

## **EXPRESSION - FREEDOM OF - MEDIA**

### **IV. CONCLUDING OBSERVATIONS**

#### **CERD**

- Croatia, CERD, A/50/18 (1995) 36 at paras. 172 and 178.

#### *Paragraph 172*

Concern is expressed regarding the influence of the mass media in aggravating ethnic tension and the failure of the State to investigate and prosecute a number of incidents of promotion by elements of the print media of hatred directed against ethnic Serbs.

#### *Paragraph 178*

As a matter of urgency the State party should comply with article 4 of the Convention and prohibit and prosecute all incitement to ethnic hatred in the media and elsewhere.

- Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at paras. 239 and 244.

#### *Paragraph 239*

Note is taken, with profound concern, of the large part which the media continue to play in the propagation of racial and ethnic hatred. Given the very tight State control over the media this propagation of hatred may be attributed to the State. It is further noted that the State party fails to take adequate action to either prosecute perpetrators of such acts or to attempt to redress injustices. It also fails to take action to counter the propagation of prejudice against non-Serbians through education of the population in tolerance.

#### *Paragraph 244*

The immediate drafting and implementation of legislation with a view towards the outlawing of every manifestation of racial discrimination and the full implementation of the Convention is recommended. Particular attention should be paid to the legal regulation of matters such as the media and freedom of expression, employment and trade unions, the education system, and the health-care system.

- Denmark, CERD, A/51/18 (1996) 17 at paras. 70 and 74.

#### *Paragraph 70*

It is noted with concern that only three convictions have been registered in the past six years against members of neo-Nazi groups. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is also noted with special concern.

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### *Paragraph 74*

If the allegations in paragraph 70 above are correct, then the licences should be withdrawn and prosecutions initiated to comply with article 4 of the Convention.

- Belgium, CERD, A/52/18 (1997) 31 at para. 218.

Serious concern is expressed at case law which interprets as a press offence any written material containing a criminal expression which is printed, reproduced and distributed. It is a matter for concern that legislation, which tends to apply severer sanctions to acts inspired by racism and xenophobia, is not implemented in this connection.

- Denmark, CERD, A/52/18 (1997) 59 at paras. 450 and 456.

### *Paragraph 450*

Concern is expressed that the prosecuting practice is focusing too much on propaganda activities while other means of disseminating racist ideas are treated as minor offences; this gives a restrictive interpretation to the provisions of article 4. The lenient attitude towards the dissemination of racist ideas over the radio is also of concern. It is also noted that organizations using racist propaganda to incite racial discrimination are not declared illegal and are not prohibited.

### *Paragraph 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.

- Norway, CERD, A/52/18 (1997) 77 at para. 607.

Concern is expressed over the publications of anti-immigrant racist organizations and over the fact that a radio station is systematically disseminating ideas of racial superiority. The view expressed openly by the leader of a political party that the Sami parliament should be dissolved is also a matter of concern.

- 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.

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- Croatia, CERD, A/53/18 (1998) 59 at paras. 314, 318, 320 and 325.

### *Paragraph 314*

With respect to article 4 of the Convention, concern is expressed at incidents of hate-speech directed at the Serb minority in Croat media, and the failure of the State party to take adequate measures to investigate and prosecute those responsible for promoting hatred and ethnic tension through print and audio-visual media.

### *Paragraph 318*

With respect to article 7 of the Convention concern is expressed that strong control is exercised by the Government over certain mass media, particularly television, and that some graphic media are allowed to use discriminatory speech.

### *Paragraph 320*

The State party should take measures against the use of mass media for incitement to ethnic hatred. In this respect, all acts of incitement to ethnic hatred should be prohibited and prosecuted.

### *Paragraph 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.

- Romania, CERD, A/54/18 (1999) 30 at paras. 281 and 285.

### *Paragraph 281*

The persistence of xenophobic attitudes and prejudice against certain minorities within Romanian society, which manifest themselves on numerous occasions in various mass media, is of concern.

### *Paragraph 285*

The State party should take measures to prevent and punish racist practices in the mass media. In addition, adequate means should be found to ensure that the media constitute an instrument that helps to combat racial prejudice, particularly against the Roma, and fosters a climate of understanding and acceptance among the various groups which make up the country's population.

- Colombia, CERD, A/54/18 (1999) 44 at para. 470.

Concern is expressed over the media's coverage of minority communities, including the continued popularity of television programmes that promote racial and ethnic stereotypes. Such stereotypes

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serve to reinforce the cycle of violence and marginalization that has already severely affected the rights of the State party's historically disadvantaged communities.

- Sri Lanka, CERD, A/56/18 (2001) 56 at para. 328.

