



Defending Freedom of Expression and Information in Europe and Central Asia

ARTICLE 19 Europe Annual Report 2020



ARTICLE 19 Europe

ARTICLE 19 Stichting - Europe Office
Weesperstraat 3, 1018 DN Amsterdam, The Netherlands
Reg. KvK 41205236 - RSIN 816771340

E: eca@article19.org

W: www.article19.nl

Tw: @article19europe

Fb: facebook.com/article19org

© ARTICLE 19, 2022

This work is provided under the Creative Commons Attribution-Non-Commercial-ShareAlike 3.0 licence.

You are free to copy, distribute and display this work and to make derivative works, provided you:

- 1) give credit to ARTICLE 19;
- 2) do not use this work for commercial purposes;
- 3) distribute any works derived from this publication under a licence identical to this one.

To access the full legal text of this licence, please visit:

<https://creativecommons.org/licenses/by-sa/3.0/legalcode>

ARTICLE 19 would appreciate receiving a copy of any materials in which information from this report is used. The Principles were developed as a part of the Civic Space Initiative financed by the Swedish International Development Cooperation, Sida. Sida does not necessarily share the opinions here within expressed. ARTICLE 19 bears the sole responsibility for the content of the document.

Contents

Introduction	5
Introduction from the Head of Europe and Central Asia: Sarah Clarke	5

Civic Space	7
Belarus	7
Central Asia	7
Spain	8
Turkey	8

Digital	9
European Union	9
Poland	10
United Kingdom	10
Turkey	10

Media	11
International	11
European Union	11
Belarus	12
Ireland	12
Kazakhstan	12
Kyrgyzstan	12
Russia	13
Tajikistan	13
United Kingdom	13

Protection	14
International	14
European Union	14
Hungary	15
Poland	15
United Kingdom	15
Turkey	15

Advocacy	17
-----------------	-----------

Contents

European Union	17
Ireland	17
Kyrgyzstan	17
Turkey	18

Introduction

Introduction from the Head of Europe and Central Asia: Sarah Clarke

2020 fundamentally changed Europe and Central Asia as governments across the region adopted emergency laws and regulations in response to the Covid-19 pandemic that also imposed extraordinary restrictions on journalists and civil society's activities. Severe infringements of freedom of expression and information sprang from laws punishing the alleged dissemination of false information – under which journalists have faced the risk of severe criminal penalties for their reports – as well as the systematic denial of access to public information on the pandemic, including access to healthcare workers and facilities. In Belarus the Lukashenko regime inflicted an unprecedented crackdown of the revolution which followed the rigged August 2020 presidential election.

In times of crisis where there is a threat to public health on this scale, governments are allowed, and often required, to take more restrictive measures than they would in normal times. However, such powers typically have strict time limitations. Alarming, governments such as Hungary exploited the coronavirus outbreak to entrench repressive measures, and in doing so, have crossed the limits that are set by international human rights laws. Dramatic increases in surveillance (including the widespread increase of deeply intrusive biometric technologies), extended Internet shutdowns in Belarus (that prevent people from accessing health information, medical care, earning a living or connecting with their families), and unreasonable limits on public participation (through the suppression of protest or dissent) are some of the major trends we've seen this past year.

Protection of the right to speak and the right to know is an essential bulwark against this creeping authoritarianism around the world. ARTICLE 19 Europe rose to this challenge in 2020, working with our partners in civil society and government to shine a light on the erosion of freedom of expression and adopt innovative programmes to protect people's freedoms and ensure their voices can be heard. Internally, ARTICLE 19 Europe has adapted its processes to prioritise well-being and flexibility, offering tailored support to colleagues across the region. As we look ahead, 2021 will see ARTICLE 19 Europe reflect on the way forward through the design of a new five-year strategy. As we look to reduce

inequalities and tackle the climate crisis, two of the biggest challenges facing humanity ahead, we know that true innovation and sustainable solutions will only be possible if we can guarantee that all people everywhere are free to speak and know how to access the information they need to make decisions about their lives.

A handwritten signature in black ink that reads "Sarah Clarke". The signature is written in a cursive, flowing style.

Sarah Clarke
Head of Europe and Central Asia

Civic Space

In 2020, the ongoing trend of shrinking civic space was exacerbated by Covid-19. While authorities are allowed to take more restrictive measures to protect citizens, some governments used the pandemic as a new excuse to curtail civil rights. ARTICLE 19 Europe continued to support communities affected by restrictions on right to information, freedom of expression, or protest through advocacy, campaigns and work with local partners.

