

# ACCESS TO INFORMATION

## IV. CONCLUDING OBSERVATIONS

### ICCPR

- Senegal, ICCPR, A/48/40 vol. I (1993) 23 at para. 104.

Concern was expressed over the possibility that the amended Press and Journalism Act of April 1979 still inhibited freedom of expression and infringed on the right of access to information, noting that all such restrictions must accord with the criteria set out in article 19, paragraph 3, of the Covenant. Additionally, concern was expressed over the numerous restrictions on the mass media and the holding of meetings.

- Azerbaijan, ICCPR, A/49/40 vol. I (1994) 50 at paras. 302 and 308.

#### *Paragraph 302*

The lack of laws guaranteeing the right of information and the fact that the laws inherited from the former regime have not been amended to guarantee the rights provided for in article 19 of the Covenant are noted with concern.

#### *Paragraph 308*

The State party should introduce legislation guaranteeing freedom of information and of the press and, in general, freedom of expression and opinion.

- Uruguay, ICCPR, A/48/40 vol. I (1993) 102 at para. 510.

With respect to freedom of expression, there should be greater freedom to seek information, as provided for under article 19, paragraph 3, of the Covenant. Additionally, the sanctions provided for under chapter IV of the Press Law are too wide and might hinder the full enjoyment of article 19 of the Covenant. In this regard, the law is not adequate.

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at para. 607.

With respect to freedom of expression and the right of access to information, it is noted with concern that the exercise of those rights is unduly restricted under present laws concerning censorship, blasphemy and information on abortion. The prohibition of interviews with certain groups outside the borders by the broadcast media infringes upon the freedom to receive and impart information under article 19, paragraph 2, of the Covenant.

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- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 106.

The restrictions, prohibitions and censorship imposed on the creation and functioning of independent broadcasting media, as well as on the dissemination and broadcasting of foreign media, is of concern. Therefore, laws and decrees dealing with the press and other media should be amended to protect the right to freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of (one's) choice".

- Uruguay, ICCPR, A/53/40 vol. I (1998) 38 at para. 243.

Certain provisions of the new Press Law relating to offences committed by the press or other media, in particular those articles relating to false information and to slander through the media, might impede the full exercise of freedom of expression. As provided for under article 19 (3) of the Covenant, there should be greater freedom to seek information. Sanctions provided for under the Press Law are too wide and may hinder the full enjoyment of article 19 of the Covenant. In this regard, the law is not adequate.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 364.

The abolition of the State-controlled "reading committees" stationed at publishing establishments as well as the formal directives prohibiting the publication of unauthorized information relating to "security issues" are welcomed. In practice, numerous restrictions still persist with regard to freedom of expression dealing with, for example, coverage of allegations and discussion of corruption and criticism of government officials and of material regarded as an expression of sympathy or encouragement of subversion, all of which gravely prejudice the right of the media to inform the public and the right of the public to receive information. The threats against and assassinations of journalists, human rights defenders and lawyers is also of deep concern. Current legislation should be reviewed so as to protect fully the right to freedom of thought and opinion and freedom of expression as guaranteed under articles 18 and 19 of the Covenant.

- The Former Yugoslav Republic of Macedonia, ICCPR, A/53/40 vol. I (1998) 55 at para. 379.

The existence and continued application of restrictive legislation in various fields, including concerning the importation of foreign printed materials, may violate the Covenant's provisions. The State party should ensure that persons under its jurisdiction enjoy the right to seek and impart information, as provided for in article 19 of the Covenant, and repeal any legislation which runs

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counter to those rights.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 430.

The enactment of the Family Law (Divorce) Bill 1996, the Freedom of Information Act of 1997, and the Civil Legal Aid Act of 1995, by which legal services are provided to persons of modest means at little or no cost through legal centres based throughout the country, are noted with satisfaction.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at para. 79(18).

The definition of "state secrets and other secrets" as defined in the Law on the Protection of States Secrets is of particular concern. The definition includes issues relating, *inter alia*, to science, banking and the commercial sector and these restrictions on the freedom to receive and impart information are too wide to be consistent with article 19 of the Covenant. The State party should amend the Law on the Protection of State Secrets to define and considerably reduce the types of issues that are defined as "state secrets and other secrets", thereby, bringing this law into compliance with article 19 of the Covenant.

