

## **DAMIAN MIGUEL LORETI**

Nationality: Argentinian

E-mail: [dloreti@gmail.com](mailto:dloreti@gmail.com)

### **PROFESSIONAL PROFILE**

Damian Loreti is a lawyer and scholar specialized in freedom of expression, media and access to information law.

Shortlisted for the Special Rapporteur IAHCR Position in 2014, his professional experience includes legal consultancy and litigation for national and international journalists and broadcaster associations and individuals, before national and international courts.

He has acted as Amici Curiae before domestic and international courts and has been appointed as legal expert witness before the Inter American Court of Human Rights.

He is the Director of the Inter Faculty Master's Degree in Audiovisual and Communication Services at the University of Buenos Aires, and is also the Director of the Legal Department of the National Television Producers and Workers Union (35.000 members)

Focused in the study of comparative regulatory frameworks since 1987, he has actively taken part in writing and promoting laws for journalists' rights, freedom of expression and others related to broadcasting and audiovisual services.

He is a regular speaker and panelist at UN and Regional Forums on Freedom of Expression.

Author of numerous publications on media law and policies on human rights, he regularly writes columns for specialized media, being a key contributor to newspaper, radio and television debates.

Since 2012 he has been General Secretary to the Executive Board of the Center of Legal and Social Studies, Argentina.

Since 2015 he has been Vice President of AMARC and since 2018 individual member of APC (Association for Progressive Communications)

In 2019 he participated about the law field in the project "Media Ownership Monitor Argentina" sponsored by RFS (Reporters without Borders).

## **EDUCATION**

- 2006                      PhD in Communication Sciences.  
Honors summa cum laude.  
Universidad Complutense de Madrid.  
Thesis Title: "Information, Justice and Society"
- 2000-2002                Degree in Advanced Studies in Freedom of Expression,  
Ethics and Communication.  
Universidad Complutense de Madrid.
- 1981-1986                Bachelor of Law (J.D. equivalent).  
University of Buenos Aires.

## **OTHER POST GRADUATE ACTIVITIES**

- 2010                      "Faculty Research Program" scholarship awarded by the  
Canadian Ministry of Culture for the study and  
investigation of regulations in social communication and  
telecommunication emphasizing on the effect of  
digitalization in relation with pluralism and diversity.
- 2004                      Program in Comparative Media Law and Policy, Center for  
Social and Legal Studies, Oxford University.
- 1999                      Post graduate program in Communications Law, Faculty of  
Law and Social Sciences, Universidad de Buenos Aires.
- 1997                      "Faculty Research Program" scholarship awarded by the  
Canadian Ministry of Culture for the study and investigation  
of regulations in social communication.
- 1995                      "Faculty Enrichment Program" scholarship awarded by the  
Canadian Ministry of Culture for the study on regulations in  
social communication (Simon Fraser University, Carleton  
University, McGill University).

## ACADEMIC POSITIONS

2018 -2020	Member of the Post Doctorate Committee of the Faculty of Social Sciences, University of Buenos Aires.
2016 – 2020	Director of the Observatory on Public Policies and Law on Communications. (Derc-Com) - the Faculty of Social Sciences, University of Buenos Aires.
2013 - 2020	Director of Master's Degree on Interdisciplinary Studies on Audiovisual and Communication Services, University of Buenos Aires.
1996-2020	Permanent tenure lecturer on Freedom of Expression Law, University of Buenos Aires. (Profesor Titular Plenario)
2005-2020	Professor on "Mass Media Legal Regulations", Masters in Journalism, University of Buenos Aires.
2011-2014	Member of the Doctorate Committee of the Faculty of Social Sciences, University of Buenos Aires.
2013 - 2016	Academic Secretary of the Doctorate Program in Human Rights. National University of Lanus
1998-2011	Holder of the UNESCO Freedom of Expression Professorship, Faculty of Journalism and Mass Communication, University of La Plata.
2009-2010	Director of Masters Degree on Journalism Studies, Faculty of Social Sciences, University of Buenos Aires.
2006- 2010	Vice Dean. Faculty of social sciences. University of Buenos Aires.
2002 – 2006	Director of Social Communications Department. Faculty of social sciences. University of Buenos Aires

