

ANNUAL REPORT 2016

# DERECHOS DIGITALES



**DERECHOS DIGITALES**  
América Latina

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## Our organization

Derechos Digitales is an independent, non-profit Latin American organization with the fundamental objective of developing, defending and promoting human rights in the digital environment.

### Our work is fundamentally focused on three areas:

- Freedom of expression for diversity.
- Privacy, protection of personal data and fight against surveillance.
- Copyright and access to knowledge.



### Board members 2016:

*President:* María Paz Canales Loebel

*Vice President:* Paula Jaramillo Gajardo

*Secretary:* Roberto Cerda Silva

*Treasurer:* Flavio Tapia

*Director:* Javier Rubilar Donoso



### Work team

The following people were part of Digital Rights in 2016:

Claudio Ruiz, Paz Peña, Danae Tapia, Guido Vargas, Valentina Hernández, Juan Carlos Lara, Pablo Viollier, Constanza Figueroa, Paula Jaramillo, Rocío Consales, Patricio Velasco, Gisela Pérez de Acha, Juliana Guerra, Marianne Díaz, Israel Leiva, Vladimir Garay. *Interns:* Matías Muñoz, Paz Riestra, Eliza Guzmán, Bastián Riveros, Paloma Herrera, Amanda Alemán, Constanza Alarcón, Diego Cabrera, Gabriel Briceño, Piera Celis, Carlos Gutiérrez, José Rioseco, Alan Sears and Roosmarijn Meijboom, Raquel Renno and Eduardo Ferreyra (Regional internship program), Martin Gubri and Steffania Costa (Mozilla Fellows) and Olga Khrustaleva (Google Fellow). *Colaborators:* Sabino Aguad, Harol Bustos, Nicolás Gonzalez, Pablo Castro, Gonzalo Aravena and Sebastián Muñoz.

## Internacional events

As part of our work networks, in 2016 we participated in the Latin American Meeting of APC (24 and 25 July, Costa Rica), the meeting of the Cyber Stewards network organized by the Citizen Lab of the University of Toronto (12-14 October, Canada), the annual IFEX Latin America and the Caribbean (4 and 5 December, Mexico).



In addition, we participate in RightsCon (March 30-April 1, USA), OECD Ministerial Meeting on the Digital Economy: Innovation, Growth and Social Prosperity (June 21-23, Mexico), Regional Preparatory Meeting for the Internet Governance Forum (27-29 July, Costa Rica), The 5th World Forum of Free Media (August 7-14, Canada), Re:publica (May 8-10, Germany), ABRELATAM / Condatos (November 2-4, Colombia) and the Internet Governance Forum (6 to 9 December, Mexico), among other international events.



## International networks

Digital Rights is a member of the Association for the Progress of Communications (Asociación para el Progreso de las Comunicaciones, or APC) and the International Exchange network for Freedom of Expression (Intercambio Internacional por la Libertad de Expresión, IFEX). We are also part of the working network of Privacy International, Creative Commons and Cyber Stewards of Citizen Lab.



# 2016 IN FIGURES

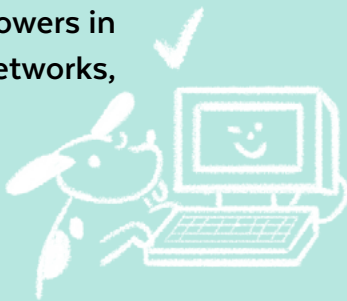


More than  
**50**  
analysis articles  
published on our  
website.



