



Annual
Report
2018

Facultad de Derecho

Centro de Estudios en Libertad
de Expresión y Acceso a la Información

UP

**Universidad
de Palermo**



EL CELE **Agustina Del Campo** Director of CELE

We finished a year of intense changes and technological, legal and social developments. As the tension around freedom of expression grows, particularly on the Internet, new angles emerge in the public debate that require a greater analysis and creativity in the search for consensus and solutions. This year, our research agenda has been focused on the regulation and self-regulation of content on the Internet, the responsibility of intermediaries and access to information, among other things, from a regional perspective, researching, laying out networks and generating opportunities for study, debate and training that enable the contribution of various elements to the current public debates.

On a local level, this year we have encouraged and participated in public discussions on legislative initiatives within the framework of the **Legislative Observatory on Freedom of Expression**, and public policy proposals. We have promoted meetings between the **civil society, legislators and advisors**, dialogues with **judicial operators and state and academic representatives**, and we have generated training and debate opportunities in multiple sectors. We have also participated, through position papers, in the discussion of bills of law at the provincial and national levels.

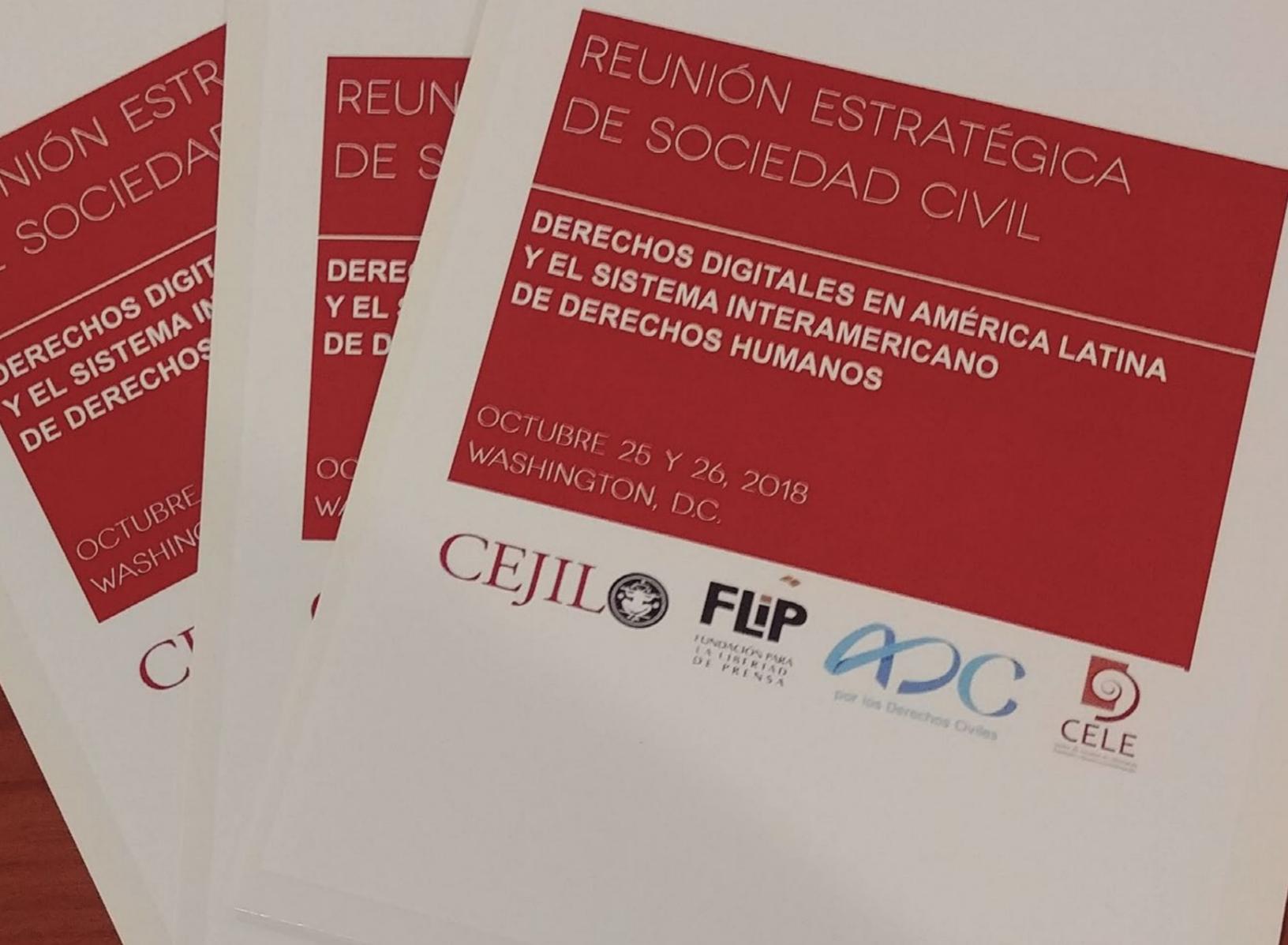
At the regional level, we have celebrated the sixth edition of our workshop **"Towards a Better Internet Regulation in Latin America"**. Thanks to the joint work with Article 19 Mexico and Brazil and the Karisma Foundation, we have been able to replicate those workshops in Mexico, Brazil and Colombia and we have held an open call which resulted in the participation of more than 150 organizations. This initiative, co-financed by different actors, is one of the only training opportunities in this subject in the region that seeks to incorporate new human rights voices to the debate, strengthen existing ones, and build bridges between them. We have also worked with the Office of the Special Rapporteur for Freedom of Expression and the Inter-American Commission of