It is noted with approval that in July 2001 media restrictions were lifted. Thus, the system of requiring journalists to obtain permission to visit all areas in the north and eastern provinces is no longer in effect.

- Viet Nam, CERD, A/56/18 (2001) 68 at para. 415.

Article 87 of the Criminal Code and article 10, paragraph 2, of the Law on the Press do not encompass the whole scope of application of article 4 of the Convention. Specific legislation should be adopted in accordance with article 4 of the Convention.

### **ICCPR**

- Algeria, ICCPR, A/47/40 (1992) 61 at para. 297.

The suspension of the democratic process and the blocking of democratic mechanisms in general is of concern. The Committee expresses doubts about the restrictions on rights to freedom of opinion and expression and freedom of the press.

- Belgium, ICCPR, A/47/40 (1992) 94 at para. 429.

The adequacy of information on freedom of expression, especially in relation to television broadcasting is of concern.

- Senegal, ICCPR, A/48/40 vol. I (1993) 23 at para. 104.

The possibility that the amended Press and Journalism Act of April 1979 still inhibited freedom of expression and infringed on the right of access to information is concern, and all such restrictions must accord with the criteria set out in article 19, paragraph 3, of the Covenant. Additionally, concern was expressed over the numerous restrictions on the mass media and the holding of meetings.

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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.

- Dominican Republic, ICCPR, A/48/40 vol. I (1993) 95 at para. 462.

The inadequate protection of the rights of ethnic, religious and linguistic minorities is of concern. In this regard, it is noted that the prohibition of broadcasting in a language other than Spanish is not in conformity with article 19 of the Covenant.

- 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. 607 and 613.

### *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

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article 19, paragraph 2, of the Covenant.

### *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.

- Mexico, ICCPR, A/49/40 vol. I (1994) 33 at para. 174.

The gross violation of both the right to life and the right to freedom of expression constituted by the frequent murder of journalists, which has reached alarming proportions is deplored.

- Jordan, ICCPR, A/49/40 vol. I (1994) 41 at para. 236.

It is of concern that freedom of expression is restricted by the control exercised by the authorities over the State radio and television and by measures of harassment against some journalists. It is also of concern that a rigid interpretation of the provisions of the new Press Act and Political Parties Act and prosecutions of offences of defamation might affect the effective enjoyment of those rights stipulated under articles 19 and 25 of the Covenant.

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at paras. 255 and 268.

### *Paragraph 255*

It is noted that freedom of expression is not yet fully guaranteed in Togo owing to censorship and control exercised by the authorities over the press, radio and television.

### *Paragraph 268*

The censorship and control exercised by the authorities over the press, radio and television should be brought in line with article 19 of the Covenant.

### *See also:*

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

- Italy, ICCPR, A/49/40 vol. I (1994) 47 at paras. 280 and 287.

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### *Paragraph 280*

The excessive concentration of control of the mass media in a small group of people is of concern. Furthermore, it is noted that such concentration may affect the enjoyment of the right to freedom of expression and information under article 19 of the Covenant.

### *Paragraph 287*

In order to avoid the inherent risks in the excessive concentration of control of the mass information media in a small group of people, measures should be implemented to ensure impartial allocation of resources, as well as equitable access to such media, and adopting of anti-trust legislation regulating mass media.

- Azerbaijan, ICCPR, A/49/40 vol. I (1994) 50 at para. 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 para. 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.

- Argentina, ICCPR, A/50/40 vol. I (1995) 35 at paras. 155 and 162.

### *Paragraph 155*

The attacks against journalists and unionists, and the lack of protection afforded to them, which restricts the enjoyment of the rights of expression and association provided for in articles 19 and 22 of the Covenant, are of concern.

### *Paragraph 162*

Special protection should be provided to journalists and members of trade unions under threat or intimidation so as to effectively protect the rights provided for in articles 19 and 22 of the Covenant.

- New Zealand, ICCPR, A/50/40 vol. I (1995) 38 at paras. 180 and 187.

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### *Paragraph 180*

In relation to the right of freedom of expression, the vagueness of the term "objectionable publication" and the fact that section 121 of the Films, Videos and Publications Classification Act makes the "possession of any objectionable publication" a criminal offence, even if the person concerned has no knowledge or no reasonable cause to believe that the publication is considered to be objectionable, are of concern.

### *Paragraph 187*

The Films, Videos and Publications Classification Act should be amended by a more specific definition of "objectionable publication" or by removing criminal liability for possession without knowledge of or reasonable cause to believe in the objectionability of material.

