

## **UNESCO/WSIS Report 2013**

### **Exploring the Evolving Mediascape: Towards updating strategies to face challenges and seize opportunities\***

Divina Frau-Meigs, Professor of Media Sociology and Director of the AIGEME Master's programme (Engineering in e-learning and media education), Sorbonne Nouvelle University

\* The author expresses her gratitude to UNESCO's Communication and Information Sector team for their support and suggestions in the early draft reviews of this report. The author is responsible for the choice and the presentation of the facts contained in this publication and for the opinions expressed therein, which are not necessarily those of UNESCO and do not commit the Organization. The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on

the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

## **Contents**

### **Executive summary**

### **Introduction: Broad trends in media transformations**

#### **I. Overview of trends and developments in core media issues**

##### **I.1 Challenges and opportunities in the area of freedom of expression**

- I.1.1 Freedom of expression as an enabler of development
- I.1.2 The expansion of the right to information
- I.1.3 Gatekeeping and filtering on “broadband” media
- I.1.4 User-aggregated content and (micro-)blogging: voice, agency and hate speech

##### **I.2 Challenges and opportunities related to public interest, ownership and spectrum issues**

- I.2.1 Threats to public service media and shifts in public interest content
- I.2.2 Ownership and consolidation: the “portal effect”
- I.2.3 Patterns of resistance within “broadcast” media
- I.2.4 Public value of “broadband” media services and Public Service Software (PSS) PSS options

##### **I.3 Challenges and opportunities in the area of media and communication for development (C4D)**

- I.3.1 New ways of creating culture via original content, versioning and copyright
- I.3.2 Social entrepreneurship and creative industries
- I.3.3 Community media as a tool for empowering people
- I.3.4 Media Development Indicators and C4D

##### **I.4 Challenges and opportunities in the area of professional training**

- I.4.1 The rise of citizen journalism in social networks
- I.4.2 In search of economic models
- I.4.3 The need for data journalism in the curriculum

##### **I.5 Challenges and opportunities in the area of Media and Information Literacy (MIL)**

- I.5.1 Standard-setting initiatives and media education policies
- I.5.2 New media literacies and transliteracies
- I.5.3 Connecting literacies to media and human rights via education

#### **II. New and emerging cross-cutting patterns**

##### **II.1 Gender equality and women’s rights in the media**

- II.1.1 Persistent and damaging stereotypes
- II.1.2 Persisting factors for the gender digital divide in “broadband” media
- II.1.3 Affirmative actions and policies

##### **II.2 Illegal and harmful media content and protection of minors**

- II.2.1 Old and new patterns for risk of harm
- II.2.2 Creative solutions for state and self-regulation
- II.2.3 Multi-stakeholder cooperation

### **II.3 Privacy risks and surveillance as part of the impact of social networks**

- II.3.1 The mixed promise of democratization at collective level
- II.3.2 “Seeming consent” and “terms of service” at individual level
- II.3.3 Intersections between privacy and freedom of expression
- II.3.4 Anonymity and confidentiality of sources

### **II.4 Content development and effective appropriation via mobile telephony**

- II.4.1 The promises and limitations of telephony
- II.4.2 Effective appropriation for social change

### **II.5 Emerging transnational regulatory mechanisms and enabling environments**

- II.5.1 The transnational opportunities of global digital commons
- II.5.2 Net neutrality as a guiding principle for governance
- II.5.3 Internet governance and the next generation of freedom of expression rights

## **III. Recommendations for multistakeholders and UNESCO**

### **III.1 General strategy recommendations**

### **III.2 Providing templates for national policy frameworks and fostering multistakeholder strategies in the areas of:**

- III.2.1 Freedom of expression, right to information and gatekeeping
- III.2.2 Public interest, ownership and spectrum issues
- III.2.3 Media development
- III.2.4 Professional training and quality content
- III.2.5 Media and information literacy (MIL)
- III.2.6 Gender
- III.2.7 Illegal and harmful media content and protection of minors
- III.2.8 Privacy
- III.2.9 Content development and appropriation via mobile telephony
- III.2.10 Emerging transnational regulatory mechanisms and enabling environments

### **III.3 Suggestions for raising general public awareness of WSIS and UNESCO**

## **Conclusion: the ways forward**

## **Bibliographical references**

## Executive summary

The report assesses trends in the media landscape in light of developments since the World Summit on the Information Society (WSIS) and the specific areas related to UNESCO's follow-up mandate regarding Action Line 9: Media. The introduction to this report assesses dominant trends that affect media mutations, considering how they can impact freedom of expression, pluralism, diversity and the public interest at large. Looking at such enduring values and at how to preserve them in the digital era, the main thrust of the analysis weighs the various forces at work and dispels illusions about the continuity of the previous status quo between the so-called "knowledge industries" and infomediaries in the media value chain. It looks at the "shuttle screen" situation in which what happens on the top surface screen of "broadcast" media sources for fiction and information is discussed within the deeper netroots screen of "broadband" media. It considers the social model that accounts for the "shuttle screen" situation, focusing on the centrality of users' individual needs for "self-actualization", "play" and "lifelongings" as well as their collective needs for "curation" and "civic agency". It looks at two complementary economic sides of media as relational goods and experiential goods, relating them to values of interaction and participation from the perspective of usage rather than ownership, in order to evaluate how the media sector takes advantages of such trends in the delivery of spectacles and services to end-users.

The two main sections in the report deal with "broadcast"-mode and "broadband"-mode media as they converge on the digital Internet Protocol (IP) infostructure. The first section considers core media issues and values such as independence and plurality of the media, censorship and gatekeeping, ownership and voice, as well as training of media professionals, and media and information literacy. It analyzes how media can bridge the knowledge divide and provides answers for human development and social change. The second section considers cross-cutting and emerging trends that impact core media matters and values. It analyzes issues of balance in gender representations and illegal content for minors, as well as the way privacy and mobile telephony impact and facilitate the flow of cultural content.

The report discusses a range of issues in resonance and conflict with freedom of expression values and principles. An analysis of core values in the "broadcast" and "broadband" media is done with a view to uphold the significant role of media as providers of public access to, and use of, information, knowledge and resources. Analysis of cross-cutting issues is focused on how they support or conflict with freedom of expression and other rights. Special attention is paid to journalism and news media as important vehicles for independent quality news that provide exposure to large audiences. As a generalization, the legacy media, whose mode is "broadcast", are being challenged by new economic models and social values that shake the status quo they had reached in the pre-digital era: they have lagged behind in fully understanding the meaning of digital convergence; they have missed introducing a pay mechanism when going online and are now suffering from the lack of a clear economic model; they have been slow and defensive in embracing citizen journalism and user-aggregated content and comment; many have been lax on training staff in new digital skills and competences.

The report concludes that far from signalling the demise of media, these evolving issues and values herald a new age of media amplification and diversification that holds promises for democratization and info-empowerment, but also risks for enclosure of public interest content

and for infomediaries such as journalists and human rights activists (ownership concentration, increased surveillance and censorship, etc.). The years to come are still going to see an explosion of innovative and experimental patterns in Information and Communication Technologies (ICTs) with an impact on the way media are organised, as a business as well as a social force, with crucial consequences in defining the balance between commercial interests and public interests, and between freedom of expression and other human rights. Such implications have often been either underestimated or compounded by decision-makers and the media themselves. A general mobilisation and awareness of the urgency of the situation is needed to ensure that the hard-won freedoms of the pre-digital era are carried on in the digital world and that human beings worldwide are entitled to their rights and dignity.

The report proposes three kinds of recommendations:

**1/ General strategy recommendations, calling upon UNESCO to provide and promote:**

- a debate on the conceptualisation of media as they are retooled by digital convergence, around the main issues of freedom of expression and development.
- an arena for discussing supra-national decision-making policy tools and templates, using Freedom of Information (FOI) and Media and Information Literacy (MIL) methodology as a basis for consensus-building.
- a multi-stakeholder consultative process that needs to incorporate clearly the media industry in all sectors (public, private and community) and Civil Society Organizations (CSOs) as accredited partners.
- a coordinated strategy with ITU and UNCTAD
- independent research to show evidence of impact of legislation and initiatives in freedom of expression and its connection with media, culture and development.
- awareness raising campaigns, disseminating findings and policy templates, to help diagnose issues, elaborate strategies and identify key parameters for information and knowledge creation, preservation, access and sharing.

**2/ Specific recommendations to be implemented by legal and non-legal measures, calling upon UNESCO to provide and promote:**

Templates for national policy frameworks and to foster multistakeholder strategies (between governments, private sector and civil society organizations) in the following areas:

- freedom of expression, right to information, gatekeeping and user-aggregated content
- public interest, ownership and spectrum issues
- media development
- professional training and quality content
- media and information literacy (MIL)
- gender
- illegal and harmful media content and protection of minors
- privacy
- content development and appropriation via mobile telephony
- emerging transnational regulatory mechanisms and enabling environments

**3/ Suggestions for raising general public awareness of WSIS, calling on UNESCO to:**

- promote an enabling environment for freedom of expression and information, to help “broadcast” media navigate the change towards digital convergence, to foster the information commons.
- engage in pro-active communication towards decision-makers and the general public about goals and achievements of WSIS in the framework of Millenium Development Goals.

- make its own proposal for Internet governance with human rights at the centre and development as its goal, with people-centred issues and knowledge societies in mind, including issues of freedom of expression; media independence, pluralism and diversity; production of local content; and multilingualism.

- enlist researchers and practitioners and ensure they use WSIS perspectives and action lines more in the field of communication for development.

- support all these media initiatives in terms of human rights and actively promote media ethics.

## **Introduction: Broad trends in media transformations**

The World Summit on the Information Society (WSIS), via its Action Line C9 facilitated by UNESCO, sought to encourage media to continue playing an important role in the “Information Society”<sup>1</sup>, as well as to advance the development of domestic legislation guaranteeing media freedom, independence and plurality. WSIS advocated for appropriate measures against what it termed illegal and harmful media content, and fostered partnerships and networks between media in developed and developing countries – particularly in regards to training. Action Line C9 also called for a balanced and diverse portrayal of women and men in media coverage. It sought to decrease international imbalances affecting media (especially in terms of technical resources and human skills), by harnessing the potential of Information and Communication Technologies (ICTs) and encouraging traditional media to bridge the knowledge divide and facilitate the flow of cultural content, particularly in rural areas. Finally, WSIS set out its Plan of Action to be achieved by 2015, on the same deadline as the Millennium Development Goals (MDGs), considering that access and use of ICTs would facilitate achieving such goals.

Media were broadly defined as “press, broadcast and new media” in WSIS documents. They have continued to play an important role in the “Information Society” in spite of concerns over their demise, their disappearance or their marginalization. In fact they have multiplied, combining “broadcast” modes of data entry and output (so-called “traditional” or “legacy” media) with “broadband” modes (so-called “new” media), adding interactivity among users to mass diffusion of contents. Broadcast media as well as the printed press have undergone a lot of pressures in the changed digital environment but generally remain a key instrument to propagate information, entertainment and to help create public opinion. “Broadband” media are deepening the potential for conversation and for engagement from the netroots while not yet reaching the level of a global public sphere, though they could potentially do so due to their transborder capacities.

As they evolve, “broadband” media are taking on some of the characteristics of “broadcast” media: they are not just platforms for connection, they are also sources for content and platforms for broadcasting to audiences as well as vehicles for advertising. Google via YouTube is launching a variety of “channels” for news and entertainment, Facebook is incorporating video, Apple allows cheap access to music and other catalogues, and mobile telephony is acting as a source of content. As they incorporate news, narratives and storytelling, these entities are becoming media and as such open themselves to editorializing of content, information rights, etc. They are no longer “ICTs”, with the technical quality of signal as their priority; they are also involved with issues of freedom, access, pluralism, independence, content quality, education and ethics. This is visible in the incorporation of such “soft” issues in fora that tend to debate on “hard” issues such as the Internet Governance Forum (IGF) or the International Telecommunications Union (ITU): they all point to the fact that “Internet”, understood as the sum of all the codes, algorithms, applications and services that constitute its multi-layered structure, is a medium which functions in parts as an element of the media.<sup>2</sup>

---

<sup>1</sup>The term “Information Society” is kept here in direct reference to the WSIS process. UNESCO and civil society adopted the term “Knowledge Societies” to shift the emphasis from a technology-centred paradigm to a people-centred vision.

<sup>2</sup>Considering that the American Supreme Court denied it the status of “public forum”, which would have made it akin to streets or mails (See *ACLU v. Reno*, 929 Fsupp at 877 E.D. Pa (1996) as commented by R. M. O’Neil,

This media environment is difficult to assess because of the rapid changes it is undergoing and yet some trends need to be underlined, however tentatively and cautiously, in order to consider how they can impact freedom of expression, pluralism, diversity, independence and the public interest at large. Looking at such enduring values and at how to preserve them in the digital era, the main thrust of this analysis will weigh the various forces at work and dispel illusions about the continuity of the previous status quo between the so-called “knowledge industries” and some infomediaries. The analysis concludes, in particular, journalists whose profession runs the risk of being cut out of the media value chain, if public interest and freedom of expression are not brought into the equation.

The current stage exhibits a “shuttle screen” situation in which what happens on the top surface screen of “broadcast” media sources for fiction and information is discussed within the deeper netroots screen of “broadband” media with feedback to the top surface screen (with newsblogs or fanfictions for example). Some uncertainties remain as to how the two subsystems of the “Information Society” era will evolve. TV-based developments (connected TV) currently compete with Internet-based developments (Web-TV), and with a multitude of formats such as tablets, smartphones, laptops and other forthcoming e-devices. A great deal of content is still generated offline, in many parts of the world, including by the printed press. Yet paper is on the way out as the preferred mode of data entry and output: long and short narrative forms, including news stories, are fast migrating to the digital screen and its underlying IP infrastructure. This dominant trend will eventually be present everywhere in the world, even though at the moment it contributes to the cultural divide between media-rich and media-poor countries and communities.

So, in this systemic analysis, the term “broadcast media” will be henceforth used instead of “traditional” or “legacy” media to emphasise the fact that the printed press or audiovisual outlets and productions are not gone but mutating and both re-inventing themselves online, even though generally keeping their characteristic of mass content delivery (one to many). The term “broadband media” will be used to incorporate Internet platforms, websites and social networks as well as sms, tweets and (micro)-blogs keeping their characteristic of interactivity (one to a few or one/few to many). From the perspective of users, both “broadband” and “broadcast” media produce a seamless experience as they are screen-based, and less and less script-based (even when they use text), with implications in terms of freedom of expression and of information, as these are impacted by mobility, ubiquity, velocity and shareability. However, as shown by the resilient expansion of books during the audiovisual era dominance, the digital equivalents of “broadcast” radio, television and press will persist—though displaced in importance—because they fulfil cognitive needs and sensorial differentiations (the internal voice of reading or the listening attention to music) that will remain reflected in the heterogeneous and generative media modes and formats of the digital era.<sup>3</sup>

Broadcast television continues to be a major provider of shared stories (news, series, games, etc.) that are recycled and remixed on the digital networks of “broadband” media, often (but not always) as conversations (comments, rankings, links, etc.) because common narratives, be

---

1997, ““broadcast”ing as a Public Forum”, R. Corn-Revere (ed), *Rationales and Rationalizations: Regulating the Electronic Media*, Washington, DC, The Media Institute, p. 147).

<sup>3</sup> L.E. Harrison and S.P. Huntington, 2000, *Culture Matters: How Values Shape Human Progress*, New York, Basic Books; see also M. Tomasello, 1999, *The Cultural Origins of Human Cognition*, Cambridge, Harvard UP, 1999.

it online or offline, constitute a central piece of social learning and human interaction. But these stories also increasingly come from institutions other than “the media” and from individuals as well, with differences in terms of genre, production values, credibility and levels of shareability. The volume of videos on YouTube for instance is a mix of broadcast television and user-generated homebrewed content, with the additional production of its own channels. Besides, digital convergence enables the computer-based measurement of consumption and thus facilitates tailored commercial services, a trend reinforced by the emergence of network media, whose social dimension now also affords human-based recommendations and tailoring based on “community” and “affinity”.

The social model that accounts for the “shuttle screen” situation and the intense and widespread use of communication and information processes on “broadcast” and “broadband” mode is not yet fully comprehended by researchers. Yet some trends point to the centrality of the users’ social and cognitive needs. This implies a combination of “self-actualization”<sup>4</sup> (defined as the desire for self-fulfilment and the use of media affordances to that effect), “play”<sup>5</sup> as related to problem-solving and to testing dynamic models of real-world processes without risk, and satisfaction of “lifelongings”<sup>6</sup> (defined as the intense desires that are remote or unattainable and the use of compensatory strategies, such as symbolic or social capital afforded by interactive media, as adaptive self-regulation to cope with blocked goals or incompleteness of real life).

“Broadband” media, even more than “broadcast” media, afford such compensations or alternative strategies, especially with the curatorial tendencies evinced on content sharing services such as Pinterest, Picasa or even, in the realm of news, Reddit where users vote stories (for which they have generated links) to the front page. This trend is known as “curated consumption”, a term coined by trendwatching.com in 2004 to account for the growing role of users as trend-setters, reputation-builders and (self-)curators thriving on social networks such as Flickr or Facebook.<sup>7</sup> This new form of curation (not necessarily built on collection, hierarchy and professionalism) comes as a sorting-out complement to aggregation that corresponds to a search for quality criteria in a chaotic digital world of abundance. “Para-curatorial” practices appear as supplements to the curation proper, with comments, additional links and performances of various kinds, as in the case of news curation where users aggregate content to the expert work of journalists. These uses and practices are not without interest for all media stakeholders as they fuel e-presence, attention, engagement, participation and interaction of unprecedented volume and not always ascertainable quality.

This individual hierarchy of needs also fits with more collective needs or “functionings”<sup>8</sup> that foster real freedoms (such as self-respect or the capacity for participation in community life) with media as affordances for collective intelligence and information dissemination. These collective needs can be further connected to “civic agency”<sup>9</sup>, defined as the capacity of human

---

<sup>4</sup> A. Maslow, 1970, *Motivation and personality* (2nd ed.), New York, Harper & Row.

<sup>5</sup> Frau-Meigs, D. (2013 forthcoming). “Child and Adolescent Well-Being From the Perspective of Media and Communication Studies” Ben-Arieh, A., Frones, I., Casas, F. and Korbin, J.E. (Eds.). *Handbook of Child Well-Being. Theory, Indicators, Measures and Policies*. Heidelberg, Springer.

<sup>6</sup> S. Scheibe, A.M. Freund and P.B. Baltes, 2007, “Toward a Developmental Psychology of *Sehnsucht* (lifelongings): the optimal (Utopian) life” *Developmental Psychology*, pp. 778-795.

<sup>7</sup> S. Rosenbaum, 2011, *Curation Nation: How to Win in a World Where Consumers are Creators*, New York, McGraw-Hill.

<sup>8</sup> A. Sen, 1985, *Commodities and capabilities*, Amsterdam, North Holland.

<sup>9</sup> P. Dahlgren, 2006, “Doing Citizenship. The Cultural Origins of Civic Agency in the Public Sphere”, *European Journal of Cultural Studies* 9 3, pp. 267-286.

groups to act cooperatively on common issues in spite of diverging views. Civic agency requires a set of norms, symbols and practices that support and enhance groups' capacities for collective action. Socialization theory accounts for all these individual and collective needs as a cognitive process of internalization (including performance, co-construction and revision of values). In this process, information and communication contents are recycled, remixed and re-used and put together into a dynamic repertoire of strategies for appropriate participation in a given society.<sup>10</sup>

As vehicles for expression ranging from few to many, many to many and few to few, "Broadcast" and "broadband" media have expanded the traditional pre-digital functions of media. These gave legitimacy to news as they were construed to serve as a means of surveillance of the environment (observation function), of corroborating information (correlation function) and of ensuring continuity of shared values (transmission function).<sup>11</sup> New digital tools have magnified these functions, turning the Internet into a user-friendly publishing tool, a huge multi-media library, covering many topics from many perspectives and empowering transmission with online courses and tutorials. In addition, new functions have emerged such as the means of trading and selling all sorts of goods (transaction function), of entertaining oneself through music, movies and games (distraction function) and of activating one's civic agency (participation function).<sup>12</sup>

These complex changes do not go without tensions in society, as the logic of culture (spectacles) meets the logic of economics (services), and as, within economics, the culture of free-feeling goods (spectacles) meets the logic of pay-per-view (services). The economic models of the pre-digital era are still extant, like the flow model of mass media or the editorial model of news as well as the information brokerage model where infomediaries collect advertising revenue.<sup>13</sup> They are visible in the audiovisual sector that practices "premium" contents sales on dedicated cable networks or niche satellite movie channels. These models are challenged by pure player digital models based on data-mining by third-parties that exploit the individual and collective needs of users in terms of self-actualization, play, lifelongings and civic agency. They feature the intervention of non-audiovisual actors from the hardware and software industries that become content-aggregators such as exemplified by Yahoo!News or by ISPs that push for information brokerage as in the example of Google and its AdSense system for collecting advertising revenues. New means of mining and valorising content around curation and aggregation thus take into account not only consumption habits but also reception practices as well as socialization processes that allow more and more direct development of services with added-value to the person.

From the perspective of the users, the "shuttle screen" situation seems to involve two complementary economic sides: relational goods and experiential goods. Relational goods foster enduring interpersonal relationships and are local public goods, not necessarily related to market exchanges, maintained through non-contractual, coordinated actions (in line with

---

<sup>10</sup> D. Frau-Meigs, 2011, *Socialisation des jeunes et éducation aux médias*, Toulouse, Eres.

<sup>11</sup> H. Laswell, 1948, *The structure and function of communication and society: The communication of ideas*, New York, Institute for Religious and Social Studies, pp. 203-243; see also W.R. Wright, 1960, "Functional analysis and mass communication" *Public Opinion Quarterly* 24, pp. 610-613.

<sup>12</sup> Frau-Meigs, *Socialisation aux médias et éducation aux médias*, chap. 1.

<sup>13</sup> D.S Evans and R. Schmalensee, 2005, *The Digital Revolution in Buying and Borrowing*, Cambridge, MIT Press; X. Greffe et N. Sonnac, 2008, *Culture Web. Création, contenus, économie numérique*. Paris, Dalloz; see also P. Bouquillion et Y. Combès, 2007, *Les industries de la culture et de la communication en mutation*, Paris, L'Harmattan.

“civic agency”).<sup>14</sup> Their value is predicated upon the interaction between people, especially the reciprocity in the pursuit of intimacy and mutual perceptions of understanding and caring, as evidenced in social networks where time spent “friending”, playing and curating about relationships and emotional involvement seems unlimited. Experiential (or experience) goods must be tested before purchase is considered; they are predicated on use prior to ownership (contrary to consumer goods that must be bought before they are tried).<sup>15</sup> They rest on social learning that creates habits of use, and media contents such as music, video games or software applications lend themselves to such tailored needs. A number of intermediary services before (consumer trials) and after sales (consumer satisfaction) are necessary before the transaction is finalized and user-friendliness is key, reinforcing the proximity with relational goods. To many users, iTunes or YouTube feel like a relational good though YouTube, especially, relies on advertising and information brokerage models, producing the general myth that Internet is free and open (or low-cost), even when using proprietary tools and platforms. This perception has implications for freedom of expression and news in particular as the users have been in the habit of not paying for news online, as it feels like a relational good, making it very difficult to find a sustainable model for media outlets.

In the saturated media context of the “Information Society”, “broadcast” and “broadband” media together hold the potential to generate a global level public sphere, incorporating national, local and community-based public spheres that today remain at the level of sphericules. A major challenge facing the “broadcast” media, including online newspapers, is how to manage their intersection and interpenetration with the “broadband” developments, while preserving the distinctive democratic role that they exclusively played (or were expected to play) in the pre-digital era. It is not so much their demise that is to be feared rather than the fact that they risk severing themselves or bifurcating from “broadband” media: in general, they have lagged behind in fully understanding the meaning of digital convergence in terms of civic agency, curated consumption and self actualization; they have missed introducing a pay mechanism when going online and are now suffering from the lack of a clear economic model; they have been slow and defensive in embracing citizen journalism and user-aggregated content and comment; many have been lax on training staff in new digital skills and competences.

Moving forward needs strong changes related to these rapid evolutions and the attention and close collaboration of all the partners involved in the chain of media production-representation-reception. Moving forward also implies a shift away from the “Information Society” framework to the new “Knowledge Societies” framework as defined by UNESCO and civil society actors during and after the World Summit on the Information Society. The role of “broadcast” and “broadband” media is crucial in this evolution as digital convergence creates an ambient, ubiquitous media environment whose development is as crucial as the natural environment. Though WSIS covered many dimensions in an open-ended manner, it could not anticipate some of the major changes induced by Web 2.0, starting approximately in 2007, and the “shuttle screen” situation it created. Action Line C9 should therefore be extended to include the impact of social networks, the changes in ownership and voice, the spectrum issues affecting pluralism and the updating of training practices, be it of journalists

---

<sup>14</sup> C. J. Uhlaner, 1989, “Relational goods and participation: incorporating sociability in a theory of rational action” *Public Choice* 62, pp. 253-285; C. Anderson, 2006, *The Long Tail. Why the Future of Business is Selling Less of More*, New York, Hyperion.

<sup>15</sup> R. E. Caves, 2000, *Creative Industries: Contracts Between Art and Commerce*, Cambridge, Harvard UP.

or the general population. As they reconfigure the mediascape, such changes offer unexpected opportunities for all stakeholders but also unprecedented risks.

Two sections in this report deal with “broadcast”-mode and “broadband”-mode media as they have converged more and more and begin to overspill. The first one considers core media issues and values such as freedom, independence and plurality of the media, censorship and gatekeeping, ownership and voice, as well as training of media professionals, and media and information literacy. It analyzes how media can bridge the knowledge divide and provides answers for human development and social change. The second considers cross-cutting and emerging trends that impact core media matters and values. It analyzes issues of balance in gender representations and content deemed illegal, as well as the way privacy and mobile telephony impact and facilitate the flow of cultural content. The report ends with a last section providing a series of recommendations. Far from signalling the demise of media, these evolving issues and values herald a new age of media amplification and diversification that holds promises for democratization and info-empowerment, but also risks for the enclosure of public interest content and for infomediaries such as journalists and human rights activists.

## **I. Overview of trends and developments in core media issues**

Though media companies were not very present during WSIS, Action Line C9 did maintain them on the map. The major contribution by civil society was the Marrakech Declaration of Orbicom that focused on freedom of expression, community media, cultural diversity and protection of professional journalists, among other key issues.<sup>16</sup> Since then, Action Line C9 has concentrated on themes related to the realm of freedom of expression and media development, with two special sub-areas of focus, community media and media and information literacy as evidenced in its yearly reporting at CSTD-WSIS in Geneva.

### **I.1 Challenges and opportunities in the area of freedom of expression**

The right to freedom of expression has been enriched with many facets during the past decades, with new advances. Besides the attention drawn to issues of pluralism, editorial independence and professional journalism ethics, new issues have been aggregated, such as the expansion of the right to information, the emergence of online gatekeeping and the new voices of citizens via user-generated content.