Human Rights to bring together outstanding figures in the issue of digital rights to the Inter-American system, generating spaces for dialogue, training and advocacy. The Inter-American Human Rights System offers the most protective framework for freedom of expression. It is particularly relevant to publicize and further develop their standards and the logic that sustains them; therefore, we highlight the importance of this framework in all our work.

This year, moreover, we have worked together with a group of organizations in the region developing joint initiatives, agreements and regional consensus around some of the most complex issues of the public agenda on freedom of expression on the Internet.

Globally, we have had an active presence in forums such as the **Global Network Initiative (GNI)**, an initiative that brings together companies, investors, civil society and academics around the issues of freedom of expression and privacy. We have also participated in meetings with experts, consultations and conferences where we established conversations, learned and shared opinions and ideas with colleagues from all over the world, from both the private and the public sector. These include consultations on **private content regulation** or **artificial intelligence and freedom of expression**, carried out by the **Special Rapporteur for Freedom of Expression of the United Nations, David Kaye**; or the **Internet & Jurisdiction Project**.

This report details some of the main activities and initiatives developed by CELE in 2018. These would not have been possible without the researchers, collaborators and consultants of CELE, the administration and finance team of the UP, and the sustained support of the authorities of the School of Law and the University of Palermo. I thank all of them most sincerely. I also thank the organizations that have worked with us over the years who have allowed us to learn, share and enrich our work. Let us continue together, building and fostering meetings and creating instances and alliances to promote freedom.



INTERNATIONAL ACADEMIC COMMITTEE

- **Mariclaire Acosta**
Former director of the Democratic Governability Department and Special Adviser to the OAS.
- **Rosental Alves**
Director and professor at the Knight Center for Journalism in the Americas and UNESCO Chair in Communications at University of Texas.
- **José Zalaquett**
Former President of the Inter-American Commission on Human Rights.
- **Owen Fiss**
Sterling Professor of Law at Yale University.
- **Catalina Botero Marino**
Former OAS Special Rapporteur for Freedom of Expression.
- **Cecilia Medina Quiroga**
Former President of the Inter-American Court of Human Rights.
- **Santiago Canton**
Former OAS Special Rapporteur for Freedom of Expression. Professor, Master's in International Human Rights Law, University of Buenos Aires.
- **Roberto Saba**
Academic director of the Center for Postgraduate Studies and of the Master's degree in Law at University of Palermo.



JOIN CELE

CELE offers university students and young professionals the possibility of joining as collaborators and research assistants.

The candidates must be students or have a degree in Law, International Relations, Communication Sciences, Political Science, Journalism or any other related discipline.