More than  
**100**  
press  
appearances

**9.770**  
new followers in  
social networks,

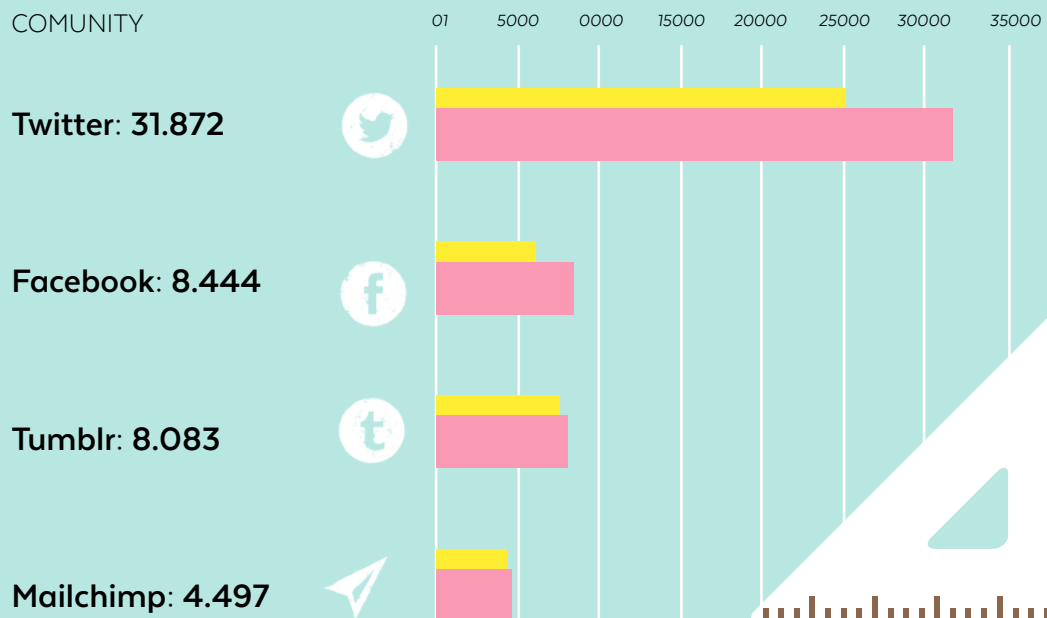


with  
**4.711**  
publications in  
social networks and



**208.640**  
interactions.

## GROWTH IN SOCIAL NETWORKS DURING 2015 IN RELATION TO 2016



# PUBLICATIONS



Data collection in the Santiago public transport system: the case of the TNE

Martin Gubri



Creative Commons: Sharing is good

Matías Muñoz, Paz Riestra y Constanza Figueroa



Hacking Team: malware for surveillance in Latin America

Gisela Pérez de Acha

Latin America in a Glimpse



So you need anonymity: 3 useful tips

Eliza Guzmán y Vladimir Garay



Surveillance in Chile: towards a national cybersecurity policy

Paula Jaramillo



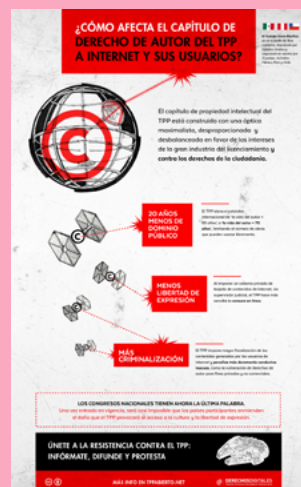
Surveillance in Chile: normative concepts

Paula Jaramillo



Surveillance and Intelligence in the Latin American Cybersecurity Agenda: Chile-Argentina comparative report

Paula Jaramillo & Leandro Ucciferri



How does the TPP copyright chapter affect the internet and its users?

Constanza Figueroa y Vladimir Garay



Internet in Mexico: human rights in the digital environment

Juan Carlos Lara (editor)



Message from our Executive Director:

## The commitment that drives us towards the future

In 2015, Derechos Digitales made the decision to project its action in Latin America, articulating with other organizations and integrating people to the team from other countries in the region. Today, in a changing Latin American environment, we reaffirm our commitment of building a digital world respectful of human rights.

In the turbulent times we live, the events of the physical world are so serious and urgent that we are tempted to consider the use of technology as a secondary element. However, in Latin America and other latitudes, technologies have permeated people's lives so it no longer seems possible to abandon them to prevent their risks or to protect our rights. Today, free use of technology can not constitute a privilege, but is necessary to ensure the participation and integral access of all.

During 2016, our main mission was to advocate for a better regulation of technology, which had human dignity at its center. Our objective was that concerns on public security and economic development, among others often made by governments and corporations, are not the only ones taken in consideration when making decisions for the development and implementation of new technologies. For this reason we continue strengthening our base team, made up of thirteen people, to which several interns and collaborators joined. Thanks to the work of all of them, we developed the projects during the year presented in this report.

