

A New Frontier, An Old Landscape

A report for the Ford Foundation about the impact of digital communications on media and communications, and on human rights.



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1. Introduction and Overview

The purpose of this paper is to provide an overview of the main policy challenges and opportunities at the global, regional and national levels for shaping a public interest serving media and communications environment. It was commissioned by the Ford Foundation with the support of Vice Presidents Darren Walker and Maya Harris, as well as the lead programme officer Jenny Toomey and other programme officers in the Foundation. We have drawn upon the skills and experience of a number of consultants in the generation of this report. This has been throughout a collaborative exercise – appropriately since the internet itself is a collaborative phenomenon.

The vision that informs our analysis is of a global, citizen-centred communications environment in which all people have equal ability to use communications platforms to enjoy all three dimensions of freedom of expression:

- To seek and find information and ideas that they want and need
- To receive diverse information and ideas that will enhance their lives
- To impart information and ideas to other citizens, and make themselves heard by decision makers and power holders.

The report adopts two separate (but overlapping) angles from which to analyse the shifting landscape: firstly, to examine how the media and communications environment is changing particularly with regards to the production and dissemination of public interest media; and secondly, to examine the opportunities and challenges digital communications bring to human rights activists and those working to advance social and economic justice and democracy.

The report examines global issues through a focus on eight countries: Argentina, Brazil, Egypt, Kenya, India, Indonesia, South Africa and the United States of America. For each country chapter, a specialist has produced an overview examining the shifting environment on a national level and exploring the main opportunities and challenges for progressively influencing the environment at that level. Different countries are at different points along their respective digital development trajectories, and are transforming in different ways as technology interacts with unique economic, political and social dynamics. Thus, national level understanding and responses remain crucial.

However, in a globalised world (globalisation itself being to a certain extent driven by the advent of easy global communication), action at the regional and global spheres are just as important. The report begins with three global chapters: the first adopts the “media and communications” perspective and the second adopts the “human rights” perspective to examining the fluctuating environment on a global scale. It becomes clear in these chapters that investing in a free, open and accessible internet environment is a shared goal and that doing so will not only involve activities on a national level, but also at the regional and global levels. The internet is a trans-boundary space, and so a third global chapter examines the emerging global internet environment and identifies priority policy challenges.

1.1. Key Ideas from the Report

What are digital communications and what do they offer?

Modern digital communications are a combination of networks (the internet itself is a network of networks), services (including the World Wide Web and social platforms), and devices (from the mobile phone to the PC and tablet). Together they create a global decentralised digital communication environment that has the potential to transform the way we communicate with each other and therefore our abilities to create, inform, and shape events.

Previous forms of communication which went beyond face-to-face communications operated using a one-to-many model where power is concentrated at the source of the information, such as a journalist, editor or publisher, and their content is then distributed to a wide audience. Digital communications have changed this model dramatically – now more and more services users are creating, producing, sharing, editing and moderating content directly with other users using formats which can be accessed via a range of devices (mobile phones, computers, televisions). This model of communication is called “peer-to-peer”. Digital communications combine interpersonal communications and mass media communication on one and the same platform. While this report refers mainly to the internet and mobile phones, it should be noted that the move from analogue to digital information covers a whole range of information capture, transmission and storage from cameras, to music and new televisions.

What opportunities does this medium offer? In a sentence, it has the potential to democratise freedom of expression.

- It allows peer to peer collaboration, creation and curation;
- It can give voice to marginal or excluded communities;
- It creates new potential for political mobilisation;
- It creates – and requires – a new political dynamic one that is interactive and viral rather than centrally controlled and directed
- Unlike other communication media it is shaped and reshaped by users themselves, by their needs, wants and interactions.

The threat of public and private power

The internet was born in a libertarian dream. Its early creators and advocates imagined it as a stateless space, outside of government control. Consequently many felt there was no need to consider its’ governance, or what policies should shape its development. Indeed many saw any kind of governance as destroying its very character. In the early phase of the internet’s development, the engineers, technicians, companies and users who drove it were content to create a communicative capacity without concern for how that capacity would be used. The ‘first amendment’ culture of the United States, which fosters free speech and limits the liabilities of carriers, was crucial to its development. Many of the early innovators and creators of the digital world came from the USA and could experiment without concern for future liabilities. As an English language medium that was only available to elites in most parts of the world, it passed under the radar of those governments inclined to censor and control communications. Moreover we had the advantage that the skills and capacities to use the new digital technologies were predominantly vested in the hands of those who were most convinced of the need to keep the network free and open.

This era has passed. Governments throughout the world are alert to the potential disruption caused by access to digital communications, whether from text messaging using mobile phones, the creative use of social platforms like Facebook or Twitter, the streaming of video direct to the web or the use of the internet to bypass censorship. Governments are increasingly finding new ways of controlling and monitoring the online space. At the same time demands are growing at the global scale calling for this unregulated environment to be brought under government control, supported by democratic states fearful of crime and terrorism, as much as by undemocratic governments. The capacity of states and non state actors to use the technologies to disrupt and control communications has grown immensely. Criminal networks exploit the capabilities and are corroding trust in the environment. Some sell their services to repressive regimes to disrupt prodemocracy and human rights groups. Alongside this trend, the power of new communication companies is growing. As Timothy Wu has documented¹, all of the new media of the twentieth century whether radio, television, film or telephony came into existence in an open and free environment. All had the potential for unrestricted use but all fell under the control of major monopolies in time. A similar pattern is beginning to emerge in the digital world. The internet therefore faces a challenge from both public power and private power and sometimes a deadly combination of the two².

Tools and spaces

If digital communications are to remain open, to retain their capacity to support human rights and democracy, to permit the flourishing of creativity and expression and to enhance the democratic communication potential for everyone, then action needs to be taken. We can conceive the environment as being made up of both tools and spaces: we need to act at both levels. By “tools” we mean the products that allow citizens to exercise capabilities – such as mobile phones which allow users to take digital photos or access the internet; search engines which allow users to more easily access content; and social networking sites which allow users to interact with one another in new ways. By “spaces” we mean the overall nature of the environment as shaped by government and corporate policies, what technology make possible, and how citizens engage with technology.

Building capacity and skills

There is a need to ensure that those actors seeking to promote democracy, human rights, media pluralism and media freedom are equipped and enabled to harness the possibilities offered by these new technologies. Part of this is about the acquisition of new skills, but it also about understanding the way that communication itself is changing and the demands this places upon traditional hierarchical organisations used to operating in a Web 1.0 world. There is also a need to bring together democracy and human rights campaigners with those at the forefront of campaigning for open communications. The former tend to see digital communications as just another technology, the latter tend to be opposed to overarching policy and sceptical of human rights because of their acceptance of limitations to freedoms in some circumstances in pursuit of legitimate aims.

Developing positive policies

¹ Wu, T., 2010. *The Master Switch – the rise and fall of information empires*. Atlantic Books.

² See TED talk by Rebecca MacKinnon. *Consent of the Networked: The Worldwide Struggle for Internet Freedom*. [online] <http://consentofthenetworked.com/> [Accessed 28/10/2011]

In considering digital communications as constituting a space in which others can act, we will need to develop a much more proactive policy agenda to shape an enabling digital environment. This agenda will have to respond to the growing encroachment of public power (in the shape of governments and states) and private power (in the emergence of colossal global communication companies who seek to shape and control – and monetise – our experience of the online world). The challenge is how to make policy for a globalised, decentralised network in a way that does not inhibit innovation and enterprise. This can best be done by the creation of norms and values that shape how digital communications develop, fostering the development of an international agenda that seeks to create and sustain globally open digital environments. An interesting parallel might be the struggle to achieve freedom to trade on the open seas in the nineteenth century, where a web of bilateral and multilateral agreements (rather than global regulation) led to the emergence of an accepted code of conduct³. Such a development in the modern era requires not just lobbying of governments, who were the main actors in the nineteenth century, but also the co-operation and engagement by major global communication companies, civil society and users themselves. In other words, what is needed is a multi-stakeholder approach.

Unpredictable outcomes

Much energy has been spent making claims about how digital communications can change the world. Many of these are over-instrumental, assuming that a particular input will produce a particular output. But part of the energy and opportunity of the digital environment is the unexpected outcomes and unpredictable events. An application developed to help students at Harvard University to socialise with each other has become a global platform that has been used to mobilise successful mass protests in Egypt and Tunisia. A corporate idea to allow individuals to communicate with a small group of people using an SMS service became the global phenomenon of Twitter. No-one could have predicted that SMS would be a key tool in toppling a president in the Philippines, or that attacks on Burmese monks by the police would one day be seen live by streaming film to the web. This underlines what for us is a key finding. As Clay Shirky has argued that rather than focusing on the instrumental value of digital communications, “the more promising way to think about social media is as long-term tools that can strengthen civil society and the public sphere.”⁴ What is crucial is to invest in building communication capacity – building infrastructure so that it is accessible and affordable; analysing and then lobbying for the policy approaches which will keep digital communications open; and understanding the evolving nature of the communication model so that we can utilise its viral peer to peer capacities effectively.

A new wave of activism

What is exciting in modern times is how digital communications have enabled and empowered a new wave of activism. These activists - whether focused upon campaigning for democratic renewal in Egypt, for human rights in Burma or for social justice in North America and Europe - are young, new to political activity, and separate from both traditional political parties and established NGOs.

³ Singer, P., 2011. *The Wrong War: The Insistence on Applying Cold War Metaphors to Cybersecurity Is Misplaced and Counterproductive*. [online] http://www.brookings.edu/articles/2011/0815_cybersecurity_singer_shachtman.aspx [Accessed 28/10/2011]

⁴ Shirky, C. 2011. *The political power of social media*. Foreign Affairs [online] <http://www.yuswohady.com/wp-content/uploads/2011/01/The-Political-Power-of-Social-Media-Clay-Sirky-Foreign-Affairs.pdf> [Accessed 28/10/2011]

In fact the main finding of a recent study by Civicus⁵, a global network of civil society organisations, is that there is a disconnect between established civil society organisations and the increasing number of citizens involved in both new and traditional forms of activism. Thanks to digital communications the potential for giving voice, mobilising and empowering people is more potent than ever. But traditional civil society organisations are not taking advantage of this potential, are struggling for funds (and even legitimacy in many parts of the world) and are failing to tap into youth movements mobilising for change. If the movements for change are to succeed in the long term they will need to progress beyond inevitably transitory moments of mass protest organised using digital tools to genuinely sustainable projects. Traditional civil society groups have a lot to offer here if the necessary synergies can be made.

1.2. A Conceptual Framework for addressing these Issues: The Layer Model

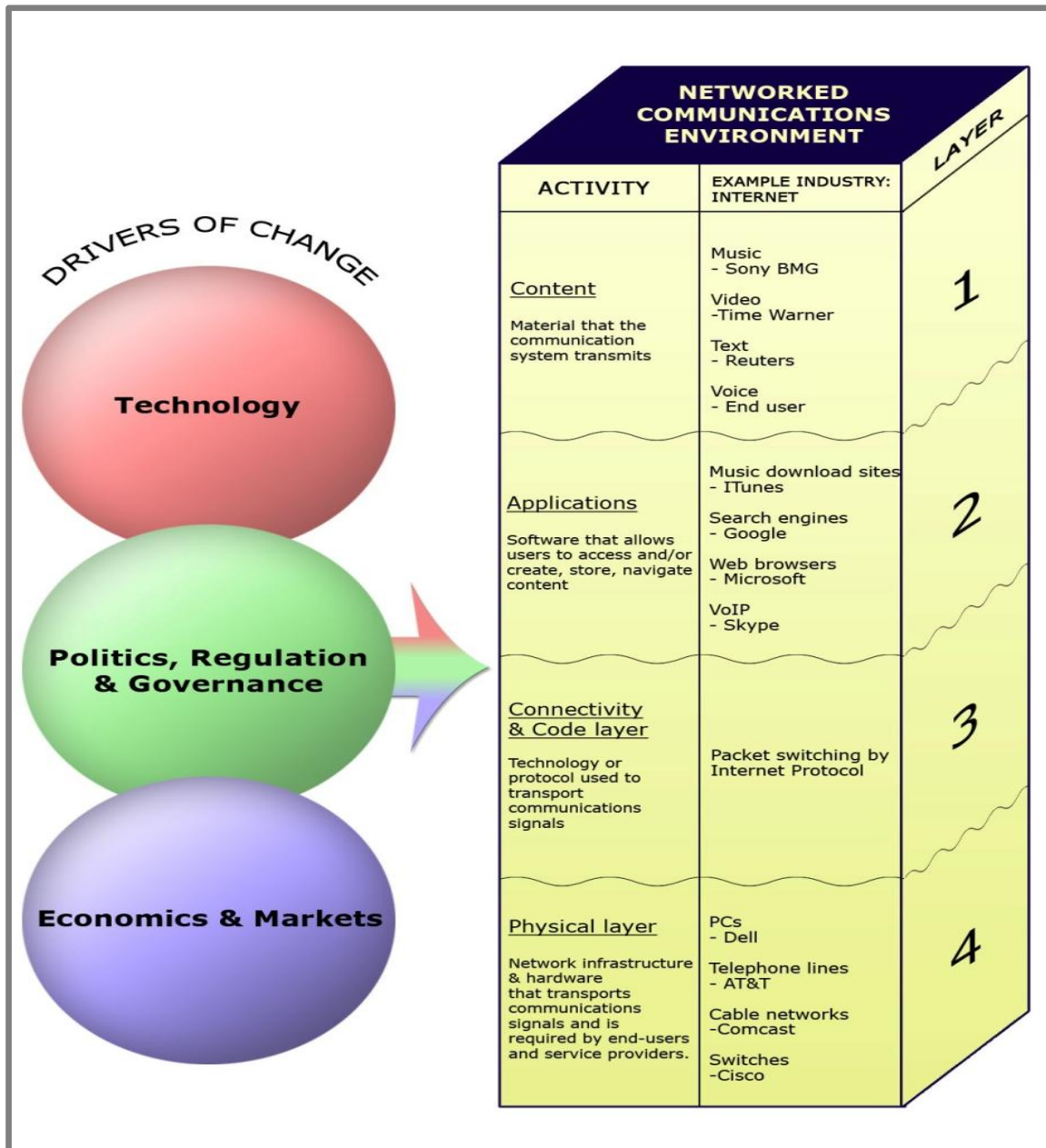
In order to understand the world of digital communications it can be conceptualised as consisting of a series of layers:

- **Physical layer:** the physical infrastructure consisting of cables, wireless towers, hardware etc.
- **Connectivity and code layer:** the codes and protocols that allow material to be transported across networks and for different devices to connect to each other.
- **Applications layer:** the platforms and tools that run on the networks and increase its usability
- **Content layer:** the content itself, what we see, hear and watch.

These layers are illustrated in Figure 1 below. Traditional human rights activists and policy actors were less concerned about the tools used to produce, disseminate and access content, but rather tended to focus on the content itself. Is it available and free of censorship? However, in a digital world communications are influenced by underlying technology, in a way which is often hidden and unaccountable. For example, search engines can use algorithms which inhibit access to certain types of material, ISPs can block access to certain domain names or IP addresses, mobile phones can be used to monitor and track citizens. Thus, in a digital world it is necessary to reflect upon all four layers. The illustration shows that these layers are not only shaped by traditional policy makers (and what they seek to achieve through policy and regulation, albeit with unintended consequences). They are also shaped constantly by what technology makes possible, what businesses do to secure customers and revenue, and – most radically – by the ways in which users interact with the environment as a whole. It is a rapidly evolving ecosystem and it is necessary to consider the totality of the environment and develop policy frameworks for each of the four dimensions of the environment.

Figure 1: A layer model of the digital communications environment

⁵ CIVICUS, 2011. *Bridging the gaps: Citizens, organisations and dissociation* [online] <http://www.civicus.org/downloads/Bridging%20the%20Gaps%20-%20Citizens%20%20Organisations%20and%20Dissociation.pdf> [Accessed 28/10/2011]



1.3. Evolving Access to Media

The ways in which people access media content of all kinds are evolving in all parts of the world, understanding these trends is a necessary starting point for analysing the impact of digital communications. Publicly available data is limited and often out of date, in this field as in so many others the best data is collected commercially and is very expensive. However some top level conclusions can be drawn.

The patterns are not uniform and variation exists in both the type of communication platforms that citizens make use of and how they access those platforms. Internet access is expanding rapidly across most of the world. Statistics from the ITU, Figure 2, show that between 2005 and 2010 alone, the number of internet users doubled. In 1995 only 0.4% of the world's population had access to the

internet, by March 2011 that percentage had erupted to 30.2%⁶. This corresponds to more than two billion internet users, 1.2 billion of whom are in developed countries. The rise in usage of mobile phones has been even more extraordinary. Figure 3 shows the number of mobile subscriptions between 1998 and 2009. Today there are 5.3 billion mobile cellular subscriptions worldwide. Access to mobile networks is available to 90% of the world's population, and some commentators believe that universal availability may be achieved within the next 5 years⁷. In developed countries there are more mobile subscriptions than there are people (113.6 subscriptions per 100 inhabitants), and while the number is much lower in developing countries, it is still very high, with 56.8 subscriptions per 100 inhabitants⁸.

Figure 2: Internet users in different regions⁹

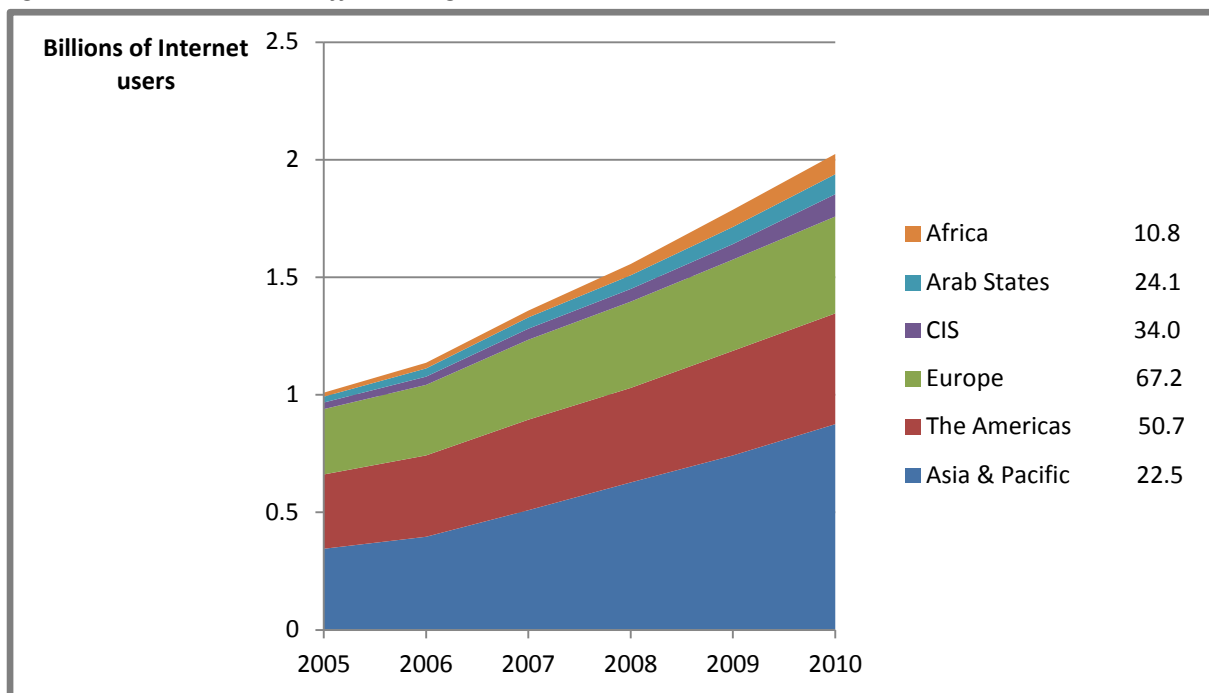


Figure 3: Mobile cellular subscriptions per 100 inhabitants, 2000-2010¹⁰

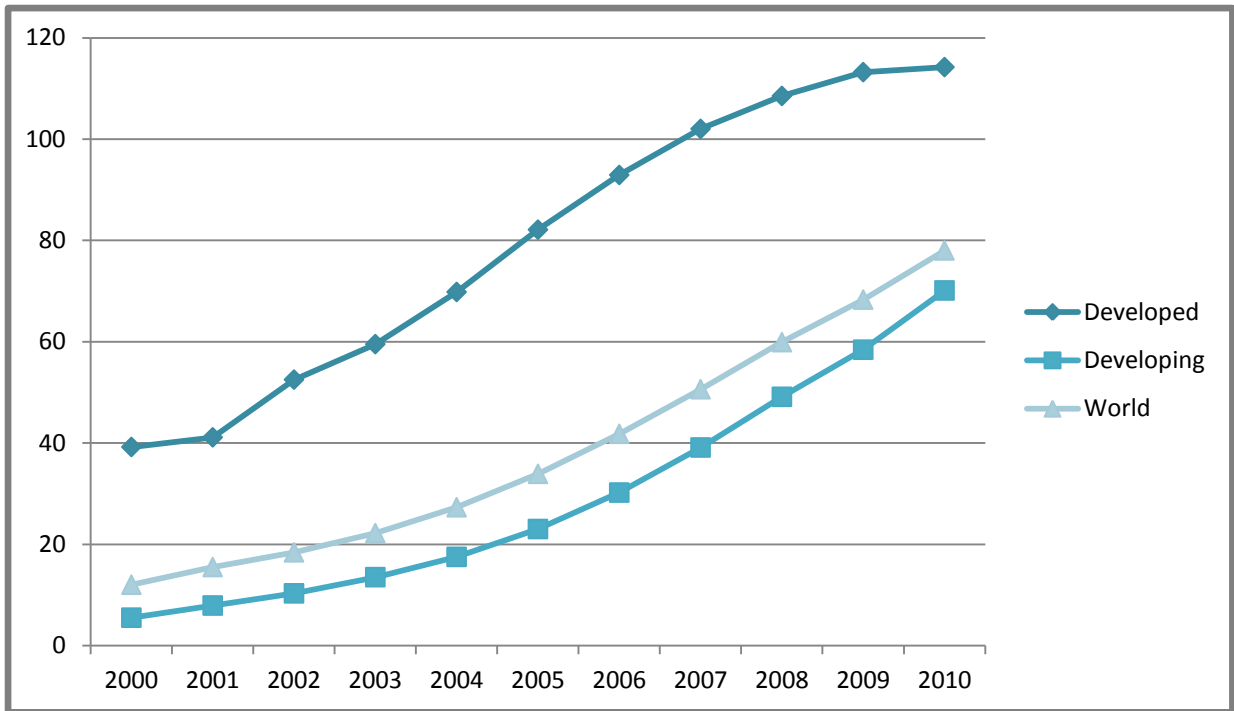
⁶ Internet World Statistics, 2011. *Internet Growth Statistics: Today's road to e-Commerce and Global Trade Internet Technology Reports* [online] <http://www.internetworldstats.com/emarketing.htm> [Accessed 28/10/2011]