## JOB POSITIONS

2013 -2020	Director of the Legal Department of the Sindicato Argentino de Televisión, Servicios Audiovisuales Interactivos y Datos National Television Producers and Workers Union (35.000 members).
1994 – 2012	Legal Counselor to Sindicato Argentino de Televisión, Servicios Audiovisuales Interactivos y Datos National Television Producers and Workers Union on broadcasting, media and information regulations affairs.
1990 – 2012	Legal Counselor to Federación Argentina de Trabajadores de Prensa. (FATPREN) Argentinian National Union of Journalists.
1994 - 2020	Legal Advisor to Confederación Sindical de Trabajadores de los Medios de Comunicación Social (COSITMECOS), (National Confederation of Media Workers).
1996 - 2012	Legal Counselor to the Regional Office for Latin America International Federation of Journalists
2002 - 2012	Legal Advisor to the Right to Communication Program of AMARC
2005- 2007 – 2009 -2018 -	Member of the CELS representation before the Inter American Commission of Human Rights attending freedom of expression cases-law.
2001 - 2004	Legal Counselor to Association “PERIODISTAS para la Defensa del Periodismo Independiente”. (Association for the defense of independent journalism)

#### **RECENT RELATED PROFESSIONAL EXPERIENCE – MOST RELEVANT**

<b>2017</b>	Speaker in the IACHR and Inter-American Court of HR First Forum of the Inter-American Human Rights System
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- 2015 Elected Vice President of the AMARC. World Association of Community Broadcasters. International Board Member 2014-2018
- Panelist Round table "Free and Independent Media" Inter American Commission of Human Rights. Nov 18-19
- 2014 Short listed for the Special Rapporteur IAHCR Position**
- 2013 Panelist on the roundtable "Communications and Human rights" jointly with the Special Rapporteurs (UN and OAS). World Forum of Human Rights. (Brasilia, Brazil, December 2013)
- Panelist on the Expert Consultation organized by the UN Special Rapporteurship on Freedom of Expression and Opinion on Access to Public Information and the Right to the Truth (Mexico, July 2013).
- Panelist on the Expert Consultation organized by the UN Special Rapporteurship on Freedom of Expression and Opinion on Legal Framework of Political and Electoral Communication (Rio de Janeiro, Brazil, September 2013).
- Panelist on a roundtable titled "Argentina: A Case of Study of Political and Regulatory Confrontation", at the University of Columbia (New York City, United States, May 2013).
- 2012 Member of the Observance Mission on Freedom of Expression in Asia Minor and South East Asian countries. (UNESCO, AMARC, Art. 19, Committee to Protect Journalists, International Federation of Journalists, Open Society Foundation, UN Special Rapporteurship on Freedom of Expression and Opinion) (Nepal and Indonesia, February - March 2012).
- Speaker on International Standards of Freedom of Expression and their application to community broadcasters before the European Parliament on behalf of AMARC International- AMARC Europe (Brussels, May 2012).
- 2011 Speaker on International and Inter-American Standards on Freedom of Expression before the Mexican Congress Committee on Radio, Television and Cinema (Mexico, March 2011).

Speaker on Comparative Inter-American Standards on Freedom of Expression at the Legal Investigations Institute, National University of Mexico (Mexico, March 2011).

Inaugural Conference Speaker on the Social Function of Information: Limits and Guarantees at the II International Forum on Social Communication (Galicia, Spain, September 2011).

Lecturer on Information, Democracy and Participation at the University of Bologna in Buenos Aires (Buenos Aires, Argentina, September 2011).

