

Charter of Peoples' Rights to Journalism

Definitions

- Persons or organizations who **gather, assess and create**, including but not limited to editors, writers, authors, publishers, printers, and present news and information to the public, playing a crucial role in promoting freedom of expression and the right to information. [1]
- Journalists should not be limited to those formally recognised as journalists, but should cover others, including **community media workers and citizen journalists** and others who may be using new media as a means of reaching their audiences. [2]

“ These definitions are based upon but not limited to that of Council Of Europe and might evolve and should evolve as the world evolves into new conflicts.[1-2]

“ The term persons is used as opposed to a person in order to include teams of staffers who as a unit conduct acts of journalism.

Rights

1. Journalism as an exercise of freedom of expression is the unalienable right of any persons regardless of their people, economic status, free or enslaved, with or without immigration status, with no regards to their education nor employment nor membership in any organizations.
2. There should not be any established criteria that would exclude persons for being considered as journalists.
3. Any peoples, any persons have the same and equal rights to information and information sources impacting people.
4. Any peoples, any persons have the same and equal rights to disseminate information and information sources impacting people.
5. Any peoples, any persons have the same and equal rights to disseminate information with equal ranking as others without discrimination to lower the rank of distribution.
6. Any peoples, any persons have the same and equal rights to gather, report, and interpret information.
7. Any peoples, any persons have the same and equal rights to protect their sources of information and maintain confidentiality and secrecy.

8. Any peoples, any persons engaging in acts of journalism are treated in law as any other ordinary citizen with additional rights detailed in this charter and or similar charters.
9. Any peoples, any persons engaging in acts of journalism have full and same rights to digital computational cryptography.
10. Any peoples, any persons engaging in acts of journalism have full and same rights to income, employment, mechanizing, promotion and safe and free rights to public engagements.
11. Any peoples, any persons engaging in acts of journalism have full and same rights to artist names, free of cause.
12. Any peoples, any persons engaging in acts of journalism have unalienable rights to bear arms to protect themselves, their staff and unalienable rights to bear arms to defend victims in conflicts.

□

Conspectus

[1]



COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

EXPLANATORY MEMORANDUM

to Recommendation No. R (00) 7

of the Committee of Ministers to member states

on the right of journalists not to disclose their sources of information

*(Adopted by the Committee of Ministers on **8 March 2000***

at the 701st meeting of the Ministers' Deputies)

13. In some member States, domestic laws provide a definition of who is a journalist. The Recommendation does not intend to alter those laws, but sets out a number of factual requirements for the purposes of this Recommendation:

(i) A journalist is typically a natural person. The holder of the information provided by the source may be, however, not only the journalists themselves but also their employers. Therefore, legal entities like publishing companies or news agencies are also to be protected like "journalists" under this Recommendation. The European Court of Human Rights recognised in its judgment *De Haes and Gijssels v. Belgium* (24 February 1997) that the editor of a journal and the journalist working for this journal would qualify in the same way for the right not to disclose a source under Article 10 of the Convention.

(ii) The MM-S-HR was of the opinion that a certain occupational tendency should be required, i.e. a journalist typically works regularly and receives some form of remuneration for his or her work. Therefore, the Recommendation uses the terms "regularly or professionally engaged". This must not exclude, however, journalists who work freelance or part-time, are at the beginning of their professional career, or work on an independent investigation over some time. Professional accreditation or membership is not necessary. Nevertheless, individuals who otherwise would not regard themselves as being journalists shall not qualify as journalists for the purposes of this Recommendation. The latter category may include, for example, individuals who write letters to the editor in the print media, appear as guests on broadcasting programmes or participate in discussion for a in computer-based media. The MM-S-HR took into account the history of this protection and paid attention to the fact that the protection of sources is a vital prerequisite for the work of the media in a democratic society, but not for all forms of communication by individuals. A limitation of this protection to journalists in the above sense will also facilitate the balancing of possible conflicting rights and values foreseen in Principle 3.

(iii) The term "collection and dissemination (...) to the public via any means of mass communication" shall refer to the fact that information is made available to the public at large or to a wider and open group of recipients, like subscribers, customers or members. Persons engaged in the creation and dissemination of personalised correspondence or advertisements are not meant hereby. All kinds of communication techniques can be used, including non-periodical publications and audiovisual works. Therefore, press journalists, photo journalists, radio journalists, audiovisual journalists and journalists working for computer-based media are equally included.

