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2017 IHRP Fellowship Final Report
PEN International, London, UK

This summer I had the privilege to work at PEN International (PEN) in London. PEN as an organization was founded in 1921, by those intent on creating a global community of writers, promoting and using literature to foster understanding and development between people. 83 years later, PEN plays a dual role. On the literary side, PEN is the body responsible for establishing, managing and assisting the 100+ PEN centres around the world. On the legal side, PEN is one of the key groups at the international level that advocates for writers and journalists at risk, in exile, or worse. PEN's main 'weapons' in advocacy stem from various international and regional laws, such as Article 19 of the International Covenant on Civil and Political Rights, and Article 10 of the European Convention on Human Rights. Because of its long history – PEN is the world's second oldest international human rights organization after 'Anti-Slavery International' – global presence and notoriety, PEN's presence can be counted on wherever the freedom of expression rights of writers and journalists are being violated. PEN and U of T have had a strong relationship in the past, and many of the documents I came across were written by past U of T 'fellows'. I was glad to carry on the tradition.

I had interesting and topical assignments from Day 1. I primarily assisted the brilliant Sarah Clarke, a lawyer who acts as PEN's International Advocacy and Policy Manager, and who is one of the main PEN voices in the international arena. Because of this, my assignments ranged significantly, across many different countries and issues. My primary assignment was to help prepare for the annual PEN Congress. Congress is a forum that brings together members from PEN centres around the world, and prominent writers (including writers at risk/ in exile). At each Congress, member states submit resolutions on various issues pertaining to freedom of expression violations in the world. If passed, PEN will advocate for these resolutions at the international level for the following year. I was responsible for reviewing each resolution, ensuring that international legal mechanisms were properly referenced and applied. Because the PEN centres are comprised of writers, the language in the draft resolutions, although passionate, often does not refer to international law or legal precedent, nor does it properly apply the principles of the law. I enjoyed adding the legal component to these resolutions, such that in a small way I helped to shape PEN's advocacy platform for the following year. The assignment also gave me the opportunity to familiarize myself with how freedom of expression applies to issues such as

capital punishment, criminal defamation/blasphemy laws and hate speech, and to countries including Turkey, Hungary, Poland and Eritrea.

The second aspect of my reviews was to make sure that the language in the resolutions avoided political controversy at Congress itself. Although PEN centres must all agree to abide by the 'PEN Charter,' they all come from very different political contexts. A common issue that arises is when there is language that is disputed by Centres from territories in conflict, such as PEN Tibet and PEN China, or PEN Spain and Catalan PEN. This year's Congress took place in Lviv, Ukraine, and so the central tension was between the Russian and Ukrainian PEN Centres. This tension had already manifested itself when I was at PEN, due to the upcoming resolutions on Russia and Ukraine pertaining to the language used to describe the situation in Crimea – Russia disputes the term 'annexation' while Ukraine supports it. These random political flare-ups between centres in the organizations exemplify what makes PEN so unique – in that its very zeitgeist is the free promotion of contrary opinions – and this added a fascinating layer of complexity to my work.

A second task that took up much of my time at PEN was assisting with the legal research behind various PEN reports. First, I assisted with a report on criminal defamation laws in Africa. These laws are one of the mechanisms used to suppress any unfavourable information about the ruling government and its leader. The report weaved together international legal standards, legal histories of the laws in each of the five profiled countries, and individual case studies of writers and journalists who have been subjected to detention, torture or the threat of death for publishing negative information. While it is not always clear whether the alleged defamatory report is true or not – and there is a carve-out in international law for expression that attacks the reputation of others – PEN's position is that criminal defamation laws as a measure are far too overbroad to qualify as a reasonable limit to freedom of expression.

Near the end of my summer, I also assisted with the drafting of a report on LGBTQ rights in five countries: Belarus, Moldova, Russia, Ukraine and Kyrgyzstan. My task was to search for different legal mechanisms in each country that related to LGBTQ rights, and anti-discrimination rights more broadly. At times the legislation I encountered explicitly referred to sexual orientation as one of the grounds for protection, other times the protection is more indirect (for example, laws that call for general equality of treatment), and often the countries omitted all reference to sexual orientation entirely. As sexual orientation is viewed as a type of expression, this report may lay the groundwork for future PEN advocacy against potentially harmful events in these countries.

Two reports that I worked on for the International Organizations (IO) space were PEN's submissions to the UN Human Rights Council, for their Universal Periodic Reviews (UPRs) of Russia and Bangladesh. For these reports, I reviewed the previous UPRs on these countries and assessed the degree that each country has complied with the recommendations that they received and accepted at their previous review. What is interesting about PEN's position for these reviews is that it is relatively apolitical. Case in point, PEN does not have an official stance on democracy, which most human rights organizations would likely promote. Rather, PEN's focus is on how freedom of expression has been practiced regardless of political system. It was an interesting exercise to recalibrate my thinking in line with PEN, in order to write using the PEN lens.

