

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

### **III. CONCLUDING OBSERVATIONS, CONTINUED**

#### **CERD**

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 82.

82. While noting that there is no regulation of the internet in national legislation, the Committee encourages the State party to adopt legislation in conformity with the Convention and to disseminate and promote the Convention by every means possible, including the Internet.

- Finland, CERD, A/58/18 (2003) 69 at para. 407.

407. While the Committee takes note of the efforts undertaken by the State party in monitoring the spread of racist, discriminatory and xenophobic material on the Internet, it is concerned about the continued occurrence of this phenomenon.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism on the Internet and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda on the Internet...

- Brazil, CERD, A/59/18 (2004) 14 at para. 64.

64. The Committee is disturbed by the increase in the number of racist organizations, such as neo-Nazi groups, and the spread of racist propaganda on the Internet.

The Committee recommends that the State party clarify further the content and application of the relevant provisions of domestic law that address the existence and activity of racist organizations, as well as those that prohibit racist propaganda on the Internet.

- The Netherlands, CERD, A/59/18 (2004) 29 at para. 151.

151. While the Committee notes with satisfaction the State party's efforts aimed at combating racist propaganda and the spread of racist and xenophobic material on the Internet, including the forthcoming ratification of the Council of Europe Convention on Cybercrime and its Additional Protocol, concerning the criminalization of acts of a racist and xenophobic

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nature committed through computer systems, it is concerned at the sharp increase in the number of complaints received by the Dutch Complaints Bureau for Discrimination on the Internet (MDI).

The Committee encourages the State party to continue its efforts to combat this contemporary manifestation of racial discrimination...

- Argentina, CERD, A/59/18 (2004) 45 at para. 245.

245. The Committee is concerned about incidents of incitement to racial hatred and racist propaganda in the media, including on the Internet.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism in the media, including on the Internet, and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda in the media...

- Belarus, CERD, A/59/18 (2004) 50 at para. 264.

264. The Committee expresses concern over the dissemination of racist, discriminatory and xenophobic, in particular, anti-Semitic propaganda on the Internet, while acknowledging the efforts undertaken by the State party to curtail such phenomena.

While reminding the State party of its obligation to respect the right to freedom of opinion and expression when implementing article 4 of the Convention in the context of the Committee's general recommendation XV, the Committee recommends to the State party that it strengthen its efforts to combat racist propaganda on the Internet....

- Slovakia, CERD, A/59/18 (2004) 70 at para. 381.

381. The Committee...welcomes:

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(c) Act No. 253/2001 and Act No. 421/2004, amending the Criminal Code by, respectively, adding membership of an ethnic group to the elements of racially motivated crimes and criminalizing offences committed through the Internet;

...

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- France, CERD, A/60/18 (2005) 26 at para. 98.

98. The Committee welcomes the measures taken to prevent the spread of racist messages on the Internet, in particular the adoption of the Act of 21 June 2004.

- Luxembourg, CERD, A/60/18 (2005) 40 at para. 195

195. The Committee is concerned at the fact that racist and xenophobic propaganda is to be found on Internet sites.

The Committee encourages the State party to combat this contemporary form of racial discrimination, which is covered by the principles of the Convention... It also suggests that the State party ratify the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

- Iceland, CERD, A/60/18 (2005) 51 at para. 272.

272. The Committee encourages the State party to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and to complete the ratification process of the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 325.

325. The Committee is deeply concerned by information that the State party has adopted measures drastically limiting access to foreign culture and art, foreign media and the Internet

...

The Committee recommends to the State party that it respect 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 other media, in order to foster common understanding and tolerance amongst nations and ethnic groups...

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### **ICCPR**

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(13).

(13) The Committee is concerned at the extensive limitations on the right to freedom of opinion and expression in practice, which go beyond the limitations permissible under article 19(3). Furthermore, the Committee is concerned at allegations that the Government has blocked access to some Internet sites used by human rights defenders or political activists (art. 19).

The State party should revise its legislation to ensure that any limitations on the right to freedom of opinion and expression are in strict compliance with article 19 of the Covenant.

### **ICESCR**

- China, ICESCR, E/2006/22 (2005) 25 at paras. 168 and 197.