From the management position I undertake in 2017, I renew the commitment of Derechos Digitales to work from and for Latin America, with a vision of collaboration, coordination and joint work with people and organizations in the region who have taken charge of issues concerning technology and human rights. From our past experience, we want to work to incorporate new voices into the discussion; only then will it be possible to ensure that the progress promised by technology materializes in this part of the global south. To achieve this, we have a pending institutional consolidation challenge that feeds our local and regional work, through the strengthening of our internal capabilities and our external collaboration networks.

The economic, social and cultural peculiarities of Latin America force us to maintain a critical and vigilant spirit in the use of technologies, so that we can access its benefits, on the basis of the respect and guarantee of the human rights of those who inhabit the region. That is the commitment that has brought us here and the one that drives our work towards the future with renewed energy and optimism.

María Paz Canales  
Executive Director





## PRIVACY AND SURVEILLANCE

In a world where technology allows the indiscriminate collection of personal information and the permanent monitoring of everything we do, the defense of the right to privacy occupies a central place in our organization; for this purpose we carry out legislative advocacy, strategic litigation, comparative research and education through public campaigns.

## FEATURED INITIATIVES:

### Hacking Team: surveillance malware for Latin America

After nine months of research, in early 2016 we published 'Hacking Team: Surveillance Malware for Latin America', an analysis of the regulations in force in each of the countries that negotiated with the Italian company that provides spyware.

The investigation concluded that the RCS Software of Hacking Team is contrary to the legal standards of each country and violates the right to privacy and due process. The report was released under the RightsCon framework and was widely reported in media around the world.



### Strategic litigation: Surveillance balloons in Santiago of Chile

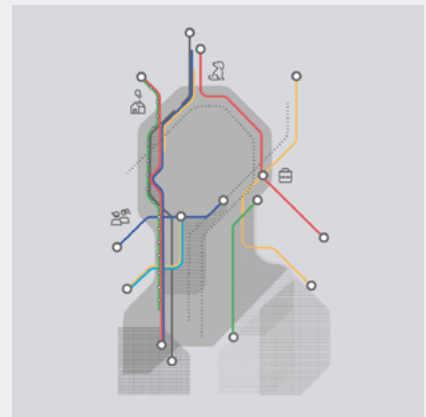
After a long and anxious wait, the Chilean Supreme Court rejected the protective action filed by Digital Rights along with Protected Data Foundation (Fundación Datos Protegidos), Fundamental Corporation (Corporación Fundamental) and Public Freedoms (Libertades Públicas), which sought to remove from operation the surveillance balloons installed on the communes of Las Condes and Lo Barnechea in Santiago of Chile.

Although the Court's ruling recognizes that the cameras may violate the privacy and inviolability of neighbors' homes, balloons can continue to function by undertaking certain measures for their protection.

### Privacy and Student Transportation Cards in Santiago

At the end of 2016 we published 'Data collection in the Santiago public transport system: the case of the TNE', a technical report detailing a vulnerability in the collection, storage and data protection process of the National Student Card (TNE), which allows students to access a preferential rate on public transportation in Santiago of Chile, unnecessarily exposing certain information.

The vulnerability analysis was previously shared with the Ministry of Transport, which together with the Ministry of Transport took measures to solve the identified flaws.

