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## Communication Rights: Beyond Freedom of Expression

Information and communication are essential to contemporary society and are the starting point for public dialogue and exchange about the ideas and knowledge needed to shape and reform social, political, and economic structures. In a world dependent on knowledge and information, communication rights are a crucial element in enabling societies and communities to tackle unequal, unjust, and destructive dynamics and forces and of forging new and better ways of organizing and running the world.

The right to freedom of expression, enshrined in Article 19 of the Universal Declaration of Human Rights, is the starting point for taking a rights-based approach to communication and information. However, power in any given society both enables and limits access to information and communication, which may in some cases undermine freedom of expression.

As a result, the right to freedom of expression is best guaranteed when promoted alongside a number of other communication rights. This is particularly important today, as communication eco-systems are becoming increasingly complex due to rapid technological change, different levels of access to platforms, multi-layered and often transnational media governance processes, growing dependence on digital technology, and the emergence of media as a key space to advance inclusion and social change.

Other rights that help construct an environment in which freedom of expression may be fully consummated include "a right to participate in one's own culture and language, to enjoy the benefits of science, to information, to education, to participation in governance, to privacy, to peaceful assembly, to the protection of one's reputation"  all of which are part of the International Bill of Rights. Other crucial elements include diversity of media content and ownership, press freedom, diverse and independent media, and democratic access to media.

Information and communication are also vital to good governance and to improving the potential for people and communities to bring about sustainable development. Strengthening civil society – the many groups representing citizens – is critical to securing good governance at the local, national and international levels. It is informed citizens themselves, regardless of class, religion or gender, who must drive the agendas of governments, public institutions and international aid policies and organizations, and whose rights must be upheld.

The right to know as well as equitable access to information enable people to articulate their concerns. In recent years right to information legislations in different parts of the world are beginning to lead to greater transparency and accountability and there is a general consensus that enabling "voice" through freedom of expression enhances other human freedoms. Communication rights embrace the right to information and freedom of expression and in addition the right to access and to use knowledge and information.

In turn, freedom of expression, the right to know, access to information and communication technologies and to a diversity of content and cultural resources, underlie sustainable communities and societies. These basic principles contribute to the shaping of substantive forms of democracy and, if one of these conditions is weak or lacking, it constrains and diminishes genuine communication.

> "Nobody is giving a big picture of the sort of values we hold important that will guide the political decisions we make and nobody is stimulating that sort of debate - what sort of people, society, country, do we want to be? I think there is space for that sort of big picture discussion and formulation." *Peter Horsfield (July 2020). Former Professor of Communication at RMIT*

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*University, and former Lecturer in Applied Theology at the United Faculty of Theology, Melbourne, Australia.*

## Vision versus Reality

While recognizing the great potential of communication infrastructures in contemporary societies, WACC is conscious of the problems confronting full recognition of communication rights. A major concern is the problem of political control and interference with freedom of expression. In parallel with media saturation comes a dependency upon the media for knowledge about the world, which is all the greater in times of conflict. A second concern is the influence of propaganda and the impact of censorship. A third concern is discriminatory practices between men and women, especially from a rights-based point of view, in certain social and cultural contexts and in terms of economic disparities.

Communication rights remain for most of the world's people a vision and an aspiration. They are not a reality on the ground. On the contrary, they are frequently and systematically violated. Governments must be constantly reminded that they are legally required under the human rights treaties they have ratified to implement, promote and protect communication rights. Communication rights are the way to express fundamental needs and the satisfaction of those needs requires a strong political will and the allocation of substantial resources. Lack of commitment to such resources serves only to deepen distrust of political institutions.

The exclusion of large numbers of people from the democratic political process due to the lack of effective means of participation is another challenge for communication rights. This problem is exacerbated by the expansion of around-the-clock powers to monitor and intercept communications, justified in the name of security but almost universally abused.

Communication has become big business globally. Many of its products and services are shaped by commercial goals instead of considerations based on the common good. The global media market is largely controlled by a small number of giant conglomerates, endangering the diversity and independence of information flows. This threat to diversity is heightened by current trends in international trade negotiations, which risk subjecting culture to the same rules as commodities and undermining indigenous culture, knowledge and heritage. On the other hand, strict intellectual property regimes create information enclosures and pose critical obstacles to emerging knowledge societies.

