



Annual
Report
2019

2009-2019

10 years

Facultad de Derecho

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

UP
Universidad
de Palermo

Staff



Agustina Del Campo
Director



Natalia Torres
Researcher



Carlos Cortés
Researcher



Franco Serra
Legislative Observatory
Coordinator. Researcher



Paula Roko
Communications Coordinator.
Researcher



Victoria Abatte
Communications and Logistics
Assistant

Researchers for the Legislative Observatory



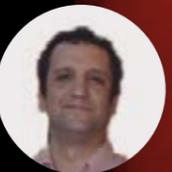
Patricia Peña
Researcher for the Legislative
Observatory in Chile



Luisa Isaza
Researcher for the Legislative
Observatory in Colombia



Álvaro Castellanos
Researcher for the Legislative
Observatory in Guatemala



Camilo Filartiga
Researcher for the Legislative
Observatory in Paraguay



Martina Rapido Ragozzino
Researcher for the Legislative
Observatory in Ecuador



Andrés Calderón López
Researcher for the Legislative
Observatory in Peru



Juan Carlos Arjona Estévez
Researcher for the Legislative
Observatory in Mexico



Mariana Valente
Researcher for the Legislative
Observatory in Brazil



Thiago Oliva
Researcher for the Legislative
Observatory in Brazil

Internships and collaborations at CELE

*This year, two students from the School of Law of the University of Palermo collaborated with CELE, as a part of their professional practices to finish their degree in Law: Florencia Bartolo and Guillermo Pontalti.



Editorial Agustina Del Campo Director of CELE

In 2019 CELE celebrated its tenth anniversary. In these 10 years, we have seen substantive changes in the freedom of expression agenda at local, regional and global levels that have profoundly impacted our research plan. In 2009, the region was reaching the end of a process for the decriminalization of contempt, slander and insult that had taken two decades. Therefore, we focused on identifying lessons learned from these processes, which could be replicated in other areas of the world, challenges or unresolved issues. At the same time, the first laws on access to public information began to be implemented in various countries of the region. Part of our work was devoted to studying comparative access to information and archiving policies, including their interactions and interdependencies between filing that information and granting access to it. Additionally, in Argentina, the regulation applicable to social protest was discussed. Today, intersected by technology, many of these debates return to the public agenda.

Currently, **more than 80% of the bills regulating content refer to the Internet and two-thirds of those bills are about regulating intermediaries.** The Legislative Observatory of CELE has more than 240 laws and more than 500 bills, from 9 countries in the region that had been made available to us, which allow monitoring the legislative development, identifying opportunities and challenges common to our countries. Within the framework of this initiative, we started a blog that allows contextualizing and complementing documentation and analysis and generating a new space for discussion. We also began to plan a project aimed at monitoring the development and implementation of self-regulation measures and their impact.

On the other hand, this year we held the seventh edition of the annual workshop "Towards a better internet regulation in Latin America", which had more than 60 participants from 12 countries in the region. The workshop puts an end to a two-year project that, thanks to the support of our donors and partners, allowed us to replicate the workshops in three other

central points of the continent: Brazil, Mexico, and Colombia and attend to the particularities of each sub-region. Thanks to this initiative, expert voices on complex issues, such as gender, childhood or discrimination, have been added to the debate about the regulation and self-regulation of technology and its implications in different countries.

The speed of technological development confronts us with new problems that require detailed attention and analysis, which often seem impossible given the main elements of this moment of perpetual change.

This year, CELE published two new books: *Towards an Internet Free of Censorship III* and *Internet and Human Rights III*. The former is a compilation of articles developed by leading academics in the region regarding the validity of regional standards of freedom of expression in the digital era; and the latter, a compilation of articles written by CELE researchers, which address complex issues such as humor and freedom of expression, the regulation of OTTs, self-regulation of content platforms and hate speech.

With this report, we close 2019 and face 2020, ready to continue making our contribution to collectively build and define the right to freedom of expression at a local, regional and global level.

I would like to thank the more than 60 researchers who have worked with us over the years and from different parts of the continent. Currently, there are more than 10 researchers in 9 countries of the region that work in various research projects. I also want to thank our regional partners, civil society organizations and academia especially, with whom we work throughout the year in a spirit of collaboration and mutual assistance, and who enrich our work immensely. Like every year, I cannot fail to thank the president of the University of Palermo, Ricardo Popovsky, and his team for their constant support, the dean of the School of Law, Leandro Vergara, and the entire management team of UP that facilitate our work. And of course, last, but not least, I will like to thank the donors who make our work possible.

