



New frontiers for freedom of expression?

Executive summary

1. Introduction

Communications technologies have made it easier for people to access more information than ever before. Communication increasingly involves participation rather than simply consumption of information, as tools such as electronic message boards and blogs have grown in popularity. These changes have implications for freedom of expression. This paper explores the extent to which new technologies are enabling the spread of information and ideas, and fostering public debate that can advance democracy.

Section 1: Conceptual framework and overview of the main issues

This paper draws on these key concepts:

- Article 19 of the Universal Declaration of Human Rights (UDHR) protects the right to freedom of expression. This includes all private communication between individuals and groups. This paper argues that it is also a positive right, allowing people to seek and receive information and ideas.
- The 'public sphere' (defined by Jurgen Habermas) is a communication network through which rational, free, accessible and deliberative debate leads to the formation of public opinion.

2. The traditional media: sources of information and platforms for debate?

The mass media have traditionally played a key role in facilitating public debate and have considerable power to shape public opinion. Even with a public service media model, mass media shape public opinion by their selection and publication of information. There are shortcomings in the mass media model as a platform for democratic public debate:

- Information primarily flows primarily one way, from media to consumers.
- Governmental and private elites influence media coverage, whether by direct control or through close relationships with the media.
- In free market models, intense competition for media advertising revenue has led to more sensationalism and reduced the media's ability to deliver in-depth analysis.
- In many countries the mass media has become a tool of propaganda for the political elite.

3. Do networked communications offer new opportunities for democratic public debate?

Early internet users saw the internet as a new communications sphere that was free from state intervention and power structures. Two strands of thinking emerged about the potential of new communications to foster a public sphere:

- They have the potential to make traditional media more open, by encouraging them to be more accountable to their audiences
- They have the potential to bypass mainstream media entirely and create a new space.

Most analysis now combines these two strands and acknowledges that the new communications environment is undergoing intense change, with its final shape and relationships still being determined.

4. What is undermining the ability of the networked communications environment to increase access to information and debate?

There are challenges present at different 'layers' in the networked communications environment.

At the **physical layer**:

- Many people in the developing and developed worlds do not yet have access to the technology.
- The evolution of the internet depended on shared physical networks. Some companies are arguing that they should be able to close their networks to other service providers, giving them more control over access to the networks.
- The rise in popularity of 'closed' hardware – that is, devices that cannot be modified and adapted – may stifle innovation and restrict people's ability to access the internet in the future.

At the **connectivity and code layer**:

- Some cable and telephone networks are seeking legislation to enable some types of data to be transmitted faster than others. The consequent loss of 'net neutrality', would compromise universal access to information.
- The rise of proprietary, rather than open, technical standards could result in disproportionate power for some companies, or the fragmentation of communications systems. Both results would threaten innovation and access to information and debate.

At the **applications layer**, new and unaccountable gatekeepers of information are emerging. For example, the programming of search engines determines what information users can access.

At the **content layer**:

- Internet technology does not yet support information all languages, which excludes many people.
- Without a common code of conduct, online discussions can deteriorate to irrational argument or even abuse.
- Without trusted gatekeepers, users may drown in excess information.
- Mainstream media companies may dominate online just as they have dominated the offline world.
- Governments can and do censor internet content directly.

Part 2: Overview of research and debates

5. Who is using new communications tools and how are they using them?

5.1 People across the world are using communications tools that have the potential to facilitate public debate. **Active communication tools** enable users to participate in debates. E-mail is the most commonly used. There is little data about the purpose or content of such communication. Interactive tools appear to increase social ties and foster communities of interest, though these are not necessarily political.

5.2 Evidence suggests that the use of online **passive communication tools** expands people's access to information.

5.3 There are differentials in internet use along lines of gender, age, ethnicity and language group. However, some positive developments are helping to close these gaps, including technologies that enable greater linguistic diversity.

6. The nature of networked communication: Public debate or heated and fractured argument?

6.1 Broad standards of internet etiquette have evolved, along with a range of mechanisms for managing violations of these standards. Blogs have been the focus of much debate, and discussions are in progress about a code of conduct for bloggers. Other collaboratively developed codes exist. Online norms of behaviour and codes of conduct need to be considered in the context of the social norms, power structures and politics of the countries in which they are used.

6.2 Some fear that tensions and the huge number of different voices on the internet will lead to a fractured, weakened public sphere. But the picture is complex. Some analysis (e.g. Benkler) of patterns of website linkages, suggests that the internet provides a better basis for inclusive debate than traditional media. Textual analysis studies confirm that networked communications promote public conversations in ways that were not previously possible. Gatekeeping theory gives some evidence that networked communications can further exclude some minority groups. The

complexities of the effects of online information on different groups' political views are yet to be fully explored.

7. The nature of networked communication: Do the same centres of power dominate online and offline?

7.1 Some fear that that the online world will continue to be dominated by the same key players from the traditional mass media sector. While some studies of links between sites suggest a more complex picture, the evidence also shows that a very small number of sites dominate as news sources on the internet. There is evidence that the mainstream media are adapting to the new participatory environment and this is redefining agenda-setting and the character of 'news'. Relationships between 'old' and 'new' media are complex, and vary from country to country. This is an ongoing evolution and its outcome is not yet clear.

7.2 Internet enthusiasts have argued that networked communications create a sphere beyond government control. Yet, there are many examples of close governmental control and direct censorship, most notably in China. Again the situation is complex, with evidence that the internet is nevertheless effecting political change in undemocratic countries.

8. Conclusion

The most significant challenges to the ability of networked communications to increase access to information and debate are:

- the exclusion of large sections of the population from the communications environment, either because of a lack of physical infrastructure or because of linguistic barriers
- tensions between the mainstream media and online informal communications.

Opportunities currently outweigh challenges. However, it is important to engage with the development of the environment to ensure that new institutions and regulatory frameworks promote freedom of expression.

8.1 Areas for further research include:

- in-depth ethnographic research into people's online activities and how these affect their opinions
- development of indicators to allow effective cross-country comparisons about the nature of public debate
- local or national research into online activities in areas where data is sparse
- research into the perceived role of networked communications by national governments, particularly in 'unfree' societies.
- research into the how national and international networked communications affect the relationship between governments and citizens (particularly in unfree societies), even when the communications are not overtly political.

8.2 Potential areas for intervention are:

- advocacy to promote access of minority and disadvantaged groups to the internet
- programmes to empower excluded groups
- fostering participatory networks between people and organisations to support efforts to build new, democratic institutions in the networked communications environment
- advocacy for the development of technologies to support a truly multi-lingual internet
- consideration in all media and communications development programmes of the networked communications environment and inter-relationships between online and offline, and formal and informal, communications.