Lecturer on Global Experiences in Media Reform, Consolidation and Access across the Americas at Temple University, Penn State University, Anneberg School of Communications (Philadelphia, United States, November 2011).

2017 Expert witness proposed by the Inter-American Commission on Human Rights in re "Lagos del Campo vs. Peru" before the Inter American Court of Human Rights.

2010 Expert witness proposed by the Inter-American Commission on Human Rights in re "Gomes Lund vs. Brazil" before the Inter American Court of Human Rights.

Participant in the drafting of a new Media Audiovisual Services Law at the National Department of Telecommunications (Montevideo, Uruguay, May 2010).

Speaker on the Media Audiovisual Services Law in Argentina at the International Menendez and Pelayo University (Santander, Spain, June 2010).

Speaker on Media Perspectives on Mass Media Law in Latin America at the Mexican Congress (Mexico, July 2010).

Written legal opinion on the Right to Information in Latin America, XVI Congress of the Association of Jurists (Quito, Ecuador, July 2010).

Speaker on Media and Freedom of Expression in Latin America, Andalucía City Council (Cordoba, Spain, October 2010).

Speaker on the Audiovisual Communication Services Law, Forum for the Radio and Television Reform, Partito Democratico (Roma, Italy, October 2010).

Key note speaker on the Right to Information in the Inter-American System Human Rights System, International Federation of Journalists and University of Santo Domingo (Santo Domingo, Dominican Republic, November 2010).

2009

Co-author of the Argentinean Broadcasting and Media Services Act.

Speaker on the Legal Issues in Social Communications at the National University Conference organized by the Faculty of Political Science, National University of Rosario (Argentina, May 2009).

Speaker on Research, Media and Human Rights and Legal Bases for the Protection of Freedom of Expression at 52th World Conference of the International Association of Communication Sciences Researchers (July 2009).

Speaker on Reasons to Defend Freedom of Expression at International Conferences on Communications Policies Studies, II Argentina-Brazil Colloquium on Communication Sciences at National University of Cuyo and National University of Rio Cuarto (Mendoza, Argentina, October 2009).

Speaker on Contributions for a Legal Framework for an Audiovisual Communications Law at the Latin American Parliament's Political Affairs Committee (Buenos Aires, Argentina, November 2009).

Founding Member of the Coalition for a Democratic Broadcasting and co-author of the 21 Principles for Democratic Broadcasting.

## **INSTITUTIONAL POSITIONS**

2018

Individual member of APC (Association for Progressive Communications)

2002-2018	Member of the Executive Board of the Center of Legal and Social Studies, Argentina. General Secretary since 2012.
2005-2007	Member of the Steering Committee of the International Media Lawyers Association.
2005	President of the Academic Committee of the III Pan-American Congress on Communication Sciences.
2001-2002	President of the Communications Law Committee of the Buenos Aires Lawyers Association.

## **PUBLICATIONS**

LORETI, D: “Derecho a la privacidad. Intercepción de comunicaciones. TEDH, Case of Big Brother Watch and others v. The United Kingdom, 13 de septiembre de 2018 y TEDH, Case of Catt v. The United Kingdom, 24 de enero de 2019” Revista Debates sobre Derechos Humanos Número 3 - Año 2019© 2020, Universidad Nacional de José C. Paz. EDUNPAZ, Editorial UniversitariaISSN 2591-670X

LORETI, D. ; BARANCHUK M, “Antenas cautivas en democracias restringidas” en “Transparencia Mediática, oligopolios y democracia “ Manuel Chaparro Editor Enrique Bustamante prol. Comunicación social Ed. (Salamanca España octubre de 2019) ISBN 978-84-17600-11-2

LORETI, D., LOZANO, L.. EN EUROPA SE CONSIGUE Un acercamiento a las nuevas pautas de regulación audiovisual aprobadas por el Parlamento Europeo. AVATARES de la Comunicación y la Cultura, Argentina, 0, dic. 2018. Disponible en: <<http://ppct.caicyt.gov.ar/index.php/avatares/article/view/14236>>.