⁷ See e.g. Sarrazin, T., 2011. *Texting, Tweeting, Mobile Internet: New Platforms for Democratic Debate in Africa* FESMedia, Namibia [online] <http://library.fes.de/pdf-files/bueros/africa-media/08343.pdf>, [Accessed 25/08/2011]

⁸ ITU World Telecommunication, 2010. *Measuring the Internet Society*. Pg16. [online] http://www.itu.int/ITU-D/ict/publications/idi/2010/Material/MIS_2010_without_annex_4-e.pdf [Accessed 25/08/2011]

⁹ ITU World Telecommunication, 2010a. *The World in 2010*. Pg4. [online] <http://www.itu.int/ITU-D/ict/material/FactsFigures2010.pdf> [Accessed 25/08/2011]

¹⁰ ITU World Telecommunication, 2010. Pg16.



In large swathes of the developing world, Africa in particular, internet access is still the prerogative of the wealthy few. Shared access points, such as cyber cafes, are helping to spread internet use in emerging markets by eliminating the need for costly monthly subscriptions. But while internet usage is precluded in many parts of the world by unaffordable access costs, mobiles are much more affordable and penetration rates are correspondingly much higher. Only 4% of people in India own a computer, whereas 41% own a mobile phone. In Brazil 32% have a computer and 86% a mobile phone, and Indonesia the statistics are 5% and 66% respectively. And the percentage of people who actually have access to the mobile phones is often higher than penetration rates suggest, as communal phones are common in poor communities.

An important trend is the rise of mobility. While the majority of mobile phone subscriptions are for 2G services, the use of 3G services is beginning to grow. This increase is occurring mainly in developed countries although the availability of 3G services is expanding rapidly – in 2010, 3G services were available in 143 countries compared to just 95 countries in 2007¹¹. Evidence shows that in some of the poorest countries users are beginning to opt for internet access over mobile devices as opposed to using computers or laptops. For instance, a recent study found that in six of the seven African countries examined: mobile broadband subscriptions had significantly overtaken fixed broadband subscriptions¹².

To date, the internet and mobile phones are complementing, rather than replacing, offline media. South Korea, where online news is more popular than offline news, is still in the minority. Television continues to be the dominant medium for mass media. In developed countries 98% of households have a television. Television ownership is becoming a priority even among the relatively poor – the

¹¹ ITU World Telecommunication, 2010a. Pg1.

¹² Sarrazin, T., 2011.

ITU reports that in developing countries, 72.4% of households have a television¹³. This number seems remarkably high. Television ownership has been growing steadily in developing countries over the last ten years, particularly among the most populous emerging countries (Brazil, China and India). In India, for instance, the percentage of households with televisions grew from less than a third to almost half between 2001 and 2010 (rising to 96% in urban areas)¹⁴.

Radio also continues to be popular in all countries, and is particularly important in developing countries where it remains the most widely used medium among the very poor and marginalised. This is largely because it is cheap to produce and access (through battery-powered or clockwork radios for example), and because it is an oral medium so can reach people with limited abilities to read or write. Community radio continues to be a focus for development practitioners as a relatively cheap tool for bringing underrepresented voices and perspectives into the mass media and increasing diversity.

Newspaper, however, is the medium facing the most disparate fortunes. In most developing countries newspaper circulations have been declining steadily for years; most dramatically in the USA where newspaper titles have been closing, others are downgrading their services, and there is widespread debate about whether the country is experiencing the “death of the newspaper”. However, the world aggregate of newspaper titles has nearly doubled in the last decade (and circulation the same) and this is thanks to strong development in other countries, particularly those with growing middle classes such as India, Brazil and China¹⁵.

The continuing importance of offline media does not invalidate the importance of online spaces. All media are potentially new media. Across the world newspapers are increasingly online; in developed countries radio programmes are being listened to as podcasts and watching television is becoming a catch up activity. In developing countries too existing content producers are using digital communications to research and write stories, to disperse stories to a wider audience, and to introduce audience participation into the news process – for example by combining radio with mobile telephony. It no longer makes sense to think about old media and new media as separate. All media co-exist and feed off, and into, one another in a multi-dimensional media conversation.

1.4. Overview of Country Chapters of this Report

The phenomenon of changing patterns of media creation, distribution and usage is experienced differently in different countries. This report includes eight country chapters which explore the role and shape of digital communications in Argentina, Brazil, Egypt, Kenya, India, Indonesia, South Africa and the United States of America. Below is a summary of some of the unique findings in each country. What is apparent is that there are many common trends, in particular: internet and mobile phone access are growing but key sectors of society continue to be excluded from the communications revolution; new laws and regulations are being considered, or have been

¹³ ITU World Telecommunication, 2010a. Pg5.

¹⁴ Gullan&Gullan, 2011. *10 trends that are shaping media consumption*. Biz Community. [online] <http://www.bizcommunity.com/Article/196/82/59993.html> [Accessed 25/08/2011]

¹⁵ OECD 2010. *The Evolution of News and the Internet 2010*, Pg7. The Working Party on the Information Economy. [online] <http://www.oecd.org/dataoecd/30/24/45559596.pdf> [Accessed 25/08/2011]

introduced; and while there are dispersed examples of civil society harnessing new media to effect social change, in all of the countries examined it is clear that there is much potential yet to be exploited.

Argentina: In Argentina the media environment is dominated by the private sector, and the few emerging players have strong links to the government. This is seriously undermining freedom of expression and information in the public sphere. As internet penetration exceeds 50% of the population, the potential for the internet and mobile phones to break down the historical alliance between media and political power is an important opportunity. However, the story outlined in the Argentine chapter is one of missed opportunities. There are some isolated examples of new alternative political media emerging online (such as Lapoliticaonline.com), of civil society using social media to raise awareness or mobilise (such as the 2011 successful campaign against the digital cannon law), and of the authorities using digital means to enhance public life (in recent elections, for instance voters could use SMS to find their nearest polling station). But these do not add up to a coherent changing landscape. Instead existing major newspapers, including Clarín and La Nación, are dominating online news content, and using digital communications to disseminate information, rather than to interact with, and give voice to, the wider public. And the government has not integrated the internet concerns into its understanding of the media – Argentina is one of the few countries in the world to have separate regulations for broadcasting and telecommunications. Today however changing communications is becoming an increasingly important political issue in the public mind. The role of media, the potential of digital communications and the role of government in this key area of public policy are now the subject of extensive political and social public debate.

Brazil: The Brazilian chapter is in many ways a showcase for the potential of digital communications. Brazil is a country that is growing both economically and in confidence. And, excitingly, the Brazilian government appears to be genuinely promoting a positive agenda for the internet both nationally, and internationally. A multi-stakeholder steering committee has been assembled to guide legislation and policy relating to the internet, and this is being widely studied across the world as an example of best practice. Furthermore there is a growing collection of examples of civil society using online social networks to push a democratic and progressive agenda. For example, a mass movement successfully demanded a new law preventing political candidates with previous criminal records from standing for elections. However, the Brazilian media and communications landscape is extremely unequal and this fundamentally undermines its ability to empower marginalised people. There is a well developed broadcasting system, but it lacks plurality and diversity. Access to the internet reaches just 27% of households across the countries, regional disparities being particularly apparent with internet access in the north and northeast regions 35% lower than in the south east. The media is dominated by a small number of companies which are horizontally, vertically and cross-concentrated. And whilst information flows are becoming multidirectional as more and more of the populace engage in public debate using digital communications – the majority of online content continues to originate from mainstream media. However, there is now a real opportunity to tackle these persistent underlying concerns as the regulatory underpinnings of the media and communications environment is being fundamentally revised.

Egypt: A dominant discussion in international media since the 25 January revolutions in Egypt has been about the role of online media as a democratising force. The Egypt chapter argues that the

media as a whole is playing a crucial role in the political, social and cultural changes that are currently taking place in the country. The Egyptian media landscape has traditionally been dominated by state-owned organisations, but since 2000 a number of private outlets have emerged following the adoption of policies promoting economic openness. While this is widely celebrated as the emancipation of media from state control – most of the private media which is emerging is owned by a small group of businessmen who have invested in the media as a tool for influencing public opinion in line with their political and economic interests. Alongside these developments, the use of digital communications has been growing, particularly mobile telephones which now have a penetration rate of more than 91%, and the internet which is accessed by 30% of the population. The online space is increasingly an important space for shaping public opinion about current events. There were many online elements to the 25 January revolution: the “We are All Khaled Said” Facebook group, criticisms of Mubarak (which were impossible using mainstream media channels) emerged online, and the development of alternative political movements using online spaces such as the 6 April Youth Movement. Nonetheless, the chapter argues that while digital communications are valuable, the hype currently surrounding the internet is dangerous – in a country where access rates remain low we must not focus on online campaigns to the detriment of engaging with all citizens.

Picture 1: “On the net on a mat on the ground”¹⁶



Kenya: The Kenyan chapter describes how the last two decades have been pivotal for the media landscape in the country: liberalisation policies have contributed to a surge in the number of media outlets, and a corresponding increase in the quality and variety of available content has been widely reported. The more recent arrival of widespread digital technologies is transforming the landscape still further. Mobile phone use is exploding – with, for example, penetration rates growing by 12% over just 3 months in 2010. Media outlets have begun to embrace social media tools to interact with their audiences, and the range of civil society blogs is also growing. Grassroots communities are also beginning to make use of digital communications to mobilise the public, such as the ‘Unga’ protests which protested against the rise in flour costs. Nonetheless, some dangers in the new environment are already beginning to emerge - the lack of enforced ethical and quality parameters on

¹⁶Coghlan, M. 2011. *On the net on a mat on the ground*, June 21, 2011 via Flickr, Creative Commons License

information shared online was reportedly a factor in the post-election violence of 2008. As a fundamental challenge across Africa, unsurprisingly access is also a key challenge in Kenya. The undersea fibre optic cables did not reduce prices as much as was expected, and liberalising spectrum access is proving to be a slow process without adequate opportunities for independent scrutiny.

India: Since the 1990s the media in India has developed a new liberalised face. The media market is growing across all sectors – but the fastest growing sectors are internet, television and mobile telephone. There are now more than 800 million mobile telephone subscribers in India making it one of the fastest growing markets in the world. However access, particularly to the internet, is a hugely important and extremely complex issue, with neglected areas in the northeast and central India and many marginalised communities unable to access new platforms due to price barriers. There are infrastructural barriers, with some areas lacking a consistent supply; content issues, with 27 official languages in India but the internet dominated by English-language content; and policy issues with a debate about whether access is a market issue or if governments should intervene. Another important issue is digitisation – the government has set 2015 as the sunset year for digitisation of the broadcasting sector. Undoubtedly, this offers many opportunities for industry, as well as for consumers. Spectrum, an increasingly scarce resource, will also be optimised through the digital switchover. With free-to-air television still a vital medium for some of the poorest communities it is crucial that digitisation is handled sensitively to ensure that digital address systems are accessible and affordable for all. The use of digital communications by citizens and human rights activists is active and dynamic, but still nascent. The most exciting examples so far come from socially excluded social groups, whose plight is often ignored in mainstream media. Digital communications have contributed significantly to building a strong and organised community calling for sexual rights in India. While freedom of expression has a strong legislative basis in the Indian Constitution at present there are some worrying developments, such as the proposed IT (Amendment) Act 2008 which would expand online surveillance and impose intermediary liability making, for example, bloggers responsible for comments made by readers on their site. There is an urgent need to invest in policy advocacy to build an enabling environment, rather than a restrictive one.

Indonesia: Since the *reformasi* (or reformation) in May 1998 the media environment in Indonesia has undergone profound change. The two main elements of this change are the return of freedom of expression, and the introduction of the market economy into media development. The rapid expansion of the media landscape has given birth to increasing corporatisation with a small number of large companies dominating the environment – some of which have obvious political connections. Television is the most popular medium by a considerable margin, followed by radio, then newspapers and the online sources. However, while radio and newspaper audiences are falling, internet audiences are growing. But access is still relatively low, and faces unique geographical barriers in Indonesia, an archipelago of some 17000 islands. In this landscape, community radio is a particularly important tool. Digital technologies do offer tremendous opportunities to reshape the landscape. There has been an explosion of user-generated content with an estimated five million Indonesian blogs in 2011. However, the Indonesia chapter makes clear that despite the vast amount of content, there is a staggering degree of concentration with even the number one blogger site receiving less than 1.5 per cent of the daily and monthly visitors of Detik.com (the largest local online content provider). And while the viewpoints of marginalised groups are noticeably absent from mainstream media, they are also absent from online content which tends to focus on middle class

culture, lifestyle and problems. Digital communications contributed to the civil society movements that led to the collapse of Suharto's authoritarian regime – however the success of current Web 2.0 mobilisation efforts often depend crucially on the type of narrative. For example, the assault against Ahmadiyya members by a militant Islamist group in January 2011 became public knowledge after amateur videos were shared through social media, nonetheless as a socially unpopular group no further action has yet come out of this footage.

South Africa: A recurring theme in the South Africa chapter is the permeation of inequality into the country's media and communications landscape: access to digital communications is low and there is an apparent lack of skills to use them. While nearly all South Africans have access to some form of offline media, access to the internet remains the privilege of the wealthy minority. Also, despite South Africa having the highest GDP on the continent, it ranks fourteenth in its internet penetration rate, behind several North African countries and Uganda. Many of the poorest South Africans, who were denied a voice under Apartheid, are still excluded from the public conversation and genuine political participation. What is very exciting, however, is the boom in mobile phone penetration. Infrastructure now reaches even remote areas of the country and nearly 77% of South Africans have access to the mobile phone, whether it belongs to them or not. If properly developed this trend could be used to empower citizens – although the potential is undermined by factors such as the costs of mobile services and the size and functionality of mobile handsets. Perhaps South African's most promising asset is its national innovation drive. There is a striking level of technological development, and new technologies are also being adopted and adapted at the local level to meet local needs. One example in Freedom Toaster, a sort of vending machine that allows users to burn open source software on to CDs and DVDs. As in other countries in this report, digital communications have a particular potential for socially marginalised communities – especially sexual minorities and women. There are significant challenges to this potential being realised, however. One is the lack of a political culture of engagement at both citizen and government levels. In fact many officials interpret engagement with citizens as undermining of authority as opposed to as a way to strengthen democracy and accountability. While improving service delivery is important, the chapter argues that more must be done to promote interactive and collaborative political dialogue.

United States of America: Patterns of accessing information are changing dramatically in the United States. Newspaper circulation has fallen by an estimated 30 per cent between 2001 and 2011, and there has been a dramatic increase in the use of digital communications as a source of news. The internet has grown from being the least used news medium in 2001, to the second most popular source (after television) in 2010. Sophisticated mobile platforms such as smart phones and tablets are also growing in popularity. The primary issue for public interest advocates in the US is the rampant commercialisation of the media and communications ecosystem. A small number of media companies, telecommunications providers and online service providers dominate the environment. This is damaging the public interest in a number of ways including: the rise of "infotainment" and sensational and partisan news; high internet access costs; and the pursuit of harmful policies in the copyright and network neutrality domains. The combination of changing forms of access and the influence of commercial interests is also undermining investigative journalism – most obviously through the loss of 13,400 newspaper newsroom jobs in just the past four years. On the other hand, online alternative media is blossoming with thousands of new community news sites. However, it is unclear whether at present these alternatives can adequately match the power of commercial media

and communications. In a political environment where economic resources dictate, to a large extent, influence over policy and media distribution, public interest concerns are often overpowered by the commercial interests of big business. The US chapter argues that there is an urgent need to reframe media policy debates - over issues such as access, network neutrality and copyright protection – in terms of human rights. Given the influence that the US has on the international stage – there is also a need to better understand the impacts of domestic policy on the global internet ecosystem. By engaging the broader human rights movement in these battles, civil society will be in a stronger position to reconceptualise the debates from commercial interests, to the public interest.

1.5. Conclusion

The internet and mobile phones have opened up new horizons for communications – providing new opportunities to promote a vibrant public interest media environment and new ways to more fully realise our human rights. The potential for humanity is colossal, as communicative power moves from the few to the masses; we have the opportunity to democratise freedom of expression. Digital communications are still young and constantly developing, and thus still the subject of much debate and uncertainty. However, given the movements to restrict and manipulate the environment, we must act now to understand and shape the evolving landscape to serve the public interest. The policy environment is shifting, it was more open five years ago than it is now, and if we don't act speedily and effectively, it is likely to be even less open five years from now. We need to engage with the existing dynamics to establish and embed the norms and standards that will keep the digital communications space open and citizen-centred.

Different countries are following different trajectories, and local and national level understanding and action remain essential. However, at the heart of the emerging media and communications environment is the internet: an environment which is trans-boundary. Thus, more than ever, we must seek to collaborate regionally and internationally to align domestic advocacy with global advocacy; to understand the implications of national policies on the international scale and international policies on the national scale; and to engage with the international institutions that shape the dominant legal and regulatory discourse – too often with little appreciation of the implications these policies have on citizens and civil society communities.

Each country chapter has flagged up policy issues and recommendations relevant to that country. Globally we urgently need to:

- *Invest in high-quality research to build up an evidence-based body of knowledge to support high quality advocacy for an open, free and accessible environment.*
- *Build an effective global policy advocacy community rooted in specific regional and national expertise, that is capable of providing effective civil society voice in the various international forums as well as supporting each other in key fights at the national level. This will require both global and local resources. We need to break down the barriers between different civil society groups, and build networks to ensure strong co-ordinated and collaborative advocacy efforts.*
- *This is a fast-moving and complex set of issues and it poses unique challenges. Levels of understanding and debate are often low so it will be necessary to work with relevant players*

to build up their capacity and understanding of the environment. This includes decision makers (parliamentarians and the judiciary), those that must defend and promote the public interest (civil society advocates) and the wider public who have a much more active role in the emerging environment.