> "Assaults on communication rights and on freedom of speech, the rise of fake news, hate speech, and the power of Big Tech are all part and parcel of the mix of toxic factors that now have to be challenged – and their impact made clear - if people are to have a chance to fighting back and building citizens' movements and more democratic social/political systems." *Margaret Gallagher (July 2020), freelance researcher and writer specialising in gender and media.*

## Inequality, Accessibility, Accountability

Inequality is recognised as a key driver of current global processes. Overcoming inequality is fundamental to the UN's 2030 Agenda, which embraced "leaving no one behind" as the cardinal principle to guide all sustainable development efforts at local, national, regional and global levels. The diverse manifestations of inequality are expressed in all spheres – gender, geography, access to education, social protection, clean water and sanitation, technologies, land and natural resources – and need to be addressed in concert and through complementary measures.

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Steps to enable universal digital access must include special measures to remove barriers for those who are a) already marginalised – women, indigenous people, rural populations and others and b) without current digital access. There is continuing disparity in women's internet access in rich and poor countries alike. There is a lack of gender-oriented design, education and resourcing of digital communications, these new kinds of injustice and exclusion manifesting themselves as misogyny and oppressive gender relations online. In particular, we need to include voices from developing countries and traditionally marginalised people and groups, women, youth, indigenous people, religious and ethnic minorities, rural populations and older people.

Access to digital infrastructure is required for the over 50% of the world's population currently without Internet: Without affordable access, advances in digital technologies disproportionately benefit those already connected, contributing to greater inequality. Growth in basic access continues to be slowest in lowest-income countries. Private, public and local sectors have been trialling a range of connectivity options, and digital cooperation could facilitate skill-, resource- and strategy-sharing.

A key recent concept is "effective access", which depends on the interrelationship between media and other closely related factors: literacy, language, and education. This is the central lesson from the "digital divide" debate: that simple availability of technology is insufficient for development or social progress. Effective access means that all individuals and communities should be able to use media infrastructures to produce content, access information and knowledge, and be active participants in the realms of politics, culture, and governance.

Media and information literacy are also vital prerequisite, since adequate levels of media use require training and education, democratic participation, accessibility of formats and technology for people with disabilities and other distinctive needs, diverse content in appropriate languages, freedom of expression, and opportunities for community and citizen-produced media. There is also the matter of technical competencies, linguistic diversity and capacity building as fundamentals of genuine access.

A further imbalance resides in the power of global corporations which control the Internet – which is now required to mediate the basic tasks of our daily lives. Many people are excluded by the dominance of English and other colonial languages. Unequal influence over Internet governance, software localization and technical design, all make it a highly uneven playing field for diverse groups, especially cultural and linguistic minorities. In addition, in keeping with the current model of what has come to be called "surveillance capitalism", most people's daily activities are channelled through vast data-collection and data-processing procedures owned by major media companies that lie outside of the realm of public accountability. The major platforms' hold over this infrastructure, as well as cloud computing, artificial intelligence (AI) and the "Internet of things" create growing challenges to citizens' autonomy and global communications governance. Instead, the design of media infrastructures and digital platforms needs to respond to the needs of diverse language communities, individuals with different ability levels, learning styles, and financial resources.

> "We have to come before data, and this begins with a new charter of fundamental rights that asks, 'Who gets to know about my experience?'" – *Shoshana Zuboff (RightsCon 2020), academic and author of The Age of Surveillance Capitalism.*

## Exclusion and Inclusion

Profound changes in media technologies are typically accompanied by promises to improve gender inequalities, yet such technologies are often unaffordable for many groups of women, and

gender is often neglected in design, education, and resource processes crucial to ensuring communication rights. This leads to the intertwined issue of the serious lack of diversified participation in governing, designing and rolling out communication and media technologies, either in the public or private sector. Misogyny and oppressive gender relations have taken disturbing forms on social media platforms. Such gendered aspects of media and ICTs significantly hinder social progress. In addition, as any new technology is developed, the question must be asked how it might inadvertently create new ways of violating rights.

Another group persistently excluded is indigenous people: from development benefits, social opportunities, and digital access and governance. Indigenous peoples have extremely limited access to digital materials in their own languages, and even if they are invited to participate in digital cooperation governance, they may lack the capacity to participate effectively and meaningfully. The UN Declaration on the Rights of Indigenous Peoples explicitly recognised the importance of indigenous community media systems, which led to the widespread understanding that indigenous peoples' communication rights must be recognised as core to their autonomy and cultural sustainability.

