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IV. CONCLUDING OBSERVATIONS

CERD

- Denmark, CERD, A/51/18 (1996) 17 at para. 62.

Noting the judgement of the European Court of Human Rights in the case of *Jersile-v-Denmark* (36/1993/431/510), it is affirmed that the "due regard" clause of article 4 of the Convention requires due balancing of the right to protection from racial discrimination against the right to freedom of expression.

- Denmark, CERD, A/52/18 (1997) 59 at para. 456.

It is reaffirmed that the provisions of article 4 of the Convention are of a mandatory character and it is recommended that the procedure and practice of licensing radio transmissions be reconsidered.

- Cameroon, CERD, A/53/18 (1998) 53 at para. 274.

The State party should take all necessary measures to guarantee freedom of expression to all persons, irrespective of race, colour or ethnic origin, and to guarantee freedom of the press.

- Croatia, CERD, A/53/18 (1998) 59 at para. 325.

The State party should take concrete measures to guarantee freedom of association without distinction as to ethnic origin and ensure that mass media, in all their forms, including electronic form, are open to all ethnic groups without distinction. Furthermore, the State party should take effective measures in order to stop racist and discriminatory speech in some graphic media.

- Sudan, CERD, A/56/18 (2001) 40 at para. 211.

The Committee reiterates its recommendations to the State party contained in its Decision 5(54) of 19 March 1999 (A/54/18, paras. 21(5)), *inter alia*, to implement immediately effective measures to guarantee all Sudanese, without distinction based on race, colour, descent, or national or ethnic origin, freedom of religion, opinion, expression and association; the right to study and communicate in a chosen language, and the right to enjoy their own culture without interference.

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ICCPR

- Algeria, ICCPR, A/47/40 (1992) 61 at paras. 297 and 299.

Paragraph 297

The suspension of the democratic process, and the blocking of democratic mechanisms in general, is of concern. The high number of arrests (8,800) and the abusive use of firearms by members of the police in order to disperse demonstrations is of concern. Doubt is expressed about respect for due process, especially before military tribunals, about the real possibilities for implementing the right to a fair trial, about the numerous cases of torture and ill-treatment which have been brought forth, and about the restrictions on rights to freedom of opinion and expression and freedom of the press.

Paragraph 299

Algeria should put an end as promptly as possible to the exceptional situation which prevails within its borders and allow all the democratic mechanisms to resume their functioning under fair and free conditions. Attention is drawn to the fact that the Covenant does not permit derogation from certain rights even in times of emergency and that, therefore, any excesses relating to, *inter alia*, the right to life, torture and the right to freedom of conscience and expression are violations of the Covenant which should not be allowed to continue.

See also:

- Burundi, ICCPR, A/48/40 vol. I (1993) 16 at para. 71.

- Belgium, ICCPR, A/47/40 (1992) 94 at para. 430.

The State party should take steps to more adequately reflect, in internal administrative practice, the provisions of the Covenant which are not reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms (e.g. arts. 25, 26 and 27) and to ensure that the laws regarding restrictions on freedom of expression and assembly are compatible with those provided for in the Covenant.

- United Republic of Tanzania, ICCPR, A/48/40 vol. I (1993) 35 at para. 188.

A thorough review of provisions relating to states of emergency should be undertaken with a view to ensuring their full compatibility with article 4 of the Covenant in all respects. The vital role played by the responsible exercise of the freedom of expression in the transition to democracy is affirmed and it is recommended that the State party ensure that the exercise of this right is fully respected.

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- Islamic Republic of Iran, ICCPR, A/48/40 vol. I (1993) 44 at paras. 256 and 262.

Paragraph 256

The fact that a death sentence has been pronounced, without trial, in respect of a foreign writer, Mr. Salman Rushdie, for having produced a literary work and that general appeals have been made or condoned for its execution, even outside the territory of the Islamic Republic of Iran is condemned. The fact that the sentence was the result of a *fatwa* issued by a religious authority does not exempt the State party from its obligation to ensure to all individuals the rights provided for under the Covenant, in particular articles 6, 9, 14 and 19.

