

# Freedom of Expression Project

## Briefing

June 2008

**The Freedom of Expression Project is a global collaboration, working to shape the networked communications environment so that it supports the public interest.**

**This briefing introduces the Project's work to develop policy principles for a public interest communications environment.**

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## Opportunities for change

This Project is a global collaboration to shape the networked communications environment as it continues to develop.

We believe there is a real opportunity, as digital communications spread across the world, to work towards democratising communication.

There are opportunities to empower people, including those who are dispossessed, poor or excluded. There are opportunities to increase people's access to knowledge, to enable communication and collaboration and to stimulate human creativity.

But to realise these gains, we urgently need to ensure that the developing communications environments are shaped by principles that support the interests of human communities.

This is the thinking behind our work to develop policy principles for the networked communications environment.

## Policy principles for the networked communications environment

Our focus now is to develop a set of **policy principles** to shape a global communications environment that will operate in the interests of human communities; that is, in the **public interest**.

We are working to **involve civil society, business and government stakeholders** in developing these, and supporting the development of **regional and global networks** to promote the principles and advocate for their implementation.

## Freedom of expression: a foundation human right

Freedom of expression, as defined in Article 19 of the *Universal Declaration of Human Rights*, is a foundation human right. It guarantees that we can receive and exchange information, regardless of frontiers.

Where this right is protected, we can safeguard other rights and freedoms. We can discuss, debate and organise. Democracy can thrive, economic development can advance and culture can flourish. The open exchange of ideas is at the heart of what makes us human.

**For freedom of expression to be fully realised, we have to be able to exchange opinions, ideas and information as public acts, not only in private conversations.**

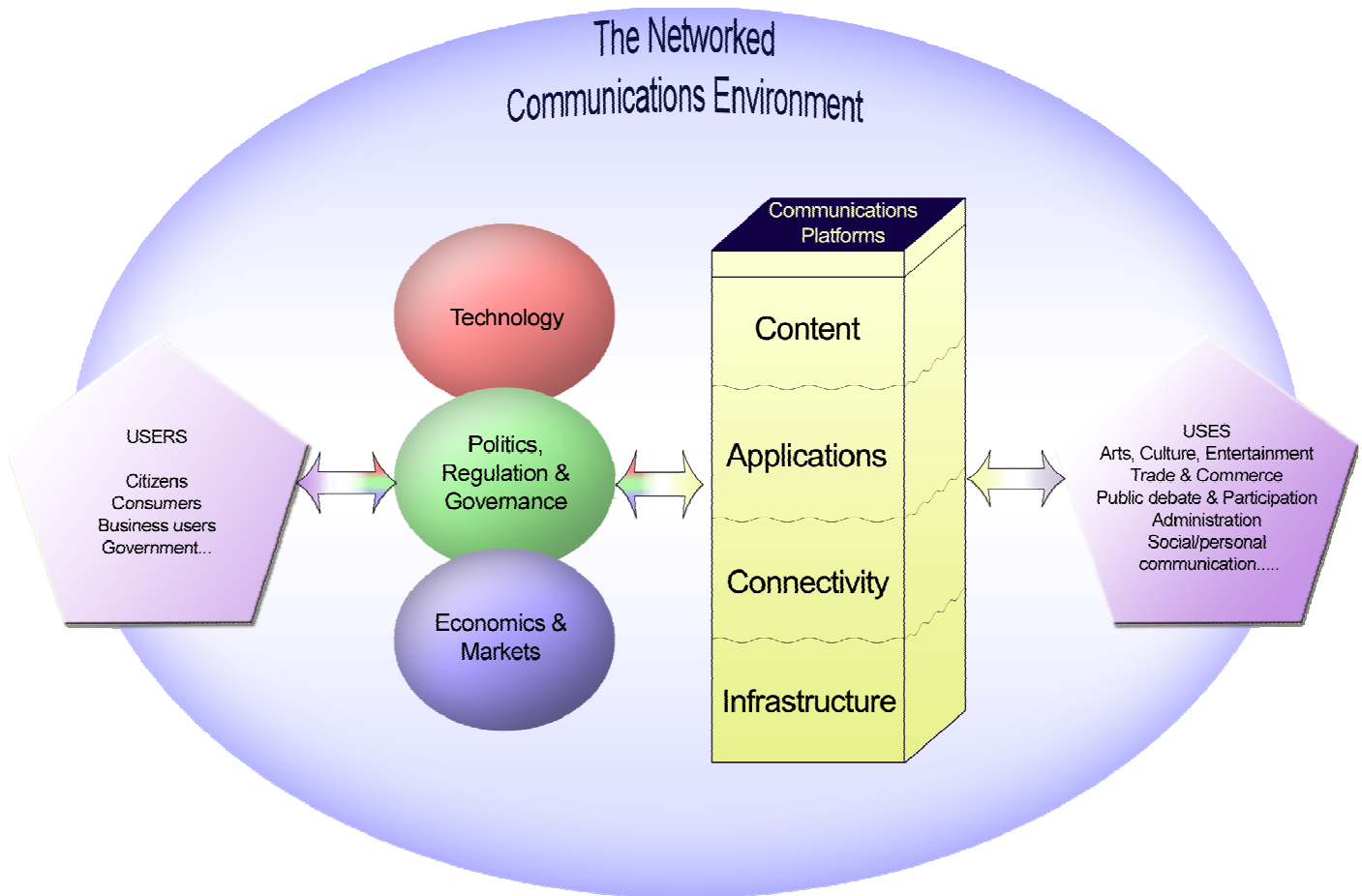
Freedom of expression therefore rests on the public communication platforms that we use, such as newspapers, television and the internet. These platforms need to have characteristics and behaviours that support progressive public discourse – or in other words, freedom of expression requires that the communications environment can support the public interest.