168. The Committee notes with deep concern the restrictions placed on access to information with regard to academic research, foreign and domestic publications and the Internet.

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197. The Committee urges the State party to remove restrictions on freedom of information and expression in the State party, to enable all persons under its jurisdiction to take part in cultural life, enjoy the benefits of scientific progress and its applications, and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.

### **CAT**

- Estonia, CAT, A/58/44 (2002) 26 at para. 52.

52. The Committee...recommends that the State party widely disseminate in the country any reports submitted by Estonia to the Committee, the conclusions and recommendations of the Committee, as well as the summary records of the review, in appropriate languages, including Estonian and Russian, through official web sites, the media and non-governmental organizations.

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### *See also:*

- Latvia, CAT, A/59/44 (2003) 48 at para. 102.

### CRC

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 560 and 561.

560. In the light of article 13 (the child's right to seek, receive and impart information) and article 17 of the Convention (the right of access to information, including information and material from a diversity of cultural, national and international sources), the Committee is concerned that stringent registration and licensing requirements for the media and publications, as well as restrictions on Internet access, do not comply with article 13, paragraph 2, of the Convention.

561. The Committee recommends that the State party take all effective measures, including enacting or rescinding legislation where necessary, to ensure that the child's freedom of expression and the right of access to information are guaranteed and implemented.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 138 and 139.

138. ...The Committee is...concerned that some harmful information, notably via the Internet, remains easily accessible to children.

139. The Committee recommends that the State party:

...

(c) Take further steps towards the protection of children from harmful information, including on the Internet.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 70 and 71.

70. The Committee is concerned at the insufficient information and awareness of the extent of commercial sexual exploitation and trafficking of children. It is also concerned that there is no specific prohibition in law of trafficking in human beings, including for the purpose of prostitution.

71. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the causes, nature and extent of sexual exploitation and trafficking of children, including prostitution and child

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pornography (including on the Internet), and implement appropriate policies and programmes for prevention and protection and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the Global Commitment adopted at the Second World Congress against Commercial Sexual Exploitation of Children, held in 2001.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 114 and 115.

114. The Committee is concerned at the limitations on students' freedom of expression and association due to strict administrative control of student councils and school regulations that limit or prohibit outside political activities of students in elementary and secondary schools. It is further concerned about allegations that Internet chat rooms, set up independently by teenagers, have been arbitrarily closed down by the authorities.

115. In the light of articles 12 to 17 of the Convention, the Committee recommends that the State party amend legislation, guidelines issued by the Ministry of Education and school regulations to facilitate children's active participation in decision-making processes and in political activities both within and outside schools and ensure that all children fully enjoy their right to freedom of association and expression.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 283 and 284.

283. While welcoming the State party's efforts to protect children from harmful printed and electronic communications media (e.g. the Youth Protection Act and the interstate agreement on the protection of minors in the media, 2003), the Committee remains concerned that the legal situation might be complicated due to a multiplication of legal instruments and that the sharing of responsibilities between the federal and Land levels is not clear.

284. The Committee recommends that the State party:

(a) Ensure the full implementation of the newly adopted regulations on the protection of children against harmful information and find ways to make the legal situation in this regard more transparent;

(b) Consider further means, including through the provision of advice to parents, of protecting children from information that may be harmful to them.

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- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 595 and 596.

595. The Committee is concerned that children are not protected in the legislation against abuse on the Internet and that there is no legislation on sex tourism and child pornography.

596. The Committee recommends that the State party strengthen the legal protection of children against various forms of abuse on the Internet, including child pornography, and introduce legislation which would make Slovene citizens liable to criminal prosecution for child abuse committed abroad.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 202 and 203.

202. While noting the State party's efforts to protect children from harmful information, the Committee remains concerned about pornographic and other harmful material in printed and electronic media that is easily available and accessible to children. It is also concerned at the lack of adequate measures to encourage the mass media to disseminate information that would promote a spirit of understanding of differences.

203. The Committee recommends that the State party pursue its efforts to protect children from information and material injurious to their well-being. It also urges the State party to disseminate information and material of social and cultural benefit to the child, in line and with the spirit of articles 17 and 29 of the Convention. To that end, the State party should provide children with access to diversity of cultural, national and international sources, taking into particular account the linguistic and other needs of children who belong to a minority group.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 49, 50, 67 and 68.