#### **I.1.1 Freedom of expression as an enabler of development**

Article 19 of the Universal Declaration of Human Rights has been used to support the legitimacy and social utility of the press and “broadcast” media, and as a result it is one of the most threatened and contentious, worldwide. Article 19 has created international standards requiring public authorities not to restrict freedom of expression and information and to ensure that this fundamental principle is not threatened by any governmental, non-governmental or private sector entities. As access to “broadcast” and “broadband” media is increasingly determined by private multi-national infomediaries, their corporate localisation and their intricate agreements with partners in other countries can make it difficult to protect users in a consistent manner.

An enabling legal framework, at national level, must guarantee media freedom, independence (from political and economic controls) and plurality (meaning the absence of monopolies,

---

<sup>16</sup> Orbicom, “Role and Place of Media in the Information Society in Africa and the Arab States”, 22-24 November 2004, Marrakech (Morocco) that led to The Marrakech Declaration available at [http://www.itu.int/wsis/documents/doc\\_multi.asp?lang=fr?&id=1384|1385](http://www.itu.int/wsis/documents/doc_multi.asp?lang=fr?&id=1384|1385)

recognition of the public, private and community media sector, and the sustainability of various media outlets reflecting a large range of information and opinions). Such legislation has been underdeveloped or lagging behind in many places. A reliable reference source in this regard is the Freedom House index (created in 1979). It was created to monitor countries with three basic criteria: the legal environment (laws that impact media content or allow restrictions on media operations), political influence (laws or situations that foster state control over media) and economic pressures (laws on barriers of entry, corruption opportunities). The ranking scores are published regularly and provide an assessment of the constraints on press freedom. It is available to civil society organisations, activists, professionals and decision-makers.<sup>17</sup>

Democratic states have endorsed the values underpinning such a framework with rule of law as well as the protection of the interests of Internet users. They have encouraged infomediaries to set up self-regulatory codes of conduct and have domestic courts to deal with cases of freedom of expression violations. Non-democratic countries practice censorship or monitoring of citizens and have increasingly developed sophisticated tools to do so on “broadband” media. To date, more than 40 countries around the world either censor the Internet or have laws limiting online expression, in particular, according to Reporters Without Borders (the states of Armenia, Bahrain, Belarus, China, Cuba, Islamic Republic of Iran, Democratic People’s Republic of Korea, Myanmar, Saudi Arabia, Syrian Arab Republic, Turkmenistan, Uzbekistan and Viet Nam).<sup>18</sup> In 2012, countries such as the Russian Federation, the Philippines, Jordan and Lebanon passed new regulations while countries such as Ethiopia, the Syrian Arab Republic and the United Arab Emirates have increased pressure on bloggers.

In regions such as Asia, the Middle East and North Africa, there are several means used to practice censorship and surveillance of both legacy media and online media. Criminal penalties and laws are imposed for libel, insult or blasphemy that serve to stifle dissent or deter criticism or public scrutiny. Such countries can also block media outlets and filter content production, with laws that circumscribe freedom of expression by other means, such as anti-terrorism or national security laws. Such laws can restrict journalists from tackling specific issues, such as religion, corruption, war, the military.

As a result, the fate of journalists has become an international preoccupation as it is directly connected to censorship and chilling effects on freedom of expression. Pressures on them are often related to different types of investigation about the government or the economic sector (especially cases of corruption and human rights violations), economic information being often less accessible and more distorted than political information. They take the shape of intimidations of all kinds, with risks to owners of media outlets or to journalists: imprisonment, harassment, surveillance, reprisals for coverage such as false charges or court summons, obligation to declare sources, vandalization of premises, confiscation of equipment and even murder. They can lead to censorship, self-censorship or exile when not downright confiscation or closure of the media outlet, as monitored by the Reporters Without Borders Index (created in 2002).<sup>19</sup>

The number of journalists killed in the exercise of their profession has increased in the recent years. The global network for free expression, IFEX, has compiled data from different

---

<sup>17</sup> [www.freedomhouse.org](http://www.freedomhouse.org)

<sup>18</sup> See Reporters Without Borders classification of “Enemies of the Internet”, started in 2006, available at <http://fr.rsf.org/>; see also OpenNet Initiative website available at <http://opennet.net/>

<sup>19</sup> [www.rwb.org](http://www.rwb.org)

members of its extensive network (CPJ, IFJ, RSF, IPI, WAN-IFRA, WPFC) for the last decade to establish the motive for the murders with greater precision in relation to freedom of expression. It denounces the amount of unreported and under-investigated cases, and highlights case studies especially in highly militarized countries.<sup>20</sup> UNESCO's Director-General began condemning the killings of journalists in 1997, in line with Resolution 29 adopted by UNESCO's General Conference, which urges the competent authorities to discharge their duty of preventing, investigating and punishing crimes when these are perpetrated to prevent freedom of expression. In 2008, the Council of the International Programme for the Development of Communication (IPDC) adopted a Decision on the Safety of Journalists and the Issue of Impunity, giving the IPDC a central role in monitoring the follow-up of killings condemned by the Director General. It urges Member States to end impunity, and to inform the Director-General, on a voluntary basis, of the actions taken to prevent it, as well as on the status of the judicial inquiries conducted on each of the killings condemned.

Since then, as was also requested in this Decision, every two years the UNESCO Director-General submits to the IPDC Council a report on The Safety of Journalists and the Danger of Impunity. Following another decision by the IPDC Council in 2010, a UN Inter-Agency Plan of Action on the Safety of Journalists and the Issue of Impunity was developed, during the First UN Inter-Agency Meeting held at UNESCO headquarters in September 2011. The UN Plan was fully endorsed by the UN Chief Executives Board in April 2012. A Second UN Inter-Agency Meeting took place in Vienna on 22-23 November, to advance the plan and produce concrete strategies.<sup>21</sup>

The Director-General's 2012 report states that since 2006, "372 journalists and media workers have lost their lives carrying out their professional duties. Aside from those killed, many more were victims of abduction, hostage-taking, harassment and intimidation. The majority of these attacks did not occur during situations of active conflict but in peacetime, mostly while covering dangerous assignments or reporting on corruption, organized crime and other illegal activities."<sup>22</sup> In 2011, the UNESCO General Conference extended this issue to "broadband" media by requiring UNESCO to report also about social media producers who generate a significant amount of public interest journalism, who are also intimidated and harassed for their contributions online, with potential chilling effects on expression to the population at large. Reporters Without Borders monitors the number of bloggers allegedly imprisoned in states like Turkey, China and the Islamic Republic of Iran for reporting on human rights contraventions, expressing dissent on government activities and other sensitive subjects.

Freedom of expression has traditionally been constructed as an enabler of democracy and of other rights, such as education and participation. In the digital era, it has also been constructed as an enabler of development, especially in terms of fostering democratic attitudes and empowering citizens.<sup>23</sup> UNESCO has been instrumental in framing this perspective with the creation of a set of Media Development Indicators (MDIs), endorsed by the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) in 2008. The Indicators, which allow for a comprehensive multi-

---

<sup>20</sup> [http://www.ifex.org/campaigns/journalists\\_methodology/](http://www.ifex.org/campaigns/journalists_methodology/); see also IFEX report "Journalists Killed Methodology Research Project", submitted to IFEX general meeting, June 2011.

<sup>21</sup> For more on UNESCO's work related to the safety of journalists, see the UNESCO website:

(<http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/>).

<sup>22</sup> See IPDC report, "The Safety of Journalists and the Danger of Impunity", UNESCO, 22-23 March 2012, p. 7.

<sup>23</sup> See M. Guseva et al, 2008, *Press Freedom and Development*, Paris, UNESCO.

stakeholder assessment of a national media landscape, help nation-states and other actors concerned with media development to identify how the media can best contribute to, and benefit from, good governance and democratic development.<sup>24</sup> By 2013, more than 10 countries had been analyzed using this sophisticated instrument, and another 10 were in process.

Issues of balanced and deep coverage have also been addressed in this development context. The UNDP Human Development Report of 2005 underlined the slide backwards of African countries on the UNDP Human Development Index. It stressed the need for the press to provide better causal knowledge about the roots of endemic underdevelopment, especially in relation to inequity driven civil wars, particularly in Africa.<sup>25</sup> News organizations, especially in the West, have been encouraged to focus less on casualties and more on causal and historical knowledge as such information can shape the public opinion of donor countries and lead foreign policy-makers to adopt long-term aid strategies rather than see aid and trade as short-term patching of a permanent crisis. The Alliance of Civilizations, in partnership with UNESCO, launched its Media Program in 2008 with the objective to mitigate biased coverage and promote fairness and cross-cultural understanding.<sup>26</sup> Its “Global Experts” initiative aims at increasing access to experts so as to raise the quality of analysis of issues during conflicts and times of crisis.<sup>27</sup>

### **I.1.2 The expansion of the right to information**

Not surprisingly within the “Information Society” paradigm, an important evolution has been the progressive recognition of the right to information (RTI, also sometimes known as freedom of information [FOI] and access to information [ATI]) as an aspect of the fundamental right of freedom of expression. It is generally understood as the right to access information held by public bodies and, increasingly, certain private bodies. This progress is evidenced by the fact that while in 1990, only 13 countries had adopted national freedom of information laws (also often called access to information or right to information laws), there are currently more than 90 such laws around the world.<sup>28</sup>

The growing attention for such a right comes from a variety of reasons, the most important ones being the increase in political participation, the need to fight corruption in government and the growing interest for environmental issues as part of the package of human rights. Other circumstances that positively impacted on the advance of this right are: the democratization of Latin America and Eastern Europe since the 1990s, the growth of advocacy groups from within civil society, the movements around the right to memory and the fight against impunity and the international awareness of risks to health in the face of nuclear and natural catastrophes. International pressure against corruption and in favour of governance as well as the creation of international and regional instruments have also been influential, not to mention investigative journalists’ pressure for increased access to transborder news and data.<sup>29</sup> As a result, in recent years, efforts have emerged which seek to

---

<sup>24</sup> See paper on “Media Development Indicators”, 2008, available at <http://www.unesco.org/new/en/communication-and-information/resources/>

<sup>25</sup> [hdr.undp.org/en/media/HDR05\\_complete.pdf](http://hdr.undp.org/en/media/HDR05_complete.pdf)

<sup>26</sup> <http://www.unaoc.org/communities/media-program/>

<sup>27</sup> <http://www.theglobalexperts.org>

<sup>28</sup> See <http://www.freedominfo.org/2012/10/93-countries-have-foi-regimes-most-talliers-agree>; for the complete list of countries, see Open Society Justice Initiative, *Access to Information Laws: Overview and Statutory Goals* (<http://www.right2info.org/access-to-information-laws>).

<sup>29</sup> A. Callamard, 2008, “Towards a third generation of activism for the right to freedom of information”, *Freedom of expression, access to information and empowerment of people*, Paris, UNESCO, pp. 46-47.

promote transparency and open information flows in certain sectors (such as information related to science, environmental matters, public budgets, extractive industries and the use of natural resources).

A framework ensuring the right to information is characterized by a number of principles: maximum disclosure, obligation for public bodies to publish key information, limited scope of exceptions, processes to facilitate access to government-held information, open meetings, disclosure taking precedence over secrecy laws, protection for whistleblowers, together with low costs for information access, and the promotion of open government.<sup>30</sup> Furthermore, in a global context characterized by the privatization of the provision of goods and services that were previously within the public sphere, additional actors have come under the scope of RTI since the 1990s, such as companies that are owned or controlled by the state as well as private entities that perform a public function or are recipients of substantial government funding. In the case of South Africa, the legal recognition of the right to information extends not only to private bodies but also to information held by another person when it is required for the exercise or protection of any other right (in an approach that Kenya has recently replicated in its amended Constitution).

The RTI has been enforced by intergovernmental legal instances such as the Inter-American Court of Human Rights and the European Court of Human Rights. Over 90 countries have incorporated it in their legal system, and have set up a series of attendant measures to protect and promote it such as sanctions and procedural guarantees. The Latin American and Caribbean Region has passed legislation in 17 countries over the last decade. Mexico is a case in which proactive publication of information has been associated with the use of ICTs. In 2010, the Organization of American States (OAS) adopted a model Inter-American law on Access to Information to provide governments with the legal foundation necessary to guarantee this right as well as an Implementation Guide for the Model Law to ensure its effectiveness.<sup>31</sup> This trend is characterized by strong civil society advocacy, supported by such networks as the Access to Information Initiative,<sup>32</sup> dedicated to ensuring that local communities can use information to participate in policies that affect their environment.

Africa had lagged behind for many years until recently, except for South Africa and a few other countries such as Angola, Ethiopia, Liberia and Uganda. However, there are important advocacy efforts under way for the whole region and in 2011, a series of RTI laws have been adopted in Guinea, Niger and Nigeria. In 2011 also, the African Platform on Access to Information emerged from the Pan African Conference on Access to Information, convened by the Windhoek+20 Working Group, in commemoration of the 20<sup>th</sup> anniversary of the Windhoek Declaration (May 1991).<sup>33</sup> The African Commission on Human and Peoples' Rights established a special mechanism at its 36<sup>th</sup> Session in Dakar, 2004, appointing Faith Pansy Tiakula as the "Special Rapporteur on Freedom of Expression". Her mandate was reconfirmed in 2007 and 2011 with the amended title of "Special Rapporteur on Freedom of Expression and Access to Information in Africa".<sup>34</sup> In 2010, the Rapporteur initiated a process towards drafting a model RTI law for the African Union Member States. The

---

<sup>30</sup> T. Mendel, 2008, *Freedom of Information: a Comparative Legal Survey*, Paris, UNESCO.

<sup>31</sup> [http://www.oas.org/dil/access\\_to\\_information\\_model\\_law.htm](http://www.oas.org/dil/access_to_information_model_law.htm)

<sup>32</sup> <http://www.accessinitiative.org/>

<sup>33</sup> [http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/allnews/news/african\\_platform\\_on\\_access\\_to\\_information\\_adopted\\_at\\_conference\\_in\\_cape\\_town/](http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/allnews/news/african_platform_on_access_to_information_adopted_at_conference_in_cape_town/)

document, resulting from broad consultations, is to be proposed for approval at the African Commission on Human and Peoples' Rights.

Many Asian countries still are to pass RTI legislation. Bangladesh and Indonesia passed laws in 2011. In India such legislation resulted from grassroots mobilization and attracted worldwide attention. In the MENA region, Jordan was the only Arab country with a RTI law before 2011 (its law dated back to 2007). However, there has been some progress post Arab Spring: a decree-law was adopted in Tunisia in 2011; the new Moroccan Constitution adopted in July 2011 incorporates a provision guaranteeing access to public information (Article 27); Yemen also passed its RTI law in 2011.<sup>35</sup>

The right to information has been facilitated by “broadband” media, as they have generated e-democracy initiatives and platforms and a slew of guidelines available online for all to monitor and test the effectiveness of RTI.<sup>36</sup> Moreover, many Latin American, European and African countries are part of a multi-stakeholder effort, the Open Government Partnership, an alliance between states and civil society organizations, created in 2011, to ensure more transparency in political affairs, improve public services and increase corporate accountability.<sup>37</sup> As an interesting development, open data has given rise to specialized news fields such as data journalism and data visualization.

But some important challenges remain that slow down progress toward the full recognition of freedom of information frameworks, especially at the implementation level. Among the major elements of resistance: bureaucratic organization, lack of training of public officials, little compliance with disclosure obligations, absence of reviews of other laws that are inconsistent with the principle of maximum disclosure, insufficient allocation of budget to ensure institutional capacity, inappropriate processes for information access, monitoring and enforcement mechanisms and inadequate record-keeping and archive management systems. The historical environment is also problematic due to 9/11 as even countries with strong laws on freedom of information, such as the United States, are dealing with issues of security and counter-terrorism that impact civil liberties of all sorts and are used as justifications for classifying information and for censorship, not always in full accordance with international standards.

### **I.I.3 Gatekeeping and filtering on “broadband” media**

Censorship can take new dimensions with “broadband” media, as it acquires an added technical layer to its social and legal layers. The issues that have emerged are linked with filtering and censorship, especially in relation to libel and hate speech online, security (spam, viruses, etc.), privacy protection and copyright infringement.<sup>38</sup> They seem to be most problematic in terms of state censorship and control in Arab States and Asia.<sup>39</sup> In these

---

<sup>34</sup><http://www.chr.up.ac.za/index.php/comments.html>; see also <http://www.achpr.org/mechanisms/freedom-of-expression/>

<sup>35</sup><http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/freedom-of-information/foi-in-arab-states/>

<sup>36</sup><http://www.freedominfo.org/2011/11/websites-proliferate-to-generate-foi-requests/>; see also <http://siteresources.worldbank.org/EXTGOVACC/Resources/DarbishireProactiveTransparency.pdf>

<sup>37</sup> <http://www.opengovpartnership.org/>

<sup>38</sup> See OpenNet Initiative, that monitors internet filtering and censorship; see also [www.freedomhouse.org](http://www.freedomhouse.org)

<sup>39</sup> See countries mentioned in W. Dutton *et al.*, 2011, *Freedom of connection, Freedom of expression*, Paris, UNESCO, p. 43: “China, Cuba, Myanmar, Oman, South Korea, Sudan, Syria, Tunisia, Turkmenistan, the United Arab Emirates, Uzbekistan, Viet Nam and Yemen”.

regions, ICTs are used to restrict both “broadband” and “broadcast” media use, as they block content, identify activists and criminalize legitimate forms of political and aesthetic expression. As expressed by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his 2011 report to the Human Rights Council: “Several countries continue to block access to YouTube, a video-sharing website on which users can upload, share and view videos. China, which has in place one of the most sophisticated and extensive systems for controlling information on the Internet, has adopted extensive filtering systems that block access to websites containing key terms such as ‘democracy’ and ‘human rights’”.<sup>40</sup>

In other countries and regions, filtering also goes on, but as the result of state intervention or private sector intervention, with specific legislation or obligations that may impact freedom of expression and information. Governments tend to take measures that relate to already existing “broadcast” media policies that justify restrictions to online access or publication. This usually follows a court decision that has qualified the filtered content as illegal or unlawful (as in the case of child pornography, copyrighted goods or fraud). As for restrictions specific to “broadband” media, they tend to affect infomediaries, that is to say the providers of online services that act as intermediaries between users. These can be Internet Service Providers (ISPs), but also search engines and companies that offer blogging and micro-blogging services or online community platforms. They are characterized by the absence of editorial control that is usual in “broadcast” media.

Infomediaries have grown to play a vital role in terms of media content gatekeeping, be it because they carry content themselves (YouTube, Google, Apple), they increase links between content (Facebook, Twitter, Flickr) or they tailor users’ content (SMS blockage, surveillance of journalists, takedown notices). Since the beginning of the Internet, under United States Department of Commerce law, infomediaries have benefited from protection from third-party liability. This situation is at stake in many countries: some have decided to make infomediaries accountable for propagating content deemed illegal; others have opted for protecting them from such a risk. Turkey, for instance, has created a government agency to deal with this issue; China requires infomediaries to monitor their users; the Republic of Korea has established the Korea Communications Standards Commission for regulating online content risks. Other countries have opted for protection of infomediaries provided they respect a “notice and take down” modus operandi that expects them to take expeditious action upon notification by any user. The United States of America included such a measure in its Digital Millennium Copyright Act. Chile passed a law preventing ISPs from removing content unless required to do so by court order, thereby preventing the risk of delegating censorship decisions to private entities. The critical point is that infomediaries are not the best placed to remove content, especially as they may act with little transparency and may apply discriminatory practices or respond to government pressures without users’ awareness.

The responsibility and accountability of private sector entities, Internet Service Providers and search engines in particular, is engaged in unprecedented ways in the “broadband” era. The economy of the “broadband” media is basically built on personal data-mining and third party

---

<sup>40</sup> F. La Rue, *Report of the Special Rapporteur on key trends and challenges to the right of all individuals to seek, receive and impart information and ideas of all kinds through the Internet*, Human Rights Council, 17<sup>th</sup> Session, 16 May 2011, (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/132/01/PDF/G1113201.pdf?OpenElement>). The report cites Reporters Without Borders, “Enemies of the Internet,” March 2010 ([http://en.rsf.org/IMG/pdf/Internet\\_enemies.pdf](http://en.rsf.org/IMG/pdf/Internet_enemies.pdf)), p.8-12

exploitation of data, which implies having access to the expression and information of users for marketing and advertising purposes. ISPs and search engines are turning themselves into de facto media as they facilitate all sorts of exchanges amongst users. They can restrict the ability of users to impart and receive content on social networks and websites. They can do it of their own accord for commercial purposes or they can act as proxies for the state. These restrictions are not directly subject to the requirements of such human rights as freedom of expression for example, and they generally have no mission in promoting them as their primary goal is generating commercial exchanges and profits.

Calling on their social responsibility can be done in a framework of self-regulation or co-regulation with the public in which good practices are encouraged. This is the case with the Global Network Initiative to protect and advance freedom of expression and privacy, composed of ICT sector companies and civil society organizations, including human rights groups.<sup>41</sup> By 2013, only three major American corporations were involved (Google, Microsoft, and Yahoo!) but they have a vested interest in promoting their image for transparency and in maintaining state intervention at bay. Google has pushed the stakes further by publishing a “Transparency Report” that shows government requirements to take down information (blogs, images, etc.) and also reveals statistical patterns of traffic per country.<sup>42</sup>

For gatekeeping, a new regulatory model seems to be emerging, with a bottom up approach, based on the user’s needs and requirements. This is evident in the way many “broadcast” media with online comment facilities delegate gatekeeping to users to “report abuse” or “report inappropriate content”. In many cases, however, the guidelines are not clear or aligned on international standards about what constitutes illegitimate expression. Instead of being managed by decision-makers from a top-down perspective, this co-regulatory model can be the result of a wider consultation of actors, experts and users from a multi-stakeholder perspective. The state acts as guarantor of democratic values such as freedom of expression, but the whole network of providers and users can have their say in the matter as regards ethics.

This kind of co-regulation is thus becoming a soft law framework often expressed in transnational entities like the Council of Europe in the shape of recommendations and guidelines. This is exemplified for instance in the “Recommendation on measures to promote the respect for freedom of expression and information with regard to Internet filters” (CM/Rec(2008)6), adopted in March 2008.<sup>43</sup> The Recommendation, as is practice, is framed in a series of recalls and reaffirmations of previous and complementary decisions. It recalls the “Declaration on human rights and the rule of law in the information society”, adopted by the Committee of Ministers on 13 May 2005, according to which “member states should maintain and enhance legal and practical measures to prevent state and private censorship”.<sup>44</sup> The 2008 Recommendation emphasizes issues of transparency and effectiveness, but also of legitimacy and of proportionality, i.e. ensuring that “the effects of the filtering are

---

<sup>41</sup> See Global Network Initiative annual report 2011, available at <http://www.globalnetworkinitiative.org>

<sup>42</sup> <http://www.google.com/transparencyreport/removals/government/>

<sup>43</sup> Council of Europe, *Recommendation of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet filters*, CM/Rec(2008)6, 16 March 2008 (<https://wcd.coe.int/ViewDoc.jsp?id=1266285>).

<sup>44</sup> Council of Europe, *Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society*, CM(2005)56, 13 May 2005, (<https://wcd.coe.int/ViewDoc.jsp?id=849061>).

proportionate to the purpose of the restriction and thus necessary in a democratic society, in order to avoid unreasonable blocking of content.”<sup>45</sup>

The various types of state and industry interventions on freedom of expression and information signal the complexity of regulation (a national dispensation normally) with transborder media. American multinational corporations like Yahoo! or Google apply different self-regulatory standards according to the market they serve. For example, one abides by the law in Germany to block links to Nazi sites and yet does not respect Turkish law banning criticism of Ataturk, or it blocks content voluntarily in cases such as the *Innocence of Muslims* video in Egypt, but not in Pakistan.<sup>46</sup> This points to the need for a clear, innovative and transborder media self-regulatory system that does not exist today, even though the mega-corporations of “Hollyweb” have established their ubiquitous presence in all countries and regions, thus providing a semblance of seamless (self)regulation.

#### **I.1.4 User-aggregated content and (micro-)blogging: voice, agency and hate speech**

“Broadband” media offer new ways for freedom of expression and for information and communication processes to stem from the netroots, not just from the top level of the states and their public policies and “broadcast” media institutions. Calling them “social media” is a misnomer as all media are social whereas what should be underlined is their capacity to establish networks as relational goods through communities of practice and affinity. Relational goods and network effects have greatly enabled freedom of expression and of information online. For example the *Wikipedia*, based on the free software Mediawiki, launched by Jimmy Wales and Larry Sanger in 2001, has enabled many contributors to cover and update many issues more extensively than mainstream media. This includes sensitive topics, such as climate change, which among the most consulted of articles, recently placed under probation by the *Arbitration committee*. Such tensions reveal people’s deep concerns and needs for a better understanding of the environment, not always covered by news outlets.

In terms of content, the emphasis on self-actualization, lifelongings and e-presence so characteristic of voice in digital activities has allowed users to participate in blogs and microblogs, to keep up-to-date with friends and family, to post their fanfictions online, to engage in transmedia storytelling and to comment on specific issues of interest to them. The functions of the media have all been stimulated thanks to such practices. While the credibility of the “observation” function is debated, other functions are being fulfilled, such as correlation, transmission and participation, as well as transaction. Some corporations have developed cost-per-click (CPC) systems such as Microsoft AdCenter or Google AdSense to test ways to monetize user-generated content by sharing the advertising revenue with creators, driving video posting online in particular.

But such activities also tend to induce users to make available a great deal of information about their private lives online, as they in effect curate their reputation online, on popular platforms such as Facebook and Twitter. The homogenization of content and of content-production practices can be a risk, especially if the preferred platform of use is dominant in the market. Such a platform can constrain expression by its design, in ways that can actually create bias and lack of pluralism in the information accessed, for instance by putting a lot of pressure on publishing personal images or information.

---

<sup>45</sup> Council of Europe, CM/Rec(2008)6.

<sup>46</sup> Remarks by a Google representative in a panel discussion held at the Internet Governance Forum, Baku, Azerbaijan, November 2012.

Another threat on content as voice is related to the blurring of the borders between search and advertising and, as a consequence, between information and misinformation on such portals and platforms. Advertising, fuelled by neuro-marketing techniques, has moved from recognizable forms like displays and pop-ups to “search-specific” sophisticated forms like paid placement (an ad is attached a priori to a search term) and paid inclusion, in which the sponsor pays the platform to attach its ad to specific search terms or sites. Such forms of advertisement may boost the position of a given site or blog in the index ranking system and therefore make it appear as very popular, sometimes unduly as in the case of spam indexing or page-jacking. So the very tool for access is advertisement-driven, which has an impact on the agenda of such portals as their commercial interest is vested in keeping the client happy about their global positioning. The gate-keeping platforms sell users to advertisers, not to mention providing access to third parties for data mining and thereby creating privacy issues, especially in relation to terms of service.