Belarus

In Belarus, ARTICLE 19 Europe supported [local partners](#) to protect protesters and civil society in a brutal crackdown on protest, and was at the forefront of advocacy at the [UN](#), [EU](#), and Organisation for Security and Cooperation in Europe (OSCE) to hold the Belarusian authorities to account. We monitored the [ongoing repression](#) of freedom of expression and assembly and on multiple occasions strongly condemned [unlawful detention](#) of public watchdogs and demonstrators harassed for exercising their fundamental rights.

Central Asia

Our work in Central Asia focused on building the resilience of civil society groups. We continued to support local lawyers to defend expression related cases, raising these with international human rights institutions and organised training for independent media. Working with local partners, we engaged in discussion on legislative reforms to challenge new restrictions. We also worked to increase participation of LGBT activists in broader civil society initiatives, through capacity building, increasing their ability to protect themselves when speaking out, and challenging hate speech. In **Kazakhstan** our team worked closely with LGBTQI+ people and [local partners](#) to produce the first Kazakh-language materials for ARTICLE 19 Europe, including a translation of our “‘Hate Speech’ Explained” toolkit, online courses, and presentations. As a result, independent journalists in the country now consult with subject experts when writing about LGBTQI+ issues and make use of our resources to publish sensitive, accurate articles.

Spain

ARTICLE 19 Europe developed expertise on the restrictive environment for free speech in Spain and the misuse of certain criminal provisions in particular related to ‘hate speech’, defamation or insult. We [advocated](#) for an amendment to the Spanish penal code and urged the government to implement [UN UPR](#) recommendations on freedom of expression. We called for an urgent reform of the Gag Law and spoke against conferring excessive control over online content to the government through the [Digital Royal Decree](#). Following an online launch of our “[‘Hate Speech’ Explained](#)” toolkit in Spain, our event on freedom of expression and “hate speech” attracted over 100 participants, including organisations fighting gender, disability, and racial discrimination. We also launched a new podcast [AltaVoces](#) on the subject.

Turkey

In light of the ongoing crackdown on human rights in Turkey, ARTICLE 19 Europe developed guidelines for civil society on legal threats against public watchdogs and restrictions on freedom of expression based on its extensive work on freedom of expression in [Turkey](#). Our policy briefs (available in English and Turkish) analyse limitations of freedom of expression under [defamation laws](#) and in relation to [national security](#). In addition, we developed a webpage on [judicial harassment](#) to raise awareness about malicious prosecution of civil society, including journalists, human rights defenders and opposition politicians. The webpage consists of our analysis of provisions most commonly misused to file such lawsuits as well as case studies. We also produced a [UN manual](#) on international freedom of expression standards and international human rights mechanisms to support civil society in Turkey in their advocacy at the international level. Civil society groups positively welcomed our toolkit elaborating on different forms of [‘hate speech’](#) as well as suggesting ways to tackle it.

Digital

While online communication became essential in the context of COVID-19, many states attempted to expand their control over the digital sphere. ARTICLE 19 Europe reviewed and spoke against several restrictions that could lead to broader censorship and surveillance. While challenging hate, and misinformation are important goals, these attempts often risk violating freedom of expression, fuelling censorship and giving excessive power to the states and big tech companies.

European Union

In 2020, ARTICLE 19 Europe observed an increase in surveillance, including through biometric technologies. In December, ARTICLE 19 Europe, and partners [reacted to the EU announcement](#) with regard to the new Security Union Package, calling on the Commission to refrain from expanding biometrics mass surveillance in the EU.

ARTICLE 19 Europe closely followed the debate and raised concerns about the Draft Regulation on Terrorist Content Online. Together with our partners we put [forward recommendations](#) on how to ensure that terrorist content removal orders are in line with fundamental rights and EU judicial cooperation principles.

ARTICLE 19 Europe contributed to the processes at the European Commission on two major new pieces of digital rights legislation: The Digital Services Act and the Digital Markets Act. We published [10 recommendations](#) for the EU Digital Services Act and responded to the EU consultation. In December, we welcomed [the legislation's potential](#) to become a blueprint for regulation and competition across online platforms.

ARTICLE 19 Europe contributed to the processes at the European Commission on two major new pieces of digital rights legislation: the Digital Services Act and the Digital Markets Act. We published [10 recommendations](#) for the EU Digital Services Act and responded to the EU consultation. In December, we welcomed [the legislation's potential](#) to become a blueprint for regulation and competition across online platforms.

