

Summary brief

February 2008

The Freedom of Expression Project, led by Global Partners and the Ford Foundation, began in June 2006.

This summary brief introduces the Project, its aims, its programme of work and its progress to date.

Phase 1 of the Project was completed in December 2007; Phase 2 runs throughout 2008.

Freedom of Expression Project

Enormous changes are taking place in communications as digital networks evolve, based around the internet and mobile phones; concentration of ownership in transnational media industries is increasing; and at the same time civil liberties are being eroded, often as a result of the 'global war on terror'.

The Freedom of Expression Project began as a response to these changes, and the need fully to understand them. In Phase 1, the Project developed a programme of work to:

- assess the changes that are taking place in communications, what drives them, and their impacts
- analyse the developing networked communications environment and its relationships with democracy, justice and human achievement—all issues of concern to the Ford Foundation
- facilitate the development of international civil society networks to share knowledge and advance policy and advocacy for progressive change.

The learning and findings from Phase 1 are summarised on page 3.

The Project's analytical framework during Phase 1 had three core elements.

The first was the concept of freedom of expression as a foundation human right (see below).

The second element was a group of four thematic questions to assess the impact of change on social goods:

- Does the networked communications environment expand the ways we can get **information** and access **public debate**?
- Does it increase our ability in **civil society** to act together for change, nationally and transnationally?
- Does it offer the possibility of changing how we 'do' politics, empowering people and strengthening **democracy**?
- Does it encourage **arts and culture**, create more opportunities to share and develop human creativity?

The third element was a layer model of the networked communications environment to help analyse change. This is shown on page 2.

Background to the Project	1
A layer model for analysing the networked environment	2
Learning from Phase 1	3
Towards a public interest communications environment	4

Freedom of expression as a foundation human right

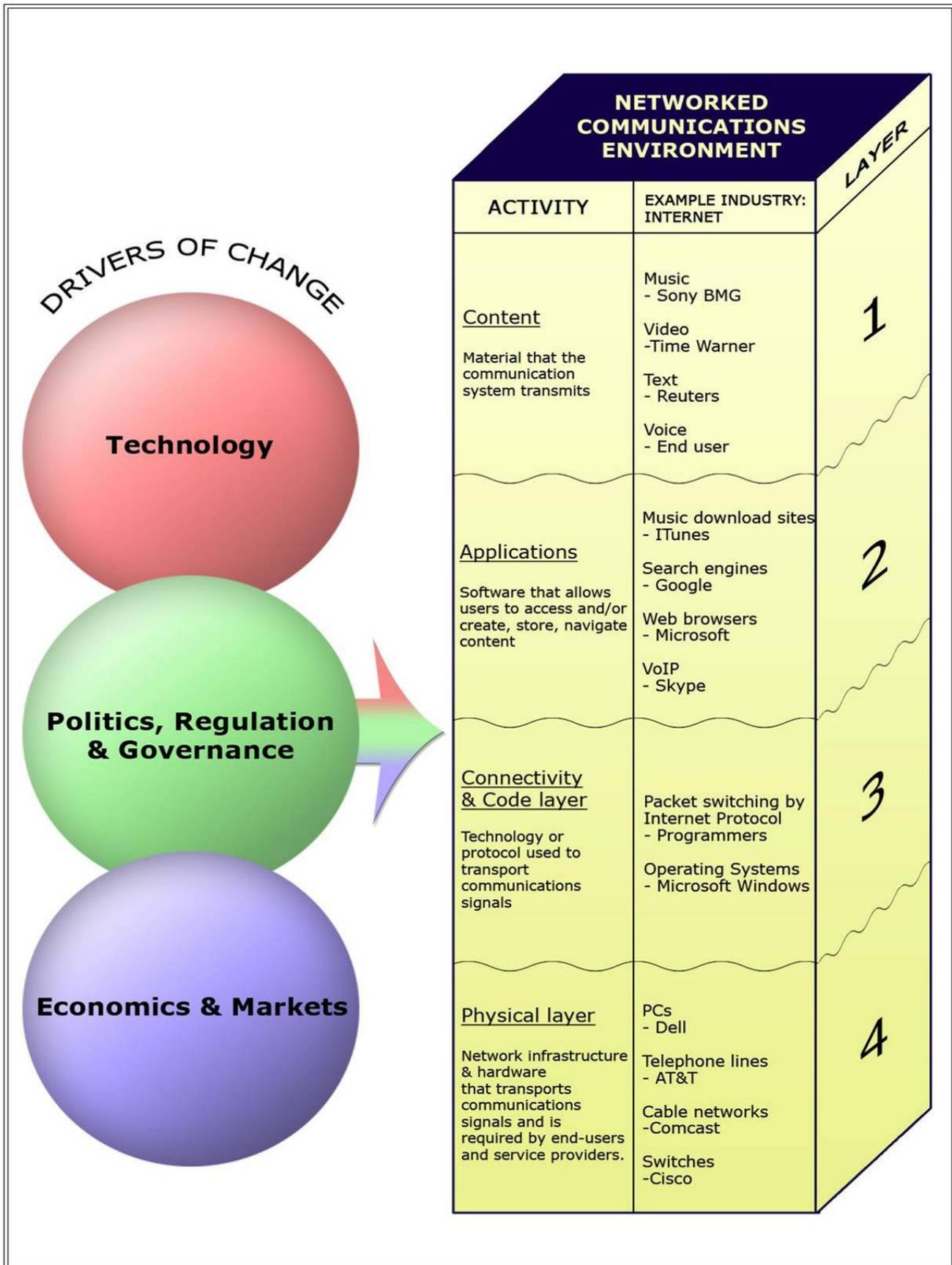
Freedom of expression, as defined in Article 19 of the Universal Declaration of Human Rights, is a foundation human right. It guarantees that we can receive and exchange information, regardless of frontiers.