Those interested in freedom of expression and access to information will find in CELE a space to broaden their knowledge, debate and exchange information and ideas, and an opportunity to contribute to research, guidelines and recommendations in those subjects. Collaborations usually last between 2 and 6 months.

Interested applicants must send a résumé and cover letter (no longer than a page) to cele@palermo.edu with the subject "Convocatoria".

Staff



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Observatory in Mexico

Interns



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Research assistant.
SOAS University of London

> Regional Legislative Observatory on Freedom of Expression

This project focuses on the monitoring and systematization of laws and bills that affect the circulation of discourse in the Americas. The goal is to analyze the state of the right to freedom of expression and its regulation after the arrival of the Internet. In 2018, with the addition of 4 new countries, the Observatory includes Argentina, Chile, Paraguay, Colombia, Peru, Ecuador, Guatemala and Mexico; it has 225 laws and 398 bills.

In addition, in June, CELE launched the Observatory's website, where all the documentation collected from each country is available, as well as the analysis of the data and the articles that contextualize the regulations. In October, Franco Serra, project coordinator, presented the Observatory in the event "The regulation of the Internet and its impact on freedom of expression" in Quito. The activity was organized as part of the

discussion panels of the Colegio de Jurisprudencia [College of Jurisprudence] of the Universidad de San Francisco de Quito, a strategic partner in this endeavor.

In November, within the framework of the conference "Social networks, disinformation and electoral campaigns", CELE – together with the 8 consultants from the countries that make up the Observatory – presented the advances and the main trends analyzed. To end the day, the event had a panel of specialists who shared some reflections on the issue of misinformation in electoral processes, facing the upcoming presidential elections in Argentina. Laura Zommer (Chequeado); Hernán Gonçalves (National Electoral Management Board), and Marcelo Leiras (UDESA) were all part of this panel. The event was co-sponsored by the Mercosur Institute of Public Policies on Human Rights.

> The Observatory in the media and networks



• Publications

In July, CELE published its new book: **"Freedom of expression and the Internet: legislative challenges in Latin America."**

The book compiles four articles that contextualize the information gathered by the consultants of the Legislative Observatory on Freedom of Expression of Argentina, Ecuador, Mexico and Peru, and a fifth article that describes the research methodology used and summarizes some of the main conclusions at a regional level.

> Initiative for Freedom of Expression on the Internet (iLEI)

With this initiative, created in 2012, CELE promotes the implementation of human rights standards on the Internet, particularly in Latin America, through research and policy papers. Furthermore, spaces for training and reflection are created through national, regional and international seminars and workshops.

In June, CELE held the sixth edition of the workshop "Towards a Better Internet Regulation in Latin America" in Buenos Aires. This year and thanks to the support of Article 19 Mexico and Brazil, the Karisma Foundation and the Pan American Development Foundation, CELE also organized the workshop in Mexico, Brazil and Colombia, issuing an open call which resulted in the participation of more than 150 organizations. The objective was to train human rights organizations in digital rights, and encourage their participation in the debates on Internet regulation. The experience will be repeated in 2019, hoping to add new voices as the regulation of technology acquires increasing complexity.

During the first half of the year, CELE co-organized and participated in the research on private content regulation developed by the Special Rapporteur for Freedom of Expression of the United Nations, David Kaye, with the participation of more than 15 representatives of civil society and activists. In addition, CELE submitted written comments that were later cited in the report.

Throughout the year, CELE took part in the **Global Network Initiative (GNI)**, which it joined in 2013, and the **Internet & Jurisdiction Project**, both multi-stakeholder proposals that address issues of freedom of expression and privacy in the digital age. CELE also attended a conference on gender and online violence and another one on moderation of content on Facebook, and presented comments in response to a global consultation on the occasion of the modification of Twitter's terms of service.

Along the same lines, CELE co-organized a round table with Technology and Society Center **to dialogue with Monika Bickert, Vice President of Global Policies Management of Facebook**, with civil society organizations, legislators and their advisers. The issues explored were the standards and practices of content management of the company, self-regulation and transparency mechanisms and hate speech.