## Project Partners

Association for Civil Rights, Argentina  
Bytes For All, Pakistan  
Consumers Union, USA  
Combine Resource Institution, Indonesia  
Global Partners and Associates, UK  
Media Foundation for West Africa, Ghana  
RITS - Information Network for the Third Sector, Brazil  
Twaweza Communications, Kenya  
The Project is co-ordinated by Global Partners and Associates, UK, and funded by the Ford Foundation.

## A layer model of the networked communications environment

Who controls the networked communications environment? Who has access to it? What information does it contain? How is it perceived and used? The Project has developed a version of the layer model, often used by information policy makers, to analyse four distinct 'layers': infrastructure, code, applications and content. Policies at *any* of these layers have implications for freedom of expression. If we focus only on the 'content layer', for example, we ignore significant dynamics.



Our principles are based on this model. They consider all communications platforms, the issues that arise from convergence between them, and the people who use them: the environment in its entirety. We believe this is important during the ongoing process of convergence around internet protocol.

### The concept of the public interest

The concept of the public interest also underpins our work. It is firmly linked to liberal democracy and accountable governance. It draws on values of community, dignity, equality and public participation in society. It can help to balance competing claims and interests in society, bringing democratic values into consideration rather than sectional or individual interests alone.

It is flexible and can protect citizens and consumers in a wide range of situations. While this flexibility is a strength, definitions of the public interest need to be rooted in individual human rights as defined in international law. Human rights are the foundation of any democratic society, and any policy that violates human rights cannot be in the public interest.

Taken together, the concepts of human rights and the public interest can help policy makers to balance individual and collective interests, to foster just and democratic societies that support human advancement.

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## From research to development: the basis of the Principles

The Freedom of Expression Project began in June 2006, as a response to the massive changes taking place in global communications. We set out to assess the impacts of these changes and to understand the developing environment's relationships with democracy, justice and human achievement. We began to develop international civil society networks to share knowledge and to advance policy and advocacy for progressive change.

- We commissioned **working papers** to analyse existing evidence and debate, and shorter papers to explore specific issues or case studies in more depth.
- We took part in **international discussion forums** and consulted with experts. We identified existing policy forums and advocacy opportunities for advancing freedom of expression in the networked world. Of particular note is the Internet Governance Forum and its associated networks, coalitions and working groups.

- We held a series of **global workshops** in Manchester, Buenos Aires, Nairobi and Yogyakarta. We brought together members of civil society working on a wide range of relevant issues, to test the Project's assumptions and analysis.

By the end of 2007, the Project's network included approximately 200 people from 36 countries. This clearly showed the appetite amongst civil society groups across the world to collaborate on these issues.

In developing the shared values and draft principles, the Project partners have drawn on the research and learning from this first phase of work.