> Regional Legislative Observatory for Freedom of Expression

www.observatoriolegislativocele.com

241 laws and 522 bills of law

This project focuses on the monitoring and systematization of laws and bills that affect freedom of expression and the circulation of discourse in the Americas. The goal is to analyze the situation of the right to freedom of expression and its regulation after the arrival of the Internet. Currently, the Observatory website includes the **survey and legislative analysis of Argentina, Chile, Paraguay, Colombia, Peru, Ecuador, Guatemala, and Mexico.**

During 2019, CELE promoted and participated in presentations of the Legislative Observatory in Paraguay, Guatemala, Mexico and Bolivia:

- **PARAGUAY**  **March 13, 14 and 15:** CELE organized a roundtable and workshop on trends and legislative challenges on freedom of expression and the Internet in Latin America. It was co-organized with the Centro de Investigación Académica en Políticas Públicas [Center for Academic Research in Public Policies] and the Department of Social Sciences of the School of Philosophy and Human Sciences of the Catholic University of Asunción and with the support of the Open Government Paraguay Action Plan.
- **GUATEMALA**  **March 18 to the 21:** The Observatory made a series of presentations with the Association of Law Students of the Francisco Marroquín University and the Schools of Law and Communications of the Universidad del Istmo.
- **MEXICO**  **March 25 to the 28:** CELE organized a seminar at the Center for Political Studies of the School of Political and Social Sciences of the National Autonomous University of Mexico and the Ibero-American University of Puebla and Mexico City. In addition, Franco Serra made a presentation on behalf of the Legislative Observatory in the Mexican Senate, where the impact and implications of Internet regulation on the right to freedom of expression were debated.
- **BOLIVIA**  **August 8 and 9:** Within the framework of the Latin American and Caribbean Regional Preparatory Meeting for the Internet Governance Forum (LACIGF), CELE co-organized with Fundación CONSTRUIR of Bolivia the Discussion "Freedom of expression on the Internet."

Furthermore, this year CELE launched the Legislative Observatory's blog. It is a space to share news, curiosities and give context to the debates on freedom of expression and the Internet in the region.



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 the 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 of Law for the Master's degree 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 the 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 one page) to cele@palermo.edu with the subject "Convocatoria".

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

In 2012, CELE created the Initiative for Freedom of Expression on the Internet (iLEI), which actively promotes analysis, understanding and the implementation of standards for human rights on the Internet in Latin America.

Workshops # CELE19: “Towards a Better Internet Regulation in Latin America”

As every year, the workshop “Towards a Better Internet Regulation in Latin America” was held in September in the City of Buenos Aires, with the participation of **more than 50 people from organizations from 11 countries in Latin America and the Caribbean**. In this seventh edition of the workshop, we invited organizations from all over the region to discuss **social media and content moderation,**

intellectual property, cross-jurisdictional issues, online gender violence, and identity and biometrics.

Thanks to the alliance with Colombia’s **Fundación Karisma and Article 19** Mexico and Brazil, and with a successful experience in 2018, this year the CELE workshop was held again in these countries to involve and train more organizations and see to the particularities of each sub-region. The objective of this event was focused on training traditional human rights organizations in the field of digital rights, the implications of Internet regulation in their work and the promotion of greater participation in these debates. Organizations from Argentina, Bolivia, Chile, Colombia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay, and Venezuela participated in these four sub-regional workshops.

> The Observatory in the media and social media



2019 marked the end of the project that allowed us to replicate the workshops at a sub-regional level where over 100 organizations participated and some of those organizations received support to start or broaden their work in this area. We appreciate the support of our partners in this initiative: PADF, Fundación Karisma, and Article 19 Mexico and Brazil.

