

sydney
PEN

PEN magazine

Free Voices: Tim Soutphommasane

**The most serious harm of racism:
the denial of respect and equality**



- Intelligence dragnet undermines right to privacy and free speech
- Asylum seekers: *A Country Too Far* ● The PEN/Keneally Prize
- Communication used to intimidate is antithesis of freedom of expression ● Power, protection and principles: The state of press freedom in Australia

Communication used to threaten is antithesis of freedom of expression



Michael Fraser

Freedom of expression is not a licence for criminal communication. There is a growing amount of communication online and in social media that is threatening. Cyber bullies and Internet trolls threaten and abuse their victims, thinking they are safe because they are anonymous. They imagine that they are disconnected from the consequences of their abuse of other people online and that they can menace others with impunity. They are mistaken. They can be tracked down by law enforcement agencies and held to account under existing criminal law.

Using a telecommunications network to threaten someone with death or threaten them with serious harm, where the person making the threat intends the recipient to fear that the threat will be carried out, is a crime punishable with up to 10 and seven years imprisonment respectively. Communications that menace, harass or offend can result in imprisonment for up to three years.

There are Internet trolls who deface online tribute sites in order to hurt other people and to cause them grief. There are cowardly online thugs who send their victims streams of messages to pressure and annoy them. These also are criminal communications. Under the general criminal law in New South Wales, to intimidate or annoy someone by violence or otherwise to compel a person to do something, or abstain from doing something they have a right to do, is punishable by up to two years imprisonment.

In recent years, there has been a spate of postings where people put sexual photos or video images of others online to humiliate them, or merely out of cruelty, or for revenge. The impact on the victims goes beyond the immediate humiliation, embarrassment and anxiety. The material, once posted online, is irretrievably available to everyone

indefinitely and may continue to affect victims throughout their lives.

Publishing indecent material to harm another can result in imprisonment for up to one year and a fine of up to \$11,000. The courts are concerned that communications technology should not be used in these criminally irresponsible ways and, in addition to sentencing those convicted to imprisonment and fines, they have sometimes banned them from using social networking sites as a part of their sentence.

Serious expressions of racism online are also criminal offences if there is an intent to incite violence.

It is an abuse of the right of freedom of expression to harm others and the criminal law inscribes a proper limit to the right. When communication is used to threaten or intimidate others, it is the very antithesis of freedom of expression because it frightens reasonable people out of the forum. When people, in anxiety or disgust, are forced away from communicating freely then public discourse diminishes and the civic sphere shrinks. Trolls and cyber bullies' attacks are aimed not only at their victims, they constrain everyone's ability to participate freely and damage the whole of society.

Civic discourse is the life blood of a democracy. We rely on the law but we also have a responsibility in ordinary discussion and comment. Of course, not all online encounters will be pleasant ones. But if we allow coarse, offensive and unreasonable expression to be the accepted norm online then more people will abandon the internet for serious uses and the information society we are building now will not reach its full potential. We depend on civil civic conversation to keep communication open and this is something we all can help to maintain by being champions for it.

Michael Fraser

Shedding a light on the dark

"I'm just a columnist for a newspaper," says Richard Ackland, dangling a pair of tortoiseshell glasses from his hand. The accomplished journalist and lawyer may appear casual, assured and self deprecating but throughout his career, he has worked to expose injustices within law and social policy.

Richard Ackland received the prestigious Gold Walkley Award for Journalism in 1999 for investigating the now infamous cash-for-comment affair, concerning paid advertising in radio that was presented to sound like editorial commentary. His column in *The Sydney Morning Herald* continues to canvass important social issues. "I've tried to write on human rights issues and a lot of these things are quite dense," he says. "Sooner or later people switch off if you keep on about refugees, rates of imprisonment or youth suicide. The *Herald* has been pretty good at allowing me to have that beat."

Richard Ackland has been awarded the 2013 PEN/Keneally Award, announced at a special event marking The Day of the Imprisoned Writer on November 15. The award recognises achievement in promoting freedom of expression, international understanding and access to literature as expressed in the Charter of International PEN.

After a stint in the Naval Reserve to avoid getting his "arse shot off in Vietnam", Richard began work at *The Daily Telegraph*, then owned by Frank Packer. Then, under Maxwell Newton, founding editor of *The Australian*, he gained further experience and soon moved to Canberra to cover the Whitlam administration.

"It was a fascinating time for journalism. You could be drunk on the floor and they were feeding the stories into you like a Strasbourg goose," he says. "I was having lunch with a few journalists in the lobby," he says, remembering the occasion in 1975, when "Laurie Oakes got a phone call and suddenly announced 'Kerr's sacked Whitlam!' The place was in uproar."

He was unhappy with the sordid affair that became known as the Dismissal. "That intensified my sense of legal injustice. It was a sneaky, underhand play by a few centrally located and incredibly in-the-know and powerful figures."

Establishing the Law Press of Australia in 1986, now run from his office in Kent Street, Richard produces *The Justinian*, *The Gazette of Law and Journalism* and local news outlet, *Postcode 2011*. "*The Justinian* covers the interstices of the law, the dirty linen of the law a bit more closely," he says, invoking the role of a journalist as the consummate outsider. "It only could be done by someone knocking on the door or pressing nose to the glass and trying to work out what's going on."

He began his radio and television broadcasting career with announcing roles at ABC Radio National's current affairs programs *Late Night Live*, *Daybreak* and his first foray, *The Law Report*. "I had no skills at all doing radio," he says. "I stitched together a program and did a few interviews. It was simple stuff."

A memento of the Gold Walkley he won with *Media Watch* colleagues Deborah Richards and Ann Connolly



Richard Ackland

for their expose on cash-for-comment affair is a framed newspaper front page hanging above the bookshelf in his office.

"That was our golden moment," he says, recalling the time when a contract was discovered between radio host John Laws and the Australian banking lobby. "Most journalism doesn't make a difference, but sometimes it does. It was an examination of something that was underhand and corrupt."

The investigation resulted in far-reaching changes to the law and a greater awareness of the media ethics. "It was a bit of a wake-up call. It was rife. All the underpinning was floating on payola and plugola."

Richard screws up his face when asked about the state of media today.

"It has changed. Because of the reduction of journalists for economic reasons, the pressure is on to produce more with less, and to feed the beast more rapidly.

"There's a processing role that is fine and important," he says, referring to how news is reported. "Then there's the next step up that is a more specialised, focused and analytical function. There are people with precise rounds that they've honed, with wonderful contacts, and they bring a richness that a daily reporter doesn't necessarily bring."

The father of three says he is still learning the craft and, with age and experience, has come confidence. "I like being independent. I like being outside it all a bit. I'll just keep on developing the skills and I don't think you ever stop that. It's basically silly little me sitting in a corner." Not silly at all.

The biennial PEN/Keneally Award was established in 2004 in honour of author Thomas Keneally AO for his lifetime commitment to the values of PEN. The Award is made possible through the generosity of Mr Keneally and Random House Australia.

John Mebberson

Sydney PEN

Management Committee

Michael Fraser AM (President)
Sandra Symons (Vice-President)
Miriam Cosic (Vice-President)
Susie Eisenhuth
Angelo Loukakos
Carol Dettmann
Daniel Rowland
Zoe Rodriguez

Writers' Advisory Panel

Geraldine Brooks
JM Coetzee
Tim Flannery
Helen Garner
Kate Grenville
Tom Keneally AO
David Malouf AO
Frank Moorhouse AM
John Tranter
David Williamson AO

Life Members

John Bennett
Angela Bowne SC

Mona Brand (1915-2007)
JM Coetzee
Bruce Dawe AO
Deirdre Hill
Nicholas Jose
Thomas Keneally AO
Mabel Lee
Ruby Langford Ginibi
David Malouf AO
Frank Moorhouse AM
Wilda Moxham
Chip Rolley
Vincent Serventy AM
Robert Sykes
Katherine Thomson

Stella Wilkes MBE
Rosie Scott

Editor

Sandra Symons
Susie Eisenhuth

Art Director

Clive Collins

Cover Illustration

Tom Jellett

Printer

UTS Printing

Draft resolution to seek legislative and procedural fairness in treatment of imprisoned writers

It was with a sense of challenge and pleasure that I attended the PEN International Congress in Iceland in September as the Sydney PEN delegate. Along with over 200 delegates from 70 PEN Centres from every continent, I turned up to the impressive glass-brick Harpa Conference Centre in chilly Reykjavic for four days of discussion on freedom of expression and many other concerns facing authors in 2013. As the Sydney delegate in an alphabetical arrangement, I sat between the Swiss Germans and the Turks – learning about how these centres contribute to the work of PEN.

The Congress celebrated the release on August 23 of Chinese writer Shi Tao – a 15-month reduction of his 10-year sentence. Any contribution that PEN advocacy made to this was worth the effort – and reminded delegates what our central mission is.

On the first day, PEN committee meetings were held concurrently. I attended the meeting of the Writers in Prison Committee that performs central PEN work of seeking the freedom of writers who are imprisoned for their writing. PEN International also has Writers for Peace, Women Writers, and Translation and Linguistic Rights Committees.

At the Writers in Prison Committee meeting, attendees contributed to the drafting of formal resolutions to various governments seeking legislative amendment, and procedural fairness in the treatment of writers who were being tried or held under various charges, such as treason and terrorism, related to their writing.

In many instances, the request from PEN International is that governments that have imprisoned authors live up to the laws that are on their books, and comply with international human rights treaty requirements. PEN International is very careful to keep its brief to freedom of expression matters: it will not enter into territorial disputes.

In addition, workshops were held in relation to practical matters of running a PEN centre, and I'll take these ideas to the Sydney PEN committee and hope that we can adopt at least some of the strategies I learnt about – to build on our membership base, and to raise the funds which are so necessary for us to be able to undertake useful activities.

The Congress proper then began, and in this forum resolutions from the various Committees were discussed and adopted by the Congress, elections were held, new PEN Centres were accepted to membership, and the Congress discussed many other issues.

The elections proved a more dramatic process than anyone could have predicted. The first two of three positions on the PEN International Board up for election were secured by a Nord and by the re-election of a South Korean. The third position was a tie between two excellent candidates; both at the first vote, then at the second vote,

the who two tied were Philo Ikonya, the Kenyan writer living in exile in Norway, and Mohamed Sheriff, the Sierra Leone-based journalist. On the third vote, the tie was broken and Sierra Leone has its first PEN International Board representative.

Nineteen resolutions were passed at the Assembly (publicly accessible from PEN International's website: <http://www.pen-international.org/>), many of which came from the Writers in Prison Committee. Other resolutions related to the preservation of minority languages, and a resolution on surveillance that was submitted by American PEN. It was saddening to hear representatives from Egypt and Turkey talking about the terrible toll on freedom and safety in the wake of the Arab spring – and, of course, the Congress was concerned to respond to the challenges that turmoil poses for writers and their ability to report freely on what is happening in these countries.

Delegates marched from the Harpa Conference Centre to the Russian Embassy in Reykjavic to deliver the resolution that had been adopted by the Congress in relation to the treatment of writers in Russia. This activity had been organised with the Russian diplomatic staff, and was a way of trying to bring prominence to the activity of PEN International.

The Congress approved New Delhi and Myanmar PEN Centres as members of PEN International, while the Cameroon and Israeli PEN Centres were declared dormant and the Greek PEN Centre declared closed. The Congress seeks to make sure that PEN centres exist where they are needed, and where local writers and others interested will participate in useful activities to promote freedom of expression.

I was conscripted by John Raulston Saul, the President of PEN International, to be part of a PEN Writers' Lawyers group formed in Reykjavic. My role is to assist in the formulation of a statement of principles for PEN International in relation to copyright. At the moment, I'm working on some draft wording which I'll share with colleagues in Australia who are also copyright lawyers working for creators, and then with my international colleagues.

This topic is one that generates debate and discussion and my view is that, in the end, copyright should be exercised in accordance with authors' choices; works, after all, are the result of writers' time, expertise and creative ability, and the freedom to choose how their works are shared with the community (along with the ability to earn an income from their intellectual capital) complements the even more fundamental need to write in freedom.

Zoe Rodriguez

See page 19 for a profile of Zoe Rodriguez.

Australian writers address the lives of refugees with truthfulness and grace



Rosie Scott



Tom Keneally

In August 2012, as the race to the bottom between the (major political) parties intensified and the misinformation kept coming, I made the decision that an anthology on asylum seekers could be a way of contributing another perspective to this ever increasingly acrimonious debate.

A new angle presented itself to me – that of asking our very best Australian writers to contribute. Bearing in mind the success of our last collaboration, *Another Country*, the PEN anthology of detainees' writing, I asked Tom Keneally if he would like to co-edit again and was thrilled when he said yes.