- *Invest in the open technologies and networks that design in democratic principles, and are owned, and driven, by citizens.*
- *Build a community of philanthropic donors that is both knowledgeable and willing to support programmes in this field.*

2. The Impact of Digital Communications on Media and Communications

The media and communications landscape is undergoing rapid, and profound, transformation. Over the 20th century successive media technologies were developed, from telephone to radio to television and film. All evolved in an open and enterprising environment. Each, in turn, became dominated by large conglomerates which assumed a near monopoly over the mass media¹⁷. The advent of the internet has the potential to change this pattern. No longer need the power to communicate on a mass scale rest solely in the hands of elites, with the costs of setting up and operating a newspaper, radio station, or television show acting as natural barriers to participation from the wider public. The explosion in digital communications – mobile phones, internet access, and digital cameras – is allowing citizens to engage in the public domain on a level unparalleled in history. With every citizen a possible mass communicator we are potentially on the horizon of a more diverse and vibrant media environment than could ever be achieved using old media tools alone. Peer-to-peer communication empowers users to act as participants in the public sphere – creating, editing and disseminating information and ideas with a global audience. At the same time a number of powerful digital communication companies are increasingly dominating the global market, including Apple, Microsoft, IBM, AT&T, Oracle, Google and Vodafone.

It would be wrong to think of these developments as being antithetical to older media forms. While there are those who see internet media simply as an alternative to traditional media, in fact traditional media itself is changing in order to utilise new technologies. The internet and mobile telephony make communications universal and connected for journalists as much as for the general public. This is creating a world where media is both personal and everywhere, where information and ideas arrive immediately as events unfold. As Charlie Beckett has written the “almost endless networks of communications are now characterised by increased speed and volume of information that is hyperlinked and interactive”¹⁸.

But this new media and communications environment, where old and new technologies interact, is still in its infancy. Traditional media companies remain powerful and in many parts of the world are increasing their wealth and influence. Many fear for the future of journalism but we still need the profession to curate information, provide analysis, and conduct investigations. Journalism must adapt, and this means identifying new ways of engaging in a multi-dimensional media conversation, while developing new and sustainable business models. At the same time the freer, open online space must be protected. New monopolies are already emerging in the online space, with attempts to limit access to their own products and services. A new range of intermediaries has emerged, operating at every layer of the digital communications environment, and they play a vital role in shaping the environment. As these platforms become commercialised and government seek to extend their control through agreements with companies, new opaque or even hidden forms of gate keeping are emerging.

¹⁷ Wu, T., 2010. *The Master Switch – the rise and fall of information empires*. Atlantic Books.

¹⁸ Beckett, C. 2011. *Social media and democratic governance: the next decade*. Wilton Park paper. [online] <http://blogs.lse.ac.uk/polis/2011/05/16/social-media-and-democratic-governance-the-next-decade-wilton-park-paper/> [Accessed 14/10/2011]

Governments have woken up to the danger of allowing their citizens new possibilities to exercise freedom of expression and information. For reasons both legitimate and illegitimate, governments are introducing new measures to control new media: increasing intermediary liability, introducing filtering and blocking mechanisms, and criminalising expression. These tactics show a lack of insight (or concern) about appropriate regulatory and technological approaches for the digital age. Our ability to confront these challenges will shape the way that the media landscape develops.

2.1. Media Consumption Overview

The global media and communications landscape presents a varied and complex picture. There is a popular assumption that traditional media such as newspapers are in permanent decline. The true picture is more variable. For example, in the years prior to 2010, paid for daily newspaper circulation rose by 5.7 percent globally though this was a pattern that concealed significant regional differences. In the same period newspaper circulation rose by 30 percent in Africa, 3 percent in Asia, 5 percent in South America, but went down by 10.6 percent in North America, 7.9 percent in Europe, and 5.6 percent in Australia and Oceania¹⁹. The revenue picture for newspapers is bleaker. Over the same period, global advertising revenues fell by 17.9 percent. The decline was most marked in North America where revenues were down by one third. There were also large falls of 15 percent in Western Europe and 5.4 percent in Asia. However newspaper advertising revenue rose by 46.5 percent in Latin America (which is emerging as one of the wealthiest traditional media markets in the world), by 1.1 percent in central and Eastern Europe, and was stable in the Middle East and Africa²⁰. Overall, television remains the most popular medium and has the largest share of global advertising at 39 percent share, followed by newspapers with 24 percent and the internet with 12 percent²¹.

2.2. Citizen Journalism and Public Participation in Media

The introduction of “peer to peer” models of communication alongside “one to many models” has finally given citizens a new enhanced role in content production on a significant scale. There have always been “vox pop” interviews of course. What is new is the speed, scale and leverage of popular participation. Anyone with access to the right technology and appropriate media and digital literacy can become a creator, a publisher, an author, and reach an audience that is potentially global. Indeed “mass media” has the potential to become a “media of the masses”.

Citizen journalism is a broad label and the reality varies widely. At one end of the scale we have the dramatic, global, front page stories which go viral and spread across the internet and into traditional mass media. Monks from Burma beamed out images of attacks and street fires during the 2007 crackdown, subverting the government’s attempts to control media coverage. A video caught on a mobile phone of a young female protester, Neda, being killed by a sniper in Tehran, circulated on the internet and becoming a rallying point for opposition to the regime. Breaking news increasingly

¹⁹ World Association of Newspapers, 2010. *World Press Trends: Advertising Revenues To Increase, Circulation Relatively Stable*. France [online] <http://www.wan-press.org/article18612.html> [Accessed 14/10/2011]

²⁰ Ibid

²¹ Ibid

relies upon digital technology - the first photo of the Hudson River rescue came from Twitter²². At the other end of the scale there are hyper local networks of people, deeply rooted in their communities, sharing information about community activities, local government meetings or school board meetings. Once citizens are engaged in peer to peer collaboration the medium itself changes – local groups generate content that would never reach the more traditional media but interact with it in new ways. This redefines what media communication is about – just as the move from pamphlets in the 17th century to town newspapers in the 19th to radio and television in the 20th century, changed our understanding of how audiences were defined, information and opinions shaped, how communication itself functioned.

There are now estimated to be more than 173 million blogs on the internet²³ covering a huge array of topics. On an even larger scale, a growing range of social networking tools are providing new opportunities for broad-based participation. There are now more than 600 million people on Facebook, the average user creating 90 pieces of content per month. There were 175 million people on Twitter as of September 2010, producing 200 million Tweets per day. Over 3000 photos per minute are uploaded on to Flickr. Over 48 hours of video are uploaded to Youtube every minute and 2 billion video views take place every day. Of course not all, probably not even the majority, of this content is of public interest. But through small actions - sharing a photo, liking a group, tweeting a link – an individual can contribute to a larger discussion. Snippets of information can publicise issues, push them up the agenda and contribute to creating new narratives. A growing number of news websites allow users to interact through, for example, comment forums, sending in videos and images, and crowdsourcing activities. There are many different levels of citizen participation – from the citizen who seeks to act as a journalist and create finished products, to the “accidental” journalist who witnesses and relays an event, to the person who by sharing or commenting on a story may not even realise they are contributing to a broader public conversation. We should be aiming for and cultivating the most meaningful forms of citizen engagement.

And it's not just the privileged with internet access that are able to participate in the emerging media environment, the mobile phone is being used to engage even the most marginalised elements of society. In the USA, for instance, VozMob helps labourers in Los Angeles to share stories and reports within their community using mobile phones to write stories, take photos and record audio. Frontline SMS is a platform which allows users to send out group text messages and receive replies from subscribers, and does not require an internet connection. It is used by human rights activists and community radio stations, among others. Innovations by online social media platforms allow access by those without internet connections. Twitter has joined forces with local mobile phone operators in some of the poorest countries in the world which allow users to follow others by subscribing to automatic SMS updates. The popularity, and potency, of this service can be inferred by the reactions of power holders – in Cameroon, for instance, the government forced the relevant partnership to end in order to pre-empt popular uprisings in the run up to the 2011 presidential election.

²² Beckett, C. 2010. *The Value of Networked Journalism*. Polis. [online] www2.lse.ac.uk/media@lse/POLIS/Files/networkedjournalism.pdf [Accessed 14/10/2011]

²³ BlogPulse, 2011. *BlogpulseStats*. Nielsen/NM Incite. [online] <http://www.blogpulse.com/> [Accessed 14/10/2011]

2.3. The Opportunities of Widespread Participation in Media

Widespread participation in the media environment brings many opportunities. The opportunity to bring more, and more diverse, voices into the public sphere. In Saudi Arabia, for example, approximately half of all bloggers are female²⁴, a presence which is difficult or impossible in other areas of public life within the country. A growing number of initiatives in all regions are working to balance out traditionally dominant perspectives and voices by boosting participation of the underrepresented. Global Voices, for instance, is a community of more than 300 bloggers and translators from across the world which aims to redress some of the inequalities in mainstream reporting. Another important feature is the possibility of ubiquitous coverage – after the 2009 Iranian elections, foreign correspondents were ejected from the country to prevent them covering the ensuing protests. The regime even cut internet access in an attempt to inhibit information from spreading. But citizens on the ground were able to document, with mobile phone cameras and text messages, the violence which took place and communicate it to each other, and to the wider world. It is now much harder to cover up corruption or brutality.

Online communications offer opportunities for citizens to interact publicly with a degree of safety and privacy not possible using traditional mass media platforms. As a result debate and discussion can be more open and free. In Egypt, for example, research found that young people “were seizing the virtual space to better express themselves away from the ‘restrictions’ they face in reality, of ‘offline’, especially in terms of politics and opposite-sex relationships”²⁵. In Mexico, blogs are springing up to document the drugs war, which traditional media organisations are reluctant to do for fear of reprisals²⁶. And in Sudan people are reportedly turning to the internet as newspapers are heavily censored²⁷.

New forms of collaboration are enabled, providing huge opportunities for gathering data. Wikipedia, a colossal free online encyclopaedia of more than 19,000,000 articles in more than 270 languages²⁸, is written and updated collaboratively by unpaid volunteers. Wordpress, the largest self-hosted blogging tool, is an open source project developed by volunteers all over the world. Ushahidi is another open source tool which maps information sent in by citizens using mobile phones, computers or any other device with a digital connection. It was used, for example, in Kenya after the 2008 riots to share information about incidents of violence. And mobilisation in itself is a collaborative effort facilitated through digital communications. This is discussed further in the Human Rights Chapter.

²⁴ Horner, L. 2011. *Freedom of Expression and the Internet*. Global Dialogue. P.2. [online] http://www.global-dialogue.eu/sites/global-dialogue.clients.homemadedigital.com/files/Freedom_of_Expression_and_the_Internet.pdf [Accessed 14/10/2011]

²⁵ Sarrazin, T. 2011. *Texting, Tweeting Mobile Internet: New Platforms for Democratic Debate in Africa*. Friedrich Ebert Stiftung. [online] <http://library.fes.de/pdf-files/bueros/africa-media/08343.pdf> [Accessed 14/10/2011]

²⁶ See, for example, El Blog De Narco [online] <http://www.blogdelnarco.com/> [Accessed 14/10/2011]

²⁷ Horner, L. 2011.

²⁸ Wikipedia, 2011. *Wikipedia: About*. Wikimedia Foundation, Inc. [online] <http://en.wikipedia.org/wiki/Wikipedia:About> [Accessed 14/10/2011]

Picture 2: "Ushahidi Community Deployments"²⁹



Another dimension of increased freedom of expression is increased access to information. Access to the internet brings with it access to an unimaginable volume of information, including information from across borders. News websites report an increase in readers from abroad, and migrant populations have access to news from their hometowns and countries. The more

information people have, the more they demand – creating a virtual circle which is suggested by the trend of governments passing freedom of information acts. 90 countries have now implemented freedom of information laws of some kind, the majority in the past 20 years. 50 more are considering new laws. In a small, but growing, number of countries public data is being made even more accessible through the introduction of open data systems. This is where public information is digitalised and shared online in an open format. This trend is occurring mainly in developed countries, but earlier this year the first open data system in Africa was launched in Kenya.

2.4. Mass Media Organisations

The rise in citizen participation does not mean the end for mass media organisations. Indeed, the national chapters demonstrate clearly the continuing domination of large media corporations. In fact the last decade has seen the deregulation of media markets in many parts of the world and with that the emergence of a tier of large media conglomerates operating on a global scale across different media platforms, overlaying a second tier of regional and national media giants. Intense competition between these large corporations has led to downward pressure on costs and the search for mass audiences. Unsurprisingly many of the country reports note the “depoliticisation” of commercial media content, the lowering of journalistic quality and the emergence of ‘infotainment’. The traditional notion of a media providing a disinterested public sphere through which citizens communicate with each other and are kept informed is fading fast (if it ever was a reality).

Traditional media giants are increasingly moving onto and dominating the online space. The internet is often described as a “long tail world” where, despite a countless array of websites and a huge user base, the vast majority of the audience is shared between a small number of top sites. Evidence from Indonesia and the United States shows that the top sites accessed in those countries are predominately either the websites of offline media giants, or the new communication giants, including Facebook, Google (which owns Youtube, Orkut and Blogger), and Twitter.

²⁹ Kikuyumoja, 2011. Ushahidi Community Deployments, March 3, 2011 via Flickr, Creative Commons License

Citizen-originated media can offer an alternative to this commercial landscape, sitting alongside existing alternative media such as community radio, but on a significantly larger scale. Where citizen media interacts with traditional media – the pattern we saw in the Middle East with Al-Jazeera and online activities, that combination can be even more powerful. But media companies must adapt to the new environment, learning to take advantage of the benefits widespread communications brings. Many have developed sophisticated and popular tools for allowing users to engage with them. The Guardian website is one of the leaders in this respect, its website combining professional with non-professional journal blogs, a huge user comment section, and it has made groundbreaking use of crowdsourcing to process large volumes of data. For example, when the MP expenses scandal broke in the UK, the Guardian made the nearly half million documents available to download in a public widget that about 23,000 citizens across the country helped to dissect, flagging up potentially interesting survey for analysis by journalists.

Media organisations generally have proven less successful at using tools to locate and listen to those citizens with important things to say. A fascinating piece of research reported on the World Bank CommGAP blog and described in Figure 4 found that traditional media groups had very few connections to influential on-the-ground players during the Arab spring. On the other hand the Huffington Post, an online blog which relies on third party contributions, was found to have much stronger connections to primary sources based in the Middle East, “its Web 2.0 architecture has created and continually strengthens a symbiotic relationship with its worldwide followers who can also participate as contributors”³⁰.

³⁰ Moeller, S. 2011. *Media and Policy Makers Need to Connect to Online "Influentials"*. CommGAP. [online]

A fascinating piece of research reported on the World Bank CommGAP blog mapped the most influential tweeters tweeting about the Middle East unrest (shown in blue in both images).

In the top hand image these are visualised against the networks of a number of mainstream US media companies including CNN, ABC News and US News and World Reports (shown in red).

In the bottom hand image the influential Middle East tweeters are visualised against the networks of contributors to Huffington Post (shown in red). The Huffington Post had much stronger links to primary sources based in the Middle East.

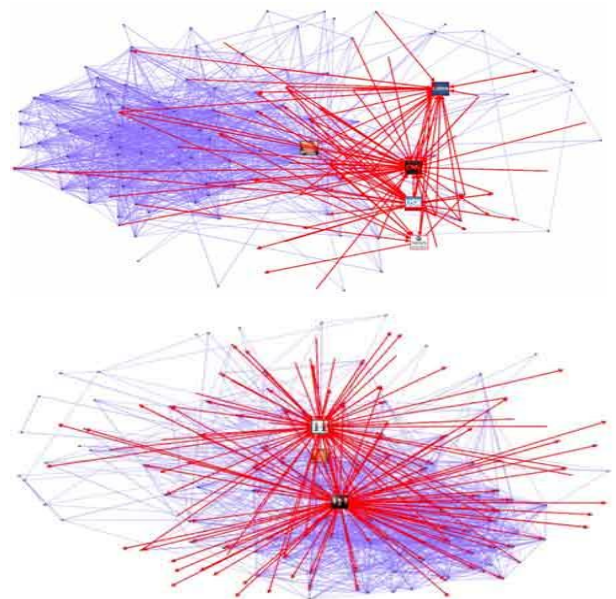


Figure 4³¹: *Visualising the networks of influential tweeters from the Middle East with their connections to USA media professionals.*

<http://blogs.worldbank.org/publicsphere/media-and-policy-makers-need-connect-online-influentials>

[Accessed 14/10/2011]

³¹ Ibid

The disengagement of large traditional media companies with the information sharing element of social media was further evidenced by that fact that @cnn, for instance, has 2,801,124 followers, but only follows 537 users as of October 6, 2011³². Traditional media organisations use digital communications to promote themselves they are not yet using them to gather information on events on the ground. It is still predominately one way traffic rather than creating a genuine interactive platform.

Another challenge brought about by digital communications that causes real concern for journalism is the impact upon traditional editorial standards of objectivity. With the increasing volume of interaction and citizen content, how are journalistic standards maintained? How can we ensure that the content being uploaded from mobile phones or other sources is genuine rather than simply propaganda – how can sources be checked, claims verified or interrogated and bias avoided? These are difficult questions and while professional journalists can curate and organise material up to a point and provide background context and analysis, they do not ultimately control stories they do not write. Traditional journalism had one set of solutions to these problems – it controlled the means of production and could ensure a certain set of standards but in turn transmitted its own set of biases, its own definition of objectivity and its own framing of the world. There needs to be developed a greater range of frameworks to choose from for online journalism, more variety in the bias on offer, a larger range of human interest stories and perspectives. Traditional media organisations also need to adapt to meet the demand for explanation, context and curation which will grow as we move from a world of relative information scarcity to information abundance where citizens will need to identify what is trusted, reliable and meaningful.

Given the rapid evolution of digital communications, traditional media companies are trying to identify sustainable business models – particularly in North America and Europe where the challenge is the greatest. In these developed countries, new media is undermining traditional media revenue raising activities – newspaper circulations are falling as more people consume media online (often for free); the resulting loss in advertising revenue is not being reproduced online where the supply of advertising space is much larger and viral campaigns are increasingly the marketing method of choice; and classifieds are moving to free websites designed for that purpose. The revenue loss has been accelerated by the economic crisis, most dramatically in the USA where 13,400 newspaper journalist jobs have been lost in the last four years. In other countries covered in this report the problem has been alleviated by growing middle classes and media markets. But, it is likely that as these markets develop, and migrate increasingly to online platforms, the same challenges will emerge.

There is undoubtedly a significant challenge for media in the global north to find a sustainable economic model which is not reliant upon public subsidy (like the BBC) or unpaid contributions' (like the Huffington Post). There are many experiments with online revenue raising. Some involve collecting users' personal data to construct profiles for so-called behavioural advertising for which they can charge a higher price. However, the companies with access to this data tend to be intermediaries such as search engines rather than content providers, and this model raises privacy issues and may be curtailed by future privacy legislation. Other ideas range from taxing Google and

³² See, for example, @CNN [online] <http://twitter.com/#!/search/%40cnn> [Accessed 14/10/2011]

other content carriers, to erecting pay barriers in various formats – these undermine the free flow of information and prevent such stories from going “viral” as users are less likely to disseminate these stories if their contacts will not be able to access them. Some premium brands are able to exist behind an online pay wall – the Financial Times and Economist being among the most successful. But to date no widely replicable sustainable business model has been found, which leaves a growing anxiety over how to fund quality journalism.

2.5. The Challenge of New Intermediaries

A large number of new types of business have emerged to operate the online media environment. Search engines allow users to navigate the vast reserves of online data. Hardware and software companies provide the tools and programmes which allow people to access the internet and communicate with one another. Social networking companies provide the platforms for user-generated content³³. While there is much less selection and editing of content online, each of these companies shapes the environment and, in some ways, acts as a gatekeeper imposing constraints, rules and standards on what can be said and who can have access to particular content.

Search engines, for instance, through the results that they display can either facilitate access, or impede access to content by the search results delivered. This can amount to censorship, for example, in China where the dominant search engine hides results for Falun Gong, Tiananmen Square and other topics displeasing to the authorities. There have been accusations that Google prioritises and deprioritises certain content for commercial reasons. And even where there is no intentional desire to facilitate or impede access, the algorithm used acts as editor and these are usually trade secrets and so entirely non-transparent. The dangers of this were highlighted by Eli Pariser who described how search engines filter people’s results according to the profile of that user that has been amassed, which can result in so-called “echo-chambers” where users are only confronted with information which agrees with what they have read before³⁴.

