

THE PEOPLE'S COMMUNICATION CHARTER

An International Covenant of Standards and Rights

PURPOSE

This Charter aims to establish standards for cultural policymaking that define rights and responsibilities to be observed in democratic countries and in international law.

HISTORY

The originators of this Charter are the Centre for Communication and 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).

The Founding Convention of Cultural Environment Movement (CEM), meeting in St. Louis on March 17, 1996, ratified the Charter in principle and referred it to a committee for refinement. The present draft reflects the comments, interests and concerns of CEM and the other Signatories, as well as the statements and publications listed in the Bibliography, and its origin in the following international agreements:

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

With regard to the social responsibility of mass media: 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; Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women by the Beijing Platform of Action of the 1995 UN World Conference on Women; and Article 17 of the Convention on the Rights of the Child.

With regard to the development of communication: The UN Declaration on the Right to Development of 1986; and the UNESCO Resolution 4.1 of 1991 statement on Communication for Development.

With regard to the protection of cultural and linguistic rights: Article 27 of the Universal Declaration of Human Rights; Article 27 of the International Covenant on Civil and Political Rights; Article 15 of the International Covenant on Economic, Social and Cultural Rights; and the 1966 UNESCO Declaration of the Principles of International Cultural Co-operation.

The present draft is circulated for further comment before publication on behalf of CEM as the U.S. Signatory.

PREAMBLE

We, the Signatories of this Charter, recognize that:

- Communication is basic to the life of all individuals and their communities.
- All people are entitled to participate in communication, and in making decisions about communication within and between societies.
- Over half the world's peoples have not yet made a telephone call. The majority lack minimal technological resources for survival and communication.
- Concentration of media ownership erodes the public sphere and fails to provide for cultural and information needs, including the plurality of opinions and the diversity of cultural expressions and languages.
- Massive and pervasive media violence polarizes societies, exacerbates conflict, and cultivates fear and mistrust, makes people vulnerable and dependent.
- Stereotypical portrayals misrepresent all of us and stigmatize those who are the most vulnerable.

Therefore, we assert that:

- All people are entitled to access to the resources they need to communicate freely within and between their societies;
- All people need to develop their own communication skills, channels, and institutions through which they can speak for themselves and tell their own stories;
- Provisions for all aspects of free, independent and secure communication and culture, and mechanisms for their implementation, must be strengthened.

STANDARDS

Article 1. Respect

People are entitled to be treated with respect, according to the basic human rights and standards of dignity, integrity, identity, and non-discrimination.

Article 2. Freedom

People have the right to freedom of expression without interference from public or private interests, and to communication channels independent of governmental or commercial control.

Article 3. Access

In order to exercise their rights, people should have fair and equitable access to local and global resources and facilities for conventional and advanced channels of communication. People have the right to receive opinions, information and ideas in a language they normally use and understand; to receive a range of cultural products designed for a wide variety of tastes and interests; and to have easy access to facts about ownership of media and sources of information. Restrictions on access to information should be permissible only for good and compelling reason, as when prescribed by international human rights standards or necessary for the protection of a democratic society or the basic rights of others.

Article 4. Independence

The realization of people's right to participate in, contribute to, and benefit from the development of self-reliant communication structures requires national and international assistance. This includes support of development communication and of independent media; training programs for professional media workers; the establishment of independent, representative media associations, syndicates or trade unions; and the international adoption of standards.

Article 5. Literacy

People have the right to acquire the information and skills necessary to participate fully in public communication. This requires facility in reading, writing, and storytelling; critical media awareness; computer literacy; and education about the role of communication in society.

Article 6. Protection of journalists

Journalists must be accorded full protection of the law, including international humanitarian law, especially in areas of conflict. They must have safe, unrestricted access to sources of information, and must be able to seek remedy, when required, through an international body.

Article 7. Right of reply and redress

People have the right of reply and to demand penalties for damage from media misinformation. Individuals concerned should have an opportunity to correct, without undue delay, statements relating to them which they deem to be false and which they have a justified interest in having corrected. Such corrections should be given the same prominence as the original expression. States should impose penalties for proven damage, or require corrections, where a court of law has determined that an information provider has willfully disseminated inaccurate or misleading and damaging information, or has facilitated the dissemination of such information.

