low rate of investigation of rights violations by the military, and the degree to which military operations are guarded from transparency

mechanisms, this is likely to have a negative impact on demonstrations, oversight of intelligence agencies and use of force, and access to information.⁸⁶

Civic space was further restricted through legislation in 2017, with a new law in September requiring an onerous written notification process for protests in the capital. The state of Mexico thus joined 12 other states with ambiguously-worded provisions prohibiting use of public space or requiring prior authorisation for its use.⁸⁷

Activists are also at risk in Mexico, particularly when it comes to land rights. In April, federal police in the state of Michoacán killed four indigenous land rights activists, entering their homes and shooting them. The four were members of the *Arantepacua Communal Property Collective*, a grassroots organisation; 38 Arantepacua activists are currently imprisoned in Michoacán for protesting multinational corporations purchasing and occupying their ancestral lands.⁸⁸

Civic space is violently restricted on the streets of Mexico, but has a vibrant online landscape: 2017 saw huge online demonstrations around women's rights and rape culture with #NiUnaMenos and #SiMeMatan, as well as the protest of murdered journalists. Using #NiUnoMas, #NoAlSilencio, and #PrensaNoDisparen, a nationwide protest was organised to demand safety for journalists. #RompeElMiedo is a real-time monitoring system which uses key individuals to monitor police activity during protests.⁸⁹

Spying and spamming: the government online

As well as being used by civil society and activists, technology is also used by government to monitor and restrict civic space activity: spying and surveillance have become an effective tool for intimidation of human rights defenders, activists, and journalists.

The illegal use of Pegasus spyware was revealed in 2017, with at least three institutions within the federal government having deployed the malware against communicators, as well as investigators of the Ayotzinapa murders from the Organization of American States.⁹⁰

In 2017, it was also discovered that the Mexican government has been employing social media in order to manipulate political discussion: 75,000 automated accounts – named 'Peñabots' after the President – were employed to overwhelm political opposition on Twitter. When a new hashtag emerges to raise awareness about a protest or corruption scandal, government backers employ two methods: bots either promote alternative hashtags which push the originals off the top ten lists, or flood anti-government hashtags with irrelevant posts, burying useful information. Unable to find or access maps of police activity and safe exit routes, peaceful protesters were unable to flee danger zones, instead facing violence at the hands of police.⁹¹ In 2017, Mexican authorities also censored online content relating to corruption and criticism of the authorities.⁹²

Halconeo and insult laws

In 2017, the Supreme Court established that the criminalisation of searching or gathering information related to security contravenes the Constitution and creates a chilling effect on journalists' work. However, these laws, known as 'halconeo' laws, remain in place in 22 states.⁹³

Laws creating the crime of 'ultrajes' (insult), often used against journalists, were repealed in two states in 2017, but remained in place in 24, frequently used to criminalise expression despite a 2011 Supreme Court ruling that such provisions are unconstitutional.⁹⁴

Laws around defamation, calumny, and insult of state officials remain criminal offences in eight states, punishable by prison sentences.⁹⁵

A major win for media freedom: official advertising

Between 2013 and 2017, the Mexican government spent 38 billion MSP (approximately 53.7 million USD) on official advertising, i.e. buying space in the media to distribute information to citizens. These expenditures dwarfed other types of public spending.⁹⁶

This opaque and discretionary allocation of funds to the media has been a way of controlling editorial lines

– even constituting indirect censorship. It has been an obstacle to the development of a plural, critical, robust, and free debate on public interest issues. Crucially, it has eroded public trust in the media.

In November, the Mexican National Supreme Court ruled in favour of a petition which demanded that the lack of regulation be addressed, in recognition of the value of freedom of expression and the need to remove any impairment which would put the right at risk.⁹⁷

Transparency and information

Mexico's National Transparency System establishes strong protections: it has shown some positive results, but guidance is not universally implemented. At local level, many public officials continued to resist proactively disclosing information and responding to requests.⁹⁸

In September, concerns around the flow of information were raised after a major earthquake in Mexico City: an information vacuum was documented, as well as obstruction of journalistic work, impacting the rights to life, and physical integrity, and the right to health.⁹⁹

Brazil

Population

324 million

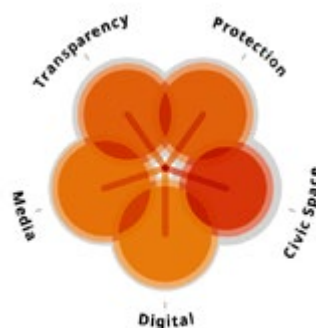
Capital

Brasilia

GDP per capita

\$8,528¹⁰⁰

Expression pentafoil for Brazil



Freedom of expression and information is guaranteed under Article 5 of the 1988 Constitution (revised 2017):

Title II, Chapter I, Art 5

All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms:

IV. The expression of thought is free, and anonymity is forbidden;

IX. Expression of intellectual, artistic, scientific, and communications activities is free, independent of censorship or license;

XIV. Access to information is ensured to everyone and the confidentiality of the source shall be safeguarded, whenever necessary to the professional activity;¹⁰¹

Brazil ratified the ICCPR in 1992.¹⁰²

Brazil is a democracy with a vibrant civic space, but corruption, crime, and marginalisation of minorities remain major barriers to full realisation of the right to freedom of expression. Political crises have undermined democratic institutions – in which representation and public participation were already weak – and the rule of law.

Throughout the year, violent crimes were committed against communicators with impunity and public space continued to be militarised: those who took to the streets were met with excessive force. The legal framework continued to tighten around the right to freedom of expression. Between January and September, 62 human rights defenders were killed in Brazil.¹⁰³

Brazil has a 'news desert': a huge area of the country in which more than a third of the population lives in a town without a local printed or online newspaper.¹⁰⁴ The country also has ongoing issues with media concentration. Internet penetration is also weak in the country: 39% of homes have no connection to the Internet. In rural areas, the number is worse, with 66% of homes not connected.¹⁰⁵

Violence and silence for communicators – two bloggers killed

The situation for journalists and communicators in Brazil is dire: in 2017, there were 27 serious crimes against communicators recorded – two murders, four attempted murders, and 21 death threats.¹⁰⁶

In March, a car belonging to investigative journalist Rodrigo Lima, of newspaper *Diário da Região*, was set alight, a likely retaliation for work on corruption. In June, blogger Luís Gustavo da Silva was shot and killed. A police investigation concluded that the murder was a result of his work on drug trafficking and crime.¹⁰⁷

Every year, more communicators are killed, suffer attacks, and are threatened; cases of communicators who have been killed or threatened are being neglected by the authorities responsible for investigating. As a result of these crimes and the lack of response, the flow of information on public interest issues is increasingly restricted, suffocating debate.

Impunity for crimes against communicators remains a serious issue: perpetrators who are not held accountable often go on to repeat attacks, and even commit more severe violations. In 70% of the cases from 2017, the victims had already experienced previous threats or attacks. Conspicuous impunity creates an environment which encourages others to commit crimes, and forces communicators into silence and self-censorship.¹⁰⁸

Data collected by ARTICLE 19 Brazil shows the same trend year on year: crimes against communicators in Brazil are committed against the most vulnerable – journalists for small media outlets, radio broadcasters, and bloggers. The motives consistently relate to accusations of wrongdoing made against powerful individuals at a local level, accounting for 63% of crimes recorded in 2017.¹⁰⁹

Crimes are largely perpetrated by agents of the state, including politicians and police officers. In 2017, public agents and politicians were allegedly responsible, either as executors or masterminds, for 70% of cases.¹¹⁰ The most violent areas remain the North-East and South-East of the country, especially the states of Ceará, Maranhão, and Minas Gerais.

Rights defenders are in danger, particularly those who defend the environment

The environment became increasingly difficult for those who defend rights in Brazil, with discourse turning hostile: politicians, businesspeople, and

religious leaders attacked human rights defenders on television, in newspapers, and online, calling them 'morally corrupt', traitors, terrorists, imperialists and 'feminazis', saying that they 'deserve' whatever happens to them.¹¹¹

State protection weakened significantly in 2017: budget cuts and failures of political will resulted in the dismantling of the National Programme of Protection, leaving hundreds exposed to even-higher risks.¹¹²

Those who defend environmental rights particularly continue to face risks: in 2017, 57 were murdered, 25 during three mass killings. President Michel Temer has weakened the laws and institutions designed to protect these activists, making it easier for industries like agribusiness – associated with at least 12 of 2017's murders – to impose their projects on communities without consent.¹¹³

The deterioration in laws and in the guarantee of protection of indigenous and traditional communities' territories is alarming, and rises in violence are particularly notable in regions where major construction and infrastructure projects are taking place. Brazil has committed to the UN Global Compact Principles, which relate to corporate sustainability, but these have not come into force.

Internet freedoms are being eroded

Brazil's Civil Internet Framework – Marco Civil da Internet (MCI) – sets standards for freedom of expression online: it guarantees network neutrality, privacy on the Internet, and aims to encourage digital inclusion and e-government practices. However, throughout 2017, bills were proposed which aimed to weaken this law, particularly on issues like content blocking, data protection, and the 'right to be forgotten'.¹¹⁴

Internet freedom in Brazil is continually threatened by violence against bloggers.¹¹⁵ In both cases of murder recorded in 2017, victims were bloggers, confirming this type of communicator as the biggest victim of murder since 2012, with around 40% of the fatalities from across the period as a whole. Bloggers generally work alone, with no institutional protection.¹¹⁶

Luís Gustavo da Silva was shot and killed by two men on the morning of 14 June outside his home in

Aquiraz, in north-eastern Brazil. Da Silva had blogged earlier that day about the death of a young man in the town, promising to release more information; the exact motive and identities of the shooters remains unclear.¹¹⁷ Francisco José Rodrigues (Franzé) was killed in August.

As well as violence, communicators face criminal defamation laws, restrictions on anonymity, and restrictive limits on content related to elections.

There were positive steps towards connectivity: despite lack of public policy to enable universal access to the Internet, community networks are emerging as an alternative to connect people. In 2017, Anatel approved a resolution that means ISPs with 5,000 users or less will not require authorisation – the providers will only need to provide basic information and use certified equipment. Previously the licensing process was onerous, creating a barrier to connectivity.¹¹⁸

State responses to protest have become militarised

The picture is worse than ever for protesters and dissenters on the streets. The authorities continue to repress and aim to delegitimise protest through a combination of criminal prosecution, militarised arms and tactics, and hostile institutional positions.¹¹⁹

Public security policies largely rely on militarised police interventions, and police violence against demonstrations has increasingly been sanctioned by law, with bills at national, state, and municipal levels.

Protest broke out across the country throughout the year, demonstrating against President Michel Temer, social security reform, and labour reform, among other issues. In April, a 19-year-old protester died after being hit with a rubber bullet during a protest demanding more safety in the city of Itambé.¹²⁰

In the same month, photographers André Lucas and Gustavo Ferreira de Oliveira were arrested after a demonstration by the Free Pass Movement in Sao Paulo; ARTICLE 19's lawyer was prevented from observing the testimony of the witness, in clear violation the right of legal defence.¹²¹

In May, demonstrations of around 35,000 people were called by social movements and labour unions, during which at least seven were arrested and 49 injured, at least one with firearms. Military police used pepper spray and teargas, as well as rubber bullets. The Inter-American Commission on Human Rights and the OHCHR condemned the excessive use of force.¹²²

In September, protester Roberta da Silva Pereira continued her appeal against her three-month detention for an 'obscene act in a place exposed to the public.' Pereira had exposed her breasts during a 'Slut Walk' demonstration in 2013, denouncing rape culture and the criminalisation of abortion.¹²³

In November, a court confirmed the refusal of compensation to photographer Sérgio Silva by the state of São Paulo for damage caused by a rubber bullet fired by a military police officer in 2013, which led to the loss of his left eye.¹²⁴

Insult, honour, and desacato remain on the books

In December 2016, the Superior Justice Court ruled that a legal provision that punishes the 'disrespecting' of public officials, known as 'desacato' carrying up to two years in prison, constituted a violation of freedom of expression and should be annulled. In May, however, the full criminal section of the court reversed that decision.

There have been several cases in which politicians and powerholders have used legal proceedings against communicators – especially prosecutions for 'crimes against honour' – as a form of intimidation.

Many civilians have been tried in military courts for allegedly disrespecting soldiers under the desacato provision in the Military Criminal Code. Military police have routinely abused the provision to suppress criticism, including artists and those posting critical comments online.¹²⁵

LGBTQ expression under attack

In September, an emergency injunction was placed on a performance in São Paulo of Jo Clifford's *The Gospel According to Jesus Queen of Heaven* – a play in which Jesus is re-imagined as a transgender

woman who tells Biblical stories of tolerance – on the grounds of insult to the church. Though it was subsequently lifted, numerous attempts were subsequently made to prevent performances, and the cast suffered online abuse. Transphobia in Brazil is a critical issue: more than 170 transgender people were killed in 2017.

Santander Cultural, a cultural centre sponsored by Santander Bank in the city of Porto Alegre, put on an exhibition called 'Queer Museum' in August. In September, it was forced to end early after pressure from right-wing protestors who claimed that it promoted bestiality and paedophilia.¹²⁶

The most persistent and violent attacks on artistic freedom occur in the peripheries and favelas of Brazil. Hip-hop and funk gatherings are routinely repressed by law enforcement, with proposals to make some popular music illegal in the country.

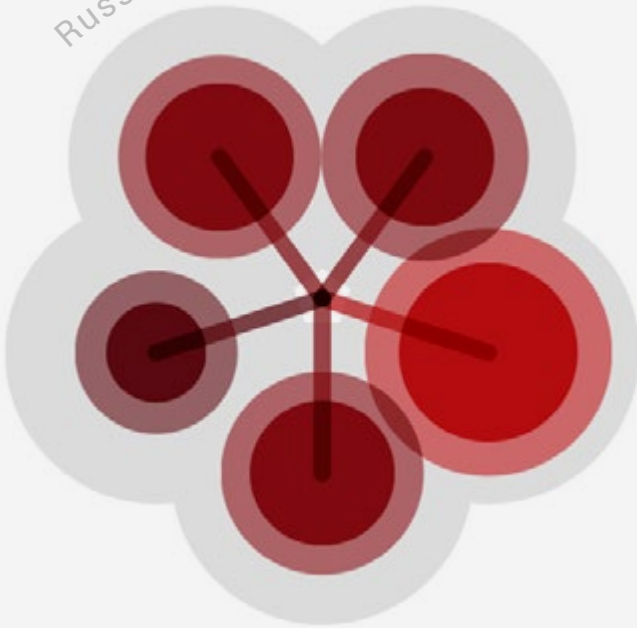
Implementation of information laws faces challenges

Turning five years old in 2017, Brazil's Access to Information law (LAI) is functioning reasonably well: favourable decisions between May 2012 and September 2017 constituted 77% of the 250 analysed judgments, suggesting that there has largely been strong understanding of the basic principles of transparency by the Brazilian judiciary.

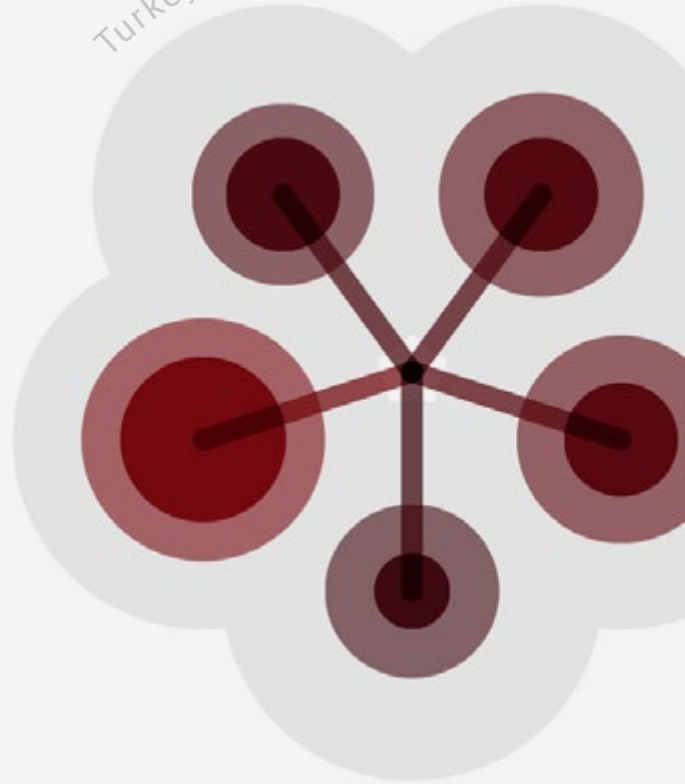
Progress has been made in the volume of information available to the population, the establishment of information reporting mechanisms, and the increase in the number of cities and states implementing the law.

Challenges remain, including over-classification (often with opaque or arbitrary criteria), flawed and lacking implementation by state and municipal public bodies; recurring requirement for applicants to provide personal data beyond LAI; and low-quality responses to requests. In 2017, it also emerged that requesters have suffered from intimidation and harassment: agencies have imposed excessive demands regarding identification of applicants, facilitating this.¹²⁷

Russia

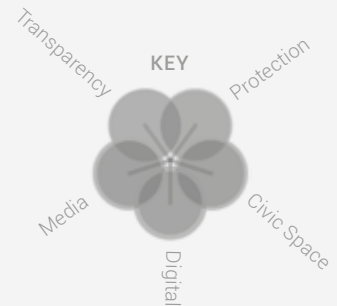


Turkey



Europe and Central Asia

The climate for independent and critical media is worsening across Europe and Central Asia: in many places, rhetoric has become openly hostile towards journalists, and national security concerns are overriding the need for a free press and an informed population.



Anti-terror legislation poses greater and greater threats to freedom of expression across Europe, even in countries which traditionally have strong protections. Countries which have restricting environments have seen further decline into repression, including the murder of a journalist in **Malta**.

Rhetorical collapse and its deadly effect

Hostility towards the media, particularly in Eastern Europe, has become normalised and violent language has had violent effects on the safety of journalists, and the environment which makes their work possible.

In 2017, **Slovakia's** Prime Minister Robert Fico referred to the media as "filthy anti-Slovak prostitutes" and "idiotic hyenas," and launched a number of legal suits against outlets.¹²⁸

In the **Czech Republic**, President Miloš Zeman displayed a fake Kalashnikov inscribed with the word 'journalists' at a press conference, having referred to journalists as "manure" and "hyenas," suggesting they should be "liquidated" while standing alongside Russian President Vladimir Putin.¹²⁹

In **Albania**, Prime Minister Edi Rama called journalists "ignorant," "poison," "charlatans," and, echoing US President Trump's statements earlier in the year, "public enemies."¹³⁰

This hostile rhetoric has real world effects: murders across this region occur in environments where the media is demonised and insulted, including by public officials. In 2017, there were four murders in the region (Daphne Caruana Galizia, Kim Wall, Nikolai Andrushchenko, and Dmitry Popkov). Aside from Kim Wall, there is impunity for all these cases.

The Council of Europe (CoE) received 131 alerts about journalist safety in 2017: 31 cases of attacks on physical safety and integrity of journalists, 228 detentions of imprisonment, 30 cases of harassment or intimidation, and six cases of impunity.¹³¹ These figures are likely to be underestimates of the regional situation.

Daphne Caruana Galizia: murder in Malta

Investigative journalist and blogger Daphne Caruana Galizia was killed by a car bomb in **Malta** on 16 October. She had reported death threats to the police weeks before her death.

