Human Rights for the Information Society

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Abstract

This paper proposes to explore how "informational developments" interact with the societies in which they take place. These developments refer to the growing significance of information products (such as news, advertising, entertainment and scientific data) and information services (such as those provided by the World Wide Web); the increasing volumes of information generated, collected, stored and made available; the essential role of information technology as the backbone of many social services and as the engine of economic productivity; and the input of information processing into transactions in trading and finance. The interactions between informational developments and societies have technological, cultural, political and economic dimensions, for which the international community has established human rights standards. These standards are analysed in the paper.

The major problem with these standards is the lack of implementation. No effective mechanisms have been established to deal with all the obstacles that hamper the realization of human rights in the field of informational developments. Moreover, current human rights provisions focus exclusively on "information" and ignore "communication". No human rights standard has been adopted to address communication as an interactive process. Communication tends to be seen as the "transfer of messages". This omission could be remedied by the adoption—as part of the existing human rights standards—of the "human right to communicate". This right is perceived by its protagonists as more fundamental than the information rights presently accorded by international law. The essence of this right would be based on the observation that communication is a fundamental social process, a basic human need and the foundation of all social organization. The right to communicate should constitute the core of any democratic system.

The paper concludes by stating that the World Summit on the Information Society (WSIS) could remind the international community of all that has been achieved already and stress the importance to seriously identify and remove major obstacles to the urgently needed implementation of existing human rights provisions. WSIS could also point out that the essential omission in "human rights for the information society" is the lack of human rights standards for communication as an interactive process. UN Secretary-General Kofi Anan stated the need for

the right to communicate very explicitly in his message on World Telecommunication Day (17 May 2003) as he reminded the international community that there were millions of people in the poorest countries who were still excluded from the "right to communicate", which was increasingly seen as a fundamental human right.

Introduction

The information society is an elusive concept, which has no precise meaning and no established definition. Despite arguments over its intellectual flaws, this concept has become part and parcel of current international discourse in politics, economics and culture.

It can be questioned whether an information society exists anywhere in the world today. It may be more appropriate to suggest that some societies are confronted with "informational developments". This notion refers to the growing significance of information products (such as news, advertising, entertainment and scientific data) and information services (such as provided by the World Wide Web); the increasing volumes of information generated, collected, stored and made available; the essential role of information technology as the backbone of many social services and as the engine of economic productivity; and the input of information processing into transactions in trading and finance. The societal confrontation with informational developments occurs in different ways, at different levels, at different speeds and in different historical contexts. Societies design their responses to these developments through policies, plans and programmes both as centrally steered initiatives and as decentralized activities on national and local levels. Most of these initiatives are driven by economic motives and are strongly technology-centric. The actors involved are both public institutions and private bodies, and they increasingly operate through public/private partnerships. Societies may respond to informational developments with both legal arrangements and self-regulatory agreements.

This chapter proposes a typology of informational developments as interactions with societies, and asks how international human rights standards are pertinent to these interactions.

Why Human Rights?

The decision to analyse what the field of international human rights can offer informational developments is obviously a normative one. These developments can also be approached from the angle of international trade agreements or technical standardization conventions. This chapter is inspired by the thought that informational developments affect people

on many different levels, and that these developments are shaped and governed by human initiatives. Future information societies will be sociopolitical configurations in which numerous individuals and social groups conduct their lives, carry out their labour, love and play, enjoy and suffer. Therefore, it would seem a legitimate option to look at how the future could be constructed in such a way as to serve people's interests.

An assessment of people's interests is a complex task because they cannot be expressed in a singular way at a clearly identifiable forum. Therefore, people's interests have to be inferred from an identifiable set of standards that are commonly agreed on. This would seem almost impossible, given that in a multicultural world with multilayered societies, people will have divided interests and will make different preferential normative choices. However, despite the temptations of a normative relativism and the justified suspicion of unitary value judgments, it is possible to infer people's interests from universally accepted standards. These are the standards of international human rights. Human rights currently provide the only universally available set of standards for the dignity and integrity of all human beings. It is in the interest of all people that they be respected. The provisions of international human rights law represent the interests of ordinary men, women and children, as individuals, as groups and as communities.

There is at present an international political consensus about human rights. The global political community has recognized the existence of human rights, their universality and indivisibility, and has accepted a machinery for their enforcement. In 1993, the Vienna World Conference on Human Rights managed to reinforce the universal nature of the human rights standard. This means that international human rights law represents—however ineffectually—a set of universally accepted moral claims. It therefore provides us with a legitimate normative guide for societies' response to informational developments.

Interactions Between Societies and Informational Developments

Societies and informational developments interact with each other in many different ways. These interactions can be differentiated by the following four dimensions.

There is a *technological dimension* to the interaction. Technology obviously plays a vital role in informational developments. The scope, volume and impact of these developments is to a large extent shaped by technological innovations and the opportunities they create. The interaction is a process in which social forces and interests also contribute to the shaping of technological innovations. With this dimension,

issues are posed about the control over technology, the access to and benefit from technology, and the social risks that innovations and their applications entail.

There is also a *cultural dimension* to the interaction. The ways in which societies deal with the provision and processing of information is determined by cultural perspectives. Information contents are cultural products. Information is part of a society's cultural fabric. Among the important issues of this dimension are the sharing of knowledge and the protection of cultural identity.

There is a *sociopolitical dimension* to the interaction. Information and information technologies have an impact on a society's development, progress and its political system. Among the important issues are freedom of political speech, the protection against abusive speech and the information needs of societies.

There is an *economic dimension* to the interaction. Worldwide information markets have emerged. Economic interests are at stake in the protection of ownership claims to content. There are issues of corporate social responsibility and self-determination in economic development.

Dimensions and Human Rights Provisions

Which international human rights provisions are relevant to these four dimensions? Or, in other words, what does the normative framework that sets standards for the ways in which societies should respond to informational developments look like?

Each of the four dimensions is considered in turn in the following pages, describing in some depth the relevant provisions in the numerous international agreements. At the end of each section, the relevant instruments are listed.

On technology and human rights

Sharing benefits from the development of technology

The right of access to technology is provided in article 27.1. of the Universal Declaration of Human Rights (UDHR) where it is stated that "Everyone has the right to...share in scientific advancement and its benefits". This right is inspired by the basic moral principle of equality and the notion that science and technology belong to the common heritage of humankind.

Up until 1968 there was no serious debate in the international community about the relation between scientific and technological development, and the protection of human rights. The following state-

ment was adopted at the Teheran International Conference on Human Rights in 1968:

> While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger rights and freedoms of individuals and will require continuing attention (United Nations 1968).

The conference recommended in resolution XI "that the organizations of the United Nations family should undertake a study of the problems with respect to human rights arising from developments in science and technology". The United Nations General Assembly followed this recommendation and asked the Secretary-General (UN General Assembly resolution 2450 of 19 December 1968) to focus in this study particularly on:

- respect for the privacy of individuals and the integrity and sovereignty of nations in the light of advances in recording and other technologies;
- protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry;
- uses of electronics that may affect the rights of persons and the limits that should be put in such uses in a democratic society; and
- more generally, the balance that should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity.

On 11 December 1969 the UN General Assembly adopted the Declaration on Social Progress and Development. In article 13 this declaration provides for:

- equitable sharing of scientific and technological advances by developed and developing countries, and a steady increase in the use of science and technology for the benefit of the social development of society;
- the establishment of a harmonious balance between scientific, technological and material progress and the intellectual, spiritual, cultural and moral advancement of humanity; and
- the protection and improvement of the human environment.

On the basis of the study that the General Assembly requested in 1968 and various related reports, the Commission on Human Rights gave

considerable attention to the issue in its 27th session in 1971 and focused particularly on:

- protection of human rights in the economic, social and cultural fields in accordance with the structure and resources of states and the scientific and technological level they have reached, as well as protection of the right to work in conditions of the automation and mechanization of production;
- the use of scientific and technological developments to foster respect for human rights and the legitimate interests of other peoples and respect for generally recognized moral standards and standards of international law; and
- prevention of the use of scientific and technological achievements to restrict fundamental democratic rights and freedoms.

In the years 1971–1976, a series of reports was produced dealing with the problems of privacy protection, use of observation satellites, automation, procedures of prenatal diagnosis, introduction of chemicals into food production, deterioration of the environment and the destructive power of modern weapons systems.

In resolution 3026 (18 December 1972), the General Assembly asked the Commission on Human Rights to look at the possibility of an international legal instrument that would address the issue of strengthening human rights in the light of scientific and technological developments. In 1973 the General Assembly (UN General Assembly resolution 3150) called upon states to further international co-operation to ensure that scientific and technological developments are used to strengthen peace and security, the realization of people's right to self-determination and respect for national sovereignty, and for the purpose of economic and social development. The Secretary-General was invited to report on these matters. This report (presented in 1975) addressed the harmful effect of automation and mechanization on the right to work; the harmful effect of scientific and technological developments on the right to adequate food; and problems of equality of treatment in relation to the impact of scientific and technological development on the right to health. The report also analysed the deterioration of the environment, the problem of the population explosion and the special problem of the impact of atomic radiation on public health. Then, on 10 November 1975, the General Assembly resolved to adopt the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (UN General Assembly resolution 3384).