Indigenous communication and media can play two, related roles in advancing sustainable development. First, they can help open up spaces in public discourse to promote and uphold the rights and culture of Indigenous peoples. This can be a way to tackle racist and discriminatory representation, promote transparent, informed, and democratic public dialogue and debate, and to influence public agendas in support of Indigenous rights. Second, Indigenous media and communication play a pivotal role at the grassroots level. They serve as vital forums for local dialogue and community organizing that help to empower communities by enabling them building cohesive people-led agendas for sustainable development.

> "The internet ceases to be a luxury and becomes a foundation – a foundation of our education systems, a foundation of our health systems, a foundation of our economies. And what that means for those who are not connected are that they are left further behind, and the digital divide has a massive exacerbating effect on all other inequalities." – *Fabrizio Hochschild Drummond (June 2020), Special Adviser of the Secretary-General on the U.N. 75th Anniversary.*

## The Climate Crisis and Traditional Ecological Knowledge

The climate crisis is one of the greatest threats to achieving the Sustainable Development Goals (SDGs). Climate change processes are accelerating towards a point of no return and voluntary emissions reduction targets so far do not match the cuts necessary to keep the temperature rise within safe limits. The frequency and intensity of extreme weather events is on the rise; rates of carbon dioxide and methane emissions grow unabated; global temperatures are on track to rise by at least $2^0C$. Climate-fuelled migration is on the increase, and overall it is developing countries – particularly small island states – who are most vulnerable to climate-related risks, both rapid-onset (catastrophic weather events) and slow-onset (rising sea levels).

It is imperative to leverage new technologies, especially renewable energy sources, in order to decarbonize economic growth. However, mechanisms to counter the effects of climate change should not be imposed from above, but stem from informing and supporting the most vulnerable members of society as well as from traditional ecological knowledge. This is the information indigenous people hold about their country, climate and ecology. It is becoming widely recognised as a source of valuable ecological data for managing the natural world, building resilience to climate change and preparing to mitigate its likely catastrophic effects.

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It is imperative that indigenous people be in control of this information-sharing process – both in the ability to choose the information they want to share, who with and on what terms, but also by controlling the media that shares the information (its formats, channels and content). This form of knowledge-sharing is intimately linked to the communication rights of indigenous people.

## Migration and the Movement of People

Migration is an inherent part of human life and occurs when people travel in search of jobs, opportunity, education, and a better quality of life for themselves and their families. By 2018, however, one in 108 people were forcibly displaced, meaning 37,000 people were displaced against their will each day. Migration and forced displacement are increasing because of rising climate risks, the protracted nature of many conflicts, high population growth, and lack of decent employment opportunities, along with persistent inequalities within and across countries. However, violent conflicts are the strongest cause for forced migration.

With regard to the relationship of migrants and internally displaced persons with communications and media, people with reduced or uncertain legal or citizenship status often find themselves at the low end of communications access in otherwise developed countries. In addition, together with the advance of digital communication technologies, the acceleration of human mobilities from and among non-Western regions (by migrants, expatriates, students) has complicated the cross-border circulation and consumption of media cultures.

Migrants are communicating outside of their national media territories, which is increasing networks of activism, deliberation, and mobilization in which media provide new "infrastructures of citizenship". Social media and mobile phones have been of great significance to national and international migrants as tools for maintaining their personal, cultural and political networks, and for channelling new identities and behaviours.

## Our Common Digital Future

There is an urgent need to examine how time-honoured human rights frameworks and conventions should guide our common digital future and its technology. Many of the most important documents that codify human rights were written before the age of digital interdependence, consequently there is a huge gap in supervision and practice even though the rights these treaties and conventions codify apply in full in the digital age. These issues need to be considered as part of media governance.

Digital technologies allow campaigners to advocate for, defend and exercise their rights, with social media facilitating new channels for freedom of expression and for documenting and publicising violations. At the same time, they enable aggressive forms of hate speech, misogynistic abuse and livestreamed violence, which has resulted in real-world consequences that include suicide. The presence of harmful or abusive content (racism, harassment, child abuse) and the prevalence of online fraud, identity theft, and misinformation must be addressed. User-generated content enriches mainstream media and provides alternative views, but the Internet has also become a space where reactionary views, racist representations and hate speech can also thrive.