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

### *Paragraph 457*

It is of concern that Article 15 (2) of the Constitution allows the right to freedom of expression to be restricted in relation to parliamentary privilege, particularly in view of the fact that the Parliament (Power and Privileges) Act as amended in 1978 gives Parliament the power to impose penalties for breaches of this Act. The proposed amendments in the Constitution, which seek to restrict the right to freedom of expression "in the interest of the authority of Parliament", would be in violation of article 19 of the Covenant. Of equal 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 present provisions by which freedom of the press can be restricted by reason of parliamentary privilege should be removed. The State party should also take the necessary steps to prevent control and manipulation of the electronic media by the Government.

- Mauritius, ICCPR, A/51/40 vol. I (1996) 24 at para. 162.

If the State party considers it necessary to allow for some restrictions on publications and showing of films, legislation should be introduced establishing criteria consistent with article 19 (3) of the Covenant and providing for judicial review of all decisions to restrict the exercise of freedom of expression. It is hoped that the envisaged Independent Broadcasting Authority is established as soon as possible. The establishment of a mechanism that would allow for a Press Code of Ethics is suggested.



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- Zambia, ICCPR, A/51/40 vol. I (1996) 29 at paras. 201 and 214.

### *Paragraph 201*

The reports of arrests and charges against journalists for the publication of newspaper articles are of concern. Use of the criminal process to ensure accountability of the press for the veracity of its reports is not compatible with article 19 of the Covenant. Robust and even harsh criticism of government figures is an essential part of free speech in a democratic country.

### *Paragraph 214*

The mere criticism by journalists of government officials should not be made a criminal offence.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at para. 234.

It is noted with concern that members of various social sectors, particularly members of the judiciary, lawyers, journalists, human rights activists, members of trade unions and members of political parties are subject to intimidation, death threats and even murder, thus facing serious obstacles in the legitimate performance of their duties. It is deplored that effective measures have not yet been taken to prevent the recurrence of such acts.

- Nigeria, ICCPR, A/51/40 vol. I (1996) 37 at para. 287.

Serious concern is expressed at violations of the right to freedom of expression, as exemplified by the adoption of a number of decrees suspending newspapers, as well as the arbitrary arrest, detention and harassment of editors or journalists.

- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at paras. 354 and 355.

### *Paragraph 354*

The Committee notes with concern that a number of provisions of the Media Law No. 382 of November 1994 and Decree No. 7997 of February 1996, on the basis of which the licensing of television and radio stations has been restricted to 3 and 11 stations, respectively, do not appear to be consistent with the guarantees enshrined in article 19 of the Covenant, as there are no reasonable and objective criteria for the award of licences. The licensing process has had the effect of restricting media pluralism and freedom of expression. In this context, the limitations placed on two different categories of radio and television stations - those that can broadcast news and political programmes and those which cannot - is unjustifiable under article 19.

### *Paragraph 355*

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The Media Law of November 1994, as well as its implementing decree, should be reviewed and amended with a view to bringing it into conformity with article 19 of the Covenant. An independent broadcasting licensing authority, with the power to examine broadcasting applications and to grant licences in accordance with reasonable and objective criteria, should be established.

- 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 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. All of these three aspects should be reviewed and any necessary legislation should be passed to eliminate any inconsistency with the Covenant.

- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 106.

The restrictions, prohibitions and censorship imposed on the creation and functioning of independent broadcasting media, as well as on the dissemination and broadcasting of foreign media, are of concern. Therefore, laws and decrees dealing with the press and other media should be amended to protect the right to freedom of expression, including 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 through any other media of (one's) choice".

- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at para. 129.

The system of licensing the press and other media, and the requirement to register the names and addresses of editors, journalists and printers is of concern. The independence of the National Press and Publication Council is questioned. Therefore, current laws and decrees should be revised so as to remove all disproportionate limitations on the media, which have the effect of jeopardizing freedom of expression itself.

- Belarus, ICCPR, A/53/40 vol. I (1998) 26 at para. 153.

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The numerous and serious infringements of the right to freedom of expression are of deep concern. In particular, the fact that most publishing, distribution and broadcasting facilities are State owned, and that editors-in-chief of State-supported newspapers are State employees effectively exposes the media to strong political pressure and undermines its independence. The many restrictions imposed on the media, the vaguely defined offences in particular, are incompatible with article 19, paragraph 3, of the Covenant. It is also noted that, as a result of the provisions of Presidential Decree No. 218 of 18 March 1997, the freedom to import and export information, either through the print or audio-visual media, is severely restricted. Furthermore, the reports of harassment and intimidation of local and foreign journalists by the authorities and the denial of access to public broadcasting facilities to political opponents of the Government is of concern. Therefore, all necessary measures, legislative as well as administrative, should be taken as a matter of priority in order to remove these restrictions on freedom of expression, which are incompatible with its obligations under article 19 of the Covenant.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 224.

