

sydney
PEN

PEN magazine

Jennifer Clement, president of International PEN: The continuing struggle against powers that repress



Detained journalist Behrouz Boochani in the Empty Chair • Writers miss out in battle with Google over digitisation • Cath Keenan, Local Hero in the 2016 Australian of the Year honours, talks about Sydney Story Factory • Harsh laws and violence drive global decline in free flow of information

Continuing our commitment to the belief that copyright and moral rights are human rights



Zoë Rodriguez

In March, PEN International's first female President was an honoured guest speaker for PEN Sydney's Free Voices series. She was in conversation with PEN Melbourne's Cynthia Troupe at the Wheeler Centre, and then in Sydney with me at the State Library of NSW. These events took place days before International Women's Day, and fitting, it seemed, as a primary stated purpose for her Presidency is to see PEN International fight against the silencing of women – whether through low literacy rates or other constraints on their ability to write and publish works.

We learned about the research that went into Clement's searing novel *Prayers for the Stolen* in which she details the plight of women trafficked as part of the drug trade into the US, and of the terrible state of press freedom in Mexico where journalists are routinely killed – often by corrupt local governments who do not want journalists nosing about in their activities, or drug traffickers who similarly do not want their activities made public. She outlined for us how her novel has had a direct political impact – seeing her consulted over the trafficking of women and associated drug trade issues by the US Congress. As Clement noted, the novel has played a role in political change for some time.

As covered in Judith Rodriguez' article in this PEN magazine, the state of freedom of expression in Australia is not at a high point with the current laws repressing documentation of asylum seeker policies. In journalist Paul Farrell's February 2016 article in *The Guardian*, he reported the Australian Federal Police had created a file of over 200 pages related to his reporting on Australia's asylum seeker policy. The only reason he knows this is because he put in a request to be sent copies of files on him – and they arrived heavily laden with redaction so that he could not read the full details of who had been traced from those he interviewed for his reporting.

This must be a concern for any journalist reporting on asylum seeker policy – for themselves and for their sources. PEN Sydney, joined by PEN Centres around the world, will continue to agitate for repeal of these laws as an unfair and undue constraint and

incursion on freedom of expression, and an invasion of privacy.

Beyond the unjustified restraint on reporting, Australia's asylum seeker policy itself has led to the detention of at least one writer – the Kurdish Iranian journalist Behrouz Boochani who is in detention on Manus Island. His is now a case officially documented and recorded by PEN International, and has joined those in whose names we place an empty chair at PEN events to note their absence. We, along with PEN Melbourne, will be reviewing his circumstances and agitating for his release into Australia as a legitimate asylum seeker.

Jennifer Clement is also concerned that PEN continues its work on copyright – building on the work already undertaken at an international level by PEN formally adopting its Copyright and Moral Rights Principles.

As a writers' organisation, PEN's principles are based on the belief that copyright and moral rights are human rights that belong to creators with the ability for nations to provide exceptions to these exclusive rights where it's in the public interest to do so, where it does not unfairly prejudice legitimate economic interests of creators. This is a critical issue for a profession in which in Australia the average income for a writer from their writing per year is \$13,000. A writer who cannot live off their writing is effectively silenced.

As a copyright lawyer, I am disappointed with the recent ruling in the US in the Google books case – and surprised as it is out of step with the US Copyright Office's assertion that the doctrine of American fair use is not the best option upon which to base mass digitisation projects.

For mass digitisation projects, Australia should look to solutions from Scandinavian countries where the creators' interests are central, instead of providing corporate giants like Google with competitive advantage built not on their own creativity, but that of authors, artists, publishers and other creators. Under the Nordic system, the National Library and the local collecting society, Kopinor, are in a partnership where the holdings of the library are digitised and made available to the people of Norway, and the creators whose works are used and are in copyright are remunerated for this use. This is a sensible and fair solution that supports easy access to content, and consequent innovation while rewarding the authors who've invested their time, talent and expertise into creating works for all of us to enjoy.

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You taught me language, master...

Or the monstrous views of those who would be different

After a six-year stint on the Sydney committee, my formal involvement with PEN has recently ended. It has been an honour to lend some personal experience and voice to the organisation's local work and to be involved with a group of likeminded people contributing to a much larger international effort. Still, I leave with a view that censorship and harm to those who write and publish are as prevalent as ever, and that active support of authors in trouble is needed as much or more than ever.

To produce serious writing or journalism is to engage in what is at first a private affair. But everything changes when you enter the public arena, when such peace as you may have enjoyed in the quiet of your room can quickly disappear. For then, along with the possibility of praise or reward also comes the risk or reality of criticism or punishment. This was certainly my own experience when I first began to write and publish some 40 years ago.

The right to be free to speak of one's identity and thoughts has been a theme for me generally – from childhood years, through to working as a writer from the mid-1970s onwards, to an involvement in book publishing beginning in the late 1980s and ending in the early 2000s, to a recent period as executive director of the Australian Society of Authors.

Growing up 'Greek' in the decidedly white bread Australia of the 1950s and '60s, meant having your sense of self and family culture routinely challenged. My parents' customs, the language we spoke at home, were openly criticised or actively suppressed – by politicians, school systems, in newspapers, by people in the local neighbourhood. In playground and classroom, we were told to speak English or 'go back home'; in the street, the same injunction, but with the added threat – or fact – of a beating.

These experiences informed the fiction I began to write as a young person, and featured pretty strongly in my first collection of stories, *For the Patriarch*. When that book eventually found some success and made its way onto the NSW HSC, I was of course much pleased – only to have the gloss go off when the NSW Council of Churches decided it wanted to ban it, as one of a number of books deemed too dangerous for students.

I was never directly told as much, but my fault apparently lay in the sin of 'negative' portrayals. Why



Angelo Loukakis

what I wrote about the lives of Greeks or Greek-Australians should matter to that body at all was hard to comprehend, though I had a suspicion the very conservative local Greek Orthodox church might have had some say in it. Nevertheless, the exposure to air and light that came with a *Sydney Morning Herald* article led the would-be banners to cease hostilities.

To try to tell stories I thought were important to relate more broadly, I turned to working in modes other than literary English. I began writing plays and producing occasional journalism – on migration issues and multiculturalism in particular. In my own variation on Caliban's plaint, 'You taught me language; and my profit on't/Is, I know how to curse', I found the dominant tongue could readily be turned against the 'master' himself, or at least a government whose policies were becoming increasingly irrelevant or destructive.

Would that it were so easy. In early 1989, I was commissioned to write a feature on the Bicentennial celebrations of the previous year. That piece, subbed as '1988: A White Lie', was published in a Saturday *SMH/Spectrum* – only to draw a phone call from someone who had tricked my father into giving him our unlisted phone number ('I'm a fan of your son's'). This person



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told me was a representative of an 'organisation', denounced me angrily, and threatened that his group would ensure I would be 'dead meat' if I ever wrote such a story again.

Later, as an editor and publisher in the 1990s through the early 2000s, I saw a chance to facilitate others to speak on issues of the day. Authors who had bravely taken on some inequity or crime were always the most satisfying to edit or publish. I was proud to work with Paul Barry on *The Rise and Fall of Alan Bond*, the first book calling to account an Australian corporate tycoon for his financial sins; and later, Kate Davies' *When Innocence Trembles*, an early expose of the crimes by religious against children, specifically the brutalisation of minors in one Christian Brothers orphanage in Western Australia.

Without the commitment of some brave and/or foolhardy managing directors at the time, it would not have been possible to publish such books. But nor would it have been possible without extensive (and expensive) legal support. Providing professional legal assessments and manuscript suggestions to our authors allowed them to make their case with impact and confidence, while good strategy also required having solid defences in place to limit the risk of plaintiffs securing court victories.

Later again, and before joining PEN, I maintained an involvement in anti-censorship activity as a local rep for Index on Censorship, whose publication aimed to track state and other forms of repression. Index, together with PEN and to an extent Amnesty (even if that is not its primary role) continue to do their best to monitor the situations of writers who come to attention one way or another, but unfortunately now have to deal with increased numbers of individual cases, and more violent repression.

Assaults on free speech today seem to me to have become more frequent, ranging from the insidious to the outright vicious. The result of various unhealthy political and cultural developments, these include:

- Greater government indifference or lip service to freedom. Governing parties show a weaker appetite for upholding free expression and different, ie non-mainstream, opinion, than may have once been the norm (with a heavy qualification to say there has been no 'golden age' when western or any other kinds of government were wholeheartedly pro-free speech). Partly in response to the rise of terrorism – but not entirely – state surveillance has grown to operate with a narrower set of acceptable political and religious beliefs and ideas.
- Religious fundamentalism tipping over into extremism. There seems little doubt we are living through a period when greater numbers of people are ready to reference religion to support the primacy and superiority of their views, and thereafter to

actively silence, wound or kill others who do not share or reject those views.

And meanwhile our ability to slow or halt these processes has been compromised by changes in how we record and communicate our concerns. Issues here include:

- Ephemeral online reporting. Instant, electronic communications may also work against focus, and we now have the phenomenon of reports that appear one day and disappear the next, as part of the relentless cavalcade that is the internet. Individual cases of repression often don't stay around long enough to stick and become a standing and visible cause. The ever-growing list of online 'petitions' on a myriad other matters likely works to divert attention from the plight of writers.

- Fewer books as a form of 'record'. As Australian bestseller lists and publishers predominantly favour fiction and anodyne non-fiction, accounts of real-world events or situations are few and far between. Books that are vital to any analysis of what generates violent and other forms of censorship, and to presenting and recording particular instances, are not high on the list of publisher priorities.

At the same time, self-publishing authors with a mission to highlight injustice and prepared to use their own resources to do so are few and far between. Where they do exist, they often proceed to publication with no serious legal backing. Typically using the bulk of their funds on production, they tend to engage in bush lawyering and miss or diminish the dangers.

- Changing definitions of who 'qualifies' as an author. PEN was established with a mission to work on behalf of 'literature' and the formally recognised professional author or journalist, rather than the casual or amateur practitioner. But today it would be foolish to exclude the expanding population of self-publishers, bloggers and others, on the grounds that their formats or output don't meet older measures.

And yet and perhaps paradoxically, among these complications also lie means to advance the work of PEN around the world. Secret state behaviour is able to be exposed like never before. Ephemerality may be a drawback of online culture, but the internet itself allows us to reach individuals, governments and media, more or less instantly. Template websites mean the messaging of advocacy groups can be delivered cheaply, while online forums are transportable and relocatable in the face of bans. The printed book defies all predictions of imminent demise and remains available to all who dare...

I am confident that, one way or another, PEN will continue to deal with limits imposed on expression and continue to do its best to protect those whose mission requires the free word. I wish PEN Sydney, and writers everywhere, all the very best.

The work continues.

David Malouf presented the November Free Voices address for Sydney PEN at the Cell Block Theatre, East Sydney



1 Meredith Curnow, publisher Knopf Vintage at Random House, writer Simone Gaunt and Kathy Bail, Chief Executive of UNSW Press

2 Author Frank Moorhouse with Carol Dettmann, who was awarded the 2015 Sydney PEN Award for services to PEN

3 Author Debra Adelaide with Tony Rowe

4 Zoë Rodriguez, president of Sydney PEN, with author David Malouf, who delivered the Free Voices address on The Day of the Imprisoned Writer at the Cell Block Theatre on November 15, 2015.

5 Dr Elizabeth Farrelly and Professor Michael Fraser



A passion for country, freedom and social service

Jennifer Clement is the President of PEN International and the first woman to be elected to the position since the organisation was founded in 1921. She grew up in Mexico City and studied English literature and anthropology at New York University. Human rights issues have motivated her writing. **Miriam Cosic** interviewed her for the PEN magazine.

Two themes run like red threads through Jennifer Clement's life: her country and social service. Her father, a chemical engineer and civil rights activist, was sent to Mexico to help build a water purification plant during the Kennedy Administration. He and his wife fell in love with the place, he resigned his job and they stayed. Their two daughters were born there; he died there. Clement's mother, an artist, still lives there. Clement's sister, Barbara Sibley, whom *The New Yorker* recently dubbed a "hero mensch", runs a regional Mexican restaurant, La Palapa, as well as the New York Women's Culinary Alliance and a variety of Lower East Side charities.

"We were raised with a sense of responsibility, a sense of service," she says simply, during a recent trip to Sydney.

An acclaimed novelist, Clement was elected president of PEN International last October, the first woman in the organisation's 95-year history. She had been a member of PEN Mexico for years: serving on the translation committee, the women's committee, helping to set up the Cubans in Exile centre in Miami. After the President, poet Manuel Ulacia, died in a drowning accident in 2001, the organisation went through a moribund period, Clement says. When she was elected President of PEN Mexico in 2009, a post she held for the statutory three years, she

faced a challenge. "I realised I had to do two things. I had to rebuild the centre and give it back its prestige," she says.

Her campaign targets were already laid out for her: the reason she had been approached to take over the top job and shake up the branch in the first place. Journalists were increasingly being harassed, disappeared, even killed, for reporting on the Mexican drug wars. In two years, 2010-2012, according to PEN International figures, 28 journalists were killed in Mexico. In 2011, the majority of the dead were women.

Clement launched a campaign of shame against the Government, aiming to end impunity by changing the killing of journalists from a state to a federal crime. She was staggered by the power she could summon in her role. She organised an event in Mexico City that many PEN members from around the world attended, including, for the first time, the entire executive board. She organised an open letter to the Mexican Government, signed by an international roll call of prominent writers.

Other organisations joined the campaign: the Committee to Protect Journalists, Article 19, the Knight Foundation. A small army of free speech and human rights activists, and constitutional lawyers, got to work to give the proposed amendment teeth. "And we did it," Clement says. The law was changed in 2013, placing crimes against freedom of



Jennifer Clement, president of PEN International. Photograph: Stuart Spence

expression – and the work of journalists explicitly – under federal jurisdiction. If and when the Mexican Government decides to crack down on attacks on reporters, the law will be in place.

Last year, Clement received a letter from the Swedish PEN to say she was being nominated for the presidency of PEN International. Centres in three different regions must nominate, and South Africa and Mexico quickly got behind the bid.

“They said they were nominating me because of my work in Mexico PEN and because my writing was literary writing,” she says, “and also because there was a tremendous feeling in PEN that we needed to have a woman president.” When she accepted the nomination, she says, she was the only woman contending. Then the men dropped out; then two other women became candidates. “So whatever would have happened, a woman would have won,” she says.

(It was, by the way, three women who started Sydney PEN in 1931: Ethel Turner, Mary Gilmore, and Dorothea Mackellar.)

Clement has wasted no time bringing a women’s agenda to the organisation. “I can’t ignore the fact I’m the first woman,” she says. “That has to matter when you think of all the violence against women all over the world.

Violence has greater consequences for women than cancer, accidents, and malaria combined.”