Galizia's reporting targeted corruption among some of Malta's most powerful politicians – including a report on the Panama Papers which implicated Prime Minister Joseph Muscat and his wife in a company involved in questionable financial transactions run through Azerbaijan. Like many of the subjects of Galizia's reporting, the Prime Minister himself had previously sued her for allegations made in reports.¹³²

Anti-terror legislation threatens expression

Concerns around terrorism are intensifying worldwide, and legislation is appearing across Europe and Central Asia which restricts content around terrorist acts, including 'glorification' and 'provocation'. Freedom of expression is often a casualty of these laws, which frequently lack nuance.

The lack of consensus around a definition of 'terrorism' – among both states and technology and communications companies – leaves the debate without rigour and doomed to result in vague laws and regulations.

The broad language of the European Union's Directive on Combating Terrorism, voted through in February, is an emblematic example of this trend: it has to the potential to suppress freedom of expression – particularly online – and criminalise public protests.¹³³ With a vague definition of 'terrorism', the directive criminalises the public distribution of messages, including messages that 'glorify' terrorist acts, if the distribution is intentional and causes a danger that a terrorist offence may be committed. The scope includes activities with little to no direct relationship to actual terrorist acts: hacking-related activities can be terrorist offences.¹³⁴ The adoption of the directive caused controversy due to a lack of transparency, opportunity for critical debate, and civil society engagement.¹³⁵

In countries where this directive has been implemented, or where offences of 'glorifying terrorism' are established, there is already a disturbing trend of citizens being prosecuted, particularly in the arts. In **Spain**, rappers Valtonyc and Cesar Strawberry, as well as 12 artists from the *La Insurgencia* rap collective, were handed prison sentences in 2017.¹³⁶

In **France**, offences which were previously civil have been made criminal, and the UK is following suit, introducing a new bill in early 2018 which, if passed, would criminalise the expression of opinions or beliefs in support of a proscribed organisation, where that expression is reckless as to the encouragement of support of that organisation.¹³⁷

Tajikistan has also passed an amendment creating the criminal offence of 'public calls for the promotion of terrorist crimes' and 'public justification crimes' made online: a like or share of a Facebook post could be punished with a 15-year prison sentence.¹³⁸ **Turkey** also forms a part of this trend (see page 42).

These sweeping anti-terror measures have strong restrictive effects on digital freedoms, especially as many of them provide for website blocking. In **Poland**, the head of the intelligence agency can have websites suspended for up to four months, with only the approval of the Prosecutor General – who is also the Minister of Justice – and without a court order.¹³⁹

States are increasingly putting pressure on Internet intermediaries to 'do more' to tackle content perceived to be related to terrorist threats. G7 issued a joint statement in 2017 calling on communication service providers and social media to increase their efforts; at the World Economic Forum in early 2018, UK Prime Minister Theresa May urged technology companies to act more, with the aim that ultimately the content will be removed 'automatically'.¹⁴⁰ This raises major questions around the competency of private entities to regulate expression, as well as around transparency in relation to algorithms and filters.

Spain: violence at a referendum

Spanish riot police used excessive force against demonstrators in Catalonia during a disputed referendum in October, causing numerous injuries.¹⁴¹

Units used rubber bullet guns and pepper spray against protestors engaged in passive resistance. One protestor's eye was seriously injured, and several were pulled down stairs by their hair and kicked by police officers, even when they did not resist.¹⁴²

Deterioration for dissent in the centre of Europe

With elections set for Spring 2018, **Hungary** cracked down on civic space in an unprecedented manner throughout 2017, as well as intimidating and undermining independent media.¹⁴³

In June, **Hungary** passed one of Europe's most repressive laws regarding the activity of NGOs: the European Commission expressed concerns that the law did not comply with EU Law, threatening action at the European Court of Justice.¹⁴⁴

In September, pro-government media started publishing articles discrediting leading journalists critical of Prime Minister Viktor Orbán's regime, including accusing a list of journalists of being mouthpieces for George Soros, who himself has been called a "national security risk" and a "public enemy" by Orbán for allegedly supporting the mass immigration of Muslims into Europe.¹⁴⁵ By October 2017, Orbán had effectively bought up all of Hungary's regional media.¹⁴⁶

The situation in **Poland** deteriorated severely in 2017: state media were moved under government control and independent journalists and media outlets were intimidated. The decline was so serious that the European Commission launched an investigation into breach of common values and the rule of law.¹⁴⁷

Steep decline in Azerbaijan

2017 saw a new wave of attacks on freedom of expression in **Azerbaijan**, which XpA data places in the bottom five for the region across all five elements. The number and increasing extremity of incidents constitutes an escalation in threats to the safety of journalists and civic space.

The management of independent Internet television station *Kanal 13* were prosecuted; arrested journalist Nijat Amiraslanov was brutally tortured; defamation

legislation was fortified; and journalist Afgan Mukhtarli was abducted from Georgia, where he had been living in exile, in order to facilitate his detention in Azerbaijan on trumped-up smuggling and trespassing charges.¹⁴⁸

Mehman Huseynov, Azerbaijan's top political blogger and chairman of press freedom group, Institute for Reporters' Freedom and Safety, the country's leading press freedom group, was abducted in central Baku on 9 January. He was forced into a vehicle and driven away by unidentified police agents, by whom he was tortured. He was then taken to Nasimi District Court, where he was tried for disobeying the police – effectively for having refused to voluntarily enter the car of his own abductors.¹⁴⁹

Ilgar Mammadov, one of the country's few alternative political voices, was arrested in October 2013, shortly after announcing plans to challenge President Ilham Aliyev in the presidential election. In 2014, the European Court of Human Rights (ECtHR) found that the detention was illegal, stating that its actual purpose 'was to silence or punish [him] for criticising the Government.' With Mammadov detained throughout 2017, the CoE's Committee of Ministers triggered legal infringement against Azerbaijan – an unprecedented act.¹⁵⁰

In August 2018, Mammadov was released after 2,015 days in prison, with his sentence transmuted to a suspended sentence; his guilty verdict still stands.¹⁵¹

In March, legal amendments gave the government new powers to block any website 'posing a danger to the state or society;' these powers have been used to block several leading independent news websites.¹⁵²

Critical media is increasingly restricted across the region

Zhanbolat Mamay, editor of **Kazakhstan's** opposition newspaper *Sayasi kalam/Tribuna*, was detained on 11 February, pending trial over dubious money-laundering charges. Mamay was held in pre-trial detention until September, and was then released but sentenced to a three-year restriction on his movements, as well as a three-year ban on working as a journalist. In 2017, around 90 journalists were imprisoned across the country.¹⁵³

On 14 May, Ramazan Yesergepov, chairman of *Journalists in Trouble*, was stabbed on a train while travelling to meet the Ambassador of Lithuania to discuss Mamay's case.¹⁵⁴

Belarus, often thought of as Europe's last dictatorship, faces a continuing crisis for freedom of expression, with a regime intolerant of dissent, and even reporting on dissent: newspaper editor Anatol Bukas was fined in December for reporting an unauthorised demonstration. *Regum News Agency* journalists Dzmitry Alimkin, Yury Paulavets and Siarhei Shyptenka faced sentences of up to 12 years in prison on charges of inciting ethnic hatred and conducting illegal business activity; the three had already been behind bars for over a year at the time of trial.¹⁵⁵ Mass detention of peaceful demonstrators is common, as is violence and abusive treatment of journalists and activists.¹⁵⁶

In **Tajikistan**, repression of critical voices continued: in August, human rights lawyer Buzurgmehr Yorov was given 28 years in prison on trumped up charges including 'insulting the Leader of the Nation'. Yorov believes he was arrested for his work defending activists linked to the opposition party *Islamic Renaissance Party of Tajikistan* – banned in 2015.¹⁵⁷

Denmark and Germany: leading the way, but in the wrong direction?

Though **Germany** and **Denmark** lead many of the XpA's measures for freedom of expression, there remain critical blind spots in new and existing law.

In February, a man who calls himself 'John Salvesen' on Facebook was charged for burning a Quran.¹⁵⁸ Denmark's Criminal Code criminalises 'any person who, in public, ridicules or insults the dogmas or worship of any lawfully existing religious community.' Laws which prevent discussion and debate on religion – including by criminalising blasphemy, religious insult, and defamation of religion – restrict freedom of expression and debate on crucial questions of public interest.

In July 2017, Germany passed the Act to Improve Enforcement of The Law on Social Networks, which creates liability for Internet intermediaries for content, as well as incentivising the removal and blocking of 'violating content.' The law demands removal of

content on the basis of certain provisions from the Criminal Code, many of which are problematic in themselves, including prohibition of 'defamation of religion,' broad definitions of 'hate speech,' and criminal defamation. The Act also provides no recourse to users whose content is blocked or removed unfairly.¹⁵⁹

Deputising private companies to censor content is a trend across the region and beyond. It is deeply troubling: private companies are not competent to make these complex factual and legal determinations.

Hate speech vs free speech – false dichotomy tramples expression

Hate speech is a growing concern across Europe: many countries have experienced a rise in hate speech incidents, driven by long-standing global economic crisis and an increase in the number of migrants and refugees arriving in Europe.

Legislation to regulate hate speech was passed in various EU member states, often with worrying implications for freedom of expression, particularly in **Austria, Germany, Hungary, Italy, Poland,** and the **United Kingdom.**¹⁶⁰

On the one hand, states are failing to respond to hate speech, and on the other, laws passed have failed to take freedom of expression into consideration, often without even genuinely tackling the problem of hate speech.

Red alert: international arrests warrants endangering fleeing journalists

A 'red notice' is issued by the International Criminal Policy Organization (INTERPOL)'s General Secretariat at the request of a member country. It is a request to locate and provisionally arrest an individual, pending extradition. In 2017, red notices were issued concerning several Turkish journalists and writers, some of whom were then detained in Spain (though ultimately not extradited), as well as Azerbaijani and Uzbek journalists, who were subsequently detained in Ukraine.

These detentions are deeply troubling and form part of a system open to abuse: on 26 April, the Parliamentary Assembly of the CoE called for more stringent safeguards to avoid the INTERPOL system becoming a tool for the violation of human rights.¹⁶¹

Ukraine blocks Russian content

In February, the advisor to the head of the Ministry of Internal Affairs of **Ukraine**, Zoryan Shkiryak, stated that Russian social networks should be blocked in order to stop Russian propaganda; sanctions were imposed on 682 individuals and 271 companies.¹⁶²

Ukraine's approach to Russian content is extremely hostile: though cases of violent assault against journalists seem to be in decline, there remain serious risks for those accused of spreading 'Russian propaganda' and covering the conflict in Eastern Ukraine.¹⁶³ Those covering corruption are also regularly targeted.

Lowest-ranked in the region: Turkmenistan

Turkmenistan – at the bottom of the region across all five XpA elements – held elections in 2017, resulting in the regime tightening its hold on power, gaining 97.7% of the vote. The government keeps print and electronic media tightly restricted, and Internet access remains heavily state-controlled.

In September, Turkmenistan hosted the Asian Indoor and Martial Arts Games, prompting the government to clamp down further on expression and other rights – authorities withdrew accreditation and visas for several foreign reporters who had planned to cover the games.¹⁶⁴

Turkey

Population

81 million

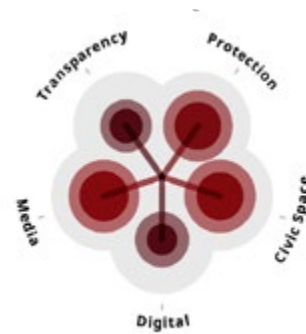
Capital

Ankara

GDP per capita

\$9,126¹⁶⁵

Expression pentafoil for Turkey



Freedom of expression is guaranteed under Article 26 of the Constitution of Turkey 1982 (revised 2017):

Part Two, Chapter Two, VIII, Article 26¹⁶⁶

Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This freedom includes the liberty of receiving or imparting information or ideas without interference by official authorities. This provision shall not preclude subjecting transmission by radio, television, cinema, or similar means to a system of licensing.

The exercise of these freedoms may be restricted for the purposes of national security, public order, public safety, safeguarding the basic characteristics of the Republic and the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation or rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.

Regulatory provisions concerning the use of means to disseminate information and thoughts shall not be deemed as the restriction of freedom of expression and dissemination of thoughts as long as the transmission of information and thoughts is not prevented.

The formalities, conditions and procedures to be applied in exercising the freedom of expression and dissemination of thought shall be prescribed by law.

Turkey ratified the ICCPR in 2003.¹⁶⁷

Turkey's expression crackdown continued in 2017: emergency powers and anti-terror laws were weaponised to restrict both media independence and civic space. The government spent much of the year consolidating power, purging perceived enemies by judicial and other means.

A state of emergency was declared in the wake of the attempted coup, along with derogation from the European Convention on Human Rights (ECHR), which was repeatedly renewed during 2017. A referendum was held to make some of the emergency powers permanent, concentrating power in the

hands of the presidency and reducing democratic checks. The referendum was not conducted democratically, with restrictions on information, and interventions by the Supreme Electoral Council.

From 2014 to 2017, XpA shows that Turkey's fastest-declining indicator was 'executive oversight' which was seriously impacted by these measures. Over the last ten years, XpA data found that 'cultural and academic expression' was the indicator suffering the worst decline for Turkey. Turkey's score as a whole fell annually by 17% between 2014 and the end of 2017.

After a report by Parliamentary Assembly of the CoE (PACE) rapporteurs, PACE voted to resume full monitoring of Turkey's compliance with the ECHR and other CoE statutes. It will remain under monitoring, until PACE members are satisfied that Turkey has addressed the concerns raised in the report, though Turkey claimed the move was motivated by "xenophobia and Islamophobia."¹⁶⁸

Turkey has seen consistent declines in all measures of freedom of expression across all five elements according to XpA data, the biggest of which were seen in the digital and transparency elements.

Expression interrupted and journalists behind bars

Prosecution of journalists and closure of media outlets continued throughout 2017. The majority of cases brought against writers in Turkey fall under anti-terror investigations.¹⁶⁹ Many trials have been marred by violations of domestic and international standards on fair trial and the independence and impartiality of the judiciary.

The government has been cracking down on dissenters on the basis of vaguely-written laws on 'terrorist propaganda', support or membership of a terrorist organisation. These laws are routinely used to penalise expression. Journalist Nedim Türfent was sentenced to more than eight years in prison for membership of a terrorist organisation, partly in relation to social media posts and publishing a video showing abuse of Kurdish villagers by Turkish soldiers.¹⁷⁰

Prominent journalists Ahmet Altan and Mehmet Altan stood trial accused of taking part in the coup attempt, but their defence attorneys were forced to leave the courtroom. On 16 February 2018 they were sentenced to aggravated life sentences.¹⁷¹ Nationwide and extensive use of pretrial detention means that many suspects have also been held for long periods without due process.

Through consistent attendance at major trials and third-party interventions, oversight of criminal procedures against journalists was ensured, and cases from Turkey's human rights crackdown reached the ECtHR, including ten cases of detained journalists and board members from the *Cumhuriyet*

newspaper, along with the cases of journalists Murat Aksoy, Şahin Alpay, Ahmet and Mehmet Altan, Ali Bulaç, Ayşe Nazlı Ilıcak, Ahmet Şık, Deniz Yücel, and Atilla Taş.¹⁷²

More than 150 media outlets were closed in the months after the attempted coup, and more than 150 media workers were in prison at the end of 2017.¹⁷³ Some independent newspapers and websites continue to operate, but face huge pressure and regular prosecution. The mainstream media reflect government positions, on occasion even carrying identical headlines.¹⁷⁴

The Penal Code criminalises defamation, and website blocking frequently takes place under Article 8 of the Internet Law. Wikipedia was permanently blocked over articles on Turkey's involvement in the Syrian Civil War.¹⁷⁵ In 2017, freedoms were hit as hard online as offline, with repeated suspension of telecommunications networks and access to social media, and many arrests for online expression.

Civic space and critical voices silenced

At least 1,500 civil society organisations have been summarily closed and their property confiscated since the attempted coup; by early 2017, 16 universities had been closed, and more than 5,000 academics had lost their posts.¹⁷⁶ The group *Academics for Peace* faced trial in December, charged with carrying out terrorist propaganda, effectively for criticising actions of the Turkish authorities.¹⁷⁷

In 2017, the crackdown on critical voices turned its attention to human rights defenders. In June, Taner Kılıç, Chair of *Amnesty International Turkey*, was detained for alleged FETÖ links. The charges are based on a claim he had encryption app 'ByLock', which the government claims links him to FETÖ. Kılıç's legal team produced two expert reports showing that the app was never downloaded on his phone.¹⁷⁸

Taner Kılıç was released in August 2018, after more than 14 months in prison.¹⁷⁹

In July, ten human rights defenders were detained during a meeting in Istanbul, accused of aiding unnamed terrorist organisations. Eight were put in pretrial detention, including Amnesty Turkey director

İdil Eser, and Citizens' Assembly member and Amnesty Turkey founder Özlem Dalkıran.¹⁸⁰

Public assemblies and peaceful demonstrations were arbitrarily banned or violently dispersed: for the third year running, the Istanbul governor's office banned the city's gay and trans Pride marches in June, supposedly due to security and public order issues.¹⁸¹ Some who did take to the streets were detained: 24 were arrested in Istanbul on 25 June and subsequently charged under the Law on Demonstrations and Rallies.¹⁸²

Kurdish communicators are consistently marginalised

The situation in the South East of the country is a cause for serious concern regarding freedom of expression, as counter-terrorism legislation is being used to remove Kurdish officials, close Kurdish language media and associations, suspend judges, harass independent journalists, and suppress online speech.¹⁸³

On 15 December, the Kurdish reporter Nedim Türfent was sentenced to eight years and nine months in prison on charges of 'membership of a terrorist organisation.' Twenty of the 21 witnesses who appeared in court during the trial claimed that they had given evidence after being tortured by the police.¹⁸⁴

Russia

Population

144 million

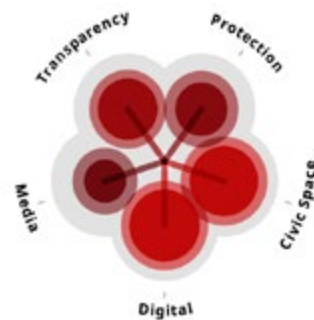
Capital

Moscow

GDP per capita

\$9,243¹⁸⁵

Expression pentafoil for Russia



Constitution of the Russian Federation, 1993 (revised 2014)

Section One, Chapter 2, Article 29:

1. Everyone shall be guaranteed freedom of thought and speech.
2. Propaganda or agitation, which arouses social, racial, national or religious hatred and hostility shall be prohibited. Propaganda of social, racial, national, religious or linguistic supremacy shall also be prohibited.
3. Nobody shall be forced to express his thoughts and convictions or to deny them.
4. Everyone shall have the right freely to seek, receive, transmit, produce and disseminate information by any legal means. The list of types of information, which constitute State secrets, shall be determined by federal law.
5. The freedom of the mass media shall be guaranteed. Censorship shall be prohibited.¹⁸⁶

Russia ratified the ICCPR in 1973.¹⁸⁷

Throughout 2017, the Russian government continued to consolidate control by tightening its grip on freedom of expression and the free flow of information both online and offline. Pressure on media, legal restrictions, threats, and violence against communicators and rights defenders have escalated year on year since Vladimir Putin officially returned to the Presidency in 2012.

There was a notable deterioration in the expression environment after the 2014 annexation of Crimea, a topic which remains contentious and on which the Russian authorities have sought to silence all dissent, targeting independent media and activists - particularly those representing Crimean Tatars.¹⁸⁸ Russia's citizens continue to suffer arbitrary and politically-motivated prosecutions under vaguely-defined laws.