It was a risk for several reasons – with only one subject the pieces had the potential to be very repetitious and we also were very unsure about how many writers would have the time or inclination to do it given their incredible work schedules.

We were amazed at the response. Our list of writers was quite extraordinary and possibly unique: Geraldine Brooks, Anna Funder, Les Murray, Fiona McGregor, Gail Jones, Alex Miller, Christos Tsiolkas, Raimond Gaita, Kim Scott, Judith Rodriguez, John Tranter, Debra Adelaide, Dorothy Hewett, Arnold Zable, Sue Woolfe, Denise Leith, Bella Vendramini, Judith Wright, Dorothy Hewett, Elliot Perlman, Ouyang Yu, Eva Hornung, Robin de Crespigny, Kathryn Heyman, Stephanie Johnson and Rodney Hall. It is probably no accident that many of these writers are PEN members.

Not only that, but the creativity they brought to bear on this poignant subject was really beyond our wildest hopes for the anthology. All of these writers were very much motivated by their feelings about the treatment of asylum seekers and this translated into some of the most beautiful and powerful Australian stories and articles I've ever read.

There were personal disclosures in the memoir pieces, too – the revelation that both Sue Woolfe and Geraldine Brooks had fathers who were illegal over-stayers, the sad story of Judith Wright's friendship with the Jewish student just before the war, Les Murray's poem inspired by his wife's experience as an immigrant.

As the Introduction says, the idea of this anthology was to ask our best writers to bring a different perspective and depth to the public debate on asylum seekers.

The language of this discussion has been debased to such an extent that spin-doctor flacks and people on the extremist fringes of Australian politics are largely responsible for the tone and direction of one of the

central moral issues of our time.

Even senior politicians have used inflammatory and inaccurate descriptions – detainees throw their children overboard, they are terrorists and fraudsters, people-smugglers are lower than pedophiles.

The fact that they are talking about the most marginalised people on earth – deeply traumatised refugees who have lost their countries, homes and families through disasters of every kind is lost in this storm of venom and cliché.

We believe that the best writers can get to the heart of things in a way that almost no one else can because of the truthfulness, power and clarity of their language.

We were looking for these qualities in our choice of writers and the result has been extraordinary. Some of Australia's most distinguished novelists, poets and thinkers have focused their forensic intelligence on this issue.

What has become clear from these writers is that the Australian attitude to asylum seekers, their down to earth, personal experience of it is quite different from that of the artificial world of spin. The stories and poetry in this anthology confirm that the experience of seeking asylum – the terrible journeys of escape from death, starvation, poverty and terror to an imagined paradise – are part of our mindset and deeply embedded in our culture and personal histories."

In this rich anthology, the writers have made their contribution to the debate by addressing the lives of refugees with truthfulness and grace. Their stories show how closely our own histories mirror those of asylum seekers and how our fate is only a heartbeat away from theirs. These writers prove through the power of their language that workable and compassionate ideas about this human tragedy are not only possible but essential for us as a nation.

Rosie Scott

A shared public identity and culture allows people to express themselves

Academic, political philosopher, social commentator, writer, and columnist Dr Tim Soutphommasane, who was recently appointed Australia's Race Discrimination Commissioner, is committed to the value and power of friendship. He believes friendship in public life is something different to the friendship we may hold dear in our private lives. It's a sense of friendship that exists between fellow citizens, a 'civic' friendship, underpinned by the values we are able to share by virtue of Australian citizenship. **Report by Jaclyn Keast**

One of Dr Tim Soutphommasane's earliest childhood memories is the day he and his family became Australian citizens.

"My parents said to me that we are now Australian, that I was now Australian. Those words have always stayed with me. Citizenship for me isn't just about a certificate or having a passport. It's a statement about where you belong and who you are," he says.

Dr Soutphommasane has spent much of his career as a journalist, author and Oxford scholar exploring ideas of citizenship, politics and the nature of being Australian.

He says it is a common immigrant experience to question Australian identity in a way that some who've been here generations do not. He personally identifies as a first-generation Australian with Laos and Chinese heritage. For some that might be a mouthful, but he sees no reason to think it's unworkable.

"I make sense of it by anchoring it in my understanding of Australian citizenship," he says. "By having a shared public identity and culture, you ensure there is room for people to express themselves in their own way with comfort and without feeling they need to conform or distort themselves.

"You can be someone who expresses your Italian or Greek or Lebanese or Chinese cultural heritage but you can also, at the same time, embrace your Australian citizenship. There's no contradiction in that."

In his PEN Free Voices lecture, entitled 'Friendship and Politics', Dr Soutphommasane explored whether ideas of friendship need to return to our thinking about Australian public life.

Friendship in public life, he stresses, is something different to the friendship we may hold dear in our private lives. It's a sense of friendship that exists between fellow citizens, a 'civic' friendship, underpinned by the values we are able to share by virtue of Australian citizenship.

"Some people would say in a society you need to share a certain cultural lifestyle or ancestry, but I don't think that way of understanding community makes sense in our modern and diverse society," he says. "The things that we do share are the things we use to guide how we treat others in our public life."

It's the 'fair go'. It's getting in the front seat of taxi. It's addressing people by their first names.

While these examples may sound trivial, Tim Soutphommasane says they are expressions of something deeper, a sense of openness and fairness that defines Australian public life. In his 2012 book, *Don't Go Back To Where You Came From: Why Multiculturalism Works*, he says this sense of egalitarianism and a clear process to citizenship are part of Australia's success as a multicultural society, especially compared to some European countries.

As Australia's new Race Discrimination Commissioner, he wishes to appeal to this notion of a civic friendship as a tool to fight racism.

"When racism occurs, it's not merely about personal injury. It's something that causes a civic wound. It's offensive to our notions of equality and fairness. These are values that members of society can all accept and share," he says.

Dr Soutphommasane's parents fled Laos after the communist takeover in 1975. They spent time in a refugee camp in Thailand before resettling in the south of France, where he was born in 1982. The family moved to Australia in 1985 under the Family Reunion Program, and began a new life in south-west Sydney. Within three years, they were citizens.

"My parents were never able to take out French citizenship, even though they lived in France for 10 years. That alone says something, I think, about how they regarded Australia. They were clearly able to call this place their home," he says.

That's not to say the course of immigration always ran



Dr Tim Soutphommasane won the Community Relations Commission Prize in the 2013 Premier's Literary Awards for his book, *Don't Go Back To Where You Came From: Why Multiculturalism Works*. He is congratulated by Stepan Kerkyasharian, Chair of the Commission.

smooth. His parents didn't speak fluent English, only fluent French. They suffered several encounters with racism. However, they always tried to instil in him the value of Australian citizenship.

But growing up as an Asian-Australian during the 1990s, an era marked by the anti-Asian sentiment pushed by Pauline Hanson's One Nation Party, wasn't always easy. Tim Soutphommasane didn't always feel as comfortable calling himself Australian as he does now.

"Among my classmates at school or among people in my local community, the word 'Australian' would describe people who were Anglo-Celtic, rather than a civic identity that included people of different racial or ethnic backgrounds," he says.

One incident that sticks with him in shaping his thoughts of national identity was an ANZAC Day ceremony during his time at Hurlstone Agricultural High School. A fellow student asked for the school to "pause and remember the sacrifices of our forebears, so that we can enjoy the Australian way of life". He remembers feeling confused as that student was also of Asian descent. He knew his forebears weren't at Gallipoli, rather more likely they were on the banks of the Mekong. In fact, he knew that some of those who signed up to fight for Australia may have been motivated by the desire to keep his forebears out.

However, he doesn't feel excluded from ANZAC Day these days. He feels he has every right to participate in it,

as a day that remembers the contributions and sacrifices that citizens make for their country.

Talking with Tim Soutphommasane, it's easy to forget he is only 31. His eloquence is striking; he often pauses over questions, explaining he wants to give "quite perfect answers". It's no surprise to learn he was former NSW Premier Bob Carr's speechwriter at the mere age of 21.

Politics has always been an interest of his and his PhD from Oxford University centred on political philosophy. This interest was born primarily from a passion for social justice, something he says began when he was as a teenager reading American philosopher John Rawls in Cabramatta Public Library. He is quick to say "a good society is only as good as how it treats its most vulnerable".

It's this passion for social justice that he hopes will inform his five-year term as the Race Discrimination Commissioner. While he acknowledges there is work to do, he is optimistic.

"It always helps to take a long view of Australian society. It was only just over four decades ago that the White Australia Policy was partially in place. In the space of four decades, we've gone from White Australia to multicultural Australia and we've done that in a very admirable way. That gives me a lot of encouragement as to how we can deal with the challenge of racism in the years to come."

The most serious harm of racism: the denial of respect and equality

PEN's Free Voices lecture series was designed to explore the diverse perspectives of a range of writers examining the concepts of freedom to read, freedom to write, freedom to speak. In his 2013 Free Voices lecture, **Dr Tim Soutphommasane**, recently appointed Australia's Race Discrimination Commissioner, discussed whether it is time for friendship to return to our thinking about public life. Dr Soutphommasane is a political philosopher and postdoctoral fellow at the Institute for Democracy and Human Rights, the University of Sydney. His recent books include *Don't Go Back To Where You Came From* and *The Virtuous Citizen*.

When I had accepted the invitation to deliver this lecture, I had been in the process of embarking on what I thought would be my next major academic research project. I had just started a fellowship at the University of Sydney and found myself thinking about the meaning of friendship – how it had developed over time, its ethical significance, and its relationship with politics.

Now I am an erstwhile political philosopher. I've always been interested in the subjects of liberal reform and social democracy. I was naturally drawn, therefore, to studying groups such as the Fabians or the Bloomsbury set or the social liberal tradition as shaped by British idealism. But I had a hypothesis I wanted to test.

Namely, is friendship a pre-condition of social change and political movements? For example, was there something in the notion that Fabianism was a product of its web of friendship (as it were) – Sidney and Beatrice Webb, Ed Pease, Bernard Shaw? Or that Bloomsbury could only flourish in the company of friends such as Virginia and Leonard Woolf, E.M. Forster, Maynard Keynes? Was there was running in the philosophical tradition established by T.H. Green a thread of affinity that could be traced through figures such as Herbert Asquith, G.D.H. Cole, William Beveridge, Richard Tawney?

My interest in such matters wasn't merely historical or literary. At the sharper end of politics, why is it that so many friendships or partnerships in the sphere end in tears? Why is there so often such bitter betrayal or lingering resentment? Think here of Bob Hawke and Paul Keating. Or of Tony Blair and Gordon Brown. John Howard and Peter Costello. And, of course, Kevin Rudd and Julia Gillard.

There were more contemporary analytical questions, as well.

For instance, to what extent does political stability in a liberal democracy require civic friendship? Do democracies require what sociologists and political scientists call "social capital" in order to function properly?

And is the meaning of friendship in our brave new digital world changing in a way that has negative consequences on our ability to conduct democratic politics? With the relentless march of Facebook, is the bond of friendship being transformed from a relationship to a mere sense of connectedness?

These were some of the political and philosophical questions I had in mind. A few things have intervened since I began this new project, not least my appointment as Race Discrimination Commissioner. But in my role as Commissioner, I still very much believe that the idea of friendship will continue to animate my work – and if you will indulge me a moment, I should like to explain how.

During the next five years, my challenge will be that of shaping the Australian Human Rights Commission's response to racism. Among other things, I believe there is a need for a new conversation about racism in Australian society.

Now, it must be said at the outset that this country has come a long way in this area. Decades ago, it may have been commonly assumed that some races were superior to others; few would have batted an eyelid at racial abuse in public places. Today, things are much different. For the most part, old attitudes about race have largely given way to more progressive sensibilities.

And yet, many would say there remains an element of the more things change, the more they stay the same. This is the case especially with so called casual racism. We all know the sort of racism I'm talking about: the frequently unintentional way in which people may belittle or denigrate others on the basis

of their race or ethnicity or origin. After something indecent has been said or done, someone will explain it was all just a harmless bit of fun, or an expression of Aussie humour, or that nothing racist was intended. There may be a denial that the rules of civility have been breached. Perhaps the most widely remarked upon incident of casual racism has been the one involving Sydney Swans footballer Adam Goodes: as you will all know, he was called an ape during an AFL match at the Melbourne Cricket Ground – an insult compounded by subsequent remarks by Eddie McGuire about Goodes as a candidate for promoting the musical *King Kong*.

So when I say that there needs to be a new conversation about racism, it is this variety of prejudice that we may need to be more honest in talking about. There needs to be a recognition that the most serious harm of racism doesn't reside in it causing offence or hurting someone's feelings. It's ultimately about the denial of respect and equality. Its harm lies in how it reduces its targets to second-class citizens, and how it empowers perpetrators to humiliate others.