Our discussion veers in that direction – 87 per cent of women in Afghanistan have experienced violence, for example, making it only 13 per cent who haven’t – before Clements brings us back to the matter in hand. “We can’t go in that direction,” she says. “Violence against women is a way to keep women quiet, to shut them up.”

She has a feminist goal for each year of her three-year presidency. She points out that gender is historically a bigger problem even than colour. “Black men had the vote in the US 40 years before women,” she says, emphasising the time lag. She doesn’t believe there will be a problem with her plan to have the language of PEN’s Charter changed by the end of her first Congress in September to include gender, sexual orientation and religion. “We may have more problems with sexual orientation because ormany of the African and Arab countries may not get on board with that,” she says, putting a polite spin on the fact that homosexuality is illegal in those countries and in some of them punishable by death.

In her second year, she wants to create a manifesto that can be used in all the different countries in which PEN operates: on gender, on the idea of violence being a form of censorship, on the right to education, the problem of



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child brides, and more. She has a list of people – men as well as women, smart, savvy and not the usual suspects – whom she would like to help work on it. She feels strongly about the necessity of men assisting in feminist projects and wrote an essay on it for the German literary magazine *Logbuch*, called “Für eine radikale Einbeziehung der Männer” (For a radical inclusion of men).

In her third year, she wants to implement VIDA statistics on how many women are published, how many reviewed, and how many women critics are at work, in every PEN centre across the world. Part of it is to break the nexus between gender and literary discourse, in particular the way that the few women’s books that are reviewed are usually reviewed by women and compared to other books by women, creating an enclosed ghetto of feminine writing.

It’s not only about women. “Ok, so then there are the broader issues that we all know about,” Clement continues. “Freedom of expression is always paramount. We’ve had some tremendous things happen that you never would have thought would happen. *Charlie Hebdo*.... it’s incredible to think that it happened in our time.

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She mentions the activities that are always in place: the operation of PEN’s committees. She would like to see the Writers in Prison committee changed to cover writers at risk. As she said at the Quebec conference last year, when she was elected, “In Mexico, we don’t have writers in prison. We have writers in graves.”

Clement’s work for PEN is of a piece with her novels. Form and style, the literary element, always come first, she insists. But the content is always powerful advocacy for social justice. Her last novel, *Prayers for the Stolen*, was about Mexican girls stolen for sex trafficking, a lucrative side business for the drug lords. Among the accolades, it won the Grand Prix des Lectrices Lyceenes de ELLE

2015 and the Sara Curry Humanitarian Award. Her previous novel, *A True Story Based on Lies*, which was long-listed for the Orange Prize, was about the mistreatment of domestic servants in Mexico. Reviews have raved about her ability to seamlessly blend fact and fiction, violence and poetry, humour and unblinking observation of the most sordid aspect of hidden worlds. *New York Times* reviewer Francisco Goldman said *Prayers for the Stolen* was “as harrowing as you would expect, but it’s also beguiling, and even crazily enchanting”.

She has just finished a novel about violence and the gun trade, legal and illegal, which she mentions by way of further explanation of her conscience-fuelled craft: “It was a great challenge to write about guns with poetry, to write about that subject in a new way.”

Her father’s example looms large, and admiration for him has clearly underpinned her ethics, as well as her sister’s. But writing was there from the beginning. Clement can’t remember a time when she didn’t write. After school in Mexico, she went to the United States for her tertiary education, studying anthropology and English literature at New York University, then French literature in Paris, before finally earned an MFA at the University of Southern Maine.

She wrote around the contingencies of life: having two children, getting a divorce. “I’ve always been able to set the alarm for four in the morning and get the writing done,” she says. “I’m very disciplined.” Her ethics permeated it all. When she started working on *Prayers for the Stolen*, she knew little more than that she wanted to write a counter-narrative to the masculine viewpoint seen in the media and literature. Before she began to talk to the women of the drug lords, she asked permission of her children, then in their late teens. “I was putting the family at risk, I was putting myself at risk, so I needed to know how they felt about it,” she says. “If they’d said I shouldn’t do it, I probably wouldn’t have.”

In her acceptance speech at the PEN Congress last year, Clement said, “Everyone is saying congratulations. But this is not a prize, it’s not an award. It’s an act of trust. I hope that I am worthy of your trust.” Few would seem more qualified.

The continuing struggle against powers that constrain and repress

Mexican-American writer and activist Jennifer Clement was a special guest speaker at the NSW State Library on March 5 as part of Sydney PEN's Free Voices series. In conversation with President, Zoë Rodriguez, she spoke about how PEN Mexico, of which she was President from 2009 to 2012, and PEN International used shame as a strategy to influence the Mexican government into changing the criminal laws to enhance the rights of journalists, as well as the powerful lessons she learned when writing her award-winning novel, *Prayers for the Stolen*.

Jennifer Clement has an ambitious advocacy agenda for her PEN International Presidency in wanting women's voices to be better heard, seeing this as part of the broader motivations of PEN to ensure that writers are not silenced. Following is an edited transcript of her responses to questions about *Prayers for the Stolen*, her work as President of PEN Mexico fighting for the rights and safety of Mexican journalists, as well as her ambitions for PEN International in her Presidency.

Jennifer Clement: In Mexico we have something we call Narco literature, now considered a genre, that is almost all about men. The story about the drug lords and violence is very male-driven. I was interested in trying to understand what was happening to the women in Mexico and how the violence was affecting them. My research took 10 years, the first two years spent interviewing drug traffickers' women; it was fascinating and incredible. I constantly thought of Hannah Arendt and the banality of evil because it is all driven by the most base capitalism. There's no ideology. There's nothing behind it.

I interviewed one woman, the wife of a very important pilot of a drug trafficker, (who's now been caught) whose nickname was 'la Barbie' because his hair was very blonde like a Barbie doll. I asked, "Well, what does he buy you?" and she said "Ah you know, he is so incredible because he flew me to San Antonio Texas and bought me a leather jacket." I thought, how many people have died because of that leather jacket.

Zoë Rodriguez: *Prayers for the Stolen* opens with the narrator's mother announcing to her daughter "Now we will make you ugly." In Australia in 2016 this sounds like a strange ambition for a parent talking to her child. Along with this is a desire to make this baby girl "from birth" look like a boy. This is an important symbol right from the start.

JC: I heard a story about what was happening in Mexico in the state of Guerrero which is where the poppies are grown and the state-of-the-art heroin labs are. A woman in Mexico City said that in Guerrero, "You know, they are stealing all our girls."



Zoë Rodriguez and Jennifer Clement. Photograph: Stuart Spence

She told me about how the people would see SUVs coming in the distance with these gangsters looking for girls to steal. So the mothers were digging holes in the ground and when they'd see the SUVs in the distance, they would hide their girls in the holes and cover them up with leaves or things like that. In my mind, I saw a rabbit warren and graves for the living girls. I couldn't let go of that image. I knew my book would be about the most vulnerable women – those girls.

At the same time, I learned from the mothers that they didn't want their daughters to be noticed – they have an expression 'stay in the shade', don't be seen, don't go out in the sun and don't let people see how lovely you are or how feminine you are. So they would say that a boy was born when a little girl was born to deflect any attention



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because the mothers knew the gangsters were waiting for the little girls to grow up to they steal them.

Jennifer read a section from *Prayers for the Stolen*:

The hole was too small. My father had dug it up when I was six years old. I had to lie down on my side with my knees at my chest like skeletal remains of ancient burials I'd seen on television. I could see slivers of light peer in on me through the thatch of leaves.

I heard the sound of a motor approach. The ground around me trembled as the SUV drove up to our small house and stopped in the clearing, right above the hole and above me. My small space became dark as I lay in the shadow of the vehicle. Through the leaves I could see the SUV's underbelly, a web of tubes and metal. Above me the motor was turned off. I could hear the sound of the handbrake as it was cranked into place. The car door opened on the driver's side. One brown cowboy boot with a high but square and manly heel stepped out of the car. Those boots did not belong to this land. No one wore boots like that in this heat.

As he stood with the car door open he looked straight at my mother. From the hole I could only see his boots and her red plastic flip-flops face each other.

Good day, Mother, he said.

The man's voice did not belong to this land. The boots and his voice were from the north of Mexico.

Is it always so hot here? he asked. How hot do you think it is?

My mother did not answer.

Ay, Mother, put down that gun.

The other car door opened.

I could not swivel in my hole to try and look around so I just listened.

From the passenger side of the SUV another man stepped out.

Do you want me to shoot her missing? the second man asked. He coughed and wheezed after he spoke. He had an asthmatic voice from the desert, a voice of rattlesnakes and sandstorms.

Where's your daughter, huh? the first man asked.

I don't have a daughter.

Ay, yes you do. Don't lie to me, Mother.

I heard a bullet hit the SUV.

The vehicle shook above me.

I heard the bratata explosion of machine gun fire along with the sound of the bullets breaking up the adobe brick walls of our home.

Then it stopped. The jungle swelled and contracted. Insects, reptiles, and birds stilled and nothing rubbed against anything. The sky darkened.

The machine gun had fired the wind out of the mountain.

We were your best hope, Mother, the first man said.

I birthmarked the place, didn't I? I heard the second man say through a shrill wheeze that became a whistle.

The two men got back in the car and slammed the doors shut. The driver turned the key and started the motor. When he placed his boot on the accelerator above me, my hole

was filled with the vehicle's exhaust fumes. I opened my mouth and breathed in the noxious smoke.

The car backed off and drove down the path.

I breathed deeply.

I took in the poison as if it were the smell of a flower or fruit.

My mother made me spend the next two hours in that hole.

You're not coming out until I hear a bird sing, she said.

It was almost dark when she pulled the fronds off the hole and helped me out. Our little house was sprayed with dozens of bullets. Even the papaya tree had bullet wounds and sweet sap oozed from the holes in the soft bark.

Just look at that, my mother said.

I turned. She was pointing at the hole with her finger.

I peered in and saw four albino-shell scorpions there. The deadliest kind.

Those scorpions showed you more mercy than any human being ever will, my mother said.

She took off one of her flip-flops and killed all four in beating blows.

Mercy is not a two-way street, she said.

ZR: While misogyny is definitely a topic in *Prayers for the Stolen*, it's not just girls and women who are treated badly. It's also men. For instance, farmers are kidnapped to work on drug crops for the narcos. Could you talk about the silencing of people in Mexico and what the powers are that constrain and repress?

JC: Many workers in the fields are stolen to pick the marijuana or poppy crops. One thing that they talk about a lot in Mexico is the great tunnels the narcos have built – imagine the manpower it took to build those tunnels. Where are those workers? We suspect that when they finish the tunnels (used by the drug cartels to burrow under the border between Mexico and the United States) they are killed.

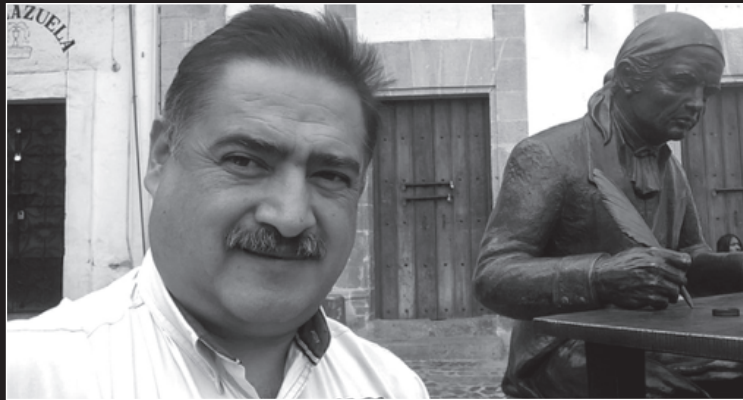
We also have many IT people missing in Mexico, people who set up the heroin laboratories, the internet services and Facebook and printing services. And we have many doctors who are missing.

One doctor told me he thought his days were over after he was kidnapped to work on the son of a drug trafficker. The son had bullet wounds, and he died. And when the son died, the doctor said he saw his own death. However, the drug trafficker said, "I know who you are, but I'll let it go." Now that doctor is living in Sweden.

There are so many people missing in Guerrero that groups of people walk through the countryside with long metal probes that they put in the ground and then smell the tip to see if it smells like a cadaver. It's hard to know how many people are missing but there's a sense that there are graves all over the place.

ZR: If these things happened in Australia, we'd hope the state, the police or the laws, would protect us. What's wrong with the state of Mexico?

JC: We definitely have a breakdown of the legal system, a breakdown of the police system – they're both very corrupt, and that is our responsibility. The fact that there



Mexican journalist Francisco Pacheco Beltrán was shot to death in Taxco, Guerrero, on April 25, according to the Committee to Protect Journalists. Pacheco regularly posted articles on his website about regional crime and violence which in recent years has spiked in relation to organised crime and drug trafficking. Since 1992, at least 36 journalists have been killed in Mexico for their work, while dozens more have died in unclear circumstances. Mexico ranked eighth on CPJ's 2015 Impunity Index, which highlights countries where journalists are murdered and their assailants go free.

is complete impunity is Mexico's responsibility. We have at least 100 journalists killed, 25 missing, and already four killed this year.

But the truth is there's no way Mexico can solve this problem without decisive action from the United States. So we're in this terrible marriage – we really can't solve our problems and this has to do with the tremendous consumption of drugs in the United States.

And we have the problem of guns coming into Mexico – legally, illegally. The latest statistic from a study done at the University of Santiago is that if the guns were not coming into Mexico, 47 per cent of US gun dealers would be out of business. So, again, it's amoral capitalism and I really don't see how Mexico can solve it without the United States solving its problems, which doesn't look like it'll happen any time soon.

ZR: This raises a remarkable point about your work and writing as activism. You said that on the basis of your novel *Prayers for the Stolen*, the US Congress asked you to talk to them about the issue of trafficking of girls in Mexico.

JC: I didn't know that I was writing a protest novel. I just was writing about something that hurt and would not let go of me. I've written enough books to be able to look back and realise that I'm always writing about the unprotected.

But novels have created great change in the world. Dickens' *Oliver Twist* changed child labour laws. You can say that Jane Austen's novels and Charlotte Brontë's *Jane Eyre* changed property rights for women. Emile Zola's *Germinal* changed the conditions for miners in France. And, of course, Victor Hugo's novels changed the way we saw the poor.

So the novel has been a place that allows such changes to occur. And that has a lot to do with the work of PEN, that freedom of expression and literature should be together.

So it was interesting that a book that's a novel would make law makers in Washington want to talk to me about the research that went into writing it. What happened once the book came out in Mexico was extremely strange and completely unexpected; a news magazine published the chapters from the novel about the ranches on the border

of Mexico as news. It wasn't in the cultural pages or the literary pages or the book review pages. Someone called me and said, "Did you see that all the chapters on the ranches are in the news part of the magazine?" And I actually left Mexico for two months because if any of those drug traffickers had read it! But although nothing happened, I did feel I should get out.

ZR: What are you hoping to achieve as President of PEN International I?