### ICESCR

- Nigeria, ICESCR, E/1999/22 (1998) 27 at para. 127.

The military authorities have found intellectuals, journalists, university professors and university students to be easy targets for repression or persecution on the pretext that they constitute the most vociferous and dangerous political opposition. One of the major university campuses has been put under military guardianship. Universities have suffered repeated and long periods of closure. There is also a brain drain in academia, as a result of political and academic instability as well as the extremely low salaries of university professors.

### CEDAW

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 208.

The Government should introduce sex education as part of the school curriculum. Family-planning policies should also be improved and measures taken so that all women and men have access to information about and measures of contraception. The Government is urged to target men in its family-planning efforts and to stress the shared responsibilities of women and men in this regard.

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- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 67 at para. 271.

The Government is urged to strengthen public policy in order to reduce women's illiteracy and thereby enable them to have access to information concerning their rights under the Convention.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 266 and 281.

### *Paragraph 266*

The Government is urged to adopt all appropriate measures and policies to develop the sociocultural climate to the benefit of women. The Ministry for the Advancement of Women is called upon, with the cooperation of NGOs, intellectuals, religious leaders and the media, to encourage a change in people's way of thinking and accelerate the process of the emancipation of women through law reform, information, education and communications activities, particularly in rural areas, so that a change takes place in women's view of themselves and society as a whole recognizes that the participation of women is necessary for the development of Burkina Faso.

### *Paragraph 281*

It is noted that the Government has taken measures in the Individual and Family Code to place restrictions on the practice of polygamy. However, the fact that the great majority of women are unaware of these rules remains a concern.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at para. 133.

The efforts by the Government to combat violence against women, especially domestic violence, are appreciated. The creation, with the collaboration of non-governmental organizations, of telephone hot lines and crisis centres to provide information and assistance to women victims of violence, and the training of police officials in this regard, are commended.

- Austria, CEDAW, A/55/38 part II (2000) 70 at para. 223.

The initiative of the Government to promote the participation of women in the field of the new information and communication technologies, as both consumers and entrepreneurs, is welcomed.

- Finland, CEDAW, A/56/38 part I (2001) 29 at para. 304.

Efforts to increase cooperation between national and international authorities should be intensified

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in order to encourage common action to prevent and combat trafficking. The Internet should be used to disseminate information on the Government's actions against trafficking.

### CAT

- Cameroon, CAT, A/56/44 (2001) 28 at para. 66.

The State party should scrupulously maintain a registry of detained persons and make it publicly accessible.

### CRC

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 61.

Measures should be taken, on an urgent basis, to ensure the protection of the child from information and material injurious to his or her well-being and to protect the child's right to privacy, in light of the provisions of articles 16 and 17 of the Convention.

- Canada, CRC, CRC/C/43 (1995) 16 at para. 83.

The urgent need to ensure adequate protection of children from harmful information, and particularly from television programmes inciting or containing violence is noted.

- Senegal, CRC, CRC/C/46 (1995) 21 at para 160.

With regard to article 17 of the Convention, it is noted that access to appropriate information is not always guaranteed for children, especially those living in rural areas.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 91 and 107.

#### *Paragraph 91*

The absence of pluralism in the activities of the major organs of the mass media, limiting the freedom of the child to receive information and the freedom of thought and conscience, is a concern.

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### *Paragraph 107*

The State-controlled mass media, in the interests of healing and building trust within the country, has a role and a responsibility to contribute to the efforts to foster tolerance and understanding between different groups and the broadcasting of programmes that run counter to this objective should end. The securing and dissemination of broader and more diverse sources of information designed for children, including by broadcasting them on the mass media, would assist in ensuring further implementation of the principles and provisions of the Convention, including those of its article 17. Measures should also be taken to improve the activities of the mass media in imparting information for children in their own language, including Albanian.

- Panama, CRC, CRC/C/62 (1997) 19 at paras. 113 and 127.

### *Paragraph 113*

The need for further measures to protect children from media information and material injurious to their well-being is of concern.