Paragraph 262

The extent of limitations to the freedom of expression, assembly and association is of concern. In this connection, contrary to the provisions of articles 18 and 19 of the Covenant, members of certain political parties who did not agree with what the authorities believe to be Islamic thinking or who expressed opinions in opposition to official positions have been discriminated against. Self-censorship also seems to be widespread in the media and severe limitations appear to have been placed upon the exercise of freedom of assembly and of association.

- 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 paras 587, 607 and 613.

Paragraph 587

With respect to articles 18 and 19 of the Covenant, concern was expressed over the fact that blasphemy could be construed as a threat to public order and deemed a punishable offence. It is also of concern that censorship might on occasions be applied in an excessive manner, for example, as in the seizure of personal property at Customs posts.

Paragraph 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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Paragraph 613

The necessary measures should be taken to ensure the enjoyment of the freedom of expression as set out in article 19 of the Covenant. In this regard, steps should be taken to repeal strict laws on censorship and ensure judicial review of decisions taken by the Censorship of Publications Board.

- Bulgaria, ICCPR, A/48/40 vol. I (1993) 149 at para. 755.

The remaining restrictions in national laws on human rights should be reviewed and brought into full conformity with the provisions of the Covenant as set forth in articles 18, 19 and 21.

- Iceland, ICCPR, A/49/40 vol. I (1994) 19 at para. 78.

It is noted that some requirements of the Covenant are not fully met, in particular, those referred to in articles 4, 9, paragraphs 3 and 4, 19 and 24, paragraph 2.

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at para. 111.

It is regretted that there appears to be a restrictive approach in certain laws and decisions as to respect for the right to freedom of expression.

- Romania, ICCPR, A/49/40 vol. I (1994) 28 at para. 144.

A continuing review is needed to ensure that all relevant laws, regulations and administrative procedures conform to the provisions of the Covenant. In this regard, relevant draft legislation under active consideration should also be in strict compliance with the obligations of Romania under the Covenant. This is especially important in regard to the exercise of freedom of expression since restrictions under article 49 of the Constitution are significantly wider in scope than those permitted under article 19 of the Covenant. Legal reforms should be closely followed by effective changes in practice, particularly in regard to administrative regulations and procedures.

- Cameroon, ICCPR, A/49/40 vol. I (1994) 36 at paras. 195 and 208.

Paragraph 195

It is noted that freedom of expression is not guaranteed, owing to the requirement of prior deposit of all publications, censorship and the control exercised by the authorities over the press, radio and television.

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Paragraph 208

Censorship should be removed once and for all.

- Azerbaijan, ICCPR, A/49/40 vol. I (1994) 50 at paras. 302 and 208.

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 is 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.

- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at paras. 322 and 327.

Paragraph 322

The restrictions on the press, particularly with regard to seditious intent is of concern. It is noted that the freedom to criticize the authorities and challenge government policies are a normal and essential part of a functioning democracy.

Paragraph 327

The relevant laws and legislation concerning imprisonment for civil debt and restrictions on freedom of expression and freedom of assembly should be amended to conform with the requirements of the Covenant.

- Mauritius, ICCPR, A/51/40 vol. I (1996) 24 at para. 154.

The extent of *de facto* limitation on the freedom of expression, as exemplified by the banning of two recent literary works, without legal measures having been taken to that effect, and the penal offences relating to libel and the dissemination of false news, is of concern. Extra-legal restrictions on freedom of expression are not compatible with the Covenant.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 102 and 113.

Paragraph 102

The 1948 Decree of the Federal Council concerning political speeches by foreigners restricts the

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freedom of expression of foreigners who do not have a permanent residence permit in a manner contrary to article 19 of the Covenant.

Paragraph 113

The Federal Decree of 24 February 1948 concerning political speeches by foreigners should be abrogated, or amended, so as to bring it into conformity with article 19 of the Covenant relating to freedom of expression.

- Bolivia, ICCPR, A/52/40 vol. I (1997) 35 at para. 214.

The curtailment of the rights of members of trade unions to the freedoms of association, assembly and expression, the high levels of violence against trade union members, the intimidation by police agents of persons taking part in peaceful demonstrations, and the high number of strikes that are deemed illegal are of concern.

- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at para. 296.

Special measures should be adopted, including protective measures, to ensure that members of various social sectors, particularly journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges, are able to exercise their rights and freedoms, including freedom of expression, assembly and association, without intimidation of any sort.