Discussion with the Inter-American Court of Human Rights

Within the framework of World Press Freedom Day, CELE co-organized with the Inter-American Court of Human Rights a **panel on the possibilities of dialogue and joint work between the Court and the digital rights organizations of the region** in San José, Costa Rica. Paula Roko, a CELE researcher, moderated the discussion with Pablo Saavedra, Executive Secretary of the Inter-American Court. This was the second event organized within the framework of the Inter-American Human Rights System, after a workshop and a meeting of experts held in 2018 at the headquarters of the Inter-American Commission on Human Rights in Washington DC. The project, led by CELE, FLIP, ADC and CEJIL, concluded with a regional meeting of organizations to reflect on the lessons learned and coordinate the next steps.

Expert meeting on the liability of intermediaries: challenges and opportunities for Latin America.

In Buenos Aires, CELE organized a two-day expert meeting in March with organizations in Latin America to discuss the **challenges and opportunities presented by the liability of Internet intermediaries in the region**. The meeting was attended by organizations from the network ALSUR, a consortium of organizations in the region made up of ADC, Coding Rights, Derechos Digitales, Fundación Karisma, Hiperderecho, InternetLab, IPANDETEC, IDEC, R3D, TEDIC, and CELE, and OBSERVACOM was invited.

Participations and panels:

- **Regional Consultation on private content moderation**, conducted by Facebook in San Pablo, Brazil (February 2019).
- **“GNI Learning forum”**, organized by the Global Network Initiative (GNI), in London, United Kingdom (March 2019). Agustina Del Campo was a speaker in the open event held during the GNI assembly meeting and commented on challenges and opportunities regarding freedom of expression in Latin America.

- **“Media concentration in Latin America: challenges and alternatives for an information plurality”**, organized by Tiempo Argentino, Reporters Without Borders and Friedrich Ebert Stiftung Foundation (April 2019). Agustina Del Campo was a member of the panel on net neutrality.
- **“The impact of the European Copyright Directive in Latin America”**, Internet Day, organized by CABASE (May 2019). Held in Buenos Aires, Argentina.
- **“Hacia un marco jurídico propio de internet en América Latina: aspectos civiles, comerciales, económicos y de derechos humanos” [Towards a legal framework for the Internet in Latin America: civil, commercial, economic and human rights aspects]**, organized by CETyS and UBA, held in June at the School of Law of the University of Buenos Aires, in Buenos Aires, Argentina (June 2019)
- **“Challenges for Freedom of Expression in the digital environment”**, (May 2019) organized by the Office of the Special Rapporteur for Freedom of Expression of the OAS, the Court and Unesco, San José, Costa Rica.
- **Misinformation and Democracy, organized by the National Endowment for Democracy (NED)** in Buenos Aires, Argentina (June 2019).
- **Latin American and Caribbean Regional Preparatory Meeting for the Internet Governance Forum (LACIGF)**, held in La Paz, Bolivia (August 2019). CELE co-organized the Regional Dialogue “Human rights and technologies: our common challenges” with the organizations of the AISur consortium.
- **Global Expert Consultation on the creation of the Oversight Board**, held by Facebook in Palo Alto, California (August 2019).
- **“Love and hate speeches”** organized by CLACAI in Lima, Peru (September 2019). Agustina Del Campo was part of the panel on legal challenges and developments in discourse against gender.
- **“Rule of Law as a key concept in the digital ecosystem”**, Internet Governance Forum in Berlin (November 2019). CELE co-organized the panel with Unesco and Internet Society.
- **“Lac Space”**, Internet Governance Forum in Berlin, Berlin (November 2019). Franco Serra presented the progress of the Regional Legislative Observatory in a space that brings together organizations from Latin America to dialogue and exchange experiences on human rights work on the Internet in the region.
- **Youth IGF Argentina**: Paula Roko was part of the Youth IGF Argentina Program Committee on behalf of the academic sector, held at Nic Argentina (December 2019).

> Special 10 years of CELE

Throughout its 10 years of existence, CELE created debate spaces that brought together journalists, government institutions, academia, private sector, and civil society in order to **reflect on the importance, content, and limits of the rights to freedom of expression and access to information in the region**. To celebrate it, the Center organized a special event that featured the distinguished presence of Prof. Robert Post, Sterling Professor and former dean of the School of Law of Yale University; Edison Lanza, Special Rapporteur for Freedom of Expression of the Organization of American States, and various authorities, scholars, and experts from across the region.