However, some media relationships and contents are being established outside these distribution channels, without access through a licence fee, subscription or advertisement support. Amateurs and fans have been expressing themselves by re-appropriating fictions with strategies such as sampling, mixing, poaching and pooling. Outside commercial relationships and contractual rights and obligations, a growing number of people are building media relationships without caring to know if these practices are legal or illegal, though the media sector (music, television, cinema) tends to denounce some of them under the terms of “piracy”. Such participants have emancipated themselves from the dominant figures of the author as creator or the user as consumer, often by producing collaborative pieces for which no authorship is claimed, such as the MARCEL network (Multimedia Art Research Centres and Electronic Laboratories), dedicated to musical experimentation across borders.<sup>47</sup>

These digital activities have had an impact on news as well, especially via citizen journalism and crowd-sourcing practices (that are often out-sourcing practices as well). They tend to combine “broadcast” media with user-generated content or comment. The power of such civic agency has been demonstrated by the Wikileaks controversy, around the Cablegate case of July 2010 in particular, where activist Julian Assange challenged government sovereignty and tested the limits of transparency. Publishing contentious content leaked by anonymous sources is not new in the media world as testified by such newspapers as *Le Canard enchaîné* and can be justified in terms of Article 19 and freedom of expression. What is new is the digital intermediary (Wikileaks), which engaged in a coordinated effort that relayed the leaked United States embassy cables via national newspapers such as *The New York Times*, *The Guardian*, *Le Monde*, *El Pais* and *Der Spiegel*. These outlets have turned the revelations into journalistic fare, more palatable and readable for the global audience, sorting out elements of public interest in the mass of documents available.

However, the new agency of users, as gatherers and creator of news, can lead some to abuse the spaces for expression granted to them on websites. They can, for instance, use hyperlinks or tweets to establish connections with pages that deal with spam, pornography or hate speech. They can send documents to communities that are unrelated to the news piece on which they comment. The management of the freedom of expression of such users therefore is a sensitive issue that requires a posteriori monitoring or webmastering, to make sure that the contents exchanged are complying with international human rights standards.

---

<sup>47</sup> <http://www.mmmarcel.org>.

Not unlike “broadcast” media, “broadband” media have to deal with hate speech comments, defamation, fabrication or distortion. These ethical issues are not new but were previously unheard of by their breadth. As a result, the expectations that offline legislation can be transferred and applied online need to be revisited in relation to freedom of expression. Webmasters and website managers must pay attention to the three major forms of expression: first, the criminally unacceptable expression (incitement to genocide, advocacy for racial or religious hatred, or child pornography) that may justify restrictions; second, expression that raises concerns of tolerance and respect for the dignity of others; and third, legitimate speech. They also must comply with legal principles of necessity, legitimacy and proportionality so as not curtail the right to freedom of expression.

These issues are covered by UN Special Rapporteur, Frank La Rue, in his report on “the promotion and protection of the right to freedom of opinion and expression” in 2012, with a special focus on discrimination and incitement to hatred. He attributed the general increase of hate speech to rising immigration flows, declining economies and terrorism, with consequences such as “racial profiling, demagogic statements by opportunistic politicians and irresponsible reporting by the mass media”.<sup>48</sup> He takes examples from the “broadcast” media and shows how “broadband” media and networks can become an echo chamber in amplifying them by adding pictures and comments, most often anonymously. He mentions a variety of countries in which such religious, national, racial or sexual intolerance has led to street violence, riots and harassments, giving examples from all regions of the world. However, his report also recalls the relevant international norms and gives examples of national legislation that contravened them, expressing concern that the combat against hate speech can be political censorship in disguise and can therefore curtail freedom of expression. Among the countries with disproportionate sanctions, the report mentions Turkmenistan, Viet Nam, the Islamic Republic of Iran, Bahrain, China, Myanmar, Pakistan, Angola and the Former Yugoslav Republic of Macedonia.<sup>49</sup> The report also addresses the non-legal measures that could help tackle the issue, in particular education, social dialogue, awareness raising and media ethics.

## **I.2 Challenges and opportunities related to public interest, ownership and spectrum issues**

The classical pillars of broadcast regulation – such as spectrum scarcity, licensing and programming as cement of national identity – are no longer so prominent in the “broadband” environment characterized by abundance and non-linear services provided by multiple non-state actors. Even with the broadcast media, digital transmission allows for a much greater plurality of channels. Nevertheless, there is a global contestation between commercial broadcasters and wireless telcos and ISPs, for allocation of spectrum. The migration to digital transmission of television creates a “digital dividend” of spectrum that raises large issues of public policy concerning spectrum allocation and use. In this context, the claims of community broadcast television in particular are seldom acknowledged though they are threatened by technological changes without additional resources, training and maintenance. Yet the digital dividend liberates a lot of high quality television (and, in time, radio) spectrum for the deployment of new services and holds the potential of providing a lot of social and

---

<sup>48</sup>See report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to UN General Assembly, 7 September 2012, p. 8, available at [www.ohchr.org/EN/Issues/FreedomOpinion](http://www.ohchr.org/EN/Issues/FreedomOpinion)

<sup>49</sup>The report refers to other examples to be found in documentation available at [www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/ExpertsPapers.aspx](http://www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/ExpertsPapers.aspx).

cultural benefits, by enlarging the possibilities for small scale actors, like communities or municipalities, to enter the broadcasting sector and the wireless industry. Spectrum issues are also implicated in intellectual property protection as evident in the debate around broadcast signal.<sup>50</sup>

The customary tools for protection and promotion of diversity and pluralism – such as public service obligations for news content and quality programming, public aid for national production – are being challenged by the online production of more or less regulated user-aggregated content and comment, provided by individuals and communities whose multiple private identities seem to override national identity concerns. Transborder issues of compatibility, conflicts of jurisdiction and gaps in enforceability are also putting national sovereignty to the test.

Other changes are reshaping the media world in the globalization turmoil of information and communication nonlinear flows. Concentration of media ownership often accompanies (and is sometimes implicated in) under-funding of public service “broadcast” media and almost no public funding of “broadband” media. This situation leads to a greater role for privately supplied news and public data, whether by media conglomerates or (on the sidelines) foundation-funded groups like ProPublica. These conglomerates tend to control all sectors of cultural industries, from printed press to radio to the Internet through the general trend of “portals” that offer the user all sorts of affordances, for news services, email, fiction and user-generated or aggregated content. This situation is further complicated by the fact that state media monopolies still exist in a number of countries and public service media are non-existent without the more or less independent mediation of multi-stakeholder regulatory bodies. Even those countries that have introduced such regulatory entities are not protected from informal control and corporatism, undermining users’ trust in state-controlled media.

International trade and investment regimes that undermine the ability of states to deploy national information policies accompany these national and transnational changes. They can be a threat to the diversity of expressions and pluralism of information, as this is not a mission for commercial companies that tend to compete for the same markets with similar contents that are posted in various formats.

### **I.2.1 Threats to public service media and shifts in public interest content**

To date, very few countries have held public hearings to engage their citizens to express their views about the shared online public sphere that they can or could have. This has traditionally been done in the case of telephony or television with the attendant creation of regulatory authorities such as the Federal Communications Commission (FCC) in the United States or the Conseil Supérieur de l’Audiovisuel (CSA) and the Autorité de Régulation des Communications Electroniques et des Postes (ARCEP) in France. The FCC, for instance, has used a crowdsourcing site to create a public record of comments by citizens in the framework of the American Recovery and Reinvestment Act of 2009, seeking ideas on how to build the best “broadband” infrastructure.<sup>51</sup> But mostly claims about the public value of media are currently being made in those countries via watchdog groups and observatories such as Acrimed and La Quadrature du Net in France or Media Alliance in the United States. They

---

<sup>50</sup>R. Picard et al., *Study on the Socioeconomic Dimension of the Unauthorized Use of Signals - Part III: Study on the Social and Economic Effects of the Proposed Treaty on the Protection of Broadcasting Organizations*. SCCR/21/2, World Intellectual Property Organization, 4 August 2010 ([http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=144152](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=144152)).

<sup>51</sup> See [www.broadband.ideascale.com](http://www.broadband.ideascale.com)

alert the users about government projects that threaten civil liberties in the media and make alternative proposals. They take visible initiatives such as La Quadrature du Net's "datalove" distribution of USB keys loaded with music and films to European parliamentarians to ask for change in intellectual property rights.<sup>52</sup>

WSIS could have been such an arena, for worldwide consultations, but the media sector was under-represented and civil society, though participating in many more ways than usual in this UN debate, was not able to raise awareness and to stir local and national public opinions about the matter. The private sector and governments had no interest in bringing up the issue and allowing it to escape their sphere of influence and power. This is still the case in the post-WSIS phase, where the action lines and the governance of the Internet remain within the fold of a small number of representatives of the three sectors: private, public and civic. But the 2015 deadline could be an opportunity to advertise advances made in the field and to consult more users, especially as new participatory opportunities have been opened up by social networks.

Public service is also threatened by the private media sector in a deregulated economic environment. The need to finance and expand the info-structure pushes corporations to maximise their means of generating revenue, advertising revenue being the most sought-after. The business model of content on the Internet is still to be found, but the shift of revenues from over-the-air linear "broadcast" media to digital non-linear "broadband" media is creating a lot of turmoil and uncertainty in all media markets. This process impacts directly on policy-making, at both national and supranational levels, because the states are under pressure to relax their oversight of the private sector and to reduce publicly funded media, especially those that incorporate advertising. This process in turn has a chilling effect on the public media sector, as they see their sources of revenue diminish at a moment when they could be expanding their activities to the online world. Besides, the corporate sector tends to bring up arguments that equate commercial media with popular broadcasting and public service with unpopular broadcasting. It posits that publics built by commercial media are less coerced and more participatory than those built by public broadcasting. At the same time, public broadcasting is no longer the exclusive prerogative of state-owned broadcasters (indeed it is absent from most which are government controlled), but can be found in community media as well as citizen and social-network platforms.

The major controversies with the private sector are related to the trans-nationalisation of "broadband" media and the new opportunities for broadcasting content differently, taking into account the fragmentation and segmentation of publics, which makes it difficult to convey mass messages to mass audiences. Three categories of audiovisual services are currently contested both by private sector and public service:

- 1) The use of all new platforms for broadcasting, in simulcast or online with mobile phones, most of them coming from American multinational platforms like YouTube;
- 2) The services that are yet to be defined as "purely" private sector business: electronic commerce, paid games and related downloads, forums and chats over the net, sponsoring and advertising, links to commercial sites;
- 3) The broadcasting of programmes that are no longer dependent on time constraints and linear programming grids under new formulas and packages like video-on-demand

---

<sup>52</sup>See "Platform for Media Reform" by Robert McChesney and John Nichols, available at <http://www.media-alliance.org/article.php?id=469>; see also [www.Acrimed.org](http://www.Acrimed.org); see also [www.laquadrature.net/fr](http://www.laquadrature.net/fr)

and pay-per-view, as well as the development and production of services and spectacles that are specific to the web.<sup>53</sup>

These categories raise issues of competition for sources of funding; they also raise issues of diversity both in the sense of content and format pluralism and in the sense of service to under-represented categories of population (young people, poor communities, etc.). The cases of the BBC archives in the UK or the Ina archives in France illustrate the problem of the future of audiovisual content when transferred on the web: can the public operator charge for access and consultation? Can the public operator add material and links to the original document and make it available for free, or for a charge? And what happens for special users like schools or researchers that require access to such intellectual property at special rates, as part of the heritage of their country and claim that they use it in a non-commercial setting? There are also issues about diversity and quotas (programmes in a given language or of a national origin that are required) when they migrate to foreign platforms or, conversely, when they are submitted to a national platform.

The lack of regulation online has opened the way for much more pluralism in the sense that it has allowed public interest content to be published in many countries where the media are under state control or are co-opted by the state. But in other states with a strong public service tradition, the relaxation of regulatory regimes has led to threats to pluralism, at a time when their media industries have been propelled into extensive retrenchments. Access to advertising revenue is questioned and restrictions are set on other sources of income. This is particularly visible in policies that establish a “public value test” like the one the BBC is subjected to in the UK or others that try to curtail advertising options for public media as in France. However, this “shake-up” may help clarify the missions of public service media that have been neglected or not updated to digital expectations: they are not in the business of competing for advertising, but rather created to serve audiences in ways that the market does not, be it online or offline.

The significance of this situation lies in the fact that most citizens, worldwide, still receive their news from “broadcast” media, notwithstanding the rise of “broadband” media. While there is a welcome increased pluralism online, it remains a concern if the important offline “broadcast” realm exhibits purely commercial concentration and lacks an independent public service policy. In many countries, the concentration problem exists in the form of a dominant state “broadcast” apparatus with, for instance, exclusive rights to national frequencies. However, the opposite prevails in many developed countries, and some parts of Latin America, where concentration exists in the private sector. In the United States of America and many European countries, cross-ownership regimes have been modified or relaxed so as to allow more corporate penetration in local and regional markets. The same trend exists at the international level, with pressures within the World Trade Organization to open up the media markets.

The argument of transnational pressure is also used to suspend the public service obligations usually required of commercial media: they are not present on the new online media, such as Google or Facebook, that generate content without any regulation. These American multinational corporations—well entrenched within national US law—are intent on barring public services from entering the field of digital media, so as to establish their own rules and have a *de facto* dominant position, from which it will be difficult for any new entrant to

---

<sup>53</sup>M. Ridinger, 2009, “La mission de service public et les nouveaux médias”, *Iris Plus*, 6, pp. 2-12.

dislodge them. A similar case can be seen with Ofcom, the new UK national regulatory body, which has removed public service obligations under new digital licenses granted for commercial broadcasting, thus removing the pressure put on broadcasters to serve isolated and poor communities and regions. If services are to be provided to these constituencies, subsidy mechanisms rather than licensing compulsion may need to be explored as effective incentives.

The situation of the European Union is very revealing of the challenges posed to public service media, in the context of deregulated transnational markets entering in conflict with each country's long established rules for funding such media. Other countries, such as the Republic of Korea, Chile and South Africa, share these challenges posed to public service media. Some trends show that the public service requirements have increased to take into account the digital context and the opportunities offered by live streaming of existing on-the-air programmes or webcasting of new Internet-produced contents. Additional requirements have thus been added to the public broadcasters' classic missions (inform, educate and entertain): promote cultural diversity, foster social cohesion and integrate linguistic and regional communities. In some cases, there is the added responsibility for supporting the creation of original artistic content. Such additions, however, have generally been done without the attendant growth in human resources or financial resources, leading to an endemic financial crisis.<sup>54</sup>

### **I.2.2 Ownership and consolidation: the “portal effect”**

The emergence of multinational corporations in the media sector is thus far from being balanced by a similar growth of multinational public services, with the exception, arguably, of the BBC (whose reach extends to many English-speaking countries). American-based multinational conglomerates such as Google, YouTube, Apple, Microsoft, Yahoo! and Facebook have become media and have joined “broadcast” corporations such as GE, Time Warner and Disney to create “Hollyweb”,<sup>55</sup> the well-understood though sometimes tense collaboration between Hollywood studios and Web platforms. Their purpose is to keep users within the bounds of their portals, by offering them a continuous and seamless flow of related services and spectacles. Yahoo! for instance is not only a search engine but also a news aggregator and generator with many partnerships with news agencies and a specialization in premium financial information. This leads to concentration and standardization of information and information sources, with the main purpose to capture advertising revenue by selling clearly identified and traceable audiences to businesses. The online challenge for cultural diversity and pluralism is not only the protection and promotion of news, it is also the fostering of user-generated content and comments that move the public from consumption and being mainly a commodity sold to advertisers to participation, with increased agency, including away from pre-formatted portals.

Concentration is a two-faceted issue, as it relates to ownership and to content. The amount of media and voices has augmented overall in the “Information Society”, but the dominant traffic goes to a much smaller amount of actors that have managed to offer a desirable service, like Google for searching or Facebook for social networking. The range of entry points tends to decrease as they are being bought up by larger corporations that add them to their assets, as in the case of YouTube, acquired by Google. The result is that some corporations become even more powerful and are in a situation of quasi-monopoly in the digital “Hollyweb”. The governments' antitrust attempts to unbundle products like those against Microsoft have not

---

<sup>54</sup>Ridinger, “La mission de service public et les nouveaux médias”, pp. 8-9.

<sup>55</sup>D. Frau-Meigs, ... L'Histoire

yet been extensively applied to companies like Google and Apple which each seek to aggregate user information across their different products for the purposes of greater targeting of content and advertising.

The offline and online media sector are coalescing together, not just because of digital convergence, but also because many governments, especially the United States, have modified their anti-trust laws to allow their companies to enter international competition. As a result, traditional media companies and online services merge into vertical corporations that offer services as well as spectacles, preferably on a paid-for basis. Public outcry in the face of such a level of unacceptable concentration has been of little avail against the lobbying power of the corporate world. In December 2012, the Free Press movement in the United States railed against the FCC for its lack of transparency in assessing media ownership (including women and minority ownership) and its failure to follow the 3<sup>rd</sup> Circuit Court of Appeals' directive to publish results. Despite calls for public hearings on rule changes in ownership diversity, the Federal agency is perceived as stalling on the issue and playing for time.<sup>56</sup>

Concentrated ownership affects news content because of the risks of increased collusion between editorial content, advertising and e-commerce: the multiple posting of news products on several media platforms and in several formats is increasingly connected to websites that sell other products to their users and hope to attract them with appropriate content. The free offering of news online that has given the users the habit to expect no costs for quality information has exacerbated this trend. As a result, journalists or news companies have to resort to syndication, advertising and e-commerce to face the competition of portals that tend to attract most of the advertising manna. The biggest threat to the quality of news probably comes from the amplification of a trend already present in print media, i.e. paid-for content, not always clearly identified as infomercials, where the distinction between information and communication is blurred in favour of "transaction" news as it were. This trend is magnified by the possibility of generating statistics about on and readership, which may lead to disqualifying some types of news that do not garner enough public attention and do not generate enough revenue, to the detriment of diversity and minorities. This can deter small websites or news companies from presenting contents that are deemed too niche-interest based for their sustainability. Data mining can also modify the journalists' work on the basis of audience and modify editorial lines to fit audience expectations, to the detriment of journalistic independence. However, when it becomes too obvious, this collusion can create a credibility gap with the users, who may tend to disparage the profession of journalism even while consuming free news of questionable credibility.

### **I.2.3 Patterns of resistance within "broadcast" media**

The drive to commercialize the new information and communication channels without public counterpart has led to some resistance by the public service entities themselves. They argue that they participate in culture (i.e. identity construction and nation-building) and if they are services, they serve the general economic interest. This positioning is to put themselves within the framework of legitimacy for receiving public funding and not be accused of distorting the market. They denounce the private sector's strategy of containment and argue that the end-user should be allowed to access the same content in different media, without having to pay twice for such a provision (as he/she has paid a public tax).

Some trends are appearing on public service media as they go "broadband" that hold promises

---

<sup>56</sup> <http://www.freepress.net/press-release/101149/free-press-slams-fcc-lack-transparency-continued-failure-follow-courts>

of renewal and increased citizen participation. There are increasing examples of services that create or express a public value. One case is e-democracy experiments, which show more people-oriented government services, enhanced access to libraries and archives and community access points. Many of these services offer more information to all generations of people and are provided by public authorities or at least are funded by public authorities. However, some can be partly financed and supported by civil society entities or by the local private sector. In the developing world, donor funding plays a similar role in supporting public information. These together show a trend to shift the modes of funding the public service, which could ultimately have higher public value as it is more decentralized, less top-down and therefore engages people more in their daily activities.

Public service media still tend to function on a grid and a schedule as they encourage family consumption but they have moved out of this gridlock on digital “broadband”, by resorting to discreet units of production, available at any time. With this move, traditional public service media have extended their archival and cultural heritage capacities, as they have been able to draw from a rich fund of past and timeless programming that new generations can discover and enjoy. So Internet has become a platform for access to past “broadcast”, making a lot of publicly-funded material available on the web.

This role of digital publisher can generate additional revenue while offering the additional advantage of potentially functioning like a digital archive, which has been explored by a series of public entities, like NHK in Japan, CBC in Canada and Ina in France. Such trends point to public service broadcasting capacities in the future: publishing and educational capabilities can be developed on-line, with materials produced off-line that can be given more visibility and availability, for teachers and for children on the look-out for special materials free of rights. This can be a public service answer to commercial services that try to keep the public in a state of net immersion on their portals.

New participatory modes, more in synch with young people’s listening and viewing situation, allow them to determine the timing and format as boundaries between linear and interactive content become porous. Public service broadcasters with online extensions like RaiNet or BBC.org have established real communication tools to dialogue with their public, receive their opinions and tailor their content. As a result, the erosion or loss of audience has been stabilized over the past years, from 30 percent to 47 percent according to the countries concerned, and there is always a public service channel among the top ten of national audience ratings. In addition, public service news and cultural programmes rank among the most downloaded by the general public, over time.<sup>57</sup>

#### **I.2.4 Public value of “broadband” media services and Public Sector Software (PSS) options**

If public service for “broadcast” media online can be seen as a transfer from offline principles, it is more complicated for public service for “broadband” media. Several factors are emerging that foster the legitimacy of public interest in the digital era. Just as the airwaves are public, there is a growing feeling that most of the infrastructure, software and R&D that made the digital revolution possible is coming from long-term public sector investments and therefore some of it, if not all, should remain public and follow public service obligations. Hence there is a growing emphasis on developing Public Sector Software (PSS) as a means of circumventing vendor lock-in practices and portals, that maintain public sector entities,

---

<sup>57</sup> See yearly reports by European Audiovisual Observatory, 2009, 2010, 2011, available at [www.obs.coe.int/](http://www.obs.coe.int/).

governments and individuals as clients of costly licenses (especially as digital intellectual property rights become more stringent).

In parallel, to fortify the case for PSS, there is the growing recognition of the Free and Open source Software (FOSS) movement, that has proved its robustness, interoperability and low costs while fostering tailored services for governments and local communities. The whole Open Source backbone is now available, from search engines to desktop applications. The low costs of such a backbone is interesting to nation states in developed and developing countries, such as France, United Kingdom of Great Britain and Northern Ireland, Brazil and South Africa, as they are under pressure to move to e-governance and have to face the heavy costs and the security needs of such a deployment (related as well to increasing force of right to information).

Additionally, many emerging issues of the “broadcast” and “broadband” media are claiming public interest solutions, be it for universal access, filtering, quality and relevance of content, diversity, pluralism, ownership concentration, cloud-computing, education and training. For each of these issues, open access providers have an array of solutions and can boast a multi-stakeholder approach that engages not only the state but other actors, especially in civil society, as exemplified by digital commons and OER strategies, that are gaining in visibility and with which PSS shares many principles around the management of public goods.

Public sector information and its reuse are becoming part of a whole economy that needs it for content products and services. The public sector has generated over time huge databases that affect many areas of society, including business. So there is a felt need to speed up the adoption of open source software on public sector ICT systems, so that public data are publicly operated and available to journalists and citizens. However, there is a lot of resistance both from the part of governments and the commercial sector as the latter has been developing proprietary software in e-governance, as is the case in particular for Microsoft in Africa. India has been in the lead to encourage adoption of PSS for government and civil society purposes while Ubuntu has been empowering many communities in Africa.<sup>58</sup>

### **I.3 Challenges and opportunities in the area of media and communication for development (C4D)**

Development theory has moved away from its early approaches on how to meet the needs of poor countries: from a highly-criticized modernization/diffusion model, it shifted to a dependency model and is currently favouring a participatory paradigm where people focus on their own sustainability and where media can be of great help in providing voice about health, water, energy, nutrition, education and employment for instance. Nevertheless, the “broadcast” media conceptualisation and its instrumentalist role of communication is still prevalent in many areas, even amongst many donor countries involved in media development, which can account for some of the lagging behind in this field. In addition, other potential donors and financing options are not being tapped, such as peer-to-peer patronage.

The rise of so-called “emerging countries” at the turn of the millennium, especially the BRICS (Brazil, Russia, India, China and South Africa), as areas of economic growth, has also made the definition of “developing countries” less stereotypical. Such a process underscores the Western World economic crisis and the reduction of the neoliberal Anglo-American dominance, with new and unforeseeable implications for international cooperation. The

---

<sup>58</sup> P. Thomas, 2012, “Public Sector Software, Participatory Communications and Social Change”, *Nordicom Review*, 33, pp. 77-90.

bilateral and multilateral dynamics of the development industry and its attendant aid and trade treaties are now challenged by aspirations for alternative modes of cooperation, themselves facilitated by “broadband” media interactions such as the support of the Wikipedia via its foundation in which a myriad of small donors consort with much bigger ones such as Google, away from state support.

### **I.3.1 New ways of creating culture via original content, versioning and copyright**

Within the participatory paradigm, the case needs to be made for an enlarged connection between culture, media and development. “broadband” media in particular favour one underestimated dimension of freedom of expression so far, that is its added value to creativity and innovation through the combined production of relational and experiential goods. Researchers consider four relations of culture to development, including media development, according to different stakeholders (state, private sector, civil society):

- Culture as compensation, by which culture provides identity and wellbeing and therefore requires financial support and provisions by the state. This view tends to be a technophobic approach to culture, which is problematic with current ICT development;
- Culture as competition, by which it is considered as an industry like others. This view incorporates reduction of uncertainty and un-rivalry of goods, including media goods;
- Culture as an intermediary mode of consumption mobilized for other activities, valued per se, on an economic basis. This view incorporates media as creative industries having the role of improving the quality of products over networks;
- Culture as a transversal leverage tool across all creative sectors of media and ICTs. It facilitates the functioning of the economy thanks to knowledge and skills. This view values the creativity of users and includes amateur and “pro-am” practices.<sup>59</sup>

“Broadcast” and “broadband” media offer outlets and platforms that empower these different relations between culture and development, in particular the notion of culture as leverage tool across sectors, as they encourage collaboration and participation, in local and virtual spaces that are meeting areas for sharing and exchanging in commercial and non-commercial settings. They also relate to relational and experiential goods with an ensemble of tools, including software applications and services and tablets of all sorts, which are increasingly interoperable and shareable. The success and sustainability of these media in culture can be predicated on their capacity to structure users into communities and to facilitate the various functions of the media, from observation to transaction and participation.<sup>60</sup>

The added efficiency of “broadband” media comes from speedy information, speedy sales and unlimited storage, that allows for niche production and consumption, not to mention the internationalization of markets.<sup>61</sup> Evans and Schmalensee describe the new means in which original content can be distributed:

- Windowing: organizing the dissemination of one product on several types of vehicles (a movie in theatre, on DVD, on premium, commercial channels or on “free” or public channels). The same consumer is targeted but at different moments. The chronology of media diffusion on various vehicles becomes important and it is often regulated;

---

<sup>59</sup> X. Greffe et N. Sonnac, 2008, “Introduction” to *Culture Web. Création, contenus, économie numérique*, as adapted in Frau-Meigs, *Media Matters...* chap. 1.

<sup>60</sup> D.S. Evans and R. Schmalensee, 2005, *The Digital Revolution in Buying and Borrowing*, Cambridge, MIT Press.

<sup>61</sup> C. Anderson, *The long trail. Why the Future of Business is Selling Less of More*, New York, Hyperion.

- Versioning: changing the format and price of a product, so that a variety of consumers can be reached who would not have been interested in first version, such as hardback book with a paperback version, and electronic version. Reputation helps and will always benefit the first sector to produce the product, even if it is later sold to other sectors.