Protesters, activists, and journalists under arrest

2017 was a landmark year for mass (and often violent) detention of activists and ordinary citizens, often with no prior background of dissent. The majority of these arrests took place in March and June during anti-corruption protests, which were attended by approximately 88,000 and 184,000 people respectively, in more than 150 cities across Russia. These demonstrations were led by opposition figure Alexei Navalny, sparked by investigations revealing the corrupt practices of top Russian officials and those close to Putin. These protests resulted in thousands of detentions – at least 1,500 in March and 1,700 in June.¹⁸⁹

Of the 1,043 people who were detained in March in Moscow alone, 138 were found to have committed administrative offences; 64 were sentenced to administrative detention for up to 25 days, others

received fines.¹⁹⁰ All defendants in criminal cases following the March protest in Moscow were sentenced to prison terms ranging from 8 months to 3 years 8 months. After the June protests in Moscow and St. Petersburg, one protester in Moscow was convicted to two and half years' imprisonment, another received a suspended sentence; one in St. Petersburg was fined.

Local group *OVD-Info* recorded at least 106 rights violations in more than 46 police stations during detention: these included refusing access to lawyers, holding individuals without charge for longer than the proscribed period, failing to provide adequate food and drink, withholding medical care, and threatening and verbally abusing detainees.¹⁹¹ Approximately 450 people were detained in various cities on 5 November 2017, when a 'revolution' was announced by political activist Vyacheslav Maltsev. A number of people were arrested before and after the event and charged under terrorism- or extremism-related articles of the Criminal Code.¹⁹²

By the end of 2017, the authorities were utilising new tactics regarding assemblies. On 7 October, at rallies supporting Alexei Navalny, who was under administrative arrest, police in Moscow and other cities detained far fewer participants than before. Instead, they had detained the organisers and coordinators of Navalny's headquarters in the regions **prior** to the events regarding previous 'violations.' They also detained and punished participants of the rallies afterwards, rather on the day of the event, in violation of Russian law.¹⁹³

In December, Navalny was officially barred from running in Russia's March 2018 presidential election, due to prior fraud and money laundering convictions. Two months earlier, the European Court of Human Rights had found that the 2014 fraud trial against Navalny had been arbitrary and unfair.¹⁹⁴ Navalny was handed a suspended sentence of three and a half years, and his brother Oleg was imprisoned for the same length of time - a means of applying pressure.

Journalists were also regularly detained during the 2017 protests - around twenty journalists from various outlets were arrested in March and June.¹⁹⁵ On 20 December, photographers Andrey Zolotov and Denis Bochkarev, with Maria Alyokhina - a member of

punk collective *Pussy Riot* - were arrested and taken to a police station during a protest at the entrance of the Russian federal security service.¹⁹⁶

In 2017, a total of 65 journalists were arrested or temporarily detained while carrying out their professional duties, and critical journalists continue to face heavy sanctions for their reporting.¹⁹⁷ In August, RBC journalist Aleksandr Sokolov was sentenced to more than three years in prison, convicted on allegations of involvement with a banned nationalist group. There was widespread speculation that his conviction was motivated by his work on Russia's state corporations.¹⁹⁸ In November, Igor Rudnikov, editor of weekly newspaper *Novye Kolesa* - one of the few independent media outlets in Kaliningrad - was violently arrested on charge of blackmail.¹⁹⁹ He remains in pre-trial detention and his paper was subsequently forced to close.²⁰⁰

Several other journalists remained imprisoned, including Zhalaudi Geriev, a Chechen journalist sentenced to three years' imprisonment on charges of drug possession on 5 September 2016. He told the court that he had been abducted by armed men, subjected to torture and ill-treatment and forced to sign a confession. The charges are believed to be connected to his reporting on corruption and other abuses by Chechen authorities.²⁰¹

Violence against journalists continues

As well as legal harassment, journalists in Russia continued to face threats of violence and attacks. Nine journalists have been killed with total impunity in the last decade.²⁰² In 2017, two investigative reporters were murdered; Nikolai Andrushchenko, co-founder of independent newspaper *Novy Petersburg*, known for reporting on corruption and police brutality, died in April after being beaten by unidentified assailants. The authorities had not put adequate protection measures in place, despite his having suffered multiple attacks prior to his death.²⁰³

In May, Dmitry Popkov, editor of the online investigative news outlet *Ton-M*, was shot and killed in Eastern Siberia: he was known for reporting on government officials and for his criticism of United Russia.²⁰⁴ Local prosecutors opened an investigation

into his murder, citing his work as a possible motive. The investigation has yet to bring a perpetrator to justice.

In July, columnist at *Novaya Gazeta* and radio host at *Ekho Moskvy* Yuliya Latynina's house was sprayed with a highly toxic chemical and, in September, her car was burnt. Since 2015, Latynina has endured threats and assault for her work: towards the end of 2017, she left the country with her family.

On October 23, another *Ekho Moskvy* journalist – deputy editor in chief and radio host – Tatyana Felgengauer was attacked with a knife at the radio studio, in what appears to have been a vigilante attack inspired by State propaganda against those expressing opposition opinions. The station, Russia's only independent radio station, suffered 15 attacks in 2017, with threats, arbitrary detention, and the forced withdrawal of funding from an American company.

At the end of November, Yulia Zavyalova, the editor of independent news website *Bloknot* in Volgograd, reported the brakes of her car had been sabotaged, believed to be a murder attempt in retaliation for her journalism. The police categorised the incident as "damage to personal property."²⁰⁵

On 21 December, independent journalist Vyacheslav Prudnikov was shot after a meeting with a local official in the town of Krasny Sulin: the perpetrator shouted, "You criticise local authorities too much, we'll kill you," before firing. Prudnikov survived the attack.²⁰⁶

Situation for digital rights continues to deteriorate

Russia comes near to the bottom of the Europe and Central Asia region for all five of the XpA's elements, and data shows a marked decline in the state of Russia's digital rights: Internet censorship is Russia's fastest-declining indicator over the last decade.

Russia has adopted a huge raft of laws restricting freedom of expression and the right to privacy online: these include the creation of a blacklist of Internet websites, managed by Roskomnadzor, the communications regulator, and the incremental extension of the grounds upon which websites can be blocked, including without a court order.

In the name of 'countering extremism,' the 2016 Yarovaya Law requires all communications providers and Internet operators to store metadata about their users' communications activities, to disclose decryption keys at the security services' request, and to use only encryption methods approved by the Russian government. In practical terms, this creates a backdoor for Russia's security agents to access Internet users' data, traffic, and communications.

In October 2017, a magistrate found messaging application Telegram guilty of failing to provide decryption keys to the authorities, which the company stated it was not able to do due to Telegram's use of end-to-end encryption.²⁰⁷ The company was fined 800,000 rubles and lost an appeal, giving Russian authorities formal grounds to block the app in Russia. In April 2018, Telegram was officially blocked by Russian authorities, leading to mass collateral blocking.²⁰⁸

Russia's biggest social network, VKontakte, openly cooperates with the security forces, including by providing personal information to the authorities regardless of the legitimacy of requests and without transparency. Users' data has been used as part of evidence in criminal charges and as a result encourages self-censorship online.

Beyond journalists working for media outlets, more and more bloggers and ordinary users are being jailed under vaguely-worded anti-extremism provisions.²⁰⁹ This phenomenon has been steadily on the rise since 2010, and includes acts as simple as shares and likes. During 2017, about 95% of convictions under extremism were for online expression, with the most common provision used being 'incitement of hatred'. Sentences imposed included prison terms, suspended sentences, fines, correctional labour and compulsory medical treatment.²¹⁰

Anonymity and the free flow of information were further undermined in July, when two amendments to the Law on Information were approved by Putin. One banned the anonymous use of instant messaging online, requiring communications service providers to register their users by their telephone number, the second required providers of VPNs (Virtual Private Networks – which allow users to anonymise their IP address and browse the Internet securely as well as circumnavigate government blocking) to block information recognised as unlawful in Russia. This

includes all content that Roskomnadzor rules illegal – entered into their official ‘blacklist’.²¹¹

While total control of the Internet remains out of technical reach and Internet intermediaries do not always comply with domestic legislation (e.g. demanding they provide access to user data or move their servers to Russia), the pace at which legislation is adopted and the sheer number of users arrested, shows the Kremlin’s intention to regulate the online space and to intimidate users into self-censorship.

Plurality remains in peril

RBC, a respected news service which had published articles critical of businesses close to Putin’s regime, was sold to an ally of Putin in June, prompting the resignation of numerous journalists.²¹² The government controls – either directly or through state-owned companies and allied business – all national television networks and many radio and print outlets, as well as most of the advertising market. Bodies such as national communications regulator Roskomnadzor have gained power in recent years, and can now block access to media websites without need of a court order.

The authorities also sought to limit foreign ownership of media outlets, and to stigmatise foreign media operating in Russia using the term ‘foreign agent’, restricting foreign ownership of media outlets via a law in 2016 and, as of November 2017, forcing foreign media outlets in Russia to be listed as ‘foreign agents.’ Around a dozen outlets are now listed – including *Voice of America* and *Radio Free Europe*.²¹³

Space for civil society tightens

Civic space is tightly circumscribed in Russia: NGOs are stifled in activities and funding sources by both the 2012 Law on ‘Foreign Agents’ and the 2015 Law on ‘undesirable international organisations.’

The former has seen around 80 NGOs formally designated ‘foreign agents’ – a term equivalent to spy which diminishes their credibility – making them subject to onerous reporting requirements and restrictions on the activities they may undertake. Up to 30 NGOs closed as a result and many more continue to face heavy fines and costly litigation. In

June 2016, individual criminal charges were brought against Valentina Cherevatenko, head of ‘Women of the Don’, a human rights and peace-building organisation, for violating the legislation, which was eventually dropped in June 2017.

The law on ‘undesirable’ organisations allows the government to ban any foreign or international NGO whose activities undermine Russia’s ‘national security,’ ‘defence capabilities,’ or ‘constitutional order.’²¹⁴ By the end of 2017, more than 14 foreign entities had been designated ‘undesirable organisations.’ This law also introduced sanctions against Russian citizens for involvement with those organisations, while direction or participation in the activities of a banned organisation can lead to imprisonment for up to six years. The vague wording of the legislation allows for arbitrary application, creating another tool for the harassment of civil society.

NGOs and human rights defenders are regularly subject to smear campaigns, legal restrictions, and attacks with impunity, but continue to find creative ways to continue work and continue to challenge government.

Censorship and violence against LGBTQ+ communities

Violations of the rights of the LGBTQ+ community continued in 2017. In April, *Novaya Gazeta* reported the detention and torture of over a hundred men suspected of homosexuality in Chechnya; no significant action was taken by authorities, who made serious threats against the paper, accusing journalists of seeking to destabilise the republic. Three murders were confirmed.²¹⁵

On 1 May 2017, several activists were detained in St. Petersburg for raising a rainbow flag during a May Day procession.²¹⁶ In June, the European Court of Human Rights ruled that 2013’s ‘gay propaganda’ law, which had effectively made public discussion of homosexuality illegal, was discriminatory and a violation of the right to freedom of expression.²¹⁷

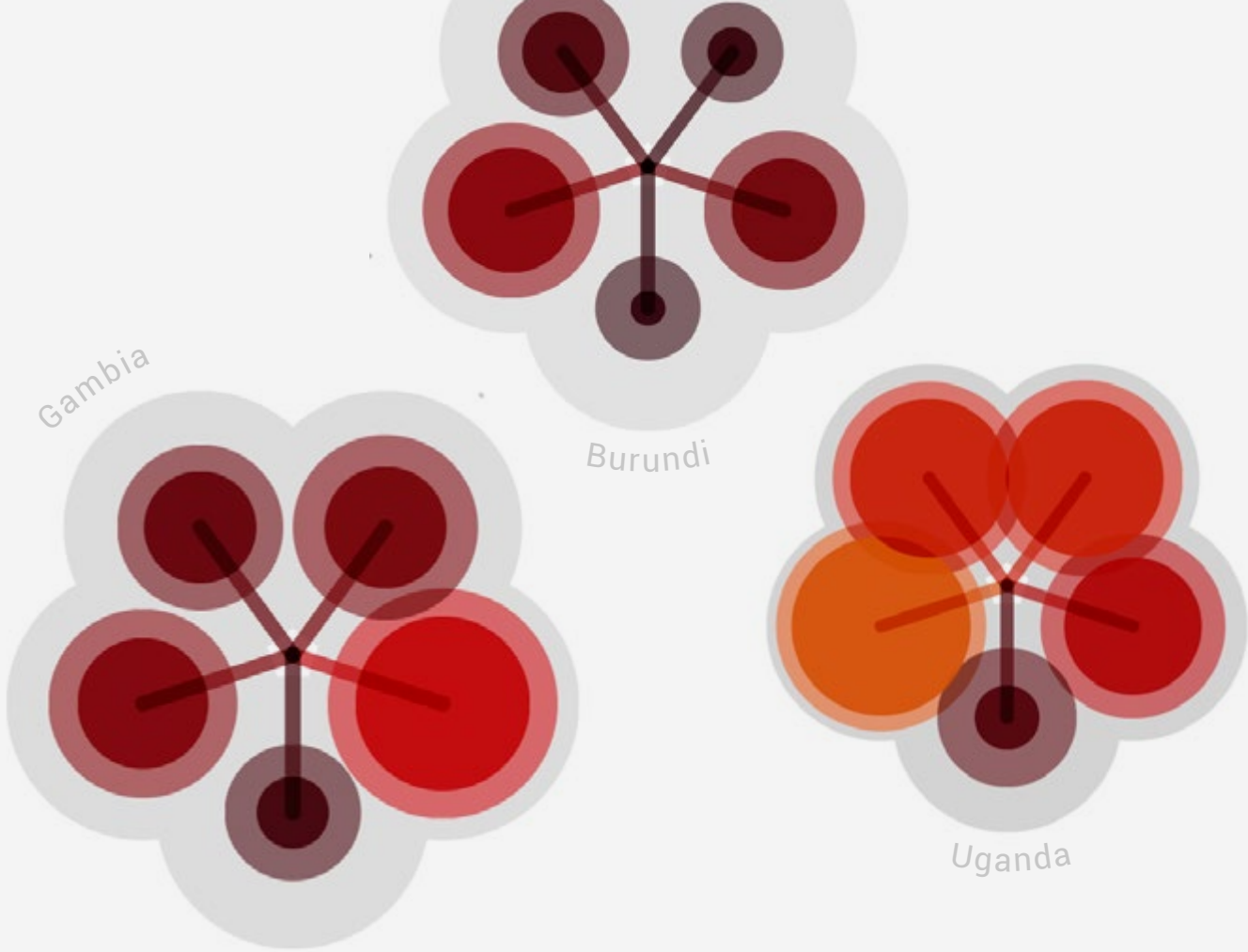
Between 2014 and 2017, the most rapidly deteriorating indicator for freedom of expression in Russia was inequality related to sexual orientation.

Transparency law is cause for hope for investigative journalism

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

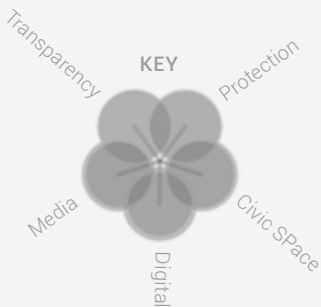
Issues which have continued to impede access to information in Russia include selective implementation, volatility of the regulatory environment, conflicting legal norms, overbroad classification of state secrets – which continues to widen in scope, and the lack of monitoring of the implementation. This situation is exacerbated by failure to include international legal norms in national legislation.²¹⁸

Despite these obstacles, there is hope for the right to information in Russia through journalists making use of information requests for public interest stories. Tools to support this have been developed, including *RosOtvét*: an online portal which allows individuals to give details of information they wish to access, which is then turned into a formal request and submitted by a team of lawyers. The service is now receiving 60 information requests monthly.²¹⁹



Africa

2017 saw attacks on political opposition, clampdowns on peaceful protest, and shrinking civic space in Africa. The year was marked by three central trends: state security agents were consistently the main violators of freedom of expression and assembly rights; force and brutality were used to disperse protesters; and violations lacked adequate redress. The increasing use of counter-terror legislation to limit expression and impose harsh sentences on those who express dissent was also a regionwide trend.



211 aggressions against freedom of expression were recorded in 2017, with 15 murders. Security agents were the major perpetrators – responsible for 80 violations; state officials followed with 12 violations.²²⁰ Victims are left particularly vulnerable where security agents are the violators of the rights, as it is unclear where violations can safely be reported, and investigations are often inadequate.²²¹

In an emblematic case, Isaiah Gwengi, a journalist working with the Standard Media Group in **Kenya** was brutally assaulted by police officers while working on a story on police brutality and harassment. He was arrested while interviewing human rights activist Robert Ochieng on 22 March, and sustained serious head and body injuries inflicted by seven police officers, who allegedly confiscated his phone and arbitrarily detained him, as well as stripping and beating him.²²²

Positive change and hopes for the future are to be found both in citizens, who express dissent in the face of injustice and repression, and in high-level governance – the African Commission on Human and Peoples' Rights celebrated 30 years in 2017, continuing to provide a platform for cooperation and produce standards for the continent.

Elections were marred by violence across the continent

2017 saw the departure of three presidents – of **Zimbabwe, Angola, and Gambia** – who had orchestrated corrosion of human rights through autocratic rule. However, a number refused to hand over power, causing constitutional crisis, violent protest, and brutal crackdowns on expression and protest.

Between the assumption of **Kenya's** President Uhuru Kenyatta to office in 2013 and 2017, there were 17 separate incidents in which 23 journalists and bloggers were physically assaulted by government officials or individuals believed to be aligned to government officials; at least two died under circumstances that may have been related to their work.²²³ As the 2017 election approached, this atmosphere intensified.

In August, Kenya's election commission announced that Uhuru Kenyatta was the winner of the

presidential race, but his main rival, Raila Odinga of the National Super Alliance, claimed the elections were fraudulent. Kenyans took to the streets in protests which turned violent: dozens were left dead, at least 33 shot by police.²²⁴ On 12 October, the authorities banned protests within the city boundaries of Nairobi, Mombasa, and Kisumu.

Numerous journalists were assaulted and harassed in the run-up to the election, and during the aftermath. Neil Shea, a freelance journalist shooting a documentary in Kibera, was attacked by security officers who beat him and destroyed his camera. In Kisumu, police officers blocked journalists from approaching demonstrators.²²⁵

The safety of journalists reporting on protest was hampered by restrictions on protective equipment. Kenya's Firearms Act classifies bulletproof vests as firearms – it is illegal to acquire or possess one without a licence. *Kenya Television Network* journalist Duncan Khaemba was arrested while reporting on violent post-election protests in Nairobi's Kibera slum, for possessing a helmet and body armour. The charges were later dropped.²²⁶

In the **Democratic Republic of Congo**, President Joseph Kabila's refusal to step down from power sparked demonstrations. His mandate ended in December 2016, and he had agreed to set an election date by the end of 2017, but failed to do so. The government refused permits for demonstrations and shut down communications countrywide (see page 52). Security forces shot and killed at least seven people in Kinshasa and UN observers documented at least 123 arrests across the country as well as numerous serious injuries.²²⁷

Protests are violently stifled by security forces

Use of force remains an issue across the continent, and there were accusations in 2017 that the authorities use acts of provocation to stimulate violence as a pretext for suppressing protest in **Burkina Faso, Cameroon, and Nigeria**.²²⁸

In **Kenya**, in September, police brutally assaulted students of the University of Nairobi after a protest against the re-arrest of member of Parliament Paul Ongili (known as Babu Owino), a former student

leader who had been arrested and charged for insulting the President during a political rally. Police claimed that the students had become violent, but images of the incident shared online showed students being removed from their classes and dormitories after the protest had ended, and then being beaten by officers.²²⁹

Multiple deaths were reported in **Ethiopia's** Oromia region as protests broke out repeatedly in 2017, with the deployment of the 'Agazi' – a special unit of the Ethiopian security forces.²³⁰ The protests, largely relating to economic conditions and ethnic marginalisation, caused a ten-month state of emergency in the country.²³¹

In **Togo**, at least ten were killed by security forces during protests, and **Sierra Leone's** security forces opened fire on student demonstrators, killing one and injuring many.²³²

Anti-terror, anti-expression?