JC: In my first year, at the Congress in September, I want to see the PEN International Charter changed. I think it needs to be updated because at the moment it says that members of PEN will dispel hatreds to do with class, race and nationality; it doesn't include gender and it doesn't include sexual orientation, and it doesn't include religion. So it seems to me that we need to add those to the Charter.

And in my second year, my aim will be to write a manifesto on gender. And what does this have to do with PEN? The idea is that gender violence is a form of censorship. And violence is used to silence women, to shut them up.

And in my third year I hope to implement the VIDA Statistics in all PEN centres. You already have them in Australia in the form of the Stella Statistics, which is amazing, because most countries don't have it. It is a way to monitor how many books by women are being reviewed, how many books by women are being given prizes. In Mexico, for example, the leading literary news magazine has so few women – there is not a single woman on the board of the magazine.

And there are other things that need to be done. We don't have a PEN Centre in Israel, we don't have a Pakistani centre. So those are centres that need to be worked on. I think we'll be opening a Cuban centre this year which is exciting.

ZR: How do you feel about giving up writing for three years to be the PEN International President?

JC: The world is really in a bad moment – state and non-state actors are threatening freedom of expression in so many parts of the world and it's not a job you do half-way if you're going to do it well, and I want to do the best job I can do.

Out of sight, out of mind on Manus Island

Iranian journalist Behrouz Boochani, one of Sydney PEN's 2016 Empty Chair recipients, tells of the horrors of Manus Island, reports writer **Arnold Zable**, former president of PEN Melbourne

His name is Behrouz Boochani. He was born in Ilam city in west Iran on July 23, 1983. He graduated from Tarbiat Madares University in Tehran with a Masters degree in political geography and geopolitics. He worked as a freelance journalist and for several Iranian newspapers – *Kasbokar Weekly*, *Qanoon*, *Etemaad* – and the Iranian Sports Agency. He published articles on Middle East politics and interviews with the Kurdish elite in Tehran.

Boochani's passions are human rights and the survival of Kurdish culture. With several colleagues, he founded, edited, published and wrote for the Kurdish magazine *Werya*, documenting Kurdish aspirations for cultural freedom. He wrote a paper advocating a federal system for Iran, protecting minority rights. The paper was delivered at a conference in France on his behalf after he was denied a passport to attend.

On February 17, 2013, officials from the Islamic Revolutionary Guards Corps ransacked the *Werya* offices in Ilam and arrested 11 of Boochani's colleagues. Six were imprisoned. Boochani was in Tehran that day and avoided arrest. On hearing of the arrests, he published the information on the website *Iranian Reporters*, and the report was widely circulated. Boochani feared for his safety and went into hiding.

During his three months in hiding, colleagues advised Boochani he was at risk of arrest and interrogation. As a member of the Kurdish minority in Iran, and of both the Kurdistan Democratic Party and the National Union of Kurdish Students, he had experienced threats and was under surveillance. Having been interrogated and warned previously about his work promoting Kurdish culture and having signed an undertaking

he would not continue this activity, he was in grave danger.

Boochani fled Iran on May 23, 2013. In July of that year he was among 75 asylum seekers intercepted by the Australian Navy en route to Australia. It was his second attempt at the crossing from Indonesia. On the first, the boat sank. He was rescued by Indonesian fishermen, and jailed on his return.

He immediately asked for asylum in Australia. He was detained on Christmas Island where he developed a deep bond with Reza Barati, a Kurdish-Iranian, also from Ilam. He was transferred to the Manus Island Immigration Detention Centre in late August 2013.

Boochani's predicament is both unique and emblematic of the horrors facing the men detained on Manus Island. There are currently about 900. Behrouz is among a group of about 100 who are refusing to be processed by PNG immigration officials, claiming the right to be processed for asylum in Australia.

He maintains his sanity between descents into depression with his continuing work as a writer and journalist, and his lifeline via various channels with a few advocates in Australia, including Castlemaine resident and refugee advocate Janet Galbraith. She is in touch with him daily, and has arranged for his writings to be translated from Farsi to English. His accounts of his incarceration on Manus Island read like a Kafka nightmare.

He continues to write articles for Kurdish publications from detention. He remains active as a human rights defender, and is recognised as such by the UN. He collaborates with Australian journalists and human rights agencies, reporting on human rights abuses occurring in the centre. He was torn apart by the murder of Reza Barati,



Behrouz Boochani

and has reported on the death, through medical neglect, of Manus island detainee Hamid Khazaie. Boochani was one of several asylum seekers arrested and jailed without charge in Lorangau prison during a hunger strike recently. He remained peaceful during this action.

He says his communications are monitored by Transfield, the company that operates the detention centre, and that, as a result of his reportage and his human rights activity on behalf of fellow detainees, he has been threatened, regularly searched and is subject to surveillance.

The men detained on Manus Island have not been convicted of any crime. Yet they are imprisoned. Isolated. Kept out of sight and out of mind. Those who have been found to be refugees remain in the Lorangau transit centre. They have not been resettled. The men know they are the fall guys, punished as a means of deterring other would-be asylum seekers, as are the men, women and children detained on Nauru. They were in the wrong place at the wrong time. They have been palmed off, abandoned and all but forgotten. They are being driven mad.

The fate of Behrouz Boochani and his fellow

detainees is Australia's responsibility. Instead of being imprisoned and harassed, he should be welcomed for his courageous stand for democracy and granted asylum in Australia. It is a profound irony that he is now experiencing levels of surveillance and harassment that have some parallels with his treatment by Iranian authorities.

In recent conversations with writer and trauma worker Janet Galbraith, he has said that when he sailed for Australia, he was happy because, "I knew Australia as a modern and democratic country. I thought that when I arrived in Australia they would accept me as a journalist. When I arrived at Christmas Island I said: 'I am a journalist', but I did not get any respectful response. I was wondering why it is not important for them that I am a writer. When they transferred me to Manus, I said to immigration: 'Don't exile me. Don't send me to Manus, I am a writer.' They did not care."

PEN International, a worldwide association of writers with members in more than 100 countries, has launched an international campaign on behalf of Boochani in collaboration with Reporters Without Borders and a range of human rights groups in Australia.



Vietnamese bloggers imprisoned for 'abusing democratic freedoms'

THE Committee to Protect Journalists strongly condemns a Hanoi court's sentencing of two Vietnamese bloggers to prison terms on charges of "abusing democratic freedoms".

In a one-day trial, Hanoi's People's Court sentenced Nguyen Huu Vinh, founder of the news website and aggregator *Ba Sam*, and Nguyen Thi Minh Thuy, his editorial assistant, to five and three years respectively under article 258 of the Penal Code, which carries maximum penalties of seven years in jail for "abusing democratic freedoms". Both bloggers were held for more than 22 months in pre-trial detention. It wasn't clear if the time they already served would count against the sentences the court imposed.

"Today's harsh convictions of bloggers Nguyen Huu Vinh and Nguyen Thi Minh Thuy are inconsistent with Vietnam's obligations as a signatory to the International Covenant on Civil and Political Rights," said Shawn Crispin, CPJ's senior Southeast Asia representative. "If Vietnam wants to be viewed as a responsible member of the international community and a reliable partner in multi-lateral agreements, these bogus anti-state convictions must stop immediately."

The charges stemmed from 24 entries posted to *Ba Sam* and two other blogs Vinh established: *Dan Quyen* (Citizen's Rights) and *Chep Su Viet* (Writing Vietnamese History). Judge Nguyen Van Pho ruled that the articles in question had distorted the ruling Communist Party's policies, reduced public trust in the party, and went against the interests of the nation.

It was not immediately clear if either Vinh or Thuy intend to appeal the verdict. Vietnamese authorities



Vietnamese bloggers Nguyen Huu Vinh (right) and Nguyen Thi Minh Thuy. Picture courtesy of Reuters/Doan Tan

have increasingly used Article 258 to stifle media criticism and persecute independent bloggers and journalists, according to CPJ research.

Vinh, a former police officer, established *Ba Sam* (Talking Nonsense) as an independent news platform in September 2007. The blog posted links to state-run Vietnamese media, often with critical commentary added by the blog's administrators, as well as translated versions of foreign news reports on political, economic, and social issues, according to press accounts. The site also published articles and commentary from local activists and dissidents, the reports said.

Vietnam held at least six reporters behind bars, including Vinh and Thuy, on December 1, 2015, when CPJ conducted its most recent census of journalists imprisoned around the world.



Thai students Pornthip Mankong and Patiwat Saraiyaem

Thai student activists sentenced for insulting the monarchy in a play

STUDENT activists Patiwat Saraiyaem, 23, and Pornthip Munkong, 26, have been sentenced to two and a half years in prison for violating Thailand's *lèse-majesté* law, according to PEN International. The charge of *lèse-majesté* criminalises alleged insult of the monarchy under Article 112 of the Criminal Code, and is commonly used to silence peaceful dissent.

According to reports, there has been a considerable rise in arrests, trials and sentences relating to *lèse majesté* cases since the military coup of 22 May, 2014. The case against Patiwat Saraiyaem and Pornthip Munkong relates to their involvement in staging a play about a fictional monarch, *The Wolf Bride* (Jao Sao Ma Pa) at Thammasat University in October 2013. The pair were in detention following their arrest in mid-August 2014, after being repeatedly refused bail, and pleaded guilty in

December 2014 in order to reduce their sentence.

PEN International considers Patiwat Saraiyaem and Pornthip Munkong to be imprisoned in violation of Articles 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party.

PEN calls for immediate and unconditional release of Patiwat Saraiyaem and Pornthip Munkong, as they are held for the peaceful exercise of their right to freedom of expression.

PEN also expresses serious concern for the safety of writers, academics and activists in Thailand who are at risk of attack and imprisonment solely for the peaceful expression of their opinions. It urges the authorities to amend the Criminal Code, in particular the *lèse-majesté* law, to ensure that it meets Thailand's international obligations to protect freedom of expression.

Journalists under threat of imprisonment for doing their job

Anyone who saw the film *The Lives of Others* or read Anna Funder's *Stasiland* knows that the former East Germany is the benchmark when thinking about the surveillance state. But as you sift through the laws introduced into Australia in recent years, under the guise of national security, you realise the Stasis were amateurs, as **Alan Kennedy** writes.

The laws have made it all but impossible for journalists to do their job of holding authority to account. The flimsy weapons we used to have to protect sources and whistleblowers have been stripped away. The limited shield laws in this country are now a sick joke, affording protection to no one.

Journalists will need to re-think how they gather stories, how they approach potential sources and whistleblowers.

In *The Guardian* last December, David Kaye, United Nations special rapporteur for freedom of opinion and expression, said: "People who expose wrongdoing on national security and intelligence issues around the world are often given weak or no protection and are often subject to retaliation, creating a chilling effect on people speaking out."

His report calls for a revision of laws to protect whistleblowers and the confidentiality of sources for journalists.

Reaction from the Australian Government to these issues has been slow.

Security laws last year criminalised the reporting of national security matters to such an extent that journalists were under threat of being jailed for just doing their jobs.

Attorney-General George Brandis has agreed to amendments that would modify the threat but they remain a grey area where journalists could find themselves unwittingly committing serious offences.

The security debate is used continually to trump concerns about civil liberties. It emboldens those in

authority to act without authority. Recently in the Australian parliament, an attendant demanded a journalist hand over his phone to see if he had been taking pictures of the Senate in action.

As an industry, we have acquiesced, or been slow to react, to the incursions into our rights and the protection of whistleblowers.

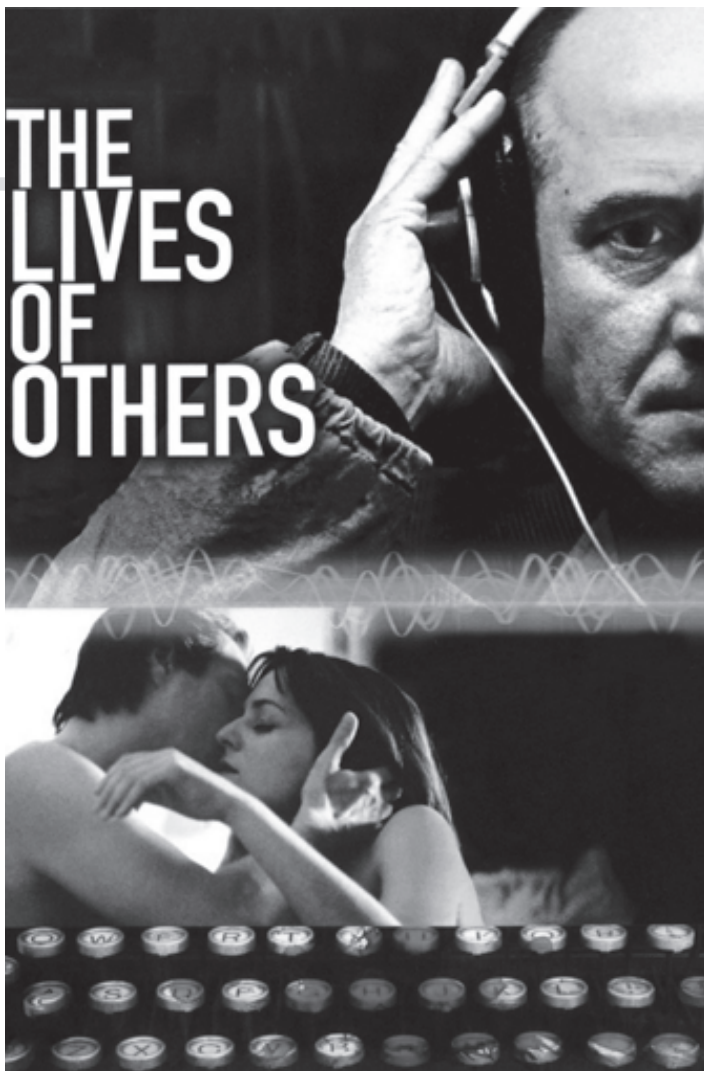
So a proposal by the Gillard Government for an independent, but publicly funded, Press Council was presented in much of the media as a step towards North Korean-style censorship. (The Communications Minister at the time, Senator Stephen Conroy, was depicted in the media as the equal of Joe Stalin and Kim Jong Un.)

This moderate proposal to bring some accountability to the media never came before parliament.

Then the mainstream media all but waved through the draconian surveillance laws we now have. Imagine what would have happened if they had waged a campaign against these laws similar to the one they mounted against the Press Council proposal.

Nowhere in the security laws do you find an underlying respect for the role of media in a democratic society; the right of the public to know, the rights of journalists to practise their craft; or any inherent respect for the role of whistleblowers in our society.

Shining a light on the activities of government is anathema to modern politicians and the public servants who draft the legislation.



Protecting your source is a fundamental right. As Paul Murphy, CEO of the Media Entertainment and Arts Alliance, says: “What needs to be understood is that no journalist, anywhere, can ever allow the identity of a confidential source to become known; that is a guiding principle of journalism the world over. It is a principle acknowledged by every Australian journalist in clause 3 of MEAA’s Journalist Code of Ethics: ‘Where confidences are accepted, respect them in all circumstances’.”