The key principles of the declaration are:

- International co-operation to ensure that the results of science and technology developments are used to strengthen international peace and security; to promote economic and social development; and to realize human rights and freedoms.
- Measures to ensure that science and technology developments satisfy the material and the spiritual needs of all people.
- A commitment by states to refrain from the use of science and technology developments to violate the sovereignty and territorial integrity of other states, to interfere in their internal affairs, to wage aggressive wars, to suppress liberation movements or to pursue policies of racial discrimination.
- International co-operation to strengthen and develop the scientific and technological capacity of developing countries.
- Measures to extend the benefits of science and technology developments to all strata of the population and to protect them against all possible harmful effects.
- Measures to ensure that the use of science and technology developments promotes the realization of human rights.
- Measures to prevent the use of science and technology developments to the detriment of human rights.
- Action to ensure compliance with legislation which guarantees human rights in the conditions of science and technology developments.

In September 1975, a meeting of experts in Geneva recommended establishing an international mechanism to assess new technologies from the point of view of human rights. This form of technology assessment would include the evaluation of possible side-effects and long-range effects of technological innovations and would weigh the advantages and disadvantages of such innovations. The General Assembly did not act upon this recommendation and merely asked the Commission on Human Rights to follow the implementation of the declaration with special attention. Since 1982, the Secretary-General reports regularly on the implementation of the provisions of the declaration to the General Assembly.

Over the past years the General Assembly and the Commission on Human Rights have adopted a series of resolutions that by and large endorse the principles of the declaration. Among them is resolution 1986/9 of the Commission on Human Rights (Use of Scientific and Technological Development for the Promotion and Protection of Human Rights and Fundamental Freedoms) which "[c]alls upon all States to make every effort to utilize the benefits of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms".

Over the years, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has been particularly concerned with the human and cultural implications of developments in science and technology. In a series of meetings of experts, UNESCO addressed problems related to the effects of science and technology on local cultures. In 1982 a seminar was convened by UNESCO in Trieste (under the auspices of the International Institute for the Study of Human Rights) to study the consequences of science and technology developments, particularly in the fields of informatics, telematics and genetic manipulation, for human rights. The principles set forth in articles 23 and 26 of the UDHR, and the Convention against Discrimination in Education (1960), as well as provisions in the two main human rights covenants (the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) and the Convention on the Elimination of All Forms of Discrimination against Women (1979) are part of the preamble preceding the 1989 UNESCO Convention on Technical and Vocational Education, which entered into force in 1991. The convention provides for the right to equal access to technical education and pays special attention to the needs of disadvantaged groups.

Technology and the protection against harmful effects

Over the past decades, the UN Commission on Human Rights and the General Assembly have drawn attention to the fact that people not only benefit from advances in technology, but can also be negatively affected by them. There is an awareness of the potentially harmful effects of new technologies on the physical and mental integrity of people (through new forms of personal and bodily tests); on the privacy of their homes and confidentiality of their correspondence (through new forms of surveillance); on the deterioration of people's working environments (through automation techniques); and on the natural environment (as a result of the dumping of electric and electronic waste).

Technology and decision making

The idea of human rights has to extend to the social institutions (the institutional arrangements) that would facilitate the realization of fundamental standards. Human rights cannot be realized without involving citizens in decision-making processes about the areas in which human rights standards are to be achieved. This moves the democratic process beyond the political sphere and extends the requirement of participatory institutional arrangements to other social domains. The human right to democratic participation claims that technology choices should also be subject to democratic control. This is particularly

important in the light of the fact that current political processes tend to delegate important areas of social life to private rather than to public control and accountability. Increasingly large volumes of social activity are withdrawn from public accountability, from democratic control, and from the participation of citizens in decision making. Against this, both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) stress the right of people to take part in the conduct of public affairs directly or through freely chosen representatives. This points to the need to develop forms of democratic governance for rights and freedoms provided for by these instruments.

The relevant instruments

- The Universal Declaration of Human Rights
- The International Covenant of Civil and Political Rights
- The Declaration on Social Progress and Development (UN General Assembly, 11 December 1969).
- The Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (UN General Assembly resolutions 3384, 1975).
- The 1989 UNESCO Convention on Technical and Vocational Education

On culture and human rights

During the discussions preceding the adoption of the United Nations Charter in 1945, several Latin American states proposed the inclusion of cultural rights. This was not accepted at the time but in 1948, a reference to cultural rights was included in articles 22 and 27 of the Universal Declaration on Human Rights. Article 22 states that everyone is entitled to the realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. Article 27 states "Everyone has the right freely to participate in the cultural life of the community".

In 1966 the International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the UN General Assembly, and cultural rights were provided in articles 1 and 15. Article 1 provides that "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". And article 15 says that the States Parties to the present Covenant recognize the right of everyone:

- to take part in cultural life;

- to enjoy the benefits of scientific progress and its applications; and
- to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the authors.

UNESCO became the key specialized UN agency for the protection of these provisions. Over the past decades UNESCO produced several relevant instruments that address cultural rights.

In 1995 UNESCO received the report from the World Commission on Culture and Development (WCCD), titled *Our Creative Diversity*, which proposed an agenda for action on cultural rights. On 2 November 2001, the 31st General Conference of UNESCO adopted the UNESCO Universal Declaration on Cultural Diversity. As the UNESCO Director-General, Koichiro Matsuura, declared at the time of its adoption,

> This is the first time the international community has endowed itself with such a comprehensive standard-setting instrument, elevating cultural diversity to the rank of 'common heritage of humanity'—as necessary for the human race as bio-diversity in the natural realm—and makes its protection an ethical imperative, inseparable from respect for human dignity.[1]

Article 5 of the declaration provides that

> Cultural rights are an integral part of human rights. The flourishing of creative diversity requires the full implementation of cultural rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices.

The declaration states, in article 7, that all cultures should be able to express themselves and make themselves known and should have access to the means of expression and dissemination. Article 8 addresses cultural goods and services and demands special attention

> to the diversity of the supply of creative work, to due recognition of the rights of authors and artists and to the specificity of cultural goods and services which…must not be treated as mere commodities or consumer goods.

[1] www.unesco.org/confgen/press_rel/021101_clt_diversity.shtml, accessed on 23 October 2003.

Added to the declaration is an action plan for its implementation. It proposes among others:

- To preserve the linguistic heritage of humanity.
- To promote digital literacy and mastery of the new Information and Communication Technologies (ICTs).
- To promote access to new ICTs in developing countries and countries in transition.
- To support the presence of diverse contents in the media and emphasize the role of public broadcasting.
- To increase the mobility of creative artists.
- To help enable the cultural industries of developing countries.
- To involve civil society in the elaboration of social policies that aim at the preservation of cultural diversity.

Within the international human rights regime the following essential cultural rights have been identified (Hamelink 1994:186 ff).

The right to culture

Several factors explain the emergence of cultural rights in the post-Second World War era. There was the rise of post-colonial states that sought their identity in the light of both imposed colonial standards and their own traditional values. The issue of cultural identity became very important in the decolonization process. The newly independent states saw the affirmation of their cultural identity as an instrument in the struggle against foreign domination. In their earlier battle with colonialism, cultural identity had played a significant role in motivating and legitimizing the decolonization movement.

The proliferation of the mass media offered possibilities of unprecedented cultural interaction as well as risks of cultural uniformity. The spread of a consumer society—largely promoted by the mass media—raised serious concerns about the emergence of a homogeneous "global culture".

The adoption of the right to culture as part of the human rights system with its inclusive emphasis on rights for "everyone" implied a shift away from an elite conception of culture to a view of culture as "common heritage". Actually, the UNESCO Declaration on Race and Racial Prejudice of 1978 (General Conference resolution 3/1.1/2) founded the right to culture on the notion of culture as "common heritage of mankind", which implies that all people "should respect the right of all groups to their own cultural identity and the development of their distinctive cultural life within the national and international context" (article 5).

In 1968 a UNESCO conference of experts considered the question of cultural rights as human rights. The conference concluded:

> The rights to culture include the possibility for each man to obtain the means of developing his personality, through his direct participation in the creation of human values and of becoming, in this way, responsible for his situation, whether local or on a world scale (UNESCO 1968:107).

The Intergovernmental Conference on the Institutional, Administrative and Financial Aspects of Cultural Policies (convened by UNESCO in 1970) decided that the right to participate in the cultural life of the community implies that governments have a duty to provide the effective means for such participation.