“Regresividad: como pasar de un paradigma de derechos humanos a un modelo de negocios” En Derecho a la Comunicación: Procesos regulatorios y democracia en América Latina (Sierra Caballero, Ed. Ediciones CIESPAL. ISBN 978-9978-55-156-1. En coautoría. Marzo 2017

“Por un espejo retrovisor. Del paradigma de derechos humanos al modelo de negocios”. En Revista Científica de Comunicación. Red de carreras de Comunicación de Argentina. ISSN 2451-7836 Año 1 ·2, junio 2016. Pag 5. En coautoría. Feb 2017

“The media: unified Discourse and Business Deals under Cover of State terrorism”. In “The Economic Accomplices to the Argentine Dictatorship”. Cambridge University Press. 2016. USA. ISBN 978-1-107-11419-7. Julio 2016



“Medios: discurso único y negocios a la sombra del terrorismo de Estado”, en *Cuentas pendientes: Los cómplices económicos de la dictadura*. Ed. Horacio Verbitsky y Juan Pablo Bohoslavsky. Siglo Veintiuno Editores. Buenos Aires. Argentina. Pags. 361 a 381. ISBN 978-987-629-344-0. Septiembre de 2013. Reedición en Inglés: *The Economic Accomplices to the Argentine Dictatorship Outstanding Debts* Cambridge University Press. ISBN: 9781107114197

English ed. “The media: unified Discourse and Business Deals under Cover of State terrorism”. In “*The Economic Accomplices to the Argentine Dictatorship*”. Cambridge University Press. 2016. USA. ISBN 978-1-107-11419-7

"El fallo "Grupo Clarín": Dos puntos de Vista - Ley de servicios de comunicación audiovisual - Libertad de Prensa" Autores Sabsay, D. - Loreti, D. Ed. Rubinzal Culzoni. Santa Fe, Argentina. 66 pags. 978-987-30-0468-1. Setiembre 2014

"El ejercicio del derecho humano a la comunicación a través de los medios audiovisuales" en “Tratado de los derechos constitucionales”. Obra en tres tomos dirigida por Rivera, J.C.; Elias, J.S.; Grossman, L.; Legarre, S.. Ed. Abeledo Perrot. Buenos Aires, Argentina. To. II Pag. 148 - 178. ISBN 978-950-20-2604-6, Julio de 2014 “The human right to communicate through audiovisual media” part of “Constitutional Law “

"El derecho a comunicar: los conflictos en torno a la libertad de expresión en las sociedades contemporáneas". (en coautoría con Luis Lozano) Siglo Veintiuno Editores. Buenos Aires. Argentina. 286 pags. ISBN 978-987-629-367-9. Abril de 2014  
(The right to communicate: freedom of expression debates in contemporary societies)

“Medios: discurso único y negocios a la sombra del terrorismo de Estado”, en *Cuentas pendientes: Los cómplices económicos de la dictadura*. Ed. Horacio Verbitsky y Juan Pablo Bohoslavsky. Siglo Veintiuno Editores. Buenos Aires. Argentina. Sept 2013 Pags 361-381. ISBN 978-987-629-344-0.  
("Media complicity under State terrorism" in the collective work *Pending Accounts: Civil and Economic complicity with the Argentinean dictatorship*).

“El caso Wikileaks y su relación con el derecho a la información” (en coautoría con Luis Lozano). En la obra colectiva *Comunicación y medios en las Américas: entre la gobernanza y la gobernabilidad*. Ed. Antonio Roveda Hoyos y Carmen Rico de Sotelo. 1a Ed. Bogotá. Ed. P. Universidad javeriana; ORBICOM (Red de cátedras UNESCO), Junio 2012, pags 59- 63. ISBN 978-958-716-541 B.  
("The Wikileaks case and its relationship with the right to information" in the collective work *Media and Communications the Americas: Between Governance and Governability*).