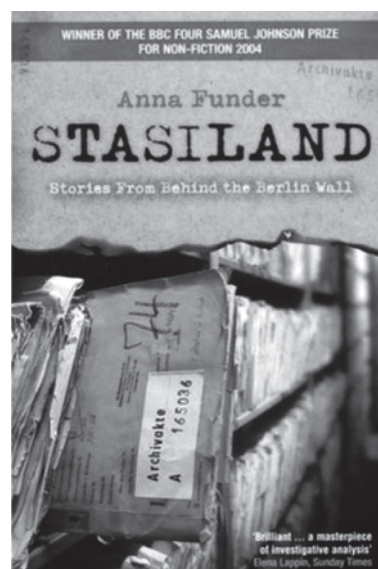
Murphy adds: “Accessing metadata to hunt down journalists’ sources, regardless of the procedures used, threatens press freedom and democracy. It means important stories in the public interest can be silenced before they ever become known, and whistleblowers can be persecuted and prosecuted. It means journalists can be jailed for simply doing their job.”

The justification is to make us safer from terrorist attacks but when you look at what is being gathered, the information will be of much more use after any such event.

We have been asleep while the legislature, first Labor and now the Liberal National Party, have set up an invasive monitoring network that can peer unhindered into all aspects of our lives.

We have aided and abetted that surveillance by being happy adopters of smart phones: every time we turn on the location app, make a phone call, send a text or look at a web page, the information is being stored somewhere.

At a superficial level, this can mean annoying



emails or text messages generated by data mining our activities and discovering things in which we are interested.

But if marketing companies can monitor our movements, so can other organisations which are largely acting with either no or minimal oversight.

A recent article in *Crikey* revealed 61 government agencies have applied to be able to access telecommunications data without a warrant: “Under legislation passed last year, which came into effect in October, telecommunications companies are required to store so-called metadata such as call records, assigned IP addresses, contact information and location information for a minimum of two years. This data can then be accessed by just 22 government agencies, including the Australian Federal Police, ASIO, state police agencies and Border Force.”

Why does this matter? If you are a journalist or whistleblower, it matters a great deal. Initial contacts with sources are compromised if they are made using phones or the internet.

Mark Pearson, Professor of Journalism and Social Media, Griffith Centre for Cultural Research and Socio-Legal Research Centre at Griffith University, speculated in *The Conversation* in June last year that the *Washington Post*’s investigation into the Watergate break-in would have foundered in today’s surveillance environment.

“Four decades on, in a digital era of surveillance and data storage, Watergate remains a useful yardstick for assessing the value of source confidentiality,” Professor Pearson wrote. “We can only speculate as to whether Woodward would have been able to preserve Deep Throat’s confidentiality with the surveillance tools and legislative reach agencies have at their disposal today.”

Some have argued that modern journalists need to return to those analogue means of communicating if they are to have a hope of protecting their sources, particularly when investigating national security,



» *Continued from Page 17*

high-level corruption and matters embarrassing to governments.

Recently departed *Guardian* editor-in-chief Alan Rusbridger said, “I know investigative journalism happened before the invention of the phone, so I think maybe literally we’re going back to that age, when the only safe thing is face-to-face contact, brown envelopes, meetings in parks.”

In his book, *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World*, Bruce Schneier writes: “Security agencies can also use device inactivity in a process of elimination to identify a source. If they can account for the location of nine possible government sources’ phones over a set period – but the tenth has either been turned off for a long period or left at home – then that employee becomes the prime whistleblowing suspect.”

Despite their limitations, such primitive contact methods might make a one-off leak harder to trace than it would if there were email records and stored telco- and internet-provider metadata,

such as phone-tower locations, call durations and IP addresses. These are all easily accessible under Australia’s new data retention laws.

Investigative journalist Ross Coulthart is quoted in Mark Pearson’s article as saying that a major problem is the “first contact” from a whistleblower with a story. “If they contact me by phone or email now, though, I warn them they’re compromised,” he says.

It’s a dismal landscape, with grave implications for our democracy. The failure of the Australian media to push back strongly in the past few years against increasing government intrusion has left us with few weapons with which to fight.

A start would be a call for more oversight of the actions of the security services. At the moment, too much is left to the discretion of the Attorney-General.

Alan Kennedy, an acclaimed Sydney journalist, is a former member of the Australian Press Council and the Walkley Advisory Board.

Journalists still face jail under Asio Act changes

THE Media, Entertainment & Arts Alliance (MEAA), the trade union and industry advocate for Australia’s journalists, says the recommendations by the Independent National Security Legislation Monitor for amendments to section 35P of the Asio Act still mean Australian journalists face jail terms for legitimate public interest journalism.

The MEAA believes the findings of the report by Roger Gyles QC confirm that the spate of national security laws passed by the Parliament over the past 18 months has clearly been rushed without proper consideration of their implications. It urges a complete rethink of these laws in light of their impact on freedom of expression and, in particular, press freedom.

Paul Murphy, CEO of the MEAA, said: “The Monitor’s report, while welcome, has not changed the fundamental intent of section 35P which is to intimidate whistleblowers and journalists. Section 35P seeks to stifle or punish legitimate public interest journalism.

“What’s worse is that the Monitor’s recommendations create a ‘game of chicken’ for journalists,” he said. “The defence of ‘prior publication’ only operates once information in question has been published by a journalist. Any journalist seeking to be the first to publish a legitimate news story would face prosecution while any subsequent story written after that point would be defensible – but only if the second publication was ‘not damaging’ and the defendant was not involved in the

original publication.

“The aim remains: to shoot the messenger. A journalist faces the full brunt of the law and a possible jail term for writing the first news story. That clearly has a chilling effect on legitimate investigative journalism.”

The MEAA also has concerns about the nature of determining what is a “special intelligence operation” and how journalists can publish legitimate news stories about such an operation not knowing that the activity is a designated SIO that falls under section 35P.

Mr Murphy said, “The Monitor has shed light on the poor drafting and lack of proper consideration involved in the creation of the first tranche of national security laws. That reflects badly on the Parliament. Since then, another three tranches have passed and another, the Citizenship Bill, is still being considered. Clearly now is the time for a rethink of Australia’s national security laws that have been passed without proper acknowledgement of the damage they do, the threats they pose to our democracy and the attacks on freedom of expression they contain.

“The Monitor’s office should be properly resourced to conduct an immediate urgent review of all of Australia’s national security laws so that a proper balance can be implemented that allows the intelligence and security services to do their job but not at the expense of Australian democracy or press freedom,” he said.

Harsh laws and violence drive global decline

The latest report from Freedom House notes that conditions for the media have deteriorated sharply as journalists around the world faced mounting restrictions on the free flow of news and information, including grave threats to their own lives.

By Jennifer Dunham, Bret Nelson, and Elen Aghekyan

Governments employed tactics including arrests and censorship to silence criticism. Terrorists and other non-state forces kidnapped and murdered journalists attempting to cover armed conflicts and organized crime. The wealthy owners who dominate private media in a growing number of countries shaped news coverage to support the government, a political party, or their own interests. And democratic states struggled to cope with an onslaught of propaganda from authoritarian regimes and militant groups.

Freedom of the Press 2015, the latest edition of an annual report published by Freedom House since 1980, found that global press freedom declined in 2014 to its lowest point in more than 10 years. The rate of decline also accelerated drastically, with the global average score suffering its largest one-year drop in a decade. The share of the world's population that enjoys a free press stood at 14%, meaning only one in seven people live in countries where coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures.

The steepest declines worldwide relate to two factors: the passage and use of restrictive laws against the press—often on national security grounds—and the ability of local and foreign journalists to physically access and report freely from a given country. Paradoxically, in a time of seemingly unlimited access to information and new methods of content delivery, more and more areas of the world are becoming virtually inaccessible to journalists.

While there were positive developments in some countries, the dominant global trend was negative. The number of countries with significant improvements (8) was the lowest since 2009, while the number with significant declines (18) was the highest in seven years. The 18 countries and territories that declined represented a politically diverse cross-section—including Greece, Hong Kong, Iceland, Serbia, and South Africa—indicating that the global deterioration in press freedom is not limited to autocracies or war zones. Backsliders were Algeria, Azerbaijan, Egypt, Honduras, Libya, South Sudan, and Thailand.

The nature of major changes over the past five years is also striking. Since 2010, the most significant score improvements have occurred in countries where the media environment had been among the worst in the world. Tunisia, with a gain of 37 points, not only registered the biggest improvement over this period, but was also the only country with large gains that maintained a positive trajectory in 2014. While Myanmar and Libya have each earned net improvements of 21 points, both suffered score declines in the past year and remain in the Not Free category.

In a disturbing trend, several countries with histories of more democratic practices have experienced serious deterioration. Greece has fallen by 21 points since 2010, as existing structural problems were exacerbated by the economic crisis and related political pressures. Large five-year drops were also recorded in Thailand (13 points), Ecuador (12), Turkey (11), Hong Kong (9), Honduras (7), Hungary (7), and Serbia (7).



Freedom of the Press Report

» *Continued from Page 19*

In 2014, influential authoritarian powers such as China and Russia maintained a tight grip on locally based print and broadcast media, while also seeking to control the more independent views provided either online or by foreign news sources. Beijing and Moscow in particular were more overt in their efforts to manipulate the information environment in regions that they considered to be within their sphere of influence: Hong Kong and Taiwan for the former, and Ukraine, Central Asia, and the Baltics for the latter.

The year's notable improvements included three status changes, with Guinea-Bissau, Madagascar, and Ukraine moving from Not Free to Partly Free. Tunisia maintained its reputation as the success story of the Arab Spring, improving another 5 points in 2014. However, other countries recording gains either made modest, tentative improvements in the wake of civil strife — as in Central African Republic and Somalia — or featured authoritarian governments that have grown more secure and less violently oppressive in recent years, as in Zimbabwe.

Increased use of restrictive laws

Several countries in 2014 passed security or secrecy laws that established new limits on speech and reporting. After a coup in May, Thailand's military government suspended the constitution, imposed martial law, shut down media outlets, blocked websites, and severely restricted content. Aggressive enforcement of the country's *lèse-majesté* laws also continued in 2014, and after the coup alleged violators were tried in military courts.

In Turkey, the government repeatedly sought to expand the telecommunications authority's power to block websites without a court order, though some of the more aggressive legal changes were struck down by the Constitutional Court. Other legislation gave the National Intelligence Organization (NIT) vast powers of surveillance and unfettered access to virtually any information held by any entity in the country. The amendments also criminalized reporting on or acquiring information about NIT.

A Russian law that took effect in August placed new controls on blogs and social media, requiring all sites with more than 3,000 visitors a day to register with the state telecommunications agency as media outlets. This status made them responsible for the accuracy of posted information, among other obligations.

Detentions and closures under existing security or emergency laws also increased in 2014. Azerbaijan was one of the worst offenders, with nine journalists in prison as of December 1. Over the course of that month, the authorities detained prominent investigative journalist Khadija Ismayilova of U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL), raided and closed RFE/RL's offices in the country, and interrogated the service's



local employees. A number of well-known media advocacy groups were also forced to close during the year.

In Egypt, a court sentenced three Al-Jazeera journalists to seven or more years in prison on charges of conspiring with the outlawed Muslim Brotherhood to publish false news. The convictions followed a farcical trial in which prosecutors presented no credible evidence. While all three were freed or released on bail in early 2015, at least nine journalists remain in jail on terrorism charges or for covering the Brotherhood.

Ethiopia's government stepped up its campaign against free expression in April 2014 by arresting six people associated with the Zone 9 blogging collective and three other journalists. In July, they were charged with inciting violence and terrorism. Myanmar, which had taken several positive steps in recent years, suffered declines in 2014 due in part to an increase in arrests and convictions of journalists. In July, four reporters and the chief executive of the *Unity Weekly News* were sentenced to 10 years in prison and hard labor, later reduced to seven years, under the colonial-era Official Secrets Act for reporting on a possible chemical weapons facility.

Such restrictive laws are not only utilized in authoritarian environments. Mexico's new telecommunications law drew



Illustration by Kal, courtesy of Freedom House

widespread objections from press freedom advocates due to provisions allowing the government to monitor and shut down real-time blogging and posting during social protests. South African authorities expanded their use of the apartheid-era National Key Points Act to prevent investigative journalists from reporting on important sites or institutions, particularly when probing corruption by political figures. In South Korea, President Park Geun-hye's administration increasingly relied on the National Security Law to suppress critical reports, especially regarding the president's inner circle and the Sewol ferry disaster.

Physical violence and inaccessible areas

The world's growing number of areas that are effectively off limits for journalists include parts of Syria and Iraq controlled by Islamic State (IS) extremists, states in northeastern Nigeria where Boko Haram is active, much of conflict-racked Libya, and Egypt's restive Sinai Peninsula. In Mexico, Honduras, and other Central American countries, intimidation and violence against journalists continued to soar during the year, as gangs and local authorities sought to deter reporting on

organized crime and corruption in their territory.

Seventeen journalists were killed in Syria alone in 2014, according to the Committee to Protect Journalists (CPJ). The death toll, coupled with the high-profile murders of American freelance journalists James Foley and Steven Sotloff by IS militants, served as a stark reminder that local reporters—who make up the vast majority of the casualties—and freelancers do not have the extensive security safeguards afforded to full-time staff at large news organizations like the *New York Times*. To help address the problem, major outlets and advocacy groups established global safety principles and practices in early 2015.

While some parts of the world are rendered inaccessible mostly by chaotic violence, others are deliberately barred to most reporters by repressive governments. Prime examples include China's Tibet and Xinjiang regions, Tajikistan's Gorno-Badakhshan Autonomous Region, Russian-occupied Crimea, and certain ethnic minority areas in Myanmar. Citizen journalists, activists, and ordinary residents have managed to disseminate some information about conditions in these regions, but it is no substitute for unfettered reporting by professionals, and it is often easier to send news to the outside world than to reach audiences within the affected area.

Street protests, though less deadly than armed conflicts, frequently proved dangerous for reporters to cover in 2014. During the pro-democracy demonstrations that broke out in Hong Kong in September, journalists faced a sharp rise in violence, including multiple assaults on reporters near protest sites. In Venezuela, journalists became targets during clashes linked to the widespread social protests that swept the country in the first half of the year. Reporters in Brazil also encountered violence at protests before and during the World Cup; in February, a cameraman died after being hit in the head with an explosive.

In Ukraine, in addition to four journalist deaths and other violence associated with the separatist conflict in the east, one journalist was killed and at least 27 others were injured at the height of confrontations between protesters and police in the capital in February.

Pressure through ownership

In Russia and Venezuela, the media sector is increasingly owned by the state, private-sector cronies of the political leadership, or business interests that "depoliticize" their outlets by suppressing content that is critical of the government. In July, Venezuela's oldest independent daily, *El Universal*, was sold to new owners. The move came on the



» *Continued from Page 21*

heels of ownership changes at two other major private media companies in the country, Cadena Capriles and Globovisión. In all three cases, respected reporters have left or been suspended since the ownership changes, primarily due to shifts in the editorial line that affected news coverage.