A series of regional conferences on cultural policies (in 1972, 1973 and 1975) provided important inputs into the formulation of a UNESCO recommendation on Participation by the People at Large in Cultural Life and Their Contribution to It, which was approved at the 19th session of the UNESCO General Conference on 26 November 1976. The recommendation aims to "guarantee as human rights those rights bearing on access to and participation in cultural life" and proposes that member states "provide effective safeguards for free access to national and world cultures by all members of society", "pay special attention to women's full entitlement to access to culture and to effective participation in cultural life" and "guarantee the recognition of the equality of cultures, including the culture of national minorities and of foreign minorities". Regarding the mass media, the recommendation states that they "should not threaten the authenticity of cultures or impair their quality; they ought not to act as instruments of cultural domination but serve mutual understanding and peace". The recommendation is especially concerned about the concentration of control over the means of producing and distributing culture and suggests that governments "should make sure that the criterion of profit-making does not exert a decisive influence on cultural activities". There was strong Western opposition to various elements of the recommendation, such as the mention of commercial mass culture in a negative sense, and the use of the term "people at large". In the preparatory meetings and during the UNESCO General Conference, several Western delegations expressed their concern that if implemented, the recommendation would restrict the free flow of information and the independence of the mass media. The strongest opponent was the United States.

> The USA asserted a belief from the outset that access to and participation in cultural life were not fit subjects for international regulation, took minimal part of the drafting process, sent no delegation to the intergovernmental meeting, urged the General Conference to turn down the proposed text and, after its adoption, announced that it had no intention of transmitting the Recommendation to the relevant authorities or institutions in the USA (Wells 1987:165).

The recommendation uses a broad notion of culture as an integral part of social life and one of the principle factors in the progress of mankind. Culture "is not merely an accumulation of works and knowledge which an elite produces, collects and conserves…but is…the demand for a way of life and the need to communicate".

The main line of thought in the recommendation was reinforced by the 1982 World Conference on Cultural Policies held in Mexico City. The Declaration on Cultural Policies adopted by the conference reaffirmed the requirement that states must take appropriate measures to implement the right to cultural participation. In its various recommendations, conference participants claimed that cultural democracy should be based on the broadest possible participation by the individual and society in the creation of cultural goods, in decision making concerning cultural life, and in the dissemination and enjoyment of culture. Various assessments of the implementation of the recommendation on participation in cultural life over the past years showed that little had been done by many states and that these issues remained relevant.

In summary, it can be established that the recognition of the human right to culture implies the participation in cultural life, the protection of cultural identity, the need to conserve, develop and diffuse culture, the protection of intellectual property rights, and the recognition of linguistic diversity. Each of these themes is treated in the following paragraphs.

The right to participate fully in cultural life

Participation in cultural life has raised difficult questions about the definition of communities, the position of subcultures, the protection of participation rights of minorities, the provision of physical resources of access, and the links between cultural access and socioeconomic conditions. Underlying some of these difficulties is the tension between the interpretation of culture as public good or as private property. These interpretations can be mutually exclusive when historical works of art disappear into the vaults of private collections. The right to freely participate in the cultural life of one's community recognizes that a society's democratic quality is not merely defined by civil and political institutions but also by the possibility for people to shape their cultural

identity, to realize the potential of local cultural life and to practise cultural traditions.

Participation rights also entail people's right "freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits" (article 27 of the Universal Declaration of Human Rights). The participation claim requires the creation of social and economic conditions that will enable people "not only to enjoy the benefits of culture, but also to take an active part in overall cultural life and in the process of cultural development". The UNESCO Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It that articulates this requirement, also provides that "participation in cultural life presupposes involvement of the different social partners in decision making related to cultural policy". Participation extends beyond public participation in media production or media management into the areas of public decision making. The UNESCO Expert Consultation in Bucharest, Romania, in 1982 (UNESCO 1982) emphasized that it is essential "that individuals and groups should be able to participate at all relevant levels and at all stages in communication, including the formulation, application, monitoring and review of communication policies". This standard thus requires that political practices provide for people's participation in public policy making on the production of culture. People have the right to participate in public decision making on the preservation, protection and development of culture. This means that there should be ample scope for public participation in the formulation and implementation of public cultural policies.

The right to the protection of cultural identity

The protection of cultural identity became an especially sensitive issue during the debates in the 1970s on cultural imperialism. In 1973, heads of state at the Non-Aligned Summit in Algiers stated in their declaration that "it is an established fact that the activity of imperialism is not limited to political and economic domains, but that it encompasses social and cultural areas as well, imposing thereby a foreign ideological domination on the peoples of the developing world".

Cultural domination and the threat to cultural identity were also treated by the MacBride Commission, which was appointed by UNESCO. The commission saw cultural identity "endangered by the overpowering influence on and assimilation of some national cultures though these nations may well be the heirs to more ancient and richer cultures. Since diversity is the most precious quality of culture, the whole world is poorer" (International Commission for the Study of Communication Problems 1980:31).

In its recommendations, the commission offered very little prospect for a multilateral approach to the issue of cultural domination. Its main recommendation was for the establishment of national policies "which should foster cultural identity. Such policies should also contain guidelines for safeguarding national cultural development while promoting knowledge of other cultures" (International Commission for the Study of Communication Problems 1980:259). No recommendation was proposed on what measures the world community might collectively take. The commission proposed the strengthening of cultural identity and promoted conditions for the preservation of the cultural identity, but left this to be implemented on the national level.

Ten years later, the South Commission also addressed the issue of cultural identity. According to its report, the concern with cultural identity "does not imply rejection of outside influences. Rather, it should be a part of efforts to strengthen the capacity for autonomous decision-making, blending indigenous and universal elements in the service of a people-centred policy" (South Commission 1990:132). The commission urged governments to adopt Cultural Development Charters that articulate people's basic rights in the field of culture. Cultural policies should stress the right to culture, cultural diversity and the role of the state in preserving and enriching the cultural heritage of society (South Commission 1990:133).

The notion of cultural identity remains a topic for much discussion. Among the unresolved issues is the question of how a society can protect the cultural identity of its constituent parts and at the same time maintain social cohesion.

The right to the protection of national and international cultural property and heritage

This cultural right is particularly relevant in times of armed conflict. It also has important implications for the recognition of the intellectual property of indigenous peoples.

In 1973, the United Nations General Assembly adopted a resolution (UN General Assembly resolution 3148 (XXVIII), 14 December) on the preservation and further development of cultural values. The resolution considers the value and dignity of each culture as well as the ability to preserve and develop its distinctive character as a basic right of all countries and peoples. In the light of the possible endangering of the distinctive character of cultures, the preservation, enrichment and further development of national cultures must be supported. It is important that the resolution recognizes that "the preservation, renewal and continuous creation of cultural values should not be a static but a dynamic concept". The resolution recommended to the director-general of

UNESCO to promote research that analyses "the role of the mass media in the preservation and further development of cultural values".

The resolution also urged governments to promote "the involvement of the population in the elaboration and implementation of measures ensuring preservation and future development of cultural and moral values".

On the protection of cultural property, governments adopted two UNESCO conventions: The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

A specialized instrument on the protection of the world cultural heritage was adopted by the 17th session of the UNESCO General Conference in 1972: the Convention for the Protection of the World Cultural and Natural Heritage. The text noted that the world's cultural heritage is threatened, and that this impoverishes the world. Therefore, effective provisions are needed to collectively protect the cultural heritage of outstanding universal value. In the convention, the international protection of the world cultural heritage is understood to mean "the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage".

In 1973 the United Nations General Assembly adopted a resolution on the Restitution of Works of Art to Countries Victims of Expropriation (UN General Assembly resolution 3187 (XXVIII), 18 December). The resolution sees prompt restitution of works of art as strengthening international co-operation and as a just reparation for damage done. To implement this, UNESCO established the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. Throughout the 1980s, the United Nations General Assembly stressed the issue, commended the work of UNESCO done in this field and called upon member states to ratify the relevant convention. In 1986 the General Assembly proclaimed 1988–1997 as the World Decade for Cultural Development. The following objectives were formulated for the decade: the acknowledgement of the cultural dimension of development; the enrichment of cultural identities; the broadened participation in cultural life; and the promotion of international cultural co-operation (UN General Assembly resolution 41/187, 8 December 1986).

Other approaches of the international community to the protection of cultural property include the safeguarding of traditional culture and folklore. In 1989 the UNESCO General Conference adopted a recommendation that stressed the need to recognize the role of folklore and the danger it faces. Folklore is defined as the totality of tradition-based

creations of a cultural community. The recommendation urges measures for the conservation, preservation, dissemination and protection of folklore.

The UN Draft Declaration on the Rights of Indigenous Peoples (1994) refers explicitly to the cultural property of indigenous peoples. Article 12 states that

> Indigenous people have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their law, traditions and customs.