That the mass media, as well as many other forms of expression, including artistic expression, are subject to censorship and are largely controlled by the Government is of concern. The use by government officials of the mass media as well as the law on civil and criminal defamation to limit the freedom of the press is of further concern. The restrictions on freedom of expression and the press should be brought into strict compliance with article 19(3) of the Covenant.

- Uruguay, ICCPR, A/53/40 vol. I (1998) 38 at para. 243.

Certain provisions of the new Press Law relating to offences committed by the press or other media, in particular, those articles relating to false information and to slander through the media, might impede the full exercise of freedom of expression. As provided for under article 19 (3) of the Covenant, there should be greater freedom to seek information. Sanctions provided for under the Press Law are too wide and may hinder the full enjoyment of article 19 of the Covenant.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 364.

The abolition of the State-controlled "reading committees" stationed at publishing establishments as well as the formal directives prohibiting the publication of unauthorized information relating to "security issues" is welcomed. In practice, numerous restrictions still persist with regard to freedom of expression dealing with, for example, coverage of allegations and discussion of corruption and criticism of government officials and of material regarded as an expression of sympathy or

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encouragement of subversion, all of which gravely prejudice the right of the media to inform the public and the right of the public to receive information. The threats against and assassinations of journalists, human rights defenders and lawyers is also of deep concern. Current legislation should be reviewed so as to protect fully the right to freedom of thought and opinion and freedom of expression as guaranteed under articles 18 and 19 of the Covenant.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 90.

The requirement of prior authorization for foreign channels on cable networks is not entirely in conformity with article 19. The right to freedom of broadcasting should first be recognized; restrictions may be imposed as provided for in paragraph 3 of article 19.

- Armenia, ICCPR, A/54/40 vol. I (1999) 29 at paras. 116 and 117.

### *Paragraph 116*

The notions of "State secrets" and of "untrue and unverified information" (article 6 of the Press Law) are unreasonable restrictions on freedom of expression. Furthermore, the extent of the Government's monopoly in respect to printing and distribution of newspapers is of concern.

### *Paragraph 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.

- Austria, ICCPR, A/54/40 vol. I (1999) 42 at para. 183.

The end to the monopoly on radio broadcasting and the establishment of private radio stations in Austria is welcomed.

- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at paras. 265 and 266.

### *Paragraph 265*

The harassment of and repeated libel suits against journalists who criticize the Government, the refusal of advertisement by the State and parastatal companies to newspapers which adopt a negative attitude against the Government and the requirement that journalists working for the State who are seen at the opposition demonstrations submit their resignations are inconsistent with a respect for freedom of the press.

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### *Paragraph 266*

Guidelines for the exercise of discretionary power to grant or refuse registration to a newspaper, as well as procedures for effective review of the grounds for refusal of registration should be provided.

- Cambodia, ICCPR, A/54/40 vol. I (1999) 57 at para. 310.

Action should be taken to protect journalists from violent attacks and harassment and to bring the perpetrators to justice. Laws which impose license requirements and prohibit publications which, *inter alia*, cause harm to political stability or which insult national institutions should be brought into compliance with article 19.

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

Journalists should be guaranteed the right to freedom of expression so that they can carry on their activities without hindrance. The murder of journalists and acts of intimidation that make it difficult for representatives of the press to exercise their profession freely or prevent them from doing so represent serious violations of freedom of expression. The criminal offence of “defamation of the State” should be abolished.

- Morocco, ICCPR, A/55/40 vol. I (2000) 24 at paras. 119 and 120.

### *Paragraph 119*

The Moroccan Press Code includes provisions which severely restrict freedom of expression by authorising seizure of publications and by imposing penalties for broadly defined offences (such as publishing inaccurate information or undermining the political or religious establishment). Deep concern is expressed that 44 persons have been imprisoned for offences under these laws. In addition, it is of particular concern that persons expressing political views opposing the government or calling for a republican form of government have been sentenced to imprisonment under article 179 of the Penal Code for the offence of insulting members of the royal family. These laws and their application appear to exceed the limits permitted by article 19(3).

### *Paragraph 120*

The State party should amend or repeal the *dahir* of 1973 and bring all its criminal and civil laws into full compliance with article 19 of the Covenant and release persons whose conviction and imprisonment are incompatible with those provisions.

- Cameroon, ICCPR, A/55/40 vol. I (2000) 36 at paras. 221 and 222.

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### *Paragraph 221*

The prosecution and punishment of journalists for the crime of publication of false news merely on the ground, without more, that the news was false, is in clear violation of article 19 of the Covenant.