- Slovakia, ICCPR, A/52/40 vol. I (1997) 58 at para. 383.

There are a number of concerns with respect to freedom of expression under article 19 of the Covenant. First, article 98 of the Penal Code makes it an offence to "disseminate false information abroad which harms the interest" of Slovakia. This terminology, in the Code of 1996, is so broadly phrased as to lack any specificity and carries the risk of restricting freedom of expression beyond the limits allowable under article 19, paragraph 3, of the Covenant. Second, the interference by the Government with the direction of its State-owned television also carries a danger of violating article 19 of the Covenant. Third, lawsuits for defamation resulting from expressed criticism of the Government pose a similar problem. Therefore, all of these three aspects should be reviewed and any necessary legislation should be passed to eliminate any inconsistency with the Covenant.

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- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 105.

The severe restrictions on the right to express opposition to or criticism of the Government or its policies is of concern. Concern is also expressed over the law which imposes life imprisonment for insulting the President of the Republic, and in certain cases death. It also imposes severe punishments for vaguely defined crimes which are open to wide interpretation by the authorities, such as writings detrimental to the President. Such restrictions on freedom of expression, which effectively prevent the discussion of ideas or the operation of political parties in opposition to the ruling Ba'ath party, constitute a violation of articles 6 and 19 of the Covenant and impede the implementation of articles 21 and 22 of the Covenant, which protect the rights to freedom of peaceful assembly and association. Penal laws and decrees which impose restrictions on the rights to freedom of expression, peaceful assembly and association should be amended so as to comply with articles 19, 21 and 22 of the Covenant.

- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at paras. 130 and 135.

Paragraph 130

Unnecessary restrictions should be removed from freedom of expression and association.

Paragraph 135

It is noted that the Government appears to consider that participation by citizens in the conduct of public affairs is met by a system of direct democracy. In that regard, it is emphasized that the enjoyment of the rights protected by article 25 of the Covenant requires full recognition of freedom of expression and the right to impart and receive ideas of all kinds, including those in opposition to the Government.

- Belarus, ICCPR, A/53/40 vol. I (1998) 26 at para. 143.

Remnants of the former totalitarian rule persist and the human rights situation in Belarus has deteriorated significantly since the Committee's consideration of the State party's third periodic report in 1992. The persistence of political attitudes that are intolerant of dissent or criticism and adverse to the promotion and full protection of human rights, the lack of legislative limits on the powers of the executive, and the growing concentration of powers, including legislative powers, in the hands of the executive, without judicial control is noted.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 363.

The compulsory, immediate and exclusive use of Arabic (pursuant to the Arabic Language Decree)

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in all areas of public activity would have the effect to impede large sections of the population who use Berber or French in the enjoyment of the rights guaranteed under articles 19, 25, 26 and 27 of the Covenant. The law should be urgently reviewed so as to remove the negative consequences that it produces.

- 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 counter to those rights.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 135.

The numerous restrictions, in law and in practice, on the right to freedom of expression, and in particular on the right to express opposition to or criticism of the Government, of the established political, social and economic system and of the cultural values prevailing in the Libyan Arab Jamahiriya, is of deep concern. The application of provisions of the Publication Act (1972), which are incompatible with article 19 of the Covenant, should be immediately suspended and steps should be taken for its revision.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at paras. 169 and 170.

Paragraph 169

The Committee is deeply concerned at many aspects of the prison system in Japan which raises serious questions of compliance with articles 2, paragraph 3 (a), 7 and 10 of the Covenant, including harsh rules of conduct in prisons that restrict the fundamental rights of prisoners, such as freedom of speech, freedom of association and privacy.

Paragraph 170

The refusal of the Central Labour Relations Commission to hear an application of unfair labour practices if the workers wear armbands indicating their affiliation to a trade union contravenes articles 19 and 22 of the Covenant.

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- Republic of Korea, ICCPR, A/55/40 vol. I (2000) 29 at para. 133.

The scope of activities that may be regarded as encouraging "anti-State organizations" under article 7 of the National Security Law is unreasonably wide. The restrictions placed on freedom of expression do not meet the requirements of article 19, paragraph 3 of the Covenant, as they cannot be regarded necessary to protect national security. The Covenant does not permit restrictions on the expression of ideas, merely because they coincide with those held by an enemy entity or may be considered to create sympathy for that entity.