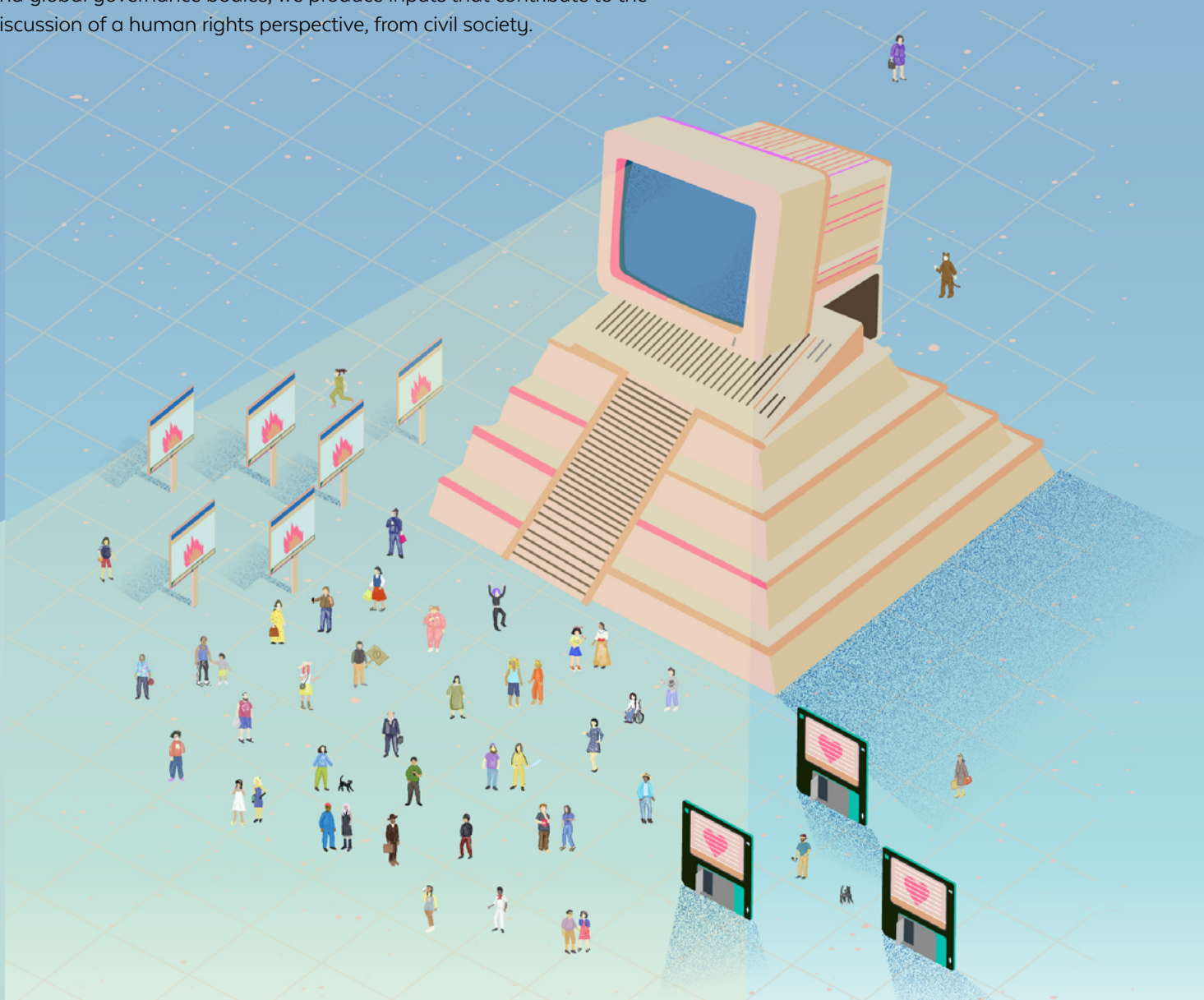


### Friendly Antivigilance Box (Amistosa Caja Antivigilancia, ACAV)

In mid-2016 we launched the Friendly Antivigilance Box, a kit with tools and practical tips to protect the handling of our sensitive information. ACAV has been shared with various organizations in Paraguay, Argentina, Mexico, Uruguay, Venezuela and other Latin American countries, which have used them in the framework of workshops and other activities. [www.derechosdigitales.org/amistosa](http://www.derechosdigitales.org/amistosa)

## INTERNET GOVERNANCE

A fundamental part of our work is participating in the debate regarding the set of principles, agreements and standards that shape the internet. That is why, together with participating in different national, regional and global governance bodies, we produce inputs that contribute to the discussion of a human rights perspective, from civil society.





## FEATURED INITIATIVES:

### The Internet Is Ours Mx

On the occasion of the Internet Governance Forum (IGF) held in Guadalajara, Mexico in December 2016, several civil society organizations with a presence in the country, including Digital Rights, decided to meet and launch a joint statement to alert the deep crisis of human rights that crosses the country and that is also expressed in the internet and its users. Alongside, we organized a meeting with civil society in Guadalajara, to disseminate and discuss issues related to internet governance.