Charges related to terrorism and state security, often under overbroad and vaguely-worded national security legislation, were used to target communicators across the region, particularly human rights defenders in **Burundi, Cameroon, Chad, Niger, Senegal, and Togo**.²³³

Ethiopia became an emblematic case of this form of repression, facing a serious deterioration of freedom of expression in 2017, with terror legislation providing a tool for the repression of dissent and discussion, both on- and offline. The Anti-Terrorist Proclamation (ATP) was used to sentence a number of artists, as well as former opposition spokesman Yonatan Tesfaye, who was arrested in May and sentenced to six and a half years in prison for Facebook posts in which he criticised the government's handling of the Oromia protests.²³⁴

On 6 April, the Ethiopian Supreme Court upheld the acquittal of bloggers Soleyana S Gebremichael and Abel Wabella on charges under the ATP and Criminal Code, but charged another two bloggers from the Zone 9 collective, Atnaf Berhane and Natnail Feleke, on new charges of incitement to violence, for possession of digital security manuals including on encryption, allegedly constituting evidence of involvement in terrorism activities.²³⁵

Anti-terrorist legislation was also used to silence journalists in **Cameroon**, including those who reported on unrest in Anglophone regions.²³⁶

Internet shutdowns and online repression worsen

Technology provides enormous new opportunities for communication, expression, and collaboration, but governments in Africa – and across the globe – are increasingly resorting to disruption or shutdown of the Internet and other communications technologies to stifle dissent and obstruct the flow of information.

In January, **Cameroon** was subject to Internet shutdowns in the Anglophone North West and South West in January for 94 days, and again in October for 150 days,²³⁷ in response to protests of government bias in favour of Francophone Cameroonians.²³⁸

Internet shutdowns paralysed access to information and communication across **Ethiopia**, from 30 May 2017 – for the third time in less than two years. Although state officials stated that the shutdown was required to prevent students from cheating in exams, it is best-understood in the context of the ongoing protest, mass arrest, and violence in the Oromia region.²³⁹

In August, authorities in the **Democratic Republic of the Congo** ordered Internet service providers to reduce the speed of Internet connections, in order to slow transmission of images on social media platforms. The day before scheduled protests in December, the government authorised a complete nationwide Internet shutdown and disruption of SMS services.²⁴⁰

South Sudan's National Communications Authority blocked four news websites and blogs in August, for publishing 'hostile messages' against the government.

Online expression was increasingly penalised across the region. In 2017, there were 36 cases of online expression being criminalised through arrest, detention, prison terms, or fines; **Nigeria** had the highest number with 13 cases.²⁴¹ The global Wannacry Ransomware attack also pushed many countries in the region to enact cybercrime laws, many of which have provisions hostile or failing to consider the right to freedom of expression.

Media outlets closed down

In **Tanzania**, media outlets perceived to be publishing 'anti-government' stories were closed down. At least eight media outlets were target of harassment or closure and at least 25 journalists were either arrested or harassed by the government and security forces for the same reason between September 2016 and the end of 2017.

In June, *Mawio*, a privately-owned weekly newspaper, was banned for two years under Section 59 of the Media Services Act, which allows authorities to 'prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety.' On 19 September, Tanzania's weekly newspaper *MwanaHalisi* was banned for two years, for 'unethical reporting' and 'endangering national security.'²⁴² In October, newspaper *Tanzania Daima* was banned for three months for spreading 'false information,' closely following *Raia Mwema*, which was banned for three months after an article critical of the President.²⁴³

In **Eritrea**, government media is the only media: the silencing of independent media and critical voices has been central to the government's apparatus of repression, sustaining a climate of impunity worsened by an unending 'state of emergency' and a total absence of rule of law.²⁴⁴ Eritrea is among the worst jailers of journalists in Africa, with at least 16 detained throughout 2017.²⁴⁵

Criminal defamation laws persist

In February, **Kenya's** High Court declared Section 194 of the Penal Code, which provides for the offence of criminal defamation, to be unconstitutional, as a disproportionate and unjustifiable limitation of freedom of expression.²⁴⁶ Section 132 of the Penal Code, on 'undermining authority of a public officer,' has been increasingly used by state officials to target those criticising government: it was also declared unconstitutional by the High Court.²⁴⁷

Liberia also presented a bill late in the year calling for the repeal of criminal defamation.²⁴⁸

Throughout much of the continent, however, laws criminalising defamation and insult continued to be used to enforce silence: **Somaliland** journalist

Mohamed Adan Dirir was sentenced in October to 18 months on charges of criminal defamation and publishing false news.²⁴⁹ In Cameroon, journalist Lewis Medjo was sentenced in February to six months in prison and a fine on the charge of defamation. His sentence was increased to two years, as he was unable to pay the fine, and he was later released.²⁵⁰

Senegal, despite a decade of promises to repeal criminal defamation, enacted a draconian press code which maintains harsh penalties.²⁵¹

Radio silence forced on key stations

Radio remains a key source of information and debate across the region, but is under threat from both state and non-government actors.

In the **Central African Republic**, in the south-eastern town of Bangassou and the surrounding region, community station *Radio Mbari* was the main source of local news and information. In 2017, it was forced to close due to threats and harassment from rival armed factions, which accused it of not adequately broadcasting their messages.²⁵²

Onslaught continues in South Sudan

South Sudan regressed even further on human rights and media freedoms as the civil war continued into a fourth year: the Commission on Human Rights in South Sudan observed that it "is today one of the most dangerous places in the world for journalists to work."²⁵³

Adil Faris Mayat, head of South Sudan's state-owned national TV broadcaster, was arrested by National Security officers after SSBC failed to air a speech by President Salva Kiir. He was held without contact with his lawyer or family, and without charges.²⁵⁴

New regime, new hope?

After decades of clan-based conflict and religious extremism, **Somalia** saw hope in 2017 with the election of President Mohamed Abdullahi Mahamed Farmaajo and his new government. The new Minister for Information, Abdirahman Omar Osman, declared

his first priority for Somalia would be to address and promote freedom of expression issues, and his inaugural address committed to the establishment of a media council, a public service broadcaster, and measures to build capacity among media practitioners.²⁵⁵

From the top: leaders condemn attacks on expression

Crimes against freedom of expression continue to go unpunished in Africa: of those recorded in 2017, less than 5% of violations were redressed.

However, in 2017, leaders across the region began to condemn and speak out against attacks on freedom of expression, and some convictions were made against attackers.

In **Uganda**, a senior police officer, a businesswoman, and five supporters of the ruling National Resistance Movement were separately convicted in March 2017 for assaulting journalists and media professionals in 2015 and 2016.²⁵⁶

In **The Gambia**, two security agents were arrested in connection with the murder of prominent journalist and founder of the independent newspaper *The Point*, Deyda Hydara, who was killed in 2004. The Director General of the National Intelligence Agency, Yankuba Badjie, and seven other officials were charged with the murder of opposition politician, Solo Sandeng, who was killed in custody in April 2016. Interior Minister and leader of the Gambia Moral Congress (one of the parties of the ruling coalition), Mai Fatty, publicly apologised to journalist Kebba Jeffang, a week after he was attacked.²⁵⁷

In **Togo**, the Minister of Security and the Attorney General publicly condemned attacks on journalist Robert Avotor, assuring that his assailants would be punished. The Minister of Security also initiated an investigation into an incident which resulted in the killing of a protester and injury of several others following police brutality.²⁵⁸ In August, three police officers in **Niger** were sentenced to one year's imprisonment and ordered to pay compensation to a student who was detained and brutalised during the April 2017 demonstrations.²⁵⁹

The President of **Burkina Faso**, Roch Marc Kaboré, condemned a physical attack on a journalist, though no action was taken against the bodyguard responsible.²⁶⁰

President John Magufuli of **Tanzania** ordered the release of a rapper who was arrested for a song insulting the President. He also instructed that the musician's song which was initially censored be played on all media outlets in the country.²⁶¹ However, concerns remain around Magufuli's attitude to expression: at the swearing in ceremony of his new Minister of Information in March, he said, "I want to tell media owners, be careful, and watch it! If you think you have that kind of freedom... not to that extent."²⁶²

The Gambia

Population

2 million

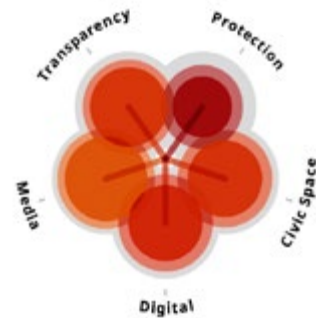
Capital

Banjul

GDP per capita

\$473²⁶³

Expression pentafoil for The Gambia



1996 Constitution, revised 2004, Chapter iv, 25:

1. Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media;²⁶⁴

The Gambia ratified the ICCPR in 1979.²⁶⁵

After more than two decades of dictatorship under President Jammeh, the 2016 election produced a surprise victory for opposition candidate Adam Barrow. After initially accepting the election victory of rival Adam Barrow in December 2016, Yahya Jammeh refused to hand power to the new president, claiming that voter fraud had lost him the election. A constitutional crisis ensued: tens of thousands of residents fled, as troops from Nigeria and Senegal prepared to invade to remove Jammeh if he did not leave peacefully. Eventually, he left The Gambia, and Barrow was inaugurated on 19 January 2017.

The rule of law is not fully consolidated, but huge improvements are already being seen in the enjoyment of the rights to freedom of expression and association. According to XpA data, The Gambia is the biggest global advancer on freedom of expression and information, seeing substantial improvement, particularly in the media theme and the indicators relating to the harassment of journalists over the last year. XpA data suggests that The Gambia saw a 67% increase in freedom of expression during 2017.

Media freedoms

The Gambia Press Union began work in collaboration with the government on a comprehensive strategic framework for media reform. Media freedoms are hugely improved, and the grip of self-censorship is loosening as a result: under Jammeh, coverage of sensitive topics could result in arrest or abduction, but more are entering journalism, and exiled journalists are now returning to the country.²⁶⁶

New private broadcast outlets launched in 2017, and previously shuttered media organisations reopened, including *The Daily News*, which had been closed since 2012. The government also substantially improved relations with the media: the director of press and public relations at the State House began to convene press briefings every two weeks. The President himself committed to holding a bi-annual press conference and one-on-one interviews with the media, the first of which took place in July.²⁶⁷

The legal framework showed improvement: the Supreme Court declared the Information and Communication Act unconstitutional in its penalisation of online 'false news,' as well as a

colonial-era law criminalising sedition.²⁶⁸ The Ministry of Justice conceded that the laws on sedition and criminal defamation were redundant but is attempting to maintain the criminal offence of 'false news.'

Steps away from impunity

President Barrow's administration has shown commitment to holding perpetrators accountable for abuses under the former regime. After 13 years of impunity, former Army Commander Kawsu Camara, and Major Sanna Manjang, an alleged assassin for the former President, have been arrested in connection with the murder of prominent Gambian journalist and founder of independent newspaper *The Point*, Deyda Hydera.²⁶⁹

The former director of the feared National Intelligence Agency (NIA) and seven others were convicted for the murder of an opposition politician, Solo Sandeng, who died in jail in 2016.²⁷⁰ The NIA - responsible for flagrant rights violations - has been renamed the State Intelligence Services, and stripped of the power to arrest and detain.

The new government did, however, face criticism in connection with the arrest and detention of journalist Baboucarr Nani Sey on a variety of trumped-up charges, including organising a demonstration without a permit. A journalist was also beaten in March by supporters of the ruling coalition, though authorities later apologised for the attack.²⁷¹

The right to protest remains elusive

The government has failed to amend laws which require a permit for public rallies: on 12 November, a peaceful protest against electricity and water shortages, which the government had initially authorised but then prohibited the day before it was planned, was dispersed by riot police.²⁷²

On 23 November, the Supreme Court ruled that Section 5 of the Public Order Act 1961, requiring police permission for peaceful assembly, did not violate the Constitution.²⁷³

One person died and at least six were injured when Senegalese peacekeepers fired live ammunition to disperse demonstrators near Jammeh's former

residence in Kanilai on 1 June. The government committed to a full investigation.

Collaboration and consultation: a new approach to civil society

Collaboration with civil society became increasingly close and conciliatory in the first year of the new regime: NGOs were invited to participate in committees on transition and reform – even groups critical of the government. In May, ARTICLE 19 signed a memorandum focused on the rights to freedom of expression and information, public engagement, and transparency, committing to significant input on legal reforms on the media and the upcoming Truth, Reconciliation and Reparations Commission. NGOs were also consulted on the Gambian Public Utilities Regulatory Authority's draft guidelines on ownership and cross-ownership in the broadcasting sector.²⁷⁴

Though there is not yet a freedom of information bill in place, in December, the consultative element of the drafting process began. ARTICLE 19 is the leading organisation in the drafting process and will provide technical expertise in this process.

The new government has undertaken limited initiatives to reduce corruption, which remains a serious problem. A Commission of Inquiry is investigating former President Jammeh's use of state funds, and froze his assets. However, Gambians continue to call for an Anti-Corruption Commission and public asset declarations by government officials. There is currently no law to protect whistleblowers.²⁷⁵

Uganda

Population

43 million

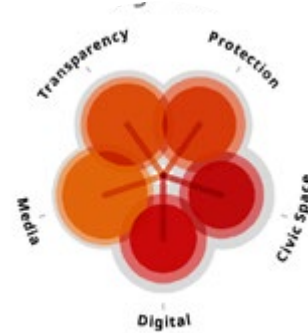
Capital

Kampala

GDP per capita

\$648²⁷⁶

Expression pentafoil for Uganda



The Ugandan Constitution 1995 (revised 2017) guarantees the right to freedom of expression under Article 29:

Chapter 4, General, 291:

1. Every person shall have the right to a. freedom of speech and expression, which shall include freedom of the press and other media;²⁷⁷

Uganda ratified the ICCPR in 1995.²⁷⁸

Since 1986, Uganda has been ruled by the National Resistance Movement (NRM) under President Yoweri Museveni, who retains power through manipulation of state resources, intimidation by security forces, and politically-motivated prosecution of opposition politicians. Civil society and the media remain strong, despite legal and extra-legal harassment and state violence.²⁷⁹

There were 113 violations of freedom of expression in 2017, down from 135 in 2016.

Police were the leading violators of media freedoms, accounting for 83 cases out 113 (73%), followed by the Uganda Communications Commission (UCC) and the judiciary with six (5.3%) and four (3.5%) cases respectively. Police violations included 45 arrests and detentions, 21 assaults, and seven cases of malicious damage to journalists' equipment.²⁸⁰ Private security firms also made attacks on journalists: in one incident, guards at Qualicel

Bus Terminal in Kampala beat up a journalist who was reporting about an incident there. The guards also damaged the journalist's cameras.²⁸¹

In 2017, there were three redress actions for violations perpetrated in 2015 and 2016 – a senior police officer, a businesswoman, and five supporters of the ruling NRM were separately convicted in March 2017 for assaulting journalists and media professionals in 2015 and 2016.²⁸²

Surveillance and monitoring emerged as a new and serious concern, after the government-appointed regulator, the Uganda Media Centre, announced a new unit for scanning social media criticism of the government.

Indefinite re-election causes renewed protest

In December, Parliament approved a constitutional amendment which removed the presidential age limit of 75 years old, meaning that Museveni (now 74 years old) can run for re-election indefinitely.²⁸³ The proposal of amendment caused controversy and protest across the country throughout the year, which was met with violent suppression in many cases.

Two were killed by a violent police response to a protest about this amendment: Kizza Besigye, a prominent opposition figure who led the protest, was charged with their murder.

Police arrested and detained members of the opposition Democratic Party in July and August as they prepared to address the public to oppose the draft constitutional amendment lifting the age limit of presidential candidates.²⁸⁴ In September and October, police arrested several prominent opposition leaders and protestors during protests against the lifting of presidential age limits.²⁸⁵

In September, parliamentarians clashed during debates about this amendment, and a directive was issued which banned any live broadcasts on the issue. Police arrested three journalists in Lira for providing coverage of public protests and two Kampala-based editors were charged with 'offensive communication' in October for their newspapers' ongoing reporting.²⁸⁶

Youth supporters of the ruling party were also found guilty of assaulting three journalists and damaging their property, with the intention of preventing them from covering elections.

Though this is a strong step away from impunity, there are concerns that this form of vigilantism is on the rise.

Journalists, academics, and communicators detained

Arrest and harassment of journalists and communicators continued throughout 2017: eight journalists and directors at *Red Pepper* newspaper were arrested, and the publication briefly shut down

in November while editors stood trial for treason; they remained in detention at the end of the year.²⁸⁷

Online news media outlets remained relatively unscathed compared to their print and broadcast counterparts, but targeted crackdowns engender a culture of self-censorship both off- and online. Risky topics include the military, the President's family, the oil sector, land-grabs, and presidential term limits.²⁸⁸

In April, Stella Nyanzi, a feminist academic at Makerere University, was detained for a month on charges of cyber-harassment and offensive communication after a social media post which challenged the failure of the First Lady (also the education minister) to keep an election promise to provide sanitary pads in schools. The charges were later dropped.

Gertrude Uwitware, a news broadcaster, published a blogpost in defence of Nyanzi, and was herself abducted and brutally beaten hours later. The assailants ordered her to stop harassing the President's family and forced her to delete all social media posts they deemed critical.²⁸⁹ Though the police promised an investigation, no progress had been made by the end of the year.²⁹⁰

The Computer Misuse Act 2011 continues to be used across the country to threaten and harass communicators, a key element of a restrictive legal framework which includes the Uganda Communication Act 2016, and the Regulation of Interception of Communication Act (RICA) 2010.²⁹¹

Civic space increasingly paralysed and NGOs harassed

In September, *ActionAid's* offices in Uganda were raided as part of an investigation into 'illicit transfers of funds to support unlawful activities.' The police confiscated documents and laptops, as well as mobile phones. On 9 October, bank accounts were frozen.

On 20 September, police raided the *Great Lakes Institute for Strategic Studies* offices after the organisation's executive director, Godber Tumushabe, spoke out against the proposal to lift the presidential age limit.

On 13 October, the NGO Bureau, under the Ministry of Internal Affairs, sent a letter to 25 development NGOs demanding their bank account details.²⁹²

Culture wars: censorship of LGBTQ sexuality

In July, media reports claimed that the government had sought Internet monitoring technology from the Chinese government. In August, the government announced plans to monitor for material deemed pornographic, and sanction those found possessing such material.²⁹³ In Uganda, as in many countries, authorities often conflate 'pornography' with LGBTQ content.

Same-sex sexual activity remained criminalised under Uganda's colonial-era law, which prohibits 'carnal knowledge' between people of the same sex. Police also failed to cease the practice of forced anal examinations of men and transgender women accused of consensual same-sex conduct. These examinations lack evidentiary value and are cruel, inhuman, and degrading treatment that may constitute torture.²⁹⁴

In August, activists cancelled Pride celebrations in Kampala and Jinja after the Minister of Ethics and Integrity threatened organisers with arrest and violence.

The film *The Dinner Club* had been submitted as the Dutch entrance for the 2017 European Film Festival in Uganda, but the screening was cancelled by the Media Council of Uganda, who stated that the film 'depicts and glorifies homosexuality,' and contains profanity. The council then prohibited the screening of the film anywhere in Uganda.²⁹⁵

Also in August, as part of an anti-pornography drive, the Ministry for Ethics and Integrity indicated that authorities would begin enforcing a ban against miniskirts on women and tight clothing on men. By the end of the year it was unclear whether anyone had actually been penalised.