- Cameroon, ICCPR, A/55/40 vol. I (2000) 36 at para. 223.

Early action to review and reform laws relating to criminal defamation, to bring them into conformity with article 19 of the Covenant, is recommended.

See also:

- Norway, ICCPR, A/55/40 vol. I (2000) 22 at para. 79.
- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 (2000) 40 at para. 253.

The offences of treason and sedition are defined in overly broad terms, thus endangering freedom of expression guaranteed under article 19.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 376.

The availability of effective remedies should be ensured for any person whose rights under Article 19 have been violated.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 414 and 415.

Paragraph 414

The intimidation and harassment, in particular by government officials, of journalists and human rights activists, including members of human rights NGOs, who have been subjected to prosecution, fines and imprisonment, is of concern, especially the use of libel suits against journalists who criticize the Government. Such harassment is incompatible with the freedom of expression and of the press as stipulated in article 19 of the Covenant.

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Paragraph 415

The State party must protect journalists and human rights activists from harassment. It should ensure that journalists can exercise their profession without fear of being subjected to prosecution and libel suits for criticizing government policy or government officials. Journalists and human rights activists subjected to imprisonment in contravention of articles 9 and 19 of the Covenant should be released, rehabilitated, and given compensation pursuant to articles 9, paragraph 5, and 14, paragraph 6, of the Covenant.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 487 and 488.

Paragraph 487

The limits imposed on freedom of expression and opinion in Kuwait, which are not permissible under article 19, paragraph 3, of the Covenant, are of concern and in this connection reference is made to General Comment No. 10. Of particular concern is the vagueness of chapter III of Law No. 3 of 1961 on Printing and Publication, and restrictions imposed on academic and press freedom, the temporary closing of a newspaper and the banning of certain books. The criminal prosecution, imprisonment and fining of authors and journalists in connection with their non-violent expression of opinion and artistic expression, which in some cases has been deemed to be disrespectful of Islam and in other cases held to be pornographic, is alarming. The implications of penal proceedings against journalists, requiring them to prove their good faith and reveal their sources are of concern, raising issues not only under article 19 but also with regard to the presumption of innocence guaranteed by article 14, paragraph 2, of the Covenant.

Paragraph 488

The State party should ensure that every person can enjoy his or her rights under article 19 of the Covenant without fear of being subjected to harassment. The Press and Publications Law and the Penal Code should be brought into harmony with article 19 of the Covenant. Any restriction on the rights under article 19 must be in strict conformity with paragraph 3 of that article.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(19).

That the existing laws on defamation could be used to restrict criticism of the Government or public officials is of concern. The State party should proceed with its proposals to reform the law of defamation, ensuring a due balance between protection of reputation and freedom of expression (art. 19).

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- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(22).

The existence of a crime of "*desacato*" (disrespect of authority) is contrary to article 19 of the Covenant. The State party should take steps to abolish that crime.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at para. 79(23).

Excessively restrictive provisions of Uzbek law with respect to the registration of political parties (article 6 of the Constitution, Political Parties Act of 1991) as public associations, by the Ministry of Justice, are of deep concern. This requirement could easily be used to silence political movements opposed to the government in violation of articles 19, 22 and 25 of the Covenant. A revision of the relevant part of the State party's legislation to ensure that registration is not used to limit the rights of association guaranteed by the Covenant is strongly recommended.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at paras. 80(5) and 80(17).

Paragraph 80(5)

Judgments holding inadmissible evidence obtained from suspects without the presence of a lawyer and striking down as unconstitutional criminal sanctions for criticism of high officials are welcomed.

Paragraph 80(17)

While the right to freedom of expression is constitutionally guaranteed, the variety of provisions in the Criminal Code dealing with offences against honour and reputation, covering areas of defamation, slander, insult and so forth, are uncertain in their scope, particularly with respect to speech and expression directed against authorities. Having regard to past experience where these provisions have been used to seek to stifle political discourse, a general review of this area of the State party's law is necessary. The State party should work towards developing a comprehensive and balanced code in this area. This law should set out clearly and precisely the restrictions on the freedom of speech and expression and ensure that such restrictions do not exceed those permissible under article 19, paragraph 3, of the Covenant.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(23) and 81(24).