- Merchandising: adding products to the original product, with several formats and shapes, like creating figurines from Disney characters, or using a novel to make a movie. All types of consumers are targeted, even though there are fashion effects. Negotiating intellectual property rights is important but less and less credible as the derived products move away from the original.<sup>62</sup>

Such variations on original content have affected news outlets deeply. As news producers have combined print, “broadcast” and “broadband” modes, they have subjected information to heavy editorializing procedures to satisfy the demands of windowing, versioning and merchandizing in an attempt to remain viable. Windowing is visible in the use and re-use of the same news items over several vehicles (television and internet websites for instance); versioning is visible with online extensions of original paper or audiovisual news, often for free or on a “freemium” model; merchandising is at work with the addition of collector pieces, yearly print versions of select material (“best of”) or the repurposing of content (with added expression, different context, etc.). This very system is at the core of news aggregators that recombine windowing and versioning while submitting the new product to advertising and merchandising.

These variations point to two different types of implications for freedom of expression, pluralism and news production: the importance of creating an online public domain to disseminate the collective dimension of content and culture; and the need to motivate creation by the recognition and appropriation of the economic value that results from it (with the contested attendant need to prevent copying without acknowledgement).

Such circumstances raise the question of copyright exceptions or copyright limitations. In these different procedures, copyrightable news matter and its reproduction can be set against fair use and abuse, the purpose and character of use in a commercial context, and the transformative or added value by the process. As advertising and sponsorship of different kinds (state, private) intervene in their financing modes, news can fall under the tutelage of state, private sponsors or donors, with the risk that they are removed from the market or from the commons.

Corporations such as Google and Yahoo!, not in the news business originally, have established a firm foothold in the news retail publishing and self-publishing. They are establishing vertically integrated business models that connect newsprovider to newsconsumer and can do without infomediaries such as media outlets, should they choose to do so. As well-recognized brands, they have the ubiquity and financial clout for such news appropriation. They can increase their vertical integration and capture consumers with proprietary formats. This can lead to a situation where high premium prices, strict licence restrictions and advertising schemes may make it difficult for media outlets to be viable and sustainable, not to mention public service ones. Such a situation could undermine the principle of equity of access to content of public interest, and prevent news media from serving their local community. They may in turn want to seek legislation at national level but

---

<sup>62</sup> Evans and Schamlensee, *The Digital Revolution in Buying and Borrowing*.

also at international level, in particular involving the World Intellectual Property Organization (WIPO).

Various scenarios around intellectual property rights are being considered, though a lot of legal uncertainty surrounds news activities. Claims of abuse and misappropriation or even downright theft are made by various competitors as they see “curated consumption” leading to a lot of versioning and merchandizing without recompense to the originators that seems to be putting journalism at risk, and as a consequence, freedom of expression. States and policy regulators will need to ensure legal rules are put in place that promote flexibility and free access to information. WIPO member states may have to engage more to gather support for an international legally-binding instrument on copyright use online. Conditions for purchasing, licensing and overall pricing of online content will need to be carefully weighed. Exceptions and limitations (for fair use, archiving, education, etc.) will need to be protected from stringent contracts to ensure public access to information and knowledge in the globalised cultural networks.

### **I.3.2 Social entrepreneurship and creative industries**

Among the interesting developments that have emerged in Communication for Development (C4D) is the rise of social entrepreneurship in Latin America, Africa and Asia, within a participatory paradigm for development. The cases that brought it to attention come from the Indian subcontinent (India and Bangladesh), with figures that have reached global prominence over the last decades such as Muhammad Yunus, creator of the Grameen Bank and of the notion of “microlending”, Bill Drayton, founder of the global change US-based agency Ashoka and coiner of the phrase “social entrepreneur”, and development economist Amartya Sen with the notions of “functionings” and “capabilities”,<sup>63</sup> that associate communication to real freedoms (self-respect, participation in community life, etc.). They have given credibility to the idea that social entrepreneurship can bring social change, via innovation and sustainable management of local resources.<sup>64</sup>

However the implications for freedom of expression and human rights are still under-tapped, in spite of their potential for democratic social change. Some cases of social entrepreneurship show how “broadband” media can complement the role of “broadcast” media in promoting freedom of expression as an enabler of development. Among examples are the human rights advocacy group Witness, that is showing cases of abuse not only on television but via its website, in association with a series of organizations and in-depth three year training. Their awareness-raising campaigning has helped stop abuses and bring about regulation, as in the case of Mexico and the law about violence against women. Another example is the Ushahidi project (the Swahili word means “testimony”), which is of particular interest as it is linked with content issues: the Ushahidi platform is a tool to crowdsource information using multiple channels, including SMS, email, Twitter and the Web.<sup>65</sup>

This participatory paradigm for social entrepreneurship in combination with activism and human rights can also be connected with the emerging notion of creative industries in relation to the broader category of cultural goods. UNESCO proposed a definition in 2006: “Creative industries are distinguished from cultural industries...by their emphasis on expression and identity, rather than on marketing, with a particular interest in handicrafts and popular arts, as

---

<sup>63</sup> Sen, *Commodities and capabilities*.

<sup>64</sup>E. G. McAnany, 2012, “Social Entrepreneurship and Communication for Development and Social Change. Rethinking Innovation” *Nordicom Review* 33, pp. 205-218.

<sup>65</sup> <http://ushahidi.com/products>

well as design, with derivative works and applications in publishing, music and film.”<sup>66</sup> This includes a whole series of sectors, mainly in the communication and information fields, such as design, fashion, and more intangible cultural goods related to curatorial activities (museums and libraries) and tourism activities (food, folklore, handicrafts, etc.).<sup>67</sup>

Though the UNESCO definition does not specifically encompass the agency of users and their capacity for social entrepreneurship, the emphasis on expression and identity make creative industries close to self-actualization via relational and experiential goods. If combined with crowdsourcing, social entrepreneurship of this kind can both serve communities and allow some creative individuals to make a contribution. Creative crowdsourcing services are actually on the rise, as visible with the example of CrowdSPRING, launched in 2008, with more than 100,000 designers and writers from over 200 countries.<sup>68</sup>

Such creative industries could potentially affect the future of news as some individuals can create their own news business or become social entrepreneurs of local media or develop open source content online, etc. Some “pure players” in the news industry relate to this budding model, such as the South Korean online news website *OhmyNews*, founded by social entrepreneur Oh Yeon Ho, in 2000. Based on citizen reporting, it was one of the first portals to edit and publish articles from its freelance readers (with about a fourth of its contents written by the staff). It was influential in the Korean elections of 2002 to mobilize young people in particular. Since 2010, it has moved to more curatorial preoccupations, covering the world of journalism itself.<sup>69</sup> Another example showing a combination of crowdsourcing, curation, heritage and online publishing is the Australian Historic Newspapers project, conducted by Rose Holley and supported by the National Library of Australia that encourages its members to correct or improve the electronic archives of old newspapers.<sup>70</sup> Such creative industries currently show a double tendency: via micro-credit, micro-payment and micro-donations they can foster citizen journalism or allow journalists to make an alternative living by being paid online; individual practices can be recuperated into the fold of institutionalized public or market practices.

The relevance of such creative industries in relation to C4D is not lost on the “broadcast” media sector as it deploys all its might to consolidate privileged access to Digital Rights Management (DRM) and other intellectual property tools, as exclusive proprietary instruments. However, WIPO has created a section on creative industries within its Small and Medium-Sized Enterprises (SMEs) Division and has incorporated them in its “Development Agenda”. At the other end of the spectrum, the netroots sector vies for new legal systems like “Creative Commons”<sup>71</sup> that allow several thresholds of shareability without property. Creative industries could thus be both an opportunity for new entrants in the world of news production and a threat to traditional media outlets that try to move online, albeit belatedly.

---

<sup>66</sup> portal.unesco.org.

<sup>67</sup> See WSIS +10 report on Culture.

<sup>68</sup> See CrowdSPRING

<sup>69</sup> See www.OhmyNews

<sup>70</sup> See Australian Historic Newspapers project, available at <http://www.egov.vic.gov.au/focus-on-countries/australia/government-initiatives-australia/culture-sport-and-recreation-australia/libraries-australia/historic-australian-newspapers-1803-to-1954.html>

<sup>71</sup> L. Lessig, 2001, *The Future of Ideas: The Fate of the Commons in a Connected World*, New York, Random House.

### I.3.3 Community media as a tool for empowering people

In many ways, community media can be seen as a subset of C4D and have evolved within the participation paradigm. Also sometimes known as alternative media, they represent different voices that evolve away from state-owned media and large private sector conglomerates with their own infrastructure and resources. They have taken a breadth and a visibility of their own over the last decade. They are interesting because they show the successful transition from “broadcast” to “broadband” as they increasingly interact with cellphones, email and websites. They are considered as an intervention strategy for effective social change as they foster participation, community ownership and cultivate wider development outcomes. Radio stations in particular have proven their capacity for reach and outreach, especially in zones that are rural and/or geographically isolated such as sub-Saharan Africa or the Andes.

Community radio stations are essential to development because they tend to be low-entrance in the field, low-key in terms of technical resources and low-energy in terms of infrastructure. As a result they can act as a means of expansion of freedom of expression, especially in oral cultures. They have grown exponentially in Africa, Asia and Latin America and have been supported by the grassroots as much as the development agencies. Western donor countries and international NGOs often see community media as a means for democracy, for safeguarding local culture and for spreading educational messages about health, hygiene, agriculture and nutrition. The stations are also construed as a means for women to empower themselves and advocate for their rights. Many bottom-up initiatives have proved sustainable even after external funding is terminated. The Association Mondiale des Radiodiffuseurs Communautaires (AMARC) publishes yearly reports that make the C4D case with very good examples of sense-making practices.<sup>72</sup> Among some striking ones are movements to promote women’s voices in Fiji with FemTALK mobile radio and initiatives to establish literacy classes for the excluded in India with Sangham radio.

Over the years, UNESCO has actively promoted community radio as an agent for change and development, in particular via its IPDC programme.<sup>73</sup> Over the years, IPDC projects have provided more than anecdotal evidence of the potential of radio for democratization, raising rights-based awareness, increasing the levels of participation and strengthening efforts to eradicate poverty. Community radio can be empowered by digital resources, as for example radio Al Balad in Jordan with Internet as entry point. Another case of capacity building is the Sida-funded UNESCO project “Empowering Local Radios with ICTs”, which aims to compensate for scarcity of reporting on development and to provide more platforms for debate in seven sub-Saharan African countries (Democratic Republic of the Congo, Kenya, Lesotho, Namibia, South Africa, Tanzania, and Zambia).<sup>74</sup> Such projects have the potential to foster local growth of oral cultures, provided they embrace convergence and exploit cellphone ubiquity.

Yet despite their potential and widespread growth since the 1990s, community media have grown unevenly and they need to be supported by national policy frameworks and more sustainable economic models. The UNESCO publication *Community media: a good practice handbook* argues that “the policy, legal and regulatory framework remains the single most persistent obstacle to sustaining community media, despite the fact that there is worldwide experience of good practice in this regard”.<sup>75</sup>

---

<sup>72</sup> See AMARC report 2010, 2011.

<sup>73</sup> See the IPDC database of projects available at <http://www.unesco-ci.org/ipdcprojects/>

<sup>74</sup> See UNESCO, *Empowering Local Radios with ICTs* (<http://www.unesco.org/new/index.php?id=64324&L=0>).

<sup>75</sup> S. Buckley (ed), 2011, *Community media: a good practice handbook*, Paris, UNESCO, p. 5.

In some countries, community media are scarce, in others they are constrained by hostile legislation. Latin America is one the most advanced in terms of legislation in spite of opposition from private broadcasters and reluctant governments, while Asia has been reluctant to move forward with pro-community media legislation. Another challenge is a high attrition rate, as community radio stations struggle to find their viability, especially in Africa.<sup>76</sup> In terms of effectiveness, community media managers need more training and more awareness of the several layers of sustainability, be it in terms of production, management styles, partnerships with external institutions and agencies and financial model for generating funds.<sup>77</sup>

### **I.3.4 Media Development Indicators and C4D**

All these emerging trends in C4D need to be monitored as they may have an impact on WSIS outcomes in relation to the MDGs. This broad initiative, supported by a large number of UN members, is intended to eradicate poverty, discrimination and inequality while promoting health, nutrition, education and employment. It requires monitoring and constant measuring of such goals, with 2015 as its horizon for stocktaking and assessment. It is supposed to generate international support and cooperation and is seen as a means of helping states scale-up their national policies in the eight areas targeted for development. Such pressure for results has been much-criticized, especially by civil society organizations, on the basis that free, pluralistic and independent media, including community radio, are catalysts for change rather than instruments for change. Communication and expression are rights per se and therefore their connection to development, though desirable, should not be made solely dependent on such goals.

However, a number of CSOs have been conducting work to develop and assess media role in promoting training for journalism and favouring democracy and peace, such as Deutsche Welle Akademie, the Global Forum for Media Development, Reporter sans Frontières, Internews Network, Media in Cooperation and Transition, Panos, the World Association for Christian Communication and the World Federation of Science Journalists. IREX, for instance, created the Media Sustainability Index (MSI), which assesses the conditions for independent media in 76 developing countries, looking at such issues as journalistic standards, technical skills, legal frameworks, political constraints and clientelism.<sup>78</sup>

In this context, UNESCO held a large consultation in 2008 to put in place indicators for a particular concept of Media Development understood as media freedom, pluralism and independence, as part of post-WSIS implementation and MDG requirements. This very comprehensive step, with the participation of many interested parties, resulted in the identification of five major areas: a system of regulation conducive to freedom of expression; pluralism and diversity of media, including transparency and ownership; democratic discourse; professional capacity building; and infrastructural capacity and technical resources.<sup>79</sup>

---

<sup>76</sup> B. Girard, 2007, *Empowering Radio. Good practices in development & operation of community radio: Issues important to its effectiveness*, World Bank Institute, Program on Civic Engagement, Empowerment & Respect for Diversity.

<sup>77</sup> P. Da Costa, 2012, "The Growing Pains of Community Radio in Africa. Emerging Lessons Towards Sustainability" *Nordicom Review* 33, p. 140.

<sup>78</sup> <http://www.irex.org/project/media-sustainability-index-msi>

<sup>79</sup> <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/media-development-indicators-a-framework-for-assessing-media-development/>

Additionally the indicators are gender-sensitive and pro-poor, thus making them part of the C4D scaffolding, as media are seen as a factor in favour of societal development and as an enabler for C4D to operate within a freedom of expression framework. Croatia, for instance, was one of the first countries to test the indicators, via the Centre for Media and Communication Research.<sup>80</sup> The report published in 2010 shows that “The predominant thrust is not democratization, but market liberalization (p.5)”. It highlights some strengths, such as a democratic regulatory environment in a concentrated market and an increasingly digitalized infrastructure. It also points at some weaknesses, as “problems remain with regard to the democratic contribution of the media and transparency and accessibility of data regarding the media system, precarious position of journalists, as well as still existing issues of independence of the media from economic or political power hubs (p. 6).” It concludes with a series of recommendations in order to further the implementation of media reform and to promote the public interest and the safety of journalists.

Such Media Development Indicators may need to be updated and redirected in light of emerging issues, such as social entrepreneurship, creative industries, evolving intellectual property rights regimes and creative commons national legal chapters. The five major areas defined by the MDI (regulation; pluralism, transparency and ownership; democratic discourse; professional capacity building; and infrastructural resources) could also be applied to these emerging areas.

#### **I.4 Challenges and opportunities in the area of professional training**

##### **I.4.1 The rise of citizen journalism in social networks**

Print newspaper readership is declining in many countries, and is partially offset by online readership in developed countries. Television news continues to play an important role in urban people’s newsgathering habits, and in developed countries, they also tend to connect with Internet sites to increase their relevance. More importantly, among “broadband” media, search engines are playing a larger role in readers’ newsgathering habits. People use them to gather targeted information, on topics of specific interest. Recommendations on social networks are also drivers of traffic to news online. This rapid evolution implies a shift in professional training to embrace the opportunities offered by digital platforms as supplements to traditional sources. Yet websites that provide online information are generally understaffed and their staff is under-trained, which directly affects the quality of the news they produce or recycle.<sup>81</sup>

News organizations have been late in embracing digital convergence and in understanding that such convergence enables audiences to be less passive and to interact in a collaborative manner. They have been slow in engaging newsreaders on blogs, online forums and social networks, in harnessing the energy of users generating contents and comments, and in providing tailored information on mobile devices. They are slowly accepting user-generated photos and videos; they are gradually allowing readers to tag stories for inclusion in social networks via news stories aggregators like Reddit, Slashdot, Digg, Mixx and Publish2; they

---

<sup>80</sup> See [www.cim.fpzg.hr](http://www.cim.fpzg.hr). Mozambique was also an early test case. See IPDC website, *Media Development Indicators (MDIs)* (<http://www.unesco.org/new/en/communication-and-information/intergovernmental-programmes/ipdc/special-initiatives/media-development-indicators-mdis/>).

<sup>81</sup> <http://www.people-press.org/2010/09/12/americans-spending-more-time-following-the-news/>

are generally not yet using social networking tools at their full potential, even in developed countries.<sup>82</sup>

The social networking tools have become increasingly user-friendly: blogs and microblogs, mobile apps and podcasts, website aggregators and social bookmarkers, RSS feeds and channels for syndication, all make it possible for people to keep up with their news of interest *and* to publish their own stories, such as by covering events in their own communities. “Broadband” media such as YouTube allow people to post video while Flickr allows them to upload photos. As a result citizens can become journalists and bypass news organizations to produce content in direct competition with them. Social networking has enabled the proliferation of user-generated content, some of which can be called “citizen journalism” to the point that amateurs intermingle with professionals in a manner that can erase borders between them. So journalism can be extended much beyond professional journalists to all those who contribute to public news (not unlike “letters to the editor” in the printed press tradition). Supporting their freedom of expression is part of fostering empowerment and awareness of their rights, which ultimately leads to less marginalization and more participation.

Some news organizations have moved to crowd-sourcing, inviting people to co-produce the news and contribute to their websites. CNN has a website section called iReport that invites people to post their own news stories. France 24 has another strategy, using citizens as “observers” with more editorial control. Al Jazeera operates “The Stream”, television programme that aggregates online sources and discussion. These organizations proceed to open calls and implicitly rely on the wisdom of the crowd to get collaborative responses from diverse backgrounds. Digital start ups like Mediapart, Rue 89 and Citizenside use crowd sourcing to get in-depth stories.<sup>83</sup>

#### **I.4.2 In search of economic models**

In developed countries, this economy of abundance and ubiquity is in the process of dismantling the financing of news online as well as offline. The major problem posed to news organizations, with long-term implications for the profession, is related to the lack of a clear economic model online. Internet history has created a habit for users to access news “for free”, leading to the stress of the old business models of print and broadcast media. The traditional models used a combination of subscription, kiosk sales and advertising to finance the search and processing of information. Advertising online is attracted by a host of non-media presences. At the same time, the Internet has reduced circulation costs and enabled public generation of instantaneous news, thereby displacing the role of journalists as sole infomediaries and agenda-setters. The value of news relies no longer on its scarcity or secrecy, but is reduced by its abundance and plurality. As a result, content aggregators tend to fare better than content creators and producers: Yahoo!News and Google News dominate the online market in terms of monthly visits, followed by CNN and MSNBC while *The New York Times* and *The Huffington Post* lag behind.<sup>84</sup>

The habit of “curated consumption” applies here, with content aggregators either taking the role of curators or facilitating curation by users (GawkerMedia or AllHeadlineNews for

---

<sup>82</sup> <http://pewresearch.org/pubs/1602/new-media-review-differences-from-traditional-press>

<sup>83</sup> See [ireport.cnn.com/](http://ireport.cnn.com/); see also [observers.france24.com/fr](http://observers.france24.com/fr)

<sup>84</sup> J. Schneider, 2012, “Top 15 Most Popular News Website”, available at <http://www.ebizmba.com/articlesews-websites>

instance). Media content produced by journalists is used by third-parties in diverse ways, without paying for it. Besides, aggregators tend to bypass the homepage of the original news outlet, to draw attention to their own homepage, thus generating more advertising revenue for themselves. As a result, many news companies, and even news wholesale agencies like Agence France Presse (AFP) and Associated Press (AP), in cases where their product is used without payment, consider this practice as theft, all the more so as such aggregators do not share advertising revenue with them.<sup>85</sup> In October 2012, a joint initiative by the news publishers associations of France (IPG), Italy (FIEG) and Germany (BDZV and VDZ) against Google sought regulation in order to create a tax on search engines and aggregators that index and reference news materials. Their argument was that this kind of content capture saps their economic gains and undermines their general public interest contribution that is necessary for democratic dynamics (as some news items may not be selected by aggregators, according to public popularity and appeal).<sup>86</sup> Such initiatives reveal a lack of clarity of how supply and demand sides interact to determine online newsworthiness. They also show the feeling of urgency that has seized the news industry as it presses for policy measures. The result may eventually lead to either actual regulation of such procedures or self-regulatory agreements among commercial partnerships still in evolution.

Meanwhile, several models are competing, that include low cost and no cost attempts by print and “broadcast” media to enter the digital market, as they deal with the windowing, versioning and merchandizing of their original content. According to a 2011 report by Philippe Couve and Nicolas Kaiser-Bril, four models are currently co-existing. The most present model is the “freemium” model, that is a combination of advertising and subscription (e.g. lemonde.fr), with a large part of the website in open access and a smaller part dedicated to pay services. The other option is the “pro-am” model, that combines volunteer crowd-sourcing and expert professional providers of content (e.g. Rue89, OhmyNews). This model survives thanks to advertising and an array of added services such as online shopping, classified ads, training facilities and web agency. The last model relies on a “full pay system” with a pay wall that charges users for access (e.g. Newsweek, Wall Street Journal). Other media have opted for a “free but sponsored” model that is supported by users’ donations, by foundations (e.g. DemocracyNow) or by partnerships with online editors (e.g. OWNI).<sup>87</sup>

None of these models have shown their viability yet. The stakes are high to maintain the independence of the press and the quality of news production. What is clear nonetheless is that news organizations and professionals need to prepare for the digital transition and invent bridging strategies to maintain themselves among the “broadband” media, with new challengers such as Facebook, Twitter and YouTube. Other unexpected challengers, with their own business models, are alternative news providers such as university journal websites, Wikipedia and other online encyclopaedias, and many NGOs and CSOs. These trends in developed countries can probably be expected to repeat themselves in the developing world, where these “broadband” players will also be increasingly present due to the transborder nature of “broadband” networks.

---

<sup>85</sup> See K. Isbell, 2012, “What’s the law around aggregating news online? A Harvard law report on the risks and the best practices”, Nieman Journalism Lab, available at <http://www.niemanlab.org/2010/09/whats-the-law-around-aggregating-news-online-a-harvard-law-report-on-the-risks-and-the-best-practices/>

<sup>86</sup> [http://lexpansion.lexpress.fr/high-tech/les-medias-francais-italiens-et-allemands-unis-contre-google\\_352922.html](http://lexpansion.lexpress.fr/high-tech/les-medias-francais-italiens-et-allemands-unis-contre-google_352922.html)

<sup>87</sup> See report by P. Couve et N. Kayser-Bril, 2010, “Médias : nouveaux modèles économiques et questions de déontologie” available at <http://www.journaliste-entrepreneur.com/2010/11/le-rapport-medias-nouveaux-modeles-economiques-et-questions-de-deontologie/>

### I.4.3 The need for data journalism in the curriculum

Media professionals need to take advantage of new resources and new ways of conducting investigations facilitated by computer applications for big data research and by social networks. They need to pay attention to the developing community of news developers that may bypass their profession, by adding code and computation to training in journalism.<sup>88</sup> But conversely, such social networking tools need regulation and have to solve a number of ethical issues, such as verification and counter-verification. Double-checking on information is becoming necessary to counter the amplification of rumour and fabrication facilitated by technology. This is not yet the case, however, as exemplified by some research on search engine use by journalists. Most journalists overwhelmingly use Google as their major source; but tend to have suboptimal competences in online research: they are poor or average researchers, with no higher skills than those of the general user; they rarely combine operators, only use first page of access; and they make queries rather at random.<sup>89</sup>

The trustworthiness of news is endangered by the lack of reliability of Internet sources: journalists and citizens alike can fall prey to misinformation, distortion of reality (by warped ranking positions in search engines for instance) and susceptibility to external manipulation. Using Internet resources per se is not a means of strengthening journalism standards or news value, especially when it comes to checking and counter-checking facts.<sup>90</sup> As journalists rely more and more on electronic sources provided by search engines whose primary aim is not journalism, some search engines are moving in the field, so as to serve journalists' professional purposes (especially relevance and quality over salience and popularity). The case of Exalead is interesting, with its "newswire for journalists" that allows for advanced queries via the Exalead search engine.<sup>91</sup>

The issue of news quality and value needs to be re-considered, especially for young professionals whose practice is only with online media and whose working conditions have intensified, as they include multi-modality and multi-tasking, for example. In an era of news proliferation by many producers of content, journalists will need to improve their capacities if they are to show a distinctive added value to the generation and circulation of information. In developed countries, this added value is needed as readers manifest news fatigue and a desire to find quality in the flow of raw data that results in information overload. In developed and developing countries alike, this added value is needed to produce trust in a profession that needs to be known for its independence and its ethical standards.

News organizations need to see "broadband" media as an opportunity to experiment with multi-dimensional in-depth storytelling and browsing on large databases. They must provide context and depth in a compelling manner, with new tools. The far-sighted media outlets reach out for increased participation of newsreaders with open calls to provide stories and news-related games. MSNBC.com was the first news organization to offer a luggage screening game that asked people to spot the threats at airport security checkpoints.<sup>92</sup> The *New York Times* created "Budget Puzzle: You Fix the Budget" engaging people to play at reducing the federal budget deficit. The game designer Ian Bogost is developing a tool, called

---

<sup>88</sup> See Source, the Knight-Mozilla OpenNews project designed to amplify the use of journalism code in the community of developers, designers, journalists and editors.

<sup>89</sup> M. Machill, M. Beiler and M. Zenker, 2008, "Search-engine research: a European-American overview and systematization of an interdisciplinary and international research field", *Media Culture Society*, 30 5, pp. 591-608.

<sup>90</sup> Machill et al. "Search-engine research", pp. 596-98.

<sup>91</sup> <http://media.prnewswire.com/fr/jsp/main.jsp>

<sup>92</sup> [http://www.msnbc.msn.com/id/34623505/ns/us\\_news-security/](http://www.msnbc.msn.com/id/34623505/ns/us_news-security/)

“Cartoonist” for generating news video games (on the print paper model of the funnies).<sup>93</sup> Computer Assisted Research (CAR) and data journalism can come together in adding value and trust to the profession and to the investigative power of journalists.<sup>94</sup>

Some journalism schools are beginning to offer topic-oriented presentations that combine different media formats (graphics, video, audio, text) with big data analytics.<sup>95</sup> Meanwhile, new providers of journalism education (NGOs, INGOs, private companies) are emerging, with new ways to deliver education, and new pedagogies, much related to “broadband” platform affordances. This trend widens and globalizes the field of journalism education provision, putting it into a decentralized mode that is no longer restricted to time-and-place-bound instructors. However, the international resonance and universal applicability of journalism can be sorely tested, as strong regional and national differences persist. Many journalism schools seem to be reticent to adopt these new opportunities, competencies and tools. The schools have a crucial role to play to promote a more cross-disciplinary approach within journalism training centres and build transnational cooperation to improve working standards.