Burundi

Population

11 million

Capital

Bujumbura

GDP per capita

\$245²⁹⁶

2005 Constitution, Title ii, 1, Article 31:

The liberty of expression is guaranteed. The state respects the liberty of religion, thought, consciousness and opinion.²⁹⁷

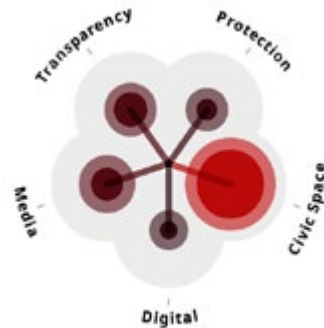
Burundi ratified the ICCPR in 1990.²⁹⁸

Burundi has seen the sharpest decline in the state of freedom of expression in the region over the last three years according to XpA analysis, with a fall of 54% between 2014 and 2017. The country has also seen the steepest global decline in the area of media freedoms over the same period.

In 2015, President Pierre Nkurunziza sparked chaos by standing for a controversial third term, sending Burundi down a path of political violence and human rights abuse. This spiral had catastrophic effects on the media environment: security forces and members of the youth wing of the ruling party, the Imbonerakure, targeted opponents and perceived opponents whom they threatened, killed, raped, tortured, and forcibly disappeared, while prominent human rights organisations were banned.²⁹⁹

More than 420,000 people fled the country between 2015 and 2017: harassment and prosecution forced journalists into exile or self-censorship. It is estimated that over 100 journalists fled the country and live in dire conditions abroad.³⁰⁰ Many members of civil society also remain in exile, with arrest warrants issued against some. Those remaining in Burundi are forced to work underground.

Expression pentafoil for Burundi



In September, the UN Human Rights Council adopted a resolution, mandating experts to investigate possible crimes against humanity in Burundi. In October, the International Criminal Court (ICC) authorised an investigation into Burundi's situation, but the country's withdrawal from the ICC came into effect only two days later.³⁰¹

In late 2017, Nkurunziza proposed constitutional amendments which would allow him to stand for at least two more seven-year terms, and would reduce the size of the majority needed to pass law in Parliament. In May 2018, the electoral commission confirmed that 73% had voted in favour of amendments extending the presidential term, though an opposition coalition rejected the result, and there were claims by the USA that the process had been marred by voter intimidation.³⁰²

Draconian law and regulations restrict expression and information

The legal framework for media regulation is draconian, and the environment is hostile. A 2013 media law limits the protection of journalistic sources, requires journalists to meet certain educational and professional standards, and bans content related to national defence, security, and public safety, as well as content about the state currency. The media

regulatory body issues press cards to journalists, and can suspend or withdraw cards as a result of defamation cases, or impose financial penalties for media offences.³⁰³

Legal harassment continued throughout 2017: criminal defamation, possession of 'incriminating documents,' 'undermining state security,' and publishing information deemed 'detrimental to public safety' were just some of the charges levelled against journalists and human rights defenders, in reprisal for their work. Increasing numbers of journalists have sought asylum in neighbouring countries, fearing for their safety.³⁰⁴

Plurality is undermined by government ownership of the public television and radio stations, as well as government management of the only daily newspaper, *Le Renouveau*. There is no independent media regulator: the National Communications Council is appointed by the President and controlled by the Minister of Information.

In April, Joseph Nsabayabandi of *Radio Isanganiro* was interrogated over his alleged collaboration with two Burundian radio stations operating from abroad, and over alleged offences related to editorial practices. In September, the government temporarily suspended *CCIB FM+* after a critical broadcast about the government's response to the deaths of 36 Burundian refugees, shot by security forces in the Democratic Republic of the Congo.³⁰⁵

Radio Isanganiro had been closed since May 2015, but was permitted to re-open in February 2016, after signing an 'ethical charter' with the National Communications Council, committing itself to a 'balanced and objective' editorial line which would be respectful of the 'country's security.'³⁰⁶

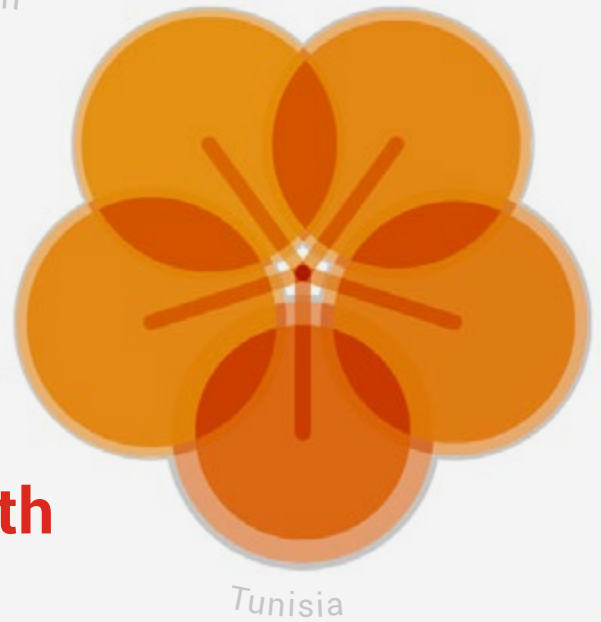
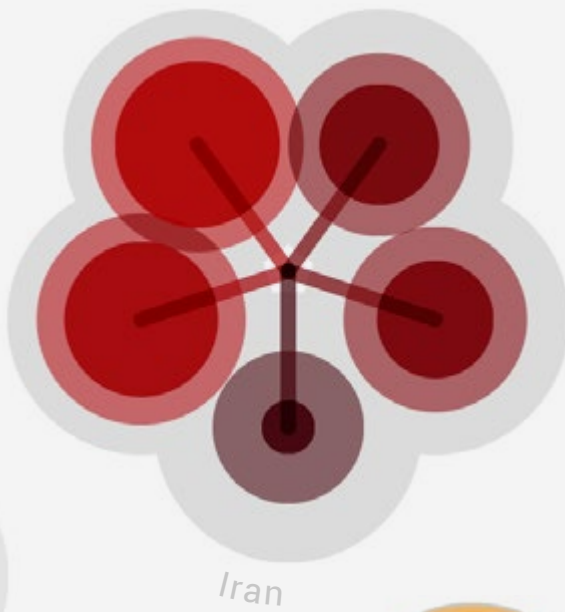
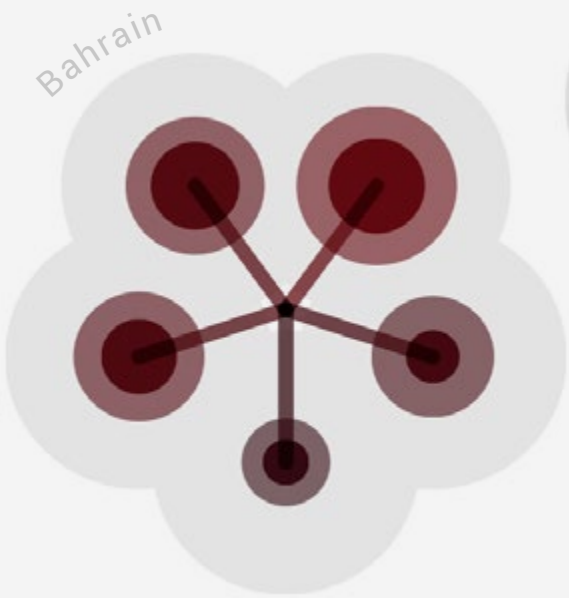
XpA data shows that, between 2014 and 2017, the biggest drop in any of Burundi's indicators was in the range of political perspectives represented in print and broadcast media.

NGOs and student activists persecuted as civic space shrinks further

Already severely restricted, civic space shrank further in 2017, and more restrictions on protests have been imposed including a total ban on peaceful demonstrations.³⁰⁷ In March, students in Bujumbura protested a new loan and grant system: several were arrested and six were charged with 'rebellion.'³⁰⁸

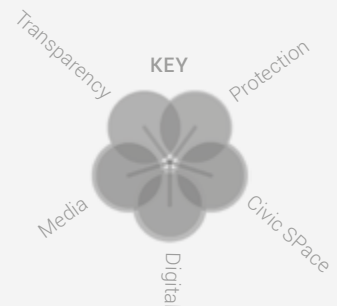
NGO *Ligue Iteka*'s licence was revoked on 3 January after it published a report on the deteriorating human rights situation in Burundi. On 4 April, the government arbitrarily imposed a six-month suspension on the *Movement for Solidarity and Democracy* (MSD), one of the main opposition parties in the country.³⁰⁹

Human rights defenders have also come under attack: anti-torture campaigner Germain Rukuki was detained in July 2017, with charges including 'rebellion.' UN experts called for his release, stating that the charges constituted a part of Burundi's "overall context of threats and harassment against human rights defenders."³¹⁰



The Middle East and North Africa

After initial progress following the Arab Spring in 2011, many governments began to take steps backwards – setbacks were seen from 2012 to 2013, when governments began to respond to social movements by focusing on security at the expense of human rights, restricting civic space, and silencing dissent by force and by fear. In many places, these setbacks continued and worsened during 2017.



In some countries, like **Syria, Yemen, and Libya**, national instability descended into devastating armed conflict with systematic violation of human rights. As a consequence of these conflicts and others, many countries in the region have become host to millions of refugees, stateless persons, and migrant workers, who often fall outside of protection structures, and are particularly vulnerable to oppression and rights violations.

According to XpA data, the region's biggest deterioration between 2014 and 2017 was in the measure of political killings.

Governments in the Middle East and North Africa (MENA) region escalated restriction of civic space in 2017, violently dispersing or even handing out death sentences to protesters, and restricting foreign funding to civil society organisations.³¹¹

Online expression is increasingly drawing the attention of regimes in the region: governments in **Bahrain, United Arab Emirates (UAE), Saudi Arabia, and Oman** regularly used restrictive cybercrime legislation to curb freedom of expression, as well as harass and imprison human rights defenders in 2017. Complementing arrest and intimidation, online censorship is on the rise: especially in **Egypt, UAE, Saudi Arabia, Bahrain, and Iran**.³¹²

Shrinking the space for expression and dissent

In 2017, **Egypt** saw a serious escalation of attacks on civic space – part of a worsening human rights crisis characterised by security forces which routinely carry out severe rights abuses in a climate of impunity, sanctioned by the country's restrictive legal framework. Citizens, communicators, and protesters suffered summary executions, abductions followed by secret detentions and enforced disappearances, torture, rape, arbitrary arrests, and unfair trials before civilian and military courts leading to heavy prison sentences and the death penalty.

On 24 May, President Abdel Fatah El Sisi passed a law giving the government new powers over NGOs. The law introduces substantial fines and prison terms for civil society groups who publish a study or a report without prior approval by the government, or who engage in activities that do not have a 'developmental

or social' focus.³¹³ This law gave the government broad powers to dissolve NGOs, and the regime routinely froze assets and shut down organisations throughout the year.

The situation for human rights defenders in Egypt is particularly difficult for women and those working on women's issues. The obstruction of the activism of Egyptian feminists and women human rights defenders such as Azza Soliman and Mozn Hassan, who work on critical issues of violence against women, the closure of the El Nadeem Centre for the Rehabilitation of Victims of Violence and Torture, and the travel ban against Aida Seif el-Dawla, are typical tools.³¹⁴

On 24 May, Egyptian authorities blocked 21 news outlets, including *Mada Masr, Al Jazeera, Huffpost Arabi* and *Al Sharq TV*.³¹⁵ In the months following, more than 400 websites – including those of news outlets, human rights organisations, and VPN and proxy services – were blocked in an attempt to suppress reports contradicting the state narrative on the human rights crisis.³¹⁶

In the months after Mohammed bin Salman became Crown Prince of **Saudi Arabia** in June, freedom of expression came under an intensified attack: more than 20 thinkers, writers, and activists were detained in one week in September, with human rights defenders put in front of a special tribunal set up for terrorism offences.³¹⁷

Ahmed Mansoor, who received the prestigious Martin Ennals Award for Human Rights Defenders in 2015, was detained in the **United Arab Emirates** in March for expression-related charges which include using social media websites to 'publish false information that harms national unity'.³¹⁸ UN human rights experts described his arrest as "a direct attack on the legitimate work of human rights defenders in the UAE."³¹⁹

In May 2018, a court handed Mansoor a ten-year jail sentence.³²⁰ Those who speak about human rights abuses run the risk of arbitrary detention, imprisonment, and torture. Many fled the country, and Mansoor was the last remaining human rights defender in the UAE making public criticisms of the authorities.³²¹

Protesters met with prosecution and violence

In May, **Saudi Arabia's** counterterrorism tribunal confirmed death sentences of 14 members of the Shia community for protest-related crimes. Saudi authorities executed over 400 people between the beginning of 2014 and the end of 2017.³²²

In April, activist Naimah Al-Matrod stood trial before the Specialised Criminal Court on charges including participation in anti-state demonstrations and rallies, and violating public order by creating accounts on Twitter and Facebook to demand the release of some detainees. In November, she was sentenced to six years in jail, followed by six years of a travel ban after her sentence is served.³²³

On 16 June in **Lebanon**, protesters peacefully demonstrating against a third extension of Parliament's term were beaten and kicked by Lebanese military personnel.³²⁴

Tensions erupted in **Morocco's** Rif region in October 2016 following the death of a fishmonger. Police had confiscated his goods and he was crushed to death in a garbage truck attempting to retrieve them. The event struck a chord with the local population in the historically marginalised Rif region and protests, initially centred on a wide range of grievances, evolved to denounce the corruption of the regime.³²⁵

These protests were a major cause of state reprisal: on 25 September, human rights defender Rachid Aishi was charged with 'incitement to commit a felony by electronic means' and 'incitement to disobedience' after Facebook posts calling for solidarity with political detainees from the Rif region.³²⁶ Trial continues for 54 detainees in relation to their involvement in the movement, among them journalists and media workers: all are being prosecuted under the criminal code and laws on public gatherings.³²⁷

On 12 March, **Palestinian** security forces assaulted journalists covering a peaceful protest in front of the Al-Bireh court in Ramallah, despite the fact that all journalists were identified by police and known to security forces. Other journalists and civilians were indiscriminately exposed to violations through the use of tear gas bombs, stun grenades, and pepper spray.³²⁸

A diplomatic crisis in the Gulf restricted media activity

In June, a political crisis broke in the Gulf: **Saudi Arabia**, the **UAE**, **Bahrain**, and **Egypt** severed relations with **Qatar** over alleged financing and harbouring of terrorists.

Demands were made to **Qatar** by **Saudi Arabia** and allies to shut down *Al Jazeera*, Qatar's independent public service broadcaster, as well as a major regional and global media outlet. In May, Saudi authorities blocked Qatari news sites.³²⁹

Theocracy continues to drive censorship

Theocratic states across the region continue to sanction and intimidate those who speak out about religion or religious authorities, charging them with offences including blasphemy and religious insult. In **Saudi Arabia**, Ashraf Fayadh, a Palestinian poet and artist, remained imprisoned, for 'insulting the divine self.' Originally sentenced to death, his sentence was commuted to eight years in prison and 800 lashes.³³⁰

Apps, arrest, and abuse for LGBTQ communities

At a concert in **Egypt** on 22 September, by Lebanese rock band Mashrou' Leila, whose lead singer is one of the region's only openly gay musicians, individuals raised the rainbow LGBTQ flag. Pro-government media called for arrests.

Using the raising of the flag as a pretext for a wider crackdown on the LGBTQ community, at least 54 people were arrested on suspicion of homosexuality, while ten were sentenced to between one and six years of imprisonment on charges of 'debauchery,' 'inciting debauchery,' and 'promoting sexual deviancy.' These are charges commonly brought against people perceived to have non-normative gender identities and sexual orientations in Egypt.³³¹

LGBTQ individuals are not only socially marginalised, but directly censored by the Supreme Council of the Media, which stated that "homosexuals should not appear in visual, broadcast media or the Press" on 30 September.³³²

Many of those arrested were entrapped by police using popular dating apps: this is a key tactic and part of the established and sophisticated operation of morality police in various countries in the region, as well as being used by non-state and vigilante actors to harass and blackmail, particularly in **Egypt, Lebanon, and Iran.**³³³

It emerged in 2017 that groups are routinely infiltrated, and phones searched for LGBTQ apps, in order to access contact lists, or lure individuals into face-to-face meetings with the intention of entrapping them, subjecting them to arrest, cruel and degrading treatment, or blackmail.³³⁴

Grindr has begun to take steps to mitigate this risk: users will soon be able to change the distinctive icon on their phone and create a security password to open the app; there will also be disappearing and timed messages and panic buttons, as well as stronger links and rapid-response connections with local groups.³³⁵

Governments across the region criminalise expression relating to LGBTQ sexuality and rights: *My.Kali*, a digital magazine promoting LGBTQ rights in **Jordan**, was blocked in July by the Jordanian Audio-visual Commission. Based on his novels depicting gay relationships during the Algerian war of independence, **Algerian** writer Anouar Rahmani was subject to criminal investigation, facing a three- to five-year prison sentence under a law criminalising those who 'offend the Prophet' or 'denigrate the dogma and precepts of Islam.'³³⁶

Lebanon and Morocco move in the right direction for information rights

In January 2017, **Lebanon** adopted a right to information law, reflecting Lebanon's international human rights commitments.³³⁷

Morocco published the Draft Law Regarding the Right to Access Information in 2017, which was passed in early 2018. The law limits the scope of the right to Moroccan citizens, however, and there are a number of limitations on the re-use of information.³³⁸

Lebanon and Morocco are the fifth and sixth countries in the region to provide legal protection for access to information, joining **Jordan, Yemen, Iran, Israel, and Tunisia.**³³⁹

Libya gets a flawed new start

Libya's new constitution, while promising, fails to adequately protect freedom of expression and the right to information, stopping short of international human rights standards. Many provisions restrict freedom of expression: media independence is a particularly problematic area of the constitution.³⁴⁰

Conflict zones: the most dangerous places in the world for expression

Syria, Iraq, and Yemen were among the most dangerous places in the world in 2017, devastated by brutal and ongoing conflict.

In **Iraq**, writers were harassed by armed groups, including Saad Saloum who was threatened by an unknown Islamic group.³⁴¹ In November, two serious incidents suggested a decline in the safety of media workers in the north of the country, a cameraman for Kurdistan TV was murdered, a day after violence against media personal in Erbil.³⁴²

The ongoing **Israeli-Palestinian** conflict has caused violations of human rights for journalists and communicators. Israel has detained many journalists and activists over the decades without charge or trial, for periods of up to six months which are renewable an infinite number of times.³⁴³

Tunisia

Population

11.5 million

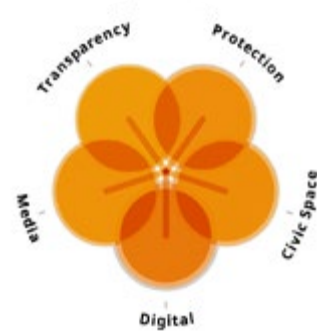
Capital

Tunis

GDP per capita

\$3,661³⁴⁴

Expression pentafoil for Tunisia



The Constitution guarantees freedom of opinion, thought, expression, information, and publication, subject to some restrictions.

Constitution 2014, Title two, Article 31:

Freedom of opinion, thought, expression, information and publication shall be guaranteed.

