

THE PEOPLE'S COMMUNICATION CHARTER
Draft

Basic to this initiative are the facts of pervasive worldwide governmental and commercial censorship; distorted and misleading information; stereotyped and damaging images of the human condition including gender, age, race, ethnicity, sexuality, physical and mental illness and disability; restricted access to knowledge, and insufficient channels to communicate diverse ideas and opinions.

That cultural environment is as vital to our common future as the natural ecology. But the reality of our cultural environment reduces the capacity of ordinary women and men to control decisions about their lives and about the socialization of their children. It is time for individual citizens and their organizations to take an active role in the shaping of the cultural environment into which all children are born and in which all people live and learn.

The founding institutions of the Charter movement are the Centre for Communication & Human Rights (The Netherlands), the Third World Network (Malaysia), the AMARC-World Association of Community Radio Broadcasters (Peru/Canada), and the Cultural Environment Movement (USA). This version of the Charter was considered and referred to the elected Steering Committee at the Founding Convention of the Cultural Environment Movement meeting in St. Louis on March 17, 1996.

PREAMBLE

We, the Signatories of this Charter

Affirm that communication is basic to the life of all individuals and communities;

Affirm that all people are entitled to participate in communication decisions within and between societies;

Recognize that people's capacities to communicate are unequally distributed and that the majority of the world's people lacks even the minimal technological resources for communication;

Recognize that in a growing number of countries information and culture are not provided primarily as a public service but for private gain;

Recognize that control of communication is essential for freedom of action, that communication confers power, and that today's 'communication revolution' tends to widen the gaps between the communication-rich and the communication poor in the world.

Observe that the concentration of commercial operators on the world communication market erodes the public sphere, displaces public media, endangers the provision of a plurality of opinions and a diversity of cultural expressions, and generally fails to provide for a country's cultural and information needs;

Therefore, we affirm that all people are entitled to access to the resources they need for communication within and between their societies;

We equally affirm the need for people to develop their own communication channels through which they can speak for themselves;

Therefore, we reaffirm that people through their organizations must have a voice in the making of policies that shape their cultural environment.

OBJECTIVES

The Charter intends to contribute to a critical understanding of the significance of communication in the daily lives of all individuals and peoples;

While recognizing the diversity among communities and individuals, the Charter articulates a shared position on communication from the perspective of common interests, needs and rights.

SCOPE OF APPLICATION

Signatories to the Charter can be individuals and organizations. Approval represents an expression of goals that does not limit independence and freedom of action of its signatories.

DEFINITIONS

The term Charter as used in this Charter means a set of guidelines that are voluntarily adopted by the signatories and that are used as their common frame of reference in communication issues.

The term 'parties' as used in this Charter refers to all signatories of the Charter.

The term 'communication' refers to all interactive processes through which individuals and communities share opinions, information, and ideas.

The term 'information' is understood in a very broad sense and includes news as well as entertainment.

The term 'media' refers to publicly or privately owned mass media for print or electronic communication.

The term 'cyberspace' refers to the virtual spaces which are facilitated through the use of computer networks and where people establish new communities for learning, working and sharing of interests.

GENERAL STANDARDS

Article 1. Fundamental to these standards is the conviction that all people are entitled to the respect of their dignity, integrity, equality, and liberty.

Article 2. People have the right to freedom of expression of opinions, information, and ideas, without interference by public or private parties. In order to exercise this right, people should have open and equitable access to conventional and advanced channels of personal and mass communication.

Article 3. People have the right to receive opinions, information and ideas. The right to be informed about matters of public interest and the right to receive a range of information and cultural products designed for a wide variety of tastes and interests, demand communication channels that are independent from governmental, political or economic control.

Article 4. People have the right to gather information. This includes the right of access to government information and information on matters of public interest held by public authorities or private parties.. There can be restrictions on access to government and privately held information of public interest only for good reasons, such as if such restrictions are necessary for the protection of a democratic society or the basic rights of others.

Article 5. Since information of public interest will often be gathered by professionals, effective measures to ensure the safety of journalists are essential. To be secure in their persons, journalists must be accorded full protection of the law. For journalists working in zones of armed conflict, the appropriate provisions in international humanitarian law should be respected and enforced. In accordance with these provisions journalists must be recognized as civilians enjoying rights and immunities accorded to all civilians in order to conduct their professional duties without harm. If these rights are not guaranteed, journalists must be able to seek justice through an international body protecting their rights.

Article 6. People have the right to distribute information. This right demands fair and equitable access to media

distribution channels and to adequate resources and facilities.

Article 7. People have the right of reply. In relation to information concerning individuals published in any medium, the individuals concerned shall have an effective possibility for correction, without undue delay, of false statements relating to them which they have a justified interest in having corrected, such corrections being given, as far as practical, the same prominence as the original expression.

Article 8. People have the right to a diversity of languages. This includes the right to express themselves in their own language. This implies the need to create provisions for minority languages in the media.

Article 9. People have the right to protect their cultural identity. This includes respect for people's free pursuit of their cultural development and the right to express existing cultural variety through the media as well as to receive a variety of cultural expressions.

Article 10. People have the right to participate in public decision-making on the provision of information, on the development and utilization of knowledge, on the preservation, protection and development of culture, on the choice, development and application of communication technologies, and on the structure of media industries.