Paragraph 81(23)

The activities of human rights defenders and of journalists who speak out for human rights remain subject to severe restrictions and this continues to be of concern. In this context, the case of Nizar Nayyuf is referred to, who in 1992 was sentenced to 10 years' imprisonment for his non-violent expression of opinions critical of the authorities. Such restrictions are incompatible with freedom of

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expression and opinion as provided for in article 19 of the Covenant. The State party should protect human rights defenders and journalists against any restriction on their activities and ensure that journalists can exercise their profession without fear of being brought before the courts and prosecuted for having criticized government policy.

Paragraph 81(24)

The assurance given by the delegation that the provision adopted under article 38 of the Constitution, which subjects the expression of opinions to limitations such as “constructive criticism” and “the integrity of the country and the nation” without establishing precise criteria, has never been applied and may be repealed, is noted. The delegation’s statement that the provision of the 1965 legislative decree which makes opposition to the aims of the revolution a political offence has fallen into disuse and has apparently never been applied is also noted. Nonetheless, the numerous allegations received in this respect remain of concern. The State party should revise its legislation in this area.

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at para. 84(19).

The exceptions to freedom of expression which are provided for by the law of the State party and are justified by the protection of individual rights or the safeguarding of general interests are noted (article 19). The State party should take steps to ensure that these restrictions on freedom of expression are consistent with those provided for in article 19, paragraph 3, of the Covenant and, in particular that they are strictly necessary in terms of the purpose they are intended to serve.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(28).

The laws on defamation may be used to restrict criticism of the Government or public officials. The legislation on defamation should be reformed to ensure a proper balance between the protection of a person’s reputation and freedom of expression (article 19).

ICESCR

- Jamaica, ICESCR, E/1990/23 (1990) 34 at para. 168.

It was recalled that although freedom of expression is a fundamental right, restrictions on that freedom in the interest of public order, public health or morals is permitted under article 19 (3) of the International Covenant on Civil and Political Rights and that such restrictions might be contemplated if necessary in the fight against drug abuse.

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- Democratic People's Republic of Korea, ICESCR, E/1992/23 (1991) 33 at para. 157.

With regard to the rights enshrined in article 15 of the Covenant, concern was expressed that the existing machinery for the examination of works of art and literature for the purpose of publication could result in inadequate protection of freedom of expression.

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 85.

It is of deep concern that, according to information provided, academic freedom in Kenya is still seriously curtailed through intimidation and a variety of measures such as the need for academics to obtain official research and travel clearance. The frequent interventions by the government in cultural life through, for example, the banning of plays and the prohibition of certain books and periodicals is regretted.

- Australia, ICESCR, E/1994/23 (1993) 36 at para. 154.

Concern is expressed over provisions of the Federal Customs Regulations which prohibit the importation of certain materials. The practical application of these provisions could run counter to freedom of artistic creation and performance.

- Iraq, ICESCR, E/1995/22 (1994) 32 at para. 135.

Serious concern is expressed over reports received regarding infringements of academic freedom.

- Libyan Arab Jamahiriya, ICESCR, E/1998/22 (1997) 38 at para. 187.

Censorship against expressions of a literary and artistic nature is of concern, as is the State party's notion of "cultural security" to justify such censorship.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 259.

Concern is expressed that it is possible to condemn a person to compulsory labour as part of a prison sentence in cases of expression of political opinions or ideological opposition to the political, social or economic system, for breach of labour discipline or for participation in strikes. This practice is designed to prevent or inhibit free expression in relation to policies and practices which have a direct bearing on the enjoyment of economic, social and cultural rights.

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- Nigeria, ICESCR, E/1999/22 (1998) 27 at paras. 127 and 130.

Paragraph 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.

Paragraph 130

The Government is called upon to restore a democratic political system and respect for the rule of law, which is a pre-requisite for the development of a system of government which promotes full respect for economic, social and cultural rights. Respect for trade union freedoms and academic freedom should also be restored urgently.

- Tunisia, ICESCR, E/2000/22 (1999) 36 at paras. 170 and 181.