For Digital Rights, this is a further step in strengthening our presence in Mexico, expanding our collaboration networks. The work carried out within the framework of the IGF marked the beginning of the [internetesnuestra.mx](http://internetesnuestra.mx) coalition, which we hope will continue with greater presence during 2017.



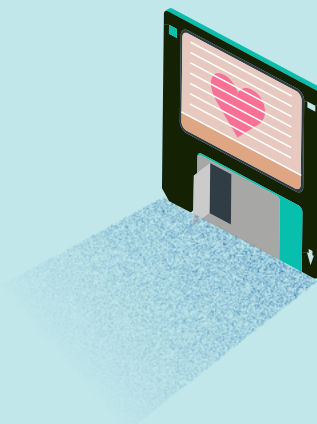
### Publications on Cybersecurity

During 2016 we launched a series of three publications on cybersecurity in Chile. The texts address the normative concepts for surveillance in Chile and the National Cybersecurity Policy Proposal 2016-2022. In addition, together with the Association for Civil Rights (ADC) we conducted a comparative analysis between cybersecurity policies in Argentina and Chile.

### Internet in Mexico: human rights in the digital environment

In February we launched the book 'Internet in Mexico: human rights in the digital environment', with articles on the most controversial aspects of human rights and the internet, including anonymity, online gender violence, criminalization of digital protest, net neutrality and open government.

The book brings together texts from analysts and activists who, from various local organizations, participate in the debates on internet governance in that country. The book has been presented in various public forums, extending the debate between the academic community and the general public.

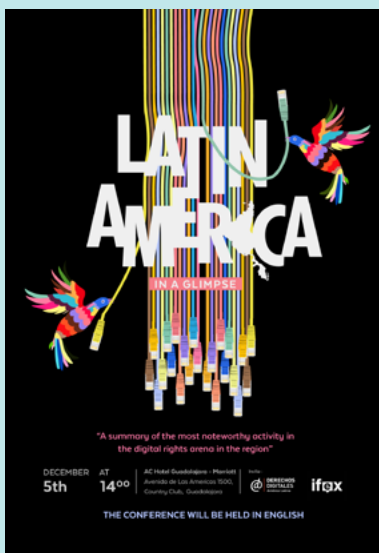


### Latin America in a Glimpse

For the third consecutive time we present the 'Latin America in a Glimpse' report, a summary of the most relevant human rights and technology issues in the region during 2016.

As on previous occasions, the report was presented at an open event during day zero of the Forum for Internet Governance (IGF), which had two discussion panels and the participation of different Latin American organizations.

Latin America in a Glimpse was developed in collaboration with APC, Coding Rights and IFEX and its launching functioned as a space for meeting, debate and exchange between regional and worldwide actors.





## **ACCESS TO KNOWLEDGE AND REFORM OF THE COPYRIGHT REGIME**

The struggle for a more flexible conception of copyright, which recognizes the right of users to be part of cultural and scientific life, and puts fewer restrictions on the distribution of knowledge, remains an important part of our work. During 2016 we worked on local and regional advocacy, in search of a fairer legislation in this area.

## FEATURED INITIATIVES:

### The unexpected death of the TPP

Over the past five years, the fight against the Trans-Pacific Economic Cooperation (TPP) has occupied a large part of our copyright agenda. As a way of informing and raising awareness about the dire consequences that the treaty would entail for the access to culture, particularly through digital technologies and the internet, we created the TPP Open platform, addressed to Latin America and with information in Spanish on the process.

However, given the radical change that the United States - main driver of the treaty - would take on international trade following the victory of Donald Trump and his eventual withdrawal from the negotiation (formalized in January 2017), we decided to conclude our TPP campaign.

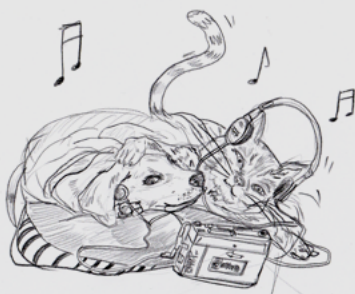


### Reform of the copyright law in Uruguay

The discussion on a possible reform of the copyright law in Uruguay reached a high point in 2016. A bill that sought to expand the number of exceptions in the law was approved by the Senate in April and is hoped to be approved in the Chamber of Deputies.

However, the project has been the victim of the lobbying of business groups and copyrights management entities, which have significantly reduced its impact.