Article 11. Meaningful realization of people's right to participate in, contribute to and enjoy the development of self-reliant communication infrastructures requires international assistance to the development of independent media; training programs for professional mediaworkers; the establishment of independent, representative associations, syndicates or trade unions of journalists and associations of editors and publishers; and international co-operation in the field of policy making, regulation and management of media.

Article 12. People have the right to acquire the skills necessary to participate fully in public communication. This requires that countries establish programs for basic literacy in reading and writing as well as media literacy, computer literacy and critical education about the role of communication in society.

Article 13. All forms of public regulation on communication should be transparent. This includes the right of the public to receive full information on public policies in the field of information, knowledge, culture and communication technology. Public transparency should also extend to the practices and organizational structures of

large private operators. This means that information on the ownership patterns of private communication corporations should be publicly accessible.

Article 14. Children have the right to media products that are designed to meet their needs and interests. Countries should take necessary steps to provide and make available quality cultural and entertainment products, including by public provision when commercial media fail in this regard.

Article 15. People have a right to universal access to and equitable use of cyberspace. With the increasing importance of cyberspace for many social activities, people's rights to free and open virtual communities, their freedom of electronic expression, and the protection of their privacy against electronic surveillance and commercial exploitation should be secured.

PROTECTIVE STANDARDS

Article 16. Societies vary in the extent and ways they protect the privacy of individuals. Nevertheless, countries should take care that the legal protection of privacy does not unduly interfere with freedom of expression.

Article 17. The media should avoid the prejudicial treatment of persons. This means that the media should refrain from the use of images that unnecessarily distort the realities and complexities of people's lives or that fuel prejudice by discriminatory descriptions of people and situations.

Article 18. People's fundamental right to communicate under international human rights law can only be restricted if limitations are prescribed by international law and are necessary in democratic societies.

ACCOUNTABILITY AND LIABILITY.

Article 19. The media should establish mechanisms, including self-regulatory bodies, to address their accountability to the general public. The media should act consistently with the fundamental right of citizens to receive accurate and full information on matters of public interest.

Article 20. Media users should organize to establish voluntary associations through which they monitor and assess the performance of the media.

Article 21. People have the right to hold information providers accountable for the accuracy of their information. This accountability should not be construed to impose undue limits for the freedom of expression, but states should consider imposing liability for proven damage or other remedies such as required corrections at least where it is

proven in a court of law that an information provider has willfully disseminated inaccurate or misleading information or has facilitated the dissemination of such information.

Article 22. People have the right to respect for the standard of due process in the coverage of criminal cases by the media. This standard means that the media should not declare defendants guilty before courts have established a verdict of guilt, and may report but should not televise criminal trials in real time, while the trials are going on.

Article 23. Communication professionals should establish mechanisms to address their accountability to the general public. This can be done through self-regulatory bodies set up by the professional communities and through the adoption of robust ethical norms that guarantee the freedom of expression and the fundamental right of citizens to receive accurate and full information on matters of public interest.

Article 24. Users of mass media, computer networks and other communication channels should form national and international coalitions to promote a performance of these channels in accordance with the standards of this Charter.

PEOPLE'S RESPONSIBILITIES.

Article 25. In accordance with international law all people have the responsibility to strive towards the respect of human rights. In the light of this responsibility we urge all people to contribute to the implementation of the provisions of this Charter.

IMPLEMENTATION OF THE CHARTER

Article 26. In order to ensure and promote the implementation of the Charter, Parties shall:

A. General provisions: a. publicize and disseminate the Charter; b. ensure the implementation of the provisions of the Charter within their own communities; c. monitor in their own environment the performance of media and information providers and producers of culture in the light of the standards proposed in the Charter; d. report regularly about the implementation of the Charter to the Ombudsman for the Implementation of the Charter.

B. Institutional provisions: An Office of the Ombudsman for the Implementation of the Charter shall be established by all parties adopting the Charter.

Functions of the Ombudsman. a. To coordinate the monitoring of the implementation of the Charter; b. To receive complaints about violations of the provisions of the Charter from parties and non-parties to the Charter. c. To judge and

adjudicate on such complaints. d. To develop proposals for development and modification of the Charter. e. To coordinate the regular review of the Charter by the signatory parties.

APPENDIX

With regard to the freedom of information, standards are set by Article 19 of the Universal Declaration of Human Rights, by Article 19 of the International Covenant on Civil and Political Rights, by Unesco Resolutions 3.2. of 1983 and 4.1 of 1991 on the Right to Communicate; by the provisions on information of the 1975 Final Act of the Conference on Security and Co-operation in Europe; by the 1991 Unesco Declaration of Windhoek; and by Article 13 of the Convention on the Rights of the Child.

With regard to the social responsibility of mass media, standards are set by the 1978 Unesco Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War; by Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination; by Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women; and by Article 17 of the Convention on the Rights of the Child.

With regard to the development of communication, standards are set by the UN Declaration on the Right to Development of 1986; and by Unesco Resolution 4.1. of 1991 on Communication for development.

With regard to the protection cultural rights, standards are set by Article 27 of the Universal Declaration of Human Rights; by Article 15 of the International Covenant on Economic, Social and Cultural Rights; and by the 1966 Unesco Declaration of the Principles of International Cultural Co-operation.