Poland

ARTICLE 19 Europe submitted a third-party intervention in the [PIETRZAK v. Poland case](#) before the European Court of Human Rights which concerned the compatibility of the Polish legal framework governing surveillance with the European Convention of Human Rights. In our submission, ARTICLE 19 Europe argued that the court should not allow unrestricted access and collection of communications data.

United Kingdom

ARTICLE 19 Europe raised concerns about a proposal on “[online harms](#)” by the UK Government which would delegate censorship powers to private companies. We also [responded to the UK Law Commission’s](#) consultation on reform of communication offences highlighting its serious chilling effect on freedom of expression. ARTICLE 19 Europe have long argued that certain communications offences in the UK legislation are overly broad and should be repealed. We offered our expertise as well as to engage further with the Law Commission’s plans for the reform.

Turkey

In July 2020, Turkey substantially amended the country’s [Internet law](#) which made tech platforms more susceptible to content removal and take-down requests. We [repeatedly urged](#) Turkey to comply with its international obligations and refrain from measures that will further prevent and disrupt exercising the right to freedom of expression and information online. We also called on the affected tech companies, including [YouTube](#), [Facebook](#), [TikTok](#) and [Twitter](#) to resist state censorship and to challenge content removal requests from the Turkish authorities and other requests which violate international human rights standards.

Media

The pandemic has shown more than ever the key role of journalists and free independent media to inform the public and to debunk disinformation. Given the ongoing decline in the rule of law, and using the COVID-19 crisis by several governments to curtail freedom of expression, 2020 saw a clear rise in threats against media. Journalists have been facing online abuse, legal harassment, including vexatious SLAPP cases, and even physical assault, in particular during anti-lockdown demonstrations. We are monitoring the ongoing crackdown on press freedom, advocating at the international level for the safety of journalists, as well as working closely with journalists and independent media outlets to provide legal and practical support.

International

ARTICLE 19 Europe [welcomed](#) a new resolution on [safety of journalists](#) adopted by the UN HRC. We worked very closely with the core group of states, and many of our priorities were reflected in the final resolution, including on extraterritorial threats against journalists, strategic lawsuits against public participation, journalists covering protests, gender-specific threats against journalists, and ensuring journalists' safety during COVID-19.

In 2020, many governments were taking advantage of the Covid-19 pandemic to punish independent media and to evade public scrutiny. We joined an [open letter to Marija Pejcinovic Buric, Secretary General of the Council of Europe](#) to demand swift and determined actions to protect the free flow of information.

European Union

As part of the [Media Freedom Rapid Response mechanism](#), ARTICLE 19 Europe monitors and responds to threats against journalists and media workers in EU Member States. In 2020, we supported journalists who were reporting on protests and the government's pandemic measures and we spoke out against attacks and harassment against them in particular in [Serbia](#) and [Italy](#). We also highlighted biased and unbalanced reporting on [presidential elections in Poland](#) by the national TV (TVP) and called upon the station to uphold respect rights of voters and candidates to freedom of expression and information.

Belarus

Since the disputed elections, Belarusian authorities have escalated repression against independent journalists and further limited access to information. On multiple occasions we [condemned](#) the crackdown on journalists – including physical attacks or detention for “violating public order” – and advocated for [their release](#). In addition, ARTICLE 19 Europe also spoke against labelling independent sources of information (like [NEXTA Telegram channel](#)) as extremist materials only to further restrict freedom of expression.

Ireland

In 2020, we made significant progress towards our goal of launching a pilot Social Media Council (SMC) in Ireland. The Social Media Council (SMC) is a model for a transparent, inclusive, independent, and accountable voluntary-compliance mechanism that will oversee social media platforms’ content moderation problems using international human rights law. We engaged in conversations with a broad range of stakeholders which helped us further understand the risks and opportunities the pilot will face. We look forward to working with our partners to continue developing the Irish SMC.

Kazakhstan

Working with our local partner Adil Soz, we published [two legal briefings](#) on media freedom in Kazakhstan. The briefings provide guidance for journalists and policymakers who are seeking to reform the restrictive media legislation in the country as well as set out recommendations on how to promote and protect freedom of expression and media freedom.

Kyrgyzstan

ARTICLE 19 Europe monitored and underscored increasing restrictions to freedom of expression and media freedom in Kyrgyzstan. Our [analysis](#) found that a draft law ‘On Manipulating Information’ was in violation of Kyrgyzstan’s obligations under international law. We also [reviewed the proposed amendments to the Constitution](#) and to the [Law on Countering Terrorism](#) and highlighted further possible threats to media freedom and freedom of expression. In addition, ARTICLE 19 Europe noted an increase in attacks against journalists, both offline (during protests following Kyrgyzstan’s elections, as we

highlighted in a [statement](#)) and, increasingly, online (as we detailed in a [joint article](#) with the Media Policy Institute for the Foreign Policy Centre).