Article 8. Cultural identity

People have the right to protect their cultural identity. This includes respect for people's pursuit of cultural development and the right to free expression in languages they understand. People's right to the protection of their cultural space and heritage should not violate other human rights or provisions of this Charter.

Article 10. Participation in policy making

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

Article 11. Children's rights

Children have the right to mass media products that are designed to meet their needs and interests and foster their healthy physical, mental and emotional development. They should be protected from harmful media products and from commercial and other exploitation at home, in school, and at places of play, work, or business. Nations should take steps to produce and distribute widely high quality cultural and entertainment materials created for children in their own languages.

Article 12. Cyberspace

People have a right to universal access to and equitable use of cyberspace. Their rights to free and open communities in cyberspace, their freedom of electronic expression, and their freedom from electronic surveillance and intrusion, should be protected.

Article 13. Privacy

Media should respect people's private, family and home life, physical and moral integrity, honor and reputation. They should avoid publishing allegations irrelevant to the public interest; unauthorized publication of private photographs or other private communication; and the disclosure of personal information given or received in confidence. Databases derived from personal communications and transactions should not be used for unauthorized commercial or general surveillance purposes. However, nations should take care that the protection of privacy does not unduly interfere with the freedom of expression or the administration of justice.

Article 14. Harm

Media should resist incitement to hate, prejudice, violence, or war. Violence should not be presented as normal, "manly," and entertaining; its true consequences and alternatives to violence should be shown. Other violations of human dignity and integrity to be avoided include stereotypic images that distort the realities and complexities of people's lives. Media should not ridicule, stigmatize, or demonize people on the basis of gender, race, class, ethnicity, language, sexual orientation, and physical or mental condition.

Article 15. Justice

People have the right to demand that media respect standards of due process in the coverage of trials. This implies that media should not presume guilt before a verdict of guilt, invade the privacy of defendants or others, and should not televise criminal trials in real time while the trial is in progress.

Article 16. Consumption

People have the right to demand useful and factual consumer information, and to be protected from misleading and distorted advertising; promotion disguised as news and entertainment (infomercials, product placement, children's programs that use franchised characters and toys, etc.), and from the promotion of wasteful, unnecessary, harmful or ecologically damaging goods and activities. Advertising directed at children should receive special scrutiny.

Article 17. Accountability

Media should establish mechanisms, including self-regulatory bodies, that account to the general public for their adherence to the standards established in this Charter.

Article 18. Implementation

In consultation with Signatories, national and international mechanisms will be organized to: publicize this Charter; implement it in as many countries as possible and in international law; monitor and assess the performance of countries and media in light of these Standards; receive complaints about violations; advise on adequate remedial measures; and to establish procedures for the periodic review, development and modification of this Charter.

BIBLIOGRAPHY

- Australian Teachers of Media Inc. "Children's Television Charter." Metro Education: *Special World Summit Edition*, No. 5, Spring, 1995.
- Baker, C. Edwin. *Advertising and a Democratic Press*. Princeton University Press, 1994.
- Bourges, Harve. "European Platform For Regulatory Bodies." Speech delivered at the meeting in Paris of the European Media Institute, May 3, 1996.
- Bratislava Declaration of the Expert Seminar on The Right to Communicate in the Post Cold War Period. *NGO-Forum on Human Rights of the World Conference on Human Rights (WCHR)* Bratislava, Slovak Republic, June 10-11, 1993.
- "Communication for Human Dignity: The Mexico Declaration." *Media Development*, 1. 1996.
- Bengu, Thandi, Both, Amanda, & Gowans, Jill. (Eds.). "Contribution of South Africa to the African Platform of Action." African NGO Forum, Dakar, Senegal (5:7711/1.16).
- Caucus for Producers, Writers and Directors, (Steering Committee). "Creative Rights and the Quality of Television." *The Caucus Quarterly*.
- Center for Defense Information. "The Media and Images of War." *The Defense Monitor*. Washington, DC, Vol. XXIII, No. 4, 1994.
- Coulombe, Pierre A. "Language Rights, Individual and Communal." *Language Problems and Language Planning*, Vol. 17, No. 2, 1993.
- "Council for a Parliament of the World's Religions." *The Declaration of a Global Ethic*. Chicago, IL, 1993.
- Declaration of European Television and Film Forum's Working Group on Consumer and Viewer Interests. Dusseldorf, Germany. *Media Development* 4, January 24, 1994.
- Easton, Susan M. *The problem of pornography, regulation and the right to free speech*. London, Routledge, 1994.
- Evenson, Debra. Women's rights and the media. The National Lawyers Guild Practitioners. Berkeley, CA. Vol. 48, No. 1, Winter 1991.
- Final Report of the World Summit on Television and Children, Melbourne, Australia, March 12-17, 1995.
- Firestone, C. M. & Schement, J. R. (Eds.). An information bill of rights and responsibilities. *Toward an Information Bill of Rights & Responsibilities*, 133-143. Queenstown, MD: The Aspen Institute, 1995.
- Fourth European Ministerial Conference on Mass Media Policy. *The Media in a Democratic Society: Resolutions and Political Declaration*. Prague, December 7-8, 1994.

