

The Right to Communicate: New Challenges for the Women's Movement

by Sally Burch

The right to communicate implies a need not just to guarantee freedom through non-intervention by the state (negative rights), but also to incorporate the positive rights of citizens to be able communicate as free and equal subjects, contributing to diversity in all its forms.

The human capacity for intelligent communication and dialogue creates the possibility for formation of ideas, sharing of knowledge, development of cultures and building of societies. It follows that communication is a fundamental need of all humans, and as such, should be guaranteed as a right.

As with human relationships, communication has gone through remarkable changes, and is increasingly intermediated by technology. Face-to-face communication, whose modalities saw little change over thousands of years, is now complemented, and often replaced, by a multiplicity of other means of transmitting information and ideas, from the printed word to television to the Internet. By delegating the faculty to communicate to institutions, the conditions are created for a concentration of control over both process and content. As a result, people's faculty to shape their societies through communication is progressively expropriated. It goes without saying that women and other disempowered sectors of society have borne the brunt of this expropriation, being systematically excluded from spheres of power, the communications sector included.

Linked to the prevalent power structures in a given society, both media and the systems through which communication operates have be-

come new ways of controlling what people can know and influencing how they think (a role previously the reserve of schools, religious institutions, political parties, etc.). In authoritarian societies, this often takes the form of direct control, including censorship, by the state. In many so-called democracies, the commercial communications industry has become a power unto itself. The media are protected constitutionally from any sort of regulation by the state, in the name of freedom of expression. But with media catering to audience and advertiser alike, serious conflicts of interest can arise between their social vocation and market goals.

Information or Communication

A society that does not guarantee its citizens the possibility of being adequately informed by plural sources, and of making their viewpoints heard, can scarcely claim to be democratic. Indeed, communication rights underpin all other human rights. The legal protection of the human need to communicate has

thus evolved with the development of societies that purport to be democracies, ever since the French Revolution when the freedom of expression was recognised. The Universal Declaration of Human Rights consecrated this civil liberty in the right to freedom of opinion and expression, which includes “the freedom to hold opinions without interference and to seek, receive and impart information and ideas.” (Article 19).

The present legal framework in the communications field is nonetheless inspired mainly by a vision of communication as an economic activity requiring market freedom, rather than a rights perspective. It is becoming evident that one’s conventional rights, even if fully respected, are not sufficient to answer the requirements of an informed and active citizenry. More than 30 years ago, Jean d’Arcy foresaw this situation and proposed “the right to communicate” as an extension of these rights. “The time will come when the Universal Declaration of Human Rights will have to encompass a more extensive right than the human right to information,” he wrote.

Venezuelan communications analyst Antonio Pasquali contributed to developing a concept of the term “communication” as broader than information. “*To inform* refers essentially to one-directional messages of a *causative* and *ordering* nature, that tend to modify the behaviour of a passive perceiver; *to communicate* is the inter-

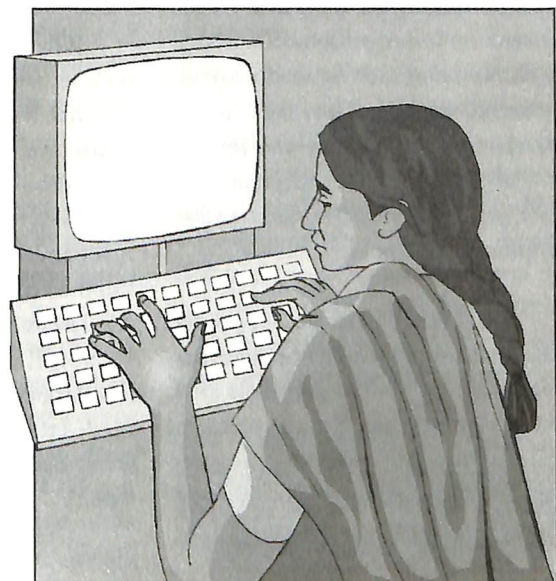
relation of *relational, dialogical and socialising* messages between interlocutors who are equally enabled for a simultaneous reception/emission. If Information tends to dissociate and establish a hierarchy between the poles of the relationship, Communication tends to associate them; **only communication can give rise to social structures.**” (Pasquali, 2002; emphasis mine).

The right to communicate, in this sense, refers to an interactive and participatory concept of communication. It also implies a need not just to guarantee freedom through non-intervention by the state (negative rights), but also to incorporate the positive rights of citizens to be able to communicate as free and equal subjects, contributing to diversity in all its forms. Such rights might include, for example, the guarantee of equal legal conditions and absence of restrictions to be able to exercise freedom of dissemination, including the creation of communications media and systems in the non-commercial domain, or the power to freely access and use media and communications technologies in the production and circulation of one’s own content and for the reception of messages from others (see Pasquali and

Jurado, 2002), or the right to acquire the skills necessary to participate fully in public communication.