UNESCO has been eliciting change and encouraging inter-regional exchanges of good practices and materials with several meetings to draft a model curricula for journalism education. This model was formally presented to the World Journalism Education Congress in June 2007 in Singapore.<sup>96</sup> It has been updated to incorporate the syllabuses for seven additional courses, with extensions to multimedia online developments and advanced research methods (especially in relation to reporting on sciences). This new compendium will be presented at the third World Journalism Education Congress (WJEC-3), scheduled for July 2013 in Michelen, Belgium.

Another UNESCO initiative called *The Need for Quality Journalism Education in Africa: Building Centres of Excellence in Africa* has aimed at building the capacity of journalism schools to enhance the skills and competencies of the next generation of African journalists.<sup>97</sup> In 2012, the need to strengthen the capacities of journalists has also been addressed by organizing three two-week regional training-of-trainers courses on participatory pedagogical methodologies in journalism education and specialized issues such as community media and new media.

### **I.5 Challenges and opportunities in the area of Media and Information Literacy (MIL)**

Media literacy has been seen as an enabling tool for understanding and harnessing the potential of both “broadcast” and “broadband” media. It has taken a breadth and a visibility of its own over the last decade, especially as UNESCO made it one of its key strategies fuelling action C9 of WSIS, organizing yearly reporting at Geneva. Its definition has been widened to include “broadband” media and to incorporate information literacy so as to take into account the different forms of news and data that circulate online and to fight widespread “illectronism” as part of eradicating illiteracy.

---

<sup>93</sup> <http://www.bogost.com/blog/cartoonist.shtml>

<sup>94</sup> See for instance Jonathan Grey et al. 2012, *Data journalism handbook*, Open Knowledge Foundation, available at [datajournalismhandbook.org/](http://datajournalismhandbook.org/)

<sup>95</sup> UC Berkeley Graduate School of Journalism

<sup>96</sup> *Model curricula for journalism education*, 2007, Paris, UNESCO. <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/model-curricula-for-journalism-education/>

<sup>97</sup> <http://www.unesco.org/new/en/communication-and-information/intergovernmental-programmes/ipdc/special-initiatives/centres-of-excellence-in-journalism-education/>

### **I.5.1. Standard-setting initiatives and media education policies**

UNESCO has launched its MIL initiative to ensure that learners acquire the necessary skills to make full use of “broadcast” and “broadband” media. A number of principles and objectives that collectively aim at similar goals are encapsulated in a number of initiatives like the Alexandria Proclamation on Information Literacy and Lifelong Learning (2005), *The Media Kit for teachers, students, parents and professionals* (2007) and the Paris Agenda for Media Education (2007).<sup>98</sup> A number of peer-developed tools such as UNESCO’s *Media Education Kit*, UNESCO’s current initiative “Training the Trainer on Media and Information Literacy curricula”, as well as the Alliance of Civilizations’ book *Mapping of media education policies worldwide*, all point to the feasibility and desirability of the process. Finally, the combined efforts of the Alliance of Civilisations and UNESCO have led to the creation of UNITWIN chairs in media literacy and intercultural dialogue, to draw on a network of researchers and communities of practice that give the approach a solid research base. As such MIL is a long term means to help ensure the effective building of “Knowledge Societies”.

Media education policies have evolved nationally, with the addition of media literacy to the core competences of educational programmes, especially in teacher training. Two major regions are emerging in leadership: the European Union, with a strong competence bases approach; Latin America with a focus on “educación” and building of community services for media education. One emerging region is the Arab world, where efforts seek to use media literacy to empower girls and women.

The different models for media education that circulate in Europe and other regions of the world seem to share three main over-arching competences: Comprehension of content, Critical thinking and Creativity. They are the 3 C’s of media education at the core of the school system. When outside school core activities are considered, four more competences tend to be added: Consumption, (Cross-) Cultural Communication, Citizenship and Conflict-resolution. All in all, they can be packaged as the 7 C’s.<sup>99</sup>

Compared to other subject matters, media education is not about input but is output-oriented, which is to say is concerned with the learners’ inductive capacities to acquire and produce knowledge. These competences can be transmitted via a curriculum for initial, basic training of teachers. Teacher training can rest on the competences and attitudes that relate to the 7 C’s. Teachers need to be provided with a conceptual background for media and information literacy (models, process), pedagogical methodologies and strategies, assessment and evaluation methodologies (measurements) and resources (manuals, toolkits, shared good practices and networking).

### **I.5.2. New media literacies and transliteracy**

The advent of “broadband” media and especially social networks requires new skills and e-strategies, often associated with information cultures. The growing presence of virtual environments as a means for communication and education also needs to be taken into account in the teaching process, especially as the transborder capacities of “broadband” media are also affecting universities in developed and developing countries, with models such as Massive Open Online Courses (MOOCs) or Khan Academy making top education available to under-equipped locations and under-served populations.<sup>100</sup> The Web 2.0 allows for play, simulation and augmented reality to foster cultural remix and multimodal circulation, as

---

<sup>98</sup> [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=23714&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=23714&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>99</sup> Frau-Meigs, *Socialisation des jeunes et éducation aux médias*, chap. 6.

<sup>100</sup> See [www.khan.academy.org](http://www.khan.academy.org)

young people can navigate across many sources of information looking for help or additional resources. They tend to do so in a tacit intuitive manner that does not necessarily ensure full appropriation of the media and effective knowledge construction; they need to attach their practices to a repertoire of e-strategies and e-competences that incorporates skills such as computing and programming, so as not to depend exclusively on the dynamic platforms designed by the corporate sector.

The importance of “broadband” media as an educational tool needs to be properly recognized to promote democracy, participation and pro-poor empowerment, and when coupled with open access initiatives can provide access to otherwise expensive and rare resources. The global project “One Laptop per Child”<sup>101</sup> has been developed as a means to lower the barriers of access by providing a connected laptop to children, not only for use in schools but also at home, reaching the whole family and specifically women. It has taken the shape of “Plan Ceibal” in Uruguay, the first country to take advantage of this multistakeholder offer (supported by UNDP). Similar strategies are under way in Argentina with plan “Conectar Igualdad”, in Thailand, in India, etc.

But to be fully effective, research shows that such plans need to add online resources and courses to the technical access of computers. They need to provide support for the training of teachers and students in information and communications technology skills, to master code (including for code journalism). To cover the more or less stable set of uses and practices in relation to computers and digital tools and platforms, and to understand their design, their functioning and their finalities, media education has to move to bundled literacies (that embark visual literacy, news literacy, computer literacy, etc.) or “transliteracy”.<sup>102</sup> Transliteracy takes into account the double meaning of today’s convergence:

- 1) the multi-media dimensions of current literacy: being able to read, write, count and compute with print and digital tools and via all sorts of formats from book to blog;
- 2) the trans-domain requirements for full literacy: being able to code and to search, test, validate, modify information as understood in computation (code), in communication (news) and in library science (document and data).

Including MIL and transliteracy in school curricula and outside schools can be done with the development of locally produced educational software, as a new kind of creative industry, with subject relevance. It can also be done via e-learning tools such as online Open Educational Resources (OER).<sup>103</sup> OER has been promoted by UNESCO but does not yet incorporate many resources for MIL and transliteracy. These could train young people to know about coding and computing and their relevance to media. Being fully transliterate can help the future generations to understand and master the real basis of the information culture of the digital age. If not, they will become only users and consumers of ICTs, instead of active emancipated participants and well-informed citizens in people-centred and inclusive “Knowledge Societies”.

### **I.5.3 Connecting literacies to media and human rights via education**

---

<sup>101</sup> See [http://wiki.laptop.org/go/Core\\_principles/lang-en](http://wiki.laptop.org/go/Core_principles/lang-en).

<sup>102</sup> See conference [http://www.stef.ens-cachan.fr/manifs/translit/colloque\\_translit.html](http://www.stef.ens-cachan.fr/manifs/translit/colloque_translit.html)

<sup>103</sup> See WSIS+10 report on OER; see also UNESCO initiative launched in 2012 via [iiep-oer-opencontent@communities.unesco.org](mailto:iiep-oer-opencontent@communities.unesco.org)

As a generational gap inhibits aging decision makers and business administrators to prepare for reform and transitioning, media and information education are necessary to train youth and media professionals and prepare them for their future as citizens, workers and contributors at large. Just as news organizations have been slow in adopting crowdsourcing and user-aggregated content, schools have also been slow in embarking on projects around MIL. The attitudes of teachers themselves may produce resistance as they may either have a limited understanding of the importance of MIL or be reluctant to promote media cultures that are strong on entertainment and poor on learning content. Help from news organisations could be a solution as experienced through projects such as “La semaine de la presse” in France or the Festival “Escuela, cámara...acción” in Argentina or the PLURAL+ Youth Video International Festival in New York.<sup>104</sup>

Such an approach can empower marginalized people and help them protect their culture (language and heritage), and assert their rights while contributing to cultural diversity online. It can promote a “media education commons” with learning content, tools and management software; it can participate of the same logic as the Free/Open Source Software community and the global digital commons.

Such a comprehensive approach to MIL and transliteracy may foster participatory cultures and induce bottom-up development and creative industries. But the notion of “participation” is trivialized and loses some of its dynamic edge if it is reduced to the use of one-click services on pre-designed platforms. So literacy also encompasses the critique of the techno-discourse that often comes along with the “Information Society”. Users need to be able to examine critically the presence of the designers of such services, as their hidden agenda cannot be ignored in a literacy context (mostly consumer choices). This implies as well a consideration of the notion of “information” not disconnected from that of “informatics” (but not reduced to mere training in ICT programming).

Via MIL and transliteracy, users could also be sensitized to human rights, especially freedom of expression, in practical tasks that illustrate the benefits and responsibilities of such rights. They could also be educated about issues of exposure to risk and potentially harmful content, privacy risks and security (fraud, consequences of revealing personal information online, etc.), as well as the capacity to use encryption and other data safety devices for protection from third-party intervention. They could learn to weigh the respective values of freedom of expression and privacy, according to their best interests and the appropriate contexts of use, along the principle that education is the best filter.<sup>105</sup> These topics relate to issues closely connected to MIL tenets on critical thinking, creativity and citizenship. Such tenets also tend to have a strong connection to human rights, as they can refer to issues such as intolerance, hate speech, human dignity and freedom of expression. The Council of Europe has established some modules in human rights and media literacy, via its Pestalozzi programme for teacher training. More efforts are needed to bring together MIL and human rights education programmes. They could develop general awareness to regulation, about the effectiveness of safety measures and practices (such as filtering, ranking, black-listing, peer-to-peer monitoring, etc.), about the position of the industry (beyond its self-regulatory stance) and about the pressures on the profession of journalism.

---

<sup>104</sup> D. Frau-Meigs and J. Torrent (eds), 2009, *Mapping Media Education Policies Worldwide*, New York, Alliance of Civilisations and UNESCO.

<sup>105</sup> Frau-Meigs, *Media Matters in the Cultural Contradictions of the Information Society*, chap. 10.

If effectively practiced, MIL and transliteracy could contribute to the good governance of media, especially in terms of accountability and transparency. The users attention could be brought to the main functions of the media (from observation to participation) and to specific dimensions of the infosphere such as the watchdog role (monitoring corruption and misinformation, for example), the agenda-setting role (raising public awareness on important issues vs “noise”) and the gatekeeping role (ensuring pluralism of voices and perspectives on issues of interest). This could sensitize the public to the plight and weaknesses of their media systems and lead them to more vigorously support their press (online and offline) to protect it against state control, commercial pressure and low professional standards. It could enhance access to alternative sources of news and media literacy training per se. So MIL and transliteracy can empower citizen to participate in public deliberations and to fulfil their rights and obligations, calling on civic agency and individual voice and e-presence.

## **II. New and emerging cross-cutting patterns**

As a large portion of freedom of expression goes digital, legal policies as enabling environments must do the same. The digital cultures that are emerging in developing countries can increase the range and scope of freedom of expression and therefore require modification of current regulatory practices. In developed and developing countries, new legal instruments and policies are needed to accommodate the new challenges to freedom of expression created by the online transborder context and particular attention needs to be paid to new theoretical constructs and mechanisms emerging to address cross-cutting issues such as gender, privacy, for all stakeholders, including underserved minorities, in a pluralistic way. The journalistic criterion of “independence” implying professionalism, ethics and self-regulation as conditions for special public value information is also important in the crowded online mediascape.

### **II.1 Gender equality and women’s rights in the media**

During WSIS the integration of gender perspectives was recognized as part of the need to address inequalities that prevent women from gaining equal access to opportunities and benefits in “broadcast” and “broadband” media. The lack of participation of women in countries that discriminate on the basis of gender has been related to their inability to develop and to overcome poverty, which increases the gender gap. The “broadcast” media have a responsibility in this situation as they maintain negative stereotypes about women while the “broadband” media have been slowly incorporating women in their participatory practices.

#### **II.1.1 Persistent and damaging stereotypes**

The challenges in this area have remained very much the same, with an element of regression due to the new rise of fundamentalisms in the Middle East and Asia that tends to confine women to the household (with or without education). The free market agenda of commercial media continues to play with women’s image and sexuality in advertising and other fictional material where they are over-represented in conditions of sexual objects and to be under-represented in news where they are most often victims and not agents of their own life. Globalized conglomerated media have spread these images even more and have intensified feelings of alienation among women, as they are caught in a double bind: they feel they are liberated by consumer goods as these are markers of their independence and identity in their own local culture but they are also aware that such goods increase their family dependence on global products while reproducing stereotypical images of their social roles. They are caught between global images of sexuality, independence and consumerism on the one hand, and local resistance to Western penetration by authoritarian, often theocratic and paternalistic

regimes on the other hand. The issue of women's "protection" is then used as a way of increasing control over "broadcast" media and extending this to "broadband" media with the use of filtering tools when not outright banning of Internet.

The image of women remains very stereotypical, in Western as well as other countries, with a new trend that tends to target young girls, pre-teens, via new forms of embedded advertising in programs paid for by product placement strategies. Reality television shows (often licensed in many different countries) play on self-actualization, via notions of coaching and tutoring (*The Biggest Loser*, *the Swan*, etc.). The woman's body is systematically attached to youth and beauty, which tends to emphasise achievement on the basis of looks rather than abilities or intelligence. The career woman image has emerged in the media as a new role for women but her effective success remains attached to strong values of perfection in marital love and family rearing.<sup>106</sup> In terms of sexual orientation, the most preferred mode shown in the media is by far heterosexuality, projected as the norm, to the detriment of other sexual options. Images of gays, lesbians, bisexuals and queers are rare, often projected as exceptions to the norm and thus marginalized even further.

The debate over pornography is more often attached to issues of illegal content and harmful behaviour but it is also part of the gender inequality as most of this material worldwide features exploited young women. Feminists and freedom fighters are divided over this issue: most feminists denounce the commodification of women's bodies via pornography as an extension of sexual violence against women and as akin to prostitution; some feminists, joined by free speech activists, see this objection as a risk of censorship and a denial of women's own sexuality and access to sex work. As a result, pornography is present everywhere in the "broadcast" and "broadband" media, especially as they use the transborder capacities of the networks. It is condemned in most countries only in the shape of paedophilia and cyber paedophilia, protection of minors overshadowing here women's rights.

### **II.1.2 Persisting factors for the gender digital divide in "broadband" media**

The gender gap extends to "broadband" media in terms of access and use. ICT literacy and skills are central to including and encouraging women to use and benefit from the "Information Society" and yet they make up more than two thirds of illiterate people according to OECD. Patterns of access, especially in developing countries, show that women are in general less exposed to "broadcast" media and have little access to "broadband" media in the house (which emphasizes the need for public hotspots).<sup>107</sup> According to OECD, the gender gap increases with newer technologies, even in developed countries, with the biggest users being male, young adults in urban environments.<sup>108</sup>

Patterns of use are also revelatory of the gender digital divide, as women differ from men in terms of frequency, intensity and diversity of use, as well as the types and reasons of such use. In general, "men tend to use the Internet more than women for most types of activities, such as searching for information, accessing news sites and playing games (...) women were much more likely than men to use the Internet to search for or use health and medical information or

---

<sup>106</sup> See <http://whomakesthenews.org/>; see also Genderlinks at <http://www.genderlinks.org.za/>

<sup>107</sup> See Research ICT Africa! 2005, "Africa E-Access and Usage Index", Johannesburg, University of the Witwatersrand.

<sup>108</sup> OECD, 2005, *International Adult Literacy and Life Skills Survey*.

services.”<sup>109</sup> This trend has implications for the perceived usefulness of “broadband” media and the appreciation of their benefits and therefore the engagement in them for shopping, banking, education, communicating with others and career goals.

These patterns of access and use can be connected to the different involvement of men and women in the design, production and implementation of ICT systems and applications. This is closely related to levels of literacy and ICT skills, as use increases with literacy but there are other factors, like the lesser integration of women in higher education. When the state is lacking in engagement, NGOs are often taking the task of creating modules for women’s training such as AMARC (Internet Training Module for women) or APC (Women’s Electronic Network Training, WENT), or AWORC (Asian-Pacific Women’s Information Network Centre (APWINC), but this cannot replace early education of young girls in formal school settings.

Discrepancies exist even with developed countries with high level of penetration of ICTs that bring into account variables of culture and context such as the rate of female in labour force participation and in economic activity, the location of use of ICTs (home, work, school, public spots...) as they are related to cultural practices and the role of women in public spaces. It appears that the availability of media in locations other than the home is beneficial to women’s access and use.<sup>110</sup> The major obstacles for women are due to time constraints (raising children, household tasks), cultural norms (resistance to destabilization of traditional marriage rules) and technophobia (partly culturally gendered) and also safety and security issues (illegal, pornographic content among others). The lack of relevance of “broadcast” and “broadband” media content to their interests and concerns can also account for disengagement.

Women are still rare behind the screen, as men still overwhelmingly control jobs in the media sector, with a glass ceiling preventing women from reaching positions of high responsibility (unless they conform to the standard rules). The International Women’s Media Foundation published a worldwide report in 2011, studying 59 countries with global news media. The report identified “glass ceilings for women in 20 of 59 nations studied. Most commonly these invisible barriers were found in middle and senior management levels. Slightly more than half of the companies surveyed have an established company-wide policy on gender equity. These ranged from 16 percent of companies surveyed in Eastern Europe to 69 percent in Western Europe and Sub-Saharan Africa.”<sup>111</sup> The report also found “a higher representation of women in both governance and top management within both Eastern Europe (33 percent and 43 percent, respectively) and Nordic Europe (36 percent and 37 percent, respectively), compared to other regions. In the Asian region, women are barely 13 percent of those in senior management.” Some individual nations show striking differences, such as South Africa, where women are highly present in senior management (79 percent) or Lithuania where their representation is nearing parity in the middle and top management professionals.

### **II.1.3 Affirmative actions and policies**

In spite of these structural and societal gender inequalities and disparities, groups of women have been organizing themselves, and have built networks of solidarity around their issues to raise awareness among themselves and outside their ranks. They have also advanced women’s

---

<sup>109</sup> See G. Sciadas (ed), 2010, *From digital divide to digital opportunities*, Québec, Orbicom, p.150.

<sup>110</sup> Sciadas (ed), *From digital divide to digital opportunities*, pp. 146-148.

<sup>111</sup> See “The global report on the status of women in the news media,” 2011, available at <http://iwmf.org/pioneering-change/global-research-on-women-in-the-news-media.aspx>

rights in society and in relation to media. They have appropriated some alternative media, especially community radios to promote their local culture and advance their situation in matters of health, hygiene and literacy. They have collaborated with media watch groups, have created media advocacy organizations and have managed in some countries to integrate gender perspectives in media charters and ethics.<sup>112</sup> The IPDC program at UNESCO has proposed its Gender Sensitive Indicators for Media, in 2012, as an extension of its Media Development Indicators.<sup>113</sup>

Africa is particularly active with FEMNET, the African Women's Development and Communication Network. For the next decade it has given itself five major missions that reflect the current issues that are being fought in terms of gender inequality: "Women in leadership and governance (with a specific focus on women in political leadership); women's economic empowerment; women's bodily integrity and dignity (including prevention of all forms of violence against women and girls and the spread of HIV/AIDS); women and the media, freedom of information and use of ICTs; sexual and reproductive health and rights of women and girls. Three main approaches will be used to implement activities under these focus areas: Communication and Networking, Advocacy and Capacity Building."<sup>114</sup>

Women in other regions are also fighting for their rights. Among the most successful are the laws for the protection of women against violence, as implemented in Mexico, with a strong media component. But women's associations still have a hard time believing in the need to fight for their media rights and for the enforcement of their right of access to information.<sup>115</sup> A disconnect still remains between women's cause and how media can promote or demote it, according to the culture and the level of mobilisation of women themselves. The notion that media can be instrumentalized for profit, political control or participation rather than be an independent vehicle to promote gender equity is still pervasive in a male-dominated media environment. Media literacy and awareness-raising are necessary to decode and modify the open and hidden agenda implicit in the gender gap.

## **II.2 Illegal and harmful media content and protection of minors**

The issue of content deemed to be illegal and harmful has arisen with unexpected force in IGF and WSIS-related events, though it was not anticipated. It is a delicate issue because it has traditionally been pitched against the need to be consistent with freedom of expression and it is connected with the idea of control, filtering and censorship rather than respect for the dignity of the person, the safety and empowerment of the child.

### **II.2.1 Old and new patterns for risk of harm**

"Broadband" media do not operate in a legal vacuum when it comes to the misuse of content for criminal activities. They fall under the existing legal frameworks: those involved, be it content providers, host service providers, network operators and end-users, can be subject to the law applied in the local context. Criminal content is distinct in scope and in legal and technological responses. The priority of states is usually criminal content (as it involves public order), while harmful content remains in a grey zone (as related to individuals' privacy, dignity and reputation). In many countries, criminal content includes child pornography,

---

<sup>112</sup> M. Gallagher, 2001, *Gender Setting. New agendas for media monitoring and advocacy*, London, World Association for Christian Communication.

<sup>113</sup> See [www.unesco.org/.../MULTIMEDIA/.../ipdc28\\_gsmipaper](http://www.unesco.org/.../MULTIMEDIA/.../ipdc28_gsmipaper)

<sup>114</sup> See strategic plan available at <http://femnet.co/inex.php/en/>

<sup>115</sup> C. Hambuba (ed), 2011, *Liberté d'information et droits de la femme en Afrique*, Paris, UNESCO/FEMNET.

trafficking in human beings, hate speech and its dissemination, terrorism and all forms of fraud (e.g. credit-card fraud, identity theft, etc)..

According to several countries and regions, illegal content is defined as breach of copyright, libel, invasion of privacy, even some kinds of advertising. Intermediaries (and not only authors and end-users) can be drawn into disputes over such content because they facilitate its distribution, hence involvement of service providers and operators in such cases. By contrast, harmful content is much more about cultural differences, as the lines between what is not tolerated or not, permissible or not, vary. This is often in relation to the value attributed to the dignity of the person and more specifically the child. As a result, it is important, in international transborder initiatives, to take into account such ethical standards to protect minors against offensive material that can damage their dignity, their psychological and physical development whilst ensuring that freedom of expression is respected.

Yet the growing number of Internet users, and in particular minors, and its widening transborder geographical reach, together with technological progress in access to audiovisual content and mobile access has re-ignited the debate about harmful content and harmful behaviour in relation to minors, and especially girls as they are the victims of much of the pornographic and violent content in the media. In this matter, the document of reference is the Convention on the Rights of the Child (1989) whose principles are clearly expressed through several important articles: it recognizes the freedom of expression of the child and the right to seek, impart ideas and data (article 13) and the importance of media and the need for providing for materials that have a cultural and social utility for the development of the child, while also allowing for its protection against materials that could be detrimental to his/her wellbeing (article 17).

Media, with their social networking options and online gaming extensions, bring forth parental fears that accessibility, affordability and anonymity on the web may aggravate existing concerns on media as spectacles (for example, more extreme forms of representations of violence, of sexually abused children) and create news ones on media as services (for example, more opportunities for contact with young people, intrusive advertising). A number of post-WSIS and IGF workshops have dealt with children, safety and security and have called attention to specific issues such as early grooming of young people, offence to others and harm to self, gambling addiction, loss of school attention and performance, and opaque “terms of service”.<sup>116</sup>

New patterns for risk of harm have emerged, summed up by 4Cs: Contact, Content, Conduct and Consent.<sup>117</sup>

- Contact is connected to inappropriate solicitation of young people, either for sexual interest or for commercial phishing, etc.

- Content is connected to illegal or age-inappropriate content, such as images of abused children, sounds about hate speech, pornography, solicitation of young people by adults or other more mature youngsters, grooming, etc.

---

<sup>116</sup> See ITU’s initiative on “childonline protection” whose purpose is: “Identify risks and vulnerabilities to children in cyberspace; Create awareness; Develop practical tools to help minimize risk; Share knowledge and experience”. <http://www.itu.int/osg/csd/cybersecurity/gca/cop/index.html>

<sup>117</sup> A. Millwood Hargrave and S. Livingstone, 2006, *Harm and Offence in Media Content: A review of the Evidence*, Bristol, Intellect; see also Frau-Meigs, *Media Matters...*, chap. 8.

- Conduct is connected to online behaviour, such as bullying, victimisation, ostracism (from groups), risk behaviours (divulging information, posting undue photographs, stealing content, etc.).

- Consent is connected to commercialization and to new advertising strategies, like one-to-one marketing or intrusive neuro-marketing technologies, that aim at gathering information that is crucial for third parties and data-mining via obscure “terms of service”.

The online environment thus creates new conditions for exposure to content deemed harmful. Unlike the offline media, national regulation of such content, via law enforcement or self-regulated classification of content, is difficult to apply to materials that originate from countries whose culture and tolerance to content can be very different from the national culture. This can explain the very early interest of parents, educators and regulators in solutions that are related to filtering content and monitoring risks of harm, as part of the shared responsibility of all those involved in the mediation with children and young people. It points, however, to MIL as part of a paradigm that views preparation as more valuable than protection.

### **II.2.2 Creative solutions for state and self-regulation**

Laws on protection of minors have been extended online in many countries. In the United States, the Federal Trade Commission (FTC), after much lobbying from civil society movements like the Consumer Federation of America, has been given authority to establish some regulation about marketing aimed at children, via the Children’s Online Privacy Protection Act (COPPA), effective as of 2000. The law requires commercial sites aimed at young people below 13: (1) to inform parents that they are collecting data; (2) to obtain verifiable parental consent before proceeding to the data collection on children; (3) to give parents access to the collected data and allow them to restrict their use. These measures are accompanied with an educational addendum, for the training of web site operators, specialized publications for schools and an official governmental website to inform the general public better on the protection of minors, <[www.kids.gov](http://www.kids.gov)>.

However, in identifying and combating online content deemed illegal and harmful, law enforcement meets with technical limitations, with effective control only possible at entry and exit points of the network. So some “safe havens” for illegal content can exist as they are copied to other servers in other countries and jurisdictions that are not so sensitive to human rights and protection of minors. Unless there is international cooperation, such as envisioned by the Budapest Treaty on Cybercrime, this content cannot be removed completely, a task rendered all the more difficult as due process requires identifying with certainty the chain of responsibilities in creating such illegal content. However, a danger exists that intolerant standards in one country may be asserted in regard to cooperation with another, thereby compromising freedom of expression. Some states have added administrative legal entities to their general regimes for legal responsibility (beyond criminal or civil law) to investigate in cases where access and service providers have, through their technical facilities, helped the provision and diffusion of content deemed illegal or harmful, as in the case of Germany and CompuServe (where German subscribers have been differentiated from all others to fulfil the country’s requirements against hate speech).

