Title of Contribution:

Freedom of Expression and Rights-Based Approaches to Media Development – A Critical Appraisal

The need to embrace the notion of information and communication based on rights; coupled with a cooperative approach among actors; the promotion of critical media literacy; and context-sensitivity may offer a way forward for including media assistance as a compelling component for the development thinking.

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Without a rights-based approach, freedom of expression is undermined – it entails the right to communicate, to seek, to receive and to impart information and ideas of all kinds across borders. As remarked by the UN Human Rights Office of the High Commissioner, it is as important to development as it is to democracy and the various Sustainable Development Goals (SDGs) that comprise the 2030 Agenda.

This scholarly contribution to the thematic report of the Special Rapporteur on Freedom of Opinion and Expression to the UN Human Rights Council offers a critical appraisal regarding the role of media development towards the fulfilment of the right to receive information and to communicate with dignity. In this analytical review, the notion of rights-based approach to information and communication is embraced as a necessary component for context-sensitivity and cooperative effort towards the work of media development.

The media is a powerful tool, but relations among media, civil society and democracy are far more complex than the rhetoric of media assistance often announces[1]. It is precisely the media's ability to reach huge audiences that make it attractive for international donors and policymakers to support and develop under the scope of an idea of statebuilding. Media can foster citizens to focus their attention on issues of collective and public concern, to champion a 'common vision', to produce agreement or debate, and persuade people to voice their opinions. The media can put great emphasis on social mechanisms to entrench a culture of peace.

Broadly speaking, media assistance has become a compelling element in the sphere of development, assisting countries to make democratic transitions, prompting economic growth, conducting public health campaigns, and improving government accountability. It can be implicated in individual behavior change but also on collective empowerment[2]. Efforts to spread a free press have resulted in professional support of journalists and the founding of

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[1] Miller, 2009.
[2] Scott, 2014.

hundreds of new media enterprises[3]. The underlying assumption is that better access to and participation in the public sphere could strengthen civil society as a space where hegemony may be contested[4]. These efforts are framed in the context of international development and foreign aid[5]. Nonetheless, international donors, overall, do not recognize media development as a development sector in its own right[6].

Media Assistance Efforts

Definitions of media development are contested and vary noticeably. There is a shared self-understanding among peers that media development constitutes a certain 'sector' *per se* within international development. However, this field remains in its infancy[7].

One key tension is the understanding that external interventions should be carried out by international donors/actors in a country's media sector as a tool for regime change[8], usually, located in the so-called 'Global South'. This discourse frequently entails the sense of 'interventions' implying proactive steps to develop the media between North-South developers and 'developees'[9].

Media development or, more broadly, media assistance, is a subgroup under the development and communication umbrella with a wide range of initiatives for improving journalistic quality skills, promoting economic viability and sustainability, and strengthening institutional infrastructure and regulatory framework for media to thrive. It generally refers to efforts by organizations, people, and sometimes governments to develop the capacity and quality of the media sector within a specific country or region[10]. This field has mainly focused on traditional unidirectional mass media channels – newspapers, radio, and television. But, more recently, it has also incorporated the digital component[11].

Providing assistance for the media is based on the premise that independent press has a central role to play in sustaining democracy. This sector has evolved and enlarged its domain of action by providing support for comprehensive media law reforms, strengthening institutions such as independent media councils, journalists' and media employers' organizations, media literacy, and building media infrastructure[12]. Either in theory, in policy or in practice, media development embraces organized efforts towards consolidating citizenship and good governance, building democracies as well as enhancing sustainable development initiatives[13].

At the heart of media development lies the following normative assumptions: the idea of free, independent, and pluralistic media as defined by the 1991 Windhoek Declaration which triggered the proclamation of 3 May as World Press Freedom Day; as well as the Media

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[3] Peters, 2010.
[4] Manyozo, 2012.
[5] See Drefs, 2022; Lugo-Ocando, 2020.
[6] See Mark & Susman-Peña, 2012; Scott, 2014; Susman-Peña, 2012.
[7] See Drefs, 2022; Peters, 2010; Scott, 2014.
[8] See Miller, 2009; Tomiak, 2021.
[9] Berger, 2010.
[10] Scott, 2014.
[11] Berger, 2010.
[12] Peters, 2010.
[13] Manyozo, 2012.

development indicators present in UNESCO's report (UNESCO, 2008). Access to information has been later included in the United Nations' post-2015 SDGs.