Paragraph 170

The manner in which knowledge of human rights is currently being imparted in schools is of concern. The police presence on university campuses may infringe on the freedoms necessary for academic and cultural expression, which the State party is obliged to respect under article 15 of the Covenant.

Paragraph 181

The censorship exercised on cultural productions is of concern, and it is recommended that the criteria for censorship be made transparent, in law and in practice, and made fully compatible with the right of all persons to take part in cultural life.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 167 and 183.

Paragraph 167

Grave concern is expressed over the official censorship imposed on the media, as well as literary and artistic works.

Paragraph 183

The State party is called upon to respect the freedom indispensable for creative activity, including in the media, as provided for under article 15 (3) of the Covenant.

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- Sudan, ICESCR, E/2001/22 (2000) 57 at paras. 293, 310, 311 and 325.

Paragraph 293

It is noted with interest that since the fact-finding mission by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the freedom of opinion and expression in 1999, there has been a broader degree of freedom of expression, press and assembly, as acknowledged by competent human rights sources, also facilitating the realization of economic, social and cultural rights under the Covenant.

Paragraph 310

Some restrictions on the freedoms of religion, expression and association and peaceful assembly still exist, thereby hampering the enjoyment of economic, social and cultural rights by many Sudanese.

Paragraph 311

Grave concern is expressed about the occurrence of flagellation or lashing of women for wearing allegedly indecent dress or for being out in the street after dusk, on the basis of the Public Order Act of 1996, which has seriously limited the freedom of movement and of expression of women.

Paragraph 325

Specific measures should be developed to eliminate ingrained harmful traditions, customs and prejudices against women, such as female genital mutilation, the limitation of their freedom of movement and expression, and any obstacles that hinder women's full participation in society.

- Yugoslavia (preliminary), ICESCR, E/2001/22 (2000) 80 at para. 509.

In the context of article 13 of the Covenant, the State party is referred to General Comment No. 13 (1999) on the right to education, paragraphs 38-40, and is urged to introduce legislation and other measures which ensure the academic freedom of all staff and students throughout the educational sector.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at para. 242.

Concern is expressed that the National Security Law is being used to curtail the activities of intellectuals and artists. Under this law, not only are their works being censored, confiscated or destroyed, but the intellectuals and artists themselves are being subjected to criminal prosecution.

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CAT

- Cuba, CAT, A/53/44 (1998) 12 at para. 116.

Complaints that certain categories of persons referred to as dissidents are targeted and their fundamental rights violated without having satisfactory means of redress are of concern.

CRC

- Costa Rica, CRC, CRC/C/20 (1993) 25 at para. 135.

The best interests of the child must be the guiding principle in the application of the Convention, especially with regard to labour legislation and adoption. In the framework of the adoption process, due consideration should be given to the provisions of article 12 as regards to respect for the views of the child.

- France, CRC, CRC/C/29 (1994) 17 at para. 101.

Further consideration should be given to ways of encouraging children to express their views and those views should be given due weight in the decision-making processes affecting their lives, in particular within school and the local community.

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 111.

Further consideration should be given to ways of encouraging the expression of views by children and those views should be given due weight in the decision-making processes affecting their lives, in particular in family life, at school and local levels as well as within the judicial system, including in situations where the child participates in the proceedings as a witness.

- Germany, CRC, CRC/C/46 (1995) 15 at para. 107.

Consideration should be given to extending and broadening the involvement of children in decisions affecting them in the family and in social life, including in proceedings relating to family reunification and adoption.

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- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 163 and 175.

Paragraph 163

Insufficient measures have been adopted, including those of a legal nature, to ensure effective implementation of the civil rights and fundamental freedoms of children (such as in relation to the right to a nationality, freedom of expression, thought, conscience and religion, as well as to freedom of association and peaceful assembly). The threats to national security invoked by the Government have hampered the enjoyment of such fundamental freedoms.

Paragraph 175

Greater efforts should be made to promote the participation of children in family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association, which should be subject only to the restrictions provided by the law and which are necessary in a democratic society.

- Ethiopia, CRC, CRC/C/62 (1997) 12 at para. 89.

Greater efforts should be made to promote the participation of children in family, school and social life, and the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association.