While somewhat more media diversity exists in countries like Turkey and Ecuador, political leaders have steadily tamed once-independent outlets, using various forms of pressure against private owners and creating media sectors that are firmly tilted in the ruling party's favour.

In Greece, the new public broadcaster has faced allegations of political interference in hiring and editorial content. Hungary remained a country of concern in 2014, as the administration of Prime Minister Viktor Orbán continued to exert pressure on media owners to influence coverage. Dozens of media workers protested the dismissal of the editor in chief of Origo, a news website, after it published an article on alleged misuse of state funds.

Increased use of propaganda by states and non-state actors

Among the most troubling trends identified in 2014 was the more active and aggressive use of propaganda — often false or openly threatening — to warp the media environment and crowd out authentic journalism.

This phenomenon was especially pronounced in Russia, where state-controlled national television stations broadcast nonstop campaigns of demonization directed at the internal opposition, neighbouring countries whose policies have displeased Moscow, and the broader democratic world. Russian media played a major role in preparing the Russian public for war with Ukraine.

As Dmitriy Kiselyov, head of the Kremlin's international news enterprise, asserted in April 2014, "Information wars have already become standard practice and the main type of warfare. The bombers are now sent in after the information campaign."

Neighbouring countries have grappled with the problem of Russian propaganda, in some cases resorting to censorship. Ukrainian authorities, facing a military invasion, suspended the retransmission of at least 15 Russian television channels by cable operators. Authorities in Lithuania, Latvia, and Moldova — whose breakaway territory of Transnistria is supported by Moscow — imposed suspensions or fines on some Russian stations for reasons including incitement to war, disseminating historical inaccuracy, and lack of pluralism of opinions in news content.

The government of Estonia did not follow suit, instead approving the creation of a Russian-language

public channel, set to launch in 2015, as a means of countering Kremlin disinformation with honest reporting. Latvia and Lithuania also signalled plans to expand Russian-language public programming.

Like the Kremlin, China's Communist Party leaders used state-controlled media to propagate official views and vilify their perceived enemies. State outlets trumpeted the persona and slogans of President Xi Jinping while airing televised confessions and "self-criticisms" by detained journalists, with both phenomena drawing comparisons to the Mao era. To ensure that all media toed the line, the party's propaganda department issued almost daily directives ordering news outlets and websites to use only information from the official Xinhua News Agency for coverage of breaking developments.

Propaganda is not used exclusively by national governments. Militant groups including IS have established sophisticated media operations with potential audiences around the world, taking advantage of popular social-media tools and even satellite television. Democratic governments have been hard pressed to combat messages that openly advocate violence without restricting privacy, freedom of expression, and access to information for their citizens.

Other Notable Developments

In addition to those described above, four major phenomena stood out during the year:

- **Hostile conditions for women journalists:** Women journalists operated in an increasingly hostile environment in 2014, and the rapid expansion of Twitter and other social media as important tools for journalism has created new venues for harassment. This intimidation has proliferated and threatens to silence women's reporting on crucial topics including corruption, politics, and crime. Although journalists covering such topics have always been vulnerable, women now encounter particularly vicious and gender-specific attacks, ranging from smears and insults to graphic threats of sexual violence and the circulation of personal information. Turkish journalist Amberin Zaman described the wave of intimidation she has faced in recent years as a "public lynching."

- **The impact of the Ebola crisis:** The Ebola epidemic in West Africa resulted in several restrictions on press freedom in 2014, although the three worst-affected countries each handled the crisis differently. In Liberia, emergency laws, shutdowns and suspensions of media outlets, and bans on coverage — ostensibly designed to avoid the spread of panic and misinformation — prevented the population from accessing critical information and aimed to hide the shortcomings of the government's response. In August, a reporter for FrontPage Africa was arrested while

covering a protest against the state of emergency.

In October, the government limited media access to health care facilities, requiring journalists to obtain explicit permission from the Ministry of Health and Social Welfare before conducting interviews or using recording equipment on clinic or hospital grounds. Sierra Leone imposed less onerous restrictions on the press, but nevertheless used emergency laws to arrest and detain journalists for critical reporting. In Guinea, a journalist and two other media workers were killed by local residents as they attempted to report on the crisis in a remote town, but the government did not unduly constrain the activities of the press during the year.

- **Deterioration in the Balkans:** A number of countries in the Western Balkans continued to exhibit a worrying pattern of press freedom violations in 2014. These media environments feature several common problems: the use of defamation and insult laws by politicians and business people to suppress critical reporting; pro-government bias at public broadcasters; editorial pressure from political leaders and private owners that leads to self-censorship; harassment, threats, and attacks on journalists that go unpunished; and opaque ownership structures.

Macedonia's score has declined 10 points in the past five years, making it the worst performer in the region. Several opposition-oriented outlets have been forced to close during this period, and journalist Tomislav Kezarovski remained in detention throughout 2014 on questionable charges that he revealed the identity of a protected witness in a murder case. In Serbia during the year, the administration of Prime Minister Aleksandar Vučić sought to curb reporting on floods that hit the country in May and directed increasingly hostile rhetoric and harassment at independent journalists; such pressure allegedly motivated broadcasters to cancel major political talk shows. Conditions in Montenegro have deteriorated since Milo Đukanović returned to the premiership in 2012, with independent outlets such as Vjesti, Dan, and the Monitor suffering lawsuits, unprosecuted physical attacks, and hostile government rhetoric.

- **Persistent concerns in the United States:** The United States' score fell by one point, to 22, due to detentions, harassment, and rough treatment of journalists by police during protests in Ferguson, Missouri. Meanwhile, press freedom advocates remained concerned about certain practices and policies of the federal government, including the Obama administration's relatively rigid controls on the information coming out of the White House and government agencies.

Although the U.S. Justice Department said in December that it would no longer seek to compel New York Times journalist James Risen to reveal a source

in a long-running case, the Obama administration has used the 1917 Espionage Act to prosecute alleged leaks of classified information eight times, more than all previous administrations combined. Revelations of surveillance that included the bulk collection of communications data by the National Security Agency (NSA) and the targeted wiretapping of media outlets continued to reverberate in 2014, as fears of monitoring and the aggressive prosecution of alleged leakers made journalists' interactions with administration officials and potential sources more difficult.

The Global Picture

Of the 199 countries and territories assessed for 2014 (two new territory reports, Crimea and Somaliland, were added), a total of 63 (32 per cent) were rated Free, 71 (36 per cent) were rated Partly Free, and 65 (32 per cent) were rated Not Free. This balance marks a shift toward the Partly Free category compared with the edition covering 2013, which featured 63 Free, 68 Partly Free, and 66 Not Free countries and territories.

The report found that 14 per cent of the world's inhabitants lived in countries with a Free press, while 42 per cent had a Partly Free press and 44 per cent lived in Not Free environments. The population figures are significantly affected by two countries — China, with a Not Free status, and India, with a Partly Free status — that together account for over a third of the world's more than seven billion people. The percentage of those enjoying a Free media in 2014 remained at its lowest level since 1996, when Freedom House began incorporating population data into the findings of the report.

After a multi-year decline in the global average score that was interrupted by an improvement in 2011, there was a further decline of 0.74 points for 2014, bringing the figure to its lowest level since 1999 and marking the greatest year-on-year decline since 2005. All regions except sub-Saharan Africa, whose average score improved slightly, experienced declines of varying degrees, with the Middle East and North Africa showing the largest net decline. In terms of thematic categories, the drop in the global average score was driven primarily by decline in the legal score, followed by the political score; the economic score showed the smallest amount of slippage.

The world's 10 worst-rated countries and territories, with scores of between 90 and 100 points, were Belarus, Crimea, Cuba, Equatorial Guinea, Eritrea, Iran, North Korea, Syria, Turkmenistan, and Uzbekistan. Crimea — analyzed separately for the first time in the current edition — and Syria joined the bottom-ranked cohort in 2014.

This report published courtesy of Freedom House

Journalism in the age of terror

In this edited excerpt of the 2016 Gandhi Oration, Peter Greste, the Australian journalist gaoled on confected terrorism charges in Egypt, reflects on how governments and extremists are using the War on Terror as cover for their attacks on freedom of speech.

If we can boil Mahatma Gandhi's philosophy down to one fundamental idea, it must be that peace, security and dignity can only be guaranteed when we respect the human rights of all. It's the idea that underpinned his strategy of non-violent resistance. But let me go one step further, and argue that even for Gandhi, the most fundamental right – the one that underpins all others – was, and is, the freedom of speech.

Gandhi's own experiences give life to this idea. While he was foremost a lawyer and politician, he was also a journalist. His belief in the power of speech saw him launch newspapers in South Africa and later, in India. These papers were tools through which Gandhi challenged the oppressive regimes under which he lived. And while as a journalist he understood the power of words, as an editor Gandhi was also aware the media could be a destructive force. As he said, "The newspaper is a great power, but just as an unchained torrent of water submerges the whole countryside and devastates crops, even so an uncontrolled pen serves but to destroy."

But, Gandhi went on, "If the control is from without, it proves more poisonous than want of control. It can be profitable only when exercised from within."

Here Gandhi is echoing the words of French philosopher Albert Camus who said, "A free press can of course be both good and bad. But a press that is not free can never be anything but bad."

This brings me to journalism in the age of terror, and the disturbing ways in which governments and extremists are not only trying to impose control over the media; they are using it as a weapon in ways that seriously damage our democracy.

Of course propaganda and censorship are as old as war itself, but that has generally been a struggle to control the story rather than targeting the storyteller.

But now, we have the War on Terror. This is not a war over anything tangible, it is a war between Western Liberal Democratic ideas and a branch of radical political Islam. And in that war of ideas, the battlefield extends to

the place where ideas are prosecuted – the media. So journalists are no longer simply witnesses, we are, by definition, a means by which the war itself is waged.

Of course the first instincts of any government that finds itself under attack is to close ranks, to prioritise security. In practical terms, that often means limiting free speech and censoring the press. But in the classic model of democracy, the media is the Fourth Estate. It's there to hold the [executive, the legislature and the judiciary] to account, to keep the public informed of the policies being enacted in our name.

Yet today governments are using the "T" word to clamp down on our freedoms.

There are the easy examples of course – last October, police in Turkey raided a media group and closed two newspapers and two television stations that had been critical of the government. In China, North Korea and Russia – all the usual suspects – we've seen similar attacks on press freedom.

And then there is Egypt where my two colleagues and I were jailed for a variety of terrorist offences and of broadcasting false news to undermine national security, when all we sought to do was cover the country's political struggle in a balanced way.

But in case you think this is just happening in less-developed democracies, think again. In the UK the government has pledged to introduce laws that will restrict the actions of people believed to be engaged in "extreme activities", even if they haven't broken any law. News organisations could run foul of the law simply by quoting these "extremists".

And in Australia three pieces of legislation introduced over the past few years all seriously undermine media freedom in ways that I don't think have been properly understood. The first was section 35P of the ASIO Act that essentially prohibits reporting of any undercover operations involving security agents.

The Foreign Fighters Bill includes the new offence of "advocating terrorism", which the media union argues could be applied to news stories that report on

**"A free press can,
of course, be both
good and bad.
But a press that is
not free can never be
anything but bad."**



Photograph: Jay Cronan/Fairfax Media

banned advocacy or even fair comment and analysis. While the third piece of legislation, the Data Retention Bill, requires telcos to keep metadata for two years, giving authorities the tools and legal cover to explore journalists'

contacts with sources. This makes confidential whistleblowing to the media almost impossible.

The government claims none of these measures were directed at silencing the media. But in a speech last year, veteran journalist Laurie Oakes argued these new laws seriously damage our democracy. Yet even more importantly, he pointed out the media allowed them to pass without seriously interrogating their impact.

And that brings me to the other side of the equation. If governments have eroded democratic principles, then we, the media, have become increasingly slack in defending the freedom of the press.

In his 1946 essay *Politics and the English Language*, George Orwell argued lazy writing repeats political phrases that obfuscate more than they reveal. It uses clichés that are pre-loaded with meaning beyond their dictionary definition without ever challenging the underlying assumptions.

Writing as Europe emerged dazed and bloodied from World War II, Orwell believed the underlying meaning of politically loaded language had created a social psychology that allowed governments on both sides to take their people to mass slaughter.

The Paris attacks of last November show how this can happen. In responding to the attacks, almost the entire political class used the language of war, and the media followed suit. In any crisis, there is a tendency for the media to close ranks with government and society.

While a normal reaction, it is also dangerous.

I argue a disciplined news organisation would shy away from using that language in its reporting because of the way it limits our thinking. When you talk of war, it comes with cultural baggage ... the kind of meaning that has been built up over centuries of conflicts, and institutionalised myth making. It suggests the right response is a military one. So if you're trying to tackle a complex problem that has political, social and economic origins, it makes sense to use language that allows us to think a little more widely.

Even the word "terrorist" is a problem. The BBC tells its journalists never to use the "T" word in their reporting because of the old cliché "one man's terrorist is another man's freedom fighter". And if our reporting is to be genuinely neutral and fair we've got to stick to that difficult middle ground in the words we use.

But here's another problem. I'd argue adopting the language of war plays into the hands of Islamic State, whose attacks are carefully calibrated to attract that kind of coverage. Everything the militants do is designed to generate the kind of panicked, hyped-up coverage that we've been delivering.

As I discovered in Egypt's prison system, a lot of radical Islamists who support Islamic State want a war. Theirs is a millennial cult that sees the coming conflict as the final battle – the end of days. And so by adopting the language and the

posture of war, we are not only failing to tackle the causes of the violence – we are feeding it.

We have a responsibility to lift our game. If journalists don't, we abrogate the most basic responsibility to our democracy ... a free press capable of asking the difficult questions. Politicians, too, must also recognise what we stand to lose if they are too swift to limit the work the media does. It is about nothing less than defending one of the most fundamental pillars of our democracy.

As Mahatma Gandhi once said, "In a true democracy, every man and woman is taught to think for himself or herself."

That cannot happen if the media isn't allowed or is simply incapable of giving every man and woman the information they need to think for themselves, and take part in our democracy.

The Gandhi Oration is held at UNSW annually to mark India's Martyrs' Day, the anniversary of Mahatma Gandhi's assassination on 30 January 1948. The free public talk is delivered by a person whose life work exemplifies Gandhian ideals, and is sponsored by Tata Consultancy Services and the Australia India Institute.

Political parties urged to halt the erosion of Australia's democracy

The Human Rights Law Centre says in a report, *Safeguarding Democracy*, that increasing government secrecy, metadata retention and attacks on whistleblowers and journalists are contributing to the erosion of Australian democracy.