The right to use one's language in private and public

This cultural right recognizes that linguistic rights are a critical part of human rights. The language we speak and our mother tongue in particular is a crucial part of who we are as individuals. For a minority group, the loss of language threatens the existence of the group because it eventually assimilates with the group whose language it speaks.

The most far-reaching article in (binding) human rights law granting linguistic rights is article 27 of the International Covenant on Civil and Political Rights (1966), which states:

> In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Initially this article was seen as referring to individuals and not to collectives. This did not help immigrant communities, which were not seen as minorities. However, this changed with an interpretation of the article provided in a general comment on article 27, adopted by the UN Human Rights Committee on 6 April 1994. The committee sees the article as offering protection to all individuals on the state's territory or under its jurisdiction, including immigrants and refugees.

The UN Draft Universal Declaration on Rights of Indigenous Peoples formulates language rights strongly and explicitly, and requires the state to allocate resources. But the fate of the draft is still unsure—the latest version was completed 25–29 July 1994 and forwarded to the UN Sub-Commission on Prevention of Discrimination and Protection of

Minorities, which in turn submitted it to the UN Commission on Human Rights for discussion in February 1995. Work on it is still going on, and major changes can still be expected. However, there is some suspicion that indigenous peoples themselves may not have a lot of influence on these provisions. In connection with the recognition of their linguistic human rights, the draft declaration also provides in article 17 that indigenous people "have the right to equal access to all forms of non-indigenous media". And in addition, "States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity".

A World Conference on Linguistic Rights was held in Barcelona in June 1996, organized by the International PEN Club and a European Union-funded centre for linguistic legislation based in Catalonia. A Draft Universal Declaration of Linguistic Rights was approved, and UNESCO undertook to promote the work of submitting the declaration to national governments for endorsement, and to refine the text in collaboration with relevant associations. The text is a comprehensive document covering conceptual clarification, rights in public administration, education and the media, culture and the socioeconomic sphere.

While the document stresses the rights of what it calls "linguistic communities" (roughly corresponding to territorial minorities) to their mother tongue and to proficiency in an official language, it is of little help to non-territorial minorities and immigrant minorities.

The UNESCO Declaration on Cultural Diversity has some references to linguistic rights but does not highlight the language issue. In article 5 it provides that "All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue". Item 5 of the action plan proposes "Safeguarding the linguistic heritage of humanity and giving support to expression, creation and dissemination in the greatest possible number of languages", and item 6 states "Encouraging linguistic diversity—while respecting the mother tongue—at all levels of education, wherever possible, and fostering the learning of several languages from the youngest age". Item 10 recommends "Promoting linguistic diversity in cyberspace".

The relevant instruments

- The Universal Declaration of Human Rights (1948)
- The International Covenant on Social, Economic and Cultural Rights (1966)
- The International Covenant on Civil and Political Rights (1966)
- The UNESCO Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

- The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)
- The UNESCO Convention for the Protection of the World Cultural and Natural Heritage (1972)
- The UNESCO Recommendation on Participation by the People at Large in Cultural Life and Their Contribution to It (1976)
- The UN Draft Declaration on the Rights of Indigenous Peoples (1994)
- The UNESCO Declaration of the Principles of International Cultural Co-operation (1966)
- The UNESCO Universal Declaration on Cultural Diversity (2001)

On politics, society and human rights

Freedom of expression

For the interactions between informational developments and the political systems of societies, the key human rights provisions refer to freedom of expression. These provisions are found in the Universal Declaration of Human Rights (article 19) and the International Covenant on Civil and Political Rights (article 19). The right to freedom of expression is also provided for children in the Convention on the Rights of the Child (article 13). The essential provision remains the formulation in article 19 of the Universal Declaration of Human Rights. The article reads, "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".

In order to protect societies against possible abuses of the right to freedom of speech, international human rights law has also provided for a series of limitations on this freedom.

Among these are the prohibition of incitement to genocide. Article 3 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide declares that among the acts that shall be punishable is "direct and public incitement to commit genocide".

Article 4 states that "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals".

There are also provisions on the prohibition of discrimination. In the UDHR, article 2 states that "Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind,

such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Furthermore, according to the declaration no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. The essential principle here is equality. Differential treatment of people based on the features of persons or groups conflicts with the basic notion of human dignity. Article 2 is intended to provide a general protection against discrimination.

The equality standard entered international law for the first time with the United Nations Charter. The earlier Covenant of the League of Nations (1919), for example, did not provide such protection. The Preamble of the UN Charter calls for "the equal rights of men of women and of nations small and large". During the drafting work, discussion focused on the ground of discrimination, among others. One of the controversies was: should political opinion be included, or notions such as status, property and birth when they were objects of dissenting opinions? The phrasing "without distinction of any kind, such as…" implies that the enumeration should not be read as exhaustive.

The UDHR and ICCPR use the term "distinction", and the ICESCR uses "discrimination". However, the ICCPR uses the term discrimination in article 4.1 on derogation.

One of the most important treaties to codify the non-discrimination standard is the International Convention on the Elimination of All Forms of Racial Discrimination (1965). The most contested (and, for media, most pertinent) provision of this convention is found in article 4, which concerns the dissemination of ideas based on racial superiority.

The convention on racial discrimination has been ratified by an overwhelming majority of UN member states. Article 4 of this convention and article 20.2. of the International Covenant on Civil and Political Rights incorporate into domestic law the prohibition of the dissemination of ideas based on racial superiority and the incitement to racial hatred or advocacy of national or religious hatred. Article 20 of the covenant states in paragraph 2, "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

Other important provisions against discrimination are found in the Convention on the Elimination of All Forms of Discrimination Against Women (1979). Article 5 of this convention demands "the elimination of stereotyped representations of roles for men and women and prejudices based upon the idea of the inferiority or the superiority of either of the sexes". In article 10 on education, there is strong plea for the elimination

of any stereotyped content of the roles of men and women at all levels and in all forms of education.

A limitation on the freedom of expression is also implied by the human rights standard on the protection of people's privacy against undue interference. The Universal Declaration of Human Rights provides in article 12:

> No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

The freedom to hold opinions

In article 19 of the Universal Declaration of Human Rights, the freedom to hold opinions without interference is recognized. When this provision was transformed into binding law through its incorporation in the International Covenant on Civil and Political Rights (article 19), an interesting development took place. In the covenant, the freedom of opinion and the freedom of expression are separated. The covenant provides for an absolute right to the freedom of opinion but allows certain restrictions on the freedom of expression, such as restrictions necessary for respect of the rights and reputations of others, and for the protection of national security or of public order (*ordre publique*), or of public health or morals, in paragraph 3 of article 19. The covenant also limits the freedom of expression through the provisions of article 20 that demand that any propaganda for war shall be prohibited by law and that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. The covenant emphasizes the special character of the right to freedom to hold opinions by rendering this a private right (related to the protection of privacy) that cannot be subject to any interference whatever.

On the public exposure of prisoners of war

International humanitarian law (which could be described as human rights for times of armed conflict) prohibits the exposure of prisoners of war to public curiosity (Third Geneva Convention relative to the Treatment of Prisoners of War, 12 August 1949).

News media violate this human rights provision when they publish pictures of captured prisoners of war and thus expose them to public curiosity. In various recent armed conflicts, this standard was violated in most of the world's news media. Well-known examples of such violations were the pictures of the Al Qaeda suspects in Guantanamo Bay and in

Afghanistan, the TV station Al Jazeera showing British soldiers taken captive, and the video fragments of Iraqi military taken as prisoners of war that were broadcast around the world by Western media.

Providing information

International human rights law also points to the social responsibility to disseminate certain type of information. The preambles of the Universal Declaration of Human Rights and the two international human rights covenants (ICCPR and ICESCR) propose a general responsibility to contribute to the teaching of human rights. The UDHR states "That every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these right and freedoms". The preambles of both the covenants state "Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant". The reference to "everyone" and "every organ of society" and to individual responsibility, would seem to logically imply that all information providers are among those individuals who are expected to contribute to the promotion and protection of human rights.

The Convention on the Rights of the Child also encourages the provision of a special type of information. In article 17 the convention provides that

> States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his of her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:
>
> - Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
> - Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
> - Encourage the production and dissemination of children's books;
> - Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous.

The relevant instruments:

- The Universal Declaration of Human Rights (1948)
- The Third Geneva Convention relative to the Treatment of Prisoners of War (1949)
- The International Covenant on Civil and Political Rights (1966)
- The Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- The Convention on the Elimination of All Forms of Discrimination against Women (1979)
- The Convention on the Rights of the Child (1989)

On the economy and human rights

The right to self-determination and the right to development

With regard to informational developments and the development of local industries for the production and dissemination of information, it is important that article 1 of the International Covenant on Economic, Social and Cultural Rights provides for the right of self-determination. This implies that all societies are free to determine and pursue their economic development. This standard was further strengthened by the Declaration on the Right to Development, adopted by the UN General Assembly resolution 41/128 of 4 December 1986.