Social networking companies set the parameters in which users can interact via their functionalities. Beyond that many social networking companies have terms and conditions which prohibit certain expression. For example, YouTube removes content which is accused of breaching content, many videos have been removed which could be considered fair use under US copyright law³⁵. Facebook operates a real name policy (whereby users must sign up with their real names) and this has been criticized heavily by human rights activists in repressed societies who often use pseudonyms to protect their identities, and then government officials have been able to report them to Facebook for breaching the real name policy and have their profiles easily removed. Facebook has also been on the receiving end of a campaign against their policy of removing images of women breastfeeding, even when they have been uploaded by the woman in question.

Hardware and software companies can also shape online communications. Many companies use closed and proprietary standards, this reduces the scope for innovation and creativity, and prevents

³³ List is non-exhaustive.

³⁴ Pariser, E. 2011. *The Filter Bubble: What The Internet Is Hiding From You*. Viking.

³⁵ For a parody of this issue see: *Hitler reacts to the Hitler parodies being removed from YouTube* [online] <http://www.youtube.com/watch?v=kBO5dh9qrIQ> [Accessed 14/10/2011]

users from adapting software to meet their needs by, for example, adjusting the software to work in other languages. Another huge area of potential gatekeeping is demonstrated by the debate over network neutrality – the principles that network operators or internet access providers treat data packets equally, regardless of origin, content or destination, so that users “should have the greatest possible access to internet-based content.” Increasingly network providers are making deals with content providers and applications to prioritise their content or applications for a fee. For instance, in India it is increasingly common for mobile phone deals to include free access to Facebook³⁶. This can undermine the whole open nature of the environment making it increasingly commercial. One of the values of the internet is that users can access all content at the same speed whether it is created by an individual, or a huge multinational company (although there is some traffic discrimination to provide a good quality service, for example to prioritise video streaming over email as a few second delay will not affect the value of an email but it will affect the watchability of a video). If multinational companies are able to prioritise their content, it becomes increasingly difficult for citizens and smaller groups to compete.

Many of these issues could be solved by a truly competitive market, together with transparent policies and processes. If there are many social networking platforms to choose from, users can choose the one that will allow them to act as they want to act (using a pseudonym, for instance). If there are many search engines to choose from and their algorithms are accessible – in a clear and understandable form – people can choose to access those which will allow them to locate the content that they are looking for. If there are many ISPs to choose from users can choose the one which will not deprioritise their access to content they want to see (note, however if large media companies can subsidise prioritised access to their content – the negative effects are not felt on an individual level, but as negative externalities on the overall nature of the environment).

However, as mentioned the internet is a long tail world, and we have witnessed the emergence of new media giants. Google, Yahoo, and MSN effectively have a global oligopoly on online search. Facebook is not the most popular social network in all countries, see Figure 5. However, it is popular in most of the world, and as its value to a user is proportional to the number of friends and acquaintances who also use the site, in practice users have little choice (assuming of course that they want to use a social network to stay in touch). Furthermore, Facebook “locks-in” its users by making it very onerous to transfer content which users have amassed within the platform somewhere else, by using closed standards. The number of network providers varies from country to country as can be seen in the country chapters, but in many countries there is little competition between network providers and this has been identified as a contributing to high access charges, in the US and much of Africa, for example.

*Figure 5: Global map of most popular online social networks by country, June 2011*³⁷

³⁶ See, for example, *Vodafone 555 Blue: A purely Facebook centric mobile phone!*. [online] CNBC-TV18 http://www.moneycontrol.com/news/cnbc-tv18comments/vodafone555blueapurelyfacebookcentricmobilephone_584613.html [Accessed 14/10/2011]

³⁷ Vincos Blog, 2011. *World Map of Social Networks*. Vincenzo Cosenza. [online] <http://www.vincos.it/world-map-of-social-networks/> [Accessed 14/10/2011]



2.6. Government Control

Government control of media and communications – whether through direct regulation, censorship or other forms of control, remains a strong factor in shaping the way digital communications are impacting upon media. Mechanisms for controlling the offline media are well established as are the internationally established standards of freedom of expression that protect independent media³⁸. It wasn't until the advent of the World Wide Web, and the resulting explosion in internet access and use amongst the general population, that politicians and policy makers began to take an interest in the online world. Even then, in the early years they tended to leave it alone as they watched it develop and waited for its implications to begin to show themselves. An exception, of course, is China which began to implement its multi-layered framework of control very early on.

Over the past five years that position has been changing and all governments are beginning to introduce more and more legal and technical modes of control. The same techniques are being used in democratic and non-democratic countries, often inspired by different motivations, but with the same results – undermining the openness of the internet and curbing online freedom of expression. These issues are all examined in more detail in the Global Internet Policy chapter.

Over the past couple of years, a new and very dangerous method of control has been introduced in many countries across the world: imposing intermediary liability for user generated content. In India, for example, the new set of rules implemented in April 2011 under the IT (Amendment) Act 2008 obliges intermediaries to exercise “due diligence” to restrict user content which, for instance, impacts “the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or

³⁸ These are usefully gathered by the international freedom of expression organisation, Article 19 [online] <http://www.article19.org/> [Accessed 14/10/2011]

incitement to an offence”, and to remove content within 36 hours of obtaining notification that content which they host or publish contravenes the rules. This is a relatively extreme example, but it is by no means isolated. Even in the US, with its first amendment protections, intermediaries are required to remove content within a reasonable time of receiving an allegation that it infringes copyright, or risk exposure to liability for that content if a case is taken to court and it is indeed proven to violate copyright. Aside from the vague nature of the requirements under the new Indian rules, which invite self-censorship and abuse, the danger of imposing intermediary liability is that it privatises censorship (content can be removed without ever being assessed by a Court) and it chills freedom of expression. Intermediaries have very little incentive to resist removing content, and their incentive to host vast quantities of user generated content at all will be undermined, preventing further innovation and undermining platforms for citizen journalism.

In some less democratic societies widespread filtering and blocking regimes have been instituted, preventing access to content which is disapproved of by the authorities – for example, Facebook was blocked in Pakistan after a “Everybody Draw Muhammed Day” group was created on Facebook (the block has since been removed), Youtube was blocked in Turkey following the posting of a video which insulted Turkey’s founder Ataturk (the block is still in place). In open societies filtering and blocking is also becoming common to hide content relating to topics such as gambling, child abuse imagery and copyright infringing material. Filtering and blocking mechanisms are inexact and risk preventing access to legitimate speech, also blocking lists tend to be secret and not subjected to judicial control – this leaves those systems open to abuse.

Monitoring and surveillance of online, and mobile, communications is another tool being used. In some countries it is used widely against political dissidents, for example it was reportedly used extensively by the previous regimes in Egypt and Tunisia. In democratic countries surveillance powers are being extended and data retention acts introduced to facilitate surveillance. This can undermine the online environment; people are less likely to speak openly if they do not know who is listening and if they could put themselves in danger.

Another worrying trend is the increase in total blocks on internet and mobile access, used in some countries particularly during times of unrest. For instance in Tunisia during election and in Belarus in the run up to the last elections. Fortunately, such examples are relatively rare, however they have become markedly more frequent in the past few years and even in the UK following the 2011 London riots, politicians spoke publicly about looking into enacting new laws which would enable them to limit SMSs and social media during times of unrest.

2.7. Conclusions

Digital communications are changing the media environment at a fundamental level. As Charlie Beckett has observed, “The first challenge of journalism will still be to tell us what is new – what has just happened. In the past it might have been enough for journalists to repeat that ‘news’ and duplicate it across a series of discrete platforms. The internet and convergence has broken that monopoly and forced the news media to seek value in networking. The idea and the practice of

networked journalism raise as many questions and possibilities as it provide answers. This is good. Journalism is at its best when it is at its most reflexive and responsive.”³⁹

We are faced with a historic opportunity to shape a diverse and vibrant media environment for the future – the arrival of widespread access to digital communications is bringing many opportunities and has the potentially to radically transform existing media and communications environments for the better. But this will not happen on its own, public interest stakeholders need to act now to understand the environment and confront the challenges forcefully.

- *Public interest advocates must invest in an enabling internet environment. The Global Internet Policy chapter explores what must be done in greater detail.*
- *As the media landscape continues to change rapidly, public interest advocates must continue to monitor it closely to identify new challenges and opportunities as they emerge. Extensive research is needed to enable advocates to develop strategies which are based on evidence rather than hype and conjecture (for example, with regards to editorial standards of digital media).*
- *Another huge debate on the horizon concerns how journalism is paid for. Public interest advocates should engage in this debate, exploring new models of journalism and researching their impact on citizen interests.*
- *Traditional media organisations, and the profession of journalism nurtured by them, are likely to retain their influence and power for many years to come, notwithstanding the emergence of new forms of interactive communication. The challenge for these organisations is to develop new forms of journalism that bring together traditional news journalism and the new participatory interactive tools, and to provide analysis and context to a steady and instantaneous flow of information and pictures.*
- *We must continue to invest in independent voices, and in new ways of using interactive citizen participation to revitalise news and media particularly at the local level. As the environment becomes more complex encompassing new intermediaries - including hardware and software companies - we must invest in enabling a vibrant and diverse environment at these layers too.*
- *However events develop, citizens will have a new and enlarged role in the emerging media. In order to exercise this role they need access to the technologies. They also require new skills and capacities in order to use the tools to create and share content, to protect themselves online and to evaluate the media that they see. We should be aiming for the most meaningful forms of citizen engagement. To achieve this, initiatives are needed which provide users with the training and support they need to, for example, use different types of media to tell a story, use and adapt different platforms, and basic reporting ethics and skills.*
- *Governments have a significant role in shaping media environments, not by regulating content – censorship is never the answer to the question – but by ensuring competition and regulating monopolies, an issue that remains an on-going priority and one where advocacy by consumer groups can be beneficial.*

³⁹ Beckett, C. 2010.

3. The Impact of Digital Communications on Human Rights

The least expected region of the world provided us with one of the most dramatic examples of the importance of digital communications to democracy and human rights. In the Middle East - where all communications has long been under state control digital media enabled the Arab Spring, and delivered seismic change. True, this state control had been partially breached by the advent of satellite television at the end of the 1990s –and particularly Al-Jazeera, the Qatar owned satellite broadcaster. But the availability of the mobile phone, with built in cameras, combined with digital social platforms such as Facebook, supplying Arabic language content to media outlets like Al Jazeera, created a public voice that had not been heard before in the region. The content produced was shared locally, distributed globally to other Arab countries and to diasporas, and created coverage of events that was both intimate and wide ranging. This was the oxygen of the Arab spring, where the fuel was the protestors.

It was the interaction between online and offline communications that was so lethal to regimes in the region. Al Jazeera provided rolling 24 hour coverage, relentlessly building political momentum for the opposition. Rather than condemn protestors as the state owned media of Egypt and surrounding countries did, Al Jazeera assembled and curated locally produced content making it available to television viewers across the Arab world. Social media mobilised large groups of people and provided a platform for people to express their solidarity with protestors, both within the country and with others in the region and beyond.

It helped form new political identities. The intimacy of social media, combined with its geographic reach meant Egyptians heard about Tunisia from Tunisian citizens, or friends and family, not their own national news media. Details of Cairo protests were promoted on Facebook and other social media and printed out to be given to Egyptians without access to the internet. Unlike traditional media, digital media allowed for non-hierarchical, peer to peer communication and it enabled a new political constituency to emerge – not Islamists, communists, Nasserites or any other organised group, but young professionals new to political activity, seeing that people like them were prepared to demonstrate for freedom. Many protestors spoke about the impact of gathering together – as one Tunisian said “everyone shouted at once and then it was out there and you couldn't stop it”⁴⁰. It was the peer to peer model of communication that gave unmediated access to the idea that freedom is possible.

The Arab spring highlighted the importance of digital communications for democracy and human rights in creating both new tools for mobilisation, and new spaces for communications. Democratic and human rights activists felt inspired by the sudden overthrow of the regimes. Authoritarian regimes – from Saudi Arabia to China expressed alarm and concern at the same developments. No-one, inside or outside the region predicted the speed and scale of change which showed the potential for democratic mobilisation that uses digital communications to democratically empower marginalised and excluded groups.

⁴⁰ BBC programme “How Facebook changed the world” broadcast UK September 5th 2011

Picture 3: "Mubarak Steps Down"⁴¹



The chapter presents the complex intersections between human rights and digital communications, particularly the internet and mobile phones. Digital communications offer new opportunities to promote human rights (including freedom of expression, association and democratic participation, and

through these the full range of human rights), but also new threats, particularly privacy violations and censorship. Human rights activists must engage with policies which have a direct impact on human rights, and they must also engage with those policies whose impact is less direct. As a single integrated space, all sorts of policies which do not on the face of them impact human rights shape ability of the new communication mediums to empower people and contribute to advancing human rights.

3.1. Digital Communications, Democratic Mobilisation and Human Rights

The value of digital communications to human rights activists has become apparent in recent years. They allow activists to document human rights activists; to share that information widely, easily and cheaply; and enable new advocacy, campaigning, communications and revenue-raising possibilities. What the Arab Spring demonstrated, however, is that providing a platform of public communications to citizens, allowing them to more easily connect with each other and to access and share information independently of authorities, contributes to the development of a huge empowering and democratising potential. The Arab spring was a dramatic example of the impact of digital communications. But over the past ten years there have been many other examples of these tools being used to mobilise democratic change.

In 2001 in the Philippines the Congress tried to block an attempt to impeach President Estrada. The people's response was to send everyone in their contact list, a forwarded text message "Go to EDSA. Wear blk" (Edsa being a famous shrine in Manila). The resulting protests led to Estrada being removed from office. In Burma, films made on mobile phones were used to publicise repression by the regime, including the shooting of a Japanese journalist by the police. Following the contested elections in 2009, Iranian protestors used digital media extensively to mobilise "green" protests and the internet is still a major platform for protest (and even for Persian poetry and literature inaccessible in offline space). Social media such as Facebook and Twitter were used extensively to

⁴¹ Frame Maker, 2011. *Mubarak Steps Down*, February 11, 2011 via Flickr, Creative Commons License

organise mass protests after the fraudulent elections in Moldova in 2009. The fact that the photos taken in the Abu Ghraib prison were digital photos that could be e-mailed and circulated easily led to the exposure of the ill treatment of Iraqi prisoners by US prison guards.

Egypt, Tunisia, the Philippines and Moldova show successful examples of democratic mobilisation. However the examples of Burma and Iran show that the technologies on their own cannot overcome the political weakness of a democratic opposition facing a ruthless organised regime that maintains its internal coherence. Powerful as they are digital communications are tools not solutions. We need to be careful not to over promise. Clay Shirky has argued that the dominant factor in the collapse of the Soviet Union was the “ability of [opposition] groups to create and disseminate literature and political documents, even with simple photocopiers...”⁴² but many other factors contributed to the collapse of the Soviet system, from economic and environmental crisis, to military competition with the Reagan administration and defeat in Afghanistan.

3.2. Digital Communications and Socio-Economic Rights

As powerfully argued by Amartya Sen – freedom of expression is a precondition for social and economic development. The internet and mobile phones help citizens to hold governments accountable and mobilise for socio-economic change, in fact economic inequality is widely considered one of the key drivers behind the Arab Spring. By improving information flows, digital communications can facilitate trade and commerce. And they have an instrumental value as tools for individuals and the state to improve access to markets, income, goods and services.

The sheer economic power of the internet is huge and the capacity to drive growth and job creation is enormous. The World Bank has found that in low- and middle-income countries every 10 percentage point increase in broadband penetration accelerates economic growth by 1.38 percentage points—more than in high-income countries and more than for other telecommunications services⁴³. Other studies have found that investment in broadband can produce significant benefits even in poorer countries. McKinsey & Company estimates that “bringing broadband penetration levels in emerging markets to today’s Western European levels could potentially add US\$300–420 billion in GDP and generate 10–14 million jobs”⁴⁴.

Most of the economic value created by the internet falls outside of the technology sector, with 75 percent of the benefits favouring more traditional industries. The internet acts as a catalyst for job creation. Small and medium sized enterprises are the most important generators of jobs for the poor, and the internet helps them grow. A McKinsey survey suggests the internet created 2.6 jobs

⁴² Shirky, C. 2011. *The political power of social media*. Foreign Affairs [online]

<http://www.yuswohady.com/wp-content/uploads/2011/01/The-Political-Power-of-Social-Media-Clay-Sirky-Foreign-Affairs.pdf> [Accessed 28/10/2011]

⁴³ Kim, Y., Kelly T., and Raja, S. 2010. *Building broadband: Strategies and policies for the developing world* The World Bank [online]
http://siteresources.worldbank.org/EXTINFORMATIONANDCOMMUNICATIONANDTECHNOLOGIES/Resources/282822-1208273252769/Building_broadband.pdf [Accessed 28/10/2011]

⁴⁴ Buttkereit et al, 2009. *Mobile Broadband for the Masses*. McKinsey & Company [online]
http://209.172.180.115/clientservice/telecommunications/mobile_broadband.asp [Accessed 28/10/2011]

for each job lost.⁴⁵ Macro economic growth of this kind is important because it not only provides jobs (the main asset of the poor); it also increases tax revenues and can build state capacity to provide social and economic rights for all citizens, although whether growth benefits the poor is dependent on the politics of the country concerned.

In developing economies there is some evidence that access to digital communications directly helps peoples break out of poverty. Research by Ovum suggests that the mobile phone industry in India has created around 3.6 million jobs⁴⁶. In itself the sector represents an enormous source of investment. Between 1995 and 2002, the private sector invested \$210 billion in telecommunication infrastructure in the developing world, dwarfing aid budgets, and constituted around 10% of all fixed capital formation in those countries⁴⁷.

Digital communications can help to facilitate entrepreneurialism, putting small businesses into better contact with their suppliers and customers, provide tools for marketing and even platforms for e-commerce. The importance of the mobile phone to the poor is well documented - Digital Research suggests, for example, that mobile phones contribute to higher levels of productivity, and can boost GDP by over 5%⁴⁸. There are many examples of mobile phones being used to help farmers check the prices available for their products, enabling them to trade at a place or time that gives them best advantage. In India mobile banking, e-governance services and open source initiatives contribute to social and economic rights by allowing people access to governmental services where none existed previously, or by applying pressure improve the quality of services and weed out corruption, which benefits the poor disproportionately⁴⁹. Internet services can't ask for a bribe and provide immediate and unmediated access to government information.

The relationship between digital communications and economic growth is fairly widely acknowledged and indeed underlies infrastructural projects taking place in many parts of the world. From the human rights perspective the need is to shape debates and policy making in this area to ensure that they are actually meeting the socio-economic needs of the people (particularly the most vulnerable) rather than promoting economic progress solely amongst the middle classes, and which may in fact contribute to further marginalisation of the very poor. The evidence base regarding the relationship between ICTs and social economic development is still weak. Many projects in recent years have been over-ambitious with unrealistic expectations of what could be achieved, often

⁴⁵ Rauses et al., 2011. *Internet matters: the nets sweeping impact on growth, jobs, and prosperity*. McKinsey & Company [online] http://www.mckinsey.com/features/sizing_the_internet_economy.aspx [Accessed 28/10/2011]

⁴⁶ Ovum, 2006. *The economic benefit of mobile services in India* Paper prepared for the GSMA. [online] <http://www.coai.in/docs/COAI%20Report%20on%20Economic%20Benefits%20of%20Mobile%20Services%20in%20India.pdf> [Accessed 28/10/2011]

⁴⁷ Bhatia et al. 2008. *The role of mobile phones in sustainable rural poverty reduction*. World Bank [online] http://siteresources.worldbank.org/EXTINFORMATIONANDCOMMUNICATIONANDTECHNOLOGIES/Resources/The_Role_of_Mobile_Phones_in_Sustainable_Rural_Poverty_Reduction_June_2008.pdf [Accessed 28/10/2011]

⁴⁸ World Bank – check data Quoted in Kelly, T. (2009) *A research agenda for applying Mobile 2.0 solutions for base-of-the-pyramid user communities*. Linne Asia Teleuse@BOP Working Paper [online] http://lirneasia.net/wp-content/uploads/2008/05/Mobile2.0_EA_Ver_01092009.pdf [Accessed 28/10/2011]

⁴⁹ Bhat, R. 2011. *On the cusp of change – The telecom-centric rise of media in India* in Puddephatt, Hawtin et al. *New frontiers, old landscape*.

designed with a lack of sensitivity to existing communications practices and other local factors. As a result, enthusiasm for such projects has waned. It is true that new communication capacities are not a silver bullet. Rather than avoiding this area however it is important to explore the lessons learned to understand how social and economic dynamics impact on the development opportunities provided by digital communications. Building the capacity of poor communities to empower themselves through technology is key. We should focus on building enabling environment that encourage locally owned needs-based innovation.