This year, in addition, CELE intervened in numerous and diverse legislative discussions, at a national and local level. Along with a group of leading organizations in the field of human rights, CELE presented **observations on the reform of the Criminal Code of Argentina** that included the statutory offense of "virtual identity theft". CELE also presented comments on the reform of the Code of Contraventions and the Criminal Procedure Code of the City of Buenos Aires.

Likewise, CELE organized and participated in various round tables and public conferences, both locally and internationally. In April it organized the event **"Reflections on the Freedom of Expression Agenda in Argentina"**, in October CELE organized a **round table** between undergraduate and postgraduate students to talk about fake news, and in November an event about disinformation, social networks and electoral campaigns, all of them carried out at the University of Palermo. In November CELE organized a panel in the **Internet Governance Forum (IGF)** on the impact of regulation on Internet governance and in August it was part of a panel on disinformation at the **Preparatory Meeting for the Internet Governance Forum (LACIGF)**. CELE also participated in a panel on Big Data in the International Open Data Conference (IODC) and in a meeting of the Argentine Debate Association.

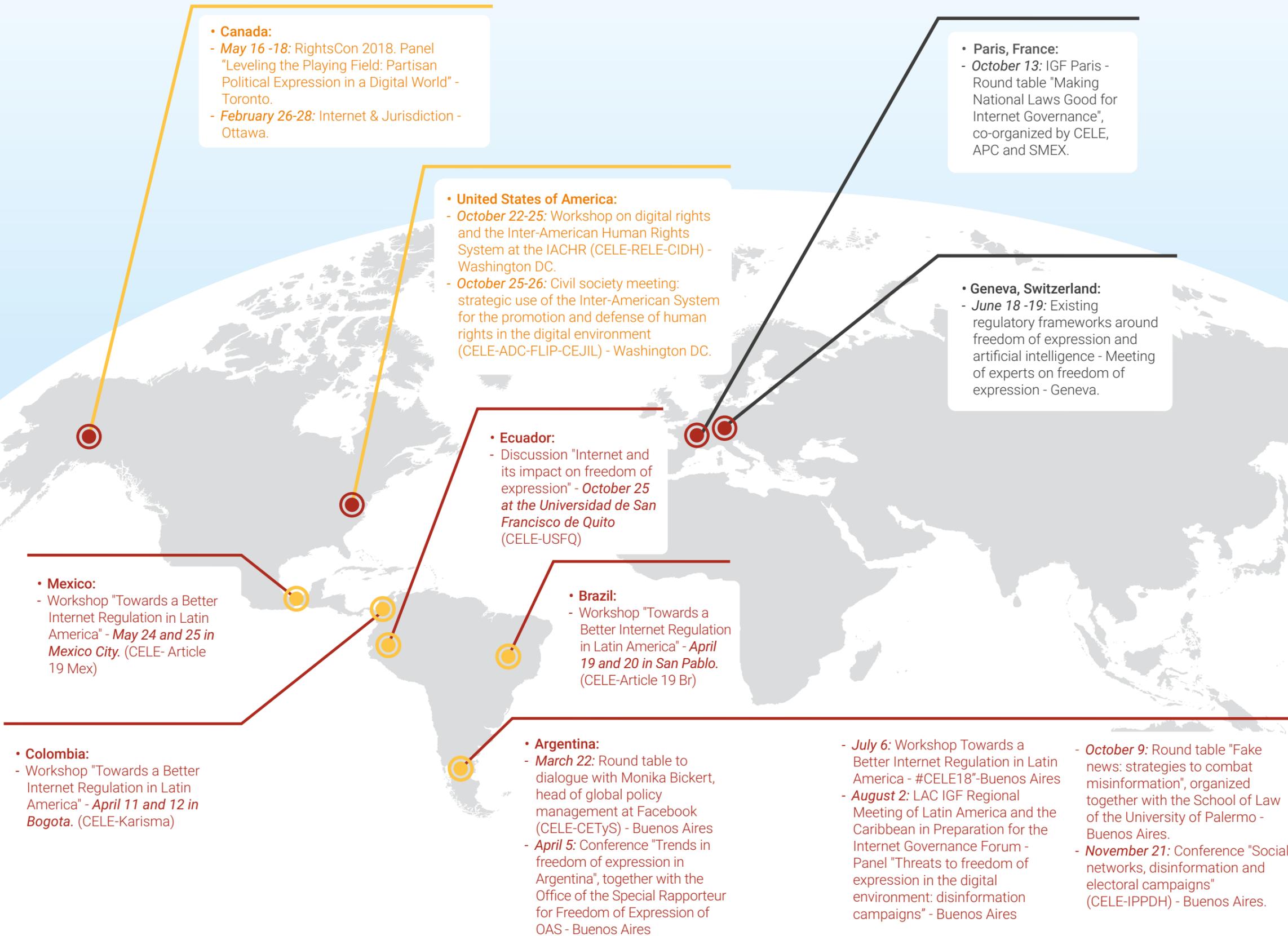
• Publications

"Moderation of content and private censorship: standards outlined by the legal precedents of the Inter-American Human Rights System", by Agustina Del Campo: the article is the result of a contribution made by CELE on the Right to Freedom of Expression and Opinion to the Special Rapporteur for Freedom of Expression of the United Nations, David Kaye, for his report on private content regulation on the Internet. The article analyzes which are the principles that companies and / or governments should take into account in

the processes of content moderation in the digital era, in light of the freedom of expression standards of the Inter-American Human Rights System.

"Implementing "digital oblivion": the forgetting of details", by Carlos Cortés and Luisa Isaza: The paper explores the implications regarding technical aspects, implementation and the consequences of the different types of orders that are emerging from judicial and administrative authorities in Latin America to guarantee the digital "right to be forgotten".

> Events and activities organized by CELE in 2018



> Freedom of expression

• **“Reflections on the freedom of expression agenda in Argentina”:** in April, CELE together with FOPEA (Forum of Argentine Journalism) held a day of conference on freedom of expression and democratic participation, and good practices in adapting national legislation to Inter-American standards on freedom of expression. Experts such as Edison Lanza, Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), Roberto Saba, Director of the Masters in Constitutional Law and Human Rights of the UP, Pablo Mendelovich, Director of Journalism of the UP, Norma Morandini, Director of the Human Rights Observatory of the Senate of Argentina, among others were part of the conference.