At the legal level, this issue differs from country to country and according to regions, with Europe amongst the most sensitive ones, with the most regulated solutions while other countries have not yet established legal solutions. The European Union has set up legal frameworks and has granted financial support to hotlines, awareness raising campaigns and

research. These strategies have empowered its nation states to implement a number of tools for protection, prevention and awareness-raising.<sup>118</sup> By contrast, some countries in other parts of the world have less clear separations between free speech, illegal content and protection of minors. As in the case of China and its “great firewall”, legislation can block all direct access to the Internet and “broadband” media; may require “proxy servers” similar to those used by corporations for security reasons; and may combine such requirements with blacklists and sensitive keywords. This practice is facilitated by control over the communication infrastructure and can extend beyond most categories of illegal content to reach political communication in a manner that is inconsistent with international standards of freedom of expression.

In order to ensure consumer trust, however, parts of the industry itself (access and service providers in particular) have taken a number of creative initiatives by means of self-regulation in spite of maintained protests that their primary task is business to customers, rather than watching for accusations of censorship and exposure to liability from various parties. Many sense-making practices have emerged, in particular with regional programmes such as Safer Internet in Europe.<sup>119</sup> Industry self-regulation has addressed more or less adequately the issue of risk of harm on the new services. ISPs have been providing free filtering software for parents to download, and this is usually featured on their websites. Some commercial companies have emerged that supply such filtering as part of their “Internet security package” (with anti-virus and anti-spam).

In response to the pressure of public demands, the preferred on-line solution for the industry is technological, through electronic devices and encryption techniques. Commercial software like CyberPatrol <[www.microsys.com](http://www.microsys.com)>, SurfWatch <[surfwatch.com](http://surfwatch.com)> and SafeSurf <[www.safesurf.com](http://www.safesurf.com)> are among the most popular among parents. ISPs also often have their own filtering devices, on a voluntary basis. Three types of filtering methods exist, from “blacklisting” (access to designated websites is blocked), to “whitelisting” (access is limited to designated websites) and “labelling” (websites are rated and endusers decide of relevance for them). A sense-making case is TRUSTe, an online privacy program, a trustmark displayed on home pages to inform users of security practices conducted at the site.

An ambitious global standard for visible banners and logos has been established by W3C (World Wide Web Consortium), with the Platform for Internet Content Selection (PICS). It has been developed both as a filtering and and a labelling tool to prevent children’s access to content deemed offending or harmful (with the options of identifying language, nudity, sexual content, violence, etc.).<sup>120</sup> The ratings can be made by content providers (such as entertainment companies and publishers) or by third parties (parents’ associations, religious organisations, librarians, etc.). An alternative model for rating systems has been developed in the European Union, with the Pan European Game Information (PEGI), a classificatory system for video games at first, with current extensions to Internet.

This filtering model consists in putting the responsibility of content management on the end-users in the form of parents in the homes, or on educators, including in libraries and schools.

---

<sup>118</sup> Inhope report, 2008, “Test and Benchmark of products and services to filter Internet content for children between 6 and 16”, available at [https://www.inhope.org/sip\\_bench\\_2008\\_synthesis\\_report\\_en/pdf](https://www.inhope.org/sip_bench_2008_synthesis_report_en/pdf)

<sup>119</sup> Safer Internet – Special Eurobarometer, May 2006, available at [http://ec.europa.eu/information\\_society/activities/sip/docs/eurobarometer/qualitative\\_study\\_2007/summary\\_report\\_en.pdf](http://ec.europa.eu/information_society/activities/sip/docs/eurobarometer/qualitative_study_2007/summary_report_en.pdf)

<sup>120</sup> [www.w3c.org/pub/WWW/PICS](http://www.w3c.org/pub/WWW/PICS)

Content is not censored a priori by official institutions but is controlled a posteriori by those responsible for minors. The stress is on parental responsibility rather than government or industry responsibility. It is even advocated by civil liberties groups that think this solution is protective of freedom of expression of adults and allows for different standards of decency and dignity. But it is not a legal response to the presence of harmful content on the Internet and it does not alter the flow of such content from continuing. In particular, much remains to be done in the register of screening for explicit images and visual content.

### **II.2.3 Multi-stakeholder cooperation**

In this context, public/private/civic cooperation provides for specific issues to be solved without hard law. Such a multistakeholder process is visible through the work of a variety of forums, like the European Internet Co-regulation Network (EICN) that has issued policy statements for the 2006 “Recommendation on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry”. It acknowledges the risk of construing media solely as paid-for services and establishes steps for effective cooperation between the states, the industry and other interested parties; it can also incorporate recent technological and social developments in the digital world. In this context, the human rights of children are considered in continuation, not in rupture, with the human rights of adults. As a result there seems to be the premises of an emerging notion of an online private life of children that requires privacy protections adapted to the challenges of online/offline relations, while remaining within the precepts of freedom of expression and not confused with political censorship.<sup>121</sup>

Some grassroots solutions have been developed that tend to compensate for the lack of public service relays in relation to this expanding educational necessity. A network like the Canadian Réseau Education Médias has a government mandate to monitor and promote media education, be it on traditional vehicles or digital ones. The network has developed a three-pronged program, that teaches children how to confront typical situations on the Internet, and aims at making them develop their critical thinking while surfing. A variety of activities are offered, including workshops for teachers, librarians and parents, to acquaint them better with young people’s on-line practices.<sup>122</sup>

### **II.3 Privacy risks and surveillance as part of the impact of social networks**

Closely related to youth, the debate over privacy and identity has been renewed by “broadband” media, especially with the rise of social networks. It has been characterized by the need to mitigate risk and increase trust. This is also linked to online safety of actors, not least journalists and bloggers.

#### **II.3.1 The mixed promise of democratization at collective level**

Since their appearance in the mid-2000s, dimensions of social networking platforms and websites have become media too. Their specificity is to produce and “broadcast” user-generated content. They are quite numerous but the most widely used in 2012 are Facebook (that boasts over a billion “friends”, half of them via mobile devices) and Twitter (that boasts over 500 million “followers”). They have shown their capacity to contribute to change in the

---

<sup>121</sup>See also guidelines of European Internet Services Providers Association (EuroISPA) “Human rights guidelines for Internet service providers” (2008), the Interactive Software Federation of Europe (ISFE) “Human rights guidelines for online games providers” (2008), the coalition of social networking sites “Safer social networking principles for the EU” (2009).

<sup>122</sup> <http://www.education-media.ca>.

developing world during the people's uprisings in the MENA region also known as the "Arab Spring" (from December 2010 to 2011).

The protesters across some of these countries shared techniques of civil disobedience that involved strikes, demonstrations, rallies and occupation of symbolic public spaces. They used social networks to organize the protests, to communicate about the events among themselves and to the outer world and to raise awareness about state violence, repression and censorship. They denounced the lack of interest of the mainstream or government controlled media vis-à-vis what was happening. They also provided live coverage of the events, stirred awareness and spread democratic struggles of the same kind in the region while also building political discourse and interpretation of the news.

User-aggregated content and micro-blogging have been considered as some of the empowering tools that helped the protesters mobilise and stay so over months and access large territories. They have proved their strength in early warning, mobilisation, monitoring and advocacy, especially when supported also by mobile telephony. But their force for mobilisation was only possible with well-organized grass-roots organisations on the ground with Internet connections. This viral strategy made up for the relatively low level of access to Internet in the MENA region, which observers have consistently underlined so as not to overestimate the power of ICTs per se.

However, Tunisian and Egyptian authorities strove to control such platforms as Facebook and Twitter and were not able to do so at the beginning. Since then authoritarian regimes of MENA have been able to use the same tools to repress people and silence dissent as much as they could. They also innovated in terms of cyber-crackdowns: they shut down websites, sometimes the whole Internet; they took advantage of user-generated content to infiltrate and track down protesters; they stole passwords and account numbers; they slowed down traffic and filtered images and words. This can be explained by the fact that they have access to and control over the imported infrastructure and software developed for purposes of surveillance and spying. Protesters and activists could then be detained or arrested.

In this context, social networking platforms have revealed some of the most traditional dimensions of media, that is to say their potential use for liberation but also for control. The newer dimension is the risk of online tracing leading to offline tracking. The misappropriation of information usually accepted by users on Facebook or Twitter was available for data-mining by third parties, some of which were not so friendly. Additionally mobile telephony increased the possibility for geolocalisation of protesters and activists, much in the same way as it is used in democratic regimes to locate voters as in the 2012 US elections where the management of big data sets on voters was crucial to political campaign planning and canvassing.

In 2011 and 2012, the events around the Arab Spring turned "Arab Fall" but also continuous controversies over the "Great Firewall of China" have exposed the capacity of governments to put pressure on commercial providers when it comes to the freedom of political expression.<sup>123</sup> They have also revealed that the strategic interventions by traditional agents from the developed world were obsolete and not ready to respond to the needs of the netroots, whose agency they could not anticipate. As a result activists and open source developers are working on alternative strategies to proprietary platforms that can empower the netroots. The Diaspora

---

<sup>123</sup> J. Goldsmith and T. Wu, 2006, *Who Controls the Internet?: Illusions of a Borderless World*, London, OUP.

project (based on free software) is presented as an alternative to Facebook, as it allows users to store and access private files remotely from any device connected to Internet (including a cloud-based host and potential connections to Linux). It is in effect a distributed social network, where users host their own identities via their own servers (or “pods”). StatusNet provides an alternative to Twitter, as an open source micro-blogging network. OpenStack, based on free software, supports the use of open cloud computing as a means of externalizing and decentralizing privacy options as well as avoiding vendor lock-in.

### **II.3.2 “Seeming consent” and “terms of service” at individual level**

The amount of self-exposure induced by the design of social networking and microblogging platforms has also alerted the communities focused on privacy issues. Emerging issues around filtering by search engines and disclosure risks of cloud computing have called attention to risks to the identity of users, such as vulnerability, reputation, emotional and psychological harm, as well as relationship harms that may lead to chilling effects on freedom of expression.<sup>124</sup> There are all sorts of secondary effects damages, like distortion of character, humiliation, and reputation damages that affect human dignity and can have lasting consequences. The recognition of exposure harms (for instance, showing people vomiting or showing some body parts) is important as it can affect self-esteem, reputation building and have implications for self-development. Such collected data can also harm political opponents or bloggers that report assaults to human rights in their country and damage political freedoms.

Another consideration to take into account is that, even though young people—or adults for that matter—are consenting, it can be seen as “seeming consent”, because the coercion for disclosure is enormous. Disclosure of harm and harmful content and behaviour is an issue to recognize as socially damaging because it is a tool for exerting power and dominion over others. The rationale for some of our societies strongest prohibitions (like sexual harassment or paedophilia) is that they correspond to coercive acts, where the consent is not voluntary though it seems to be so. One person can get excessive power over another or even, in the case of online social networks, a group can gain excessive control over a person. Taking advantage over a person via that person’s data or private information is an attack on dignity and human rights. In that sense, arguments that tend to pitch protection of minors vs. freedom of expression are not relevant, as they blur the real issue at stake, that of undue control and asymmetrical power relations.

This blurring of the value of freedom in the “Information Society” leads to all sorts of manipulations. Seeming consent and undue constraint are what passes off as terms of service and as media freedoms, without any of the responsibilities that make it a real value for citizenship in democracy. In all these infringements, the risk is that attack on identity can lead to offline damages, with lasting implications for children and for adults alike. These implications can be felt in the labour context (job selection, promotion, etc.), the education context (university admissions, selection, etc.), the political context (intimidation, etc.) and other social network contexts (exclusion, ostracism, etc.). They can have lasting and unexpected effects on freedom of expression as there is often no way for the victim to activate a right of reply or to advocate for the right of access and rectification on the same media or platforms. The durability and traceability of information distributed on the “broadband” media is another challenge to identity in a commercial as well as political setting.

---

<sup>124</sup> D.G. Solove, 2008, *Understanding Privacy*, Cambridge, Mass., Harvard UP.

### II.3.3 Intersections between privacy and freedom of expression

Privacy becomes a double-edged issue when it comes to its relation with freedom of expression as the first right can both enable and hinder the second right. In relation to third-party data-mining practices and individual protections, privacy encompasses the protection of the dignity and integrity of the person, the promotion of empowerment and autonomy via identity, the need to ensure trust and respect on the more or less public spaces of the digital networks. Privacy as a right encases protection from self-disclosure, to enable people to decide if they want to reveal some information or not about them, especially if it may be misconstrued or damaging.

Privacy is impacted by the openness of the networks, which compels governments, private sector and individuals alike to reconsider the traditional understanding of its perimeter, a perimeter that includes secrecy and anonymity within its bounds. Secrecy is the most under threat because of ubiquitous networks that mesh video, voice and text, as well as traceability strategies via all sorts of tools (cookies, meta-data, sensors, etc.). Cookies for instance infringe on privacy, with cryptic alerts and the impossibility for the user to know if the program can have access to other stored information as exemplified in the security holes in some Internet browsers. The possibility also exists for these profiles to be sold and resold to other commercial interests as in the case of DoubleClick, an online advertising company bought by Google in 2007, which caused controversy over its spyware and its misleading opt-out options. The risk of victimization by others puts everybody under the potential threat of third parties.

The business sector and the computer community released several strong cryptographic software tools such as Nautilus and Pretty Good Privacy (PGP), in response to government pressure. Making cryptography available online, especially via PGP that works on open standards, has deflected privacy responsibility for protection from government to users. The proprietary industry, via the W3C, has also developed the Platform for Privacy Preferences (P3P), to address the data privacy expectations of consumers while ensuring availability for electronic commerce. P3P is supposed to enable users to make informed decisions about the collection and use of their personal data. Governments are considering means to develop Privacy Enhancing Technologies (PETs) and institutions, including the notion of “data controllers”<sup>125</sup> as authorities that determine the purpose and means of processing data (such as a public agency or a legal person).

Jonathan Zittrain calls attention to more and more distinct types of disruptive activities practiced by individual aggregation of data.<sup>126</sup> Legal minds such as Daniel Solove propose a new conceptualization of the right to privacy, with four areas of activities presenting “risk of harm to privacy”: data collection (surveillance), data processing (aggregation, identification, insecurity), data dissemination (disclosure, breach of confidentiality, exposure, blackmail, distortion, appropriation) and data invasions (intrusion, decisional interference).<sup>127</sup> His new theory of privacy is not a unitary concept, with essential characteristics valid for all cases. On the contrary, it is pluralistic and generative as it evolves over time and cultures. He creates a

---

<sup>125</sup> J-M Dinand, 2009, “The concepts of Identity and Identifiability: legal and technical deadlocks for protecting human beings in the Information Society”. S. Gutwirth et al (eds). *Reinventing Data Protection?* Dordrecht, Springer.

<sup>126</sup> J. Zittrain, 2008, *The Future of the Internet and How to Stop it*, New Haven, Yale UP.

<sup>127</sup> Solove, *Understanding Privacy*, p. 104.

new issue, “exposure” that is relevant to the “Information Society” and especially to the uses and practices of young people.<sup>128</sup>

### **II.3.4 Anonymity and confidentiality of sources**

However, privacy can be problematic in the context of journalism and investigative reporting. In such cases, freedom of expression needs may potentially override privacy rights, as they serve the public interest, such as in the case of journalists exposing foreign bank account holders during times of grave national economic crisis. The Greek and Spanish cases indicate the need to provide citizens with all the information about corruption and financial market practices for instance.<sup>129</sup> Another privacy issue concerning journalists in the “Information Society” concerns the confidentiality of sources and similar information. An illustration is *Vice Magazine* story in December 2012 that inadvertently revealed the location of a fugitive interviewee by publishing a photo with geo-tagged metadata still embedded in it.

The controversies around Wikileaks and such activist groups as Anonymous call attention to such a use of Internet. Being identified is desirable within a democratic context, where individuals are free to express their thoughts while being accountable for their actions. However in non-democratic countries or while conducting their investigative tasks, journalists, bloggers and citizens at large may find it safer for themselves and their sources to maintain confidentiality. They then have legitimate reasons to seek anonymity, such as fear of retaliation or lack of confidence in the way personal data might be used by third parties. So appropriate legal safeguards need to be put in place within data protection legislation to address this dual concern, with legal traceability measures both at the technical level and the political level.

UNESCO has commissioned a study on this issue in 2012.<sup>130</sup> The main findings point to the need for strong constitutional protection to safeguard both privacy and freedom of expression. Researchers have also put the emphasis on individual and corporate self-regulation as well as the need to create civil remedies for violations. Article 19 defenders cautioned about the need to ensure a posteriori checks on privacy and freedom of expression, to limit the risks of a priori censorship. General agreement pointed to the necessity to incorporate privacy and freedom of expression issues within media and information literacy curricula and training courses.

### **II.4 Content development and effective appropriation via mobile telephony**

Mobile telephony has expanded dramatically since the beginning of the 21st century and WSIS. In the last ten years, the population equipped with a mobile phone moved from one quarter of the world’s population to more than half. In 2010, the mobile industry boasted 4.6 billion active subscriptions, to be contrasted to “1.2 Billion PCs of any kind including netbooks; 1.6 Billion TV sets; 1.7 Billion Internet users (including those who access at an internet cafe, or via a mobile phone); and 3.9 Billion FM radio receivers”.<sup>131</sup> There are more internet users on mobiles than on computers and future developments are expected more in developing countries than developed ones, to the point that ITU considers high-speed mobile

---

<sup>128</sup> Solove, *Understanding Privacy*, p. 147.

<sup>129</sup> <http://www.necessaryandproportionate.net/>

<sup>130</sup> T. Mendel et al, 2012, *Global Survey on Internet Privacy and Freedom of Expression*, available at <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/global-survey-on-internet-privacy-and-freedom-of-expression/>

<sup>131</sup> <http://communities-dominate.blogs.com/brands/2010/02/the-big-picture-stats-view-to-mobile-industry-2010-edition.html>

telephony as the solution to inadequate infrastructure, with swift and unexpected success in Africa.

#### **II.4.1 The promises and limitations of telephony**

More interestingly, mobile telephony is joining the ranks of “broadband” media, as source of information and platform for diffusion of content, although unevenly around the world. As a result of this near-ubiquity, its potential for economic and social development needs to be considered, beyond mere access, to reduce the digital divide. Yet some notable limitations need to be underlined: the network is subject to congestion; high costs are prevailing; the “shuttle screen” situation is impaired by the small size screen, which is inadequate for quality video and for long comments on content (hence the success of Twitter). These limitations can be of little consequence for commercial transactions or quick exchanges but become significant when dealing with content for journalism training or for proper media and information literacy (MIL).

Mobile telephony has been construed as a means for some low-income countries to jump-start their economy and leap-frog the traditional long stages of development to make their society step into the digital era. This is particularly true in Africa and some other cultures in Latin America and Asia, that are oral by history and not script-oriented and where appropriation of ICTs can be done without high levels of literacy. More interestingly, telephony seems to lend itself to bottom-up development and actual meeting of people’s needs and capacities. Cellphones are easy to use, relatively available, and quickly tailored to show one’s identity. They are also appreciated because of their multi-functionality (radio, recording, mailing, SMS, etc.). Besides, they foster the informal economy as much as the formal one, while being a potential tool for democratization. Operators, surprised at first, have responded by aiming at services at affordable prices, reducing transaction costs and helping improve productivity in the public and private sectors. States have prioritized infrastructure, with the paradoxical result that in Africa, the possibility to use undersea cables with high capacity now exists but is underused.

However, the current convergence between the Internet and mobile networks is positive, affecting innovative uses of mobile telephony, in relation to shared information, and not only on platforms such as Twitter (useful as they have been for mobilisation purposes). Some successes are remarkable in that they impact news in a development perspective, as contents concerning early warning weather systems, public health information, reporting of human rights infringements and electoral monitoring. Even financial transactions have been bolstered. NGOs and CSOs have created a range of messaging-based services for health related issues.<sup>132</sup> Many states have developed regulation and policies in support of public Internet access projects in Africa, such as the ADEN project.<sup>133</sup>

#### **II.4.2 Effective appropriation for social change**

Most researchers tend to mention three progressive levels of access: universal access or threshold access relates to physical infrastructure, real or reach access is obtained through training and competences, and finally access for opportunity where people can actually effect change for themselves and their community. This last stage could be considered as sustainable access, with full networked presence and online participation leading to production of content

---

<sup>132</sup>See Association for Progressive Communication (APC) series on mobile telephony available at <http://www.apc.org/en/node/12433/>

<sup>133</sup> A. Chéneau-loquay, 2009, “Le projet ADEN, l’appui au désenclavement numérique : quelle viabilité ?” *Netsuds 4*, CEAN-l’Harmattan.

and comments.

News and information production are affected by access for opportunity. In relation to this need, full Internet capacity for all sorts of data producing and receiving services has to be provided. But problems remain still with pricing systems of telecommunication companies in poor countries and low income of many users so that there is not the critical mass that attracts investors and operators.<sup>134</sup> Annie Chéneau-Loquay defines the “mobile gap” as “due to problems of access to electricity supply, network coverage, income inequalities, and differences in the functional features of models designed for an affluent minority”.<sup>135</sup> It is particularly acute in Africa where power shortages are common, and connectivity costs are still high. Besides, great inequalities exist among countries in terms of penetration rates, with some countries like Ethiopia or Niger lagging behind, not to mention asymmetries between urban and rural areas and various social classes and age groups.<sup>136</sup>

One of the major challenges is the numerous platforms and systems that compete to perform the same task or solve a similar problem. As usual with development projects, their replicability and sustainability is at stake, and requires the involvement of all stakeholders. For consistent trends for change, mobility needs info-density as much as info-use.<sup>137</sup> For full participation, people need to be inserted in a flow of exchanges where information can be appropriated and tailored to real use. Basic resources are not enough without social and informational capital. Among the priorities for information needs, for people to remain above info-poverty and avoid the digital divide, the first one is health by far, followed by housing conditions, employment, social aids, education and legal information (with leisure and politics lagging behind).<sup>138</sup>

These priorities point to the kind of news value that professional and citizen journalists might want to specialize in for their communities. Currently, news media tend to provide general interest news, especially focused on politics and entertainment. But in fact, people’s expectations are related to more specific issues, related to health, science and the law — issues strongly related to Sen’s notions of “functionings” and “capabilities” for development, leading to capacity-building and full participation in one’s community. This shift in focus implies a shift in the training of journalists and in the selection of the population coming into the schools so as to accommodate students coming from such areas of specialty.

Examples of citizen journalism and crowdsourcing applications show that telephony can buttress freedom of expression and facilitate the wide circulation of news on topics and places that the news organizations cannot reach (the so-called “Twitter revolutions”). So mobile telephony can be construed as a tool for speeding up the inter-connected global public sphere

---

<sup>134</sup> ITU, 2011, *The role of ICT in advancing growth in Least Developed Countries, Trends, Challenges and Opportunities*, Geneva, ITU.

<sup>135</sup> A. Chéneau-Loquay, 2010, *Innovative ways of appropriating mobile telephony in Africa*, report published by the French Ministry of Foreign and European Affairs and the International Telecommunication Union (ITU), Paris, MAEE.

<sup>136</sup> See WSIS+10 report by Knowledge Society Division.

<sup>137</sup> Sciadas, *From the Digital Divide to Digital Opportunities*. He develops a model of “info-state” that adds economic and societal factors of info-density (ICT capital + literacy and skilled work) to info-use (consumption patterns + some degree of participation).

<sup>138</sup> J. Donner, 2010, “Mobile-based livelihood services in Africa: pilots and early deployments”, in Fernández-Ardèvol, M., Ros, A. (eds.), *Communication Technologies in Latin America and Africa: A multidisciplinary perspective*, Barcelona, IN3 available at <http://in3.uoc.edu/web/IN3/communication-technologies-in-latin-america-and-africa/>.

of communication and information, thus empowering citizens worldwide and fostering exchanges of materials and sense-making practices. However, social networking and user-generated content remain a contested area between citizens and governments in many regions. Mobile regulation, when it exists, tends to curtail human rights principles in the name of security issues, when in fact it should be used to strengthen pluralism and freedom of expression, especially regarding information reliability, news value and counter-verification. CSOs that watch these issues tend to advocate for the application of Internet regulation to mobile telephony (since both are converging) as it is more attuned to human rights in the face of repressive regimes.

Issues that touch on “broadband” media, such as corporate control over access to quality content, prohibitive intellectual property rights, not very transparent terms of service, and privacy and security issues, also affect mobile telephony. It has to find its own viable business model, in which news organizations can find their place. It needs to find a way to incorporate media and information literacy (MIL), so that MIL resources and tools can be effectively used and provide keys for developmental change at the local level.

## **II.5 Emerging transnational regulatory mechanisms and enabling environments**

New mechanisms have appeared in the ICT world that open the possibility of a more balanced vision of the proprietary and non-proprietary options available to states, industry and civil society. The notion of the OpenWeb is taking reality in complementarity with “Hollyweb” in the shape of global digital commons; public interest mechanisms are also emerging such as net neutrality. They can help participatory development in the field of formal and informal economy and in the area of creative industries with indirect benefits and enabling environments for freedom of expression and for information production, aggregation and consumption.

### **II.5.1 The transnational opportunities of global digital commons**

Commons are relational spaces, with derogatory rules that do not assimilate them to markets, where tangible and intangible assets are shared by a community, such as the “broadcast” airwaves or the digital “broadband” backbone (publicly owned and leased for commercial use in many countries). In this space, the creative works of people not under copyright law and a number of public domain digital resources have produced such digital commons. In the digital world, the information commons have emerged around the “gift” economy, with people as willing participants and contributors to the community at large, the intangible benefits being related to relational goods that are non-exclusive and non-rival.<sup>139</sup>

The global contributors to wikimedia, especially the Wikipedia, are such a group that provides a common good; the GNU/Linux software programmers that allow for the free software community to expand are another example. The economic benefits and fallouts of not enclosing some of the public goods can be various, including creating new business models and ensuring local sustainability, thus reinforcing the notion of culture as a leverage tool for development. But their open access has to be clearly identified, managed by a defined authority, with allocated resources only to be used by members of the community in a transparent non-commercial manner so as to give it social value in an integrated infrastructure where individuals can share a common goal, as proposed by “creative commons” licences.<sup>140</sup>

---

<sup>139</sup> Y. Benkler, 2006, *The Wealth of Networks. How Social Production Transforms Markets and Freedom*, New Haven, Yale UP.

<sup>140</sup> Lessig, *The Future of Ideas*.

“Broadcast” and “broadband” media have yet not fully embraced the relevance of such global commons for their own expansion. Very few commercial platforms are inter-operable with open platforms and as a result there is very little definition of the complementarity between them. The added quality of news from a professional perspective and the in-depth contextualisation provided by news compared to what is available in the noise and flow of the commons have not been vindicated or validated. Conversely, the energy and expertise available in the information commons is not yet fully tapped by journalists and news corporations that consider crowdsourcing very gingerly. The added value to freedom of expression and human rights for the stability and wealth of open democratic systems has not been explicitly stated and as a result public attention to the issue is low.