Thinking this way requires us to think about racism in a certain way. To recognise that countering racism is about defending a value of equality. To recognise that racism needn't always be overt for it to count as harmful. To recognise that racism is as much about impact as it is about intention. I suspect that all this may require a generational shift in attitudes.

Of course, any shift in our attention to casual racism shouldn't mean ignoring racial prejudice of a much nastier, and more deliberate kind. Racist violence still exists. About 5 per cent of Australians have experienced physical attacks based on their race or ethnic origin.

And the past 12 months demonstrate that racism hasn't withered away on the vine of social progress. Take last year's attack on Fanny Desaintjores, a French woman who was threatened by some thugs on a suburban Melbourne bus after she began singing French songs with her friends. Or take ABC newsreader Jeremy Fernandez's encounter this February on a Sydney bus – in which he was threatened with violence.

Away from such high-profile cases, there are signs that racism may be on the rise. I should caution that the evidence on this is still not definitive. But at least in the Australian Human Rights Commission's work, there has been a noticeable spike in the number of complaints about racial discrimination during the past year. This includes a 59 per cent increase in the number of complaints made about racial hatred. Most strikingly, there has been a sharp rise in the number of complaints about racism on the internet – otherwise known as cyber-racism.

Does this mean that we've had a fundamental deterioration in our social cohesion? That would be a premature conclusion. Without in any way trivialising the rise in the number of formal complaints about racial discrimination, I wish to put forward a cautiously optimistic view.

If we take the long view, Australia has proven itself to be a remarkably successful multicultural society. Since the postwar immigration program began, Australia has taken in a million new arrivals from overseas every decade. That we have done this without significant social fragmentation or division is nothing short of a social miracle. As I am frequently reminded whenever I speak to friends and colleagues from Europe, we



Dr Tim Soutphommasane

are regarded as an exemplar of multicultural integration. Many others in the world look to us as a model for how to live amid diversity.

This is where friendship enters the picture. Australia has proven itself to be an open and accepting country, which has welcomed new arrivals in the spirit of civic friendship. Those who have come here as immigrants – whether from Europe or Asia or Africa or the Americas – have been transformed from foreigner to fellow member, from stranger to citizen. As the experience of some European countries has demonstrated, it isn't necessarily the case that liberal democratic states have extended the hand of civic friendship in this way to those who arrive as immigrants. In Germany, for example, as late as the year 2000, you could only be eligible for German citizenship if you had a grandparent who possessed German ancestry.

The ideal of civic friendship will inform my work as Race Discrimination Commissioner. And there is much in the work of the Human Rights Commission that is about civic friendship. It is among the Commission's priorities to encourage respect and good citizenship; to tackle cultures of violence, harassment and bullying. In the area of race, we have established the 'Racism. It Stops with Me' campaign – which invites individuals and organisations to demonstrate their support in combating intolerance and discrimination. So far, in just over a year, more than 170 organisations in business, sport and civil society have signed up as official partners in the campaign.

Admittedly, sometimes as a society we can verge upon thinking of such work only in negative terms: it is about fighting prejudice, confronting bigotry. But I believe there is a positive

» Continued from 9

aspiration as well: one that can be thought of as being about the cultivation of civic friendship; about the idea that a political community can extend the rights and status of membership to all those who want to become members, regardless of their skin colour or origin. Eliminating racism and enabling friendship, at least for me, are things that go hand in hand.

Let me say a little more, now, about what friendship must mean. The task here is naturally a historic one. As it is understood in the Western tradition, the idea of friendship has its philosophical roots in Aristotelian ideas of virtue and the good life.

For Aristotle, there was a singular importance to friendship. As he explained in the *Nicomachean Ethics*, friendship is necessary to a good life: “without friends, no one would choose to live, even if he possessed all other goods”. Friendship was, if anything, most necessary for those who possessed wealth or who had acquired office or power. The more prosperity or power one has, he argued, the more precarious it is.

There was also a political requirement of friendship. Aristotle’s idea of the polis was, of course, very different to a modern conception of a political community. But Aristotle believed that friendship was something that “holds cities together”. More precisely, any city required something resembling friendship – namely, a certain like-mindedness among its people.

By like-mindedness, Aristotle didn’t mean to suggest there must be unanimity of opinion. Rather, “cities are like-minded whenever people are of the same judgment concerning what is advantageous, choose the same things, and do what has been resolved in common”. To be like-minded was to be committed to a certain life that was led together with others.

Where such common sentiment didn’t exist, Aristotle believed there were civic dangers. For a city may then be populated with people who merely wish to take more from others, but who aren’t willing to give more of themselves. When people fail to keep watch over the commons, it is destroyed. And the result is that “they fall into civil faction, compelling one another by force and not wishing to do what is justice themselves”. A just city, in other words, needs more than justice – it also needs friendship.

What was memorable, of course, about Aristotle’s formulation was his distinction between three kinds of friendship. And here Aristotle referred not to civic friendship – a sense of general like-mindedness – but to friendships among individuals.

The first was friendship based on pleasure. This, he said, was the friendship of the young, for the young live “according to passion and most of all pursue what is pleasant to them and at hand”. Two individuals may share a passion for some particular activity, or because they enjoyed each other’s wit and humour. Aristotle also categorized erotic love as part of this category of friendship, “for the greater part of erotic love is bound up with passion and is based on pleasure,” which is why, in his view, the young “love and swiftly cease loving, often changing in the course of the same day”.

The second kind of friendship was based on utility. These are friendships in which their friends associate with each other because it is advantageous. They may not even necessarily be pleasant to each other – they may not enjoy each other’s company. But they are friends because they wish to obtain something good from the other. You scratch my back, I’ll scratch yours.

In Aristotle’s view, these two sorts of friendships were inferior to a third kind. This was because a friendship based on either pleasure or utility is easily dissolved. If a friend is no longer pleasant or useful, the reason for the relationship’s existence no longer exists. We have all found friendships that have outlived their usefulness. We have all found that we may have outgrown some friends or perhaps simply grown bored with them.

But the third kind of friendship avoids this problem. This is the friendship based on virtue. This was a complete or perfect friendship. Such friends are good and alike. In such a relationship, friends have reciprocal love and concern. They wish for good things to happen to their friends not because it will bring them pleasure or advantage, but because they wish the best for their friends.

Such friends are not susceptible to the kind of envy that Gore Vidal described when he said, “Every time a friend succeeds, I die a little.” This is because a friend of virtue regards a friend as themselves: “to perceive a friend [...] is necessarily in a manner to perceive oneself, and to know a friend is in a manner to know oneself”. The friend, in other words, is mirror of one’s own self. This was a demanding view, as Aristotle recognised. It isn’t possible to a friend to many when it comes to complete friendship: one can only acquire a few and not many.

Cicero also took up the idea of friendship as virtue, or as something that is accompanied by virtue. Between Aristotle and Cicero, you have arguably an exhaustive statement of the classical conception of friendship. Cicero echoed Aristotle in believing that friendship was something so intense that its bonds of affection could unite “at most two or just a few”. This was because “friendship is nothing other than agreement about divine and human affairs, accompanied by good will and affection”. It was something that “arises from nature rather than from need” and “from the inclination of the soul accompanied by love, rather than from calculation of a relationship’s potential usefulness”.

But a clear ethical line was drawn under friendship. It was something that existed only among good, virtuous individuals. “Seek only good from friends, do only good for the sake of friends”, Cicero wrote. Good friends, moreover, should be attentive and ready to give advice freely and cheerfully, though never harshly. Good friends should also accept advice patiently, and not reluctantly. Giving and taking criticism – this was “the mark of a true friendship”.

What then of the modern conception of friendship? The classical ideal of friendship was clearly one imbued with a spiritual quality. It was bound up with abstract values of the

good and the noble. As one scholar of friendship explains, “modern conceptions of friendship are concerned more with fidelity, solidarity and trust”.

Yet there is more ambiguity in the modern conception than this view might permit. There has always been an ambivalent quality about what friendship must involve in a commercial-industrial society.

Sociologists would say that there was a historic shift from *Gemeinschaft* to *Gesellschaft*. A shift in sensibilities from the thick codes of community to the thin norms of society. Our sociologist friends would say, whereas there may have once been solidarity with others in a community in which everyone knew everyone else, there was now a more transactional logic to relationships. Everything one did for another – perhaps done with all the graces of altruism, perhaps accompanied by impeccable pleasantness – was done with a contractual expectation that it would be returned in kind.

According to the philosophers of early market society, this wasn’t a pernicious development; far from it. The thinkers of the Scottish Enlightenment in fact argued that the rise of market relations were what led to the development of new forms of benevolence and social trust. It wasn’t a case of the market replacing old bonds of solidarity with newer, weaker bonds.

For the social relations that preceded the growth of commercial society were typically cold and unfriendly. One thinks here of the kind of life that lurks in the background of Montaigne’s *Essays* – a life where disease, war and conflict were never far away. The historian Lawrence Stone has written that our modern minds can’t comprehend the just how at all levels men and women from the fifteenth to the seventeenth centuries were “extremely short-tempered” and prone to frequent violence. Little wonder that Thomas Hobbes would describe the state of nature as one marked by “continual fear and danger of violent death”. One in which the life of man was “solitary, poor, nasty, brutish and short”.

For philosophers such as Adam Smith, David Hume and Adam Ferguson, the market had a revolutionary effect. The rules of commercial society were giving room for a new form of friendship to flourish – one based on “natural sympathy”. They freed people from the rules of feudal dependence, medieval hierarchy and religious doctrines of natural order. Friends weren’t simply relationships that one cultivated in order to deflect enemies, as may have been the case during the darker days of Hobbes. At the same time, commercial society meant that you didn’t have to treat friends as though they might turn out to be your enemies.

Put another way, commercial society had two significant consequences. First, the prevalence of strangers in this society, with whom one would interact from a distance, governed by the laws of supply and demand – and without expectation that they would be either friends or enemies – meant that a clear

distinction could be made between those relationships based on interest and those relationships based on sympathy and affection. Second, commercial society brought a new autonomy to people who were once captive to guilds and lords; what the market did was it brought into being a system of cooperation based on the independence of ordinary people. Friendships were now therefore relationships born of free choice and autonomy.

If such freedom were a prerequisite of modern friendship, it would also, in time, become its justification. Consider Ralph Waldo Emerson’s view of friendship: “We walk alone in the world. Friends, such as we desire, are dreams and fables.” Emerson, of course, was a transcendentalist, a romantic of the New World – a prophet of radical individualism. For him, “I do with my friends as I do with my books. I would have them where I can find them, but I seldom use them.”

Elsewhere, however, Emerson did admit a certain value to friendship. But friends existed not as a mirror to oneself – as they did for Aristotle and Cicero. Nor did they exist as objects of natural sympathy and affection – as they might have for the likes of Smith and Hume. Rather, it existed as an instrument for self-improvement; it was in the service of a sovereign individual will that must transcend everything that it encountered. As Emerson explained, “The soul environs itself with friends, that

it may enter into a grander self-eloquence or solitude.” We have friends in order to remind us that the highest form of life is to live not with them, but without them.

A less radical, but nonetheless modern conception of friendship can be found in C.S. Lewis. Much is made these days, of course, about Lewis’s muscular Christianity, which indeed shaped his view of

friendship. For Lewis, friendship was one of “the four loves” – along with affection, eros and charity. But he was concerned, among other things, with ensuring that St John’s precept of “God is love” should not be transformed into the subversive idea that “love is God”. (It was a good thing that Mr Lewis didn’t live to see too much of the ‘60s.)

Whether you subscribe to his Christian view or not, Lewis nonetheless says a good deal worth revisiting. Not least, he captures what I believe is at the heart of modern friendship. As he explains it, friendship arises from companionship – namely, “when two or more of the companions discover that they have in common some insight or interest or even taste which the others do not share and which, till that moment, each believed to be his own unique treasure (or burden). The typical expression of opening Friendship would be something like, “What? You too? I thought I was the only one.”

The shared activity, Lewis said, could be a common religion, common studies, common profession, or common recreation. But while all who share that thing in common will be our companions, only one or two or three will be our friends. It is when they share their common vision that friendship is born. And it is then, according to Lewis, that “instantly they stand

» Continued from 11

together in an immense solitude”. Note here, the difference between the Emersonian understanding of solitude – this is a solitude that exists *among* friends, rather than *from* friends.

But it is still a distinctively modern view of friendship. There is, for example, no straightforward celebration of friendship as virtue; Lewis is far too modern for that. As he notes, while friendship can be a school of virtue, it can also be a school of vice.

