

# **EXPRESSION - FREEDOM OF - INTERNET**

## **III. CONCLUDING OBSERVATIONS**

### **CERD**

- France, CERD, A/49/18 (1994) 20 at para. 148.

Concern is expressed lest the law on computer technology, files and freedoms impairs the Government's readiness to ascertain whether victims of racial discrimination lack effective protection and remedies.

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

The State party should take concrete measures in order 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.

- The Netherlands, CERD, A/55/18 (2000) 55 at para. 311.

The Committee welcomes with great satisfaction the establishment of the Reporting Centre for Discrimination on the Internet which is aimed at combatting racism on Internet sites. The Committee considers this initiative a major step forward in the fight against contemporary forms of racism.

- Germany, CERD, A/56/18 (2001) 27 at para. 114.

Concerned by the increase of racist propaganda on the Internet and that this trend is likely to become more significant in the future, the State party is encouraged to seek further solutions in order to tackle this problem.

- Italy, CERD, A/56/18 (2001) 53 at para. 319.

The State party's reports should be made readily available to the public from the time they are submitted and the concluding observations should be similarly publicized. The Government is encouraged to insert the Committee's concluding observations on the appropriate ministry's web site.

### **ICCPR**

## **EXPRESSION - FREEDOM OF - INTERNET**

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at paras. 457 and 471.

### *Paragraph 457*

Of concern is that government ownership and control over much of the electronic media might undermine the right of everyone to seek, receive or impart information and ideas of all kinds.

### *Paragraph 471*

The State party should take the necessary steps to prevent control and manipulation of the electronic media by the Government.

- Armenia, ICCPR, A/54/40 vol. I (1999) 29 at para. 117.

The strict governmental control over electronic media may raise issues under article 19 and result in serious limitations to the exercise of the rights guaranteed in article 25, in particular with regard to elections.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 414-417.

### *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.

### *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.

### *Paragraph 416*

The closing of newspapers on charges of tax evasion in order to secure the payment of fines is of concern. The functions of the National Communications Agency, which is attached to the Ministry of Justice and has the discretionary power to grant or deny licences to radio and television broadcasters, are of further concern. Delay in the granting of licences and the denial of licences have

## **EXPRESSION - FREEDOM OF - INTERNET**

a negative impact on the exercise of freedom of expression and the press guaranteed under article 19 and result in serious limitations in the exercise of political rights prescribed in article 25, in particular with regard to fair elections.

### *Paragraph 417*

The tasks and competences of the National Communications Agency should be clearly defined by law, and its decisions should be subject to appeal to judicial authority.

- 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.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at para. 74(13).

Continuing attacks on human rights defenders, judges, complainants, representatives of human rights organizations and members of the media are of concern.

- Gabon, ICCPR, A/56/40 vol. I (2001) 41 at para. 75(19).

## **EXPRESSION - FREEDOM OF - INTERNET**

The powers vested in the National Council of Communication to monitor programmes and impose penalties on organs of the press are an obstacle to the exercise of freedom of the press. The harassment of journalists is deplored. The State party is invited to bring its legislation into line with article 19 by doing away with censorship and penalties against organs of the press and ensuring that journalists may safely exercise their functions.

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at paras. 76(16) and 76(17).

### *Paragraph 76(16)*

That there is a growing number of complaints of systematic harassment and death threats against journalists intended to undermine freedom of expression is noted with concern. The necessary measures should be taken to put an end to direct and indirect restrictions on freedom of expression, to investigate all complaints which have been filed and to bring the persons responsible to justice.

### *Paragraph 76(17)*

The methods used by Peru to take control of communications media away from persons critical of the Government, including stripping one of them of his nationality, are deplored. The State party is requested to eliminate these situations, which affect freedom of expression, in accordance with article 19 of the Covenant, and to make effective remedies available to those concerned.

## **CEDAW**

- Denmark, CEDAW, A/52/38/Rev.1 part I (1997) 34 at para. 269.

Further efforts should be made to determine whether trafficking in women and exploitation of prostitution are taking place and whether new communications technologies, especially the Internet, are being used for such purposes.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 65.

The Government should use the education system and the electronic media to combat the traditional stereotype of women "in the noble role of mother" and to raise awareness of the role of men in caring and their responsibility for parenting.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 402.

## **EXPRESSION - FREEDOM OF - INTERNET**

A comprehensive strategy to eliminate violence against women should be adopted following the National Domestic Violence Summit, with an emphasis on prevention, and with sufficient funding. Ways should be found to involve women's groups in the development of strategies to reduce violence in the media, including electronic media, and they should participate in the development of regulatory codes of practice of the media. The Government should further assess its monitoring and enforcement responsibilities in that regard.

- 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 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.

### **CRC**

- 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, in particular 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, in particular violence and pornography.

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

#### *Paragraph 162*

The insufficient measures introduced to protect children from the harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography, is of concern.

## **EXPRESSION - FREEDOM OF - INTERNET**

### *Paragraph 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.

- 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 to adopt legislation to effectively prohibit the possession of pornographic material involving children should be pursued. Bilateral cooperation with neighbouring countries should be engaged to this effect.

- 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.