3.3. Impact upon Disadvantaged or Excluded Groups

Digital communications create opportunities for groups which find themselves marginalised in conventional spaces to both organise and promote their own interests. In many countries women find themselves denied the ability to express themselves or raise issues of concern – control of sexuality, reproductive rights, violence against women – because men control public space. Our country research has highlighted a number of examples where digital communications has enabled women to find a way around these barriers. For example women independent film makers in Indonesia are using film online to highlight women’s rights on taboo issues such as sexuality and reproductive rights⁵⁰. Social media has helped marginalised groups organise a hunger strike in Saudi Arabia in support of political dissidents, raised awareness about sexual harassment of women in public in Egypt, and exposed police corruption in Morocco⁵¹.

For minority groups campaigning for human rights and social justice, digital media are the main tools used for advancing their interests in circumstances where interests close to the government or the majority community dominate the mainstream media. Many NGOs in these circumstances find that digital media can deal with politically sensitive issues normally censored in the offline media. One such example is West Papua Media Alerts, a non-profit initiative providing independent news from West Papua that responds to the constant threats experienced by journalists reporting on/from the area⁵².

Lesbian and gay groups have also used digital communications platforms to access “public” space denied to them by prejudice to exchange information and ideas. In these cases it is the public nature of such exchanges that can pressurise government officials (and civil society) to address the social rights of LGBT people. In India for example, when mainstream media ignored the issues, online groups used Facebook, Twitter and blogging to challenge the illegality of homosexuality in India. Digital communications both built the community calling for legalisation and helped mobilise the human rights groups to support the call for legalisation. Online platforms continue to be crucial for collaboration and the organisation of events such as Gay Pride Marches across many cities in the country⁵³.

⁵⁰ Lim, M. 2011. *Democratized/Corporatized: Contesting Media in the Post-Authoritarian Indonesia* in Puddephatt, Hawtin et al. 2011. *New frontiers, old landscape*.

⁵¹ Hilleary, C. 2010. *Can Social Media Bring Democracy to Middle East?* Voices of America August 17, 2010. [online] <http://www.voanews.com/english/news/middle-east/Will-New-Media-Bring-Democracy-to-Middle-East-100898544.html> [Accessed 28/10/2011]

⁵² Lim, M. 2011.

⁵³ Bhat, R. 2011.

Digital communications can enable people with disabilities to engage more actively in social and public life with new ways to access content and express themselves. Accessibility and usability to and on the internet are improving dramatically for example with automated screen readers. However a number of significant barriers remain including the prohibitive cost of many accessibility technologies, and the lack of awareness or adherence to accessibility standards by website creators.

Picture 4: “Mobile Phones + Savings: A Powerful Pair”⁵⁴



The internet and digital communications have an enhanced value when they enable groups who are traditionally neglected or underrepresented in traditional media, to have a public voice. However, digital communications are not apolitical spaces – the same power relationships and inequalities that pervade in the offline world also affect the internet and mobile phones. It is imperative to explore the role of new technologies in enabling marginalised groups to fight for their rights, but it is also imperative to understand their role in reflecting and reinforcing existing inequalities. For example, every country chapter in this report shows disparities in access along ethnicity, gender, geographic and economic lines. We can also see the dominance of more “powerful” sectors of society in designing and governing technology. Marginalised groups are underrepresented and neglected in policy discussions, and where they are considered the debate tends to focus on using ICTs to achieve developmental goals (e.g. maternal health) rather than as a space for challenging societal norms and empowering disadvantaged groups to influence public discourse⁵⁵.

3.4. Digital Communications and Direct Impacts on Human Rights

Digital communications can strengthen human rights. They can enhance the realisation of freedom of expression, allowing those with access not only to receive information, but also to actively seek and impart it. In turn this can enhance mobilisation, democratic participation, and empower people to demand their rights. Online communication is now the primary means of communication for many groups – with people using emails, social networking websites, web browsing, and newsgroups to communicate – the freedom and protection of online expression and communications is increasingly becoming a major human rights issue.

At the same time, the increase in importance of digital communications also poses new and direct challenges to human rights. Access is still restricted in many parts of the world to the urban and wealthy, excluding many people from the digital revolution. Furthermore, censorship capabilities are

⁵⁴ Gates Foundation, 2010. *Mobile Phones + Savings: A Powerful Pair*. June 5, 2010 via Flickr, Creative Commons License

⁵⁵ Puddephatt, A., Horner L., and Hawtin D., 2010. *Information and Communications Technologies and Human Rights*. Pg 70. European Parliament.

increasingly being built into the very software and hardware that makes up the internet. China uses a sophisticated system to block access to websites containing words such as “democracy” and “human rights” on an ongoing basis⁵⁶ including attempts to insert censorship into every computer sold in China computers. In addition the Chinese launched a project called “Golden Shield” with the aim of establishing a national system of digital surveillance, including mobilising what has become known as the “50 cent army”, a party-organised network of over 250,000 web commentators who support the regime.⁵⁷ This was followed by the emergence of state sponsored cyber armies in a number of countries including Iran and Syria, where the regimes organise their own supporters to attack democrats and human rights activists online.

A major weapon in the hands repressive governments is the deliberate denial-of-service (DDoS) attack where a target website is saturated with requests for information until it cannot respond to its regular traffic, or responds so slowly that it effectively ceases to function. Evidence suggests that repressive governments use Russian criminal networks against their opponents. This seems to have been the case in the attack on Georgian sites during the war of 2008,⁵⁸ but there are many other instances, particularly directed against the websites of exiled groups such as those of the Burmese opposition.⁵⁹ Most rights-based NGOs, particularly the less well funded and smaller NGOs in the global south are simply not equipped to withstand such pressure. They lack the resources to defend themselves, as well as the specialist support they need.

Picture 5: “Monks Protesting in Burma”⁶⁰



Another worrying threat to free expression is emerging. Governments are shutting down the internet in its entirety as happened in Burma in 2009 or Egypt in early 2011. Or they are seeking to remove whole application platforms, as happened with YouTube in Turkey or the attempts to ban Facebook in Pakistan. In these cases, applications are either banned outright or—as with Research in Motion’s BlackBerry e-mail service in

India —only allowed to operate if traffic is routed through local servers that are easy to intercept. The overall impact is to close down the human rights capacity of the internet.

⁵⁶ Rue, F. 2011. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue United Nations Human Rights Council 2011 [online] <http://www.ohchr.org/Documents/Issues/Opinion/A.66.290.pdf> [Accessed 28/10/2011]

⁵⁷ Opennet Initiative, *China* [online] <http://opennet.net/research/profiles/china> [Accessed 15/11/11] and Deibert, R. et al. 2010. *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace* [online] <http://www.access-controlled.net/> [Accessed 21/12/11].

⁵⁸ Keizer, G. 2010. *Russian hacker 'militia' mobilizes to attack Georgia*. Computerworld. [online] http://www.computerworld.com/s/article/9112443/Russian_hacker_militia_mobilizes_to_attack_Georgia [Accessed 15/11/2010]

⁵⁹ International Media Support, 2010. *Stop cyber attacks against independent Burmese media*. [online] <http://www.i-m-s.dk/article/stop-cyber-attacks-against-independent-burmese-media> [Accessed 15/11/2011]

⁶⁰ Racoles, 2007. *Monks Protesting in Burma*. September 24, 2007 via Flickr, Creative Commons

What is striking about all of these threats is the evolving nature of the techniques employed to attack human rights online. Repressive governments are becoming more intelligent and better resourced in dealing with human rights on the internet; their controls are moving from the overt and technical, to techniques which are more complex or normative, using techniques such as denial-of-service attacks, targeted malware, increased surveillance of users at key points of the internet's infrastructure, along with applying pressure upon companies to take down sites (thereby outsourcing controls to private parties).

The right to privacy too is a challenge in the digital space. Human rights activists often use online anonymity to escape persecution or harassment by repressive regimes for their legitimate activities. Whistleblowers too require anonymity to protect themselves from repercussions. But governments and businesses across the world are using technologies to monitor the behaviour of citizens in increasingly sophisticated and often hidden ways. Enhanced surveillance was introduced following the advent of the so-called "war on terror". It is now easier for governments to collect information about citizens. With the advent of wide usage of mobile phones by protesters and activists, many governments are making use of geolocational tools to track their actual locations on the ground. Many online companies use business models which are based around data mining to create user profiles and thus maximise advertising revenue.

Disturbingly, the use of such methods by democratic governments, including champions of internet freedom internationally such as the USA and UK encourages the techniques to become more normative and established. Democratic governments have been willing to trade internet freedom for security or anti-terrorist measures. In many cases the techniques used by repressive states were originally developed by democratic governments in ill-thought out attempts to curb the libertarian nature of the online world such as the mobile phone tracking software developed by Nokia Siemens Network and later exported to Iran.⁶¹

3.5. Challenges for Human Rights Activists

Melvin Kranzberg's first law of technology says that "technology is neither good nor bad, nor is it neutral."⁶² Digital communications can be tools of freedom or means of oppression; what they will never be is a neutral space. How digital communications are utilised will be vital in the ongoing struggle to promote democracy and human rights, and maintain a public interest communications environment in which all forms of media and creativity can flourish. It is important not to be naive, or despairing about the possibilities. We can be excited about the potential of digital media and platforms to give new stimulus to democracy, provide the oxygen of debate and information exchange, refresh and energise civil society and citizens. But we should also be aware that "they can equally serve to refresh and mobilise consumerist propaganda, nationalist xenophobia, a culture of individualistic striving, reactionary religiosity, militarism, and much more besides".⁶³

⁶¹ For extensive discussion of this development, see OpenNet Initiative, *Access Controlled: the Shaping of Power, Rights and Rule in Cyberspace*, MIT Press, 2010. [online] <http://www.access-controlled.net/> [Accessed 21/12/2011].

⁶² Kranzberg, M., 1986. *Technology and History: "Kranzberg's Laws"*. *Technology and Culture*, Vol. 27, No. 3

⁶³ Downing, J. 2011. *From 95 Theses to a Million Tweets* paper given at Small media Symposium April 2011. [online] <http://www.smallmediainitiative.com/papers/> [Accessed 31/08/11]

The internet and web were once hailed as offering a new global, boundless space able to evade traditional censorship. John Gilmore, a libertarian activist and founder of the Electronic Frontier Foundation, was quoted in *Time* magazine as saying “The Net interprets censorship as damage and routes around it”.⁶⁴ The libertarian champions of the early internet did not see a need for a policy driven approach to the development of the internet confident that that engineers who were building the technology would create the open boundless free space they craved. They were equally confident that governments could not control the space they were creating. Policy meant regulation and human rights meant laws and rules and both were inimical to freedom.

Today the internet has become a more contested, enclosed and nationalised space, and new forms of domination and control are posing new challenges to human rights on the internet. These threats are not always direct, as well as those policies and principles which directly violate human rights, there are also those that undermine the ability of the internet environment to uphold and promote human rights to the greatest extent possible. There is a need for human rights actors – NGOs, governments and philanthropists to support an open and accessible internet – to make this goal visible in their thinking, and to act decisively when it is threatened. This in turn requires understanding how policy is made in the digital world, which is not always easy to grasp.

While the internet was overwhelmingly an English language medium accessed by small numbers of elites, most governments were indifferent to its effect. Now that its transformative impact is clear, many governments (both democratic and non-democratic) are stepping up their attempts to control the whole range of digital communications. This underlines the importance of seeing human rights as a frame for the way in which we think about digital communications issues and as a way of analysing the obstacles⁶⁵. Threats to human rights online are growing. The balance of forces is shifting – some argue forcefully that repressive governments already have the upper hand in the digital world⁶⁶. Human rights activists (and citizens generally) need to respond to the widespread changes brought about by the advent of digital communications. The importance of investing in an open, accessible and empowering digital communications environment is clear; the Global Internet Policy chapter explores what this means and what can be done, in greater detail. The pressing concerns are that human rights activists must have access to digital communications, and be empowered to use them safely and effectively if they are to be a force for democracy and human rights in the world. The technology itself can be used for good or ill, and effectively or inefficiently. What is important therefore is to build the capacity of civil society to use the technology for human rights purposes. This will mean strengthening their ability to use the tools effectively and shape the policy space. In this respect, human rights activists must in particular participate: because human rights must form the basis of media policy and internet governance.

A human rights basis for media policy and internet governance.

⁶⁴ First quoted by Elmer-DeWit, P. 1993. *First Nation in Cyberspace*, Time Magazine, 6 December 1993.

⁶⁵ Horner L. and Senges, M., 2009. *Values, Principles and Rights in Internet Governance* [online] <http://www.freedomofexpression.org.uk/resources/values+principles+and+rights+in+internet+governance> [Accessed 31/08/11]

⁶⁶ Morozov, E. 2011. *The Net Delusion How Not to Liberate the World*. Allen Lane 2011

The internet is not governed in a conventional sense – there is no treaty for the internet and no ruling body. Governance is functional – problems are fixed by groups of engineers and technologists working together. The analogy is with car mechanics – they are only concerned with whether the car works, not where or how it is driven. Those international policy forums that consider the internet – including the UN Internet Governance Forum, the Council of Europe and the Organisation of Economic Cooperation are not rule making in this environment; they drive and shape standards, values and guidance on best practice. This is built upon a new model of global governance - the growth of multi stakeholder working, bringing together government, business and civil society to collaborate, share information and exchange best practice. Human rights groups have played some part in this multi stakeholder working but civil society activists from different disciplines such as education, health, digital activists are more common.

It is possible to promote good policies in the digital environment. This has been done in recent years by developing sets of principles which act as normative values designed to shape behaviour and expectations on the internet. Many examples are discussed in the Global Internet Policy chapter. Principles such as these are better suited than hard law to the internet because they are more flexible and can allow for different national and cultural approaches to regulation as well as being adaptable to rapidly evolving technologies. They can be used to define what human rights mean in the context of the internet. This is vital as to preserve the openness of the public space in the digital world we need to base its development upon universally agreed human rights standards and principles. The aim should not be to invent new human rights or assume that the internet creates new rights norms; rather they seek to apply existing internationally accepted human rights norms and values to the online world.

There are already example of civil society groups adopting their own approach to standard setting, most notably the Internet Rights and Principles' *Charter of Human Rights and Principles for the Internet*⁶⁷ -which was endorsed by some businesses and governments. This applies existing human rights norms and standards to the internet. It has since been distilled in to *Ten Internet Rights and Principles* including universality and equality, accessibility, rights to free expression and association, to privacy and data protection, to diversity and network neutrality and to transparent and multi stakeholder governance. Other examples of NGO initiatives include the Association for Progressive Communications Internet Charter, the Global Network Initiative Principles which have support from three large application companies and some NGOs and the forthcoming statement of principles developed by the Aspen Initiative's collaboration with companies NGOs and governments. However, traditional human rights advocacy groups have not been heavily involved in these initiatives and their expertise and strength in much needed. Furthermore, now that many other institutions (often with more economic and political power) are beginning to create their own sets of principles. These are more likely to be taken up, and thus civil society must be more externally facing - engaging with the external initiatives and dynamics that are actually shaping internet governance.

Policy work to protect digital communications for human rights

⁶⁷ Internet Rights and Principles, 2011. *Ten Internet Rights and Principles* [online] <http://internetrightsandprinciples.org/userfiles/file/10%20Internet%20Rights%20and%20Principles%20Flyer%20Final.pdf> [Accessed 31/08/11]

Besides supporting a human rights framework for digital communications, it is essential for the human rights movement to clearly oppose attempts to impose heavy-handed regulation of the internet and be wary of moves by governments to control the net. These moves will not be presented overtly as an attempt to shackle the net – governments will talk about the need to ensure the right kind of development, or the need to ensure a stable and secure internet, or the need to tackle criminality. One foreign ministry official presented the default position clearly when he said “we have a treaty for telecommunications, shipping and other global concerns, why not the internet?”⁶⁸ The desire to avoid global regulation is interpreted by many in the global south as an attempt to maintain the global hegemony of the US communications companies who are remarkably dominant in this market, or as further evidence of Anglo-Saxon pragmatism and *laissez-faire*. This places a premium on an explicit human rights endorsement of such a position.

At the same time we need to promote a rights based approach to principle and standards setting, to create a human rights discourse around approach to internet that can thicken over time. This involves persuading those – in the corporate and technical world who see human rights as alien or even a backdoor to regulatory control that in fact it can provide the values based underpinning of a digital communications environment. It means persuading them that the libertarian dream that the internet could remain a stateless land, an open frontier, has gone, that those wishing to repress and control this place are active, mobilised and increasing powerful. To do nothing in the face of this threat is no longer an option. If we are to thicken the discourse around human rights it will require us to understand what a rights based approach to a range of issues might be. What are the rights based approach to arguments about access to communications, accessibility, openness, filtering and blocking, intermediary liability, to digital literacy, privacy and data protection? To criminalisation of speech, copyright, availability of quality content, digital literacy? How can the human rights movement engage in these discussions and contribute to the resolution of these debates?

A sustained policy intervention also means understanding how to make multi stakeholder systems work effectively. Governments have the means to negotiate internationally through well-established processes and procedures. Companies can identify ways of ensuring their own points of view are inserted into debates. Human rights NGOs also need to find ways of operationalising participation in international forums. How can they act as representatives for a wider public interest constituency – to whom and how are they accountable; what level of compromise are they able to make to secure cross party agreement around difficult or contentious propositions. Multi stakeholder approaches to standard setting at the international level are new and untried but the need to develop them is widely recognised. As Reed Hundt has written recently -“As a result of its revealed potential, the internet makes clear that business and society leaders both have a stake in inventing the right governance structure for its propagation globally. We know it cannot be run by the United Nations, because its processes are cumbersome and overly subject to political agendas that run counter to the innovative, flexible and open culture of the internet. We know it cannot be run by a few firms, because literally millions of firms have, and always should have, a role in the internet. And we know civil society must be a pillar of support. What we do not know is, however,

⁶⁸ Private conversation with the author at the Council of Europe

what the governance should look like.”⁶⁹ Developing that model of governance is an urgent human rights task.

In policy terms the most neglected part of human rights advocacy is the question of access and infrastructure. Access has been raised internationally, driven predominately by a desire to encourage economic and social development and it is an issue that unites democratic governments north and south. How the next 5bn people will access the internet is one of the most challenging development goals of our age. There is increasing evidence that if the poor are connected they can begin to trade and work their own way out of poverty. Part of the solution to the access gap lies in encouraging the private sector to invest in infrastructure and in innovative low cost technologies. However, to do this, governments in the developing world need effective national plans to ensure that the internet is accessible and affordable to all segments of the population, and not only the economically powerful in their own society. On the international level this can be facilitated through promotion of effective standards, and facilitation for technology transfer to developing states. There are a range of development, regulatory and investment issues that need to be highlighted by human rights actors going forward.

Creating new skills and capacities, technical and political

The human rights movement has a vital role to play. But is it equipped to deliver? Without an assessment of current capacities in the human rights movement to engage in policy work in the sector, and in their ability to utilise digital communications it is hard to tell. But an initial assessment would suggest that most human rights groups do not understand the positive potential of digital technologies or the potential threats they face. Most traditional human rights groups grew up in the era of “Web 1.0” communications – with controlled, centrally determined messages and campaigns implemented from the top down. This does not sit well with the “peer to peer” model and with the viral nature of modern digital communications. In a peer-to-peer world human rights groups must move from just content creation, to content curation; they should use different types of content (including videos); and they need to engage and interact with their “audience”. There is also a significant challenge which remains – as human rights groups become more skilled at growing large online communities of followers, much more work is needed to harness this attention and target it towards effective action. There is a noticeable divide between traditional human rights groups and digital communication campaigners and little effective co-operation despite the objective overlap of interests.