There is also the affirmation of friendship as a “non-natural” sentiment. It is the least natural of loves, in that it is “the least instinctive, organic, biological, gregarious and necessary”. In the context of a modern commercial, late-industrial society, friendship was an exercise of individual expression. Here’s how Lewis explains it:

“Friendship...repeats on a more individual and less socially necessary level the character of the Companionship which was its matrix. The Companionship was between people who were doing something together – hunting, studying, painting or what you will. The Friends will still be doing something together, but something more inward, less widely shared and less easily defined...still travelling companions, but on a different kind of journey. Hence we picture lovers face to face but Friends side by side; their eyes look ahead.”

It has been over 50 years since Lewis wrote *The Four Loves*. And some of the social matrix of friendship has changed. For example, the rise of the internet and telecommunications technology has changed the

way we communicate with friends. On this, I will have more to say very shortly. But for now I want to remark upon what I see as some of the continuities and discontinuities with the modern conception, particularly as represented by Emerson and Lewis.

This may be a bald claim, but it is hard to find contemporary voices who speak or write with eloquence on friendship. We may need to look to sources other than literary or intellectual for some representative insight into what friendship today must mean. So let us look at the representations of friendship in contemporary popular culture. If we are interested in what friendship does mean today, there are fewer more telling sources.

What follows, I should add, may have something of an American and New York bias. But such is the weight of bias in our consumption of popular culture. Or maybe that just says something about my own popular cultural biases.

I wish to look at three examples, all television programs, which have had significant cultural impact. First, consider *Seinfeld* – that hit sit-com that aired from 1989 to 1998. I will assume that you will be at least vaguely familiar with its characters: Jerry Seinfeld, a stand-up comedian with a penchant for beautiful girlfriends, Superman and cereal; Elaine Benes, a former love interest of Seinfeld’s who works in the publishing industry; George Costanza, a neurotic and pathological liar who moves from job to job; and Cosmo Kramer, a big-haired

eccentric buffoon who lives opposite Seinfeld in his Manhattan apartment building.

Second, consider *Friends* – another sit-com, though from the 1990s and 2000s. Again, I will assume you may have some knowledge of the cast: Ross Geller, a paleontologist at a New York university; Monica Geller, Ross’s sister and a chef; Rachel Green, Ross’s on-and-off love interest and a waitress; Chandler Bing, a wise-cracking statistical analysis executive; Joey Tribbiani, a minor soap opera actor with somewhat low intelligence; and Phoebe Buffay, a hippy musician naïve in the ways of the world.

And then consider *Sex and the City*, a show which ran from 1998 to 2004, and regarded as capturing the friendship zeitgeist when it came to single professional women in New York during those millennial years. The show documented the adventures of Carrie Bradshaw, a sex columnist with a newspaper, and her three friends. There was Samantha Jones, a sexually confident public relations businesswoman; Charlotte York, a romantic optimist who worked at an art gallery and constantly dreamed about her perfect wedding day; and there was Miranda

Hobbes, a cynical career-minded corporate lawyer (is there any other kind?).

Now, without seeking to be too frivolous about all this, I think there is something interesting in the way that these shows depict the bond of friendship. For a show about nothing, *Seinfeld* epitomises the possibility that friendship may morph from a relationship into just about nothing.

Well, perhaps except for a certain amorality or nihilism – often a shared interest in either deceiving or manipulating the truth so as to get their desired ends (though with hilariously ironic consequences). Did anyone say Vandalay Industries?

While not as extreme as *Seinfeld*, often it seemed that the characters of *Friends* had very little to share among themselves except for some vague sense of a shared journey during youthful adulthood. These were not friends who necessarily shared the kind of interest that C. S. Lewis would have found to be central to friendship – I’m not sure there was that much in common between the characters that made them friends rather than merely companions. They certainly didn’t share what Cicero referred to as a shared understanding of divine and human affairs. Maybe it was my cursory or partial viewing of *Friends*, or my lack of appreciation for the wisdom of Joey Tribbiani or Phoebe Buffay, but I don’t ever seem to have encountered any treatment of divine or human affairs on the program. We’re not talking here about the *Sopranos* – or even *Murphy Brown*.

Part of the *Friends* dynamic was replicated in *Sex and the City* – though the program was perhaps one which explored the boundaries of friendship with the most subtlety and insight. There was certainly a great deal of energy and richness in its characters. As Emily Nussbaum in *The New Yorker* described it, Carrie, Miranda, Samantha and Charlotte were “jagged,

aggressive, and sometimes frightening figures ... simultaneously real and abstract, emotional complex and philosophically stylised”. As Nussbaum continues, “the four friends operated as near-allegorical figures, pegged to contemporary debates about women’s lives”, mapping along emotional, ideological and indeed sexual terms – the romantics versus the cynics; egalitarian second-wave feminists versus third wave feminists focused on the power of femininity; and the prudes versus the libertines. One thing you couldn’t accuse the program of doing was to be blind to the dividing line between friendship and eros, between love and attraction.

This, I believe, is a very generous reading of *Sex and the City*. Again, this may reflect my imperfect viewing of the program, but I do wonder whether there was perhaps less to the show than what the Nussbaums of the world would argue. I wouldn’t say, for instance, that *Sex and the City* had the same insight or poignancy as, say, *The Wire*.

Indeed, if taken as somewhat representative of late western cultural representations of friendship, we discern from *Seinfeld*, *Friends* and *Sex and the City* a contemporary conception of friendship. We are seeing friendship move increasingly into the realm of mere companionship – friends these days are really just fellow travellers in some vague journey of self-discovery. Whereas in C.S. Lewis’s time, companionship was a necessary but not sufficient condition of friendship, today it may actually be sufficient.

In another sense, perhaps we are seeing something of an apotheosis of the Emersonian creed of self-cultivation. We are glimpsing what friendship must look like in a society defined by a therapeutic culture of self-regard and performance. As late moderns – some would say post-moderns – we crave the approval of those around us. We construct our lives and identities in dialogue with others; we need constant recognition of our worth.

The idea of friendship has clearly evolved through time, as the American literary critic William Deresiewicz has outlined. For the ancients, for the likes of Aristotle and Cicero, friendship represented the highest calling in life. Friends would declare their love for each other even if they didn’t share beds. Where one called another a friend, one had to be prepared to put one’s life on the line for them. Honour demanded such duty and devotion.

This classical view of friendship as a moral bond, dedicated to the pursuit of goodness and excellence, is a world away from *Seinfeld*, *Friends* and *Sex and the City*. Good friends these days are merely those prepared to take our side: to listen and provide comfort, to massage our egos and validate our self-worth. And these days, as Deresiewicz has written, friendship has taken another turn. With the advent of social networking, “the friendship circle has expanded to engulf the whole of the social world, and in so doing, destroyed both its own nature and that of the individual friendship itself”. Friendship hasn’t so much evolved as it has devolved “from a relationship to a feeling”.

There is the risk that our new electronic lifestyle degrades friendship even further. Embracing social networking can mean we value a friendship only in terms of connection. In the world of Facebook and Twitter, friends become passive observers, members of an audience for another’s narcissism.

I don’t mean here to sound like an old fogey complaining

about technological change. I understand the many benefits of technological progress – as a means of allowing friends to stay in touch, for instance. If I am stating the downside of technology’s impact on friendship in such strong terms, it is only to counter some of the technological utopianism that accompanies any contemporary discussion of social change. Let us be cautious about what exactly it is that we are doing.

So where does all this leave us? As should be clear, I have a certain sympathy with the Aristotelian or classical view of friendship. I can only agree that a good society needs more than justice – but also some sense of fellow-feeling or civic friendship. A good society can’t be built on good laws alone, but requires good citizens who are prepared to make sacrifices for the common good.

But there is nothing natural in believing that friendship and politics must go hand in hand. As illustrated by the human rights work of PEN, there are many places where politics is seen as a means not for pursuing the common good, but to prosecute or persecute one’s enemies, often designated as seditious.

The relationship between friendship and politics can also, as alluded to by C.S. Lewis, be not one of virtue but one of vice. For when might friendship be transformed into clientelism or corruption? What happens if friends – or mates – collude for private gain over the public interest?

Away from less extreme cases, it is far from clear that the moral bonds of friendship these days can motivate social change and political movements in the way that they once did. Whereas, for instance, the Fabians were united by a moralistic vision of progress, to some extent born of their founding circle’s middle class religiosity and spiritualism, political comrades these days are perhaps united more by a certain instrumental interest as a social class. With the professionalization of politics, there is now more technocratic rationality than affective sentimentality among confreres on either side of politics.

And even if there should be a positive relationship between friendship and political stability, as I believe there is, we should be careful not to overstate it. Modern political theorists of a communitarian bent have certainly been inspired by Aristotle’s treatment of friendship. They have believed that there must be a revival of a spirit of fraternity or comradeship among citizens.

And yet, it would seem that Aristotle himself would never have gone so far as to define civic friendship in such terms. He was clear that any civic friendship must fall short of that virtuous friendship which he celebrated as the most superior. This was because Aristotle understood friendship among citizens to involve a sort of shared advantage friendship. Rather than a moral ideal, this friendship was a fact of ordinary political life. And as well as being a means of promoting greater cooperation, it was also a source of conflict.

Nonetheless, there is some value to focusing our moral attention on that category of friendship as virtue, which Aristotle so famously celebrated. For the kinds of complete friendships, that we can only enjoy in our private lives, may nonetheless have public implications. If excellence does reside in practice, if good character is cultivated only through habit, then perhaps it may be that friendships remain that most precious of realms: a nursery for the kind of mutual concern and generosity that are the hallmarks of virtuous citizens.

NGOs unite against criminalisation of freedom of expression on the Internet

As concerns grow in South-east Asia over the use of national security, anti-terrorist and defamation laws to limit freedom of expression on the Internet, a coalition of international and local NGOs and activists from Vietnam, Thailand and Cambodia urged governments to stop using vague legislation based on ill-defined concepts such as “national security”, “sovereignty” or “lèse-majesté” to intimidate, harass and imprison independent voices.

Speaking at an event in Geneva, which coincided with the 24th session of the UN Human Rights Council, the activists united to call for the urgent revision of these laws to bring them into line with international human rights standards.

Independent and dissenting voices, including bloggers and netizens, journalists, activists and human rights defenders, have increasingly been subjected to repression in south-east Asia.

In Vietnam, bloggers and journalists, such as Đêiù Cày and Phan Thanh Hải, have been jailed for peacefully advocating for reform, denouncing power abuses and reporting on human rights. The recently adopted Decree 72 banned sharing news stories on social media and quoting news from press agencies.

“Vietnam is pursuing the worst ever crack-down on pro-democracy activists and bloggers. At least 48 dissidents were convicted in 2013 alone,” said Vo Van Ai, President of the Vietnam Committee on Human Rights.

The Thai authorities have mostly been using the lèse-majesté law (Article 112 of the Criminal Code, which punishes any

word or deed which “defames, insults or threatens the King ...”) and the 2007 Computer Crimes Act to lock up journalists and critics. The most notorious case is that of Somyot Prueksakasemsuk, who was sentenced to 10 years in prison for authorising the publication, as editor, of two articles that were considered insulting to the royal family.

Ironically, Somyot was arrested just a few days after launching an online petition calling for a review of Article 112. “In its commitment to cooperate with the UN, Thailand needs to go beyond words, immediately release Somyot and protect the right to freedom of expression of all citizens,” said Somyot’s wife, Sukanya.

The Cambodian government has also taken steps towards seriously limiting the use of the Internet. In 2012, it started drafting a cyber law, whose official aims included preventing “ill-willed people” from “spreading false information”. This draft law has yet to be publicly circulated, and there are serious concerns that it will mirror the restrictive laws within the region. Websites and blogs critical of the government are routinely blocked by Internet service providers on the basis of “instructions” from the government.

“I believe in the power of the Internet to spread information and opinions. The Internet should always be free and uncensored,” said Ramana Sorn, Program Coordinator at the Cambodian Centre for Human Rights.

Cat Lucas

Early release of Shi Tao welcomed

PEN is delighted to announce the release of Shi Tao, Chinese poet, journalist and member of the Independent Chinese PEN Centre, 15 months before the end of his 10-year sentence.

“We welcome news of Shi Tao’s early release, at a time when there seem to be increasingly long shadows over freedom of expression in China. Shi Tao has been one of our main cases since his arrest in 2004. He is an Honorary Member of almost a dozen PEN centres, and he was one of the WiPC’s first and most significant digital media cases,” said Marian Botsford, Chair of PEN International Writers in Prison Committee. “Shi Tao’s arrest and imprisonment, because of the actions of Yahoo! China, signalled a decade ago the challenges to freedom of expression of internet surveillance and privacy that we are now dealing with.”