Australia's political parties must stop eroding many of the vital foundations of Australia's democracy, the Human Rights Law Centre said in a new report launched in Canberra on February 23. Civil society leaders joined the launch to highlight the critical role that civil society plays in a healthy and robust democracy.

"Open government, a free press, a strong and diverse civil society and the rule of law are some of the vital foundations of our democracy. Yet we are witnessing an unmistakable trend in Australia of governments eroding these foundations with new laws and practices that entrench secrecy and stifle criticism and accountability," Hugh de Kretser, Executive Director of the Human Rights Law Centre, said.

"We need to stop this corrosive trend and strengthen our democracy. This report outlines a way forward. With an election later this year, it's time for our politicians to commit to upholding our democracy," he said.

The report documents how federal and state governments are adopting new laws and practices that undermine critical components of Australia's democracy like press freedom, the rule of law, protest rights, NGO advocacy and courts

and other institutions. It outlines 38 recommendations to stop the erosion and strengthen our democracy.

Attacks on whistleblowers and press freedom

The report documents increasing government secrecy, particularly in the areas of asylum seeker policy and national security. The Australian Government has responded to whistleblowers with aggressive reprisals. New metadata laws give law enforcement agencies more tools to expose journalists' confidential sources.

"Australia is going backwards on press freedom at a time when we need it more than ever. Governments are restricting access to information, fortifying secrecy laws, stifling whistleblowers and undermining the confidentiality of journalists' sources. A free press is essential to underpin a free and open democracy. We must reverse this trend as a matter of urgency," Professor David Weisbrot, Chair of the Australian Press Council, said.

According to journalist Peter Greste, a free media is a fundamental part of a functioning democracy. "Anything that degrades that freedom also damages the system that has made Australia one of the most peaceful, stable, prosperous places on the planet. The government has been using national security as an excuse to erode the space that journalists are able to work in, without any apparent tangible gain in our safety, or enough vigorous public debate about the tradeoffs," he said.

Mat Tinkler, Director of Policy and Public Affairs at Save the Children, said transparency is vital to prevent and respond to misconduct and abuse. "Where secrecy flourishes, human rights abuses become more likely. The secrecy surrounding our offshore processing regime means that the Australian people are forced to judge the merits of acts done in their name without all of the facts on the table, forcing whistleblowers to take matters into their own hands. We urgently need to wind back our secrecy laws and increase the transparency and accountability of this regime," he said.

Attacks on peaceful protest

State governments in Tasmania, Western Australia and Queensland have enacted or proposed far-reaching anti-



Hugh de Kretser, Executive Director of the Human Rights Law Centre

protest laws that undermine rights to peaceful protest.

“Australians know the fundamental importance of democratic rights to gather, associate and protest. From the eight hour day to Indigenous land rights, protests have played a vital role in securing many of the rights, laws and policies Australians now enjoy and often take for granted. Governments must abandon laws that favour government and vested business interests at the expense of the democratic right to protest,” said Ged Kearney, President of the Australian Council of Trade Unions.

Attacks on advocacy by community organisations

The report outlines ways that federal and state governments are increasingly using funding levers, ranging from gag clauses in funding agreements to targeted funding cuts, to suppress advocacy and criticism from community organisations.

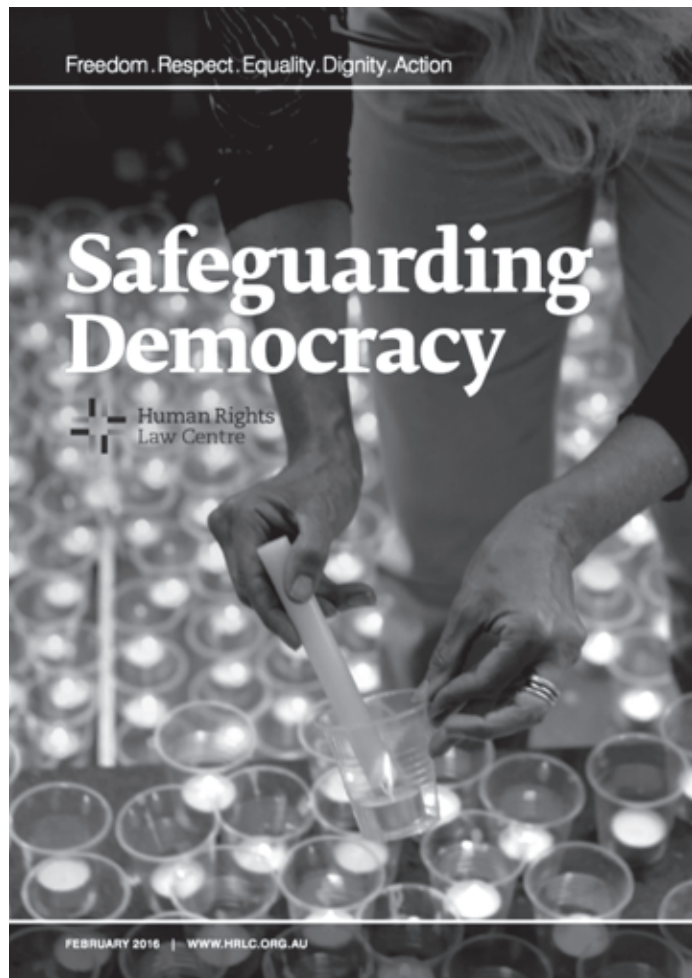
“Community organisations make a vital contribution to our society and economy, from running homeless shelters to supporting people with disabilities to engage in the decisions that affect them. Advocacy is a key element of this contribution. It improves laws and policies and ensures the voices of vulnerable groups are heard in policy debates. Yet savage cuts through the last two Federal Budgets have eroded the contribution of many of these organisations,” Dr Cassandra Goldie, CEO of the Australian Council of Social Service, said. “Instead of removing support for advocacy by community organisations, governments should welcome and encourage it, even when it’s uncomfortable for them. The health of our democracy relies on it.”

The Australian Government has defunded a range of peak organisations that represented the views of their sectors and constituencies including the representative body for Aboriginal and Torres Strait Islander Peoples, the National Congress of Australia’s First Peoples.

“Our organisation provides a national voice for our people. It provides leadership, advocacy, advice and expertise. Our board is directly elected by our membership which is open to all Aboriginal and Torres Strait Islander people and organisations. The government has cut our funding and appointed its own hand-picked advisory group. It’s a huge backward step for self-determination, reconciliation and our people’s future. It’s a huge backward step for our democracy,” said Congress Co-Chair Jackie Huggins.

Undermining institutions and sidelining the courts

The Australian Government has sought to undermine the capacity and independence of the Australian Human Rights Commission, slashing its funding and engaging in belligerent political attacks on its President in response to her investigation into human rights abuses against children in immigration detention. The government has also sought to limit the ability of courts to review government conduct and publicly vilified groups who challenge it in court.



“The unprecedented attacks on the Australian Human Rights Commission are symptomatic of the trend of the Australian Government trying to remove limits on its own power. Our independent court system provides a vital check on government yet the Australian Government is trying to sideline the courts in critical areas like immigration detention and national security. Groups that challenge government action in the courts are being vilified. Governments should promote the rule of law, not undermine it,” said Mr de Kretser.

“The right to scrutinize decision making under environmental protection laws is an important accountability mechanism that the Australian Government wants to restrict. Instead of limiting the ability of environmental groups to ensure government complies with these laws, we should be expanding it. We need to remove barriers to public interest legal action, not erect new ones,” said Brendan Sydes, CEO of Environmental Justice Australia.

Reversing the regression

The report welcomes the repeal of excessive “move on” powers by the new Victorian Government and the removal of gag clauses from funding contracts by the new Queensland Government. It outlines a range of further steps needed at both federal and state level to reverse the trend of eroding our democracy and safeguard our democracy.

An opportunity for children to engage in creativity, to learn to read and write

You could walk right past the Sydney Story Factory in Redfern if you didn't know it was there. It looks like a cafe, or a bar, or even a library, with its coolly constructed wooden wall seating that looks like inverted whale skeletons, its bookshelves, and the round tables and chairs sprinkled about. It is, however, a literacy and literary centre for disadvantaged kids, as **Miriam Cosic** reports.

There is a low hum of expectancy as teenage children of all shapes and sizes, colours and creeds enter the Sydney Story Factory, and there's none of that eye-rolling reluctance of adolescents coerced. Groups of children, aged between 7 and 17, are organised by schools or community organisations to come along and learn creative writing, something few of them have been exposed to at school or at home. A few free-form classes are held on weekends when everyone is welcome to come in and and join in. For whatever reason, and whoever organised them to come, the children like to be there.

"Fun" is a word the Story Factory's chief executive and co-founder Catherine Keenan uses a lot. "The difference between writing here and the writing kids might be used to at school is first of all the volunteers. You get that one-on-one thing, and that really makes a difference because it makes writing easier when you have someone to help you the whole time. And there's someone interested in you, interested in your ideas, engaged by your thoughts – things you might not have ever told anyone else."

The kids come in once a week for a little less than term. Most of them are from the surrounding area, where there is a large Aboriginal population, and the centre is doing "more and more" work with the western suburbs. About 20 to 25 per cent of the kids are Indigenous, a further 40 to 45 per cent from non-English-speaking backgrounds. The centre is starting its first regional program this year, and is also reaching out to kids with special needs.

It might be the first time some of the children have really engaged with creativity in such a lively and non-threatening environment. A stunning number of Australians fail to meet minimum literacy levels expected for such a rich country as ours which spends comparatively generously on education. In 2013, the then Schools Minister, Peter Garrett, wrote that 75,000 students in Years 3, 5, 7 and 9 who sat the NAPLAN tests last year weren't meeting national minimum standards. And the Australian Bureau of Statistics has estimated that 7.3 million Australians – almost half the adult population – have problems with literacy.

"The thing that is staggering is watching



Dr Catherine Keenan, co-founder and chief executive of The Sydney Story Factory (photographs courtesy of The Sydney Story Factory)

children the same age that come in here with massive differences in their reading age,” says Dr Keenan, a former *Sydney Morning Herald* literary editor who established the centre in 2012 with her colleague, columnist Tim Dick. “Even if they’re only eight, it could be years and years. That’s pretty disheartening. For some of the kids, it’s to do with being kicked out of five schools – that’s obviously destructive – and coming from a home where there’s a lot of stuff going on that makes it difficult.”

Poster kids for the centre abound. There’s Bindi, a 12-year-old in foster care with an Indonesian background, who now calls herself a “human thesaurus”. That’s quite a word for someone who arrived at the centre with limited skills and even less confidence. And eight-year-old Bella, who has non-verbal autism. She thinks and writes at the level of someone many years above her age, but what she says she has learned at the Story Factory is to express herself. She has found her voice. Asked what she values most there, she says her teacher’s “belief in my possibilities”.

And Jasper Hanna, 11, who thought the whole idea “sucked” when he first attended. He was so anxious about writing that he used to score the paper with his pen rather than form words. “I was only eight,” he says now, with the worldiness of a veteran. “I had a handwriting problem. And I was little. I didn’t want to be there instead of at home playing with my toys.” He also only got a “bookmark”

instead of his whole story published in the magazine, which didn’t sit well. The next workshop was better, and now he’s an enthusiast. He has learned to edit, which he finds interesting, as well as improved his writing.

His sister Indigo has also been going since the centre opened. A 13-year-old so articulate you almost want to check her birth certificate, she says her mother, rather than her school, enrolled her and her brother because it was extra education for free. The workshops, she says, improved rapidly from the first tentative foray.

Asked what kind of interesting things she has

done since, she mentions a project called City of Fear. The kids were asked to write about things that were scary: some wrote about spiders, or other obvious things. Indigo wrote about a character who was scared of rain and, no, she isn’t scared herself, it was an exercise in creative imagination. But it’s more than just fun, she says. “We’ve learned a lot, a lot of skills,” she says. “We’ve written poetry. We learned what a haiku is, and we wrote them.”

Most kids barely realise how much education they’re getting at the Story Factory.

“They’ve been doing a program where they were looking at old Astro Boy cartoons with the sound turned down and writing the dialogue. It sometimes feels as though we’re tricking them into writing,” Cath Keenan says, with a broad smile. “They’re here in this amazing space, and it doesn’t feel like school. You get them engaged by an idea and a process and the writing just comes out of it.”

Most exhilarating of all is the confidence-boosting experience of seeing their work published. “They come in thinking they’re no good at it and then all of a sudden they’re in this,” she says, waving a professional-looking magazine about. At the end of term, what they have written is collated and bound and every student gets one. “They’re written this great big story, and it’s in here, and they’re thinking, ‘Hang on, I might be better at this than I thought!’”

Cath Keenan, whose brother is Federal Justice Minister Michael Keenan, was named



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“There’s not one single problem of literacy. There are series of answers out there and you have to find the right one for the child.”

Local Hero 2016 in the Australian of the Year honour roll announced in January for her work at the Sydney Story Factory. Her trajectory seemed set from the time she was little.

Growing up in Perth, she attended Mercedes College, a Catholic school, where her love of reading was nurtured. “I had very good English teachers at school,” she says. “I can still remember their names now. And I loved reading; I was a mad reader. I was very quiet and shy, and the teachers encouraged me from a young age to believe this was something I was good at. I was very bad at sport and all the popular things....”

She studied English literature at the University of Western Australia, then earned her doctorate at Oxford researching theories of history and memory. Back home, she became a journalist. She specialised in arts writing and became the *Sydney Morning Herald*’s literary editor, a job she loved, before motherhood and maternity leave returned her to feature writing.

When she dreamed up the idea of the Story Factory, she ran it past some people she knew. Tim Dick was in New Zealand at the time but was enthusiastic. They talked to the children’s author, Libby Gleeson, who referred them to Robyn Ewing, professor of teacher education and the arts at the University of Sydney. Dr Ewing, whose research focuses on curriculum, English and drama, language and early literacy development, was also enthusiastic. “She became our vice-president and really helped us,” Libby Gleeson says. Robert Short, a poet who has also taught English in suburbs with high concentrations of migrants, came on board as their ‘Chief Storyteller’.

A number of private individuals and family foundations have donated to the not-for-profit, and various commercial companies have helped out. Chief among them is UBS, which has donated generously and is “very undemanding”, Cath Keenan says. It doesn’t require its brand to be splashed about.

“It was an anniversary of the bank and it set money aside to give to charity on behalf of the staff. And instead of going for some

established, well-known thing, they went with us, a tiny charity in Redfern that hadn’t even opened yet. It was a very unusual decision.”

Dr Keenan was most gratified by the response to her call for volunteers. She and her husband both worked on the *Herald* – her husband, Paul Maley, is still there – and the first meeting got a small mention on the back page. “We thought it’d be us and six of our friends,” she says, “and 200 people turned up! There are so many people who love writing and think it’s really important for young people.”

The classes are run by staff, professional teachers and writers who design the workshops and prepare the materials. So a staff member will stand up and start things off, then volunteers move in to provide one-to-one coaching. The volunteers, who range in age from 15 to 80, must go through a 90-minute training session in which they do the administrative paper work and are briefed on working with children and other essentials. They then put their names into the schedule.