Source: <https://rm.coe.int/16805e2c13>

[2]



Council of Europe Project

“Safeguarding Freedom of Expression and Freedom of Media in

TECHNICAL PAPER:

Defining Journalism: International Standards

15 November 2023

The definition of journalist should include the following elements:

- Be a natural or legal person; [3]
- Carry out activities regularly or professionally. This should include just starting, part time and irregular activities and those also working for non-traditional media, including news-oriented social media channels, bloggers, citizen journalists, and CSOs;
- Engaged in the collection and dissemination of information for the public’s use including news, commentary, educational, and entertainment;
- Information may be disseminated by any form of communications including broadcasting, print, and digital;
- The person should aim to meet generally accepted media professional and ethical standards for accuracy and commitment to attain the highest quality of content;

In addition, the legal safeguards and protection mechanisms should also cover a wide range of those providing support and assistance in the media context including:

- Professional staff including editorial, stringers, researchers, investigators, cameramen and photographers;
- Administrative staff and support staff including fixers, drivers and interpreters;
- Publishing and dissemination staff including those engaged in the processing and dissemination of news and information, printing, delivery, and retailing;
- Technical staff and external communications providers;

“ Finally, **there should not be any established criteria** that would exclude oneself for being considered as a journalist as journalism is an exercise of freedom of expression. This includes:

“ No requirement of education/training;

“ No requirement of membership in the professional association or holding a press card;

“ No connection with the employment status (full/partial/freelance);

“ No requirement of remuneration for activities (e.g. community media);

“ No limits on sources of funding, including “foreign funding”.

Source: https://www.ohchr.org/sites/default/files/documents/issues/journalists/2023-01-31/un-plan-on-safety-journalists_en.pdf

Source: <https://rm.coe.int/tp-david-banisar-definition-of-journalist-2023-en/1680b3f15b>

[3]

Natural Person

In jurisprudence, a **natural person** (also **physical person** in some Commonwealth countries, or **natural entity**) is a person (in legal meaning, i.e., one who has its own legal personality) that is an individual human being, distinguished from the broader category of a legal person, which may be a private (i.e., business entity or non-governmental organization) or public (i.e., government) organization. Historically, a human being was not necessarily considered a natural person in some jurisdictions where slavery existed (subject of a property right) rather than a person.

According to Maria Helena Diniz, an individual or natural person "is the human being considered as a subject of rights and obligations". Every human being is endowed with legal personality and, therefore, is a subject of law.[1]

Legal Person

In law, a **legal person** is any person or **legal entity** that can do the things a human person is usually able to do in law – such as enter into contracts, sue and be sued, own property, and so on. [1][2][3][4][5] The reason for the term "legal person" is that some legal persons are not human persons: companies and corporations (i.e., **business entities**) are *persons* legally speaking (they can legally do most of the things an ordinary person can do), but they are not, in a literal sense, human beings.

Right to legal personality

Some international human rights documents and treaties recognise the right to be recognised as a legal person as an individual human right. Examples include Article 6 of the Universal Declaration of Human Rights[3] or Article 3 the American Convention on Human Rights. [4] This serves to prevent humans being stripped of their legal personality, as, for example, slaves were under some systems of

slavery. Entities not considered persons would instead be understood as objects, and would be subject to property rights, as slaves were, for example, in Ancient Rome.^[5] Nowak considers this right to be one of the rare absolute human rights (meaning it is not possible to restrict it in any way), and additionally non-derogable.^[6]

Legal Consequences

In many cases, fundamental human rights are implicitly granted only to natural persons. For example, the Nineteenth Amendment to the United States Constitution, which states a person cannot be denied the right to vote based on their sex, or Section 15 of the *Canadian Charter of Rights and Freedoms*, which guarantees equality rights, apply to natural persons only. Another example of the distinction between natural and legal persons is that a natural person can hold public office, but a corporation cannot.

A corporation or non-governmental organization can, however, file a lawsuit or own property as a legal person.

Source: https://en.wikipedia.org/wiki/Natural_person

Source: https://en.wikipedia.org/wiki/Legal_person

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