These freedoms shall not be subject to prior censorship.³⁴⁵

Tunisia ratified the ICCPR in 1969.³⁴⁶

Since 2011, Tunisia has been transitioning to democracy: citizens enjoy unprecedented political rights and civil liberties. Tunisia has consistently organised free and fair democratic national and local elections, in both 2014 and 2018. Political representation saw further progress in January, with amendments to the law on municipal elections which contained provisions aimed at increasing the political representation of women, young people, and people with disabilities.³⁴⁷

Tunisia's 2014 Constitution was a pivotal moment, incorporating vital protections for freedom of expression, freedom of religion, and women's rights. However, implementation of key provisions has been elusive, and the influence of old regime officials, endemic corruption, economic challenges, and security threats remain obstacles to full democratic consolidation.

Overall, XpA data shows a marked improvement in Tunisia over the last decade, but over the last three years, that progress has slowed, decelerating even further in 2017.

There are fears that the substantial progress seen in the last six years is in danger of stalling: despite success in passing the progressive new constitution, the country has also seen a number of legislative proposals which are cause for concern.

Trials and imprisonment continue to silence

Walid Zarrouk, a former prisons officer and member of the *Union for a Republican Police*, was sentenced in November 2016 to one year in prison for a television interview in which he accused Tunisian authorities of fabricating charges against those who criticise them. The same day, another chamber of the same court sentenced Zarrouk to another eight months in prison for criticism of the Interior Minister in a daily newspaper. Again, on 7 February, a court sentenced him to another year in prison for defamation, over Facebook posts criticising a judge and a judiciary spokesperson.³⁴⁸

Trials of two prominent bloggers, Mariem Mnaouer and Lina Ben Mhenni, continued in 2017. Mnaouer was prosecuted in 2012 for insulting a state official, and Mhenni in 2014 on the same charge, shortly after each had filed complaints against police officers for using violence against them.³⁴⁹

In addition, lawyer and human rights defender Najet Laabidi was sentenced to six months for insulting the judiciary in May, and journalist Jamel Arfaoui faced charges by the military prosecutor for allegedly impugning the reputation of the army.³⁵⁰

In May, two men were sentenced to two months in prison for wearing t-shirts which they had designed, with a slogan suggesting that police officers were morally corrupt.³⁵¹

Steps towards self-regulation, but media are still stifled

While independent media outlets exist in Tunisia, in 2017, journalists covering controversial topics encountered pressure and intimidation from government officials, and the legal framework fails to protect key elements of pluralism and journalistic activity.

In May, officers from the National Guard interrogated Sami Ben Gharbia, co-founder of investigative news website *Nawaat*, in connection with a story the outlet had published on the Economic Reconciliation Bill. The police demanded that he reveal the sources for the story, as well as extensive information about the journalists who worked on it. While attending a legal hearing days later, Ben Gharbia reportedly discovered that authorities had been monitoring his phone. Officials also threatened to charge the outlet with the dissemination of false news.³⁵²

On 6 April, the Ministry of Interior banned the publication of a weekly newspaper – on the basis of the emergency law and without a judicial decision – the first time a paper had been censored since the fall of dictatorship in 2011.³⁵³

Tunisia retained its criminal provisions on defamation of state leaders and public institutions, with no proposals to amend or abolish them, and continues to prosecute journalists on the basis of the Military

Justice Act, the Criminal Code, and other laws, rather than relying on Decree Law No. 115 on Freedom of Press, Printing and Publishing, which provides the legal framework for resolving disputes around press violations.³⁵⁴

The creation of the self-regulatory Press Council took concrete steps forward in 2017: the constituent committee was established, with civil society groups among its members, along with journalists and media. Work also began on an ethical charter.³⁵⁵

The draft law establishing the audio-visual communications regulator – HAICA – has vague provisions and lacks essential guarantees regarding the independence of the proposed regulator. It is also unclear how the law fits within a broader vision of media regulation and protections for press freedom.³⁵⁶ The draft was subject to a hasty consultation which failed to involve relevant experts and civil society organisations.³⁵⁷

Patchy progress for transparency

More than a year after the adoption of the progressive Access to Information Law, the government still had not passed implementing legislation to ensure its effective operation, neither has it committed to the political independence of appointees to the Information Access Committee.³⁵⁸ The committee was appointed at the end of the year, but lacks operational budget and real government support in order to fulfil its mandate.

In January, Prime Minister Youssef Chahed issued a circular instructing civil servants not to speak to the press, and not to reveal official information without the specific authorisation of a superior.³⁵⁹ In February, the circular was suspended after pressure from journalists, media, and national and international organisations.

Additionally, in September, a controversial 'reconciliation' bill was approved which granted amnesty to many former civil servants implicated in corruption and economic crimes under the former regime. The bill was met with protest and resistance by civil society, amid claims that it would undermine the post-revolutionary Truth and Dignity Commission.³⁶⁰

Despite these setbacks, transparency is progressing in some areas: a February law granted protection to whistleblowers who reveal evidence of corruption. This could cause a sea change for investigative reporters and anticorruption workers, who have been harassed for their work.

Protest prosecuted and the army deployed against demonstration

Throughout the year, peaceful protesters were prosecuted: in the city of Gafsa, courts tried hundreds of individuals following a protest about widespread unemployment, at least 80 of whom *in absentia*, on charges of 'disrupting the freedom of work.'³⁶¹

In May, President Essebsi announced the deployment of the army to protect certain economic installations from disruption caused by protests, followed by excessive force including tear gas against peaceful protesters in the southern city of Tataouine. In September, a group of officers beat journalist Hamdi Souissi while he was covering a demonstration in Sfax.³⁶²

Engagement in international human rights mechanisms

On 13 April, Tunisia signed a declaration to the African Court on Human and Peoples' Rights which granted individuals and NGOs the right to access the court directly with human rights complaints against it.³⁶³

Bahrain

Population

1.5 million

Capital

Manama

GDP per capita

\$22,600³⁶⁴

Expression pentafoil for Bahrain



Constitution 2012, revised 2017 - Chapter iii, Article 23:

Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.³⁶⁵

Bahrain ratified the ICCPR in 2006.³⁶⁶

Bahrain is in the bottom 10 for global freedom of expression according to XpA data, and the country's freedom of expression score dropped by 20% between 2014 and the end of 2017.

Since the violent suppression of the pro-democracy protest movement in 2011, Bahrain's monarchy has destroyed a wide range of political rights and civil liberties, dismantling opposition and crushing dissent, employing travel bans, arrest, and arbitrary detention, as well as dissolving opposition group Waad and closing the newspaper *al-Wasat*. Authorities also stripped at least 150 people of their Bahraini nationality, rendering many stateless.

Mass protests were met with excessive force, causing the deaths of six and injury of hundreds. Executions resumed after nearly seven years.³⁶⁷

Bahrain is ruled by a Sunni king, whose family holds the main political and military posts. The divide between the Shia majority and the Sunni population has caused long-running tension, which has sporadically boiled over into protest, civil disobedience, and violence.³⁶⁸

The XpA data shows that the indicator 'freedom from political killings' has suffered the biggest fall over the last three years in Bahrain as compared to all other indicators, over both the three year and the one-year period. This indicator is likely to be the driving force behind Bahrain's declining protection measure, which has seen a significant fall over the last decade.

Civic space is under attack

In 2017, Bahrain experienced high numbers of protests, especially considering the size of the country and population: nearly 200 protests and riots were recorded.³⁶⁹

However, more than five years after the Arab Spring uprising, the environment for protest in Bahrain is dire. In January, 150 peaceful marches set out in the country, 53 of which were violently suppressed by security forces using tear gas and birdshot, causing dozens of injuries.³⁷⁰ Reports suggest that up to five died in clashes with police in Diraz in June 2017 – no investigation or prosecution was initiated.³⁷¹

Bahrain is in the bottom ten for civic space globally according to XpA data, with scores having remained low since 2014.

Civil society and political leaders are subject to a pattern of intimidation, with legal harassment and unknown actors vandalising and destroying their property with impunity.

Upon return to Bahrain, women's rights and political activist Ghada Jamsheer was imprisoned to serve a series of sentences linked to Twitter posts about alleged corruption at a local hospital. She was released in December due to poor health, and served the remaining four months of her sentences doing community work, but faced additional charges at the end of the year. In April 2017, Najah Habeeb's family reported that she had been beaten and sexually harassed in order to extract confessions on charges including 'running accounts on Twitter and Telegram'.³⁷²

On 23 October, four activists were released on bail, including women's rights defender Ebtisam Al-Saegh. On the same day, however, Bahrain embarked on the first military trial of civilians since 2011: four defendants facing political charges were tried, none of whom had been allowed to meet with their lawyers since their arrest. On 30 October, journalist Mahmoud Al-Jazeeri was convicted on terror charges, given 15 years in prison, and stripped of his nationality.³⁷³

Political opposition has also been targeted. On 20 March, the leader of opposition party Wa'ad, Ebrahim Sharif, was charged with 'inciting hatred against the regime' for social media posts. Sharif was imprisoned from 2011 to 2015, and again from 2015 to 2016 on similar charges, relating to his speeches and involvement in the pro-democracy movement. The seven tweets presented as evidence by the prosecution covered a variety of topics, including Amnesty International campaign materials on Bahraini prisoners of conscience. He was later charged with 'inciting hatred' against the regime and 'factions of society' over a post which criticised the authorities for dissolving political opposition.³⁷⁴

Digital rights, protest, and the flow of information are restricted

Bahrain has among the highest Internet penetration rates in the region, but restrictions on online dissent and protest are severe, with strict regulatory bodies, restrictive legal frameworks, and surveillance. The government has employed tactics from blocking

and communications shutdown to technical attacks against critics and NGOs.³⁷⁵

The government continued to block a number of opposition websites, and the secure messaging app Telegram was blocked nationwide in June 2016, remaining inaccessible until mid-2017. The town of Diraz faced an 'Internet curfew', with cell towers turned off and IP addresses disrupted, interfering with data usage: this was possibly due to a 'Service Restriction Order' in relation to protest in the town.³⁷⁶

A diplomatic crisis between Qatar and several Gulf countries led to authorities blocking a number of Qatari media outlets, including *Al-Jazeera*, *al-Sharq*, and *Raya*. On 6 June, Bahraini authorities declared that it would be a crime punishable by up to five years in prison to express 'sympathy' with Qatar or criticise Bahrain's decision to break relations and impose economic and movement restrictions.³⁷⁷

In February, a cleric was fined for insulting Parliament on Instagram, calling the institution 'a joke'.³⁷⁸

Despite this, Bahrain has a vibrant culture of digital civic space and protest: over ten thousand tweets were posted with the #save_Bahrain_prisoners hashtag, and 40,000 tweets were posted with #Diraz by citizen journalists covering local violence in 2017.

Harassment and detention are tools of censorship

As well as sitting in the XpA's bottom ten in the world for protection in 2017, Bahrain is among the biggest decliners under the protection element over the last three years. Journalists are routinely threatened, harassed, and detained, with appalling treatment in detention and near impunity for attacks.

15 journalists and communicators are currently detained in Bahrain. They include blogger and human rights defender Abduljalil al-Singace and photographer Jaffar Marhoon, given life sentences in 2011 and 2015 respectively.

In June, Nabeel Rajab, head of the Bahrain Center for Human Rights and leader of non-violent protest during Bahrain's 2011 uprising, was arrested for criticising the government and alleging the torture of political prisoners. Between 2015 and 2017, he

suffered three arrests, four emergency visits to the hospital while in pre-trial detention, and at least nine months in solitary confinement.³⁷⁹

His trial was repeatedly delayed through the end of December, and he remained in custody at the year's end. His charges were: 'spreading rumours in wartime,' 'insulting a neighbouring country' (Saudi Arabia), and 'insulting a statutory body.' He was sentenced to two years on charges of 'disseminating false news, statements and rumours ... which would undermine Bahrain's prestige and status.'

In October, blogger Ali Al Mearaj and newspaper journalist Mahmood Al Jazeeri were convicted by a criminal court of 'support for terrorist activities' and were sentenced to life imprisonment and 15 years in prison respectively. It remains unclear why they were tried together with ten other defendants in this case; according to their lawyers, the prosecution produced no hard evidence to support their conviction.³⁸⁰

Bahrain's vaguely-worded Press Law provides for the imprisonment of journalists who criticise Islam, or who threaten national security. A 2014 amendment to the Penal Code permits terms of up to seven years in prison for insulting the king.³⁸¹

Last independent newspaper closed down in 2017

The government owns all broadcast media outlets, and the private owners of main newspapers have links to the State. On 4 June, the Information Affairs Ministry ordered the suspension of *Al Wasat*, Bahrain's last independent newspaper, ostensibly for coverage of unrest in Morocco.³⁸²

Foreign media was forced out of Bahrain in 2017: *Agence France-Presse*, *Reuters*, *Associated Press*, *France 24*, and *Radio Monte Carlo Doualiya* no longer have correspondents in Bahrain. The BBC and CNN have not had correspondents for some years, and Al Jazeera ceased to have a correspondent in 2011.³⁸³

UN: access denied

Bahrain continued to deny access to special procedures of the OHCHR, including the special rapporteur for torture. Activists were prevented from traveling to the UN in Geneva for Bahrain's third Universal Periodic Review in May, as well as to a regular UN Human Rights Council session in September.³⁸⁴

Iran

Population

81 million

Capital

Tehran

GDP per capita

\$5,038³⁸⁵

Iran ratified the ICCPR in 1975.³⁸⁶

President Hassan Rouhani, a self-proclaimed moderate and reformist, won a second four-year term in May 2017, easily defeating a hardline opponent. Rouhani's first term saw some improvement for freedom of expression, including a small reduction in the imprisonment of journalists.

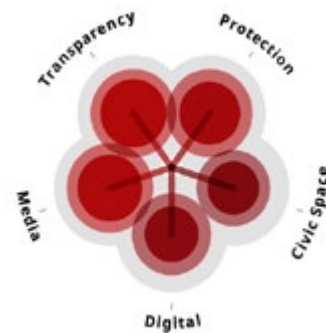
The start of his second term, however, has been marked by a downturn in the achievement of his reformist agenda, increasingly under pressure from hardliners and undermined by powerful conservative actors, including Iran's Supreme Leader, Seyyed Ali Khamenei.³⁸⁷

2017 ended with widespread protests in over 20 cities – the largest since 2009 – resulting in the deaths of at least 21, and hundreds of arrests.³⁸⁸

Tightening the net: government control continues to take hold online

Following the unrest of 2009, Internet policy-making was centralised towards the office of the Supreme Leader, notably with the creation of the Supreme Council of Cyberspace (SCC), the ultimate decision-making body on the Internet.³⁸⁹ Divisions among Iran's power-holders have been consciously sowed by the Supreme Leader, and will further deteriorate the ability of the Rouhani administration

Expression pentafoil for Iran



to fulfil its reformist campaign promises, including commitments to Internet freedom.³⁹⁰

During the May 2017 meeting of the Supreme Council of Cyberspace (SCC), the council announced their intention to solidify the National Information Network project.³⁹¹ Investment in the National Information Network has improved connectivity, access, and speed, but poses major threats to rights online, paving the way to further isolation, surveillance, and information retention.

The National Information Network project aims to limit access to information and constrain attempts at collective action and public protest, as well as isolating the Iranian people from the rest of the online world. Throughout the year, the Ministry of ICT ordered Internet service providers to provide users with a 50% discount when accessing domestic websites over foreign ones, bolstering the network and violating principles of net neutrality.³⁹²

Dozens were detained for online activities, including administrators of social media pages and chat groups, often forced to delete or deactivate their groups. With around 45 million monthly users in Iran, messaging app Telegram continues to be targeted.³⁹³ Days after Telegram launched free and encrypted voice calls in April, the feature was blocked.³⁹⁴

Administrators of Telegram chat groups with more than 5,000 members were asked to register with the government and grant access to a program which would facilitate state surveillance.³⁹⁵ This was later used after the censorship of Telegram in May 2018 to interrogate and intimidate Telegram channel administrators to delete their Telegram accounts.³⁹⁶

Arrests in the lead-up to the May presidential elections focused on the journalists supporting Rouhani through the administration of Telegram channels. Some administrators were released, while others received convictions in September. On 4 September, Saeed Naghdi, who ran a pro-Rouhani Telegram news channel, was sentenced to four years in prison and two years of prohibition from any media involvement.

Six other administrators received combined sentences of 23 years. Sobhan Jafari received three years; Saeed Naghdi and Javad Jamshidi received four years; Nima Keshavarzi and Ali Ahmadnia received five years each. They were charged based on 'anti-security actions' and 'issues that harmed public morality.'³⁹⁷ On 14 September, Nasser Atabati, a public prosecutor, announced that six further Telegram administrators had been arrested for 'promoting homosexuality.'³⁹⁸

Blocking of popular social platforms like Facebook and Twitter continues in Iran, despite officials from all political factions regularly using Twitter. Statements in favour of unlocking Twitter have been increasing in number since 2013, but little has been done towards lifting the ban.³⁹⁹

Telegram was subsequently blocked in 2018, after a determination that it was a threat to Iran's national security;⁴⁰⁰ Instagram has also been threatened with blocking, and high-profile users arrested in mid-2018.⁴⁰¹

Journalists arrested and jailed – some without charges

The arrest of journalists continues: in March, the Intelligence Ministry arrested journalists Hengameh Shahidi and Zeinab Karmianian, detaining them for nearly five months.⁴⁰² The Judiciary Intelligence Agency arrested Sasan Aghaei, deputy editor of reformist newspaper *Etemad*, and Yaghma

Fashkhami, journalist for the *Didban* Iran website, in August.

Iranian authorities have also launched civil and criminal proceedings against BBC Persian staff and contributors, a move condemned by UN Special Rapporteurs David Kaye and Asma Jahangir.⁴⁰³ In August, a Tehran court issued an injunction banning 152 members of staff, former employees, and contributors from carrying out financial transactions in Iran. The injunction is linked to an alleged conspiracy to commit crimes against national security.

In December, security forces raided the home of Tahereh Riahi, social affairs editor at Iran's government-funded news agency *Borna*, and detained her. Two months after her arrest, she was still held in Evin Prison, suspected of 'propagandising against the state,' though not formally charged with any crime.⁴⁰⁴

21-year old Sina Dehghan was sentenced to death by the Supreme Court in January, for posts on an instant messenger 'insulting the Prophet.' The campaign to overturn his death sentence is ongoing.⁴⁰⁵

Several Iranian writers were released in 2017, after having served almost a decade in detention, among them poet Mahvash Sabet and writer Mohammad Sadiq Kabudvand.⁴⁰⁶

Nazanin Zaghari-Ratcliffe

After her arrest in mid-2016, British-Iranian Nazanin Zaghari-Ratcliffe remained in detention in Iran on undisclosed 'security' charges for the entirety of 2017. Two new charges were brought in October, related to Zaghari-Ratcliffe's work with charitable media organisations, including *BBC Media Action* and the *Thomson Reuters Foundation*, and to her alleged participation in a peaceful protest at the Iranian Embassy in London. More accusations against her were added after confused and incorrect statements by then-UK Foreign Secretary Boris Johnson.⁴⁰⁷

After a three-day release in August 2018, her detention continued.