The commissioned papers, and workshop reports and detailed findings are all available on the Project website.

[www.freedomofexpression.org.uk](http://www.freedomofexpression.org.uk)

### Summary findings from the Project's research

- **New communications networks are transformative and disruptive.** They are radically changing how we communicate with each other. This has the potential to be interactive and empowering, but there needs to be urgent action if this to be the case.
  - Within this environment **the mobile phone is emerging as the dominant platform.** It's likely to be a key means of receiving and imparting content in the future.
  - Evidence shows that **the creation of communication capacity in itself is a 'good'**: it's impossible to predict the imaginative uses people will make of technology
  - The networked communications environment is governed by overlapping policy spheres at national, regional and global levels. These are converging as digital technologies bring previously separate communication platforms together. **Advocates of free expression urgently need to participate** in revising governance frameworks and regulatory policies to ensure that human rights and public interest values are integral to them.
  - Stakeholders in the converged communications environment tend to operate in separate realms of knowledge and expertise. **It's important to break down barriers within civil society and encourage collaboration** between human rights, technology, democracy, academic and media activists and professionals. The aim is for all to share knowledge and work together to shape a communications environment that protects human rights.
- Governance of this emerging environment is complex, and **all stakeholders – government, business and civil society – need to be involved** in defining and appropriate regulatory frameworks.
  - In civil society, government and the media, **many organisations are not yet harnessing the full potential of networked communications.** This is partly due to a lack of technical know-how and partly due to their structures and modes of operating. New technologies can require fundamental changes in how they organise and operate .
  - There is an emerging consensus that **the existing international human rights framework is adequate** to protect and promote rights in the networked environment. There is no need for the international community to draft a new set of rights. Further work (during the second phase of the Project) is needed to:
    - clarify how communication rights such as access to knowledge and information fit under the umbrella of international human rights and ensure that they are protected in national and international law
    - assess whether existing human rights enforcement mechanisms are adequate to protect human rights in the networked communications environment.

## Draft Principles for a public interest communications environment: a summary

### The principles are grounded in these shared values

**Accessibility:** People have access to the means of communication necessary to participate in public life.

**Diversity and pluralism:** Content contains a diverse and representative range of information, culture and political opinion.

**Participatory and transparent governance:** All stakeholders should have opportunities to understand how the environment is structured and governed, and to participate in decision making that affects how it functions and its ability to uphold these public interest values.

**Openness, creativity and innovativeness:** The environment is enabling, offering maximum opportunities for the development of new technologies, uses, governance structures, knowledge and culture.

### Physical layer

- a) All people should have **affordable and equitable access** to the means of receiving and disseminating opinion, information and culture.
- b) Regulation to achieve equitable access should be **tailored to local conditions** and should be flexible, subject to ongoing evaluation and review.

### Connectivity and code layer

- a) Communications infrastructure and protocols should be **interoperable** whenever possible.
- b) Protocols governing access to public content should enable access for all people who want and need it.

- c) Networks should be **'neutral'** in the sense that the flow of content should not be subject to undue or arbitrary discrimination for monetary, cultural or political reasons. Controls should not be embedded in networks themselves.

### Applications layer

- a) **Gatekeepers of content should be transparent** about the norms and protocols used to select content.
- b) **Service providers should not be held liable** for content they help users access.
- c) Companies and organisations with access to user data should adhere to transparent privacy policies that protect **privacy rights** as established in international human rights law.
- d) People should have access to the means of developing new **applications tailored to meet specific needs**, for example through open source software development.

### Content layer

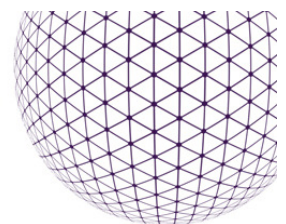
- a) The right to **freedom of expression** should be protected. The expansive definition of Article 19 of the ICCPR should be used which includes positive rights and associated responsibilities.
- b) The range of content available should be **diverse**, representing the whole spectrum of cultures, interests and knowledge.
- c) The objective of intellectual property and licensing agreements should be to balance respect for the **rights of creators** with the need for maximal **creativity and innovation**.

Please visit the Project's website to view the detailed Principles and to comment. All the Project's original research, commissioned papers and workshop reports are also available.

[www.freedomofexpression.org.uk](http://www.freedomofexpression.org.uk)



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