“El rol del Estado como garante del derecho humano a la comunicación” (en coautoría con Luis Lozano) en la colección especializada *Derecho Público*. Editorial Ministerio de Justicia y Derechos Humanos de la Nación. Buenos Aires, Argentina, Director Aristides Corti. Pags 29-56. ISSN 2250-7566.

("The state as guarantor of freedom of expression" in special collection *Public Law*).

“El caso argentino y la nueva ley de Servicios de Comunicación Audiovisual”, en la obra colectiva *Políticas, Redes y Tecnologías en la Comunicación para el Desarrollo*. Ed. Comunicación Social, Ediciones y Publicaciones. Sevilla, España; Martínez Gómez; Raquel y Lubetkin; Mario. Pag 87 – 104. ISBN: 978-84-92860-88-3.

("Argentina and the new Broadcasting and Media Services Act" in the collective work *Policies, Networks and Technologies in Communications*).

“Los principios de Johannesburgo sobre libertad de expresión e información y sus posibles aportes al derecho humano a la paz”, en la obra colectiva *Estudios Sobre el derecho humano a la paz*. Madrid, Ed Los libros de la Catarata. Villán Durán Editores. Página 250 – 265. ISBN 978-84-8319-560-4.

("The Johannesburg Principles on access to information and their contribution to the right to peace" in the collective work *Studies on the Human Right to Peace*).

“Il servizio pubblico argentino di TV nella societa della comunicazione”, en la obra colectiva *Dal cavallo alla farfalla*. Ed. PDI Julio de 2010, Roma, Italia. Pags 111 - 116.

“La actividad de la radiodifusión como un derecho humano”, en la obra colectiva *Servicios de comunicación audiovisual. Régimen Legal – Derecho Comparado*. Ed. La Ley. Buenos Aires. Etcheverry Pachecoy Comp. Pags 154 - 175. ISBN 978-987-03-1879-B.

("Broadcasting Activity as a Human Right" in the collective work *Broadcasting and Media services, Legal Regulations and Comparative Law*).

"A propósito del principio 12 y la regulación sobre radiodifusión y otros servicios de comunicación audiovisual", (Revista CEJIL - Debates sobre Derechos Humanos y el Sistema Interamericano; Ed. Center for Justice and International Law, Año IV, Número 5, Washington EUA. 2010); con referato. Pags 13-20. ISSN 1659-2123.

("Topics related to 12<sup>o</sup> Principle and the Regulation of Broadcasting Media and other Audiovisual Services" in CEJIL Journal - *Debates on Human Rights and the Inter-American System*).

"Manifestaciones públicas y nuevos actores políticos: Derecho de Reunión y Libre Expresión. Publicado en *Comunidad y Desacuerdo: Comunicación, Poder y nuevos actores de la política*. (María del Carmen de la Peza comp.) Ed. Universidad Autónoma Mexicana – Xochimilco. Pags 27 – 53. ISBN 978-607-95148-0-8.

("Public demonstrations and new political subjects: the right to freedom of expression" in *Communities and Disagreement: Communications, Power and New Political Subjects*).

"Broadcasting Law and Regulation in Latin America", commissioned paper use for the publication of *Broadcasting, Voice, and Accountability A Public Interest Approach to Policy, Law, and Regulation*. Steve Buckley • Kreszentia Duer Toby Mendel • Seán ' O Siochrú with Monroe E. Price • Mark Raboy , ed. Copyright © 2008 by The International Bank for Reconstruction and Development, The World Bank Group. ISBN-13: 978-0-8213-7295-1.

"Estudio sobre la incompatibilidad con los principios de derechos humanos sobre la libertad de expresión del castigo penal de la radiodifusión no autorizada", Ed. AMARC ALC-CA. Ciudad de Guatemala. Octubre de 2007. 148 pags. ISBN en trámite.  
(*Study of the compatibility of penal sanctions against non commercial radio stations in Guatemala*).

