

ALUMNI PROFILE

by Teresa Young Reeves*



On November 2, 1998, the Inter-American Commission on Human Rights (Commission) appointed Santiago Alejandro Canton, LL.M. 1989, to the office of the Special Rapporteur for Freedom of Expression (Rapporteur). Prior to Canton's appointment, there were only two other rapporteurs for freedom of expression worldwide: one under

the United Nations, and one under the Organization for Security and Cooperation in Europe.

In the late 1990s, many members of the Organization of American States (OAS) voiced overwhelming concerns regarding freedom of expression violations in their countries. In October 1997, the Commission, an organ of the OAS, responded with the creation of the permanent office of the Rapporteur. At the April 1998 "Second Summit of the Americas" in Santiago, Chile, the heads of state of the OAS members adopted a Plan of Action calling on their governments to "[s]trengthen the exercise of and respect for all human rights and the consolidation of democracy, including the fundamental right to freedom of expression and thought, through support for the activities of the Inter-American Commission of Human Rights in this field, in particular the recently created Special Rapporteur for Freedom of Expression." After evaluating many candidates, the Commission unanimously appointed Canton to the office of the Rapporteur at its 100th Regular Session on October 6, 1998.

One of Canton's primary goals as the Rapporteur is to promote freedom of the press by protecting journalists in the OAS member states. Canton monitors cases in which journalists have been censored, imprisoned, tortured, or even murdered because of their work. The Annual Report of the Inter-American Commission on Human Rights (Report) details these and other freedom of expression violations. Canton submits the Report to the OAS General Assembly, comprised of the Foreign Ministers of the OAS member states. The 1999 Report documented 17 cases involving journalists who had been murdered in the Americas in 1998 alone. According to the Report, the Americas are "the most dangerous region of the world in which to practice the profession of journalism. In the past decade, there have been approximately 150 cases of murdered journalists, and many cases of physical attacks and threats." In light of these facts, Canton's 1999 Report recommends the OAS General Assembly institute "effective, serious and impartial judicial investigation[s]" into all cases involving the abuse or murder of journalists so perpetrators may be prosecuted. Although the Report is not legally binding, the Plan of Action adopted by the OAS at the "Second Summit of the Americas" evidences its commitment to support and integrate the recommendations made by the Rapporteur.

Canton also strives to ensure freedom of expression by drafting legal standards to serve as guidelines for lawyers and judges in the OAS member states. Since his appointment, Canton drafted the Declaration of Principles of Freedom of Expression (Declaration), which the Commission approved and adopted on October 19, 2000. The Declaration encourages the formation of laws establishing the right to seek public and private information, prohibiting censure, and inhibiting violent or intimidating acts against people disseminating information through any mode of communication.

The Declaration addresses another major part of Canton's work: the elimination of *desacato* laws (contempt laws) that penalize citizens for offensive expressions directed at public officials. Accord-

ing to the 1999 Report, *desacato* laws persist in 16 countries in the Western Hemisphere, including Brazil, Chile, Ecuador, Mexico, and Venezuela. Canton believes *desacato* laws are repugnant to the most fundamental democratic principle of enabling citizens to criticize their governments. In the 1964 case *New York Times Co. v. Sullivan*, the U.S. Supreme Court deemed it unconstitutional for a public official to recover damages against an individual who makes a "defamatory falsehood relating to [the public official's] conduct unless . . . the statement was made with 'actual malice'—that is, with the knowledge it was false or with reckless disregard of whether it was false or not." Canton's Report recommends the OAS member states enact laws similar to the U.S. doctrine of "actual malice."

As the Rapporteur, Canton also works to secure the right of citizens to access and to request information held both publicly by the government, such as national agency rules and opinions, and privately by governmental and non-governmental banks (*habeas data*), such as credit reports. For example, Canton advised Guatemalan President Alfonso Cabrera to enact an Access to Information Law granting Guatemalans rights similar to those provided to U.S. citizens under the 1966 Freedom of Information Act, as amended. As of October 2000, the Access to Information Law has not yet been presented in the Guatemalan legislature. In Argentina, however, Canton's efforts successfully led to the passage of legislation establishing the right to access *habeas data*. Ensuring access to government-held information is an integral part of Canton's work because, according to the 1999 Report, it "is one way [for citizens] to monitor state governance and [is] one of the most effective means of combating corruption." In this way, Canton's role as the Rapporteur strengthens the development of democracy in the Americas.

Canton's work to promote freedom of expression, however, is not limited to the Western Hemisphere. On November 22, 2000, Canton attended the "Freedom of Expression in the African Charter" conference in Johannesburg, South Africa. The conference was sponsored by the African Commission on Human and People's Rights (African Commission), a branch of the Organization of African Unity. Canton was invited to discuss his function as the Rapporteur with the African Commission, which is considering appointing its own rapporteur to promote and protect freedom of expression.

Canton, a native of Argentina, received his law degree in 1985 from the *Universidad de Buenos Aires*. As an LL.M. student at the Washington College of Law (WCL), Canton studied international human rights and criminal law. During his first semester, Canton began working at the National Democratic Institute for International Affairs (NDI). After graduation, Canton continued working for NDI and soon became the director for Latin America and the Caribbean. His primary responsibilities included observing national elections, enhancing civilian control of the military through legislative enactments, and encouraging Latin American leaders to learn democratic norms by participating in U.S. political party conventions. Canton also served as a political advisor to former president Jimmy Carter during the 1989 elections in Nicaragua, and 1994 elections in the Dominican Republic and in Panama. Canton attributes his interest in the subject of freedom of expression to his legal studies at WCL and to his political work at NDI. Canton's goal as Rapporteur—to strengthen democracy through the institution of legal rights to freedom of expression—is thus a natural extension of his prior academic and work experience. 🌐

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