### *Paragraph 127*

Existing measures should be reinforced to protect children from harmful information.

- Ghana, CRC, CRC/C/66 (1997) 15 at paras. 91 and 111.

### *Paragraph 91*

In light of article 17, concern is expressed over the lack of a mechanism to protect children from being exposed to harmful information, including pornography.

### *Paragraph 111*

All appropriate measures, including legal ones, should be taken to protect children from harmful information, including in the audio-visual media as well as in media using new technologies.

### *See also:*

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 257 and 280.
  
- Algeria, CRC, CRC/C/66 (1997) 35 at para 243.

The lack of information on programmes of education and health-care services for nomadic children is regrettable.

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- Czech Republic, CRC, CRC/C/69 (1997) 28 at para. 174.

It is of concern that sufficient mechanisms do not exist to protect children from harmful information, including violence and pornography in the media.

- Trinidad and Tobago, CRC, CRC/C/69 (1997) 33 at paras. 214 and 229.

### *Paragraph 214*

The fact that no adequate efforts exist to protect children from being exposed to harmful information, including violence, especially on television, is of concern.

### *Paragraph 229*

All appropriate measures, including legal ones, should be taken to protect children from harmful information, including in audio-visual media such as television.

- Micronesia, CRC, CRC/C/73 (1998) 20 at paras. 119 and 136.

### *Paragraph 119*

The lack of appropriate measures to protect children from harmful effects of the print, electronic and audio-visual media, particularly violence and pornography, is of concern.

### *Paragraph 136*

A study should be undertaken with a view to adopting all measures, including legal ones, to protect children from harmful effects of the print, electronic and audio-visual media, particularly violence and pornography.

### *See also:*

- Japan, CRC, CRC/C/79 (1998) 25 at para. 162.
  
- Japan, CRC, CRC/C/79 (1998) 25 at para. 183.

All necessary measures, including legal ones, should be adopted with a view to protecting children from harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography.

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- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 253 and 271.

### *Paragraph 253*

Legislation protecting children from being exposed to violence and pornography through video movies and other modern technologies, most prominently, the Internet, does not exist and is of concern.

### *Paragraph 271*

All appropriate legal and other measures should be taken to protect children from being exposed to violence and pornography through video movies and other modern technologies, including the Internet. Efforts should be pursued to adopt legislation to effectively prohibit the possession of pornographic material involving children. Bilateral cooperation with neighbouring countries should be engaged to this effect.

- Saint Kitts and Nevis, CRC, CRC/C/87 (1999) 17 at para. 80.

Measures, including parental education, should be taken to protect children from exposure to harmful information, including violence and pornography.

- Chad, CRC, CRC/C/87 (1999) 45 at para. 185.

The failure of the State party to ensure respect for the right of children to be protected from harmful information and material, in accordance with article 17 of the Convention, is of concern. The State party should redouble its efforts to protect children from harmful information and material and to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and it is recommended that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 232.

The State party is encouraged to continue with the process of legal reform and allocation of appropriate resources in order to establish practical procedures and regulations to protect children from harmful information and to guarantee their access to appropriate information and their right to privacy.



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- Mali, CRC, CRC/C/90 (1999) 43 at para. 213.

The insufficient efforts that have been made to protect children from harmful information shown in private cinemas, homes and community settings is of concern. In light of article 17 of the Convention, it is recommended that the State party reinforce existing and/or establish new appropriate measures to protect children from harmful information.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 454.

It is noted that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. That customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups is a concern. All appropriate measures should be taken to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 108, 109, 114 and 115.

### *Paragraph 108*

It is noted with concern that despite existing prohibitions, including the enactment of legislation banning abuse of the naivety and inexperience of minors in advertising, children are still not adequately protected from harmful information, including violence and pornography.

### *Paragraph 109*

In light of article 17 of the Convention, it is recommended that the State party strengthen its efforts to protect children from harmful information.

### *Paragraph 114*

It is noted with concern that both domestic and intercountry adoptions are inadequately monitored. While the State party's concerns regarding adoptions and the need to keep the identity of genetic parents confidential are noted, deep concern is expressed about the fact that the law on adoption provides that the date and place of birth of an adopted child may be changed at the request of the adoptive parents.