A year ending in protest

Protest remains an immensely risky activity in Iran: near the end of December, angry protests erupted across a number of cities – the biggest demonstration of anti-government sentiment and economic discontent since 2009. Several were killed in clashes, and hundreds detained: reports emerged of security forces using live rounds and excessive force against protesters.⁴⁰⁸

The protests were seemingly triggered by government corruption and the increasing price of basic goods, and reiterated calls for more transparency around economic activities. Rouhani released details of a new national budget in December: screenshots were circulated through Telegram, sparking widespread discontent about cuts to subsidies and increased funding to religious institutions.⁴⁰⁹ The right to information will prove key in the face of the economic downturn, and increasingly vocal discontent in Iran.⁴¹⁰

Rouhani argued that legitimate grievances must be addressed, while hardliners and security officials blamed foreign powers for instigating unrest, threatening severe punishments. In response to protest, authorities restricted access to communications platforms including Telegram and Instagram in attempts to suppress the promotion and organisation of demonstrations.⁴¹¹ Circumvention tools, such as *Lantern*, were also targeted by blocks placed on cloud hosting services; even after a block on Telegram was lifted, disruption to Internet access continued.⁴¹²

Progress on transparency

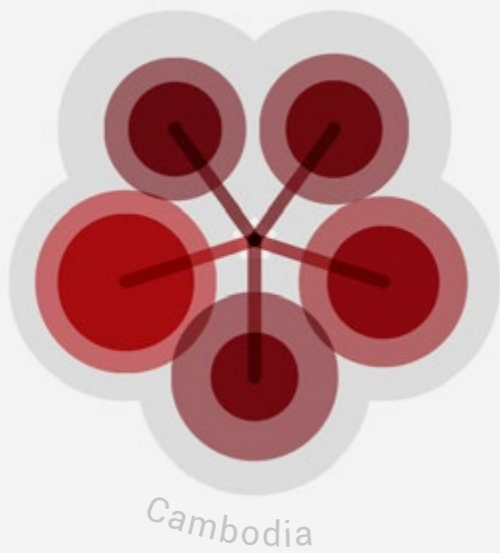
Transparency is seeing strides forwards: by May, the government started to build a platform for information requests to be submitted, which numerous government agencies have now joined.⁴¹³ Challenges remain: the law on information is poorly defined, and only applies to citizens (leaving migrants and refugees without protection), and the exemptions are overbroad.⁴¹⁴

Increased transparency will prove key at a time when the country is facing severe economic and environmental problems, exacerbated and sometimes even caused by mismanagement and short-sighted policies around development projects.⁴¹⁵

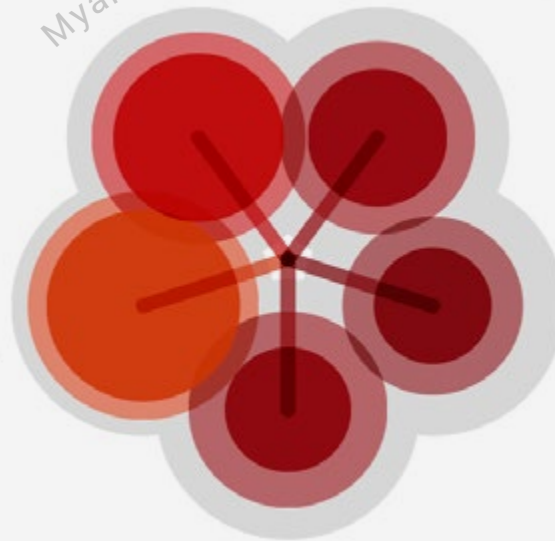
Engagement with international mechanisms

In March, the mandate of the UN Special Rapporteur on the situation of human rights in Iran was renewed by the UN Human Rights Council, but the Iranian authorities continued to deny the rapporteur and other UN experts entry to the country.⁴¹⁶

After the passing of Asma Jahangir in February 2018, Dr Javaid Rehman was appointed to the role.⁴¹⁷



Myanmar

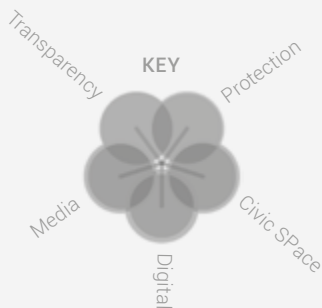


Bangladesh



Asia and the Pacific

2017 was witness to consolidation of power in a number of repressive regimes in South East Asia, with the situation for expression described as 'very, very grim' by United Nations Special Rapporteur David Kaye⁴¹⁸. In 2017, the Southeast Asian Press Alliance recorded 128 incidents of threats and attacks against media and journalists in the region, and activists and journalists were more demonised than ever.⁴¹⁹



As well as increasing political and economic influence of China in East Asia and across the region, there is a notable 'Trump effect' – a growing tendency among leaders to dismiss unfavourable reporting as 'fake news', attacking and antagonising media, and sowing seeds of mistrust towards journalists.

South Asia was subject to a tightening of control, often under the guise of 'law and order' and 'the national interest', with criminalisation of expression, enforced disappearance of dissenters, and a particular focus on online rights.

Murders and violence continue across the region

Seven journalists were killed in **India** in 2017, where restrictions on expression remain severe and impunity reigns.⁴²⁰ On 24 September, journalist Sajeev Gopalan was hospitalised after being allegedly assaulted by police officials in front of his house. Gopalan had published a story in *Kerala Kaumudi* criticising the police's work on the abduction of two women. The policemen reportedly mentioned the story during the assault.⁴²¹

The situation for online communicators in **Pakistan** is critical: in January, four bloggers and social media activists went missing, and 2017 also saw the mob murder of 23-year-old Mashal Khan – allegedly for online blasphemy. 'Insulting the Prophet Mohammed' is a crime which still carries capital punishment in Pakistan.⁴²² At least 60 people have been victim of extra-judicial killings relating to blasphemy since the passing of the law on blasphemy in 1991.⁴²³

Indonesia is among the world's most unsafe environments for communicators: in the 12 months leading up to April, there were 72 cases of violence and intimidation against journalists, with 38 incidents of physical assault. Journalists were forced to delete photos or footage in nine cases.⁴²⁴ The situation in West Papua region is particularly dire, with travel bans and online censorship having become routine in 2017.

Journalist Dandhy Dwi Laksono is being investigated for allegedly defaming the leader of Indonesia's ruling party. His Facebook post compared former President Megawati Sukarnoputri to Aung San Suu Kyi in their handling of the Papua and Rohingya issues.⁴²⁵

In the **Maldives**, blogger and activist Yameen Rasheed was stabbed to death in his home on 23 April: he was a well-known thinker, satirist, and critic of the government and radical religion-based politics through his blog, *The Daily Panic*. Rasheed had previously reported death threats to the police, who said that religious extremists were responsible for the murder. Proceedings were initiated for a closed trial, but Rasheed's family pushed for the trial to be open to the public, for fear that evidence against the defendants might be destroyed.⁴²⁶ Rasheed had been campaigning to find abducted journalist Ahmed Rilwan, who had disappeared more than three years before.⁴²⁷

In May in **Afghanistan**, gunmen stormed the local headquarters of *National Radio Television Afghanistan* (RTA), with an explosion, followed by a gun battle with security forces: four media workers were killed and at least 18 were wounded. The Islamic State claimed responsibility for the suicide raid via its outlet, Amaq. This brought the number of journalists and media workers killed in Afghanistan to over 72 since the fall of the Taliban regime in 2001.⁴²⁸

Expression behind bars: communicators routinely prosecuted under archaic laws

Across the regions, communicators face prosecution under outdated, vague, and overbroad provisions like criminal defamation, insult, blasphemy, and obscenity.

More than 50 communicators are imprisoned in **China**, which has continued state pressure on journalists and scholars alike, as well as banning anonymous communications and browsing tools. In 2017, imprisoned writers Liu Xiaobo and Yang Tongyan were released on medical parole too late to receive effective treatment, and died shortly after release.⁴²⁹ Narratives of 'national security' and 'social stability' are increasingly used to justify a state of surveillance and control, including detention and torture, under President Xi Jinping.

The Chinese government has increased influence in **Hong Kong** in recent years, with pro-Beijing business interests taking ownership of newsprint, and dissenters risking detention when travelling to the mainland, as well as cyber-attacks.⁴³⁰

Around 25 bloggers are currently detained in **Vietnam**, which is also feeling the growing Chinese influence in the region, with a ten-year sentence handed to Nguyen Ngoc Nhu Quynh – popularly known by her pen name Me Nâm ('Mother Mushroom'), despite the United Nations Working Group on Arbitrary Detention ruling in her favour.⁴³¹ Professor Phan Minh Hoang was exiled to France.⁴³² Communicators face long sentences under national security provisions as vague as 'abusing democratic freedoms.'

In **Thailand**, 85-year-old academic and activist Sulak Sivaraksa faced a military tribunal and up to fifteen years imprisonment for a university seminar in which he supposedly insulted a Thai monarch who died four centuries ago. Since the 2014 coup, Thai authorities have regularly prosecuted civilians under *lèse majesté* laws via military tribunals – a violation of UN standards which prohibit military trials for civilians. The case has since been dismissed, though it is emblematic of Thailand's junta's increasing use of *lèse majesté* law since seizing power in 2014; the dismissal of the case before prosecution is a rarity.⁴³³

Additionally, on 15 August, prominent Thai student activist Jatupat Boonpattaraksa received a prison sentence of two and a half years, having pleaded guilty to a violation of the *lèse majesté* law, for sharing a BBC article about the King of Thailand's social media profile. The human rights defender had been detained since 23 December 2016, and was the only person to be prosecuted over the article, despite 2,600 people having shared the link to the profile.⁴³⁴

In June, after a man was handed a 70-year sentence (later reduced to 35 years), the UN called on Thailand to amend the *lèse majesté* law, noting a substantial rise in prosecutions, a fall in the number of acquittals, and consistently disproportionate sentences.⁴³⁵ No amendment has been made.

North Korea, placing at the bottom of both the region and the globe across the five elements according to XpA data, saw the most severe penalty for 'insult': South Korean journalists Son Hyo-rim, of *Dong-A Ilbo*, and Yang Ji-ho of *Chosun Ilbo*, and the papers' director generals, Kim Jae Ho and Pang Sang Hun, were sentenced to death in absentia after being deemed to have insulted 'the dignity of the country' in August.⁴³⁶

Digital repression worsens in South Asia

In 2017, South Asia led the world in imposing Internet shutdowns, usually in the name of national security and controlling protest. Other digital rights challenges include connectivity, censorship, and surveillance.⁴³⁷

In 2017, **India** enforced 79 regional-level Internet shutdowns, a rise from 31 in 2016 – the Internet was blocked in Darjeeling for three months.⁴³⁸ In April, India's government imposed a month-long ban in Jammu and Kashmir across 22 social media and messaging apps, including Facebook, Twitter, Snapchat, WhatsApp, and YouTube, on grounds of national security.

Earlier that month, protests and a crackdown by security forces took place in Kashmir following a boycott of the elections by pro-independence protestors. The government shut down colleges and universities where protests were taking place, and enforced bans on 4G and 3G services to prevent people from uploading and sharing videos online.⁴³⁹

Many countries in the region limit the free flow of information over the Internet through blocking and filtering, often with wide powers to censor online content on the grounds of obscenity, national security, blasphemy, or simply 'offence' more broadly. **India**, **Pakistan**, and **Bangladesh** often ban particular sites or domain names. Increasingly, filtering powers are being applied to social media.⁴⁴⁰

Deepening crisis for human rights defenders

The protection of human rights defenders has become increasingly challenging as governments in the region adopt autocratic attitudes, seeing human rights frameworks as 'Western values.' The growing influence of China on many Asian countries has also weakened the impact of international human rights advocacy.

Killings of human rights defenders took place in **Bangladesh**, **India**, **the Maldives**, **Myanmar**, **Pakistan**, and **Thailand** – at least eleven women human rights defenders were killed. Detention and arrests were used against human rights defenders in **Cambodia**, **China**, **Pakistan**, **Sri Lanka** and **Vietnam**.

Harassment, threats and intimidation of defenders took place across the region.⁴⁴¹

The **Philippines** faces a particularly grave crisis: since taking office in 2016, President Duterte has embarked on a brutal 'war on drugs,' resulting in thousands of deaths, the silencing of criticism and opposition, and impunity for extrajudicial killings.

In August, Duterte threatened to kill rights activists who he deemed to be 'obstructing justice.' He labelled Victoria Tauli-Corpuz, United Nations Special Rapporteur on the rights of indigenous peoples, and other campaigners 'communists' and 'terrorists,' and threatened to throw United Nations experts to the crocodiles.⁴⁴²

At least 48 land and environmental defenders were murdered in the Philippines in 2017 – the highest number ever in one year in Asia – constituting a 71% increase in the country since the year before. 41% of these murders were related to agribusiness, and there was suspected army involvement in 56%.⁴⁴³

In 2017, Duterte's administration announced plans to allocate 1.6 million hectares of land for industrial plantations. Most of this expansion is earmarked for the island of Mindanao, where 67% of the murders of land and environmental defenders have taken place.⁴⁴⁴

Bangladesh

Population

165 million

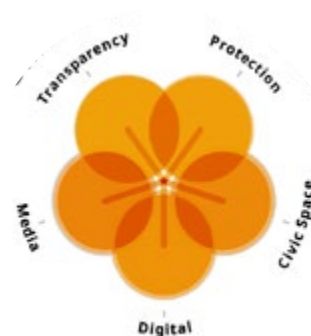
Capital

Dhaka

GDP per capita

\$1,207⁴⁴⁵

Expression pentafoil for Bangladesh



Constitution of Bangladesh 1972 (reinst. 1986, rev. 2014):

PART III, 39 - FREEDOM OF THOUGHT AND CONSCIENCE, AND OF SPEECH

2. Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence-

a. the right of every citizen of freedom of speech and expression; and

b. freedom of the press - are guaranteed.⁴⁴⁶

Bangladesh ratified the ICCPR in 2000.⁴⁴⁷

Bangladesh is making marked progress towards the UN SDGs, particularly around poverty, hunger and nutrition, women's empowerment, education, and climate change. However, progress on civil and political rights is lagging, with expression routinely criminalised both online and off. Bangladesh's overall XpA score for freedom of expression dropped by 7% in 2017.

Enforced disappearances and extrajudicial killings remained a serious issue in 2017.⁴⁴⁸ Bangladesh also faces serious security challenges, from violent opposition to attacks by Islamic militants. In 2017, Bangladesh also saw around 700,000 Rohingya people cross the border from Northern Rakhine State fleeing a campaign of ethnic and religious persecution by Myanmar's security forces.

2017: a record year for restrictions on expression

ARTICLE 19 measured 335 violations of the right to freedom of expression in Bangladesh: the highest number since 2013. Almost 70% were against journalists working at the grassroots level.⁴⁴⁹

In February, journalist Abul Hakim Shimul was murdered while covering political unrest in Shahjadpur, bringing the total of journalists killed in the last five years to 20. Shimul was shot by then-Mayor of the Shahjadpur Municipality, Halimul Haque Miru, who was also the ruling party Awami League's organisational secretary for the district of Shirajganj.

There were 28 cases of serious bodily injury, 75 cases of minor assault, and 10 cases of abduction, in which journalists were released after promising not to publish certain reports. Journalists were largely targeted because of exposing corruption and the misappropriation of public funds, for expressing unpopular or oppositional opinions, and while covering protests.⁴⁵⁰

Local leaders and activists of the ruling political party emerged as the main groups acting against the safety and security of journalists in 2017. In a number of cases, the student wing of the ruling party were directly involved in violations. State actors included law enforcement agencies and, in some cases, public officials.⁴⁵¹

The legal environment continued to restrict the right to freedom of expression, with 169 cases of expression being criminalised. In 2017, there was a rise in the use of Bangladesh's criminal defamation law against communicators – with over 80 cases – and Section 57 of the ICT Act – with 76 cases. There were also 24 cases of vexatious litigation, two cases of arbitrary arrest, and two proceedings regarding contempt of court.⁴⁵²

2016's draconian Foreign Donations (Voluntary Activities) Act, remains in place, giving the government comprehensive and arbitrary control over the activities of NGOs; groups are self-censoring for fear of being cut off from funding.

Impunity in the huge majority of cases

Impunity reigns, and a pattern of apathy in the justice system continues. Only one of the 20 cases of killing of journalists and bloggers in the last five years has been concluded, with alarming delays in the cases of Sagor Sarwar, Mehrun Runi, Abhijit Roy, Faisal Arefeen Dipon, and Xulhas Mannan, among others.⁴⁵³

Less violence but more prosecution for online communicators

Internet freedom improved in 2017, with a break in the recent trend of violence against secular bloggers. Though violence has decreased, the number of detentions for online content rose: numerous news websites were blocked, several associated with the political opposition.⁴⁵⁴

Religious controversy and perceived offence to state leaders often results in censorship, and a wider range of content was affected in 2017 than ever. Journalist Abdul Latif Morol was arrested for satirical reporting on Facebook about a goat which had died almost immediately after being donated by a minister as a relief measure.⁴⁵⁵

According to Section 57, if a person deliberately publishes any material in electronic form that causes deterioration of law and order, prejudices the image of the state or a person, or causes to hurt religious belief, the offender could face 14 years in jail. This provision has often been used to curtail the right to freedom of expression, with around 700 cases since 2013.⁴⁵⁶

Monirul Islam was arrested on 13 April, accused under Section 57 of defaming the Prime Minister and harming the image of Bangladesh. He had liked and shared a Facebook post which criticised the visit by Prime Minister Sheikh Hasina Wazed to India, with cartoons. He denied the offence, but was denied bail and detained for three months before the High Court released him in July. The original author of the post reportedly went into hiding for fear of arrest.⁴⁵⁷

Limon Fakir was arrested in April 2017 after a case was lodged against him and fellow blogger, Asaduzzman Noor, for comments 'defamatory of the prophet Mohammed.' They were refused bail by the High Court at a hearing in April 2018.⁴⁵⁸

In November it was announced that the section will be repealed, though to date, this has not yet been enacted, and some of Section 57's provisions have also been incorporated into the new Digital Security Act, which is overly broad and open to abuse.⁴⁵⁹

In March 2017, the government announced plans to install monitoring equipment worth approximately US\$19 million under a project entitled Cyber Threat Detection and Response. The system would also identify users of VPNs.⁴⁶⁰

Protests are dangerous for demonstrators and journalists alike

In response to garment workers' December 2016 protests for labour rights, factory owners dismissed over 1,500 employees in early 2017, and authorities arrested 38 union leaders and workers on unsubstantiated criminal charges based on vague or repealed offences from the draconian Special Powers Act of 1974.⁴⁶¹

Journalists covering protest remain at risk in Bangladesh: in January, cameraperson Abdul Alim and reporter Ishan Bin Didar – of private TV station

ATN News – were brutally beaten by a group of policemen inside the Shahbagh Police Station while they were covering protest of the construction of a power plant. Alim needed three stitches on his right eyebrow, and Didar was beaten by between 14 and 20 officers when he entered the police station to rescue his colleague.⁴⁶²

Justice threatened in a 'secular state'

In May, the government, which has long claimed a commitment to secularism, gave in to the demands of extremist group Hefazat-e Islami to remove a statue of Lady Justice from the Supreme Court in Dhaka: they argued it was an un-Islamic religious object.⁴⁶³

On 28 May, Sultana Kamal, chair of Transparency International Bangladesh, argued during a television debate that, by the same logic, no mosques should be permitted on court premises. The group called for Kamal's arrest, and threatened to "break every bone in her body," with abusive Facebook posts including doctored images of her being lynched.