Malta

ARTICLE 19 Europe continues to fight for justice for murdered investigative journalist Daphne Caruana Galizia, including a transparent, independent and thorough public inquiry into her death. On multiple occasions we reiterated the importance of the inquiry being guided by the evidence, not by arbitrary deadlines established by the Maltese Government. We thus [condemned](#) the threats made by the authorities against the inquiry and its board members.

Russia

In 2020, several governments across Europe introduced new restrictions on freedom of expression, media freedom and access to information ostensibly necessitated by the coronavirus crisis. We spoke against the [legislation adopted in Russia](#) in April that imposes harsh penalties on media and individuals for spreading “knowingly false information” related to the emergency situations and in fact establishes state monopoly on information.

Tajikistan

ARTICLE 19 Europe commented on the new provisions on [“false information”](#), adopted in the context of the Covid-19 pandemic and reviewed its compliance with international freedom of expression standards. The provisions raised big concerns among journalists who feared possible abuse of the law targeting independent media and dissenting voices. Our briefing outlines a chilling effect of such provisions on press freedom and provides a set of recommendations on how to respond to the problem of disinformation.

United Kingdom

The rise in attacks on media freedom, online speech or right to protest in the UK follows a broader trend of declining free speech in countries that have traditionally stood for its protection. ARTICLE 19 Europe published a [briefing](#) discussing main challenges for freedom of expression in the UK and urged the UK Government to take action and protect fundamental rights.

Protection

The rise of citizen journalism and informal activism in response to growing authoritarianism have placed more individuals and groups on the frontline than ever before. ARTICLE 19 Europe continued to advocate for the safety of journalists and activists and demanded accountability for crimes against them. We monitored trials, provided policy briefs on how to better protect groups at risk as well as worked on an expertise on abusive litigation against public watchdogs.

International

Our team co-authored a series of [three briefings](#) on freedom of expression, women's equality, and the safety of women journalists online. We underscored the importance of tackling online harassment against women in a way that both counters discriminatory abuse and protects freedom of expression. Our [first briefing](#) lays out states' obligations to adopt measures to protect and promote both the right to freedom of expression and women's equality under international human rights law. Our [second briefing](#) explores different measures and tools addressing online harassment by social media companies. Our [third briefing](#) looks at what forms of harassment are addressed and how they can be effectively investigated. We translated the briefs to [Kyrgyz](#) and [Russian](#) to make our expertise more available for non-English speakers in the region.

European Union

The assassination of Daphne Caruana Galizia and over 40 lawsuits she was facing for her reporting, catalysed a group of Members of the European Parliament to call for the EU Anti-SLAPP Directive. SLAPPs are abusive lawsuits used by well-resourced and powerful individuals to intimidate journalists and public watchdogs into removing or censoring critical reporting by dragging them into lengthy legal proceedings in order to exhaust their time and resources. ARTICLE 19 Europe is conducting comprehensive research into the increasing trend of SLAPPs against journalists and other public watchdogs across Europe as well as continues to advocate for EU-wide robust measures against abusive litigation. International standards are really important as they reinforce our efforts to reform national laws and policies to better protect public watchdogs. ARTICLE 19 Europe and partners drafted a [model EU anti-SLAPP legislation](#) proposing a set of rules which, if in place,

would make sure that in each EU country SLAPPs are dismissed at an early stage of proceedings, SLAPP litigants pay for abusing the law and the courts, and SLAPP targets are given means and assistance to defend themselves.

Hungary

ARTICLE 19 Europe and ILGA-Europe [submitted a third party intervention](#) before the ECtHR in the case of [Giuliano v Hungary](#). Andrea Giuliano, an Italian gay rights activist living in Hungary, was harassed and threatened with death by members of far-right groups. Giuliano made a criminal complaint to the police, after which the authorities launched a woefully inadequate investigation. We argued the Court should clarify an appropriate standard for the effective investigation of online harassment and abuse – standards that would have repercussions far beyond this individual case.

Poland

Our work on [SLAPPs in Poland](#) expanded in 2020. We [challenged](#) three SLAPPs cases against Professor Wojciech Sadurski, a scholar sued for Tweets criticising Poland's ruling party and public broadcaster, one of which was [dismissed](#) by the courts. The number of cases we monitor and journalists we support in Poland [continues to grow](#), and ARTICLE 19 Europe often monitors these trials in person.