The centre has trained more than 1300 volunteers, Cath Keenan says, and about 600 are active at the moment. The word “fun” comes up again. “It’s very structured, very easy, there’s no preparation – and it’s also really, really fun,” she says. “There’s lots of things you can do that are worthwhile, but few of them are as much fun as writing a story with a nine-year-old.”

Matthew Westwood, a journalist on *The Australian* who lives locally, has been volunteering at the workshop the Story Factory runs at Darlington Public School. “I loved the time I spent with the students – Years 5 and 6, and they’re very lively – and the opportunity to meet other volunteers,” he says. “It’s an invigorating way to spend Wednesday mornings! We guided the students as they worked on individual stories about being locked in quarantine at the school. They came up with some amazing, out-there ideas.” He adds that they were “very excited” about being able to take their stories home printed in a book at the end.

Cath Keenan and her colleagues have



Cath Keenan with William

amalgamated some proven models. Their strongest influence was the 826 Valencia literacy program, co-founded in 2002 by American author Dave Eggers and educator Nínive Calegari and named for the street address in San Francisco where it was set up.

“We changed it a bit because we don’t do homework help,” Cath Keenan says. “There are other places that already do that. We’re purely creative writing. And we were firmly of the view that we wanted to have our staff lead all the workshops. At 826 they often use volunteers, but we wanted experts to do it.”

Even though they’re having fun, the students are learning basic to advanced literacy, and even literary, skills: grammar and vocabulary, how to structure a piece of writing. “Today we’re looking at vocabulary extension,” Dr Keenan says, gesturing towards those kids we saw come in, now settled and quietly focused at the tables at the other end of the room. “They’re learning to grow it in a way that’s driven by a larger purpose in a story.”

She refers to a recent literacy program, titled Five from Five, launched in NSW.

It targets all five main areas of learning: phonemic awareness, phonics, vocabulary, comprehension, and fluency.

The report it is based on suggests that it is not primarily learning difficulties, or even instability at home, that derail children. “They’re not catered for,” she says. “According to that report, the reasons some kids don’t learn to read is that at a crucial point they don’t get the right attention. And if you miss that, it’s very hard to make it up. So you keep falling through the cracks.”

There’s no one size fits all in matters of literacy. “It’s got to be tailored to the child,” Cath Keenan continues. “There’s not one single problem of literacy. There are series of answers out there and you have to find the right one for the child.”

Miriam Cosic is a Sydney journalist, critic, a former literary editor of The Australian and member of the management committee of Sydney PEN. She is a doctoral candidate in philosophy at the University of Sydney, and the author of two books, Only Child and Right to Die: An Examination of the Euthanasia Debate.

Refugee's poems are a powerful tool for advocacy

Ravi Nagaveeran is a man struggling to be free. As a boat person arriving in a country gripped by what can only be described as refugee hysteria, he lives with the still recent memories of detention and the constant anxiety that is inherent in the temporary bridging visa he's entitled to. But he has found some freedom in writing, in expressing his hurt and frustration at his treatment by the Australian government, and in becoming a voice for those who still suffer in detention. **Danielle Williams reports.**

Ravi Nagaveeran's book of poetry, *From Hell to Hell*, is a record of his time in detention from 2012 to mid-2015 in the Nauru Regional Processing Centre, a facility that has become the focus of intense scrutiny from refugee advocates here and overseas. So it should come as no surprise that Ravi's work does not make for easy reading. Such as this – a poem written when the brutality of indefinite detention must have seemed unbearable:

*I hate myself
Mentally I am drained – yes
Spiritually I feel dead.
Physically I am always giving
With a fake smile on my face.
My lips can't explain the pain in my heart
I am a loser.
I hate my self
Each day a little bit more.
Yes I am so depressed, so useless!
I just want to go to sleep
And never wake-up*

A Tamil, Ravi left his home country of Sri Lanka in 2012 because of what he describes as “political and war reasons”. The plight of Tamils in recent years is well known, if not properly understood. After a decade's long civil war was brought to an end by a determined offensive by the Sri Lankan government in 2009, there was a global sense of closure and a feeling the struggle for the Tamil minority had ended.



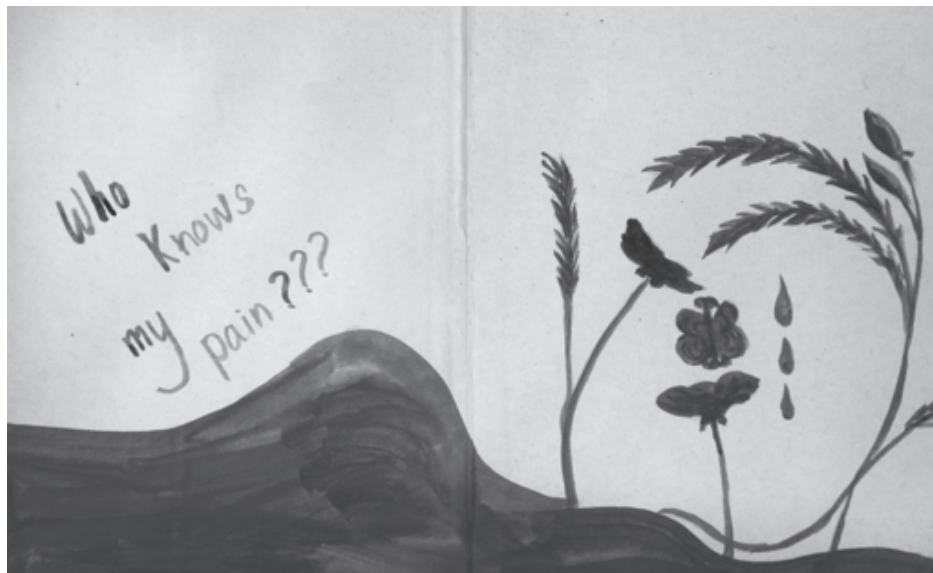
Ravi Nagaveeran's book of poetry, *From Hell to Hell*

But the end of the war did not bring an end to the discrimination – socially and economically – endured by the Tamils and many continued to flee their homes in desperate search of a new life.

Ravi, too, felt he had no choice but to flee, and it was only on his third attempt that he managed to leave Sri Lanka. Ahead of him was a harrowing journey. “I had to offer my life to save my life. So I chose to take the risky journey into the water,” he said.

For 22 days he endured a journey on a boat packed with other refugees. The final four days were the most terrifying. “We haven't got enough water and we haven't got enough food,” he said. “Last four days we haven't got anything. I just drink salty water.”

Landing at Cocos Islands in December, the refugees received devastating news – Kevin Rudd's Labor government had announced tough new restrictions on



Tamil refugee Ravi Nagaveeran who was held at the Nauru Detention Centre for three years. Right: A page from his journal

refugees arriving by boat to Australia. From August 2012, any onshore boat arrivals would be subject to the ‘no advantage’ principle and would not be granted a permanent protection visa even if found to be a refugee. After medical checks on Christmas Island, Ravi was sent to Nauru for what would turn out to be a three-and-a-half-year stay before he was granted a bridging visa and moved to Perth.

Along with hopelessness and depression, living in detention brings with it intense boredom. And so Ravi began writing and drawing to help him deal with the “extreme emotion and craziness”.

“In an unmoving place, we couldn’t see anything. English is my third language, but I just started writing and expressing myself and my feelings.”

That Ravi’s new reality was a distressing one is clear from his poems. But his work is also remarkable. It reveals his resilience and proves there is power in the act of creating art, if not to heal then to at least to ease the pain.

He wasn’t always an artist. (In fact, he still rejects the title, insisting, “No, no, no. I’m not a writer, I’m not an artist!”) While he’s reluctant to share much of the story of his life in Sri Lanka for fear of jeopardising his visa application and his mother’s safety back home, he does say he had never written, nor even read, poetry in his previous life.

His mentor and publisher Janet Galbraith, who established Writing Through Fences in 2013 to help refugees use storytelling as a way to manage their trauma, worked closely with Ravi over two years, helping him refine his poetry.

“I think what writing helped to do for him was to regain a sense of self, an individual voice,” she said. “Perhaps it was calling on his years living in Sri Lanka but also it

was a creation of a new sense of self, through his ability to write and to draw.”

While he is now a published author – *From Hell to Hell* was launched in Sydney, Melbourne and Perth in February this year and a crowd-funding page has been set up to help pay for a re-print – Ravi still sees his work merely as a reflection of his experiences, and a powerful tool for advocacy.

His new role is one he’s taken on with fervour, as a voice for those asylum seekers still in detention. Writer Mark Isaacs spent time with Ravi while working on Nauru with the Salvation Army. He describes Ravi as “one man willing to speak out” despite his precarious position as a refugee on a bridging visa.

Ravi himself is adamant Australians need to read his work. After all, how can one describe detention when they’re no longer in it? “It’s very hard to explain now,” he says. “How I feel at that moment when I was in the detention centre, if someone wants to get that experience, they can read my book.”

He hopes, too, that readers who may have never feared for their own freedom, might finally understand what drives others to seek it out in Australia.

“Freedom is human oxygen. In the detention centre, we eat three times, we take a shower, we change our clothes. But that is not free.”

Perhaps that’s why his own, possibly fleeting, freedom from detention feels so bittersweet. Until those he shared that experience with are also living in the community, safe from persecution and war, he says he can never really be free.

Danielle Williams is a freelance journalist

Now Google, not authors, profit from the digitisation of their books

In the November issue of the 2010 Sydney PEN magazine, Alessandro Colonnier wrote an article entitled “The trials of digitising the world’s books”, exploring Google’s ambitious initiative to digitise and monetise the world’s books. In his article, he discussed the expectations of both the authors and the publishers who had been closely monitoring or directly involved in the well-publicised *The Author’s Guild et al. v. Google Inc* case. He also delved into the issue of the highly criticised Google Book Settlement and the possible repercussions that would follow if it were adopted and deemed legal. Now, the saga concludes in his update.

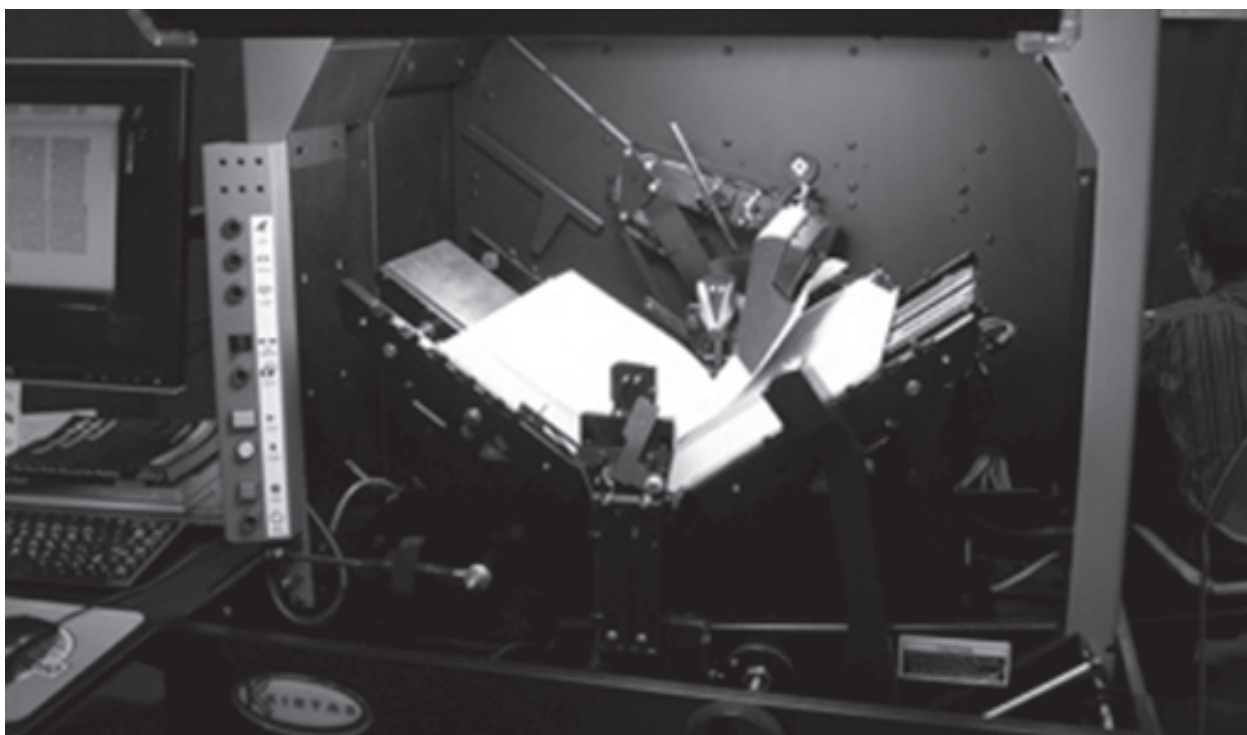
The following article serves as an overview of those continued trials and tribulations that have now found their way to an appeal to the Supreme Court of the United States of America.

When we left off back in November 2010, Google had recently submitted its Settlement 2.0 to both the plaintiffs and Judge Denny Chin for approval. While extensive negotiations took place between the parties and a resolution seemed imminent, on March 22, 2011, Judge Chin rejected the Settlement on the grounds that it was “not fair, adequate, and reasonable”. Judge Chin said the Settlement “would effectively grant Google a monopoly over digital books, and, in particular, orphan books; and ... such a monopoly would further entrench Google’s dominant position in the online search business”.

Despite some commentators believing that Judge Chin’s position on the proposed Settlement was short-sighted and a “missed opportunity to increase competition, increase consumer welfare, and reward innovation”, the rejection nevertheless put an end to any hope of such an agreement between the parties.

Accordingly, with focus redoubled on their litigious efforts, both parties filed opposing motions against one another to dismiss their respective actions in the summer of 2012. While Google raised a procedural issue with the U.S. Court of Appeals, the Court remanded the case to the first instance District Court “for consideration of the fair use issues,” which it deemed to be the preliminary consideration before determining any other issues.

After hearing oral arguments in September 2013, Judge



Text in the machine: a book digitiser. Image by Gretchen Caseroti, used under Creative Commons licence

Chin delivered his judgment later that year on November 14, denying the plaintiffs' motion while granting Google's motion. In his ruling, Judge Chin acknowledged that Google was guilty of copyright infringement, having reproduced millions of copyright books "without license or permission from the copyright owners". Nevertheless, Judge Chin stated that "Google Books has become an essential research tool", and Google's copyright infringement is the type that is necessary to fulfil copyright's very purpose: "to promote the Progress of Science and useful Arts".

In evaluating the four factors codified in Title 17, section 107 of the U.S. Code that creates the fair use defence, Judge Chin emphasised that the factors are non-exclusive and only provide general guidance to the court. He stated that fair use requires a case-by-case analysis and that the factors must be weighed together "in light of the purposes of copyright". After analysing these factors, Judge Chin asserted that "Google Books provides significant public benefits. It advances the progress of the arts and sciences, while maintaining respectful consideration for the rights of authors and other creative individuals, and without adversely impacting the rights of copyright holders".