Kamal received police protection,⁴⁶⁴ but the government failed to publicly condemn the threats, and, on 18 June, she was served with notice of arrest 'for hurting religious sentiments of the Muslim majority in the country.' She was not actually arrested.⁴⁶⁵

Myanmar

Population

53 million

Capital

Nay Pyi Taw

GDP per capita

\$1,162⁴⁶⁶

2008 Constitution: Chapter Viii, 354:

354. Every citizen shall be at liberty in the exercise of the following rights, if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquillity or public order and morality:

a. to express and publish freely their convictions and opinions;⁴⁶⁷

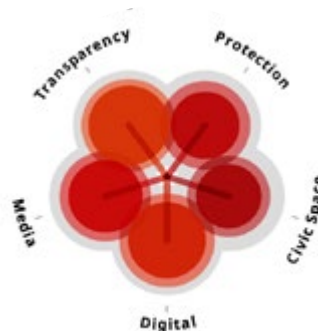
Myanmar has not ratified the ICCPR.⁴⁶⁸

Myanmar's transition from military to civilian rule in 2011 was followed by a period of significant institutional and legal reform which drastically improved the human rights situation in the country. *Myanmar is in the top five advancers for the rights freedom of expression and information over the last ten years according to XpA rankings.*

After coming to power in early 2016, Aung San Suu Kyi's *National League for Democracy* undertook some promising reforms, freeing political prisoners and amending repressive legislation. However, the government's human rights agenda quickly stalled, and officials reverted to the repressive practices of prior governments. In 2017, the government cracked down on protesters, arrested critics, and restricted the right to information.

In 2017, Myanmar security forces perpetrated a campaign of violence against the Rohingya Muslim minority in Rakhine State which the UN High Commissioner for Human Rights called a "textbook example of ethnic cleansing." Seeking to blame the Rohingya for the crisis, the government carried out a campaign of misinformation and restricted access to conflict areas for journalists and human rights

Expression pentafoil for Myanmar



monitors. The UN has since called for the prosecution of top military commanders for international crimes, including genocide.⁴⁶⁹ The crisis in the Rakhine State prompted the flight of more than 700,000 of Myanmar's Rohingya minority to Bangladesh.

The Rohingya crisis and the jailing of Reuters reporters

Some journalists were arrested or received death threats, and others left the country.⁴⁷⁰ While covering the conflict, two Reuters journalists, U Thet Oo Maung (Wa Lone) and Moe Aung (Kyaw Soe Oo), were detained and charged in December under the 1923 Official Secrets Act. They were invited to a restaurant by police officers, who handed them documents. They were arrested outside. The information ministry said that they had been charged for having 'illegally acquired information with the intention to share it with foreign media.' They were detained in Insein prison, where thousands of dissidents served time in the days of military rule.⁴⁷¹

In September 2018, the two were found guilty and handed seven-year sentences.⁴⁷²

In February 2018, Reuters published the exposé which the two had been working on, which detailed the massacre of ten Rohingya men in the village of Inn Din.⁴⁷³

Access to conflict areas for journalists and human rights monitors is necessary to ensure that the people of Myanmar, and the international community, are able to access independent reporting and information about the crisis.

The government failed to appropriately address the spread of hate speech in the country, and some government officials even contributed to discriminatory rhetoric. Civilian leaders, including Aung San Suu Kyi, consistently failed to condemn atrocities perpetrated by the state security forces across the country.⁴⁷⁴

Satire suppressed by the army

In January, the army filed defamation charges against nine students who performed a satirical play about armed conflict. A local human rights defender was arrested for streaming a video of the play on Facebook.⁴⁷⁵

Satire was suppressed again in June, when the Myanmar Army filed criminal charges against Kyaw Min Swe, chief editor of *The Voice Daily*, along with satirist Kyaw Zwa Naing, who was detained over online publication of an opinion column about a military propaganda film in March. More than two months later, she was released on bail.⁴⁷⁶

Logging, drugs, and journalists behind bars

Journalists who report on controversial topics spent 2017 under constant pressure. U Oo Nyein was the victim of harassment and legal action filed by police and members of the military, regarding reporting on livestock activity and illegal logging, which is a particularly dangerous topic for journalists in Myanmar. He had previously faced threats and violence for his reporting, but no investigation had been conducted. Ongoing conflict in Kachin State between the military and armed ethnic groups means that lawyers have been afraid to take on cases in which the police or military are accused of wrongdoing.⁴⁷⁷

On 26 June, journalists Lawi Weng of *The Irrawaddy*, and Aye Naing and Pyae Bone Naing of *Democratic Voice of Burma* (DVB), were detained alongside four others while returning from carrying out work in a Ta'ang National Liberation Army-controlled area of Shan State, and were held incommunicado for two days before being transferred to police custody. They were reporting on the illegal drug trade.⁴⁷⁸ They were charged under the colonial-era Unlawful Association Act, facing sentences of up to three years.

Prosecutions of journalists for criminal libel under the restrictive Telecommunications Law increased substantially: Swe Win, chief editor of *Myanmar Now*, was arrested and charged over a Facebook post critical of U Wirathu, a Buddhist monk known for his anti-Muslim rhetoric.⁴⁷⁹

The Telecommunications Law is regularly used against those expressing their views or reporting online: 2017 saw a potential moment of reform, but it was a lost opportunity – the proposal fell far short of the requirements of international standards.⁴⁸⁰

Myanmar's legal framework allows authorities to deny licences to outlets whose reporting is considered insulting to religion, or a threat to national security. The ongoing function of a criminal defamation law also encourages self-censorship: journalists and social media users continued to face defamation cases in 2017.

Threats and abduction of journalists

On 26 May, *Kantarawaddy Times* reporter Maw Oo Myar was abducted in the south-eastern Kayah State. Her abductors crashed their car and she was unconscious in hospital for three days. Maw Oo Myar wrote about politics, women's rights, business, and public health, and produced a regular segment for the multimedia broadcaster *Democratic Voice of Burma*. Other journalists working for the outlet also received threats in 2017.⁴⁸¹

Cambodia

Population

16 million

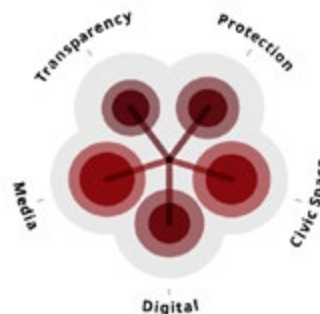
Capital

Phnom Penh

GDP per capita

\$1,159⁴⁸²

Expression pentafoil for Cambodia



Articles 41 and 42 of Cambodia's Constitution (1993, revised 2008) protect the rights to freedom of expression, assembly and association. Article 31 of the Constitution incorporates international human rights treaties directly into Cambodian law.⁴⁸³

Chapter III, Article 41

Khmer citizens shall have freedom of expression of their ideas, freedom of information, freedom of publication and freedom of assembly. No one shall exercise these rights to infringe upon the honor of others, or to affect the good customs of society, public order and national security. The regime of the media shall be determined by law.

Chapter III, Article 42

Khmer citizens shall have the right to create associations and political parties. This right shall be determined by law. Khmer citizens may participate in mass organizations meant for mutual assistance, protection of national realizations and social order.⁴⁸⁴

Cambodia ratified the ICCPR in 1992.⁴⁸⁵

In 2017, Cambodia saw a vicious crackdown on freedom of expression, particularly media and political freedoms. In the lead-up to the 2018 general elections, independent media was almost entirely shut down, with journalists, activists, and lawmakers fleeing the country. The main opposition party, the Cambodia National Rescue Party (CNRP), was dissolved by the Supreme Court in November, and leader Kem Sokha was imprisoned for treason.

XpA data shows that, over the last three years, Cambodia has seen the biggest decline in the rights to freedom of expression and information in the entire region, with a drop in the overall score of 41% between 2014 and 2017. In 2017, the score dropped by 30%: the country now sits in the region's bottom ten for all five elements.

Cambodia's political system has been dominated by Prime Minister Hun Sen and his Cambodian People's Party (CPP) for more than three decades:

in 2017 the situation deteriorated drastically. After the opposition had surprising success in the June communal elections, the regime launched an intense and sustained attack on independent media outlets in preparation for the July 2018 general elections.⁴⁸⁶ The regime circumscribed civic space, threatened human rights defenders, criminalised online expression, and facilitated harassment of government critics.⁴⁸⁷

The Penal Code contains provisions criminalising expression including defamation, public insult, insult to public officials, and incitement, often with punitive fines or jail sentences. The ruling party has threatened the creation of a 'fake news' law, but it has not yet been tabled.⁴⁸⁸

The OHCHR has repeatedly been unable to conduct its activities due to arbitrary restrictions imposed by authorities, such as refusal of access to sites of rights violations and to prisons. Authorisation procedures for visits have become unreasonably onerous.⁴⁸⁹

Media plurality extinguished

The ruling party has now eliminated or co-opted all major independent news outlets, decimating media pluralism. Public access to credible sources of information has been dramatically restricted across radio, print, and online communication. In a survey of media workers, 92% said they considered the shutdowns of independent media outlets to have been political.⁴⁹⁰

In August, the Ministry of Information ordered 32 radio frequencies to cease broadcasting due to alleged licensing issues. Many of these were independent and aired broadcasts by the *Voice of America* (VOA), *Radio Free Asia* (RFA), and the national independent outlet *Voice of Democracy*, as well as content from the opposition party. In September, RFA was forced to close its Cambodia operations under pressure, putatively related to tax and registration issues.⁴⁹¹ These developments have a profound impact on rural communities, who often lack access to other sources of information.⁴⁹²

Newsprint has also been affected: the *Cambodia Daily*, a leading independent outlet, closed down after receiving a \$6.3 million tax bill, which it claims was politically-motivated.⁴⁹³ The day after the announcement that the paper would be ceasing operation, the government ordered ISPs to block access to the website, including the archive of reporting and social media pages.⁴⁹⁴

The Phnom Penh Post was sold to a public relations firm with ties to Hun Sen, with immediate effects on editorial independence: the editor in chief was fired and up to 13 journalists resigned in protest.

Digital rights in decline as prosecutions continue

As Internet penetration has increased in Cambodia, the government has tightened its grip on online expression. A 20-year-old woman was charged with incitement and public insult for Facebook posts about Prime Minister Hun Sen and the Queen Mother; she faces up to three years' imprisonment.

An arrest warrant was issued in June for activist Sam Sokha after she appeared online in a video throwing a shoe at a sign that had Hun Sen's image on it. She

fled to Thailand and was given refugee status by the Office of the United Nations High Commissioner for Refugees, but was forcibly returned to Cambodia in February 2018, where she was transferred to prison, having been convicted in absentia in January.⁴⁹⁵

Zero tolerance for dissenting expression

Journalists and media workers faced increasing threats and legal harassment. In April 2017, RFA Cambodia's deputy director Huot Vuthy (also known as Chun Chanboth) fled the country after authorities lodged 'false declaration' charges for allegedly failing to identify himself as a journalist during a prison visit.

On 14 November, two former RFA reporters, Yeang Sothearin and Oun Chhin, were arrested and charged with 'supplying a foreign state with information prejudicial to national defence,' which carries a penalty of seven to 15 years' imprisonment.

In August 2018, both were released on bail and remain under court surveillance.⁴⁹⁶

Political analyst Kim Sok was convicted of defamation and incitement in August for suggesting in a radio interview that the ruling CPP was behind the killing of Kem Ley. He was sentenced to 18 months' imprisonment, fined, and ordered to pay approximately 200,000 USD in compensation to the CPP.

Kim Sok was released on 17 August 2018.⁴⁹⁷

Activists face huge risks

Environmental and land rights activists face particularly grave threats and security risks. Many environmental defenders work in remote and isolated areas, heightening their vulnerability; some have fled the country because of safety concerns.

In 2017, prominent environmental defender Tep Vanny was convicted in two separate criminal trials relating to her participation in a land rights protest several years earlier. In February, she was sentenced to 30 months' imprisonment on charges of 'intentional violence with aggravating circumstances,' and in September, she was sentenced to six months'

imprisonment for 'insult' and 'obstruction of a public official with aggravating circumstances.' Tep Vanny was detained continuously after her August 2016 arrest while protesting the detention of the 'ADHOC 5' human rights activists.⁴⁹⁸

In February, para-police attacked a group of 35 women and children protesting the detention of Tep Vanny in Phnom Penh.

In late June, the ADHOC 5 themselves were released on bail after 14 months in prison. With their trial still pending and under surveillance, they are under threat of re-arrest at all times, and unable to act or speak freely.⁴⁹⁹

Tep Vanny was released from prison in August 2018 following a royal pardon.⁵⁰⁰

In September, two Mother Nature activists, Dem Kundy and Hun Vannak, were arrested and charged with incitement and invasion of privacy for filming illegal sand dredging off the coast of the Koh Kong province; incitement to what remains unspecified. Earlier the same week, Mother Nature had reported irregularities in public trade figures for Silica Sand.⁵⁰¹

NGOs and civil society were also subject to repression in 2017: the highly restrictive 2015 Law on Associations and Non-Governmental Organizations (LANGO) was used to shut down and threaten a variety of groups.

In August, the Ministry of Foreign Affairs forced the closure of the US-funded National Democratic Institute (NDI), citing the organisation's failure to comply with the registration requirements of the LANGO, an allegation which NDI denied.⁵⁰²

Environmental organisation Equitable Cambodia was forced to suspend operations for five months, for allegedly violating two articles of LANGO.⁵⁰³ The Cambodia Centre for Human Rights (CCHR) was investigated under the law, then cleared to continue operations, though Prime Minister Hun Sen publicly threatened to shut down the organisation.⁵⁰⁴ Trade union members have also been subjected to violence by authorities and non-state actors while protesting working conditions: many are now too afraid to participate in industrial action for fear of arrest.⁵⁰⁵

In July, the government sent cease-and-desist letters to NGOs taking part in an election monitoring consortium called the Situation Room, stating that the initiative 'does not reflect the neutrality' required by the LANGO.⁵⁰⁶

2018's elections sounded the death knell for Cambodia's democracy

In July 2018, CPP, led by Hun Sen, declared election victory, claiming 77.5% of the vote and all 125 parliamentary seats. The country's major opposition party, the CNRP, had been dissolved in November and did not participate in the July election. This sham election is another alarming step in Cambodia's descent into dictatorship.⁵⁰⁷



Part 3:
XpA 17/18 Methodology

XpA 17/18: Methodology

V-Dem: indicators and methodology

The complete Varieties of Democracy (V-Dem) dataset includes 350 indicators that measure different aspects of democracy worldwide. In producing the XpA Report, ARTICLE 19 worked with V-Dem to select a subset of these indicators which best matched with our broad and holistic view of freedom of expression and information to create our metric: the XpA. These 37 indicators are listed in the table below, along with the original V-Dem coding identifier should anyone wish to look up the original datasets on the V-Dem website.

V-Dem is a new approach to conceptualising and measuring democracy. It provides a multi-dimensional and disaggregated dataset that reflects the complexity of the concept of democracy as a system of rule that goes beyond the simple presence of elections. The V-Dem project distinguishes between seven high-level principles of democracy: electoral, liberal, participatory, deliberative, egalitarian, majoritarian, and consensual, and collects data to measure these principles.

It is a collaboration among more than 50 scholars worldwide which is co-hosted by the Department of Political Science at the University of Gothenburg, Sweden and the Kellogg Institute at the University of Notre Dame, USA. With four principal investigators, 15 project managers with special responsibility for issue areas, more than 30 regional managers, 170 country coordinators, research assistants, and 2,800 country experts, the V-Dem project is one of the largest social science data collection projects focusing on research, with a database containing over 18 million data points. Since April 2017, the dataset covers 177 countries from 1900 to 2016 with annual updates to follow. V-Dem is the recipient of the Lijphart/Przeworski/Verba Data Set Award 2016.

V-Dem draws on theoretical and methodological expertise from its worldwide team to produce data in the most objective and reliable way possible. Approximately half of the indicators in the V-Dem dataset are based on factual information obtainable from official documents such as constitutions and government records. The remainder consists of more

subjective assessments on topics like democratic and governing practices and compliance with de jure rules. On such issues, typically five experts provide ratings for the country, thematic area, and time period for which they have expertise.

Civic space

- Engaged society
- CSO entry and exit
- CSO repression
- CSO participatory environment
- CSO consultation
- Party ban
- Access to justice for men/women
- Social class equality in respect for civil liberties
- Social group equality in respect for civil liberties
- Weaker civil liberties population
- Power distributed by gender
- Lower chamber female legislators %
- Freedom of religion
- Power distributed by social group
- Power distributed by sexual orientation

Digital

- Internet censorship
- Freedom of discussion for men and women

Media

- Government censorship efforts
- Media Internet censorship efforts
- Media corrupt
- Media bias
- Print/broadcast media critical
- Print/broadcast media perspectives
- Media self-censorship

Transparency

- Freedom of discussion for men and women
- Freedom of academic and cultural expression
- Rigorous and impartial public administration
- Access to justice for men/women
- CSO consultation
- Engaged society

- Transparent laws with predictable enforcement
- Executive oversight

Protection

- Media self-censorship
- Harassment of journalists
- Access to justice for men/women
- Freedom from political killing
- CSO repression

To address variation in coder ratings, V-Dem works closely with leading social science research methodologists and has developed a state-of-the-art Bayesian measurement model that, to the extent possible, addresses coder error and issues of comparability across countries and over time. V-Dem also provides upper- and lower-point estimates, which represent a range of probable values for a given observation. When the ranges of two observations do not overlap, we are relatively confident that difference between them is significant. V-Dem is continually experimenting with new techniques and soliciting feedback from experts throughout the field. In this sense, V-Dem is at the cutting edge of developing new and improved methods to increase both the reliability and comparability of expert survey data. V-Dem also draws on the team's academic expertise to develop theoretically informed techniques for aggregating indicators into mid- and high-level indices.

V-Dem country definitions

For the purposes of this report, and to maintain consistency in the data, we have adopted the nomenclature of V-Dem when describing countries.

V-Dem determines countries based on the following criteria:

- Formal (legal) sovereignty, or at least claims to sovereignty (e.g. present-day Somaliland).
- Continuity with a contemporary nation-state.
- Defined borders (even if imprecise or under dispute).
- A capital, i.e. a single locus of claimed sovereignty.
- A person or body that exercises executive powers, i.e. a head of state and/or head of government.
- Self-rule, at least with respect to domestic affairs.
- A distinct governing style and/or quality of

democracy relative to surrounding territories.

- A distinct constitution from the surrounding territories or the wider polity the country might be subservient to.
- Lacking (equal) representation at the central level of the wider polity it might be subservient to.

Creating combined countries in V-Dem data using population weights

For each of the five indices, West Bank and Gaza (i.e., Palestine) as well as Hong Kong and China (i.e., China) were combined using a weighted average based on the 2017 population. The overall score for each was calculated by taking the average of the thematic scores.

Developing the overall country scores

Overall freedom of expression scores were developed for each country by taking an average of their five thematic scores.

Criteria for declining/advancing countries

To identify countries that advanced/declined over the period, we took the overall score in 2017 and subtracted that from the overall prior year scores (2016, 2014, and 2007, respectively). Countries were sorted based on the change in score and then placed in quartiles, separately for advancers and decliners.

Two criteria were used to determine the significance of change over the period, based on the level of change that took place and the number of indices that were driving the overall score. First, when the amount of change fell above the median (or below the median for decliners), we used 50% of the confidence interval as the gauge for year over year change. When countries fell below the median, we used a more conservative definition of significant change which restricted interpretation to the original confidence intervals (68% of the probability mass for each score). Second, we determined that countries must have advanced/declined on at least three of the five themes in order to say that a country has advanced/declined overall.

Annual rate of advancement/decline:

This metric allows us to compare the rate of advancement/decline over different time periods.

Determining which indicators were driving decline

We used Johnson's Relative Weights to determine the relative importance of each sub-indicator on an estimation model of an annual average rate of decline (limited to those countries that experienced decline) based on contribution to an overall fit statistic. We included the drivers that contribute to at least 5% of overall model fit (and they are listed in rank order).

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- 9 ARTICLE 19, EU fails to protect free speech online, again, 5 October 2017. Available from: <https://www.article19.org/resources/eu-fails-to-protect-free-speech-online-again/>
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- 12 *Ibid*, p.36.
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