Citizens' access to many important informational and cultural resources is subject to control by neo-authoritarian states and by information intermediaries of various sorts, including Internet access providers, search engines, mobile applications developers, and designers of proprietary media ecosystems. Such control often materially affects the level and quality of access. In addition, civil society has a duty to ensure that advances in technology are not used to erode human rights or to avoid accountability.

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> "How does the truth set you free? Which truth? How does it work, if logic has been thrown out the window? Could WACC not join forces with people who think about which truth makes you free? Not just grassroots people, but academics and activists. Against the big lie, against the brief euphoria of violence, against the apparent kinship of what is perverse to what is freeing." *Liv Sovik (August 2020), Professor of Communication at Universidade Federal do Rio de Janeiro, Brazil.*

## Public Interest Media

A crucial area of communication rights has always been that of journalism and public knowledge, i.e. the resources that citizens turn to in order to form opinions about matters of public and general interest. Digital media provide new platforms and formats for disseminating information and allow for the creation and maintenance of online communities. Social-networking platforms, with the progressive dismantling of traditional news media structures (newspapers, television and radio), are now a prime source of news. With the impact of the Covid-19 pandemic, the spread and use of digital communication technologies and the impact of social media and technological giants have also grown. This raises the question of today's public interest media.

Independent professional journalism is a cornerstone of good governance and democratic societies. Despite this critical function, such public interest media are in chronic decline. The concept of the public interest in the media stretches back at least to the origins of radio broadcasting in the early twentieth century, with various usages coming into and falling out of favour. Ensuring that media can sustain a primary focus on serving the public interest is by no means straightforward. For, excepting only the most totalitarian states, the space of the media – the technological mediation of communication between people – is occupied by competing sets of interests, none of which unambiguously pursues the widest public interest but each of which at times lays claim to it.

While accelerated digitalization has given rise to new means of publishing news and opinion, the fourth estate has found itself facing a number of challenges to fulfilling its role as both a trusted source of information and a watchdog. In recent years, billions of dollars of advertising have moved from offline to online and the financial sustainability, and by extension the survival, of independent news reporting is in question. The emergence of digital media platforms has also distributed power to users and external actors who can engage directly with mass audiences and exercise degrees of influence over democratic practices. The rise of algorithms and clickbait content has polarized public debate, disinformation and misinformation are increasingly potent and public trust in traditional and social media alike is eroding.

WACC will advocate for more effective citizen participation as a result of informed participation, based on the mediation of a diverse range of views accessible to as wide a range of the population as possible. The expectation is that public interest media will contribute to greater public knowledge, the ability to monitor power, and the facilitation of open public debate – ideals against which the validity of communication rights will continue to be measured.

> "Our present world needs more than even before a moral platform for the essential communication problems humanity faces. Covid-19 is more than a public health issue, it is a communication issue that raises critical moral questions about freedom, censorship, fearmongering, transparency, and democracy. I see to-day few or no sanctuaries where we can – across growing fractures of gender, ethnicity, religion, or finance – engage in a veritable dialogue." *Cees J. Hamelink (September 2020), communication rights specialist and Athena professor of public health and human rights at the Vrije Universiteit, Amsterdam.*

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Document prepared by WACC General Secretary Philip Lee based the following sources. An *Environmental Scan of Issues around Communications and Media* compiled in February 2020 by Jodie Lea Martire, a doctoral candidate at the University of Queensland, Australia, supervised by Professor Pradip Thomas, WACC's one-time director of studies and publications. Her task was to synthesize three key documents:

• *Inequality and Communicative Struggles in Digital Times: A Global Report on Communication for Social Progress* (Couldry et al., 2018). This was originally the "Media and Communication" chapter of the International Panel on Social Progress (IPSP) report, *Rethinking Society for the 21st Century*, published by Cambridge University Press.

• The United Nations Department of Economic and Social Affairs' *Sustainable Development Outlook 2019: Gathering Storms and Silver Linings* (United Nations Department of Economic and Social Affairs (UNDESA), 2019.

• The Report of the UN Secretary-General's High-level Panel on Digital Cooperation, T*he Age of Digital Interdependence*. The panel was convened by UN Secretary-General António Guterres in July 2018, and co-chaired by Melinda Gates, of the Bill & Melinda Gates Foundation, and Jack Ma, of Alibaba Group. Responses to the call for contributions to this report came from academia, civil society, industry, government and international organisations.

The document also benefitted from the advice and opinions of a number of experts who share WACC's vision of Communication for All.