In article 2, the declaration provides that

> States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

This standard has obvious implications for the formulation of policies with regard to informational developments.

The right to the protection of moral and material interests of works of culture

This human rights standard has come to play an increasingly important role in the international economy. International rules for the protection of intellectual property rights originated in the nineteenth century. From the beginning, this protection has been inspired by three motives. The first motive was the notion that those who invested in the production of intellectual property should be guaranteed a financial remuneration.

With the establishment of the first international treaties on intellectual property protection (the Paris Convention for the Protection of Industrial Property of 1883 and the Berne Convention for the Protection of Literary and Artistic Works of 1886), a monetary benefit for the creator was perceived as a necessary incentive to invest in innovation and creativity. During the 1928 revision of the Berne convention, the second motive, the notion of moral rights, was added to the entitlement to economic benefits. The introduction of the moral value of works recognized that they represent the intellectual personality of the author. Moral rights protect the creative work against modification without the creator's consent, protect the claim to authorship and the right of the author to decide whether a work will be published. Early on in the development of intellectual property rights (IPRs), it was also recognized that there is a public interest in the protection of intellectual property. As a common principle and as a third motive, it was recognized that IPRs promote the innovation and progress in artistic, technological and scientific domains, and therefore benefit public welfare. Article 1 of the US Constitution, for example, articulates this as follows, "to promote the progress of science and the useful arts, by securing for limited time to authors and inventors the exclusive rights to their respective writings and discoveries". The protection of intellectual property rights is in fact a delicate balancing act between private economic interests, individual ownership, moral values, and public interest.

With the increasing economic significance of intellectual property, the global system of governance in this domain has moved away from moral and public interest dimensions, and in its actual practice mainly emphasizes the economic interests of the owners of intellectual property. Today, such owners are by and large no longer individual authors and composers who create cultural products, but transnational corporate cultural producers. The individual authors, composers and performers are low on the list of trade figures and, as a result, there is a trend toward IPR arrangements that favour institutional investment interests over individual producers.

The recent tendency to include intellectual property rights in global trade negotiations demonstrates the commercial thrust of the major actors. Copyright problems have become trade issues, and the protection of the author has ceded place to the interests of traders and investors. This emphasis on corporate ownership interests implies a threat to the common good utilization of intellectual property and seriously upsets the balance between the private ownership claims of the producer and the claims to public benefits of the users. The balance between the interests of producers and users has always been under threat in the development of the IPR governance system, but it would seem that the currently emerging arrangements benefit neither the individual creators nor the

public at large. Its key beneficiaries are the transnational media conglomerates for which the core business is content. Several of their recent mergers are in fact motivated by the desire to gain control over rights to content as, for example, invested in film libraries or in collections of musical recordings.

Recent developments in digital technology, which open up unprecedented possibilities for free and easy access to, and utilization of, knowledge, have also rendered the professional production, reproduction and distribution of content vulnerable to grand-scale piracy. This has made the content owners very concerned about their property rights and interested in the creation of a global enforceable legal regime for their protection.

However, protecting intellectual property is not without risks. The protection of intellectual property also restricts the access to knowledge since it defines knowledge as private property and tends to facilitate monopolistic practices. The granting of monopoly control over inventions may restrict their social utilization and reduce the potential public benefits. The principle of exclusive control over the exploitation of works someone has created, can constitute an effective right to monopoly control, which restricts the free flow of ideas and knowledge. In the current corporate battle against piracy it would seem that the key protagonists are in general more concerned with the protection of investments than with the moral integrity of creative works or the quality of cultural life in the world.

In the currently emerging IPR regime, a few mega-companies become the global gatekeepers of the world's cultural heritage. At the same time the small individual or communal producers of literature, arts or music hardly benefit from international legal protection. Most of the collected money goes to a small percentage of creative people (some 90 per cent of the money goes to 10 per cent of the creative people) and most artists that produce intellectual property receive a minor portion of the collected funds (some 90 per cent share 10 per cent). Most of the money goes to star performers and best-selling authors. The media industry does not make money by creating cultural diversity as it gets its revenues primarily from blockbuster artists. If there was more variety on the music market, for example, the smaller and independent labels would compete with the transnational market leaders. Although this would fit into the conventional thinking about free markets, the industry in reality prefers consolidation over competition!

It becomes increasingly clear that the drive to protect media products against unauthorized reproduction leads to an increasing level of restrictions on reproduction for private purposes.

Intellectual property rights are recognized by the Universal Declaration of Human Rights as human rights (article 27), and this puts

the protection of intellectual property in the context of other human rights, such as freedom of expression and right of access to information and knowledge. This human rights context should shape the political framework for all parties involved: producers, distributors, artists and consumers. The implication would be that the protection of intellectual property rights cannot be separated from the right to full participation in cultural life for everyone; the right of affordable access to information for everyone; the recognition of moral rights of cultural producers; the rights of creative artists; the diversity of cultural production, and the protection of the public domain.

A human-rights-based international agreement on intellectual property rights would recognize the needs of all people, the notion of common rights and the sharing of benefits (the World Trade Organization's Agreement on Trade-Related Intellectual Property Rights of 1993 recognizes in its preamble intellectual property rights only as private rights). Its primary purpose would be societal rather than commercial, and intellectual property rights would be seen as freedom rights more than as restrictive proprietary rights. In the initial conception of the protection of intellectual property as a human right, the restriction on the use of such property was seen only as temporary. This monopolization was seen as socially acceptable since the product would eventually be returned to the public domain. The current efforts to extend the duration of the protection (such as in the United States where recently protection was extended from 50 years to 70 years after the death of the author) point in the direction of an almost unlimited restriction.

Human rights and corporate responsibilities

Many of the operations of transnational corporations (TNCs) across the globe have human rights dimensions. The commercial activities of a growing number of TNCs affect such issues as global warming, child labour, genetically manipulated food or financial markets.

Following the widely accepted policies of liberalization and deregulation, the reach and freedom of TNCs have considerably expanded without a concurrent development of their social responsibility. TNCs, however, increasingly face public challenges to their moral conduct, and for some corporate actors, this has meant that they have begun to reflect on standards of good corporate governance.

Some companies also propose that voluntary compliance with human rights standards (through self-regulated codes of conduct) is good for business as it makes the company look good for consumers, helps to avoid legal cases, enhances risk management and increases worker productivity. In a statement to the United Nations, the non-governmental organization Human Rights Watch has proposed viewing

the development of guidelines as a first step in the process of developing binding human rights standards for corporations. It believes "that there is a need for binding standards to prevent corporations from having a negative impact on the enjoyment of human rights. Such standards should not just be limited to transnational corporations but should apply to any corporation: local, national, or transnational".[2] The UNDP *Human Development Report 1999* also argues that TNCs are too important for their conduct to be left to voluntary and self-generated standards.

The issue of human rights with regard to private actors becomes more important now that public services are often performed by private actors. Once such formerly state-owned institutions, like the postal services, are privatized, the obligation, for example, to ensure that the human right to privacy is not violated, does not change. The protection of human rights implies that states should stop private parties from violating the human rights of their citizens. The Maastricht Experts Meeting Guidelines on Violations of Economic, Social and Cultural Rights (1997) states that: "The obligation to protect includes the States' responsibility to ensure that private entities or individuals, including transnational corporations over which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights" (ICJ et al. 1997:9).

International human rights law does indeed provide for an obligation on the part of states to ensure that private business respects human rights. This is part of the indirect accountability of states. There are, however, also direct obligations for the conduct of commercial companies. There is an obligation for all parties (as the Preamble of the UDHR states) to promote human rights. This means to publicize and disseminate human rights principles and standards, to explain them, to help others to understand them and to use whatever influence one has to protect human rights. The committee for the ICESCR has been very outspoken about the inclusion of private actors in the protection of human rights. The committee has, among other things, pointed to the need for the right to privacy to be protected from violations by private entities. The committee has taken the position that the rights it is responsible for do indeed apply to private parties. Similarly, the tripartite ILO Declaration on Principles Concerning Multinational Enterprises and Social Policy (1977) refers in article 8 to the need to respect human rights for all parties (government, employers and trade unions) and mentions rights such as the freedom of expression.

The Sub-Commission on the Promotion and Protection of Human Rights (a body of the UN Human Rights Commission) has a working

[2] http://208.55.16.210/Human-Rights-Watch-statement-31-July-2001.htm, accessed on 23 October 2003.

group on transnational corporations and human rights. In 1999 the working group began work on a code of conduct on corporations and human rights, which was approved for further development in 2000. The working group wants to eventually make the code a binding instrument. The US administration opposes this and has proposed the dissolution of the sub-commission.