United Kingdom

ARTICLE 19 Europe and partners strongly [condemned](#) the legal action filed in London against Swedish publication Realtid for their investigation of the financing of energy projects. This case received high-profile news coverage, in which we were quoted.

Turkey

ARTICLE 19 Europe provided independent expert opinions to the domestic courts in several cases referring to freedom of expression and terrorism-related offences. In the case of İdris Sayılğan, a journalist who was prosecuted on charges of terrorist propaganda, we argued that the provisions under which Sayılğan has been charged do not comply with international standards on freedom of expression as well as stated that sharing content does not automatically signal its endorsement. In the case of Aziz Oruç, a journalist who was prosecuted over his social media posts, we argued that the social

media posts which formed the basis of the case against him cannot justify his criminal conviction and sentence.

In 2020, the Council of Europe's Committee of Ministers reviewed Turkey's implementation of judgments by the European Court of Human Rights (ECtHR). Ahead of this review, ARTICLE 19 Europe and the Turkey Human Rights Litigation Support Project warned that the rights to freedom of expression and assembly continue to be at risk in Turkey. We submitted two communications to the Committee on Turkey's lack of implementation of the [Işıkırık group](#) and [Öner and Türk group](#) of judgments – our first communications of this kind. ARTICLE 19 Europe and TLSP [urged](#) the CoM to keep the cases open and supervise their implementation.

We also submitted a third-party intervention before the European Court of Human Rights (the Court) in the case of [Recep Özdemir v. Turkey](#) which in our view represented an opportunity to elaborate on the proper approach to “terrorist propaganda” charges. These cases form part of a broader pattern of human rights violations in Turkey, which has worsened since the July 2016 coup attempt.

Advocacy

ARTICLE 19 Europe shapes standards at international bodies, and advocates for a better protection of groups and communities impacted by restrictions on free expression in the region. In turn, our work uses international commitments and obligations to drive local change.

European Union

Ahead of the proposal for a Digital Markets Act, ARTICLE 19 Europe and partners [wrote to each EU Commissioner](#) to urge them to support solutions, including a strong interoperability requirement, that give more and new firms the chance to compete fairly in markets currently dominated by very few businesses.

Ireland

ARTICLE 19 Europe contributed to #KeepItReal, a [new campaign](#) empowering young adults in Ireland to articulate their views on how to counter disinformation and protect their right to free speech. Fifteen young ambassadors (aged 18–25) from across Ireland volunteered with our team to open up a discussion among their peers about how a democratic society should respond to disinformation and approach social media regulation. We also recruited well-known Irish artists and communicators to amplify the #KeepItReal message. #KeepItReal also ties into advocacy on the establishment of an Irish Social Media Council and our contributions to the debate on Ireland's Online Safety and Media Regulation Bill.

Kyrgyzstan

In September 2020, ARTICLE 19 Europe supported our partner, the Media Policy Institute, to deliver [a statement](#) at the adoption of Kyrgyzstan's UPR outcome at the UN HRC. Our original joint [submission](#) was made in July 2019 (before the pandemic hit). In our advocacy with delegations in Geneva in December 2019, we raised concerns that the government of Kyrgyzstan was stifling dissent, weakening protections for journalists, and restricting access to information. As a result of this advocacy, a number of key recommendations were made on freedom of expression, which Kyrgyzstan adopted in September 2020.

Turkey

ARTICLE 19 Europe strongly advocated for Turkey to halt its crackdown on journalists and civil society throughout 2020, delivering oral statements at several UN HRC sessions and leading a coalition in a submission to Turkey's UPR. States made 60 recommendations at the UPR – nearly twice the number in the previous cycle – to which our advocacy strongly contributed.

We reminded Turkey that its ongoing harassment of civil society destroys faith in the independence of the judiciary and intimidates society into silence and repeatedly called for the release of journalists and activists, including journalists [Nedim Türfent](#) and [Ahmet Altan](#), politician [Selahattin Demirtaş](#) and philanthropist [Osman Kavala](#).

On the same day that Turkey was expected to respond to its UPR recommendations, we organised a [panel discussion](#). The panellists elaborated on the outcomes of Turkey's UPR, the future of civil society and a more efficient use of international mechanisms to hold Turkey accountable. In December 2020, we organised [an event](#) to discuss the importance of documenting fair trial violations as well as international mechanisms that could be used to improve freedom of expression in Turkey. We took part in a press freedom mission and met with journalists, civil society, members of parliament, the judiciary and other authorities to assess the newest threats to independent journalism.