See also:

- Peru, CRC, CRC/C/94 (2000) 64 at para. 373.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 126.

Further efforts are required to ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 150 and 171.

Paragraph 150

Deep concern is expressed with regard to the right of children to freedom of speech, association and peaceful assembly.

Paragraph 171

All measures should be taken to fully guarantee the freedoms of association and speech as well as the

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right to peaceful assembly.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 43.

Concern is expressed regarding the low participation of children, their traditional representation by adults, and that their views are still not taken into account, especially within the family, the school, and the care and justice systems.

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 258 and 281.

Paragraph 258

Concern is expressed over the prevailing attitudes in the family, in school, in other institutions and in society that hinder the right of the child to express his/her views and his/her right to freedom of expression.

Paragraph 281

All appropriate measures should be taken to promote and guarantee the right of the child to freedom of expression at home, in school, in other institutions and in society.

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 170.

A systematic approach should be developed to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, as well as within the school, care and judicial systems.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 117.

The insufficient development of children's participatory rights remains of concern. Further measures, including legislative reform, should be undertaken to promote the participation of children in the family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association.

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

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

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and children to the importance of accepting fully the concept of child rights. It is also 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. 231.

Further measures, including legislative reform, should be undertaken in order to promote the participation of children in the family, the school and other institutions and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression, and association.

See also:

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 181.
- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 46.

Efforts should be made to ensure the implementation of the principles of “best interests of the child” and “respect for the views of the child”, especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should be reflected in all policies and programmes relating to children. Awareness raising among the public at large, on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 54 and 55.

Paragraph 54

Although the freedoms of expression and assembly are formally recognized in the Constitution, the exercise of these rights by children are restricted by vaguely worded limitation clauses (i.e. “in accordance with Islamic criteria”), which potentially exceed the permitted restrictions set out in paragraph 2 of articles 13 and 15 of the Convention. Concern is expressed about reports of incidents of threats and violence by vigilante groups, such as Ansari-Hezbollah, directed at persons seeking to service or to promote the exercise of these rights.

Paragraph 55

Clear criteria should be established to assess whether a given action or expression is in accordance with interpretations of Islamic texts, and appropriate and proportionate means should be considered to protect public morals while safeguarding the right of every child to freedom of expression and

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assembly.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 185 and 186.

Paragraph 185

Noting that article 15 of the Constitution provides for freedom of opinion, respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

Paragraph 186

The promotion and facilitation, within the family, the school and the courts, of respect for the views of children, and their participation in all matters affecting them in accordance with article 12 of the Convention is encouraged. In this regard, skills-training programmes should be developed in community settings for teachers, social workers and local officials to enable them to assist children in expressing informed decisions and to take those views into consideration.

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 233 and 234.

Paragraph 233

The Committee joins the State party in expressing concern that in practice children's views are insufficiently heard and taken into consideration. Concern is expressed that many children are not aware of their rights in this domain under the Convention and national laws. The opportunities which have been created for their views to be expressed is a concern.

Paragraph 234

Taking note of the State party's recent commitments, it is recommended that efforts be continued to inform children and others, including parents and legal professionals, of children's rights to express their views and of the mechanisms and other opportunities which exist for this purpose. The extent to which children's views are taken into consideration and the impact this has on policy, programme implementation and on children themselves should be regularly reviewed.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 294 and 295.

Paragraph 294

In light of article 12 of the Convention, respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the justice system, and especially within the family.

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Paragraph 295

The State party is encouraged to promote and facilitate, within the family, the school, care institutions, and the justice system, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. Skills-training programmes should be developed in community settings for teachers, social workers and local officials to assist them to help children to express their informed decisions and to take these views into consideration.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 363 and 364.

Paragraph 363

With regard to children's participatory rights, concern is expressed at the insufficiency of the measures undertaken by the State party to promote the participation of children in the family, the community, the schools and other social institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association.

Paragraph 364

In light of articles 12-17 of the Convention, measures should be undertaken, including legislation reform, to promote the participation of children in the family, the school and other institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association. Public awareness of the participatory rights of children needs to be increased in families, communities, institutions and schools.

See also:

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 424 and 425.

- Comoros, CRC, CRC/C/100 (2000) 110 at para. 622.