Many civil society groups have emerged to try and harness new tools towards promoting human rights and social justice – Witness, MobileActive, Tactical Technology, Access Now, are just a handful. And there are a growing number of applications of technology to help with humanitarian aims, to deliver aid, healthcare, etc. Ushahidi is an interactive crowd-sourcing tool whereby citizens send in information by mobile phone and this is then mapped. It was instrumental in gathering, processing and distributing information in the aftermath of the Haitian earthquake, assisting aid agencies to make decisions about what assistance was needed and where.

⁶⁹ Hundt, R. 2011. Article for Aspen Italy

Picture 6: "Gay Parade 2010"⁷⁰



But what is now required is effective collaboration between human rights activists and digital technologists to enable more focused development of tools and capacities that can be utilised effectively, along with sustained investment by private and public donors and innovators. If Clay Shirky is right in his recent argument that “the more promising way to think about social media is as long-term tools that can strengthen civil society and the public sphere” the overall impact of digital communications in this area is likely to be measured over decades, rather than months or years and requires sustained investment over time. The internet is shifting the balance of power between the state and civil society, and it is important to ensure that the environment remains open and capable of supporting collective action. For human rights activists this must become an enduring project.

We also need to develop new skills in collaborative working, developing a better understanding of the digital environment so that we can exploit the possibilities for viral networking and campaigning. This is a challenge to traditional campaign models in the human rights NGO world which likes to control and shape initiatives from the centre. In the online world, people like to take material and reshape it to reflect their own interests and creativity rather than simply reproduce someone else’s work. The key to the mobilisation seen in Egypt for example was not central direction from an organised political group- easily intercepted and controlled – but a decentralised sharing of information and ideas by fluid constituencies of people. This is the new dynamic of online campaigning that the human rights movement has to embody.

3.6. Conclusion

⁷⁰ Giebel, T. 2010. *Gay Parade 2010*. June 27, 2010 via Flickr, Creative Commons

We started in Egypt with the promise of freedom. Six months later, in London this summer, the riots gave rise to much speculation about the impact of social media. The security of BlackBerry communications, routed through Canadian based servers belonging to the parent company RIM, were exploited by those organising the attacks on shops and premises. Technologies that were being hailed as sources of democratic strength in the Arab world were regarded with suspicion and calls for control. Yet it was also social networking platforms such as twitter and Facebook that provided the base to mobilise cleanup crews to sweep the streets after the looting, or to raise money to support uninsured shopkeepers, often from London's minority communities. Digital technologies helped facilitate the riots. But they also helped to facilitate the impressive response.

All of this illustrates what this analysis has shown when examining the impact of digital communications. We have created a set of tools which can be deployed for good or bad purposes. They do not carry within themselves a default democracy button. What they do create is the capacity for "peer to peer" mobilisation without the need for central co-ordination. It makes them powerful and threatening to authority of all kinds because they cannot be controlled by isolating out taking out individual leaders.

Global Partners has also argued that the outcomes of "peer to peer" mobilisation are shaped by the normative values that shape the spaces and the people using those spaces, rather than by any central control or direction. That is why we believe it is crucial to foster values that support democracy and human rights in online spaces. The tools, both platforms and devices, are what grab the attention, because they are shiny and new and exciting. But it is the underlying values and policy frameworks that will, in the end decide whether these digital technologies serve good or bad ends.

The internet has transformed the scope of and potential for human rights work. Even in the most repressive regimes which prevent conventional media are prevented from carrying news which challenges authority it is now possible to find information about human rights concerns . The globalised nature of the internet means there is now a global information environment. One hundred years ago, most horizons were local. Now access to information exists on a scale unparalleled in history and with it the potential for global mobilisation. We are reaching a world where governments cannot commit human rights abuses on a significant scale in secret.

The internet facilitates new kinds of connections. People can create, edit, and share information and ideas with each other and with a wider audience. People can have low cost instantaneous communications with individuals all over the world who they may never meet in person, and these communications are much more resistant to government and private surveillance. In the past, freedom of expression lay in the hands of elites – governments, publishers, editors, journalists. Now anyone can express themselves in the public domain. This is truly the democratisation of freedom of expression, wrenching it from the hands of elites and placing it at the service of ordinary people.

In its own way this helps create the potential for a global public opinion for the first time, capable of global mobilisation and fed by global information or by global rumours. The personalisation of global communications means that trusted sources of information – family and friends - can become more important than formal news media outlets even if they are far less reliable. Truly a lie can be half way round the world and have incited a billion people to action before the truth, rarely pure and never simple, has got its boots on.

The onus therefore is on the human rights movement to fully embrace this technology to both shape the way it develops and take advantage of the potential it offers. But it is not enough to take a passive view – to believe optimistically that everything will work out in the end. It will be shaped by those with the will and knowledge to achieve their ends. Kranzenberg’s fourth law of technology states that “Although technology might be a prime element in many public issues, nontechnical factors take precedence in technology-policy decisions.”⁷¹ In the end the outcome of the digital transformation of the ways in which we communicate will be shaped by political – in the broadest sense – decisions and actions. What will the answer be from those of us in the human rights world? Will we have taken real practical steps to ensure that this medium serves the wider public interest as it develops and truly becomes a tool that promotes democracy and human rights? Or will we allow it to become yet another arm of the repressive state? The choice is ours to make.

- *There is need to develop a strong human rights framing for these debate and to pursue and promote it boldly. Human rights should be used as a common framework, the connectivity tissue, on which to build understanding and collaborative action among different civil society groups.*
- *In a multi-stakeholder policy environment, civil society is being invited to the negotiating table alongside governments and companies. However, these groups tend to be mission/principle-driven, and less focused upon effective advocacy. The lack of capacity at both policy and advocacy levels, risks undermining the effectiveness of multi-stakeholder processes. Developing more professional negotiation skills and capacities will be necessary.*
- *There is a lack of a solid research base on which civil society can base their advocacy. Much of the evidence that NGOs rely upon internationally is sketchy or anecdotal and while there are examples of positive policy – the Finnish right to broadband or the Chilean law on net neutrality – they are little understood or badly documented. This makes it harder to extract the exact relevance of the models and apply them effectively in international debate. More systematic research and policy work is required.*
- *A significant challenge for funders is finding grantees given that much of the activism is not located in traditional NGOs. New activists who use these technologies effectively are often not organised into conventional NGOs – not are they attracted to creating such vehicles. There’s a big donor challenge in reaching out to the new “disorganised “ communities of activists and find ways to support them, perhaps indirectly by creating hubs, resources, and networks that can be accessible to individuals. Some of these areas will be risk funding and it may be easier to undertake such grant making in collaboration with others.*
- *Human rights groups need support to utilise technologies that further their advocacy – supporting skills and capacity building.*

⁷¹ Kranzberg, M., 1986. *Technology and History: "Kranzberg's Laws"*, Technology and Culture, Vol. 27, No. 3

4. Policy Challenges in the Global Internet Environment

The country chapters make clear that a range of communications platforms remain widely used and hugely influential, we must not neglect these media. However, our focus should be on the internet. Whilst billions of people remain unconnected, this is rapidly changing as more and more people come online each year. Offline media also increasingly rely on internet communications for content production and for reaching new audiences. The internet is the centre of a converging global media environment, and, together with mobile phones, is enabling citizens to access information and participate in both public and private discussions and debate on a level unparalleled in history. In doing so, digital communications are enriching the media environment through a plethora of new voices and perspectives. At the same time these tools are proving invaluable tools for civil society: facilitating the building of mass communities of interest, enabling information gathering and sharing even where there is repression, and potentially upsetting existing balances of power.

On the other hand, digital technologies are too often held up as a panacea, and unfortunately this is not the case. Across the world there remain important struggles to be overcome – the digital divide endures threatening to further marginalise the digital have-nots. Huge media giants continue to grow and to expand their influence over the new platforms. And as the destabilising qualities of new communications become ever more evident, the politically powerful are developing new tools and strategies for controlling digital activity. The democratising potential of the internet could be lost if inappropriate forms of regulation and control are introduced, restricting openness and creativity.

Thus it is vital that we invest in shaping the internet environment to allow it to serve the public interest. Before the advent of the internet, the media and communications environment was largely shaped by battles at the national level. However, the internet is a trans-boundary environment. Actions in one country can have an impact on the rights of citizens in another. For example when content is removed from a server, no one has access to that content. Company policies play a huge role in shaping the ecosystem – many of these are transnational, so their policies have a global impact. International policy forums, including the Internet Governance Forum, the Council of Europe and the Organisation of Economic Cooperation, are driving and shaping standards. Many internet policies are made at the national level – however as a relatively new policy area, there is a great deal of policy laundering taking place and issues that may appear to be national often have a wider impact. Finally, the intersection of public interest issues on an international level is an opportunity for collaboration, information sharing and increasing civil society influence. For these reasons it is important to analyse the internet from a global perspective. This chapter seeks to do so.

4.1. Background

The internet and the web initially developed as a global, interconnected information commons that was governed in a dispersed and participatory manner by its users. The internet has evolved over time to become increasingly powerful due to a number of features. The use of common and interoperable standards, coupled with the end-to-end principle, allow anyone to interconnect via different platforms and to design new applications. The common use of open software standards has promoted citizen-driven innovation to meet different needs and to spur competition from the

private, proprietary sector. It's dispersed governance and the continued participation of non-state actors in governance has helped to push back against stifling regulation and geopolitical manipulative control. Its horizontally layered structure helps push back against ownership concentration, making it difficult for single entities to control both the means of content production and dissemination. Certain regulatory principles have helped to spur the development of the internet and innovation in applications. These include common carriage and limiting the liability of intermediaries for third party content. Limited intermediary liability, in particular, means that once people are connected, they can publish and share content directly with other users, without having to rely on media corporation gatekeepers. And the more people who are connected through the medium, the more valuable it has become, allowing access to more content, services and other users.

The power of the internet is threatening established corporate and political settlements, and is rendering old regulatory approaches ineffective: governments are fearful that they can no longer control or regulate communication, in democratic and non-democratic states alike. On the internet it is difficult to enforce laws and regulatory approaches to social issues (copyright law, privacy and defamation laws, press injunctions, age restrictions on content, restrictions on illegal content and activities online). Over the past ten years, power holders have recognised these challenges and begun to respond through national and international policy. However, many approaches that are being pursued either directly violate human rights, or threaten the very architecture of the internet that makes it such a powerful medium for freedom of expression.

At the same time powerful businesses who have a stake in the internet wield significant power over policy makers, as do new transnational internet businesses. The internet is increasingly viewed as a corporate space, in which citizens primarily benefit from services offered by private companies, rather than one that is owned and driven by and for citizens. Citizens are increasingly being marginalised in policy making, assumed to be served by the interests of big businesses rather than being given opportunities to directly govern and shape the internet other than through consumer choices. They are also increasingly relying on platforms that are owned by large, private corporations to communicate with each other, effectively replacing media corporation gatekeepers from the offline age with internet corporation gatekeepers.

- *The era of the internet space developing without a policy-driven approach is over.*
- *Governments and businesses are increasingly ramping up their efforts to shape the environment to meet their interests. These efforts often have direct, or indirect, negative impacts on the public interest dimensions of the internet.*
- *Thus, it is vital that public interest advocates make a huge investment now in shaping an enabling policy environment for the internet. We must engage with internet policy making.*

4.2. An Overview of the Internet Governance Regime

The definition of internet governance, which came out of the World Summit on the Information Society (WSIS) process, is “the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures,

and programmes that shape the evolution and use of the internet”⁷². The international internet governance regime is typically divided into two broad classifications. “Narrow” internet governance institutions are those which are directly concerned with critical internet resources. These include the Internet Corporation for Assigned Names and Numbers (ICANN); regional, national and generic top level domain registries; and standard-setting organisations such as the World Wide Web Consortium (W3C); the International Telecommunications Union (ITU); the Internet Engineering Task Force (IETF); and the International Organisation for Standardisation (ISO).

“Broad” internet governance include all of the institutions which shape the environment, even if indirectly, and even incorporates non-institutional initiatives such as non-binding industry norms. Examples include the WSIS process which lead to the Internet Governance Forum (IGF) and not regional and national IGFs; Intergovernmental organisations such as the European Union (EU), Organisation of American States (OAS), the Council of Europe (CoE), the Organisation for Economic Cooperation and Development (OECD), Asia-Pacific Economic Cooperation (APEC), the African Union (AU), the Association of Southeast Asian Nations (ASEAN), the G77, G20, and the G8; Issue specific organisations including the World Trade Organisation (WTO) and the World Intellectual Property Organisation (WIPO); Human rights mechanisms including the Office of the High Commissioner for Human Rights (OHCHR), the European Court of Human Rights (ECHR), the African Commission on Human and Peoples Rights (ACHPR) and the Inter-American Commission on Human Rights (IACHR); and non-institutional international initiatives including the Anti-Counterfeiting Trade Agreement (ACTA) and the India, Brazil and South Africa dialogue (IBSA); and much else besides.

When states came together during the WSIS process to discuss, amongst other things, internet governance, the model which emerged – the IGF – embodied certain values. Namely that governance would be global, bottom up and multi-stakeholder. However, since then the field has become more complex with, as demonstrated above, many institutions and initiatives beginning to make decisions and policies which impact on the environment. Different levels of civil participation are provided for in different forums. Many of the narrow internet governance institutions have formal mechanism for civil society participation (such as ICANN), and the IGF itself is notable for allowing civil society participation on an equal footing with other stakeholders. The concept is beginning to be embraced by other institutions, for example at the OECD the Civil Society Information Society Advisory Council (CSISAC) was created to contribute to policy making in this area, and the Council of Europe and European Union both regularly consult with civil society (and other stakeholder groups) when making policies in this area. Nonetheless, at many of these institutions multi-stakeholder participation is undeveloped and lacks adequate influence on the decision-making processes. In some forums, such as the ITU and ATCA, there are very limited opportunities for formal civil society participation.

As more institutions engage in this area, power is devolving to those areas which are economically and/or politically more powerful. So, for example, attendance at the IGF is becoming more and more dominated by civil society and academia, as power-holders focus their efforts on actual decision making arenas such as the OECD. As a result, the institutions which are becoming more powerful

⁷² Working definition of Internet governance, 2005. *Report of the Working Group on Internet Governance*. [online] <http://www.wqig.org/docs/WGIGREPORT.pdf> [Accessed 28/10/11]

tend to be those which are based in and dominated by developed countries and large corporations. As the centre of power moves towards developed countries, it is doubly difficult for global south society groups to participate, both due to logistical reasons and also because such groups have limited influence over the governments of developed countries. At the same time only a small number of civil society groups are even trying to influence internet policy at the international level. Most groups are more interested in using and developing digital tools (also an important goal), rather than shaping the policy and regulatory environment. As increasingly restrictive laws are passed at the national level, and these are being traced back to decisions in international forums, this is changing and more civil society groups are getting involved. Nonetheless much more work remains to be done to grow the field of public interest advocates (particularly those who are most underrepresented – global south civil society groups and notable absent voices, such as indigenous peoples groups); develop the skills and capacities to engage; advocate and work with institutions to develop effective models of multi-stakeholder working; and to promote solutions to internet governance issues which are genuinely global.

- *Internet governance decisions and processes are spread out across a disparate array number of institutions covering different topics, regions, impacts, processes and outcomes.*
- *Public interest advocates needs to map and analyse the policy environment urgently. This will allow civil society groups to coordinate and collaborate in their advocacy efforts across different forums (both national and international).*
- *In order to achieve this we must invest in creating a common front amongst public interest advocates and building coherent shared messages.*
- *We must also invest in improving civil society participation in these forums, ensuring voices which are currently absent or underrepresented are present, in particular participation from the developing countries.*

Battles to “take over” internet governance

A trend which emerges in the discussion of the internet governance regime (above) is a movement from a governance regime dominated by loose, bottom up, multi-stakeholder organisations – to one where international governmental organisations and other State-dominated mechanisms play a much larger role. This trend is driven by the increased importance of the internet to all areas of life, especially the economy, which means that governments want more influence over the ecosystem. Also, by governmental concerns about the difficult of controlling the internet (for both legitimate and illegitimate aims) and the perception that existing mechanisms, and the IGF in particular, are ineffectual.

This trend has become increasingly dominant over the past couple of years. Most recently, China, Russia, Tajikistan and Uzbekistan submitted a draft proposal to the UN General Assembly for a “International Code of Conduct for Information Security”⁷³ containing no references to multi-stakeholderism or the role of civil society. In May 2011 the internet’s role in society and the economy was formally on the G8 agenda for the very first time. It is notable that the governments

⁷³ United Nations, 2011. Letter dated 12 September 2011 from the Permanent Representatives of China, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General [online] <http://blog.internetgovernance.org/pdf/UN-infosec-code.pdf> [Accessed 28/10/11]

involved thought that this was an appropriate forum to discuss these matters despite it being extremely exclusive. Furthermore, an "e-G8 Forum" was held immediately before the governmental summit to shape the agenda – contrary to best practice participation was limited primarily to government representatives and corporate leaders. In December 2010, IBSA issued a joint statement during the Open Consultations for Enhanced Cooperation calling for a formal intergovernmental platform for internet governance to be set up under the auspices of the United Nations, over the past year the three countries have been continuing to meet and discuss proposals for a body to “coordinate and evolve coherent and integrated global public policies pertaining to the internet”⁷⁴. Other governments have made statements that have sought to minimise and undermine the role of multi-stakeholder participation – for example the European Union has released a number of statements criticising ICANN for the decision to allow .xxx top level domains despite the lack of support from the Governmental Advisory Committee; the decision was made following a multi-stakeholder process where other stakeholder supported the proposal. Another example, the CoE has begun to take the initial steps towards a global treaty to govern the internet, an idea which it tested in a conference titled “Internet Freedom - From Principles to Global Treaty Law?” in April 2011.

Picture 7: “Digitage Web 2.0”⁷⁵



There is considerable debate within civil society as to the best model. Some groups argue that current “loose” models of internet governance mask inequalities of power between different stakeholders and facilitate policy making by the Global North and by businesses. Other groups argue that a “loose” model offers the best opportunities for civil society to participate; that it is necessary (for example because technological change happens rapidly and governmental models cannot keep

pace); and that is the best way to ensure that environment remains open. Both arguments identify genuine concerns. The concerns about “loose” models of internet governance tend to be groups from the global South, driven in particular by the concern that decisions are made in forums where they (and their representatives) have little or no influence. However, there is a real danger that if governance is focussed in one decision-making institution, the governance exercised will be antithetical to an open, rights-upholding internet. Particularly given balances of power with regards to human rights at the UN, and prevailing governmental attitudes towards internet governance. Civil society is less likely to be allowed to participate equally in a decision-making forum, and governance will be more intergovernmental. Of course there is also the argument that governments will be unable to exercise power through such a forum given the speed at which technology is changing and

⁷⁴ IBSA Multistakeholder meeting on Global Internet Governance, 2011. *Recommendations*. September 1-2, 2011, Rio de Janeiro, Brazil. [online] http://www.culturalivre.org.br/artigos/IBSA_recommendations_Internet_Governance.pdf [Accessed 28/10/11]

⁷⁵ Ocean.Flynn, 2006. *Digitage Web 2.0*. December 5, 2006 via Flickr, Creative Commons

the role of the private sector in day-to-day operations. Thus, a suitable (and potentially collaborative goal for different civil society groups) is to strengthen existing governance mechanisms to enhance their abilities to deal with genuine governance issues. There is currently a CSTD working group looking at improving the IGF – this is an important opportunity to allow the IGF to more concretely contribute to internet governance processes, for example if the forum was empowered to make non-binding recommendations which would have the moral authority of having been generated through an open and multi-stakeholder process.

We are facing a crisis of multi-stakeholderism. While multi-stakeholder participation was identified as an important value for governing the internet by the WSIS principles, there are now growing moves to establish a new, more intergovernmental, body to decide internet policy. This could be very dangerous for internet freedom. It is important to push back against these trends by investing in effective multi-stakeholder models. This includes both working to improve the models, and investing in the capacities of different stakeholders to use these forums usefully. The success of these efforts will partly rest on the ability of civil society to build strong shared positions, and to coordinate activity across separate forums. There are, of course, many areas of disagreement but civil society groups need support to identify those areas (however limited) where their concerns overlap and to develop coherent strategies to act collaboratively where possible.