"Estándares internacionales en materia de libertad de expresión", *Derechos humanos y libertad de expresión*, México, Secretaría de Relaciones Exteriores, 2006.  
("International Standards in the Field of Freedom of Expression" in *Human Rights and Freedom of Expression*).

"Aplicación de los Principios de Libertad de Expresión del Artículo 13 de la Convención Americana de Derechos Humanos", en la obra colectiva *La aplicación de los tratados de derechos humanos en el ámbito local: La experiencia de una década*. Abramovich, Bovino Y Curtis Comp. Ed. Del Puerto. ISBN 987-9120-91-4. Pag. 965-986.  
("The application of Article 13 of the American Convention of Human Rights" in *The Local Application of the International Human Rights Treaties After a Decade*).

"Principios para garantizar la diversidad y el pluralismo en la radiodifusión y los servicios de comunicación audiovisual", (Programa de Legislaciones de AMARC – 109 pags. ISBN 978-987-25395-4-2.  
("Principles for the promotion and protection of pluralism and diversity").

"Los Aportes del Sistema Interamericano de Derechos Humanos en Materia de Prohibición a la Censura Previa" (Revista CEJIL - Debates sobre Derechos Humanos y el Sistema Interamericano; Ed. Center for Justice and International Law, Año I, Número I, Washington EUA. 2006); con referato. (ISSN 1659-2123 pag 75-85).  
("Contributions of the Inter-American Human Rights System with respect to the non censorship rule" in *CEJIL - Debates on Human Rights and the Inter-American System*).

"Apuntes sobre los contenidos de la Ley de Radio y Televisión de México. ¿Qué principios debe acatar una ley pluralista de radio y televisión?", artículo publicado en *Perspectivas Progresistas*, Fundación Friederich Ebert Representación en México, Octubre 2006 (pags 21-29).  
("Fundamental principles from human rights systems and their application within the broadcasting legal framework in Mexico").

*Libertad de expresión y América Latina*. Ed. Norma. Bogotá. Colombia. 2005  
ISBN 968-04 860-18  
(Freedom of speech and Latin America).

"Impacto de la Concentración de Medios", en la obra colectiva *Los medios públicos de Comunicación en el Marco de la Reforma del Estado en Méjico*. Comisión de Radio, televisión y Cine. Cámara de Diputados Federales de los Estados Unidos de Méjico.  
("The Social Impact of Media Concentration").

"Derecho a la Información y Secreto de Estado: un Enfoque Jurídico", en la obra colectiva *Comunicación Política*, Ed. Paidós. Feb. 2001.  
("The right to information and State secrets" in the collective work *Political Communications*).

"La Libertad de Expresión en América Latina", en colaboración con Santiago Cantón, Facultad de Periodismo y Comunicación Social de la UNLP. Mayo 2000.  
("Freedom of expression in Latin America")

"Los Fallos de la Corte Suprema de la Nación Argentina vinculados a los Medios de Comunicación Social y la Libertad de Expresión dictados en 1998", *Anuario de Derecho Constitucional Latinoamericano*, Fundación Konrad Adenauer, Julio 1999.  
(The Argentinean Supreme Court's Rulings on the Media and Freedom of Speech in 1998)

"La libertad de expresión, derecho de información, derechos y libertades de los trabajadores de los medios de comunicación social", editado por la Federación Internacional de Periodistas y asimismo en *Contribuciones* No. 22 de la Fundación Konrad Adenauer, Mayo 1998.  
("Freedom of expression, the right to information: rights and freedom of journalists and media workers", edited by the International Federation of Journalists).

*El derecho a la información. Relación entre medios, periodistas y público*, Ed. Paídos. 1995, Buenos Aires.  
(*The right to information. The relationship between media, journalists and public opinion*).