• **Amicus in the case Pando v. Revista Barcelona:** this case, pending judgment in the Supreme Court of Justice of Argentina, is the first to deal with this type of expression, so that its resolution will be an important precedent for the exercise of freedom of expression in Argentina. CELE, with the legal sponsorship of the Legal Clinic of the University of Palermo, presented an *amicus curiae* (friend of the court) with an analysis of national and comparative legal precedents on cases of satire and parody in tension with the right to intimacy and honor.



> Access to information

In 2018, CELE participated in the inquiry opened by IDB Invest on its Access to Information Policy and presented its comments and reflections. In addition, CELE took part in the training session organized by the Transparency Council of Chile and the Ministry of the Interior, within the context of the first year of implementation of the Law on Access to Public Information. The activity was aimed at those responsible for agencies in charge of access to information and personnel linked to these organizations. There, Agustina Del Campo made a presentation with Víctor Abramovich, Prosecutor before the Supreme Court of Justice of the Nation and Helen Darbshire, director of Access Info Europe, among other experts.

• Publications

Agustina Del Campo and Franco Serra commented on article 25 that creates the Body for Guaranteeing Access to Information in Law 5784 that modifies Law 104 of the Autonomous City of Buenos Aires, highlighting progress and challenges for its effective implementation.

About CELE

The Center for Studies on Freedom of Expression and Access to Information (CELE) was created in 2009 within the School of Law of the University of Palermo with the aim of carrying out studies that become useful tools for sectors of the society in general, journalists, governmental and academic institutions dedicated to the defense and promotion of these rights, especially in Latin America.

The creation of CELE responds to the need of generating debate spaces devoted to reflecting on the importance of these rights in the region, their content and limits. To this end, the center intends to establish a dialogue and collaboration with other academic units in the country and in Latin America.



Goals

- To encourage, together with other academic units, the in-depth study of issues related to freedom of expression and access to information.
- To develop studies, guidelines and recommendations tending to generate a concrete impact in the development and understanding of public policies in this matter.
- To generate awareness of the importance of these rights in democratic societies, fundamentally among the new generations.

Sources of financing



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