The question, then, should not be so much about the aims of media development but rather, given scarce resources and the wide range of possible actions, what type of media development work should be supported and for whom?

Scholars and practitioners have argued that media development's greater knowledge challenge is to create the possibility of concerted, strategic, and global action that is driven by the needs and desires of local communities[14].

Information and Communication Based on Rights

In here, the notion of right to information and communication is introduced as a necessary component when embracing context-sensitivity towards the work of media development. While it is widely seen as important and essential for projects to yield beneficial and long-standing results, how to include local voices is still contested.

The beneficial effects of Western-led media support remain weak relying on insufficient empirical evidence[15]. In an effort to de-Westernize the field of media development, postcolonial perspectives have been added to these critiques[16]. International cooperation should be restructured with a more nuanced appreciation for collective agency and context as locally based actors are usually better placed and suited than donors to offer a sustained commitment required for systemic change.

The rights-based approach to information and communication focuses on people to ensure that they achieve the minimum information and communication necessary for the enjoyment of the conditions for living with dignity. If we regard this approach to media development, it considers communication a human right without which it is impossible to participate as a citizen in society[17].

It acknowledges the root causes of lack of information coupled with the vulnerability and marginalization. The right to communication carries obligations and is grounded in rights and entitlements, and not on privileges. The human rights-based approach, in a broad sense, aims to ensure that projects and programs are based on international human rights standards empowering the most disadvantaged[18].

Such view examines a multitude of aspects of a particular human rights issue, embracing local, state, and national actors, government policies and the legal environment safeguarding a holistic understanding. A rights-based approach to communication empowers people to claim and exercise their rights to communicate and fulfil their responsibilities that come with these rights[19]. In other words, it seeks to empower people of all walks of life so that their voices are

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[14] Benequista et al., 2019.
[15] See Noske-Turner, 2017; Schoemaker & Stremlau, 2014; Stremlau, 2014; Tomiak, 2021.
[16] See Banda, 2008; Benequista et al., 2022; Bosch, 2018; Karam & Mutsvairo, 2021; Mano & Milton, 2021; Mutsvairo, 2016; Nyamnjoh, 2005; Salawu, 2018; Schoon et al., 2020; Tomiak, 2021; Willems & Mano, 2017.
[17] Uppal et al., 2019.
[18] See Beman & Claderbank, 2008; Byamukama, 2006.
[19] Byamukama, 2006, p. 89.

heard; identify those who have the duty to respect, promote and fulfil the right to communicate as duty bearers and those who need that right as right-holders[20].

In the traditional legal sense, the state would be the sole duty bearer – such idea is born out of the realization of the state to respond to the demands of the population. Nonetheless, it should be a shared responsibility of all parties and partners to contribute to the realization of rights as a social responsibility. The rights-based approach refers to a holistic view on development, combining human rights with the traditional economic indicators of development.

The right to communication should include the totality of freedom of opinion, expression and, more importantly, the right to receive information from both state and private sources. Human rights-based communication is centered on broad principles such as the explicit recognition of the international human rights' normative framework; accountability; non-discrimination and equality; participation; empowerment and special attention to the most vulnerable groups[21].

It is not yet enshrined in international human rights law, but it can be located in Article 19 of the Universal Declaration of Human Rights (United Nations, 1948) and in Article 19 of the International Covenant on Civil and Political Rights (United Nations, 1966) that provides for the freedom of opinion, expression and information. This is further consecrated in Article 13(1) of the African Charter on Human and People's Rights (African Union, 1981) and in Article 10(1) of the European Commission of Human Rights (Council of Europe, 1950).

Key elements include: the right to diverse, pluralistic media, equitable access to the means of communication, as well as the right to practice and express one's culture, the right to be free from undue restrictions on the content of information, and privacy rights (embracing the right to communicate anonymously), the unfettered right to hold opinions and to express and disseminate any information or ideas. This type of approach to communication and information is demand driven and context sensitive.

