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Communication and human rights

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Abstract

Communication represents an essential and very important human need as well as a basic human right. The right to communication should be considered in the framework of the freedom of expression and the pluralist democracy. The recognition of the right to communicate is essential to the overall defence of human rights standards. The general right of communication provides to exchange opinions, thoughts and meanings. In this study, it will be dealt with the importance of the right to communicate in human rights concept. The concept of the right to communicate will be discussed in terms of the freedom of expression, pluralist media and the freedom of internet in a democratic society.

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Introduction

Communication represents an essential and very important human need as well as a basic human right. The right to communication should be considered in the framework of the freedom of expression and the pluralist democracy. As noted by Montiel (2012: 15-16), the fulfilment of human rights standards, based on the principles of freedom, equality, solidarity, inviolability, inclusiveness, diversity, universality and participation, is directly linked

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to the possibilities of communication as a right. Particularly, it must be recognised the existing connection between the right to communicate and those human rights that guarantee public participation. The right to communicate involves other basic human rights, such as freedom of expression, the right to information and universal access to information and knowledge, but also the participation of citizens in decision-making processes about communication and information policies, the promotion of cultural diversity by the media and new information and communication technologies, access of social groups that have historically been excluded from the public sphere to resources and tools to realise their right to communicate and the protection of privacy and confidentiality of communication. The importance of communication as a basic human right is also established in Article 19 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Equal access to communication media implies inasmuch a negative duty, to not restrict access to media, as a positive duty, to assure pluralism and diversity. Therefore, when pluralism and diversity are not respected, or not fulfilled, not only has the right to equality been violated, but the right to freedom of expression has been violated as well. An aspect of pluralism is that all groups in society have access to all media (Callamard, 2012: 53). There is a strong association between democracy and respect for human rights.

According to liberal-pluralist approaches (Blanks Hindman, 1997: 3), the role of media in society can be reduced to four primary categories: political, educational, mirroring, and bulletin board. The political function or role of the media, which includes implied responsibilities of the media, involves the media's role in the U.S. political system, specifically their watchdog role. Here the media are seen as the eyes and ears of the people, passing along information about government and the work of the people's representatives and watching to keep those representatives acting in the best interests of all. In this study, it will be dealt with the importance of the right to communication in human rights concept. The concept of the right to communicate will be discussed in terms of the freedom of expression, pluralist media and the freedom of internet in a democratic society.

The Freedom of Media

The freedom of the media, understood within this interpretation of the first amendment, is based on the distinction between responsibility and accountability. Accountable media cannot be free, for to render them accountable to someone or some institution is to take away their autonomy and to give power over them to another person or institution. According to the libertarian model, the media have very specific roles and functions. In addition, individual members of society have the right to criticize the government, because it operates only with their consent. The media's role, therefore, is to provide the means by which people can both speak out on, and read about the activities of leaders entrusted to protect their rights: The media, with the help of the people, are to operate as an extra-legal check on the government as a watchdog. Logically, then, because of their role as a check on government, the media must be free from government intervention (Blanks Hindman, 1997: 16).

Equal access to communication media implies inasmuch a negative duty, to not restrict access to media, as a positive duty, to assure pluralism and diversity. Therefore, when pluralism and diversity are not respected, or not fulfilled, not only has the right to equality been violated, but the right to freedom of expression has been violated as well. An aspect of pluralism is that all groups in society have access to all media (Callamard, 2012: 53). Pluralism happens to refer to the need to foster the diversity of opinions expressed in a given society, which requires media diversity to guarantee access of every sector to make their culture visible. However, pluralism is hindered by media concentration—expressed that way so as not to call it monopolies or oligopolies (La Rue Lewy, 2012: 58).

According to the latest edition of Freedom House's press freedom survey (2014), global press freedom has fallen to its lowest level in over a decade. The decline was driven in part by major regression in several Middle Eastern states, including Egypt, Libya, and Jordan; marked setbacks in Turkey, Ukraine, and a number of countries in East Africa; and deterioration in the relatively open media environment of the United States. The year's declines were driven by the desire of governments—particularly in authoritarian states or polarized political environments—to control news content, whether through the physical harassment of journalists covering protest movements or other sensitive news stories; restrictions on foreign reporters; or tightened constraints on online news outlets and social media. In addition, press freedom in a number of countries was threatened by private owners—especially those with close connections to governments or ruling parties—who altered editorial lines or dismissed key staff after acquiring

previously independent outlets. Online social networks, microblogs, mobile telephones, and other information and communication technologies (ICTs) have become an essential means of spreading independent news and information, particularly in environments where the traditional media are under tighter state control.