In his welcome speech, Eduardo Berton, founder of CELE, said: "Since 2009 we have worked with dedication, energy and professionalism. This has characterized CELE from the start. All of us who have contributed in some way should be proud." On the other hand, Agustina Del Campo stated: "we live in a period marked by great changes and debates about freedom of expression. In CELE we believe that it is a good time to ask ourselves what we can do to strengthen these discussions."

Robert Post, keynote speaker at the event, shared his vision about freedom of expression, particularly in the United States. "Freedom of expression became a legally protected right in the United States with the objective of serving a specific purpose: to ensure the freedom to participate in the formation of public opinion which, as Learned Han has argued, is the final source for a government in a democratic state".

On the other hand, the guest of honor invited to share his observations as Special Rapporteur for Freedom of Expression of the OAS, Edison Lanza was interviewed by the Executive Director of Chequeado, Laura Zommer. He commented on the task carried out by CELE: **"It should be mentioned that CELE always had a regional vocation, which is not common in the study centers of the universities in our region**. In addition to working on the perspective of Argentina, it has also worked on the regional perspective, particularly on issues of the digital age, where they have been pioneers."

In honor of the 10-year anniversary, CELE conducted interviews with specialists from across the region who were asked about the future challenges of human rights on the Internet, the role of civil society, governments, businesses and academia and the work of the Center ten years after its creation.

The experts interviewed were: Maria Paz Canales (Derechos Digitales - Chile), Joana Varon (Coding Rights - Brazil), Luis Fernando Garcia (R3D - Mexico), Carolina Botero (Fundación Karisma - Colombia), Guilherme Canela (UNESCO), Edison Lanza (Office of the Special Rapporteur for Freedom of Expression OAS), Daniela Salazar (Constitutional Court of Ecuador), Eduardo Berton (Agencia de Acceso a la Información Pública [Agency for Access to Public Information] and founder of CELE), Roberto Saba (Center for Postgraduate Studies of the School of Law, University of Palermo). Full interviews are available on our website: www.palermo.edu/cele.



> Publications

“Towards an Internet free of censorship III: standards, contexts and lessons from the Inter-American System”. In recent years, there has been a debate regarding the need to critically evaluate existing Inter-American standards in light of Internet developments and the existence of legal loopholes or gaps. The authors propose **a critical look at different initiatives that have emerged within the framework of the Inter-American System and analyze them in the light of their history, their institutional strength, and their relevance in the domestic law of the countries that make up the region.** Prof. Roberto Saba (UP), Prof. Catalina Botero, dean of the School of Law of the Universidad de los Andes; Prof. Silvio Waisbord, George Washington University; Prof. Alejandra Gonza, University of Seattle; and Prof. Agustina Del Campo (UP) contributed to the publication.

“Hate speech as a threat to human rights”. The article, written by Natalia Torres and Víctor Taricco, studies the **phenomenon of hate speech as social speech, the international jurisprudence on the subject and suggests a classification to analyze and systematize the circulation of this type of speech.** In addition, it seeks to contribute to the knowledge of this problem and to the creation of public policies that set forth an active role for States in actions aimed at counteracting hate speech, guaranteeing freedom of expression and equal rights.

“Considering Facebook Oversight Board: turning on expectations”. In this article, CELE presents its position on the independent supervisory board that Facebook was going to create to audit content moderation decisions. **The document analyzes the implications that the decisions of this board may have in terms of freedom of expression;** it delves into the concept of legitimacy in these types of structures; it inquires about what type of body would be more convenient and what other models exist and can be imitated. Finally, it addresses the questions about the selection criteria that should be followed when choosing board members.

“From comics to memes: old and new problems regarding humor and freedom of expression”. The article, written by Paula Roko and Agustina Del Campo, **investigates the main sources of tension between humor and freedom of expression, many of which seemed to arise or become accentuated with the explosion of “memes” on the Internet.**