In the field of media development, the rights-based interpretation grants emphasis on the right to communicate to those who lack it, as opposed to simply providing technologies and access to communication. The right to communicate, as argued, entails several structural changes that facilitate representation and participation in and through the media[22]. It should both consider individuals as citizens imbued with human agency and aim to broaden the reach of communication rights in unequal and diverse societies. Human agency is a component of human rights, it is the capacity for individuals to make choices and to exercise those choices on the world. Agency underlines an individual's right to act as they wish, and their obligation to ensure their action does not infringe upon the rights of others[23].

Way Forward: Context Sensitivity and Citizens' Participation

What, then, would be the way forward for media development? The voices demanding cooperation with and inclusion of local actors have become louder and more prominent. For

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[20] Byamukama, 2006, pp. 89–90.
[21] See Beman & Claderbank, 2008; Byamukama, 2006.
[22] See Carpentier, 2011; Uppal et al., 2019.
[23] See Beman & Claderbank, 2008.

media development to become a process instilled of social trust, the media can be a structure that supports change, but it needs to be an established and reliable source of information[24].

A call for the inclusion of plural local voices has been more conspicuous in international development and peace-/statebuilding. This should not mean that only those voices confirming the pre-conceived ideas of the 'intervenors' or Western implementers are to be included.

A crucial element of effective media development is adapting to the local context, which includes understanding the media environment and the audiences[25]. There is an urge for a more adaptive and context-sensitive media development. A media that is based on local understandings is among the dimensions that contribute to further discussions about the decolonization of the field. A more multidimensional understanding of the environment is essential.

In general lines, a holistic and context-sensitive media development should strive to consider and develop the media sector in a specific environment within an integrative and symbiotic perspective. The need is for a comprehensive understanding and implementation of the notion of a human rights-based approach to information and communication as an empowering social tool. In order to fulfil such view, a more practical interpretation entails the necessity for some sort of coordination among media development agencies and cooperation with local actors.

Additionally, media literacy arises as an important dimension of this process for shaping a connection with citizenry. Independent and plural media rely not simply on the professionalism and sustainability of the work of media professionals, but also on the involvement of citizens. A free press is not free if the public cannot access it, understand it, and contribute to the creation of it[26].

The concept of media literacy first became popular as a means of talking about the ability of citizens to protect themselves from the perceived harms of the media. It has then expanded to embracing society at large. Literacy involves attaining skills and knowledge to enable reading, interpretation, and production of certain types of texts and artifacts, as well as gaining cognitive tools and capacities to fully participate in one's culture and society[27].

Engaging in critical media literacy should be a participatory and collaborative project. In the context of media development, this refers to citizens' ability to act as critical consumers of propaganda or hate speech. Media literacy in the context of development tend to emphasize the need for citizens (including elites) to have a critical appreciation of the role of the media in society.

Beyond media literacy, media assistance moreover involves empowering a multitude of institutions and actors to operate independently and professionally, without constraints imposed by the state or political classes. It should uphold the ideas of freedom of expression and democratic accountability. With no single pillar, the effective promotion of media development requires the coexistence of a number of mutually interrelated factors that enclose

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[24] Tomiak, 2021, p. 162.
[25] Santos, 2021.
[26] Scott, 2014, p. 87.
[27] Kellner & Share, 2005, p. 369.

independence, pluralism, professionalism, capacity, an enabling environment, economic sustainability and a media-literate public as important dimensions.

The need to embrace an understanding of information and communication based on rights; coupled with a cooperative approach among actors; the promotion of a critical media literacy towards the communities and different social groups; and the commitment of being context-sensitive instead of imposing top-down unidirectional interventions may offer a way forward for: conceptualizing the field, planning practical media assistance, and including it as a compelling component for the development thinking.

There has been a call from scholars and practitioners for the need of news media, and particularly journalism, to be more localized and context-based within the media assistance projects. More evidence is still needed regarding the consequences and effects of the implementation of journalism on media development initiatives for attaining sustainable development goals. This field should not, though, be discarded as a pertinent and valid component to be considered when designing, formulating, and implementing development strategies.

(2,388 words)

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