In support of the reform process, we worked with Creative Commons Uruguay, providing them logistical support to build a campaign to defend the project and creating graphic material that could be used for this purpose.



### Sharing is good

In the framework of a meeting on netlabels, record labels that distribute their music in digital formats on the internet, we produced the fanzine “Sharing is good”, with information on the importance and use of Creative Commons licenses for musicians.

### Defense of open licenses in Chile

During 2016 a bill was discussed in Chile that sought to make scriptwriters and directors of audiovisual works pay a fee when their works were publicly displayed. The original draft established that the payment was non-waivable and non-transferable and forced to be collected through a copyright management society.

If approved in this way, the project meant a major disincentive to the use of open licenses, since by the imposition of the figure of the copyrights manager, it left no room for alternative models, such as Creative Commons, used by creators interested in disseminating their work and exhibiting freely, without the need for previous permits or payments.

Through a legislative advocacy work, we were able to change this aspect of the bill and the law was passed without this imposition.





## FREEDOM OF EXPRESSION FOR DIVERSITY



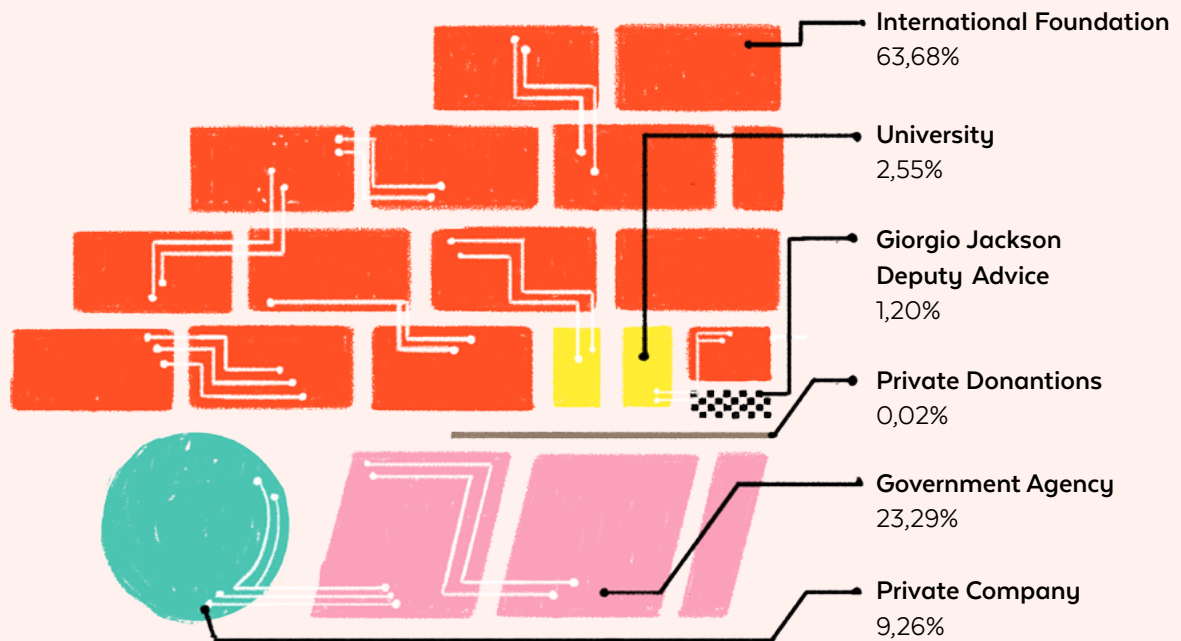
The internet is a space for the manifestation and development of the freedom of expression as a fundamental right, so its defense is fundamental to our organization, particularly that of historically silenced groups.