Shi Tao was arrested on 24 November, 2004 and sentenced on 27 April, 2005 to 10 years in prison for “leaking state secrets abroad”.

The prosecution of Shi Tao was based on an email he sent to the editor of a New York-based website detailing media restrictions imposed by the Chinese authorities prior to the 15th anniversary of the 3 June, 1989 crackdown on pro-democracy protests. Information supplied by the Internet Service Provider Yahoo! Inc. was used to convict him.

Shi Tao worked for the Changsha-based daily Dangdai Shang Bao (Contemporary Business News) until May 2004, when he became a freelance journalist and writer. He is a published poet, and is known for his social commentaries published on overseas Chinese language media such as Democracy Forum (www.boxun.com).

In 2008, Shi Tao’s poem June was the focus of the PEN Poem Relay, a campaign to raise awareness about freedom of expression in China in the run-up to the Beijing Olympics. Writers and poets around the world produced 127 translations of the poem in 100 languages which were published via a



Shi Tao, released from prison

specialist website. He was also one of the 50 writers featured in ‘Beyond Bars: 50 Years of the PEN Writers in Prison Committee’, a special anniversary edition of Index on Censorship published in 2010.

Shi Tao extends his thanks to all PEN colleagues who supported him during his long detention. He reports that he was treated relatively well in prison during the last few years, and wrote many poems, including ‘Song of October’ written from prison after he learned that Liu Xiaobo had been awarded the Nobel Peace Prize.

Cat Lucas

Fears for imprisoned Vietnamese writer Nguyen Huu Cau

Sydney PEN and the Vietnam Committee on Human Rights (VCHR) are seriously concerned for the health of Vietnamese writer and activist Nguyen Huu Cau, who is seriously ill and denied adequate medical care in the prison camp where he is serving a life-time sentence for his critical writings. PEN protests his imprisonment, and demands his immediate and unconditional release on humanitarian grounds and in accordance with Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a signatory.

According to PEN’s information, Nguyen Huu Cau, 67, a poet, songwriter, human rights defender and anti-corruption activist, was arrested by public security police on 9 October 1982. He is one of Vietnam’s longest detained political prisoners. He has spent a total of 38 years in jail. A former officer in the South Vietnamese army, he was arrested in 1975 after Vietnam was united under Communist rule and spent six years in “re-education camp”. In 1982, he was arrested again for writing poetry and songs about



Nguyen Huu Cau, drawing by di-endanctm

power abuse and corruption of high-ranking Communist Party officials in the province of Kien Giang. He was charged with “sabotage” and sentenced to death. His mother submitted an appeal on his behalf and a year later, the Court of Appeals commuted his capital sentence into life imprisonment.

In the many years since, Nguyen Huu Cau has reportedly been held in harsh

solitary confinement. He has apparently now lost most of his vision and is almost completely deaf. Nguyen Huu Cau suffers from a serious heart condition, which is worsening because of the lack of adequate medical attention and the deplorable prison conditions. He was recently reported to be in very poor health, according to his daughter Nguyen Thi Anh after an authorised periodical visit to the camp deep in the jungle.

Despite this, he has continued to challenge the camp authorities over his unfair detention. Over the past three decades years, Nguyen Huu Cau has written over 500 letters to the authorities demanding a re-trial, but has never received a reply. He refuses to demand clemency or seek early release.

“Subjecting prisoners to inhuman treatment, especially persons who should never have been detained at all, is inadmissible,” said Vo Van Ai, President of the Vietnam Committee on Human Rights. “I call upon UN member states not to support Vietnam’s candidature for membership of the UN Human Rights Council in 2014.”

Turkish publisher and son on trial

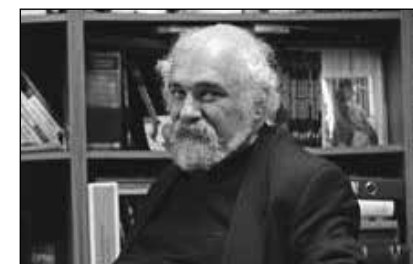
Publisher Ragip Zarakolu, one of Turkey’s best known minority rights and freedom of expression activists, and his son Deniz, author, translator and PhD candidate, are standing trial in Turkey. The hearing against them and 200 others opened on September.

Deniz Zarakolu was arrested in October 2011. He has now spent almost two years behind bars charged with “membership of an illegal organisation”. His father, who was arrested a few days later, is accused of “knowingly assisting a terrorist organisation”. He was released pending trial in April 2012, having spent five months in prison.

Ragip Zarakolu’s charges are understood to be linked to a speech he made at an event organised by the pro-Kurdish Peace and Democracy (BDP) party, and articles published in the newspaper *Özgür Gündem* (Free Agenda). Deniz Zarakolu is said to be accused for giving a lecture on political philosophy at a BDP meeting. Both men face lengthy sentences if found guilty as charged.

PEN is also campaigning for three other defendants in this hearing: peace activist translator and writer Ayse Berkay; academic Büşra Ersanlı; and Kurdish language expert and poet Mulazim Özcan. These writers and their co-defendants are among thousands of people believed to be on trial in Turkey as part of the ongoing investigation into the Koma Civakên Kurdistan (Group of Communities in Kurdistan; KCK), an alleged umbrella organisation for groups with links to the banned Kurdistan Workers Party (PKK).

Bjorn Smith, the Chair of the International Publishers Association’s Freedom to Publish Committee, said, “Deniz and Ragip Zarakolu are outspoken, peaceful publishers. Thinking that their publishing activity encourages the violent pursuit of political agendas is a violation of their human rights. IPA therefore urges the Turkish authorities to drop all charges against Deniz and Ragip Zarakolu as soon as possible,



Publisher Ragip Zarakolu joins his son Deniz in detention

and calls on the Turkish authorities to secure the immediate release of Deniz who spent close to 600 days in prison without a verdict.

“Turkey is a signatory of international human rights treaties and is therefore under the obligation to observe individuals’ human rights.

PEN believes that the charges against Ragip and Deniz Zarakolu are in violation of their right to freedom of expression and association, as guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human and Democratic Rights.

Intelligence dragnet that constitutes mass surveillance of world's citizens

States, and companies, collecting huge amounts of data on people and populations around the world. Is this a mass surveillance nightmare – the digital Stasi roaming free – or just big data and we should get over it? Report by **Kirsty Hughes**, Chief Executive, Index on Censorship

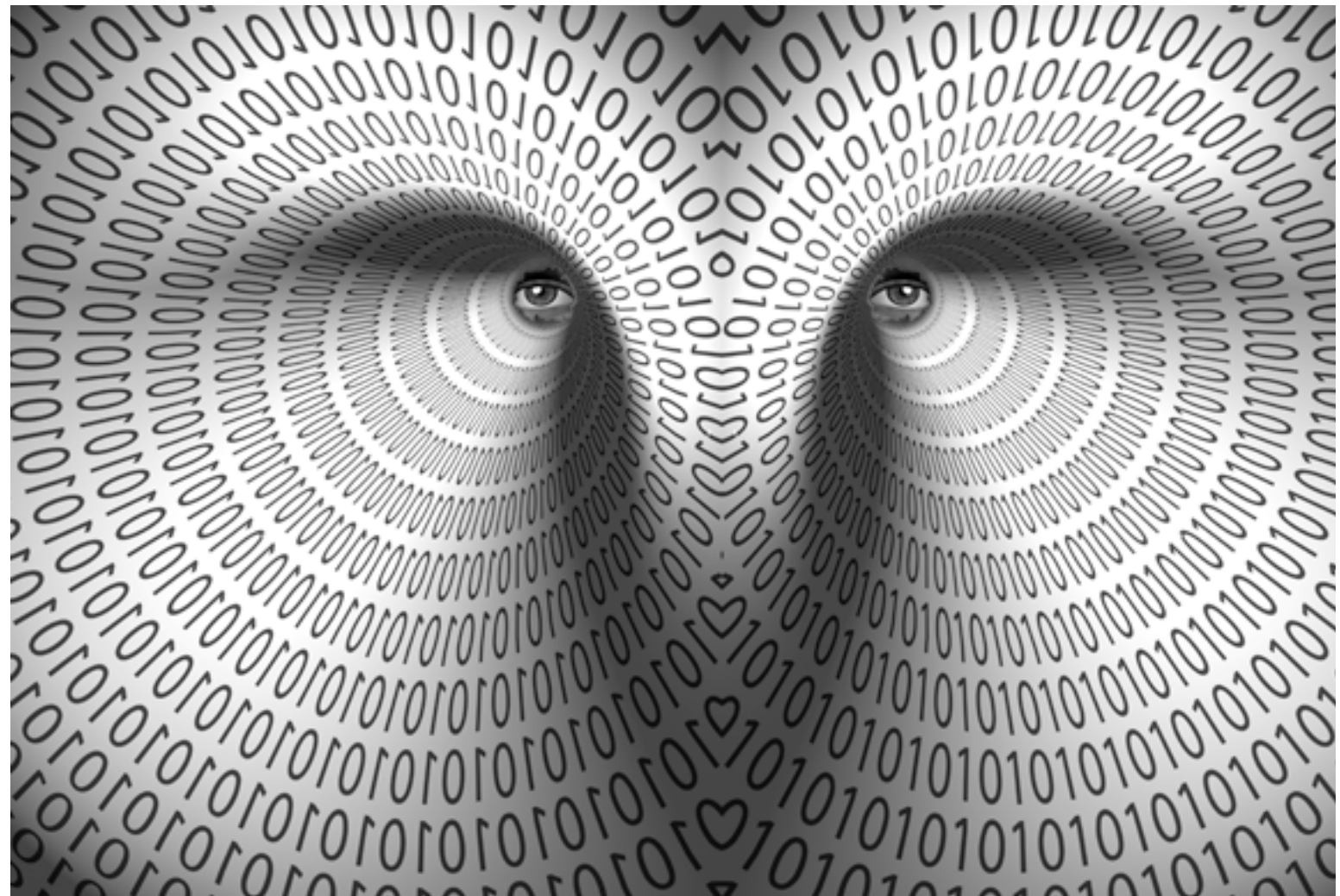


Illustration by Shutterstock

In the 1970s, mass surveillance was seen as especially a Cold War thing, what the Soviet bloc did to its own citizens, while also spying on the West. The West 'only' targeted a few Soviet spies and perhaps some left-wingers too – but mainly focusing on the Soviet Union and its satellites. From phone taps to opening letters, to directly observing someone, mass population surveillance was certainly undertaken by the Stasi and others, with their armies of informers. But mass snooping was not seen as a domestic concern or risk at home in the West.

Today and every day, we leave our digital footprints all over the place. Our digital trail is collected by telcos, web hosts, social media and others. And as the Snowden/NSA revelations have shown, our data is especially hoovered up from all these sources and more by the US, UK and other governments – covering millions of people around the world.

Prism, Tempora and other programs indicate a major intelligence dragnet that

surely constitutes mass surveillance, with little legal justification, and one that invades and undermines our right to privacy and our freedom of speech – since if everything we write, say and do is recorded and collected then how we behave as individuals and social animals surely changes.

Not so, say some. Mass data retention isn't snooping and surveillance until you analyse it and use it – and then there are various laws that allow targeting of suspicious individuals or groups. After all, if companies like Google, Facebook and Yahoo accumulate masses of our data, and analyse it for advertising purposes, then why should we worry that governments hoover up our data too?

This is a slippery argument and worth unpacking. If a government and its intelligence services want to spy on their own or another population, there is very little transparency and accountability as to how they do that, or what the legal justification, if any, is – and as the underwater cable taps by GCHQ indicate, often with very little need to approach

the web hosts or anyone else to ask permission to intercept data.

Mass surveillance needs various elements to work for those carrying it out. You need to collect the data, analyse it according to your interests and needs, and then act on it in some way. For sure the Stasi, like authoritarian regimes and actors today, also understood well that even the act of collection could be, and was intended to be, chilling and fear-inducing.

But what of the US or British or French governments today? Is their collecting of data on all of us – around the world, not just their own populations – just big data, to be used for targeted analysis? Or is it an inevitably chilling act, on the basis of which fishing expeditions are carried out, groups and individuals are identified on a large scale as potentially suspicious through the data analysis, and further monitoring and arrests, through to extraordinary rendition or drone attacks, may be the follow up.

The huge quantities of data collected on

us in one program – such as Tempora – can be analysed to build a multi-dimensional picture of our individual personal lives. And with little or no transparency as to who can access the data, or how the analysts are themselves monitored and regulated.