Proliferation of principles

A parallel, and related, trend in recent years has been the proliferation of sets of principles as an internet governance tool. Given that the internet environment is decentralised, global and evolving rapidly it is not well suited to traditional forms of governance such as legislation. Some sets of principles have developed as an alternative to ex-ante legislation and regulation, such as Norway's Guidelines for Internet Neutrality and Brazil's Principles for the Governance and Use of the Internet. At the international level sets of principles are being developed to provide a framework to harmonise, but allow for flexibility, in national approaches. The most prominent example of this is the OECD's Communiqué on Principles for Internet Policy-Making released in June 2011. Similarly, many are aimed at businesses which are difficult to control through legislation due to the reasons outlined above, and more generally because of imbalances of power in a globalised world where companies can switch between jurisdictions easily and use this to limit governmental control. Examples include the Global Network Initiative, and the Aspen Institute's International Digital Economy Accords. Finally, civil society groups are developing their own sets of principles to articulate and campaign for progressive approaches towards internet governance. Examples of the latter include the Internet Rights and Principles Coalition's 10 Internet Rights and Principles, and the Association for Progressive Communication's Internet Rights Charter.

The principles approach has been very useful – it allows different stakeholder groups to engage in discussion and build consensus about the best ways to approach internet policy issues. In forming a normative framework, this approach allows different countries and forums to coordinate their policy efforts whilst avoiding the rigidity of more formal governance tools and so protecting flexibility and innovation. Processes for developing normative standards tend to be less formal than legislation and treaty processes allowing greater involvement of civil society. And the initiatives originating from civil society have a particular value in promoting a positive agenda, build shared advocacy goals and as campaigning tools.

However, the approach also carries risks. Some of the principles contained language which could undermine internet freedoms, for example, OECD's Communiqué contains provisions that would encourage intermediaries to police and enforce laws on their networks. The proliferation of principles also allows government and private actors to policy shop for those principles which best fit their interests. Another issue is that all the principles initiative lack effective accountability mechanisms. This allows stakeholders leeway in how they interpret and apply the principles. Of course, to some extent this is an opportunity, allowing flexibility, but it also undermines the effectiveness of this approach to internet policy making, also pointing out the importance of harmonising different policy initiatives.

There are moves afoot to try and harmonise approaches across different principles, perhaps by bringing together those who have worked on all of the different initiatives to build a set of shared super-principles. At the recent 2011 IGF in Kenya, some stakeholders called for the IGF to create a multi-stakeholder set of principles for internet governance, as a key priority between now and 2015. It remains to be seen whether this appeal will be picked up, or whether and how it could be achieved. It is likely to depend to some extent on the results of the CSTD working group on IGF improvement. Nevertheless, harmonising principles and building a solid normative framework is an important goal which can offset calls for more rigid forms of internet policy making.

- *Public interest advocates should invest in building a positive normative framework for internet governance as the best way of addressing genuine issues whilst protecting openness, innovation and freedom.*
- *Work is needed to ensure that there is policy coherence across the different initiatives and to ensure that they protect and advance human rights and openness to the maximum extent possible.*
- *Different stakeholders have now developed their positions in these areas – meaning that now there is an opportunity to bring together the different initiatives to develop a shared set of overarching principles. The IGF might prove a viable avenue for achieving this aim as it has the broadest global legitimacy. However it is likely to need much support, for example in lobbying different stakeholder groups to support such an initiative and through parallel discussion and consensus building events.*
- *It is also necessary to hold policy makers and actors to account in their implementation of rights-based principles.*

4.3. Infrastructure

Access

Whilst digital communications are fast becoming ubiquitous, digital divides are a significant issue to be tackled. On a global scale the divide is between more and less economically developed countries. While 71% of the population in Global North are online, only 21% of the population in the Global

South are online. There is also significant inequality within the Global South with Africa in particular lagging behind – at the end of 2010 the average internet user penetration in Africa was just 9.6%⁷⁶.

Digital divides also occur within all countries, including the most developed. In the countries examined in this report the communities without access to the infrastructure are predominately the rural and/or poor. Two of the main factors which undermine internet and mobile use are: limitations in access to infrastructure and connectivity in remote and poor areas; and prices, which prevent many people from adopting the technologies even where they are accessible. Access is further complicated by the fact that not all internet access is equal. In developed countries speeds are generally much faster and people are more likely to have internet access at home (rather than using public access points). Internet access is best understood as a spectrum, ranging from those who have never had access, to those who have sporadic or sub-optimal access – through mobile phones or dial-up connections, to those who have broadband access at home, work or other location.

Increasing internet access is both powering, and being powered by, advances in technology. The past fifteen years have seen vastly improved processing power, and new and more useful tools (such as 3G phones and wireless networks) and applications (such as social networking). At the other end of the spectrum the launch of affordable, basic handsets is making mobile phone ownership to some of the world's poorest communities. Technology improvements are projected to continue driving further increases in internet and mobile phone penetration. Even in Africa the introduction of submarine fibre optic links and the proliferation of mobile communication are expected to improve access in coming years⁷⁷. By 2015 it is estimated that nearly 3 billion people, more than 40% of the world's projected population, will be using the internet⁷⁸. That said enabling policy and regulatory environments on both the national and international levels are crucial to address issues such as competition and infrastructure provision in areas of low market interest.

Access is high up on the agenda on the International level, driven predominately by a desire to encourage economic and social development. Access emerged as a major International issue during the WSIS process, and it was identified as one of six main action lines (action line C2). There are many examples of plans at the international level which seek to reduce digital divides. For example, eASEAN plan encourages Universal Service Obligations and particularly provisions to increase broadband penetration; APEC's Telecommunications and Information Working Group aims to achieve universal access to broadband by 2015; and the EU Digital Agenda aims to guarantee fast broadband to every EU citizen by 2013.

The dominant arguments in access debates see infrastructure development as an issue to be solved predominately by market forces. Proponents see service providers and investors as key, with governments frequently lacking capacity or strategies in this area. Similarly international institutions

⁷⁶ITU World Telecommunication, 2010a. *The World in 2010*. Pg4. [online] <http://www.itu.int/ITU-D/ict/material/FactsFigures2010.pdf> [Accessed 25/08/2011]

⁷⁷Dutton, WH. 2011. *Freedom of Connection Freedom of Expression*, UNESCO Pg28. [online] http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1654464 [Accessed 25/08/2011]

⁷⁸Indvik, 2011. *Global Internet Traffic Expected to Quadruple by 2015* Mashable [online] <http://mashable.com/2011/06/09/global-internet-traffic-infographic/> [Accessed 25/08/2011]

tend to approach the issue from a narrow and technocratic perspective⁷⁹. Lacking from the debate is consideration of the broader value of promoting access and thus the necessity of meeting the needs of the most vulnerable who are unlikely to be served by the market alone. Broader debate and more nuanced debate and research about how to achieve universal access is needed. Concrete and effective national plans are necessary to ensure that the internet is accessible and affordable to all segments of the population, and not only the economically powerful. And it needs to be recognised that collaboration with government may be needed to reach certain communities (particularly those which are rural and isolated). In the short term there is also a very specific challenge as governments digitalise communications to free up the analogue spectrum. Many poorer communities only have access to analogue media – this enforced digitalisation threatens to either cut them off from communication possibilities or substantially increase the cost of access.⁸⁰ The growing importance of digital communications could therefore exacerbate socioeconomic divides rather than overcome them.

Another global level access debate is on the responsibility of developed countries to provide assistance in achieving universal access. Millennium Development Goal 8 on developing a global partnership for development includes the need to facilitate technology transfers to developing States and to integrate policies to facilitate universal access into development and assistance policies. At WSIS a Digital Solidarity Fund was established to direct international resources towards improving access in developing countries, particularly in Africa. However, so far these initiatives have not been successful in translating responsibilities into action. Commentators argue that more pressure is needed to encourage developed country governments to honour their obligations, and greater investment in research, monitoring and evaluation to ensure such initiatives are effective.

- *How or indeed whether the next five billion citizens come online is a major challenge for public interest advocates and a crucial policy question. It cannot be left to market forces alone – it is vital that human rights based approaches are used to ensure that infrastructure regulatory strategies are meeting the needs of the most marginalised.*
- *Civil society must play a key role in provoking and shaping these debates, campaigning for national strategies and monitoring strategies which do exist to ensure that they are successful.*
- *This is an area where much would be gained from international knowledge sharing, particularly south-south learning to share best practice.*

⁷⁹ Global Information Society Watch, 2008. *Access to Infrastructure*. [online] <http://www.giswatch.org/en/2008> [Accessed 25/08/2011]

⁸⁰ Bhat, R. 2011. *On the cusp of change – The telecom-centric rise of media in India* in Puddephatt, Hawtin et al. *New frontiers, old landscape*.

Box 1: A “right” to access the internet?

A “right” to access the internet? There is a growing debate over whether access to the internet should, in itself, be a human right. More and more countries are incorporating access to broadband into universal service obligations, or making access into a legal right (for example in Estonia, Finland and Spain). A 2010 BBC World Service poll involving 27,000 adults across 26 countries found that “almost four in five people around the world believe that access to the internet is a fundamental right”.

Another approach holds that access is not a right in itself, but it is a fundamental element of freedom of expression, and in an increasingly connected society, the fulfilment of many rights (including freedom of association and assembly, and the right to education) will require internet access. The UN Special Rapporteur, Frank La Rue, in his report to the UN Human Rights Council in May 2011 stated that “Given that the internet has become an indispensable tool to realise a range of human right, combat inequality, and accelerate development and human progress, ensuring universal access to the internet should be a priority for all States.”¹ Both the APC and IRP Charters find ensuring universal access a key element of ensuring the internet environment respects human rights.

These initiatives provide a strong basis for civil society to engage in access debates. It provides new tools for applying pressure – for example human rights groups should tackle access to the internet in alternative country reports to international human rights mechanisms. And it is a powerful way of framing the debate: a failure to design and implement a comprehensive universal access plan is increasingly considered a violation of human rights.

Focussing on promoting a new independent “right to the internet” at this stage is unlikely to succeed (and indeed could undermine existing standards) given the current balance of geopolitical power against human rights. A more constructive use of resources would be to focus on reframing and promoting freedom of expression to include access to the internet, building on the work of the Special Rapporteur and other human rights bodies and sympathetic governments.

Attempts to block access to infrastructure

There is a worrying trend of so-called “just in time” blocks on access to the internet and mobile communications, where access is restricted, or blocked entirely, during sensitive political periods. In the past few years internet and mobile phone blackouts have been reported during the 2009 ethnic riots in Xinjiang, China; during the 2010 Mozambique food riots and during the 2011 popular uprisings across the Middle East. Blocking digital communications entered the agenda in the UK following the 2011 London riots, but so far has been staved off by public pressure, organised by groups such as the Open Rights Group.

Another growing trend in some countries is the introduction of legal measures whereby individual users can be disconnected from the internet on the basis of having infringed intellectual property laws. These are often referred to as “three-strikes” or “graduated response” as they usually provide for cutting off access to the internet after the user has allegedly committed three intellectual property infringements and received two warnings. Aside from freedom of expression considerations, there are also concerns that such laws undermine public access points, and that a considerable amount of copyright infringements on the internet is committed by children and minors who are often not aware of the legal implications of their action. This issue shall be discussed further below in the copyright section. The Special Rapporteur on Freedom of Expression “considers cutting off users from internet access, regardless of the justification provided, including on the grounds of violating intellectual property rights law, to be disproportionate and thus a violation of [freedom of expression]”.

Picture 8: “Fighting the Digital Economy



The United States, through their “Internet Freedom” foreign policy agenda, are also investing in the development of tools which would allow citizens to communicate during digital communication blackouts, such as the “internet in a suitcase” initiative⁸². This approach is controversial – it may further politicise the internet environment, and could trigger a technology “arms race”. Many commentators hold that it is better to invest in promoting positive policies.

- *Blocking access to the infrastructure is a dangerous trend and must be forcefully countered whenever, and in whatever format, it appears. Advocacy, campaigning and awareness building are vital.*
- *There are also opportunities to work with companies that have a role in the shut downs, for example Vodafone in Egypt, to encourage and support them to push back against government requests to close down access, and these should be explored.*

Accessibility - multilingualism

Access is not just about physical access. It is also about ensuring people can use the infrastructure and that it is useful to them. This section examines two separate issues: multilingualism and access by people with disabilities. A key factor which arose in several of the national chapters is language.

⁸¹ Lewishamdreamer, 2010. *Fighting the Digital Economy Act*. March 24, 2010 via Flickr, Creative Commons

⁸² Hanna, E. 2011. *Internet in a Suitcase to Battle Autocracy* Discovery News. [online] <http://news.discovery.com/tech/internet-in-a-suitcase-to-battle-autocracy-110617.html> [Accessed 25/08/2011]

Across the world, there are somewhere between 3000 and 7000 languages which are spoken today, however, while there is little definitive evidence of the spread of languages online, 82.2% of internet users use just 10 languages⁸³. This is a barrier to access: many communities in the world find that their language is not supported by technology, and there is little incentive to use technologies if one will have access to insufficient or no information in their own language. Multilingualism on the internet is not, currently, a major issue on the internet governance agenda, but if universal access is to be achieved it must not be neglected.

There is a need to promote standards which enable the use of different languages in technical forums such as ICANN, the IETF and W3C. ICANN has successfully introduced internationalised country code top level domain names in languages of countries which do not use the Latin script. This process is now beginning, and support/encouragement to countries to request ccTLDs in non-Latin scripts in something being considered by UNESCO. India, for instance, has applied for ccTLDs in seven different scripts.

Similarly there is a need for the development of appropriate hard and software, for example local language keyboards. One key area requiring support is open source software. Open Source software is liberally licensed software which allows people to view the source code of the software and hence to use, study, change and improve its design. This can empower users to tailor the application to meet their specific needs, including to run in minority languages. The Free Software Foundation and Open Source Initiative are two examples of groups seeking to promote the use of open software.

- ***Multilingualism is a much ignored issue in internet governance issues that has a significant impact on access and usability of the internet. Public interest advocates should raise this issue on a policy level which will include supporting open-source hardware and software.***

Accessibility - people with disabilities

People with disabilities sometimes need assistive technologies to allow them to use technologies, such as screen readers, speech recognition software and alternative keyboards. International standards exist which promote access to technology for people with disabilities. However programme and hardware developers often neglect to consider the impact of design on usability. For example, use of digital management controls on e-books can prevent the use of a screen reader. The World Blind Union is leading an initiative at WIPO calling for a treaty promoting better access to reading material for visually impaired readers, including digitally accessible formats. The initiative has support from several countries including Brazil, Ecuador and Paraguay. Others, including the European Union and the United States, have resisted the initiative, instead proposing a joint recommendation without legally binding effects. This also relates to the copyright section below.

- ***Work is needed at the international level to establish and promote international accessibility standards. Efforts are also needed to raise awareness about these standards, particularly with software and hardware developers.***

⁸³ English, Chinese, Spanish, Japanese, Portuguese, German, Arabic, French, Russian and Korean. Internet World Stats, 2011. *Internet World Users By Language* [online] <http://www.internetworldstats.com/stats7.htm> [Accessed 25/08/2011]

Network neutrality

“Network neutrality” is a term used to describe the principle that all internet data traffic should be treated equally based on an “end-to-end” principle. In practice, this means that network operators or internet access providers treat data packets equally, regardless of origin, content or destination, so that users “should have the greatest possible access to internet-based content.”⁸⁴ While the term is heavily debated – the concept is very important. This architectural feature is also considered by many to have been a key driver of the growth of the internet to date, by facilitating high levels of innovation in online applications, content and services networks.⁸⁵ One of the main examples of traffic discrimination is the blocking of VoIP services, especially where internet access is provided by incumbents who generate revenue through phone services. This is exacerbated in some countries where there is a lack of competition and where there is either continued state ownership of telecommunications or government ministers have close relations with telecommunications companies. VoIP is particularly valuable in areas where there are high rates of illiteracy. Furthermore, if companies begin to prioritise certain types of content for purely economic reasons this would place citizen journalists and bloggers at a disadvantage compared with large media companies who could afford to pay for their content to travel across networks faster.

There are growing debates at national and international levels about whether, and to what extent, traffic management should be subject to regulation. To date, Chile is the only country which has enacted a network neutrality provision in to law. Other countries have experimented with non-binding standards such as Norway’s Guidelines for Internet Neutrality and the CoE’s 2010 Declaration of the Committee of Ministers on Network Neutrality.

On the one hand groups have argues that net neutrality legislation is unnecessary if there is sufficient competition, and transparency about what is being prioritised/deprioritised so that consumers can make informed decisions about what services to buy. On the other hand many civil society groups are concerned that in most parts of the world there is not sufficient competition or transparency, and that it may be very difficult for consumers to exercise choice. They also argue that where services which prioritise traffic are cheaper (because big companies like Google and Facebook can subsidise access in return for greater speed) more users will opt for access which is not neutral, despite this not being in the greater public interest. Protecting network neutrality is vital if the internet is to remain a platform where all users can access and distribute information equally. The standards for protecting may vary from country to country depending on national circumstances but it is vital that the concept is upheld.

- *Network neutrality is a highly important principle, and the ability of public interest advocates to protect it will shape the value and potential of the internet for public interest ends. Public interest advocates need to work to promote protections for network neutrality at national, and global, levels as a matter of priority.*

Filtering and blocking

⁸⁵ EUROPA, 2010. *Digital Agenda: Commission launches consultation on net neutrality* European Commission, [online] <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/860> [Accessed 25/08/2011]

Initially used by authoritarian governments including China, Iran, and Belarus, filtering and blocking are increasingly also being used by democratic governments to block access to content including child pornography, adult pornography, gambling, and hate speech. The number of countries engaging in some form of internet blocking or filtering has increased dramatically in recent years. Civil society groups such as the Opennet Initiative and Freedom House have been tracking this trend. In 2009 evidence of filtering and blocking was found in 90 countries, more than double the number in 2008. Blocking and filtering are mechanisms which essentially hide information; the information is still hosted on a server however it is more difficult for users to access. It is commonly used to prevent access to content which cannot be removed, for example because the government does not have jurisdiction over the server hosting the content.

Box 2: Mechanisms for filtering and blocking

There are many different blocking and filtering mechanisms, the most popular mechanisms are:

- **DNS blocking:** The DNS system matches the domain name with its IP number (for example www.google.com takes you to one of Google's IP numbers, such as 216.239.51.99). Internet Service Providers can configure their DNS resolver to return false results for a blocked site – either directing the user to an alternative site or to a page informing them that the site has been blocked or that it does not exist.
- **Web proxy blocking:** This mechanism forces all web traffic through a proxy server which intercepts certain requests and returns false results.
- **IP address blocking:** Internet Service Providers configure their routers to discard traffic destined for a specific IP address. IP address blocking blocks entire domains therefore this can be very broad if, for example when multiple hosting customers share one IP address.
- **Hybrid blocking:** Selected traffic is sent through a web proxy that then blocks specific traffic.
- **Network level filtering:** ISPs monitor and filter the network traffic, intercepting transmission midway and discarding certain requests. This can involve deep packet inspection (analysing the content of the packets, such as the contents of an email).
- **End-user filtering:** Software can be installed on computers to block and filter traffic.

Filtering and blocking are used to target many different types of content, for example in the United States domain name blocking is increasingly being used to target websites which host content which infringes on copyright. In Egypt, during the 2010 election, many websites hosting political content were blocked. A newer trend is the increasing use of denial of service attacks. These are not strictly filtering and blocking but the end result is the same. For more information see Box 3.

There are many concerns about blocking and filtering. Fundamentally, filtering and blocking undermine the openness of the internet environment, undermining the end-to-end principle. It is often used to tackle legitimate expression, such as political debate. In many countries it appears to take place arbitrarily with few established guidelines about what should or should not be blocked. Block lists are generally kept secret so there is little opportunity to assess whether restrictions are legitimate under human rights law, indeed there is little to no judicial oversight of blocking and filtering in any of the countries examined. There are also concerns that filtering and blocking is an

inexact science and can be very broad, thus rendering a wide range of content inaccessible. For example, blocking to target pornographic material often also filters out material relating to sexuality or sexual health. Furthermore, filtering and blocking is ineffective – content can be accessed using circumvention tools, websites can appear in different places, and they do not address peer-to-peer content sharing which is how content like child abuse imagery is generally shared.