As with public service “broadcast”ing online, it is important to define the missions of the digital information commons, so as to defend them and contrast them to paid-services and individualized, incremental billing. At the moment, the Internet as a digital commons is not well equipped to detect ill-use of the resource and does not have a governance mechanism that mediates between competing demands regarding access and applications. It does not monitor fair use and it does not have real means of sanctioning abuse. It remains at the mercy of the fragile nature of social capital. Artists, amateurs, pro-ams and content-aggregators have to be sensitized to the fact that abusing the commons or letting them be enclosed leads to less efficiency of the collaborative system and alienation of the public value of the digital networks. They can be protected by the creation and promotion of public Internet service providers, to increase trust, contain fraud and limit costs to consumers and citizens, as well as plan for infrastructure and future development over the long term.<sup>141</sup>

### **II.5.2 Net neutrality as a guiding principle for governance**

On the private sector side, the emerging “net neutrality” principle is also appearing as important for freedom of expression and information, as it reshuffles the questions of online access, ownership and pricing in a yet larger maelstrom. Coined by Tim Wu in 2003, it was defined in terms of neutrality between applications and between different types of data and traffic, at the level of network infrastructure.<sup>142</sup> Since then, the notion has evolved along with controversies spawn in the United States, as for instance when the D.C. Court of Appeals overturned the FCC’s order against Comcast’s restriction of user access to BitTorrent in 2007 (threatening to impair peer-to-peer traffic).<sup>143</sup> Since then, net neutrality has been broadly defined as non discriminatory access to Internet critical resources and services, to underline the importance of open networks, to encourage access to services, as well as to protect consumers from the current anti-competitive practices used by providers as they threat to reap disproportionate advantages by over-exploitation of the resource. Net neutrality has emerged as a critical issue for diversity and pluralism as some corporations have drawn on their protocols and other devices to discriminate against Peer to Peer (P2P), to impose a cell-phone style billing system that discriminates among services and leads to anti-competitive bundling and to make it difficult for new entrants and independent creators to access the digital networks.

In December 2010, the FCC adopted a text on net neutrality, extolling the preservation of an “Open Internet”, to stall pressures by industrial lobbies of operators and equipment

---

<sup>141</sup> Frau-Meigs, *Media Matters...*chapter 6.

<sup>142</sup> T. Wu, 2003, “Network Neutrality, Broadband Discrimination” *Journal of Telecommunications and High Technology Law*, 2, p. 141; see also T. Wu, 2010, *The Master Switch: The Rise and Fall of Information Empires*, New York, Knopf.

<sup>143</sup> Comcast Corp. v. FCC 2007.

manufacturers, such as Google, Verizon, AT&T and Alcatel. It proposed explicit rules such as transparency, level playing field, no blocking and no unreasonable discrimination, to be applied to cable and telecom operators, but not to mobile telephony.<sup>144</sup> The United States Congress has prepared a bill in 2012 that is being challenged by many industry actors. At the global level, other regions have taken different options, such as the EU that has embraced a more laissez-faire approach. The issue is bound to take even more importance as mobile telephony expands the scope of data transfer and traffic and as TV-on-the-Web (like GoogleTV or MyTV) requires more and more high quality bandwidth.

The advocates of net neutrality have voiced their concern about the ability of “broadband” providers to use their infrastructure to block or slowdown Internet content and services and implement data discrimination, creating inequality via their dominant position. They claim that this would create a two-speed service model that would also create a two-tiered citizenship, some users being offered all types of services, others being offered only basic services. The opponents of net neutrality claim that the market has no interest in blocking content or slowing performance. They worry that if states implement regulation to impose net neutrality, this might fragment the Internet and prevent further technological innovation as well as altering the quality of service and the quality of experience.<sup>145</sup>

These changes have created asymmetries in traffic and revenue flows, with telcos paying high costs for infrastructure and sustainability while “broadband” media “Over the Top Players” (OTT), such as Netflix, Hulu or MyTV, are reaping high returns while contributing less to network investment and maintenance. This new evolution (as exemplified by the arrival of YouTube channels) shows the intricacies of the “shuttle screen” situation, with “broadband” media trying to deliver “broadcast” content (audio and video formats) as third party, without the ISPs being involved in its distribution, in contrast with delivery through purchase or rental of audiovisual content over IP from the Internet provider, such as video on demand services. This involves a growing dispute between the OTTs (perceived as “free-riders” of IP content flows) and the telcos only responsible for IP packets. The result is claims for a diversity of pricing relationships, away from the simpler relationships of the earlier Internet generation. The pressure is less in fact on the end-user than on the peering prices for interconnection between the OTTs and the backbone infrastructure, as currently the telcos carry incoming traffic without financial compensation while the billing is done at the destination part of the network. This has intensified demands for telecom package policies and regulation revisions at the highest international level, such as the new International Telecommunication Regulations (ITRs) Treaty at ITU.<sup>146</sup>

This strong imbalance is being challenged not only by telcos but also by states, as they see a lot of revenue escape their budgets to go “Hollyweb” companies. This is increased by the online shift of advertising and subscription revenues that tend to go primarily to content providers and OTTs. Hence claims that volume of traffic should not be the basis for commercial pricing but the value for the whole IP infrastructure, transfer of data and content delivery. Such pricing should not be disconnected from the investments needed to maintain

---

<sup>144</sup> V. Schafer, H. Le Crosnier et F. Musiani, 2011, *La neutralité de l'Internet, un enjeu de communication*, Paris, CNRS Editions/Les Essentiels d'Hermès.

<sup>145</sup> Berkman Center for Internet and Society Report, 2010, *Next Generation Connectivity. A Review of Broadband Internet Transitions and Policy from Around the World*, Report available at <http://cyber.law.harvard.edu/pubrelease/broadband/>; see also T. Berners-Lee, 2010, “Long Live the Web: A Call for Continued Open Standards and Neutrality” *Scientific American*, November 22.

<sup>146</sup> See the 2012 Doha debates at the International Telecommunications Union, available at <http://www.itu.int/ITU-T/itr/>

and innovate in the system, hence the arguments by telcos and by some states for changes in the economy of access to Internet in general. Although it is not a net neutrality issue, and more about intellectual property, the current dispute between Google and some newspapers associations in Europe (France, Germany, Belgium) and in Brazil over GoogleNews illustrates the economic stakes within the debate, which relates to the viability and sustainability of media.

Below the surface debate on net neutrality, conflicting business interests are deeply involved in the issues at stake, essentially linked to who has access, who pays, who benefits from the converging IP structure and finally, who has legitimacy in regulating the Internet. It is not just about volume but also about specific services and types of traffic as the telecommunications industry is shifting as fundamentally as “broadband” and “broadcast” media. Higher bandwidth connectivity has led to a shift from traditional services like voice calling, emailing and browsing to more complex content delivery, with Voice over IP (VoIP), videoconferencing, social networking, instant messaging, online gaming, and not to mention use of cloud computing “apps”. All this has been intensified by more various technologies such as fibre, wireless solutions, digital subscriber lines (DSLs), and mobile telephony.

The neutrality question, while technical and economic in nature, has strong implications for fundamental freedoms and democracy. It shows that though Internet escapes pre-digital era centralized control, power relations are not absent in its management, with OTTs and content delivery providers seemingly in control in part due to net neutrality. However, the principle could be advantageously integrated to the right of information as a means of re-engaging states in their responsibilities, via the pressure of civil society, to enforce the rule of law and to make the case of the public interest on the networks. Such a multi-stakeholder approach can provide protection and participation, against misuse of the public interest by both state and the private sector, keeping the interest of civil society users in mind by ensuring non-discrimination of entry points and end-to-end interoperability while fostering connectedness over connectivity.

Net neutrality can thus exemplify one of the ways the regulation of cultural diversity can work at a transnational level. It can allow for the amplification of the governance of the networks, ensuring that compatibility and interoperability exist, that conflicts of jurisdiction are addressed and that problems of enforceability are taken into account, within a multi-stakeholder framework. The 2012 discussions around the (aborted) adoption of the SOPA and PIPA laws in the United States of America and the global debate on the ACTA agreement are examples of a growing awareness of the political, social and cultural implications that surround the technical layers of the Internet. They have the benefit of constraining the various actors to state their positions more and more clearly, be it the states (via courts, parliaments, regulatory entities such as FCC or ARCEP, etc.), the private sector (operators, service providers, content delivery providers, etc.) and civil society (foundations, consumer associations, NGOs, etc.).

### **II.5.3 Internet governance and the next generation of freedom of expression rights**

Internet governance has emerged as a complex notion within WSIS with a strong bias in favour of co-regulation understood as building consensus among a variety of actors (governments, private sector, CSOs, IGOs, etc.), via multistakeholder negotiations. WSIS has spawned a variety of such soft law decision-making fora, where the directions of the Internet are being shaped, such as IGF, CSTD, ITU, ICANN, WICT, WSIS+10 review and events

such as Stockholm Forum, Cyberspace conferences, etc. Like the Internet itself, this process has so far been dispersed and distributed, implying issues that intertwine the economic, political, technical and social layers of the “network of networks”.

Internet governance in a transborder transnational media environment is an issue that has escaped the strictly legal and technical sphere of network security and openness to address issues of cultural and societal reach, around fundamental freedoms. These major points of negotiation all have an impact on freedom of expression, the right to communication and information and citizen participation. These new developments deal with inter-connected fields, where freedom of expression is tested with issues of content filtering, data protection and privacy, intellectual property rights, the civic agency of users (around libel and hate speech), self-actualization, lifelongings, e-presence and transliteracy. The normative climate has a major influence on how these issues are governed broadly, and is affected by principles such as those proposed in the “Declaration of Internet Freedom”.<sup>147</sup>

Freedom of expression is severely tested by the design of technology, the array of policies and the flurry of practices that all have the potential either to enhance or to hinder it. This evolving media environment brings up issues of access, connection, content provision and news validity, which are all dependent on the future outcomes around the scope and meaning of “Internet governance”. This debate has resonances but also differences with the debate that shook UNESCO during the controversial emergence of the “right to communicate” as mentioned in the Macbride report in 1980.<sup>148</sup> The claims made then by developing countries were that the notion of “free flow” of information was not enough to guarantee pluralism, avoid dominance by corporate media and straighten the disequilibrium between North and South in terms of information and communication provision. Critics saw this position as a cover for violating media freedom. These issues are still present in the post-WSIS process. In the current context, the tenor of the debate is further enlarged by the fact that the divide is no longer just on developed vs. developing countries; it also cuts across globally between an array of interests promoting openness and participation and others that seek restrictions and centralized control.<sup>149</sup>

In some ways, the right to information covers some of the areas advocated by the right to communication, especially in matters of access and political participation. It is de facto empowered by “broadband” media though it is not picked up in national and international law. It is also promoted by FOSS and its free exchange within and between countries, with fair and equitable distribution of information, as exemplified by Ubuntu (leading computer operating system in FOSS communities) or Apache (one of the most popular web server software programmes). In many ways, the digital networks facilitate horizontal, peer communication, periphery to centre conversations, feedback and monitoring, and comments from the netroots. But other elements are not covered, regarding concentration of media, control by a handful of gatekeepers, privacy issues, or mechanisms for distributed allocation of resources. Some principles are subject to insistence: communication flows not organized on vertical lines but from the bottom up and along horizontal patterns; indigenous content production and multilingualism in cyberspace (with due attendant software); and sustained

---

<sup>147</sup> See <http://www.internetdeclaration.org/>.

<sup>148</sup> Macbride report, 1980, *Many Voices, One World. Towards a new more just and more efficient world information and communication order*, Paris, Unesco.

<sup>149</sup> D. Frau-Meigs et al, 2012, *From NWICO to WSIS: 30 years of communication geopolitics- actors and flows, structures and divides*, Bristol, Intellect.

involvement of civil society in the formulation, implementation and monitoring of communication and information public interest policies.

There is still no consensus on the contents of this range of potential Internet governance and its implementation. Fears that it might be a means of controlling the content of transnational communications have not abated since WSIS, and governments and corporate powers are reluctant to consider its multistakeholder implications, as exemplified in debates at ITU or CSTD. The maturation of the concept of Internet Governance and its basic principles are nonetheless at work in the new development agenda as rapid and deep media processes coalesce with thriving transnational advocacy networks, using catalytic projects and netroots to stimulate the bottom up civic agency of various constituencies of audiences and citizens, including indigenous people, impaired people, women and youth. Meanwhile, UNESCO has moved on from the Macbride report to a position that follows the Windhoek Declaration, highlighting pluralism and media freedom, as well as independence. These three elements are advocated in the realm of Internet Governance broadly considered, together with more input from the netroots and civil society at the early stages of design of information and communication processes.

### **III. Recommendations for UNESCO and multistakeholders**

UNESCO's initial role in the WSIS follow-up phase encompassed the implementation, facilitation and coordination of the various action lines under its mandate, especially C9. The emerging issues that have appeared since 2007 have underlined the added value of UNESCO as a peace promoting entity, in favour of democracy and development via "broadcast" and "broadband" media. UNESCO is in a unique position to build inclusive "Knowledge societies" to foster new humanism.

#### **III.1 General strategy recommendations**

1/ In the near future, UNESCO should call for **a debate on the conceptualisation of media** as they are retooled by digital convergence, around the main issues of freedom of expression and development. This definition should encompass the "broadcast" media (including the "digital dividend") and the "broadband" media, with particular interest in legitimizing the public interest value of transnational networks and in promoting media and information literacy (MIL) and other competencies for professionals and users.

2/ An Inter-Governmental Organisation such as UNESCO needs to help states deal with global media whose main characteristics are the non-linearity of outputs, transborder overspill and the participation of multiple non-state actors, including civil society. UNESCO can do this by providing an arena for discussing **supra-national decision-making policy tools and templates**. The methodology used for developing the Media Development Indicators (MDIs) could serve as a basis for such consensus building.

3/ These templates and tools can be elaborated with **a multi-stakeholder consultative process** that needs to incorporate clearly the media industry in all sectors (public, private and community) and CSOs as accredited partners. Such an enlargement would provide for the development of transnational regulation, co-regulation and cooperation to ensure a balance within the global public interest between corporate entities and civil society organisations.

4/ To carry out these obligations and missions, UNESCO needs to work in a **coordinated strategy** with ITU and UNCTAD as it is in a unique position to articulate multi-stakeholder perspectives and incorporate perspectives that are people-centred and that relate to sense-making media practices.

5/ To be credible in its process, UNESCO needs to continue relying on **independent research** to show evidence of the impact of freedom of expression and its links to privacy protection, freedom of information (FOI) legislation and women's rights progress, as well as the connection between media, culture and development.

6/ To reach out to as many constituencies as possible, UNESCO should promote **awareness raising campaigns**, disseminating its findings and templates, to help diagnose issues, elaborate strategies and identify key parameters for knowledge creation, preservation, access and sharing. The methodology used to implement at the international and country level the UN Plan of Action on the Safety of Journalists and the Issue of Impunity could serve as a model for procedure.

### **III.2 Providing templates for national policy frameworks and fostering multistakeholder strategies in the areas of:**

#### **III.2.1 Freedom of expression, right to information and gatekeeping**

##### **➤ Governments**

Governments should promote openly freedom of expression and information as levers of development across all media. Safety of journalists and protection of sources as well as a pluralistic media landscape should be their priority, to build trust and to create an environment that is favourable to public affairs and the private sector alike.

The right to information should also be extended further, by increasing its inclusion in other laws and regulations, related to health, environment and education. This kind of approach can be an entry point to promote a dialogue focused on the right to information in countries where no RTI law is in place, which could later be expanded, leading to a comprehensive RTI regime.

Legal frameworks against censorship and in favour of transparency should be transposed online, especially in relation to gatekeeping and filtering. These frameworks should adopt very transparent positions and offer guarantees according to international standards of necessity, proportionality and legitimacy, with a narrow regime of exceptions. Governments should offer a number of remedies, like the possibility to challenge the filtering of content by any user. They should ensure that information is provided on how the filter operates (black lists, white lists, keyword blocking, content rating etc.). They should guarantee freedom of expression by making any filtering decision available for review by an independent and impartial regulatory body, with due rights of appeal from citizens.<sup>150</sup>

To ensure the propagation of freedom of expression and of information legislation to the general public, awareness raising initiatives and campaigns are also necessary. This could also promote a shift from a culture of secrecy to a culture of transparency, fostering a change of mindsets within the public sector. In the case of (micro)blogging and hate speech, governments also have a role to play to ensure that offline legislation is applied to online

---

<sup>150</sup> See Article 6 of the European Convention on Human Rights; see also detailed recommendations by the UN Special Rapporteur to the HRC and the UNGA: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf), pp. 20-22.

expression, always applying principles of necessity, legitimacy and proportionality. They can also address the issue through non-legal measures, such as prevention via media and information literacy (MIL). Other measures include raising awareness with tolerance campaigns, and clear rejections of hate speech by public officials during public fora fostering inter-cultural and inter-religious dialogue.

➤ ***Private sector and media professionals***

Guidelines for the search companies and the producers of filter applications need to promote the transparency of filtering products and user empowerment. This implies a certain amount of editorial responsibility, especially when the rights of children are concerned. The design of filters should be human rights compliant.

The social responsibility of private actors who use and filters with particular regard to the right to freedom of expression and information and to the right to privacy should be engaged in a proactive manner with states and civil society organizations as part of the process. These guidelines could be devised by the private sector and build upon existing guidelines that promote human rights in their very title.<sup>151</sup> They should have a certain amount of proactive notions embedded in them such as freedom of expression but also a number of gatekeeping suggestions on how to deal with illegal content, data security and privacy risks, as well as transparency in case of filtering.

Infomediaries should also consider adopting some key recommendations such as expressed in the UN Special Rapporteur's report: "[O]nly implement restrictions to these rights after judicial intervention; be transparent to the user involved about measures taken, and where applicable to the wider public; provide, if possible, forewarning to users before the implementation of restrictive measures; and minimize the impact of restrictions strictly to the content involved. Finally, there must be effective remedies for affected users, including the possibility of appeal through the procedures provided by the intermediary and by a competent judicial authority."<sup>152</sup>

➤ ***Civil Society Organizations and the public***

The right to information tends to be seen as an issue predominantly pertaining to/affecting the media, when in fact it is a right that affects each and every person's right. Thus, work illustrating the links between this right and the everyday lives of people and issues like health, education, women's rights, etc., needs to be promoted. For this reason, it is also important to bring into FOI advocacy efforts other CSOs beyond those focused on freedom of expression and of information.

Users should be more aware of their rights in matters of censorship and filtering. They should be informed when access to content is blocked; they should know about the filtering criteria and the filtering results of the operators and states. For that purpose, users should have access to a log-file of all the content which has been filtered in a given time period, so as to review the pertinence of the settings. They should be able to activate or deactivate filters easily. Users whose sites or contents have been blocked should have the possibility of defending their positions and redressing any torts and damages.

---

<sup>151</sup> See for instance the European Internet Services Providers Association (EuroISPA) "Human rights guidelines for Internet service providers" (2008) and the Interactive Software Federation of Europe (ISFE) "Human rights guidelines for online games providers" (2008).

<sup>152</sup> See also detailed recommendations by the UN Special Rapporteur to the HRC and the UNGA: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf), pp. 15-16.

CSOs and NGOs in the media field could enlarge actions such as those used by Reporters without Borders, Article 19 or the OpenNet Initiative that combine monitoring, reporting and training users. They need to use media to exchange experiences and best practices with regard to the monitoring of filters by states and industry alike, as well as to create tools to circumvent censorship like Tor. They can also draw on an emerging trend of user-generated gatekeeping with peer-to-peer protection as well as filter benchmarking via social networks. This type of action implies some training and can be done with the provision of training material for network administrators, webmasters, journalists and bloggers, in the shape of basic kits such as those provided by the Committee to Protect Journalists (CPJ) or by Internews.<sup>153</sup>

### **III.2.2 Public interest, ownership and spectrum issues**

#### **➤ *Governments***

States should fight over-concentration of corporate media organisations in the name of pluralism, diversity and the production of national and local content. They should also be watchful of the possible asymmetries brought about by the transition of “broadcast” media on to “broadband” platforms where competing visions and business models within the media sector may face each other down, to the detriment of public interest, freedom of expression and general access to quality content.

Governments should also muster the means of properly funding public service media online, so as to ensure that quality contents are provided for minorities and other constituencies that the market tends to ignore (youth, poor, handicapped, rural, etc.). They have to ensure that the “portal effect” does not create de facto monopoly situations that prevent these groups from reaping the benefits of content generated in their own country. Governments should also support Open source software initiatives like PSS to fortify their independence, foster local economy and prevent any security risks by publicly operating public data services.

#### **➤ *Private sector and media professionals***

Industrial lobbies should clarify their ownership strategies, especially inasmuch as they refuse innovation in the legal field that could take into account the need to revise intellectual property laws. They should pay attention to signs that show the risk to their own assets, indicating that news outlets could be absorbed by vertically integrated corporations with fenced content behind digital pay-walls, as exemplified by the manner in which iTunes brought about the decline of the music industry classic labels.

Media organizations should be encouraged to separate news content from e-commerce; they should establish a clear partition between quality information and infomercials, so as to bridge the credibility gap. Public media organizations can also continue networking at international level as announced in the Public Broadcasting World Forum of Guadalajara in 2011.<sup>154</sup> Their manifesto for global public media needs to be supported by many regions, for the full effectiveness of its sharing of quality programmes and media ethics.

#### **➤ *Civil Society Organizations***

CSOs need to use network media platforms to raise awareness and to establish consultations on “broadband” media issues, such as ownership and spectrum allocation. They can provide

---

<sup>153</sup> <http://www.cpj.org/reports/2012/04/information-security.php>; see also <http://speaksafe.internews.org/manual#>

<sup>154</sup> <http://eventful.com/guadalajara/events/public-“broadcast”ing-world-forum-/E0-001-032526274-6>

feedback to governments so as to how to change some dominant positions using their expertise in the mobilisation at the grassroots for FOI. They need to pay attention to news content and take the media organizations to task about relevance and quality. They can produce their own media outlets as an alternative to media organizations that do not make efforts for better standards.

### **III.2.3 Media development**

#### **➤ *Governments***

The future of news formats may reside in creative industries that revamp pre-information age press businesses on “broadband” media. Governments and UNESCO could look into the viability of alternative mechanisms such as the “global license” that proposes to make peer-to-peer exchanges legal, in exchange for a fee on broadband Internet subscriptions, which would go directly to fund the creators and authors. This could be coupled with Creative Commons’ strategies of adaptation and harmonization to national legislations. To revamp industrial property and intellectual property rights, a multi-stakeholder debate is necessary between UNESCO and WIPO so as to better coordinate their agenda for development.

In an age where national regulation of local content is difficult, the emphasis should be on incentives and support for the creation and promotion of such output, especially the mechanisms that can assist in developing diverse forms of expression beyond those produced by dominant players and languages. Governments could reinforce partnerships between regions and mandate intergovernmental platforms such as UNESCO to produce templates to do so. They should produce legislation protecting and promoting mix-media or hybrid media, incorporating community media (especially radio) as the core of this process.

#### **➤ *Private sector and media professionals***

Professionals in the field of media and news should recognize better the relation between media, culture and development, that can play to their advantage. They should support social entrepreneurs and their initiatives with alternative forms of funding and distribution, in a transborder logic that takes advantage of economies of scale. They could value their contribution to social and symbolic capital with the creation of prizes and awards and the dissemination of their best sense-making practices.

#### **➤ *Civil Society Organizations***

To avoid the current situation of lack of transparency, users who participate in crowd-sourcing or in content-aggregation should claim to be compensated in differentiated ways, and payment for rights could be less centralized and less dependent on corporate infomediaries. Alternative ways of producing contents should be examined while ensuring that professional news contents are circulated and effectively used.

### **III.2.4 Professional training and quality content**

#### **➤ *Governments***

Governments should promote the development of training capacities for journalism at public universities, and encourage cooperation with research centres and media organizations, in order to adapt journalism curricula to the needs of the digital workplace and the expectations of the public in terms of specialized and diversified news. They should ensure that quality in news reporting as well as accountability are values fostered in order to enhance freedom of expression and human rights by promoting training of public media professionals and helping them establish online presence as a counterweight to commercial trends such as concentration and media oligarchies.

Governments should help the media profession in enabling access to credible information and/or in improving credibility by ensuring its independence from direct state intervention. They should use all sorts of mechanisms to support the written press in its mutation to online systems and strategies (such as the case of France providing a subsidy to youth for newspapers). They should also ensure that “broadcast” media, not the least community radio, also make the transition to “broadband” platforms and continue performing their missions for democratization and enlargement of the public sphere.

➤ ***Private sector and media professionals***

Media organizations should pool R&D resources to develop search engines that can serve journalists’ professional purposes (relevance over salience). The case of Exalead is interesting, with its “newswire for journalists” that allows for advanced queries via the Exalead search engine.<sup>155</sup> They should also favour the training of journalists in digital and data journalism via continuous training institutions and include crowd-sourcing in their practices, as a two-way interaction with their audience (and not as a threat). They should encourage media professionals in developed countries to establish partnerships and networks with the media in developing ones, especially in the field of training. They should ensure the continuous training of their staff by creating or supporting programs for life-long learning in journalism suited for practicing professionals, especially with workshops aiming at improving the quality of reporting about specific communities or specific sensitive subjects.

Media outlets and professionals should ensure that their audience knows about their accountability and their willingness to engage in high-quality standards. They can validate charters and other ethical codes initiatives to insist on the specificity of online news and information (such as the ones provided by the *Poynter Institute* or the *American Association of Magazine Editors*). They could create labels to draw attention to online information websites and encourage practices of e-reputation-building. They could also provide users with maps of the various typologies of news producers and their quality/relevance, accounting for reference media, syndicated media, pure players, news agencies (such as Indymedia.org) and user-aggregated community sites (such as Slashdot), so as to help the users make their choices. Additionally, they could create self-regulatory bodies to protect their independence in spite of huge concentration pressure, and to involve society at large in debates about the role of news and freedom of expression.

➤ ***Civil Society Organizations***

In many countries, the role of CSOs is crucial in helping media professionals and users. They can facilitate continuous training resources and workshops for professionals when state or private sector are not providing them. They can help users to know the nature of the news they consult and to identify the origin of news items (from professional experts, amateurs, advertisers and marketers, etc.). They can contribute to moderation of websites and fora as well as facilitate the dissemination of resources.

CSOs with media observatories should continue to monitor news websites and encourage good practices and production standards; they should produce focused reports on a regular basis, with their own research agenda. Such diagnostic tools can help the users target problematic issues (be these hate speech, privacy risks, gender stereotyping, etc.) and deal with them in a constructive way with other stakeholders. CSOs can build momentum for

---

<sup>155</sup> <http://media.prnewswire.com/fr/jsp/main.jsp>

government legislation (as exemplified for RTI or raising awareness on unacceptable situations as exemplified with violence against women campaigns).

### **III.2.5 Media and information literacy (MIL)**

#### **➤ *Governments***

Governments should develop school curricula with emphasis on content and process competences, with clear finalities such as citizenship, critical thinking and employability for the digital age. This vision implies inserting MIL in the state public agenda by creating a special department in the ministry of education to provide the capacity for outreach to a variety of actors, especially media organizations and CSOs. Curriculum development should be done around existing communities of practice inside the schools and outside the schools (to accommodate the needs of adults and take advantage of local resources such as a media outlet or a community media centre). The minimalist option would be enrichment of existing curriculum with modules; this can be scale up to the maximalist option of the creation of a complete clearly identified K1-K12 course (6-18). A modular approach allows for the distinction of core and optional elements and provides a lot of flexibility while helping design syllabi either for specialists or for non-specialists, as a stand-alone or integrated topic that can respond to local priorities.