### *Paragraph 222*

The State party must ensure that any law restricting freedom of expression meets all the requirements set out in article 19, paragraph 3 of the Covenant.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at paras. 375 and 376.

### *Paragraph 375*

Concern is expressed that freedom of expression may be unduly restricted the government monopoly of radio broadcasting and the lack of specific remedies for journalists who have been subjected to violence or harassment by the police or other authorities (article 19).

### *Paragraph 376*

The State party should remove restrictions on freedom of expression which are incompatible with article 19 paragraph (3), and should ensure that effective remedies are available to any person whose rights under article 19 of the Covenant have been violated.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at para. 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 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.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(23).

Various provisions of the Press Law, and their frequent invocation, are difficult to reconcile with the provisions of article 19 of the Covenant. The notion of "threat to the State security" may be used in such ways as to restrict freedom of expression. It is also of concern that the permanent presence in the territory of foreign media representatives is confined to journalists from three countries, and

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foreign newspapers and publications are not readily available to the public at large. Moreover, the State party's journalists may not travel abroad freely. The State party should specify the reasons that have led to the prohibition of certain publications, and should refrain from measures that restrict the availability of foreign newspapers to the public. The State party is requested to relax restrictions on the travel abroad by journalists, and to avoid any use of the notion of "threat to the State security" that would repress freedom of expression contrary to article 19.

### **ICESCR**

- 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.

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 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.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at para. 346.

The repressive measures taken against female journalists for their protest against inequality between men and women in Kyrgyz society are alarming.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at para. 512.

Children should be provided with accurate and objective information about alcohol and tobacco use, and activities by the public mass media promoting their consumption should be discouraged.

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### **CAT**

- Guatemala, CAT, A/53/44 (1998) 17 at para. 163.

The application of the Convention is being hindered by the repeated instances of intimidation of judges, prosecutors, witnesses, victims and their relations, human rights activists and journalists, which largely accounts for the absence of decisive action by the bodies that should investigate and try crimes and for the continuance of impunity. Article 13 of the Convention makes States responsible for the protection of victims and witnesses.

- Belarus, CAT, A/56/44 (2001) 19 at para. 45.

The deterioration of the human rights situation in the State party, including persistent abrogations of the right to freedom of expression, such as limitations of the independence of the press, and of the right to peaceful assembly, which create obstacles for the full implementation of the Convention are of concern.

### **CRC**

- Canada, CRC, CRC/C/43 (1995) 16 at para. 83.

The urgent need to ensure adequate protection of children from harmful information, and particularly from television programmes inciting or containing violence is noted.

- Sri Lanka, CRC, CRC/C/43 (1995) 26 at para. 170.

Rehabilitation measures for abused children should be taken and the Government should prohibit the publication by the media of the names of the victims.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 90 and 107.

#### *Paragraph 90*

Information concerning the hostile sentiments apparently broadcast by certain mass media is a concern. Tendencies in the media which may lead to the incitement of hatred against certain ethnic and religious groups is a worry.



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### *Paragraph 107*

A solution should be found to the concerns about the situation of Albanian-speaking children in Kosovo, especially in the light of the principles and provisions of the Convention, including those of its article 3 relating to the best interests of the child. The State-controlled mass media, in the interests of healing and building trust within the country, have a role and a responsibility to contribute to the efforts to foster tolerance and understanding between different groups and the broadcasting of programmes that run counter to this objective should end. The securing and dissemination of broader and more diverse sources of information designed for children, including by broadcasting them on the mass media, would assist in ensuring further implementation of the principles and provisions of the Convention, including those of its article 17. Measures should also be taken to improve the activities of the mass media in imparting information for children in their own language, including Albanian.

- Croatia, CRC, CRC/C/50 (1996) 31 at para. 201.

The State-controlled mass media should play an active role in the efforts to secure tolerance and understanding between different ethnic groups. The broadcasting of programmes which would run counter to this objective should come to an end.

- 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, are of concern.

### *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

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

- Mali, CRC, CRC/C/90 (1999) 43 at para. 213.

The insufficient efforts that have been made to protect children from harmful information shown in private cinemas, homes and community settings are of concern. Appropriate measures should be taken to protect children from harmful information.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 108 and 109.

### *Paragraph 108*

It is noted with concern that despite existing prohibitions, including the enactment of legislation banning abuse of the naivety and inexperience of minors in advertising, children are still not adequately protected from harmful information, including violence and pornography.

### *Paragraph 109*

In light of article 17 of the Convention, it is recommended that the State party strengthen its efforts to protect children from harmful information.