Mass data collection on all our digital communications challenges our rights to freedom of speech and privacy, and more broadly puts at risk our democracy – how can governments be held accountable, if journalists' sources are no longer anonymous or campaign groups are fully monitored?

The huge overreach by the US and UK governments in deliberately collecting up our data around the world has set up the framework and data for mass surveillance. It's a core part of monitoring us all. If we are to stop it, then we have to stop the reckless hoovering up of our data (to an extent that puts companies in the shade) and return to a more proportionate and targeted approach.

Mass data retention is a central element in mass surveillance. It needs to stop.

Media muzzled in Egypt

The screens went black around 9pm. It was the night of July 3, and Egypt's military chief, General Abdel-Fattah El-Sisi, announced on state television that President Mohamed Morsi had been removed from power following huge protests. Then five Islamist-leaning television stations were immediately taken off the air, reports Jared Malsin.



As General Abdel-Fattah El-Sisi spoke, police vehicles converged on Media Production City, the desert complex outside Cairo that houses Egypt's satellite television industry. Officers in civilian clothes entered the studio of Misr25 which, like Morsi, was affiliated with the Muslim Brotherhood, and began leading journalists out to the waiting vans.

Out in the parking lot, Hasan ElBanna, 29, an administrative coordinator for the station, tried to creep away, but a journalist from an anti-Morsi channel spotted him. He shouted to the police, "That guy's from Misr25!" The officers seized him, but he again managed to escape while the officers were preoccupied with the news anchors. While the police drove about 200 detained journalists to a security installation, he spent the night hiding at a friend's house before returning home.

Misr25's activism for the Brotherhood's cause raised questions about its credibility as a news organisation, but the fact that the channel could operate freely was a sign that the direct censorship of the era of President Hosni Mubarak era was over. Now, under the interim military-backed regime, censorship is back. Ten media organisations have been shuttered or pulled from the airwaves, including Al Jazeera's Egypt affiliate and Turkey's state-owned Turkish Radio and Television Corporation. In the two months after the military ousted Morsi, censorship returned, five journalists were killed and 80 were arbitrarily detained, according to Reporters Without Borders.

I first met Hasan weeks after Morsi's inauguration, in July 2012, when I profiled Misr25 for CJR. He says it's a coincidence that he shares his name with the founder of the Muslim Brotherhood. He studied at Northampton Community College in Pennsylvania, and he was openly critical of Morsi at the time. Nevertheless, he was content to be working for a station run by professionals and whose mission he supported. His job consisted of coordinating with the network's correspondents throughout Egypt.

When I met him again this month in a sleek but empty Cairo coffee shop, he looked like he had aged far more than the 15 months that had passed since our first meeting in Media Production City. Eight of his friends and colleagues had died in the military-backed government's clampdown on the opposition, he said. Now working as a freelancer, he spent much of his summer helping to coordinate coverage from the pro-Morsi protest camp in Giza's Nahda Square. On August 14, the security forces stormed that sit-in and another in Cairo's Rabaa Al-Adawiya Square, killing hundreds in Egypt's deadliest moment of

political violence in decades. "Egypt? It feels like it's not my country anymore," Hasan said. "You can get killed. You can get shot. You can get arrested anytime."

The deep political chasm in Egypt's media meant many in the anti-Morsi camp failed to defend Islamist-leaning journalists. "Because of the polarisation of the press that started under Morsi, a lot of the people who were counted as opposition or critical of Morsi did not speak out against military censorship," said Sherif Mansour of the Washington-based Committee to Protect Journalists, and the author of a CPJ report on the military's press freedom violation.

Although the 2011 revolution that toppled Mubarak yielded a new openness in the media, the Morsi government's record on press freedom was far from flawless. Using the legal framework left over from the Mubarak era, Morsi had tightened his grip on state media and pursued criminal charges against critics like satirist Bassem Yousef. As a result, Mansour said, the anti-Morsi media's silence after the military coup was "a disappointing sign, because many of those were, a few days earlier, victims of a crackdown by Morsi and his allies." But media rights advocates say Morsi's failings do not justify the military-backed government's clampdown. "No matter who is in power and who is in opposition, it shouldn't be a political discussion," Mansour said. "It should be a principled discussion."

Moreover, the broad use of censorship and deadly force goes beyond Morsi's abuses. During the government's assault on the protest camps on August 14, at least three journalists were killed while covering the violence, including Sky News cameraman Mick Deane, Al-Akhar reporter Ahmad Abdel Gawad, and Rassd News Network photojournalist Mosab Al-Shami.

At least 10 journalists are currently in detention awaiting trial. These include Al Jazeera correspondent Abdullah AlShamy, who was detained during the crackdown in Rabaa Al-Adawiya Square. On Wednesday, ElShamy's remand was extended for another 45 days. Also in detention is Ahmad Abu Deraa, of the privately-owned Al-Masry Al-Youm newspaper, a leading reporter and fixer working in the Sinai, who is now facing trial in a military court after reportedly contradicting the army's account of its operation in the area in a Facebook post. Last weekend, two journalists for the liberal newspaper Shorouk were briefly arrested during a police raid on their Sinai hotel after they were mistaken for Al Jazeera journalists.

Reprinted courtesy of the Columbia Journalism Review

Long-held passion for PEN mission

Zoe Rodriguez, a lawyer with the Copyright Agency, grew up in a household of writers devoted to the PEN philosophy. She has now joined the Sydney PEN Management Committee. **Alex Bruce-Smith** reports.



Zoe Rodriguez

When Zoe Rodriguez was in her final year of high school, she declined to attend her Year 12 Formal. Her parents, she reasoned, had far better things to spend the \$120 price of the ticket on. Two decades later, and Zoe is still approaching life with that same flair for practicality.

It's only this year that she took on the role as a member of the Sydney PEN Management Committee and recently returned from the PEN International Conference in Reykjavik, Iceland. The daughter of poets, Zoe has been a long-time supporter of the work PEN does. "I grew up with PEN meetings being held in our living room at home," she says.

Zoe is a lawyer at the Copyright Agency working on behalf of Australian writers and their intellectual property. On top of that, she manages the CAL's Cultural Fund, distributing \$2 million a year between emerging artists and cultural projects.

However, if it wasn't for an incident in South Korea, she may never have ended up at CAL. Law was not in Zoe's sights when she decided to complete her English honours degree at Melbourne University. Like many others, she reached the end of her degree with little idea of what to do next. Academia or other? Neither, as it turned out. "I actually wanted to travel," she says.

Reasoning that teachers are able to travel and work, she earned her Diploma in Education and began working at the Adult Migrant Service, teaching English as a second language. "There were probably a lot of people there who today might be considered refugees," she says. "It was fantastic. Great students."

Word of her hard work began to reach ears in other places. "I got a phone call from the South Korean consulate in Sydney, and they said: 'We've heard about you. Are you interested in being on a pilot program in South Korea teaching English teachers?'"

Ever the realist, she was initially apprehensive. Zoe was only 22. She'd really only just trained to be a teacher. Are they sure they really wanted her? Yes, they did; they said they wanted new teaching ideas.

Zoe arrived on the island of Cheju in 1995 with nothing but her English as a second language textbooks and the education she had received. Her home for the next two years was

dominated by the volcanic mountain Halla and was "typically beautiful". The island was home to half a million people, and not a single English language bookshop.

She was one of a handful of foreigners in the program. They were there to educate South Korean English teachers, armed with the latest methods – and textbooks.

One day, a few of the teachers asked to borrow one of her books and Zoe happily obliged. She assumed they wanted the title and author to order a copy of their own. In fact, it was quite the opposite. "They came back within an hour, and they had two beautiful copies that were not distinguishable from the original," she says. They had taken them to the university printer.

Zoe was aghast. "You can't do that," she told them.

"Why?" they replied. "What's wrong?"

"Somebody spent their time, talent and experience creating that," she explained. "That's their work."

The experience was the catalyst for Zoe studying law when she returned home. She trained as a copyright lawyer with the plan of one day joining the Copyright Agency. And eight years ago, she did just that.

She says her recent trip to Reykjavik was an eye-opener and prompted many ideas for Sydney PEN. While she wants to see PEN further promoting its cause in the Asia-Pacific region, she is also committed to working on a campaign to preserve Aboriginal languages, many of which are at risk of extinction. It's a race against the clock, and one that needs time, money and effort to pull off.

She's hit the ground running at PEN, but Zoe's first love will still be copyright law. The photocopier might have been the villain of the '90s, but the digital age has only made intellectual property theft even more accessible.

"We have to get used to the idea that digital doesn't mean free," Zoe says. "Our task is to make digital shopping so attractive and so easy for consumers that they say, 'Why wouldn't I buy the copy? It's so simple'."

It's not an easy task, but it's a direction companies are heading in – Apple's iTunes is slowly making illegal downloading of music obsolete and the leading newspaper publishers are introducing pay walls.

"We have to get used to the idea that if it's worth copying, it's worth paying for."

Power, protection and principles: The state of press freedom in Australia

Imagine you have just been issued with a subpoena. The subpoena requires you to divulge the name of a confidential source and all the notes, recordings and documents you have relating to that source.

The wheels of justice move slowly but surely. You anticipate a court appearance knowing that if and when you're asked to name your source and hand over all your related research, you cannot do so. For you are a journalist – you have an ethical obligation to your source to maintain the confidences you accepted.

It's a dilemma that an unprecedented number of senior Australian journalists are facing right now. In some cases, subpoenas have been launched against them by wealthy businesspeople. Every one of those subpoenas has been issued in the knowledge that the journalists in question will scrupulously maintain their ethical obligation and refuse to reveal their sources. And yet the subpoena is issued regardless.

What's worse, in every jurisdiction where those subpoenas have been launched, shield laws exist that are meant to recognise journalistic privilege and protect reporters from this type of harassment. And yet the subpoena is issued regardless.

What's more, in most cases, the accuracy of the story written by the journalist is not in question. The journalist's only wrongdoing is perhaps in bringing information to light and exposing the powerful to scrutiny. The court action is not to do with defamation; there is another motivation behind these orders. The journalist is merely an obstruction in the way of seeking information. And so the subpoena is issued regardless.

The consequences for a journalist can be grim. As the notorious Harvey and McManus case in 2007 demonstrated and as Tony Barrass recounts in the pages of this report,

journalists who refuse to cooperate with the court and name their source face a charge of criminal contempt. That could mean a fine, or jail term, or both. At the very least it could mean the permanent stain of a criminal conviction which can severely curtail the ability of a journalist to do his or her job.

So how has it come to this? How did we get to a point where politicians stand up and make noble speeches about the need for shield laws, and their desire to preserve and protect press freedom, then enact shield laws that don't work. Or laws that have only limited application, as if press freedom can and should be overturned on occasion.

The Media Alliance has been disturbed at how this commitment to press freedom is turned on and off like a tap. We have seen it with shield laws where the fine speeches and statements don't match what is drafted and enacted in the legislation. We have seen grand statements about open and transparent government only to have diluted Freedom of Information laws enacted across the country, and whistleblower protection that offers no protection at all in certain circumstances. We have seen it in a judicial system that uses suppression orders, injunctions and now super-injunctions to draw a veil over the public's right to observe the operation of justice.

Press freedom should not be a variable but an absolute. It should not alter when crossing state borders from one jurisdiction to another.

The Media Alliance has seen an extraordinary rise in the powers handed to anti-corruption bodies, intelligence agencies and corporations. Their ability to operate in secret, seize information and coerce and compel individuals to appear before them with no right to silence are hallmarks of recent legislation.

Press freedom withers when our right



Cover of the 2013
report on press
freedom in Australia

to scrutinise, investigate, inquire and even complain is withdrawn. The extreme rules placed on media access to detention centres apply a dangerous new standard to the way the media operates in the rest of Australian society. It is outrageous that the government's rules have been created in the name of "privacy" (even if the individual detention centre "clients" give their informed consent). The rules are more directly related to "control" and in a functioning democracy where governments act in our name that is a perilous step.

What our government does in our name should be subject to openness, transparency, and scrutiny by the media.

On January 30 this year, Reporters Without Borders published its annual press freedom

index. Australia was ranked 26, up four places from last year, but still behind New Zealand (8th), Sweden (10th), Ireland (15th) and Canada (20th). The report warned about democracies that stall and go into reverse, citing among others Italy (57), Japan (53) and Argentina (54) as examples where bad legislation, a poor professional environment for journalists and tension over media regulation had threatened press freedom.

There is still far too much to do in Australia to protect press freedom. To do nothing would mean Australia slides further on the press freedom index. If that happens, it will take a mighty effort to turn the slide around.