Serious concern is expressed at the way in which the principle of respect for the views of the child (art. 12) is interpreted in the State party, especially since, according to the report, a child needs to be "trained" to become a human being. In addition, with regard to children's participatory rights, insufficient measures have been taken, especially to promote the participation of children in the family, in the community, at school and in other social institutions, as well as to ensure the effective enjoyment of fundamental freedoms, including freedom of opinion, expression and association.

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- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 152 and 153.

Paragraph 152

Children's rights to be heard are insufficiently respected, particularly in rural areas. Young children and adolescents are not always permitted to express their opinions freely. While noting substantial improvements over the past decade, concerns remain that a broad range of the human rights of adults are not thoroughly respected and that this situation may create an environment in which the civil rights and freedoms of children are also not fully respected.

Paragraph 153

The State party should strengthen its efforts to ensure that children's right to be heard is respected. Every effort should be made to ensure that the right of children and adolescents to express opinions, including through peaceful demonstrations, is respected and that appropriate follow-up is given to recommendations of the Children's Forum. Additional efforts should be made to guarantee general respect for the human rights of adults.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 91, 92, 113 and 114.

Paragraph 91

The reservations to articles 17, 29 and 30 of the Convention are noted with concern. It is also noted that, in some cases, in particular in the fields of education and freedom of expression and the right to enjoy one's own culture and use one's own language, these reservations may have a negative impact on children belonging to ethnic groups which are not recognized as minorities under the Treaty of Lausanne of 1923, in particular children of Kurdish origin.

Paragraph 92

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

Paragraph 113

General practices and policies in the country do not encourage the freedom of expression of children and this is of concern. In practice, children's views are often not heard in administrative and judicial procedures, even when this is provided for in legislation

Paragraph 114

In light of article 12 of the Convention, a systematic approach and policy should be developed, with the involvement of professionals working with children, in particular teachers and social services and civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and to encourage respect for the views of the child within the family, school, and generally in society. The State party should recognize the right of children to have their

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views heard and taken into account in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 173, 174, 183 and 184

Paragraph 173

It is of concern that the right of children to participate in decision which affect them is not respected.

Paragraph 174

In light of article 12 of the Convention, the State party should increase awareness of the participatory rights of children and should further encourage respect for the views of the child within the family, communities, schools, and administrative and judicial systems.

Paragraph 183

Limitations on children's right to freedom of expression are of concern. Children have insufficient opportunities to express their opinions and to have these opinions taken into consideration.

Paragraph 184

Steps should be taken to strengthen respect for children's right to freedom of expression, including through promotion of the Convention's provisions among parents, teachers and children themselves and in State institutions.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 313 and 314

Paragraph 313

While welcoming the existence of a Children's Parliament, it is of concern that respect for the views of the child remains limited within the family, in schools, in the courts and in the society at large, due to traditional attitudes.

Paragraph 314

The State party should promote and facilitate within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them in accordance with their evolving capacity, in light of article 12 of the Convention. The State party should also provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and the society at large on children's rights to participate and to have their views taken into consideration.

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- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 384 and 385.

Paragraph 384

Although the efforts of the State party are noted, including its support for a children's parliament, it is of concern that traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

Paragraph 385

A systematic approach should be developed for increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and to encourage respect for the views of the child in families, schools, and the care and judicial systems.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 454 and 455.

Paragraph 454

The State party's efforts to respect the views of children in schools are noted (e.g. the 1997 school code of conduct). Nevertheless, there is concern that traditional attitudes towards children in society at large may limit the exercise of this right, especially within the family.

Paragraph 455

The State party should continue to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. The State party should also develop skills-training programmes in community settings for teachers, social workers and local officials at the village-block level to assist children to express their informed views and opinions, and to have them taken into consideration. Assistance should be sought from, among others, UNICEF.

See also:

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 179 and 180.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 509, 510, 515 and 516.

Paragraph 509

Children have insufficient opportunities under the law to have their opinions taken into consideration, and existing legal provisions overly restrict to specific ages those children whose opinions can be considered.

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Paragraph 510

The State party should adopt legislation and practices providing for greater flexibility in the consideration of a child's opinion, in accordance with evolving capacities and with a view to providing greater opportunities for children to be heard.

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.