Privacy and security

For international trading, the issue of security of online transactions has obviously become a major issue. The question arising from this is whether human rights provisions on the protection of privacy and the confidentiality of communication can be applied. The complication here is that industry tends to use a double standard. On the one hand there is a strong preference for robust protection of secure communications as an essential prerequisite for the growth of e-commerce, and on the other hand there is increasing corporate interest in the collecting and trading of person-related data.

Encryption technology is the obvious tool to ensure secure electronic communications. This technology has clear advantages for the users' privacy but also facilitates secret communication among members of criminal organizations. Most states claim the right to access information flows if they might endanger national security or in case the judicial process requires it. As a result they tend to hold ambivalent positions toward encryption. The dominant trend in the countries of the Organisation for Economic Co-operation and Development (OECD) is toward the liberalization of encryption and the general acceptance of coding techniques. An issue still to be resolved is the matter of whether the codes used for encryption should be deposited with third parties so that governments could access them in case they need this for security or law enforcement purposes. In March 1997 the OECD recommended regulation that demonstrated this ambiguity very clearly. The OECD Guidelines for Cryptography Policy form a set of non-binding principles on the use of cryptographic technologies. The essential regulatory principles are the trust in cryptographic methods, the choice of cryptographic methods, the market-driven development of cryptographic methods, the need for standards in cryptographic methods, the protection of privacy and personal data, lawful access, liability and international co-operation. The rules emphasize that national policies on cryptography should respect the fundamental rights of individuals to privacy, the confidentiality of communication and the protection of personal data. However, the principle of lawful access remains very vague and can be interpreted in ways that do not provide a robust protection of privacy. The OECD and other forums such as the chambers of commerce are inclined to adopt a system in which the encryption keys are deposited

with trusted third parties. One question this raises is what it would mean in cases where law-abiding citizens comply but criminals design their own cryptographic systems.

In the European Union, most governments tend to allow the users of electronic traffic to use forms of cryptography, while requiring access when deemed necessary.

A Council of Europe recommendation (R(95)13) Concerning Problems of Criminal Procedure Law Connected with Information Technology stresses the need to minimize the negative effects of restriction on cryptography for criminal prosecution, while allowing the legitimate use of the technologies. On 8 October 1997, the European Commission issued a recommendation, Towards a European Framework for Digital Signatures and Encryption. The commission emphasized the significance of robust protection of the confidentiality of electronic communications because it was concerned that the restriction of encryption technologies negatively affected the protection of privacy. As a matter of fact, the commission felt that restrictions could make ordinary citizens more vulnerable to criminals, whereas criminals would probably not be hindered in using these technologies.

The individual preference to be left alone conflicts with the wish of public and private institutions to gather information about the individual. The development of digital ICTs has increased the tension of this conflict and has made it more urgent. The protection of personal data has always been a difficult challenge, but with recent developments such as the Internet, the effort has become very discouraging. Information about how people use the Internet is collected though a variety of means (such as the so-called cookies), and each act in cyberspace contains the real danger of privacy intrusion. Using electronic mail, for example, inevitably implies a considerable loss of control over one's privacy unless users are trained in the use of encryption techniques and as long as these are not prohibited by law.

When we engage in cyberspace transactions, we leave a digital trace through credit cards, bonus cards and client cards. And as online transactions grow, the collection of person-related data will increase. Not only is it attractive for entrepreneurs to know the preferences of their clients, it is also lucrative to sell such data to third parties. Acquiring data about people's biogenetical profiles as well as consumer data can be of great value to insurance companies, among others. The combined information about high blood pressure and the purchase of alcoholic beverages, for example, helps the insurer to define the level of risks and therefore the costs the client will pay for the insurance policy.

Person-related data are stored in what are known as data warehouses. With the assistance of increasingly intelligent information systems, all these data can be analysed and detailed profiles of subjects

can be composed by combining data from various sources. This permits in-depth enquiries into the behaviour of certain categories of clients, which implies, on the one hand, that they can be better served through the marketing of the goods and services they need. It also implies that their privacy is progressively undermined. Collecting, analysing and interpreting of personal data has become a "data-mining" industry.

Corporate ownership

International human rights law does not contain any specific and direct provisions that address the issue of the ownership of information and communication institutions. There are no standards that regulate the possible monopolization or oligopolization of the production and/or distribution of information and communication goods and services. However, there is a multitude of provisions on the diversity of cultural content, the diversity of information sources, the social function of information, the equitable sharing of information and knowledge, and the specificity of cultural goods and services as more than mere consumer goods. It is difficult to see how such provisions can be combined with a monopolized or oligopolized control over information and communication markets. The implications of current human rights provisions seem to point toward the need for a variety of independent producers and distributors of information and communication goods and services, and a balanced mixture of privately owned, commercial corporate actors and publicly owned, not-for-profit institutions.

The relevant instruments

- The Universal Declaration of Human Rights (1948)
- The International Covenant on Economic, Social and Cultural Rights (1966)
- The ILO Declaration on Principles Concerning Multinational Enterprises and Social Policy (1977)
- The UN Declaration on the Right to Development (1986)

Societies and Informational Developments: Summary

The human rights provisions that are relevant to societies' interactions with informational developments can be summarized in the following table.

Table 1: Human rights provisions

Dimensions	Human rights provisions
Technology	Access to technical education Use of technology to promote human rights Equal sharing benefits of technology Protection against harmful effects Participation in public policy making Attention for the needs of disadvantaged groups
Culture	Self-determination of cultural development Diversity of creative work and media contents Participation in cultural life Recognition of cultural practices Sharing benefits of scientific developments Use of the mother tongue Protection of cultural heritage Involvement in cultural policies
Politics	Freedom of expression Freedom of opinion Protection against incitement to hatred and discrimination Protection of privacy Protection of prisoners of war Presumption of innocence Responsibility to provide information about matters of public interest Elimination of stereotyped contents
Economy	Self-determination of economic development Right to development Protection of intellectual property Corporate responsibility Privacy/security Corporate ownership

Implementation

The most important issue for the significance and validity of the human rights regime is the enforcement of the standards it proposes.

Enforcement

There is abundant evidence that these standards are almost incessantly violated around the world, and by actors with very different political and ideological viewpoints. If one studies the annual reports from Amnesty International, for example, there appears to be no country where human rights are not violated.

For moral philosophers this is actually not surprising. It concerns the classical gap between the moral knowledge possessed by human beings and their intention to act morally. The mechanisms the international community has developed to deal with the "moral gap" are largely inadequate.

Present procedures are based mainly upon the Optional Protocol (OP) to the International Covenant on Civil and Political Rights (1966) and resolution 1503 adopted by the United Nations Economic and Social Council (ECOSOC) in 1970. The protocol authorizes the UN Human Rights Committee to receive and consider communications from individuals from nationals of states that are party to the OP (presently 75 states) who claim to be victims of a violation by that state party of any of the rights set forth in the covenant. These complaints are published as part of the national human rights record. The OP provides for communications, analysis and reporting, but not for sanctions. ECOSOC resolution 1503 recognizes the possibility of individual complaints about human rights violations. It authorizes the UN Human Rights Commission to examine "communications, together with replies of governments, if any, which appear to reveal consistent patterns of gross violations of human rights". The 1503 procedure is slow, confidential and provides individuals with no redress.

In addition to the roles of the United Nations Commission on Human Rights, and the Human Rights Committee in monitoring the ICCPR, institutional mechanisms for implementation are the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Discrimination Against Women; the Committee against Torture; and the Committee on the Rights of the Child.

Although the work of all these bodies is important, their powers to enforce human rights standards are very limited.

The UN Commission on Human Rights is a permanent body of ECOSOC. Its members are state representatives. Findings of the commission have a certain significance but are not binding.

The ICCPR Human Rights Committee consists of 18 experts supervising the implementation of the covenant. The work of the committee covers only parties that have ratified the covenant (presently 129 states) and provides international monitoring on the basis of reports provided by states. The committee's monitoring does not imply any sanctions, but it can generate some negative publicity on a country's human rights performance.

The Committee on the Elimination of Racial Discrimination has been established for the implementation of the convention on racial discrimination. The committee can receive complaints from states, but

only 14 states authorize the committee to receive communications from individuals.

The implementation body for the 1979 Convention on the Elimination of Discrimination against Women is the Committee on the Elimination of Discrimination against Women. The committee is not authorized to receive individual communications.

The Committee on Economic, Social and Cultural Rights has no right to receive complaints from individuals or groups. In its submission to the 1993 UN World Conference on Human Rights the committee argued for a formal complaints procedure:

> As long as the majority of the provisions of the Covenant (and most notably those relating to education, health care, food and nutrition, and housing) are not the subject of any detailed jurisprudential scrutiny at the international level, it is most unlikely that they will be subject to such examination at the national level either (United Nations 1993a:paragraph 24).

In 1997 the 53rd session of the UN Commission on Human Rights discussed a draft protocol for a complaints procedure and, in a resolution, affirmed the interest of its members in the draft. This was the first step in the long process toward an optional protocol.

