

EXPRESSION - FREEDOM OF - INTERNET

II. GENERAL COMMENTS AND RECOMMENDATIONS

- CERD General Recommendation XXX (Sixty-fifth session, 2004): Discrimination Against Non-Citizens, A/59/18 (2004) 93 at para. 12.

...

[The Committee recommends]...that the States parties to the Convention, as appropriate to their specific circumstances, adopt the following measures:

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12. Take resolute action to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, descent, and national or ethnic origin, members of “non-citizen” population groups, especially by politicians, officials, educators and the media, on the Internet and other electronic communications networks and in society at large;

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- ICCPR General Comment 10 (Nineteenth session, 1983): Article 19: Freedom of Expression, A/38/40 (1983) 109 at para. 2.

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2. Paragraph 2 requires protection of the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds", but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice". Not all States parties have provided information concerning all aspects of the freedom of expression. For instance, little attention has so far been given to the fact that, because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression in a way that is not provided for in paragraph 3.

- ICCPR General Comment 16 (Thirty-second session, 1988): Article 17: The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation, A/43/40 (1988) 181 at para. 10.

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10. The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to

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receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination.

- ICESCR General Comment 13 (Twenty-first session, 1999): Article 13: The Right to Education, E/2000/22 (1999) 111 at para. 6.

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Article 13, paragraph 2: The right to receive an education - some general remarks

6. While the precise and appropriate application of the terms will depend upon the prevailing conditions in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features: e/

(a) Availability. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology.

(b) Accessibility. Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:

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(ii) Physical accessibility: education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme)...

Notes

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e/ This approach corresponds with the Committee's analytical framework adopted in relation to the rights to adequate housing and food, as well as the work of the Special Rapporteur on

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Human Rights on the right to education. In its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant), the Committee identified a number of factors which bear upon the right to adequate housing, including availability of services, materials, equipment and infrastructure, affordability, accessibility and cultural adequacy. In its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant), the Committee identified elements of the right to adequate food, such as availability, acceptability and accessibility. In her preliminary report to the Commission on Human Rights (E/CN.4/1999/49), the Special Rapporteur on the right to education sets out four essential features that primary schools should exhibit, namely availability, accessibility, acceptability and adaptability.

- CRC General Comment 5 (Thirty-fourth session, 2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), A/59/41 (2004) 114 at para. 72.

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72. The Convention explicitly requires States to make their reports widely available to the public; this should be done when they are submitted to the Committee. Reports should be made genuinely accessible, for example through translation into all languages, into appropriate forms for children and for people with disabilities and so on. The Internet may greatly aid dissemination, and Governments and parliaments are strongly urged to place such reports on their web sites.

- CERD General Recommendation XXIX (Sixty-first session, 2002): On Article 1, Paragraph 1, of the Convention (Descent), A/57/18 (2002) 111 at para. s. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.