- Franck, Peter. "The Mass Media, The New World Information order, and a new look at the First Amendment." *The National Lawyers Guild Practitioner*. Berkeley, CA, Vol. 48, No. 1, Winter, 1991.
- French Association of Television Viewers. "Charter of French Television Viewer's Rights." ("Les Pieds dans le Paf.") *Media Development* 4, 1991.
- Gallagher, Margaret. Communication and human dignity: A Women's rights perspective. *Media Development*, 3, 1995.
- Hamelink, Cees J. The right to communicate. International Association for Mass Communication Research, Vienna, Austria, June 15, 1993.
- Lady Howe, Chair. Broadcasting Standards Council, UK. Address at the European Conference on Fundamental Rights and New Information Technologies in the Audiovisual Sector.
- Japanese Forum for Citizens' Television. Charter of Television Viewers Rights, 1993.
- Kleinwachter, Wolfgang. "Continuity and change in the international law of mass communication." *The National Lawyers Guild Practitioner*, Berkeley, CA, Vol. 48, No. 1, Winter, 1991.
- MacBride Round Table on Communication. "Tunis statement." *Media Development* 3, 1995.
- MacKinnon, Catharine A. *Feminism modified: Discourses on life and law*. Cambridge, Harvard University Press, 1987.
- Media and Democracy Congress. Information Bill of Rights. References and Assistance: Nolan Bowie, DeeDee Halleck, Julian Low, Herb Schiller, Martha Wallner, People's Communication Charter, Aspen Institute, Telecommunications Policy Roundtable, American Library Association, Taxpayers Assets Project, Media Consortium, National Alliance for Media Arts and Culture, 1996.
- Media Ethics and Advocacy Committee. "Violence in Electronic Media and Film." National Council of the Churches of Christ in the USA, February 17, 1994.
- Media Education Committee, Department of Communication, Strategies for Media Education. National Council of the Churches of Christ in the USA, September, 1993.
- Media Ethics and Advocacy Committee, Global Communication for Justice, National Council of the Churches of Christ in the USA, February 17, 1994.
- Morf, Doris. "Appeal for an international commitment against violence on the screen." The National Commissions for UNESCO of Austria, Germany, Italy, the Netherlands and Switzerland, Bern, 1994.
- New Delhi Declaration on Democratization of Audiovisual Communication. *The Democratic Communiqué*, XII, 1, March, 1994.
- New World Information and Communications Order. NWICO Sourcebook. International Organization of Journalists, 1986.
- Nordenstrend, Kaarle & Kleinwachter, Wolfgang (Eds.). CSCE (Conference on Security and Cooperation in Europe) and Information. Proceedings of a seminar of experts, April 24-27, 1992.
- Pontifical Council for Social Communications. *Pornography and violence in the Communications Media: A Pastoral Response*. Vatican City, Vatican Polyglot Press, 1989.
- Porter, Vincent. The freedom of expression and public service broadcasting. *Tolley's Journal of Media Law and Practice*, 14 (2), 46-50. Tolley Publishing Company Limited, Surrey, UK, 1993.
- Vinebohm, Lisa. European media - east and west. *InteRadio*, 5, (1), 1993.
- World Conference of Human Rights. "Declaration of the International Organization of Journalists." Vienna, June 14-25, 1993.