Box 3⁸⁶: Denial of Service Attacks

Denial of Service Attacks involve overloading a server with requests for a certain website making it inaccessible to others, usually for a brief period – the effect is the same as with blocking and filtering. DDoS attacks have become more widespread in recent years, for example as a digital form of protest by groups like Anonymous and Lulzsec. A recent report by the Berkman Centre for Internet and Society documents the increased use of this tool against independent media and human rights organisations. The report finds that there were more than 140 attacks against more than 280 different sites from September 2009 to August 2010. It is usually unclear who is behind these attacks and they found no clear examples of a government claiming responsibility. An example is Twitter.com which was attacked in December 2009. For two hours users were redirected to a page containing, amongst other things, the statement: “This site has been hacked by the Iranian army on the internet”. Some groups, such as International Media Support, offer technical support to human rights groups’ websites while they are being attacked. Other groups also use “mirroring” where the same content is made available in many different places on the internet so it is much more difficult for attackers to prevent all access. This was the technique used by online activists to ensure that Wikileaks material was still accessible after hosts (including Amazon) stopped hosting the site.

This is an area where much copying of legislation and practices across jurisdictions. Many civil society groups feel that filtering and blocking is not appropriate unless it is end-user controlled – in order to preserve openness of the internet and to protect freedom of expression. They argue for governments to focus on finding and identifying perpetrators of “illegal” speech such as child pornography. However, some argue that it may be acceptable under some circumstances providing the guidelines are clear, processes are transparent and subject to judicial oversight, and definitions about what content is illegal are less ambiguous. In the UN Special Rapporteur on Freedom of Expression’s report he notes that as with offline content, restrictions must be provided by law which is clear and accessible to everyone, must be for a legitimate aim and necessary and proportionate to that aim. “In addition, any legislation restricting the right to freedom of expression must be applied by a body which is independent of any political, commercial, or other unwarranted influences in a manner that is neither arbitrary nor discriminatory. There should also be adequate safeguards against abuse, including the possibility of challenge and remedy against its abusive application.”⁸⁷ The one area where he finds blocking and filtering may be legitimate is with regards to child

⁸⁶ Zuckerman, E. et al. 2010. *Distributed Denial of Service Attacks Against Independent Media and Human Rights Sites*. The Berkman Center for Internet & Society at Harvard University [online] http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/2010_DDoS_Attacks_Human_Rights_and_Media.pdf [Accessed 25/08/2011]

⁸⁷ Rue, F. 2011. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue United Nations Human Rights Council 2011. Para 69. [online] <http://www.ohchr.org/Documents/Issues/Opinion/A.66.290.pdf> [Accessed 28/10/2011]

pornography “provided that the national law is sufficiently precise and there are sufficient safeguards against abuse or misuse to prevent any “mission creep”, including oversight and review by an independent and impartial tribunal or regulatory body. However, the Special Rapporteur calls upon States to focus their efforts on prosecuting those responsible for the production and dissemination of child pornography, rather than on blocking measures alone.”⁸⁸ Blocking child abuse imagery is a growing trend, for example in the UK the Internet Watch Foundation works with ISPs to maintain a voluntary block list, and the CoE’s Cybercrime Convention 2001 calls for blocking to be used to tackle child abuse imagery in Article 9.

Box 4: Filtering and blocking as a trade issue

Filtering and blocking as a trade issue: Numerous academics have looked at how WTO trade rules impact on disputes about filtering and blocking. The fundamental question is – to what extent is blocking and filtering legitimate under WTO rules, and when does it become a barrier to trade and a breach of the rules. This is an important discussion because the WTO can enforce compliance to agreements using trade sanctions– thus if, and to the extent that, filtering and blocking are considered illegitimate barriers to trade, there may be an effective opportunity to challenge the practice through the WTO. At the moment this discussion is purely academic, but it is thought that the WTO will face this issue over the next decade.

Blocking and filtering is a slippery slope – while there may be hypothetical situations where it is justified, the practice is growing and so far no example can be pointed to which fully respects the guidelines outlined above. On the other hand, many examples exist which show blocking and filtering being misused and abused to censor legitimate speech and violate freedom of expression. There

is a need to promote good practice. In Europe, for example, preventing children from accessing adult pornography is achieved through end user filtering, education to increase awareness of this tool amongst teachers and parents, and the development of spaces on the internet which are safe for children. Such examples protect the open nature of the internet, empower users, and are less susceptible to abuse, unlike filtering and blocking. It is also possible to encourage companies to take implement policies which will minimise the negative impact of filtering and blocking, for example by informing users when their access to certain content is being denied. One initiative which seeks to do this is the Global Network Initiative.

- *Civil society must challenge those filtering and blocking mechanisms which do not conform to human rights standards – this includes building understanding about what standards blocking and filtering must conform to and why.*

Intermediary liability

Internet intermediaries are those companies “that bring together or facilitate transactions between third parties on the internet. They give access to, host, transmit and index content, products and services originated by third parties on the internet or provide internet-based services to third

⁸⁸ Ibid, para 71.

parties”⁸⁹. Examples include internet and service providers, web hosting providers, internet search engines and portals, e-commerce intermediaries and social networking platforms. These companies play a vital role in enabling widespread participation on the internet. Internet Service Providers and internet cafes enable citizens to access the internet; search engines enable users to navigate the vast world of online content; photo and video sharing sites enable people to share images; social networking sites allow people to connect with each other and share various types of information easily.

Traditionally these intermediaries have been protected from responsibilities and liability for third party content, particularly in the United States and Europe. However, as intermediaries play a central role in channelling information online, governments are increasingly attempting to turn intermediaries into internet chokepoints in an effort to monitor or control people’s online activities. In India, for example, the government has passed legislation requiring intermediaries to collect data about their users and surrender it to law enforcement agencies upon request. In Brazil, social networking intermediaries are increasingly facing lawsuits for allegedly libellous comments made on the networks by users. The most famous case was filed by two Brazilian teenagers against the Google-owned Orkut over jokes that they allege offended them⁹⁰.

This trend has serious implications for freedom of expression online. Firstly it undermines the willingness of intermediaries to host and service user-generated content and it incentivises them to exercise more control over such content to guard against prosecution. This is likely to have a chilling effect on online freedom of expression. The threat of legal proceedings may also undermine further innovation in online services. Secondly, it delegates legal duties (e.g. deciding what content is legal and what content is illegal) to private sector. The private sector does not have the authority under International human rights law to make these decisions. The legality of content is almost always complex requiring the balancing of competing interests such as privacy and freedom of expression. Private companies have neither the requisite skills nor the authority to make these decisions. Furthermore they are likely to be overzealous in order to avoid breaking the law. This is particularly a risk when there is a power imbalance between competing parties – for example if a politician alleges that a citizen has defamed them, or a large media company alleges that an individual has infringed on their copyright. Finally, if users are aware that their data may be passed to law enforcement agencies, they are likely to exercise self-censorship, particularly in countries with poor human rights records.

This is another area where the issue should be tackled in a global way because there is much copying of legislation and practice across jurisdictions. There are also a number of international initiatives to promote the use of intermediaries to control content – particularly in the field of copyright protection. In Europe and the US copyright protection invokes a notice-based liability regime⁹¹ whereby intermediaries can be held liable where they have “knowledge and control” over the information. To protect themselves against liability they must act expeditiously “upon obtaining

⁸⁹ OECD, 2010. *The Economic and Social Role of Internet Intermediaries* [online]

<http://www.oecd.org/dataoecd/49/4/44949023.pdf> [Accessed 28/10/2011]

⁹⁰ Leonardi, M. 2010 *Direito e Internet - Internet Law Intermediary Liability in Latin America* [online]

<http://informacioncivica.info/argentina/intermediary-liability-in-latin-america/> [Accessed 28/10/2011]

⁹¹ Under the EU Commerce Directive and the US Digital Millennium Copyright Act

actual knowledge” of illegal activity or content “to remove or to disable access to the information concerned”. This regime is strongly criticized by civil society. It puts intermediaries under pressure to remove material from their servers without considering whether the allegations are true or whether the content is in the public interest, and can easily be abused by powerful actors. Some studies showed that ISPs based in Europe tend to remove and take down content without challenging the notices they receive. This scheme, together with even more restrictive measures (such as requiring intermediaries to monitor users online activities, and block access to certain websites) are being promoted heavily by the copyright-holding industries and developed country government across the world, through international forums (such as WIPO) and international agreements such as ACTA.

- *Intermediary liability is another internet governance principle which has a profound impact on how enabling of human rights the internet environment is. Public interest advocates need to work to promote protections from intermediary liability at national, and global, levels as a matter of priority*

Privacy and data protection

Privacy of correspondence is a human right, this is both because this is an element of human dignity, and also because it supports public debate on sensitive or controversial subjects. Privacy rights online are increasingly under threat from government surveillance and private sector use of user data. Government surveillance arose as an issue in several of the country reports. While surveillance can be legitimate under international human rights law, it often takes place for political, rather than security reasons in an arbitrary and covert manner. New laws to introduce or expand governmental powers to monitor communications have been introduced in the United States (the Communications Assistance to Law Enforcement Act) and India (the Information Technology Act). There are reports of information from blogs and social networking sites, as well as personal emails being used in interrogations and court cases. Both examples were seen in Egypt before the revolution. These laws often oblige intermediaries to collect information about users, for example internet cafes in India most keep a record of customers. Such laws are encouraged by international cybersecurity standards such as the Budapest Cybercrime Convention.

In the online world, collecting and using personal data is a key element of the business model of many internet companies. This information is used to make marketing and services more attractive to consumers. However, there are insufficient or inadequate data protection laws in many countries stipulating who is allowed to access personal data; what it can be used for; how it should be stored; and for how long.

Picture 9: “Surveillance”⁹²



Many civil society groups argue that privacy cannot be adequately protected without a global privacy framework, given that content travels around the world, and companies

can easily store it in countries with less onerous privacy safeguards. At present there are a number of international privacy frameworks including the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data, the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the EU Data Protection Directive. All three of these frameworks are currently being reviewed. At the same time the United States government is considering a Privacy Rights Bill. This is an enormous opportunity for civil society to encourage a more globally consistent approach to protecting privacy. As well as expanding support for existing principles, there are other principles - such as privacy by default and privacy by design – which should be examined. It is also important that the frameworks which develop take adequate account of the enforceability of the principles.

With regards to government surveillance, it is important to push for respect for human rights, especially transparency over what and when surveillance takes place, and adequate safeguards against abuse. Another issue is the practice of western companies selling surveillance technology to authoritarian regimes. Most recently in Libya, Colonel Gaddafi was found to be monitoring SMS messages, emails and online social platforms with software obtained from technology companies from France, South Africa and other countries⁹³. Given that surveillance is acceptable under some circumstances, and once capabilities exist it is very difficult to prevent them from being used for illegal purposes, this is a difficult issue to address. The aim must be to prevent the development of these capabilities in the first place, by encouraging tighter restrictions on the surveillance technologies sector. Furthermore, civil society groups and citizen groups more generally need training and tools to allow them to assess privacy risks, minimise their exposure to danger and to use privacy enhancing tools (such as Tor or Psiphon).

- *Digital communication technologies present significant and complex new challenges for protecting the right to privacy. There is an urgent need for public interest advocates to lobby states and internet companies to design and implement effective policies to better protect privacy online.*
- *Work is also needed to build the capacities of citizens and civil society groups to protect themselves as much as possible, to understand the risks and hence to make informed decisions.*

4.4. Content

Criminalisation of speech

The use of criminal law to clamp down on legitimate expression is a trend which impacts on both offline and online speech. However, it appears to be a trend that is growing in line with increased use of the internet, driven predominately by political considerations. In many countries old sedition laws are being revived to control online speech, for example there are many examples of professional and citizen journalists being tried under security laws for scrutinising governmental activity . Laws which make defamation a criminal offense are a particular concern in parts of Southeast Asia, East Asia, sub-Saharan Africa and Latin America. For example in Brazil the “desacato” laws grant special protections for public officials and are used to prevent criticism of public officials.

⁹³ Morozov, E. 2011. *Political Repression 2.0* [online] http://www.nytimes.com/2011/09/02/opinion/political-repression-2-0.html?_r=3 [Accessed 28/10/2011]

Civil law is also being used to clamp down on online speech, for example in Egypt local courts have fined online commentators for impersonating journalists and “abusing the internet”. In Indonesia a woman faced high fines for an e-mail she sent to friends complaining about a local hospital.

An increasing number of countries are introducing new laws to specifically regulate online communication. These are often more restrictive than similar offline laws, or apply harsher penalties. For example in Indonesia the Electronic Transactions and Information law stipulates potential prison sentences of 6 years for those found guilty of defamation. By contrast, the offline law for defamation provides for jail services of 4 years. Another common problem is that laws used to arrest bloggers and online journalists are overly broad and ill-defined so can easily be manipulated and abused. In India, for instance, the difference between dissent and terrorism is not clearly outlined and this imprecision is used to stifle legitimate debate.

Silencing criticism through harassment and detention is an old phenomenon; it is used to silence legitimate expression and to promote self-censorship. These trends continue and civil society groups such as Reporters without Borders (RSF) have begun to document the use of these techniques against citizen, as well as professional, journalists. According to RSF in 2010 137 journalists and 102 online commentators were arrested across the world.

- *This is a dangerous, growing threat. Civil society must bring pressure against these practices, using, amongst other things, human rights mechanisms.*

Copyright and access to knowledge

The internet revolutionises the sharing of content, facilitating access to information on a very exciting level – allowing people to exercise their right to culture and to access information for human and social advancement. However, some of that content is subject to copyright restrictions. There has always been a difficult balancing act needed between protecting the rights of individual creators to benefit from their creations; and public rights to access information, engage in cultural life and to benefit from progress. However, companies have developed who trade in these rights and whose business models depend on copyright enforcement (for instance in the media and biotechnology industries). Strong lobbies are pushing for increased copyright protection in international forums and advocating approaches which undermine free flow of information online. Because they are mainly from developed countries, they have the influence of developed country governments in forums such as WIPO.

Copyright is a recurring theme throughout this chapter. The scope of copyright is also being extended at WIPO in terms of protected materials, the rights of authors and the duration of those rights. Furthermore, developed countries are applying pressure on developing countries not to use fair use exceptions, and to adopt strict enforcement mechanisms, through bilateral and multilateral trade agreements (for example ACTA). As discussed, the technical measures being promoted include blocking and filtering, disconnecting users from the internet and imposing intermediary liability.

However, at the same time there are some very positive initiatives. At WIPO a “Development Agenda” was introduced in 2007 following a campaign spearheaded by Argentina and Brazil. The agenda aims to make WIPO framework more development friendly through, for example,

recognising that each country has a unique situation and supporting the use of flexibilities. However, progress has been slow and more pressure is needed. In August 2011, at the Global Congress on Intellectual Property and the Public Interest, more than 170 policymakers and advocates from approximately 35 countries to discuss the need for constructing a positive policy and research agenda. The resulting Washington Declaration on Intellectual Property and the Public Interest recommends specific actions by the public interest community and covers three broad areas: “valuing openness and the public domain”, “strengthening limitations and exceptions”, and “setting public interest priorities for patent reform”.

Another attempt to frame the debate in a progressive manner is a campaign to amend the United Nations Guidelines for Consumer Protection to support access to knowledge. The Guidelines are a “soft law” statement of principles for consumer protection policy. Proposed amendments include: to set minimum standards for essential copyright limitations and exceptions for consumers; stop suppliers using technology to cripple digital products of unreasonably limit the ways in which consumers can use them; promote a permissive approach to copyright to facilitate non-commercial creativity by consumers. A more applied example is the development of liberal licences for content, most famously creative commons. These licences allow non-commercial copying and sharing of work provided that the author is given attribution.

- *Copyright is one of the main internet freedom battlefields at the moment in many countries across the world and certainly at the international level. This is a serious challenge given the extremely strong copyright enforcement lobby. As well as fighting back against individual bad policies in this area. Public interest advocates should fight for a foundation level re-conception of the place of copyright in society. This should be achieved using the concept of balance between the public interest and the rights of creators as outlined in the International Bill of Human Rights. The buds of a united civil society position on copyright have appeared over the last year. Now is the time to seize this opportunity and grow them into a global movement.*

Availability of diverse and good quality content

Concerns arise throughout the report about who is creating online content – where access and accessibility is limited, those empowered to communicate online are often the already influential, urban, wealthy elites. Another dimension to this issue is discussed in the US chapter – where existing models of funding content creation are undermined, the lack of professional journalists can lead to the lack of good quality reporting.

The internet presents an opportunity to tackle these issues by promoting diverse content creation. A recent report by the Internet Society, UNESCO and the OECD found that countries with more internet infrastructure (at all income levels) are also the countries producing more local digital content. However, as new users get online, fewer and fewer of them appear to be content creators⁹⁴. This shows the importance of stimulating and encouraging new content creators. In turn this will promote greater access as stated in article 53 of the WSIS Geneva plan of action: “The creation, dissemination and preservation of content in diverse languages and formats must be accorded high priority in building an inclusive Information Society, paying particular attention to the

⁹⁴ GISWatch 2008, Pg31.

diversity of supply of creative work and due recognition of the rights of authors and artists. It is essential to promote the production of and accessibility to all content—educational, scientific, cultural or recreational—in diverse languages and formats. The development of local content suited to domestic or regional needs will encourage social and economic development and will stimulate participation of all stakeholders, including people living in rural, remote and marginal areas.”

- *Promoting local and diverse content creation is an important goal - with close links to other areas such as access and accessibility. Improving digital and media literacy is a tool.*

Digital and media literacy

Digital and media literacy have emerged as key needs due to the enhanced role and responsibilities of citizens in the online environment. Digital and media literacy programmes can assist users to use digital tools to create and share content, to access content that they want and need, to assess the content that they have access to, to protect themselves from government and cybercriminals, and to make informed decisions about what information to share and how. Digital and media literacy can also form a key element of strategies to combat some of the problems with digital communications without undermining the openness of the internet. For example, by supporting people to distinguish between true and untrue information.

Picture 10: “Digital natives”⁹⁵



The need for digital and media literacy is well established, contained, for example within the WSIS Geneva Plan of Action (Art 29), the Declaration on Media and Information Literacy and the Special Rapporteur on Freedom of expression’s Report on “Freedom of Expression on the Internet”. The Council of Europe has adopted media literacy as a key element of its New Media

Initiative, and UNESCO produces many digital literacy resources.

Certain groups are in need of specialised capacity training. For example human rights activists need to know how to protect themselves and their networks from enhanced attacks – both in terms of privacy and to counter DDOS attacks. They also need to learn how to effectively use digital communications to mobilise people and effect change, and they need to learn more about the internet environment so they can engage in policy discussions and shape the ecosystem in a positive way.

⁹⁵ Cobo, Juan Christobal, 2009. *Digital Natives*. March 17, 2009 via Flickr, Creative Commons

- *Digital and media literacy have emerged as key needs due to the enhanced role and responsibilities of citizens in the online environment.*

4.5. Conclusions

The internet environment is critically important – for better or worse, the internet is increasingly central to the media and communications environment; and in turn is shaping all dimensions of social life. This presents an unforeseen opportunity to democratise freedom of expression. However, this will not occur unless public interest communities invest in shaping, protecting and developing the environment.

There are a number of major challenges which need to be addressed. The communications environment is not governed democratically and transparently, with meaningful input from all stakeholders, limiting possibilities for shaping it so that it meets citizen needs. Enabling global access to the infrastructure is a priority aim, such access must be affordable, of sufficient quality and accessible to all communities. An environment which began very openly is increasingly being damaged and undermined by governmental attempts to control the environment through exercising greater control over internet governance, and implementing restrictive and short-sighted law, policy and practices. Businesses have a great deal of influence on the environment, and through consideration for profit rather than public interest, are damaging openness and access to information particularly in the areas of copyright and network neutrality. It is essential that these challenges are met robustly by prepared, coordinated, and collaborative civil society. We need to build a broader and more sustained internet freedom movement. This is a challenge very different to traditional media challenges – it requires a new knowledge set, and new strategies. Investment must be made now to assist civil society to meet this challenge effectively. All citizens will require new skills to engage fully and effectively in the emerging environment.

At the same time, there are a number of positive movements which must be supported and developed to have maximum impact. An opportunity to rethink privacy on a global level is coming as reviews of different frameworks coincide. A growing community of public interest voices have decided that the current imbalances in the intellectual property regime have gone too far, and a real momentum is building around a public interest approach. Momentum is building around the idea of business responsibilities too. Both these areas are wider than just the internet – but both offer great opportunities for shaping the environment. And, evermore human rights actors are realising that value of the internet, and the precarious nature of that value, and are investing time and energy into understanding and shaping the environment. The report by the Special Rapporteur on “Freedom of Expression and the Internet” was a symptom of that growing awareness; it is also a catalyst for deepening and widening involvement.

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