For the Convention on the Rights of the Child, the institutions and procedures for serious enforcement are largely ineffective. In 1991 states parties to the convention elected a monitoring body for the convention for the first time: the Committee on the Rights of the Child. The committee, which consists of 10 experts, meets three times a year to examine the implementation reports that are submitted by states parties that have accepted the duty (article 44 of the convention) to report regularly on the steps taken to implement the convention. However important the work of the committee is, its power to enforce the standards of the convention is severely limited. Moreover, the convention does not provide for individual complaints from children or their representatives about violations.

The obstacles

In addition to the weakness of the formal enforcement mechanisms (the "internal conditions"), the following "external conditions" that impede effective implementation of human rights provisions can be identified.

- The widespread lack of knowledge across the world about the existence of human rights. There are many commendable efforts in the field of human rights education, but at present the commitment of resources to such efforts is insufficient.

- The current worldwide suspension of fundamental human rights under the guise of the war on terrorism or the protection of national security.
- The lack of political will to commit adequate resources to the realization of human rights.
- The widening "development divide" between and within societies and the common refusal of policy makers to see the digital divide and its resolution as part of the lack of political will to resolve the wider problem.
- The existing and expanding international regime for the protection of intellectual property rights that hampers equitable access to information and knowledge.
- The trend to subject cultural goods and services to the rules of the WTO regime and to refuse exemption of culture from international trade policies that threaten cultural diversity.
- The appropriation of much of the world's technical knowledge under corporate ownership and the refusal by technology owners to agree on fair standards of international technology transfer.
- The monopolized or oligopolized corporate control over the production and distribution of information and communication goods and services.
- The worldwide proliferation of market-driven journalism which under-informs—if not misinforms—audiences around the world on matters of public interest.
- The limited perspective on human rights as mainly or even merely individual rights. This ignores the fact that people communicate and engage in cultural practices as members of communities, and hampers the development of indigenous sources of information and knowledge.

The Human Right to Communicate

No matter what way information societies will develop, we are likely to see different patterns for the traffic of information among people. Following a proposal by Bordewijk and Van Kaam (1982) four patterns can be distinguished.

- The dissemination of messages (Bordewijk and Van Kaam call this "allocution").
- The consultation of information (like in libraries or on the Web).
- The registration of data (for public or private purposes).
- The exchange of information among people (the modality of conversation).

A survey of the existing human rights standards relevant to "informational developments" shows that they cover mainly the dissemination, consultation and registration of information.

- Human rights for dissemination address the issues of freedom of speech and its limits.
- Human rights for consultation address the issues of access and confidentiality.
- Human rights for registration address the issues of privacy and security.

The following table provides the overview.

Table 2: Patterns for the traffic of information

Patterns	Human rights provisions
Dissemination	Freedom of expression
Consultation	Access to information
Registration	Protection of privacy

Although the first three patterns are covered, a striking omission in international human rights law is that provisions for the fourth pattern—conversation, or communication in the proper sense of that word—are missing. Practically all human rights provisions refer to communication as the "transfer of messages". This reflects an interpretation of communication that has become rather common since Shannon and Weaver (1949) introduced their mathematical theory of communication. Their model described communication as a linear, one-way process. This is, however, a very limited and somewhat misleading conception of communication, which ignores the fact that, in essence, "communicate" refers to a process of sharing, making common or creating a community. Communication is used for the dissemination of messages (such as in the case of the mass media), for the consultation of information sources (like searches in libraries or on the World Wide Web), for the registration of information (as happens in databases), and for the conversations that people participate in.

Existing human rights law, through article 19 of the UDHR and article 19 of the ICCPR, covers the fundamental right to freedom of opinion and expression. This is undoubtedly an essential basis for processes of dialogue among people but does not in itself constitute two-way traffic. It is the freedom of the speaker at Hyde Park Corner to whom no one has to listen and who may not communicate with anyone in his audience. The article also refers to the freedom to hold opinions: this refers to opinions inside one's head that may serve communication with oneself but do not necessarily bear any relation to communication with

others. It mentions the right to seek information and ideas: this provides for processes of consultation and gathering news, for example, which is different from communicating. There is also the right to receive information and ideas, which is in principle also a one-way traffic process: the fact that I can receive whatever information and ideas I want does not imply that I am involved in a communication process. Finally there is the right to impart information and ideas: this refers to the dissemination/allocution that goes beyond the freedom of expression but in the same way does not imply exchange/dialogue. In sum, the provisions of article 19 address only the one-way processes of transport, reception, consultation and allocution, but not the two-way process of conversation.

A crucial question for this chapter is how this omission can be remedied. In 1969 Jean d'Arcy introduced the right to communicate by writing, "the time will come when the Universal Declaration of Human Rights will have to encompass a more extensive right than man's right to information. ... This is the right of men to communicate" (D'Arcy 1969:14). Communication needs to be understood as an interactive process. Adopted rules were criticized for focusing too much on the content of the process. "It is the information itself which is protected" (Fisher 1983:8). "The earlier statements of communications freedoms... implied that freedom of information was a one-way right from a higher to a lower plane" (Fisher, 1983:9). There is an increasing need for participation: "more and more people can read, write and use broadcasting equipment and can no longer, therefore, be denied access to and participation in media processes for lack of communication and handling skills" (Fisher 1983:9).

The right to communicate is perceived by the protagonists as more fundamental than the information rights as accorded by current international law. The essence of the right would be based on the observation that communication is a fundamental social process, a basic human need and the foundation of all social organization. This idea has been included in UNESCO's programme since 1974. The 18th session of the UNESCO General Conference, in its resolution 4.121, affirmed "that all individuals should have equal opportunities to participate actively in the means of communication and to benefit from such means while preserving the right to protection against their abuses".

The resolution authorized the then director-general "to study ways and means by which active participation in the communication process may become possible and analyse the right to communicate". In May 1978, the first UNESCO expert seminar on the right to communicate took place in Stockholm (in co-operation with the Swedish National UNESCO Commission). Participants identified different components of the concept of the right to communicate. These included the right to

participate, the right of access to communication resources, and information rights. The meeting agreed "that social groups ought to have the rights of access and participation in the communication process. It was also stressed that special attention with regard to the right to communicate should be paid to various minorities—national, ethnic, religious and linguistic" (Fisher 1982:43). In summary, the Stockholm meeting concluded that

> the right to communicate concept poses 'big and messy' problems that require an outlook larger than that provided by any single cultural background, any single professional discipline, or any particular body of professional experience. And although some of the aspects of the concept were felt to be uncomfortable by some participants and observers, these same participants and observers also generally found the concept hopeful and encouraging (Fisher 1982:45).

Whereas the Stockholm meeting provided largely an analysis of the right to communicate on the levels of the individual and the community, a second expert seminar focused on the international dimension of the right to communicate. This was the Meeting of Experts on the Right to Communicate in Manila. The meeting was organized in co-operation with the Philippine UNESCO National Commission and took place from 15–19 October 1979. The participants proposed that the right to communicate is both an individual and a social right. As a fundamental human right it should be incorporated in the Universal Declaration of Human Rights. It has validity nationally and internationally; encompasses duties and responsibilities for individuals, groups, and nations; and requires the allocation of appropriate resources.

In its final report, the UNESCO-appointed MacBride Commission concluded that the recognition of this new right "promises to advance the democratisation of communication" (International Commission for the Study of Communication Problems 1980:173). The commission stated that

> Communication needs in a democratic society should be met by the extension of specific rights such as the right to be informed, the right to inform, the right to privacy, the right to participate in public communication—all elements of a new concept, the right to communicate. In developing what might be called a new era of social rights, we suggest all the implications of the right to communicate be further explored (International Commission for the Study of Communication Problems 1980:265).

The commission also observed that "Freedom of speech, of the press, of information and of assembly are vital for the realization of human rights. Extension of these communication freedoms to a broader individual and collective right to communicate is an evolving principle in the democratisation process" (International Commission for the Study of Communication Problems 1980:265). According to the commission, "The concept of the 'right to communicate' has yet to receive its final form and its full content...it is still at the stage of being thought through in all its implications and gradually enriched" (International Commission for the Study of Communication Problems 1980:173).

The 1980 UNESCO General Conference in Belgrade, in its resolution 4/19,14(xi), confirmed the concept of a right to communicate in terms of "respect for the right of the public, of ethnic and social groups and of individuals to have access to information sources and to participate actively in the communication process".

The UNESCO General Conference in Paris of 1983 adopted resolution 3.2 on the right to communicate:

> Recalling that the aim is not to substitute the notion of the right to communicate for any rights already recognized by the international community, but to increase their scope with regard to individuals and the groups they form, particularly in view of the new possibilities of active communication and dialogue between cultures that are opened up by advances in the media.