They would include new civil rights and protections, both individual and collective, now necessary in the age of globalisation and the Internet, such as cultural rights, the right to privacy, and protection against interference and snooping.

A debate is taking place to come up with a formulation of the Right to Communicate. However slim the short-term prospects of its being adopted as international law, it can provide valuable guidelines for civil society intervention in the face of the rapid changes in the national and international legal and regulatory framework. For example, what new rights do we need to secure in the “information society”? What basic rights require more explicit guarantees and



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protection in the digital age? How can specific groups ensure their rights? What legal framework is needed to achieve gender equity in communications?

Dutch academic Cees Hamelink, known for his work on the Peoples' Communications Charter, proposes a broad framework to define the right to communicate, that includes information, cultural, protection, collective and participation rights.

Ecuadorian lawyer Romel Jurado proposes a formulation that defines five areas of communication rights: (1) freedom of opinion, (2) freedom of expression, (3) freedom of dissemination, (4) freedom of information, and (5) access and use of media and information and communication technologies.

The Association for Progressive Communications has developed a charter on Internet Rights (2001) that looks at issues such as freedom of expression and information exchange, diversity of content, ownership and control, user rights, intellectual property, privacy and security, Internet governance, and rights awareness.

During the past decade, gender and communications groups have put forward a number of proposals for a more balanced gender perspective in communication structures, practices and content. Their active involvement in the debate on a formulation of the

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Right to Communicate is an immediate challenge.

What these varying approaches have in common is the understanding that it is people's interests and needs, over and above market forces and technologies, that should be driving the societal changes being shaped in the so-called "information society." But their common experience and all other evidences show that this will be an uphill struggle, that a much broader movement of social forces is needed to make headway in bringing about significant change in current trends.

Initiatives in Democratising Communication

Several global initiatives are now underway to build such a movement. One of these is the Campaign for Communication Rights in the Information Society (CRIS). The initiative was launched in early 2002, mainly by international communications organisations, in response to the United Nations call for a World Summit on the Information Society (WSIS) to be held in Geneva in December 2003 and Tunis in 2005.

The CRIS brochure presents a vision of an "information society" grounded on the Right to Communicate "based on principles of transparency, diversity, participation and social and economic justice, and inspired by equitable gender, cultural and regional perspectives." The Summit is seen as a means, not an end. "The issues we face are much larger than can be addressed [there], but it offers a starting point."

Among the issues and actions pinpointed so far by the campaign, priorities include strengthening the public domain in the communications field so that information and knowledge are available for human development; ensuring affordable access and effective use of electronic networks in a development context; securing and extending the global commons for both broadcast and telecommunication; and supporting community and people-centred media.

The campaign seeks to strengthen its presence by involving organisations from all regions, particularly in the Global South. It has identified as its pillars of action: raising awareness and stimulating debate on these issues; facilitating and encouraging civil society mobilisation; and drafting and fine-tuning civil society positions in relation to the WSIS and advocating for their implementation.

Another emerging initiative on communication issues is developing the framework of the World Social Forum (WSF) process, under the banner of Communication and Citizenship, held in Porto Alegre, Brazil. Its goal is to promote development of a social agenda around the democratisation of communication, since "this democratic aspiration has been seriously constrained by neo-liberal hegemony, which has put the market at the centre of social organisation, thus attempting to confiscate democracies, and annulling the meaning of citizenship itself." (León, 2001). In other words, communication has become too important a social issue for it to be a concern solely of those directly involved in this sector.

The recommendations resulting from the 2002 Seminar on Communication and Citizenship at the WSF posed the option of:

- ◆ either passively giving in to an information society in which media and knowledge are privately owned by megacorporations and marketed to

consumers, where content is homogenised and access to the means of expression is restricted to a small elite (predominantly white, Northern and male). Present trends are rapidly consolidating this model.

- ◆ or building an information society on the principles of transparency, diversity, participation and solidarity and inspired by equitable gender, cultural and regional perspectives, a democratic information society, in which all people can exercise the right to communicate, to be full actors in the public arena.

The right to communicate is not just a legal-judicial issue. All over the world, rights that are already legally recognised are daily being thwarted and violated, whether in the name of economic development, the fight against terrorism or political stability. Present threats to this right vary from outright censorship to monopolistic concentration in the communications field; from the imposition of a single cultural model to international pressures to deregulate the industry and privatise the airwaves.

Women's organisations around the world, concerned with greater equality in democratic participation and reducing the gender gaps in access, production and control of information, knowledge and technology, face the challenge to develop a strong position on these issues. In going through this process, we need to consider whether the issue is to mainstream gender equality in a deeply

flawed and unequal system, or to give priority and take a lead in formulating and building a different "information society," one that is founded on human values, participatory communication and equity across gender, culture and geographic barriers. ☺

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