## FINANCIAL INFORMATION

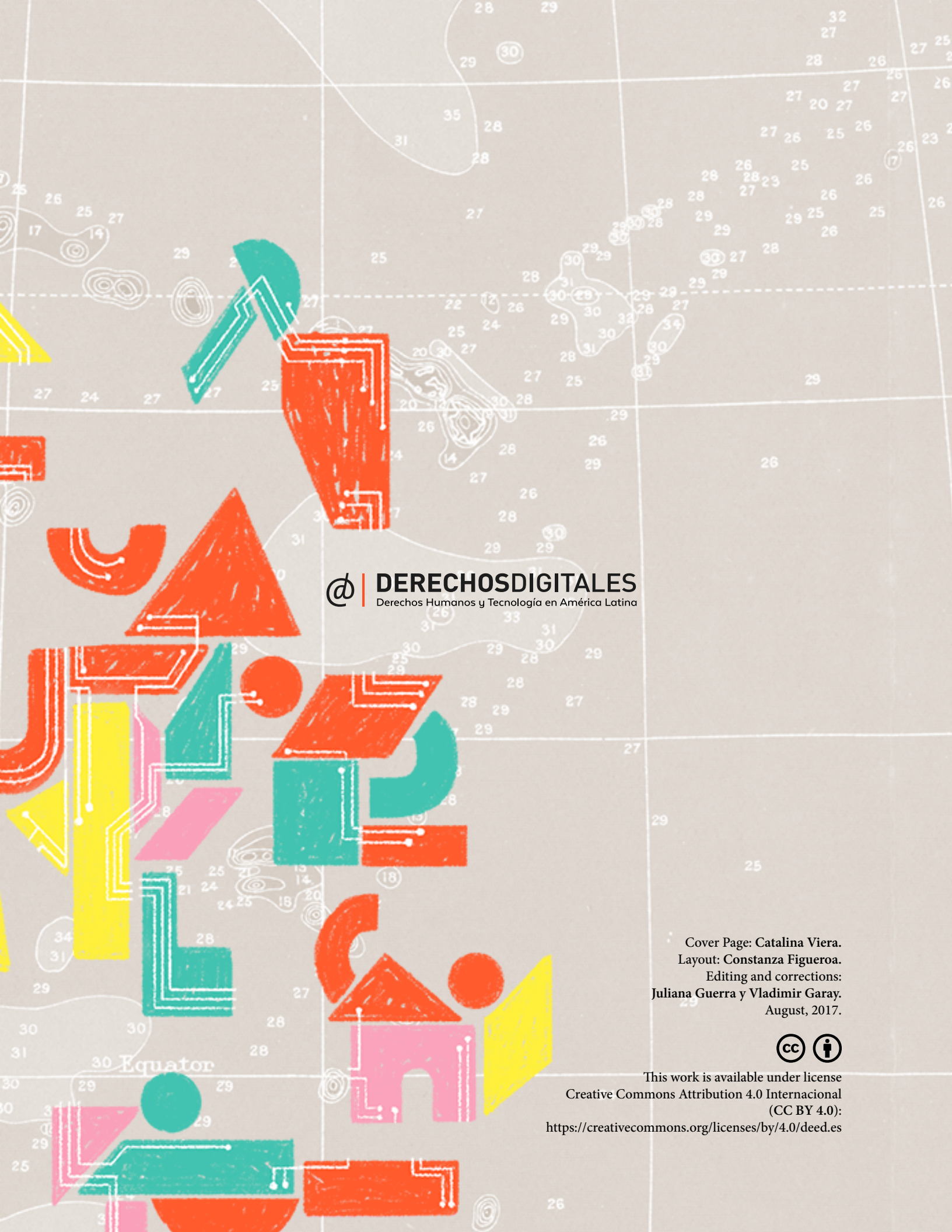
In 2016, the Derechos Digitales budget amounted to USD \$ 443,561.7, mainly from the following sources:



We thank our donors for the trust they place in our work:

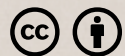
- |                                 |                   |                           |
|---------------------------------|-------------------|---------------------------|
| + APC                           | + EFF             | + MOZILLA FOUNDATION      |
| + ARTICLE 19                    | + FORD            | + NEW AMERICAN FOUNDATION |
| + GIORGIO JACKSON DEPUTY ADVICE | + GLOBAL PARTNERS | + PRIVACY INTERNATIONAL   |
| + CREATIVE COMMONS              | + GOOGLE INC      | + UNIVERSITY OF TORONTO   |
| + PERSONAL DONATIONS            | + IDRC            |                           |
|                                 | + IFEX            |                           |





@ | **DERECHOSDIGITALES**  
Derechos Humanos y Tecnología en América Latina

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