Despite the first instance District Court's ruling in Google's favour, the Authors Guild began lobbying Congress to create a non-profit organisation, similar to the American Society of Composers, Authors and Publishers (ASCAP) for musicians, which would protect its members' copyrights by digitising and licensing books to all libraries, schools, and other organisations willing to pay a subscription fee. Concurrently, on April 11, 2014, the Authors Guild appealed the first instance District Court's ruling to the U.S. Court of Appeals. In their appeal, the plaintiffs contended that the District Court's decision was flawed in several respects and argued that Google Books provides a substitute for the plaintiffs' works, infringes their derivative rights, results in a loss of copyright revenues, increases the risk of hackers obtaining the protected works, and that Google's ultimate motivation is commercial profit.

Almost a year after oral arguments were heard, the Court of Appeals unanimously affirmed the District Court's decision. In its ruling on October 16, 2015, the Court emphasised that absolute control by authors of their copyright was never intended by Congress. Rather, the ultimate goal of copyright is to expand public knowledge and understanding, and "while authors are undoubtedly important intended beneficiaries ... the primary intended beneficiary is the public".

Judge Leval, writing the unanimous decision, rejected the plaintiffs' new arguments and held that Google's use of copyrighted material is highly transformative, augments public knowledge about the plaintiffs' books, and does not provide a substantial substitute for the protected works. Additionally, the Court of Appeals saw no reason why Google's profit motivation should deny its fair use defence when Google Books has such a "highly convincing transformative purpose".

After the Court of Appeals' ruling, Mary Rasenberger,

"Blinded by the public benefit arguments, the [Court of Appeal]'s ruling tells us Google, not authors, deserve to profit from the digitisation of their book".

Executive Director of the Authors Guild, stated that it is "unfortunate that a Court as well-respected as the [Court of Appeals for the] Second Circuit does not see the damaging effect that uses such as Google's can have on authors' potential income ... We trust that the Supreme Court will see fit to correct the Second Circuit's reductive understanding of fair use and to recognize Google's seizure of property as a serious threat to writers".

Feeling that authors had once again been slighted by the courts, on December 31, 2015, the plaintiffs filed an appeal to the Supreme Court, seeking review of the Court of Appeals' judgment. In its appeal, the Authors Guild raised three substantive questions and one of a procedural nature. Specifically, the plaintiffs took issue with (i) the Court of Appeals' interpretation of what constitutes "transformative" fair use, (ii) whether the Court put too much weight on the "transformative" aspect of the fair use test at the expense of the other three factors, (iii) whether Google could avoid liability by claiming that the recipients of copyrighted material will use it lawfully, and (iv) whether an association may assert copyright infringement on behalf of its members. On March 1, 2016, Google filed a brief in opposition to the plaintiffs' appeal, and two weeks later the Authors Guild filed their own response to this brief.

Finally, on April 18, 2016, the Supreme Court refused to hear the plaintiffs' appeal. The Author's Guild president Roxana Robinson considered this outcome a "colossal loss", while Rasenberger stated that "blinded by the public benefit arguments, the [Court of Appeal]'s ruling tells us Google, not authors, deserve to profit from the digitisation of their book".

The Author's Guild has stated that it will continue to monitor Google Books to make sure its digitisation constitutes fair use, while we are left to wonder whether our own use of the Google Books service is justified at the expense of authors and publishers remaining uncompensated.

With Samuel Goss and Laura Heinisch

PEN member Alessandro Colonnier graduated with a law degree from La Trobe University, Melbourne, in 2010. He is now a lawyer practising in the field of intellectual property in Ottawa, Canada.

The targeting of writers

At the Quebec Congress last year, the Assembly of Delegates was shocked by the information contained in a resolution presented by Sydney PEN and Melbourne PEN concerning asylum-seekers on Manus Island and Nauru. It drew attention, in part, to the Australian Government's media blackout on all surveillance operations, and on its operations relating to the apprehension and detention of asylum-seekers on Manus Island, New Guinea and in Nauru. **Judith Rodriguez**, who attended the Congress, reports.

It is PEN's mission to support the right to freedom of expression, so why should PEN campaign for asylum seekers? Some are journalists, held with severe restrictions on the freedom to write, and on their access to public media. And these restrictions apply to all detainees.

Protests are hampered by the Australian Government's refusing people arriving on boats the hope of refuge in Australia, and disclaiming responsibility for their welfare despite International Law to which Australia is a signatory.

The rights of anyone reporting on Nauru and on Manus Island are threatened by recently-enacted surveillance laws.

Writer Mark Farrell, whose story "The AFP and me: how one of my stories sparked a 200-page police investigation" appeared on February 12 in *The Guardian*, has evidence of "the fragile state of journalism in Australia and the ease with which the police choose to take up . . . investigations because of poorly defined laws". On requesting a copy of his police files from the Australian federal police, he was sent "200 pages of heavily redacted police files" that showed more than 800 electronic updates during an investigation into the writer's sources for a story concerning the entry of an Australian vessel into Indonesian waters to turn back asylum-seekers.

The Government's original version of the incident denied the incursion. It was later changed following widespread interest in the story.

Mr Farrell is alarmed by the blacked-out redactions, which conceal ("using a range of exemptions") steps taken by the police and the identities of those they spoke to.

His conclusions are damning. "There's no evidence the AFP even paused to consider they were prying into the affairs of a journalist working on a public interest investigation." The offence contained in section 70 of the Crimes Act, first used in the Queensland criminal code in 1899 to prohibit disclosure of information on defense installations, is now inappropriately ascribed to journalists performing a duty that sustains democracy.

"Journalists are at great peril in their craft if they are taking on government agencies in serious public interest reporting," Mr Farrell says.

Those who divulge inhumane treatment of asylum-seekers, who publish what such sources tell them, are under threat. Australian laws may even be used to intimidate witnesses to crimes. Medical staff in detention centres have refused to be gagged – which could see them sentenced to prison terms. And yet, whistleblowers are now encouraged to come forward to report abuse directed at Australian citizens in institutions.

In 2002, the Melbourne PEN Centre presented Ivory Coast journalist Cheikh Kone as Australia's first Writer-in-Prison on PEN International's case list. The Macedonia Congress unanimously passed a Resolution (submitted by African Writers Abroad, and the Danish, Norwegian, Swedish and Melbourne Centres) concerning Australia's policies on refugees.

In part it reads: The Assembly of Delegates . . . declares that the maintenance of human rights suffers a significant setback by the Australia Government's mandatory detention of the journalist Cheikh Kone, who is a legitimate refugee and not subject to any criminal charges in Australia; (and) Calls upon the Australian Government to terminate the detention of Cheikh Kone forthwith, and release him into the community.

In 2005, another Sydney PEN resolution on asylum-seekers was adopted by unanimous vote. PEN members Rosie Scott and Tom Keneally edited two fine books in lasting witness. *Another Country* (2004) contains poems, song-lyrics and stories by asylum-seekers; there was an expanded 2nd edition. In 2013 came *A Country Too Far: Writings on Asylum Seekers*. Now many of the writers in these books are under investigation.

Another Country had its most significant launch on a sun-blasted, dusty S.A. country roadside outside Baxter Detention Centre. People with appointments to see inmates on their one day there were refused admission.

Child-welfare activists came, citizens of Whyalla who regularly entered the Detention Centre to help inmates, PEN and other activists, and Ardeshir



Refugees are people. Photograph by Louise Coghill, used under Creative Commons licence

Gholipour, an Iranian released the day before, who had painted birds of freedom for his supporters.

At one point, beyond the barbed wire barriers of the Centre, detainees were herded along between buildings and then out of sight. They knew what was happening and waved. A great moment – contact, action by them, as writer David Malouf said, as “fellow citizens, close and clearly recognizable, of the same world we live in”.

The destruction of the Baxter Centre (burned down, the gates auctioned off) may momentarily have cheered some, but replacing detention centres in Australia with concentration camps on Nauru and Manus is appalling.

Difficult climatic conditions, sub-standard accommodation for families including young children, insufficient medical services, barbed wire, curfews, lockdowns, local hostility to refugees, a guard regime where reports of violence to detainees are disbelieved and brutal treatment indemnified – this is what asylum-seeker policy has descended to. Yet the detainees have been charged with no crime, and their flight from war-torn or repressive regimes is sanctioned by International Law.

The February 2014 murder of Iranian Beza Barati intensified Australian protests. Thousands holding candles gathered in cities, indignant that this man, who hoped to build a life among us, had had his skull smashed in a scuffle during the suppression of refugee protests. Two detention centre guards were found guilty of his murder in April.

In August 2014, Hamid Kehazaei died of septicemia from a foot injury treated too late – after seeking proper care for a week.

Most recently, a refugee’s sick baby taken to a Brisbane hospital was, after public protests, released

under conditions including the threat of return to unhealthy environment on Manus.

Kurdish journalist Behrouz Boochani, detained on Manus and whose article “Island of the damned” appeared in *The Saturday Paper* on February 27, is PEN Melbourne’s latest honorary member; his case has been officially taken up by PEN International.

The resolution presented by Australian delegates to the 2015 Quebec Congress states that Melbourne and Sydney PEN are concerned by: Australian laws that threaten freedom of speech, freedom of the press, journalists’ shield laws, and freedom of information in the public interest; and outraged by the extension of criminality to include comment, interest, and actions insufficient to demonstrate the intent to commit crimes.

Subsequently, PEN International called on the Australia Government: To review and reformulate, and where appropriate, repeal these laws so as to ensure freedom of speech, the statutory rights of journalists, freedom of information and access to justice for all, including asylum-seekers apprehended by the Australian Navy and Customs and held and maintained by the government outside Australian territory in the name of and at the expense of Australian tax-payers; To provide the Australian public with information on procedures and events at asylum-seeker detention camps in Papua New Guinea and in Nauru; and To facilitate the visits of journalists, politicians and human rights observers to the asylum-seeker detention camps, with freedom to report grievances and breaches of human rights.

The Resolution was carried unanimously.

Judith Rodriguez is an award-winning Australian poet.

Egyptian Ministry of Interior accuses Reuters of 'spreading false news'

Egyptian authorities should immediately drop criminal proceedings against Reuters and all journalists facing legal charges in connection with their work, according to the Committee to Protect Journalists. Egypt's Ministry of Interior has filed a criminal complaint against the news agency and its Cairo bureau chief, Michael Georgy, accusing them of "spreading false news," according to press reports.

Officials from the Legal Affairs Department of the Ministry of Interior filed a criminal complaint with central Cairo's Qasr al-Nil police station against Reuters and its Cairo bureau chief, Michael Georgy, accusing them of "spreading false news aimed at disturbing public order," and "spreading rumors to harm Egypt's reputation," according to press reports citing security officials. The charges carry maximum penalties of three years in prison.

The accusations are in connection with an April 21, 2016, Reuters report that cited three unidentified Interior Ministry officials and three unidentified intelligence officials as saying that Egyptian police detained 28-year-old Italian postgraduate student Giulio Regeni on January 25, 2016, the day he disappeared, according to press accounts. Mr Regeni's mutilated body was found on February 3 by the side of a road outside Cairo, according to press reports.

Mr Regeni had been researching independent trade unions in Egypt and had written articles critical of President Abdel Fattah al-Sisi's government.

"Accusing Reuters of harming Egypt's reputation simply for practicing journalism only compounds the harm to the country's reputation done by widespread reports of police torture and arbitrary detention," said Sherif Mansour, Middle East and North Africa Program Coordinator for the Committee to Protect Journalists. "Rather than desperately trying to silence the media, Egypt's government should repeal the broad laws that make these prosecutions possible."

The Egyptian Interior Ministry did not answer repeated phone calls from CPJ seeking comment. A Reuters spokesman on Friday told CPJ the company could not yet comment on the case.

Interior Ministry officials have repeatedly denied that police detained Giulio Regeni or had anything to do with his killing, including in remarks Reuters published in its story Thursday. In a separate statement released Thursday, the ministry denied there was any truth to the Reuters story, and said it reserved the right to take legal measures against those who "promote such rumours and false news,"



The coffin of Italian student Giulio Regeni is carried during his funeral in Fiumicello, northern Italy, February 12, 2016. Image: Reuters/stringer

according to press reports.

Egypt's interior and foreign ministers both dismissed the notion of security forces being behind Mr Regeni's murder.

The prosecutor general's office said it would not publicly disclose the contents of its final autopsy report as the investigation was ongoing. Reuters was not able to obtain a copy to verify the contents.

However, a senior source at the forensics authority told Reuters that Mr Regeni, a graduate student at Britain's Cambridge University, had seven broken ribs, signs of electrocution on his penis, traumatic injuries all over his body, and a brain hemorrhage. His body also bore signs of cuts from a sharp instrument suspected to be a razor, abrasions, and bruises. He was likely assaulted using a stick as well as being punched and kicked, the source added.

Egypt's Interior Ministry on March 25 told journalists that police had killed in a shootout four men they suspected of being responsible for Mr Regeni's murder. The ministry produced the student's identification documents and personal belongings as evidence, saying police had discovered them in possession of the men they had killed.

Italy on April 8 recalled its ambassador to Egypt for consultation, out of frustration with Egypt's handling of the investigation into Mr Regeni's murder, according to press accounts.

Egyptian journalists and human rights groups have for decades campaigned to amend Article 102(bis) of Egypt's penal code, which allows for the detention of "whoever deliberately diffuses news, information/data, or false or tendentious rumours, or propagates exciting publicity, if this is liable to disturb public security, spread horror among the people, or cause harm or damage to the public interest." Article 18 of the Penal Code defines "detention" as up to three years in prison.

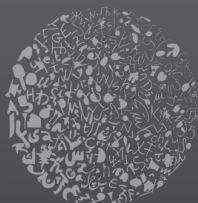
David Malouf, a member of Sydney PEN's Writer's Advisory Panel, explains why he supports PEN



“As a writer who has the freedom to write without fear or constraint, and for whom silence is a choice, I would feel ashamed if I did not speak up for a writer anywhere on whom silence is enforced with all the terrible machinery of the state”

Join us >>>

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University of Technology, Sydney (UTS)
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E sydney@pen.org.au www.pen.org.au



Become a member today

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I would like to become a member of International PEN via the Sydney PEN Centre, agree to be bound by the rules and undertake to support the objectives as described in the PEN Charter.

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Membership categories (please circle or tick)

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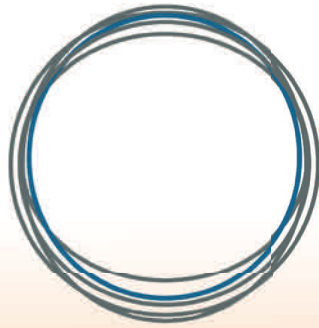
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