### *Paragraph 115*

In light of article 21 of the Convention, proper monitoring procedures should be introduced with respect to both domestic and intercountry adoptions. With reference to articles 3 and 7 of the Convention, the State party should consider amending its legislation to ensure that information about the date and place of birth of adopted children and their genetic parents are preserved and, where possible, made available to these children upon request and when in their best interests.

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- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 325.

The State party is encouraged to provide children with accurate and objective information about substance use, including tobacco use, and protect children from harmful misinformation through comprehensive restrictions on tobacco advertising.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 365 and 366.

### *Paragraph 365*

Concern is expressed about the lack of legislation to protect children from harmful information and material injurious to their well-being and development, as well as to guarantee their access to appropriate information.

### *Paragraph 366*

In light of article 17 of the Convention, special legislation should be enacted to protect children from harmful information, in particular from television programmes and films containing brutal violence and pornography, and to guarantee their access to appropriate information. The State party should take into consideration the Committee's recommendations during its day of general discussion (1996) on the child and the media (CRC/C/57).

- Djibouti, CRC, CRC/C/97 (2000) 96 at para. 555.

The State party is urged to address the sexual and reproductive health-care needs of older children, including those married at a young age and those in vulnerable situations. The State party should provide access to information about sexual and reproductive health. Services in this area should be user friendly and address the concerns and need for confidentiality of adolescents.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 129 and 139.

### *Paragraph 129*

It is of concern that a majority of children in rural areas do not have adequate access to information.

### *Paragraph 130*

In light of article 17, all appropriate measures should be taken to ensure that children in all rural areas are provided with adequate access to information and they should also be protected from information which may be harmful to them.

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- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at para. 180.

It is noted that the Isle of Man has introduced a code of practice on access to government information which governs access to information on international agreements, including the Convention. It is noted that the Isle of Man intends to make available, on its Web site, all of its periodic reports to United Nations human rights treaty bodies and to introduce training on human rights, including children's rights. However insufficient efforts have been made to disseminate the principles and provisions of the Convention and professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 439 and 440.

### *Paragraph 439*

Concern is expressed that children have poor access to information.

### *Paragraph 440*

The State party should improve children's access to information by providing greater access to newspapers and libraries, including materials in the Sango language, and to radio. The State party should ensure that children are protected from harmful information.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 517 and 518.

### *Paragraph 517*

It is noted with concern that children living in the outer islands do not have adequate access to information and material from a diversity of national and international sources aimed at promoting the child's development and physical and mental health. Children are not adequately protected from violence and pornography on television, in video films and in other media.

### *Paragraph 518*

The State party should reinforce measures for the production of programmes and books for children and disseminate them within the country, in particular the outer islands, and in this regard envisage taking steps for the introduction of the use of computers in schools. In light of articles 13, 17 and 18 of the Convention, the State party should develop appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, and also to develop programmes to educate parents.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 278 and 279.

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### *Paragraph 278*

Concern is expressed that children are not adequately protected from the violence and pornography increasingly being shown on television, in video films and in other media. Also, while noting that there is State support, including through tax reduction, for the publication and sale of books, it is noted with concern that not enough programmes and books for children are being produced and disseminated in the country.

### *Paragraph 279*

In light of article 17 of the Convention, the State party is encouraged to further enforce appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, such as the Law on the Provision of Information to the Public of 1996. Measures to encourage the production of programmes and books for children and disseminate them throughout the country, in particular in rural areas, should be reinforced.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 91 and 92.

### *Paragraph 91*

The State party's reservations to articles 17, 29 and 30 of the Convention are noted with concern.

### *Paragraph 92*

The State party is encouraged to consider withdrawing its reservations to articles 17, 29 and 30 of the Convention.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 515 and 516.

### *Paragraph 515*

While noting the State party's efforts to protect children from harmful printed and cinematic material, concern remains that children may nevertheless be exposed to harmful information through access to the Internet or videos.

### *Paragraph 516*

The State party should consider further means, including through the provision of advice to parents, of protecting children from information that may be harmful to them.