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IV. CONCLUDING OBSERVATIONS

CERD

- Luxembourg, CERD, A/52/18 (1997) 22 at para. 140.

The Penal Code should be amended with a view to introducing stronger penalties for acts of slander and/or defamation of a racial character.

- Egypt, CERD, A/56/18 (2001) 50 at para. 287.

It remains of concern that domestic legislation does not seem to respond fully to the requirement of article 4 of the Convention, specifically article 4(a), which requires State parties to declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. Defamation as well as acts of violence or the threat to use violence are punishable by law, but there is no legal provision making ethnic or racial motivation for such acts an aggravating circumstance. The State party should review its domestic legislation in the light of the provisions of article 4 of the Convention so as to give effect to all its requirements.

ICCPR

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

It is noted that some other 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. The possibility of a sentence of up to one year's imprisonment for libel presents problems in relation to article 19.

- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at para. 326.

The criminal offence of “defamation of the State” should be abolished.

- 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

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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).

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 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.

- 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).

CRC

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 328.

Concern is expressed that when a case against a juvenile has been dismissed by the prosecutor, the charge remains on the register because people are often not aware of how to have it struck off. This may result in the stigmatization of innocent people.