For example, In Turkey, Twitter and YouTube ban has been evaluated as a heavy intervention into freedom of expression. In the case of Turkey, the recently passed Internet bill allowed for the blocking of websites in cases when personal rights or privacy is violated. The law also empowers Turkey's telecommunications regulator, the TIB, to take executive action without a court order, thereby removing checks and balances (http://freedomhouse.org/blog/q-and-a-turkey-twitter-ban#.U536UsbN0_M, 2014). The decision to block Twitter has been seen as an unprecedented attack on Internet freedom and freedom of expression in Turkey. This measure, brought under Turkey's restrictive Internet law, has showed that the government prevents anti-government criticism. The Twitter block was enacted by the state telecommunications department following an order from the Istanbul Prosecutor's office under powers granted by Turkey's Anti-terrorism Law and additional court orders. The government cited Twitter's failure to comply with court orders to remove content posted on the site as the reason for website's closure (<http://www.amnesty.org/en/news/turkey-pre-election-twitter-shutdown-brings-internet-freedom-new-low-2014-03-21>, 2014). Karlekar (2012) highlights the key threats to media freedom. Many governments appear unwilling to reform or eliminate the array of laws used to punish journalists and news outlets, and some have been applying them with greater determination. The misuse of licensing and regulatory frameworks has emerged as a key method of media control in a number of semi-democratic and authoritarian settings. Control over new means of news dissemination, particularly internet-based social media, has become a priority for authoritarian governments.

The Concept of The Right to Communicate

"The right to communicate" contains two perspectives: the fundamental and the inclusive. From the fundamental perspective, agreement that everyone has the right to communicate appears to be commonplace. From the inclusive perspective, however, the freedom to exercise any specific communication right and easy access to the resources required to do so may, at times, generate intense debate, even conflict. Freedom requires access to resources. The full recognition of the right to communicate requires that the communication resources be available to meet the basic communication needs of everyone (<http://righttocommunicate.com/?q=node/132>, 06/15/2014).

The discussion on a right to communicate focuses on the conversational mode of communication, and its proponents argue that communication in the sense of conversation or dialogue needs special protective and enabling provisions. Human rights law—in both Article 19 of the UDHR and Article 19 of the International Covenant on Civil and Political Rights—covers the fundamental right to freedom of opinion and expression. Current international human rights standards cover mainly the dissemination of information, the consultation of information, and the registration of information. Practically all human rights provisions refer to communication as the transfer of messages (Hamelink, 2004: 206).

By having the right to communicate and express personal thoughts, ideas, and opinions, people feel themselves treated equally – in other words: Communication validates human equality. Thus the protection and implementation of communication rights represents an essential part of the general topic of human rights. There exist four elements of communication rights (<http://www.crisinfo.org>, 06/15/2014):

Communicating on the Public Sphere: The role of communication and media in exercising democratic political participation in society.

Communication Knowledge: The terms and means by which knowledge generated by society is communicated, or blocked, for use by different groups.

Civil Rights in Communication: The exercise of civil rights relating to the processes of communication in society.

Cultural Rights in Communication: The communication of diverse cultures, cultural forms and identities at the individual and social levels.

Full implementation of the right to freedom of opinion and expression is central to the realization of the right to communicate. Communication is not a one-way process and the right to communicate therefore also presupposes a right to receive information, from both State and private sources. Key elements of the right, elaborated below, include the right to a diverse, pluralistic media; equitable access to the means of communication,

as well as to the media; the right to practice and express one's culture, including the right to use the language of one's choice; the right to participate in public decision-making processes; the right to access information, including from public bodies; the right to be free of undue restrictions on content; and privacy rights, including the right to communicate anonymously (<http://www.article19.org/data/files/pdfs/publications/right-to-communicate.pdf>).

The original basis for a human right to communicate derives from the Universal Declaration of Human Rights (United Nations, 1993), adopted in 1948. The centerpiece of the declaration with regard to communication is Article 19, which states: "Everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (United Nations, 1997).

Unesco is the only UN agency with a special mandate to defend press freedom and the Organisation recognizes that press freedom is central to building strong democracies, promoting civic participation and the rule of law and encouraging human development and security. One may argue that freedom of opinion and of expression constitute the cornerstone of any democratic society and a solid and indispensable basis for development. Indeed, the right that guarantees freedom of expression is widely seen as underpinning all other human rights and democratic freedoms. Unesco's commitment to the fundamental principles for freedom of expression, access to and the free flow of information goes beyond the normative level, beyond advocacy, promoting and enhancing international cooperation. One should stress the other side of the right to freedom of expression, which is the ability to use it. Thus, providing capacity building for media professionals and ensuring media and information literacy skills for each and every citizen permeate Unesco's programme in communication and information (Boafo, 2012:41-42).

Conclusion

If indeed all the world's people should be assisted in participating in the public and private conversations that affect their lives, the international community will have to secure the conditions under which such processes can take place. Conversational communication among individuals and groups -whether in public and/or in private- should be protected against undue interference by third parties. It needs confidentiality, space, and time, and requires learning the "art of the conversation" (Hamelink, 2004: 212). The conclusion for Article 19 and other human rights activists is the following: freedom of expression and equality are fundamental rights and their fulfilment is important so as to benefit the other human rights; both uphold and reinforce each other to promote the other human rights; therefore, there can be no freedom of expression without equality nor can there be equality without freedom of expression (Callamard, 2012:54). Communications must be regarded as a fundamental tool for participation in local, national and international development plans. Such plans must take into account its economic dimensions because communication is strongly related to the access to electronic media, its social dimensions because of the means it provides to building citizenship, and political dimensions because it involves the participation of all.

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