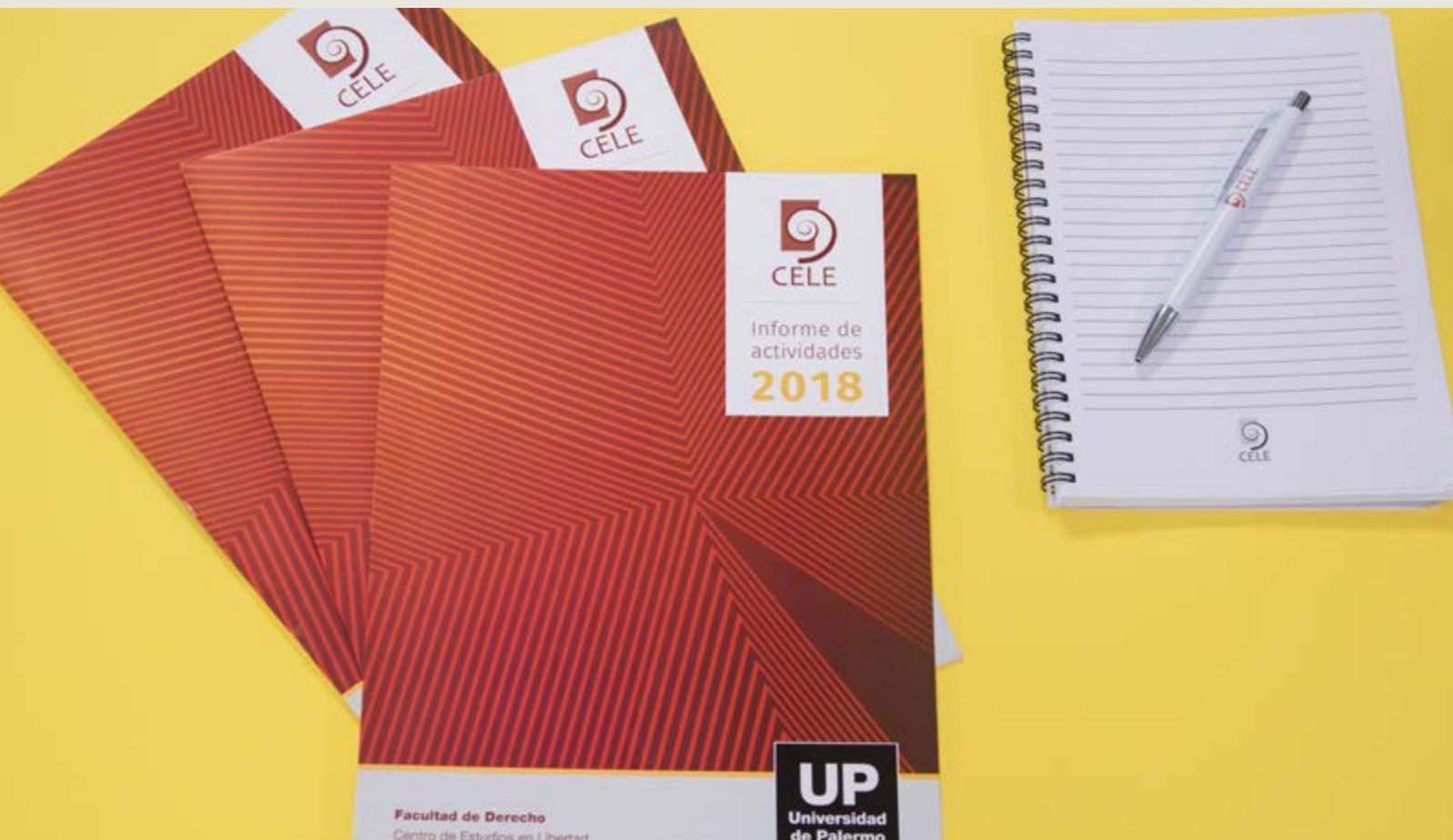
> Access to information

“Los guardianes del acceso a la información pública: análisis sobre la implementación de los órganos garantes [Guardians of access to public information: analysis on the implementation of the bodies for guaranteeing access to information]: this article, written by Franco Serra and Agustina Del Campo, analyzes the degree of progress in the implementation of the law on access to public information and the measures taken by the six guarantor bodies created by law while exposing some findings and challenges faced by these agencies.

About CELE

Centro de Estudios en Libertad de Expresión y Acceso a la Información [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 civil society, journalists, government and academic institutions dedicated to the defense and promotion of these rights, especially in Latin America.

The creation of CELE responds to the need to generate 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, an 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, especially in new generations.

Sources of financing



1050 Mario Bravo, 7th floor. Buenos Aires City
Telephone: (54 11) 5199-4500 ext. 1204/1213
www.palermo.edu/cele
E-mail: cele@palermo.edu
@CELEUP | /CELEUP