The full report is available on the Media Alliance website:
<http://www.pressfreedom.org.au/>

Internet freedom deteriorates worldwide, but activists push back

Danilo Bakovic, Director, Internet Freedom, Freedom House

Broad surveillance, new laws controlling web content, and growing arrests of social-media users drove a worldwide decline in internet freedom in the past year, according to a new study released on 3 October 2013 by Freedom House. Nonetheless, *Freedom on the Net 2013* also found that activists are becoming more effective at raising awareness of emerging threats and, in several cases, have helped forestall new repressive measures.

“While blocking and filtering remain the preferred methods of censorship in many countries, governments are increasingly looking at who is saying what online, and finding ways to punish them,” said Sanja Kelly, project director for *Freedom on the Net* at Freedom House. “In some countries, a user can get arrested for simply posting on Facebook or for “liking” a friend’s comment that is critical of the authorities,” she added.

Freedom on the Net 2013, which identifies key trends in internet freedom in 60 countries, evaluates each country based on obstacles to access, limits on content, and violations of user rights.

An uptick in surveillance was the year’s most significant trend. Even as revelations by former contractor Edward Snowden prompted an important global debate about the U.S. government’s secret surveillance activities, *Freedom on the Net 2013* found that 35 of the 60 countries assessed had broadened their technical or legal surveillance powers over the past year. Such monitoring is especially problematic in countries where it is likely to be used for the suppression of political dissent and civic activism. In several authoritarian states, activists reported that their e-mail and other communications were presented to them during interrogations or used as evidence in politicised trials, with repercussions that included imprisonment, torture, and even death.

Many governments, fearing the power of social media to propel nationwide protests, also scrambled to pass laws restricting online expression. Since May 2012, 24 of the 60 countries assessed adopted legislation or directives that threatened internet freedom, with some imposing prison sentences of up to 14 years for certain types of online speech.

Overall, 34 out of 60 countries assessed in the report experienced a decline in internet freedom. Notably, Vietnam and Ethiopia continued on a worsening cycle of repression; Venezuela stepped up censorship during presidential elections; and three democracies – India, the

United States, and Brazil – saw troubling declines.

Iceland and Estonia topped the list of countries with the greatest degree of internet freedom. While the overall score for the United States declined by 5 points on a 100-point scale, in large part due to the recently revealed surveillance activities, it still earned a spot among the top five countries examined. China, Cuba, and Iran were found to be the most repressive countries in terms of internet freedom for the second consecutive year.

10 Most Commonly Used Types of Internet Control

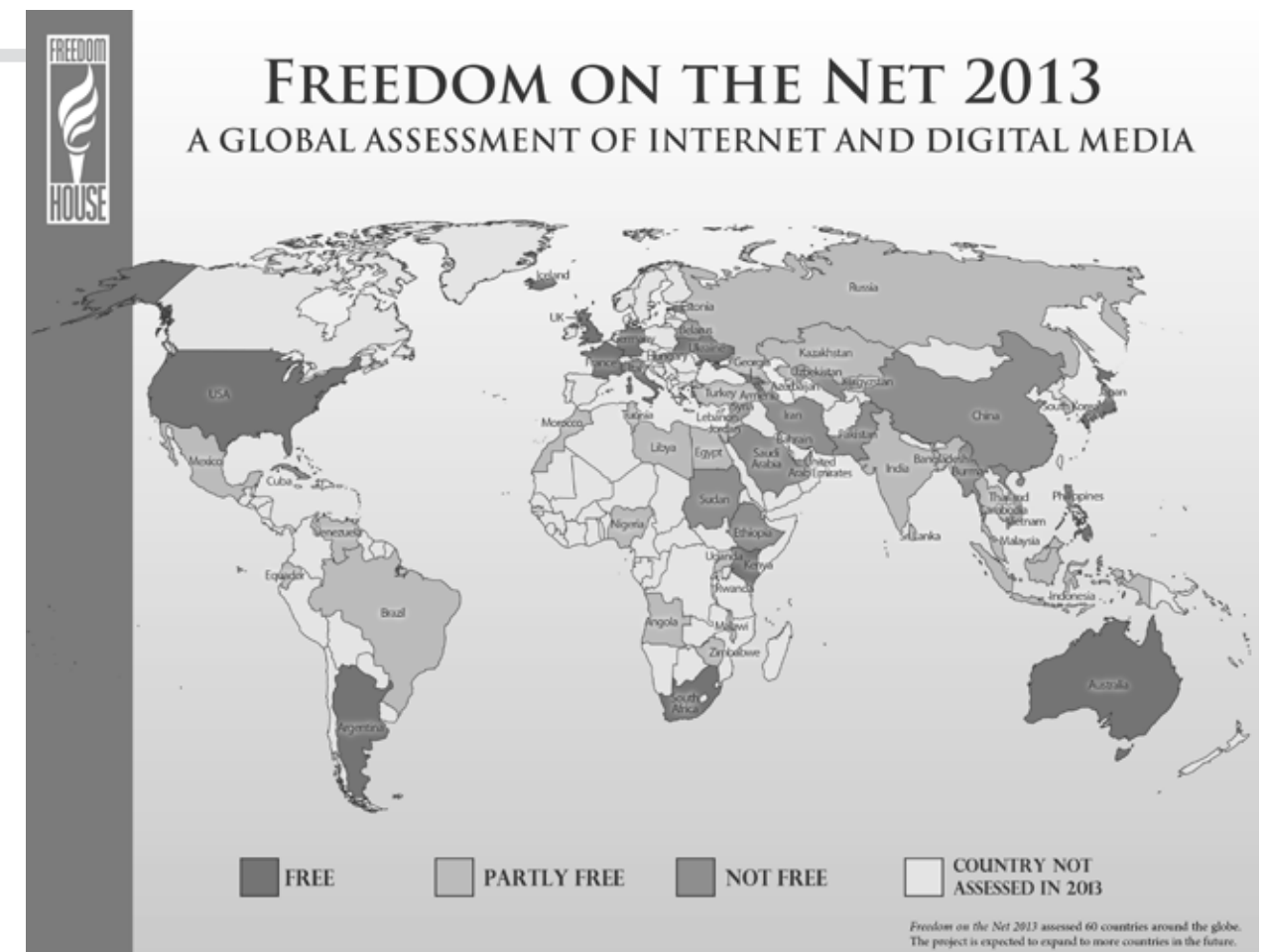
Freedom on the Net 2013 documented the 10 most commonly used types of internet control in the 60 countries assessed.

1. Blocking and filtering: In 29 of the 60 countries evaluated, the authorities blocked certain types of political and social content over the past year. China, Iran, and Saudi Arabia were the worst offenders, but filtering in democratic countries like South Korea and India has also affected websites of a political nature. Jordan and Russia intensified blocking in the past year.

2. Cyber-attacks against regime critics: Opposition figures and activists in at least 31 countries faced politically motivated cyber - attacks over the past year. Such attacks are particularly prevalent during politically charged events. For example, in Malaysia and Venezuela the websites of popular independent media were repeatedly subject to DDoS attacks in the run-up to elections.

3. New laws and arrests: In an increasing number of countries, the authorities have passed laws that prohibit certain types of political, religious, or social speech online, or that contain vague restrictions related to national security that are open to abuse. In 28 countries, users were arrested for online content. In addition to political dissidents, a significant number of those detained were ordinary people who posted comments on social media that were critical of the authorities or the dominant religion.

4. Paid pro-government commentators: A total of 22 countries saw paid commentators manipulate online discussions by discrediting government opponents, spreading propaganda, and defending government policies from criticism without acknowledging their affiliation. Spearheaded by China, Bahrain, and Russia, this tactic is increasingly common in countries like Belarus and Malaysia.



5. Physical attacks and murder: At least one person was attacked, beaten, or tortured for online posts in 26 countries, with fatalities in five countries, often in retaliation for the exposure of human rights abuses. Dozens of online journalists were killed in Syria, and several were murdered in Mexico. In Egypt, several Facebook group administrators were abducted and beaten, and security forces targeted citizen journalists during protests.

6. Surveillance: Although some interception of communications may be necessary for fighting crime or combating terrorism, surveillance powers are increasingly abused for political ends. Governments in 35 countries upgraded their technical or legal surveillance powers over the past year.

7. Takedown and deletion requests: Governments or individuals can ask companies to take down illegal content, usually with judicial oversight. But takedown requests that bypass the courts and simply threaten legal action or other reprisals have become an effective censorship tool in numerous countries like Russia and Azerbaijan, where bloggers are threatened with job loss or detention for refusing to delete information.

8. Blocking social media and communications apps: 19 countries completely blocked YouTube, Twitter, Facebook, or other ICT apps, either temporarily or permanently, over the past year. Communications services such as Skype, Viber, and WhatsApp were also targeted, either because they are more difficult to monitor or for threatening the revenue of established telecommunications companies.

9. Intermediary liability: In 22 countries, intermediaries – such as internet service providers, hosting services, webmasters, or forum moderators – are held legally liable for content posted by others, giving them a powerful incentive to censor their customers. Companies in China hire whole divisions to monitor and delete tens of millions of messages a year.

10. Throttling or shutting down service: Governments that control the telecommunications infrastructure can cut off or deliberately slow (throttle) internet or mobile access, either regionally or nationwide. Several shutdowns occurred in Syria over the past year, while services in parts of China, India, and Venezuela were temporarily suspended amid political events or social unrest.

This article is published courtesy of Freedom House. Freedom House, founded in 1941, is an independent American watchdog organisation dedicated to the expansion of freedom around the world. Today, as more than two billion people live under oppressive rule, Freedom House speaks out against the main threats to democracy and empowers citizens to exercise their fundamental rights. It analyses the challenges to freedom; advocates for greater political and civil liberties; and support frontline activists to defend human rights and promote democratic change.

Shot Pakistan schoolgirl Malala Yousafzai addresses UN

Pakistani schoolgirl Malala Yousafzai addressed the United Nations on her 16th birthday earlier this year as part of her campaign to ensure free compulsory education for every child. Taliban gunmen shot Malala on her school bus last year following her campaign for girls' rights.



Pakistani schoolgirl Malala Yousafzai addresses the United Nations.

is why they are blasting schools every day because they were and they are afraid of change and equality that we will bring to our society.

And I remember that there was a boy in our school who was asked by a journalist why are the Taliban against education? He answered very simply by pointing to his book, he said, "A Talib doesn't know what is written inside this book."

They think that God is a tiny, little conservative being who would point guns at people's heads just for going to school. These terrorists are misusing the name of Islam for their own personal benefit. Pakistan is a peace loving, democratic country. Pashtuns want education for their daughters and sons.

Islam is a religion of peace, humanity and brotherhood. It is the duty and responsibility to get education for each child, that is what it says. Peace is a necessity for education. In many parts of the world, especially Pakistan and Afghanistan, terrorism, war and conflicts stop children from going to schools. We are really tired of these wars. Women and children are suffering in many ways in many parts of the world.

In India, innocent and poor children are victims of child labor. Many schools have been destroyed in Nigeria. People in Afghanistan have been affected by extremism. Young girls have to do domestic child labour and are forced to get married at an early age. Poverty, ignorance, injustice, racism and the deprivation of basic rights are the main problems, faced by both men and women.

Today I am focusing on women's rights and girls' education because they are suffering the most. There was a time when women activists asked men to stand up for their rights. But this time we will do it by ourselves. I am not telling men to step away from speaking for women's rights, but I am focusing on women to be independent and fight for themselves.

So dear sisters and brothers, now it's time to speak up.

So today, we call upon the world leaders to change their strategic policies in favour of peace and prosperity. We call upon the world leaders that all of these deals must protect women and children's rights. A deal that goes against the rights of women is unacceptable.

We call upon all governments to ensure free, compulsory education all over the world for every child. We call upon all the governments to fight against terrorism and violence. To protect children from brutality and harm.

We call upon the developed nations to support the expansion of education opportunities for girls in the developing world. We call upon all communities to be tolerant, to reject prejudice based on caste, creed, sect, colour, religion or agenda to ensure freedom and equality for women so they can flourish. We cannot all succeed when half of us are held back. We call upon our sisters around the world to be brave, to embrace the strength within themselves and realise their full potential.

Dear brothers and sisters, we want schools and education for every child's bright future. We will continue our journey to our destination of peace and education. No one can stop us. We will speak up for our rights and we will bring change to our voice. We believe in the power and the strength of our words. Our words can change the whole world because we are all together, united for the cause of education. And if we want to achieve our goal, then let us empower ourselves with the weapon of knowledge and let us shield ourselves with unity and togetherness.

Dear brothers and sisters, we must not forget that millions of people are suffering from poverty and injustice and ignorance. We must not forget that millions of children are out of their schools. We must not forget that our sisters and brothers are waiting for a bright, peaceful future.