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

The right to freedom of expression itself rests upon a variety of communication platforms, from face-to-face conversations to mediated communication through television and newspapers. Changes in these modes of communication associated with technological advances and digitalisation must therefore have an impact on freedom of expression.

The layer model

Who controls the networked communications environment? Who has access to it? What information does it contain? How is it perceived and used? We 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 significant implications for freedom of expression. If we focus only on the 'content layer' then we are ignoring significant dynamics.



Phase 1 key findings

- **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 for cultural, political, social and economic ends.
- 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. **There is an urgent need for advocates of free expression to participate actively in the ongoing revision of governance frameworks and regulatory policies at all four layers of the communications environment,** to ensure that human rights and public interest values are integral to regulatory frameworks.
- 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, as its many stakeholders have varied needs and interests. **All stakeholders – government, business and civil society – need to be involved** in defining appropriate regulatory frameworks, and where relevant in implementing and maintaining them.
- 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. Many organisations try to apply known ways of operating to this new environment, without recognising that new technologies can require fundamental changes in how they organise and operate (e.g. moving from 'gatekeeping' to 'curating' information).
- 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. However, work 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
 - develop a set of principles or means of linking new issues, such as the need for network neutrality and interoperability, to the international human rights system
 - assess whether existing human rights enforcement mechanisms are adequate to protect human rights in the networked communications environment.

These findings are based on:

- The Project's **working papers.** We commissioned four main papers to analyse existing evidence and debate, and a number of shorter papers to explore specific issues or case studies in more depth.
- Participation in **international discussion forums** and consultation 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.
- 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 Phase 1 the Project's network had grown to include approximately 200 people from 36 countries. This made clear to us the appetite amongst civil society groups across the world to collaborate on these issues

The Project's research, commissioned papers and workshop reports are all available on the Project website.

www.freedomofexpression.org.uk

Towards a public interest communications environment

We believe there is real potential to work towards democratising communication and empowering people, including those who are dispossessed, poor or excluded. There are opportunities to increase people's access to knowledge, to help them in developing communication and collaborations with each other, and to stimulate human creativity.

For these gains to be realised however, there is an urgent need to ensure that the developing communications environments are shaped by principles that support the interests of human communities.

For freedom of expression to be fully realised, the exchange of opinions, ideas and information should be capable of being a public act, not confined to private discourse. Freedom of expression rests on the communication platforms that we use for public expression such as newspapers, television and the internet. It requires that communications platforms' characteristics and behaviours support progressive public discourse. In other words, it requires that the environment's characteristics and behaviours promote the public interest.

During Phase 1, participants at the Project's workshops found the layer model useful for understanding how key issues relate and for locating themselves and their work within the wider networked communications environment. Many stressed that it was now important to move discussions from theory towards action, and they were keen to use the layer model to help identify specific issues and appropriate policy responses. The second phase of the Project aims to further develop the layer model to facilitate this.

February 2008

Global Partners and Associates

4th Floor, Holborn Gate
26 Southampton Buildings
London
WC2A 1AH

Tel: +44 20 7861 3850

E-mail: info@global-partners.co.uk

A set of policy principles

We are working to develop a set of policy principles that are crucial for the development of a public interest global communications environment. The following overarching values inform its development: the environment should be:

- **Accessible:** All people have equal ability to publish, disseminate and access content via any media.
- **Independent:** It includes channels of communication and content producers that operate independently of established interests.
- **Diverse:** Content contains a diverse and representative range of information, culture, political opinion.
- **Navigable:** People should be able to find the content that is relevant to them, and mechanisms to aid navigation should be transparent and publicly accountable.
- **Balanced:** Content producers accept their responsibility to respect the rights of others within the communications environment.
- **Democratically governed:** All stakeholders have responsibilities to ensure that the environment is secure, protects human rights and encourages innovation. All have equal opportunities to be involved in policy processes concerning governance of the environment.
- **Creative and innovative:** The environment offers maximum opportunities for innovation to create new modes of access and participation.

The draft principles set out the attributes that each layer of the networked environment should have—relating them to the four 'layers' of the networked environment model so that the policies required to support them can then be identified.

Project Phase 2 in summary

- Develop a set of policy principles to shape a global communications environment that will operate in the interests of human communities, i.e. in the public interest.
- Involve civil society, business and government stakeholders in developing these.
- Further support the development of regional and global networks to promote the principles and advocate for their implementation.

The Project's original research, commissioned papers, workshop reports and draft principles are all available on the website, together with further resources and useful links.

www.freedomofexpression.org.uk

