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CHALLENGES TO THE IMPLEMENTATION
OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION
AND OF MEDIA FREEDOM.

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Introduction

In the six decades since the UDHR, there has been both tremendous progress as well as shattering setbacks, in the realisation of the rights to freedom of opinion, of expression and of media freedom across the globe. Peoples in several parts of the world have gained varying degrees of realising these freedoms on the one hand, and millions in several other parts too have experienced varying intensities and scale of repression and violations of these rights.

For much of these decades and for the greater majority of peoples in the world, however, the environments for the promotion, development, protection and expansion of the citizens' rights to these freedoms have consisted of wars, political revolutions and upheavals, strenuous economic and social crises, and systems of government in which the state (especially the executive) monopolised the instruments and processes of governance and turned into special privileges for a minority the right to hold opinion freely and the freedom of expression in all their essences and manifestations. It is a fact that in so many instances, the widespread repression, and popular yearnings for the realisation, of these freedoms have often been among the critical sources and elements of political crises including violent conflicts.

It is to be noted too, that, whereas no state has explicitly repudiated the letter of the UDHR as a whole, nor the specific provisions for freedom of opinion and of expression, still the meaning and interpretation of these provisions provoke serious contestation on grounds of supposed ideological and or cultural rationalisations.

Indicators of progress made

The severe and limiting political conditions notwithstanding, there have been at the same time major social developments in greater parts of the world, and fundamental and near-limitless advances in technological and technical innovations, that provide conditions and the potential for enhancing the expansion and realisation of the rights to freedom of opinion and expression, access to information, media and knowledge, and generally for promoting media freedom. Some of the indications of this progress include the following:

1. the generalised expansion in literacy and education;
2. the increasing awareness of the need for, and progress in, gender equality;
3. the magnificent advances in economic development in certain previously underdeveloped regions – especially in Asia;
4. the revolutionary transformations, and rapid growth, in communications technologies;
5. the growth and expansion in media multiplicity where once state monopoly of traditional mass media prevailed;
6. progress in the political conditions and systems in increasing numbers of countries and where there is now relative and gradually expanding possibilities of acceptance of or sympathy to the principles of freedom of opinion, of expression and of mass media freedom;
7. the establishment and progressive strengthening of national, sub-regional or regional trans-national inter-state instruments and mechanisms for the promotion and protection of the provisions, principles and values of the UDHR (e.g. the human rights commissions and institutions and their related juridical instruments under the EU, the OAS, the AU, etc.); and
8. the proliferation in all regions of the world of civil society organisations and institutions devoted to the promotion, defence and protection of the freedoms enshrined in the UDHR; and the increase in governmental and private sector agencies providing financial and other support to sustain the work of this civil society movement.

Prevailing challenges to media freedom, freedom of opinion and of expression

Much as on a global scale there have been significant progress in the social and political environments and technological advances for enhancing these freedoms, severe challenges persist in obstructing the realisation of these freedoms for peoples in large regions of the world. Where citizens took for granted the existence and enjoyment of these freedoms, new threats have emerged resulting from perceived imperatives of war. The principal challenges in these times include the following:

1. the state still constitutes the principal source of repression and violation of the citizen's rights to these freedoms through inimical legislation and arbitrary, extra-legal means;
2. illiteracy: as is well-known, literacy is a fundamental instrument in enhancing people's capacity for realising more fully and expanding the possibilities of the freedoms of opinion and of expression, of developing, acquiring and communicating information and knowledge, especially through the mass media. But literacy still eludes millions of children and adults (especially females) in huge areas of the world;
3. the non-development and marginalisation in the use of indigenous languages in research and scientific activities, especially in most parts of sub-Sahara Africa, pose disturbing implications for the cultural content in free expression, for the cultural self-identity of the people in these deprived communities, and for the meaningful participation of the majority of the peoples in public affairs;
4. persistent forms of gender inequality include traditional ways of silencing women and in depriving them of literacy and access to certain information;
5. economic deprivation – that is, poverty – is a condition that constraints vast numbers of citizens and communities from accessing media and information, and in limiting their capacity and freedom of expression in many ways, including in public affairs of governance;
6. economic underdevelopment in Africa and other regions include underdeveloped, weak or at best sluggish development in communications infrastructure, leading to marginalisation in the global production of information;
7. low scientific research and production of and acquisition of knowledge in many regions result in limited opportunities for the citizens thereof to participate fully in the global exchange of information and knowledge;
8. technological dependency – one manifestation of which is the so-called digital divide – poses a serious threat to the sustained future growth, development of and mass access to communications technologies and mass media in those affected regions;
9. widespread intolerance, accompanying or as arsenal in the resurgence of fundamentalism of virtually all the world's major religions, and in the ideologies of proto-nationalist or ethno-centric revivalism, create atmospheres of fear and induced silencing and self-censorship, and subvert the freedom to hold or express original, independent or contrary thought or opinion. It is an atmosphere that often also uses the media in promoting hate, fear and silence, and in squelching media pluralism.