So let us wage a glorious struggle against illiteracy, poverty and terrorism, let us pick up our books and our pens, they are the most powerful weapons. One child, one teacher, one book and one pen can change the world. Education is the only solution. Education first."

Malala, considered a contender for the Nobel Peace Prize, said she was fighting for the rights of women because "they are the ones who suffer the most". She called on politicians to take urgent action to ensure every child has the right to go to school.

The schoolgirl, who set up the Malala Fund following the attack, presented a petition of more than three million signatures to UN Secretary General Ban Ki-moon demanding education for all.

Aid agencies say that female access to education is a particular problem in Pakistan which ranks among the lowest in terms of girls' education enrolment, literacy and government spending.

Unesco and Save the Children released a special reported ahead of Malala's speech. It found that 95 per cent of the 28.5 million children who are not getting a primary school education live in low and lower-middle income countries: 44 per cent in sub-Saharan Africa, 19 per cent in south and west Asia and 14 per cent in the Arab states. Girls make up 55 per cent of the total and are often the victims of rape and other sexual violence that accompanies armed conflicts.

After the shooting, Malala was flown from Pakistan to England for treatment, and now lives in Birmingham, England. There were huge cheers when she took to the podium. She told the UN the Taliban's attack had only made her more resolute. Following is her address:

"In the name of God, the most beneficent, the most merciful.

Honorable UN Secretary General Mr Ban Ki-moon, respected president of the General Assembly Vuk Jeremic, honorable UN envoy for global education Mr Gordon Brown, respected elders and my dear brothers and sisters: Assalamu alaikum.

Today is it an honor for me to be speaking again after a long time. Being here with such honorable people is a great moment in my life and it is an honor for me that today I am wearing a shawl of the late Benazir Bhutto. I don't know where to begin my speech. I don't know what people would be expecting me to say, but first of all thank you to God for whom we all are equal and thank you to every person who has prayed for my fast recovery and new life.

I cannot believe how much love people have shown me. I have received thousands of good wish cards and gifts from all over the world. Thank you to all of them. Thank you to the children whose innocent words encouraged me. Thank you to my elders whose prayers strengthened me. I would like to thank my nurses, doctors and the staff of the hospitals in Pakistan and the UK and the UAE government who have helped me to get better and recover my strength.

I fully support UN Secretary General Ban Ki-moon in his Global Education First Initiative and the work of UN Special Envoy for Global Education Gordon Brown and the respectful president of the UN General Assembly Vuk Jeremic. I thank them for the leadership they continue to give. They continue to inspire all of us to action. Dear brothers and sisters, do remember one thing: Malala Day is not my day. Today is the day of every woman, every boy and every girl who have raised their voice for their rights.

There are hundreds of human rights activists and social workers who are not only speaking for their rights, but who are struggling to achieve their goal of peace, education and equality. Thousands of people have been killed by the terrorists and millions have been injured. I am just one of them.

So here I stand, one girl, among many. I speak not for myself, but so those without a voice can be heard. Those who have fought for their rights. Their right to live in peace. Their right to be treated with dignity. Their right to equality of opportunity. Their right to be educated.

Dear friends, on 9 October 2012, the Taliban shot me on the left side of my forehead. They shot my friends, too. They thought that the bullets would silence us, but they failed. And out of that silence came thousands of voices. The terrorists thought they would change my aims and stop my ambitions. But nothing changed in my life except this: weakness, fear and hopelessness died. Strength, power and courage were born.

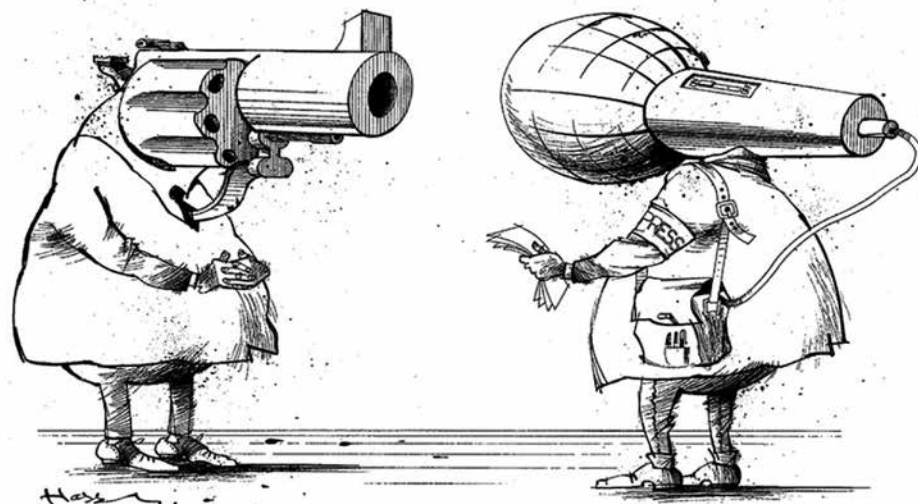
I am the same Malala. My ambitions are the same. My hopes are the same. And my dreams are the same. Dear sisters and brothers, I am not against anyone. Neither am I here to speak in terms of personal revenge against the Taliban or any other terrorist group.

I am here to speak for the right of education for every child. I want education for the sons and daughters of the Taliban and all the terrorists and extremists. I do not even hate the Talib who shot me. Even if there was a gun in my hand and he was standing in front of me, I would not shoot him. This is the compassion I have learned from Mohammed, the prophet of mercy, Jesus Christ and Lord Buddha. This the legacy of change I have inherited from Martin Luther King, Nelson Mandela and Mohammed Ali Jinnah.

This is the philosophy of non-violence that I have learned from Gandhi, Bacha Khan and Mother Teresa. And this is the forgiveness that I have learned from my father and from my mother. This is what my soul is telling me: be peaceful and love everyone.

Dear sisters and brothers, we realise the importance of light when we see darkness. We realise the importance of our voice when we are silenced. In the same way, when we were in Swat, the north of Pakistan, we realised the importance of pens and books when we saw the guns. The wise saying, "The pen is mightier than the sword." It is true.

The extremists are afraid of books and pens. The power of education frightens them. They are afraid of women. The power of the voice of women frightens them. This is why they killed 14 innocent students in the recent attack in Quetta. And that is why they kill female teachers. That



Hassan (Iran)

Safety of journalists major concern in conflict zones

The World Association of Newspapers and News Publishers Global Press Freedom Report takes a 12-month snapshot of the major issues affecting press freedom and freedom of expression worldwide.

The safety of journalists continues to be of major concern in areas of the world where conflict makes reporting the news dangerous, often deadly.

Research for the latest annual report reveals that at least 15 media professionals lost their lives in Syria, and at least 10 in Somalia during the reporting period. Whether at the hand of extremists, organised criminal gangs or official security forces, journalists increasingly find themselves in the firing line.

Where the media is targeted, impunity for the killers of journalists continues to prolong the agony for the victims' families and cast a chilling shadow over the profession. In countries where justice persistently fails such as Pakistan or Mexico, where independent investigative reporting is vital, too frequently journalism has become a deadly occupation. Global efforts to reverse such trends such as the United Nations' Plan of Action on the Safety of Journalists and the Issue of Impunity have gained traction in the last twelve months.

Bringing together governments, the UN system, NGOs and industry in one concerted effort to combat crimes against journalists, it remains to be seen how effectively the Plan can be implemented in the parts of the world most affected by violence.

Criminal defamation and other legal weapons aimed at muzzling independent media persist, with cases in Russia, Italy, Libya and Cameroon highlighting the global appeal of such pernicious legislation for those in power to stifle criticism and debate. The space for such freedoms within newly formulated constitutions is yet to be defined, and as debate continues in Egypt and Tunisia the media remains unprotected and faces increasing attacks in the post-revolution reconstruction.

Proposals for tighter press regulation in the United Kingdom and a Secrecy Bill in South Africa contrast with the positive steps towards greater legislative freedom for the press in Myanmar. Nevertheless, media watchdog organisations are closely monitoring the formulation of legal texts that will define how freedom of expression is framed in emerging societies and established democracies alike.

Soft-censorship has become the weapon of choice for governments looking to exert financial pressures on the independent press as a means of bending it to their will. Government interference in advertising distribution in countries such as Argentina and Azerbaijan forms part of a larger worldwide pattern of economic sanction against independent journalism.

Policing the digital debate has led to increased online censorship and imprisonment of netizens in countries around the globe. Bahrain has targeted Twitter users while Vietnam continues to jail bloggers in its on-going suppression of political debate. China remains key to how online censorship will develop, with its Great Firewall still policing hundreds of millions of users and restricting the free-flow of information, despite some notable exceptions.

Perhaps most worrying is the influence the Chinese model of Internet censorship is having over countries such as Pakistan, Egypt and Iran when it comes to installing surveillance technologies and emulating government-controlled Internet policing. The fight for online freedoms will only intensify in the coming twelve months as Anonymous movement 'hacktivist' trials and that of WikiLeaks source Bradley Manning reach verdicts.



Zlatkovsky (Russia)

Chinese writers in continuing peril

Freedom of expression in China remains in a perilous state as China appeared before the UN Human Rights Council for the Universal Periodic Review (UPR) of its human rights record.

Dozens of writers, journalists and bloggers remain in prison simply for peacefully expressing their views, many serving harsh prison sentences, according to PEN International.

Even more worryingly, the most recent of a series of crackdowns on activists and writers has seen several prevented from leaving the country to attend the UPR session.

"In a period of unprecedented economic and cultural achievement, China chooses to repress the freedom of expression of its citizens yet those citizens express over and over again their wish for true democracy," said Marian Botsford Fraser, Chair of the Writers in Prison Committee of PEN International.

Since it was examined under the 2009 UPR, China has mostly failed to comply with recommendations it accepted, including those to strengthen and enhance protections for the cultural expression rights of ethnic minorities.

The Chinese authorities have also carried out a series of crackdowns aimed at silencing critical voices. Since President Xi Jinping took office in March 2013, a number of prominent rights advocates have

been detained, including writers Yang Tongyan, and Zhu Yufu and there has been a widening government crackdown on online 'rumour-mongering'. There have also been alarming reports of reprisals against human rights activists ahead of the China UPR session in Geneva.

"There is a noticeable deterioration in the human rights situation in China in recent months. Opinion leaders with popular blogs have been arrested and accused of offences such as disturbing public order," said Tienchi Martin, President of the Independent Chinese PEN Centre.

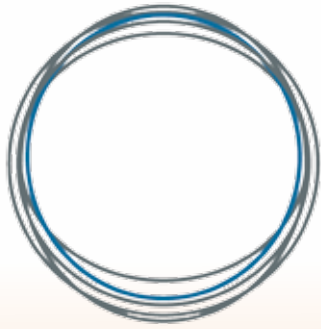
"We believe that these are trumped-up charges intended to cut them off from their public following. If so, they should be released immediately and unconditionally."

PEN is alarmed at the increasingly widespread use of forms of arbitrary detention in which government critics are arrested without charge, or subjected to abduction, assault and intimidation. Of particular concern is the persecution of Liu Xia, wife of imprisoned dissident writer and Nobel laureate Liu Xiaobo, who has been held incommunicado under strict house arrest at her home in Beijing since 18 October 2010 and is denied any contact with the outside world.

PEN International makes the following recommendations to the

government of the People's Republic of China:

- Restore and protect the right of all writers, journalists, and bloggers in China to exercise their right to legitimate freedom of expression as guaranteed by the Chinese constitution;
- Immediately and unconditionally release all writers, journalists, and bloggers who are currently imprisoned or detained solely for exercising their right to freedom of expression;
- End all forms of surveillance and harassment of writers, journalists, and bloggers in China in connection with their peaceful views;
- End all forms of censorship and allow everyone in China to seek, impart, and receive information through digital media without unlawful hindrance;
- Respect and protect the right of writers and publishers in China to publish without fear of reprisals or government interference, and foster the creation of domestic and internationally-treasured literature and the growth of a world-class publishing industry;
- Protect the fundamental right of ethnic minorities and all who are living in so-called "sensitive regions" to full freedom of expression by supporting linguistic diversity and the right to education in their native tongue.



sydney
PEN

Sydney PEN needs you!

By joining Sydney PEN you will be showing your commitment to reading and writing as human rights to be undertaken in the spirit of freedom.

Go to: pen.org.au/ to join.

Sydney PEN also needs
a Writers in Prison Campaign Officer to join its Management Committee!

If you have the time and commitment to work on campaigns to draw attention to the plight of persecuted writers, contact us on: sydney@pen.org.au

Sponsors



CURRENCY PRESS
The performing arts publisher
www.currency.com.au