The 23rd UNESCO General Conference in 1985 in Sofia requested the director-general to develop activities for the realization of the right to communicate. In the early 1990s the right to communicate had practically disappeared from UNESCO's agenda. It was no longer a crucial concept in the Medium-Term Plan for 1990–1995. The right to communicate was mentioned but not translated into operational action.

In 1992 Pekka Tarjanne, Secretary-General of the International Telecommunication Union (ITU), took up the issue of the right to communicate and stated, "I have suggested to my colleagues that the Universal Declaration of Human Rights should be amended to recognize the right to communicate as a fundamental human right" (Tarjanne 1992:45). During the preparations for the United Nations World Summit on the Information Society (WSIS), to be held in 2003 in Geneva and 2005 in Tunis, the discussion on the right to communicate has been revitalized. This was due particularly to the activities of the Communication Rights in the Information Society (CRIS) campaign during the preparatory committee meetings (in July 2002 and February 2003). It is especially significant that the UN Secretary-General in his public message on World Telecommunication Day (17 May 2003)

reminded the international community "that millions of people in the poorest countries are still excluded from the 'right to communicate', increasingly seen as a fundamental human right".[3]

In its evolution, the right to communicate has not been without its critics. Desmond Fisher wrote as early as 1982:

> The right to communicate embraces a much wider spectrum of communication freedoms than earlier formulations which failed to win general support because of uncertainty about their practical consequences. Inevitably, the new formulation will encounter even greater opposition (Fisher 1982:34).

Throughout the debate the objection was repeatedly raised that "communication is so integral a part of the human condition that it is philosophically unnecessary and perhaps wrong to describe it as a human right" (Fisher 1982:41). Another objection pointed to the possible use of the concept by powerful groups in society.

> The concept has to be interpreted, and this will be done by groups in power, not by the weak or oppressed. Limits will be fixed within which the right to communicate may be exercised. These borders will be defined on a political basis and will favour present power relationships in the world. The right to communicate is not a concept leading toward change; it is an attempt to give groups working for liberation a feeling of being taken seriously, while in practice the right to communicate will be used to preserve the present order in the world and to stabilize it even further (Hedebro 1982:68).

Opposition to the right to communicate has come from different ideological standpoints.

> The concept of the right to communicate is distrusted by the 'western' nations which see it as part of the proposals relating to new world information and communication orders, about which they are highly suspicious. ... In some socialist and Third World countries, opposition to the right derives from the fact that it could be used to justify the continuation of the existing massive imbalance in information flows and the unrestricted importation of western technology and information and, consequently, western values (Fisher 1982:34).

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[3] United Nations Secretary-General's message on World Telecommunication Day, www.itu.int/newsroom/wtd/2003/unsg_message.html, accessed on 23 October 2003.

The US government opposed the right to communicate in earlier debates and denounced the concept as a communist ploy. In this rejection the key feature was the link between the right to communicate and the notion of people's rights. Although the reference to people and to people's rights is very common in US political history, in the context of UNESCO this was seen as a defence of state rights and a threat to individual rights.

An important issue in the discussion on a human right to communicate is the question of whether expanding the human rights regime with a new right would endanger the existing provisions. International law is a living process, and the catalogue of human rights has considerably grown over past years to include new rights and freedoms without endangering the basic standards as formulated in the Universal Declaration of Human Rights. And, indeed, there should be no reason why adding the right to communicate would be a problem as long as one leaves the existing framework as is. The last thing that anyone should try to do is to break open the articles of the UDHR and amend them. That would be a very dangerous route to go because today the international community would certainly not adopt a document as far-sighted as the 1948 UDHR.

Another important point raised in current discussion on the right to communicate is whether this new right lends itself to abuse by governments. All provisions of international law can be abused by governments. Even the UN Charter can be interpreted by UN member states in abusive ways. Adopting an international standard on communication is in many ways more of a problem for anti-democratic governments than the right to freedom of expression. Allowing people to speak freely in Hyde Park Corner poses less of a threat to governments than allowing citizens to freely communicate with each other. The right to the freedom to communicate goes to the heart of the democratic process, and it is much more radical than the right to freedom of expression! The attempt to have a right to communicate adopted by the international community is therefore likely to meet with a great deal of resistance.

For the protagonists of the right to communicate there are various possible road maps.

First, there is the formal international law trajectory, where the intended end result is the incorporation of the right to communicate into the corpus of existing hard or soft international human rights law. This route implies the preparation of a formulation (in the form of a resolution or declaration) that would be adopted by an intergovernmental conference (such as WSIS) or by the general conference of a UN agency like UNESCO. Eventually, this approach could lead to a special UN conference to draft an international convention.

Second, there is the trajectory whereby representatives of civil society movements adopt a statement on the right to communicate as an inspirational document, an educational tool or as guidance for social action. They do not seek the consent of other stakeholders such as governments or business. An example of this approach is the People's Communication Charter.

Third, there is the option to expand the community of adopters by using the example of the Declaration of the Hague on the Future of Refugee and Migration Policy. This declaration emerged from a meeting convened by the Society for International Development (November 2002), and the signatories were individuals from civil society, government and business. Such a statement functions to remind the international community of relevant standards and suggests possible future action.

Conclusion

At the end of 2003 and again in 2005, the UN-convened World Summit on the Information Society will address some of the most important issues and concerns in the field of information and communication. The summit is inspired by the aspiration to find a common vision on the informational developments that currently affect most societies and that are conveniently bundled under the heading of "information society".

The most significant achievement of the international community since the Second World War is the articulation and codification of a broad range of fundamental human rights. It would therefore seem only logical that the normative framework of human rights standards should shape that common vision. As a matter of fact, over the past decades the international community has adopted and often confirmed as binding law an impressive variety of standards that relate to information and communication. This chapter has given an overview of these provisions and pointed to their major problem: the lack of implementation.

Following this analysis, WSIS could remind the international community of all that has been achieved already and stress the importance of seriously identifying and removing major obstacles to the urgently needed implementation of existing provisions. WSIS could also point out that the essential omission in "human rights for the information society" is the lack of human rights provisions for the conversational mode of communication, or communication as an interactive process. As UN Secretary-General Kofi Annan stated in his World Telecommunication Day (17 May 2003) message, the primary goal of WSIS is "helping all of the world's people to communicate".

> 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'. It also calls for resources for multi-lingual conversations; and for the inclusion of disabled people. All of this requires the commitment from the multistakeholder community of governments, intergovernmental organizations, civil society and business. A WSIS statement on the 'right to communicate' could broadcast to the world a strong signal for the mobilization of this commitment![4]

References

Bordewijk, J.L. and B. Van Kaam 1982. **Allocutie**. Bosch and Keunig, Baarn.

Council of Europe. 1995. **Recommendation (R(95)13), Concerning Problems of Criminal Procedure Law Connected with Information Technology**. Strasbourg.

D'Arcy, J. 1969. "Direct broadcasting satellites and the right to communicate." **EBU Review**. No. 118, pp. 14–18.

European Commission (EC). 1997. **Towards a European Framework for Digital Signatures and Encryption**. EC, Brussels.

Fisher, D. 1982. **The Right to Communicate: A Status Report**. UNESCO Reports and Papers on Mass Communication, No. 94. UNESCO, Paris.

Fisher, D. and L.S. Harms (eds.) 1983. **The Right to Communicate: A New Human Rights**. Boole Press, Dublin.

Hamelink, C.J. 1994. **The Politics of World Communication**. Sage, London.

Hedebro, G. 1982. **Communication and Social Change in Developing Nations**. Iowa State University Press, Ames.

[4] United Nations Secretary-General's message on World Telecommunication Day, www.itu.int/newsroom/wtd/2003/unsg_message.html, accessed on 23 October 2003.

International Commission for the Study of Communication Problems. 1980. **Many Voices, One World**. Report of the International Commission for the Study of Communication Problems (chaired by Sean MacBride). UNESCO, Paris.

International Commission of Jurists (ICJ), Urban Morgan Institute on Human Rights and Maastricht University. 1997. **The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights**. Maastricht University, Maastricht.

Organisation for Economic Co-operation and Development (OECD). 1997. **Guidelines for Cryptography Policy**. Paris.

South Commission. 1990. **The Challenge to the South**. Oxford University Press, Oxford.

Tarjanne, P. 1992. "Telecom: Bridge to the 21st century." **Transnational Data and Communications Report**, Vol. 15, No. 4, pp. 42–45.

United Nations. 1968. **Proclamation of Teheran: Final Act of the International Conference on Human Rights**. (Teheran, 22 April–13 May). (UN Doc. A/CONF. 32/41 at 3). www1.umn.edu/humanrts/instree/l2ptichr.htm, accessed on 23 October 2003.

United Nations Educational, Scientific and Cultural Organization (UNESCO). 1982. **Right to Communicate: Legal Aspects**. UNESCO, Paris.

———. 1968. **Meeting of Experts on Cultural Rights as Human Rights**. Final report (Paris, 8–13 July). UNESCO, Paris.