There is also the need to map out the professions at the interface between users and contents (such as ombudsmen, webmasters, list moderators, computer tutors, reputation coaches, etc.) and train them with regard to MIL and to human rights. Transliteracy training could also be added, using initiatives such as the Scratch programme at MIT that has already been adopted by such countries as Portugal and Brazil, or Concours Castor, that exists in various European countries to sensitize young people to computation and design.

#### **➤ *Private sector and media professionals***

The industry and self-regulatory bodies can supply materials, projects and financial resources to maintain connections between schools and real life situations. This can be done in a multi-stakeholder perspective, with the role of the state as coordinator of such initiatives so that the public missions of the school are respected, which is not the case necessarily when companies such as Cisco or Facebook take it upon themselves to educate their global users.

#### **➤ *Civil Society Organizations***

Communities of teachers can relate to communities of practice outside the schools, be it media labs, fablabs, CMCs, or other localized offers for testing, practicing, implementing MIL and transliteracy. Many NGOs practice MIL and they can exchange best practices and materials across the world. They can foster attachment to human rights in connection to MIL and train young people to respect freedom of expression and information, while understanding better how to protect their privacy and their security.

### **III.2.6. Gender**

#### **➤ *Governments***

Since general policies to develop “broadcast” and “broadband” media do not suffice to reduce the gender gap, specific policies have to target media and information literacy of women and girls. Governments should ensure that state-run programs for women exist to facilitate the acquisition of qualifications, especially training related to ICTs, which may imply changes in the curricula to include more positive images of women in research and work with ICTs, and

other kinds of role-modelling (mentoring, practicing, etc.) States need to develop policies that ensure access to public ICT access points, and ensure that women are allowed fair time and cost. Open Distance Education can provide opportunities for women to overcome obstacles related to time, cost, safety and transportation.

➤ ***Private sector and media professionals***

States should provide incentives to private and public sector media to develop content that is locally relevant for women (including on the language level). Industry could put in place “blended media” or “hybrid media” strategies and systems, to reach women groups and associations, being aware of their economic impact at the local level. They should actively support gender equity in staffing at all levels and in training institutions, as per UNESCO’s new Gender Sensitive Indicators for Media.

➤ ***Civil Society Organizations***

Women should ensure that their NGOs reach out to other communities with similar interests; they should create alliances with other NGOs and make them add gender and equality of access in media systems to their agenda can be very fruitful as in the case of Alliance for Progressive Communication (APC). NGOs can also help women change their local culture in terms of taboos and archaisms (such as genital mutilation), via media campaigns and advocacy using “broadband” and ICTs.

### **III.2.7 Illegal and harmful media content and protection of minors**

➤ ***Governments***

A whole array of measures and applications can be applied to foster quality content and marginalize content deemed harmful: financial support to programmes for young people; promotion of diversified content; creation of news programs for children (that are sorely lacking in many countries); checking on advertising and marketing practices that target youth; offering public spaces and websites for children, in the form of “white lists” or “walled gardens” as exemplified in Germany. Several advantages can be derived from such a clear legal stance, buttressed to the Convention of the Rights of the Child: to provide legitimacy for decision-makers about their missions; to avoid the accusation of censorship usually flaunted at them; to nip in the bud the risk of undue and disproportionate censorship by actually applying rules that are age-sensitive and age-appropriate and which therefore cannot be suspect of suppressing dissent in adult political speech.

Governments can also put pressure on the corporate media or alternatively, provide incentives. They can use the argument of social responsibility to ensure that the private sector provides hotlines, warning systems and filters, even though they have limitations that cannot disengage public bodies from providing policy and regulation when needed.

➤ ***Private sector and media professionals***

Existing charters could be developed and their effectiveness monitored. They should articulate human rights guidelines, with a focus on protection of minors. They could foster users’ openness towards the “broadband” media and explain how to deal with illegal and harmful content, how to complain and obtain redress (right of reply), and how to use specific tools offered by them (filters).

➤ ***Civil Society Organizations***

NGOs and civil society communities could develop tools to monitor the application of guidelines and charters as well as the relevant use of filters and parental controls. Benchmarking and indicators could be useful for the empowerment of their members, independently from the tools provided by industry self-regulatory initiatives.

### **III.2.8 Privacy**

➤ ***Governments***

Policies should be implemented for the protection of journalists and human rights defenders (among which bloggers and freedom of expression activists) as well as for the independence of user-generated content platforms. Laws protecting whistle-blowers and journalistic sources are made with this purpose in mind and remind us that privacy in the public and political sphere is not the same as privacy in the personal sphere. It is the public purpose of expression that should be the key element in guiding legislation about this matter and a kind of “public interest test” should be elaborated in such cases. There is the need to find a balance or a trade off between the legitimacy of anonymity for the individual and its potential toxicity for the collective. Confusions when trying to find an adequate balance between the right to privacy and freedom of speech need to be redefined by clear policy-oriented recommendations.

Though the right to privacy should not be reduced to the right to protect personal data, such a protection is a first step towards “habeas data” regime, for the protection of individual users. Legitimate exceptions, for instance related to national security, have to be addressed, by ensuring the presence of an independent entity for enforcement and monitoring such exceptions and their reach. A generalized “habeas corpus” could be a first contribution to a larger “Bill of Rights” that could incorporate such an option, as well as promote a move toward e-privacy governance while preserving freedom of expression. This could be the first step toward a more encompassing form of regulation, promoted by civil society proponents and parliamentarians alike that could be discussed under the aegis of UNESCO.<sup>156</sup>

➤ ***Private sector and media professionals***

The ICT sector should develop an interest in creating tools for end-to-end encryption and to ensure the security of data and the safety of user-generated content platforms. Initiatives such as the W3C proposal for a Do Not Track Standard could be offered on browsers and websites. Corporations and governments alike could also work on issues of traceability and terminal privacy with co-regulation decisions on all e-terminals (including RFID chips, as they emit information as well). The business sector could also work on identity management schemes, like OpenID or Liberty Alliance that allow a person to federate his/her accounts distributed in multiple and heterogeneous services and maintain some modicum of authority over personal data, against intrusive third parties.

Negotiating more accountable “Terms of Service” with the private sector also seems a proactive solution to ensure trust in the networks and the collective management of privacy. The

---

<sup>156</sup> See the dynamic coalition on internet rights and principles, with Robin Gross, or such proponents of an “Bill of Internet rights” as Amelia Andersdotter and Christian Engström, the two European Members of parliament from the Pirate party, who suggest that the European Convention on human rights be applied to Internet, so as to guarantee privacy and free speech online, as well as due process, see also <http://www.necessaryandproportionate.net/>

private sector needs to engage more in discussions with the users and the other stakeholders so as to see how internal governance frameworks could generate more transparency and accountability. At the moment the business models behind “free” services between providers and users show many levels of self-regulatory privacy policies that are not explicit about the ownership of data created online. Internet Service Providers and others should also provide clear specifications about the procedures for deleting files and profiles, about the ownership of uploaded content, and about data retention. Special attention should be given to the legal issues concerning data use by the users themselves and by third parties, and the legal rights and responsibilities of providers and users with particular regard to international standards of data protection should be enforced.

➤ ***Civil Society Organisations***

CSOs need to create more awareness about the third-party effects and uses of social networks. They need to devise strategies to address the corporate sector and require more privacy settings from commercial platforms, develop alternative platforms with open source software to ensure limited third-party use. They should keep under close scrutiny measures related to “Terms of Service” and verify risks of “undue consent”.

CSOs should empower individuals by educating them to the risk factors involved in participating in social networks, by training them to the use of anonymising tools that protect their identity (proxies, encryption, etc).

### **III.2.9 Content development and appropriation via mobile telephony**

➤ ***Governments***

States should show a strong will to promote investment-friendly environment with the goal of achieving universal coverage and access. They should look at indicators for info-density in relation to info-use and ensure that they are also about effective use (related to literacy and info-competences). Currently these indicators are too much connected with basic consumption of media goods and services, and not to participation in formal and informal economy. Besides, the creation and maintenance of public Internet access points is still essential for uses beyond entertainment such as data downloading, and Internet search, that facilitate access to news, education and work. States should also engage in international enhanced cooperation to ensure that beyond the undersea cable connections, education and skills, especially around content, are developed to embrace the potential offered by mobile telephony.

States should incentivize public service content creation. In the area of the information commons, governments need to create awareness of the existing possibilities for capacity building opened up by Open Source solutions for servers, software, etc. The commons can be added to thanks to open publishing contents, and setting procedures to explain and enhance them falls to the responsibility of public policies. Such an approach would promote sustainability at the local and regional level while encouraging exchanges of materials around the world, in the spirit of pluralism and cultural diversity.

➤ ***Private sector and media professionals***

States and industry together should work at ensuring that mobile networks are aligned on the rules and processes valid for Internet as they are more inductive to people’s participation in the creation and sharing of information in multiple ways. At the moment, they are different, as operators work on the basis of proprietary and centralized models of telephony that ensure

they keep control on access and costs (contrary to the Internet, that is open, multipoint and decentralized at the point of delivery). Sensitization of mobile operators to such policy issues that can affect the early design of technology and service (in hybrid forms such as apps for mobiles) is necessary and they should be provided with incentives to do so.

➤ ***Civil Society Organisations***

Mobile telephony is particularly susceptible to the support of local organizations, especially in the informal part of the economy and in the non-commercial part of information and communication services. NGOs have a role to play in ensuring that the state and the market do not override the needs of the poorest and most marginalized groups. The durability and scope of the mobile services is connected to the good coordination between local actors and the programmes of local and national governments. Users stand to lose a lot if mobile telephony does not follow the openness of Internet and they need to be mobilized to this issue.

### **III.2.10 Emerging transnational regulatory mechanisms and enabling environments**

➤ ***Governments***

Whenever issues of internet governance or net neutrality arise, governments together with other stakeholders should decide in favour of decisions that promote and protect freedom of expression and of information as well as privacy. Governments should also ensure that the five principles inscribed in the 2012 “Declaration of Internet Freedom” (e.g. expression, access, openness, innovation and privacy) do not remain dead letter.

➤ ***Private sector and media professionals***

Media corporations should recognize the advantages of hybrid opportunities and the need to establish a balance between freedom of expression and freedom of connection, while preserving privacy. Together with governments and CSOs, they should engage in self-regulatory and co-regulatory initiatives to promote net neutrality and transborder regulation of digital content.

➤ ***Civil Society Organizations***

CSOs must continue their promotion and contribution to the global commons as reach out strategies to the end-users. Much of the substance of the commons is an ideal opportunity to expand public awareness on Internet governance and citizenship. Every citizen is a potential netizen and he/she should rightly understand how the Internet works since it is generating his/her knowledge environment. To establish a viable and dynamic information literate society, people have to understand concretely and pragmatically how it benefits them directly. More involvement in negotiations about net neutrality and Internet governance with adequate means to follow them is also to be actively sought, via technical means whenever possible such as teleconferencing or online streaming.

### **III.3 Suggestions for raising general public awareness of WSIS and UNESCO**

1. UNESCO needs to continue promoting an enabling environment for freedom of expression and information. It has to help “broadcast” media navigate the change towards digital convergence and “broadband” media. It should consider mixed media and hybrid media situations for sustainable development, especially community media such as radio. It should endeavour to re-engage the states via digital media policies to democratize culture, especially by developing support mechanisms for the production and distribution of user- and community-generated content. It should promote transnational Open Source and non-

proprietary software to foster the information commons, via a robust Open Source backbone; it should compile a series of good practices on viable copyright policies and remuneration of digital content.

2. UNESCO and WSIS have a communication problem: there has not been enough mediatisation of what has been achieved and for what purposes. More outreach is needed.

3. UNESCO needs to make its own proposal for Internet governance with human rights at the centre and development as its goal. The issues that should be at the core of this international agreement should not deal only with trade and technical issues but also with people-centred issues and knowledge societies in mind. They should therefore include freedom of expression, independence, pluralism, diversity, production of local content and multilingualism. UNESCO should present this proposal consistently in all different venues where governance is discussed (IGF, ITU, CSTD, OECD, etc.).

4. UNESCO should enlist researchers and practitioners and ensure they use WSIS perspectives and action lines more in the field of Communication for Development. Mediatisation, socialisation and mobilisation are all processes coming together for a change in development communication. Funding can be found in other areas than big donor contributions. In-depth research in all the areas of interest for freedom of expression and cross-cutting issues would be useful to all stakeholders, especially research on impact of the already existing regulations and initiatives. Data collection can be important to bring to light sense-making practices, abuses and distortions and it could better support arguments in favour of the relation between media and development.<sup>157</sup>

5. UNESCO should buttress all these media initiatives in terms of human rights and actively promote media ethics. It could use the 5 July 2012 resolution of the United Nations Human Rights Council stating that the right to freedom of expression on the Internet should be protected by states to push for public policy regarding “broadcast” and “broadband” media on digital networks.

### **Conclusion: the ways forward**

In the midst of the inevitable mutation in which media are fast transitioning into in all regions of the world, it would be premature, if not counterproductive, to make definite conclusions. The years to come are still going to see an explosion of innovative and experimental patterns in ICTs with an impact on the way media are organised, as a business as well as a social force, with crucial consequences in defining the balance between commercial interests and public interests, between freedom of expression and other human rights. All parties involved will need to be ready to change the range of their options for negotiation, while not losing the main achievement brought by media: the democratisation of access to and use of information, communication, knowledge and cultural content.

Fears about the demise of “broadcast” media and the press are real while major “broadband” developments are also creating upheavals in the organization of online networks. These trends are of concern especially as they show an increase in ownership concentration, an upsurge of hate speech, a decrease in journalist safety, the stifling of dissent, etc. The

---

<sup>157</sup> See IAMCR report on research agenda for UNESCO, 2007, available at <http://iamcr.org/resources/latest-news/353-iamcrunesco-report-on-research-agenda>

implications for freedom of expression and human rights are severe. Such fears and implications have often been either underestimated or compounded by decision-makers and the media themselves. A general mobilisation and awareness of the urgency of the situation is needed to ensure that the hard-won freedoms of the pre-digital era are carried on in the digital world and that human beings worldwide are entitled to their rights and dignity.

Examining relevant developments that have taken place in the field of media since WSIS and analysing their concrete implications shows that the situation will remain complicated and unstable for “broadcast” media as much as “broadband” media, but for different reasons. “Broadcast” media still have a lot of options going for them, but they must adapt to “broadband” modes, especially via mobile devices. All over the world, they need to define their niche and their business sustainability within a much denser communication and information ecosystem that lends itself to numerous partnerships, opportunities for training and for interactions with audiences as well as involvements in the digital commons.

“Broadband” media will also undergo drastic competitive forces, as various operators and providers fight for third party content in the economy of aggregation and curation. Infomediaries will keep changing and vertically integrating to the exclusion of those incapable of delivering seamless experiential and relational goods. Public “broadband” media, in the form of open, inclusive and participatory information channels and resources will probably need legal and regulatory support to be recognised and given legitimacy in terms of public goods that are of interest for all citizens, with development opportunities, as they contribute to people’s self-actualisation, lifelongings and civic agency. They will need to create their own version of frictionless user experiences and socialize the young public to appreciate and promote the public value of the digital networks.

Both “broadband” and “broadcast” media are going to continue evolving in uncertain waters. The market trends are probably going to increase niche and specializing effects, which will result in increased heterogeneity but also in increased gaps between regions and countries as well as within news outlets. Some countries and outlets will fare much better than others and this may see the demise of some well-known actors and brands and the rise of new and unexpected entrants. Users will find themselves manoeuvring in a complex world of multiple platforms, licence agreements and overlapping regulations that will be challenging for them as well as for policy-makers. These are affecting the current shift from a technical, pioneer-driven utopian view of democracy to a political and social regime of (self-)regulation by multiple contending actors with a more reality-based and fragmented view of democracy, with governance as an ever-receding horizon for transborder agreements. Some of these actors in the private sector will not show any sentiment in the pursuit of their business logic, which means that they are likely to cut off any impedimenta from the pre-digital era.

What remains essential is to keep freedom of expression and human rights principles and standards at international level online as well as offline. There are new opportunities in terms of journalism and the interaction of journalists with their readers as well as in-depth data search. Yet there are also new threats to the media functions (particularly observation, correlation and transmission). Journalists and human rights activists that use digital platforms are more easily than ever prey to surveillance and cyber-attacks. Other threats have to do with the risks of large portions of public interest content becoming fenced in either by digital fire-walls or by digital pay-walls, accessible to those with the means or the rights to do so.

All stakeholders in the current debates bring with them positions showing visions and values that may be hard to reconcile, permeated as they are by diverse political and economic contexts as well as their place in the media value chain. Among them, governments have specific responsibilities as they should recognize the wealth of the media networks and invest accordingly, taking all necessary measures to enable greater capacity-building, participation and education of the poor, women and young people, who are often marginalized in economic and political processes. Governments should also ensure balance and access, where market forces fail to do so, ensuring among other things high quality public interest journalism, with a focus on real needs, abilities and freedoms. Healthy media dynamics, with diligent ICT strategic support, are essential to setting freedom of expression and information on the right track for old as well as for young democratic regimes. Though the diversity of national and regional contexts is not likely to be erased, the 2012 “Declaration of Internet Freedom” calls for five basic principles (expression, access, openness, innovation and privacy) that herald the diffusion of a broad consensus on a wider scale, emanating from the work of dynamic coalitions in such fora as IGF.

The recognition that this holistic dynamic needs to incorporate “broadband” and “broadcast” media alike and reach out to all channels and networks is necessary. Not doing so leads to the risk of neglecting some opportunities or even failing to embrace development options because of a partial and asymmetrical view of communication that may lead to marginalization or exclusion. Cross-cutting issues between media and other WSIS areas of action, such as access, ethics, multilingualism, gender, global information flows and cultural diversity will also need to be addressed as they impact media, their producers, practitioners and users. The new risks and opportunities created by emerging social media, mobile telephony and increasing transnational corporate control that affect media processes, contents, outputs and outcomes will also have to be carefully balanced to ensure that the uses and practices of “broadcast” and “broadband” media are transparent, efficient and equitable.

WSIS, by aligning itself to the MDGs for 2015, has set an ambitious target for itself. Emphasizing investments, equitable growth and the eradication of poverty are not possible without the establishment of a vibrant mediasphere that encourages citizens individually and collectively to criticize, comment and contribute to their own sustainable growth. Open information and communication flows and networks need to be promoted and maintained, for better governance and access to knowledge. Formal commitments to information and communication have been included in such documents as the Tunis Agenda and the UN Millennium Declaration. But such commitments need to be accompanied by the necessary resources, reforms and implementation programs, for meaningful assessment and redirection. All are necessary to prepare for WSIS 2015 and MDGs.

## Bibliographical References

Anderson, C. 2006. *The Long Tail. Why the Future of Business is Selling Less of More*. New York, Hyperion.

Benkler, Y. 2006. *The Wealth of Networks. How Social Production Transforms Markets and Freedom*. New Haven, Yale University Press.

Berkman Center for Internet and Society at Harvard University. 2010. *Next Generation Connectivity. A Review of Broadband Internet Transitions and Policy from Around the World*, Report available at <http://cyber.law.harvard.edu/pubrelease/broadband/>

Berners-Lee, T. 2010. "Long Live the Web: A Call for Continued Open Standards and Neutrality". *Scientific American*, November 22.

Bouquillion, P. et Yvonne Combès. 2007. *Les industries de la culture et de la communication en mutation*. Paris, L'Harmattan.

Buckley, S. (ed), 2011. *Community media: a good practice handbook*. Paris, UNESCO.

Callamard, A. 2008. "Towards a third generation of activism for the right to freedom of information", *Freedom of expression, access to information and empowerment of people*. Paris, UNESCO.

Caves, R.E. 2000. *Creative Industries: Contracts Between Art and Commerce*. Cambridge, Harvard UP.

Chéneau-Loquay, A. 2010. *Innovative ways of appropriating mobile telephony in Africa*, report published by the French Ministry of Foreign and European Affairs and the International Telecommunication Union (ITU). Paris, MAEE.

Chéneau-loquay, A. 2009. "Le projet ADEN, l'appui au désenclavement numérique : quelle viabilité ?" *Netsuds* N° 4, CEAN-l'Harmattan.

Couve, P. et Kayser-Bril, N. 2010, "Médias : nouveaux modèles économiques et questions de déontologie" available at <http://www.journaliste-entrepreneur.com/2010/11/le-rapport-medias-nouveaux-modeles-economiques-et-questions-de-deontologie/>

Da Costa, P. 2012. "The Growing Pains of Community Radio in Africa. Emerging Lessons Towards Sustainability" *Nordicom Review* 33.

Dahlgren, P. 2006. "Doing Citizenship. The Cultural Origins of Civic Agency in the Public Sphere", *European Journal of Cultural Studies* 9 3, pp. 267-286.

Dinand, J-M. 2009. "The concepts of Identity and Identifiability: legal and technical deadlocks for protecting human beings in the Information Society". S. Gutwirth et al (eds). *Reinventing Data Protection?* Dordrecht, The Netherlands, Springer.

Donner, J. 2010. "Mobile-based livelihood services in Africa: pilots and early Deployments"

in Fernández-Ardèvol, M., Ros, A. (eds.). *Communication Technologies in Latin America and Africa: A multidisciplinary perspective*. Barcelona, IN3.

Dutton, W. et al. 2011. *Freedom of connection, Freedom of expression*. Paris, UNESCO.

Evans, D.S. and R. Schmalensee. 2005. *The Digital Revolution in Buying and Borrowing*. Cambridge, MIT Press.

Frau-Meigs, D. (2013 forthcoming). "Child and Adolescent Well-Being From the Perspective of Media and Communication Studies" Ben-Arieh, A., Frones, I., Casas, F. and Korbin, J.E. (Eds.). *Handbook of Child Well-Being. Theory, Indicators, Measures and Policies*. Heidelberg, Springer.

Frau-Meigs, D. 2011. *Socialisation des jeunes et éducation aux médias*. Toulouse, Eres.

Frau-Meigs, D. 2011. *Media Matters in the Cultural Contradictions of the Information Society: Towards a Human-rights based Governance*. Strasbourg, Council of Europe Publishing.

Frau-Meigs, D. and Torrent, J. 2009. *Mapping Media Education Policies Worldwide*. New York, AoC and UNESCO.

Frau-Meigs, D., Nicey, J., Palmer, M, Pohle, J. and Tupper, P. (eds). 2012. *From NWICO to WSIS: 30 years of communication geopolitics- actors and flows, structures and divides*. Bristol, Intellect.

Gallagher, M. 2001. *Gender Setting. New agendas for media monitoring and advocacy*. London, World Association for Christian Communication.

Girard, B.2007. *Empowering Radio. Good practices in development and operation of community radio*. World Bank Institute, Program on Civic Engagement, Empowerment & Respect for Diversity.

Goldsmith, J. and Wu, T. 2006. *Who Controls the Internet?: Illusions of a Borderless World*. London, OUP.

Grefte, X. et Nathalie Sonnac. 2008. *Culture Web. Création, contenus, économie numérique*. Paris, Dalloz.

Grey J. et al. 2012. *Data journalism handbook*. Open Knowledge Foundation, available at [datajournalismhandbook.org/](http://datajournalismhandbook.org/)

Guseva, M. et al. 2008. *Press Freedom and Development*. Paris, UNESCO.

Hambuba, C. (ed). 2011. *Liberté d'information et droits de la femme en Afrique*. Paris, UNESCO/FEMNET.

Harrison, L.E. and S.P. Huntington. 2000. *Culture Matters: How Values Shape Human Progress*. New York, Basic Books.

Isbell, K. 2012. "What's the law around aggregating news online? A Harvard law report on the risks and the best practices" Nieman Journalism Lab available at <http://www.niemanlab.org/2010/09/whats-the-law-around-aggregating-news-online-a-harvard-law-report-on-the-risks-and-the-best-practices/>

Laswell, H. 1948. *The structure and function of communication and society: The communication of ideas*. New York, Institute for Religious and Social Studies.

Lessig, L. 2001. *The Future of Ideas: The Fate of the Commons in a Connected World*. New York, Random House.

MacBride Report. 1980. *Many Voices, One World. Towards a new more just and more efficient world information and communication order*. Paris, UNESCO.

Machill, M., Beiler M. and M. Zenker. 2008. "Search-engine research: a European-American overview and systematization of an interdisciplinary and international research field" *Media Culture Society*, 30 5, pp. 591-608.

Maslow, A. 1970. *Motivation and personality (2nd ed.)*. New York, Harper & Row.

McAnany, E. G. 2012. "Social Entrepreneurship and Communication for Development and Social Change. Rethinking Innovation" *Nordicom Review* 33, pp. 205-218.

Mendel, T. 2008. *Freedom of Information: a Comparative Legal Survey*. Paris, UNESCO.

Mendel, T. et al. 2012. *Global Survey on Internet Privacy and Freedom of Expression*. Paris, UNESCO.

Millwood Hargrave, A and Livingstone, S. 2006. *Harm and Offence in Media Content: A review of the Evidence*. Bristol, Intellect.

O'Neil, R.M. 1997. "Broadcasting as a Public Forum", Robert Corn-Revere (ed), *Rationales and Rationalizations: Regulating the Electronic Media*. Washington, DC, The Media Institute.

Ridinger, M. 2009. "La mission de service public et les nouveaux médias", *Iris Plus*, 6, pp. 2-12.

Rosenbaum, S. 2011. *Curation Nation: How to Win in a World Where Consumers are Creators*. New York, McGraw-Hill.

Schafer, V., Le Crosnier, H et Musiani, F. 2011. *La neutralité de l'Internet, un enjeu de communication*. Paris, CNRS Editions/Les Essentiels d'Hermès.

Scheibe, S., Freund, A.M. and Baltes, P.B. 2007. "Toward a Developmental Psychology of *Sehnsucht* (lifelongings): the optimal (Utopian) life" *Developmental Psychology*, pp. 778-795.

Sciadas G. (ed). 2010. *From digital divide to digital opportunities*. Québec, Orbicom.

- Sen, A. 1985. *Commodities and capabilities*. Amsterdam, North Holland.
- Solove, D.G. 2008. *Understanding Privacy*. Cambridge, Mass., Harvard UP.
- Thomas, P. 2012. "Public Sector Software, Participatory Communications and Social Change" *Nordicom Review* 33, pp. 77-90.
- Tomasello, M. 1999. *The Cultural Origins of Human Cognition*. Cambridge, Harvard UP.
- Uhlener, C.J. 1989. "Relational goods and participation: incorporating sociability in a theory of rational action" *Public Choice* 62, pp. 253-285.
- Wright, W.R. 1960. "Functional analysis and mass communication" *Public Opinion Quarterly* 24, pp. 610-613.
- Wu, T. "Network Neutrality, Broadband Discrimination". *Journal of Telecommunications and High Technology Law*, 2: 141, 2003.
- Wu, T. 2010. *The Master Switch: The Rise and Fall of Information Empires*. New York, Knopf.
- Zittrain, J. 2008. *The Future of the Internet and How to Stop it*. New Haven, Yale UP.