49. The Committee is concerned about the degree of violence accessible to children on the Internet and shown on television early in the evenings. The Committee is further concerned about the insufficient protection of children against child pornography and violent computer games.

50. The Committee recommends that the State party take all necessary measures, including by enforcing appropriate legislation, providing parental education and awareness-raising of children, to effectively protect children against violence on the Internet, television and computer games, and against the display of child pornography and encourage international cooperation in this respect.

...

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67. The Committee notes with appreciation that, following the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, a National Plan of Action was adopted to protect children against sexual abuse and ill-treatment, which was brought up to date in 2001 for the Second World Congress, held in Yokohama, Japan. It also welcomes the proposed revisions to the Criminal Code regarding sexual offences, which, if adopted, will improve the protection of children against sexual exploitation. However, the Committee is concerned at:

...

(b) Reports of cases of sexually abused children as a result of contacts via the Internet;

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68. The Committee recommends that the State party:

(a) Strengthen the protection measures for children who are using the Internet and the awareness-raising programmes for children about the negative aspects of the Internet, including by working with service providers, parents and teachers;

...

(c) Strengthen the legislation against possession and production of child pornography, including by prohibiting the display of child pornography on the Internet by service providers, and by revising the definition of the child in the Penal Code concerning child pornography, setting a clear objective age limit at 18 years;

...

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 186 and 187.

186. While the Committee appreciates the measures taken by the State party to prevent and combat child pornography on the Internet, as well as the introduction of article 384 of the Criminal Code punishing the possession of pornographic material involving children, it remains concerned about the exposure of children to violence, racism and pornography, especially through the Internet.

187. The Committee recommends that the State party continue to take all appropriate measures to effectively protect children from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet. The Committee further suggests that the State party develop programmes and strategies to use mobile technology, video advertisements and the Internet as a means for raising awareness among both children and parents of information and material injurious to the well-being of children.



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- Austria, CRC, CRC/C/146 (2005) 47 at paras. 253, 254, 263 and 264.

253. While welcoming the State party's efforts to protect children from harmful media influence, the Committee shares the concern of the State party that the existing legal instruments for the limitation of the dissemination of racist, violent and violence-inducing images, texts and games through the Internet and mass media as well as video computer games need to be reviewed and extended.

254. The Committee recommends that the State party continue and strengthen its efforts to protect children from harmful information. It further recommends that the State party provide parental education and raise the awareness of children to effectively protect children against violence on the Internet, television and computer games and encourage international cooperation in this respect.

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263. ...[T]he Committee is concerned at the suicide forums accessible on the Internet where young people can exchange experiences and suicidal thoughts.

264. ...The Committee recommends that the State party undertake practical measures to prevent access to information through the Internet inciting suicide.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 696 and 697.

696. The Committee notes the media involvement in the dissemination of information on the Convention *inter alia* via a weekly educational programme. But it is concerned at the incidence of sensationalized coverage of problems children may encounter or cause. The Committee is also concerned at the lack of information regarding the legal and other provisions which protect children from harmful information.

697. The Committee recommends the State party to call on the media to promote and strengthen its role in the dissemination of information on the Convention, address the incidence of sensationalist news regarding children, for example by duly regulating the activities of mass media and the Internet with a view to preventing the dissemination of harmful information and by promoting the training of professionals working for mass media on the adequate treatment of child issues, in conformity with the provisions of the Convention and on the guidelines on reporting on children adopted by the International Federation of Journalists.

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- Norway, CRC (Optional Protocol - Sale of Children, Prostitution, Pornography), CRC/C/150 (2005) 177 at paras. 828, 834 and 835.

828. The Committee encourages the State party to consider adopting specific legislation on the obligations of Internet service providers in relation to child pornography on the Internet.

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834. The Committee notes that child pornography cases are dealt with by the regional police, which lack resources and technological competence effectively to handle the large amounts of data and material on the Internet.

835. The Committee encourages the State party to continue its efforts to strengthen the capacity of the criminal police to deal with crimes related to child pornography on the Internet. The Committee also encourages the State party to continue its efforts to inform children and their parents about the safe use of the Internet.