I also had the opportunity to have a 'first crack' at researching issues that will be of great importance for PEN going forward. First, I helped prepare a background guide regarding the right of freedom of expression as it applies to refugees and asylum seekers. This research assignment paired my interests in freedom of expression and migrant rights, the latter of which I had previously engaged with at the International Organization for Migration in Geneva. It was a fascinating opportunity to revisit the issue of displaced persons, this time through the lens of freedom of expression rather than migration law, and to see how different international legal mechanisms interact in theory and in practice. In addition to setting out legal resources in international human rights law, refugee law and international humanitarian law, I found numerous examples of when the right of freedom of expression was violated among refugee communities. In addition, I researched the second aspect of 'FOE,' namely the right to access information. As it is impossible to fully form and express an opinion without the proper information, the right of freedom of expression vis-à-vis migrants also touches on the rights of journalists and media organizations to cover refugee-related issues in the world. To this end, I also elaborated on the right to access information in international law, and identified examples of when the rights of journalists to pursue information were violated as well. Overall, the goal of this background research was to create the foundation for a future PEN report as part of its 'Global Campaign.' The Global Campaign is shorthand for PEN's international advocacy efforts, and PEN typically selects one primary issue per year upon which to focus its efforts. Past fellows from U of T have worked on earlier reports for the Global Campaign, and I am hopeful that my research can result in the next one.

Another piece of background research I did concerned linguistic rights – a key priority for PEN, due to the both interests of PEN's centres, and the academic background of PEN International's current executive director – for those who speak minority languages. The term 'minority language' is

synonymous with ‘mother tongue’ and ‘mother language,’ and encapsulates the larger issue of linguistic diversity enshrined in international law. Not only do people have the right to receive news, express opinions and be educated in their mother language, there is great value in these languages, which contain immense amounts of unique knowledge, and also insight into the cultures that created them. While it was easy to point to the legal reasons for protecting minority languages, what was harder was coming up with a practical solution for protecting these languages, given the overwhelming desire to speak majority languages (indeed, many African countries do not even have African languages as official languages!). The angle PEN, and other international bodies like UNESCO have taken, is to promote the use of minority language publishing in the context of education. However, while the case is easy to make for primary education – where educating in one’s mother tongue is empirically better for a child’s education – resources mostly run out at higher levels. At PEN’s Congress, Sarah will be moderating a panel on linguistic rights, and my research will help her to frame the debate, and to help those in attendance better understand the issue. After Congress, perhaps people will return to their respective centres and start to come up with initiatives that will promote minority languages in their countries.

In addition to these major assignments, I was the person ‘on-call’ whenever Sarah needed certain materials and preparatory documents for an upcoming advocacy engagement. PEN is often invited to roundtables and speaker series that deal with freedom of expression issues, several of which I worked on. For example, PEN was (and is) one of the principle organizations on the ground in Turkey, where sham trials had been taking place against a group of journalists from the journal *Cumhuriyet*, Turkey’s oldest independent news source. PEN staff went to Turkey earlier in 2017 to learn about the situation, and since then had been in close contact with those in Turkey. As a result, PEN was asked to comment on Turkey by the BBC and the New York Times; I helped to draft statements and prepare for both of these appearances. I also did similar prep work for Venezuela and Poland. As another example, PEN was buzzing when I arrived, due to the deteriorating health of Chinese activist/writer (and PEN member) Lu Xiabo, and Sarah was also involved in the official PEN statements following Lu’s death. My background is in international relations, and it was fascinating to be researching and drafting in response to today’s most pressing events; I had only to look at the most recent covers of *The Economist* to see the effects of PEN’s work.¹ A trip to the British Foreign and Commonwealth Office for an official report launch wasn’t too shabby either.

¹ The most recent issues have dealt with Lu Xiabo, Turkey, and Venezuela, with Poland being one of the featured countries.

It was a very interesting time to be advocating for freedom of expression in the sphere of journalism, as in 2016-17 the terms ‘fake news’ and ‘post truth’ had emerged in popular discourse in the West. We saw how stifling expression and truth – or burying truth under the guise of a war of ‘equally matched’ ideas – can wreak havoc on a political system’s ability to function. As a result, I came to PEN thinking about how dangerous free expression could be when unchecked. Through my work at PEN, however, I was confronted with the other side of the coin. It is only in countries where freedom of expression is upheld that it is possible to distinguish enemies of the state from a healthy opposition. But in countries where the government in power controls major media outlets, and even the judicial system, any writer or journalist with a dissenting opinion is not only labeled as ‘fake news,’ but faces the risk of detention, imprisonment, torture, and even death. Trying to pull the truth out of dozens of ostensibly legitimate sources is a great challenge in places like Canada, but I have come to appreciate that fact that such an exercise is even possible.

Furthermore, London has been an ideal milieu for the work I am doing at PEN. Months before I came here, the Brexit vote revealed a UK that was divided along incredibly sharp lines. In the weeks before I came here, reports continued to show a nation in flux. And in the days before my flight, a series of tragedies hit the UK, with bombings in London and Manchester, and a fire that burned Grenfell Tower to the ground. More than ever, the UK was on the front page of Canadian newspapers, and occupied primetime coverage. I am grateful, thus, to have experienced the day-to-day reality here, and will return



to Canada with not only a more rounded understanding of this part of the world, but with many lessons about journalism, free expression, and the pursuit of truth.

“Operator, get me Buckingham Palace.”

If only reaching the heads of state were that easy! However, with PEN’s international presence and prominence, it is guaranteed a seat at the table when issues of international law and freedom of expression are debated in government. I took advantage of this by attending an event hosted by the Foreign Commonwealth Office to launch the UK’s annual report on human rights.

One amazing view – from the 51st floor of the newly built 'Shard.' London was an incredible city to call home for a few months, full of fantastic opportunities and fascinating people. The next couple of years may be crucial to the future success of the UK, and I will be following its progress in a very personal way going forward.