Whatever the circumstances, media freedom is the particular category of the right to freedom of expression that is most obviously subjected to the most widespread and routine repression and violation by states, whether systematically by means of legislation or by arbitrary use of power and violence. Media rights are usually among the first casualties when regimes of systematic human rights abuses emerge, or when political crises or "emergencies" break

out. And media workers usually make up one of the few civilian professional personnel among the human toll of fatalities in violent upheavals, especially wars.

Some possible approaches to addressing the issues

The worst of the violations of the freedoms and rights do not necessarily occur only in situations of war, social and political strife. They occur and persist under established states and their governments. The resolution to promote and enhance citizens' rights to their freedoms of opinion, of expression, their right to own, operate, access and express themselves through the media and communications technologies without undue constraints and limitations lies with the states. The challenges therefore involve:

a) how to promote the establishment and or sustenance of government systems committed to promoting and protecting these rights of their citizens;
b) how to improve and strengthen the capacity of international, national and regional mechanisms and instruments in enforcing the rules and conventions states are obliged to;
c) how to minimize or even end the perception of "double standards", especially by way of selective application, of sanctions against recalcitrant states guilty of impunity and systematic abuses; and
d) how to encourage governments that maintain respect for their citizens' rights to be more outspoken in demanding reform and compliance to the provisions of the UDHR by their offending peers.

In practical terms, the following may be considered as dome of the actions to promote improvements in enhancing the promotion and protection of the rights to freedom of expression, especially of media freedom:

1. states must be committed to promoting media pluralism through legislation and regulatory mechanisms that are independent of state interference and control;
2. the transformation of state broadcasting (where they exist) into public service facilities managed and regulated by independent non-partisan mechanisms;
3. support governments to expand literacy and education programmes;
4. support governments (where it is applicable, especially in Africa) to strengthen education and literacy in indigenous languages;
5. encourage meaningful and intensive investment in local development of mass media, and in development and growth of in communications technology;
6. support the trans-national, national and regional mechanisms and instruments for promoting and protecting rights, and strengthen their

capacity for enforcing the rules against offending perpetrators of these rights, state or non-state;

7. under the Security Council Resolution …. on protecting media in situation of conflict, empower peace-keeping forces to protect media and journalists as particular civilian sectors for protection, and empower international juridical systems to punish perpetrators;

8. encourage governments and international governmental or private sector agencies to increase support for civil society organisations working to promote and protect the rights of freedom of expression and of media, and particularly in strengthening the sustenance of such organisations in the more needy regions of the world.

Conclusion

Though there appears to be some progress the advance of these rights in the world generally, the threats to their realisation grow and intensify regularly. In specific countries where there appears to have been progress, reversals are not uncommon and are often dramatic and devastating. But wars and social and political commotions seem to pose permanent threats whose resolution tend to defy international capacity.

Even then, the world has designed enough mechanisms and instruments to be able to implement some of the fundamental principles with more commitment and fervour, provided also that governments will show more resolve in their commitment, inlcluding their willingness to prompt their peers for compliance and respect.

        -- end –

Accra,
December 08, 2007.

In recent times, the Algeria war, for example, took the lives of more than 55 journalists; about 10 or more journalists have been murdered in Somalia since January this year; and Iraq continues to lead the ghastly league.

The situation nowadays is further complicated by the increasing involvement of non-state actors in the attacks on and violations of media rights and journalists' freedom to function. The perpetrators are not only armed rebel groups or politically motivated terrorist bands. They include organised criminal gangsters, especially those associated with drug syndicates.